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Stages of formation and further development of Eurasian Economic Union legal acts system

This article sets the task to consider the main issues of the formation and development of the legal framework of the regional integration association of states — the Eurasian Economic Union (EAEU). The development of international economic integration is impossible without a legal framework, since it is through bilateral and multilateral treaties, as well as domestic legislation, that the states parties of international economic integration carry out political decisions and ideas into real life. Prospects of Eurasian Economic Union development require an analysis of new approaches to integration interaction, as well as the solution of certain legal problems. First of all, it concerns the legal support of the functioning of both the EAEU itself and the enactment of acts of its bodies. This article focuses on solving many legal problems in the framework of the implementation of customs cooperation between the Member States of the Union, as well as the adoption of national acts, the introduction of changes and amendments to national legislation. The work says that it is necessary to clearly define the system of views mutually agreed by the EAEU member states on their common goals and priorities for the development of the Union's legal framework in the sphere of customs. Special attention is paid to the formation of the legal framework of the EAEU, the significance and structure of the legal framework of the EAEU is analyzed. Based on the analysis of international experience of regional integration organizations, the difficulties of forming of common market, common borders, legal system, common currency, trade and economic policy, etc., and ways to solve these problems are revealed. The authors notes that the internal economic systems of sovereign subjects of international law go to interact with each other, uniting among themselves in the Common Economic Space, which is a manifestation of the globalization of the international economic space. The article states that the relations of domestic economies in different parts of the international community go at different speeds. If in some states disintegration processes are developing rapidly, in certain territories sovereign subjects of international law take the strategic course for accelerated domestic economic relations.

Keywords: interstate economic integration, Eurasian theory, Customs Union (CU), Common Economic Space (CES), Eurasian Economic Union (EAEU), formation of the legal framework of the EAEU, sources of law of the EAEU, EAEU bodies, international legal personality of the EAEU, Customs Code of the EAEU (TCA EAEU), decisions of the Eurasian Economic Commission (EEC).

Introduction

The Eurasian Economic Union (hereinafter referred to as the EAEU), as regional economic integration and as a model of strategic development, is a response of the post-Soviet countries to the challenges of fragmentation of global economic governance and strengthening regionalization. The EAEU is a platform for mutually beneficial cooperation between Russia, Belarus, Kazakhstan, Kyrgyzstan, and Armenia. The main goal of the EAEU until 2030 is achievement and maintain high-quality and sustainable economic growth of the participating countries.

The processes of interstate integration in the economic, political and other spheres in the post-Soviet space are a fundamentally new field of rule-making, which began to take shape after the abolition of the USSR literally from scratch, if we do not have in mind the legal framework of the European Union, which has become a kind of legal «model line» for of all, the Eurasian Economic Union as the post-Soviet integration format closest to the EU.

One of the most sought-after and promising areas of modern social thought is the «concept of Eurasianism». Its foundation was laid by the scientists of the «Eurasian sect» among the Russian emigration in Europe in the first half of the XX century. The founders of the theory of Eurasianism — P.N. Savitsky, G.V. Florovsky, N.S. Trubetskoy, G.V. Vernadsky, S.M. Soloviev, L.N. Gumilyov — believed that the commonality of the Eurasian space is predetermined by nature itself, and its historical development is based on the close interaction of natural-geographical and socio-cultural factors [1; 677].

G.V. Vernadsky wrote about the high unifying potential that exists in Soviet society, he created a holistic scheme for the formation of a single Eurasian state, ranging from the Scythians and right up to the Soviet period. The basis of the Eurasian statehood should take into account the mutual interests of the partici-

pants [2; 16]. According to the Eurasian scientists, the peoples in the Eurasian space are not competitors, but allies, and therefore the emergence of an All-Eurasian state based on the principles of voluntariness and mutual benefit is historically inevitable [3; 28].

In the early 1990s, the ideas of Eurasian theorists were creatively rethought by the President of Kazakhstan N.A. Nazarbayev in his concept of «practical Eurasianism», contained in the «Project on the Formation of the Eurasian Union of States (EAUS)» [4].

In the process of formation in the CIS countries of the new legal space, several areas and conceptual vectors can be distinguished.

Firstly, the life process of the new independent states demanded from each of them an almost complete renewal of the entire legal system.

Secondly, the above process required the updating of all international treaties and agreements and the formation of a new and modern system of legal support for the international contacts of the CIS countries.

Third, the interaction of the post-Soviet states and the need to restore the broken ties and their subsequent strengthening required the formation of the legal basis of this interaction, including the base for economic, political and other integration.

Note that the process of total renewal of national legal systems of the CIS member states could not be synchronous and therefore very soon there were at least three problems in the legal sphere of the former USSR: conceptual and other dissynchronization of the legal systems of post-Soviet states, the growth of contradictions between national legal systems and international law and the growing contradiction between the need of each of the CIS countries to protect their national market and the rules established by WTO and other regulations international bodies and organizations.

The establishment of the CIS, EurAsEC, the Customs Union of Belarus, Kazakhstan and Russia allowed the countries of the post-Soviet space to get closer to solving the following tasks: synchronize the law-making process, define the limits of national jurisdictions, start forming a new (Eurasian) legal sphere, that is, define the limits of Eurasian jurisdictions.

Methods and Materials

As a methodological basis of the study, general scientific methods of cognition of objective reality and special methods and techniques characteristic of the legal sciences are used: dialectical, historical, teleological methods, the method of comparative law, the method of logical deduction and induction, the systems approach, etc. The research methodology will be based on historical and comparative legal methods. The historical method is based on a detailed analysis of the founding treaties of the Eurasian Economic Union (EAEU). The methodological and theoretical basis of the dissertation research is made up of modern general scientific and special research methods, the use of which allows studying and analyzing the problems under consideration in their interconnection, unity and contradictory development trends, to develop proposals relevant to the theory and practice of constitutional legal regulation of the participation of the Republic of Kazakhstan and other states in interstate association within the EAEU.

To substantiate the conclusions and proposals techniques and methods used in modern legal science are applied. The methods of concrete historical, comparative legal, systemic, statistical, formal legal and theoretical prognostic study and analysis of the subject of research are widely used.

An important tool in this work was the principle of «unification of national legislations». This unification should take place not only through the mechanical mixing of national legal systems, but its modernization under the tasks of Eurasian integration and civilization development. Obviously, this unification should occur not only through mechanical mixing and optimization of national legal systems, but also through the conceptualization of the Eurasian legal sphere – its modernization for the tasks of Eurasian integration and civilization development. Including on the basis of consolidating the ethics inherent in the participants of the Eurasian integration [5; 7].

Results

The particular interest is the contractual framework of Eurasian integration and the formation of the Common Economic Space (hereinafter - the CES). Prior to the formation of the Customs Union (hereinafter - the CU), concluded between the parties to the integration processes agreements were purely declarative. Since the establishment of the Customs Union in the space of Northern Eurasia, an intensive process of legal support for the formation of the Common Economic Space and the corresponding unification of national legal systems in the sphere of customs, tax legislation, product certification, etc. began.

During the negotiations, 28 international treaties concluded within the framework of the Customs Union and the Common Economic Space were preserved as independent ones. The Treaty on the Eurasian Economic Union, concluded on May 29, 2014 in Astana, entered into force on January 1, 2015 [6]. From this point on, the work on the improvement of the contractual framework of Eurasian integration was not simply continued – it reached a new level.

According to experts, the formation of the Eurasian legal space began with the signing of the Treaty on the Creation of the CIS, that is, we can say that the complete destruction of the Soviet legal field did not happen [7; 10].

The possibilities of forming of single legal space have sharply grown up with the formation of the Customs Union of Belarus, Kazakhstan and Russia and have intensified many times after the signing by several of the CIS countries of the Treaty establishing the Eurasian Economic Union.

Obviously, economic integration implies a rapprochement of legal systems not only in the economic sphere, but also in the sphere of social and other relations. For example, the formation of a single labor market requires not only the establishment of common rules for migrants of countries-participants, but also the unification of labor legislation, national education systems of post-Soviet countries, and some aspects of civil legislation.

In addition, one should not pay attention to the value rapprochement between the participants of Eurasian integration and the civilizational basis of the peoples of Northern Eurasia. In addition, in the post-Soviet space, we see incompatibility of the legal systems of the Baltic States and the EAEU member countries. Besides economic integration, the leaders of the CIS raised the issue of collective security. Here we are dealing with the formation of the Eurasian legal sphere in the non-economic sphere.

A separate topic for research is the legal personality of the EAEU and Eurasian legislation and international law. Of course, the EAEU is based on the principles of international law. However, law enforcement practice shows that recently in a number of Western countries, double standards are increasingly being used. Especially when it comes to the activities of those countries and organizations in respect of which various kinds of political and economic sanctions are applied.

It is known that each contract of a supranational character, in one way or another, goes beyond the legal sphere of the CIS and requires consideration of international norms. The Treaty on the Eurasian Economic Union regulates issues related to customs regulation, the functioning of financial markets, foreign trade, etc.

An important place in the structure of the Treaty on the Eurasian Economic Union and other treaties and agreements of the countries participating in Eurasian integration is occupied by the sections governing relations in the sphere of energy and transport. And these norms are also in direct contact with international norms and rules, since the global transport and energy space has long been formed in the world. Particular attention in the Treaty on the EAEU is given to rules relating to intellectual property. A feature of interstate relations in this area is that the Treaty establishes a regional principle of the exhaustion of the exclusive right to a trademark. According to this principle, the use of a trademark is permitted for goods legally entered into civil circulation in the territory of any Member State. However, in the future, it is planned to create a unified customs register of intellectual property items of the member states and to adopt standards for its protection outside the EAEU and the CIS.

Discussion

For successful integration, a legal framework is needed, which includes three components.

The first is the national-legal level, which, in order to enter the interstate level, must be harmonized with the legal acts of integration education (EAEU, CIS, etc.), forming its second level. Such harmonization of the two levels of legal regulation (national and transregional) provides an opportunity for member states not only to ensure the implementation of integration tasks, but also to reach the third level of legal regulation, which involves harmonizing the regional legal system with the global system of regulating economic and trade relations.

In general, the legal framework should consist, firstly, of the contractual norms, secondly, the norms of the internal law of an interstate association, which fix the rules of the internal organization of the activities of their bodies, and thirdly, the norms of the law, which are established by the bodies of the Union for their direct or mediated application of regional integration in Member States. In this regard, the process of regional integration and the formation of the legal framework of the Eurasian Economic Union imply a clear legal terminology, a rethinking of almost all general theoretical concepts, including the key ones that make up the «framework» of jurisprudence, such as «sources of law», «types of sources of law», «hierarchy of sources of law» and others.

As is known, in legal science international treaties, international customs, general principles of law, judicial decisions and doctrine, as well as resolutions and decisions of international organizations and conferences traditionally belong to the sources of international law. In this regard, the question arises: how, for example, does the name «model law», which is today one of the sources of law of the Member States of the Customs Union and the Common Economic Space in the sphere of competition, agree with the theory of law and legal practice of law-making? After all, the term «law» in modern legal science and practice means a regulatory legal act having the highest legal force, adopted in a special order by the highest representative body of state power or directly by the people and regulating the most important public relations [8; 172]. And in this sense, its adoption by an international organization or by signing an international treaty by the heads of state as a source of international law is not supposed at all. In this case, the agreement signed by the heads of state cannot be called a model law, and even less of a recommendatory character.

The next question concerns the nature and content of the Eurasian Economic Union, which determines the name and status of its bodies. Here it is necessary to emphasize that among the characteristics peculiar to interstate organizations in accordance with relevant conventions and scientific research in the sphere of international law, the following are distinguished:

- a) the formation of such associations only on the basis of a bilateral or multilateral international treaty;
- b) only states can act as their members;
- c) strictly targeted nature of education and activities;
- d) the presence of each international organization of the relevant bodies and officials with the authority necessary to manage the activities of the organization and to solve its tasks.

An analysis of the characteristics of each interstate (intergovernmental) organization, as applied to the European Union, shows that it is not an exception as an international organization in this regard. In the future, the Eurasian Economic Union as well as the European Union or even much more will have all the features that are characteristic of any intergovernmental organization, and in this sense, the political and legal status of the Eurasian Economic Union can be confidently equated to the status of an international organization [9; 88].

Such an approach today is enshrined in the signed Treaty, clause 2 of Article 1 of which reads: «The Union is an international organization of regional economic integration with international legal personality» [6].

Professor M.T. Alimbekov correctly noted., noting the groundlessness of the opinion of some researchers, who consider the creation of the Eurasian Economic Union as a kind of transition from traditionally interstate cooperation to the creation of the prototype of the union state — an international supranational association, to which the states give part of their sovereign competence. It's premature to talk about the emergence of a new type of organization, a unique structure and the rule of law, not suitable for any of the currently existing political and legal forms. And, based on such verified postulates, it is not quite reasonable to call the bodies of the Eurasian Economic Union supranational, in the opinion of the aforementioned author [10; 45].

And finally, the interaction of the EAEU countries with the European Union, the World Trade Organization (hereinafter - the WTO) and other international economic associations is important. Back in 2009, the members of the CU Russia, Belarus and Kazakhstan declared their intention to join the WTO as a single customs territory; however, because of the position of the USA and the EU, they were forced to build their relations with the WTO individually. The decision of the WTO is strange, given the fact that the constituent documents of this organization provide not only individual, but also collective membership. Here we are dealing with double standards, given the fact that other international economic associations (the EU, ASEAN, NAFTA, etc.) work with the WTO through their common representative.

Another problem is the conditions under which the countries of the EAEU receive the right or, more precisely, permission to participate in the work of the World Trade Organization. For example, the conditions of a single customs tariff (SCT). No matter how it was, the political pressure on the EAEU countries from the USA, the EU and other states and international structures shows that it is important for the countries of the Eurasian region to have a clear and coordinated long-term economic strategy that allows them to maximally protect their own economic interests when joining the WTO. It would be optimal for the EAEU member countries to join the WTO collectively even after, within the framework of Eurasian integration, uniform customs and currency areas are established and protected by regional legislation.

Within the EAEU, the following structure of decision-making institutions functions:

- The Supreme Eurasian Economic Council (hereinafter referred to as the Supreme Council);
- Eurasian Intergovernmental Council (hereinafter - the Intergovernmental Council);
- Eurasian Economic Commission (hereinafter - the EEC, the Commission);
- Court of the Eurasian Economic Union (hereinafter - the Court of the EAEU).

In addition to the supranational Eurasian Economic Commission responsible for ensuring the conditions of functioning and development of the EAEU, and the EAEU Court guaranteeing «ensuring uniform application by the member states and the Union bodies of the Treaty on the Eurasian Economic Union, international treaties within the Union, international treaties of the Union with third parties and decisions Union's bodies», there are three EAEU intergovernmental institutions: the Supreme Eurasian Economic Council, the EAEU Intergovernmental Council and the Eurasian Economic Commission Council.

The Eurasian Economic Union began operations on January 1, 2015. The first chairman of the supreme bodies of the association – the Supreme Eurasian Economic Council at the level of heads of state, the Eurasian Intergovernmental Council at the level of heads of government and the EEC Council at the level of deputy prime ministers – was the Republic of Belarus.

Simultaneously with the January 1, 2015 in several sectors, certain by States EAEU, single market of services began to operate. The total number of services sectors in the single market amounted to 43. In value terms, it is almost 50 % of the total amount of the provision of services in the States of the Union. Work continued on the development of those sectors.

From January 2, 2015, after the completion of the ratification procedures, the Republic of Armenia became a full member of the Eurasian Economic Union. In March 2015, the first documents necessary for starting work in the Union of Common Markets for Drugs and Medical Products were submitted for public discussion. In October 2015 - the last of the thirty-five that were required to accept the countries of the EAEU and the Commission.

On May 29, 2015, the countries of the EEU and the Socialist Republic of Vietnam signed an agreement on the creation of a free trade zone. The document, which assumes the zeroing of duties on 90 % of the goods, will allow by 2020 to increase the trade turnover of the allied states and Vietnam more than doubled. The agreement marked the beginning of the subsequent closer integration of the EAEU with the countries of the Asia-Pacific region.

In May 2015, the Presidents of the EAEU countries decided to start negotiations with China to conclude an agreement on trade and economic cooperation. In order to effectively organize this activity, in October 2015, the heads of state adopted a decree on coordinating the actions of the Union countries on the interface between the Eurasian Economic Union and the Silk Road Economic Belt. Official negotiations started in the first half of 2016.

On August 12, 2015, after the implementation of the roadmap and the completion of ratification procedures, the Kyrgyz Republic became a full member of the Union. In October 2015, at the Supreme Eurasian Economic Council, the Presidents of the five Allied countries approved the main directions of economic development of the EAEU, defining promising areas of socio-economic development of the Union until 2030 – an important document determining the further coordination of national policies and ways to improve the competitiveness of the economies of the Union states [11]. The effect of participation in the EAEU by 2030 for member states is estimated at up to 13 % of additional GDP growth.

On February 1, 2016, the new membership of the Board of the Eurasian Economic Commission, chaired by the representative of the Republic of Armenia Tigran Sarkisyan, began its work. Most of the members of the College carried out their powers in the previous four-year cycle of work of the EAEC, which ensured a high level of continuity in the Commission. The decision that the former Prime Minister of the Republic of Armenia Tigran Sarkisyan will head the EAEC Board was taken in October 2015 at a meeting of the Supreme Eurasian Economic Council by the Presidents of five EAEU countries.

Taking into account the four-year practice of the Commission, as well as the areas of regulation that are within the competence of the EAEC today and the medium-term perspective, the heads of the EAEU states have changed the size of the Board. Now the member countries of the Union are represented in it by ten members of the Collegium (Ministers), including the President, two Ministers per country each.

In October 2016, the Agreement on the Free Trade Area of the EAEU and Vietnam entered into force. The agreement deals primarily with the mutual abolition of trade duties. In December 2016, the heads of state signed a statement on the Union's digital agenda, which marked the beginning of the development of integration in the digital sphere.

In May 2017, the rules for the operation of common markets for medicines and medical devices began to function in the EAEU space. The launch of these markets will increase the availability of effective and high-quality medicines and medical products for the citizens of the Union, as well as create optimal conditions for improving the competitiveness of the pharmaceutical and medical industry products of the EAEU countries on the world market.

In March 2017, the White Book was published – a program document that defined the main priorities of the work of the Eurasian Economic Commission to identify and eliminate obstacles in the internal market of the Union.

On April 11, 2017, the Presidents of the Union countries signed the Treaty on the Customs Code of the Eurasian Economic Union. In April 2017, plans to liberalize services came into force, according to which until 2021 another 20 service sectors will be transferred to the single market of services, including especially dangerous construction work, tourism, assessment, surveying, and research.

In May 2017, the heads of government of the EAEU countries signed an Agreement on the voluntary coordination of specific subsidies for manufactured goods. According to this document, Union States are entitled to voluntarily approve specific subsidies from the EAEC, while the party applying to the Commission will be insured against the risk of the subsequent introduction of a compensating measure by any of the Member States regarding the subsidy agreed with the EAEC. The agreement entered into force on April 17, 2018.

In October 2017, the Presidents of the EAEU countries approved the main directions for implementing the digital agenda of the Eurasian Economic Union until 2025. In November 2017, the Pharmacopoeia of the Eurasian Economic Union was included in the World Pharmacy Register of the World Health Organization (WHO).

On January 1, 2018, the Customs Code of the Eurasian Economic Union entered into force. The new customs code is a modern instrument of customs regulation that meets the challenges of today, and provides for a number of significant innovations aimed at optimizing the system for regulating foreign trade activities and balancing the interests of government bodies and the business community [12].

In May 2018, after the implementation of 9 liberalization plans by a decision of the High Council, changes were made to the list of sectors (subsectors) of services for which a single market of services operates in the Union - 9 more were added to 43 sectors, 3 of which will begin to fully operate in a single market later than January 2020. In terms of value, this is approximately 55 % of the total volume of services provided in the countries of the Union. Active work is under way to expand these sectors, including through the implementation of liberalization plans, which will strengthen the Eurasian integration project.

At the same meeting, the Presidents of the EAEU countries decided to grant observer status to the Republic of Moldova to the EAEU. Representatives of a state with such status may attend, upon invitation, at meetings of the EAEU bodies without the right to participate in making decisions and receive documents that are not confidential received by the Union bodies. A state with observer status is obliged to refrain from any actions that could harm the interests of the EAEU and the participating countries.

In May 2018, within the Astana Economic Forum, the Interim Agreement was signed, leading to the formation of a free trade zone (hereinafter – FTZ) between the Eurasian Economic Union and the Islamic Republic of Iran. The document involves two stages of creating a free trade zone. For three years, it is planned to agree on a full-format agreement on an FTZ between the EAEU and Iran. It will cover almost the entire commodity nomenclature. In the future, trade can increase up to one and a half times (150 %).

In May, the Agreement on Trade and Economic Cooperation between the EAEU and the People's Republic of China was signed. The agreement sets a high standard of regulation in various areas, including the protection and enforcement of intellectual property rights, while it is non-preferential in nature and does not provide for the abolition of export duties.

Conclusions

In a counterbalance to the world crisis phenomena, the consistent and successful transformation of the Eurasian space continues on market economic principles while preserving political independence and the established cultural identity of sovereign states. The book of Eurasian integration is updated with new chapters.

The Eurasian Economic Union today faces various challenges, primarily with an imbalance within the union – Russia remains the main trade center and political center of the EAEU. The imbalance of the Union

is also manifested in the economic context — the member countries are fundamentally different and do not correlate with most macroeconomic indicators.

According to experts, the decision-making mechanism within the EAEU «makes the management system heavier and complicates bureaucratic decision-making procedures». Also, the mechanism «does not fully take into account the national interests of all involved parties» (due to certain dominance of the Russian side, although Russia often has complaints against Kazakhstan and Belarus, often abusing their votes), and the process of forming the EAEC Board, like the entire Union, does not there is a lack of a perfect institutional infrastructure and a reduction in the level of bureaucratization [13; 112].

Moreover, intergovernmental cooperation within the EAEU has a small «share of fear» of supranational institutions that select part of sovereignty, which also leads to a slow and not always effective development of supranationality in the EAEU [14; 57]. Within the framework of Eurasian integration, an institution is needed that allows developing trusting relations between countries on the most important issues on the agenda, including on the issue of delegation of authority to supranational institutions. And here an analysis of the experience of the EU and other integration associations in terms of intergovernmental cooperation can come to the rescue.

One of the most important tools to improve the national practices of public administration and interstate cooperation is the perception of international best practices. The European Union is recognized as the most advanced practical experience in the world, the most developed regional economic and, partially, political association.

It is necessary to note the role of such close and constant contacts between representatives of executive authorities within European institutions, which, firstly, gives them some confidence in integration as a whole, secondly, makes it possible for states to perceive supranational EU institutions (such as the EC or EP) not as «selecting» national sovereignty, but as valuable partners [15; 57].

But today the context is changing – Kazakhstan among the priorities has declared the need to maintain close, mutually beneficial cooperation with other states and integration groups. Thus, the analysis of experience and opportunities for cooperation with other associations is an absolute priority for the EAEU.

Thus, the conducted analysis allows us to conclude that it is necessary to combine supranational and intergovernmental approaches in the institutional design of the EAEU, since it is this method that, as the EU experience shows, can most effectively and efficiently solve the problems that the participating states put into integration.

Regional economic integration is a key trend in the development of the world economy, the future of which will largely depend on the effectiveness of the global dialogue of integration formations and on their internal sustainability. Therefore, striving to take optimal positions in the emerging in recent years new structure of the world economic system, the member states of the Eurasian Economic Union are developing their economic integration project.

The Treaty on the Eurasian Economic Union of May 29, 2014 legally formalized the EAEU as a full subject of global economic relations and became a solid foundation for building international relations between the Union and other subjects of international relations – third countries, integration associations and international organizations.

The Eurasian Economic Union as an international organization for regional economic integration has international legal personality and is entitled to conclude international agreements with other subjects of international relations and undertake obligations corresponding to the status of an international organization. The Treaty on the Eurasian Economic Union, in accordance with Article 102 of the Charter of the United Nations, was registered on July 24, 2015 with the Secretariat of the United Nations. The registration of the Treaty ensures the openness and transparency of the agreements of its participants at the highest international level.

The Treaty on the EAEU reaffirmed the commitment of its participants to the purposes and principles of the Charter of the United Nations, as well as other generally accepted principles and norms of international law. The Eurasian integration project not only acquired legal independence and internationally recognized influence, but also became an active and prominent participant in international relations.

Summarizing all the above, several recommendations can be made to ensure the success of the EAEU as a supranational regional integration association on the world stage:

1. A regional integration association is more successful if it is older and if it is/was more in the active phase of its development. Therefore, the EAEC and other interested parties must do everything in order to maintain an active «integration drive» of the Eurasian Union.

2. The implementation of national strategies for the long-term economic development of the member states and their coordination by a supranational center (Supreme Council, Intergovernmental Council, and EAEC) is extremely important.

3. During the prioritization of the EAEU integration agenda, it is necessary to give preference to long-term economic development and modernization of the association, as, for example, described in the «Main Directions of Economic Development of the EAEU until 2030», and not so much as a hasty solution of immediate trade conflicts.

4. To strengthen the confidence of national elites, the business community and citizens of member states in the supranational bodies of the Union and their decision-making mechanisms, it is necessary to continue work to increase the transparency, publicity and accountability of these bodies. The more this happens, the more the national business, departments and citizens will turn to the supranational bodies of the EAEU, their authority and relevance will rise.

5. Convergence of macroeconomic indicators (inflation and exchange rates, budget deficit, public debt) is a fundamental condition for the success of further integration. For example, the creation of a single internal market can become a source of conflict in case of sharp currency fluctuations of the participating countries.

6. Because of its relatively insignificant economic weight in the global economy (\$ 1.4 trillion), the Eurasian Economic Union should look for continental allies in the person of China and the European Union. Therefore, the EAEU can be considered as one of the «Lego stones» in the plans to create the Greater Eurasian Partnership «from Lisbon to Vladivostok».

It follows from the above that all sovereign states are interconnected, in summation all members of the international community are players and active participants in the world economy. The self-limitation of the state in entering the world economy threatens disintegration, backwardness of the national economy, destruction of infrastructure, and similar gloomy forecasts.

The EAEU will become the core of economic integration in the post-Soviet space, identifying ways of its development for the long term. The creation and active work of the Union are of historical significance for the future of its member states and other post-Soviet countries, which in the future will join it. The formation of such a powerful regional association is a significant event both for the Eurasian continent and for the world as a whole. The EAEU will be the main obstacle to building a unipolar world order on the planet, which is bringing to life a completely new geo-economic reality of the XXI century.

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Еуразиялық экономикалық одақтың құқықтық актілер жүйесін қалыптастыру және одан әрі дамыту сатылары

Мақалада Еуразиялық экономикалық одақ (ЕАЭО) мемлекеттерінің аймақтық интеграциялық бірлестігінің құқықтық базасын қалыптастыру мен дамытудың негізгі мәселелерін қарастыру міндеті қойылған. Халықаралық экономикалық интеграцияны дамыту заңдық негізсіз мүмкін емес, себебі екі-және көпжақты келісімдер арқылы, сондай-ақ ішкі заңнамаға сәйкес, халықаралық экономикалық интеграцияға қатысушы мемлекеттер саяси шешімдер мен идеяларды нақты өмірге айналдырады. Еуразиялық экономикалық одақтың даму перспективалары интеграциялық өзара әрекеттесудің жаңа тәсілдерін талдауды, сондай-ақ белгілі бір құқықтық мәселелерді шешуді талап етеді. Ең алдымен, бұл ЕАЭО-ның өзі де, оның органдарының актілерін де қолдануға заңды қолдау көрсету. Авторлар Одаққа мүше-мемлекеттер арасындағы кедендік ынтымақтастықты жүзеге асыру шеңберінде көптеген құқықтық мәселелерді шешу, сондай-ақ ұлттық актілерді қабылдау, ұлттық заңнамаға өзгерістер мен толықтырулар енгізу туралы мәселелерді талқылады. Жұмыста ЕАЭО-ға мүше-мемлекеттердің ортақ мақсаттары мен кедендік одақтың заңнамалық базасын дамытудың басымдықтары туралы өзара келісілген көзқарас жүйесін нақты анықтау қажет деп санайды. Аймақтық интеграциялық ұйымдардың халықаралық тәжірибесін талдау негізінде ортақ нарықты, жалпы шекараларды, құқықтық жүйені, ортақ валютаны, сауда-экономикалық саясатты және тағы басқа мәселелерді шешудің қиындықтары анықталды. Халықаралық құқықтың егемендік субъектілерінің ішкі экономикалық жүйелері халықаралық экономикалық кеңістіктің жаһандануының көрінісі болып табылатын Біртұтас экономикалық кеңістікке бір-бірімен араласып, бір-бірімен өзара іс-қимыл жасайтынын аталып көрсетілді. Мақалада отандық экономиканың халықаралық қоғамдастықтың әртүрлі бөліктеріндегі қарым-қатынастары әртүрлі жылдамдықта жүргені айтылған. Егер кейбір мемлекеттерде дезинтеграциялық үдерістер тез дамып жатса, белгілі бір аумақтарда халықаралық құқықтың егемендік субъектілері жеделдетілген ішкі экономикалық қатынастар үшін стратегиялық бағыт алады.

Кілт сөздер: мемлекетаралық экономикалық интеграция, еуразия теориясы, Кеден одағы, Бірыңғай экономикалық кеңістік, Еуразиялық экономикалық одақ, ЕАЭО құқықтық базасын қалыптастыру, ЕАЭО органдары, ЕАЭО халықаралық құқықтық субъектісі, ЕАЭО Кеден кодексі, Еуразиялық экономикалық комиссияның шешімдері.

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Этапы формирования и дальнейшее развитие системы правовых актов Евразийского экономического союза

В статье рассмотрены основные вопросы формирования и развития правовой базы регионального интеграционного объединения государств — Евразийского экономического союза (ЕАЭС). Развитие международной экономической интеграции невозможно без правовой базы, поскольку именно через двусторонние и многосторонние договоры, а также внутреннее законодательство государства-участники международной экономической интеграции проводят в реальную жизнь политические решения и идеи. Перспективы развития Евразийского экономического союза требуют проведения анализа новых подходов к интеграционному взаимодействию, а также решения определенных правовых проблем. Прежде всего, это касается правового обеспечения функционирования как самого ЕАЭС, так и введения в действие актов его органов. Особое внимание в статье уделено решению многих правовых проблем в рамках осуществления таможенного сотрудничества между государствами-членами Союза, а также принятию национальных актов, внесению изменений и дополнений в национальное законодательство. Кроме того, отмечено, что необходимо четко определить систему взаимосогласованных государствами-участниками ЕАЭС взглядов на общие для них цели и приоритеты развития правовой основы Союза в сфере таможенного дела. Особое внимание обращено на формирование правовой базы ЕАЭС, проанализированы значение и структура правовой базы ЕАЭС. На основе ана-

лиза международного опыта региональных интеграционных организаций выявляются сложности формирования общего рынка, общих границ, правовой системы, единой валюты, торговой и экономической политики и т. д., а также пути решения данных проблем. Авторы отмечают, что внутренние экономические системы суверенных субъектов международного права идут на взаимодействие друг с другом, объединяясь между собой в Единое экономическое пространство, что является проявлением глобализации международного экономического пространства. Доказано, что отношения внутригосударственных экономик в разных уголках международного сообщества развиваются с разными скоростями. Если в некоторых государствах стремительно развиваются дезинтеграционные процессы, то на отдельных территориях суверенные субъекты международного права берут стратегический курс на ускоренные внутренние экономические отношения.

Ключевые слова: межгосударственная экономическая интеграция, теория евразийства, Таможенный союз, Единое экономическое пространство, Евразийский экономический союз, формирование правовой базы ЕАЭС, источники права ЕАЭС, органы ЕАЭС, международная правосубъектность ЕАЭС, Таможенный кодекс ЕАЭС, решения Евразийской экономической комиссии.

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