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Legal Aspects of Studying EU-Russian Relations:

Russian-language Studies

Russian specialists in international law began to master European studies quite early and intensely. They as a rule pointed to the specific legal cooperation between Russia and the European Union in textbooks on the EU law. Relevant chapters referred to the 1994 Partnership and Cooperation Agreement (PCA), with varying degrees of detailing its institutional provisions, sections on economic, political and other cooperation. Sometimes the system of agreements that arose on the basis of the PCA, the legal nature and importance of the roadmap for the four spaces were also considered. Particular attention was paid to the economic aspects of cooperation in the EU, as well as to the problem of delineation of competencies and spheres of competence of the European Union and its member countries. In particular, the mixed character of the PCA was emphasized, i.e. that it affects the competence of both the EU and its member countries.

These works were characterized by traditional for legal research features: emphasis on formal aspects but without studying how these or other tools and institutions are used informally, how actors transform them. The second question that occupied the lawyers of the regions of Russia was the legal nature of the European Union, which did not fit into the categories that were usual to them (a state or an international organization). There were, however, attempts to go beyond the rigid structure of legal science, analysing law in relation to politics.

Russian specialists also considered in more detail various EU-Russian documents, including sectoral agreements, road maps for common spaces, a future (post-PCA) agreement. These

works also sometimes compared the relevant provisions of the documents of Russia and the EU with similar texts of the European Union with other actors. But on the whole, such a comparative nature of research was rare in Russian literature. Finally, domestic experts turned to the problems of ECJ decisions important for bilateral relations. Particular attention was paid in this regard to the footballer Simutenkov, who demonstrated how the PCA gives individuals specific and direct advantages (equality with EU citizens provided they are legally employed).

Finally, a large number of studies on the problem of legal approximation between Russia and the European Union should be singled out as a separate group, which was touched not only by lawyers, but also by political scientists and economists. The starting point for these studies was art. 55 of the PCA where Russia took an obligation to align its legislation with that of the EU in various fields. At the initial stage, legal harmonization was perceived as a variant of modernization of Russia's political and economic life. That is why this topic was very often addressed. In particular, economists examined in detail which parts of EU legislation are useful for Russia because of the nature of its economy. It was seriously discussed (often ignoring the fact that EU legislation is a set of closely interrelated norms), what spheres of the EU's law Russia should take immediately on board, which ones could come later, and which ones could be abandoned, either because of the nature of the Russian economy or because of the unpreparedness of its domestic companies.

Political scientists treated the process of legal harmonization more critically. For them it was a question of which of the models Russia could adopt: as a rule, the choice was between the so-called Norwegian scenario of total harmonization and the Swiss model of selecting those sectors that are of interest to partners (with a possible package linkage so as to balance the interests of both sides). In the course of the time, the critical attitude of Russian specialists increased. More and more often political scientists spoke not so much of the details as of the fact that it is conceptually unacceptable for Russia to follow the EU because it did not intend to be an EU member and because it went against its demands for equality in the global arena. As an alternative, options for convergence of Russia and the EU in the context of the WTO or OECD were suggested.

Finally, lawyers considered the problem of legal approximation from the point of view of the international law recalling four existing methods (transformation, incorporation, reception and referral). Each of them was assessed in details.