

# Legal aspects of the relations between Russia and EU

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**Section 2. Legal backgrounds of  
the EU-Russia strategic partnership:  
a history and the present**

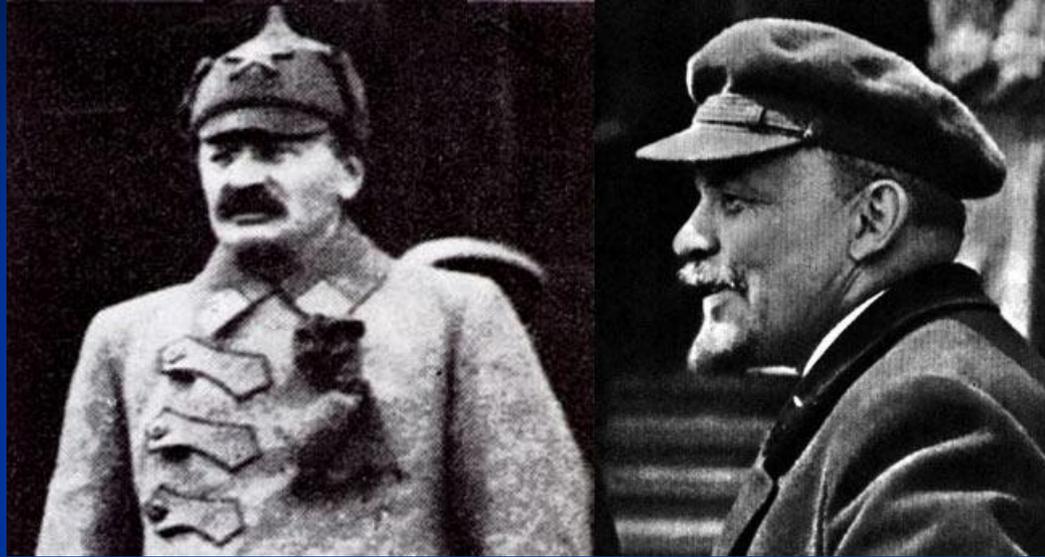
## Section 2. Legal backgrounds of the EU-Russia strategic partnership: a history and the present

- Historical aspect of the legal backgrounds of the EU-Russia relations
- Legal definition of the EU-Russia strategic partnership
- Basic principles of the EU-Russia strategic partnership
- System of the legal backgrounds of the EU-Russia strategic partnership

# Historical aspect of the legal backgrounds of the EU-Russia relations



# USSR founders and European idea



- Lenin: The United States of Europe is impossible or a reactionary concept
- Trotsky: The United States of Europe is a revolutionary perspective (Idea of economic area from Lisbon to Vladivostok)

# Soviet position after the WW II



- Molotov: many small independent States in Europe are a guarantee of the USSR's security after the WW II
- Negative Soviet reaction on the Schuman Declaration 1950

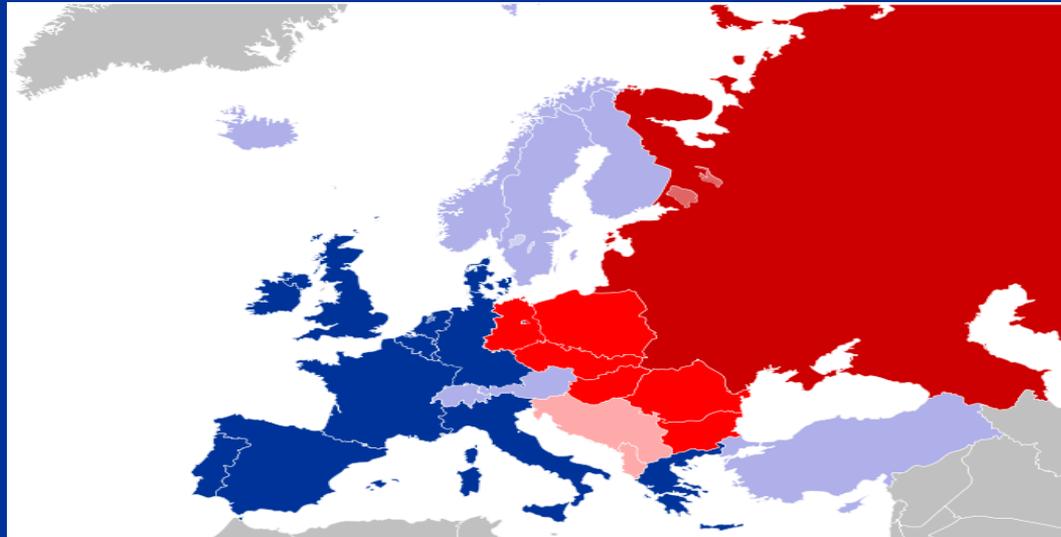
# Schuman Declaration 1950



Question of John Reston (NYT) during the Press-Conference after the presentation  
*“Are Russians Europeans?”*

# Cold War

- 1960<sup>th</sup>: the USSR ignored the Communities
- 1970<sup>th</sup>: the USSR and the EEC were not able to make any official arrangements



# Warm flow under Ice

- The EEC secondary legislation concerning relations with the USSR since the end of 1960<sup>th</sup>
- The case law of the ECJ in Soviet cases since the beginning of 1980<sup>th</sup>



# Perestroika



- EEC/COMECON Joint Declaration 24 June 1988



- Agreement between the EEC and the Euratom and the USSR on trade and commercial and economic cooperation 1989

# Partnership and cooperation

- The Russian Federation and the EU are the same age
- The EU-Russia Partnership and Cooperation Agreement (PCA) 1994



# Strategic Partnership



- The term “Strategic Partnership” since 2000
- The concept of the Common European Economic Space 2001-2003
- The concept of the EU-Russia Common Spaces

# EU-Russia Strategic Partnership

Etymological dimension

Teleological dimension

Comparative dimension



# Etymological dimension (1)



- A *partnership* is an arrangement where parties agree to cooperate to advance their mutual interests
- A *strategy* is a plan of action designed to achieve a vision. Strategy is all about gaining a position of advantage over adversaries or best exploiting emerging possibilities. As there is always an element of uncertainty about future, strategy is more about a set of options than a fixed plan.



# Etymological dimension (2)

- *Strategic partnership* is an arrangement where parties agree to cooperate to advance their mutual interests on the basis of flexible plans of action



# Teleological dimension (1)

The objectives of the Partnership according to the Art 1 PCA are:

- to provide an appropriate framework for the political dialogue between the Parties allowing the development of close relations between them in this field,
- to promote trade and investment and harmonious economic relations between the Parties based on the principles of market economy and so to foster sustainable development in the Parties,
- to strengthen political and economic freedoms,
- to support Russian efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy,
- to provide a basis for economic, social, financial and cultural cooperation founded on the principles of mutual advantage, mutual responsibility and mutual support,
- to promote activities of joint interest,
- to provide an appropriate framework for the gradual integration between Russia and a wider area of cooperation in Europe,
- to create the necessary conditions for the future establishment of a free trade area between the Community and Russia covering substantially all trade in goods between them, as well as conditions for bringing about freedom of establishment of companies, of cross-border trade in services and of capital movements.

# Teleological dimension (2)

- Objectives in accordance with Joint Statements of EU-Russia Summit 2000-2006:
  - Regional security problem
  - Creation of the EU-Russia Common Spaces



# Comparative dimension (EU)

- EU-SAR Strategic Partnership
- EU-India Strategic Partnership
- EU-China Strategic Partnership
- Strategic Partnership with other growing economies



# Comparative dimension (Russia)

- Strategic Partnership with other former Soviet republics
- Strategic Partnership with South Korea, Vietnam, Venezuela etc.
- Strategic Partnership with certain Member States (e.g. Germany, Finland)
- Strategic Partnership with international organisations

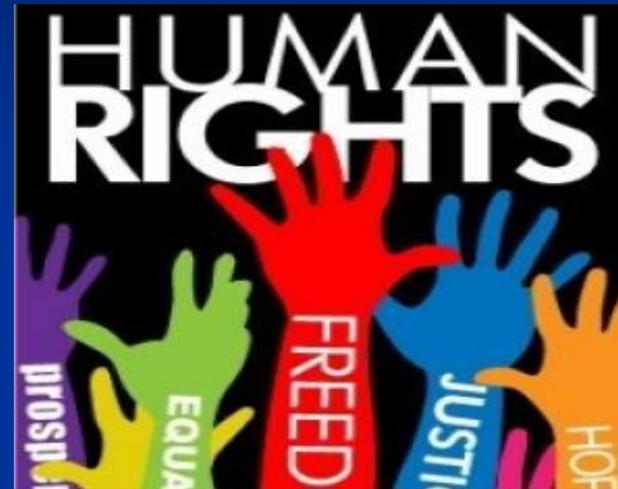
# Principles of the EU-Russia Strategic Partnership

- Political principles
- Economic principles
- Legal principles



# Political Principles of the EU-Russia Strategic Partnership (1)

- Art. 2 PCA:
  - Respect of Human Rights
  - Respect other democratic principles
  
- Interpretation in *Yukos case*



# Political Principles of the EU-Russia Strategic Partnership (2)

- Road Map for the Common Space of Foreign Security:
  - Common values
- *Simutenkov* case:
  - Non discrimination



# Economic Principles of the EU-Russia Strategic Partnership (1)

- Market economy
  - Since 2002 in relations with Russia (extra vires)
  - Status of country in transition in the PCA 1994



# Economic Principles of the EU-Russia Strategic Partnership (2)

- The WTO Principles in the EU-Russia relations:
  - MFN (Art. 5 PCA)
  - National treatment (Arts. 23, 33 PCA)
  - Freedom of transit (Art. 12 PCA)
  - Prohibit of quantitative restrictions (Art. 15 PCA)
  - Free movement of capitals in the form of direct investments (Art. 52 PCA)



# Legal Principles of the EU-Russia Strategic Partnership

- International law principles
- Principle of flexibility
- Direct applicability and primacy of the PCA's provisions in internal legal order
- Approximation clause

# System of the legal backgrounds of the EU-Russia strategic partnership

The present day relationship of strategic partnership is based on three blocks of norms

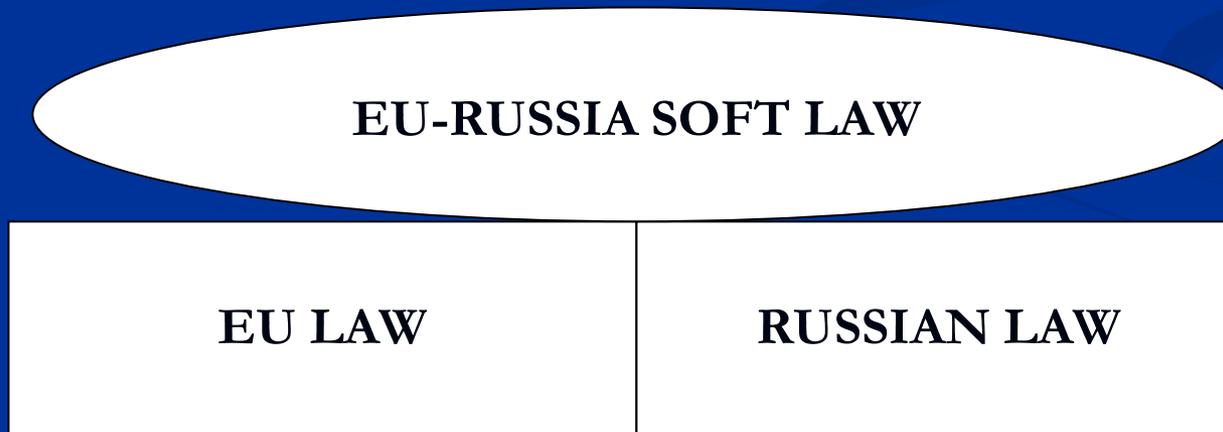
- The First block consists of the norms of the Partnership and Cooperation Agreement between Russia and the EU (PCA) and of specific agreements made on the basis of the PCA as strict grounds of the relationship.
- The Second block consists of "roadmaps" on the Four Common Spaces and other soft law.
- The Third block includes norms of Russian legislation, and the EU rules concerning the relations between the Parties.

# Legal foundations of the EU-Russia strategic partnership

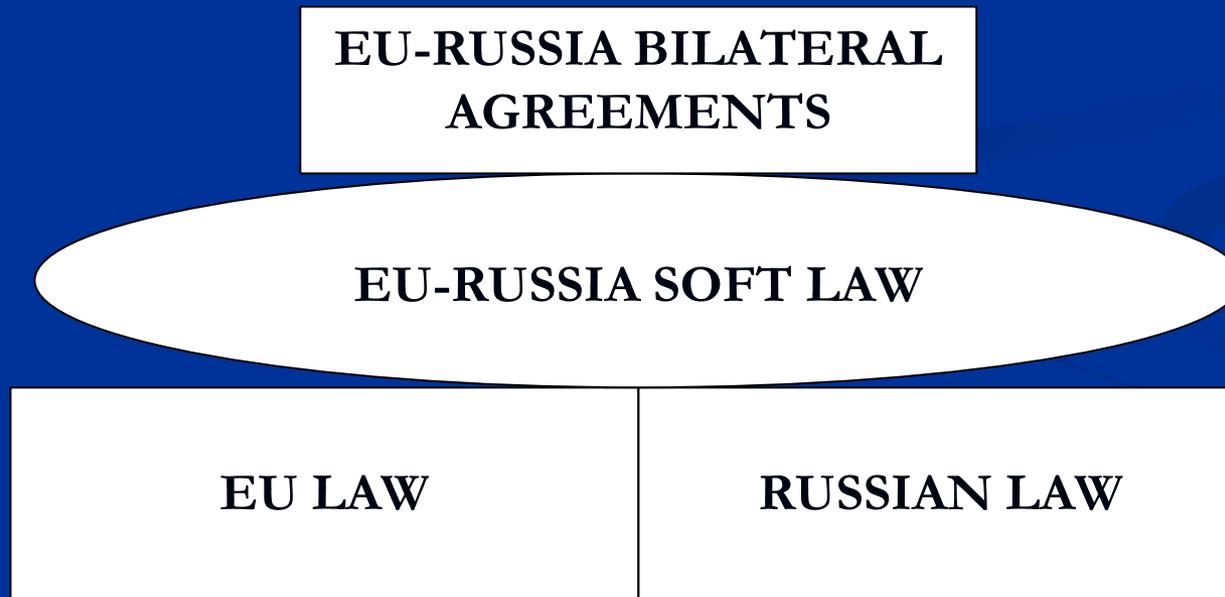
**EU LAW**

**RUSSIAN LAW**

# Legal foundations of the EU-Russia strategic partnership



# Legal foundations of the EU-Russia strategic partnership



# Review

- When were the relations between the USSR and the Communities established?
- When was the first the USSR/Community agreement signed?
- Are the relations of partnership integration relations?
- What is the difference between the «partnership» and «strategic partnership»?
- What does a strategic partnership in the economic sense imply?
- What does a strategic partnership in the political sense imply?
- What category of principles does the Russia-EU strategic partnership include?
- What kind of norms are at the basis of the Russia-EU strategic partnership?

# The End of the Section 2