

COURSE DESCRIPTION

LEGAL ASPECTS OF THE EU-RUSSIA RELATIONS

Field of study: law

Graduate's qualification (degree): LLM (master of law)

Form of study: full-time, by correspondence

Co-funded by the
Erasmus+ Programme
of the European Union



1. Course objectives

Russia is the biggest state in Europe. Common history, common traditions, common spiritual values unite peoples of Russia and other peoples of Europe. Russia belongs to the European cultural-civilizational system. It has its specific, original position of the multinational country located within two continents and personifying itself in different cultures.

The Russian Federation is not a member of the European Union (EU). However, this does not reduce the importance of the relations between the European Union and Russia as in bilateral so as in a European context. The European Union is the main trade partner for Russia. Russia occupies a significant position in external aspects of the EU's economy, and the principal position in such important area, as energy supply.

The development of the EU–Russia relations is accompanied by a development of their legal grounds. The modern relations between Russia and the EU within the framework of a “selected engagement” initiative are based on norms of different nature. Studying legal aspects of the EU-Russia relations allows understanding the reality and practice of the EU-Russia relations.

The objective of the educational discipline “Legal aspects of the EU-Russia relations” is to study legal rules and phenomena in the relations between Russia and the European Union. In particular, it includes:

- legal status of the EU as a counterparty of Russia in bilateral relations,
- impact of relations with Russia on the EU legal order,
- conceptual legal framework of the EU-Russia relations,
- fundamental aspects of the influence of EU law on the Russian legal order.

This educational discipline is a basic (general professional) component of the standard curriculum. It is directly related to specific courses on foreign law (the civil, criminal, trade, and constitutional law of foreign states, etc.), and has a methodological influence on them. It should be noted that this educational discipline has a direct and inverse links with various special courses on international private and public law.

2. Course structure and content

The total workload of the discipline is three credits and 108 hours.

2.1. Course schedule for full-time study

№	Part (topic) of the course	Types of study and number of hours			On-course performance assessment
		Lectures	Classwork	Students independent work (SIW)	
1	Russia and the European Union as counterparts in international area	-	2	12	Scholarly discussion, essay
2	Legal backgrounds of the EU-Russia relations: a history and the present	2	2	10	Scholarly discussion, exam, essay
3	The EU-Russia Basic Agreement	-	4	10	Scholarly discussion, quiz
4	The EU-Russia Sectoral Agreements		4	10	Scholarly discussion, exam
5	Soft law in the EU-Russia relations	-	2	10	Scholarly discussion, quiz
6	Impact of the EU-Russia relations on the EU legal order		4	15	Exam, quiz
7	Europeanization of Russian Law	2	4	15	Exam, essay
	TOTAL	4	22	82	108

2.2. Course schedule for correspondence study

This discipline is included in the curriculum for the third semester. Testing is performed through an examination.

№	Part (topic) of the course	Types of study and number of hours			On-course performance assessment
		Lectures	Classwork	Students independent work (SIW)	
1	Russia and the European Union as counterparts in international area	-	1	18	Scholarly discussion, essay
2	Legal backgrounds of the EU-Russia relations: a history and the present	2	1	10	Scholarly discussion, exam, essay
3	The EU-Russia Basic Agreement	-	2	10	Scholarly discussion, quiz
4	The EU-Russia Sectoral Agreements		2	10	Scholarly discussion, exam
5	Soft law in the EU-Russia relations	-	2	10	Scholarly discussion, quiz
6	Impact of the EU-Russia relations on the EU legal order		2	15	Exam, quiz
7	Europeanization of Russian Law	2	4	15	Exam, essay
	TOTAL	4	12	92	108

2.3. Course content

TOPIC 1. RUSSIA AND EUROPEAN UNION AS COUNTERPARTS IN INTERNATIONAL AREA

Preconditions for closer bilateral relations between Russia and the EU:
economical, political, cultural and historical dimensions

Russia as a counterpart of the EU

EU as a counterpart of Russia. Supranational external competence of the EU

TOPIC 2. LEGAL BACKGROUNDS OF THE EU-RUSSIA RELATIONS: A HISTORY AND THE PRESENT

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

Legal approach to the EU-Russia relations

Basic principles of the EU-Russia selective engagement relations

System of the legal backgrounds of the EU-Russia selective engagement relations

TOPIC 3. THE EU-RUSSIA BASIC AGREEMENT

The EEC/Euratom-USSR Trade and Commercial and Economic Cooperation Agreement 1989

Form and Content of the EU-Russia Partnership and Cooperation Agreement 1994

A New Basic Agreement: problems of conclusion

TOPIC 4. THE EU-RUSSIA SECTORAL AGREEMENTS

The System of the EU-Russia Sectoral Agreements

The EU-Russia Institutional and Financial Agreements

The EU-Russia Trade and Environment Agreements

The EU-Russia Agreements in Area of Freedom, Security and Justice

The EU-Russia Agreements in Foreign Security

The EU-Russia Agreements in Science and Research

TOPIC 5. SOFT LAW IN THE EU-RUSSIA RELATIONS

The concept of “soft law” and its role for the EU-Russia relations

Soft law in the EU-Russia selective engagement

Other soft law in the EU-Russia relations

TOPIC 6. IMPACT OF THE EU-RUSSIA RELATIONS ON THE EU LEGAL ORDER

The EU legal order and EU relations with third countries

The EU-Russia relations in the EU primary and secondary law

The EU-Russia relations in the case law of the EU Court of Justice

TOPIC 7. EUROPEANIZATION OF RUSSIAN LAW

The Russian legal order: some introductory remarks

Europeanization of law in the context of legal approximation

The Constitution of Russia 1993 and Europeanization of law.

Europeanization of Russian private and public law

Europeanization of Russian judiciary

2.4. Lectures

Lectures for full-time and correspondence study

Lecture 1. Legal backgrounds of the EU-Russia relations: a history and the present (2 hours)

Plan:

1. Historical aspect of the legal backgrounds of the EU-Russia relations
2. Legal approach to the EU-Russia relations
3. Basic principles of the EU-Russia selective engagement relations
4. System of the legal backgrounds of the EU-Russia selective engagement relations

Lecture 2. Europeanization of Russian Law (2 hours)

Plan:

1. The Russian legal order: some introductory remarks
2. Europeanization of law in the context of legal approximation
3. The Constitution of Russia 1993 and Europeanization of law
4. Europeanization of Russian private and public law
- 5/ Europeanization of Russian judiciary

2.5. Workshops

2.5.1. Practical studies for full-time students

Topic 1. Russia and the European Union as counterparts in international area (2 hours)

Plan:

1. Preconditions for closer bilateral relations between Russia and the EU: economical, political, cultural and historical dimensions
2. Russia as a counterpart of the EU
3. EU as a counterpart of Russia
4. Supranational external competence of the EU

Topic 2. Legal backgrounds of the EU-Russia relations: a history and the present (2 hours)

Plan:

1. Historical aspect of the legal backgrounds of the EU-Russia relations
2. Legal approach to the EU-Russia relations
3. Basic principles of the EU-Russia selective engagement relations
4. System of the legal backgrounds of the EU-Russia selective engagement relations

Topic 3. The EU-Russia Basic Agreement (2 hours)

Plan:

1. The EEC/Euratom-USSR Trade and Commercial and Economic Cooperation Agreement 1989
2. Form of the EU-Russia Partnership and Cooperation Agreement 1994
3. Content of the EU-Russia Partnership and Cooperation Agreement 1994
4. A New Basic Agreement

Topic 4. The EU-Russia Sectoral Agreements (4 hours)

Plan:

1. The System of the EU-Russia Sectoral Agreements
2. The EU-Russia Institutional and Financial Agreements
3. The EU-Russia Trade and Environment Agreements
4. The EU-Russia Agreements in Area of Freedom, Security and Justice
5. The EU-Russia Agreements in Foreign Security
6. The EU-Russia Agreements in Science and Research

Topic 5. Soft law in the EU-Russia relations (2 hours)

Plan:

1. The concept of “soft law” and its role for the EU-Russia relations
2. Soft law in the EU-Russia selective engagement
3. Other soft law in the EU-Russia relations

Topic 6. Impact of the EU-Russia relations on the EU legal order (4 hours)

Plan:

1. The EU legal order and EU relations with third countries
2. The EU-Russia relations in the EU primary law
3. The EU-Russia relations in the EU secondary law
4. The EU-Russia relations in the case law of the EU Court of Justice

Topic 7. Europeanization of Russian Law (2 hours)

Plan:

1. The Russian legal order: some introductory remarks
2. Europeanization of law in the context of legal approximation
3. The Constitution of Russia 1993 and Europeanization of law
4. Europeanization of Russian private and public law
5. Europeanization of Russian judiciary

2.5.2. Practical studies for correspondence students

Topic 1. Russia and the European Union as counterparts in international area (1 hours)

Plan:

1. Preconditions for closer bilateral relations between Russia and the EU: economical, political, cultural and historical dimensions
2. Russia as a counterpart of the EU
3. EU as a counterpart of Russia
4. Supranational external competence of the EU

Topic 2. Legal backgrounds of the EU-Russia relations: a history and the present (1 hours)

Plan:

1. Historical aspect of the legal backgrounds of the EU-Russia relations
2. Legal approach to the EU-Russia relations
3. Basic principles of the EU-Russia selective engagement relations
4. System of the legal backgrounds of the EU-Russia selective engagement relations

Topic 3. The EU-Russia Basic Agreement (2 hours)

Plan:

1. The EEC/Euratom-USSR Trade and Commercial and Economic Cooperation Agreement 1989
2. Form of the EU-Russia Partnership and Cooperation Agreement 1994
3. Content of the EU-Russia Partnership and Cooperation Agreement 1994
4. A New Basic Agreement

Topic 4. The EU-Russia Sectoral Agreements (2 hours)

Plan:

1. The System of the EU-Russia Sectoral Agreements
2. The EU-Russia Institutional and Financial Agreements
3. The EU-Russia Trade and Environment Agreements
4. The EU-Russia Agreements in Area of Freedom, Security and Justice
5. The EU-Russia Agreements in Foreign Security
6. The EU-Russia Agreements in Science and Research

Topic 5. Soft law in the EU-Russia relations (2 hours)

Plan:

1. The concept of “soft law” and its role for the EU-Russia relations
2. Soft law in the EU-Russia selective engagement
3. Other soft law in the EU-Russia relations

Topic 6. Impact of the EU-Russia relations on the EU legal order (2 hours)

Plan:

1. The EU legal order and EU relations with third countries
2. The EU-Russia relations in the EU primary law
3. The EU-Russia relations in the EU secondary law
4. The EU-Russia relations in the case law of the EU Court of Justice

Topic 7. Europeanization of Russian Law (2 hours)

Plan:

1. The Russian legal order: some introductory remarks
2. Europeanization of law in the context of legal approximation
3. The Constitution of Russia 1993 and Europeanization of law
4. Europeanization of Russian private and public law
- 5/ Europeanization of Russian judiciary

3. Student's independent work

Independent work for students in the “Legal aspects of the EU-Russia relations” educational discipline:

- search for (selection of) reading materials (including electronic sources of information) on a specified topic, comparative analysis of scholarly publications;
- writing of an essay, exam, or report on a specified topic;
- writing of a master's dissertation;
- preparation and participation in university-wide and interuniversity conferences.

Models (specific features) of independent work of full-time and correspondence students on specific course units and topics

№	Topic	Student independent work assignment	Form of control by the instructor
1	Russia and the European Union as counterparts in international area	Preparation of a report expounding the main points of view on this topic	Discussion of the report at a practical training session
2	Legal backgrounds of the Russia relations: a history and present	Participation in the discussion of the topic: “Comparative law: method or system?”	Assessment of participation and the results of the discussion
3	The EU-Russia Basic Agreement	Business simulation	Assessment of students' participation in the business simulation
4	The EU-Russia Sectoral Agreements	Review of publications and preparation of a statement for a speech at a practical training session	Discussion at a practical training session
5	Soft law in the EU-Russia relations	Participation in the discussion	Assessment of participation in the discussion
6	Impact of the EU-Russia relations on the EU legal order	Preparation of an essay	Discussion of the essay at a practical training session

7	Europeanization of Russian Law	Review of publications and preparation of a statement for a speech at a practical training session	Discussion at a practical training session
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4. Sample credit (examination) questions, other means of on-course performance assessment, term/year final assessment of mastering the course and student's independent work evaluation

1.1. Essay topics (written work) on the “Legal aspects of the EU-Russia relations” course

1. Legal aspects of the relations between the USSR and the European Communities: historical dimension.
2. The EU-Russia PCA and the PCA's with other former Soviet republics.
3. Legal backgrounds of the relations between Russia and the Euratom.
4. Legal aspects of the EU-Russia relations in the framework of the WTO.
5. Legal problems of transition to visa free treatment in the EU-Russia relations.
6. Approximation of the Russian law with the *acquis*.
7. Sanctions in the EU-Russia relations.
8. Kaliningrad transit: legal consequences in European and Russian legal orders
9. The EU and integration processes within the post-Soviet area: a legal dimension.
10. Future perspectives for a legal basis of the EU-Russia relations.

1. 2. Examination questions for interim testing (examination) on the “Legal aspects of the EU-Russia relations” discipline

1. Preconditions for closer bilateral relations between Russia and the EU: economical, political, cultural and historical dimensions
2. Russia as a counterpart of the EU
3. EU as a counterpart of Russia
4. Supranational external competence of the EU
5. Historical aspect of the legal backgrounds of the EU-Russia relations

6. Legal definition of the EU-Russia selective engagement
7. Basic principles of the EU-Russia selective engagement
8. System of the legal backgrounds of the EU-Russia relations
9. The EEC/Euratom-USSR Trade and Commercial and Economic Cooperation Agreement 1989
10. Form of the EU-Russia Partnership and Cooperation Agreement 1994
11. Content of the EU-Russia Partnership and Cooperation Agreement 1994
12. A New Basic Agreement: problems and perspectives of its conclusion
13. The System of the EU-Russia Sectoral Agreements
14. The EU-Russia Institutional and Financial Agreements
15. The EU-Russia Trade and Environment Agreements
16. The EU-Russia Visa-facilitation Agreements
17. The EU-Russia Agreement on readmission 2006
18. The EU-Russia Agreements in Foreign Security
19. The EU-Russia Agreements in Science and Research
20. The concept of “soft law” and its role for the EU-Russia relations
21. The EU-Russia soft law in selective engagement period
22. The EU-Russia law of sanctions
23. Legal aspects of the EU-Russia relations in the energy field
24. The EU legal order and EU relations with third countries
25. The EU-Russia relations in the EU primary law
26. The EU-Russia relations in the EU secondary law
27. The EU-Russia relations in the case law of the EU Court of Justice
28. The “Simutenkov” case: main conclusions and significance for the EU-Russia relations
29. Europeanization of Russian law in the context of legal approximation
30. Europeanization of Russian private and public law
31. Europeanization of Russian judiciary
32. The EU-Russia legal backgrounds after Russia’s joining to the WTO

5. Teaching aids and study materials

5.1. Reading materials

5.1.1. Main reading materials in Russian

1. Калиниченко П.А. Европейский Союз: право и отношения с Россией. М.: ИНФРА-М-НОРМА, 2012.
2. Калиниченко П.А. Россия и Европейский Союз: двусторонняя нормативная база взаимоотношений. М: Элит, 2011.
3. Право Европейского Союза. Учебник. Том 2. Особенная часть / Под ред. С.Ю. Кашкина. М.:Юрайт, 2016.
4. Бирюков М.М. Европейское право: до и после Лиссабонского договора. Учебное пособие. М.: Статут, 2013.
5. Европейский Союз: основополагающие акты в редакции Лиссабонского договора. М.: ИНФРА-М, 2008.

5.1.2. Main reading materials in English

1. Van Elsuwege P. Towards a Modernisation of EU-Russia Legal Relations // CEURUS EU-Russia Paper, june. 2012.
2. Eeckhout P. External relations of the European Union. Legal and Constitutional Foundations. Oxford. 2011.

5.1.3. Additional reading materials in Russian

1. Борко Ю.А. Европейскому Союзу и России необходимо Соглашение о стратегическом партнерстве М. 2004.
2. Войников В.В. Правовое регулирование европейского пространства свободы, безопасности и правосудия. Калининград. 2013.
3. Калиниченко П.А., Трубачева К.И. Европейский Союз на постсоветском пространстве: право, интеграция, геополитика. – М.: РосНОУ. 2012.
4. Калиниченко П.А. Защита прав российских частных лиц в Европейском Союзе в контексте Решения Суда ЕС по делу Симутенкова // Закон. 2008. № 1 С. 211-220.
5. Келлерманн А. Последствия расширения ЕС для Российской Федерации // Политика и право, № 1(61), 2005.
6. Петров Р.А. Транспозиция «acquis» Европейского Союза в правовые системы третьих стран. Киев. 2011.
7. Слугин А.А. Эволюция отношений Россия (СССР) – Европейские сообщества (ЕС) и подписание Соглашения о партнерстве и

- сотрудничестве между Россией и ЕС 1994 г. // Московский журнал международного права, № 4. 2000.
8. Четвериков А.О. Правовой режим пересечения людьми внутренних и внешних границ государств-членов Европейского Союза. Учебное пособие. М. 2010.
 9. Четвериков А.О. Договор о реформе 2007 года, изменения в правовых основах внешнеполитической деятельности Европейского Союза и Российской Федерации // Взаимодополняемость ЕС и его государств-членов в области внешних действий и ОВПБ и ее влияние на отношения ЕС и Российской Федерации. СПб. 2008.
 - 10.Энтин М.Л. Современные императивы гармонизации законодательства и правовых систем. М. 2005.
 - 11.Юргенс И., Кулик С. Вечные спутники: Россия и Европа в меняющемся мире. М. 2013.

5.1.4. Additional reading materials in English

1. Bendiek A., Kramer H. The EU as a “Strategic” International Actor: Substantial and Analytical Ambiguities // *European Foreign Policy Review*. 15, 2010.
2. Blockmans S. EU–Russia Relations Through the Prism of the European Neighborhood and Partnership Instrument. // *European Foreign Affairs Review*. 2008. Vol. 13.
3. Cremona M. External Relations of the EU and the Member States: Competence, Mixed Agreements, International Responsibility, and Effects of International Law // *EUI Working Paper, LAW No 2006/22*.
4. Cremona M. The Union as a Global Actor: Roles, Models and Identity // *European Foreign Policy Review*. 41, 2004.
5. Coleman N. *European Readmission Policy : Third Country Interests and Refugee Rights*. Leiden. 2009.
6. Delcourt C. The *Acquis Communautaire*: Has the Concept Had Its Day? // *CMLR*. 2001. Vol. 38.
7. Dougan M. The Treaty of Lisbon 2007: Winnings Minds, Not Hearts // *Common Market Law Review*, 2008. Vol. 45.
8. Israel M., Roberts F. Diamonds (supply agreements) Are (not suspended) Forever: a look at the recent *Alrosa* judgment by CFI // *Competition Law Insight*, 2007. Vol. 6, Issue 9.
9. Hillion C. Case C-265/03 *Simutenkov v Ministerio de Educación y Cultura, Real Federación Española de Fútbol* [2005] ECR I-2579 // *CMLR*. 2008. Vol. 45.
- 10.Hillion C. *The Evolving System of European Union External Relations as Evidenced in the EU Partnership with Russia and Ukraine*. Leiden. 2005.
- 11.Hillion C. *Institutional Aspects of the Partnership between the European Union and the Newly Independent States of the Former Soviet Union: Case*

- Studies of Russia and Ukraine // *Common Market Law Review*. 2000. Vol. 37.
12. Leal-Arcas R. The EU and Russia as Energy Trading Partners: Friends or Foes? // *European Foreign Affairs Review*. 2009. Vol. 14.
 13. Lazowski A. Enhanced Multilateralism and Enhanced Bilateralism: Integration without Membership in the European Union // *CMLR*. 2008. Vol. 45.
 14. Leino P., Petrov R. Between 'Common Values' and Competing Universals – The Promotion of the EU's Common Values through the European Neighbourhood Policy // *European Law Journal*, 2009. Vol 15. No 5.
 15. Marochkin S. International Law in the Courts of the Russian Federation: Practice of Application // *Chinese Journal of International Law*, 2007, Vol. 2.
 16. Maresceau M. Bilateral Agreements Concluded by the European Community // *Collected Courses. Hague Academy of International Law*. Vol. 309(2004). The Hague. 2006.
 17. Matta A. Understanding and Assessing the EU-Russia Legal Approximation Process: the Case Study of Competition Law. Florence. 2011.
 18. Nemirovskis D. Small But Precious: the Actual and Potential Direct Effect of the Partnership and Cooperation Agreement between the European Communities and the Russian Federation // *European Journal of Law Reform*, 2007, Vol. 9, no. 4.
 19. Olsen J. The Many Faces of Europeanisation // *ARENA Working Papers*, 2002.
 20. Petrov R., Kalinichenko P. The Europeanization of Third Country Judiciaries through the Application of the EU Acquis: the Cases of Russia and Ukraine // *International and Comparative Law Quarterly*. 2011. Vol. 60.
 21. Petrov R., Exporting the Acquis Communautaire through European Union External Agreements. *Nomos*. 2011.
 22. Schuilenburg K. The ECJ Simutenkov Case: Is Same Level not Offside after All? // *Policy Papers on Transitional Economic Law*. 2005. No 13.
 23. Senden L. *Soft Law in European Community Law*. Oxford. 2004.
 24. Vahl M. *International Agreements in EU Neighbourhood Policy*. Stockholm. 2006.
 25. Van Elsuwege P., Petrov R. Article 8 TEU: Towards a New Generation of Agreements with the Neighbouring Countries of the European Union? // *E.L. Rev.* 2011, 36.
 26. Van Elsuwege P. *From Soviet Republics to EU Member States: A Legal and Political Assessment of the Baltic States' Accession to the EU*. Brill. 2008.
 27. Van der Loo G. EU-Russia Trade Relations: It Takes WTO to Tango? // *Legal Issues of Economic Integration*. 2013. 40(1).

28. Weber D. Joined cases C-64/96 and C-65/96 Land Nordrhein-Westfalen v Kari Uecker and Vera Jacquet v Land Nordrhein-Westfalen [1997] ECR I-03171 // CMLR. 1998. Vol. 35. P. 1437.

5.2. Software and Internet resources:

1. **europa.eu** – Official web portal of the EU
2. **eur-lex.europa.eu** – EU legislation in the Internet
3. **curia.eu** – Official web page of the Court of Justice of the EU.
4. **eeas.europa.eu/delegations/russia/index_ru.htm** – Delegation of the EU to Russia
5. **russianmission.eu** - Permanent Mission of the Russian Federation to the European Union
6. **eeas.europa.eu/russia/index_en.htm** - EU external action in relations with Russia
7. **eulaw.edu.ru** – EU Law chair of the O.E. Kutafin University (MSAL).
8. **eu-law.ru** – EU-Russia relations: legislation and practice

5.3. MATERIAL AND LOGISTICAL SUPPORT FOR THE EDUCATIONAL DISCIPLINE

- Moscow State University of Law (MSAL) auditoriums;
- the MSAL library;
- equipment for projection of educational material in lecture halls;
- computer equipment and software, including Internet access;
- graphic diagrams on the main topics of the legal instructional method;
- use of a computer to demonstrate analytical diagrams and tables.

Course writer(s) – prof. **P. Kalinichenko**.

Reviewer(s) – **K. Trubacheva**.

The course is approved at the meeting of Integration and European Law Department

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