SUMMARY

Subject of the research thesis: The legal framework for relations between the Russian Federation and the European Union.

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Relevance of the study research: Nowadays the European Union demonstrates an impressive example of effective legal regulation in all spheres of society and the Russian Federation is extremely interested in participation within the processes of European integration.

The Partnership and Cooperation Agreement (PCA) is a part of the EU's legal order and EU-Russia relations are reflected in the regulations of the European legislative institutes. The development of legal framework for relations between Russia and the European Union requires a comprehensive research.

EU-Russia relations are based on the observance both International and European law regulations and such relations are on the front pages of national and foreign publications. At the same time EU-Russia relations are subjected to excessive politicization and are characterized by a legal vacuum that emerged in several spheres of cooperation.

The object of the study research is the legal basis of cooperation between the Russian Federation and the European Union.

The subject of the study research are certain areas of EU-Russia cooperation – the legal aspects of the energy dialogue and measures which are taken by Moscow and Brussels to liberalize the existing visa regime.

The purpose of the study research is to identify problematic aspects of relations between Russia and the European Union and to develop some recommendations which would improve a cooperation within the framework of the strategic partnership.

Research objectives:
- a cognition of historical dynamics of Russia-EU relations' development;
- a consideration of the Russia-EU's legal regulation system;
- to make a review of the practice of Russian courts and the EU Court of Justice on the field of application the provisions of bilateral agreements;
- to analyze the legal aspects of the Russia-EU energy dialogue;
- a familiarization with the legislation of the European Union's visa regime with third countries.

Scientific novelty of the research is caused by the complex nature of study the legal regulation of Russia-EU relations. This paper discusses the latest provisions of the EU's legislation, as well as an attempt to give a legal assessment of acute issues of bilateral cooperation and proposes some concrete steps to resolve them.
Structure: the introduction, the two chapters, containing four paragraphs, the conclusion, a 104-reference bibliography (22 of which are in foreign languages) and also an application. The total volume is 105 pages.

Summary: The legal framework of EU-Russia relations is still determined on the basis of a Partnership and Cooperation Agreement (PCA) that was concluded in 1994 and entered into force on 1st December, 1997 for an initial period of ten years with its automatically extension each year unless either party informs the other one of its denunciation (pursuant to Article 106). Whereas, from a legal point of view, the PCA can therefore continue to apply without any formal problems, a revision of this framework agreement is urgently needed, but due to internal developments in both Russia and the EU several provisions of the agreement have become outdated. The preamble and Article 1, for instance, refer to Russia as “a country with an economy in transition”, which is no longer appropriate after the recognition of Russia’s market economy status and its accession to the World Trade Organization in 2012. Moreover, the level of bilateral cooperation has gradually extended beyond the scope of PCA. An important weakness in this respect is the relative lack of PCA provisions concerning cooperation in the areas of foreign and security policy or police and judicial cooperation in criminal matters. The asymmetrical nature of the PCA, based upon a unilateral adaptation of Russian legislation to EU values and norms, is difficult to reconcile with Russia’s insistence on “equal partnership”. Accordingly, progress in EU-Russia relations is essentially based upon the conclusion of specific bilateral agreements or joint statements with a purely political value, which indicates a high level of politicization of the EU-Russia relations.

The EU’s intention to include a substantial energy chapter based on the principles of the Energy Charter Treaty (ECT) complicate the negotiations. Given Russia’s dissatisfaction with the latter agreement, leading to its withdrawal in 2009, it remains to be seen whether it will be prepared to accept a reintroduction of those principles through the back door of a new EU-Russia agreement. Moreover, it is no secret that Russia is not very happy with the EU’s Third Energy Package, which requires the effective separation between the operation of electricity and gas transmission networks from supply and production activities of vertically integrated energy companies. It’s obviously, that we have faced with a legal vacuum in energy sector of cooperation between the parties, which should be compensated for the adoption of a sectoral document in addition to a new basic agreement. It should be clearly defined the objectives of energy cooperation, as well as provides for liability transit countries for non-compliance with its obligations.

Progressive facilitation of the visa regime between Russia and the EU and concluding an agreement on visa waiver for short travel has got an outmost importance for civil society and public interests. Civil society groups and the public of Russia and EU need elimination of barriers hampering cooperation and human connections. Otherwise, reaching the point of building a common European continent based on common values won’t be possible.
Recent practice illustrates that the abolition of a visa regime between the EU and a third country usually consists of three stages, including: the parallel conclusion of visa facilitation and readmission agreements; the adoption of a roadmap or visa liberalization action plan; the abolishment of the visa requirements. According to the European Commission Communication of November 2012 the most effective way to solve the visa issue, is the waiving of the visa requirement for citizens of a third country by transferring third countries from the negative list into the positive list. Also it's suggested to take into account the economic impact of the visa policy as an important element to decide whether or not a country should remain on the visa black list.