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ЕВРОПЕЙСКИЙ СОЮЗ – УНИКАЛЬНЫЙ ПРИМЕР РЕГИОНАЛЬНОГО СОТРУДНИЧЕСТВА И ИНТЕГРАЦИИ

Посвящено Европейскому союзу как примеру регионального сотрудничества и интеграции. Описывается история и организационная структура Европейского союза и анализируются его основные достижения в различных политических сферах. Раскрываются принципы и ценности Европейского союза, а также проблемы, с которыми он сталкивается. Также обсуждаются перспективы дальнейшего развития Европейского союза и его отношений с Российской Федерацией.

Ключевые слова: Европейский союз, региональное сотрудничество, интеграция, история, институты, достижения, принципы, ценности, перспективы, Российская Федерация.

Jaap Willem de Zwaan

THE EUROPEAN UNION: A UNIQUE EXAMPLE OF REGIONAL COOPERATION AND INTEGRATION

The article is devoted to the European Union as an example of regional cooperation and integration. It outlines the history and organizational structure of the EU and analyzes its main achievements in different areas of policy. The principles and values of the EU are revealed, as well as the challenges it faces. The prospects for the further development of the EU and its relations with the Russian Federation are also discussed.

Keywords: European Union, regional cooperation, integration, history, institutions, achievements, principles, values, perspectives, Russian Federation.

Introduction

In this contribution the origin, achievements and state of play of European Union cooperation will be discussed. The Union is an international organisation, however, one with very special characteristics. As a peace project it has created a unique infrastructure at the international level, serving as a cooperation framework to deal with international problems common to all the member states. The Union operates according to democratic and effective procedures of a “supranational” nature, which is a reference to its autonomous system of governance functioning “above” the national level of the member states. The organisation has played, and still plays, a major role to ensure peace and stability on the European continent.

*European Union***Peace Project**

European Union (hereafter also: EU or Union) cooperation started after the end of the Second World War. It is a peace project, the idea being: never war again on the European continent!

In concrete terms in the fifties of the last century three international organisations have been founded:

- European Coal and Steel Community (ECSC), dealing with a specific industrial sector, coal and steel;

- European Atomic Energy Community (EAEC), dealing with the peaceful use of nuclear materials;

- European Economic Community (EEC), in fact the most important one, dealing with economic cooperation in a large sense.

On the occasion of the entry into force of the Maastricht Treaty, on 1 November 1993, a new overarching organisation was founded, the European Union.

International Organisation

The Union can be qualified as an international organisation rather than as a state.

The Union possesses own institutions, own competences, own decision making procedures, own legal instruments as well as legal personality. In practise the Union can issue decisions that are binding for the member states. EU decisions can also produce rights for citizens to be directly invoked by them. As will be explained later, the way the institutions cooperate in the EU decision making process, qualifies that process as “supranational”.

In its daily performance the Union thus certainly displays federal characteristics.

The main rules and procedures are laid down in two treaties, the Treaty on European Union [1] and the Treaty on the Functioning of the European Union [2].

Institutions

The main institutions are:

- European Council, the framework composed of heads of state and government, competent to provide general political guidelines with regard to EU policy making;
- European Commission, an independent institution composed of a number of members equal to the number of member states, taking care of the general interest of the Union, and for that purpose possessing the right of initiative with regard to EU policy making and legislation;
- Council, composed of representatives of the member states at the ministerial level, having decision making power and responsible, jointly with the European Parliament, for the adoption of legislative measures as well as the annual budget;
- European Parliament, composed of members directly elected by the citizens of the member states and in its turn responsible, jointly with the Council, for the adoption of legislative measures and the budget;
- Court of Justice, composed of a number of members equal to the number of the member states, assisted by Advocates-General, and responsible to ensure the correct application and interpretation of EU law;
- European Central Bank, functioning in the framework of the European System of Central Banks, presided over by a President, and responsible to monitor the stability of the single currency, the Euro, in the interest of price stability¹.

Competences

The competences of the Union are divided into exclusive, shared as well as supportive, coordinating or supplementing ones².

Examples of policy areas where the Union holds exclusive competences are the customs union, common commercial policy and monetary policy. The internal market, agriculture and fisheries, justice and home affairs as well as transport are examples of policy domains

where the competences are “shared” between the Union and the member states. And, education, human health and culture are areas where the Union (only) supports the actions of the member states.

The way competences between the Union and the member states have been divided, reflect the policy choices made by the member states in the course of time. During that process the focus has been in the first instance on economic cooperation. In that regard the core objective of EU cooperation has been to establish an internal market, the famous area without internal frontiers in which a free movement of goods, persons, services and capital is ensured³. Internal market cooperation is complemented by a customs union and a common commercial policy. And, in parallel, right from the start of the cooperation the Union is dealing with policy domains like transport and agriculture.

Gradually more and more policy domains, directly or indirectly linked to economic cooperation, have been added to the list of competences of the Union. Environment, social policy and research are examples here. Later, the Treaty of Maastricht of 1991 added two major policy domains to the economic one, namely foreign and defence policy⁴ as well as justice and home affairs⁵. With regard to the economic pillar of EU cooperation the Maastricht Treaty furthermore laid the basis for the Economic and Monetary Union (EMU). In the framework of the EMU cooperation the Euro has been introduced as its single currency.

Decision Making

EU decision making regarding legislation is a matter of, what is called, “co-decision”. In this process three institutions are involved: the Commission, taking care of the general Union interests; the Council, representing the member states; and the European Parliament, representing the European citizens.

Whereas the process starts with a proposal put forward by the Commission, the Council plus European Parliament decide about that proposal. The procedure is constituted of two readings, taking place between the Council and the European Parliament, after which a period of conciliation may follow. During the whole process the Council decides as a rule by qualified majority, and the European Parliament by majority of the votes cast⁶.

The process reflects the supranational characteristics of EU cooperation. It can moreover be qualified as democratic and efficient.

Legal Instruments

In order to frame its decisions, the Union disposes of a set of legal instruments:

- Regulation, binding in its entirety and being directly applicable in all member states;
- Directive, binding as to the result to be achieved, but leaving to the member states the choice of form and methods how to integrate the content of the instrument in their respective national legal orders;
- Decision, binding in its entirety, however only for those to whom the decision is addressed⁷;
- Recommendation and Opinion, both not having binding force⁸.

Legal Personality

Finally but not least, the European Union possesses legal personality⁹, enabling the Union to conclude international agreements – an activity regularly taking place in practise – and to accede to international organisations, such as the World Trade Organisation (WTO) and the Food and Agricultural Organisation of the United Nations (FAO).

Achievements

Stability and Enlargement

The main achievement of EU cooperation is reflected by the situation of peace and stability on the European continent, now for

almost 75 years. This finding is best illustrated by the fact that, since its foundation, the Union has been enlarged from 6 countries at the start to 27 countries at present. There were 6 founding countries¹⁰, whereas enlargements have taken place in 1973 (from 6 to 9)¹¹, 1981 (from 9 to 10)¹², 1986 (from 10 to 12)¹³, 1995 (from 12 to 15)¹⁴, 2004 (from 15 to 25)¹⁵, 2007 (from 25 to 27)¹⁶ and 2013 (from 27 to 28)¹⁷.

The fact that the United Kingdom left the Union by the end of January 2020, doesn't alter the fact that the Union has made a major contribution to stability on the European continent. Moreover, still quite a number of European countries – most of them located in the Western Balkan region – have a clear ambition to become member state of the EU once¹⁸. So, the fact that there are still European countries applying for EU membership, underlines the success and attractiveness of EU cooperation.

Policy Domains

These days the Union is involved in practically all thinkable policy fields. The main categories are economic cooperation, monetary cooperation, foreign and security policy as well as justice and home affairs.

As already recalled, the core business in the economic domain concerns the internal market cooperation. The internal market – as already recalled: the area without internal frontiers in which a free movement of goods, persons, services and capital is ensured¹⁹ – has replaced the concept of the national economic market. In practice that means that the single market – the “common” market, as it was originally called – covers the territories of all member states. It also means that the competitive relations on the internal market are equal for all participants.

In direct connection with the internal market a customs union – with a common cus-

toms tariff – has been established. Furthermore a common commercial policy has been developed, introducing the principles and decision making modalities regarding the organisation of the economic relations between the Union and third countries²⁰. And, as already hinted at, in the course of time policies have been developed in related areas, such as environment and climate change, energy, transport, agriculture, employment, social and regional policy, education, culture and tourism²¹. Generally speaking, dependent of the nature of the policy domain concerned, the EU involvement in the one area is more intensive than in the other.

The central component of the monetary cooperation²² is obviously linked to the management of the stability of the single currency, the Euro.

Foreign and security policy covers basically the broad areas of foreign policy and defence²³. That said, apart from participating in EU defence cooperation, most member states are member of the North Atlantic Treaty Organization (NATO)²⁴.

Justice and home affairs – these days the reference is to the Area of Freedom, Security and Justice – covers subject matters like border control (the “Schengen” cooperation, in the framework of which internal border controls have been abolished, in parallel with the establishment of an external border control system); a common visa policy; a common asylum and immigration policy; criminal law cooperation; police cooperation and civil law cooperation²⁵.

The Process

Fundamental Values and Principles

EU cooperation is based on the fundamental values and principles mentioned in Article 2 TEU²⁶. Basically these principles and values reflect the minimum requirements of membership of the Union as well.

Young and Successful

EU cooperation is a young process. Since the start in the fifties of the last century a lot has been achieved. EU cooperation can thus be qualified as a successful process as well.

Voluntarism

EU cooperation is based on voluntarism. States decide themselves whether or not to apply for membership of the Union.

Bottom-Up

EU cooperation is a bottom-up process. The policy domains in which the Union operates, have been selected by the member states commonly. Furthermore every single member state has to agree with subsequent steps to be taken in the integration process. The circumstance that decisions implementing the treaty objectives – once being established by the member states – are taken as a rule by qualified majority in the Council, doesn't alter the fact that fundamental new steps in the process require consensus between all member states.

Gradual Process

EU cooperation reflects a “step by step” approach. In that regard economic cooperation has served as the primary “tool” of the cooperation. Economic cooperation though has boosted additions to the Union programme, not only policy matters closely related to economic cooperation, but equally broad complementary domains, such as foreign and defence as well as justice and home affairs.

The intensity of the cooperation is illustrated by the fact that, gradually but steadily, EU cooperation has touched upon the “roots” of national societies. The Euro cooperation as well as criminal law and police cooperation, can illustrate this finding.

Complexity

EU cooperation is complicated and difficult to explain to non-insiders. The EU institutions are not very visible for the ordinary citizen, because the process takes place

in Brussels, Strasbourg and Luxembourg, so at a long distance from where the average EU citizen lives. Moreover, EU cooperation is not very accessible, because the negotiations notably in the framework of the Council are in principle confidential. For the citizen national administrations and national parliaments are thus much easier to have access to, compared to their European counterparts. Of course, national politicians, members of the EU institutions but also the media, can – and should – assist to bring the EU institutions “closer” to the citizens.

Enlargement

Whereas the original six founding member states were essentially like-minded countries, changes have occurred since more and more countries have acceded to the Union. In that sense a tendency from homogeneity to heterogeneity has manifested itself. Divergences can be noticed between member states, and between regions within member states, with regard to their economic and political development. Special funding opportunities and investments can serve to overcome these differences.

Challenges

With a view to assess the future perspectives of EU cooperation, attention must be given to the challenges the Union and its member states are faced with these days. Actually, there are quite a few, external and internal ones.

External

In the external domain we must think of:

- Conflicts and tensions at practically all the external borders of the Union: the conflict between Russia and Ukraine; the relationship with Turkey, a candidate EU member state, that has become troublesome; the persistent instability in Syria, Iraq and Iran; the eternal conflict between Israelis and Palestinians; the ongoing civil war Yemen; and the unrest in almost all of North Africa;

- Climate change, including the implementation of the objectives of the Paris Agreement, in connection with – in a wider sense – the safeguard of energy supplies and the protection of the environment;

- Migration, the problematic leading – now since years – to massive influxes of migrants originating from countries and regions in conflict in the neighbourhood, and looking for protection in Western Europe;

- International crime and terrorism, phenomena that to a large extent are linked to the earlier mentioned developments;

- And, more generally speaking, globalisation. Here the focus is on the role the EU performs on the world scene and, in that respect, its relationship with global powers, such as the United States, China and Russia. Tensions have arisen with all three countries, albeit in each case of a different kind. Most importantly the following issues come to mind:

- deficient multilateral cooperation, in the framework for example of the United Nations and WTO;

- trade conflicts, in connection with the non-respect of the WTO rules;

- lack of respect of worldwide recognised human rights and fundamental freedoms;

- unrest and “frozen” conflicts in the neighbourhood;

- forms of so-called “hybrid” warfare, such as cybercrime and fake news.

Internal

There do exist internal challenges, such as:

- The employment situation in the EU and its member states. Especially the perspectives of the younger generations are of importance here. In that regard we must overcome the remaining divergences between the member states regarding economic development and standards of living;

- The impact migration has on local and regional societies in the member states. The

reference here is to social and cultural tensions, and to illegal migration and crime;

- Other forms of international crime, such as human trafficking, fraud and corruption;

- Tendencies of nationalism, populism and Euroscepticism. We must assure that the citizens in all member states are well informed about the complexities of subject matters like migration, the financial situation of member states and employment, and, generally speaking, about the ins and outs of EU cooperation;

- The non-respect of the fundamental values of the Union, as embedded in Article 2 TEU. For example democracy, human rights and the rule of law are “cornerstones” of EU cooperation. More particularly the independence of the judiciary and the media has to be secured in all member states;

- Brexit. Now that the United Kingdom has left the European Union by the end of January 2020, negotiations will be conducted – during the remainder of 2020 – to develop an adequate framework for the future relationship with that country.

External and Internal

There is one challenge, showing external and internal characteristics, namely enlargement. As already mentioned, several states have applied for membership of the Union, on the Balkans and elsewhere²⁷. Politically speaking enlargement is a controversial issue, because the question arises whether the applying states are sufficiently prepared to accede to the Union. At the same time the question has to be answered whether the Union itself is ready and prepared to receive new member states.

Future Perspectives

Institutional Infrastructure

In order to cope with the internal and external challenges just mentioned, a first con-

clusion to be drawn is that the institutional infrastructure of the Union is still adequate. The EU governance system is original and reflects a fine balance how national and common European interests can be best taken care of. The cooperation taking place between the Commission as the guardian of the EU interests, the Council representing the member states and the European Parliament as the institution representing the peoples, secures effectiveness and democracy at the European level.

Internal Stability

Whereas the EU as an organisation is a stable framework, the level of internal stability can be improved. The communication with the citizens for example about the importance of European cooperation must be intensified. We are enjoying peace and security in Europe now for almost 75 years. However, people, and notably the younger generations, often seem hardly to understand the merits of that achievement. We should be aware though, that there is no guarantee that this period of stability will continue for ever. Equally tendencies of populism, nationalism and Euroscepticism must be combatted. In that context more efforts have to be undertaken to properly enforce the respect of the fundamental, European, values and principles in the member states.

External Authority

The external challenges earlier mentioned, illustrate the tensions existing practically everywhere in our globalised world of today.

Europe is one of the rare stable regions in the world. That explains to a large extent why so many migrants and displaced persons suffering from crises and civil wars in their own country, have tried to come to Europe in recent years, and still do.

That said, the EU's approach towards migrants must be more comprehensive, and more effective. Notably the Union must act

faster. People in real need of protection must be protected. Others may be allowed to enter the labour market of the member states under the heading of “legal” migration. On the contrary, illegal migrants must be returned to their country of origin or transit. Of course, for that to happen the third countries concerned must cooperate in that process. And, more solidarity should be demonstrated towards member states in charge of the protection of the EU’s external borders in the Mediterranean.

With regard to major geopolitical developments the Union must become more active and effective. Nowadays the Union, well known because of its “soft power” capabilities, is often not enough involved in international developments. For sure, differences of opinion between the member states about foreign policy issues can play a role here. Nonetheless, passive performances can have a negative impact on the overall status of the Union on the world scene. Hence the Union should demonstrate more “hard” power, especially in situations where its own interests are at stake. More involvement, more unity, more decisiveness and as a result more authority, can only strengthen the reputation of the EU internationally.

Enlargement

As recalled earlier, the enlargement of the Union from 6 to – these days – 27 members, is one of the major achievements of EU cooperation. On the other hand, bigger numbers and, connected to that, the unavoidable differences between member states with regard to political and economic developments, can easily weaken the overall governance infrastructure of the Union. Further enlargements may thus require changes in the way the Union operates.

Now, of course, European states sharing the objectives of stability and prosperity in Europe and aiming to participate in the EU’s

peace project, should in principle be enabled to take part in that process. In that sense an option can be to gradually involve candidate states in EU cooperation, by applying a “step by step” approach: for example first in policies connected to security (such as foreign policy, defence, migration and the combat of international crime), and only later in the economic domain. On the contrary, leaving such countries outside of our cooperation framework for too long, can only add to the unrest already widely existing at our external borders.

Decision Making

In an environment with so many states participating, and more heterogeneity as a consequence, an analysis of the sustainability of the present decision making rules and procedures is needed.

Unanimity is still of application in several, politically sensitive, policy domains like foreign policy and defence. And, consensus between the member states is required when substantive additional steps in the integration process are considered. For that reason options for more flexibility should be looked at. The Union must be able to react rapidly, when events taking place outside the Union can have an impact internally.

More specifically in the area of foreign and security policy and with a view to the position of the Union at the world scene, more unity in conjunction with speaking with one voice is necessary. Of course the introduction of qualified majority as the norm for decision making in these areas may be helpful. Another option can be the establishment of an EU Security Council. Such a Council could be composed of a limited number of member states, permanent ones (however, without possessing a right to veto) and a number of rotating member states. The Council could be presided over by the President of the European Council, whereas the President of the

Commission and the High Representative of the Union for Foreign Affairs and Security Policy²⁸ could be members.

Central Guidance

In security areas such as foreign policy, defence and migration, more central guidance and management is needed with regard to the implementation and/or enforcement of common decisions. These days such responsibilities lie with the member states. The migration file illustrates though, that it is unfair to put the entire burden for the control of our external borders in the Mediterranean on the shoulders of Greece and Italy, only because both member states are located in the neighbourhood of areas in conflict and civil war. Principles like solidarity and burden sharing require common action and common solutions.

More centralisation can be a solution. Especially in files where only a few member states serve common interests, responsibilities to implement and/or enforce common decisions can be delegated to the EU infrastructure in Brussels. Of course, in parallel, sufficient financial resources should be made available at the EU level.

Differentiated Cooperation

Models of differentiated cooperation, so structures where not all member states do participate in, can also be considered. In practise so-called “multiple speed” models do already exist. Examples are the Euro cooperation (a number of conditions have to be fulfilled before a member state can introduce the Euro as its currency); the Schengen cooperation (Ireland doesn't participate in that domain of cooperation); and the cooperation in the Area of Freedom, Security and Justice (where Denmark and Ireland can profit from rather general derogations).

Apart from the models mentioned, other options can be envisaged as well. The reference here is notably to enhanced cooperation, a principle embedded in the treaties²⁹.

It allows small groups of member states to cooperate in areas not covered by the exclusive competences of the Union. However, the conditions to enable such forerunner groups to operate are in practice difficult to fulfil. These conditions could therefore be simplified. For example, in cases where a common agreement cannot be reached within a reasonable period of negotiations in the Council, groups composed of at least three quarter of the number of the member states could be allowed to start cooperating in certain policy domains. The member states not participating from the start in such a project, can then follow once they are ready, and willing, to do so.

Final Remarks

European Union cooperation is a peace process. In view of its characteristics it is a unique process and, in light of the results achieved, a successful one. The several enlargements that have taken place since the foundation of the organisation, in conjunction with the applications for membership still pending, can only illustrate the success of the project.

The Union has an original and stable institutional infrastructure. The Union is involved in practically all thinkable policy domains, although the degree in which varies from policy domain to policy domain. The more international in nature, the more involvement of the EU there is generally speaking.

The Union, in the way it operates, serves the interests of the member states and their citizens. However, as has been discussed, the world has become more complicated. Globalization not only entails advantages, but risks as well. International conflicts, trade conflicts, migration, international crime and the outbreak of pandemic diseases – like, recently, the Covid-19 (Corona) virus – are

examples here. So, in certain areas, the vigilance, alertness and resilience of the Union must be improved.

In the end the basic interest of the European Union, as a model of regional cooperation, is to ensure peace and stability, not only on the territory of the Union, but also elsewhere in Europe and, why not, outside Europe as well.

European states do not all need to become members of the European Union. Countries have to make their own choice and alternative models of cooperation with the EU do exist as well. An example is the European Economic Area concluded with Norway, Iceland and Liechtenstein, enabling these three countries to participate in the EU internal market and Schengen cooperation. A series of agreements has been concluded with

Switzerland to allow that country to join the internal market and Schengen cooperation as well. Other examples are the Deep and Comprehensive Free Trade Agreements, concluded in recent years with countries like Ukraine, Georgia and Moldova. And, whereas the EU concluded in the sixties of the last century an Association Agreement with Turkey, a customs union has complemented the framework of cooperation with that country in 1995.

In that sense a revitalisation of the relationship between the EU and the Russian Federation, these days still based on the Partnership and Cooperation Agreement that entered into force on 1 December 1997, could equally be the subject matter of a new round of bilateral negotiations, once there is a prospect how to solve, notably, the Ukraine problem.

Notes

1. See for the Institutions: Title III TEU, as well as Part Six TFEU.
2. See for the Categories and Areas of Union Competences: Title I of Part One TFEU.
3. See for the Definition Article 26(2) TFEU: “The internal market shall comprise an area without internal frontiers in which a free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties”.
4. Formally referred to as the Common Foreign and Security Policy (CFSP).
5. These days referred to as the Area of Freedom, Security and Justice (AFSJ).
6. See for the precise modalities of the co-decision procedure: Article 294 TFEU.
7. Companies for example, when the Commission issues decisions in the framework of EU competition law and policy.
8. See Section 1, Chapter 2, Part Six TFEU.
9. Article 47 TEU.
10. France, Germany, Italy, Belgium, Luxembourg and the Netherlands.
11. The United Kingdom, Ireland and Denmark acceded.
12. Greece.
13. Spain and Portugal.
14. Austria, Finland and Sweden.
15. Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Slovenia, Malta and Cyprus.
16. Romania and Bulgaria.
17. Croatia.
18. Candidate member states are North-Macedonia, Serbia, Montenegro, Bosnia-Herzegovina, Kosovo and Albania, as well as Turkey and Iceland.
19. The concept “internal market” is defined in Article 26(2) TFEU and dealt with in Title I Part Three TFEU. The arrangements regarding the so-called four “fundamental freedoms” are to be found in Titles II and IV of Part Three TFEU.

20. See for the customs union: Title II, Chapters 1 and 2, of Part Three TFEU. See for the common commercial policy: Title II of Part V TFEU.
21. See for the whole list of economic policy domains covered by the EU: the 24 Titles of Part Three TFEU.
22. Title VIII Part Three TFEU.
23. CFSP is included in Part Five TFEU, formally called “External Action of the Union”.
24. Ireland, Austria, Sweden, Finland, Cyprus and Malta are not NATO member.
25. See for all these substance matters: Title V Part Three TFEU.
26. The text of Article 2 TEU reads as follows: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”.
27. See for an enumeration of the countries concerned: note 18, above.
28. The High Representative is one of the Vice-Presidents of the Commission and chairs the Foreign Affairs Council: Article 18(3) and (4) TEU.
29. See Article 20 TEU, as well as Articles 326–334 TFEU.

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