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Legal Approximation [as a Modernisation Tool] and the Level-of-Analysis Problem in the EU-Russia Relations

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Legal Approximation and EU-Russian Relations

- ▶ What is legal approximation?
 - Originally developed in the EU's context
 - <http://ec.europa.eu>: LA 'means that countries aspiring to join the E.U. must align their national laws, rules and procedures in order to give effect to the entire body of EU law contained in the *acquis communautaire*'
 - Now is applied to partner countries as well
 - ▶ I.E. article 55 of the EU-RU PCA
 - Certain LA can also be achieved in the context of other international organisations
- ▶ EU-RU: 3 periods
 - PCA – 1994 (1997)
 - Roadmaps – 2005
 - Partnership for Modernisation – 2010

Level-of-Analysis Problem in EU-Russian Relations

Levels of Analysis	Structural	Institutional	Thematic
Upper	EU institutions and policies	Intergovernmental	Strategic, long-term, visionary goals
Middle	Member States' institutions and policies	Transgovernmental	Policy-specific, sector-specific goals
Lower	Sub-regional relations	Transnational	Implementation instruments and mechanisms

LA and Levels of Analysis: Evolution

	Structural	Institutional	Thematic
PCA	LA is the subject of EU-RU discussions RU-MSs contacts are used to undermine EU-RU agenda		
Common Spaces			
P4M			

EU-RU P4M vs. RU-MSs Ps4M
 2 principles:
 - LA without challenging RU Legislation
 - IOs as fora for LA discussion
 I.E. more constructive?

LA and Levels of Analysis: Evolution

	Structural	Institutional	Thematic
PCA	LA is the subject of EU-RU discussions RU-MSs contacts are used to undermine EU-RU agenda	Predominantly intergovernmental, sub-commissions do not meet	
Common Spaces		Gradually dialogues are set up, most do not have a permanent structure at the beginning but set it up in the course of activities Several dialogues prop P4M between the EU and Russia Increasing transnational cooperation?	
P4M	EU-RU P4M vs. RU-MSs Ps4M 2 principles: - LA without challenging RU Legislation - IOs as fora for LA discussion I.E. more constructive?		

LA and Levels of Analysis: Evolution

	Structural	Institutional	Thematic
PCA	LA is the subject of EU-RU discussions RU-MSs contacts are used to undermine EU-RU agenda	Predominantly intergovernmental, sub-commissions do not meet	Some conceptual goals (FTA, regional cooperation, partnership), EU imposed, few policy- os sectoral goals, but many instruments, art 55 – strange enumeration
Common Spaces		Gradually dialogues are set up, most do not have a permanent structure at the beginning but set it up in the course of activities Several dialogues prop P4M between the EU and Russia Increasing transnational cooperation?	More amorphous goals (space), both conceptual bases (values and norms for the EU and interests for RU), enumeration of sectoral goals (some are more detailed)
P4M	EU-RU P4M vs. RU-MSs Ps4M 2 principles: - LA without challenging RU Legislation - IOs as fora for LA discussion I.E. more constructive?		Based on internal programmes of the parties (more equity, especially for Russia) + needs of the EU to overcome the crisis → more agreement on the conceptual level (although mid-term Return to well defined goals (a FTA) Details to enable cooperation in the defined fields (LA for trade and investments mainly)

Institutional Aspects: Sectoral Dialogues

- ▶ Energy
- ▶ Transport
- ▶ Health
- ▶ Trade and investments
- ▶ Custom
- ▶ Industrial regulation
- ▶ Agriculture and rural development
- ▶ Space
- ▶ Intellectual property rights
- ▶ Environmental protection
- ▶ State (public) procurement
- ▶ Macroeconomic policy
- ▶ Science
- ▶ Financial policy

- ▶ Migration
- ▶ Visa-free

- ▶ Competition
 - ▶ Industrial policy and entrepreneurial activities,
 - ▶ Regulation of industrial production,
 - ▶ Regional cooperation,
 - ▶ Early warning and consultation in trade
 - ▶ Information society
 - ▶ Telecommunication and information society
 - ▶ Fishery
- ▶ Political and security cooperation

Prop the P4M

Thematic aspects

<p>Clarity of sectoral goals, their coherence with conceptual goals and internal developments</p>	<p>Amorphous goals FTA mentioned but little sector-specific developments EU-imposed goals</p>	<p>An effort to incorporate conceptual goals of both sides but with no work on a shared concept, not clear what a 'space' means Sector-specific goals look like a shopping list, some are more detailed</p>	<p>Shared, although non-ambitious programme, based on the internal priorities of both parties</p>
<p>Quality of LA, degree of flexibility</p>	<p>Enumeration of areas of LA, no clarity as to the flexibility</p>	<p>Different depth of LA depending on the sector, varying flexibility, depending on the sector</p>	<p>LA is coherent with the goals, sufficient flexibility because LA is mostly about technical regulation</p>