

The Eurasian Economic Union's treaty-making power

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Some general remarks

- International economic organizations → relations to third actors
- subjects of international law ← international competences
- Include treaty-making power

Separate will and responsibility

Treaty-making competence: Governed by **law of organization** and **general international law**

1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (not yet in force)

Scope of competence

Procedure

Eurasian Economic Union's treaty-making power

- ▶ Article 1

- ▶ Establishing the Eurasian Economic Union

- ▶ Legal Personality

- ▶ 2. The Union shall be an international organisation of regional economic integration and shall have international legal personality.



- ▶ Article 2

- ▶ Definitions

- ▶ “international treaties of the Union with a third party” means international treaties concluded with third countries, integration associations thereof and international organisations;

▶ **Article 6**

▶ **Law of the Union**

- ▶ 1. The Law of the Union shall consist of the following:
- ▶ this Treaty;
- ▶ international treaties within the Union;
- ▶ international treaties of the Union with a third party;
- ▶ decisions and dispositions of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council, and the Eurasian Economic Commission adopted within the powers provided for by this Treaty and international treaties within the Union.



▶ **Article 7**

▶ **International Activities of the Union**

- ▶ The Union shall be entitled to perform, within its jurisdiction, international activities aimed at addressing the challenges faced by the Union. As part of such activities, the Union shall have the right to engage in international cooperation with states, international organisations, and international integration associations and independently or jointly with the Member States conclude international treaties therewith on any matters within its jurisdiction.

▶ FOREIGN TRADE POLICY

▶ General Provisions on Foreign Policy

▶ Article 33

▶ Objectives and Principles of Foreign Trade Policy of the Union

- ▶ 1. Foreign trade policy of the Union shall promote sustainable economic development of the Member States, economic diversification, innovative development, increase in the volume and improvement in the structure of trade and investment, acceleration of the integration process, as well as further development of the Union as of an efficient and competitive organisation in the global economy.
- ▶ The basic principles of foreign trade policy of the Union shall be as follows:
 - ▶ application of measures and mechanisms for the implementation of foreign trade policy of the Union that shall be burdensome for the participants of foreign trade activities of the Member States only to the extent required to ensure effective achievement of objectives of the Union;
 - ▶ publicity in the development, adoption and use of measures and mechanisms for the implementation of foreign trade policy of the Union;
 - ▶ validity and objectivity of measures and mechanisms for the implementation of foreign trade policy of the Union;
 - ▶ protection of the rights and legitimate interests of participants of foreign trade activities of the Member States, as well as the rights and legitimate interests of manufacturers and consumers of goods and services;
 - ▶ respect for the rights of foreign trade participants.
- ▶ Foreign trade policy shall be implemented through the conclusion by the Union, independently or jointly with the Member States, of international treaties with a third party in spheres where Bodies of the Union are entitled to make binding decisions regarding the Member States, participation in international organisations or autonomous application of foreign trade policy measures and mechanisms.
- ▶ The Union shall be liable for fulfilling its obligations under concluded international treaties and shall exercise its rights under these treaties.

▶ Article 34

▶ Most Favoured Nation Treatment

- ▶ With regard to foreign trade, most favoured nation treatment shall be applied within the meaning of the General Agreement on Tariffs and Trade of 1994 (GATT 1994) in cases and under the conditions where the use of most favoured nation treatment is provided for by international treaties of the Union with a third party, as well as by international treaties of the Member States with a third party.



▶ Article 35

▶ Free Trade Regime

- ▶ The free trade regime within the meaning of GATT 1994 shall be applied to trade with a third party on the basis of an international treaty of the Union with such third party subject to the provisions of Article 102 of this Treaty.
- ▶ The international treaty of the Union with a third party establishing a free trade regime may include other provisions related to foreign trade.

Article 7

- ▶ The Procedure for the International Cooperation of the Union shall be determined by decision of the Supreme Eurasian Economic Council. All matters relating to the conclusion of international treaties of the Union with a third party shall be determined under an international treaty within the Union.
- ▶ 2. Negotiations on draft international treaties of the Union with a third party, as well as signing thereof, shall be conducted by decision of the Supreme Eurasian Economic Council upon completion of all internal legal procedures by the Member States.
- ▶ The decision of the Union to give consent to be bound by an international treaty of the Union with a third party, termination/suspension of or withdrawal from an international treaty shall be adopted by the Supreme Eurasian Economic Council upon completion of all required internal legal procedures by the Member States.

СОГЛАШЕНИЕ
между Евразийским экономическим союзом
и Республикой Беларусь об условиях пребывания
Суда Евразийского экономического союза
на территории Республики Беларусь

Совершено в городе Минске 29 апреля 2016 года в двух
подлинных экземплярах на русском языке.

**За Евразийский
экономический союз**



**За
Республику Беларусь**



**FREE TRADE AGREEMENT BETWEEN
THE SOCIALIST REPUBLIC OF VIET NAM, OF THE ONE PART, AND THE EURASIAN ECONOMIC UNION
AND ITS MEMBER STATES,
OF THE OTHER PART**

- ▶ The Socialist Republic of Viet Nam (hereinafter referred to as “Viet Nam”), of the one part, and the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation (hereinafter referred to as “the Member States of the Eurasian Economic Union”), and the Eurasian Economic Union, of the other part.....
 - ▶ **ARTICLE 15.6**
 - ▶ **Entry into Force**
- ▶ 1. This Agreement shall enter into force 60 days from the date of receipt of the last written notification certifying that Viet Nam and the Member States of the Eurasian Economic Union have completed their respective internal legal procedures subject to paragraph 2 of this Article. Exchange of such notifications shall be made between Viet Nam and the Eurasian Economic Commission.

РЕШЕНИЕ

«31» мая 2016 г.

№ 3

г. Астана

О вступлении в силу Соглашения о свободной торговле между Евразийским экономическим союзом и его государствами-членами, с одной стороны, и Социалистической Республикой Вьетнам, с другой стороны, от 29 мая 2015 года

В соответствии с абзацем вторым пункта 2 статьи 7 Договора о Евразийском экономическом союзе от 29 мая 2014 года и пунктом 1 статьи 15.6 Соглашения о свободной торговле между Евразийским экономическим союзом и его государствами-членами, с одной стороны, и Социалистической Республикой Вьетнам, с другой стороны, от 29 мая 2015 года (далее – Соглашение) и приняв к сведению информацию Председателя Коллегии Евразийской экономической комиссии о ходе выполнения внутригосударственных процедур, необходимых для вступления Соглашения в силу, Высший Евразийский экономический совет **решил:**

1. Признать Соглашение обязательным для Евразийского экономического союза с даты его вступления в силу.

First draft:

- ▶ 2. Государствам членам провести необходимые внутригосударственные процедуры по проекту Соглашения, имея в виду его подписание в рамках заседания Евразийского межправительственного совета 29 мая 2015 года.
- ▶ 3. Настоящее Решение вступает в силу с даты его принятия.

- ▶ Final version:
- ▶ 2. Евразийской экономической комиссии: не позднее 3 рабочих дней с даты получения последнего письменного уведомления о завершении государствами - членами Евразийского экономического союза внутригосударственных процедур, необходимых для вступления Соглашения в силу, направить в адрес Социалистической Республики Вьетнам уведомление, предусмотренное пунктом 1 статьи 15.6 Соглашения;
- ▶
- ▶ после получения от Социалистической Республики Вьетнам подтверждения о получении указанного уведомления в соответствии с пунктом 1 статьи 15.6 Соглашения проинформировать правительства государств - членов Евразийского экономического союза о дате вступления Соглашения в силу.
- ▶
- ▶ 3. Настоящее Решение вступает в силу с даты его официального опубликования .
- ▶
- ▶ **Члены Высшего Евразийского экономического совета:**