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Legal Regulation of the Synergetic effect of Innovation in the Structure of National Economies of the Union State

Regulación jurídica del efecto sinérgico de la innovación en la estructura de las economías nacionales del Estado de la Unión

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ABSTRACT

Assess of the constitutions of Russia and Belarus, to determine the degree of allowable discrepancy, to compare their laws, the realities of their application will be the science of constitutional law. The relevance of the research topic is that only in 2006 international treaties and agreements were concluded aimed at the settlement of the most pressing issues of ensuring equal rights of citizens of the Russian Federation and the Republic of Belarus in the field of social security, medical care, freedom of movement, choice of place of stay, as well as the regulation of property issues of the Union state.

Keywords: EAEC; integration; legal regulation; state.

RESUMEN

Se evalúan las Constituciones de Rusia y Belarús, para determinar el grado de discrepancia admisible, para comparar sus leyes, se aplicará a la realidad la ciencia del derecho constitucional. La importancia del tema de la investigación es que sólo en 2006 se celebraron tratados y acuerdos internacionales destinados a resolver las cuestiones más apremiantes de garantizar la igualdad de derechos de los ciudadanos de la Federación de Rusia y la República de Belarús en el ámbito de la seguridad social, la atención médica, la libertad de circulación, la elección del lugar de residencia, así como la regulación de las cuestiones de propiedad del estado de la Unión.

Palabras Clave: EAEC; integración; regulación legal; estado.

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INTRODUCTION

The most important segment of the development of innovation is the national innovation system. Building a national innovation system in the country begins with the development of the concept and adoption at the political level of appropriate decisions, according to which intellectual and financial resources are concentrated, innovative organizations are rapidly developing. Such a system involves the implementation of the process, from the production of knowledge and ending with their implementation in specific innovative products, services and technologies (Ginsburgs, 1999).

The main subjects of the innovation process are the primary links of the economic system – enterprises, organizations, the prospects for development of which are largely determined by the effectiveness of innovation. Innovative activity of the enterprise or organization is conditioned by the objective necessity of the development of science and technology, the regularities of market relations associated with the orientation of economic entities operating on the demand and the growing needs of the market, increasing competition, increasing complexity of economic relations (Müller, 2012). Competitive advantages and competitiveness of knowledge-based organizations are provided by intellectual resources, corporate culture, innovative technologies, level of training, their ability to develop and implement competitive strategies (Balcerowicz, 2009).

The Russian Federation and the Republic of Belarus are still at the stage of forming an integral innovation system. Great and increasing efforts to achieve this goal are made by domestic scientists and practitioners of the two countries. In particular, a common understanding of the need to develop an innovative economy based on knowledge embodied in intellectual work and adequate relations has already been reached. The countries are faced with the task of further intellectualization of labor, a serious change on this basis of labor relations, accompanied by radical changes in the entire system of life of organizations, the restoration of controllability of economic development. All of these development policies should ultimately determine a more effective formation of the budget, foreign trade and industrial policy (Petrenko *et al.*, 2016).

From the scientific and technical point of view, the selected priorities should correspond to the promising directions of the formation of the modern technological structure and the timely creation of the foundations for the formation of the next. From the economic point of view, state support for priority areas should be characterized by two important features: to have a significant external effect, improving the overall economic environment and conditions for the development of business activity; to initiate the growth of business activity in a wide range of industries associated with priority production. From the production point of view, government incentives should lead to further growth of the competitiveness of the products. From the production point of view, government incentives should lead to further growth of the competitiveness of the products.

LITERATURE REVIEW

The Treaty between the Russian Federation and the Republic of Belarus of 21 February 1995 on friendship, good-neighbourliness and cooperation, which was subsequently ratified by parliaments, was of fundamental importance for the solution of issues of interstate integration. Currently this Contract is valid for the second ten-year period. This Agreement defines the prospects for cooperation between Russia and Belarus in almost all the most important areas, and lays a solid legal basis for their rapprochement in the state legal sphere. A little more than a year later, the provisions of the said act were developed in the Treaty of 2 April 1996 on the formation of the Community of Russia and Belarus (Wiegand and Schulz, 2015). This Treaty for the first time defined the contours of the future General statehood of the Russian Federation and the Republic of Belarus. In pursuance of the above-mentioned Agreement, the Community's authorities were formed—the Supreme Council, the Parliamentary Assembly, the Executive Committee and sectoral authorities.

The following year, the Community was transformed into the Union of Belarus and Russia. This interstate Association was based on the Agreement of April 2, 1997 on the Union of Belarus and Russia, as well as the Charter of the Union of Belarus and Russia adopted on May 23 of the same year (Estrin, 2008). The above-mentioned Community bodies have been transformed into the relevant bodies of the Union. At the same time, their status increased, their competence expanded. It is noteworthy that the Charter of the Union introduced the citizenship of the Union, which predetermined the legal status of its citizens (Kireeva and Robert, 2014).

The Declaration on the further unity of the Republic of Belarus and the Russian Federation, adopted on 25 December 1998, was a kind of prelude to the creation of the Union state (Scharaw, 2018). This international legal act noted that the unification of Belarus and Russia into a Union state should be carried out on the principles of voluntariness and preservation of national sovereignty of the States-members of the Union of Russia and Belarus. These principles were enshrined directly in the Treaty of 8 December 1999 establishing the Union state. Thus, it took about fifteen years to solve the issue of the Union state of the Russian Federation and the Republic of Belarus. During this period the dissertation characterizes such activity as the contractual stage of the integration process in the state sphere. This stage of integration activities of Russia and Belarus is currently ongoing (Vashkevich, 2012).

The bilateral treaties between the Republic of Belarus and the Russian Federation of 1995-1999 are among the constituent ones. Each of these agreements was designed to regulate relations that arose in connection with the formation of a new form of joint statehood, the creation of power bodies, the definition of the legal status of citizens. Therefore, there are grounds for referring them to the sources of constitutional law. The following features are typical for such: reference to the sphere of constitutional regulation, the normative nature of the orders, the obligation of execution. All the abovementioned treaties possess these attributes. The recognition of international treaties as sources of national law is enshrined in the Constitutions of Russia and Belarus (Sadurski, 2014a).

An important feature of the above-mentioned Russian-Belarusian agreements is that they regulate the activities of not only the member States, but also the interstate associations created at the appropriate stages of their development – the Community, the Union and the Union state of Russia and Belarus. In this regard, these Agreements should be characterized as supranational normative legal acts, which are the sources of the emerging constitutional law of the Union state. The peculiarity of the formation of this branch of supranational law is that it is formed in the absence of the Constitution of the Union state. To some extent, it is replaced by the above-mentioned agreements, as each of them has a constituent component, the rules containing elements of constitutional regulation (power relations, the legal status of citizens).

METHODOLOGY

Over the years of its existence, the bodies of the Union state have adopted more than a hundred normative legal acts, including resolutions of the Parliamentary Assembly on the budgets of the Union state and decrees of the Supreme state Council on their approval. In the presence of such acts, the initial period of the legal stage of regulation of the activities of the Union state and its bodies is seen. After the adoption of the constitutional Act, the content of the regulation of the Union state will change. The Treaty form will be replaced by a more stable constitutional and legal one. At the same time, the constitutional Act will become the main source of supranational constitutional law and will create conditions for the development and adoption of the Constitution of the Union state (Seibert-Fohr, 2012). It seems that the formation of the Union's Parliament will contribute to the activation of its own standard-setting activities of the Union state.

RESULTS AND DISCUSSION

By January 1, 2015, it is planned to prepare a program that provides for a phased creation of a common electric power market, a common oil market, oil products and access to gas infrastructure (Sadurski, 2014b).

As goals of energy integration, the following points should be emitted:

- expanding the reproduction of energy potential;
- sustainable energy development;
- energy security;
- scientific and energy cooperation;
- protection of the environment.

The functioning of the common energy market of the Eurasian Union should be based on five basic principles.

A single institutional environment as a set of general rules for the functioning of the market on the basis of the principle of equal conditions and the absence of discrimination of particles, the existence of a unified system of market institutions, and customs policy, a unified legislative framework and general legal rules for production, exchange and distribution (Nußberger, 2012).

Energy infrastructure as a system of interconnected infrastructure capacities for the purpose of rational use of resources, equal access and use.

Foreign policy as a set of joint projects in the field of foreign trade activities, the harmonization of a common foreign policy, the inclusion in the international process of scientific exchange and cooperation in the field of energy.

Science and innovations as a set of joint scientific fundamental and applied research in the field of energy, training of personnel, development of perspectives of directions in the field of renewable energy sources.

Sustainable development as a set of joint actions for the rational use of natural resources, environmental protection, the elimination of the consequences of environmental pollution in the energy sector, the formation and promotion of environmental culture in society.

To achieve the set goal for the formation of a common energy market in the short term (2014-2015), it is necessary to harmonize the legislative base of countries in the field of energy, carry out a common agreed energy policy, remove barriers and restrictions for access to natural monopolies, purpose a transport policy without exceptions and restrictions (Seibert-Fohr, 2012).

The experience of the European Union shows that the main emotion should be made on the creation of a pan-European energy infrastructure. For the effective functioning of the infrastructure, it is necessary to have a common legislative framework, unified rules for the operation of the market on the basis of the principle of equal conditions, fully functioning market mechanisms, etc. At the stage of building a common energy market, countries are at different levels of society-economic development. On the one hand, fully functioning market relations in Russia and Kazakhstan, on the other hand – the domination of the state and the directional economy in Belarus. It is to be expected that in the process of creating a common energy market, market transformations will take place in the Belarusian economy and full-fledged market institutions will be created. At the same time, delaying market reforms in Belarus or projecting them will be one of the objects to building a common energy market (Nies, 2011).

According to the concept of the "Eurasian Energy Doctrine" concept, one of the principles of energy policy is the division of powers to supranational bodies and observation of equal rights and sovereign of countries. This approach seems justified, because minimizes the risks of any of the parties to the agreement solely to supervise supranational management bodies, and, like multilateral agreements regulating mutual obligations of participants, allows for more effective implementation of agreements. An important condition for successful integration is the equality of the parties and the lack of pressure on relatively weak partners. When building

the Eurasian Union, it is important for the participants not to allow the policy of the integration process to be exceptionally political, as well as to avoid mistakes made within the Union State of Belarus and Russia, whose operational experience shown that non-observation of the principle of equality of partners and a different vision of the integration process caused the actual freezing of this project (Khrushcheva, 2015).

It is important to consider that the future Eurasian Union is open to access by other participants. Experience of the second half of the twentieth century. shows that in order to increase the competitiveness of national economies and increase prosperity, countries should pursue an open policy aimed at close cooperation with other states and integration entities. It should be expected that the project of a single Eurasian energy union will be of interest to the countries of the post-Soviet space, the EU, China, and the countries of Central Asia.

The structure of the general electric power market of the EAEC provides for such major segments as wholesale purchase and sale of electricity, the market for centralized electricity trade, the market for system and support services and a balancing market (Esakova, 2012).

In fact, the proposals of the Eurasian Economic Commission on the creation of a common electricity market of Belarus, Kazakhstan and Russia were set out in the concept of the formation of the CIS common electric power market in 2005 and took into account all the best practices of European countries. Within the framework of the Eurasian Union, the countries will once again try to achieve success in this matter, and Russia will play the main role in shaping the market (Kembayev, 2009a).

Within the framework of the agreement on the creation of the Eurasian Economic Union (EAEC), signed in May 2014, it is planned to form a customs union without restrictions in the movement of goods. However, the parties differently see their participation in the new union. A big problem is the hydrocarbon market. At the initiative of Russia and Kazakhstan, the issue of creating a common market for oil, gas and electricity was postponed until 2025. Given the special import of this issue for Belarus, it was decided to settle this issue on a bilateral basis. At the end of May 2014, two protocols were signed that regulate Russian-Belarusian relations in the oil and oil products market.

In accordance with the Protocol "On entertainment to the Agreement between the Government of the Russian Federation and the Republic of Belarus on Measures to Settle Trade and Economic Cooperation in the Field of Oil and Oil Products Export of January 12, 2007", it is provided that the volume of oil supply from Russia to Belarus in 2015 will amount to 23 million tons of o, and in 2016-2024. the annual volume will be 24 million tons per year. At the same time, 96% of deliveries will be carried out by pipeline transport. In accordance with the agreement, Belarus undertakes in the period 2015-2017. to supply oil products to the Russian market, including at least 1 million tons of gasoline. Pricing should be carried out on a market basis at prices formed at the Russian exchange trades, and in the case of direct contracts – at negotiated prices taking into account exchange quotes (Kembayev, 2009b).

Foreign trade, as is known, is the most developed type of foreign economic relations between the Russian Federation and the Republic of Belarus. Its dynamics, commodity, country and subject structures are determined both by the state of the national economy, foreign economic policy of the state, and external factors (the nature and intensity of international competition, international political situation, membership in international political and economic unions and organizations, etc.). Therefore, the foreign trade policy of States should be derived from the General national socio-economic development strategy, although it has an active reverse effect on the latter. Currently, the most important areas of development of foreign trade policy of the Russian Federation and the Republic of Belarus should be export diversification and import rationalization. The subject structure of exports may include: innovative goods and services, innovative works, intellectual activity results, information of different nature and purpose and other.

For each of the above types of international exchange characterized by its legal, organizational, economic features. In industrialized countries, an information society is being created, where information itself has long been a massive and expensive commodity. The Russian Federation and the Republic of Belarus are still at

the stage of development of this process, and should gradually become more fully involved in the world trade in information (Sadurski, 2014c).

Although many experts believe that the service sector does not "produce" its own innovations by borrowing them from industry, one can hardly agree with this point of view, insisting on the availability of innovations in the service sector and emphasizing their specific nature. Unlike innovations in industry, which are divided into innovations in the development of goods, processes and management of innovation and where the development process is separated from production and commercialization, in the service sector, there are no boundaries between different types of innovation.

Since the content of the service is directly related to its implementation, the division between its essence and the process is meaningless; when the content of the service is changed, the processes of its provision, tasks, coordination procedures, and, consequently, organizational structures are deeply modified. At the same time, the satisfaction of the demand not fully formulated by the consumer, which is formed in the course of interaction between the consumer and the producer, gives the development of the service the appearance of a collective nature. Therefore, innovations in the service sector are impossible without strictly formal procedures, the use of information technology to implement all stages of the process, from the first contact with the client until the end of the service (Tsybulenko and Pakhomenko, 2016).

As the experience of the last decades shows, the global economic system has seen the expansion of the zones of influence of socially responsible corporations on partners in corporate interaction. This can be achieved through the use of corporate social reporting materials, the spread of social attitudes of business to partners. For example, monitoring of working conditions at the enterprises of suppliers of products in order to choose partners based on ethical criteria, taking into account the loyalty of consumers to the brand of the enterprise structure and the country-manufacturer, the presence of implemented and promising social programs. One of the areas of influence is the use of materials of social reporting of global corporations. Social reports demonstrate the success of corporations in the development of social responsibility, show real results that can increase confidence in business structures, have a positive impact on investors and the population.

It should be noted that the modern developed market economy is characterized by the presence of a market of competing innovations, future innovations. Very precisely in their research defined the role of innovation D. Preswood and P. Schumann: "the Purpose of business-innovation, which, being properly aimed, create well-being in the broad sense of the word." These words emphasized the relationship of innovation, business, market and the existence of market selective selection of innovations in the market of innovations (innovation), as well as the priority role of innovation in the production of competitive products, works, services to improve the living standards of the population of individual countries and the world community as a whole (Tuianu, 2013).

It is no accident that the industrialized countries that have made innovation a priority area of development occupy leading positions in the world in many indicators of economic development, and are part of the group of countries that make up the technological core of the world community. It is quite obvious that priority should be given to the development of countries not on the basis of factors of production and investment, but to the development on the basis of the intensification of innovative activities in the field of the most priority basic knowledge-intensive and high-tech sectors of the national economy, which are the most significant and progressive engines of economic development.

CONCLUSION

1. The Union state, created as a result of the integration activities of the Russian Federation and the Republic of Belarus in accordance with the will of their peoples and the Treaty of 8 December 1999, represents a new type of interstate enterprises, combining the characteristics of the international organizations (e.g. the Union state's budget is formed from contributions of Russia and Belarus), the Federation (for example, between the Federal government and its founders delineates areas of responsibility, the territory of the Union state includes the territorial space of Russia and Belarus) and the Confederation (in particular, the Union state does not have state sovereignty). At the same time, the Union state is a higher level of interstate Association compared to the previously existing Community of Russia and Belarus and the Union of Belarus and Russia.

2. The activities of Russia and Belarus to create a new interstate Association correspond to the fundamentals of the constitutional system of these States and the norms of their national legislation. The real embodiment of the most important principle of the constitutional system on the recognition of the highest value (art. 2 of the Constitution of the Russian Federation and article 2 of the Constitution of the Republic of Belarus) will contribute to the legislative consolidation of equal economic conditions for Russian and Belarusian producers, the establishment of equal legal status of Belarusian citizens during their stay in Russia and Russian citizens during their stay in Belarus, as well as the completion of the unification of tax, financial, investment, civil and social legislation of the States parties to the Treaty of December 8, 1999 (Kembayev, 2009b).

3. In the regulation of the processes of formation and development of the Union state, the contractual and constitutional-legal stages are singled out. The Treaty of 8 December 1999 is now the principal international legal instrument by which the subjects and bodies of the Union state are governed. In the development of this Treaty, Russia and Belarus on 24 January 2006 adopted the Agreement on cooperation in the field of social security, the Agreement on regulation of property issues of the Union state and the Agreement on medical care citizens of the Russian Federation at health care institutions of the Republic of Belarus and citizens of the Republic of Belarus in healthcare institutions of the Russian Federation. However, as the activity of the authorities of the Union state increases, the contractual form of regulation of their activities will be minimized (Vernygora *et al.*, 2016).

At the initial stage is the constitutional and legal stage of the Union state. It is characterized by the adoption of normative legal acts by its authorities. The most important acts include, for example, the resolution Of the Supreme state Council of the Union state of 12 April 2002 on the approval of the procedure for the formation and execution of the budget of the Union state, which is described in its introductory part as a normative legal act of the Union state. It seems that after the adoption of the constitutional Act, the law-making activity of the authorities of the Union state becomes more active.

4. In order to follow more precisely the idea of the Treaty of 8 December 1999 and taking into account the purpose of the constitutional Act, the adoption of which is provided for in article 62 of the Treaty, it is appropriate:

- to limit the subject of the constitutional Act to questions state structure and legal system of the Union state;

- to change the established procedure for submitting the draft constitutional Act to referendums of the participating States, as the national legislation, in particular, the Federal constitutional law of 28 June 2004 No. 5-FKZ "on the referendum of the Russian Federation" does not allow for the submission to the referendum of issues contrary to the Constitution of the Russian Federation (article 62 of the Treaty of 8 December 1999 provides that only after the approval of the constitutional Act in referendums the state parties shall make the necessary additions and changes to their constitutions, i.e., to the Constitution). Its non-compliance with the national constitutions of the States parties to the Treaty is programmed). According to the dissertation,

additions and changes to the Constitution of Russia and Belarus should be made before the introduction of this Act to national referendums.

5. It is necessary to intensify the legislative activity of the Union state and, first of all, to adopt the Law "on the property of the Union state". The adoption of the Said law of the Union state would significantly strengthen the material base of the Union state, to form its budget from its own sources. In order to ensure the Implementation of the law "on the property of the Union state", it would be necessary to create a special body – the Committee on the management of Union property under the Council of Ministers of the Union state, giving it the right, in particular, to maintain the register of Union property and to manage Union property (Muravska and Berlin, 2016).

6. Article 2 of the Treaty of 8 December 1999 States that, as the Union state becomes established, it will consider the adoption of its Constitution. The question is relevant, because with the adoption of the constitutional Act, the issues of constitutional and legal registration of the Union state will be resolved only partially. According to article 62 of the said Treaty, the purpose of this Act is limited to the definition of the state structure of the Union state and its legal system. The adoption of the Constitution of the Union state will allow to solve a wider range of issues at the constitutional level, including to determine the basis of the constitutional system of the Union state and the constitutional status of the citizens of the Union state. The article of the constitutional Act providing for the adoption of the Constitution of the Union state could be a guarantee of its development and adoption.

7. The formation of the Union state determined the need for the formation of the constitutional law of the Union state. Currently, there are a number of normative legal acts, which are sources of supranational constitutional law. These include bilateral agreements between the Russian Federation and the Republic of Belarus aimed at the establishment and development of the Union state, decrees of the Supreme state Council and resolutions of the government of the Union state on fundamental issues of the organization of the Union power and the legal status of the citizens of the Union state. The constitutional law of the Union state will be fully formed after the adoption of the Constitution of the Union state and the status laws of the Union state on the Supreme state Council, Parliament, Council of Ministers and The court of the Union state.

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