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1-бөлім  
**МЕМЛЕКЕТ ПЕН ҚҰҚЫҚ  
ТЕОРИЯ ЖӘНЕ ТАРИХЫ**

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Раздел 1  
**ТЕОРИЯ И ИСТОРИЯ  
ГОСУДАРСТВА И ПРАВА**

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Section 1  
**CHAIR OF STATE AND LAW  
THEORY AND HISTORY**

**THE EURASIAN  
ECONOMIC  
UNION AND LEGAL  
REGULATION OF  
INTEGRATION  
PROCESSES IN THE  
POST-SOVIET SPACE**

The Eurasian union – the hypothetical confederative union of the states of the post-Soviet space with uniform political, economic, military, customs, humanitarian and cultural space. Often in mass media the term «Eurasian Union» is applied incorrectly as the reduced version of the name of the Eurasian economic union (EEU), but these projects is various on extent of integration.

«The Eurasian economic union is created, first of all, for simple people and in their blood interests. On huge space from Baltic to the Pacific Ocean, from the Arctic to Tien-Shan more than 180 million citizens of the State Parties get equal opportunities for business, free trade and employment, use of communications, expansion of interregional cooperation and humanitarian interaction. Having created the strong economic base, we strengthen friendship, neighborliness and trust between ours of the countries noted, Nursultan Nazarbayev.

We and people carried out an enormous work on preparation of all necessary interstate documents in which national interests, economic opportunities of each of our countries are considered is carried out – told the president of Kazakhstan.

The contract of the Eurasian economic union approves creation of the economic union within which freedom of the movement of goods is provided, of services, the capital and labor, carrying out the coordinated, coordinated or uniform policy in branches of economy, explained in the press service of the Eurasian economic commission.

The purpose of EEU – providing conditions for stable development of economies of member states in interests of increase of a standard of living of their population, comprehensive modernization, cooperation and increase of competitiveness of national economies in the conditions of global economy.

Effective functioning of the Eurasian economic union can't be presented without carrying out the coordinated macroeconomic policy which provides development and realization of joint actions of member states of the Union for achievement of the balanced development of economy. Also, According to the Contract, the main directions of carrying out the coordinated macroeconomic policy is formation of the uniform principles of functioning of economy of member states of the Union, ensuring their effective interaction, and also development of the general principles and reference points for

forecasting of social and economic development of the Parties.

«We hear and we see different interpretations and opinions of experts on the Eurasian economic union. I think, it is necessary to study and understand better that it not the political organization, for today this purely economic cooperation which is caused by need for our state.

If there is an economic integration there will be a world. If the whole continents with each other trade, all will want that everywhere there was an order, silence. That business and economy quietly developed» – the head of state told. «I don't want to prophesy again, but I am convinced absolutely that the Eurasian our union (The Eurasian economic union) and the European Union will surely cooperate. It is offered Allah» – Nazarbayev said in the interview which entered the documentary «with Nazarbayev about the Main Thing! »

It is known that the offer on creation of the Eurasian economic union was met ambiguously. One at once supported this idea, others showed care, being afraid that new association will make senseless the sovereignty of each of the republics which entered it or simply it will be impractical.

But integration of the new independent states – process objective, and it doesn't contradict political independence of each sovereign state. This process is regularity of development of world economy and the international division of labor which by the beginning of the XXI century led mankind to significant history According to the contract on creation of EEU, in the territory of the union freedom of the movement of goods, services, the capital and the labor, and also carrying out coordinated, coordinated or uniform policy in branches of economy are provided. Harmonization of national legislations to rules of the new union has to be complete during the 10-year period.

According to arrangements of member countries, In 2016 the common pharmaceutical market, by 2019 – a common market of the electric power, by 2025 – the market of oil, gas and oil products has to be created. Also in 2025 in Alma-Ata there has to begin work the supranational body for regulation of the financial market of the union.

Members of the Eurasian economic union won't be able to apply to each other protective measures in trade – measures of non-tariff regulation, special protective, anti-dumping and countervailing measures. The exception will be made by cases when protective measures are necessary for ensuring defense and safety, protection of life and health of the person and protection of the nature. By rules of

the contract, such measures shouldn't be means of unjustified discrimination or the hidden restriction of trade. Before a condition of the Customs union allowed its participants to use mutual protective measures though they actually weren't put into practice. The right to enter sanitary, veterinary and sanitary and quarantine phytosanitary measures for members of the Eurasian economic union remains. Since the beginning of 2015 citizens of Russia, Belarus and Kazakhstan shouldn't get work permits for employment in any of the EEU countries. The citizens of member countries of EEU working in one of them under the contract more than half a year will pay income tax the same as it is paid by locals, but not foreign citizens.

The Eurasian economic union unlike the Customs union which formed the basis of creation of the Eurasian economic alliance, not three, but five countries are a part of new association. Except the founder states – Russia, Belarus and Kazakhstan – the EEU was adjoined by Armenia.

In our opinion, the main legal prerequisites of emergence and creation of the Eurasian economic union was, that after disintegration of the Soviet Union in the arisen former Soviet Union is the closest on welfare and economic development and such countries as Kazakhstan, Russia, Belarus, Kyrgyzstan and Armenia are closer. In this regard, as a result of close interaction of integration processes which connected, these closely related countries, emergence of the Customs union became possible. Legal process of creation of the Customs union was put even during the stay of existence of the Soviet Union, as a result of close, economic, economic and industrial connections of the countries of EEU, from Soviet period the powerful foundation for future, global, regional integration interactions and processes was laid. We consider that emergence of the Customs union on territories of the former Soviet empire this is very actual, but also at the same time, natural process. For years of existence of the Customs union, it showed the efficiency, real advantage for economies of Kazakhstan, Russia and Belarus. Of course, nobody denies, that fact that there were certain difficulties on the way of mutual rapprochement of economies, but all this was overcome, thanking, N. Nazarbayev, V. Putin and A. Lukashenko's political will.

The president of the Republic of Kazakhstan stood at the origins of renewal of close integration processes and actual became the ideological inspirer of creation of the Customs union and as in a consequence of emergence of such powerful

effective supranational structure, as the Eurasian economic union. In this connection, I hope that this union can become economic and foreign

policy basis of unity of the former Soviet Union. However implementation of this integration project is impossible without public support.

#### References

- 1 <http://strategy2050.kz/ru/news/5935>
- 2 <http://finance.nur.kz/347542.html>
- 3 <http://www.nur.kz/806619-prezident-kazakhstana-caes-evrosoyuz.htm>
- 4 Nazarbayev N., Eurasian economic union: theory or reality//«Izvestiya», 19.03.2009g.
- 5 Declaration on formation of the Common economic space of Republic of Belarus, Republic of Kazakhstan and Russian Federation, <http://www.akorda.kz>.

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