

Supranationality and Sovereignty in the European Union and in the Eurasian Economic Union¹

E. Treshchenkov

Evgeny Treshchenkov – PhD, Associate Professor, St. Petersburg State University; entrance 8, 1/3 Smolnogo Ulitsa, St. Petersburg, 191060, Russia; e.treshchenkov@spbu.ru

Abstract

In the last decade, the notion of sovereignty has been increasingly used in public discussions. A variety of actors are appealing to it, from systemic actors looking for ways to overcome the global governance and security crisis to sovereigntyists protesting universalism and the weakening of the role of the state. Under these conditions, the transformation of sovereignty within integration associations is of particular interest. The concept of “strategic sovereignty” has appeared in the discourse of the most advanced among them, the European Union (EU). Among the challenges to this sovereignty, Brussels puts emphasis on the policies of China and Russia. The latter also actively appeals to the notion of sovereignty and is itself the core of another integration association—the Eurasian Economic Union (EAEU). From the very creation of the Eurasian Customs Union, it has been emphasized that it borrows from the experience of the EU and aims to become a nexus in interlinking regional integration agreements across Eurasia. In the context of the conflict between Russia and the West, the EU and the EAEU are increasingly opposed to each other.

This study is focused on identifying the features of the transformation of sovereignty in integration associations based on the example of the EU and the EAEU. The analytical focus of the evaluation of the two models is set by the concept of four dimensions of sovereignty by S. Krasner and the phenomenon of supranationality. As the study shows, the transformation of sovereignty is not limited to the transfer of power to supranational bodies. In the EU, sovereignty is shared among the levels of this political community, forming a multilevel system of governance. Regarding the EAEU, the literature is dominated by the opinion that the sovereignty of the participating countries is indisputable, and the association itself is purely interstate in nature. Indeed, there are practically insurmountable obstacles to transferring the issues of organization of power to other levels by the EAEU states. At the same time, different dimensions of sovereignty here were affected by asymmetric relations with Russia even before the formation of the EAEU. The union was created on the basis and because of these dependencies, but it also transforms them.

Keywords: sovereignty, supranationality, multilevel governance, European Union, Eurasian Economic Union, sovereigntism, Russia

Acknowledgments: the study was made possible by a grant from the Russian Science Foundation (project No 22-28-00682, <https://rscf.ru/project/22-28-00682/>).

For citation: Treshchenkov E. (2023) Supranationality and Sovereignty in the European Union and in the Eurasian Economic Union. *International Organisations Research Journal*, vol. 18, no 3, pp. 74–91 (in English). doi:10.17323/1996-7845-2023-03-04

¹ This article was submitted 20.05.2023.

Introduction

The transformation of national sovereignty as it transpires in a supranational association has routinely been the subject of academic and socio-political debate on the substance and ways of fostering integration within the European Union (EU). Viewed as the world's most successful integration association in recent history, the EU is recurrently denoted as the model to be emulated elsewhere in the world. In that respect, the Eurasian Economic Union (EAEU) could not eschew the invocations to draw on the EU's valuable experience. For the founders of the Eurasian Economic Community Customs Union (CU) and the Single Economic Space (SES), which by 2015 had evolved into the EAEU, citing the resemblance to the EU was all the more important given the latter's appeal among some segments of the population and elites of the prospective member states.

Another similarity between the EU and the EAEU, apart from being advanced regional integration associations, is harsh criticism levelled at them from all sorts of sovereigntists. In a narrow sense, sovereigntism is defined as "protest against universalism" by national elites and grassroots movements and their commitment to the idea of "supremacy of national interest" [Minakov 2021, p. 4]. In a broader sense, it implies any political grievances rooted in the concept of sovereignty, ranging from the calls to preserve the status quo in international affairs to the demands to reinstate the international system on principles of sovereign equality for its participants [Alles, Badie, 2016, p. 5]. Thus, one can count among sovereigntists both Donald Trump and the Russian leadership, as well as the Polish Law and Justice Party. Of late, the notion of sovereignty has increasingly been part of EU discourse [Romanova, 2021]. For the latter, the threat to sovereignty originates in the revision of the established international rules of the game likewise by partners (the U.S.) and "great powers" such as Russia and China [Fiott, 2021, p. 32].

This study seeks to reveal the specific character of transformation of the phenomenon of sovereignty as observed in the cases of the EU and the EAEU, including their ongoing adaptation to the surging sovereigntism both on the inside and the outside. That said, this article does not attempt a step-by-step analysis of the transformation process but rather determines the most essential characteristics of approaches to sovereignty, its origins, and status. Given the involvement of the EU and the EAEU in the Russia-West conflict, mapping their supranational models of governing interdependence may shine light on the limitations to cooperation between them. Despite having used comparative analysis as the key method of the study, the EU is not viewed as a sample for EAEU integration. However natural the practice of drawing on the integrational experience may be, each case of regional integration is unique in terms of its context and specificity.

State, Integration and Sovereignty

An impressive body of literature has focused on comparing the EU with the EAEU. In most cases, however, those are applied studies containing recommendations for the EAEU's founders to "take into account the EU experience" [Kaveshnikov, 2011]. Moreover, they vary vastly in their estimates regarding how similar or different the two integrations are. Some argue that a significant appropriation of the EU experience has taken place [Kondratieva, 2011, p. 170]. Others highlight a mere perfunctory duplication of the institutions [Kazarski, 2012]. Still others tend to emphasize the limited potential for applying the EU's experience to an integration carried out in unlike circumstances [Butorina, Zaharov, 2015, p. 55].

Sprouting from the latter idea, there emerged the concept of authoritarian regionalism (EAEU) as opposed to liberal regionalism (EU). Its authors are unanimous in that the EAEU allows authoritarian political regimes to prolong their existence through economic cooperation and mutual assistance [Dragneva, Hartwell, 2022; Libman, Obydenkova, 2018; Roberts, 2017]. The main shortcoming of those studies is their reductionist treatment of sovereignty. They view it through the lens of states' willingness to delegate their powers to supranational bodies. It is for this reason that, for example, A. Moshes and S. Roberts [2016] restrict themselves to a sole argument that within the EAEU there is no transformation of sovereignty.

This study undertakes a more profound investigation of exercising sovereignty within an integration association, using the examples of the two models that are increasingly opposed to each other—the European and the Eurasian. Traditional methods of treating sovereignty tend to view it as the absolute authority of the state in a given territory with unlimited right and monopoly on the legitimate use of violence. Such an absolutist view of sovereignty is unsuitable for political analysis of integration [Lynch, 2016, pp. 43–4]. The phenomenon of supranationality is neither the antithesis of intergovernmentalism, nor a mere transfer of state powers to a supranational body. In a multilevel system such as the European Union, sovereignty is strewn across various planes of governance that constitute a kind of network. In some areas, decision-making centres are obvious, in others, powers are dispersed between different subsystems, and sovereignty is jointly exercised by the acting participants [Keohane, Hoffmann, 1991, pp. 10, 14].

Therefore, the concept of sovereignty, when used as an analytical category, requires a departure from the monistic² perspective. A seemingly more preferable concept was proposed by S. Krasner. He identified four distinctive types of sovereignty, namely international legal, Westphalian, domestic, and interdependence. International legal sovereignty refers to the practice of mutual recognition by actors as *de jure* independent and formally equal participants in the international arena. Westphalian sovereignty concerns the principle of non-interference in domestic affairs on the part of external actors. Domestic sovereignty refers to the organization of public authority within a state as well as to the level of effective control exercised domestically by those holding authority. The first three types, according to Krasner, comprise “conventional sovereignty.” The fourth type, interdependence sovereignty, relates to the rise of integration and globalization and refers to the ability of public authorities to control transborder movements of information, ideas, goods, people, and capital [Krasner, 2009, pp. 179–80, 234].

According to Krasner, Westphalian and international legal sovereignties relate to the manifestation of power, domestic sovereignty combines power and control, and interdependence sovereignty is limited solely to matters of control. With integration, the number of interconnections between participating states increases while the barriers to transborder movements are lifted, thus creating challenges to exercising control. Moreover, the state may possess one type of sovereignty and simultaneously lack another. A loss of control over transborder movements (interdependence sovereignty) would almost certainly entail the loss of domestic sovereignty in the sense of domestic control but would not necessarily imply the loss of domestic authority [Krasner, 2001, p. 10].

Supranationality may manifest in a variety of aspects of an integration association, ranging from the ways of budgeting to the attempts at implementing the concept of supranational citizenship [Hohlov, Sidorova, 2014]. The following discussion of the EU and the EAEU offers a more focused view of the key objectives, which are to evaluate the approach that member states of an integration association took regarding their sovereignty and circumstances in which its various dimensions were undergoing transformation, to examine the nature of the impact of the integration associations law on conventional sovereignty, and to identify the hallmarks of a

² According to the monistic theory, sovereignty is absolute and indivisible.

multilevel system of governing integration, including the role of institutions and the specifics of managing interdependence sovereignty.

Particular attention is paid in both cases to the influence of such modern challenges as sovereigntism and security on the respective official discourses about sovereignty of the two integration associations.

Multilevel Governance and Sovereignty in the EU

The transformation of sovereignty in the European Communities and the development of multilevel governance were shaped by a number of important circumstances. In the aftermath of World War II, the key objective was to build a system that, without rejecting national sovereignty, would create strong relationships of interdependence and cooperation to tackle common problems instead of risking attempts at expansion and domination by any single state.

With the end of the Cold War, an ever deeper and broader integration followed. In the meantime, the countries of Central and Eastern Europe were on their way to join the EU. Their transition from one system of limited sovereignty (Communist Bloc) to the other (EU) was rather rapid. As a result, disagreements within the political communities of new EU member states regarding the substance and architecture of national sovereignty became an additional factor in shaping European integration. As the cases of Poland and Hungary demonstrate, these disagreements have already led to conflicts with supranational bodies (European Commission and European Court of Justice) regarding the limits of supremacy of EU law.

The latter limits the sovereignty of the national legal system, making it subordinate to European law, but only within the remits set out in the EU's founding treaties and enacted by member states, as well as in secondary law pursuant to the treaties. The enactment of the EU's secondary law is carried out jointly by the European Commission, the Council of the EU, and the European Parliament. The Court of Justice of the European Union (CJEU) not only acts as an arbiter resolving disputes that arise regarding the application of EU law, but also enables greater integration, making decisions regarding the interpretation of the law. National courts also participate in the process of endorsing the supremacy of EU law. But, the supremacy of EU law is not undisputed. In the course of establishing the limits to its broad interpretation, an active role is played by the constitutional courts of such EU members as Germany, Belgium, the Czech Republic, Italy, Romania, and others [Petersen, Wasilczyk, 2022, p. 8].

In the case of Poland, the dispute with the EU's supranational bodies regarding the limits of interference with national sovereignty has led to conflict. In 2016, the Polish governing party Law and Justice, which advocates quite a sovereigntist view, initiated a reform of the country's judicial branch. The European Commission rendered the Polish reform as undermining the independence of national judges. The CJEU sided with the commission, recognizing the reform as non-conforming to EU law. In turn, the Constitutional Court of Poland held that some provisions of the Treaty on European Union did not conform to the Polish constitution [Petersen, Wasilczyk, 2022, p. 7]. To put pressure on Poland, the CJEU imposed a fine, while the European Commission locked the recovery funding for Polish authorities [Buras, 2022]. Particularly notable was the commission's justification stipulating that "the Commission's objective is to ensure that the rights of Polish citizens are protected and that they can enjoy the benefits of the EU in the same way as all EU citizens. The commission also considers that the Constitutional Tribunal no longer meets the requirements of an independent and impartial tribunal..." [European Commission, 2023]. Thus, the EU's supranational bodies not only question the Westphalian sovereignty of a member state but also claim the right to oversee the regulation of some elements of its domestic sovereignty (judicial system and political rights of citizens). Without

sovereignty of its own, through its supranational institutions, the EU tries to appeal directly to citizens of member countries.

Departure from a state-centric vision does not necessarily imply any strengthening of supranational bodies. The declared principles of subsidiarity and proportionality in the Treaty on European Union prevent central governments from an unwarranted interference with collective decision-making yet envisage the possibility for regional and local authorities to take part in the process [Strezhneva, 2016, p. 11]. The inclusion of subnational actors had been ensuing as integration deepened and it was rationalized by stating the expediency of their participation in decision-making. Thus, the creation of the European Committee of the Regions became possible after the introduction of regional policy by the EU [Wassenberg, 2020]. An additional important factor was the growing role of regional and local authorities within states, creating favourable conditions for increasing their participation at the supranational level. Supranationality as a model of governance allows political parties, regional and local authorities, and other actors to further their interests not only at the level of national politics but also at the interstate and supranational levels [Buthe, 2016, p. 492; Lynch, 2016, p. 52].

To many, the European Commission is the embodiment of supranationality. It initiates legislature, supervises the implementation by member countries of their integration obligations, serves as the main administrator of the budgetary funds of the union, is directly responsible for decision-making on a range of issues (for example, anti-monopoly legislation and competition) [Hohlov, Sidorova, 2014, p. 70], and provides substance interstate initiatives (Council of the EU and European Council). Further, one should not underestimate its mediating functions. As integration progresses, the practice of synchronizing the interests of various parties to the process becomes increasingly complex, while their circle comprises more than just national governments. Thus, when broadening the sanctions on Belarusian potash fertilizer suppliers in the early 2020s, the EU encountered resistance not only from certain member countries (Hungary) but also from numerous national and transnational associations representing the agricultural lobby in the EU [Bosse, 2021, p. 206]. As an institution designed to guarantee cohesion among its members, the European Commission plays an essential role ensuring that bargaining within a multilevel governance should lead to mutually beneficial outcomes.

Having said that, the development and deepening of integration does not translate into a proportionate increase of the European Commission's influence. Thus, following the signing of the Lisbon Treaty in 2007, the EU system of shared sovereignty saw the introduction of such institutions as the permanent President of the European Council and the European External Action Service, while the powers of the European Parliament increased not only in the law-making process but also in the area of EU foreign policy.

The need to reduce divergent interests to a common denominator leads to peculiar effects. Paradoxically, having transferred part of their *de jure* sovereign powers to other levels of governance and having widened the area of application for qualified majority voting in the council, states can strengthen their *de facto* political influence by drawing on the weight of the whole union [Lynch, 2016, pp. 57–8]. Hence, the Republic of Cyprus involved the European Union in its dispute with Turkey over the extraction of gas in its territorial waters in exchange for the vote at the Council of the EU for sanctions against Belarus [Bosse, 2021, p. 203]. Poland and the Czech Republic imposed their geopolitical vision of eastern policy as part of the pan-European Eastern Partnership [Cadier, 2019].

That practically all major EU policies possess an external dimension is a notable unique feature of supranationality. The distribution of powers between levels of governance in each dimension of external affairs is different in the EU, ranging from the greatest role of the European Commission in the external dimension of anti-monopoly policy to the greatest role of states on issues of common security and defence policy. Furthermore, one of the most significant char-

acteristics of the European integration model is its normative dimension. The internal integrity of the EU draws strength in declaring consensus regarding basic values upon which this multi-level political community rests. The advancement of the EU as a single global actor is linked to attaching a normative dimension to its actions in the international arena and interactions with third countries [Consolidated Version of the Treaty on European Union, 2016, art. 2–3].

From the very start of European integration, at its base there was the idea of collective governance of the interdependencies of associated countries. The development of an intra-European division of labour and a gradual cancellation of physical borders in the EU (customs, passport control, and so on) facilitated an increase in interdependencies, yet simultaneously weakened the ability of public authorities to control transborder movements. With globalization, one of the foremost ways for the EU to meet transborder security challenges became the export of the European model. The results turned out ambiguous. Thus, the EU's attempts to transform its eastern neighbours faced the resentment on the part of the ruling elites in Russia and a number of other countries in the region who interpreted the policy at the very least as undermining their "conventional sovereignty." Its role in the transformation of the southern neighbours (Arab Spring) also brought about some serious challenges for the European integration project itself (such as the migrant crisis of 2015). The ensuing attempts by the EU to critically re-evaluate its Eurocentric vision and external dimension (for example, by introducing the category of resilience into the EU's political strategy [Romanova, 2019]) have not in earnest altered its approach.

In response to internal and external challenges that the EU has so far encountered, the rhetoric of supranational institutions has invariably put forward suggestions to deepen integration and to foster a world order that would be in accord with the values of the union [EU, 2016]. In the same vein, the EU's discourse has lately been developing the concept of strategic sovereignty [Fiott, 2021; Romanova, 2021]. This is the result of a crisis in the system of global governance and security, in light of which the existing vulnerabilities of the European integration project have become ever more apparent (such as governability problems, rising sovereigntism within the EU, and dependencies in the areas of security and resourcing on partners with hard-to-predict foreign policy behaviour). By proclaiming its strategic sovereignty the European Union is trying to counter the agenda of national sovereigntists—not separately, with every state on its own, but solely as a united Europe would it be possible to overcome existential security challenges faced by the continent. It is no coincidence that the authorship of the concept belongs to the French president E. Macron [Romanova, Mazanik, 2022, pp. 88–9], who must compete against internal political rivals—France's own sovereigntists.³ Strategic sovereignty has not so far replaced national sovereignties, yet its aim is to solidify the position of such a multileveled political community as the European Union.

The transformation of sovereignty in the EU was in parallel with and relied on a paradigm shift in treating sovereignty and organization of public authority in EU member states proper. Interference in traditional sovereignty of the member states is reimbursed with opportunities to use the weight of the entire union to enhance their actorness. This model allows the development of collective responses to challenges to interdependence sovereignty; however, some of the challenges are a logical result of the EU's functioning. The cohesion of the union is achieved through maintaining consensus on values, as well as by projecting the EU model to the outside world, including the intention to transform the neighbourhood regions.

³ For example, as represented by the party National Rally (fr. Rassemblement National).

State and Sovereignty in the EAEU

The creation of the Eurasian Economic Union was largely the reaction to the intensification of European integration of a number of post-Soviet countries. That said, the EAEU was being presented as an element technically compatible with the European Union rather than in opposition to it in an envisioned coupling of integrational developments across Eurasia [Putin, 2012]. The motives of the EAEU founding countries—Kazakhstan, Russia and Belarus—were somewhat different in detail. Moscow regarded a full-fledged integration under its auspices as the *sine qua non* for equal dialogue with its western partners [Lavrov, 2013]. The first president of Kazakhstan, N. Nazarbaev, saw it as a project of personal prestige, and the Eurasian integration as an association of independent and equal states whose economic conversion would be subject to regulation by supranational bodies [Saltybayev, Parkhomchik, 2020]. For Belarus, participation in the EAEU was a way to preserve its preferential treatment by Russia [Suzdal'cev, 2021]. In this regard, the ability of the state to exercise its sovereign powers proved, for a number of objective reasons, closely linked to its extensive partnership in trade, energy, and finance with Russia.

Two main factors shaped the attitudes toward sovereignty amongst Russia's foremost EAEU partners. First, it was the fear regarding possible attempts by Russia to regain control over territories lost as a result of the disintegration of the Soviet Union, all the more so because Moscow's discourse of Eurasian regionalism varies significantly depending on the audience. At the intergovernmental level Moscow declares respect for sovereignty of the EAEU members but, when addressing domestic audiences, Russian politicians often resort to imperialist statements [Libman, 2022].

Second, the assemblage point for political communities that were forming in the wake of the Soviet Union's collapse happened to be the state [Tokaev, 2022]. In Belarus, Russia and Kazakhstan, the key political actors behind state-building were national leaders. Therefore, the monistic concept of sovereignty as the absolute power of the state with the political leader as its embodiment became dominant here. The presidents played key roles in defining the bounds of integration within the EAEU, manoeuvring between national sovereigntists and enthusiasts of unification.

Hence, for Russia's EAEU partners it was fundamentally important to create a system of governing integration that would avoid impacts on domestic sovereignty and interference by supranational bodies and Moscow with Westphalian sovereignty, and guarantee that the rules of operation of the union would not at the very least exacerbate the asymmetry in their relations with Russia.

Respective tasks found their way into Article 3 of the Treaty on the EAEU. Among the main principles of the union's functioning, it mentions separately the need to "respect the differences of political structures of the member States," as well as their "sovereign equality" [Treaty on the Eurasian Economic Union, 2014, art. 3]. Not being concerned with political integration, the EAEU makes no mention of ideology or value orientations obligatory for member states, nor does it impose any ways of structuring their domestic sovereignty. On the contrary, the Treaty on the EU not only enshrines a set of basic values and parameters for organizing the political communities of its member countries, but also provides for a mechanism of exerting pressure on a culprit state [Consolidated Version of the Treaty on European Union, 2016, art. 7].

There is no unanimity among researchers as to what can be considered a manifestation of supranationality in the EAEU, or which bodies fall under the category of supranational. First, doubts about whether the association possesses supranational features are raised by the union's law. It largely preserves the features of international law as "it relies on international treaties and EAEU decisions that are not contradictory to these treaties" when "expanding its regulating

potential” [Pimenova, 2019, p. 84]. Enactments of the Eurasian Commission (EEC) could be formally considered supranational since they are subject to direct application in the territories of member states. However, their role is significantly devalued by the fact that the supremacy of EEC enactments over national law is not recognized at the EAEU level. In fact, the resolution of this contradiction is left in a purely sovereigntist spirit with the actual member countries. Along these lines, constitutional law of Kazakhstan enshrines their supremacy over national legislation, whereas in Russia and Belarus such enshrinements are absent [Pimenova, 2019, pp. 84–5].

Also rather equivocal is the role of the Court of the EAEU. On the one hand, it is meant to resolve legal disputes, as well as give clarifications regarding the application of union law. The court’s rulings are mandatory for all parties to a dispute. On the other hand, as A. Ispolinov [2016, p. 162] pointed out, the statute of the court provides mechanisms to limit rulings that are undesirable for states. In the event of a state’s failure to implement a court’s ruling, the issue may be referred to the Supreme Economic Council, where decisions are taken by consensus. In addition, the state may disagree with a court’s ruling and not implement it, citing the provision that the rulings of the court must not impinge on the existing legal norms of the union or national law.

Control over the decision-making process in the EAEU by member states has a strictly hierarchical design. Rulings at the lower level—the EEC Board, on which members of the board (ministers) sit, can be overruled by the EEC Council, which consists of deputy-premiers of member states. Decisions of the EEC Council can be overruled by the Intergovernmental Council at the level of heads of government, and decisions of the latter—by the Supreme Economic Council at the level of heads of state and government [Treaty on the Eurasian Economic Union, 2014, art. 12, 16].

The Eurasian Commission is designated by the treaty not as supranational but as “standing regulatory body of the Union” [Treaty on the Eurasian Economic Union, 2014, art. 18]. Effectively, it ensures the functioning of intergovernmental bodies of the EAEU, serves as a forum for interaction between representatives of national bureaucracies, and supervises the implementation of the union’s legal norms by states and economic entities. As practice shows, disputes between economic entities, as long as they do not affect power-property relations in member countries, can be resolved at the EEC level. When conflicts arise among member countries, the commission prefers to leave the task in the hands of the states themselves and intergovernmental bodies of the EAEU (the Supreme Council and the Intergovernmental Council), merely providing the necessary expertise on its part [RBC, 2020].

The dynamics of implementing integration obligations depends as much on the goodwill of the top leadership of participating countries as on the work quality of national bureaucracies. In the case of the EEC, national bureaucracies interact through the council, as well as on the advisory committees and working groups created under the Commission’s departments. What is important is that through these committees and groups businesses participate in working out proposals for various areas of the union’s activity. To take into account the opinion of business, the commission also undertakes a regulatory impact assessment procedure [Eurasian Economic Commission, 2022]. Apparently, as its main target audience, the EAEU regards the business community rather than the citizens of the member countries. The involvement of businesses not only improves the quality of decisions, but also helps legitimize the EAEU in the eyes of its target audience. Still, a distinguishing feature of business representation at the EAEU level is its partition into national segments, each of which lobbies its own interests separately. For the EU, on the contrary, it is typical practice to form transborder business associations.

The EAEU has become one of several mechanisms of governing interdependencies that had developed before its appearance. A great many of them arise from bilateral relations with

Russia. It would not be an exaggeration to say that in the cases of Armenia and Belarus the totality of their dependencies on Russia became the decisive factor behind their accession to the union. Furthering and deepening integration results in transformation of many long-standing dependencies, while their regulation becomes the task of the EAEU. Thus, membership in the EAEU in a way affected the flow of goods going from Europe to Russia through Belarus, and originally not intended for the Russian market (contraband) [Suzdal'cev, 2021, p. 203]. Following the Russian imposition of a food embargo against the EU and the escalation around the issue of circulation of sanctioned products within the customs union, a decision was made to introduce a goods tracking system for the EAEU [Soglashenie o primenenii, 2022].

Even a cursory observation of Russia conducting its foreign policy and trade suggests of Moscow's traditionally poor calculation of the consequences for its EAEU partners.⁴

Such political and economic asymmetry in the EAEU is remedied both through laxity of compliance with the integration obligations by its members and through application of the unanimity principle when making decisions at the intergovernmental level. Further, Russia's partners have shown the ability to make collaborative use of the union's mechanisms for a more beneficial management of their dependencies on Russia. Thus, when creating a common EAEU gas market, Armenia and Belarus speak with one voice on the issue of maintaining and securing their privileged access to discounts on Russian gas [Khrenkov, 2019].

On top of transforming the existing relations, integration facilitates the formation of new ones. In the case of the EAEU, there has been a gradual removal of barriers to allow the movement of goods, services, people, and capital. Thus, a common market has emerged for medicines, common markets for financial services, electric power, natural gas, crude and oil products are under way, barriers are being lifted in the markets of labour and transportation, indirect taxation is being harmonized, macroeconomic policy agreed, and industrial policy coordinated. All of the above, as with European integration, inevitably lead to the transformation of interdependence sovereignty in the EAEU. On a number of issues, transition from asymmetrical and bilateral interactions toward more equal multilateral mechanisms of controlling transborder movements is unavoidable.

The widening of the Russia-West and Belarus-West conflict has become a significant challenge for the other EAEU members. While Russia and Belarus unequivocally refer to the EU policy as a threat to their sovereignty, the other members are keen on preserving a greater interaction with it. It is not coincidental that the documents and declarations of the EAEU institutions do not refer to the European Union as an immediate threat while the concept of sovereignty most often is defined as "technological sovereignty" and "digital sovereignty" [Myasnikovich, 2022]. Discourse similar to that of the EU on strategic sovereignty comes from representatives of Russia and Belarus regarding strengthening the EAEU's self-reliance and reducing its dependence on western countries in the field of standards and technologies [Myasnikovich, Kovalev, 2022]. In the time of conflict with the West, Russia is trying to infuse the EAEU's agenda with the discussion on values and progression toward political integration [President of Russia, 2023]. Yet, this approach contradicts the original principles on which the Eurasian integrational model was based.

The Eurasian Economic Union is an asymmetric economic integration association in which Russia and its relations with all other members of the union occupy the central position. Despite proclaiming the adoption of the EU's experience, the EAEU, nonetheless, has formed its own unique model of integration management. Among its distinguishing traits is a significantly weaker supranationality as compared to the EU, an ostensible refusal to interfere with

⁴ For example, Russia unilaterally introduced trade restrictions against the participants of the CIS FTA (Moldova, Ukraine), which are its common trading partners with the EAEU countries.

other member countries' conventional sovereignty, state control over each stage and direction of the union's evolution, a more flexible approach to implementing integration obligations, and the absence of a common normative position regarding regional and global developments.

The European Union constitutes a complex model of power sharing between various levels of governance that are not necessarily hierarchically connected. With this model, the countries do not lose sovereignty but share it with supranational, subnational, and transnational actors. Integration has affected all dimensions of sovereignty of the member countries, including the issues of organization and exercise of power. Moreover, the European model can both narrow the space for a state to exercise its sovereign powers and indirectly provide an EU member with greater political space. Brussels proclaims the deepening of integration and the increasing complexity of its governance model as a universal response to the challenges faced by the EU's multilevel governance model. In this regard, the question of the limits of system controllability seems important.

From the moment of its inception, the Eurasian Economic Union apparently was a poor fit for the EU's vision of its own active part in transforming the region of Eastern Partnership. The EU is using the ongoing security crisis and the conflict with Russia to increase cohesion of its multilevel governance system, as well as to promote the concept of strategic sovereignty that strengthens its political community. The EAEU, on the contrary, predictably remains fragmented and flexible regarding its choice of external partners and value systems. The EAEU's governance is designed to allow its members, if necessary, to avoid compliance with those decisions that are at odds with their idea of sovereignty rights.

Whereas the European Communities evolved following the course of pluralist sovereignty, the EAEU has seemingly attempted to reconcile post-Soviet sovereigntisms with the exigency to manage collectively the interdependencies of its member countries. Since Russia acquiesced to apply the principle of equality to EAEU law and institutions for member countries, the union hence moved to some extent beyond the boundaries of conventional patterns of Moscow's interaction with post-Soviet states. It has allowed Russia's partners to tie the latter with multilateral legal obligations, thus partially smoothing the asymmetry of its political and economic weight. That said, it is exactly the aforementioned asymmetry coupled with the peculiarity of political regimes of the founding countries that precludes the transformation of power for this integration association. This does not apply to matters of control. The emergence of new common markets and the removal of actual barriers to transborder movements in the EAEU, as in the case of the EU, has led to transforming the ways of control in areas of domestic and interdependence sovereignties.

References

- Alles D., Badie B. (2016) Sovereigntism in the International System: From Change to Split. *European Review of International Studies*, vol. 3, no 2, pp. 5–19. Available at: <https://sciencespo.hal.science/hal-03393510/file/badie-sovereigntism-in-the-international-system-eris-3-2.pdf> (accessed 30 September 2023).
- Bosse G. (2021) Authoritarian Consolidation in Belarus: What Role for the EU? *European View*, vol. 20, issue 2, pp. 201–10. Available at: <https://doi.org/10.1177/17816858211061>
- Buras P. (2022) The Final Countdown: The EU, Poland, and the Rule of Law. European Council on Foreign Relations, 14 December. Available at: <https://ecfr.eu/article/the-final-countdown-the-eu-poland-and-the-rule-of-law/> (accessed 17 May 2023).

- Buthe T. (2016) Supranationalism. *The Oxford Handbook of Historical Institutionalism* (F. Orfeo (ed.)). Oxford University Press.
- Butorina O. V., Zaharov A. V. (2015) O nauchnoj osnove Evrazijskogo ekonomicheskogo soyuza [On the Scientific Basis of the Eurasian Economic Union]. *EvrAzijskaya ekonomicheskaya integraciya*, no 2(27), pp. 52–67. Available at: <https://cyberleninka.ru/article/n/o-nauchnoy-osnove-evraziyskogo-ekonomicheskogo-soyuza> (accessed 30 September 2023) (in Russian).
- Cadier D. (2019) The Geopoliticisation of the EU's Eastern Partnership. *Geopolitics*, vol. 24, issue 1, pp. 71–99. Available at: <https://doi.org/10.1080/14650045.2018.1477754>
- Consolidated Version of the Treaty on European Union (2016) *Official Journal of the European Union*, vol. 59, C202, pp. 1–366. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2016:202:FULL> (accessed 30 September 2023).
- Dragneva R., Hartwell C. (2022) The Crisis of the Multilateral Order in Eurasia: Authoritarian Regionalism and Its Limits. *Politics and Governance*, vol. 10, no 2, pp. 95–105. Available at: <https://doi.org/10.17645/pag.v10i2.4809>
- Eurasian Economic Commission (EEC) (2022) Kak biznes vliyaet na pravo Soyuz. Ocenka reguliruyushchego vozdeystviya v EEK [How Business Affects Union Law. Regulatory Impact Assessment in the EEC]. 29 December. Available at: <https://dzen.ru/a/Y62JYKLWeDZa-Tl3> (accessed 17 May 2023) (in Russian).
- European Commission (2023) The European Commission Decides to Refer Poland to the Court of Justice of the European Union for Violations of EU Law by Its Constitutional Tribunal. Press Release, 15 February. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_23_842 (accessed 17 May 2023).
- European Union (EU) (2016) Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy. Available at: https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf (accessed 17 May 2023).
- Fiott D. (ed.) (2021) European Sovereignty: Strategy and Interdependence. Chaillot Paper No 169, European Institute for Security Studies. Available at: https://cris.vub.be/ws/portalfiles/portal/79090657/CP_169.pdf (accessed 30 September 2023).
- Hohlov I. I., Sidorova E. A. (2014) *Nadnacionalnost' v politike Evropejskogo Soyuz* [Supranationality in the Politics of the European Union]. Moscow: Mezhdunarodnye otnosheniya (in Russian).
- Ispolinov A. (2016) Statute of EAEU Court as Reflection of EAEU Members Concerns and Doubts. *The Journal "Pravo. Zhurnal Vysshey shkoly ekonomiki"*, no 14, pp. 152–66. Available at: <https://cyberleninka.ru/article/n/statut-suda-eaes-kak-otrazhenie-opasenyi-i-sommeniy-gosudarstv-chlenov-evraziyskogo-ekonomicheskogo-soyuza/viewer> (accessed 30 September 2023) (in Russian).
- Kaveshnikov N. (2011) Razvitie institucional'noj struktury Evrazijskogo ekonomicheskogo soobshchestva [Development of the Institutional Structure of the Eurasian Economic Community]. *EvrAzijskaya ekonomicheskaya integraciya*, no 2(11), pp. 19–35. Available at: <https://cyberleninka.ru/article/n/razvitie-institutsionalnoy-struktury-evraziyskogo-ekonomicheskogo-soobshchestva/viewer> (accessed 30 September 2023) (in Russian).
- Kažarski A. (2012) The “Eurasian Union:” Rivaling the EU Through Institutional Isomorphism. IESIR Working Papers No 4, Institute of European Studies and International Relations. Available at: https://fses.uniba.sk/fileadmin/fsev/o_fakulte/dokumenty/Zoznam_publikacnej_cinnosti_FSEV_2012.rtf (accessed 30 September 2023).
- Keohane R., Hoffmann S. (1991) *The New European Community Decision-Making and Institutional Change*. Boulder: Westview Press.
- Khrenkov N. (2019) Mechty sbyvayutsya: EAES dvinulsya k sozdaniyu edinogo rynka gaza [Dreams Come True: The EAEU Has Moved Toward the Creation of a Single Gas Market]. *Izvestiya*, 3 January. Available at: <https://iz.ru/829509/nikolai-khrenkov/mechty-sbyvaiutsia-eaes-dvinulsia-k-sozdaniyu-edinogo-rynka-gaza> (accessed 30 September 2023) (in Russian).
- Kondratieva N. (2011) Tamozhennyj soyuz EvrAzES dvizhetsya po stopam ES [Customs Union of the EURASEC Follows in EU Footsteps]. *Aktualnye problemy Evropy*, no 2, pp. 164–86. Available at: <https://upe-journal.ru/article.php?id=550> (accessed 30 September 2023) (in Russian).
- Krasner S. (2001) *Sovereignty: Organized Hypocrisy*. Princeton University Press.

- Krasner S. (2009) *Power, the State, and Sovereignty: Essays on International Relations*. Routledge.
- Lavrov S. (2013) RF ne isklyuchaet uchastie Ukrainy v ZST i s SNG, i s Evrosoyuzom [Russia Does Not Rule Out Ukraine's Participation in an FTA With Both the CIS and the European Union]. RIA Novosti, 20 December. Available at: <https://ria.ru/20131220/985470198.html> (accessed 17 May 2023) (in Russian).
- Libman A. (2022) Does Integration Rhetoric Help? Eurasian Regionalism and the Rhetorical Dissonance of Russian Elites. *Europe-Asia Studies*, vol. 74, issue 9, pp. 1574–95. Available at: <https://doi.org/10.1080/09668136.2022.2120184>
- Libman A., Obydenkova A. (2018) Regional International Organizations as a Strategy of Autocracy: The Eurasian Economic Union and Russian Foreign Policy. *International Affairs*, vol. 94, issue 5, pp. 1037–58. Available at: <https://doi.org/10.1093/ia/iyy147>
- Lynch P. (2016) Sovereignty and the European Union: Eroded, Enhanced, Fragmented. *Reclaiming Sovereignty* (L. Brace, J. Hoffman (eds)). Bloomsbury Academic.
- Minakov M. (2021) Universal Norms in a Time of Sovereignism: Introduction. *Ideology and Politics*, issue 1(17), pp. 4–6. Available at: <https://www.ideopol.org/wp-content/uploads/2021/04/0.2.-ENG.-Minakov-Intro-Article.pdf> (accessed 30 September 2023).
- Myasnikovich M. (2022) Pozdravlenie Predsedatelya Kollegii EEK s nastupayushchim 2023 godom [Congratulations from the Chair of the EEC Board on the Upcoming 2023 New Year]. Eurasian Economic Union, 18 January. Available at: https://eec.eaeunion.org/news/pozdravlenie-predsedatelya-kollegii-EEK-mikhaila-myasnikovicha-s-nastupayushchim-2023-godom/?sphrase_id=164716 (accessed 17 May 2023) (in Russian).
- Myasnikovich M. V., Kovalev V. S. (2022) The Eurasian Economic Union: Rethinking the Sovereign Path of Development. *Eurasian Integration: Economics, Law, Politics*, vol. 16, no 2, pp. 11–7. Available at: <https://www.eijournal.ru/jour/article/view/1018/423> (accessed 30 September 2023) (in Russian).
- Petersen N., Wasilczyk P. (2022) *The Primacy of EU Law and the Polish Constitutional Law Judgment*. Study Requested by the LIBE Committee. Brussels: European Parliament. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2022/734568/IPOL_STU\(2022\)734568_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/734568/IPOL_STU(2022)734568_EN.pdf) (accessed 30 September 2023).
- Pimenova O. (2019) Legal Integration in the European Union and the Eurasian Economic Union: Comparative Analysis. *International Organisations Research Journal*, vol. 14, no 1, pp. 76–93. Available at <http://doi.org/10.17323/1996-7845-2019-01-05> (in Russian and English).
- President of Russia (2023) Address by President of Russia Vladimir Putin to Heads of Eurasian Economic Union Member States. 23 January. Available at: <http://www.en.kremlin.ru/events/president/news/70380> (accessed 17 May 2023).
- Putin V. (2012) Novyj integracionnyj proekt dlya Evrazii—budushchee, kotoroe rozhdaetsya segodnya [A New Integration Project for Eurasia: The Future That Is Born Today]. *Izvestiya*, 4 October. Available at: <https://cyberleninka.ru/article/n/novyy-integratsionnyy-proekt-dlya-evrazii-budushchee-kotoroe-rozhdaetsya-segodnya/viewer> (accessed 30 September 2023) (in Russian).
- RBC (2020) Rossiya pozhalovalas' na Kazahstan v Evrazijskij soyuz iz-za novogo zapreta [Russia Complained About Kazakhstan to the Eurasian Union Because of the New Ban]. 2 September. Available at: <https://www.rbc.ru/business/02/09/2020/5f4e3d359a794762f9bf8fab> (accessed 17 May 2023) (in Russian).
- Roberts S. (2017) The Eurasian Economic Union: The Geopolitics of Authoritarian Cooperation. *Eurasian Geography and Economics*, vol. 58, issue 4, pp. 418–41. Available at: <https://doi.org/10.1080/15387216.2017.1415763>
- Roberts S. P., Moshes A. (2016) The Eurasian Economic Union: A Case of Reproductive Integration? *Post-Soviet Affairs*, vol. 32, issue 6, pp. 542–65. Available at: <https://doi.org/10.1080/1060586X.2015.1115198>
- Romanova T. (2021) Diskurs o suverenitete Evropejskogo soyuza: sodержanie i posledstviya [The EU's Discourse on Sovereignty: Content and Consequences]. *Sovremennaya Evropa*, no 5, pp. 32–44. Available at: <http://www.sov-europe.ru/images/pdf/2021/05-2021/Romanova-5-21.pdf> (accessed 30 September 2023) (in Russian).
- Romanova T. (ed.) (2019) *Koncepciya stressoustojchivosti Evropejskogo Soyuz. Artikulyaciya i ee posledstviya dlya Rossii [European Union's Resilience Concept: Articulation and Its Consequences for Russia]*. St Petersburg: St Petersburg University Publishing House (in Russian).

Romanova T., Mazanik S. (2022) Coordinative Discourse of Strategic Sovereignty Tilting the European Union's Institutional Balance. *The MGIMO Review of International Relations*, vol. 15, no 5, pp. 79–112. Available at: <https://doi.org/10.24833/2071-8160-2022-5-86-79-112> (in Russian).

Saltybayev Y., Parkhomchik L. (2020) The Eurasian Idea of Nursultan Nazarbayev. *Regional Integration and Future Cooperation Initiatives in the Eurasian Economic Union* (M. Lagutina (ed.)). New York: IGI Global.

Soglashenie o primenenii v Evrazijskom ekonomicheskom soyuze navigacionnyh plomb dlya otslezhivaniya perevozok (2022) [Agreement on the Use in the Eurasian Economic Union of Navigation Seals for Tracking Transportation] Moscow, 19 April. Available at: https://eec.eaeunion.org/comission/department/dep_tamoj_infr/n_seals/2022.04.19%20approve_agr_ns.pdf (accessed 17 May 2023) (in Russian).

Strezhneva M. (2016) Supranationality and the Subsidiarity Principle in the European Union and Beyond. *World Economy and International Relations Journal*, vol. 60, no 6, pp. 5–14. Available at: <https://doi.org/10.20542/0131-2227-2016-60-6-5-14> (in Russian).

Suzdal'cev A. (2021) Respublika Belarus': evolyuciya politiki balansirovaniya mezhdu Soyuznym gosudarstvom i Rossii i Belorussii i Evrazijskim ekonomicheskim soyuzom [The Republic of Belarus: The Evolution of the Policy of Balancing between the Union State and Russia and Belarus and the Eurasian Economic Union]. *Aktual'nye problemy Evropy*, no 1, pp. 193–232. Available at: <https://cyberleninka.ru/article/n/respublika-belarus-evolyutsiya-politiki-balansirovaniya-mezhdu-soyuznym-gosudarstvom-belorussii-i-rossii-i-evraziyskim/viewer> (accessed 30 September 2023) (in Russian).

Tokaev K.-Zh. (2022) O yazyke, suverenitete, favoritizme [On Language, Sovereignty, Favoritism]. *Forbes*, 22 October. Available at: https://forbes.kz/process/tokaev_o_yazyike_suverenitete_favoritizme/ (accessed 17 May 2023) (in Russian).

Treaty on the Eurasian Economic Union (2014) Astana, 29 May. Available at: https://docs.eaeunion.org/docs/en-us/0003610/itia_05062014 (accessed 17 May 2023).

Wassenberg B. (2020) *The History of the Committee of the Regions: 25 Years of Cities and Regions Furthering European Integration*. Brussels.