найден необходимый лингвистический баланс, способствующий укреплению политической стабильности в обществе, созданы условия для развития казахско-русского билингвизма и в дальнейшем казахско-русско-английского полилингвизма.

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THE ROLE OF THE COURT OF THE EAEC IN THE LEGAL PROCESSES OF INTEGRATION

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The value of the legal positions expressed in the decisions of the Court EAEC. Another important factor in the successful integration of legal acts within the framework of the EAEC Court Union functioning. The objective of this Court is to ensure, in accordance with the provisions of its Statute uniform application by Member States and organs of the Union Treaty on May 29, 2014 [1], at the international treaties in the framework of the EAEC, international Union agreements with third party and the Union of decisions. In the EAEC Statute of the Court stressed that its decision not to abolish the existing rules of Union law and the laws of the Member States. At first glance, it may seem that these provisions at this stage severely limit the potential of the EAEC Court acts to law enforcement, as the EAEC Court's decisions are binding on the Member States and the Eurasian Economic Commission.

Union Court filled content available in the right EAEC institution of "inactivity". Member States and businesses have the right to appeal to the Court of the Commission's inaction. it turned out to define the term "wrongful omission" necessary for the realization of the right to appeal. On the basis of the rules of the

Treaty, taking into account the experience of legal regulation of the Member States with regard to the appeal of inactivity, as well as similar experience Court of Justice of the European Union EAEC Court gave a definition of the institution of "wrongful inaction". It was named non-performance or improper performance of a supranational body (official) duties assigned to it by Union law, in particular the abandonment of treatment without considering the economic entity in whole or in part, a response to the applicant villa not per se treatment.

In the same case, the procedure was started clarifying the powers of the Eurasian Economic Commission in the area of monitoring and control over the implementation of international agreements, entering into Union law. Court Collegium on the basis of interpretation of law EAEC and the practice of the Commission has concluded that monitoring is carried out of the ECE on a permanent basis, is complex and is not connected with the necessity of individual initiative-treatment is carried out regularly and systematically, and its results are used by the Commission in the development of various regulations. In this case, the College of the EAEC Court noted that the information contained in the individual treatment of an economic entity, can be used as a source of information for monitoring in the relevant field.

EAEC Court further developed its position, noting that the Commission's mandate does not include the obligation to monitor and control the execution of the Member States of international agreements not included in the right of the Union, and which they are parties. However, later the court partially overcome the position, specifying the conditions under which the Commission is obliged to carry out monitoring and control of execution by Member States of international agreements not included in the right of the Union. These are only two conditions: 1) All States - EAEC members are parties to an international agreement; 2) the scope of the international agreement relates to a common policy in the framework of the EAEC [2]. In making this judgment, the Court took into account the experience of the EAEC the EU Court of Justice. In our opinion, the Court of the Union in the development of such a position has gone beyond the competence provided by this act, and demonstrated an example of the court of the "Eurasian" lawmaking.

Legal nature of the advisory opinion of the EAEC Court. EAEC Court at the request of a Member State or a body of the Union provides an explanation of the provisions of the EAEC Treaty, international agreements in the framework of the Union and the decisions of its organs. In this case, the EAEC Statute of the Court determines that the implementation of the Court's clarification means giving an advisory opinion, and does not deprive the Member States of the right to the joint interpretation of international treaties. In addition, an advisory opinion on the request for clarification is a recommendation. Thus, the advisory opinion EEMA Court represents a certain workpiece. It will allow in the future to decide the appropriate legal conflict, but in the present may deter parties from the transition of the potential legal conflict in the real.

The protection of cross-border competition in markets is a common policy of the Union, while the protection of competition in the national markets - coordinated policy. Agreed competition policy of the Member States takes place in relation to actions of economic entities third countries, if such actions could have a negative impact on the state of competition in the commodity markets of the Member States. Their use depends on two criteria: 1) the nature of the market and 2) the nationality of the economic entity.

Directions of improvement of the Court, the EAEC and the risks on the part of the Member States of the Union. Despite the rejection of the EAEC Court acts sources of Union law, it may not just express mandatory for all the subjects of the Eurasian economic integration of the legal position, but is actively engaged in this. Judicial interpretation of the law of the Union is obligatory that at this stage allows you to close the gaps in the regulatory system at the level of the EAEC. Nevertheless, we believe that the Union's Court of the potential is not revealed until the end. If we compare it with the same status enjoyed by the Court of Justice, it is possible to draw attention to the lack of opportunities to give prejudicial opinions at the request of national courts in cases of doubt whether the applicable laws law EAEC [2]. Institute prejudicial conclusion EAEC Court could promote greater implementation of the principle of integration of Union law.

Another drawback of Union law in the part of the Court, the EAEC is the limited judicial capacity Eurasian ekonmicheskoy Commission. It can act only by the defendant in an international trial of the Union. It is assumed useful to granting her access to the courts with a claim of compliance by Member States acts within the law of the Union. In our view, it would allow the Commission to have greater leverage over the Member States in implementing the monitoring and control. In coming years, the Eurasian Economic Commission and the Court EAEC to be a huge amount of work. This is due to the development plans of the State's legal regulation within the EAEC, which are incorporated in the text of the Treaty in 2014 [1]. In some areas of integration directly for the conclusion of international agreements in the framework of its Union Member States. This, for example, talking about the creation of a common market of oil and oil products, and the total gas market in 2025, as well as the overall electricity market - by 2019. Common market of medicines and medical devices. We have already started to function through the conclusion of

appropriate agreements. Plans beyond that also lay the foundation of a single market of audit services and so on. Mentioned spheres have a serious potential conflict-prone, which can minimize contact voiced above, as well as other offers researchers. Just consider that the Court's monitoring for compliance with the EAEC Treaty in 2014 and the international treaties in the framework of the Union should be subject not only acts of the Commission, but also the decision of the Supreme and of the Intergovernmental Council.

The risk of a lack of the unity of law in the Eurasian integration areas covered by the EAEC is connected not only with the above mentioned disadvantages of Union law, but also with the content of provisions of domestic law of some Member States. In Belarus, the Law "On the Constitutional Proceedings" constitutional provisions have been expanded to include an international agreement on the list of subsequent constitutional review. We are talking not only about the constitutionality, but also to other international treaties of the Republic. The Constitutional Court also endowed with the power to issue opinions on the conformity of instruments of interstate formations of which it is part, not only the Constitution but also with ratified international legal instruments. You can also recall mechanism which Russia does not fulfill the decisions of the international human rights bodies in case of their contradiction of the Constitution.

Not the fact that Belarus and Russia will use against the interests of the Eurasian integration capabilities of its constitutional control. Bound by a number of consensus in decision-making bodies of the Union allows the Belarusian leadership to have a kind of veto. A mechanism provided to Russian federal constitutional law, largely directed against the European Court of Human Rights. The presence of such safety mechanisms can not fail to attract attention.

Legal integration prospects in the framework of the EAEC. Referred to in this work in the legal problems of integration processes within the framework of the EAEC should not be perceived as a kind of obstacle - it's one of the problems of growth and development of the integration of education. Processes interpenetration system EAEC law as a supranational and national legal systems should be not only at the level of international agreements, but also nationally. Unlike the countries of the European Union Constitution states - members of the Eurasian Economic Union capture the potential of participation in regional integration, not membership in EAEC fixed as a fact of their legal system.

It is possible that by 2025, many of these risks will be minimized in the process of legal integration shortcomings by improving the legal regulation fixes, as EAEC level and at the level of Member States. At the same time, we believe that strengthening and deepening of integration relations in the EAEC can contribute to measures that are not directly related to making changes to existing Union law.

Successful integration of legal driver must perform a mandatory introduction to higher education in the field of training "Law" and "Legal provision of national security" discipline "Law of the Eurasian Economic Union (EAEC)." Its absence in the curriculum in a number of Russian universities that train lawyers, is illogical, especially in connection with the presence of a mandatory "Law of the European Union (EU)" object. Another factor influencing the efficiency of successful legal integration in the EAEC, may be double-degree program in law. The fact that, the EAEC Treaty for the workers of the Member States of employment in the State of employment documents on education are recognized automatically. However, lawyers are among those who deal with exceptions therefore required to undergo the established law of the State of employment documents the procedure for recognition of education, to be admitted to the profession. Opportunities to overcome these difficulties, there are lawyers in the framework of cooperation among regions of the Eurasian Economic Union, which is in the Declaration of 18.11.2011. It named one of the main directions of further realize the full potential of integration of education, improvement and further development of the legal framework and interaction. Science and education are specified in those spheres of inter-regional and cross-border cooperation in the framework of multilateral and bilateral agreements, which countries are party EAEC. Some documents are recognized as one of the priority areas of cooperation between the Russian Federation and administrative-territorial entities, such as the Republic of Kazakhstan. Therefore, the launch of law double degree program could be a significant breakthrough. You can start with a pilot project, for example, in the Russian-Kazakh border area. Mandatory training in the form of training and practical training for a period of 1 year in the partner university as an outcome will have the presence of two diplomas of higher education (one Russian, the second Kazakh state standard). One solution can also perform the operation of Russian universities in member countries of the EAEC, for example, the Slavic University in Kyrgyzstan and Armenia, training specialists in legal profile. Said, in our opinion, will increase employment opportunities for lawyers, at least in two states - members of the Union will avoid the still existing bureaucratic obstacles without significant changes to the existing rules of the EAEC law. In the field of law, in spite of the differences in the legal systems of the states - members of the Union, the proposed measures will significantly contribute to the legal integration of the Treaty on May 29, 2014.

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ПРАВОВЫЕ ОСНОВЫ ПЕРЕХОДА ОТ ЕВРАЗИЙСКОГО ЭКОНОМИЧЕСКОГО СООБЩЕСТВА К ЕВРАЗИЙСКОМУ ЭКОНОМИЧЕСКОМУ СОЮЗУ

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В XXI веке мировое развитие определяют глобализация и интеграция. Региональная интеграция – это инструмент для обеспечения экономического роста, повышения благосостояния населения и укрепления позиций интеграционных объединений в мировой хозяйственной системе, а также обеспечения политической стабильности в мире.

Одним из наиболее востребованных и перспективных направлений современной общественной мысли является «концепция евразийства». Ее фундамент был заложен учеными «евразийского течения» в среде русской эмиграции в Европе в первой половине XX века. Основоположники теории евразийства – П.Н. Савицкий, Г.В. Флоровский, Н.С. Трубецкой, Г.В. Вернадский, С.М. Соловьев, Л.Н. Гумилев – полагали, что общность евразийского пространства предопределена самой природой, и его историческое развитие базируется на тесном взаимодействии природно-географического и социально-культурного факторов.По убеждению ученых-евразийцев, народы на евразийском пространстве являются не конкурентами, а союзниками, и поэтому появление всеевразийского государства, основанного на принципах добровольности и взаимовыгоды, исторически неизбежно [1].

В начале 1990-х годов идеи теоретиков-евразийцев были творчески переосмыслены Президентом Казахстана Н.А. Назарбаевым в разработанной им концепции «практического евразийства», содержащейся в «Проекте о формировании Евразийского союза государств (ЕАС)». Этот проект был впервые обнародован 29 марта 1994 года в МГУ им. М.В. Ломоносова и стал, по сути, истоком и предтечей интеграционных процессов на евразийском пространстве [2]. Затем Проект ЕАС неоднократно обсуждался политиками, учеными, творческой интеллигенцией.

Для создания практических основ Проекта ЕАС Президентом Казахстана были изучены процессы интеграции европейских стран и опыт создания Европейского союза, найдены подходы к построению новой модели международной интеграции на постсоветском пространстве, созданы основы формирования институциональной базы интеграции евразийских стран, предложена правовая основа, необходимая для придания интеграционным процессам устойчивого характера.

Согласно Евразийскому проекту, основа объединения евразийских стран – экономические взаимосвязи. Создание ЕАС должно было служить формированию согласованных подходов к проведению рыночных преобразований, обеспечению национальной безопасности евразийских стран, их совместному включению в глобальную экономическую систему. Эти задачи предполагалось реализовать путем создания государствами региона единого экономического, таможенного и гуманитарного пространства. При этом формирование ЕАС должно было происходить без ущемления суверенитета, при невмешательстве во внутренние дела государств, уважении прав каждого народа, определившего порядок государственного устройства в своей стране.

Интеграция в евразийском регионе являлась необходимостью, начиная с распада СССР. Одна из первых попыток частично объединить распавшиеся страны – было создание СНГ (1991г.). На тот момент времени жаждущие суверенитета страны не были готовы к консолидации своих экономических возможностей. Поэтому членство в СНГ было по большей части «номинальным» для всех ее участников. А часто выход из союза становился демонстративным решением, показывающим смену курса внешней политики какой-либо страны (выход Грузии из СНГ в 2009 г.).

Тем не менее, в 1995-2000 годы, несмотря на множество сторонников, Евразийский проект не был реализован как по объективным, так и по субъективным причинам. На этом этапе интеграции евразийские государства искали наиболее приемлемые пути сотрудничества методом проб и ошибок.