

Peter Van Elsuwege and Roman Petrov, eds. *Legislative Approximation and Application of EU Law in the Eastern Neighbourhood of the European Union: Towards a Common Regulatory Space?* London and New York: Routledge, 2014. xxx, 268 pp. Notes on Contributors. Preface by Marc Maresceau. Foreward by Kostiantyn Yelisieiev. Illustrations. Informative table and list. Index. \$145.00, cloth.

The fascinating though convoluted topic of rapprochement beyond the inclusion-exclusion dichotomy between the European Union (EU) and its eastern European neighbours underpins the analytic endeavour of the contributors to this novel, highly informative, and comprehensive volume under review. The fifteen contributions, authored by high-profile academics from the EU and countries falling within the parameters of the book's title, elucidate the legal and political nature of the legislative approximation and application of EU law in the eastern European neighbourhood—that is, the countries of Ukraine, Moldova, Belarus, Georgia, Armenia, Azerbaijan—and Russia.

This volume explores issues relating to the crux of the new EU association agreements concluded with three of the aforementioned states: that is, these countries' political commitment and legal obligation (which gains importance in the association framework) to approximate their legislation to EU internal market *acquis*. The book also extends its analytic reach beyond association links and, thus, endeavours to explore the process of legislative approximation in a neighbourhood of countries to the east that are currently unwilling or unable to seek closer ties with the European Union. Since, generally, "the EU's whole transformative engagement is essentially based on the export of the *acquis communautaire*" (1), careful consideration of the latter's rationale and patterns is very necessary. The volume under review, in its two distinct parts, faces this analytic challenge and approaches the problem of normative convergence without membership.

The volume's first part presents the analytic framework of the book and addresses in grain the instruments and mechanisms of both the export of EU *acquis* and the application of EU law beyond its borders. The following key points underlie the contributors' analyses: the anatomy of EU norms export in a post-Lisbon strategic-constitutional setting, including dedicated elaboration on Article 8 TEU as the EU's express competence for, and obligation to engage in, norm export to the neighbourhood; differentiated methods of *acquis* export in both legal theory and context and practices of approximation, convergence, harmonization, and unification; EU values, value conditionality, and external action; differentiated integration and the prospects of a Neighbourhood Economic Community (NEC); and the EU-

Ukraine Deep and Comprehensive Free Trade Area (DCFTA) as a template for integration-oriented legislative approximation.

The second part of the volume is comprised of seven country reports. Here, the overall topic is addressed in detail and with careful consideration through the presentation of the differentiated rationales and patterns of EU *acquis* export, legislative approximation, and application of EU norms and rules in the six countries of the EU's Eastern Partnership (EaP), on the one hand, and in Russia, on the other. These developments are conceptualized as a complex, multilayered, and dynamic process transcending the mere technical transplantation of legal rules, involving a wide range of actors and instruments, and highly determined by political contexts. As a result, the reader becomes aware of a diversified rather than harmonized landscape of legislative approximation. In Ukraine, Moldova, Georgia, and, to some extent, Armenia, the process has been geared both by the respective countries' enthusiastic foreign policy goals and their actual sectoral integration, as well as by their establishment of DCFTAs with the EU. For other countries reported on in the second part of the book, a rather selective yet pragmatic approach of legislative approximation is at stake, well in line with their economic interests and political considerations.

The EU-Ukraine Association Agreement (AA), including the DCFTA, is thoroughly explored in both parts of the book in light of its pioneering and revolutionary nature and owing to the fact that its draft text was the only available template for analysis at the time that the contributions to this collective volume were being prepared. Thus, the first, theoretical part of this edited volume relies heavily on the draft EU-Ukraine Association Agreement. The second part implicitly draws on this "template"—as evidenced by the treatment of legislative approximation processes in the Moldovan and Georgian country reports. Additionally, in the country report on Ukraine, the reader will find a comprehensive dedicated analysis of the issue of multifaceted legislative approximation. The objectives and instruments of the legislative approximation of EU *acquis*, including the question of *finalité*, are disentangled and illustrated via references to applicable stipulations and passages from the agreement's text. Elaborations on the legal foundations of EU-Ukraine relations, the status of international and EU law within the Ukrainian constitutional framework, and the institutional framework for legislative approximation in Ukraine help the reader better understand how EU norms "travel" and "settle" beyond borders and, thus, corroborate the authors' main claim—that the process of legislative approximation, once voluntary and now having been "upgraded" to an incrementally legally binding commitment to approximate, is "a key instrument for the gradual and partial integration of the Eastern [sic] neighbours in the EU internal market" (261). The volume concludes that, in a way, "the EU and its Eastern

[sic] neighbours [are] gradually but surely develop[ing] a new model of 'integration without membership'" (261).

In an era of truly turbulent political times in the EU's eastern neighbourhood, as well as in Europe as a whole, the volume under review presents a perspective on the legal dimension of the relations between the EU and its eastern neighbours—a pragmatic account, indispensable for today, regarding an overheated and highly politicized issue both in public and political debates. It should be noted, however, that the volume, regrettably, lacks discernable operationalization of the regulatory approximation concept—which is clearly differentiated in association agreement texts—in contrast with its treatment of legislative approximation. While the authors acknowledge the manifold and patchwork nature of legislative approximation, regulatory approximation, as such, lacks requisite operationalization and dedicated analytic focus. However, this fact does not detract from the book's pioneering status or contribution to the field or from its many pluses. The volume's novel and substantive legal interpretation of the "template" association agreement, analytically embedded within competent legal and political expertise in the field, makes it admittedly unique—both in terms of its comprehensive treatment of issues and countries and its analytic rigour regarding the extraterritoriality of EU law as revealed through the prism of legislative approximation, *acquis*-conform interpretation, and the application of the EU's norms in countries in its eastern proximity.

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