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**PROSPECTS FOR IMPROVING PENSION LEGISLATION
IN THE FOCUS OF THE FUNCTIONING
OF THE EURASIAN ECONOMIC UNION**

The article studies the problems of unification of national legislative systems of member states of the Eurasian Economic Union (EAEC). At present, basic provisions of the pension legislations of the Republic of Kazakhstan, the Russian Federation, the Republic of Belarus, the Republic of Armenia and the Kyrgyz Republic differ greatly. Since the 1st of January 1998, Kazakhstan was the first among the member states to implement the defined contribution pension system, which was unrivalled among the states of the post-Soviet period. Russia, introduced a similar system in 2000, and actually abandoned the Kazakhstani model. The Republic of Armenia applies a mixed version of pensions, having implemented a funded model since January 1, 2014. The pension legislation of other participants is based on the canons of the last reform of the Soviet state. This legal imbalance radically changed qualitative and quantitative priorities in the field of pension mobility, migration flows, determining the priority of the states participating in this interstate union. The most attractive is the Russian legislation. The article analyzes some problems of the international imbalance in the system of pension migration in the EAEC countries and suggests ways of their legal solution.

Key words: pension mobility, international agreements, pensions, the Eurasian Economic Union (EAEC), migration, migrant workers, labor experience, international standards, retirement age, story pension system.

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**Еуразия Экономикалық Одақтың қызмет ету негізінде
зейнетақы заңнамасын жетілдіру болашағы**

Мақала Еуразиялық Экономикалық Одаққа (ЕАЭО) қатысушы-мемлекеттердің ұлттық заңнамалық жүйелерін унификациялау мәселелерін зерттеуге арналады. Қазіргі таңда Қазақстан Республикасының, Ресей Федерациясының, Беларусь Республикасының, Армения Республикасының және Қырғыз Республикасының зейнетақы заңнамалары негізгі базалық ережелер бойынша түбегейлі ерекшеленеді. Қазақстан қатысушы-мемлекеттердің арасынан бірінші болып 1998 жылдың бірінші қаңтарынан бастап, посткеңестік кезең мемлекеттерінде ешбір ұқсастығы жоқ, жинақтаушы зейнетақы жүйесін енгізді. Ресей, қазақстандық модельден бас тарта отырып, ұқсас жүйені 2000 жылы енгізді. Армения Республикасы 2014 жылдың бірінші қаңтарынан жинақтаушы модельді енгізе отырып, зейнетақы қамтамасыз етудің аралас нұсқасын қолдануда. Өзге қатысушылардың зейнетақы заңнамасы кеңестік мемлекеттің соңғы реформаларының канондарына негізделе отырып жасалған. Мұндай құқықтық дисбаланс

осы мемлекет аралық бірлестіктегі қатысушы-мемлекеттердің басымдығын анықтай отырып, зейнетақы мобильділігінде, миграциялық ағымда сапалық және сандық өзгерістерге әкеп соғуда. Барынша ұтымды болып Ресей заңнамасы табылады. Мақала ЕАЭО мемлекеттеріндегі зейнетақы көші-қон жүйесіндегі халықаралық дисбаланстың кейбір мәселелерін қарастырады және олардың құқықтық шешу жолдары ұсынылады.

Түйін сөздер: зейнетақы мобильділігі, халықаралық шарттар, зейнетақы, Еуразиялық Экономикалық Одақ (ЕАЭО), көші-қон, еңбек етуші мигранттар, еңбек өтілі, халықаралық стандарттар, зейнетақы жасы, жинақтаушы зейнетақы жүйесі.

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Перспективы совершенствования пенсионного законодательства в фокусе функционирования Евразийского экономического союза

Статья посвящена исследованию проблем унификации национальных законодательных систем государств-участников Евразийского экономического союза (ЕАЭС). В настоящее время пенсионные законодательства Республики Казахстан, Российской Федерации, Республики Беларусь, Республики Армении и Киргизской Республики имеют кардинальные отличия по основным базовым положениям. Казахстан первым из числа государств-участников с января 1998 года внедрил накопительную пенсионную систему, не имеющую аналогов в государствах постсоветского периода. Россия перешла на аналогичную систему в 2000 году, фактически отказавшись от казахстанской модели. Республика Армения применяет смешанный вариант пенсионного обеспечения, внедрив накопительную модель с первого января 2014 года. Пенсионное законодательство других участников строится на канонах последней реформы советского государства. Такой правовой дисбаланс кардинально изменил качественные и количественные приоритеты в области пенсионной мобильности, миграционных потоках, определил приоритетность государств-участников данного межгосударственного союза. Наиболее привлекательным выглядит российское законодательство. В статье анализируются некоторые проблемы международного дисбаланса в системе пенсионной миграции в странах ЕАЭС и предлагаются пути их правового разрешения.

Ключевые слова: пенсионная мобильность, международные договоры, пенсия, Евразийский экономический союз (ЕАЭС), миграция, трудящиеся мигранты, трудовой стаж, международные стандарты, пенсионный возраст, накопительная пенсионная система.

Pensions issues traditionally occupy one of the priority positions in both domestic and foreign policies of states. At the same time, priority is given to the improvement of national systems, the development of interstate relations, the competent transformation of international standards, the unification of legal canons of states operating within the framework of unified interstate associations.

Today, the issues of labor and pension migration are also classified as global priorities. Official Kazakh structures, leaders of international organizations, representatives of the states-participants of the Eurasian Economic Union (EAEU) paid attention to it more than once. Thus, the Minister of Labor and Social Protection of the Population of the Republic of Kazakhstan, presenting to the Government in September 2017 a new concept of migration policy, noted that the reason for the development of this document was, among other things, a high level of «external transit-

migration potential» that caused a demographic imbalance (Duisenova, 2017: 1).

At the 72nd session of the UN General Assembly, held on September 19-25, 2017, the problems of inequality and migration were among the seven most serious challenges facing mankind (www.un.org/russian/news/topstory.asp: 2).

The problems of pension provision and pension migration are interrelated and interdependent, the peculiarities of national pension systems most directly affect the forms, types, directions and filling of pension migration flows.

Pension migration, which was the result of the current crisis and the difference in legal regulation, is becoming a serious test for the member states of the EAEU. The agreement on the functioning of the EAEU came into force on January 1, 2015. This international organization reoriented the basic provisions of international cooperation of Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan

that took place in the EAEU (The official website of the EAEC /www.eaunion.org/: 3). This Union assumes exclusively economic cooperation. The development of Eurasian integration is based on fundamental principles, including labor migration. It is officially recognized that the most serious social problems within the framework of the functioning of the EAEU are related specifically to migration processes, including the movement of labor, as well as persons of retirement age and pensioners.

Citizens of the EAEU countries have the right to work in any state party to the treaty, without obtaining permission for its implementation in the state of employment. They are not subject to the conditions for the mandatory quota of foreign labor, provides for a simplified procedure for registration in the country, limited, as a rule, the duration of the employment contract. It is these migration features that have a priority impact on the formation of the pension space within this international format. But, serious differences in the socio-economic level, the legislation of the participating countries led to imbalance in the field of pension migration processes, clearly dividing the states not two groups: donor states (Russia, Kazakhstan, Belarus) and recipient countries (Kyrgyzstan, Armenia). That is, within the framework of the EAEU, states have been exporters and importers of both the labor force and recipients of pension payments. Therefore, a prompt and competent legal solution to the problem of pension provision for citizens of the countries participating in the EAEU is an indispensable guarantor of the successful functioning of this international organization.

At the same time, it should be noted that in the sphere of social reforms the Republic of Kazakhstan occupies, perhaps, a special position in the post-Soviet space, since the first in the CIS in January 1998 radically revised the pension and the entire social system, for the first time reorienting it to a funded model, and two years earlier (1996) was the first to increase the retirement age.

Since September 21, 2017, Kazakhstan has headed the International Association of Pension and Social Funds (IAPSF), which now unites more than 150 countries and social insurance funds of CIS countries. This status was facilitated not only by the primacy in carrying out social reforms in the post-Soviet space, but also by the fact that Kazakhstan was recognized as a state with fairly good prospects in building an effective system of social protection of the population.

According to Ranking/kz. calculations, based on the data of the CIS Statistical Committee, the Na-

tional Statistical Services of the EAGE today in Kazakhstan the highest level of compensation for lost income among the EAEU countries is determined. Pensioners in the Republic of Kazakhstan receive up to 58% of the average monthly income (for example, in 2015, the average weighted replacement rate for the pension of lost income in the EAEU countries was 42%). At the same time, the maximum value over the last 10 years was recorded in 2011, when the size of the average pension was approximately 60% of the nominal income level. The basis of this indicator is not the state pension payments presented by age pensions from the state center for the payment of pensions, for long service and basic pensions, the amount of which in the aggregate is not high, but directly pension accumulation of recipients.

As for the Russian Federation, the average monthly pension in this country covers the amount of monthly income by 40%, the highest ratio of pension to income was recorded in 2010, amounting to 40.1%.

The replacement level of the lost income is considered as the ratio of the average pension to the average per capita nominal income of the population in the country. Nominal cash income takes into account all receipts of money to the population during a certain period (Zakon.kz //02/12.2016: 4).

Analyzing the data submitted by the National Statistical Services of the EAGE, one should pay attention to the lack of indicators of other participants of this intergovernmental association, in particular the Republics of Belarus, Armenia and Kyrgyzstan. This does not allow us to present a full picture of the level of replacement of lost income. However, given that in these countries today the funded system is not available (in Armenia it is planned to be introduced in full format in 2017), these states cannot compete with Kazakhstan and Russia in this indicator.

At the same time, it is worth pointing to such an important criterion in the pension system, as a living wage. As of January 1, 2018, the lowest among the EAEU countries is in Kyrgyzstan, and the highest in Belarus (<http://knews.kg/2018/01/>: 5).

Thus, thanks to pension reforms and the introduction of a funded pension system, different from the one in the Russian Federation, Kazakhstan has managed to significantly reduce the burden of pension provision on working citizens. The Republic of Kazakhstan is the only member of the EAEU, where there are 23 pensioners per 100 people of the employed population. However, this factor, which has a positive effect on the economic climate in the country, is not attractive either for pensioners or for persons of pre-retirement age when forming the

flows of pension migration, primarily because of a higher retirement age pension. Its increase started in 1996 before the pension reform and the introduction of the funded component. Since July 1, 2001, for men it was set at 63 years, and for women 58 years. As a result of the new pension reform, the re-increase of the retirement age, exclusively for women, began on January 1, 2018. The retirement age for women began to increase annually for half a year, starting from January every year from 58 years and 6 months to 63 years from January 1, 2027. Consequently, the retirement age for men and women in Kazakhstan will be presented in a unified format, at 63 years. For comparison, in the Russian Federation and the Republic of Belarus it is set at the same level, that is, 55 years for women and 60 for men. In the Kyrgyz Republic, the age of early retirement in the same age format has been determined for a simultaneous increase in the retirement age. As for the Republic of Armenia, its legislation also defines the procedure for retirement growth within 63 years for women and 65 for men.

In addition, all the countries that are members of the EAEU, except for Kazakhstan, give citizens the right to enter early retirement. All this clearly shows pension priorities for recipients living in different countries.

One of the main reasons for implementing pension reforms is often called the process of aging of the population, which has some stable growth dynamics. Thus, according to official data, the aging of the population in Kazakhstan in 2009 to 2017 increased from 25.9 to 29.3. Only for the last two years for every 100 children in the republic there are almost 26 citizens over 65 (index – 25.9). Thus, the aging of the population of the Republic of Kazakhstan occurs against the background of a decline in the birth rate. This indicator has an average statistical aspect. At the same time, in some regions the figures are much higher. So, in Almaty for 100 children there are 37 pensioners. The general index of aging differs not only in its heterogeneity, but also in its large variation, from the smallest – 14 in the Atyrau region, to the extremely high – 62.2 in the South Kazakhstan (The Internet resource // Ranking.kz6 November 2017, 10:46: 6).

In this situation, the quality of the positive aspects of the Kazakhstani pension system is called the status of pension savings. The procedure for the formation of individual retirement savings has features that make it possible to fix their special status in the legislation. They are the property of depositors (recipients) and, in the event of their death, become hereditary.

In the Russian Federation, which has been using the funded system since 2000, radically different from Kazakhstan, measures are being taken to study the legal possibilities for securing a similar property right, but due to basic differences, it is extremely difficult to fully implement such a principle.

Since 2017, the Russian Federation has been implementing new pension reform reforms, which envisage the formation of an old-age pension from two parts: insurance and funded, taking into account individual pension ratios or pension scores, fixed payments to the insurance part of the pension and raising coefficients. In Russia, pensions are classified as labor and social pensions. These types of pensions have been canceled in Kazakhstan since 1998.

The procedure for the formation of a directly funded component is also fundamentally different from the Kazakhstan model. The main difference is that pension accumulations in the Unified Accumulative Pension Fund of the Republic of Kazakhstan are made by employers, but from the income of the citizens themselves, and employers of the Russian Federation pay insurance contributions to the Pension Fund from the employee's payroll fund. Consequently, the pension accumulation of the people of Kazakhstan is originally their property, which, according to the Constitution of the country is inviolable, and Russian insurance pension contributions are not such. Mandatory pension contributions in Kazakhstan account for 10% of the depositor's monthly income. In addition to mandatory pension contributions, mandatory professional pension contributions have been introduced, which are also paid into a single accumulative pension fund and, we believe, are an attempt to minimize socio-political risks due to the cancellation since 1998 of virtually all old-age pensions on preferential terms, including according to the lists No. 1 and No. 2 and seniority pensions for the largest number of former beneficiaries. The introduction of special state benefits for such persons has not improved the situation. However, these contributions, unlike the main ones, are not paid out of the depositor's income. Pensioners, persons who have reached retirement age, disabled persons of the first and second groups, provided that disability is established indefinitely, as well as a large category of servicemen are exempted from paying such contributions. Individual rates are set for individual entrepreneurs, private lawyers, notaries and other categories of citizens.

As for the Russian legislation, it establishes other rules, according to which 6% of the tariff can go to the formation of pension savings, and 16% – to form an insurance pension, at the choice of the citi-

zen, all 22% can go to form an insurance pension. However, in persons born in 1966 and later, the formation of pension savings can occur only through voluntary contributions under the State co-financing program for pension savings, and by channeling the funds of the parent (family) capital to a funded pension. Other features that have nothing to do with the Kazakhstani pension canons have been identified.

As for the Republic of Belarus, the existing pension system is an analogue of the pension legislation of the early 1990s. According to the Belarusian Economic Research and Education Center BEROC and the National Institute for Social and Economic Research NIESR (London, UK), the current pension system of the country is currently adversely affecting the Belarusian budget and some constitutional guarantees. Analytical forecasts indicate that the budget deficit by 2020 in this country will exceed 1.8% of GDP, creating serious tests for the country. But, due to the peculiarities of the macroeconomic situation, the introduction of a funded pension system in Belarus is now recognized as impossible (<http://www.beroc.by/webroot/delivery/files/7>).

An obligatory condition is payment of insurance contributions to the budget of the state extra-budgetary fund of social protection of the population of the Republic of Belarus for 15 years. For early retirement benefits for parents of children with disabilities, mothers with many children, children with disabilities from childhood, war invalids, mothers of military personnel whose deaths are related to the performance of military service duties, Lilliputians and dwarfs, insurance premiums must be paid for at least 5 years. Thus, the off budget fund for social protection of the population is an analogue of the off budget Pension Fund, established in the USSR since January 1, 1990, and in the CIS states, for the most part, since 1991.

A completely different legal situation is emerging in the Republic of Armenia today. In this state, attempts were made to introduce a mandatory funded model of pensions from January 1, 2014. However, in connection with the decision of the Constitutional Court, it was postponed, the stage-by-stage procedure for its introduction was determined. The accumulative pension system of Armenia, unlike Kazakhstan and Russia, covers citizens born after January 1, 1974. Differences exist in the system of formation of pension assets, their management. Pension assets are allowed to invest in foreign shares and bonds. To manage funds as management companies, foreign entities are allowed (ACBA ASSET MANAGEMENT and C-QUADRAT AMPEGA ASSET MANAGEMENT.)

At the same time, as in Kazakhstan, pension savings should be the property of the depositor and be inherited in accordance with the law, since working citizens will have to transfer 5% of their wages to savings accounts. A similar rate is set as a surcharge on the part of the state. Today, in this order, individuals who work in the public sector make contributions, as for the private sector, they will have to be made from July 1, 2018.

At the same time, today the system of pension legislation in Armenia is subjected to serious criticism by citizens of the country. Thus, the approved budget of the state for 2018 has left unchanged the old-age pension, the minimum size of which should correspond to the minimum standards determined in the legislative order. The law "On the minimum consumer basket and the minimum life support budget" was adopted in 2004, however, despite legislative provisions, the living wage in Armenia was not legislatively calculated. Instead of official statistics, we can only use informal indicators published, oddly enough, by official bodies, including the National Statistical Service. In accordance with them, the average monthly pension covers the living wage only by 75%.

The situation is aggravated by the fact that since 2015, neither the minimum wage nor the basic pension has been revised in the country. This explains the absence of accurate indicators for Armenia in the independent analytical reviews of the EAEU.

According to the preliminary calculations of the national experts of Armenia, with the further preservation of such conditions, due to the increase in the number of pensioners by the number of working citizens (according to experts, the number of pensioners should decrease by 14.1 thousand people, reaching 445.6 thousand (<https://news.am/rus:8>) and requirements to the procedure for calculating the length of service, the ratio of minimum subsistence and pension payments will increase, but not in favor of pensions. Against this backdrop, the statements of the Ministry of Labor and Social Affairs of Armenia on the correspondence in 2018 of the minimum pension size to the minimum standards and the ratio of working citizens to one to one looks extremely doubtful.

One more disturbing factor, from our point of view, the recognition of the provisions of the Law of the Republic of Armenia "On funded pensions" on April 2014 by the Constitutional Court of Armenia is unconstitutional and invalid. It was noted that this legislative act does not regulate the actions of citizens receiving the minimum wage, it does not take into account the requirements of the law on the min-

imum consumer basket and the minimum life support budget. Given that in 2018 these legal standards have not undergone serious changes, and the funded component should be put into effect already in the current year 2018, one can assume serious negative consequences in the country related to the pension legislation and, as a result, a new leap forward in the framework of pension migration EAEU.

While unifying the pension legislation of the EAEU member states, it should also take into account the fact that according to the survey conducted by the International Research Center Gallup International Association, 88.7% of the population of the Republic of Armenia already acted against the mandatory funded pension system (<http://arka.am/ru/news/analytics> of old age 11:27 02/24/2017: 9).

Legislation of the Kyrgyz Republic includes many basic provisions of the old pension system. But from January 1, 2010 in the country for the first time was introduced mandatory funded component for some categories of persons in the form of insurance direction. Given the extremely high level of the state budget deficit and the serious outflow of the country's population in the framework of labor migration, mainly to Russia and Kazakhstan, the pension system, including the funded component, is regulated in the state at an extremely low legal level. Since October 1, 2017 in the country were slightly indexed the size of the basic and insurance parts of the pension. However, the process of indexing and further improving the pension system in Kyrgyzstan is associated with the accession to the EAEU. As the main prerequisite for the possibility of conducting pension reforms, national experts call mass labor migration. Thus, during the round table "Results of the presidency of Kyrgyzstan in the EAEU" experts noted that "more than 800,000 Kyrgyz migrants are equalized in their employment rights with Russians and Kazakhstanis. Over the first half of the year, Kyrgyzstanis have transferred over \$ 1.3 billion to their homeland, and the amount of money earned abroad is steadily growing." The First Vice Prime Minister noted that after the accession of Kyrgyzstan to the EAEU, it became easier for the country's citizens to find work and the next step would be the entry into force in 2018 of the pension security agreement.

From our point of view, such a state policy, aimed not at improving its national socio-economic positions, but on the effect of donating to other EAEU member states, initially has extremely negative consequences, both at the domestic level and in the international format. The very fact of the

dependence of pension provision in the country on the amount of monetary receipts of citizens who left it in the framework of legal labor or illegal migration is a very doubtful financial instrument, and the intention to improve the economic situation solely by ratifying the agreement on pension provision of the Unified Energy System, clearly defining the role of a permanent financial donor, political mistake (<https://regnum.ru/news>: 10).

Serious differences exist in the levels of retirement, the methods for calculating pension payments, the limiting limits of restrictions used in the calculation mechanism, the procedure and conditions for calculating the length of service and other principal positions. In addition, in Kazakhstan some types of pensions have been canceled, appointed in all other participating states. We are talking about pensions for the loss of the breadwinner, disability, social pensions. These payments in Kazakhstan are transferred to the category of state social benefits, respectively, on the occasion of loss of the breadwinner, disability and age.

Labor pensions for disability, on the occasion of loss of a breadwinner in all EAEU states are paid out of off budget funds, they are appointed taking into account length of service and earnings, with some exceptions, are subject to indexation, if such is provided in the country. As for Kazakhstan benefits, they are paid at the expense of the republican budget as a percentage of the subsistence minimum, they cannot be indexed. The legal nature of pension payments and benefits varies, has its own specific features. As for the social pension, its Kazakhstan counterpart is a state social benefit by age, it also has differences. It should be noted that by changing the specific qualification of these payments, the Republic of Kazakhstan has already created an unfortunate precedent within the framework of international law. Examples include agreements on labor migration within the CIS. The main ones are the Agreements on Cooperation in the Field of Labor Migration and Social Protection of Migrant Workers, concluded in 1994 and on the legal status of migrant workers and members of their families, concluded within the framework of the Customs Union between the Republics of Belarus, Kazakhstan and the Russian Federation in November 2010 of the year. These agreements largely overlap. They identify the main terminological categories, subject composition and other provisions. The conditions and procedure for issuing a work permit, the obligations of the employer and the employee are stipulated. Important is the provision on the recognition of diplomas, certificates of education,

relevant documents on conferring the title, academic degree, rank, qualification and other documents without the fact of their legalization. The terms of the employment contract, the financing of various activities, the delivery and dispatch of people, social security and social security issues are negotiated. However, both of them contain a casuistic legal norm regarding social security and social insurance. So, migrant workers are guaranteed all kinds of social security and social insurance in full, except pension. The country of residence guarantees them pension provision, and this is quite justified. At the same time, the Republic of Kazakhstan, having switched to a new model of social security and insurance, abolishing the disability pension on the occasion of loss of the breadwinner and social pensions and introducing instead benefits, respectively for disability, on the occasion of loss of bread-winner and by age, up to now The relevant changes in international obligations have not been made. Therefore, in case of occurrence of a named social risk, the Republic of Kazakhstan is obliged, in accordance with the interstate ratified agreement, to pay these types of benefits to migrant workers and members of their families. Simultaneously, the country of their residence, in accordance with the same agreement, is obliged to appoint the appropriate type of pension provision. The republican budget of Kazakhstan does not provide for appropriate payments in the expenditure part, therefore, this casuistry can be presented as a subject of an interstate dispute as Kazakhstan's non-fulfillment of its international obligations. Changes in these international obligations had to be made already in 1998, but the inconsistency of the social and legal policy in this part between the Republic of Kazakhstan and the partners under the agreements was not taken into account in the format of the functioning of the EAEU.

Thus, moving across state borders in search of work or moving to another state for the purpose of earlier retirement, getting a specific type of social security, more convenient calculation of the length of service, and getting more pension payments, poses today the problems of mobility of pensions, pension migration among the most relevant.

All this requires drastic changes not only in the system of state mutual settlements, but also in the reorientation of all principal areas of interaction in the field of retirement. Recognizing the existence of such problems, on Oct. 13, 2015, the project of the EAEU pension security agreement was presented in Astana, the purpose of which was to create conditions not only for the acquisition of work experience in

any of the states of the community, but also for obtaining state guarantees for pensions, taking into account the length of service in any from the states. This project was approved on January 9, 2016 by the Board of the Eurasian Economic Commission. Particular attention is paid to regulating the issues of participation of migrant workers in the pension system, forming rights, preserving and transferring the pension rights of citizens in case of moving from one country to another, creating equal rights in the sphere of pensions. However, the above mentioned provisions of the Kazakh legislation, the situation with the pension system in the Kyrgyz Republic, the complexity of the introduction of the funded component in Armenia will not allow full operation of this international treaty, condemning it to the status of a formal document.

To the problematic issues of international regulation of pension migration, it is necessary to include the difference in the interests of donor countries and recipients, the creation of a management system, supervision and control, interstate settlement of disputes, etc. All this requires a serious interstate settlement in the very near future.

The analysis of social international contractual agreements shows that, for the most part, they do not stipulate procedural provisions regarding their implementation. An explanation of how we believe is the element of trust created by special relations between the EAEU member states. At the same time, a rather large package of contradictions between the member states has accumulated today, for a rather short time of functioning of this interstate association. The recent negative developments in the format of Kazakh-Kyrgyz relations related to the diplomatic scandal that led to the denunciation by Kyrgyzstan of an agreement with Kazakhstan on the development of economic cooperation in the context of Eurasian economic integration is a sign of the need for a more detailed and careful analytical approach to the unification of legal norms in the conditions of the functioning of the EAEU. It is necessary to exclude the conflict of interests of the member states, raising the issue of reorientation of the national pension systems with a view to their systematization and unification. Such a provision is not new in legal practice and norm-setting. However, it requires a civilized, timely, competent, technically verified interstate adjustment of obligations. Otherwise, a situation may arise in which interstate obligations, which come into conflict with the new reform laws of the country, will not only lose their constitutionally proclaimed status of priority over

the laws of the country, but will also turn into a simple, non-enforced norm that has lost its legal content. This also applies to the new Agreement on the provision of pensions for citizens of the Eurasian Economic Union, which is expected to be signed in 2018. The problems identified in this article and

some others may prove to be a real obstacle to the achievement of the main objective of this treaty, the Armenian Prime Minister announced that “The entry into force of the treaty will allow our citizens to feel even more secure in the space of the union.” (official site of the EAEC www.eaeunion.org: 11).

References

- Duisenova T. Inside the country there has been a demographic imbalance. <https://www.zakon.kz> 19.09. 2017. 11:50
- Antonio Guterres, Secretary-General of the United Nations. Report at the 72nd session of the UN General Assembly. The Seven Most Serious Challenges that Face Humanity // The UN News Center. 19 September. / TASS / www.un.org/russian/news/topstory.asp
- The official website of the EAEC /www.eaeunion.org/
- [Zakon.kz //02/12.2016.11:44](https://www.zakon.kz/02/12.2016.11:44)
- <http://knews.kg/2018/01/>
- The Internet resource // Ranking.kz6 November 2017, 10:46
- BEROC Policy Paper Series, PP no.30 <http://www.beroc.by/webroot/delivery/files>
- In 2018, an average pension in Armenia will be able to live 3 days out of 4 // [Nevs / am](http://Nevs.am) 19:47, 28/09/2017 /<https://news.am/rus>
- Pension reform in Armenia – a pledge of the secured [http://arka.am/ru/news/analytics of old age](http://arka.am/ru/news/analytics_of_old_age) 11:27 02/24/2017
- Information Agency Regnym 21.01.2018. 17:10:21 //<https://regnum.ru/news>
- The agreement on pension provision for citizens of the Eurasian Economic Union will be signed in 2018. // official site of the EAEC www.eaeunion.org