

The EU's free trade agreement with the USA, TTIP – a counterbalance to the transfer of the main focus of the global economy to Asia and to the advantage of world peace

[Translation of the article *EU:s frihandelsavtal med USA, TTIP – en motvikt till förflyttningen av världsekonomin tyngdpunkt till Asien och till gagn för världsfred*, by Björn Forssén, published in original in Swedish in *Tidskrift utgiven av Juridiska Föreningen i Finland – Eng.*, The journal published by the Law Society of Finland (abbreviated JFT), JFT 4/2022 pp. 425–436.]

1 Introduction

The European Union or the Union (EU) is according to the Treaty on the Functioning of the European Union (TFEU) a customs union with common customs tariffs towards third countries (i.e. places outside the EU), whereas customs on imports and exports between the Member States shall be forbidden.¹ The EU is according to article 3(3) first paragraph first sentence of the Treaty of European Union (TEU) an internal market.² The EU's Member States,³ and the EEA-countries that are not member states of the EU form an internal market for free trade between 30 European countries.⁴ In this article I compare the EEA with other international free trade- and co-operation agreements. I describe how the main focus of the global economy is transferred towards the east, to Asia, by various free trade- and co-operation agreements, how that process is strengthened by the UK⁵ not only having made its

¹ See article 28(1) TFEU.

² The TEU and the TFEU are the treaties on which the Union is founded, and both treaties, which have the same legal value, are together mentioned *the Treaties*, which follows by article 1 third paragraph first and second sentences TEU and article 1(2) TFEU.

³ The EU has 27 member states: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. See <https://european-union.europa.eu/principles-countries-history/country-profiles_sv> (visited 2023-01-22).

⁴ The EEA, European Economic Area, consists of the EU's 27 member states and Iceland, Liechtenstein and Norway, which is evident from the EFTA's website (<<https://www.efta.int/eea>>), where it is stated that "The European Economic Area (EEA) unites the EU Member States and the three EEA EFTA States (Iceland, Liechtenstein, and Norway) into an Internal Market governed by the same basic rules" (visited 2023-01-22). The EFTA (European Free Trade Association) consists of Iceland, Liechtenstein and Norway and Switzerland. Since Switzerland is not included in the EEA that EFTA-country has, unlike Iceland, Liechtenstein and Norway, not access to the EU's internal market. Switzerland has however a customs union with Liechtenstein, which has raised the question whether Switzerland thereby has a back door to the freedom for movement within the EU – see written question 2013//14:491 in the Swedish parliament on 13 March, 2014 by the member of parliament Hans Olsson to the then Swedish minister of finance Anders Borg (M). The then cabinet minister Ewa Björling (M) gave an answer on 24 March, 2014, but without an interpretation of the question in principle – which I disregard in this article. (M), *Moderata samlingspartiet* (Eng., the Moderate party); (S), *Sveriges socialdemokratiska arbetareparti* (Eng., the Swedish Social Democratic Party).

⁵ The UK: the United Kingdom.

exit from the EU, but also approaching one of the trade policy-formations in Asia and that the work with the EU's free trade agreement with the USA,⁶ that is the TTIP-agreement,⁷ therefore should be resumed promptly. An introduction of the TTIP-agreement can be a counterbalance to the main focus of the global economy, so that the internal market EEA will not weigh too light compared to the extensive trade policy-formation piling up eastwards.

The EU is founded on the treaty law of international law, which follows by the Vienna Convention of 1969.⁸ The EU law (the Union law) has also an expressed connection to international law, by article 6(3) TEU stating that the fundamental rights, as they are guaranteed in the European Convention,⁹ and as they follow by the Member States' constitutional traditions, shall be part of the Union law as general principles.

The EEA as internal market is distinguished by the EU law from free trade- and co-operation agreements based on internal law in general, above all according to the following:

- The EU is according to article 47 TEU a legal person.
- The EU is also a legal system of its own (*sui generis*): "By contrast with ordinary international treaties, the EEC Treaty has created its own legal system which, on the entry into force of the treaty, became an integral part of the legal systems of the Member States and which their courts are bound to apply".¹⁰

The EU is on the one hand an international interstate organization, but has also to a large extent a supranational character. The latter means that the Member States have conferred extensive decision competence to the EU in pursuance of the principle on transferred competences (the principle of legality) according to articles 4(1) and 5(2) TEU.¹¹ The Member States are sovereign states, and they form the Union which has a legal system with a constitutional dimension. The EU law does not by itself contain any common constitution for

⁶ The USA: the United States of America.

⁷ TTIP or T-TIP is the abbreviation of The Transatlantic Trade and Investment Partnership.

⁸ The Vienna Convention on the Law of Treaties. Vienna 23 May 1969. The convention is taken out under the guidance of the UN agency International Law Commission and applies from 27 January, 1980 (UN, the United Nations). The convention was ratified by 114 countries in April 2014. See <https://sv.wikipedia.org/wiki/Wienkonventionen_om_traktaträtten> (visited 2023-01-22).

⁹ The European Convention on Human Rights; complete title: the Convention for the Protection of Human Rights and Fundamental Freedoms. The European Convention, which was drawn up within the frame of the Council of Europe, was signed in Rome on 4 November, 1950 and came into force on 3 September, 1953. See the preface (pp. 3 and 4) of the Swedish translation of the European Convention (Sw., *Den Europeiska Konventionen om de mänskliga rättigheterna*, 3. Edition., *Institutet för offentlig och internationell rätt nr 53*, professor Jacob W.F. Sundberg – Stockholm 1997 (ISBN 91-630-5363-2).

¹⁰ Citation of the first paragraph of item 3 of the summary of the EU-case 6-64 (Costa). See also *prop. 1994/95:19 (Sveriges medlemskap i Europeiska unionen)* Part 1, p. 475 (*prop.*, abbreviation of *regeringens proposition* – Eng., government bill).

¹¹ See articles 4(1) and 5(2) TEU and Ch. 10 sec. 6 first paragraph first sentence of the Swedish Constitution, *regeringsformen* (1974:152, here abbreviated), which reads (in translation): Within the frame of the co-operation in the European Union the Parliament can confer rights of decision which will not affect the principles of the forms of government". By SFS 2010:1408 transferred from Ch. 10 sec. 5 first paragraph first sentence RF.

the Member States, but their constitutional traditions are, as above-mentioned, a part of the EU law as general principles. The Lisbon Treaty of 2007 contains the two treaties TEU and TFEU and the EU's Charter of Fundamental Rights (the Charter), which according to article 6(1) first paragraph TEU shall have the same legal value as the Treaties.¹² When the Lisbon Treaty came into force on 1 December 2009, the EC Treaty (the Rome Treaty) of 1957 was reformed and became the TFEU, but the TEU remained from the Maastricht Treaty of 1993.¹³ The Lisbon Treaty is a non-constitutional reform treaty which on the whole has the same content as the constitution for the EU of 2004 that never came into force.¹⁴ The Treaties and the Charter forms the EU's primary law, which brings a constitutional dimension to the EU law. The EU's legal system also contains a secondary law, which according to article 288 first paragraph TFEU consists of regulations, directives, decisions, recommendations and opinions. One of the EU's institutions is the Court of Justice of the European Union (CJEU),¹⁵ which is the highest interpreter of the EU law assists and able to make preliminary rulings to the Member States' courts at their request.¹⁶

By the EU having a legal system of its own as I have described the free trade area EEA has a strength in a legal respect that is lacking by the free trade- and co-operation agreements which I am comparing the EEA with below. By the EU's constitutional dimension and following by article 10(1) TEU that the EU's way of functioning shall be built on representative democracy the internal market is based on principles of legal certainty. Thus, it exists for the internal market EEA a legal framework with the CJEU as a guarantee of free trade being carried out there in such a way that not only decisions for individuals being foreseeable, but also that they in advance can count on such decisions by authorities and courts in the EEA-countries are made with respect of western democratic principles. However, the EEA may come to weigh light compared to the extensive trade policy-formation piling up eastwards already due to the main focus of the global economy moving in that direction. I bring up that phenomenon below, by reviewing a number of international free trade- and co-operation agreements in Asia, and I argue for the EU to resume the work with the free trade agreement with the USA (TTIP) so that it will come into force strengthening the western democratic principles, with above all the principle of rule of law, in the global economy.

2 Free trade- and co-operation agreements transferring the main focus of the global economy towards the east

I mention firstly what the abbreviations stand for regarding the free trade- and co-operation agreements that in my opinion forms a worldwide trade policy-formation, and comment then

¹² According to article 6(1) second paragraph TEU shall however not affect the Union's competences as defined in the Treaties, which also follows by article 51(2) of the Charter.

¹³ See article 1 third paragraph third sentence TEU.

¹⁴ The EU-constitution – the European Parliament's resolution on the Draft treaty establishing a Constitution for Europe (2004/2129(INI)) – was actually adopted by the European Council on 18 June, 2004 at the summit meeting in Brussels and signed on 29 October 2004, but was not ratified by all Member States. Instead the Lisbon Treaty was made in 2007 and came into force on 1 December, 2009, which however is not any constitution for the EU.

¹⁵ See article 13(1) second paragraph TEU.

¹⁶ This follows by article 267 TFEU. See also *prop. 1994/95:19* Part 1, p. 475.

those agreements in an order illustrating how they connect and thus confirming that the main focus of the global economy is transferred eastwards, to above all Asia.

- AFTA – ASEAN Free Trade Area.
- APEC – Asia-Pacific Economic Cooperation).
- APT – ASEAN Plus Three.
- ASEAN – Association of Southeast Asian Nations.
- BRICS – Brazil, Russia (Russian Federation), India, China (People’s Republic of China) and South Africa.
- CPTPP – the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.
- USMCA – the United States-Mexico-Canada Agreement.

The CPTPP comprises eleven countries: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam. Brunei, Chile and Malaysia have when this is written not yet completed their respective ratification processes.¹⁷

The ASEAN consists of ten countries in Southeast Asia, and function as a geopolitical and economic organization for the following countries: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam. Thus, in the ASEAN are four members of the CPTPP included: Brunei, Malaysia, Singapore and Vietnam.¹⁸

The AFTA is an instrument for economic integration with regional and international allies of the ASEAN. By the AFTA the ASEAN forms a trade bloc for support of trading and manufacturing in all ASEAN-countries.¹⁹

The APT consists of the CPTPP-member Japan and China and South Korea. The APT coordinates the economical co-operation between the ASEAN and east Asia, and the APT’s current Work Plan applies to 2018-2022.²⁰

The BRICS is an organized co-operation between Brazil, Russia, India, China and South Africa.²¹ The BRIC was established in 2009 and in 2010 South Africa joined, whereby BRICS was formed.

¹⁷ See <[https://www.dfat.gov.au/Trade and Investment](https://www.dfat.gov.au/Trade%20and%20Investment)>.

¹⁸ See <<https://asean.org>>.

¹⁹ See <<https://asean.org>>.

²⁰ See <<https://aseanplusthree.asean.org>>.

²¹ See <<https://infobrics.org>>.

The APEC has 21 member countries, and is an economical forum for the Asia-Pacific region, where that forum, since it was formed by the initiative of Australia in 1989, is acting for co-operation between the economies within the region.²² The APEC shall strengthen the member countries mutual dependence there. The APEC is aiming to increase the prosperity for the peoples of that region, by a strengthened economic integration there. The APEC consists of the following countries from the APT, the ASEAN, the BRICS and the CPTPP: Australia, Brunei, Canada, Chile, China, Indonesia, Japan, Malaysia, Mexico, New Zealand, Peru, the Philippines, Russia, Singapore, South Korea, Thailand and Vietnam. In the APEC are also the following included: Hong Kong, Papua New Guinea, Taiwan and the USA.

The USMCA is a free trade agreement between Canada, Mexico and the USA.²³ The USA entered by the way a free trade agreement with Australia in 2005, the Australia-United States Free Trade Agreement (AUSFTA). The countries are according to the above-mentioned members of the APEC, and Australia is also a member of the CPTPP.

Thus, *the APEC, the APT, the ASEAN, the BRICS, the CPTPP and the USMCA* form a trade policy-formation comprising the Asia-Pacific region, certain countries by the Indian Ocean and Brazil by the Atlantic:

- Thus, the APEC comprises seven countries of the ASEAN, two countries of the BRICS and all the countries of the APT, the CPTPP and the USMCA and also Hong Kong, Papua New Guinea and Taiwan.
- Concerning the ASEAN and the BRICS respectively it is Burma, Cambodia and Laos and Brazil, India and South Africa which are not part of the APEC.

Thus, an overview shows in my opinion that it by the APEC and near by co-operations, that is the APT, the ASEAN, the BRICS, the CPTPP and the USMCA, exists a trade policy-formation comprising the countries in the Asia-Pacific region and certain countries by the Indian Ocean and Brazil by the Atlantic. Thereby the main focus of the global economy is transferred eastwards – above all to Asia and away from the EU and the West. Although the EEA with the EU and the legal system of its own guarantees operators on the internal market a developed legal certainty so that they can count on being subject to principles of legal certainty when doing business there, the EEA can come to weigh light economically compared to the described trade policy-formation in the east. In the next section I come back to this being strengthened by the UK's exit from the EU and the UK moving eastwards, to Asia, where trade policy is concerned.

3 The United Kingdom's exit from the EU for the CPTPP – an advantage for the trade policy-formation in the Asia-Pacific region etc. and a disadvantage for the EU and western democracy

The trade policy-formation I describe above shows in my opinion that the main focus of the global economy is transferred from the West to Asia or more precisely to the countries in the Asia-Pacific region and certain countries by the Indian Ocean and Brazil. By the way, that formation dominates the whole of North America, by the USMCA, and holds a strong

²² See <<https://www.apec.org>>.

²³ See <<https://ustr.gov>>.

position in South America, by Brazil being included in the formation in question through the BRICS and Chile and Peru also being included therein through the CPTPP. That the main focus of the global economy is transferred from the West is strengthened, as mentioned, by the United Kingdom not only having left the EU, but also approaching one of the trade policy-formations of Asia, namely the CPTPP.

Thus, in my opinion resuming the work with the free trade agreement TTIP between the EU and the USA is especially important for the EU due to the United Kingdom shortly after the expiration of the transitional period for its exit from the EU (Brexit) at the turn of the year 2020/21 applying (on 1 February, 2021) for accessin to the CPTPP, and the CPTPP-commission accepting on 2 June, 2021 to formally entering into negotiations about that with the United Kingdom.²⁴ Thereby the United Kingdom and the USA would be part of the worldwide trade policy-formation piling up eastwards, where the CPTPP and other international free trade- and co-operation agreements are included.

If the United Kingdom makes its accession to the CPTPP, it will have access to an extensive area for free trade or co-operation without being a member state of the EU. Thereby the United Kingdom can also get the benefits which would have come with a future TTIP between the EU and the USA if the United Kingdom would not have made the Brexit, and also get the advantages that the United Kingdom refrained from by the Brexit, where the existing trade agreement between the EU and Canada, the EU-Canada Comprehensive Economic and Trade Agreement (CETA), is concerned, since Canada is part of the CPTPP. If the United Kingdom makes its accession to the CPTPP, it will reinforce the trade policy-formation I see consisting of the countries of the Asia-Pacific region etc., and mean a further getting closer to that formation for parts of the West. This above all considering that Australia, Canada, New Zealand and the USA are included in the APEC, that Australia and the USA having the AUSFTA and that Canada is part of the CPTPP. Furthermore, the United Kingdom and Australia signed a free trade agreement on 17 December, 2021 (which has not come into force when this is written) – The Australia-United Kingdom Free Trade Agreement (Australia-UK FTA).²⁵ The customs union of the EU, with the EEA as internal market, weighs light compared to the mentioned trade policy-formation. The CETA is insufficient to match it, why I consider that the EU should promptly resume the negotiations with the USA about TTIP.

Before the Brexit-referendum I wrote a question to the EU's then Commissioner for Trade Cecilia Malmström regarding whether the United Kingdom would get a special solution, so that it could join the TIP even if the result of the referendum meant that the UK would leave the EU (i.e. Brexit). On 28 April, 2016 I received an answer by e-mail from Catrine Norrgård, political adviser for Cecilia Malmström's cabinet in the EU-Commission, where the answer was (in translation) that *Great Britain has no special solution to join the TTIP if they leave the EU. Moreover it was stated that it will take years before a TTIP-agreement would come into force. For the moment the TTIP is negotiated by the EU-Commission. Thereafter it will be examined by jurists, translated by translators to all EU-languages and then the Member States and the European Parliament will have the opportunity to introduce it.* I state once again that the United Kingdom's application after the Brexit to become a member of the CPTPP entails that the EU promptly should resume the negotiations with the USA about the

²⁴ See <[https://www.dfat.gov.au/Trade and Investment](https://www.dfat.gov.au/Trade%20and%20Investment)>.

²⁵ See <[https://www.dfat.gov.au/Trade and Investment](https://www.dfat.gov.au/Trade%20and%20Investment)> (visited 2023-01-22).

TTIP to accomplish a counterbalance to the transfer of the main focus of the global economy eastwards, so that western democracy with the principle of rule of law etc. is protected by the EU-project – above all against an aggressive Russia and an imperialistic China.

4 The former and present Swedish government's attitude to the TTIP and to a resuming of the ratification process regarding the EU's investment agreement with China and Russias war against Ukraine are also disadvantages for the EU's legal system

4.1 The former and present Swedish government's attitude to the TTIP – far too vague

In the Swedish parliament the member of parliament Hans Rothenberg (M) asked – by interpellation 2020/21:193 – on 27 November, 2020 the following question to the then member of the cabinet, the minister for foreign trade Anna Hallberg (S): *What measures is the minister taking to resume the negotiations about the free trade agreement TTIP?* The minister answered (according to the parliament's protocol 2020/21:52) on 11 December, 2020, that she does not exclude that conversations will be carried on the TTIP and the shaping of a future free trade agreement between the EU and the USA. However, she also considered that it was important to be realistic, and stated that the then president elect of the USA, Joe Biden, *had been clear about negotiations on broad free trade agreements not coming up on top of the administration's political agenda.* The minister stated that a proposal from the EU about an *eventual resuming of the TTIP-negotiations at this stage therefore would not be likely to be well received by the new administration.* Thus, the answer was given by the minister for foreign trade after that she on 9 November, 2020, after a video meeting with her EU-colleagues regarding the final result of the presidential election in the USA, stated that they were looking forward to *deepen and get a new lease of life into* the trading relations between the EU and the USA.²⁶

I consider that the former Swedish government's attitude to the TTIP was far too vague. Sweden should, for the reasons above-mentioned, act for the resuming of the negotiations about the TTIP between the EU and the USA. I mention in an article in *Dagens Juridik* (Eng., Today's Law) on 20 April, 2022, that I have noticed that the USA's president Joe Biden, due to Russia's since 24 February, 2022 open war against Ukraine, has expressed that the USA and the EU shall have a closer co-operation, but then with a signature of defence and without mentioning trade policy.²⁷ Instead, I note that Sweden's prime minister, Ulf Kristersson (M), at his – by the SVT telecasted – report in the Swedish parliament on 20 December, 2022 from the meeting five days earlier on inter alia the climate issue in the European Council, had apprehensions about protectionism on the part of the USA, by the Inflation Reduction Act – IRA – of 2022 being unfair to competing enterprises within the EU. Thus, the initiative to resume the work with the TTIP must come from the EU. However, the TTIP was not mentioned by the EU Commission's President Ursula von der Leyen, when she barely a month later (2023-01-17) announced at the World Economic Forum Annual Meeting, held 16 – 20 January, 2023 in Davos (Switzerland), that the EU intends to carry out an IRA of its own, *a Green Deal Industrial Plan*.²⁸ The present Swedish government's attitude to the TTIP

²⁶ See www.regeringen.se, 2020-11-09.

²⁷ See Björn Forssén, "En linje 3 i Natofrågan?", *Dagens Juridik* 2022-04-20 (Forssén 2022). Forssén 2022 is available under *Debatt* on www.dagensjuridik.se, and on www.forssen.com.

²⁸ See "Special Address by President von der Leyen at the World Economic Forum", <https://ec.europa.eu/commission/presscorner/detail/en/speech_23_232> (visited 2023-01-22).

is such that I conceive it as the government is regarding the TTIP as a non-issue. Instead of using the Swedish Presidency of the Council of the EU during the first six months of 2023 to press on about the TTIP-question, the government has sent the minister for development assistance and foreign trade Johan Forssell (M) to Australia and New Zealand to negotiate about bilateral free trade agreements between Sweden and the two countries.²⁹

4.2 A resuming of the ratification process regarding the EU's investment agreement with China – a resuming of the work with the TTIP-agreement can be an incentive for this

Another motive for a prompt resuming of the work with the free trade agreement TTIP is that it also can be an incentive to resume the ratification process regarding the EU's investment agreement with China. In December 2020 negotiators from the EU and China agreed on an investment agreement, but on 20 May, 2021 the European Parliament voted against a ratification as long as China retains its sanctions against European interests.³⁰

It is a matter of avoiding such protectionism that in 2018, under the then president of the USA Donald Trump, led to a trade war with China, but at the same time strengthen western democratic principles – above all the principle of rule of law – that is that everybody shall live by the laws and not under a totalitarian regime. To me that is the meaning of the EU-project, whereby above all free trade shall guarantee the Union and its citizens development, prosperity and peace. The EU also was awarded the Nobel Peace Prize in 2012 for having contributed to *change the major part of Europe, from a war-torn continent to a continent characterized by peace*.³¹ A solution of the described problems between the EU and China should contribute to Russia realizing that it will not be profitable to make Europe a theatre of war again, like what at the time of writing this is the case with the mentioned assault war made by Russia against Ukraine. Thus, that the EU would resume the work with the free trade agreement TTIP with the USA should also open for a resuming of the ratification process regarding the EU's investment agreement with China, which in its turn show an aggressive Russia that the EU-project is a peace project – not a threat. That such a development is urgent is in my opinion confirmed especially by Russia and China's foreign ministers at a meeting on 30 March, 2022, that is after Russia's open invasion of Ukraine, having expressed that the co-operation between the two countries continues unchanged.³²

4.3 Russia's war against Ukraine is also an attack on the EU's legal system – questions about its relationship to the European Convention and about Russia's relationship to the UN, the G20 and the WTO

In the latter respect may be mentioned that Russia left the Council of Europe on 15 March, 2022. That was made because Russia did not want to be excluded from the Council of Europe as a consequence of the war against Ukraine. Thereby Russian citizens cannot sue the Russian

²⁹ See the government's press release 2023-02-08:

<<https://www.regeringen.se/pressmeddelanden/2023/02/frihandelsavtal-i-fokus-nar-bistands--och-utrikeshandelsminister-johan-forssell-besoker-australien-och-nya-zeeland/>> (visited 2023-02-16).

³⁰ See SVT Nyheter 2021-05-21, www.svt.se. SVT, *Sveriges television* (Eng., Swedish television).

³¹ See the European Parliament's website, www.europarl.europa.eu/news/sv/.

³² See <<https://sverigesradio.se/artikel/kina-och-ryssland-ska-tala-med-en-rost>>. See also Forssén 2022.

state for violation of the European Convention.³³ However, in my opinion the decision of 24 February, 2022 by the Russian president Vladimir Putin to launch an all out assault war against Ukraine does not only mean that he has caused the Ukrainian people a great suffering, but he has also harmed the Russian people economically for a long time to come.

Despite that the EU is not a state and Ukraine is not a member state of the EU, I consider that Russia's war against Ukraine also is an attack on the EU's legal system. Ukraine is a member of the Council of Europe, precisely like inter alia the EEA-countries.³⁴ According to the Lisbon Treaty shall the EU access to the European Convention, but since article 6(2) TEU, which states this, has not yet been ratified, the fundamental rights of the European Convention are for the time being only comprised by the EU law as general principles.³⁵ It is in my opinion first by Russia – after having started its open war against Ukraine – having left the Council of Europe that a ratification of article 6(2) TEU is possible, why I consider that Russia by the war against Ukraine also attacked the legal system which the legal person EU has created and developed for the Member States.

Thus, it is, despite that Russia – which besides the North Asia part comprises large parts of Eastern Europe – fulfils the geographical demand to be accepted as a member state of the EU, hardly possible within a foreseeable time, considering the democracy demand on countries applying, that Russia would become a member state of the EU. President Putin has by the war against Ukraine harmed the possibilities for developing opulence for the Russian people for a long time to come. The war against Ukraine is economically like scoring an own goal for Russia, since the EU's 27 Member States initiate economical sanctions against Russia, but it is also cutting short future prospects for Russians who want move their country closer to the EU when questions decisive to form a genuine state governed by law are concerned. It follows by article 3(1) TEU that the EU's aim is to promote peace, its values and the well-being of its peoples, and Russia's war against Ukraine is quite the opposite to this. Russia's assault on Ukraine shall in that respect of course also be seen in relation to Russia, as one of the permanent members of the UN's Security Council, having committed itself to uphold international law in form of the UN Charter – not to start war against sovereign states such as Ukraine.³⁶ The UN Charter begins with the words "WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind",³⁷ which words Russia thus no longer fulfill in action.

³³ See <<https://www.dn.se/varlden/ryssland-vantas-bli-utesluten-ur-europaradet>> (visited 2023-01-22).

³⁴ See <<https://www.coe.int/sv/web/about-us/our-member-states>> (visited 2023-01-22).

³⁵ See article 6(3) TEU, which is also mentioned above.

³⁶ The UN Security Council consists of 15 members, and the five permanent members are: Russia, China, the USA, France and the United Kingdom. The UN's General Assembly can take up any global issue at all, whereas the Security Council only address questions concerning peace and security. The Security Council's responsibility is to work for maintaining world peace and averting threats to the international security. That Russia is making war against Ukraine is blocking the Security Council's work, since a decision in the council can be stopped by anyone of the five permanent members, which each has a right of veto there. See <<https://fn.se/vi-gor/vi-utbildar-och-informerar/fn-info/fn-som-organisation/fn-systemet/huvudorgan/sakerhetsradet>> (visited 2023-01-22).

³⁷ See <<https://unric.org/sv/forenta-nationernas-stadga>> (visited 2023-01-22).

Thus, it is in my opinion not only the possibility for individual Russian citizens to sue their government that has been lost, by Russia leaving the Council of Europe. Furthermore, president Putin has as well caused the Russians in general the consequences of economical sanctions from the EU against Russia which have deprived Russians inclined for democracy the possibilities for a development of a state governed by law for a long time to come – merely by the EU, which they should see as a model in that respect, not being able to cooperate with an aggressive Russian regime. Thereby, Russia has created another problem in retaliation to the EU, by Russia as one of the G20-countries and the EU also shall be represented at the meetings of the G20. The USA and the EU participate at both the meetings at the G7 and the G20, and should in my opinion be able to influence Russia in a peaceful way inter alia by resuming the work with the TTIP.³⁸ Another circumstance that thereby should influence Russia in a peaceful direction is that the country shall be able to meet inter alia the USA or anyone of the EU's Member States, represented by the EU-Commission, in negotiations within the WTO.³⁹ The WTO has furthermore a *dispute settlement mechanism* to decide trade policy-conflicts, which function as a court,⁴⁰ and the question is how the WTO-member Russia shall be able to make complaints there against for example the EU in such a respect and invoke democratic principles based on legal certainty arguments, if the country at the same time disregards those by carrying out an assault war against the WTO-member Ukraine.

5 The connection of the TTIP-question to my article in the JFT about the method questions in the Value Added Tax-research in Sweden

Finally, I connect the TTIP-question to my article in the JFT regarding the method questions in the Value Added Tax (VAT)-research in Sweden.⁴¹ There I finish by stating, regarding the field of indirect taxes, which in the first place consists of VAT, excise duties and customs, that research efforts should be made to examine the possibility to introduce a uniform concept goods for those three taxes. Such a simplification would contribute to efficiency of collection in the field of indirect taxes overall.⁴² To such a development of the EU law should priority be given to strengthen not only the internal market, but also the customs union, which – together with an introduction of the TTIP-agreement between the EU and the USA – would be a trade policy reinforcement of the EEA in relation to the mentioned international free trade- and cooperation agreements in Asia.

³⁸ The G7- and G20-countries are two informal groups of rich countries that meet on a regular basis to discuss economical and other questions. Russia is included in the G20, whereas the USA and the EU participate in meetings both at the G7 and the G20. See <<https://www.europaportalen.se/tema/g20>>.

³⁹ The WTO: the World Trade Organization. See <<https://www.wto.org>>.

⁴⁰ See, regarding Dispute settlement, <https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm>.

⁴¹ See Björn Forssén, *Momsforskningen i Sverige – metodfrågor* (Eng., The VAT research in Sweden – method questions), JFT 6/2020, pp. 716–757. (Forssén 2020). Forssén 2020 is available on www.forssen.com.

⁴² See Forssén 2020, section 5.3.2.