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INTEGRATION POLITICAL AND LEGAL ANALYSIS OF DISPUTE RESOLUTION AND PROSPECTS FOR DIGITALIZATION OF JUSTICE IN THE EURASIAN ECONOMIC UNION

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Abstract: The article refers to a system of dispute resolution in the Eurasian Economic Union, tendencies of its reforming and prospects for digitalization as a fundamental feature of regional integration policy improvement. A complex variety of disputes in an integration association is considered: interstate, supranational vertical, supranational horizontal, and cross-border. The appropriate mechanisms for each of them and rationale to enhance integration are discussed. The authors suggest amendments for enhancing the cooperation of the EAEU Court with national courts, as well as evolving other mechanisms (arbitration and mediation). Digitalization of justice is an important element of effective regional policy. Digitization elements, including the Court's e-cabinets for the parties, electronic signature, digital documents' circulation, make regional justice accessible, it contributes to peoples' loyalty for integration decisions. The article proves the necessity to harmonize approaches to online dispute settlement in a transboundary context in the EAEU; the authors draw attention to low-cost cross-border disputes in this context and consider an opportunity of creating online dispute resolution platform driven by the Commission. Improvements in regional system of dispute resolution are proved necessary to sustain integration economic and political processes in Eurasia, to promote transparency, accessibility of justice as an element of regional integration policy.

Keywords: administration of justice, arbitration, Court of the Eurasian Economic Union, digitalization, dispute settlement, Eurasian Economic Union, mediation, ODR, integration policy, regional integration.

Introduction

Modern political landscape of integration processes is influenced a lot by digitalization and technological reshaping of day-to-day reality. Indeed, most regional integration associations

today include digitalization in their strategic documents as the main trend of future development (Shinkaretskaya & Berman, 2019; Mikhaliova, 2022; Inshakova & Goncharov, 2023). Within the EAEU, significant progress is currently being achieved in many areas of digital development. The Eurasian Economic Commission has formulated the principles of digital modernization of economic processes, which should determine the grounds for the formation of a set of projects in a digitalized era. Meanwhile, the digitalization process is inseparably linked to the future of the dispute resolution worldwide: either the courts (Stepanov et al., 2021), or the arbitration institutions (Rusakova & Frolova, 2022; Lagiewska, 2023), or mediation (Begichev, 2022) experience the influence of the digital age. Regional integration dispute resolution mechanisms (hereinafter – DRMs) are no exception. Digitalization of regional justice is a new approach to explore a communicative theory of integration and "integration as a network" theory.

However, normatively and strategically digitalization of DRMs is still out of the scope in the Eurasian Economic Union. Access to justice of a regional integration society is an indispensable element for providing loyalty of individuals, entities resided within the integration community, and contributes to a balanced integration political legal system. Currently the modernization of the DRMs is actively discussed, this process could involve digitization and digitalization.

Methodology

The work is based on a deep synthesis of integration comparative and theoretical studies and analysis of different dispute settlement options for different actors of integration, combined with the latest achievements of legal-tech advancements of dispute resolution. Comparative legal method is used to make a range of particular conclusions and derive more general one on this basis. Attention is paid to different regions and formats of integration associations – in European, Asian, African, Caribbean regions. Scientific methods as historical and structural analysis are used to assess underpinnings of political decisions in different regions and refer to the specifics of Eurasian integration processes.

The UNDP report on ASEAN (2021) highlights the following directions of modernization of the justice systems, including: case management systems, virtual proceedings, electronic filing and storage of documents and evidence, asynchronous communication between litigants and with the court, electronic scheduling, and the introduction of new tools such as online dispute resolution (hereinafter – ODR), and artificial intelligence (hereinafter – AI) predictive. The integration in this region had a boom of commercial connections in 2010s, so-called micro level of integration, which was followed by strengthening general integration policy and advancing technological support to integration processes. New technologies and AI especially, become deeply integrated into rationale and policy of this integration association and into administration of justice in the member-states.

As E. P. Ermakova and E. E. Frolova (2022) stress, AI in DRMs can be divided into two levels – low-level (collection of materials, legal expertise, etc.) and strong-level (independent dispute resolution, robot-judge, etc.), and while the first type is commonly used, the second level is rare. So, there are different types of correlation of digital and regular legal relationships in the sphere of DRMs. Importantly, that online mechanisms would be the most friendly and effective when designed to meet the standards of advanced offline dispute resolution mechanisms (Peters, 2021, p. 8).

Traditionally we divide DRMs, with private or mixed *ratione personae*, to litigation, arbitration, mediation, negotiation and some mixed models as med-arb, arb-med, etc. International public law, in its turn, adheres to the classical set of peaceful DRMs (art. 33 of the United Nations Charter): "the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".

It is worth to note that the integration systems have their own peculiarities, particularly on the scope and subjects of application of the law. It explains the variety of potential disputes, which occur within the jurisdiction and the necessity to the relevant variety of mechanisms to settle them. As far as in 2000 Kleandrov stressed on

the lack of relevant DRMs for all possible disputes in the Commonwealth of Independent States and named at least 9 different potential disputes involving different subjects and different subject-matters. We suppose the classification and typology of the integration disputes is still underestimated. Based upon the theory of multiple actors of integration process (Haas, 1958/2004) we conclude on a complex nature of the potential disputes in an integration association – interstate (between member-states); supranational vertical (between economic entities and an integration association) and supranational horizontal (between state-members and an integration association), cross-border private (economic) disputes. Correspondingly, a complex set of DRMs shall be used in an integration association.

Therefore we consider, firstly, the Union's DRMs generally – the subjects concerned, the existing mechanisms and its peculiarities and their role for enhancing integration and make its social and political landscape effective. Secondly, we analyze the possibility of inclusion of elements of the digitized litigation and other DRMs in the Union's institutional framework. Finally, we explore the possible directions of the ODR in the EAEU based on the Union's Digital Agenda, Strategy-2025 and other integration associations' experience.

Main Study

A new digital reality has become a social reality in which not only traditional relations are transformed, but also innovative political practices are formed and affect all key dimensions of the modern political process. The impact of digital factors on political inclusiveness and transparency is great, especially for modern generations. The system of justice as a reflection of all social and political and economic processes in a society brings to a light main risks and challenges, and prompt and appropriate reaction in the form of digital transformation is a basis for sustainability of all other elements of a system. This thesis refers to regional integration systems, as well.

Currently the system of DRMs in the EAEU comprises the Court of the EAEU, pretrial settlement of disputes within the Eurasian Economic Commission (hereinafter – EEC, Commission).

1.1 *The Court of the Union* is a permanent judicial body of the EAEU (art. 19 (1) of the Treaty on the Union), that acts within the powers granted by the Treaty on the Union and treaties within the Union (art. 8(2) of the Treaty). Its status, jurisdiction, order of formation and functioning are set forth in the Statute of the Court (Annex 2 to the Treaty). The competence of the Court is described in Chapter 4 of the Statute.

The Court has two main functions: a dispute resolution function and an interpretative (clarification) function. The Court's compulsory jurisdiction extends to a) resolution of interstate disputes, b) resolution of disputes over applications of economic entities regarding the decisions of the Commission, actions / failure to act of the Commission, c) clarification upon application of an EAEU member-state or a Union body of the Treaty, international treaties within the Union, decisions of Union bodies, d) clarification at the request of employees and officials of the Union of norms of the Union law, connected with labor relations. In addition, the optional jurisdiction of the Court may also be provided for in international treaties of the Union with a third party.

The competence has been changed in comparison with the Court of the Eurasian Economic Community (2012-2014), such changes are often criticized (Diyachenko & Entin, 2017). Thus, the current statutory documents do not provide for competence on prejudicial requests of national courts - the procedure according to which the Court's opinion on the meaning of the Union law norm was requested in the course of proceedings at the national level.

However, prejudice, although important, is not the only mechanism for ensuring uniformity of law. The Court's interpretative function ("clarification of the Union law" is the term used in the Statute for this function) has proven to be very much in demand, thus becoming a kind of substitute for prejudice. The way, in which the Court's and Member States' practice implements the clarification procedure, gives grounds to conclude on the influence of clarifications on national legislation and application of the Union's law on the national level. For example, the Advisory Opinion on the request of the Ministry of Justice of the Republic of Belarus of April 4, 2017 on the clarification of Articles 74-76 of the Treaty was taken into consideration when the Belarus-

ian antimonopoly legislation was amended (it was at the stage of drafting the new law at the time of the request, and the legislator fully perceived the Court's position). Therefore, this mechanism is *ex ante* quasi-control and dispute preventing mechanism. It proves to be an important element of sustainable regional decision-making process, equilibrating interest of member-states and other actors.

Also, currently the Commission is not empowered to appeal against actions and acts of the member states that are not in compliance with the Treaty, other sources of the EAEU law. Perhaps this is a question of future development of the Union law. It is currently under active discussion and it is included in the plan of the realization of the Strategic directions of development of the Union till 2025 (the Council of the Eurasian Economic Commission adopted a plan for the implementation of Strategic directions of development of the Eurasian economic integration till 2025 (hereinafter – Strategy Implementation Plan) at the session of April 5, 2021).

The Court has no competence to resolve internal labor disputes, but in this respect, too, the advisory procedure of clarification turned out to be in demand. Currently there are 4 advisory opinions of the Court on the issues of the Eurasian civil service, some of them were "a soft tool" for eliminating conflicts and preventing disputes.

In other words, the Court has now been given, albeit not an all-encompassing, but quite effective competences, allowing it to be truly the "guardian" of the Eurasian legal order. Some competences as, e.g., clarification procedure become substitutes for dispute resolution and/or prejudice mechanisms. Advisory opinions concentrate integration wisdom and balance the interests.

However, the main purpose of the Court is to ensure a uniform application of the Treaty and other international treaties in force within the Union and decisions adopted by the Union's bodies (the p.2 of the Statute). In order to implement its main objective the Court needs to have an updated information on the problems and tendencies of such application. In situation when this information is unavailable in prejudice proceedings, there is a need on closer cooperation with national court authorities. This is the second layer of the Court's activity as an intermediary of integration political wills of member-states.

Indeed, the national judicial systems are becoming more and more receptive to the practice of the EAEU Court. Thus, in Resolutions of the Plenum of the Supreme Court of the Russian Federation No. 18 of May 12, 2016 and No. 49 of November 26, 2019 the national courts are instructed to take the acts of the EAEU Court into account when applying the law of the Union. As G. A. Vasilevich (2020) suggests, "in our legislation, it is necessary to resolve the issue of interaction between the EAEU Court and the higher courts of the EAEU member-states. It is advisable to develop a rule on the application of Union's acts by national courts, to determine the place and the role of the Union's Court decisions for the acts of national courts" (p. 181). Developing this provision, we consider it is advisable to adopt the Concept of interaction between the Eurasian Economic Court and the national judicial bodies (Mikhaliova, 2023, p.18). The legal form of such a concept could be in the form of a decision of the Supreme Eurasian Economic Council, and the role of digitalization of this act and its implementation will be discovered below.

1.2 *Pretrial procedure* within the Commission. The Statute of the Court of the EAEU, in its provisions of para. 43 and 44 contains an indication that a dispute is not accepted by the Court without the applicant's prior recourse to a member state or the Commission to settle a dispute by pre-trial procedure by consultations, negotiations or by other means provided for by the Union Treaty and international agreements within the EAEU, except for the cases, which are directly stipulated by the EAEU Treaty (e.g. some instances of competition disputes which can be directed to the Court with no pretrial procedure).

If a member state or the Commission cannot resolve it in a pretrial procedure within 3 months from the date of receipt of an application, then this is a ground for filing a relevant application to the Court. The parties may refer the dispute to the Court by mutual agreement before the expiry of the period specified above. The failure to comply with the pre-trial order is the basis for refusal to accept the application by the Court.

The pre-trial procedure has its advantages compared to the judicial procedure. It is expeditious, effective and allows avoiding the costs (the application of an economic entity to the Court is subject to a fee). However, there are critical

views on the clarity and effectiveness of pretrial procedure in the EAEU. The procedure of pretrial dispute settlement with participation of economic entities is carried out by the Commission on the basis of the Decision "On the procedure of consideration of appeals of economic entities on contesting decisions of the Eurasian Economic Commission, the Commission of the Customs Union, their Certain Provisions or Actions (Inaction) Eurasian Economic Commission" of March 19, 2013 № 46 (hereinafter - the Procedure). Ispolinov and Kadysheva, Bortnikov and Kiseleva note the radical divergences in the issues of pretrial procedure application by the Commission and the Court's positions on the issue, which creates legal uncertainty and prevents predictability of some decisions, that negatively affects the effectiveness of application of the dispute settlement system at the Union (Ispolinov & Kadysheva, 2016). In the same time the digitization of this procedure is reached: there is an online application form to the Commission, elaborated with all necessary requirements, which are clear and legally grounded.[1]

1.3 *Arbitration is* an alternative dispute resolution (hereinafter – ADR) method to be introduced within the Union. ADR is supposed mostly as DRMs for cross-border economic disputes. Currently, disputes between economic entities are not included in the jurisdictional mechanisms of the Union, but there is a systematic movement towards the development of alternative mechanisms for resolving cross-border disputes involving economic entities from different member states.

One of the provisions, namely subpara 9.1.1 of the Strategy implementation plan, provides for drafting an international arbitration within the EAEU to consider disputes on the applications of economic entities. This issue is not new one to the integration agenda. There have been at least two previous stages in the implementation of a similar idea. Within the Commonwealth of Independent States back in 2008 an arbitration court was established - the International Court of arbitration for Dispute Resolution under the aegis of the CIS Economic Court. On May 16, 2013 the Eurasian Economic Commission (a predecessor of the current Commission) adopted Decision No. 32 on the draft concept of establishing an arbitration court within the Customs Union. The concept envisaged the creation of the International Arbitration Center of the Customs Union, the competence of which would be significantly broader than the competence of any other international commercial arbitration.

The current proposal is based on the following premises, widely circulated in the media and also substantiated in the doctrine: improvement of trust between companies and other economic entities, cost reduction for private parties, jurisdictional independence (as an "alternative to the London Court of International Arbitration, the Arbitration Institute of the Stockholm Chamber of Commerce and the Permanent Court of International Justice in The Hague" (Kurbanov & Naletov, 2018), speed and quality of dispute resolution between enterprises. This is also an issue of quality and reputational characteristics. Finally yet importantly, the economic security factor is considered (Pisarevskiy, 2018).

Describing the potential competence of Eurasian arbitration *ratione personae*, it may be a question of cross-border disputes involving private parties – economic entities. Indeed, currently there is no Eurasian structure, which considers cross-border economic disputes between companies. The jurisdiction of the Court, as we showed above, is limited to appeals by economic entities on certain categories of cases on action/ failure to act or decisions of the Commission.

The competence *ratione materiae* of such arbitration would presumably be broad - economic disputes, or disputes arising from the economic activities of business entities. Entrepreneurial activity is traditionally included in the concept of economic activity, as well as a number of other directions. Thus, the questions of availability of the Eurasian arbitration on intellectual property have long been in the sphere of attention.

Trends in other regional associations also indicate an active discussion of investment public-private arbitration within the integration legal system independently from external authorities and jurisdictions. The case-law of the Court of Justice of the European Union, namely the widely discussed "trilogy" of cases – Akmea case (Slovak Republic v Achmea BV, C 284/16, 2018), Republic of Moldova v Komstroy case (C 741/19, 2021), PL Holdings case (Poland v. PL Holdings Sarl, C 109/20, 2021) envisaged the tendency that domestic investment disputes in-

[1] See https://eec.eaeunion.org/appeals/appeal_economic_entity/

volving EU member states and their residents should stay within the EU jurisdiction, and these trends of delimitation, the so-called autonomization of the integration legal order are understandable, and they will be developed along with the regionalization of international law (Mikhaliova, 2023, p.17). Regional policy becomes more concentrated on regional interests and enforcing regional strategies as a precondition and a result of their sovereign equality, independence and power on a global scene. Correspondingly, independence and security of economic and financial interests in regional association is based on political and legal institutions that are not affiliated to countries of other "regional destiny".

Therefore, a number of factors prove the necessity of creation of an arbitration in the EAEU. Among the issues under consideration are those relating to the scope of its subject-matter competence, the extension of its competence to investment disputes involving member states of the Union, organizational issues, etc. The effectiveness of the arbitration will be dependent to large extent on accessibility, procedural flexibility and guarantees provided. The role of digitalization in the process is undisputable.

1.4 *Mediation* as another ADR method can be developed in the EAEU in several ways.

Firstly, it is possible to use this procedure at the national level to resolve cross-border disputes. All the EAEU member states currently have the institution of mediation developed to a greater or lesser degree and the relevant legal and regulatory framework in place (Vinogradova & Oganezova, 2020). However, even a brief overview of the peculiarities of legal regulation in the EAEU is enough to see the fragmentation and lack of uniformity in terms of procedural and institutional approaches and substantive legal regulation. Despite the fact that this issue remains outside the scope of this article, it is worth to draw attention to the importance of harmonizing approaches to mediation and its application, the recognition and execution of mediation agreements in the member states, especially with regard to family and labor mediation (in view of the development of social and labor relations in the context of the developing freedom of movement of persons) and business mediation. The latter direction, taking into account the common market, freedom of movement of goods, services, and capital, and deepening of cooperative ties of economic entities should be given special attention at the level of the Union.

Secondly, within the Department of functioning of internal markets of the Commission there is a department of expertise and mediation, which develops principles, methods, rules, mechanisms, and forms the regulatory framework for dispute resolution (mediation) arising when ensuring the functioning of internal markets, as well as when identifying specific facts (cases) of barriers. At the initial stage, the formation of agreed approaches to the regulation and application of mediation may be in the form of recommendations, in the future - in the form of a decision of the Board or the Council of the Commission on harmonization of approaches to mediation in the civil and commercial sphere.

Thirdly, the mediation has recently been introduced to the procedure of the elimination of barriers and other obstacles to the common market functioning. The Collegium of the Commission amended the Methodology of qualification of obstacles in the internal market of the Eurasian Economic Union and recognition of barriers and restrictions eliminated in March 2023. The amendments envisaged the improved mechanism for consideration of obstacles, as well as a mediation procedure for resolving situations related to elimination of barriers in the internal market of the Union. In June the Commission reported that the application of mediative approaches have doubled the rate of barriers' removal.

Also, it seems appropriate to provide for a mediation option for those categories of disputes between economic entities, which will be covered by the competence of the newly created arbitration in the EAEU. Institutionally, it is possible to organize a conciliation and mediation panel under such Eurasian body. It will form a systematic architecture of all the ADR mechanisms to resolve cross-border disputes between economic entities in the EAEU. The digitalization agenda for this ADR method remains the same: accessibility, procedural flexibility, data and information security.

Therefore, the system of DRMs should be amended in the EAEU, firstly, by enhancing the cooperation of the EAEU Court with national courts, secondly by evolving other mechanisms as arbitration and mediation. B2B cross-border DRMs should be evolved and improved as far as they provide for prompt, effective cooperation

and trade development.

2. *DRMs' Digitazation.*

Main directions of realization of Digital Agenda till 2025 were adopted by the Decision of the Supreme Economic Council of the EAEU dated 11/10/2017 No 12. The third direction concerns digital transformation of the managing processes, including those on supranational level. However, it does not refer to the digitization of the dispute settlement. As we have mentioned above different Union's mechanisms need different level and measures of digitization. More than that, as Chernyshov (2018) underlines in "Strategy and philosophy of digitalization", "in order to build a new trajectory of movement, it is necessary to form a development strategy, incl. one for the long term, which will be understood and accepted by the majority" (p. 15).

Digitazation of integrational justice may and should refer to the main problems that it experiences, and assists in their solving. Generally, the researchers indicate similar problems for integrational justice independently of the mode (intergovernmental or supranational) which an integration system adheres. Integrational justice is defined as a system of dispute resolution arising from the application of integration norms, as well as the exercise of judicial control over normative documents adopted in integration associations, which are applied both within integration associations and in national legal orders, and the main controversial issue is the relationship between national and integration law (Alekseev & Gapeev, 2019). The courts of integration associations, in addition to resolving disputes between the participants, ensure the unity of application of the law both within the integration entity and at the national level. Therefore, digitization of integrational and national judicial systems will contribute to accessibility of integrational and national judicial acts, prompt and effective cooperation between national courts and national and integration courts. The form of the digitization of this direction can be electronic document circulation.

Digitization is necessary to digital support of the currently existed DRMs. As regards the procedural issues within the EAEU justice system which currently exits, the para 4 of the art.9 of Rules of Procedure of the EAEU Court prescribes the necessity to present paper and electronic versions of the application and all attached documents. The duplication of the paper and digital version sometimes is not an easy task, and there were cases when the difference of the paper and electronic versions become the ground to leave the application without consideration and finally reject it (e.g., Invest Multimodal case CE-3/1-22-KC of 25/01/2022). Moreover, some applications and, further on, case materials, especially in such spheres as antidumping measures, number to thousands of pages. E-cabinets for the parties and digitization of application procedure will make the administration of integrational justice easier, economically and timely more effective. The same approach is recommended by researchers, e.g., for African regional and subregional courts: "at any phase of the judicial procedure (written or oral), technology-based tools and workflows related to e-filing, case management, electronic records management, electric docketing, and scheduling systems, and courtroom technology can work as an overall system to provide real-time reliable and efficient solutions for the speedy delivery of justice to the African regional and subregional communities" (Drabo, 2021, p. 50).

Newly recommended for adoption ADR mechanisms in the Union for supranational and cross-border disputes settlement should be appropriately digitized from the very commence. It will enhance the opportunities of traditional ADR methods by ensuring accessibility and affordability of settling mechanisms. However, all DRMs, which are digitized, shall correspond to the requirements of securing data transferred and digitally contained.

3. *DRMs' Digitalization*. Online Dispute Resolution becomes commonly used in regional associations. This trend is underpinned by the demand to create cost-efficient and convenient mechanisms that employ digital technologies. It is worth to note, that initiatives in many regions are primarily connected to consumer low-cost disputes.

The European Union has a range of ODR initiatives. Regulation 524/2013 provides for the framework for ODR, the creation of the EU ODR platform. Since 9/1/2016 each e-shop in the EU must provide a link of the platform to its website that would give to the European consumers the access to electronically submit their complaints. A special attention to consumer ODR is understandable: "more than half of com-

plaints (56.3%) received by the ECC-Net were linked to e-commerce transactions, out of which less than 9% could be referred to an ADR scheme in another Member State" (Peters, 2021). Obviously, the ODR mechanisms is actively elaborated and implemented in regional associations as ASEAN, the EU, particularly in order to expand and expedite consumer access to redress, with respect to low-value or smaller claims. Therefore, consumer disputes are considered as the most appropriate to ODR.

This type of dispute is not only wide-ranged because a consumer as a weak party lacks effective redress. The reason is in the very essence of the single market concept as a borderless space for free commerce and economic turnover. The limited scope of application of the EU Directive proves the single market specifics of using ODR in integration unions and associations: the consumers and the sellers should be resident in the EU in order to use the special Platform for resolution of transboundary disputes online. However, all parties can recourse to national platforms for online resolution of the disputes. One of the disadvantages is the lack of standardized rules for dispute resolution. As a consequence the EU and the national platforms may differ in their approaches to procedural issues, in particular on the fees to be charged, the terms of dispute resolution (settlement), the binding nature of the decision to be made, etc. (Donskaya, 2021).

The ODR initiative in Asia-Pacific Economic Cooperation (APEC) region refers to small and medium businesses, as it is indicated in its website www.apec.org. Flexibility, promptness and reduced costs are considered as primary benefits of ODR which will promote the regional trade. Under the collaborative framework, ODR providers from the participating APEC economies may partner with the Economic Committee of this association and join the framework by complying with the framework's rules and procedures. These providers must offer their own platform for online negotiation, mediation and arbitration. Once certified as being compliant with the framework, the ODR providers will be listed on the framework's website and required to regularly report their progress to APEC. Currently there are three providers that have been listed; eBRAM International Online Dispute Resolution Centre Limited (eBram); Hong Kong China Guangzhou Arbitration Commission (Online GZAC); and China International Economic and Trade Arbitration Commission (CIETAC). Additional providers will be listed as the initiative expands.

It drives us to the conclusion on the necessity to harmonize approaches to online dispute settlement in a transboundary context. In the EAEU it can be done in the form of the act of the Commission. Subject-matter which is the most appropriate for regional ODR mechanisms, according to other regions' experience, concerns cross-border consumer or small-enterprises' disputes, on other words, the disputes which are low-cost and need alternative flexible, accessible and affordable solutions.

Conclusion

The system of DRMs is still under formation as far as the trial and pretrial procedures are evolving, new kinds of disputes (cross-border) come into view within the integration institutions and currently can be classified to interstate, integration vertical and integration horizontal, cross-border. These processes can be accompanied by digitization and digitalization in order to facilitate effective dispute resolution in the Union, and an effective access to integration justice, prompt and cost-effective, contributes to the loyalty of population in Eurasian countries to all integration decisions, the trust and understanding of the importance and reliable nature of integration policy. It forms necessary nexus between *populus, polis, unitio.*

Generally, the Court is the "guardian" of the Eurasian legal order. Some competences as, e.g., clarification procedure become substitutes for dispute resolution and/or prejudice mechanisms. However, in the course it is advisable to adopt the Concept of interaction between the Eurasian Economic Court and the national judicial bodies (Mikhaliova, 2023, pp. 17-18). The legal form of such concept could be a decision of the Supreme Eurasian Economic Council. The Concept should include the elements of digitalization of the integration and national judicial systems, be interconnected as regards the practice, and a uniform application of the law of the Union. Primary elements of digital support refer to a digitization of some processes: electronic filing and storage of documents, electronic scheduling. Intro-

duction of new digital tools such as virtual proceedings, the use of low-level AI for case-management system is a long-term perspective. The very first task is to make this access easy, low-cost and prompt for ordinary persons, who are involved economically in integration processes. The disrupt in such kind of connection between people, political actors of integration level and integration decision-making procedure was criticized and currently is under serious changes, the Eurasian Commission has been turning to peoples of the Union, inter alia through digital tools, Internet, social networks, etc. The Court is still traditional and conservative as regards it.

Concerning the evolution of ADR within the Union it is worth to note that some initial steps to this direction have already been made: the arbitration is considered as an option for cross-border disputes, mediation is introduced for the procedures of barriers and other obstacles elimination. Also, it seems appropriate to provide for a mediation option for those categories of disputes between economic entities, which will be covered by the competence of the newly created arbitration in the EAEU. Institutionally, it is possible to organize a conciliation and mediation panel under such Eurasian body. It will form a systematic architecture of all the ADR mechanisms to resolve cross-border disputes between economic entities in the EAEU. Newly recommended for adoption ADR mechanisms in the Union for supranational and cross-border disputes settlement should be appropriately digitized from the very commence. However, three A's should be implemented to promote digitized DRMs agenda in the Union: accessibility, affordability, assurances of data security.

Finally, it is recommended to harmonize approaches to online dispute settlement in a transboundary context within the Union. In the EAEU it can be done in the form of the act of the Commission. Subject-matter which is the most appropriate for regional ODR mechanisms, according to other regions' experience, concerns cross-border consumer or small-enterprises' disputes, in other words, the disputes which are low-cost and need alternative flexible, accessible and affordable solutions. All these steps will increase accessibility to integration political and legal landscape, will make it clear for ordinary citizens, economic entities, contributing to their loyalty and support of integration processes. Eurasian integration started as a political project, which was widely supported by population in all member-states, more than 30 years ago (Iskakov, 2014). Afterwards different periods of political integration optimism and skepticism occurred. Modern processes on a global political scene make it necessary to build a strong and relatively autonomous region, where there is a balance between interests of all actors. Now, in an era of new technologies and new opportunities, digital reshaping one of the elements of integration system, namely dispute resolution, is an indispensable part of regaining this support from Eurasian peoples and making political and legal integration in Eurasia a success-story.

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