

The European Union and The Republic of Uzbekistan: Perspectives of Cooperation and Partnership In the Sphere of Tourism

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ANNOTATION: *This research focused on the formation and theoretical-legal regulation of tourism in the European Union. Moreover, the author analyses the public legal aspects of European tourism law, paying more attention on the description of existing agreements with the Republic of Uzbekistan. There are interpreted international legal aspects of the accepted norms in the sphere of tourism, according to the international law, European Union Law and the national legislation of the Republic of Uzbekistan. The author gives legal assessment to the partnership of the European Union states with the Republic of Uzbekistan in this area. The bilateral and multilateral norms between these subjects of international law, contextually important and last tendencies in the sphere of tourism, are mentioned by the author. There are developed conclusions and proposals in the developing partnership in tourism of the Republic of Uzbekistan. The paper also provides recommendations on the perspectives for cooperation and partnership between the Republic of Uzbekistan and the European Union in the sphere of tourism*

Keywords: *European Union, legal regulation, norms, partnership and cooperation agreements, tourism, Uzbekistan.*

Introduction

Tourism is not an independent policy of the European Community. Tourism as the scope of regulation the norms of European law includes the relationships of accommodation, transportation, nutrition, sightseeing activities, etc. Therefore, the measures for the implementation of other policies of the Community, include tourism (consumer protection, the environment, taxation etc.). Thus, tourism is regulated by European Union Law indirectly through other Community policies to the European Tourism are applied the norms about "additional measures" of Community. The main tool for influencing the sphere of tourism is "soft law" (Acts of the EU Commission which are considered to be dispositive norms). The Treaty of Lisbon

amending the Treaty on European Union and the Treaty establishing the European Community in 2007 was not secured for the European Union special competencies in the sphere of tourism. EU competence level in the tourism sector is static [1].

The EU adopts a significant number of acts in the field of tourism. Among the adopted documents, the norms of the "soft law" are quantitatively dominant, which are not legally binding. Today, the regulation of tourism by European law is based on the three elements of the Lisbon Strategy of EU; they are competitiveness, sustainable development and the interests of tourists. The Treaty on the Establishment of the EUC from 1957 (Article 3 (i)) called activities in the field of tourism as one of the "directions of activity" of the EU and endowed the Community with the appropriate competence. On the basis of these norms, the Community carried out a variety of activities in the field of tourism [2].

1. **Bilateral cooperation in the framework of Partnership and Cooperation Agreements of EU.**

Since 1999, the EU has gradually upgraded bilateral cooperation agreements to Partnership and Cooperation Agreements (PCAs) [3]. The PCAs between the EU and its non-Member States bear certain common features.

Firstly, the PCAs establish a kind of comprehensive partnership and cooperation relationship between the two parties. The aims of the PCAs are to provide a suitable framework for political dialogue, support the efforts made by the countries to strengthen their democracies and develop their economies, accompany their transition to a market economy, and encourage trade and investment. They also aim to provide a basis for cooperation in the legislative, economic, social, financial, scientific, civil, technological and cultural fields [4]. To some extent, the EU's PCAs could be regarded as the upgraded and expanded version of its traditional trade and economic cooperation agreements with third countries.

Secondly, the PCAs includes a special clause on respect for democracy, rule of law and human rights, which were not provided in previous trade and economic cooperation agreements. Scholars have defined this special provision as a "social clause", or a "human rights clause", or a "democratic and human rights clause", or a "rule of law clause" [5].

Thirdly, the PCAs establishes a Cooperation Council responsible for supervising the implementation of the PCAs. The Council meets at the ministerial level once a year. It is assisted by a Parliamentary Cooperation Committee. In addition, periodic political dialogues on a wide range of fields are conducted to ensure the implementation of the PCAs.

Fourthly, the PCAs explicitly set out their duration, normally a period of ten years, and at the same time provide for their autonomous extension [6].

Uzbekistan, from the first years of independence proclaimed the cooperation with Europe as one of the priorities of its foreign policy. The relations of Uzbekistan with the European states develop on a bilateral level as well as in the framework of Partnership Cooperation Agreement between the Republic of Uzbekistan and the European Communities and their Member States (PCA) which initialled on the 29th of April 1996 and entered into force on July 1, 1999.

While conclusion of this agreement the first President of Uzbekistan I.Karimov noted that: "Signing Partnership Cooperation Agreement between the Republic of Uzbekistan and the European Communities and their Member States is considered to be the event which prove that, the relations have reached a new, decisive stage" [7].

This “hybrid” treaty [8] includes wide range of bilateral and multilateral issues, which regulates economic, political, trade relations, and tourism lies among these relations particularly. An article of the agreement was dedicated to tourism (Article 61), which was called “tourism” and announces that, “the Parties shall increase and develop cooperation between them, which shall include:

- facilitating the tourist trade;
- increasing the flow of information;
- transferring know-how;
- studying the opportunities for joint operations;
- cooperation between official tourism bodies, including the preparation of promotional material;
- training for tourism development” [9].

Ph.D. Muminova emphasized that, the realization of Partnership Cooperation Agreement between the Republic of Uzbekistan and the European Communities and their Member States (PCA), calls to promote the process of integration of Uzbekistan to the World authority and to contribute effectively transition to the market economy of country [10].

1.1. Legal regulation of tourism in the framework of the PCA.

The sphere of tourism between EU and Uzbekistan is also regulated by bilateral treaties which will be analyzed in the next paragraph.

As it was mentioned by Kh.Yunusov, the “hybrid” status of PCA influences also to universalism of current treaty. In particular, among the other issues tourism was written shortly without any concretizations by the signed parts. However, the PCA did not prohibit to conclude the sectoral agreements. Economic cooperation, mutual trade and human rights issues are considered to be the most actual issues of Uzbekistan-EU relations [11]. We may add tourism to both economic integration and trade (trade of services) relations, which together constitute the main and remarkable role in constructing and developing mutual relationships between before mentioned two parts.

Here, it should be noted that, while thirteenth meeting from July of 2017, after the discussion of the Cooperation Council between the European Union and the Republic of Uzbekistan significant potential for developing tourism was recognized along with improvement of business climate in Uzbekistan [12]. Furthermore, some important issues of tourism development were recognized in the “Road map” of the mutual action plans on developing cooperation between the Republic of Uzbekistan and European Union for 2017-2018 [13].

“Road map” includes the general tendencies and perspectives of cooperation between Uzbekistan and EU. However, there is no single “Road map” concerning bilateral and multilateral relations in the sector of tourism. According to Khamova, “Roadmap” includes specific actions required to implement the concept of “common spaces”. It is noted that, the important role for tourism possess “Road maps for the common space consisting of freedom, security and justice”. [14] *So, it will be plentiful step if it would be elaborated special “Road map” concerning sustainable development of cooperation in the sphere of tourism between EU and Uzbekistan.* As for EU according to the draft report on the new comprehensive agreement sustainability in various spheres of mutual relations are considered to be important and actual [15].

More than 20 years past, so it is time to renew and enhance it. In particular, there have been adopted several legal norms and changes happened in the sphere of tourism in Uzbekistan. From our point of view,

a single Article cannot cover all tendencies and demands of the parties of the agreement. *Hence, it is time to revise and enhance Agreement in the part concerning cooperation in the field of tourism between EU states and Uzbekistan* [16]. Here, we would like to underline that in Enhanced Partnership and Cooperation Agreement between the European Union and its member states and the Republic of Kazakhstan has been already mentioned about enhancing collaboration on tourism. Namely, not the one, but the whole Chapter and 3 Articles are dedicated to cooperation in the field of tourism [17]. It is also advisable to bear in mind this enhanced Agreement while revising Agreement with Uzbekistan.

1.2. Development of contractual – legal cooperation between EU and Uzbekistan.

Furthermore, the Council of tourism of the CIS countries discussed creation of general visa space of the states of Central Asia for tourists on August, 10 in 2018 in Dushanbe [18]. However, this initiative was announced some academicians of Uzbekistan. Namely, Muminova mentioned that, “peculiarity of EU is explained to save cultural- ethical originality each member state of the EU within the freedom of movement of people, goods and capital, in the absence of boundaries. This practice is necessary for Central Asia, which differs with poly ethicality, with the variance of states’ frontiers with geographical resettlement this or that nationality (ethnos)” [19]. Moreover, PhD candidate offered the organization of analogue of Schengen visa in Central Asia region in her research papers before. Certainly, the EU new strategy for Central Asia is also emphasized, that the EU and its member states could help by sharing European know-how and providing a relatively modest level of investment. *In this regard, it will be advisable to use EU practice to implement a single visa in Central Asia Region.*

The next consequential project is considered to be the development of Memorandum of understanding between Governmental Committee of the Republic of Uzbekistan for tourism development and European Association of touristic agencies and tour operators.

This project was developed to realize the Presidential Decree «On measures to ensure the accelerated development of the tourism industry of the Republic of Uzbekistan" dated 02.12.2016 and includes constructing mutual relationship between governmental official body of Uzbekistan and European association to provide development of tourism, elimination of transport barrier, aid to adoption and elaboration the contacts between touristic organizations of Uzbekistan and EU, and also enlargement of business, cooperation and investment relations in tourism sector.

European Association of touristic agencies and tour operators (*ECTAA*) is the Group of national travel agents’ and tour operators’ associations within the EU.

2. Discussion.

From our point of view, this Agreement will play an integral role to define the Republic of Uzbekistan as priority destination point for tourists from EU states, simultaneously to increase the image of state and also, influence the number of tourists’ flow to Uzbekistan from EU states. This part of cooperation covers institutional collaboration of Uzbekistan and EU. Moreover, the structure and functioning of this institution could be used in establishment of the *Association of touristic agencies and tour operators of Central Asia countries* in near future. This initiative will enhance touristic potential of Central Asia region and influence on progressing cooperation of NGOs in the sphere of tourism.

Moreover, due to the 81st Article of the PCA, the Cooperation Council may decide to set up any other special Committee or body that can assist it in carrying out its duties and shall determine the

composition and duties of such committees or bodies and how they shall function. Based on this, the special Committees, such as Investments and trade (the first small committee), the second Committee for Justice, internal affairs, customs and other issues, and special committee for the cooperation in the field of scientific-technics, culture, education, environment protection were established. In the period of so many changes and reforms in the tourism sector in Uzbekistan and evaluating this sphere as the important one in economy growth of state, *it is time to establish a new special Committee with EU for tourism development in the basis of PCA*. The organizational structure of this Committee will be constructed by organizing negotiations between PCA parties, also the governmental and nongovernmental bodies of touristic sphere's participation should be provided. Furthermore, it would be more plentiful while establishing this Committee, the structure and practice of before organized three committees will be considered.

4. Conclusion.

An article cannot cover all tendencies and demands of the parties in touristic collaboration of the agreement (PCA). It is time to revise and enhance the whole the PCA or/and to adopt Amendments in developing tourism between EU states and Uzbekistan;

- based on 81st Article of the PCA, in order to practice it in the next level of reforms in Uzbekistan, it is considerable to establish a new special Committee with EU for tourism development in the basis of the PCA. The organizational structure of this Committee will be constructed by organizing negotiations between the PCA parties, also the governmental and nongovernmental bodies of touristic sphere's participation should be provided;

- emphasizing the raising role of implementation "Road map" in almost all governmental spheres activity in many countries and in particular, in the Republic of Uzbekistan, it would be more plentiful to adopt a single "Road map" concerning bilateral and multilateral relations in tourism sector with European Union;

- it is suggested to promote legal and practical issues for multi-visa cooperation system in Central Asia by using the practice of EU. It could be organized by signing New Agreement among Central Asian countries. With this regard it will be advisable to learn the usage of Schengen visa in the EU by both governmental officials and academicians in detail.

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