

## ACTUAL PROBLEMS OF THEORY AND PRACTICE OF JURISPRUDENCE AND FINANCE

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### OMBUDSMAN INSTITUTION IN THE COUNCIL OF EUROPE AND EUROPEAN UNION: GOALS AND OBJECTIVES FOR THE PROTECTION OF HUMAN RIGHTS

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The European Union and the Council of Europe have similar structural bodies responsible for monitoring respect for human rights and fundamental freedoms. The European Commissioner and the CoE Commissioner for Human Rights have identical objectives and similar powers. The purpose of the work is a comparative legal analysis of the purpose and responsibilities of the CoE Commissioner and the European Ombudsman, to identify the forms and prospects of their interaction.

**Material and methods.** The materials of the work were the EU Charter on Fundamental Human Rights of 7.12.2000, the Memorandum of Understanding between the Council of Europe and the European Union of 10.05.2007, etc. Main methods of research: comparison, analysis, generalization.

**Findings and their discussion.** Euroombudman (European Ombudsman) is a human rights commissioner from the European Union. The position is provided for by the Maastricht Treaty and appeared in 1993. A person with the citizenship of an EU member country, with experience in the field of human rights protection, is elected as the Euroombudman for Human Rights. He is elected by the European Parliament for 5 years by a simple majority. E. O'Reilly (Ireland) is currently in office. The main activity of Euroombudman is to investigate human rights violations on the basis of a complaint or on a personal initiative. At the same time, the Ombudsman is not restricted as much as possible in access to any necessary information provided to him by EU institutions. If violations of another type are found, it is entitled to notify the permanent missions of the member countries through which information on the violation reaches the competent national authorities. The European Ombudsman has the right to disclose any information received during the investigation, to keep confidential the person making the complaint if he or she may cause him or her harm. At the end of the investigation, the Ombudsman informs the complainant of the results. At the same time, he prepares an annual report to the European Parliament on the results of his investigations.

A similar institute was established in 1999 in the Council of Europe. The Commissioner of the Council of Europe is an independent official whose main

purpose is to monitor the observance of human rights. PACE is elected directly from three candidates nominated by the Committee of Ministers. The term of election is 6 years without the possibility of re-holding office. Since April 1, 2018, D. Miyatović (Bosnia and Herzegovina) has held the position. The activities of the CoE Commissioner are mainly aimed at promoting human rights monitoring, popularizing the legal guarantees given to citizens of the member countries of the Council of Europe, assisting working national structures in this field, detecting gaps in national legislation, and preparing recommendations for resolving problems related to the violation of human rights. These recommendations are referred to the CoE Committee of Ministers. The CoE Commissioner is also empowered to consider individual complaints, to respond to appeals from Governments, national parliaments, ombudsmen, individual organizations and individuals.

However, the two Commissioners act largely separately, only sometimes being included in the policy of solving problems within each other's responsibilities. An example of such cooperation is the divergence of views between the CoE Commissioner and the Eurobudman on the resolution of the refugee crisis. The CoE Commissioner in 2015 called the European Union's response to the crisis catastrophic, while a number of EU member states closed entry to refugees, resorted to the deprivation of citizenship of naturalized persons convicted of involvement in terrorist groups, search and surveillance of suspects in connection with the tightening of the domestic political situation against the background of terrorist attacks.

**Conclusion.** Thus, these officials have similar competence. The activities of both Euroombudman and the Commissioner of the Council of Europe are aimed at ensuring human rights and monitoring their implementation. Unfortunately, their joint operation is often contradictory and not always agreed upon, leading to duplication of functions. In this regard, a legal agreement is needed that can regulate the procedure for interaction between the two structures. For the first time, in part at the general level, the cooperation between the CoE and the European Union in the sphere of individual rights is formalized by the Memorandum of Understanding of the Council of Europe and the European Union 2007. The principle of indivisibility and universality of human rights allows to formalize their cooperation at the level of partnership, but there is no effective detailed system of their joint work and distribution of powers. The memorandum only mentions the intention to establish an agreement to resolve the issue in the near future. No such agreement exists at this time.

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3. N. Ilina Commissioner for Human Rights of the Council of Europe scolded the European Union for its attitude towards refugees/N. Ilina//Gazette. - 2015. - December 11 [Electronic resource]. – Access regime: <https://www.vedomosti.ru/politics/articles/2015/12/11/620545-komissar-soveta-evropi>. – Access date: 07.10.2019
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## **SOCIAL CONSEQUENCES OF RUSSIAN FOOD GOST CANCELING: ANALYSIS AND MODELING ISSUES<sup>3</sup>**

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Since the adoption of the Federal Law “On Technical Regulation” in 2002, public authorities have been working on the development of common principles and approaches to ensure the quality of consumer goods [1]. Despite this fact, the Russian Federation has not yet created the conditions for effective self-regulation [2], which is confirmed by three key problems of institutional transformations.

Firstly, the transition to self-regulation contributed to the institutionalization of unfair producers’ practices, which became widespread due to adverse selection [3]. The most common of them includes: the use of low-quality raw materials [4], “false” labeling of products, as well as the production of falsified product, which is known in advance [5]. As a result, the standard GOST mark on the package, which is familiar to ordinary consumers, may not indicate compliance with the production technology, while the price of the product is formed by the market without taking into account “real compliance” [6]. It leads

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