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БЕЛОРУССКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ

*Tregulova A.D. The role of the World Customs Organization in Stimulating the
 Development of Foreign Trade Relations*

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At the present stage, the World Customs Organization (hereinafter – WCO) plays an important role in shaping and regulating international trade relations. In 1952, the Customs Co-operation Council (hereinafter – CCC) started to exist as an acting independent international body for regulating customs and tariff practices, becoming a focal point in the field of customs. The Convention on the Establishment of CCC entered into force at the end of 1952, and since 1953, the STS has been directly working to harmonize and unify the customs systems, improve customs techniques and customs legislation. At the time of launching of the CCC, its membership comprised of only 17 states, currently - 182, which covers 98% of the world trade. Since October 1994, CCC has been renamed the World Customs Organization⁸³.

It should be noted that agreements between WCO Member States on matters within the competence of this organization are fixed in the relevant Conventions. The signatory state undertakes to bring the national legislation in accordance with its provisions (as a rule, for a sufficiently long period - from 3 to 5 years). At the same time, a new state party to the Convention has the right to establish or maintain at the national level more favorable conditions than those which are fixed in the Convention. Despite its recommendatory nature, the Conventions, as an international universal treaty, along with agreements are important sources of law in most Member States. Currently, the WCO coordinates the activity in the framework of more than 20 conventions, 50 recommendations and a number of international standards on certain customs issues.

In the conditions of growing competition in the world market, states are trying to develop their economy, improve access of domestic products to the markets of third countries and are interested in accelerating the process of moving goods. At the same time, there is a tendency to protect against negative factors: smuggling, crime, and also to preserve the well-being of its citizens. As part of the implementation of these measures, States face with certain

⁸³World Customs Organization [Electronic resource] : History – Mode of access: http://www.wcoomd.org/en/about-us/what-is-the-wco/au_history.aspx. – Date of access: 03.03.2018.

difficulties, which are facilitated, among other things, by WCO activities. In this article we will consider the most important, in our opinion, results of the work of this organization, which had a significant impact on the development of international trade relations.

One of the significant obstacles in the implementation of international trade is the complexity and diversity of customs requirements and formalities in various countries of the world, customs unions and other integration associations. Since its inception, WCO has advocated for harmonization and the development of a unified approach to the customs system, as well as for the trade facilitation. One of the most important achievements is the International Convention on the Simplification and Harmonization of Customs Procedures - the Kyoto Convention (1973, as revised in 1999). It includes annexes, each of which relates to a particular sphere of customs activity, for example, customs clearance of goods for release for domestic consumption, customs issues related to transit, with assistance in customs clearance of passengers. They contain the basic principles, the application of which leads to the simplification and harmonization of customs operations in the participating countries. The Convention is based on the following principles, which are reflected in the Customs Code of the EAEU:

- 1) clarity and precision of the provisions of the customs legislation, including the institution of appealing decisions of customs authorities;

- 2) adoption of standard simplified customs rules and procedures;
- 3) the most efficient use of information systems and technologies in customs procedures;
- 4) improving the methods of customs control, conducting it on the basis of risk management;
- 5) use of electronic databases and electronic means of information exchange during customs procedures;
- 6) comprehensive cooperation of customs authorities with other state bodies, trade associations, as well as international cooperation and interaction of customs services;
- 7) establishment of partnership relations with law-abiding participants in foreign economic activity, etc.

The implementation of these principles in the legal framework of many states, including the EAEU law, testifies to the significant role of the WCO, not only in the development of foreign trade, but also in the improvement of customs law.

In conditions of growing volumes of world trade and rapid development of new productions, there is a significant increase in the number of complicated goods and goods that first appear on the world market. In this regard, an important result of WCO activities was the creation and subsequent regular updating of a single unified nomenclature for the classification of goods in customs tariffs. It allows not only to encode the goods, compare the level of their customs duties and the size of mutual concessions, but also to interpret the restrictions and preferences in relation to certain goods traded in world trade⁸⁴. In 1983 to regulate these issues, the International Convention on the Harmonized Commodity Description and Coding System was signed (entered into force in 1988).

The International Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences of 1977 (Nairobi Convention) is an effective instrument in the field of law enforcement. These customs offenses include the illegal movement of materials subject to strict control during the movement, such as narcotic drugs, psychotropic substances, weapons, nuclear materials, toxic waste, cultural property, violations related to the protection of flora and fauna, violations of intellectual property rights and so on. The provisions of this Convention establish obligations on mutual assistance of customs authorities with a view to preventing, investigating and suppressing customs offenses. A

⁸⁴World Customs Organization [Electronic resource] : WCO Goals – Mode of access: <http://www.wcoomd.org/en/about-us/what-is-the-wco/goals.aspx>. – Date of access: 03.03.2018.

significant number of countries have signed this convention, and, consequently, subsequently reflected in their legislation its principles. The implementation of the Nairobi Convention in practice demonstrates the importance of WCO activities in the legal and safe movement of goods across the customs border, incl. for trading purposes.

Recognizing the effectiveness of WCO in the field of customs administration, all the EAEU Member States became members of this international organization. Moreover, in 2016, a legal framework for interaction between the Eurasian Economic Commission (hereinafter – EEC) and WCO was formed by signing a Memorandum of Understanding between the Eurasian Economic Commission and the World Customs Organization. Taking this into account, the development of areas and forms of effective cooperation in the EEC and WCO format is an urgent issue.

Thus, the main activities of WCO are to support customs administrations in order to ensure and facilitate the implementation of legitimate trade operations, increase their speed and simplification, replenish the revenue part of state budgets, promote international customs cooperation, protect society as a whole and institutional development. The legal norms fixed in the WCO Conventions and other instruments are implemented in the national legislation of its Member States. Their application in practice has a favorable effect on the conditions of conducting foreign trade activities and facilitates the simplification of trade procedures.

Трегулова А. Д. Роль Всемирной таможенной организации в стимулировании развития внешнеторговых отношений
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На современном этапе важную роль в формировании и регулировании международных торговых отношений играет роль Всемирная таможенная организация (далее – ВТамО). В 1952 г. начал свое существование Совет таможенного сотрудничества (Customs Co-operation Council, далее – СТС) в качестве действующего самостоятельного международного органа по вопросам регулирования таможенно-тарифной практики, став координационным центром в области таможенного дела. Конвенция об учреждении СТС вступила в силу в конце 1952 г., а с 1953 г. СТС непосредственно осуществляет работу по гармонизации и унификации таможенных систем, улучшению техники таможенного дела и таможенного законодательства. На