

EAEU play a key role in organizing trade and logistics between the Member states of the Union. Digitalization of processes and the introduction of new environmentally friendly technologies make the topic of warehouses even more relevant, opening up new opportunities for automation and data analysis.

Zhukova Maria Sergeevna

Belarusian State University, Republic of Belarus
Research Advisor: Liubov S. Akhramenko, Senior Lecturer

INTERNATIONAL COOPERATION IN THE FIELD OF CUSTOMS OFFENCES

Research field:

Customs in the context of globalization and regionalization.

In the system of international law, international customs law is generally defined as a set of principles and norms governing relations between States and other entities in customs matters. Cooperation in the prevention, suppression and investigation of customs offenses is one of the ranges of relations on customs issues that are the subjects of regulation of international customs law.

Intergovernmental agreements on cooperation and mutual assistance in customs matters, agreements concluded within the framework of the World Customs Organization (hereinafter – WCO), the Commonwealth of Independent States (hereinafter – CIS) and the Eurasian Economic Union (hereinafter – EAEU) play an important role in regulating legal relations with the participation of customs authorities.

Smuggling and other customs offences are crimes of an international nature. The fight against smuggling is impossible without close cooperation between States. For this purpose, on June 9, 1977, at the session of the Customs Cooperation Council in Nairobi (Kenya), the International Convention on Mutual Administrative Assistance in the Prevention, Investigation and Suppression of Customs Offenses was adopted. The Republic of Belarus joined the Convention in 2000, immediately adopting Annex X¹.

The Nairobi Convention consists of a preamble and 6 chapters comprising 23 articles. It has adopted 11 annexes related to a specific area of cooperation in combating smuggling and other violations of customs regulations. Each annex to the Convention is an independent international legal treaty. Currently, the largest number of States parties to the Convention have declared their

¹ Гребенников, А. В. Краткий справочник международных правовых актов в области таможенного дела / А. В. Гребенников; БГУ, Фак. международных отношений, Каф. таможенного дела. – 2-е изд. – Минск : БГУ, 2017. – 56 с.

commitment to the provisions contained in annex X “Assistance in action against the smuggling of narcotic drugs and psychotropic substances”¹. At the moment, the Republic of Belarus does not apply Annexes IV and VIII.

Within the framework of the CIS, the Republic of Belarus has actively participated in international cooperation aimed at combating crime, particularly in the field of customs affairs. The key document in this area is the Agreement on Cooperation between the CIS member States in Combating Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Their Precursors dated November 30, 2000, which entered into force for the Republic of Belarus in 2001. Despite the reservation of the Republic of Belarus regarding certain provisions, this agreement is the basis for targeted cooperation between the law enforcement agencies of the CIS countries in countering this dangerous type of international crime. It also provides for the possibility of direct interaction between law enforcement agencies in the surrounding regions².

An important step in the development of cooperation was the Agreement on the Procedure for the Transfer of Samples of Narcotic Drugs, Psychotropic Substances and their Precursors dated October 18, 2011, which entered into force for the Republic of Belarus in 2012. The established procedure for the transfer of samples of narcotic drugs, psychotropic substances and their precursors seized from illicit trafficking is of great practical importance for the effective implementation of operational investigative measures, as well as comparative forensic research for scientific and educational purposes.

In general, considerable attention is paid in the CIS to the formation of a unified legal framework for countering drug trafficking, unification and harmonization of national legislation.

In the context of deepening economic integration within the EAEU, issues of harmonization and unification of legislation are becoming of primary importance. Being an active participant in the EAEU, the Republic of Belarus is interested in creating a single economic space operating on the basis of clear and agreed rules. In this regard, the development of supranational legislation in the field of customs offences is becoming particularly relevant.

Regulation of customs relations between participants in foreign economic activity is carried out through the norms of an interstate nature. An example is the Custom Code of the EAEU operating in the territory of five states. However, positive regulation is not enough to ensure

¹ International convention on mutual administrative assistance for the prevention, investigation and repression of customs offences : concluded in Nairobi on June 9, 1977 // World Customs Organization. – URL: <https://www.wcoomd.org/en/about-us/legal-instruments/~media/574B25F13D9C4D4BA44AB4CD50A967C5.ashx> (date of access: 19.04.2025).

² О сотрудничестве в Содружестве Независимых Государств по противодействию незаконному обороту наркотических средств // Исполнительный Комитет СНГ. – URL: <https://cis.minsk.by/news/11921/o-sotrudnicestve-v-sodruzestve-nezavisimyh-gosudarstv-po-protivodejstvu-nezakonnomu-oborotu-narkoticheskikh-sredstv> (дата обращения: 20.03.2025).

legality in this area. It is necessary to take into account the possibility of violations of the law and provide for liability for such violations.

Although the customs legislation of the five countries is unified, administrative and criminal legislation in the field of customs regulation remains at the national level. Due to the fact that certain criminal acts may have different degrees of importance for each country, the responsibility for their commission also varies. This creates an incentive for individuals who violate customs rules to take advantage of the differences in the size of penalties for the same offence in different EAEU countries.

The criminal codes of the five countries contain provisions on mitigating and aggravating circumstances. The key point at which an act passes from the category of administrative responsibility to criminal responsibility is the presence of a large or especially large amount of damage. At the same time, the sizes that determine the large size vary both for smuggling and for evading customs duties. Moreover, the concept of smuggling varies depending on the legislation. In Kyrgyzstan, the amount corresponding to a large amount is the lowest among these countries, when, as in the Armenia, it reaches its highest value¹. Thus, in the case of illegal movement of goods across the border, administrative liability turns into criminal liability if the value of the transported goods exceeds:

in the Republic of Belarus-84 thousand rubles.;

in the Russian Federation-36 thousand rubles²;

in the Republic of Kazakhstan -244 thousand rubles³;

in the Kyrgyz Republic-18 thousand rubles⁴;

in the Republic of Armenia -1 million 200 thousand rubles⁵.

¹ Международные отношения: история, теория, практика : материалы IX науч.-практ. конф. молодых ученых фак. междунар. отношений БГУ, Минск, 1 февр. 2019 г. / Белорус. гос. ун-т ; редкол.: В. Г. Шадурский (отв. ред.) [и др.]. – Минск, 2019. – С. 180-185.

² Уголовный кодекс Российской Федерации : 13 июня 1996 г. № 63-ФЗ : принят Гос. Думой 24 мая 1996 г. : одобр. Советом Федерации 5 июня 1996 г. : в ред. Федер. закона от 28 июля 2025 г. № 31-ФЗ : с изм. и доп. вступ. в силу с 11 март. 2025 г. // КонсультантПлюс. Россия : справ. правовая система (дата обращения: 02.04.2025).

³ Уголовный кодекс Республики Казахстан : 1 января 2015 г. № 226-V : принят Парлам. Респ. Казахстан 3 июля 2014 г. : в ред. Закона РК от 18 март. 2025 г. № 175-ФЗ-VIII: с изм. и доп. вступ. в силу с 6 март. 2025 г. // Юрист. Казахстан: справ. правовая система (дата обращения: 02.04.2025).

⁴ Уголовный кодекс Кыргызской Республики : 28 октября 2021 г. № 127 : принят 1 дек. 2021 г. : в ред. Закона Кыргызской Респ. от 22 дек. 2024 г. № 186: с изм. и доп. вступ. в силу с 1 июля 2025 г. // Министерство юстиции Кыргызская Республика: информ.-поисковая система (дата обращения: 02.04.2025).

⁵ Уголовный кодекс Республики Армения : 18 апреля 2003 г. №ЗР-528 : принят Нац. собранием Респ. Армения 29 апр. 2003 г. : в ред. Закона Респ. Армения от 17 июня 2021 г. №ЗР-259: с изм. и доп. вступ. в силу с 27 июня 2022 г. // Библиотека по правам человека: информ.-поисковая система (дата обращения: 02.04.2025).

The need for maximum development of international legislation on customs offences is becoming obvious. The existing fragmentation in this area creates a favorable ground for illegal trade and money circulation, which, in turn, poses a threat to the life and health of the population.

The formation of a unified regulatory framework of the EAEU in the customs sphere is a complex and step-by-step process that requires consistent development and implementation. The key task is to create a solid legal basis for the integration association.

The unification of the legislation of the EAEU member states will increase the percentage of crime detection in the field of customs affairs and reduce the number of criminal schemes. To do this, it is necessary to create unified Administrative and Criminal Codes of the EAEU, which will clearly specify the large size and qualifying signs of offences. This is especially true for customs offences related to the movement of goods across the borders of the Member States.

Thus, it can be noted that the regulation of the activities of customs authorities and related legal relations is provided by a number of international agreements. These include intergovernmental agreements on cooperation and mutual assistance in customs matters, agreements within the framework of the CIS and the EAEU. The Nairobi Convention, aimed at the prevention, suppression and investigation of customs offences, plays a special role. There is also a need for the maximum possible unification of the legislation of the EAEU countries on customs offences, including its procedural side.

Bihmayeva Anastasiya Vladimirovna

Belarusian State University of Transport, The Republic of Belarus

The research advisor: Shestak Olga Nikolaevna, PhD in Economics, Associate Professor

THE INTERNATIONAL EXPERIENCE IN COMBATING CUSTOMS CRIMES

Research field:

Innovative technologies in international trade.

The international experience in combating customs crimes plays an important role in developing and improving the system of controlling the movement of goods across borders. With the growth of international trade and the expansion of customs procedures, effective measures against customs law violations are becoming increasingly important for ensuring security and fairness in international trade relations. Different countries apply various methods to address such offenses, each with its own features and advantages.

As examples, let us consider the practices of the United States, the European Union, and the People's Republic of China.