

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.

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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.

The activities of the U.S. Customs and Border Protection – CBP, are focused on four main areas: enforcement of customs laws, drug control legislation, export control, and anti-money laundering efforts¹.

The main task of the U.S. Customs Service is to inspect the documents accompanying goods and individuals crossing the border. For example, incoming passengers are required to complete and submit a customs declaration, which is usually distributed by airlines, bus companies, and shipping lines.

U.S. criminal laws related to customs violations are divided into two categories: smuggling (the intentional import of prohibited items) and submitting false statements to customs authorities. In addition, there are special laws regulating the import and export of drugs and weapons without proper permits.

The Customs Service classifies offenses by their level of severity. The most serious are considered "strategic" violations, involving goods that require licenses, such as firearms and nuclear technologies. Less serious offenses include fraud in non-strategic areas, such as textile imports, violations of anti-dumping regulations, and the import of counterfeit goods².

U.S. customs policy regulates the volume, structure, and conditions of exports and imports. Certain goods must be declared and accompanied by an export certificate. Selective inspections are also carried out to verify the value, tariff code, country of origin, document accuracy, and to detect prohibited items.

The country has a well-developed product marking system using unique identifiers such as holograms and barcodes. In the pharmaceutical sector, serialization is applied: consumers can verify the authenticity of medicines using a unique code, while customs authorities can track the product at every stage of distribution.

When investigating customs violations, officers use various methods, including citizen reports, informant information, undercover operations, surveillance, searches, handwriting analysis, wiretapping, and the use of sniffer dogs. Random and targeted inspections are also conducted³.

¹ U.S. Customs and Border Protection [Electronic resource] : [official website]. – Mode of access: <https://www.cbp.gov/>. – Date of access: 05.05.2025.

² Melnikova, I.I. Main measures to combat customs offences in the United States / I.I. Melnikova // Legal Science: Theory and History of Law. – 2015. – Vol.42 – P.83-85.

³ Serogodskaya, E.S. Foreign experience in combating customs crime / E.S. Serogodskaya // Science and Society – 2021: Proceedings of the International Scientific Conference, Rostov-on-Don, 09 April 2021 / Edited by N.B. Osipyan, I.V. Makarova, M.I. Zhbannikova. – Moscow: Moscow University named after S.Yu. S.Y. Witte, 2021. – P. 306-310.

The most common method of obtaining information used by the U.S. Customs Service is citizen reports. Informants are generally more active when they are rewarded, with the amount often linked to the value of the seized contraband.

Sometimes customs agents operate undercover, acting as buyers or sellers of smuggled goods.

CBP has introduced facial biometrics into the entry and exit processes at international airports, and has expanded the use of this technology at seaports and U.S. borders. To date, more than 300 million travellers have been processed, preventing the entry of more than 1,800 imposters. Mobile passport control allows travellers with visas to submit their documents and declaration through a secure app on mobile devices.

The European Union's (EU) system of customs control over the movement of goods is at the forefront of the fight against customs crime. It prevents the movement of products that violate customs legislation, do not comply with EU safety and quality standards (counterfeit) and infringe intellectual property rights (counterfeit)¹.

Customs control at EU borders is carried out in several stages. First, accompanying documents (customs declarations) are checked using an automated risk management system. Risks arise when prohibited goods, counterfeits, hazardous products, or dual-use items are transported; such goods require licenses or permits. Customs authorities may also conduct selective inspections, including product examination, sampling, and checks of vehicles or luggage.

At the next stage, the quality of imported products and their compliance with EU standards are assessed. If the necessary documents are missing, the inspection is carried out at the supplier's expense. Customs authorities cooperate with supervisory bodies, which may conduct additional tests to confirm product safety. If deficiencies are found in goods from EU countries, they are released only after corrections are made. Goods imported from third countries remain under customs control until their status is determined or they are destroyed.

Market access is only possible if products bear the CE (Conformité Européenne) marking, which confirms their compliance with European quality and safety standards. This label assures consumers that the product has passed all necessary checks. The RAPEX rapid alert system plays a key role in preventing counterfeit and dangerous goods from entering the EU market. It enables the swift sharing of information about hazardous products that have been removed from sale or recalled, helping protect the health and safety of citizens across the EU.

¹ OECD Report 'Trends in Trade in Counterfeit and Pirated Goods' [Electronic resource] / OECD Online Library. – 2019. – Mode of access: https://read.oecd-ilibrary.org/trade/trends-in-trade-in-counterfeit-and-pirated-goods_g2g9f533-en#page5/. – Date of access: 05.05.2025.

Additionally, the EU has a unified intellectual property protection system that includes trademark registration, patents, and industrial designs. Counterfeit goods are subject to mandatory destruction, and suppliers face criminal liability. In France and Italy, criminal penalties also apply to end users of counterfeit products, which serves as an effective deterrent.

In the People's Republic of China (PRC), responsibilities for combating smuggling are divided between agencies. The PRC Customs Police investigate cases of customs duty evasion and smuggling within customs control zones, while local police (Ministry of Public Security) handle smuggling cases outside these areas.

To improve information exchange, integrate resources, and enhance administrative efficiency, China has established specialized anti-smuggling zones. In these zones, the functions of data collection, analysis, and coordination are assigned to one of the customs services based on their specialization. The following zones are defined:

- Zone 1 – covers 17 northern customs districts;
- Zone 2 – includes 13 districts in eastern China and the Yangtze River region;
- Zone 3 – encompasses 12 districts in western and southern China.

The Chinese Customs Service combats not only traditional smuggling of goods such as drugs, weapons, cultural relics, and CITES items but also plays an active role in counter-terrorism efforts ¹.

Today, key priorities include protecting the environment and public health. Customs authorities work to prevent the illegal import of waste and harmful products that may threaten citizens' well-being.

A top priority remains tackling customs duty evasion. Notably, evading customs payments exceeding 10,000 yuan for individuals and 20,000 yuan for legal entities can lead to criminal liability for smuggling. Beyond illegal border movement, smuggling also includes the transport, purchase, and assembly of contraband goods ².

Foreign practices show that the effectiveness of customs control depends on a comprehensive approach and modern technologies. The experiences of the USA, EU, and China confirm the importance of information exchange, risk systems, and strict accountability. Adapting the best solutions strengthens security and develops the domestic customs system.

¹ Nikolaev, A.M. Formation of the customs authorities of the People's Republic of China / A.M. Nikolaev // Customs policy of Russia in the Far East. – 2016. – Vol.1 – P. 88-96.

² General Administration of Customs of the People's Republic of China [Electronic resource]: [official website]. – Mode of access: <http://english.customs.gov.cn/>. – Date of access: 05.05.2025.