

telematics solutions in the field of logistics for international trade reduces the cost of refrigerated transport by 60%, and the cost of servicing fleets and labor costs by 35%<sup>1</sup>.

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### **«Export control as a tool of national security»**

*Research Field:*

*Current issues of border protection*

Export control is a measure of non-tariff regulation of foreign economic activity. Nowadays the application of export control is very relevant due to existing armed conflicts, outbreaks of war and other hotbeds of tension throughout the world. The purpose of export control as an instrument of national security is to eliminate risks that can do harm to States security.

States should apply export control measures and develop relevant legislation so that there are no obstacles to civilian goods but has exercised strict control of goods that may constitute a threat at the national and international levels.

The goals for creating the Eurasian Economic Union (EAEU) are innovational development, cooperation and improvement of national economies' competitiveness as well as creating conditions for the stable economic development of the Member States in order to improve the living standards of the population<sup>2</sup>. In accordance with these goals the unified measures are used to regulate foreign trade in goods with third parties, a unified regime of trade in goods is applied to third countries and a single customs regulation is carried out.

According to the EAEU the law export control is included in the system of prohibitions and restrictions on foreign trade in goods along with measures such as non-tariff and technical regulations, sanitary-epidemiological, veterinary and quarantine phytosanitary requirements. All

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<sup>1</sup> Wialon helps to control ice cream transportation in Sri Lanka [Electronic resource]: Gurtam.com, 2020. — Mode of access: <https://gurtam.com/en/case-studies/wialon-helps-to-control-ice-cream-transportation>. — Date of access: 10.04.2020.

<sup>2</sup>Treaty on the Eurasian economic Union [Electronic resource]: [Signed in Astana on 29.05.2014] // ConsultantPlus. Russia / ZAO "Consultant Plus". - Moscow, 2016.

these measures are different, have their own scope of application, objects of regulation, features and forms of confirmation of compliance with the prohibitions and restrictions.

Despite the common goals in establishing the EAEU export control is a unique measure in this system, since there are no single practical measures for its implementation unlike other prohibitions and restrictions which means the priority of national interests and the application of export control measures in mutual trade between the EAEU Member States. In other words, for export control there is no division of trading partners into countries that are part of an integration association and form consolidated customs territory and third countries that aren't the members of the EAEU.

Export controls have discrepancies in the following:

#### The Legislative Framework

The export control system in the EAEU operates under the national legislation of each Member State, this legislation establishes a package of measures to ensure the implementation of a procedure for authorizing the import, export, transit, use of export control objects and brokering activities in relation to them on the territory of the country concerned. The content of such regulations of the Member States governing the export control is made up of harmonized norms and rules governing foreign economic activity in respect of dual-use goods, their uniform application taking into account the international obligations of each EAEU Member State in the field of non-proliferation of weapons of mass destruction and their missile delivery vehicles as well as export controls and national security interests.

#### A competent authority in Customs Control

Each member state has its own competent authority in the field of export control. In the Republic of Belarus, the State Authority for Military Industry of the Republic of Belarus<sup>1</sup> is the main executive body in the field of export control. The coordination of the activities of federal executive bodies and the organizational and methodological management of export control in the Russian Federation is provided by Federal Service for Technical and Export Control<sup>2</sup>. In the Republic of Armenia, the authorized body is the Export Control Commission<sup>3</sup>. In the Kyrgyz

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<sup>1</sup>On export control [Electronic resource]: Law of the Republic of Belarus, may 11, 2016, no. 363-3 // ConsultantPlus. Belarus / Yurspektr LLC, National center for legal information. Rep. Belarus. - Minsk, 2016.

<sup>2</sup>On export control [Electronic resource]: Federal Law of the Russian Federation, July 18, 1999, No. 183-FZ // ConsultantPlus. Russia / ZAO "Consultant Plus". - Moscow, 2016.

<sup>3</sup>On export control [Electronic resource]: Law of the Republic of Armenia, April 27, 2010, no. 3P-42 // Legislation of the CIS countries. Russia / Soyuzpravoinform LLC. - Moscow, 2003.

Republic it's the Commission on military-technical cooperation and export control<sup>1</sup> and in the Republic of Kazakhstan the procedure for export control is determined by the government<sup>2</sup>.

#### The Single List of Dual-Use Goods and Technologies

In accordance with the Agreement between the Government of the Republic of Belarus and the Government of the Russian Federation "About a Unified Export Control Procedure" dated 13.04.1999<sup>3</sup>, the States have a unified list of export control objects but at the same time the list of each country corresponds to the control lists of international export control regimes in which the State consists in. Such lists in Kazakhstan were created based on the lists of the European Union and the Russian Federation. At the same time The List of Dual-Use Goods and Technologies of Armenia and Kyrgyzstan was developed on the basis of economic profiles and aims of the States.

#### Permit Documents during Export Control

Currently in Russia and Belarus export and import of specific goods (labour, services) is carried out under licenses issued by the relevant competent authority. In Armenia and Kazakhstan such a document is an end-user certificate and in Kyrgyzstan it's a written end-user undertaking.

#### Participation in International Regimes. The Purpose of Export Control

Armenia and Kyrgyzstan don't participate in any of the international regimes aiming to protect the interests of the state as well as prevent and reduce unauthorized exports. Russia participates in such international regimes as the Wassenaar Arrangement; the Missile Technology Control Regime; The Zangger Committee and the Nuclear Suppliers Group and aims to not only ensuring the country's security, but also fighting international terrorism. Kazakhstan and Belarus are the members of the same international regimes such as the Zangger Committee; the Nuclear Suppliers Group however they set different export control goals for themselves. For Belarus, it is primarily ensuring the country's national security; for Kazakhstan it's preserving the peace and security of the country and international communities.

In general we can say that there are some differences in the organization of the application of export control in the EAEU Member States but the principle of such control in all Member States is quite similar.

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<sup>1</sup>On export control [Electronic resource]: Law of the Kyrgyz Republic, January 12, 2003, no. 30 // Legislation of the CIS countries. Russia / Soyuzpravoinform LLC. - Moscow, 2003.

<sup>2</sup>On export control [Electronic resource]: Law of the Republic of Kazakhstan, July 21, 2007, no. 300 // Legislation of the CIS countries. Russia / Soyuzpravoinform LLC. - Moscow, 2003.

<sup>3</sup>Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on the unified export control procedure [Electronic resource] : [concluded on April 13, 1999.] // ConsultantPlus. Belarus / Yurspektr LLC, National center for legal information. Rep. Belarus. - Minsk, 2016.

In the Republic of Belarus, export control is not only control over the import, but also the export of dual-use and military goods. Such bilateral control and its role as a tool of national security related to the increased export potential of specific goods, primarily weapons and military equipment.

Today in the Republic of Belarus the situation is the following:

more than 25 military industries produce weapons and military equipment;

more than 250 military industries of the Republic of Belarus and the Russian Federation carry out mutual deliveries of component parts, individual weapons and military equipment;

more than 70% of the output of Belarusian military equipment goes to the external market;

more than 70 states (including the EAEU countries) have modern samples of Belarusian-made military products in their armies and law enforcement agencies (the most important strategic partners are the Russian Federation and the People's Republic of China);

the volume of production of industrial products (works, services) by organizations that are part of the State Authority for Military Industry of the Republic of Belarus system increased almost 7 times (from 94.3 million to 654.5 million US dollars) from 2004-2019.;

the volume of exports of goods and services of the organizations of the State Authority for Military Industry of the Republic of Belarus from 2004 to 2018 increased by 7 times (from 143.8 million to 1 billion 49 million US dollars)<sup>1</sup>.

However, such high rates also lead to increasing level of export control. Illegal entry of military goods to other countries with the aim of using weapons not as protection of the country but as attack can provoke outbreaks of military conflicts around the world.

Thus, a responsible and strict attitude to compliance with international legal norms and obligations, improvement of legislation in the field of export control will contribute to the growth of exports of weapons and military equipment (to more than 70 countries, including the EAEU countries) and at the same time to a more thorough implementation of export control in order to prevent the illegal export and import of military goods which determines this measure of non-tariff regulation as a tool of national security in the Republic of Belarus.

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<sup>1</sup>The State Authority for Military Industry of the Republic of Belarus [Electronic resource] - access Mode: <http://www.vpk.gov.by>. - access date: 15.04.2020.