

operation of the system with optimal risk profiles and a selection system for post-control will be able to neutralize this problem.

At the moment, the automatic release system applies only to risk-free declarations of any level of risk of companies. As a rule, they make up 40-50% of the number of all declarations. This means that a high-risk company with a risk-free declaration can be issued automatically and not be subjected to further checks, i.e. be automatically transferred from the blue to the green channel. This creates an opportunity for such companies to violate the law.

The solution to this problem is automatic issuance only for risk-free declarations of low-risk companies. Such declarations should be checked at the post-customs control stage only if there are serious grounds to believe that there is a risk of violation of the law¹.

Thus, the system of the «blue» channel seems very promising, since it allows you to provide benefits to conscientious participants in foreign economic activity, reduce the time of customs control and increase the flow of revenue to the budget by providing guarantees to entities. The use of the blue channel will reduce the workload for customs officials while crossing the border, and will also ensure a high level of control over all aspects of the company's activities.

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«Control of the movement of goods containing intellectual property»

Research Field:

Intellectual property as an object of international trade

The customs authorities of the Republic of Belarus take measures in order to protect the objects of intellectual property, in accordance with the Customs Code of the Eurasian Economic Union and national legislation. Thus, the Civil Code of the Republic of Belarus defines intellectual property as the results of intellectual activity and the means of individualization of participants in civil circulation of goods, works or services.

The law defines counterfeit goods as goods containing objects of intellectual property (objects of copyright and related rights, industrial property rights) If the movement of such goods

¹ Automatic release of goods: regulatory framework and practice [Electronic resource] – Access mode: <https://declarant.by/ru/news/avtomaticheskij-vypusk-tovarov-normativnaya-osnova-i-praktika/> - Access date: 23.04.2022.

across the customs border or other actions with such goods under customs control entails a violation of the rights of the right holder protected by the law.

Counterfeiting includes a range of measures, including:

Registration of intellectual property objects in the Customs Register of Objects of Intellectual Property of the Republic of Belarus and the Unified Customs Register of Objects of Intellectual Property of the Member States of the Eurasian Economic Union.

Initiation of administrative and criminal proceedings by the right holder.

Today, the problem of strengthening the national dignity and authority of the country on the world stage through the preservation of historical and cultural heritage is topical. According to the data of Belstat, a chart of foreign trade turnover of goods of group 97 of Commodity Nomenclature of Foreign Economic Activity «Works of art, collectors' items and antiques» was constructed (Pic.1).

As we can see, there has been a positive trend over the past five years, and the graph is growing rapidly. Over the past year, the growth rate was 139%, which indicates a strong foreign trade turnover of this category of goods.



Picture 1. Foreign trade turnover of goods of group 97 of CN of FEA

A significant part of the total volume of trade of goods of the 97 group of Commodity Nomenclature of Foreign Economic Activity for the period of 2017-2021 hold the goods of heading 9705 «Collections and collectibles» - about 78% of the total value of foreign trade turnover. In the second place were placed items of the heading 9701 «Paintings, drawings and pastels, collages and decorative images» - 13% of the total value, then products of the heading 9703 «Originals of sculptures and figurines»- 6%. Foreign trade in artworks and antiques

belonging to headings other than those mentioned above accounted for a small share of the total value of exports and imports of goods of group 97 of Commodity Nomenclature of Foreign Economic Activity.¹

In this regard, the control of the movement of cultural property is one of the priorities at the present stage. Cultural property belongs to the category of goods, in respect of which there is the permissing procedure of import into the customs territory of the EAEU and (or) export from the customs territory of the EAEU, in accordance with the Decision of the Board of the Eurasian Economic Commission 30 «On non-tariff regulation measures». According to the Criminal Code of the Republic of Belarus, deliberate non-return of historical and cultural property, if such return is mandatory, is punishable by imprisonment for up to seven years, with or without a fine. The social danger of this crime lies in the potential loss of unique works of art, antiques, which are the common heritage. The export of such cultural property from the territory of the Republic of Belarus is carried out solely on the basis of a conclusion (authorization document) issued by the Ministry of Culture in accordance with the established procedure.

According to data from the State Customs Committee, in 2021 the customs authorities of the Republic of Belarus identified 17 offences related to the illicit movement of cultural property. The objects of the offense were: furniture, household items, in the amount of 827 pcs., coins in the amount of 181 pcs., icon in the amount of 406 units, cold weapons (knives) in the amount of 10 units, medals costed more than 218 thousand Belarussian rubles.²

Thus, it should be understood that the control of the movement of cultural property is of particular relevance today because of the high potential risk of the loss of unique works of art, which are the common heritage of the nation.

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«Prospective directions for the development of customs and tariff regulation in the EAEU»

¹ Interactive information and analysis system for the dissemination of official statistical information// National Statistical Committee of the Republic of Belarus [Electronic resource]. - Access mode: <http://dataportal.belstat.gov.by/AggregatedDb>. – Access date: 20.03.2021.

² Law enforcement activities for 2021// Customs authorities of the Republic of Belarus. [Electronic resource] - Access mode: <https://www.customs.gov.by/pravookhranitelnaya-deyatelnost/pravookhranitelnaya-deyatelnost-za-2021-god/>. – Access date: 10.04.2022.