

**Dabryian Khristina Nickolaevna. *Economic sanctions and their impact on the activities of the Customs authorities of the Republic of Belarus and the Russian Federation***

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There are many definitions of the term "sanctions". For the first time, the British Royal Institute of International Relations gave a broader interpretation of international sanctions in 1938 defining them as actions taken by members of the international community against existing or threatening violations of law. Canadian Professor M. Doksy regards international sanctions as a punishment which is threaten to be imposed for non-compliance with international standards or international obligations by the addressee. Sanctions are any economic or financial prohibitions imposed on a particular country or its citizens with the alleged effect of disrupting trade and financial transactions relating to a specific recipient to achieve foreign policy goals<sup>9</sup>.

The most acute situation at the moment is around the economic sanctions imposed by the United States, the European Union and Ukraine against the Russian Federation because goods that are prohibited for importation are being smuggled by illegal means through Member states of the Union. A detailed list of prohibited goods is enshrined in the Resolution of the Government of the Russian Federation of August 7, 2014 № 778 «On measures to implement the decrees of the President of the Russian Federation of August 6, 2014 № 560, of June 24, 2015 № 320, of June 29, 2016 № 305, of June 30, 2017 № 293 and of July 12, 2018 № 420»<sup>10</sup>.

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<sup>9</sup> Malloy, M. P. *Economic Sanctions and Trade* / M. P. Malloy. – Boston : Little, Brown and Company, 2003. – 752 p.

<sup>10</sup> О мерах по реализации указов Президента Российской Федерации от 6 августа 2014 г. № 560, от 24 июня 2015 г. № 320, от 29 июня 2016 г. № 305, от 30 июня 2017 г. № 293 и от 12 июля 2018 г. № 420 [Электронный ресурс] : постановление Правительства Российской Федерации, 7 августа 2014 г., № 778 // Система ГАРАНТ. – Режим доступа: <http://base.garant.ru/70712500/#ixzz5kgexugkF>. – Дата доступа: 05.04.2019.

Sanctions are a political tool to protect the national interests of the country, to ensure its internal security, as well as to express an assessment of the government's domestic and foreign policy of another state. This is the reason for the vital goal of ensuring the effective functioning of the instrument. The role of customs authorities in comparison with other state bodies is especially important.

After the introduction of the trade embargo in 2014 the smuggling in sanctions goods became one of the most common Customs offences. Most often the goods prohibited for importation enter the Russian Federation through other Member states of the Union (the Republic of Belarus in particular) – a single Customs territory implies sufficiently transparent internal borders.

The Russian Federation has identified 793 cases of receipt of quarantine products with a total weight of more than 14.6 thousand tons using fake phytosanitary certificates of the country of origin. The total amount of sanctioned products destroyed as of August 2018 is estimated at 26 thousand tons, including 862 tons of livestock products and 24.9 thousand tons of plant products.

The Customs service of the Republic of Belarus was seized 21 thousand tons of goods and prevent them from movement towards Russia. As part of the prevention of the importation of sanctions goods about 2 million 300 thousand vehicles from the territory of Western European countries were subject to Customs control. About 4.7 thousand vehicles were returned.

The Russian side has repeatedly complained about the inefficiency of the Belarusian Customs but in numerical terms suppression of prohibited goods is more successful on the Belarusian part of the border. However, one cannot completely deny that Belarusian legal counterparties are not indirectly involved in the illegal transport of goods. One of the criminal schemes was disclosed by the Federal Customs service. Using the system of professional analysis of markets and companies the department made a list of 29 Russian companies

supplying prohibited goods to the country. All companies had contracts with one of the three Belarusian suppliers – Beltamozhservis Republican Unitary Enterprise, Gaz Venture LLC or Globalkast LLC. The Federal Customs Service examined it's declarations for the compliance matter (they are registered by Rosaccreditation which certifies the quality of the products supplied). The audit disclosed that the company which had to obtain necessary certification presented samples of products illegally<sup>11</sup>.

The current situation has revealed a white spot in the legislation of the Eurasian economic Union, there is an urgent need to create an official document defining the obligations of the parties. At the moment, the fight against sanctions goods in other Member States of the Union is based only on verbal agreements and promises between the heads of the relevant departments.

Under the auspices of the Federal Service for Veterinarian and Vegetation Sanitary Supervision the best programmers at the Federal Center for Animal Health have created a unique automated system «Mercury». It is one of the promising areas intended for electronic certification and ensuring traceability under state veterinary supervision during their production, turnover and movement on the territory of the Russian Federation<sup>12</sup>. Control «from the field to the counter» is a principle proclaimed many years ago by the Food and Agriculture Organization of the United Nations and the International Epizootic Bureau. Today it's a crucial element in the mplementation of Customs control with regard to sanctioned goods.

Another potential solution to the problem of importation of sanctions goods is to increase punishment for such offences and crimes. The Ministry of Agriculture of the Russian Federation has already published a similar law.

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<sup>11</sup> Таможня раскрыла крупнейшую схему ввоза санкционки [Электронный ресурс] // РосБизнесКонсалтинг. – Режим доступа: <https://www.rbc.ru/business/28/08/2017/596dc0779a7947392c2681f1?from=main>. – Дата доступа: 05.04.2019.

<sup>12</sup> Государственная информационная система в области ветеринарии [Электронный ресурс]. – Режим доступа: <https://mercury.vetr.ru/>. – Дата доступа: 05.04.2019.

The Customs authorities of the two countries regularly carry out raids, customs inspections, road patrols, but these measures are more preventive in nature, since they can not be used to monitor the entire volume of imported goods. The fight against sanctioned goods is also conducted at the level of the Eurasian Economic Commission. It is planned to create an information system that would provide an open access to the entire volume of declarations of the partner countries including the customs valuation.

One more promising approach is the end-to-end batch identifier which would allow to track the movement of each batch from the seller to the buyer. This identifier is a numerical designation, a unique code that will be altered after performing various operations and placing goods under other Customs procedures.

Recently, active negotiations at the level of departments have yielded results. The Federal Service for Veterinarian and Vegetation Sanitary Supervision and the Main State Inspectorate for Seed Production, Quarantine and Plant Protection of the Republic of Belarus reported about the termination of the certification of fruit and vegetable products arriving from third countries and undergoing Customs operations on the territory of Belarus for its further re-export to Russia. This measure is undertaken exclusively to products that are included in the list of economic response measures and will last until the necessary measures will be taken to confirm the country of origin of products of third countries.

At the same time the prohibition doesn't prevent the import of plant products intended for use in Belarus. In order to exclude illegal deliveries of such goods the Belarusian side has started sending out requests to third countries with a request to clarify information on the production and export volume of fruits and vegetables to the Republic of Belarus.

Thus, it can be concluded that there has not been developed a single universal and highly effective way to combat the importation of sanctioned goods within the framework of the Eurasian Economic Union. Despite the tightening of

responsibility and control, the expansion of the range of prohibited products they are still entering the counter in large quantities. That is why this issue is one of the most important in the field of scientific research in Customs sphere. The Customs authorities need to expand the scope of interaction with other regulatory state bodies, strengthen information exchange with the border service which is authorized to carry out a certain inspection of goods coming from the allied states. There is also a need for an information system that provides access to data from the declarations of the member states of the Union. This will significantly improve the work of the Customs task forces to prevent the illegal importation of goods.

**Добряня Кристина Николаевна. Экономические санкции и их влияние на деятельность таможенных органов Республики Беларусь и Российской Федерации**

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Существует множество определений термина «санкция». Впервые более обширное толкование международным санкциям дал Британский королевский институт международных отношений в 1938 году, определяя их как действия, предпринимаемые членами международного сообщества против существующих или угрожающих нарушений права. Канадский профессор М. Докси считает, что международные санкции – это наказание, которое угрожают наложить или налагают, как объявленное последствие несоблюдения адресатом таких санкций международных стандартов либо международных обязательств. Санкции – любые введенные в отношении определенной страны экономические или финансовые запреты, налагаемые на страну-адресата или ее граждан, с предполагаемым эффектом в виде нарушения торговых и