

**Zhevlakova Anastasia Yuryevna. *Economic regulation measures as a tool to protect domestic market from unfair competition***

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The creation of the Eurasian Economic Union and the accession of the Republic of Belarus to it have emphasized the need to study the problems of further integration in the field of Customs regulation. The adoption of the Customs Code of the Eurasian Economic Union was a huge impetus for the development of integration processes in this area (hereinafter EAEU).

At the same time, increasing international competition accompanied by the formation of the wide zones of preferential trade and economic cooperation and the expansion of the range of protectionist measures, the introduction of sanctions on key sectors of the Russian economy by foreign countries, the transfer of significant powers in the field of Customs regulation of foreign economic activity to the supranational level by the EAEU Member states create serious challenges for the further development of integration processes and bring up the issues of economic regulation of foreign trade activities.

Customs tariff regulation of foreign economic activity in the EAEU is carried out with the help of the Common Customs Tariff of the EAEU, which can be defined as a systematic set of rates of Customs duties applied to goods imported into the Customs territory of the EAEU from third countries.

EAEU Member states have the right to apply special, anti-dumping and countervailing duties to protect the economic interests of domestic producers from the threats caused by increasing imports, dumping or subsidized imports of goods into the customs territory (Fig. 1).

The reason for the application of special duties is the threat of damage to one of the sectors of the national economy due to the increasing quantities of goods imported into the

country. Anti-dumping duties are applied if the goods are the subject of dumping imports and their importation is detrimental to the economic sector of the EAEU Member countries. Countervailing duties are used to restrict the import of goods, in the production or export of which there has been a subsidy from the state of origin or sender, and if during the investigation it is established that the importation of this product causes economic damage to the EAEU Member State.

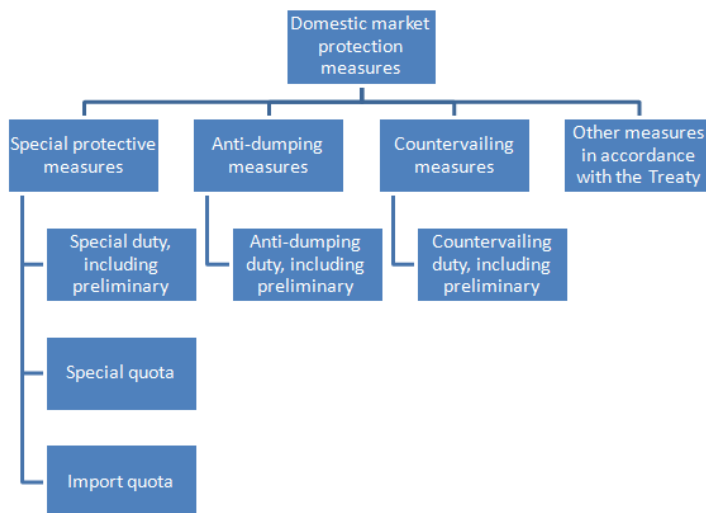


Figure 1. – Internal market protection measures in the EAEU

Before applying a special protective, anti-dumping or countervailing measure, a special investigation is carried out. The purpose of such investigation is to establish the fact of dumping or the provision of subsidies to foreign goods, as well as to determine whether the importation of such goods into the Customs territory causes material damage to producers of similar goods in the EAEU.

The international Treaty of the EAEU with a third party on the establishment of a free trade regime may provide the

application of measures to protect the domestic market, other than special, anti-dumping and countervailing measures – such provision is contained in Article 50 of the Treaty on the Eurasian Economic Union<sup>17</sup>.

The first international Treaty to include this norm is a free trade Agreement between the EAEU and the Socialist Republic of Vietnam.

This Agreement introduces the concept of a trigger protective measure that can only be applied by the EAEU in respect of certain goods originating and imported from the Socialist Republic of Vietnam, as well as exceeding the trigger level established by the Annex to this Agreement (Table 1).

In 2018 a trigger protective measure was applied to two categories of goods: underwear – the term was nine months, children's clothing and children's clothing accessories – the term was six months<sup>18</sup>. Goods were subject to import Customs duties at the rates established by the Common Customs Tariff of the EAEU during the period of this measure.

Table 1 – Trigger level for the categories "underwear" and "children's clothing and children's clothing accessories"

Year	Underwear (kg)	Children's clothing and children's clothing accessories (kg)
2018	104753	113280
2019	112086	121209
2020	119932	129694
2021	128327	138773

<sup>17</sup> Treaty on the Eurasian Economic Union [Electronic resource]: [signed in Astana on 05.29.2014] // Consultant Plus. Belarus / YurSpektr LLC, Nat. center legal inform. Rep. Belarus. - Minsk, 2019.

<sup>18</sup> On the application of trigger protective measures against certain types of underwear, children's clothing and accessories for children's clothing originating from the Socialist Republic of Vietnam and imported into the customs territory of the Eurasian Economic Union [Electronic resource]: decision of the Board of the Eurasian Economic Commission, February 7 2018, № 20 // Consultant Plus. Belarus / YurSpektr LLC, Nat. center legal inform. Rep. Belarus. - Minsk, 2019.

2022	137310	148487
2023	146922	158881
2024	157207	170002
2025	168211	181902
2026	179986	194636
2027	192585	208260
2028	206066	222838
2029 and subsequent years	220490	238437

The main problem in the application of measures of economic regulation is to determine the start of deliveries with violations. Preliminary special, anti-dumping and countervailing duties are introduced only with the start of the investigation and do not apply to deliveries already made. In this regard, it is necessary to introduce a mechanism for additional assessment of these duties and on previous deliveries, which will compensate for the damage already caused to the economy of the EAEU member States. The greatest difficulty in this case is the evidence of the importation of goods with violations before the start of the investigation.

To solve this problem, the Customs authorities should record the goods transported across the Customs border, namely, their cost and quantity, which will be the evidence base during the investigation.

Special attention should be paid to goods for which protection measures are already in force. This will allow to evaluate the effectiveness of the measures applied, as well as to determine when it is necessary to revise the rates of duties or cancel them. Practical implementation of control over the importation of such goods into the Customs territory of the EAEU is possible through the creation of a special database (Fig. 2).

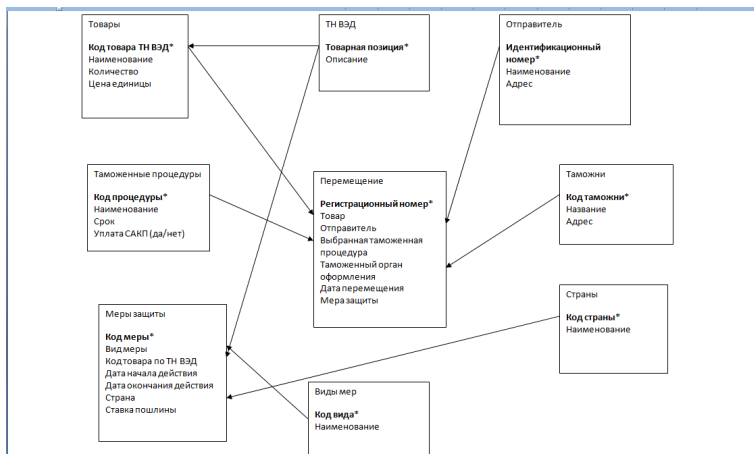


Figure 2 –Database of accounting of the goods' movement that are objects of protective measures

Thus, the modern conditions for the development of society and the state, as well as the ongoing integration process in the EAEU, make it necessary to pay special attention to the development and application of common economic methods for regulating foreign economic activity within the EAEU. Such methods include the use of special, anti-dumping and countervailing duties, as well as a trigger duty for the Socialist Republic of Vietnam. Of particular importance for the implementation of an effective foreign trade policy is the accounting of goods transported across the border, including those already subject to the application of measures to protect the domestic market, which can be carried out through the proposed database.

**Жевлакова Анастасия Юрьевна. Меры экономического регулирования как инструмент защиты внутреннего рынка от недобросовестной конкуренции**

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