

depending on the saturation of this product in the economic sector in the Republic of Belarus and the Eurasian Economic Union.

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FEATURES OF THE APPLICATION OF THE ADMINISTRATIVE AND CRIMINAL CODE IN CUSTOMS ОСОБЕННОСТИ ПРИМЕНЕНИЕ АДМИНИСТРАТИВНОГО И УГОЛОВНОГО КОДЕКСА В ТАМОЖЕННОМ ДЕЛЕ

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In accordance with the law on “Customs Regulation” Customs authorities are included into the law-enforcement system. And it means that their major priorities are:

to ensure law and order;

to prevent and suppress Customs-related crimes and administrative offences within their terms of reference;

to take coercive measures against those who break the law.

Customs Service does its best in order to guarantee the observation of customs, administrative, civil, criminal and other regulations within their terms of references. Law-enforcement activity of Customs bodies is reflected in:

administrative and legal activity;

administrative and procedural activity;

criminal and law activity;

criminal and procedural activity.

Undoubtedly, administrative offences are of great importance and today they are the most common violations among all crimes in Customs sphere. As a punishment offenders may get a warning; a fine; deprivation of the right to exercise a certain activity; confiscation; deportation (under the Article 23.32 of the Code of Administrative Procedure on "Violations at border posts"); recovery of cost.

According to the legal acts of the Republic of Belarus, Customs authorities are among those state bodies that can implement the inquiry (preliminary judicial investigation) and investigation of offences that are under their jurisdiction. And these references may be seen in such activities as initiation of criminal proceeding and investigation of these cases.

The major place of such cases takes smuggling (Article 228 of the Criminal Code). Contraband is illicit trafficking of goods through the customs borders that is done either:

- off-site the border posts;
- outside working hours;
- with the concealment from customs control;
- with providing false declaration (does not correspond to the actual goods);
- without providing declaration (does not correspond to the amount of goods);
- providing forged papers;

And according to the Article mentioned, large-scaled smuggling (when the cost of commodities is 2000 times as much as the base rate) provides the punishment in the form of fine or restriction of liberty for 3 years or the same time of imprisonment. But if it is illegal movement of the illegal drugs or weapons you may be sentenced to the strict imprisonment for 3-7 years with or without fine or confiscation. Unlawful trafficking of money provides fines, restriction of liberty or imprisonment for 2-5 years. If the contraband is done by the group of individuals or by the same person second time it punishes with imprisonment for 5-10 years.

Another criminal offence is connected with the illicit exportation or export transfer of the items that are under the exportation control (Article 229 of the Criminal Code). And this applies especially to the goods that can be used in the creation of weapons. This article stipulates the punishment in the form of fine or restriction of liberty or imprisonment for the term up to 5 years. If these violations are done by the group of individuals or by the same person second time it punishes with imprisonment for 2-6 years.

There is also a kind of crime in Customs sphere that is called “Non-return of historical and cultural property” (Article 230 of the Criminal Code). If the individual intentionally transported these kinds of goods and didn’t return them within the prescribed time limit, he would serve the term up to 7 years. It may or may not follow the confiscation of these goods.

The Criminal Code also includes Article 231 that stipulates the punishment for the large-scale (is when the sum of the outstanding duties is 2000 times much bigger than the base rate) evasion of customs payments. For this non-payment you may pay fine, lose the right to hold certain posts, get community service up to 2 years, be arrested or imprisoned up to 3 years. If this is done second time, the term of imprisonment will rise up to 6 years.

Depending on the nature of the crime, Customs authorities may implement the following tasks:

receipt and registration of applications on reporting of any act that was committed, is being committed or is about to be committed;

application verification and making a decision either to initiate criminal proceedings or not;

carrying out the necessary activities to detect the crime and identify those who are involved in it.

Criminal investigations in customs sphere are carried out by customs officers with higher education who are authorized by the supervisor on the basis of job description. They usually work for Customs Investigation Department or Combat Smuggling Department.

In conclusion I'd like to say that law-enforcement activity of Customs Service is nothing more nor less than manifestation of state's internal and external functions in the sphere of Customs legal relations.

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PECULIARITIES OF A CUSTOMS CARRIER ОСОБЕННОСТИ ДЕЯТЕЛЬНОСТИ ТАМОЖЕННОГО ПЕРЕВОЗЧИКА

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