

1 On state regulation of foreign trade activities: Law of the Republic of Belarus dated November 25, 2004 No. 347-Z [Electronic resource]. – Access mode: <http://www.pravo.by/>

2 Svinukhov, VG Customs-tariff regulation of foreign economic activity and customs value / VG Svinukhov. - M. : Economist, 2009. - 272 p.

3 Improving the mechanism of customs and tariff regulation in the EAEU [Electronic resource]. – Access mode: <http://elib.bsut.by/bitstream/>

4 Decision of the EEC Council dated July 16, 2012 No. 54 «On Approval of the Unified Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union and the Unified Customs Tariff of the Eurasian Economic Union» [Electronic resource]. – Access mode: <http://www.consultant.ru/document/>

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#### **«The use of the blue channel as a new stage in the development of post-customs control»**

*Research area:*

*Simplification of the State Control Procedure.*

Customs control is aimed at ensuring the security of national and economic interests on the territory of the Republic of Belarus and the entire Eurasian Economic Space. Nevertheless, such activities should not be accompanied by significant expenses of material resources and time. Today, one of the ways to accelerate the control of cross-border movement is the customs checks after the release of goods. This form allows avoiding detaining goods at the border and using modern methods to assess the correctness of determining all aspects of the import of goods.

The definition of customs control after the release of goods or post-customs control is not given in the Customs Code of the EAEU. Based on this, the best definition is given in the provisions of the Kyoto Convention. Thus, customs control after the release of goods is a form of customs control carried out in order to verify accounting data and other data necessary to confirm the accuracy of the customs declaration information after the release of goods<sup>1</sup>.

It is worth noting that the terms «post–customs audit» and «customs inspection» are synonymous in foreign sources, which is impossible in the Belarusian legislation since such

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<sup>1</sup> The International Convention on Simplification and Harmonization of Customs Procedures of May 18, 1973 [Electronic resource] – Access mode: <https://docs.cntd.ru/document/1901082> - Access date: 20.04.2022.

control in the Republic of Belarus is carried out exclusively by customs authorities, while audit is a form of independent verification.

Customs control is regulated by both supranational and national legislation. This fact leads to the difference in the methods of conducting inspections. In particular, significant differences are observed in the use of the «dual channel» system. Classic red and green channel are used in Belarus.

The Republic of Kazakhstan has switched to the use of «four-channel system». Thus, in addition to the red and the green, the yellow and the blue channels are used. The yellow channel is used to check documents and information from those business entities that have an average level of risk or are selected by officials or the system randomly. The most complicated is the scheme of using the blue customs channel.

*The blue channel* is a customs control channel that allows the release of goods without any form of customs control, using automatic approval of the customs declaration (automatic release of goods), but with post-customs inspection based on a random choice of the subject being checked. Most often, such a system is intended for authorized economic operators. Nevertheless, business entities that are not AEO can also use the blue channel to transport goods<sup>1</sup>.

It is important to note that the blue channel in the context of post-customs control is used only in some countries which are not members of the EU. In the European Union, the blue channel is intended for persons who travel by air within the Union and do not carry goods subject to declare. Such a system does not touch control after the release of goods<sup>2</sup>.

In Kazakhstan, the blue channel is used in two main directions:

1) Conditional release of goods. The goods are subject to mandatory certification with the indication of such information in the goods declaration. If the data is confirmed during post-control, the product is transferred to the green channel and released without restrictions.

2) Post-customs control. In this case, the goods are released without any restrictions, but they continue to be controlled by the customs authorities. As a rule, during such forms of customs control, a desk check is used, which can be combined with a tax check. The object, as a rule, is the customs value, the correctness of determining its structure, the inclusion of all necessary elements, such as royalties, transportation costs of goods, etc.

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<sup>1</sup> The customs has fully launched a risk management system with four color channels [Electronic resource] – Access mode: <https://www.spot.uz/ru/2019/03/04/customs/> - Access date: 20.04.2022.

<sup>2</sup> How to act at customs [Electronic resource] – Access mode: <https://www.spot.uz/ru/2019/03/04/customs/> - Access date: 22.04.2022.

If the result is positive, the goods are also transferred to the green channel. Otherwise, additional forms of customs control may be assigned to the objects of inspections, including an unscheduled exit customs inspection, a counter exit customs inspection, or the detention of previously released goods may be carried out<sup>1</sup>.

The introduction of the blue channel requires a serious degree of automation and a developed risk-management system. In Kazakhstan and other countries, such as the Republic of Moldova and Uzbekistan, automatic approval takes place using the Customs integrated information System «ASYCUDA World» within 60 days after the release of goods. If all the information in the declaration is correct, the customs official puts a mark «verified». In the opposite case, a protocol on the violation of the established norms is drawn up. Upon completion of the post-customs inspection, an act on such customs control is drawn up within 15 days<sup>2</sup>.

An important point of using the blue channel system is the automatic release of goods, which is the goal of customs authorities that do not even use the post-customs channel.

*Automatic release of goods* is the permission of customs authorities to use goods in accordance with the customs procedure after preliminary verification of documents/information (usually a customs declaration) by the information system of customs authorities without the participation of officials. Since after the automatic release, only a part of the goods in the blue channel are subject to further checks, the auto-release system should work properly. At the moment, auto-release has a number of significant drawbacks.

Conscientious participants of foreign economic activity are more often subjected to post-customs control than other participants. Since automatic release is usually carried out by «risk-free» declarants, they are more often subjected to subsequent energy-intensive checks, which may also reduce the effectiveness of such checks.

«Risk-free» declarations are considered, in respect of which no risk minimization measure has worked. *Risk-minimization measures* – customs inspection, verification of documents and information, coordination with functional departments, etc. This type of declaration is the main one for using in the blue channel.

The risk management system is the only verifying entity. In case of a framework error, an «incorrect» customs declaration is likely to be released, since officials do not check it additionally, and only a part of them is checked in the blue channel. Nevertheless, the smooth

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<sup>1</sup> What do you need to know about the blue channel? [Electronic resource] – Access mode: <https://alaics.kz/article/tpost/0xx7nblsa1-cto-nuzhno-znat-o-sinem-koridore> - Access date: 23.04.2022.

<sup>2</sup> A. Bragish Features of customs control after the release of goods in the Republic of Moldova // Bulletin of innovative technologies. – 2018. – Volume 2.No. 2(6) – pp.27-31.

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 law<sup>1</sup>.

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

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<sup>1</sup> 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.