

An example of temporary sanitary measures is the resolution of the chief State sanitary doctor of the Republic of Belarus dated 08.01.2018 No. 1 "On the prohibition of importation without conducting a state sanitary and hygienic examination of each batch of vegetable, carbohydrate—fat and protein-fat ("cheese-like") products of foreign production".¹

Upon receipt of official information from the authorized bodies of the Parties on the introduction of temporary restrictive measures against goods that do not meet the mandatory requirements of sanitary and epidemiological legislation, this product is prohibited from being imported into the territory of the party/parties that applied the temporary restrictive measure by affixing a stamp "Import prohibited" in the relevant documents.

Thus, due to the ongoing work on sanitary protection of the territory, including sanitary quarantine control at checkpoints across the customs border of the EAEU, in recent years, cases of importation into the Republic of Belarus of dangerous infectious diseases of international importance (plague, cholera, yellow fever, pandemic influenza, hemorrhagic fevers, etc.) have not been allowed, as well as dangerous goods (cargoes) that can lead to emergencies in the field of public health.

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THE MEANS TO IMPROVE THE PROCEDURE OF CUSTOMS TRANSIT

*Research Field:
Innovative Technologies in International Trade.*

In accordance with the paragraph 3 of the Article 104 on the Customs Code of the EAEU, customs declaration is conducted in electronic form. The exceptions include the placement of goods under the customs procedure of customs transit. The reason for this decision is the possible absence of the electronic digital signature recognized by the customs authorities of the Republic of Belarus.

This problem can be solved if a foreign carrier signs a contract with the customs representative who is registered in the Republic of Belarus, who is also included in the relevant register and is recognized by EDS (electronic digital signature). This practice is actively used by

¹ The organization's notice. Sanitary control during the import of goods // [Electronic resource]// — Access mode: <https://ilex.by/pamyatka-organizatsii-sanitarnyj-kontrol-pri-importe-tovarov/> — The access date is 04.05.2024.

Russian customs offices, but it results in additional costs for the participants of the foreign economic activity¹.

Such a situation with foreign carriers negatively affects the process of simplifying customs procedures – on the one hand, and necessitates the development of the universal instrument for the procedure unification – on the other hand. For example, when goods are moved by rail, the carrier and declarant is "Belarusian Railway", and the indicators of electronic customs declaration are almost 100 %. The development of an international electronic digital signature (EDS) which could be recognized in most countries of the world would make it possible to achieve such indicators for the movement of goods by the road transportation.

In accordance with the Article 30 No. 113-3 from 28th December, 2009 "On Electronic Document and Electronic Digital Signature", a foreign public key certificate which complies with the legislation requirements of the foreign State where this certificate has been issued, this certificate is recognized on the territory of the Republic of Belarus only and according to the procedure determined by the international treaty of the Republic of Belarus².

At the moment, the Republic of Belarus has agreements on mutual recognition of electronic digital signatures with a number of countries, among them are the EAEU Member States. Thus, customs representatives registered in the Russian Federation provide the service of issuing an electronic transit declaration from 1) departmental customs clearance points of the customs authorities of the Republic of Belarus and from 2) internal posts of the Russian Federation on behalf of the declarant of the customs transit procedure to the departure customs office using the electronic digital signature of the customs representative³.

The UNCITRAL Model Law MLES5 devotes its final article to this topic. The Article 12 of the Model Law states: "In determining whether a certificate or an electronic signature is valid, the place of the certificate issue; the place of its creation; or the place of the electronic signature usage; as well as the place of the issuer's business or the signatory shall not be taken into account. Thus, the determination of the legal validity of a certificate should not depend on the

¹ About electronic document and electronic digital signature [Electronic resource]: Law of the Republic of Belarus, 28 Dec. 2009, No. 133-3: in edition of the Law of 28 Dec. 2009, No. 133-3 // ETALON. 2009, № 133-3: in edition of the Law of December 28, 2009 № 133-3 // ETALON. Legislation of the Republic of Belarus / National Center for Legal Information. Republic of Belarus. - Minsk, 2024.

² About introduction of technology of electronic declaration of customs procedure of customs transit [Electronic resource].-Mode of access:- file:///C:/ /Users/1/Downloads/o-vnedrenii-tehnologii-elektronnogo-deklarirovaniya-tamozhennoy-protsedury-tamozhennogo-tranzita%20(1).pdf -Date of access:01.03.2024.

³ Starykh S. A., Solodukhina O. I., Solodukhin D. Yu. Analysis of the application of the customs procedure of customs transit in the conditions of the Eurasian Economic Union / Collection of scientific articles of the 8th International Scientific and Practical Conference "Strategy of socio-economic development of society: managerial, legal, economic aspects". Kursk, 2018. T. 2. P. 132-136.

place of the certificate issue or the creation of an electronic signature, but on their technical reliability"¹.

The establishment of the general principles for the legal regulation of the electronic document usage has made it possible to create some prerequisites for the cross-border recognition of electronic signatures, but unfortunately, the recognition mechanism itself has not been proposed.

In any case, the process of the EDS recognition created by a foreign agent is connected with the guarantees of the signature certificate issued by a foreign certification center: such guarantees may be expressed in the voluntary accreditation by this certification center with the help of the model for the voluntary accreditation established by the international treaties or international organizations. The establishment of an international body that will be empowered with the authority of a certification center and will be able to carry out a unified procedure for the voluntary accreditation of certification centers among States parties of international trade will unify this procedure and eliminate the need to carry out the procedure for the recognition of signature certificates individually with each of the counterparties of international transactions, including the customs authorities of the counterparty State ².

Since the process of EDS recognition created in a foreign country is large-scale, time-consuming, and requires additional legal regulation with the conclusion of a number of international agreements, a rational solution is to develop a single regulation that will introduce the technology of creating an electronic digital signature recognized by all State-participants of international trade turnover³.

The International Standard ISO/IEC 14888 establishes a uniform standard for the development of electronic digital signatures. It defines the requirements for the algorithms, protocols and specifications which must be followed during the design process and while implementing electronic digital signatures in order to ensure their security, reliability, and universality.

ISO/IEC 14888 includes some recommendations for the creation and verification of electronic digital signatures, key management, as well as ensuring the confidentiality and

¹ Analytical Report of the ECE Department of Transport and Infrastructure "Analysis of existing international transport corridors passing through the territories of member States". C. 14 [Electronic resource].-Mode of access: <http://www.eurasiancommission.org/ru/act/energetika/infr/transport/infrastruktura/Documents.pdf> -Date of access:01.03.2024.

² Order of the EEC Council from 21.02.2020 № 4 "On the action plan ("road map") for the development of a unified system of transit of goods in the Eurasian Economic Union based on the system of tracking transit transportation of goods using navigation seals". [Electronic resource].-Mode of access: <https://eec.eaeunion.org/> -Date of access:01.03.2024 .

³ Abramov A.S. Problematic issues and prospects for the introduction of technology for declaring the customs transit procedure in electronic form as a tool to improve the quality of customs services // Management Consulting. - 2018. - № 2 (110). - P. 80-87.

integrity of signed information. The International Organization for Standardization (ISO) is an international non-governmental organization uniting national standardization organizations of 170 countries. The Republic of Belarus, represented by the State Committee for Standardization, has been a full member of ISO since 1993.

Based on the above criteria, two algorithms can be proposed to unify electronic document flow, including transport and carrying documents which accompany customs transit. The first one is the development of a single EDS format for all ISO Member States based on the existing ISO/IEC 14888 standard. In this case it will be necessary to bring the certificate or public key to a single standard. The standard should contain the information about the signature owner, the organization whose interests are represented, the key validity period and other. Some changes will be made with the cryptographic part of the signature or private key which performs direct encryption of information. There is no need to establish an international certification center.

The second algorithm does not provide the establishment of a unified EDS format, which allows to preserve the existing mechanisms of EDS creation and verification established on the domestic level (preservation of the legal regulation procedure, national certification centers, the procedure of signature application for residents of the State). In this case the procedure of the signature certificate verification will become universal as it will be carried out not by concluding separate bilateral interstate agreements on certificate recognition, but by voluntary accreditation with the help of a specially created competent body on the basis of ISO. The guarantees provided by such a body can be recognized by participants of the foreign trade activities in ISO member States.

Such changes will have a positive impact on the implementation of customs transit. First of all, carriers who transport goods by road (similar to the procedure of the goods movement by rail) will be able 1) to carry out an electronic customs declaration of goods by submitting an electronic transit declaration to the Electronic Declaration Center; 2) will have the automatic registration in case of compliance with the established requirements, which will increase the percentage of the goods released in accordance with the customs procedure of customs transit in automatic mode. Customs officials will request and verify information; make decisions on the term of customs transit in accordance with the Customs Code of the EAEU; comply with other conditions for placing goods under this customs procedure. Other advantages of improving the customs transit procedure include a) minimizing warehousing costs (reducing the time of storage of goods in temporary storage warehouses), b) increasing the capacity of road border crossing points, c) simplifying storage and reporting processes, and d) reducing the costs for foreign trade participants which are levied for the services of customs representatives.

Summing up, thanks to the procedure of electronic customs declaration of customs transit, the informative interaction between customs authorities and the participants of the foreign economic activity will increase. It will be possible to reduce the time for customs operations and customs control. The most important advantage is the time reduction for goods at customs clearance points (places where customs operations are performed).

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INTELLECTUAL PROPERTY AS THE MAIN SOURCE OF INTERNATIONAL TRADE AND ECONOMIC DEVELOPMENT

Research Field:

Intellectual property as an object of international trade.

This article examines the concept of intellectual property and its classification. It reflects the aspects of intellectual property as an object of international trade. It stays the role and importance of intellectual property as an object of international trade and its impact on the economy and the development of global markets.

In today's world where technological innovation and creative achievements play a key role in the economic development, intellectual property is becoming an integral element of international trade. Intellectual property, including patents, copyrights, trademarks and other forms of rights, is not only an object of commercial activity, but also a powerful tool for economic growth and competitiveness.

Intellectual property is the most important element of the county's innovative development, a condition for modernization of its economic activity. According to the World Intellectual Property Organization (hereinafter – WIPO), it includes various creations of the human mind, such as inventions, artistic works, as well as symbols and designs used in commerce. This classification distinguishes 1) industrial property which includes inventions (patents), trademarks, industrial designs, and geographical indications of origin; 2) the copyright which includes literature and artistic works, such as novels, poems and plays, films, musical works; and 3) works of art such as drawings, paintings, photographs, and sculptures as well as architectural structures. Related rights include the rights of performing artists when they