

LEGAL REGULATION OF IMPORT OF DANGEROUS GOODS

Правовое регулирование ввоза опасных товаров

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In the modern conditions of economic globalization the questions of protection of domestic market are especially relevant. At the same time types of goods are various: some can entail discrimination of domestic manufacturer, others do harm to the consumer or to cause a considerable loss to the environment. In many countries and unions bans and restrictions are applied as an effective tool at regulation of commodities flows for the respect of the balance of economic interests and protection of life, health, rights and interests of citizens and legal entities.

Let's consider some measures applicable to separate types of goods import of which can cause significant damage of life and to human health.

1. Ozone-depleting substances (ODS)

Special substances and goods which cross border are controlled multilateral by agreements on the strength of dangerous qualities which they possess.

Republic of Belarus joined the Montreal protocol on the substances destroying an ozone layer to the Vienna convention on the guard of the ozone layer according the resolution of Council of ministers of the Belarusian SSR of 25.10.1988 No. 301. These international agreements contain norms which limit the movement through customs border of the goods containing the substances destroying the ozone layer. In this connection the Law of Republic of Belarus of 12.11.2001 No. 56-Z "About protection of the ozone layer" was adopted in Republic of Belarus.

The decision of Board of the Eurasian economic commission No. 30 "On measures of non-tariff regulation" was made. According to this decision a number of ozone-depleting substances and the products containing them are included in the list of the forbidden goods.

Scientists proved that the ozone layer collapses for several reasons, and the most dangerous among them is broad application of the chemicals synthesized by humans in industry and agriculture. At the heart of such connections are the hydrocarbons (chlorinated, fluorinated or brominated) having potential to react with ozone molecules. If substance contains only fluorine (does not contain chlorine or bromine), it is not ODS.

The following substances belong to ODS:

- hydrochlorfluorocarbons

- gallons;
- hydrobromftorocarbon, etc.

ODS are widely used in the industry, first of all in the sector of production of the cooling equipment and also in such strategically important industries as mechanical engineering, radio electronics, chemical, defensive and space industries, etc. Republic of Belarus does not make ODS, however partially uses them in the national economy and the need for them covers almost completely due to import, is insignificant – due to regeneration (restoration) of ODS used earlier. The main sectors on volumes of use of ODS in Republic of Belarus are the sector of the refrigerating equipment (as refrigerating agents), the sector of foaming agents in the course of production of pipes and plates of thermal insulation, the sector of means of gas fire extinguishing on objects of the increased danger, the sector of solvents, the sector of quarantine processing of agricultural products.

If the carrier violates rules about protection of ozone layer, then a penalty is imposed in the size of twenty up to fifty basic amounts, on the individual entrepreneur – from twenty up to hundred basic amounts, and on the legal entity – up to five hundred basic amounts [2].

2. Sources of ionizing radiation

Objects (substance or the device) which is a source of ionizing radiation belong to goods which import can cause significant damage of life and to human health.

Basis of legal regulation in the field of ensuring radiation safety of the population in our country are enshrined in the Law on Republic of Belarus "About radiation safety of the population".

On the territory of Republic of Belarus it is allowed to import radioactive waste for storage or burial only for radioactive waste which was formed in Republic of Belarus, according to the legislation in the field of use of atomic energy.

Objects of the relations in the field of ensuring radiation safety are health of the population, the environment, radiation objects, radiation devices, sources of ionizing radiation [3].

The people guilty of non-performance or violation of requirements for ensuring radiation safety bear responsibility according to the legislation of Republic of Belarus. Violation of requirements of regulations, including technical regulations, in the field of ensuring nuclear and radiation safety if in these acts there is no components of crime attracts prevention or imposing of a penalty in the amount up to thirty basic amounts, and the legal entity has to pay up to two hundred basic amounts [4].

When causing considerable harm to the rights and interests protected by the law violators will be brought to trial. If the carrier violated rules of storage, use,

account, transportation, burial and other rules of treatment of radioactive materials which will create threat of radioactive infection is punished by a penalty, or deprivation of the right to hold certain positions or to be engaged in a certain activity or arrest [4].

If the carrier violated rules of treatment of radioactive materials which entailed the death of the person by negligence, either causing a heavy bodily harm, or other heavy consequences, – is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in a certain activity or without deprivation [4].

Thus, in Republic of Belarus questions of protection of life, health, the rights and the interests of citizens and legal entities are solved systemically and in a complex, including participation of customs authorities: first, legal regulation (the national acts are adopted agreed with provisions of international standards); secondly, the responsibility is established for violation of the legislation regulating movement order and some types of goods; thirdly, realization of law-enforcement function: public authorities are defined which deal with crossing of illicit trafficking.

Литература

1. Кодекс Республики Беларусь об административных правонарушениях: Кодекс Респ. Беларусь, 21 апреля 2003 г., № 194-3 : с изм. и доп. // Эталон-Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2014 – 245с.

2. Об охране озонового слоя: Закон Респ. Беларусь, 12 нояб. 2001 г., № 56-3: в ред. Закона Республики Беларусь от 16 июня 2014 г., № 161-3 // Эталон-Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2016.

3. О радиационной безопасности населения: Закон Респ. Беларусь, 5 янв. 1998 г., № 122-3 (с изм. и доп.) // Эталон-Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2017.

4. Уголовный кодекс Республики Беларусь : Кодекс Респ. Беларусь, 9 июля 1999 г., № 275-3 : с изм. и доп. // Эталон-Беларусь [Электронный ресурс] / Нац. центр правовой информ. Респ. Беларусь. – Минск, 2014.