25 YEARS ON GUARD OF ECONOMIC SECURITY.
ESTABLISHMENT OF A NATIONAL CUSTOMS

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The article in historical perspective examines the creation of the customs service of the Republic of Belarus. Examines the fundamental legal acts, which became the legal Foundation of the new national customs administration.

Key words: Customs Service; the law; code; ordinance; customs code; customs tariff; customs.

In September 2016 the customs service of our country celebrates the 25th anniversary of its founding. Today Belarusian customs service is not just took place, it is one of the best in the CIS. But in order to reach the heights of success to Belarusian customs officers had to go through a difficult path of becoming.

In April 1990, by order of the Headquarters of the State Customs Control at Government of the CCCR (HSCC) was created by the Belarusian Directorate (BD), which consisted of four customs: Brest Customs, Grodno Customs, Minsk Customs and the “Zapadny Bug” Customs – a total personnel about 1,500 employees. In those days it was large and important customs. Brest Customs considered the best among land customs of the Soviet Union. Soon, however, on 27 of July in 1990 the Supreme Soviet of the BSSR adopted the Declaration of State Sovereignty. A year later, on 20 of September in 1991, the Supreme Council of the Republic of Belarus adopted the Decree № 1101–XII “On Customs Service of the Republic of Belarus” which transformed BD to the State Customs Committee of the Republic of Belarus (SCC of the Republic of Belarus) with submission to it of all the USSR customs authorities located on the territory of the republic. This small volume, but significant for their historical importance of the document states the following:

“In order to ensure political and economic independence of the Republic of Belarus, improvement of foreign trade and customs affairs in the country the Supreme Council of the Republic of Belarus DECIDES:

1. Convert the Belarusian Headquarters of the State Customs Control of Soviet Union to the State Customs Committee of the Republic of Belarus, subjecting him to the customs authorities of the USSR, located on the territory of the republic.

2. Prohibit the movement outside the country property of customs authorities for purposes not related to the performance of their duties, as well as the property subject to forfeiture to the state, to the determination of the Council of Ministers about its use.

3. To the Council of Ministers of the Republic of Belarus:
   • to submit to the next session of the Supreme Council of the Republic of Belarus Republic of Belarus proposals on customs policy concepts and candidacy for the post of Chairman of the State Customs Committee of the Republic of Belarus;
   • develop Temporary Provision of the State Customs Committee of the Republic of Belarus;
   • to December 1, 1991 to prepare and submit to the Supreme Council of the Republic of Belarus projects of the Customs Law and other legislative acts regulating customs matters in the country. Agreed with the relevant authorities of the USSR, the other republics of the issue of the redistribution of customs revenue.

4. Prior to the adoption of ‘The Law on Customs’ and other legislative acts of the Republic of Belarus regulating the customs, in the country there are laws of the USSR, if they do not contradict the legislation of the Republic of Belarus.

5. Prior to the establishment of appropriate structures of the State Customs Committee of Belarus to request to represent the interests of the Republic of Belarus on customs matters with foreign countries and international organizations Customs Committee of the USSR.

6. This Regulation enter into force from the moment of acceptance” [1].

From this day the customs service of Belarus opened a new page in its history. Soon, the Chairman of the State Customs Committee of the Republic of Belarus was appointed the former head of the Belarusian Directorate Peter V. Krechko. He was a part of customs personnel, who gave at that time the protection of economic security as a chief of the Minsk Customs for 24 years, and became the first head of the National Customs Service.

November 18, 1991 was signed by the Council of Ministers Resolution № 430 “On the Establishment
of the Customs Border” that in order to protect the economic interests of the Republic of Belarus, improvement of foreign trade and customs affairs in the republic was entrusted to the State Customs Committee of the Republic of Belarus together with the State Security Committee of the Republic of Belarus (SCC), the border authorities protection, Ministry of Interior, to deploy checkpoints on a temporary basis at the customs border of the Republic of Belarus to Lithuania and the Republic of Latvia [2]. November 18, 1991 in accordance with the Order of the Customs Committee of the USSR in the Baltic border area were established last Soviet customs: Braslavskaya, Verkhnedvinskaya, Voronovskaya, Ostrovetskaya, Oshmyanskaya and Postavskaya. As a result, in 1992–1995, on the border with Latvia and Lithuania on a temporary basis 14 checkpoints were undeveloped, and in 1993–1994. 12 — on the border with Ukraine, and 18 at the border with Russia. It was also strengthened by the border with Poland.

On 28 of November by the Decree of the Council of Ministers approved the “Temporary Provision of the State Customs Committee”, which became the central customs authorities of Belarus. The main tasks of the Committee have been identified:

1) the organization and implementation of customs matters in the country;
2) provision within its competence economic security of the Republic of Belarus;
3) timely and full application of customs duties in the budget;
4) organization and management of the customs statistics, and others.

Since January 1992 the Chairman of the State Customs Committee of the Republic of Belarus was appointed SSC Major General Gennady Mikhailovich Shkurd, who previously held the post of First Deputy Chairman of the SSC of Belarus. On 27 of February of the same year the Government of the Republic of Belarus approved the proposed structure of the Central Department of the State Customs Committee: Department of customs control and fight against smuggling and violations of customs rules; economic Department; capital construction Department and operation of the customs authorities; technical Department; case Department; Legal Department; Department of tariff regulation of customs revenues and payments and the personnel Department. On 13 of March in 1992 the Belarusian Parliament had approved prepared by the Government Resolution “On the Republic of Belarus Customs Policy Concept” (Concept).

Concept has played a significant role in the history of the formation of the National Customs Service and the belarusian customs legislation. It laid the foundation, and later moved to a Customs Code in 1993 concept was intended to lay the organizational and legal basis for the development of customs matters in the country. Belarusian specialists have developed this fundamental document, taking into account the experience of the European Economic Community. In particular, it was proposed and still existing structure of the customs authorities: State Customs Committee of the Republic of Belarus; regional customs; customs posts. Before the young Customs Service the Parliament and Government have put the complex and critical tasks:

1. The protection of the economic interests of the Republic of Belarus, the fight against smuggling and other customs violations, cessation of illicit trafficking of drugs, weapons, objects of cultural and historical heritage of Belarus, intellectual property and other items, as well as assisting in the fight against international terrorism;

2. The enforcement of the law on customs, the organization and the improvement of customs control and to create conditions that would facilitate the acceleration of turnover and passenger traffic across the customs border;

3. The effective application of customs-tariff mechanism when moving across the customs border of goods and objects, allowing order of import and export goods and items to the budget of customs duties and customs duties;

4. Maintenance of customs statistics;

5. Promoting the development of foreign economic relations of the Republic of Belarus, the creation and maintenance of a favorable customs regime for compliance with international agreements of the Republic of Belarus with foreign countries;

6. Cooperation with customs and other competent authorities of foreign states, international organizations dealing with customs matters [3].

The formation and operation of the system was supposed to provide the customs authorities in accordance with the common customs policy of the republic, generally accepted in the international practice norms and standards. Note that the position of the Concept was laid immediately that “The Republic of Belarus may establish customs unions with other sovereign states, to participate in the inter-state bodies and international organizations in customs matters”.

On the same day it was adopted by the Republic of Belarus and the Law № 1520-XII “On the Bases of the Organization of the Customs Service of Belarus”. The law established the legal and organizational framework for customs, has defined the main tasks of the service. It stipulates that in the Republic of Belarus is a single customs policy, which is part of the external and internal policy of the Republic of Belarus. It was noted that the territory of the republic is a single customs territory, the customs territory of the border are the customs border of the Republic of Belarus.

In accordance with Art. 4. Law of the direct implementation of customs affairs entrusted to the Customs Service, as a unified system of customs authorities of the Republic of Belarus. The central public administration authority in the field of customs has become the SCC, subordinate its activities to the government. The law allowed the customs authorities
to have your identification mark and flag. The new customs, accelerated service numerical growth were actively created.

Among the main tasks of the new Customs Service identified the following:

1. The protection of the economic interests of the Republic of Belarus.
2. The fight against smuggling and other customs offenses.
3. The enforcement of the law on customs.
4. The application of customs-tariff mechanism when moving across the customs border of goods and objects.
5. The introduction of the budget of customs duties and customs duties.
6. The organization and improvement of customs control.
7. To create conditions that would facilitate the acceleration of turnover and passenger traffic across the customs border.
9. Ensuring awareness of public authorities, enterprises, organizations, institutions and citizens on customs issues.
10. The establishment and maintenance of a favorable customs regime for the implementation of international treaties of the Republic of Belarus.
11. The cooperation with the customs and other competent authorities of foreign states, international organizations dealing with customs matters [4].

The law provides that officials of the customs service may only be citizens of the Republic of Belarus. Officials assigned personal titles, and also to establish the wearing of uniforms. They got the right to carry and use of firearms. Customs authorities of the Republic of Belarus has been given an opportunity to address the problems of customs cooperation with other state bodies, including the border, public security, enterprises, organizations, institutions, associations and citizens.

In the same year, taking into account the positive experience of the Customs Code EEU started the development of the first Belarusian Customs Code and the Law “On Customs Tariff”. It was extremely necessary legal acts, because of their appearance before the import and export of goods regulated by a Law of 10 January 1992 “On taxes on exports and imports”. The early establishment of the national customs legal system was necessary as the country air, because the massive shuttle business in those years, not only ravaged the shelves, but also created a 11–12 kilometer queue of vehicles at the border. So, over the weekend in 1992 crossing point “Warsaw Bridge” Customs “Zapadny Bug” provided travel 11–12 million passengers and 5 million units of passenger cars, with an initial design capacity of 576 units of transport every day and eventually, April 1, sanitary Brest service operation of the checkpoint stopped. This year, only through the station “Brest” in Poland were exported in excess of 1 million of color TV-sets. Here it should be noted that during the reporting period, the customs authorities of the young republic permanently to oppose smuggling and other offenses in the customs sphere, protecting the country’s economic security. So, Brest Customs officers in 1993, was detained in 1578 assorted weapons and ammunition, and in November of the same year in the container, following from Afghanistan to Europe found 2389 kg of hashish. We must remember that at this time of arrest sometimes ended tragically, insolent criminals shot, dumped customs officers from trains, throwing them into the houses grenades.

On 1 of July in 1993 the Resolution of the Supreme Council of the Republic of Belarus was put into operation the first Customs Code of the independent Belarus. It consisted of 91 items combined into 7 sections. Section I dealt with the customs policies and the State Customs supervision. Section II regulate the movement of things across the customs border of the Republic of Belarus. Section III gave a legal characterization of the customs operations, Section IV – Customs privileges for international organizations, representative offices of foreign states and their employees, other organizations and individuals. Section V – crimes and administrative offenses against the established order of the customs regulation, Section VI – the order of things, detained by customs officials, and their implementation. Section VII was fixed the primacy of international law over domestic law [5]. In the same year, it came into force and the long-awaited the Law “On Customs Tariff” [6].

The recognition of the sovereignty of the Republic of Belarus by the international community, increase the volume and expand the geography of its foreign trade, made it necessary to release Customs Service and to the international arena and enhancing external relations at various levels and directions, not only in the CIS space. An important step was the introduction in 1993 of Belarus to the World Customs Organization, which had to modernize the customs authorities of a positive impact.

Thus, during the years 1991–1993, the price of strenuous effort was laid a solid foundation for the future establishment of a powerful and modern customs service of the Republic of Belarus.

References


The article was received for publication on 01.05.2016.