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## БОРЬБА ТАМОЖЕННЫХ ОРГАНОВ С НЕЗАКОННЫМ ОБОРОТОМ ОБЪЕКТОВ ДИКОЙ ФЛОРЫ И ФАУНЫ

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## THE FIGHT OF THE CUSTOMS AUTHORITIES IN THE ILLEGAL CIRCULATION OF WILD FLORA AND FAUNA

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**Аннотация.** В статье рассматриваются предпринимаемые таможенными органами административные меры, направленные на охрану биологического разнообразия внешнеторгового оборота объектов дикой флоры и фауны. Характеризуется правоохранительная деятельность должностных лиц таможенных органов по выявлению и пресечению незаконного перемещения редких и исчезающих видов дикой флоры и фауны через таможенную границу Евразийского экономического союза. Для анализа уровня экологического правопорядка в указанной сфере внешнеторговых правоотношений использованы данные специальной таможенной статистики Федеральной таможенной службы (ФТС России).

**Abstract.** The article considers the administrative measures taken by the customs authorities aimed at protecting the biological diversity of foreign trade in wildlife. Law enforcement activities of customs officials to detect and suppress the illegal movement of rare and endangered species of wild flora and fauna across the customs border of the Eurasian Economic Union are characterized. Data from special customs statistics of the Federal Customs Service (FCS of the Russian Federation) have been used to analyse the level of environmental law and order in this sphere of foreign trade relations.

**Ключевые слова:** объекты флоры и фауны, таможенные органы, незаконный оборот, объекты СИТЕС, контрабанда.

**Keywords:** objects of flora and fauna, customs authorities, illegal trafficking, objects of CITES, smuggling.

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Trafficking in wildlife is a global problem in today's world. The relevance of this topic is due to the fact that in recent years, species of wild flora and fauna have become the objects of poaching on a massive scale. As a result of illegal trade, unique species of birds, animals and plants are systematically destroyed. Poachers make extensive use of CITES facilities, i.e., wildlife species subject to the 1973 Convention on International Trade in Endangered Species of

Wild Fauna and Flora [1]. In order to protect endangered and specially protected species of plants and animals, this international act introduced a complicated authorization procedure for foreign trade with them [2].

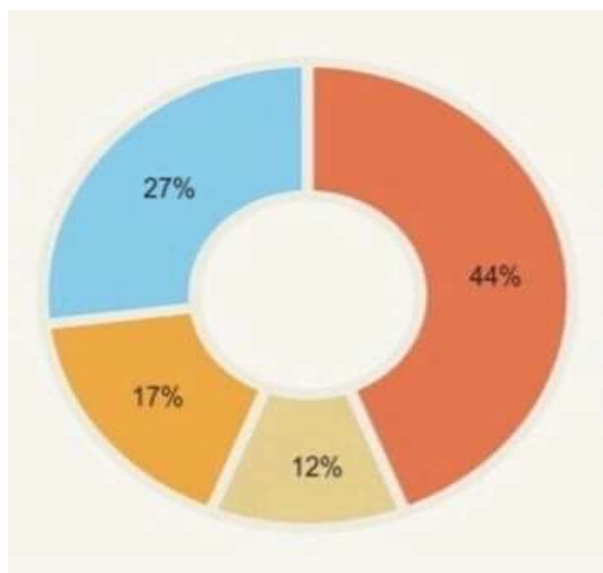
In connection with the increase in the scale of illegal trafficking in wildlife objects when moving across the customs border of the Eurasian Economic Union (EAEU, Union) measures are taken to strengthen the control at the customs border of the Union for their import and export [3]. Illegal movement of wildlife objects across the customs border of the EAEU negatively affects the political, economic and social spheres of the member states of the Union. In order to prevent the negative consequences of the illegal movement of plant and animal products across the customs border, the customs services of the countries of the Union shall apply measures aimed at combating their illicit trafficking [4].

Increased demand for wildlife fosters increased trafficking (legal and illegal). The Russian Federation takes an active part in the processes of international trade in wild animals, their parts and derivatives. According to the World Wide Fund for Nature, from 2012 to 2018, there were more than three thousand cases of the import into the Russian Federation of specimens of endangered species of wild animals and plants and about two thousand cases of the export of CITES objects [5]. According to the Russian Federal Customs Service, illegal trafficking of wild animals in our country, being one of the forms of smuggling, on a scale comparable to illicit trafficking in precious stones, Precious metals, cultural treasures and lags only behind the smuggling of military products (fig. 1).

In addition to the increase in illicit trafficking in rare species of animals and wildlife, the way in which CITES objects are hidden is of particular concern. Animals are transported in inappropriate conditions: in cages, containers, luggage or even in hand luggage, which does not meet the conditions of transportation. Because of this movement, about 20% of the total is delivered to customers, and most of them die on the road.

In this regard, the Customs Code of the Eurasian Economic Union defines one of the tasks of the customs authorities of the member countries on the territory of the Union, as protection of the national security of the member states, human life and health, animal and plant life, environment [6]. This is one of the most important tasks for Customs.

The customs authorities of the Eurasian Economic Union, with a view to protecting the animal and plant world, are implementing a set of measures aimed at detecting and halting illegal trafficking in wildlife. The detection and suppression of illegal trafficking in wildlife takes place through customs control (surveillance) operations as well as through operational and surveillance activities [7]. The application of customs and personal customs clearance is the most effective measure to prevent the smuggling of wildlife. This is due to the fact that it is not uncommon for offenders to build caches and storehouses for illegal concealment of goods.



4% - military products  
27% - precious stones, metals  
17% - cultural value  
12% - CITES samples

Figure 1 - Ratio of CITES samples to other types of smuggling.

Source: Guseva A.I., Ronzhina N.A. The fight of customs authorities against illegal trafficking of environmentally sensitive goods // Collection of articles on the materials of the II international scientific and practical conference (24 March 2020, Ufa). Ufa: Izd. SIC Bulletin of Science. - 2020. - p. 74-79.

Investigative activity is a special type of activity of law enforcement agencies to suppress smuggling. Law enforcement officials use various means of surveillance (covert surveillance, audio recordings) that provide information on illegal activities. Thus, illicit trafficking in flora and fauna is causing global damage to nature.

International law institutions are used to coordinate the activities of the customs services in monitoring the legality of the transboundary movement of animals and plants. Thus, the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) (CITES Convention) was signed on 3 March 1973. The Convention on International Trade in Species of Wild Flora and Fauna is based on three annexes (inventories) of protected species, which include more than 34,000 CITES sites. To export objects of rare species of animals and plants from Russia it is necessary to obtain the permission of the Administrative Body of CITES [8], in addition, a license of the Ministry of Industry and Trade of the Russian Federation may be required.

On the territory of the Russian Federation, the customs authorities play a key role in the implementation of the Convention. This activity is organized by the General Directorate for Combating Smuggling of the Federal Customs Service of Russia.

Surveillance by the customs authorities of the Russian Federation of the transport of CITES facilities in violation of the requirements of customs legislation indicates an increase in inter-national organized smuggling groups. According to FCS, active trade in CITES facilities usually takes place in the autumn. This is due to temperature regimes, which are the most favorable for the digestion and movement of wild animals and plants.

The Russian Federation is concluding international treaties establishing a system of preparation for special operational and investigative measures, their implementation, exchange of information, as well as other measures in the field of customs law enforcement cooperation (cooperation) [9].

Crimes and offences related to non-compliance with the requirements of the protection of rare species of wild plants and animals are international in nature. In this regard, the Federal Customs Service of Russia is expanding cooperation with foreign partners. One type of such cooperation is the Regional Law Enforcement Liaison Centre of the World Customs Organization (WCO) among the countries of the Commonwealth of Independent States (CIS) «RILO-Moscow». Regional Communication Hub «RILO-Moscow» was created in September 2001. It performs the functions of the governing body of national customs organizations in the CIS member states in the field of exchange of information on law enforcement activities, including the identification and suppression of attempts of illegal cross-border transport of rare, endangered species of wild flora and fauna [10].

Thus, the accumulated experience of the Federal Customs Service of the Russian Federation in the field of combating illegal trafficking in species of wild flora and fauna shows the importance of solving the problems of protecting the animal and plant world, Fulfillment of the duties assigned to the customs authorities to comply with international obligations in the field of conservation of rare species of wild animals and plants, combating the smuggling of important resources of fauna and flora, species on the pages of the Red Book of the Russian Federation, Species protected by international treaties of the Russian Federation, as well as their parts and derivatives. In the field of animal and plant protection, the customs authorities make a significant contribution to the environmental safety of the country, influence the quality performance of the state activities for the preservation of the country's biodiversity [11]. The tasks of the Russian customs authorities in carrying out activities to control and suppress the smuggling of CITES facilities are to preserve biological diversity, as well as to prevent the risks of introducing infected and contaminated individuals into the territory of the Russian Federation, Which may cause diseases to the population of the country, objects of flora and fauna [12].

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