

**ФУНКЦИИ ТАМОЖЕННЫХ ОРГАНОВ В ОБЛАСТИ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ И  
ОБЕСПЕЧЕНИЯ ЭКОЛОГИЧЕСКОЙ БЕЗОПАСНОСТИ**

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**FUNCTIONS OF THE CUSTOMS AUTHORITIES IN THE FIELD OF ENVIRONMENTAL PROTECTION  
AND ECOLOGICAL SAFETY**

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В статье систематизируются функции таможенных органов, направленные на охрану окружающей среды, рациональное использование природных ресурсов и обеспечение экологической безопасности внешнеторговой деятельности, реализуемые в области таможенного дела. Акцентируются вопросы правового регулирования экологически значимой деятельности таможенных органов и их должностных лиц, рассматривается структура системы юридических источников по вопросу исследования.

The article systematizes the functions of the customs authorities aimed at protecting the environment, rational use of natural resources and ensuring the environmental safety of foreign trade activities implemented in the field of customs. The issues of legal regulation of environmentally significant activities of customs authorities and their officials are highlighted, the structure of the system of legal sources on the research issue is considered.

**Ключевые слова:** охрана окружающей среды, таможенные органы, природопользование, экологическая безопасность, внешнеторговая деятельность.

**Keywords:** environmental protection, customs authorities, nature management, environmental safety, foreign trade.

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Foreign trade activity is associated with the emergence of a number of environmental risks that arise in the process of cross-border movement of various categories of environmentally sensitive goods: a decrease in species biodiversity due to excessive or illegal trade in objects of the animal and plant world, the spread of dangerous goods that adversely affect human life and health, the introduction of harmful substances, energies and pathogens in the process of importing goods into the customs territory of the Eurasian Economic Union. The tasks of preventing environmental threats of foreign trade activities are entrusted to customs administrations (customs authorities and their officials), which are implemented in the process of performing customs affairs and management functions assigned to their competence by acts of customs and environmental law [1].

The concept of the ecological function of customs authorities (as an activity aimed at ensuring environmental safety and protecting the environmental rights of citizens) is not legalized, and there is also no branch systematization of environmentally significant powers of customs administrations [2]. At the same time, the role of customs authorities in ensuring the environmental safety of foreign trade activities is great and consists of checking the compliance of imported and exported goods with the established environmental safety requirements. The customs authorities play a significant role in preventing cross-border movement of especially dangerous goods that can harm the environment. They perform one of the most important functions of combating the smuggling of rare and endangered wild animals and plants, as well as their parts and derivatives, while preserving the biodiversity of the environment [3].

The general mechanisms of public activity of authorities for the implementation of the environmental policy of the state are determined by the Federal Law of 10.01.2002 No. 7-Federal Law «On Environmental Protection» (Law) [4]. Article 5 of the Law establishes the following types of environmental management:

- application of individual methods of environmental control;
- using of the mechanism of a public licensing system and confirmation of compliance with safety requirements (environmental licenses and certificates);
- conducting an ecological expertise and assessment of its impact on the environment;
- improvement of legal regulation of any environmentally significant activity;
- establishment of a special administrative and legal regime for the localization of environmental risks in the implementation of other economic activities;
- guarantees of compliance with legal norms in the areas of protection of natural objects from negative impacts;
- implementation of environmental monitoring through state supervision;
- analysis, identification, assessment and accounting of the harm caused by an environmental offense;
- establishment of measures of public and private legal liability for violations of the provisions of the law in the field of environmental protection [5].

These types of activities underlie the environmentally significant activities of customs authorities and their officials. Thus, the Federal Law “On Environmental Protection” establishes a direct rule (clause 3, article 60) according to which import, export and transit, as well as trade in rare or endangered plants, animals and other organisms, are regulated by international treaties and the legislation of the Russian Federation taking into account the generally recognized norms and principles of international law.

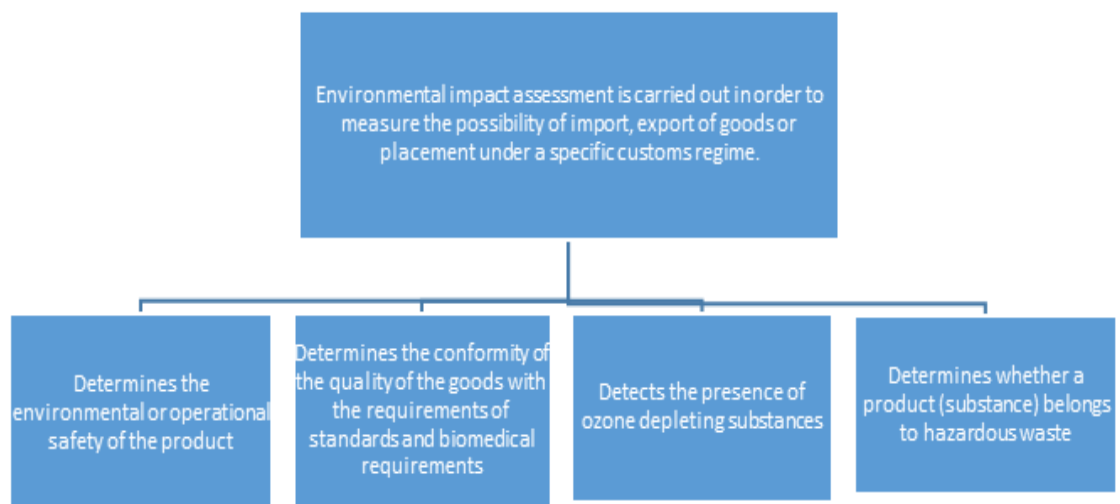


Figure 1. Environmental assessment (Source: Federal Law No. 174-FL dated November 23, 1995 «On environmental expertise» // pravo.gov.ru. - 1995.)

According to a different rule, which is enshrined in paragraph 2 of Art. 69.1 of the Law, state regulation of trade in ozone-depleting substances (hereinafter - ODS) is carried out on the basis of customs statistics [6].

Table 2.

**General information on the state of environmental crime for 2020-2021**

	Number of registered crimes			Detection (%)	
	2021	2020	dynamics %	2021	2020
<b>environmental crimes</b>	85	106	-19,8%	73,6%	66,7%

Source: Official website «Federal customs service» <https://customs.gov.ru/statistic>

Historical analysis allows us to highlight the obvious sequence in the normative fixing of environmentally significant functions of the customs authorities [7]. Customs Code of the Russian Federation of 1993, together with the main functions of customs authorities secured other special environmental functions implemented in the field of customs. These include:

- fight against smuggling, suppression of illegal circulation of animals, plants withdrawn from circulation, including their parts and derivatives;
- assistance in the implementation of measures aimed at protecting animals, plants, environmental protection, etc.

The emergence of the above functions is associated with the development of environmental priorities in society: the fight of customs authorities against offenses related to environmental smuggling and other types of environmental violations have become an integral part of the environmental policy of the state. Given the continuity of the previously developed environmental policy, it can be noted that later in the Customs Code of the Russian Federation of 2003, the legislator re-established similar functions of customs authorities to ensure the environmental safety of foreign economic activity. Among the main environmental functions of the customs authorities, such as the protection of rare species of animals and plants, enforcement of environmentally oriented prohibitions and restrictions on foreign trade activities, compliance with the international environmental obligations of the Russian Federation were established [8].

Federal Law No. 289-FZ of August 3, 2018 «On Customs Regulation in the Russian Federation and on Amendments to Certain Legislative Acts of the Russian Federation» [9] establishes that the FCS of Russia performs the following functions: to detect, prevent, suppress crimes and administrative offenses, referred by the legislation of the Russian Federation to the powers of the customs authorities; carry out investigative actions in the form of a criminal investigation on these crimes; carry out the necessary procedural measures in cases of administrative offenses in the field of customs (on violations of customs rules); as part of the fight against illegal movement of objects of flora and fauna through the customs of the Russian Federation, carry out activities to protect national security, public order, morality of citizens, life and health of people, animals and plants, environmental protection, protection of the interests of consumers of goods imported into the territory of the Russian Federation [10].

Certain areas of activity of the customs authorities for the conservation of biodiversity and the natural environment include:

- countering the smuggling of wild animals, plants and aquatic biological resources classified as specially protected (listed in the Red Book of the Russian Federation and international CITES lists);
- fight against smuggling of timber and lumber;
- control of transboundary movement of hazardous and other wastes subject to the Basel Convention;
- control of cross-border movement of goods subject to foreign trade restrictions of an environmental nature;
- control of transboundary movement of objects of flora and fauna, which are subject to prohibitions and restrictions of a veterinary and phytosanitary nature.

The Customs Code of the Eurasian Economic Union, along with the tasks performed by the customs authorities, similarly defines tasks aimed at protecting the national security of the member states of the Customs Union, human life and health, flora and fauna. In this connection, in modern conditions, the customs authorities are authorized to control the cross-border movement of goods that are sources of danger to human life and health, goods that adversely affect nature and the environment. Thus, state customs officers carry out state environmental control measures for the rational use of Russia's natural resources in foreign trade relations, assist environmental authorities in preserving biological diversity, and also reduce the risks of complete destruction of populations of certain animal species [11; 12]. Therefore, we can conclude that the environmentally significant activities of customs authorities are diverse [13]. It is implemented through a system of functions (customs operations) within the exercise of powers and competence established by the customs legislation and special branch law governing the spread of environmental risks in foreign trade [14]. Based on the above legal provisions, it can be concluded that the actions of the customs authorities for the protection of animals and plants, protection of the environment, human life and health are mainly implemented in the accomplishment of customs control measures for the cross-border movement of goods in order to prevent and suppress the negative impact of foreign trade operations and adverse environmental factors specific to the customs business.

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