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## ОСОБЕННОСТИ ТАМОЖЕННОГО КОНТРОЛЯ ТРАНСГРАНИЧНОГО ПЕРЕМЕЩЕНИЯ РЕДКИХ ВИДОВ ЖИВОТНЫХ, НАХОДЯЩИХСЯ ПОД ОХРАНОЙ МЕЖДУНАРОДНОЙ КОНВЕНЦИИ СИТЕС

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## FEATURES OF CUSTOMS CONTROL OF TRANSBOUNDARY MOVEMENT OF RARE SPECIES OF ANIMALS PROTECTED BY THE INTERNATIONAL CITES CONVENTION

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В статье рассматриваются особенности контрольно-надзорной деятельности, осуществляемой таможенными органами в случаях трансграничного перемещения редких видов животных, охраняемых Конвенцией СИТЕС, детализируются порядок и правила трансграничного перемещения указанных объектов. Характеризуется Конвенция СИТЕС, как специальный международный акт, обеспечивающий сохранение биоразнообразия в условиях осуществления внешней торговли охраняемыми видами дикой фауны.

The article discusses the features of control and supervision activities carried out by customs authorities in cases of transboundary movement of rare species of animals protected by the CITES Convention, details the procedure and rules for the transboundary movement of these objects. The CITES Convention is characterized as a special international act that ensures the conservation of biodiversity in the context of foreign trade in protected species of wild fauna.

**Ключевые слова:** СИТЕС, контрабанда, таможенные органы, таможенный контроль, международное сотрудничество.

**Keywords:** CITES, smuggling, customs, customs control, international cooperation.

As the sphere of foreign economic activity continues to develop rapidly and actively, involving more and more environmentally sensitive goods in international exchange, customs authorities are creating conditions to optimize security and accelerate international trade, including the processes of cross-border movement of rare animal species removed from their natural habitats [1, p.133].

Table 1.

### Illegal trade in valuable animals in Russia

Movable animals	Cost in US dollars	The country of displacement
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Falcons	More 100 000	Middle East
Paws, brown bear bile	5 000 - 10 000	China, Korea
The Amur tiger	10 000 - 50 000	China, Japan
Irbis	More 100 000	Europe, USA

Source: Martseva T.G., Kharakhody E.V. *The role of customs authorities in ensuring national security // Vestnik of Altai Academy of Economics and Law. - 2020. - № 43. - p. 424-430*

The import and export of rare animal species under protection is usually carried out not only for cultural and scientific exchange, but also for commercial purposes. An analysis of environmental offences confirms the fact that more and more attempts are made each year to illegally move rare animal species across the customs border. This is partly due to the high prices of exotic animals and the existence of serious administrative barriers to the legalisation of foreign trade transactions in these categories of goods. The import and export of rare animal species under protection is usually carried out not only for cultural and scientific exchange, but also for commercial purposes. An analysis of environmental offences confirms the fact that more and more attempts are made each year to illegally move rare animal species across the customs border. This is partly due to the high prices of exotic animals and the existence of serious administrative barriers to the legalisation of foreign trade transactions in these categories of goods.

As customs statistics show, the most frequent attempts to illegally import sperm whales, white whales, wolves, polar and Himalayan bears, river otters, the Amur tiger, the Far Eastern leopard, the lynx, the Amur forest cat, the Far Eastern tortoise, the Asian snapper and other wild fauna species of the planet into Russia [2, p.184].

In order to preserve animal biodiversity in foreign trade, a special agreement, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention) (Washington, 3 March 1973) was adopted, which defines the rules for legal involvement of wildlife in foreign trade (live animals, extinct species, their derivatives) [3, p. 186].

As a general rule, international trade in rare animal species protected under the CITES Convention is allowed, but only with special CITES permits, which are issued by the national authorised bodies of the parties to the Convention. In the Russian Federation, such permits are issued by the Federal Service for Supervision of Natural Resource Use. The procedure for issuing them is determined by the Administrative Regulation approved by Order No. 297 of the Ministry of Natural Resources of the Russian Federation of 30.06.2015.

The basis for issuing an appropriate export permit for a CITES object is a complex legal set-up involving a number of legal facts:

- the decision of the scientific authority of the exporting country has been taken that the export is safe for the survival of that animal species;
- the administrative authorities of the exporting State have at their disposal all the necessary evidence that the object in question was taken in conformity with domestic legislation on the protection of fauna;
- the administrative authorities of the exporting State have obtained all the necessary evidence to ensure the safety of life and health of the animal during transboundary movement and that it is non-violent;
- administrative authorities of the exporting state are duly certified that the import of the object in question has been authorized [4, p. 74].

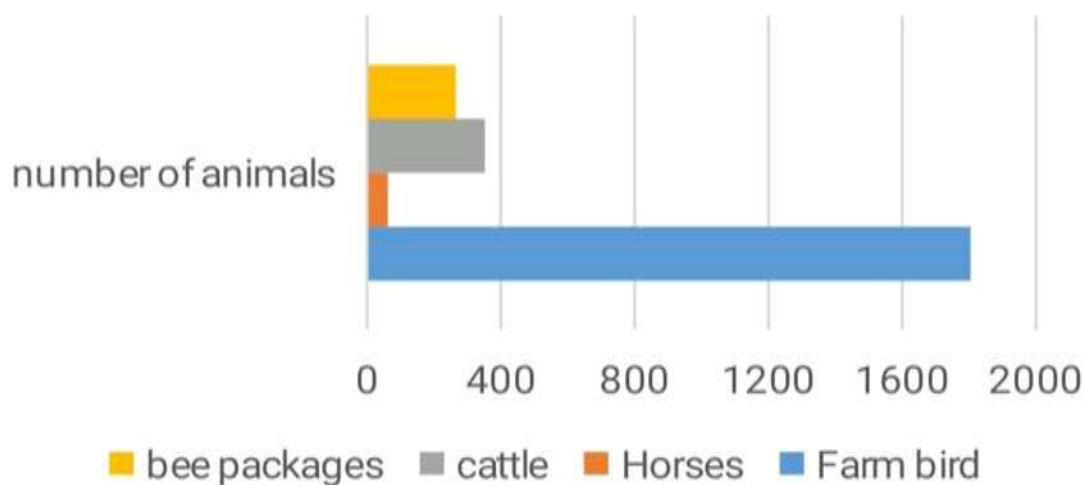


Figure 2 - Recorded cases of animal smuggling in Russia in 2021. (Source: Rosselkhozadzor official site, <https://fsvps.gov.ru/ru/fsvps/news/46696.html>)

A separate certificate or permit is required for each consignment of objects crossing the border. CITES permits are valid for 6 months for export and 12 months for import.

The customs authorities prevent and detect smuggling of rare animal species protected under the CITES Convention by customs authorities through customs control and customs clearance, as well as through operational and investigative activities. According to customs authorities, violators of customs rules and those who attempt to smuggle rare species of animals protected under the International Convention on Tropical Forests are Russian and foreign nationals [5, p.100]. Thus, among Russian citizens, the following categories of persons encroaching on the order and rules of transboundary movement of these objects can be identified: railway transport service personnel (drivers, technicians, conductors); individuals moving goods for personal use; drivers of trucks. Foreign nationals are most often represented by persons illegally crossing the Russian border (poachers); temporary economic activities in the Russian Federation; entrepreneurs specializing in the production and trade of derivatives used in Oriental medicine and cooking; persons temporarily staying in Russia, including tourists; persons representing travel agencies; drivers of vehicles; personnel servicing both railway and river. Foreign nationals are most often represented by persons crossing the Russian border illegally (poachers); temporary economic activities in the Russian Federation; entrepreneurs specialising in the production and trade of derivatives used in Oriental medicine and cooking; temporary visitors to Russia, including tourists; persons representing travel agencies; drivers of motor vehicles; personnel servicing both rail and river transport [6].

Customs officers should take into account the psychological factors in the behaviour of persons undergoing inspection during customs clearance and control. In order to carry out these measures, officers should be aware of their behavioural patterns (e.g. signs of tension, excitement, unfocused attention).

The documents submitted for customs clearance and control shall be subject to the following types of inspection:

- inspection of the contents of the declarations in order to establish the veracity of the declaration of the animals, plants, their parts and derivatives actually imported or exported, their species, quantity, size and age;
- inspection and examination of permits (licences, permits, certificates) presented to Customs authorities to determine the validity of the documents presented and the correspondence between the documents and the goods presented [6].

This work, carried out by customs authorities, is necessary to exclude the possibility of illegal importation and exportation of rare animal species protected by the CITES Convention without declaring or with a declaration but not their name, or with invalid documents.

The Federal Customs Service of Russia is a state body of the Russian Federation authorized to perform functions of combating the smuggling of CITES objects, and therefore, customs officials are required to have special knowledge in public administration, biology, and operational skills [7, p. 132].

It should be noted that the World Customs Organisation works to protect wild fauna by organising cooperation between customs authorities in exporting and importing countries. In 2009, International Customs Day was held under the theme "Customs Administration and the Environment: Protecting our Natural Heritage". [8]. In order to increase the knowledge and awareness of customs officials, master classes were organized, training materials were prepared, and a platform for cooperation on enforcement issues was created.

In conclusion, we note that the dynamics of combating the illegal transboundary movement of rare animal species protected by the CITES Convention have a high level of latency and environmental danger [9, 10]. Against the background of the constant improvement of illegal methods of movement of rare animal species protected by the CITES, customs officials need to work continuously to identify smuggling channels, buyers and sellers, illegally harvested and moved across the customs border objects of nature.

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