

Peculiarities of the Development of Legislation in the Field of Foreign Economic Activity Regulation in the Eurasian Economic Union

Genadiy Brovka,* Olga Veremeychik,** Anastasia Zhevlakova***

The article is devoted to the features of the legal regulations of foreign economic activity in the Eurasian Economic Union.

The article discusses the classification and application of non-tariff regulation measures enshrined in the legislation of the EAEU. The authors note that among all economic protection measures in the EAEU, only anti-dumping measures are used for twenty-one categories of goods. Special attention is also paid to the formation of a unified regulatory framework of the EAEU in the field of technical regulation. The documents that make up the national legislation of the Republic of Belarus and the Russian Federation and determine the procedure for the application of special economic measures have been studied separately. Such measures are temporary or permanent prohibitions and restrictions on the import of certain types of products.

The authors come to a conclusion that there is a need to introduce a retroactive mechanism for specific, anti-dumping and countervailing duties, to create a single market in the EAEU for the most important types of products based on the unification of technical requirements, as well as to ensure a constant review of existing quotas and prohibitions, taking into account the interests of the main consumers of these goods.

Keywords: development of legislation, domestic market protection measures, foreign trade, special economic measures, technical regulation

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* PhD, Associate Professor, the Dean of the Faculty of Management Technologies and Humanities • Belarusian National Technical University, Minsk, Republic of Belarus • ✉ gbrovka@bntu.by • ORCID: 0000-0001-6135-6738

** PhD, Associate Professor, the Head of the Department of Foreign Languages • Belarusian National Technical University, Minsk, Republic of Belarus • ✉ veremeychik@bntu.by • ORCID: 0000-0002-6667-4337

*** Postgraduate student, lecturer of the Department of Customs affairs • Belarusian National Technical University, Minsk, Republic of Belarus • ✉ anastasiya.zhevlakova@bntu.by • ORCID: 0000-0002-2945-9806

Introduction

In modern conditions, foreign economic activity is an essential component that forms the struc-

ture of the national economy and influences its stability. Due to the fact that the Republic of Belarus is a Member State of the EAEU, within the framework of which a unified regulatory basis is

being developed in the field of foreign economic activity regulation in the Eurasian Economic Union, the study of regulatory methods is of particular relevance.

1. Customs measures as a method of regulating foreign trade

Customs regulation is one of the key instruments of state and supranational regulation and includes customs tariff, non-tariff measures, as well as other measures used by the state to protect national interests.

These measures differ in the nature and mechanism of regulatory impact on certain segments of the national and global market. Despite this, they are interrelated, complement each other, and in practice they are applied in combination.

Customs tariff regulation is a method of governing foreign trade in goods carried out by establishing, introducing, changing, and terminating customs duties on goods transported across the customs border.

Customs and tariff measures are aimed at regulating the costs and prices of imported and exported goods, taking into account the costs and prices of domestic producers, the consumption efficiency of domestic and imported goods, as well as the need to maximise the demand for certain goods. The mechanism of influence of customs tariff regulation on foreign trade activity consists in its direct impact on the exchange of goods between countries through the application of customs duties.

Customs duties are the basis of customs tariff regulation. The efficiency of this type of regulation depends directly on the degree of their economic validity.

The objectives of the application of customs tariff regulation measures are to protect national producers from foreign competition, to ensure the receipt of funds to the budget, to stimulate progressive structural changes in the economy.

Among the main tasks of customs tariff regulation relevant to our country, we can distinguish

the following: supporting the competitiveness of products of domestic enterprises, increasing the modernisation and innovation component of the economy, maintaining the necessary level of investment attractiveness of industries or production, increasing the competitiveness of Belarusian exports.

The achievement of these goals and the solution of these tasks is ensured by the competent application of elements of customs tariff regulation, which include customs tariff, commodity nomenclature of foreign economic activity, customs duty, customs procedures, tariff benefits, country of origin, customs value.

Until 1994 there had been no clear definition of non-tariff trade barriers, as a result of which there were a huge number of approaches to their classification and grouping. However, in 1994, the UNCTAD developed the Trade Analysis and Information System, which includes a system for coding and classifying non-tariff trade barriers.

However, the work on the description and systematisation of non-tariff measures continued, which led to the creation of a new classification in 2012, which was approved by most international organisations.

All non-tariff barriers were grouped into the following areas: technical measures with respect to imports and non-technical measures with respect to imports and exports. In total, 16 groups of barriers were identified, the broad range of which vary from technical and sanitary or phytosanitary barriers, financial and competition-related measures, investment measures related to trade, restrictions related to sales and public procurement, the country of origin rule, and others. This classification is not static and is constantly changing, as the measures applied by different countries are constantly changing as well.

The World Trade Organization also has its own approaches to the classification of non-tariff measures. Five groups of measures are distinguished for non-agricultural products:

- restrictions related to state participation in trade, such as government procurement or countervailing duties;

- technical barriers: standards and requirements related to environmental, sanitary, veterinary regulations, packaging and labelling of goods, rules and procedures for product certification;
- customs procedures and administrative formalities, such as complicated customs clearance procedures, as well as methods for assessing the customs value of goods and their country of origin;
- special restrictions, such as licensing and import quotas;
- restrictions based on the principles of ensuring payments related to the import of goods: taxes, fees, anti-dumping and countervailing duties, border taxation, prohibitions, and restrictions on foreign trade (Baklakov et al., 2015, p. 10).

Today, the development of a uniform approach to the classification of non-tariff barriers to trade in services is particularly difficult. In general, the main non-tariff measures in trade in services can be grouped into these main groups:

- quantitative restrictions, including quotas and other factors limiting trade in services. These restrictions are imposed not on the service, but on the suppliers. The most drastic measure is a complete prohibition on the import of services;
- restrictions imposed on the price of a service or price control, this measure is introduced depending on whether the company providing services is national or foreign and is very similar in terms of the mechanism of action to tariff measures;
- special government restrictions in the form of licensing or the need to obtain rights to provide services. Most often, this restriction is applied to financial, legal, or medical services, and is also common in public procurement;
- restriction of the importer's access to additional services. This is most often associated with transport services;
- discriminatory measures that are applied depending on whether the firm is a national or

foreign service provider (Vinokurov, 2015, pp. 16–18).

It seems possible to classify non-tariff measures to regulate foreign trade based on the purpose of applying these measures – ensuring state security, protection of domestic manufacturers of industry and agriculture, protection of human life and health, protection of animals and plants, protection of the artistic, historical, and archaeological heritage of peoples, environmental protection, fulfillment of international obligations.

2. Customs measures applied in the Eurasian Economic Union

Legal regulation of prohibitions and restrictions, non-tariff measures of foreign trade regulation are carried out at the international and national levels.

The Eurasian Economic Union has uniform measures of non-tariff regulation, which are established by the Treaty on the Eurasian Economic Union, and their classification is shown in Figure 1.

According to the above classification, phytosanitary and technical measures are not included in the number of non-tariff regulatory measures. In particular, in the Eurasian Economic Union they are considered as separate measures of state regulation of foreign economic activity, as well as economic measures to protect the domestic market, which include special, anti-dumping, countervailing measures, as well as a trigger measure (The Treaty..., 2021).

The main purpose of applying specific, anti-dumping, countervailing duties is to protect the economic interests of goods producers in the EAEU from threats associated with increasing imports, dumping, or subsidised imports of goods.

The basis for the application of specific duties is the threat of damage to one of the branches of the national economy due to the increasing quantities of goods imported into the country.

If the goods are the subject of dumping imports and their import damages the economic sector of

Figure 1. Non-tariff regulation measures in the EAEU

Uniform measures of non-tariff regulation				
Quantitative restrictions	Exclusive right	Automatic licensing	Permitting procedure	Prohibition of import or export of goods
temporary prohibitions or quantitative restrictions on exports to prevent or reduce a critical shortage in the domestic market of food or other goods	is introduced for the export or import of certain types of goods	the export and import of goods for which automatic licensing has been introduced are carried out in the presence of permits	is implemented through the introduction of licensing or the application of other administrative measures to regulate foreign trade activities	introduction of import prohibitions of certain categories of goods that threaten the life and health of the population, as well as the state of the environment
prohibitions or quantitative restrictions on exports and imports required in connection with the application of standards or classification rules	is carried out on the basis of the issuance of a license	is introduced in order to monitor the dynamics of import or export of certain types of goods		export prohibitions of strategically important goods, as well as cultural values and other similar items
restrictions on the import of aquatic biological resources imported in any form				

Source: own study.

the EAEU Member States, then anti-dumping duties are applied in this case.

Countervailing duties are used to restrict the import of goods, during the production or export of which there was a subsidy from the producer state or the sender, if during the investigation it is established that the import of this product causes economic damage to a EAEU Member State (Zhevlakova, 2019).

Before applying a special protective, anti-dumping, or countervailing measure when importing goods, a special investigation is carried out. The aim of such an investigation is to establish the fact of dumping or to grant subsidies to foreign goods, as well as to determine whether the import of such goods into the customs territory causes material damage to producers of similar goods in the EAEU.

The body conducting anti-dumping, countervailing and special protective investigations is the

Department of Internal Market Protection of the Eurasian Economic Commission, and the basis for launching an investigation is a statement by manufacturers of similar goods in the EAEU.

An anti-dumping or countervailing investigation is carried out within a period of twelve to eighteen months, and a special protective investigation – from nine to twelve months.

Additionally, the EAEU international agreement with a third party on the establishment of a free trade regime may provide for the application of measures to protect the internal market, other than special, anti-dumping, and countervailing measures.

The first international treaty that includes this norm is the Free Trade Agreement between the EAEU and the Socialist Republic of Vietnam.

This Agreement introduces the concept of a trigger protective measure that can only be applied by

the EAEU to certain goods originating and imported from the Socialist Republic of Vietnam.

The trigger protective measure is applied in the form of an import customs duty, the type and size of the rate of which correspond to the type and size of the rate of import customs duty of the Unified Customs Tariff of the EAEU applied to such goods on the date of entry into force of the decision on the application of the trigger protective measure.

The validity period of the trigger protective measure is six months, however, if on the date of consideration of the application of such a measure it is established that the volume of imports of goods exceeds one hundred and fifty percent of the established level, then the validity period of the trigger measure will be nine months (Free Trade..., 2021).

The trigger protective measure is applied to light industry goods that are particularly sensitive to the EAEU market and some types of wooden furniture.

Such a measure is introduced by the decision of the Board of the Eurasian Economic Commission, if the fact of exceeding the corresponding threshold volume of goods is established. The proposal to introduce a trigger protective measure is prepared by the Department of Internal Market Protection of the Eurasian Economic Commission.

All procedural issues regarding the monitoring of import volumes are regulated by the Procedure for the application of trigger protective measures.¹

In 2018, the trigger protective measure was applied to two categories of goods originating from the Socialist Republic of Vietnam and imported into the customs territory of the EAEU: underwear – valid for nine months, children’s clothing and accessories for children’s clothing – for a pe-

¹ On the Application of Trigger Protective Measures and Bilateral Protective Measures within the Framework of the Free Trade Agreement between the Eurasian Economic Union and its Member States, and the Socialist Republic of Vietnam [Electronic resource]. Decision of the Council of the Eurasian Economic Commission, October 18, 2016, No. 115. ConsultantPlus. Belarus. LLC “YurSpektr”. National center of legal inform. Rep. Belarus. Minsk, 2021.

riod of six months. During the period of this measure, goods were subject to import customs duties at the rates established by the Unified Customs Tariff of the EAEU.²

The main legal act regulating the application of specific protective, anti-dumping, and countervailing duties is the Customs Code of the Eurasian Economic Union. In particular, Chapter 12 of this regulatory act contains provisions defining:

- the procedure for the application of specific protective, anti-dumping, and countervailing duties;
- the occurrence and termination of the obligation to pay these duties and cases when they are not paid;
- fulfillment of the obligation to pay;
- terms and procedure of payment;
- enforcement of the obligation to pay specific protective, anti-dumping, and countervailing duties, as well as the procedure for the refund of security;
- collection of such duties (Customs Code, 2018, p. 125).

The procedure for receiving and distributing specific protective, anti-dumping, and countervailing duties, as well as the procedure for conducting an investigation are determined by the Treaty on the Eurasian Economic Union, namely Annex 8 (The Treaty..., 2019).

The form and the calculation procedure itself for calculating these duties is determined by the Decision of the Board of the Eurasian Economic Commission dated November 7, 2017, No. 137.³

² On the application of a trigger protective measure against certain types of underwear, children’s clothing and accessories for children’s clothing originating from the Socialist Republic of Vietnam and imported into the Customs Territory of the Eurasian Economic Union [Electronic resource]. Decision of the Board of the Eurasian Economic Commission, February 7, 2018, No. 20. ConsultantPlus. Belarus. LLC “YurSpektr”. National center of legal inform. Rep. Belarus. Minsk, 2021.

³ On the calculation of customs duties, taxes, specific, anti-dumping, countervailing duties [Electronic resource]. Decision of the Board of the Eurasian Economic Commission of November 7, 2017, No. 137. Consultant-

Table 1. The regulatory legal provision of the existing measures

Product name	Legislative act
Some types of steel pipes	Decision of the Board of the Eurasian Economic Commission No. 48 dated 02/06/2016 Decision of the Board of the Eurasian Economic Commission No. 49 dated 04/20/2021
Rolled metal with polymer coating	Decision of the Board of the Eurasian Economic Commission of 24/05/2012 No. 49 as amended by the Decision of the Board of the Eurasian Economic Commission of 21/10/2014 No. 191 and the Decision of the Board of the Eurasian Economic Commission of 23/01/2018 No. 14
Cold-formed seamless stainless steel pipes	Decision of the Board of the Eurasian Economic Commission dated 09/04/2013 No. 65 as amended by the Decision of the Board of the Eurasian Economic Commission dated 01/09/2015 No. 109 regarding the HS codes; Decision of the Board of the Eurasian Economic Commission dated 13/12/2017 No. 169 – inclusion in the list of Malaysia; Decision of the Board of the Eurasian Economic Commission dated 03/04/2018 No. 49 the anti-dumping measure was extended for the period of repeated investigation in order to extend the validity of the anti-dumping investigation
Aluminum kitchen utensils	Decision of the Board of the Eurasian Economic Commission No. 107 dated 08/24/2021
Kitchen and cutlery made of corrosion-resistant steel	Decision of the Board of the Eurasian Economic Commission No. 159 dated 01/12/2020
Crawler bulldozers	Decision of the Board of the Eurasian Economic Commission No. 148 dated 10/11/2015 Decision of the Board of the Eurasian Economic Commission No. 68 dated 06/29/2021
Truck tires	Decision of the Board of the Eurasian Economic Commission No. 154 dated 17/11/2015
Stainless steel pipes	Decision of the Board of the Eurasian Economic Commission No. 6 dated 26/01/2016 Decision of the Board of the Eurasian Economic Commission No. 110 dated 07/09/2021
Ferrosilicomanganese	Decision of the Board of the Eurasian Economic Commission No. 58 dated 02/07/2016 Decision of the Eurasian Intergovernmental Council No. 9 dated 27/10/2016
Steel corners	Decision of the Board of the Eurasian Economic Commission No. 133 dated 03/10/2017
Rolling bearings (except needle bearings)	Decision of the Board of the Eurasian Economic Commission No. 139 dated 21/08/2018 Decision of the Board of the Eurasian Economic Commission No. 288 dated 25/12/2012
Graphite electrodes	Decision of the Board of the Eurasian Economic Commission No. 156 dated 25/09/2018
Cast wheels	Decision of the Board of the Eurasian Economic Commission No. 43 dated 26/03/2019
Forged steel rolls for rolling mills	Decision of the Customs Union Commission No. 904 dated 09/12/2011 Decision of the Board of the Eurasian Economic Commission No. 21 dated 28/01/2020
Herbicides	Decision of the Board of the Eurasian Economic Commission No. 90 dated 29/05/2018 Decision of the Eurasian Intergovernmental Council of 30/04/2019 No. 4 Decision of the Board of the Eurasian Economic Commission No. 104 dated 06/18/2019
Galvanised rolled products	Decision of the Board of the Eurasian Economic Commission No. 209 dated 03/12/2019
Hot-formed seamless pipes made of corrosion-resistant steel	Decision of the Board of the Eurasian Economic Commission No. 218 dated 03/12/2019
Aluminum tape	Decision of the Board of the Eurasian Economic Commission No. 115 dated 22/09/2020; Decision of the Board of the Eurasian Economic Commission No. 1 dated 12/01/2021
Welded pipes made of corrosion-resistant steel	Решение Коллегии Евразийской экономической комиссии от 09.02.2021 г. № 12..
Leaf springs	Decision of the Board of the Eurasian Economic Commission No. 17 dated 02/16/2021
Seamless steel pipes used for drilling and operation of oil and gas wells	Decision of the Board of the Eurasian Economic Commission No. 101 dated 18.08.2015, Decision of the Board of the Eurasian Economic Commission No. 52 dated 27/04/2020

Source: own compilation on the basis of *Measures of protection...* (n.d.).

As for the measures themselves, they are introduced directly by the Decisions of the Eurasian Economic Commission. The regulatory legal provision of the existing measures is given in Table 1.

When calculating specific protective, anti-dumping, and countervailing duties, the country of origin also plays a special role.

In January 2019, two new documents aimed at solving these problems came into force. Such documents were the Decision of the Council of the Eurasian Economic Commission of July 13, 2018, No. 49⁴ and the Decision of the Council of the Eurasian Economic Commission of June 14, 2018, No. 60,⁵ which determined the cases of mandatory provision of a certificate of origin, as well as the threshold amount separately for the countries-users of preferences and other countries in which the provision of a certificate is not mandatory.

The Eurasian Economic Commission is also authorised to make regulatory and organisational and administrative decisions in the field of technical regulation within the EAEU, as well as non-binding recommendations that are subject to direct application in the territories of the Member States.

In the area of technical regulation, the Eurasian Economic Commission has the Department for Technical Regulation and Accreditation, the Department for Sanitary, Veterinary, and Phytosanitary Measures, the Advisory Committee on Technical Regulation, the Application of Sanitary,

Veterinary, and Phytosanitary Measures and sub-committees for certain types of activities. The advisory bodies include representatives of the industry and the business community, which helps to make more balanced decisions.

Part of the functions of technical regulation is provided to the authorities of the participating states, namely:

- registration (state registration) of technical regulation objects;
- approval of the procedure for conducting state control;
- overseeing compliance with the requirements of the Union's technical regulations on the basis of harmonisation of the legislation of the Member States;
- accreditation of bodies for conformity assessment;
- taking emergency measures to prevent the release of dangerous products into circulation to protect their legitimate interests;
- technical regulation of products (works, services) of a defense nature, or those products the information about which constitutes a state secret or is related to ensuring safety in the field of nuclear energy use (Rumyantsev, 2017, pp. 42–46).

Unified technical regulation within the framework of the Eurasian Economic Regulation is carried out on the basis of the Protocol on Technical Regulation within the Framework of the Eurasian Economic Union, which is an annex to the Treaty on the Eurasian Economic Union.

The EAEU technical regulation establishes mandatory requirements for the objects of technical regulation, as well as rules for product identification, forms, schemes, and conformity assessment procedures.

In the case when there is no technical regulation for objects of technical regulation at the EAEU level, the norms of the national legislation of the countries or acts of the Eurasian Economic Commission are applied.

The EAEU technical regulation is developed on the basis of international standards.

Plus. Belarus. LLC “YurSpektr”. National center of legal inform. Rep. Belarus. Minsk, 2021.

⁴ On approval of the Rules for Determining the Origin of Goods imported into the Customs Territory of the Eurasian Economic Union (non-preferential Rules for Determining the Origin of Goods) [Electronic resource]. Decision of the Council of the Eurasian Economic Commission of July 13, 2018, No. 49. ConsultantPlus. Belarus. LLC “YurSpektr”. National center of legal inform. Rep. Belarus. Minsk, 2021.

⁵ On approval of the Rules for Determining the Origin of Goods from Developing and Least Developed Countries [Electronic resource]. Decision of the Council of the Eurasian Economic Commission of June 14, 2018, No. 60. ConsultantPlus. Belarus. LLC “YurSpektr”. National center of legal inform. Rep. Belarus. Minsk, 2021.

Table 2. Technical regulations of the EAEU which entered into force in 2017

Product name	Legislative act
Fish and fish products	Decision of the Council of the Eurasian Economic Commission No. 162 of October 18, 2016
Liquefied petroleum gases	Decision of the Board of the Eurasian Economic Commission No. 160 of December 6, 2016
Hazardous substances in electrical and electronic products	Decision of the Council of the Eurasian Economic Commission No. 113 of October 18, 2016
Amusement rides	Decision of the Council of the Eurasian Economic Commission No. 114 of October 18, 2016
Equipment for children's playgrounds	Decision of the Council of the Eurasian Economic Commission No. 21 of May 17, 2017
Packaged drinking water, including natural mineral water	Decision of the Council of the Eurasian Economic Commission No. 45 of June 23, 2017
Oil prepared for transportation and use	Decision of the Council of the Eurasian Economic Commission No. 89 of December 20, 2017
Fire safety and firefighting	Decision of the Council of the Eurasian Economic Commission No. 40 of June 23, 2017
Main pipelines for transportation of liquid and gaseous hydrocarbons	Decision of the Council of the Eurasian Economic Commission No. 121 of December 23, 2020

Source: own compilation on the basis of *Technical regulations...* (n.d.).

The technical regulation of the EAEU may also contain requirements for terminology, packaging, marking, labels, and rules for their application, sanitary requirements and procedures, veterinary and quarantine phytosanitary requirements of a general nature, as well as special requirements due to the peculiarities of the geographical location or technological development of the EAEU Member States.

Products that meet the requirements of the EAEU technical regulation applicable to these products and have passed the conformity assessment procedures established by the technical regulation are subject to mandatory labelling with a single product circulation mark on the EAEU market.

On the territory of the Eurasian Economic Union, the technical regulation of the EAEU has a direct effect. Over the past 5 years, the regulations presented in Table 2 have come into force.

This list of goods is constantly expanding and includes the most important goods for the security of the state, citizens, and the environment.

Technical regulations for high-voltage equipment, coal and products of its processing, feed and feed additives, metro rolling stock, trams and light rail transport, materials in contact with food prod-

ucts, buildings and structures, building materials and products are at different stages of development.

The deepening of integration places high demands on ensuring the uniformity of measurements. The implementation of a coordinated policy in this area is one of the key principles of technical regulation. Uniform rules of mutual recognition will simplify significantly the procedures for recognising the results of metrological work and ensure the free movement of measuring instruments produced in the EAEU.

When moving goods across the border of the Member States of the Eurasian Economic Union, participants of foreign economic activity should not forget about the existence of prohibitions and restrictions on such a movement. Failure to comply with them may result in material losses for all the participants of the transaction.

The list of goods that are prohibited from being imported into the territory of the entire Eurasian Economic Union is directly established by Appendix No. 1 to the Decision of the Board of the Eurasian Economic Commission No. 30 dated 21/04/2015 On Non-tariff Regulation Measures. This list includes categories such as ozone-depleting substances and products containing ozone-

depleting substances, hazardous waste, service and civilian weapons, their main parts and cartridges for them and other similar goods that may harm the citizens of the EAEU or the environment.

Additionally, at the level of national legislation, the EAEU Member States may also introduce temporary or permanent prohibitions and restrictions on the import of certain types of products.

The application of such prohibitions and restrictions is often directly related to the political situation in the world. In this case, such prohibitions and restrictions are called special economic measures.

The first EAEU country to apply such measures was the Russian Federation.

The possibility of using these measures is determined by Federal Law No. 281-FZ of December 30, 2006 on Special Economic Measures.

The provisions of this law stipulate that special economic measures are applied in cases of a set of circumstances requiring an urgent response to an internationally illegal act or an unfriendly action of a foreign state or its bodies and officials that pose a threat to the interests and security of the Russian Federation and (or) violate the rights and freedoms of its citizens, as well as in accordance with the resolutions of the United Nations Security Council.

Also, as a foundation for the adoption of further legislative acts, the Federal Law on Security defined the basic principles and content of activities to ensure state security, public safety, environmental safety, personal safety, other types of security provided for by the legislation of the Russian Federation, the powers and functions of federal state authorities, state authorities of the subjects of the Russian Federation, local self-government bodies in the field of security, as well as the status of the Security Council of the Russian Federation.

The first document to implement special economic measures was the Decree of the President of the Russian Federation on the Application of Certain Special Economic Measures to Ensure the Security of the Russian Federation in 2014.⁶

⁶ On the Application of Certain Special Economic Measures in order to Ensure the Security of the Russian

This decree introduced a prohibition on the implementation of foreign economic operations that provide for the import into Russia of certain types of agricultural products, raw materials, and food produced in the states that have imposed sanctions or have joined them. The government of the Russian Federation has determined a list of commodity items the supply of which has been limited. The list includes dairy, meat, and fish products, as well as vegetables, fruit, and nuts.

Then, in 2015, another Decree of the President of the Russian Federation on Certain Special Economic Measures Applied to Ensure the Security of the Russian Federation was adopted, according to which agricultural products, raw materials, and food the country of origin of which is the state that decided to impose economic sanctions against Russian legal entities and (or) individuals or joined such a decision, and which are prohibited from being imported into the territory of the Russian Federation, are subject to destruction.⁷

With regard to the Decree of the President of the Russian Federation on the Application of Certain Special Economic Measures to Ensure the Security of the Russian Federation, a decision to extend it is made annually. Today it is valid until December 31, 2022, in accordance with the Decree of the President of the Russian Federation dated September 20, 2021, No. 534 on the Extension of certain Special Economic Measures in Order to Ensure the Security of the Russian Federation.

The list of goods in accordance with the HS code which are prohibited for import into the Russian Federation, and the list of producing countries of these goods are determined by the Decree of the Government of the Russian Federation of August 7, 2014, No. 778 on Measures to Implement Decrees of the President of the Russian Federation of Au-

Federation [Electronic resource]. Decree of the President of the Russian Federation of 06.08.2014, No. 560. ConsultantPlus. Russia. CJSC "Consultant Plus". May, 2019.

⁷ On Certain Special Economic Measures Applied to Ensure the Security of the Russian Federation [Electronic resource]. (2019, May). Decree of the President of the Russian Federation dated 29.07.2015, No. 391. ConsultantPlus. Russia. CJSC "Consultant Plus".

gust 6, 2014, No. 560, June 24, 2015, No. 320, June 29, 2016, No. 305, June 30, 2017, No. 293, July 12, 2018, No. 420, June 24, 2019, No. 293, November 21, 2020, No. 730 and September 20, 2021, No. 534.

In 2018, the Federal Law of 04.06.2018, No. 127-FZ on Measures of Influence (Counteraction) on Unfriendly Actions of the United States of America and Other Foreign States was also adopted. According to the provisions of this law, by the decision of the President of the Russian Federation, counter-sanctions may be introduced against unfriendly countries and organisations, as well as against officials and citizens of these countries. Companies from unfriendly countries are prohibited from participating in public procurement contracts and in the privatisation of Russian state property. Countermeasures are not applied to essential goods the analogues of which are not produced in the Russian Federation.

Separately, in the same year, a normative legal act regulating relations with Ukraine was adopted, in particular, the Decree of the President of the Russian Federation on the Application of Special Economic Measures in Connection with Unfriendly Actions of Ukraine Against Citizens and Legal Entities of the Russian Federation.

According to this decree, the government of the Russian Federation is charged with compiling a list of individuals and legal entities in respect of which special economic measures are applied, as well as determining these special economic measures.

In the Republic of Belarus, special economic measures have been applied since 2021 in accordance with the Decree of the President of the Republic of Belarus No. 128 on the Application of Special Measures on March 30, 2021. This regulatory document introduces a prohibition on the import and sale on the territory of the Republic of Belarus of certain groups of goods whose country of origin is a state and an association of states that have decided to introduce special measures against Belarusian legal entities and individuals or have joined special measures against Belarusian legal entities and individuals adopted by other states and their associations, as well as a pro-

hibition on the import into the territory of the Republic of Belarus of works (services) performed by legal entities and individuals of these states.

On January 1, 2021, the resolution of the Council of Ministers of the Republic of Belarus came into force, which defines the categories of goods prohibited for import into the territory of the Republic of Belarus.⁸

The embargo is applied to a number of goods from the European Union and its Member States, the United States of America, Canada, Norway, Albania, Iceland, Northern Macedonia, the United Kingdom of Great Britain and Northern Ireland, Montenegro, Switzerland.

The list of prohibited goods includes pigs, meat of cattle, pork, a number of by-products, salted meat, in brine, dried or smoked, food flour from meat or meat by-products, milk and dairy products, vegetables, other than those intended for sowing, fruit and nuts, pork fat and poultry fat, fat of cattle, sheep or goats, lard stearin and other animal oils, sausages and similar products, confectionery, salt, and other goods.

In the Republic of Armenia, the Republic of Kazakhstan and the Kyrgyz Republic, special economic measures are not applied in accordance with national legislation.

Thus, state regulation is a set of measures of administrative, regulatory, and legal impact of the state on various spheres of the economy and society to achieve socially significant goals, including the goals of ensuring security, justice, protection of the rights and freedoms of citizens. The aspect of state regulation of foreign economic activity is of particular importance in the modern world. In the course of the development of the world economy, a fairly diverse set of tools for state influence on trade relations with other countries has been developed. Such instruments include tariff and non-tariff regulation, technical and special economic measures. The main legal acts containing

⁸ On the Application of Special Measures in Relation to Certain Types of Goods [Electronic resource]: Council of Ministers of the Republic of Belarus dated December 6, 2021, No. 700. ConsultantPlus. Belarus. LLC «YurSpektr». National center of legal inform. Minsk: Rep. Belarus.

basic provisions on the application of protective measures are the Customs Code of the Eurasian Economic Union and the Treaty on the Eurasian Economic Union. The procedure for the application of regulatory instruments, their validity period, and features are directly determined by the decisions of the Board and the Council of the Eurasian Economic Commission. Some measures, such as special economic measures, are regulated by the national legal acts of the EAEU Member States and are subject to application only on

their territory. The main directions for improving legislation in the Eurasian Economic Union in the field of regulation of foreign economic activity include the introduction of a retroactive mechanism for specific, anti-dumping, and countervailing duties, the creation of a single market in the EAEU for the most important types of products based on the unification of technical requirements, as well as ensuring a constant review of existing quotas and prohibitions taking into account the interests of the main consumers of these goods.

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· CONTACT ·

analysesandstudies@sgh.waw.pl · analysesandstudies.sgh.waw.pl · casp.sgh.waw.pl