

IMPLEMENTATION OF THE WCO STANDARDS

UDC 342.841:323.326

SHCHERBYNA Viktor, Dr. Sc. (Law),
Head of the Civil and Legal disciplines
Department

FROLOVA Natalia, Ph. D. (Psychology)
Associate Professor
Advanced Languages Studies Department

SOCIAL AND LEGAL BASIS FOR CORRUPTION INFRINGEMENT PREVENTION IN THE CUSTOMS SERVICE OF UKRAINE

Abstract

In the presented scientific article the basic social and legal problems of the corruption offenses prevention in the Customs Service of Ukraine have been identified and investigated. The propositions of legislation perfection in the area of Customs Service workers' social protection have been made.

Key words: Background prevention of corruption infringement, the imperfection of social protection norms, material and housing support to the customs officials, the problem of recruitment in the Customs Service.

Introduction

The realization tasks of the Customs Service of Ukraine depend on the quality of its personnel integration, the proper discharge of their duties. Important foundation of

effective counteraction and corruption infringement prevention in the Customs Service is fixed in legislative and social guarantees and workers legal protection. However, their real nature, provided with the appropriate mechanism for implementation makes it possible to have stable foundation for corruption infringement prevention.

Problem statement

The purpose of this article is to identify and study major social and legal problems of corruption infringement prevention at the Customs, to make proposals how to improve the Customs legislation about social protection of the Customs Service workers.

Research results

Social protection of Ukrainian Customs Service workers is a system of social guarantees to ensure satisfaction of material and spiritual needs and compensate the limitations imposed by law for this category of people. According to the project of the State Customs Service of Ukraine social development in 2006–2010, the main tasks of the State in this direction are to establish an effective and efficient mechanism for protecting the rights and freedoms of the Customs Service workers and their families, to improve the legal framework on these aspects and to provide the consistent and gradual entry of the Customs Service into the European community. The program is developed in accordance with the Constitution of Ukraine [1], laws of Ukraine, the thesis of the Address of the Ukrainian President “European choice. Strategy of economic and social development of Ukraine for 2002–2011 years” [2], Civil Service Development Program for 2005–2010 [3].

Article (hereinafter – Art) 46 of the Constitution of Ukraine [1] establishes the right of social protection for all citizens. According to Part 1 of Art. 427 of the Customs Code of Ukraine of 11.07.2002 (hereinafter – CC of Ukraine 2002) [4] the state guarantees the officials of the Customs Service of Ukraine, social protection and

material and housing security. It can be argued that the State performs these obligations incompletely. The Cabinet of Ministers of Ukraine of 26.05.2004, № 678 [5] fully implemented only the provisions of Art. 427, 431 CC of Ukraine 2002, and provides additional compensation to employees of customs authorities for the damage caused during the performing of their duties or in the cases when it is connected with this performance.

First of all the problems arise with the realization of the provisions of Art. 428 and 429 CC of Ukraine 2002 [4]. On the one hand, for the realization of Art. 428 CC of Ukraine 2002, the Cabinet of Ministers of Ukraine adopted a Resolution of 31.05.2006, № 767 [6], which clearly regulates the question of the Customs Service workers payment, and the Resolution of 06.02.2008, № 34 [9] which raised salaries of executives, professionals and employees up to 45 percent. On the other – the Law of Ukraine from 28.12.2007 “About State Budget of Ukraine 2008 and The Amendments of Certain Legislative Acts of Ukraine” [7] the action of Part 2 Art. 428 CC of Ukraine was put out of operation. According to the decision of Constitutional Court of Ukraine from 22.05.2008 № 10-rp/2008 [8] this change was recognized to be unconstitutional.

The most “original” decision of the Supreme Council of Ukraine was the exemption under the law number 107-VI of 28.12.2007 [8], from CC of Ukraine 2002 the Art. 429 “Housing provision of the Ukrainian Customs Service workers”. The decision of the Constitutional Court of Ukraine from 22.05.2008 № 10-rp/2008 [9] recognized this change unconstitutional as well.

Logical question arises: what standards were excluded from the Code, and why?

Part 1 Art. 429 CC of Ukraine 2002 indicates that officials of the Customs Service of Ukraine, who need to improve housing conditions, are entitled to the priority for housing. The officials of The Customs Service of Ukraine retain this right after retirement if they have the experience of work in The Customs Service of Ukraine more than 20 years. Part 3 of that article says that in the case of the Customs Service worker death connecting with the execution of his duties the right to acquire

living space under the same conditions and grounds which took place at the time of the officer's death retains for the family.

According to the preamble of the Law of Ukraine "About Social Housing Fund" [10] this law determines legal, organizational and social principles of state policy on ensuring the constitutional rights of socially unprotected population of Ukraine for obtaining housing. Art. 12 of the Act takes into consideration nineteen privileged categories entitled to receive priority for flats or estate (one-family) residential buildings with social housing. There is a visible contradiction between the norms of Art. 429 CC of Ukraine 2002 [4] and the Law of Ukraine "About Social Housing Fund" [10], because the legally defined level of remuneration of Customs officials can hardly be attributed to socially unprotected people.

Based on the above the following problem springs up. According to Part 2 Art. 429 CC of Ukraine 2002, customs authorities may have institutional housing, which is formed in the order determined by the Cabinet of Ministers of Ukraine. Article 5 of the Housing Code of Ukraine [11] expects the presence of departmental housing in the structure of public housing. But the Cabinet of Ministers of Ukraine does not accept the formation of Customs departmental housing until now.

Part 4 Art. 429 CC of Ukraine 2002 gives the officials of the Customs Service of Ukraine the right to obtain residence or work interest-free loans for individual or cooperative housing and getting household for up to 20 years due 50 percent received loans through the budget. There is an operating procedure for implementation (use) the provisions of Section 3 – the establishment and promotion of tangible and socio-cultural development of the State Customs Service of Ukraine, approved by the State Customs Service from 26.06.1997 № 275 and registered in the Ministry of Justice of Ukraine 05.09.1997 № 385/2189, which approved the overall order of the State Customs Service and the Council of the customs authorities Union of Ukraine from 25.04.2001, № 278/8. But it does not provide a mechanism for granting and redemption set in 2002 CC of Ukraine but there is no legal mechanism for implementing certain provisions.

According to the Art. 430 CC of Ukraine 2002 pensions of the officials of the Customs Service of Ukraine are paid in accordance with the terms and procedure established by Art. 37 and 37-1 of the Law of Ukraine “About State Service” [12]. The paradox is that the majority of the State Customs Service workers after the accepting CC of Ukraine 2002 [4] actually lost the right to receive a service pension, and the retirement of public servants. The rejection of retired state employee appointment is motivated with the fact that the position of Customs Service of Ukraine workers, who are the officers and have a special rank, Art. 25 Law of Ukraine “About State Service” is not provided [see. 13, pp. 16].

We suppose, that the Standard No. 1 Art. 430 CC of Ukraine 2002 in this wording contradicts with the Part 3 of Art. 22 of the Constitution of Ukraine [1] and Part 1 of Art. 427 CC of Ukraine 2002, as it narrows the content and scope of the right to social protection. Let us prove it.

1. CC of Ukraine 1991 [14] contained the Standard 4 Art. 154, which stipulated the length of service for the customs authorities employees – women – 20, men – 25 years with early retirement age (50 and 55 years-under). The analysis of Art 9, 13, 154, 156 and 157 CC of Ukraine 1991 standards gives reason to believe that the term “customs workers with the personal status” and “customs officers” were regarded as identical. But the term “the official of the Customs Service of Ukraine”, defined in the Art. 407 CC of Ukraine 2002 in comparison with the Art. 154 CC of Ukraine 1991 is much narrower, than the term “officer”.

2. Despite the fact that the legislation of Ukraine about the work term in The Customs Bodies operates with the category “seniority” rather than “public service experience, CC of Ukraine 2002 established the norm of the Customs officials’ pensions in accordance with Articles 37 and 37-1 of the Law of Ukraine “About State Service”[12] and the Order of calculating public service experience [15].

This formal approach to the interpretation of legal norms, which determines the grounds for granting State employee pension of the Customs Service workers, encourages to look at this problem systematically.

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According to Part 2 Art. 9 of the Law of Ukraine “About State Service” the regulation of the legal status of civil servants working in the customs control office is organized in accordance with this Law, (unless otherwise stipulated by the laws of Ukraine). According to the administrative authorities the employees under the Law of Ukraine “About State Service” [12] are divided into leaders and professionals. In addition, this Law operates with another category of public service – officials. Officials in accordance with Part 2, Art. 2 of the Act are considered to be the heads and deputy heads of public bodies and their staff, other public officials, who are to carry out organizational, administrative, consultative and advisory functions. Art. 407 CC of Ukraine 2002 [4] consider the Customs Service workers, who do customs business and have special status as the category of the officials.

Art. 3 CC of Ukraine 2002 gives the definitions of the Customs Service. Civil servants engaged in the Customs matters, enter into legal customs business as the State representatives and implement a number of important functions in foreign policy and foreign areas: regulatory, economic, supervisory, fiscal, and others. Norms of Art. 407 and 408 CC of Ukraine 2002 as a special legislative act, do not contradict with Part 2, Art. 2 of the Law of Ukraine “About State Service”, and extend the definition of an official.

That is why the classification of state employees is put into the rules of item 3 of public service experience calculation [15], which gives the right to calculate the public service experience time in such public organizations as the State Criminal Executive Service, the Interior Ministry, State Special Relationship and so on.

The next problem is the problem of Customs recruitment through the Academy of Customs of Ukraine (hereinafter – the Academy). According to the rules CC of Ukraine 2002, a cadet is a person who is admitted to the Academy with special studying conditions and acquires a certain educational and qualification level for the further work in the Customs Service of Ukraine.

Unification of legislation aspects on the order of entering the higher education establishments has led to a number of problems and conflicts which arise at the entrants to the Academy.

Art. 412 CC of Ukraine 2002 [4] establishes the requirements and restrictions for a person who applies for a job in the Customs Service, specialized Customs institutions and organizations. However, the Admission to higher educational institutions of Ukraine [16] (hereinafter – Admission) establishes a comprehensive list of documents that applicant is to submit to the examination board. But as the fact the examination board is able to check only the applicant's nationality and educational level. Business and moral qualities, the state of health, absence of conviction for committing an intentional crime, etc. are not the subject to verification.

This situation may lead to the following negative effects:

a) Cadets with disabilities who can not be allowed to treat firearms or undergo special physical training (hand-to-hand fighting, etc) including in the establishment are admitted to the Academy out of competition;

b) Graduates who have a criminal record or whose behavior does not correspond to socially accepted norms as well as those who consider the service as the opportunity for enrichment are sent to the Customs Service.

Section XXI of Admission [16] establishes the characteristics of admission to higher educational establishments of the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, Ukraine's Security Service and others. The addition of state bodies, where the selection of students has its own characteristics, higher educational institution of Customs will determine the applicant's suitability not only for studying, but also for the further service in the Customs Bodies. In addition, it is necessary to use the positive experience of the Internal Affairs Ministry. The rules of selection and admission to higher educational institutions of the Internal Affairs Ministry of Ukraine [17] comprehensively settle the question of selection of applicants, their checking with the help of the criteria defined by the laws, their taking the entrance examinations and getting the possibility to study.

Another problem is associated with the aspect of Statute 31 about the order and the conditions of the service in the Customs [18]. The period of studying at the Academy is not included in the public service experience. We think the current version of Statute 31 adopted in 1993, does not reflect changes that have been made in the legislation and ignores the peculiarities of the legal status of cadets as a part of the personnel of the Ukrainian Customs Service.

The features of the legal status of cadets are identified in Art. 410, 418 and 420 CC of Ukraine 2002 [4] and the Decree of President of Ukraine dated 23.03.1998, the № 216/98 [19]. According to the Law the students are given the special rank of “cadet”. The Statute of the workers and the cadets’ special status establishes the procedure for their assignment [20]. Students are to wear clothing with appropriate insignia, and keep the rules of wearing uniforms (p. 10 Art. 410 CC of Ukraine 2002, the Cabinet of Ministers of Ukraine dated 26.12.02 № 1988 [21], The Rules of wearing uniforms by the officials of the Customs Service of Ukraine and the cadets are fixed in the Addition to the Order № 602 of the Customs Service of Ukraine (10.09.03).

Conclusions from the research

In order to solve the major social and legal problems for corruption infringement prevention in the Customs Service it is necessary:

1) to adopt the resolution of the Cabinet of Ministers of Ukraine about the formation of the Customs Service departmental housing;

2) to adopt the resolution of the Cabinet of Ministers of Ukraine which provides the mechanism for granting and repayment of free loans under CC of Ukraine for an individual or cooperative housing and acquiring household effects;

3) to amend Art. 430 CC of Ukraine, so as to take into consideration employees of Customs bodies and specialized Customs agencies, having a specific rank;

4) to add paragraph 3 of the computing experience of civil service Order with the addition to calculate the civil service experience in the Customs bodies and

specialized Customs agencies for officials with special ranks as the public service experience;

5) to amend Section XXI of the Admission to higher educational institutions of Ukraine in order to establish the rules of the admission to the Academy of Customs of Ukraine;

6) to approve the rules of selection and admission to the Academy of Customs of Ukraine;

7) to amend the paragraph 31 of the Statute about the order and conditions of work in the Customs Service of Ukraine in order to include the period of studying at the Academy to the public service experience.

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UDC 339.543 (470+571)

GUBIN Alexey, Ph.D. in Economics,
Professor of Russian customs academy

Developing of performance measurement problems for Russian customs service

Abstract

Evaluation of customs performance and various indicators of such a measurement are considered; contradiction and restriction of this system are described in the article. The problems that no uniform sight of results of customs performance exists and that indicators of customs performance do not reflect its essence are discussed. The directions as to the further development of indicators are determined.

Keywords: customs activity, results, estimation, performance

Introduction

Measuring customs performance has great value in determination of role of this state service in Russia. It has significant importance for science and practice from the point of view of national security, usage of limited public resources, developing national economy and supplying foreign trade.

Now the list of indicators of performance for Federal customs service (FCS) of Russia looks as follows [1]:

1. The customs payments transferred into federal budget of Russia.
2. Share of the customs payments actually paid or collected under decisions on updating of customs cost of the goods which have been cancelled subsequently, in a total sum of the customs payments actually paid or collected under decisions on updating customs valuation of goods.
3. Share of the customs payments actually paid or collected as a result of updating of customs cost of goods, in a total sum of customs payments, calculated by results of updating of customs cost of goods.
4. Share of the arisen sum of debts on payment of customs payments and fines in a total sum of the money transferred into federal budget of Russia.
5. Reduction of divergences between quantity indicators of import of deficiency goods to Russia from China and indicators of their export from China to Russia – increase in quantity of the controlled goods.
6. Reduction of divergences between indicators of import of proficiency goods to Russia from China and indicators of their export from China to Russia.
7. Efficiency of activity of customs authorities under the control of customs cost within the limits of a control system of risks.
8. Quantity of the revealed counterfeit goods.
9. Control of compliance with interdictions and restrictions.

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10. Efficiency of the checks of compliance with the currency legislation of the Russian Federation and documents of bodies of currency regulations authorities made by customs concerning participants of foreign trade activities.

11. The revealed infringements of the currency laws of Russian Federation in cost expression.

12. Controlling of an order of transfer of customs declaration' electronic copies in the central database of the Unified automated information system of FCS.

13. Quantity of the customs bodies having sufficient technical equipment for application of the electronic form of declaring.

14. Change of a share of the customs declarations, issued (released) in electronic form.

15. Share of the Customs Declaration released in one day in total number of customs declarations.

16. Time for performance of customs procedures in automobile check points through frontier of the Russian Federation under the customs procedure of internal customs transit.

17. Time for performance of customs procedures in automobile check points through frontier of the Russian Federation for the goods transported under customs procedure of transit.

18. Share of claims (statements) to customs authorities on which courts make decisions not in favor of customs authorities, in the general number of claims (statements) to the customs authorities, considered by courts.

19. Share of actions of proceeding with participation of customs authorities on which courts make decisions not in favor of customs authorities, in the general number of the affairs considered by courts with participation of customs authorities.

20. Share of decisions of customs authorities about bringing to the administrative responsibility, cancelled by courts, in the general number of the decisions of customs authorities considered by courts about attraction to administrative responsibility.

21. Quantity of the repeated justified complaints considered by customs authorities.

22. Average time of primary reaction on the facts of revealing of signs of illegal moving through customs border of the Russian Federation of fissionable and radioactive materials and the goods with the raised level of an ionizing radiation.

23. Efficiency of carrying out by customs authorities of customs inspections of the goods at application of a control system by risks.

24. Efficiency of carrying out by customs authorities of customs inspections of the goods on the basis of separate profiles of risks.

25. Efficiency of application of measures on minimization of the risks containing in urgent profiles of risks, confirmed by independently regional customs offices and customs directly subordinated to FCS of Russia.

26. Efficiency of carrying out of customs inspections of goods by customs authorities on the basis of regional and zone profiles of the risks confirmed by independently regional customs offices and customs, directly subordinated to FSC of Russia.

27. Efficiency of customs inspections for customs control of certain goods.

28. Efficiency of customs check of the exported forest products classified in commodity positions 4403, 4407 according to commodity nomenclature of trade activities of Russia (Russian HS).

29. Share of affairs about administrative offences on which decisions about appointment of punishment are taken out and proceeding is not stopped in connection with the appeal or protest, in the general number of the accepted decisions on affairs about administrative offences.

30. Share of the criminal cases stopped on rehabilitating grounds, in the general number of the ended criminal cases.

31. Efficiency of activities of customs authorities at carrying out of customs checks in the form of customs inspection of goods and vehicles with use of an inspectional examinational complex in check points through frontier of the Russian

Federation.

32. Share of customs registration of excise goods in total number of the released goods.

Among the control indicators established FCS of Russia for customs authorities there are analytical indicators: № 2 «Reduction of divergences between quantity indicators of import to Russia from China and indicators of export from China to Russia of the goods of deficiency – increase in quantity of the controlled goods», № 9.3 "Change of a share of customs declarations, released in electronic form» and some others. Analytical indicators are controlled the same as other indicators and the analysis of their performance is made. But their estimation does not influence total evaluation of efficiency of activity of customs authorities. Absence of the estimations exposed on ball system for analytical indicators is caused by the reason that it is not always possible to estimate them objectively in connection with influence of various uncontrolled factors on them.

Problem statement

The overview of these indicators shows that most of them are connected with the collecting of customs revenue. It is necessary to notice that the indicator itself without belittling value of fiscal incomes does not reflect customs performance but often only shows the external economic conjuncture.

That's why at the present moment carrying out of an adequate estimation of customs performance, in our opinion, is impossible. It is a general problem which, in its turn, is caused by a number of particular problems.

Research results

First problem is that among scientists and experts in the field of customs does not exist the uniform understanding of what customs activity is. It is caused by absence of unity in definition of priorities of the given kind of activity. It is obvious from the point of view of the supporter of liberalization of foreign trade. At the same

time autarchy supporter results of customs performance look different. Reduction of time for carrying out customs formalities, decrease in customs control procedures on the one hand and international trade increase on the other hand are likely to have a positive result that will cause maximum facilitation of foreign trade.

In our opinion it is not so important what is happening to foreign trade, how many customs payments have delivered in the federal budget. The main concern is how effectively customs service promotes economic development of the country. The last is the complex phenomenon covering economic growth, structural shifts in the economy, perfection of conditions and quality of a life of the population.

For example, every year the FSC of Russia prepares the report on results and the basic lines of activity.

In this Report the customs service's strategic targets are determined [2]. Strategic target №1 is to increase the level of compliance with the customs legislation of the Russian Federation, completeness and timeliness of payment of the customs duties, taxes and customs charges. The Report underlines importance of the main purpose that stable execution of a profitable part of the federal budget depends on completeness and timeliness of payment of customs payments in the federal budget with simultaneous increase of level of compliance with the customs legislation of the Russian Federation and customs administration. The increase in profitable part of the federal budget allows to solve problems of macroeconomic stability and integration of the Russian economy in international economic space.

In the Report the given strategic targets are connected with the purposes of social and economic development of the state. So, for example, the strategic target №1 is connected with maintenance of macroeconomic stability, increase of competitiveness of the Russian enterprises, development of the international economic cooperation.

In our opinion, stable execution of a profitable part of the federal budget really depends on the level of compliance with the customs legislation, completeness and timeliness of payment of customs payments, The part of oil and gas incomes in the

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form of the export customs duties is imposed by customs bodies and used for repayment of deficiency of the federal budget and formation of Reserve fund of the Russian Federation. But efforts of customs bodies to guarantee the compliance with the customs legislation are minimal. Export of oil, natural gas and oil products rather is controlled without difficulty: the prices for them are known and cannot be underestimated; the limited circle of the companies is engaged in export.

According to the Report, stable execution of a profitable part of the federal budget will allow the state to create and use financial mechanisms of increase of competitiveness of the Russian enterprises, such as by the means of creation of conditions for their innovative development and use of measures of a protectionist customs-tariff policy. However the mentioned position contains the contradiction. By the means of the protectionist customs-tariff policy it is difficult to form incomes of the federal budget as it assumes the use of protecting rates of the customs duties. Furthermore financial anti-recessionary mechanisms of support of the domestic enterprises currently function, but not for all enterprises. Therefore they are not capable to provide competitiveness.

In our opinion non-compliance with the customs legislation has a number of negative consequences for economy:

1. Efficiency of customs regulation will be lowered. For example, the necessary rate of the customs duties of 10 % has been calculated, and only 5 % from customs value of goods have actually been paid. The main reasons may be both swindle of participants of foreign trade and reduction of price by suppliers if Russia is a so-called large market for them. Consequently more import goods will occur at home market due to their low price.

2. Home producers of the similar competing goods will have losses as after establishing protective tariffs it is supposed that the price of the imported goods will be higher. As a consequence they won't be able to stand competitive struggle and will lose the share in the domestic market.

3. If decrease in the sum of customs payments was evasion from their payment, legal importers will suffer. They pay the full sum of customs payments, and, accordingly, their goods will turn out to be more expensive and less competitive.

Thus, deficiency of the federal budget, reduction of a domestic production and foreign trade activities criminalization will be consequences of incomplete payment of customs payments.

The authors of the report name the strategic target №2 as improvement of quality of granting of services by customs bodies, reduction of costs of participants of foreign trade activities and the state, connected with customs registration and customs control. Optimization and transparency of customs procedures, expansion of practice of informing and consultation of participants of foreign trade activities, development of a customs infrastructure, increase in throughput, technical equipment of check points promote creation of favorable conditions of foreign trade activities, improvement of quality of granting of customs services. According to the Report the population standard of well-being influences rates of increase of economic development, activity in business sphere.

As a whole it would be possible to agree with the given purpose, but foreign trade influence on national economy is not considered. For example, some states limit quantity of check points or resolve declaring of separate categories of the goods on special check points. It creates a natural nontariff barrier on a way of certain categories of the goods.

Strategic target №3 is revealing and suppression of smuggling of weapons, drugs, counterfeit production and other goods forbidden to import to the Russian Federation and also the goods, subjects and the values which export is forbidden by the Russian Federation. According to the Report, importance of the purpose is defined by necessity of maintenance of economic safety of the state. Under the conditions of existing degree of criminalization of foreign trade activities, difficult operative and criminal conditions in frontier regions such phenomenon as contraband represents not only considerable threat to interests of economic safety, but also

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creates preconditions for activity of the international criminality connected with international terrorism and drug business.

The Report has formulated a number of indicators of achievement of strategic targets. So degree of achievement of the first strategic target of FCS of Russia is characterized by following indicators:

1. A share of claims (statements) to customs authorities that are taken into account when courts make decisions not in favor of customs authorities, that happens in the general number of the claims (statements) considered by courts.

2. Execution of the federal law on the federal budget in a part of customs payments.

3. A share of the customs payments transferred by participants of foreign trade activities with infringement of the terms established by standard documents, in a total sum of the listed customs payments in the federal budget.

However the given indicators are not maintained by critics as the strategic target is defined incorrectly. It turns out that the more affairs customs officers win against participants of foreign trade activities in court, the better result is. Also the use of an indicator execution of the law on the federal budget is doubtful. Customs authorities are obliged to execute this indicator otherwise it sanctions concerning their management will be implied. But there is also an underside. Due to errors in planning of budget incomes, officials of customs authorities will be compelled to try to collect them at any cost. Besides, heads of customs authorities usually purposely do not support an essential over fulfillment of the given indicator as in this case the next year the planned target on customs payments could be increased.

Value of an indicator is counted as:

$$I = \frac{P_{\text{fact}}}{P_{\text{plan}}} \times 100$$

Where: P_{fact} - sum of the customs and other payments transferred to the federal budget by the accruing result from the beginning of year (it is defined on the basis of the

information on transfer of customs and other payments in the income of federal budget of extracts of the personal accounts, opened for customs authorities in Federal exchequer)

Value of an indicator, according to the Report, should be not below 100 % that is caused by necessity of timely and strict performance of control indicators on collection and transfer of customs payments in a profitable part of the federal budget.

However in parallel to payments indicators of foreign trade which are not direct results of customs activity increase. Moreover, to estimate results of activity only as absolute indicators seems to be short-sighted. The given approach has two serious demerits. First, it is not clear what degree the result will reach from the point of view of realization of potential possibilities on its formation. There is also a question whether there could be a received indicator above. Secondly, the resources directed on achievement of result are ignored. The sum of received customs payments itself does not reflect anything. The main emphasis is placed at an estimation of activity of customs authorities that this sum should be more than for the similar previous period.

But it is the most difficult to develop indicators of law-enforcement activity. For example, as the first indicator of realization of a strategic target №3 is the share of imported goods to which customs authorities apply elimination of infringements of the legislation in total of the imported goods. Value of an indicator is defined under the formula:

$$D = \frac{S_{det_gds} + S_{upd_gds} + S_{hs_IPP_gds} + S_{curr_gds}}{S_{dom.cons_gds}} \times 100$$

Where: S_{det_gds} - a total value of detained goods during implementation of law-enforcement activity of customs authorities;

S_{upd_gds} - value of the goods as a result of their updating;

$S_{hs_IPP_gds}$ - the value of the goods established as a result of carrying out of actions under the control over correctness of defining of country of origin of the

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goods, classifications of the goods according to commodities nomenclature of foreign trade activities (HS), over compliance with interdictions and the restrictions established according to the legislation of the Russian Federation and over intellectual property protection;

Scurr_gds - a total value of the goods imported in Russian Federation with infringements of requirements of the currency legislation of the Russian Federation;

Sdom.cons_gds - a total value of the goods released under customs regime of domestic consumption.

The increase in value of an indicator should be planned not less than 1.6% at the expense of carrying out of the preventive actions directed on decrease of latent criminality in a customs field of activity.

In our opinion, the given indicator is incorrect. It should be directed on prevention of crimes, instead of on their revealing after commitment. Besides, the given indicator established for customs authority's states that not less than 1.6 % of cost volume of goods should be imported with infringements. If as a result of preventive actions the volume of infringements would be reduced less than that certain value, in our opinion, it doesn't reflect the unsatisfactory work of customs authorities.

In our opinion the most difficult part is to measure the performance of such purpose. The customs service reveals offences in the external economic sphere and subjects participants of foreign trade activities to various sanctions for it. The basic indicator of law-enforcement work of Russian customs is the sum of penalties. Paradoxical situation – the worse the compliance with the customs legislation is, the more criminal cases are revealed and penalties are paid, the better the results of such activities are.

Another particular problem of an estimation of economic results of customs business is absence of well-founded system of indicators for their measurement.

Conclusions from the research

Thus, it is difficult to measure customs performance today because:

1. There is no uniform sight of results of customs performance.

2. Applied criteria and indicators of an estimation of customs performance do not reflect its essence.

The characteristic of the problems set forth above gives the chance to plan ways of their decision:

1. It is necessary to define categories of results of customs activity.

3. It is necessary to formulate the purposes of customs service.

3. Creation of indicators which adequately would reflect results of customs activity is required.

Therefore the development of objective and complex system of the indicators reflecting performance of official duties and degree of achievement of objects in view becomes key aspect of increase of customs performance. The indicators of performance should satisfy the basic criteria «4C»: clearness, completeness, complexity, consistency.

Also productivity indicators should correspond to the concept «SMART» and to possess five following properties: specific, measurable, achievable, relevant, time certain [3]. The estimation of customs performance from the point of view of used resources should be developed. We need to focus not only on outputs but on outcomes as well. For example, the weight and cost of the detained drugs doesn't show much but the general tendency on decrease of their import is more important.

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