

# Science: Integrating Theory and Practice

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The large volume of actual problems of the Kazakhstan Science has been examined in the present collection of scientific articles. This book contains the research publications of Kazakhstan researchers.

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## ADVANTAGES AND DISADVANTAGES OF THE CUSTOMS UNION OF RUSSIA, BELARUS AND KAZAKHSTAN

Nur Aldabergenov, Gauhar Sahanova, Perizat Orynbet

As you know, the customs union - an agreement on the abolition of customs duties and the boundaries between them and the introduction of a unified customs tariff with relation to other states. As the purpose of the customs union initiator of such a union of Russia, Belarus and Kazakhstan declared significant growth in the economies of the member states. It is assumed that due to the increase of the market and the establishment of common rules for business participating countries will receive more GDP growth of 1-2% per year, and by 2015 Russia through integration reason will receive an other 16.8% from the current level of GDP, Belarus - 16.1%, Kazakhstan - 14.7% and together they earn more than 400 billion dollars.

Common customs space of three states with a combined population of 170 million people. is a matter extremely beneficial, especially for Russia, which has a large number of producers of goods and services. Through the eliminations of these duties will be easier for producers to compete with producers in other countries (primarily China and the European Union) in Kazakhstan and Belarus.

Kazakhstan is extremely interested in the efficient functioning and development of the Customs Union, before signing the documents it offered Russia to agree on issues related to the transportations of oil and gas, as well as to railway tariffs. Transportation of its energy resources to Western markets at the best rates - one of the key tasks for the State. In addition, with the creations of the Customs Union of Kazakhstan consumers receive better energy. Will be finally solved the problem of artificial disparities in gasoline prices, as well as fuel shortages.

Belarus customs union imposes on their hopes. In the framework of Russia can go to create more comfortable conditions for deliveries of Belarusian products to the Russian market and sell their energy [1].

Participation in the Custom Union of Belarus will help attract investors to set up production on assembly of cars. Market of the country with a population of 10 million unlikely to attract investors. Other business - auto 170 million. This situation might be improved if Russia Belarus gives some benefits in terms of the formations of duties on cars. But not the size of import duties on cars could be a stumbling block in the customs union, and the issue of delivery of cheaper Russian gas and oil.

Russia there is also a certain interest in the customs union. The removal of tariff barriers could at times to increase the volume of trade in energy or raw uranium and protect our producers from the expansions of third countries.

So, a positive expectation on the functioning and development of the customs union is not enough. After a lengthy discussion, the two sides reached a key agreement - on the distributions of revenues from import duties between the budgets of the participating countries: Russia will receive 87.97 % of collected payments, Belarus - 4.7%, Kazakhstan - 7.33 %.

However, the loss of Russian business, the federal budget, foreign economic activity and shadow areas especially "near-customs", will be much. Moreover, not all the potential losses are seen now some will be realized only after several years.

If we assume that the main transit route will pass through Kazakhstan, in addition to Russian transport companies, not only they, but also Russia's federal budget will inevitably suffer losses.



I think a significant part of the Russian treasury income consists of customs duties and taxes, which are mainly formed by adjusting the customs value of goods. From this value depends on the amount of payments from a particular consignment fees are usually calculated as a percentage of the price of imported cargo: less than specified in the declarations of the price - you have to pay less.

In 2009, the customs value adjustment procedure has undergone about 98 % of goods imported into Russia. Of 3.5 trillion rubles. Collected by Customs for the year, about 63 % was export customs charges, which due to the customs value adjustments due to the nature of the exported goods to raise difficult. Imports amounted to 37% or \$ 1.3 trillion rubles while the share of import duties in the structure of customs duties amounted to 13.3 % 467.2 billion rubles. The sum obtained through adjustment of customs value, amounted to 27.75 billion rubles. The figures are not too large, but the Russian customs officers may lose an important lever in the implementations of plans to transfer to the budget. The question is whether the Belarusian and Kazakhstan customs are as carefully squeeze out foreign economic activity participants most possible amount of payments, if the bulk of them still go to Russia.

According to the Ministry of Economic Development, transit through the territory of Kazakhstan and Belarus cheaper than through Russia, by 30%. All market transport and logistics services in Russia are now 48.5 billion. Even if the Customs Union will withdraw at least a tenth of the flow losses will be severe.

But it is important that the customs union gives up entirely new opportunities. First of all we can reunite the lost potential of enterprises with high added value and recreate the old industrial chain. This means maintaining the critical technological boundaries. The second positive thing is that we are able to start very large transit projects.

Thus, the main driving force behind the integrations of awareness is seen by the ruling elites of the strategic benefits of a customs union to all participants much above the current economic losses. In many ways, the prospects of integration will depend on the effectiveness of the mechanism of national interests, institutionalized in the form of the Customs Union Commission.

Over time, the Customs Union can join other members of the Eurasian Economic Community, in particular, Tajikistan.

July 26, 2010, Syrian President Bashar al-Assad of Syria has expressed interest in joining the Customs Union in Syria.

In October 2011, the previously initiated accession negotiations with Syria to the Customs Union were continued developed a draft agreement on the establishments of a free trade zone.

New Zealand and Vietnam plan to end a free trade agreement with the Customs Union.

October 24, 2011 Moldova has begun studying the issue of accession to the Customs Union. For joining the largest party in parliament spoke - the Communist Party, headed by former Moldovan President Vladimir Voronin, as well as extra-parliamentary Social Democratic Party. The European Union immediately responded to these events by saying that in the case of joining the CU, preferential trade regime with the EU, Moldova confiscated [4].

December 8, 2011, President Islam Karimov said that Uzbekistan will not join the Customs Union and other interstate associations, because "it is possible that they will go beyond economic interests and political gain color and content."

Establishment of the Customs Union and its design is fast enough at first angered the WTO, also expressed fears that the rules of the TC can not consistent with WTO rules, and therefore, a single customs union negotiations will have to begin anew. However, the countries of Western Europe and the United States quickly recognized the threat of non-accession to the WTO and Russia agreed to a set of concessions in the negotiations. Thus, Russia has managed to defend its interests, rejecting claims Finnish duties on wood and wood products, as well as the requirements of European countries about duties on cars and accessories.



For Russia remained fairly slow decline rights and duties with respect to the large subsidies in many sectors of the economy in the next 5-7 years [2].

Belarus and Kazakhstan are negotiating accession to the WTO independently.

According to the head of the Russian delegation Maxim Medvedkov "Kazakhstan shortly after Russia's WTO accession will also become a member of this organization". At the same time Belarus negotiations go very slowly and could be completed soon.

In October 2011 the commission TS led all the rules of the Customs Union in full compliance with WTO rules. In addition, it was agreed that in the case of accession to the WTO, the rules of the organization will have a greater effect than the norms of the vehicle [3].

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## PROBLEMS OF CONSTITUTIONAL AND LEGAL RECOGNITION AND EQUAL PROTECTION OF STATE AND PRIVATE PROPERTY IN KAZAKHSTAN

Alua Altynbekkyzy, Saltanat Tinistanova

**Abstract** The concept of law asserts that the fundamental changes happening in world economy and policy, globalization processes and also internal dynamics of the country's development does not allow to stop on the reached aims. To ensure a compliance of the national legislation to the new challenges of time, further improvement of rule-making and law-enforcement activity of the state is necessary.

**Introduction** For instance, as PhD in Law O. Banchuk noted in the article, equal protection of all forms of ownership is guaranteed in the countries of Central Asia by article 53 of the Constitution of the Republic of Uzbekistan, article 12 of the Constitution of the Republic of Tajikistan, part 1 of article 6 of the Constitution of the Republic of Kazakhstan, part 1 of article 4 of the Constitution of the Kyrgyz Republic and part 1 of article 9 of the Constitution of Turkmenistan. According to these provisions state and private property are similarly admitted and protected in the countries. But in Codes about administrative offenses (administrative responsibility) it is an issue of protection by administrative and legal measures of state ownership law. Such way of regulation doesn't correspond to the principle of ownership forms equality. So, violation of the right of a private property involves only compensation of the caused damage and violation of state ownership – compensation of damage and exaction of an administrative fine.

**The main part.** Guaranteeing of property means that compulsory alienation of property can be made for state (public) needs in exceptional cases stipulated by law, providing its preliminary equivalent (full) compensation (part 3 of article 32 of the Constitution of the Republic of Tajikistan, part 3 of article 26 of the Constitution of the Republic of Kazakhstan). Whereas exaction in the form of paid withdrawal of the subject which has been a tool or a subject (object) of commission of an administrative offense is executed in such a way that the realized sum is transferred to the former owner minus expenses on subject realization (article 27 of the Code about administrative offenses of the Republic of Tajikistan, article 49 of the Code of the Republic of Kazakhstan about administrative offenses) [1,2-3 p.].

In his dissertation E.A. Burebayev notes that the problem of constitutional and legal recognition and equal protection of the state and private property lies on its management and also



