

THE REASONS FOR ESTABLISHING LISTS OF PROHIBITED AND RESTRICTED GOODS

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Abstract. *The article takes up the experience of New Zealand and Australia in prohibitions and restrictions on the export and import of certain categories of goods. Each category of goods is classified in a particular group depending on the objectives the countries are using these measures for (conservation of certain animal species, protection of environment, preservation of cultural values, etc.). A special procedure is provided for transportation of drugs. It also contains the details of the prohibitions and restrictions on import and export of certain categories of Russian goods.*

Keywords: *prohibited goods; restricted goods; exports of goods; import of goods; carriage of drugs.*

Every country in the world has legislation to regulate certain areas of public life. These rules can be applied, for example, to prohibit or restrict import or export of certain categories of goods.

I have studied the experience of Australia [1] and New Zealand [2] in this sphere.

Australia and New Zealand include toothfish, marine mammals, birds, any elephant items, many big game hunting trophies, cat and dog fur, cetaceans and other in the list of prohibited or restricted goods for the purpose of conserving animal species and their welfare (Table 1).

Table 1.

New Zealand	Australia
For the purpose of conserving animal species	
Export	
Concerns for endangered species: toothfish; birds; cattle, deer, goats and sheep being exported for slaughter live green-lipped mussels; bones, feathers, or other parts of the moa or other extinct New Zealand species; marine mammals.	Concerns for endangered species: cat and dog fur; cetaceans; endangered animal and plant species – CITES. (the Convention on International Trade in Endangered Species); toothfish.
Import	
Concerns for endangered species (CITES): marine mammals; medicines that contain bear, tiger, turtle, musk, Aucklandia root; any elephant items; any whale/cetacean items; big cat skins or coats; any item made from turtle meat or marine turtle shell; toothfish; many big game hunting trophies; some orchids and cycads.	Concerns for endangered species: cat and dog fur products; dog collars; endangered animal and plant species (CITES); toothfish; cetaceans.

To rid the world of weaponry Customs authorities prevent the import and export of firearms and ammunitions, military goods and technologies, knives and daggers, chemical

weapons and chemicals that may be used in the manufacture of weapons and nuclear materials (table 2).

Table 2.

New Zealand	Australia
To rid the world of weaponry	
Export	
firearms and ammunitions; military goods and technologies; goods and technologies that can be used in the production, development or delivery of nuclear, chemical or biological weapons; conventional weapons; dual-use goods; aircraft and vessels; chemicals, biological agents, substances and plant pathogens; anti-personnel mines; cluster munitions; chemical weapons.	firearms, parts, accessories and ammunition for commercial and personal exports; biological agents; certain chemical compounds – CWC (the Chemical Weapons Convention); nuclear material; defence and Strategic Goods.
Import	
chemical weapons and chemicals.	chemical weapons – CWC; knives and daggers; warfare goods and other weapons; firearms and ammunition.

New Zealand and Australia are signatory to a number of international protocols and conventions aimed at protecting the environment. This includes controlling the export of hazardous wastes covered by the Basel Con-

vention: for example, used automotive batteries (this includes e-waste and old electrical equipment such as computers, printers and TVs) (table 3).

Table 3

New Zealand	Australia
To protect environment	
Export	
ozone depleting chemicals; hazardous chemicals, pesticides and waste; persistent organic pollutants; radioactive materials; ozone layer protection.	ozone depleting substances/Synthetic Greenhouse Gases; radioactive sources; radioactive waste; hazardous waste (the Basel Convention); asbestos; Security Sensitive Ammonium Nitrate (SSAN).
Import	
ozone depleting substances and goods containing these substances (the Ozone Layer Protection Act 1996) hazardous substances - HSNO (the Hazardous Substances and New Organisms Act 1996); asbestos; hazardous waste; persistent organic pollutants; radioactive materials.	Ozone depleting substances/Synthetic Greenhouse Gases; asbestos; radioactive substances; hazardous waste; pesticides and other hazardous chemicals - the Stockholm Convention on Persistent Organic Pollutants, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and/or domestic regulations.

It is significant to secure goods that are the national cultural property of the country with

regard to archaeology, history, literature, art or science (table 4).

Table 4

New Zealand	Australia
To save cultural riches	
Export	
maori artefacts over 50 years old; goods over 50 years old which have national, scientific, or artistic importance; rough diamonds (United Nations sanctions).	cultural and heritage goods (National Cultural Heritage Control List); diamonds (an Australian Kimberley Process Certificate).
Import	
	Ceramic ware – glazed; goods bearing an image of the Australian national flag, coat of arms, state or territory flags; cultural heritage goods from Papua New Guinea; diamonds (an Australian Kimberley Process Certificate); cultural heritage goods – general.

The establishment of prohibitions and restrictions of the legislation of New Zealand and Australia is also necessary to ensure bi-

osecurity and food safety. These categories include: animal and dairy products, horticultural products, wine and brandy (table 5).

Table 5

New Zealand	Australia
To ensure biosecurity and food safety	
Export	
animal products; dairy products; horticultural products (the New Zealand Horticulture Export Authority); wine.	wine and brandy.
Import	
agricultural items and food; animals (alive or dead) or their products; equipment used with animals; equipment such as camping gear, golf clubs, and used bicycles; biological specimens (goods must be declared to the Ministry for Primary Industries (MPI)).	

Table 6

New Zealand	Australia
To protect the economy of country	
Export	
credit cards – counterfeit.	
Import	
false or misleading goods money (anyone carrying NZ \$10,000 or more (or foreign equivalent) in cash on their person or in their baggage must complete a Border Cash Report as part. This legislation does not prohibit the import or export of cash sums of NZ\$10,000 or more – it simply requires that these sums are reported).	credit cards – counterfeit.

To protect the country's economy governments prohibit to transfer counterfeit credit card and false or misleading goods. As a certain amount of money it could be carried out cash of NZ \$10,000 or more if it sums are reported (table 6).

The protection public health is one of the government's priorities. That is why cloned or hybrid human embryos, human blood, por-

nography and other objectionable material, suicide devices, high power laser pointers, cigarette lighters and other are prohibited for export and import. They pay special attention to products for children: erasers – novelty resembling food in scent or appearance, children's crayons, toys, finger paints, watercolour paints, pencils and paintbrushes with toxic materials (table 7).

Table 7

New Zealand	Australia
To protect public health	
Export	
cloned or hybrid human embryos.	human blood, tissue, organs and substance derived from human blood; pornography and other objectionable material; precursor substances; suicide devices; prescription medicines (the Australian Government under the Pharmaceutical Benefits Scheme (PBS)).
Import	
cloned or hybrid human embryos; laser pointers (high power); polychlorinated biphenyls (PCBs), children's crayons, finger paints and watercolour paints; chewing tobacco.	anabolic or androgenic substances; kava (a plant); anthrax prevention – importing brushes that contain animal hair or bristle; growth hormones; chewing tobacco and oral snuff; viable materials derived from human embryo clones; erasers - novelty resembling food in scent or appearance; cosmetics - toxic materials; money boxes, novelty - toxic materials designed or marketed for children; pencils and paintbrushes - toxic materials; psychoactive substances; pornography and other objectionable material; suicide devices; therapeutic drugs and substances; tobacco - unmanufactured leaf; toys - toxic material; laser pointers.

Table 8

New Zealand	Australia
Dogs	
Import	
Dogo Argentino; Japanese Tosa; American Pit Bull Terrier; Perro de Presa Canario; Brazilian Fila.	Dogo Argentino; Japanese Tosa; American Pit Bull Terrier or Pit Bull Terrier; Perro de Presa Canario; Brazilian Fila.

The breeds of dog may not be brought into New Zealand and Australia because they are aggressive, fearless and impulsive (Table 8).

Explosives such as fireworks, gunpowder, safety fuses, flares and other are prohibited

for import in New Zealand and Australia to ensure the safety of population and environment (table 9).

Table 9

New Zealand	Australia
Explosives	
Import	
fireworks; gunpowder; safety fuses; flares; model rocket engines; bombs, grenades, torpedoes, mines, missiles, and similar munitions of war that contain an explosive charge.	explosives, plastic.

If you are carrying controlled drugs on you or in your baggage, you may be able to export or import it provided that you:

- declare the drugs;
- prove that the drug is required for treating your medical condition and has been lawfully supplied to you;
- present the prescription from your doctor;
- have the medicine in its original pharmacy container, with your name on the label, and strength and dosage details clearly stated;
- have not more than 1-3 month's supply of a controlled drug with you.

As for Russia it considers the same lists of prohibited and restricted goods for import and

export as New Zealand and Australia. But the Russian legislation includes the tools for catch of aquatic biological resources (import), products of harp seals and baby seals (import) and encryption tools (export and import).

Goods that cannot be transported across the borders of a country are prohibited from a variety of reasons. These range from concerns for endangered species, animal welfare and the survival of marine mammals, to a determination to rid the world of anti-personnel mines, chemical weapons and ozone-depleting chemicals. Other important items are on the prohibited list to help protect country's trade, cultural riches, and agricultural economy.

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ЗАПРЕЩЕННЫЕ И ОГРАНИЧЕННЫЕ ТОВАРЫ: ПРИЧИНЫ ФОРМИРОВАНИЯ СПИСКОВ

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***Аннотация.** В статье рассматривается опыт Новой Зеландии и Австралии в сфере запретов и ограничений на экспорт и импорт определенных категорий товаров. Каждая категория товаров отнесена в конкретную группу в зависимости от целей, которые преследуют государства стран, используя данные меры (сохранение определенных видов животных, защита окружающей среды, сохранение культурных ценностей и т.д.). Особый порядок провоза предусмотрен для лекарственных средств. Также отражены особенности запретов и ограничений к импорту и экспорту определенных категорий российских товаров.*

***Ключевые слова:** запрещенные товары; ограниченные товары; экспорт товаров; импорт товаров; провоз лекарственных средств.*