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**Studia i artykuły**

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### **Topical issues of the customs law as applied juridical science**

#### **Summary**

The article deals with the topical issues of the customs law as a science. Purpose: the author identifies and explains the actual problems and directions of research in the customs law, reflecting the applied nature of science and the close links with the economy. Methods: the methodological basis of the study is a set of methods of scientific knowledge, including the leading ranks of the dialectical method. Also general scientific (dialectics, analysis and synthesis) and private-scientific methods of research (formal law, comparative law) are used. Results: According to the article, there are three topical areas of the research in the customs law. The first is the dual nature of the modern customs law of Russia. The author notes the close connection with an administrative law. At the same time, it is reported that the tendency of approximation of the customs law of Russia with the public international law is growing since the sources of the customs law have been changed. The legal regulation rests on the normative legal acts, adopted on the basis of the international treaties, decisions of supranational customs authorities.

**Keywords:** customs law; foreign economic activity of the state; risk management; customs Union; public international law; authorized economic operator

In addition, in recent years, Kazakhstan has passed a major reform in the agricultural sector, which is to connect a variety of instruments, such as concessional financing, loans, tax incentives, public procurement at fixed prices, compulsory insurance against commercial risk and so forth. If these reforms have become an integral part of the overall process of change, and, above all, in the direction of improving the property relations.

The purpose of the sectoral reforms is to ensure that the basic conditions for the normal functioning and sustainable reproduction of all elements of the market system, regardless of their form of ownership. It was in the course of radical change in property relations on a national scale of the economic system, the formation of new business entities motivation and prerequisites for improving the structure of production, as key conditions for increasing its effectiveness.

At the same time the reality of the socio-economic and political development of Kazakhstan lies in the fact that now come to the fore issues of national security, which is an integral part of food security. The source of replenishment of food resources for today is agriculture as the most dynamic sector of agricultural production, due to the fact that the products of this industry is characterized by high consumer properties. Therefore, the development of agriculture and increase its production should be given increased attention.

At present, almost remain undeveloped questions of formation and legal support to the country's food market.

The legal basis for the formation of the food market is a single set of legal acts relating to the various branches of the national legislation: land, administrative, civil, financial, labor, environmental, natural resource and the like, which only emphasizes the complex set of social relations in the vital required the agricultural sector of the domestic economy.

Today, in the foreground, face problems of food security, the main criteria and directions of which are: food security:

- 1) physical availability of food;
- 2) affordability of food products;
- 3) guarantee of safety of food products. [3]

The leading role in solving this problem belongs to the state, which should be concerned with food security. His function in this area are multi-faceted and encompass as "regulation of development of agriculture and rural areas, and ensuring the stability of the markets of agricultural products, the

formation of an effective system of entrepreneurship, support for competitive advantages of domestic production, as well as improving the living standards of the rural population through the creation of conditions for crop production, animal husbandry, fisheries, processing of agricultural raw materials and food industry, to ensure veterinary and sanitary and phytosanitary safety, technical equipment and other related fields of activity, social and engineering infrastructure in rural areas "[3].

Directly related to the issue of food and nutrition security is advertising, which is responsible for providing reliable, recognizable without special knowledge or the use of special funds at the moment of its presentation of information to a wide range of people. Of course, it should be noted that the accuracy of information on food, but only part of the problem, the foundation of which is the provision of public real if not high-quality products, the products that can not harm the life and health of the consumer.

advertising sector is becoming more widespread. On this market, a growing number of specialized agencies that make up the largest segment particularly the labor market. As the Kazakh and Russian experts advertising market growth for 2012 in Kazakhstan amounted to 10-15 per cent [1], which is considerably higher than in Europe and Russia, and 800 mln. US dollars. A significant place in this segment covers advertising of food products - one product, which is always and everywhere enjoys priority in demand, as well as of the product, which is of paramount importance for the life of a single person and of all humanity.

Advertising of food has no special legal regulation and defined by the Law of RK "On Advertising" dated December 19, 2003 № 508-II. This regulation can be classified as a general regulatory document does not detail certain specific aspects of advertising, containing basic provisions. In accordance with this law, advertising, designed primarily to "maintain interest in the natural or legal person, goods, trademarks, works, services and contribute to their implementation" [2], which is not unimportant in today's competitive market, imported products influx on the domestic market, a major revitalization of domestic producers, etc.

Genetically modified products - products of plant and animal origin produced using genetic engineering techniques, containing non-living genetically modified organisms or their components [4].

Food produced using genetically modified (transgenic) organisms, including genetically modified organisms are subject to state registration in accordance with the Law "On ratification of the Customs Union Agreement on Sanitary Measures" and is included in the Uniform list of goods subject to sanitary (control) at the customs border and customs territory of the customs Union, approved by the decision of the customs Union Commission dated May 28, 2010 № 299.

The law requires manufacturers to publish on product packaging information on the presence of genetically modified components. For failure to comply with the legislation regarding mandatory labeling the presence of genetically modified components, establishes administrative responsibility of food producers.

Currently, the study content in GMO products have 7 specialized laboratories that have passed the international accreditation. Determination of GMOs in food products is carried out on the modern equipment by the polymerase chain reaction (PCR), which allows to establish the presence of GMO in a food product, and to determine its amount. Today in Kazakhstan, Russia and the EU countries, there is a threshold of GMO presence in food products, which should not exceed 0.9%, according to the Decision of the European Parliament number 258/97 on rules to control the sale of GM food.

At the same time, the law does not allow the promotion of genetically modified foods. To a certain extent understandable, since most products, anyway, contain such additives, such as meats, dairy products, some vegetables, preservatives and others. GMO has become the norm, even though it affects food security, and can harm the human genome.

Despite the warnings of geneticists, quality issues were not included in the range of strategically important issues of food security in Kazakhstan. Monitoring of food security held in respect of: the volume of production of food products and their product distribution and the availability of supplies; formation, availability and use of public resources of food products; formation of state reserves of grain; prices for socially important food products.

We believe that the advertising of food issues should be regulated in more detail by special legislation, as well as what needs to be detailed control mechanism in this area.

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