14th Annual PICARD Conference

On the issue of insufficient data for bringing individuals to administrative responsibility in the event of non-compliance with Article 16.2 of the Code on Administrative Offenses of the Russian Federation with regard to goods imported for personal use

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### Main tasks
**Prevention and Suppression**

### Chapter 16 of the Code of Administrative Offenses
- Problems
- Article 16.2
- Insufficient data to attract
- 74,432 cases

### Non-declaration or inadequate declaration of goods imported for personal use

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<th>Supranational legislation</th>
<th>National legislation of the Russian Federation</th>
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Leads to certain difficulties in the enforcement of customs authorities.
The rules and features of the movement of goods for personal use by different categories of persons across the customs border of the Union are governed by chapter 37 of the EAEU Customs Code.

On the basis of:
- statements of an individual about goods;
- nature and quantity of goods;
- the frequency with which an individual crosses the customs border.

Which products do not belong to goods for personal use:
- goods in respect of which an individual performs customs declaration for Placement under customs procedures, with the exception of the customs procedure of customs transit;
- the list of goods, which is determined by Annex № 6 to the Decision of the Council of the EEC dated 20.12.2017 № 107 (as amended on 28.05.2019) «On certain issues related to goods for personal use». 
Categories of goods for personal use and methods of their importation | Cost, weight and (or) quantitative norms of importation
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Goods for personal use (with the exception of ethyl alcohol, alcoholic beverages, beer, indivisible goods for personal use), imported in accompanied and (or) unaccompanied baggage by air transport, including: | The cost does not exceed the amount equivalent to 10,000 euros, and (or) the weight does not exceed 50 kg

- tobacco and tobacco products | 200 cigarettes, or 50 cigars (cigarillos), or 250 grams of tobacco, or these products in an assortment with a total weight of not more than 250 grams per individual over 18 years of age

If an individual moves MORE, then absolutely all goods are subject to electronic declaration.

Of art. 16.2 of the Administrative Code: If no - In this case, the subject of an administrative offense will be the ENTIRE undeclared product.

This problem has been solved by adopting the decision of the EEC Board of 21.01.2014 № 7 «On Amendments to Certain Decisions of the Commission of the Customs Union»

Thus, the subject of an offense in the case of non-declaration of goods that exceed the quantitative and cost norms will be goods that are not specified in the passenger customs declaration.
We encourage States to think before act.

Thank you for your attention!