

т.к. поспособствует созданию эффективного правового механизма регулирования экологических миграционных процессов. Данный механизм обеспечит защиту прав экологических мигрантов, в первую очередь, реализацию естественного права каждого человека – права на благоприятную окружающую среду.

Таким образом, в международном праве в настоящий момент отсутствует единое определение термина «экологическая миграция». С учетом изложенного, предлагаем определять экологическую миграцию как процесс переселения лица или группы лиц внутри страны своего постоянного проживания или за ее пределы на определенный срок или на постоянную основу в связи с ухудшением состояния окружающей среды, неблагоприятным изменением климата, экологическими или техногенными катастрофами.

### **Литература**

1. Vogt, W. Road to Survival / W. Vogt – NY : William Sloane Associates, 1948. – 335 с.
2. Булешева, Д. Д. Экологическая миграция сегодня: проблемы и возможные решения / Д. Д. Булешева // Управление персоналом. – 2007. – № 15. – С. 49–51.
3. Евтушенко, В. И. Классификация экологической миграции / В. И. Евтушенко // Актуальные проблемы российского права. – 2009. – № 2. – С. 145–150.
4. О миграции: Закон Республики Таджикистан от 11 декабря 1999 г. № 881 // База данных: Законодательство стран СНГ [Электронный ресурс] / Законодательство стран СНГ. – Минск, 2021. – Режим доступа: <http://base.spinform.ru/index.fwx>. – Дата доступа: 20.03.2021.

## **Measures to protect markets in the EAEU and the WTO: legal problems of correlation in the establishment and implementation**

*Вильтовская Д. Д., студ. II к. БГУ,  
науч. рук. Макаревич Т. И., магистр филол. наук*

There are several measures that protect the internal market of both the World Trade Organization (WTO) member states and the Eurasian Economic Union (EAEU). Such measures include measures applied in case of violation of competition rules – anti-dumping and countervailing measures – and measures that are introduced to support national producers in conditions of normal competition, but with increased imports – special protective measures.

The WTO member States apply in a general form on the basis of Article XIX of the General Agreement on Tariffs and Trade of 30 October 1947, the Agreement on Special Protective Measures (WTO, Uruguay Round of Multilateral Trade

Negotiations) of 15 April 1994, the Agreement on the Application of Article VI of the General Agreement on Tariffs and Trade Measures (WTO, Uruguay Round of Multilateral Trade Negotiations) of 15 April 1994 (Anti-Dumping Agreement), the Agreement on Subsidies and Countervailing Measures (WTO, Uruguay Round of Multilateral Trade Negotiations) of 15 April 1994.

The rules for applying trade protection measures in the EAEU are based on the norms of the WTO and are set out in the Treaty on the Eurasian Economic Union of May 29, 2014, in particular, in the Protocol on the Application of Special Protective, Anti-Dumping and Countervailing Measures in relation to Third Countries (Annex No. 8 to the Treaty on the EAEU).

According to the main document regulating the application of the provisions of the WTO Agreement in the legal framework of the EAEU, the Treaty on the Functioning of the Customs Union within the Framework of the Multilateral Trading System in 2011, customs tariff/non-tariff regulation, protection of the internal market, sanitary and phytosanitary measures are subject to integration at the level of the EAEU.

With the creation of the EAEU, the application of protective measures by the participating countries, including the Republic of Belarus, had to be transferred to the supranational level. Currently, a single mechanism for applying protective measures against the import of goods from third countries has been created for the participating countries and it applies to the entire customs territory of the EAEU. However, it should be noted that the simultaneous participation of some states in both the WTO and the EAEU causes some nuances with legal interaction.

According to Article 29 of the Treaty on the EAEU, one of the conditions for the application of restrictions by member states in mutual trade in goods is “if such restrictions are necessary for the fulfillment of international obligations”. Therefore, the Russian Federation, as well as the Republic of Kazakhstan, must fulfill its international obligations under the WTO within the framework of the EAEU. They will simultaneously establish certain principles – more specifically with tariff and non-tariff regulation, customs duties, etc. – and within the framework of the EAEU. This may lead to the fact that the rest of the EAEU member states – not members of the WTO – will be required to comply with them.

On the question of the correlation between the application of special protective, anti-dumping and countervailing measures in the EAEU and the obligations of the member States within the framework of the WTO, the EEC explains on its official website that the possibility of applying special protective, anti-dumping and countervailing measures is provided for by the WTO rules, and these measures are used by the majority of its members. In particular, it provides for the possibility of applying uniform trade protection measures in the territories of customs unions.

As A. A. Seliverstova notes, in the current situation, when the EAEU member states join the WTO not as a single bloc, but as separate countries, there are multiple contradictions between national and regional interests. In particular cases, the coordination of these contradictions is “frozen” for a certain period, for example, as in the case of the agreement on a Single customs tariff between Kazakhstan and the EAEU after its accession to the WTO, which to some extent undermines the foundations of the EAEU itself. In other cases, the agreed conditions create a situation in which serious damage is inflicted on a particular national economy, quite often it is inflicted on the Republic of Belarus, due to significant discrepancies in the commodity structures of foreign trade. In this regard, it is relevant to study the impact of the conditions of WTO membership of some EAEU countries on the development of integration of the EAEU countries.

Therefore, the membership of almost all the EAEU members – with the exception of the Republic of Belarus – in the Customs Union and the WTO at the same time raises a number of legal problems that are waiting to be resolved in order to achieve the highest quality functioning of the EAEU and the WTO.

#### **Литература**

1. The general agreement on tariffs and trade (GATT 1947) // World Trade Organization. Available at: [http://www.wto.org/english/docs\\_e/legal\\_e/gatt47\\_01\\_e.htm](http://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm).

2. Seliverstova, A. A. The development of economic integration of the countries of the Eurasian Economic Union under the conditions of variable speed accession to the World Trade Organization: thesis [Razvitie ekonomicheskoi integratsii stran Evraziiskogo ekonomicheskogo soyuza v usloviyakh raznoskorostnogo prisoedineniya k Vsemirnoi torgovoi organizatsii: diplomnaya rabota], SPbGEU, St. Petersburg, 111 p.

### **Осмотр и извещение о несоответствии товара по Конвенции ООН о договорах международной купли-продажи товаров**

*Гасюк Д. А., студ. III к. БГУ,  
науч. рук. зав. каф. Бабкина Е. В., канд. юрид. наук, доцент*

Основной причиной возникающих споров между сторонами договоров международной купли-продажи товаров является несоответствие поставляемого товара договорным условиям. Однако какие-либо средства правовой защиты, устанавливаемые Конвенцией ООН о договорах международной купли-продажи товаров (далее – Конвенция) [1], могут быть предоставлены