

SUMMARY

Key words: contract, storage contract, storage in the warehouse, storage in a customs warehouse

Subject matter: "Contractual regulation in the field of customs"

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Topicality of the research: Customs has a significant role in the system of norms regulating relations with participation of businessmen, especially at the present stage is characterized by active integration of Russia into the world economy.

Recent changes in customs regulation, in particular, the formation of a new system of customs legislation, increase the volume of civil legal regulation of relations in the field of customs, including the extension of the scope of civil legal methods of influence on the corresponding social relations.

Domestic and foreign experience shows that the formation and development of modern of modern institutions of the customs law may not only with adequate economic prerequisites, but also provided appropriate legal support, which would only be possible when the legislator follow the legal science will be developed an adequate understanding of the legal substance of the customs law as a whole. Of course, that the designated entity is closely connected not only public law but also private, primarily civil law, and manifested in this area.

As one of the natural public law instruments limit the freedom of private entrepreneurial activity, customs regulation now began to experience a growing influence of private-legal means. The study from the perspective of science of civil law prevailing mechanism of customs regulation, based on a combination of civil and public funds, the identification of the roles and functions of these private legal means should lead to a more accurate understanding of the legal nature and Genesis of the interaction of private and public law.

The aims of the research: detailed consideration of contractual regulation in all its legal aspects (civil law and customs law), especially the agreement on a warehouse. In addition, the objective of the work is determined based on the extent of popularity of the theme lies in the fact that on the basis of comprehensive analysis of the Theo-theoretical research and practice materials on these issues to identify inconsistencies and contradictions existing in the civil and customs legislation of the question under study: to identify gaps in legislation, to develop some proposals to improve existing rules, which ultimately should contribute to more effective regulation of the studied right-relations.

Objectives: 1. Study of civil-legal regulation in the field of customs (to perform civil and customs legislation); 2. To define the concept of contract and its place in the customs regulation; 3. To give a General characterization of the storage in the warehouse; 4. To examine and analyze the order of storage in a customs warehouse; 5. To develop recommendations and proposals on improving the legislation concerning the rules on the contract for international air transportation and law enforcement.

Theoretical and practical significance of the study is the substantiation of conclusions and proposals for improving contract management in the field of customs. The resulting study, you-water, as well as practical proposals could ensure the growth of the scientific level in the field of legal regulation of the question under study contribute to the development of normative legal base which regulates these legal relations. The results of the study can be used in law-making activities in the preparation of normative acts on the issues of contract management in the field of customs.

The results of the study. 1. Civil-law regulation in the field of customs acts as a relatively independent subsidiary, but a necessary tool of influence on this area of public relations (one of the funds is the same-barked by the legislator of law and order in the customs area). Marked independently and subsidiarity are based on used by the legislator models of legal regulation of cus-

toms (public-private) and find their expression mainly at the level of the systemic signs of legal industries. They reflect the Xia:

- the purpose of this regulation, the organization of satisfaction of private interests in the field of customs Affairs;
 - the subject of the said regulation — a set of civil relations arising in the field of customs;
 - in the method of regulation used civil methods, ways and means;
- in sources of relevant legal regulation — along with acts of the customs legislation uses the common sources of civil law.

2. The need for civil regulation as a legal tool cart-actions due to the fact that the area of the customs acts, including as the scope of the satisfaction of individual private interests.

3. From the standpoint of the theory of legal incentives and legal restrictions on customs regulation has a dual legal nature. A system of exclusively public law related to this regulation should be referred to as legal restriction (encumbrance) of entrepreneurial activity. On the other hand, the customs regulation can be a legal incentive some of the most important from the point of view of the state of business activities. In any knowledge-the teachings of the customs regulation is a means of optimizing business and other civil transactions with a foreign element.

4. Introduction to customs regulation of private funds is also intended to facilitate the implementation of this common goal, but the means of private law. A number of pub personal interests protected by such funds. In General, the civil law of Russia is to ensure that the following public interests:

- the inviolability of the basic principles of civil legislation; the efficient organization of the public life of the Russian Federation and civil society institutions;
- the inviolability of all forms of ownership;
- ensuring the effective protection of civil rights, including trial;
- establishing the limits of civil rights;
- prevention of abuse of the right.

In this case, the public interest correspond to the private interests of individuals.

5. Regulation of relations in the field of customs Affairs on the basis of the principle of combining public law and private law regulation presupposes the existence of interbranch relations of civil law branches of public law in this area, which are aimed at ensuring the efficient organization of customs. So there are two types of named relations. First, interbranch relations of civil law functional symptoms based on the fact that public relations in the field of customs are the result of a private-law activity of subjects. These relationships are expressed in the structure of mechanism of public-legal regulation of relations in the field of customs, including civil-legal means. Second, this interbranch relations of civil law vospalitelnoe nature, existing outside of the public-legal regulation of relations in the field of the customs business.

6. The integrated nature of customs legislation involves the use of for regulation of relations arising in the field of customs, private civil law. So, in the sphere of property turnover to the actions of the subjects of customs legal relations shall apply the rules contained in the civil code. How to be in a situation of conflict of norms of the customs and civil laws?

Theoretically this situation is resolved in the following way: precedence is given to the norms of the customs legislation (the special) and civil laws (General) apply only if this is expressly stated in the customs legislation, but in practice it is sometimes found otherwise.

Recommendations. 1. Analyzing judicial practice, we can conclude that today there is a trend of increasing disputes under contracts of storage, usually associated with the default storage. Examples from judicial-arbitration practice allow collected to identify a number of shortcomings in the trial of disputes, follow-ing commitments that lead to a change or cancellation of the relevant judicial decisions. This is the fallacy of the conclusions that are no relations for storage, if missing or not properly drawn contract, but there were other documents signed by the parties; incorrect assignment of stalist, such as equating crime to force majeure; incomplete research of all circumstances of the conclusion and performance of obligations; incorrect identification of a storage contract with adjacent contracts; incorrect establishment of the grounds and amount of

responsibility of the parties, etc. In this regard it would be advisable to consolidate the arbitration practice, and make the corresponding clarification on contentious issues with a view to eliminate the shortcomings that affect the completeness of the clarification and proof of the circumstances.

2. After some investigation, we came to the conclusion that a substantial simplification of customs procedures and their translation into electronic form in order to exclude the influence of human factor (priority of e-technology, refusing to provide supporting documents and automatic release of goods). Currently, the main customs procedures are documented on paper and electronic processes overlap with traditional paper documents. Therefore, it is necessary to amend the Law on customs regulation on the transfer of customs procedures to electronic form.