
Recommendations on Reforming the Current Legislation on the Import and Export of Research Materials

A. E. Voinov, I. B. Khlebnikov, Sh. A. Dzhabrailov¹

Abstract:

The article provides the analysis of the current state in importing and exporting of materials for research and development activity, its problems and prospects of further development. The authors note the imperfection of the legislation in this area and offer a wide range of recommendations for qualitative improvement of the situation.

The relevance of the research topic is determined by the fact that in the 21st century the role and place of Russian Federation in the world economy would largely depend on the level of its scientific and technological development, the ability to create and effectively replicate its own achievements and make extensive use of imported high-end technologies, the degree of its presence on the world market of high and new technologies.

Key Words: *Skolkovo Institute of Science and Technology, import/export of research materials, Customs Union, authorized federal executive body, international research projects.*

¹ Autonomous Non-Profit Organization for Higher Education “Skolkovo Institute of Science and Technology”, s.jabrailov@skoltech.ru

Introduction

The current procedure for importing and exporting materials for research and development activity prevents their prompt delivery, which leads to a decrease in the effectiveness of research and development activity conducted by Russian scientific and educational organizations. A simplified procedure for importing and exporting of research materials (issuing a uniform permit required for importing and exporting research materials into and from the Russian Federation) is proposed at the legislative level.

Current state

As Russia proceeds to an innovation-driven economic development model, reforms aimed at stimulating research and development activity (hereinafter referred to as R&D) and improving R&D performance are currently underway. Along with other factors, the possibility of prompt delivery of the materials and equipment required for organizing and conducting R&D is among the key factors that predicate the success and effectiveness of R&D. Leading Russian scientists and experts continue to insist that the current procedure for importing and exporting research materials does not allow one to ensure prompt delivery: thus, it hampers the effectiveness of the R&D conducted by Russian scientific and educational organizations and curtails the ability of Russian scientists to participate in international research projects. One of the major problems is the overbearing legislative control (multiple legal norms concerning the same issues) that accompany the importing and exporting of biological materials, including human materials, reagents, and laboratory animals (hereinafter referred to as research materials), which requires going through a large number of approval processes to obtain the permit documents required to import/export research materials (permits, veterinary certificates, etc.).

At the current stage, the working group of the Skolkovo Institute of Science and Technology (hereinafter referred to as the working group) has developed recommendations on improving the current rules and regulations governing the import/export of research materials. The recommendations are developed as part of the research project, funded by the Ministry of education of the Russian Federation. The unique identifier of the research work is RFMEFI60314X0005.

It seems reasonable to regulate the import/export of research materials based on a comprehensive approach. This approach involves the establishment of a simplified procedure for importing/exporting research materials by issuing a uniform permit for importing/exporting research materials into and from the Russian Federation, which would be valid for an unlimited period of time with respect to the types of research materials specified in it and their hazard (pathogenicity) classes; expedited customs clearance of these research materials; application of special simplified procedures foreseen in article 197 of the Customs Code of the Customs Union [1] to the certain categories of research materials (a simplified declaration procedure for research

materials in accordance with article 178 of the Customs Code of the Customs Union); application of simplified declaration procedure to research materials, identical to that foreseen in articles 279 and 283 of the Federal Law On Customs Regulation in the Russian Federation [2] for commercial and research samples.

Recommendations

Furthermore, subsequent control over the targeted use of research materials imported into the Russian Federation in compliance with the simplified procedure by scientific and educational organizations needs to be established. In this connection, it is reasonable to provide control mechanisms that would include the following components:

- state accreditation of organizations entitled to use the simplified procedure for importing/exporting research materials and establishing a registry of the accredited scientific and educational organizations, imposing requirements to these organizations, including the requirements concerning the development and implementation of in-house programs for controlling the use of research materials at these organizations;
- imposing reporting requirements to the accredited scientific and educational organizations and establishing mechanisms for controlling the targeted use of research materials by the authorized federal executive bodies;
- identifying new research materials, characterizing research materials into hazard (pathogenicity) classes, and establishing a registry of research materials; and
- establishing penalties for the non-targeted use of research materials.
- The order of using the simplified procedure for importing/exporting research materials into/from the Russian Federation by scientific and educational organizations is suggested to be as follows:
 - The authorized federal executive body (hereinafter referred to as AFEB) shall organize state accreditation of scientific and educational organizations participating in import and export, which have established in-house programs for controlling the use of research materials; shall issue the uniform permit for importing/exporting research materials for the purposes of conducting R&D into/from the Russian Federation (hereinafter referred to as uniform permit); and shall keep the registry of accredited organizations;
 - The AFEB shall render a decision on state accreditation of scientific and educational organizations based on their applications if they comply with the requirements. The AFEB shall issue a uniform permit for importing/exporting research materials according to the simplified procedure to the accredited scientific or educational organizations (material type and hazard class being specified);
 - the accredited scientific or educational organizations are entitled to import/export research materials into/from the Russian Federation based on the uniform permit, without the need to provide any additional permitting documents (except for licenses and permits issued in accordance with the

legislation of the Russian Federation concerning narcotic drugs, psychoactive substances and their precursors (except for the precursors listed in Table III of Registry IV [3]), as well as veterinary and phytosanitary certificates);

- scientific and educational organizations shall undertake the obligation to use research materials only for R&D, without the right to transfer the material to third parties, either for compensation or free of charge (except for the transferring of research materials under research collaboration, while retaining control over targeted use of these materials);
- scientific and educational organizations entitled to use the simplified procedure for importing/exporting research materials shall report on all materials that have been imported/exported and their consumption to the AFEB. The AFEB shall perform a regular inspection of the control over the targeted use of materials (if needed, with the assistance of other appropriate federal executive bodies).

It is also reasonable that the federal data resource devoted to the import/export of research materials into/from the Russian Federation be established, which would contain thorough and well-structured information on rules and regulations in the field of import/export of research materials into/from the Russian Federation, including the title and matter of the legal acts; the edition they have been published; the information on the procedure of assigning code numbers of the Foreign Economic Activity Commodity Nomenclature of the Customs Union to research materials; and other legal, reference, and analytical information related to the import/export of research materials into/from the Russian Federation.

Conclusion

An overhaul of the current legislation for importing/exporting research materials based on the proposed recommendations would significantly expedite the import/export of research materials and, therefore, increase the effectiveness and performance of R&D conducted by Russian scientific and educational organizations, and broaden opportunities for Russian scientists to participate in international collaborative R&D projects.

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