

Актуальні питання державно-правового розвитку України та міжнародного права

LEGAL REGULATION OF AIR TRANSPORTATION

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Raising people's interests in communication and expanding economic integration processes requires satisfying them by using such fast and safe modes of transport as air travel. Since the invention and further refinement of one of the aircraft types of aircraft, these transportation needs have increased. And, of course, this could not be disregarded by the regulatory influence of the state.

For Ukraine air transportation provides the access of Ukrainian manufacturers to the world markets, in addition, a large part of the population chooses air transport for world travel. The Ukrainian government has made considerable efforts to ensure that national legislation in this area is in line with world standards. Ukraine has signed major international agreements governing the contract of carriage of goods and passengers by air. In general, our country's legislative acts are in line with international legal acts adopted in the world.

Airlines are divided into domestic and international traffic. Domestic transportation is a carriage at which the point of departure and destination are located in the territory of one state and the transportation does not involve stopping in the territory of another state. International carriage is a carriage performed in accordance with a contract of international air carriage at which the point of departure and destination, irrespective of the presence of an overload or interruption of carriage, are located: 1) in the territory of two states, 2) in the territory of the same state, if a stop is provided at the territory of another state.

Separately defined so-called mixed transportation. They are transportation of passengers, luggage or cargo, carried by carriers of different modes of transport [1, p. 85].

International air transportation occupies a special place among foreign trade. In inferiority to other modes of transport, international air transport favorably differs from them by other indicators. The main advantages of international air transportation are the speed of delivery, which is due to the high speed characteristics of flights; significant reduction of the distance

between the points of the routes due to the lack of influence on the terrain; the possibility of choosing alternative routes; variety of flights; opportunities to respond promptly to changing demand for destinations and types of transportation.

The most common are international transport treaties. They are concluded on behalf and on behalf of the government by the central bodies of transport management - ministries and other institutions that are in charge of rail, sea, river, air transport [2, p.86].

The international regulation of air transport relations begins with the Paris Convention on Air Navigation (1919). It affirmed the principle of sovereignty of the state over the air space over its land and water territories and established the right of «peaceful passage» of foreign aircraft in the air space of other states in this area. This gave an impetus to the beginning of the Warsaw system. Ratified by Ukraine on August 14, 1959. In total, more than 100 States have signed the Convention.

The 2011 edition of the Air Code of Ukraine regulates in detail the issues of air transportation and proceeds from the fact that Ukraine has full and exclusive sovereignty over Ukraine's airspace [3, art. 2].

International air services are governed by several multilateral treaties. Among them is the Chicago Convention on International Civil Aviation of December 7, 1944. It became a compromise agreement between the states involved in its preparation. The Convention is the basis for national rules. By establishing the principle of recognition of state sovereignty, the Convention thereby affirmed the right of each state to regulate air services within its territory, the commercial activities of road transport undertakings and exercise jurisdiction over transport. The Chicago Convention establishes general requirements for civil aviation in international flights. These are principles and rules of flight, aircraft registration and documentation; investigation of air accidents, procedure for establishing technical standards.

Summarizing the above, it should be noted that air transportation is an important part of any civilized country, including Ukraine. Like any industry, it needs legal regulation. The basis for such reunification is international treaties and conventions, in particular the Chicago Convention.

References

1. Онищенко Н. А. Международное частное право. Киев, 2015, 258 с.
2. Міжнародне приватне право / За ред. В. М. Гайворонського, В. П. Жушмана. К., 2006. 366 с.
3. Повітряний кодекс України від 2011 р. *Відомості ВР України*. 2011. №48-49. Ст. 536.