

Проблеми теорії та практики приватного права в Україні

UKRAINE'S PLACE IN THE INTERNATIONAL TRANSPORTATION MARKET

Anastasiia Volodymyrivna MATVIEIEVA,

*PhD. in Law, Senior Researcher,
Associate Professor of the Law department (702)
National Aerospace University H. E. Zhukovskiy
«Kharkiv Aviation Institute»
<https://orcid.org/0000-0002-6276-6912>*

Given Ukraine's extremely advantageous geographical and geopolitical location, its impact on international traffic should be greater.

International transport corridors connecting European countries with their strategic trading partners play an extremely important role in the development of the international transport sector. The transport corridors determine the priority areas for the development of world transport cooperation and cooperation between Ukraine and its western neighbors in the coming years. Thus, transport is an important factor in the development of international trade and cooperation, as well as integration processes.

Today, improving the transport infrastructure of future EU members and developing cooperation in the field of transport with neighboring regions are fundamental tasks for our country.

Ukraine has the highest transit rating in Europe, which is why it has all the opportunities for intensive entry and obtaining a certain priority in the international, primarily European arena of international transport, as well as for the development of a network of international transport corridors and significant profits.

It should be noted that international transport corridors are of great importance for Ukraine's national security. It is necessary to state the fact of impossibility to ensure the national security of Ukraine in isolation, relying only on one's own efforts. That is why the role of foreign policy means of ensuring national security is growing significantly.

It is necessary to agree with those scientists who consider the system of ensuring the safety of transport corridors as part of the system of ensuring the transport safety of the state, which is part of the system of ensuring its national security.

Given the benefits of international transit, any country does its best to make corridors pass through its territory (a clear example is Russia). At the same time, transport corridors are important not only for profit, but for are a factor that significantly affects the national security of the state.

Of course, without the implementation of domestic legislation to the requirements of international law, EU law, the development and effective and safe operation of international corridors in Ukraine is impossible. At the same time, the national legislation in this area is rather weak.

Strengthening and deepening cross-border cooperation with neighboring countries is a priority of Ukraine's foreign policy today. This will lead to Ukraine's active position in international trade, integration of national economic systems and legal integration (as one of the important prerequisites for economic), as well as strengthening the processes of international division of labor.

International transit affects Ukraine's national interests in the domestic political sphere. The transport corridors available today cross the territory of Ukraine and connect almost all its regions, are an integral part of its transport system.

In all historical epochs, the development of transportation has completely depended and still depends on the policy of the state in this direction, ie on the national transport policy. Therefore, it is important today to develop such areas of national transport policy that would allow as quickly and efficiently as possible to become a full-fledged part of the international transportation market, and to maintain such positions in the future.

As R.P. Boychuk rightly emphasizes, the main task is to clearly define and systematize the legal regulators in the field of transport, in particular, to determine the mechanism of their regulatory action, the competence of authorized bodies to apply them, which, in turn, will more accurately predict the outcome. Such regulatory influence to reconcile different interests in the management process and overcome conflicts that may arise [1, p. 67].

The signing of the Association Agreement between Ukraine and the EU gave a new impetus and content to the development of international transport and set new challenges for national transport policy. First of all, it should be noted that Article 367 of the Agreement establishes the main directions of European transport policy in the framework of cooperation with Ukraine: expanding and strengthening cooperation in the field of transport in order to promote the development of stable transport systems; promoting efficient and safe transport, as well as intermodality and interoperability of transport systems; making efforts to strengthen basic transport links between the territories of the Parties [2].

In accordance with the provisions of Art. 369 of the Agreement, this cooperation covers the following areas:

(a) the development of a sustainable national transport policy, covering all modes of transport, in particular with a view to ensuring efficient and safe transport systems, and promoting the integration of transport initiatives into other policies;

(b) development of sectoral strategies based on national transport policy (including regulatory requirements for the modernization of technical equipment and fleets to meet the highest international standards) for road, rail, river, sea and air transport, as well as intermodality, taking into account the tim-

ing and main stages of implementation, administrative responsibilities and financial plans;

(c) the development of a multimodal transport network linked to the Trans-European Transport Network (TEN-T) and the improvement of infrastructure policy to better identify and evaluate infrastructure projects for different modes of transport. Development of financing strategies aimed at maintaining, eliminating barriers to capacity and developing incomplete infrastructure, as well as enhancing and promoting private sector participation in transport projects in accordance with Annex XXXIII to this Agreement;

(d) Accession to relevant international transport organizations and agreements, in particular procedures for ensuring the strict application and effective implementation of international transport agreements and conventions;

(e) scientific and technical cooperation and exchange of information for the development and improvement of transport technologies, such as intelligent transport systems;

(f) promoting the use of intelligent transport systems and information technology in the management and use of all modes of transport, and supporting intermodality and cooperation in the use of space systems and the implementation of commercial solutions that facilitate transport.

Further areas of cooperation in the field of transport should be expanded, as they cannot be limited to the European vector, which is, of course, a priority.

However, we should also talk about a number of challenges that arise along the way. For further cooperation it is necessary to provide the state with conditions for equal access to the transport market of transport operators, creation on the basis of public-private partnership of transport operators interested in increasing the volume and efficiency of transport and attracting private railway carriers.

It is unfortunate that Ukraine's role as a transit country is now diminishing. The main factors in this are: Russia's targeted policy of excluding Ukraine from transit flows; insufficient pace and volume of transport infrastructure development, unsatisfactory transport and operational condition of roads, 90% of which need reconstruction or repair, the average speed on the roads of Ukraine is 2-3 times lower than in Western European countries, on domestic roads becomes economically unprofitable operation of modern cars with improved technical and environmental characteristics.

Also unsatisfactory is the condition of railway tracks, sections of which have become unsatisfactory and are subject to replacement due to age and long-term operation; lack of proper service and attention to the urgent needs of customers by state transport monopolies and state regulatory authorities and services; inconsistency of the tariff policy of Ukrzaliznytsia and sea trade ports of Ukraine, their direct lobbying of the interests of certain commercial structures. Excessive complexity and duration of border crossing procedures, as well as insufficient capacity of border crossing points; lack of consistent state policy on the development of Ukraine's transit potential and development of the priority transport network [3, p. 62].

Ukraine is central to the Pan-European Road and Rail Corridors network. The EBRD and the EIB provide investment financing to improve these and other major transport infrastructure. It is very important not to lose these leading positions. To do this, it is necessary to make the development of the transport sector a priority for the coming years and, having studied the experience of developed countries, to create their own model of building a powerful transport system of the state.

References:

1. Boychuk R. Legal support of the system of state regulation of economic relations in Ukraine. *Ukrainian commercial law*. 2005. № 6. P. 67.
2. Ratification of the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part: Law of Ukraine of September 16, 2014 № 1678-VII. URL: <https://zakon.rada.gov.ua/laws/show/1678-18#Text>
3. Mykhailychenko K.M. Restoration of transit potential as a factor in increasing the competitiveness of Ukraine. *Strategic priorities*. 2015. № 4. Pp. 59–65.