

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
NATIONAL AVIATION UNIVERSITY
FACULTY OF LAW

Abstracts of
XX International
conference of higher education students
and young scientists

POLIT.
CHALLENGES OF SCIENCE TODAY

MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES IN
AVIATION
LEGAL SUPPORT OF STATE AND CIVIL AVIATION

Kiev 2020

УДК 347.824

POLIT. CHALLENGES OF SCIENCE TODAY. MODERN INFORMATION AND COMMUNICATION TECHNOLOGIES IN AVIATION: Abstracts of XX International conference of higher education students and young scientists, Kiev, 2020, National Aviation University / editorial board Isaienko V. [etc.]. – K.: NAU, 2020. – 31 p.

The materials of the scientific-practical conference contain a summary of the reports of research works of applicants for higher education and young scientists in the field «Legal support of state and civil aviation» .

Recommended for printing
academic council of the faculty
(Protocol number 4 on May 6, 2020)

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National Aviation University, 2020

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**CRIMINAL-LEGAL GUARANTEES OF CIVIL AVIATION
SECURITY UNDER THE LEGISLATION OF UKRAINE (INTERNATIONAL-
LEGAL ASPECT)**

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Nowadays, the safety of civil aviation is one of the priority areas for the development of legislation of all countries in the world. The criminal legislation of Ukraine also has provisions establishing criminal liability for socially dangerous acts that pose a threat to the safety of civil aviation.

The main convention, which forms the basis of the concept of ensuring the safety of civil aviation, is the Convention on International Civil Aviation, also known as the “Chicago Convention” (1944), which established the basic principles for the operation of international civil aviation. This, in particular, applies to the rules of flights over the territory of the participating country, the principle of the nationality of the aircraft, the facilitation of international flights, international standards and recommended practices. In addition, the Convention Act includes the creation of the International Civil Aviation Organization (ICAO), of which Ukraine has been a member since 1992. ICAO, as an associate body of the UN, should monitor the implementation of the provisions of the Chicago Convention and its annexes.

A dramatic increase in the number of violent crimes that adversely affected the safety of civil aviation in the late 60s of the last century led to the convening of the Extraordinary Session of the ICAO Assembly in July 1970. One of the resolutions of this Assembly aimed at developing certifications in existing or new Annexes to the Chicago Convention, which specifically dealt with the problem of unlawful interference (including air piracy).

Annex 17 to the Chicago Convention defines acts of unlawful interference. These acts or attempts of improving acts, threatening the safety of civil aviation and including, but not limited to, unlawful seizure of an aircraft; destruction of an aircraft in operation; hijacking or at aerodromes; forced entry on board an aircraft, at an airport, or at the location of an air navigation facility or service. All of them are exhaustively listed in the specified Annex.

Thus, there is every reason to consider these provisions as guidelines for the construction of criminal liability standards for crimes in the field of civil aviation (aviation crimes).

Moreover, the obligation of states to respond to acts of unlawful interference and other actions that pose a threat to the safety of civil aviation provided for in the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970). In accordance with this international normative act, all states are obliged to strengthen criminal liability and provide for strict penalties for the unlawful seizure (including hijacking) of aircraft.

In addition to these two Conventions and Annex 17, one should also mention a number of other Conventions, which together constitute international legislation to

combat crimes in the field of civil aviation and serve as a legal guideline for the development of criminal legislation of individual countries. Such international acts include the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963), Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971), Protocol for the Suppression of Acts of Violence at Airports Serving Civil Aviation (Montreal, 1988 Supplementing the 1971 Montreal Convention), Convention on the Labeling of Plastic Explosives for the Purpose of Detection (Montreal, 1991), illegal acts in relation to international civil aviation (Beijing, 2010).

Ukraine in its criminal law has provided a number of rules on criminal liability for certain socially dangerous acts in the field of safety of civil aviation. So, in Art. 277 of the Criminal Code of Ukraine the criminal liability for intentional damage to communications and vehicles is provided. The consequence of this crime in air transport is an accident, which is understood by the legislator as damage to aircraft, airfield equipment, signaling and communications equipment, and an emergency landing of an aircraft. Criminal liability arises regardless of whether there was an accident or only the conditions for its occurrence were created.

Aggravating circumstances cause bodily harm to the victim (moderate or severe), great property damage or people's death. Art. 278 of the Criminal Code of Ukraine provides criminal liability for the hijacking of an aircraft. Art. 279 of the Criminal Code of Ukraine criminalized the blocking of transport communications and the seizure of an airfield. An aggravating circumstance is people's death and other leather consequences. Art. 280 of the Criminal Code of Ukraine provides the criminal liability for coercing an air transport employee to fail to fulfill his official duties by a threat of murder, causing grievous bodily harm, destruction of property of this employee or persons close to him. In these crimes, the safety of civil aviation is inflicted, as it were, from outside, a person who is not an aviation employee.

Art. 276 of the Criminal Code of Ukraine provides for criminal liability of an air transport employee for violating the rules of safety and operation of transport, poor-quality repair of vehicles, signaling and communications equipment.

In our opinion, a significant drawback of Ukrainian legislation is that it not singled out as a separate crime in the field of security and civil aviation. All of the above socially dangerous acts are considered in the context of transport crimes. Criminal liability has been established for socially dangerous acts against traffic safety and operation of such modes of transport as rail, water and air transport. At the same time, the specificity of air transport and international law sets out measures to ensure aviation security, not taken into account. This situation leads to a certain colossal nature when applying specific norms of the criminal legislation of Ukraine. Illegal acts in the field of aviation have a greater social danger and the punishment for their commission should be more severe. Among the crimes against traffic safety and the operation of transport, only three articles provided that contain the elements of crimes directed directly against aviation safety. So, Art. 276-1 of the Criminal Code of Ukraine provides for liability for a crewmember or air traffic control by an air traffic control dispatcher (traffic service dispatcher) while intoxicated or under the influence of narcotics or psychotropic substances. Such a norm, of course, is necessary, because this act can entail lethal consequences. At the same time, there are no norms in the Air

Code of Ukraine regulating the control of the crew and dispatchers. Today, there remains a tendency to spot checks and the elimination of crews or their members who are in such a condition from flying, rather than bringing them to justice. It is surprising that the sanction of this article does not include such an additional punishment as deprivation of the right to engage in certain activities (Article 55 of the Criminal Code of Ukraine). From two alternative sentences that are correctional labor or imprisonment, just imprisonment can practically be applied. Correctional labor is served at the place of work, thus, it is not possible to apply it to pilots, stewardesses and other crew members.

Another article, namely Art. 282 of the Criminal Code of Ukraine “Violation of the rules for the use of airspace” can be attributed directly to crimes in the field of civil aviation. The commission of illegal actions in the airspace entails criminal liability in the event of a threat to the safety of air flights.

As regards punishment, it should be noted that for crimes in the field of civil aviation rather severe penalties are provided, which generally complies with the requirements of the Hague Convention. If these socially dangerous acts accompanied by lethal consequences, loss of life, infliction of at least one victim of moderate gravity or grievous bodily harm, then the term of imprisonment is from eight to fifteen years.

A serious drawback of the criminal legislation of Ukraine in the field of aviation crime is its imbalance. The legislator should recognize that the safety of civil aviation is a separate subject of criminal law protection. Causing the safety of civil aviation is much more dangerous than the safety of other vehicles. Therefore, the legislator should highlight certain rules in the Criminal Code of Ukraine, which should establish criminal liability for acts expressly provided for in Annex 17 to the Chicago Convention. There are no separate rules on criminal liability for air piracy, for placing dangerous weapons or radioactive materials or devices on board a civil aircraft or at the airport. The Criminal Code of Ukraine contains only general norms that are difficult to apply to specific situations that pose a threat to the safety of civil aviation.

And although it cannot be said that Ukraine ignores the requirements of the Hague Convention, at the same time it should be recognized that the criminal law provisions establishing liability for civil aviation crimes do not fully comply with the requirements of Annex 17.

All of the mentioned above indicates the relevance of this issue. Despite the measures taken by the international community, hijacking still exists. Recently, there has been a real threat of using the aircraft as a weapon to strike ground targets.

THE PROBLEM OF AIR SAFETY

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Ukraine's transport system is growing in the modern world. Aviation is a diverse field and it has to operate in different countries. The aviation sphere is the most diversified in the strategic, providing safe security, priority from terrorism,

because it is direct from other norms of the Constitution [1].

Central authorities were used in the service of decision-making and management in the field, and they were carrying out more business data. It is said that the state established a system of legal systems in order to use official relations, but they used their own systems, which set rules and regulations that existed within themselves. For example, according to the representatives of the Accounting Chamber of Ukraine, the Ministry of Infrastructure in 2012-2014 did not support proper regulatory and legal regulation in a civil atmosphere. The part of the normative-legal acts that comes to the entry into force of the new Air Code of Ukraine is not concerned with national legislation, and some of them have no international norms. At present, there is no single programming document in Ukraine that has been the most diversified and strategically developed transport sector. The Ministry of Infrastructure has not submitted to the government a draft on the implementation of the entire airport development program for the period until 2023. The state flight safety program is also not confirmed.

Ways to change: 1) Updated security production with the use of retained utility programs that keep the security industry in the security mode, and monitor the status of your own entity that requires the required work, adhering to 17 Conventions on international civilian activities; 2) using a single center that supports and enables civilian exploitation to make the best decision in the event of an incident, or to establish a stable, low level of liberalization of international air services with central Europe (a probable market was invited with 11 trusted questions out of 28), (full liberalization, which has taken place with the US since January 14, 2016), Asia and the Middle East;

We can just make the following decisions: Thus, under the state regulation of civil aviation, we offer work for the activities of entities and management entities in a certain industry in the system of legal professionals (concept, program, use), in order to obtain information When organizing faster and more focused, use them as you wish, on the contrary, and legal science and applied research in one of them were highly technical and formed functional links. Law regulates civil security, and security itself, requires legislation to be enacted, confidence-based, and security standards enforced.

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ICAO AS A LEADING INTERNATIONAL AVIATION ORGANIZATION

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Many international organizations have been set up to ensure air traffic safety, international transportation, flight regulation and fair use of airspace. Today, Ukraine is a member state of many international civil aviation organizations, the largest of which is ICAO.

The International Civil Aviation Organization (ICAO124) is one of the most representative intergovernmental organizations with the status of specialized agencies of the United Nations. ICAO has been in existence since April 4, 1947, when the Chicago Convention of 1944, of which its Charter is a part, came into force. [1]

The ICAO Charter establishes a special group on the rules that ensure the functioning of the organizational and legal mechanism of this Organization. They determine which ICAO bodies they have, what dependencies and subordination they are in, what methods they can use to perform their functions, what organizational form they are required to operate. In general, the ICAO Charter defines the membership procedure, the structure and organization of bodies, the application of the rules of procedure, the harmonization of international air navigation rules, the simplification of formalities, the adoption of amendments to the Chicago Convention, the development and adoption of new conventions, the settlement of disputes and differences between Member States, the provision of technical assistance facilitates, the development of international air transport and the administration of ICAO. [2]

ICAO's goals and objectives are set out in Art. 44 of the 1944 Chicago Convention. These are: the creation of a secure and orderly development of international civil aviation worldwide; assistance in the design and operation of aircraft, the creation and development of routes, airports and air navigation aids for international civil aviation; meeting the needs of the peoples of the world in safe, regular, efficient and economical air transport; prevention of economic losses caused by inadvertent competition; promotion of flight safety [1].

ICAO's functions and competence are has a particular nature. ICAO performs coordination, operational, control, regulatory and arbitration functions. ICAO has a specific competence for their implementation, that is, the right to make decisions or participate in international air navigation and international air transport.

The ICAO environmental policies and practices are reviewed and updated every three years by the ICAO Assembly. These policies and practices are currently being incorporated into Assembly Resolutions A40-17, A40-18 and A40-19, adopted in October 2019.

ICAO Council has also adopted a strategic objective for the protection of the environment, which is to minimize the adverse environmental impact of civil aviation activities.

The ICAO structure is a collection of its permanent bodies formed on the basis and in accordance with the Charter. These include: the Assembly; Advice; Air

Navigation Commission; Air Transport Committee; The Legal Committee; Joint Aviation Support Committee; Finance Committee; The Committee by unlawful interference with civil aviation activities; Secretariat [2].

The highest organ of the Canine Assembly is held once every three years to identify ICAO's core activities in the field of international air navigation and international air transport. The Assembly is attended by all ICAO members.

The ICAO Council, the executive, permanent body of the Organization, implements the Assembly's decisions and manages its day-to-day activities between ICAO sessions.

In order to ensure the safety of international flights, it is important to create a single technological mode, which is possible only on the basis of the same rules of international air navigation. This work is being carried out today by ICAO through the adoption of technical and regulatory documents containing technical and legal requirements for aircraft, their crews and air navigation services. These requirements are reflected in the standards, practices, recommended air navigation services policies, guidelines and procedures. Although the technical and legal requirements and norms, regardless of their form, are advisory, there is a clear hierarchy between them. The standard contains higher reference requirements to be followed in favor of international air navigation.

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THEORETICAL-LEGAL ASPECTS OF ANIMALS TRANSPORTATION BY AIR

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In Ukraine, during transportation by air the requirements of the current legislation help to protect animals, passengers and aircraft personnel.

It is needed to admit that the European Convention on the Functioning of the Council of Europe is in force protection of animals during international carriage in 1968 and the European Convention for the Protection of Animals at International transportation (revised) 2003. Both documents are currently available rules for the welfare of animals and their protection against ill-treatment during transportation, and laid the groundwork legal regulation of these relations in some states Europe, significantly influencing EU law on the treatment of animals [1].

According to the mentioned document, in 2011, the Cabinet of Ministers approved the Rules for the Transportation of Animals (CMU Resolution No. 1402 of 16.11.2011) [2]. This document sets out in sufficient detail the conditions of carriage, the particularities of the use of the various modes of transport and the nuances of

ensuring an adequate level of safety for the different species of animals. For example, the standards for the size of containers for transporting fish, the size of cages for horses, mechanisms of loading and shipment, intervals of watering animals and so on.

On the base of the mentioned above document national air companies make their own transportation rules. For example, on the website of International Airlines of Ukraine, it is stated that if you wish to fly with a pet, it is necessary to inform the airline, having applied in advance, but no later than 24 hours before departure. Pet transportation is only possible if accompanied by adult passengers with the prior agreement of the airline. UIA transports only dogs and cats - both in the cabin and as checked luggage. Other animals need to be found separately. The total weight of the animal and the container is never included in the free luggage allowance. The carriage of animals (other than service animals) is always payable according to the UIA tariffs [3].

According to the paragraph 7 of Art. 102 of the Air Code of Ukraine, service animals accompanying a disabled person are transported free of charge to the aircraft passenger compartment subject to compliance aircraft operating rules [4]. And according to paragraph 3 of Chapter 2 Section XII of the Rules of Service Dogs (Guide Dogs) which assist state employees, teams rescuers or blind/deaf passengers and accompanying persons such passengers are carried free of charge along with containers and foods for their nutrition. In accordance with the paragraph 5 of Chapter 2 of Section XII of the mentioned Rules, it is prohibited to feed animals, however, it is recommended to do soothing prick [2]. An owner of such an animal need to purchase a ticket for the transportation of the animal, which is purchased at the cost of extra luggage given weights and sizes sport, are only transported in aircraft luggage compartments, so owners need to pre-pack cages or bags to carry their pets.

Animals to be transported must be clean, tidy and not kept odor. The carrier has the right to determine the method of transportation and limit the number of animals allowed to carry on one flight. In addition, the transportation of animals, accepted as checked luggage with the container and food, should be paid as an additional service for which the passenger must pay the applicable fare carrier [2].

It is possible to transport animals in the cabin. In accordance with paragraph 4 of Chapter 2 of Section XII of the Rules, in a passenger aircraft cabin is allowed to transport: 1) service dogs accompanied by a dog trainer; 2) guide dogs for the blind and deaf passengers provided the animals have a collar and muzzle; 3) small animals, the mass of which with the means of transportation is not exceeded 8 kg. In this case, a service dog, a guide dog [2]. So, the list of the mentioned types of animals is determined by the law.

To fly with a pet on an international flight an international veterinary certificate is needed. Required documents for the implementation of aviation transportation on domestic flights are: 1) a veterinary certificate of Form No. 1; 2) vaccination certificate with a record of vaccination from rabies that was made no earlier than a year and no later than a month before departure. To fly with an animal on an international flight the country of export, import and of transit: 1) International veterinary certificate to be provided drawn up on the basis of a veterinary certificate and registered with veterinary service of border control point; 2) a certificate of the fact that the animal is not of breeding value, as well as others documents requested by

the veterinary authorities of the country arrival or transit [2]. In our opinion, before travelling with an animal its owner has to prepare the mentioned documents beforehand.

Therefore, air transportation of animals is regulated in great detail legal acts. It is evident that the mentioned rules are in place to ensure the safe transportation and prevention of animal and crew hazard to animals.

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AIR CARRIER'S LIABILITY FOR THE DELAY IN DELIVERY

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The increasing number of air transportations in the world transport system raises the issue of carrier's liability in case of delayed delivery of cargo within the stipulated time. It is also interesting that the legislation in the field of air transportation is invariable, however in practical court cases, lawyers are faced with the problems of determining jurisdiction and determining what rules are applicable: rules of international law or rules of national law.

The purpose of this study is to review the current state of legal regulation of the issue of carrier's liability for the delayed delivery of cargo, as well as to refer to real court cases to understand the issues and aspects encountered by the practice.

Taking into account the goal of the study, the general scientific and special methods aimed at the research of legal phenomena were selected and used by the author. Thus, a formal-dogmatic method was used in the research. It provided an opportunity to identify the most important features of the legal regulation of the liability of the air carrier for delayed delivery of cargo. The use of the historical-legal method has allowed us to study the genesis of legal regulation under national and international legislation.

The conclusions were made on the basis of the analysis of scientific positions and views, as well as the approaches of domestic and foreign scientists using the comparative legal method. Case law review was carried out by applying the techniques of formal logic, with the help of synthesis, analysis, generalization, and analogy methods.

An important result of the Second International Conference on private air law in Warsaw was the adoption and signing of the Convention for the unification of certain rules of international air carriage (hereinafter referred to as the Warsaw convention).

However, different interpretations of the provisions of the Warsaw convention have led to conflicting approaches to civil liability. Thus, some scholars argue that the liability of the carrier is contractual, while others, in turn, consider the liability to be non-contractual (tort). There are also opinions of scholars who define such liability as a special type of non-contractual liability, which results in non-performance of contractual obligations [3].

In addition, in 1999, the Montreal Convention was adopted by the international community. Thus, according to the provisions of this convention, it is considered to be the supreme legal force in comparison with the provisions and norms of the Warsaw system, if the country of the carrier and the recipient of services are participants and signatories of this Convention. Nowadays, more than 135 countries, including Ukraine, are participants of the Montreal Convention. Therefore, it can be argued that it is precisely the Montreal Convention that applies to the settlement of international air traffic disputes. The use of both conventions at the same time seems impossible [2, p. 24-26].

However, the Ukrainian courts do not consider the Warsaw or Montreal conventions as the basis for settling a dispute. On the contrary, as the analysis of the jurisprudence shows, the judges consider that the standards of national carriage rules prevail over any other legislation. Thus, in the text of court decisions there are provisions according to which the standards of the rules should be used to such controversial legal relations [1].

According to the information given above, we can see that judges in Ukraine still use the soviet approach, which is based on the fact that the standards of international law play an additional role, the application of the provisions of international law is possible only in the case when they do not contradict the domestic law. As a result such approach ruins the achievements of Ukraine's ratification of international agreements and the application of convention norms.

In our opinion, an international agreement, ratified by its members stipulates the obligation of each party to comply with its rules. Replacement of an international agreement by a national act, even if it establishes the same regulation as an international one, is considered inadmissible.

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AIR CARRIER'S LIABILITY FOR THE LOSS OF LUGGAGE

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There is no doubt that the importance of air transportation is increasing due to the increasing demand for it. Nowadays spreading of infectious diseases, in particular the Covid-19 coronavirus, has led to increasing number of people who use this type of transport to return to their Homeland. It is clear that with the increased number of passengers, the amount of luggage that must be moved also increases. In connection with this, the issue of carrier's liability for the loss of luggage becomes especially relevant.

The purpose of this research is to analyze the current state of legal regulation of liability of an air carrier for loss of luggage, taking into account the most recent changes, which entered into force on March 5, 2019.

In accordance with the objective of the research, the author used specially selected general scientific and special methods aimed at understanding the legal phenomena, which allowed to reveal the topic of the research more effectively. In particular, the following methods were used: formal-dogmatic method - to describe the features of the current state of legal regulation of liability of an air carrier for loss of luggage, taking into account the most recent changes, which entered into force on March 5, 2019; synthesis and analysis methods - for reviewing legal literature and legal regulations, and generalizations - to formulate the conclusions of the research.

On March 5, the Aviation Rules of Ukraine "Rules of air transportation and passenger and luggage service", which were approved by the State aviation service of November 26, 2018 No. 1239, came into force [1].

These aviation rules define the general conditions of passengers and luggage transportation, which are carried out by air transport, taking into account the safety of flights and the quality of service. Air carriers and other aviation entities engaged in the transportation of passengers and luggage by air are considered to be the subjects of this legal regulation.

These rules stipulate the obligation of the air carrier to compensate for the damage caused, as well as determine the amount of compensation for such damage.

In particular, an air carrier or any other aviation entity must compensate the caused damage in the case it happened on the board of the aircraft or within the period of time when the air carrier was responsible for the storage of luggage.

The acknowledgment of loss of luggage or delivery of luggage 21 days later than it was supposed to be are considered as the loss of luggage or delayed delivery of luggage. In such case the passenger or the luggage holder shall be entitled to claim compensation under the terms of the air carriage agreement .

In such cases, the air carrier is obliged to compensate for the delay of the flight and luggage, unless its employees and sales or service agents prove that they have taken all possible steps to avoid damage or that they were not able to take such measures.

In case of improper transportation of luggage, the air carrier and any other

aviation entity shall compensate the real damages, proved by the passenger, but within the limits specified by the rules [3].

For example, the LOT air carrier posted the following information on its official website: In the case of delay in luggage transportation, the air carrier is liable for any damages if it has not taken all possible preventative measures to avoid such delays or except situations where such measures were impossible. Liability for any luggage delays is limited up to 1,288 SDR (SDR is the monetary unit used by the International Monetary Fund [2]).

The carrier is responsible for the destruction, loss or damage of luggage up to 1,288 SDR. The carrier is liable for the checked luggage even if he is innocent of damage to it (unless the luggage was defective). In the case of unchecked baggage, the carrier is liable only if the damage is caused by his fault.

According to the information given above, we can conclude that the legislation of Ukraine is developing in accordance with international law and these changes are quite positive.

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LEGAL STATUS OF PASSENGERS IN CASES OF DELAY AND CANCELLATION OF FLIGHTS BY AIRLINES

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Ukraine as an aviation state is an active participant in the global modernization processes in the air transport industry. The need for air transportation is growing every day. This is due to objective needs, since air transport is one of the fastest means of communication, which has its advantages and remains the safest mode of transport.

The advantages of this type of transport are the speed of delivery, high reliability, the best cargo safety, the shortest transportation routes, and the ability to deliver goods to hard to reach regions. However, this type of transport is not without disadvantages. The following disadvantages are identified: the high cost of tickets, the material intensity of transportation, the dependence of flights on weather conditions and the delay or cancellation of flights by airlines.

One of the significant problems is the violation of the rights and interests of passengers in cases of cancellation or delay of flights. Therefore, there are many questions that you need to know the answer to:

1) what rights do passengers have if the airline has delayed the flight or

anceled it?

2) can passengers expect financial compensation from the airline?

3) in what order they can protect their rights and what documents should they have

be provided.

In the course of the research the works of leading scientists who dealt with the mentioned problems of activity were used in particular of Glichova O. V., Deming Ye., J., Isikava K., Kaliti P., Lvova D. S., Feigenbaum A., Harrington J., By James F. Engel, Martin Fischbein and others.

The procedure for international passenger transportation by Ukrainian airlines is regulated by both the national legislation of Ukraine and international law, in particular international treaties ratified by the Verkhovna Rada of Ukraine.

According to section XV of the Order of the State aviation service of Ukraine on approval of the Aviation rules of Ukraine "Rules of air transportation and passenger and baggage service": the carrier may delay the flight for commercial reasons, as well as for reasons that do not depend on him. In the event of an emergency, the carrier has the right to cancel or delay the flight or cancel a previously confirmed reservation without notifying the passenger. In case of flight delay, the carrier is obliged to inform passengers independently or through the airport operator [3].

The aviation rules of Ukraine also provide that the service in case of flight cancellation must be offered and provided free of charge, namely: food and soft drinks, hotel seats if passengers are forced to wait for departure for one or several days, ground transfer, two phone calls, if there are technical conditions of the airport. The carrier must pay special attention to the needs of passengers with disabilities.

Section 1 of article 922 of the civil code of Ukraine [2], article 19 of the Montreal Convention [4], and according to the rules of the carrier – the carrier is not responsible for violation of term of delivery of passenger to the destination, if it has occurred owing to insuperable force, elimination is not the health of the vehicle which threatened the life or health of passengers and other reasons, not to depend from the will of the carrier.

A citizen whose rights have been violated by an air carrier may, in accordance with the provisions of part 2 of article 104 of the Air code of Ukraine, apply to the court with a civil claim to protect their violated rights [1].

If the flight was delayed, and the carrier did not provide information about the reasons for the flight delay, did not provide food, waiting room, the right to a free phone call – passengers can apply in writing to the official representative office of the air carrier with a corresponding claim and offer to provide fair compensation for the violated rights of the passenger.

Therefore, we can conclude that the legal status of passengers in cases of detention or cancellation of a flight by an air carrier is an important problem in Ukraine. In my opinion, it is necessary to improve the system of air transportation and ensure a high-quality level of passenger service by introducing an electronic system for tracking flights by passengers.

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CRIMINAL LIABILITY FOR PERFORMING A PROFESSIONAL ACTIVITY AS A CREW MEMBER WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS OR PSYCHOTROPIC SUBSTANCES

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The professional activities of aviation personnel are imperative to the strict observance of an adequate level of flight safety, which depends not only on the efficiency of the operation of air transport, but also the life and health of crew members and passengers. Improper performance of the aviation personnel and gross violation of aviation security requirements can lead to catastrophes, aviation incidents and crashes loss of life and property damage.

The determines the presence legal basis of criminal liability of the Criminal Code of Ukraine by the person committed socially dangerous act of the crime fact provided for by the Criminal Code (Article 2 of the Criminal Code of Ukraine). This means that only the person who is the subject of the crime and who is guilty of committing a prohibited criminal act against the objects protected by the law on criminal liability can be prosecuted.

The generic object of the crime according to Art. 276-1 of the Criminal Code of Ukraine, is safety of movement or operation of transport. Article 276-1 of the Criminal Code of Ukraine establishes criminal responsibility for performing a professional activity as a member of a crew or air traffic service by an air traffic management (traffic service dispatcher) manager while intoxicated or under the influence of narcotic or psychotropic substances. Therefore, the socially dangerous act of this crime is committed by air transport and affects the safety of traffic and operation of air transport. Aircraft traffic safety is an integral part of air traffic safety and operation. Therefore, the main direct object of the crime according to Art. 276-1 of the Criminal Code of Ukraine, in our opinion, should be considered as the safety of aircraft flights.

Flight safety, in accordance with international standards, is considered to be a control of risk factors and is a condition in which the risk of harm is reduced to an acceptable (target) level and maintained at this or a lower level through a continuous

process of identifying and controlling risk factors [1].

Because of the fact that security has many types (aviation, industrial, domestic, public, demographic, economic, environmental, social, national, fire, radiation, traffic, technogenic, transportation, financial, food, nuclear, etc.), the concept of "safety" in each industry is treated differently. But generally understanding the content of the category "Security" includes the absence of danger and the presence of a state of protection of vital interests of the individual, society, state from internal and external threats. In this context, security is to be regarded as one of the most important conditions for humanity in modern times, world community and states, society and human activities [2].

The socially dangerous act of the crime according to Art. 276-1 of the Criminal Code of Ukraine, are alternative actions: 1) professional provided activity and 2) air traffic services, committed in the state of alcohol intoxication or under the influence of narcotic or psychotropic substances. Since the norm stipulated in Art. 276-1 of the Criminal Code of Ukraine, which has a blank disposition, in order to clarify the issues of professional activity by aviation personnel should refer to the normative acts of aviation transport.

If we analyze the definitions of the crew members regarding the text of the Air Code of Ukraine, they are persons of the flight crew and crew of the passenger and cargo cabin, who during the flight constantly perform the following functions:

- 1) implementation of the procedures prescribed by the Flight Operations Manual;
- 2) Maintenance of the equipment, mechanisms and devices necessary for the flight of the aircraft, as well as the equipment installed on the aircraft and necessary for the performance of the flight task;
- 3) ensuring the safety procedures of passengers on board the aircraft and servicing them.

And the persons who serve the aircraft before takeoff and after landing are not covered by the definition of "crew member" and accordingly about them in the disposition of Art. 276-1 of the Criminal Code of Ukraine does not go. These persons are described in Art. 62 of the Air Code of Ukraine, as additional specialists on board of are not asponsible the aircraft. That is for the actions performed are described in the disposition of Art. 276-1 of the Criminal Code of Ukraine they do not bear. However, the actions of an intoxicated aircraft technician or who prepares an aircraft for flight under the influence of narcotic or psychotropic substances is no less dangerous than the actions of crew members in the same condition. Analysis of this issue requires the addition of Art. 276-1 of the Criminal Code of Ukraine additional points, namely: to add a few more subjects, such as: additional specialist on board of the aircraft and persons preparing the plane for takeoff. Qualifying traits should also be added to determine the special nature of the criminal law.

As a conclusion, we note that Art. 276-1 of the Criminal Code of Ukraine is far from perfect both in form and content, and the question arises whether to amend it accordingly, in order to simplify its interpretation.

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CONCEPTS OF THE ACT OF ILLEGAL INTERVENTION IN THE CIVIL AVIATION ACTIVITIES

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The problem of counter-terrorism, and especially air terrorism, has become quite urgent over the last 20 years, which has prompted a concerted effort by countries around the world. However, the development of any legal institute is impossible without the creation of a conceptual apparatus, and such a term as the "act of unlawful interference with the activities of civil aviation" requires a single scientific and regulatory definition, which does not exist today. In particular, the concepts of international law such as "hijacking an aircraft" or "air piracy" are applied to the unlawful seizure of an aircraft [1, p. 20]. There is no consensus as to whether the act of unlawful interference with aviation is an international crime or an international crime.

The first definition of this term was made in 1974, with the adoption of Annex 17 to the 1944 Chicago Convention relating to the regulation of international civil aviation, which lists illegal acts as "acts or attempts to commit acts that pose a threat to civil aviation security". , with an open listing of such acts as: unlawful seizure of aircraft; the destruction of an aircraft in service; taking hostages aboard aircraft etc.

Today, there are quite a number of conventions that substantially fill the conceptual apparatus of an act of unlawful interference. Convention for the Suppression of Unlawful Acts Against Civil Aviation Security (Montreal, 23 September 1971), which was subsequently supplemented by the Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 24 February 1988), which further expanded the term under study, adding it to new concepts [2]. The 1971 Montreal Convention already uses the term - "unlawful act against civil aviation danger", which includes a number of formulations related mainly to sabotage acts that threaten the technical reliability of aircraft and aeronautical equipment on board , and at the airport.

Summarising the rules of the aforementioned conventions, scholars have proposed the following system of international legal concepts concerning acts of unlawful interference.

- piracy, including in the field of civil aviation (Geneva Convention of 1958);
- unlawful seizure of an aircraft (1970 Hague Convention);
- an act against civil aviation security - a sabotage act by air or airport (Montreal Convention 1971 (ed. Montreal Protocol 1988) [3, pp. 109-111].

That is, formally enshrining the concept of an act of unlawful interference with

the activities of civil aviation, the Tokyo, Hague and Montreal Conventions laid the foundations for international cooperation between States in combating acts of unlawful interference with civil aviation security. These conventions obliged States to adopt appropriate domestic legislation on the classification of acts of unlawful interference as threatening the safety of civil aviation and being a criminal offence to be investigated and, if committed, to render themselves liable according to the degree of danger, and in the event of denial by the State. - obligation to extradite those perpetrators of these crimes to other interested states [4, p. 74-75].

As a conclusion, it can be noted that in international law, the general concept of "acts of unlawful interference" is understood as intentional unlawful acts carried out mainly by individuals (individuals) (which does not exclude the possibility of their implementation by States). Almost all relevant international conventions require States parties to incorporate acts of unlawful interference with civil aviation into national law as crimes, since they carry a potentially high public danger. But this does not mean that this type of crime should be categorised as international, even though it is being dealt with internationally. That is, acts of unlawful interference with civil aviation activities are crimes of an international nature.

Also, the concept of an act of unlawful interference in international law must be fully in line with a similar concept in national law, which is not currently the case, since domestic law regulates all cases and even non-civil aviation crimes. Therefore, based on the principle that the legislation should be clearly defined, further scientific and legislative work should continue in order to unify and unify such phenomena as the act of unlawful interference with civil aviation.

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AVIATION INSURANCE MARKET RESEARCH IN UKRAINE

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In the modern world insurance plays very important role, and especially aviation insurance, which is complex and quite complex in nature. According to world data, air transport is considered to be the safest, but there are still a number of aviation

events and incidents in this area. Insurance serves as a means of mitigating the consequences of these unforeseen events.

The topic of aviation insurance in Ukraine was considered by a large number of scientists, namely: Bazilevich V. D., Govorushko T. A., Andrushchenko L. V., Golovko Y. Y., Yavorskaya T. V., Svitlichnaya E. S., and others. Analyzing the writings of these authors and exploring new sources of information, we aim to cover the topic of aviation insurance in Ukraine more.

The purpose of the work is to analyze the state of the aviation insurance market in Ukraine at the present stage and evaluate the prospects for its development.

First of all, it should be noted that the air transport system of Ukraine is in a state of intensive development, which is activated by the spread of commercial, scientific and labor contacts and visa-free regime with the EU countries. This is confirmed by the growth in the number of air transportations by 20% in 2018-2019 and the number of aviation enterprises in Ukraine, which is the largest among the countries of the former Soviet Union, with the exception of Russia [1]. The level of development of the air transport system is confirmed by the number of aircraft in operation, the presence of a closed production cycle, and a considerable aircraft repair base. The characteristic feature of Ukraine is the presence of a well-developed structure of airports throughout the country, which allows them to be used as transit around the world [1].

From the very beginning of Ukraine's independence, the legislative base of the air transport system was created on the basis of state legislative acts and international treaties and conventions. One of the areas of state and international regulation of the air transport industry is the requirements for mandatory licensing and insurance of air transport system products. This contributed to the emergence of demand for aviation insurance services and the entry of a significant number of specialized companies into the aviation insurance market. According to the State aviation service of Ukraine, as of 11.02.2019, there are 57 licensed insurance companies that have a license for mandatory aviation insurance of civil aviation and are registered with the state aviation Service [2]. These insurance companies provide aviation insurance in many categories. They can be divided into the main types of insurance that they perform:

1. Liability insurance;
2. Insurance of civil aircraft;
3. Accident insurance;
4. Insurance of crew members and aviation personnel.

Analyzing the territorial distribution of insurance companies that provide aviation insurance, it should be noted that there is an uneven distribution across the regions of Ukraine, because most of them are located in the capital of Ukraine. This leads to a lot of competition and a certain delay in the development of other cities in Ukraine.

The weak points in aviation insurance in Ukraine include: a small amount of insurance (up to 500 thousand dollars.); the legislative framework is not fully consistent with global trends; lack of awareness of the population in the field of insurance, etc. The most important factor that guarantees the quality of insurance services in the field of aviation insurance as a type of insurance provides coverage of catastrophic risks is the financial stability of insurance companies and the possibility

of reinsurance of aviation risks [3].

It should also be noted that in recent times, state regulation is aimed at reducing the liability limits for insurance of domestic aircraft teams, which may lead to an outflow of qualified flight personnel to foreign labor markets. At the same time, other types of liability in relation to passengers, baggage and cargo remained at the level recommended by the ICAO [4].

The domestic aviation insurance market is beginning to develop services that form the infrastructure of a civilized aviation insurance market. Ukrainian universities have already started training actuaries who have the skills to calculate liability limits, insurance premiums, etc. These are the services of Adjusters, surveyors and reinsurers, rating agencies of insurance companies (see Fig. following). In addition, associations of insurance companies are quickly formed, which leads to a concentration of capital that is invested in the development of certain types of aviation insurance, as well as reinsurance of aviation risks, or in other investment projects.

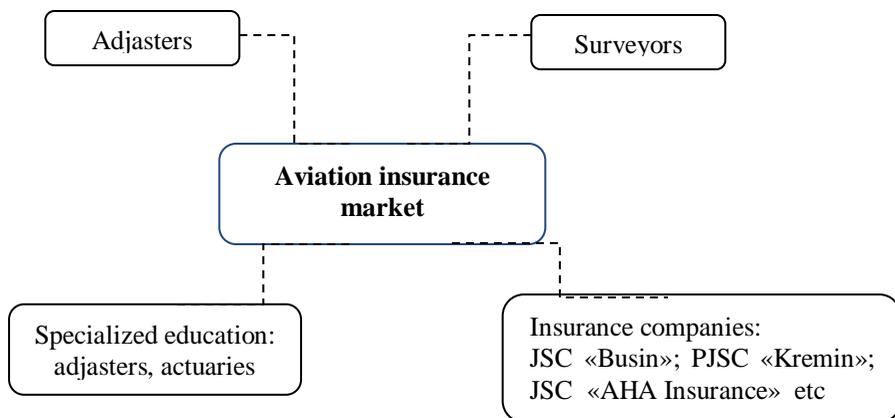


Fig. Formation of aviation insurance market infrastructure in Ukraine

Also, specialized publishers have appeared in the infrastructure of the domestic insurance market, which highlight the problems and directions of development of aviation insurance. This is the magazine "Insurance TOP" and "Forinsurer".

Conclusions. The Ukrainian aviation insurance market is at the stage of intensive development and capital concentration. This is confirmed by the development of the insurance market infrastructure and the emergence of associations of insurers. Given that aviation insurance has an international character, it is advisable to attract foreign capital to this industry, expand economic and international relations, and improve the level of both aviation and insurance services. The paper considered the aviation insurance market in Ukraine and the activities of individual insurance companies.

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CARGO AIR TRANSPORT CONTRACT IN UKRAINE AND IN THE WORLD

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Man has always dreamed of flying ... However, airspace and flying in it without the use of special equipment or equipment (except free fall) is the only sphere that is beyond its control. When the dream of human flight became a reality, it was called "aviation" (fr aviation - from the Latin avis - bird) - a field of technology associated with flying in the atmosphere of heavier than air vehicles. With the development of science and technology transportation of goods and passengers by air became a reality. The relations of air carriers with customers and passengers needed legal regulation, since the law is a universal regulator of public relations. What regulations currently regulate the legal relationship for the carriage of passengers by air?

The sources of legal regulation of passenger transportation include: Central Committee of Ukraine (Chapter 64 "Transportation"); transport charters and codes, rules of carriage of passengers. However, studies have repeatedly noted the absence in the Civil Code of Ukraine and in the above-mentioned acts of articles on the responsibility of the transport carrier for the failure or improper performance of the contract of carriage of the passenger and / or his cargo.

In Art. 908 of the Civil Code of Ukraine states that the conditions of carriage of goods, passengers and luggage by certain modes of transport, as well as the liability of the parties for these transportations, shall be established by the contract, unless otherwise provided by this Code, other laws, transport codes (charters), normative legal acts and rules, issued according to them.

The latter are regulated by the Air Code of Ukraine dated 19.05.2011; Rules for air carriage of passengers and luggage of 30.11.2012, which have been elaborated in

accordance with the requirements of Regulation (EU) of the European Parliament and of the Council of 11.02.2004 No 261/2004 on the introduction of general rules for compensation and assistance to passengers in the event of refusal of carriage, as well as cancellation or long delay of flights; Council Regulation (EC) No 0927/1977 of 20 October 1997 on the liability of the carrier in the event of an incident; The 1999 Montreal Convention; General Conditions of Carriage of Passengers and Baggage established by the International Air Transport Association (IATA), resolutions and recommended practices of the International Air Transport Association (IATA).

It is worth noting that airlines are also developing their own Passenger Carriage Rules, exemplified by the Private Joint Stock Company Airlines Passenger and Luggage Air Carriage Rules, which may not contain provisions worse than those specified in a state aviation order. Service of Ukraine "On Approval of the Aviation Rules of Ukraine" Rules of Air Transportation and Passenger and Luggage Service "

As for the contract of carriage of goods, it is necessary to understand the specifics of this concept: In Art. 909 of the Civil Code of Ukraine fixed the general definition of the contract of carriage of goods: under this agreement one party (carrier) undertakes to deliver the cargo entrusted to it by the other party (sender) to the destination and to give it to the person entitled to receive the cargo (recipient), and the sender is obliged to pay a fixed fee for the carriage of goods.

The contract of carriage of goods is bilateral (each party acquires a contract of rights and obligations), real (considered concluded from the moment of transfer of the cargo to the transport organization) and free of charge (for the carriage of the goods by the sender or the consignee obliged to pay the contract stipulated by the contractor) fee).

The subjective composition of the contract of carriage is characterized by the fact that in addition to the parties, which are the carrier and the shipper of the cargo, in the contractual relations, usually the consignee of the cargo also participates.

The consignor of the consignment (consignor) is a natural or legal person who submits the consignment.

Consignee (consignee) is a natural or legal person specified in the document for the carriage of goods, which on behalf of the shipper accepts the cargo and fills the transport documents at the destination. The law does not exclude that the same person can be both the sender and the consignee.

The subject of the contract of carriage is transport services, which are to move certain goods. However, it is necessary to distinguish between the concept of the object of the contract and the object of transportation, which is the specific cargo. But this type of cargo transportation is quite specific. It does not suit everyone, because it imposes certain restrictions and requires the involvement of additional transport to deliver cargo to the airport.

Delivery by plane is often used for cargo with atypical parameters, dangerous goods, medicines, expensive perishable products. But not every oversize will fit inside the aircraft fuselage. It is necessary to make accurate calculations, work on entertainment, make special fixtures.

With standard and collapsible cargo, things are easier. There are no problems with them except for the cost of the operation. Delivery of air cargo is cost effective, when it is necessary to ship them as soon as possible, for goods that quickly lose their

properties, humanitarian aid, etc. The aircraft is often carried by animals. They are at times easier to perceive a flight than a trip in a lorry, a railway car.

Air freight does not require the addition of additional points in the contract with the insurance company. The airport staff, a priori, have the necessary work permits, are qualified, adhere to safety rules. It cannot even be the case of theft or damage during handling. Reliable fixation of cargo in the compartment is dictated by practical considerations. The aerodrome security service will not do well to take off until it is convinced that everything is done strictly by standard.

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CIVIL AVIATION SECURITY

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Civil aviation safety and safety in general is a crucial factor for human life and health. From the point of view of the acceleration principle, which provides for the identification of existing production and security cases, transport safety (transportation safety) has three warehouses: genuine passenger and freight transportation is securely protected in vehicles and structures, all other production resources are considered. open from working transport; secure the process of transportation and transportation of enterprises from counteraction, conduct and terrorism; protected long work in this field with the functioning of transport enterprises.

That is, transport security (transport safety) is a broad concept, it applies not only to transport safety, but also to the safety of all technological processes in the transport industries, including economic and information security. It aims at protecting: passengers, owners, recipients and carriers of goods as persons who directly consume or create a transport product; owners of vehicles and persons chartering it; transport complex, including infrastructure and workers; the economic status of the country, including budgets at all levels; environmental status of the environment [1].

Thus, transport security actually consists of subsystems that characterize the security status of different modes of transport. In the study area, flight safety cannot be equated, for example, with more a broad concept of aviation security. The latter

includes, along with flight safety, aviation, information, economic and other. security. The Law of Ukraine “On State Program of Civil Aviation Security” states that aviation security is the protection of civil aviation against acts of unlawful interference, which is ensured through the implementation of a set of measures involving human and material resources [2].

The acts of unlawful interference include: - unlawful seizure of aircraft; - destruction of the aircraft in service; - taking hostages aboard aircraft or airfields; - forced entry on board an aircraft or the location of an air navigation service or service; - the placing on board an aircraft or at the airport of a weapon, dangerous device or material intended to achieve criminal purposes; - use of an aircraft in service for the purpose of preventing injury, other damage to health, death to an individual or significant damage to property or the environment; - the communication of deliberately false information that endangers the safety of the aircraft while flying or on the ground, the safety of passengers, crew, ground staff or the public at the airport or the location of civil aviation facilities or units [3].

In the Aviation Safety Management System Regulation, “flight safety” is defined as a complex characteristic of air transport and aviation activity that determines the ability to perform flights without endangering the life and health of persons. It is hard to disagree with this statement, because flying is absolutely impossible without threat to life and health of people a priori. Being a source of increased danger, the aircraft only then becomes safe when it is motionless, that is, on the ground. Supporting the position of N.V. Daraganova, one can try to ensure a high level of safety and reliability of aviation transport, but completely, fully making air transport safe is an unrealistic task [4].

Therefore, civil aviation safety is a state of flight safety, environmental safety, economic and security information, an aviation system operating to meet the needs of the public in aviation and transportation, which ensures timely detection, prevention and neutralization of real and potential threats to flight safety. , and in their presence or occurrence eliminates the possibility of causing harm to them.

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CRIMINAL RESPONSIBILITY FOR VIOLATION OF RULES OF AIR FLIGHTS

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The Criminal Code of Ukraine (further on the text – CC of Ukraine) in Article 281 sets criminal responsibility for violation of rules of air flights. Violation of rules

of airships flights safety by persons that are not workers of air transport, can substantially influence on the safety of flights of both civil and military aviation and entail the death of people or the offensive of other heavy consequences. Violation of rules of air flights envisages the feausance of actions, which is forbidden by these rules, or non-fulfillment of those binding overs that a person could and must execute.

The safety of flights of airships rules is connected with legal acts that regulate flight of airships, and also pointing of commander and members of a crew of an airship that swim out from them and are obligatory for persons that are on it during the flight. The flight is the time from a moment pushing a door to before the beginning of a voyage and to the moment of permission to passengers to go out after arriving [4, p. 401]. According to Article 1 of the Air Code of Ukraine, airships are vehicles that are supported in an atmosphere as a result of their co-operating with air, different from co-operating with the air removed from the ground [3].

The basic direct object of the mentioned crime is the safety of motion on air transport. Life and health of a person, property, environment, and other welfares can come forward as an additional optional object.

Characterizing an objective side of the air flights rules violation, it is necessary to take into account that it includes three obligatory signs:

1. the violation of airships flights safety rules by persons that are not workers of air transport;
2. consequences in the type of danger for life of people or offensive of other heavy consequences (Part 1 of Article 281), infliction of middleweight of bodily harms or large material harm (Part 2 article 281), death of people (Part 3 of Article 281);
3. a causal connection between the violation of flights safety rules and marked consequences [2, p. 603].

Analyzing these three signs, it is possible to draw a conclusion, that a corpus envisaged in Article 281 of the CC of Ukraine delict is material, as publicly-dangerous consequences and a causal connection between them and a criminal act is obligatory for qualification act self according to the real article.

A subject of the crime is special, because it may be presented by a 16-years-old responsible person that is not the worker of air transport [1].

A subjective side is characterized as an intentional or careless guilty attitude to the violation of air flight rules. The attitude toward the consequences of the crime is characterized only by the careless form of guilt.

The characterizing signs of the crime are infliction to the victim of middleweight of bodily harm; material harm (Part 2 of Article 281 of the CC of Ukraine); death of people (Part 3 of Article 281 of the CC of Ukraine).

Talking about complications and features of classification of the crime in accordance with this article, it's important to mark divergences in interpretation of Part 3 of Article 281 of the CC of Ukraine.

In particular, divergences show how it is necessary to characterize such a consequence of this crime, as a task to the face of heavy bodily harm, as Part 2 of Article 281 of the CC of Ukraine envisages infliction of bodily harms of middleweight, but not heavy. There are authors that exclude possibility of qualification for totalities of crimes [3, p. 845; 1, p. 461].

However, also there are those scientists that have another idea in relation to it and mark that such cases must be characterized on the rules of the totality of crimes according to Part 2 of Articles 281 and by Article 128 of the CC of Ukraine [5, p. 633].

To our mind, more expedient is the opinion of the first group of scientists that consider that Part 3 of Articles 281 of the CC of Ukraine namely “other heavy consequences” embraces the fact of causing of heavy bodily harm, and that is why the additional qualification according to Article 128 of the CC of Ukraine (Careless heavy or middleweight bodily harm) is not needed.

Thus, a crime that is in Article 281 of the CC of Ukraine namely “Violation of rules of air flights” behaves to the list of syllables of crimes against the safety of motion and exploitation of transport, and the specific of the crime envisages certain features during qualification, in particular, in part of the determination of the objective side of the corpus delict.

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ENSURE ACCESS CONTROL AND SECURITY OF AIRCRAFT AND CRITICAL CIVIL AVIATION FACILITIES

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The procedure for ensuring security of access for persons and vehicles, their stay in the areas of restricted zones, as well as the protection of assets of aviation entities is carried out in accordance with the order of the State Aviation Service of Ukraine "On approval of the Aviation Rules of Ukraine" Rules for the protection of aircraft and other important objects of civil aviation, ensuring access control them»[1].

Access control is an established procedure for the authorized admission of persons and transport into controlled and restricted areas. Important civil aviation assets include assets of the aviation entity's general infrastructure: airfield, aircraft, systems and equipment, communications, navigation and surveillance, personnel. The legislator defines the subjects of aviation activity as natural and legal persons irrespective of the form of ownership, departmental subordination, which carry out activities in the field of civil aviation [2].

The provision of airport security controls is done through the establishment of

boundaries of the controlled area. Managers of aerodrome operators, air navigation service providers, on the basis of risk and threat assessment, identify the areas in which vital work is performed to continuously ensure the safe operation of civil aviation. Such zones are defined as controlled and protected restricted areas.

Under the controlled area should understand the working area of the airline, the airport, the surrounding area and located close to these premises, access to which is controlled.

There must be a clearly visible physical obstacle between the uncontrolled and controlled areas, which prevents unauthorized access to the controlled area of persons, the passage of vehicles and the possible penetration of animals.

The location of an uncontrolled, controlled area, secure restricted areas, and critical areas of protected restricted areas shall be indicated on the airport (aerodrome) layout. This plan is attached to the Airport Aviation Security Program. Also included in an aviation security program for an airport (aerodrome) or air navigation service provider is the area outside the airport (if any). If they are defined as controlled or restricted areas, they are protected and subject to access control. These zones include: cargo warehouses of registered agents and known consignors; designated premises of the postal service providers, in which cargo and mail are processed, as well as security and care of cargo and mail are monitored; premises of subjects of aviation activity (catering companies), in which on-board catering is prepared and completed; premises of aviation entities that clean aircraft (cleaning companies); the premises of aviation entities supplying flight equipment (accessories); warehouses of fuel and lubricants; communication, navigation and surveillance facilities; antenna fields; In order to prevent unauthorized access to aircraft and aircraft important civil aviation facilities, airport managers are required to install a protective fence along the entire perimeter. It should exclude the possibility of unauthorized entry of persons and be continuously monitored by the aviation security service along the inside of the fence (and, if possible, from the outside) and pave the way for vehicles to be patrolled to allow patrols by the aviation security service.

To increase the level of protection of the perimeter of the airport (aerodrome) and other aviation entities, additional technical security measures are applied: alarms triggered in case of unauthorized entry through a security fence; closed-circuit television; security lighting for fencing, etc.

Access to the protected area is protected by a system of passes, the issuance of which is centralized. The pass clearly identifies the information needed to clearly identify its owner. Bypass simplifies the procedure for accessing persons and vehicles to the territory of aviation entities. Temporary or one-day passes are granted for vehicles that don't require permanent access to restricted areas.

A person who has received a permanent or a one-day pass is in the controlled area only accompanied by the personnel of the aviation security service. Aeronautical Security Services create rapid response teams at the Military Intelligence Unit. In the event of an alarm, they arrive at the scene and act as appropriate. Passengers who are registered for the flight and have passenger status are directed to critical areas of the restricted access areas (departure halls) only after passing an ID showing at the entrance to the point of care of the ID-card, and a boarding pass issued in due course.

In order to comply with access control, aircraft and facility security requirements, aviation security executives providing aviation security shall, on the basis of the Aviation Rules, develop appropriate instructions for the organization of access control systems, aircraft security and other sub of aviation activities.

For safety and to prevent the risk of unforeseen situations in the event of the detection of weapons and other hazardous items, aviation entities shall carefully implement standard care and inspection procedures. The inspection is carried out by the crew during the preparation of the aircraft for the flight, which is mandatory for all operators, regardless of ownership. The inspection is carried out in accordance with the instructions - instructions. There are some areas that require special care and checking, such as luggage top shelves, toilets, under-seat areas and more.

The inspection is carried out by the crew during the preparation of the aircraft for the flight, which is mandatory for all operators, regardless of ownership. The inspection is carried out in accordance with the instructions - instructions. There are some areas that require special care and checking, such as luggage top shelves, toilets, under-seat areas and more. Civil aviation facilities and aircraft are in need of increasing public security and legislative regulation of access to them for the purposes of civil aviation security in general.

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LEGAL BASIS OF METEOROLOGICAL AERONAUTICAL SERVICE

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Article 11 of the Air Code of Ukraine stipulates that the normative-legal regulation in the field of civil aviation is carried out by adopting in accordance with the established procedure normative-legal acts and adoption by the authorized body for civil aviation aviation rules of Ukraine, regulating the activity of civil aviation and the use of airspace of Ukraine. The Air Code of Ukraine is the main normative legal document in Ukraine providing the definition of meteorological services. The legislator for meteorological services defines services that include weather forecasting, consulting and observation services, as well as other meteorological information and services provided to aviation entities [1].

Article 35 of the Air Code of Ukraine establishes the duties of the authorized body for civil aviation (State Aviation Service of Ukraine), namely: 1) develops and establishes requirements for meteorological service of civil aviation; 2) determine the requirements for the order of meteorological service at aerodromes and flight routes; 3) certifies aerodrome meteorological equipment. Conditions for payment for

meteorological services are defined in Article 36 of the Air Code [1].

The function of improving the legislative and regulatory framework for civil aviation meteorological services and conducting state oversight of flight safety in the civil aviation meteorological service is assigned to the Meteorological Services Division of the State Aviation Service of Ukraine.

The state air traffic service enterprise of Ukraine "UkSATSE" is a certified provider of meteorological services on routes. From December 10, 2019, meteorological service on routes is performed in accordance with the requirements of the Aviation Rules of Ukraine "Meteorological Service of Civil Aviation", approved by the Order of the State Aviation Service of Ukraine dated 09.03.2017 No. 166 [2], registered at the Ministry of Justice of Ukraine on September 5, 2017 under No. 1092 / 30960, as amended.

Ukraine's aviation rules are developed in accordance with the standards and recommended practices of the International Civil Aviation Organization, regulations of the International Air Transport Association, the European Organization for the Safety of Air Navigation (Eurocontrol), other international aviation organizations and in accordance with the European Union legislation in the field of civil aviation.

The legal basis for meteorological services to air navigation is not only the applicable national regulations in this field, but also the standards of the World Meteorological Organization (WMO) and the International Civil Aviation Organization (ICAO). Among which are:

–Aviation rules of Ukraine “General rules of flights in the airspace of Ukraine”, approved by joint order of the State Aviation Service of Ukraine and the Ministry of Defense of Ukraine dated 06.02.2017 No. 66/73 and registered at the Ministry of Justice of Ukraine on May 23, 2017 under No. 654/30522;

–Aviation rules of Ukraine “Air traffic service”, approved by the order of the State Aviation Service of Ukraine dated April 16, 2019 No. 475 and registered at the Ministry of Justice of Ukraine on July 4, 2019 under No. 727/33698;

–Annex 3 “Meteorological Maintenance of International Aviation” to the Convention on International Civil Aviation, edition 20, July 2018;

–Doc EUR 014 ICAO SIGMET and AIRMET Guide for the ICAO European Region (second edition of 2010, updated in 2019);

–Doc 7754 ICAO European Aeronautical Plan (EUR eANP), Volume II, 2018.

Weather forecasters of meteorological surveillance centers of the ORP Centers carry out a comprehensive analysis of all weather and aerological material, data of terrestrial meteorological observations, meteorological satellites and meteorological radars, and constant weather monitoring on the basis of information is made. Rules for including meteorological elements in the GAMET zonal forecast and its format are contained in the GAMET Zonal Forecasting Guidelines [3].

Among the latest legal documents governing the activities of UkSATSE personnel is Order No. 233 dated 15.03.2019 “On approval of standard procedures for preparation of action plans for UkSATSE personnel in case of unforeseen circumstances by types of air navigation services (third edition)”.

For the purpose of correct operation of the software tool "LIGHTNING CMASS", which is intended for processing and visualization of data of lightning rods

on the STMZA ARM in the center of the STMZA (RSC "Kyivcenter"), UkSATSE developed and adopted the order dated 30.01.2019 No. 82 "On commissioning of the LIGHTN software CMASS ».

It should be noted that the main methodological center in the field of meteorology in the field of meteorological support of civil aviation in Ukraine, which includes the duties of training, retraining of specialists in aviation meteorology, assessment of the quality of their work, testing and implementation of new technologies and techniques for forecasting dangerous for aviation State Enterprise "Ukrainian Aviation Meteorological Center". Its activities are carried out on the basis of existing national programs and legal acts of national and international levels on the training of aviation meteorology specialists and forecasting techniques for weather hazards to aviation.

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