

MEMBERS OF LEGAL RELATIONS IN AIR TRANSPORTATION AS A SPECIAL FORM OF BUSINESS ACTIVITY

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Ukraine is in a “favorable” geographical and transport position, as the country is crossed by international transport corridors that connect us with the EU countries, the Russian Federation, and Central Asia. Transport corridors make it possible to use modes of transport such as rail roads and air connection, where the latter is preferred.

The development of the infrastructure of the aviation sector of the economy requires active amendments to the regulatory acts on transportation, regulations on the activation of innovative investment processes, as well as legislation on the technical regulation in the field of air transportation and admission of such activities by business entities. Regarding the legal regulation, the natural question arises: who is a party to the air transport relations.

According to Article 2 of the Commercial Code of Ukraine the participants of economic relations are economic entities, consumers, public authorities and local self-government bodies with economic competence.

One of the participants of the relations on transportation is the state represented by its specialized bodies. The state regulation on aviation activities and use of Ukrainian airspace is to grant the licenses for conducting business activities in the aviation sector. This is indicated by the relevant legal act, namely, the resolution of the Cabinet of Ministers of Ukraine of October 8, 2014, №520 “On Approving the Provision of the State Aviation Service of Ukraine” where the state regulation in the field of civil aviation and use of the airspace of Ukraine is exercised within the powers of the State Aviation Services of Ukraine, which is the central organ of executive power.

The second participant in the air transportation business is the air carrier (an airline), which has received a special license under the procedure established by law – an operator’s certificate, which allows performing a certain type of commercial transportation and providing relevant services.

The other participant is the consumer of the services, namely, the passenger. The acquisition of the passenger status is confirmed by a ticket as a contract between the air carrier and the passenger. In accordance with paragraph 3 of Section 3.1 of the Order of the State Aviation Service of November 26, 2018 № 1239 On Approval of the Aviation Rules of Ukraine “Rules for Air Transportation and Passenger and Luggage Service”, the passenger specified in the ticket is entitled to fly the relevant flight, and the air carrier is obliged to

transport the passenger and his luggage and provide other services following the contract of air transportation.

Air traffic services and aviation security personnel are involved in maintaining the airworthiness of the aircraft as a primary means of conducting business. Airworthiness support is provided by individuals and entities responsible for the ground handling services. At any stage that ensures the viability of an air carrier for commercial transportation, the ground handling is the subject to certification in accordance with the Rules for the approval of airport certification.

From the above we can outline the specific range of participants in the air transportation field:

- Central executive authorities formulate the state policy in the field of air transportation by establishing admission rules and obtaining permits to carry out such activities.

- An entity is an air carrier with a valid certificate for certain business activities such as commercial transportation.

- The ground handling which is provided by entities.

- Consumers as passengers.

All the participants are subjects to the legal regulation of business activities in air transportation as well as the safety rules.

The legislation of Ukraine in the sphere of air transportation should be developing with the growth of the Ukraine's role as one of the players in the international air transportation market and should be designed to ensure that the aviation sector of our country is competitive globally and contributes to the growth of the economy of Ukraine.

References:

1. The Commercial Code of Ukraine. Date of Entry into Force: January 1, 2004. URL: <https://zakon.rada.gov.ua/laws/show/436-15> (Date of request April 23, 2020).

2. Resolution of the Cabinet of Ministers of Ukraine of October 8, 2014, № 520 “On Approving the Provision of the State Aviation Service of Ukraine”, URL: <https://zakon.rada.gov.ua/laws/show/520-2014-%D0%BF> (Date of request April 23, 2020).

3. The Order of the State Aviation Service of November 26, 2018 № 1239 On Approval of the Aviation Rules of Ukraine “Rules for Air Transportation and Passenger and Luggage Service”, URL: <https://zakon.rada.gov.ua/laws/show/z0141-19> (Date of request April 25, 2020).