

INTERNATIONAL TRANSPORT LAW: CONCEPTS AND SIGNS

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Abstract: Theses are devoted to the problem of separation of international transport law as a sub-branch of private international law. The author highlights the basic elements of the system of international transport law, subject, main sources.

Key words: transport, international transportations, international transport law, private international law, international agreement.

Transport has always had a decisive influence not only on the state, development and prospects of the state economy. Also, the state of transport infrastructure was and is one of the important components of the living standards of the population, as well as its accelerated development or decline.

The idea of creating international trade routes that would allow fast and safe delivery of goods from place of production to place of consumption originated in the ancient world [1, p. 5]. Thus, in different countries of the world gradually formed major trade routes. In particular, there are still economically sound discussions on the restoration of the Great Silk Road, on the construction of an extensive system of international transport corridors on the site of the former trade routes, and so on.

The analysis of the legal framework in the transport environment showed that today the Ukrainian state is a party to which 90 international conventions in the field of transport, as well as a number of bilateral agreements - such important years. A new sub-branch law is beginning to take shape - international transport law.

It is worth noting that until recently there would be institutions of private international law, which were "International Transitions", but today they talked about international transport law as a sub-branch of private international law.

Private international law is divided into general and special parts. The general part traditionally includes such elements as: concept, subject, method, content of the industry, its sources and forms, the doctrine of conflict and substantive law, legal regimes, general provisions on the range of subjects covered by international private law. rights, as well as a number of general concepts and principles. The special part consists of issues of ownership and obligations, inheritance law, process, and so on. Therefore, it covers: property rights, including intellectual, inheritance law; general provisions of contract law; international transportation; marital and family relations; international labor relations; international civil proceedings; international commercial arbitration.

In the system of international relations an important place is occupied by relations related to the organization and implementation of international transportation of passengers and goods by various modes of transport (rail, road, air, sea, river).

International transport is a prerequisite for the successful development of international relations, interstate and economic relations. Transportation of raw materials, materials, equipment, agricultural products and other goods provided for by international treaties and agreements is one of the means of their actual implementation. The results of international cooperation in its various areas largely depend on a clear settlement of international relations in the field of transport.

These relations, which arise between states, national transport authorities, international organizations, are governed by relevant international principles and norms. Their system reflects the content of international transport law as a subsector, a component of private international law. Sometimes it is still considered as a sub-branch of international economic law, drawing the analogy of transport as one of the components of the economic system.

Thus, international transport law should be understood as a system of international legal principles and norms that govern the relations arising in the process of using different modes of transport in the field of international cooperation.

The basic principles and norms of international transport law have been legally enshrined in various sources: international treaties and agreements on transport, acts of international organizations (associations, conferences, chambers, commissions, etc.). The most common are international agreements on transport (transport agreements). They are concluded on behalf of and on behalf of the government by the central transport management bodies - ministries and other institutions that manage rail, sea, river and air transport.

According to the number of countries participating in such international agreements, they can be divided into multilateral and bilateral. Multilateral treaties include, for example, the Convention on the High Seas, signed in 1958 by 13 states; Agreement on the International Union of Railways (1922), Chicago Convention on Civil Aviation (1944). This type of agreement should include agreements concluded between individual countries of the Commonwealth of Independent States; The Agreement on CIS Railway Transport Coordination Bodies, signed in Minsk on February 14, 1992 (not signed by Ukraine), the Agreement on the Use of Air Transport, signed in Tashkent on May 15, 1992 (not signed by Moldova), and some others.

International transport agreements can be of different content, they must take into account the specifics of the type of vehicle. Thus, a commercial shipping contract defines, as a rule, the territory to which the contract applies; issues of promoting the parties' freedom of merchant shipping; maintenance and development of business relations between transport management bodies; observance of the principle of free and fair competition in international shipping; recognition of the nationality of the vessel; assistance in case of shipwrecks and accidents and other issues.

Transport is one of the most important branches of social production, designed to meet the needs of the population and other branches of social production in

transportation. The development and improvement of transport is carried out in accordance with the national program, taking into account its priority and on the basis of scientific and technological progress, and is provided by the state.

Transport must serve all sectors of social production. With the help of vehicles, businesses provide two types of services: transportation of cargo, passengers and their luggage, as well as transportation of oil, natural gas, electricity, etc. International transportation of goods and passengers between two or more states. They are carried out under the conditions established by the international agreements (transport conventions) concluded by these states.

International legal regulation of the use of railway transport since 1890 was based on two conventions concluded in Bern: the Convention on the Carriage of Goods by Rail (CIM); Convention concerning the Carriage of Passengers by Rail (CIR). The Berne Conventions Review Conference of 1980 adopted the Agreement on International Carriage by Rail (COTIF) and its annexes, A and B. Annex A concerned the conditions of carriage of passengers and was known to the Uniform Rules of the International Passenger Convention), Annex B - Uniform Rules of the International Freight Convention. The Berne Conventions remained in force until 1985. Currently, the legal basis for international rail transport is KOTIF and its annexes. Almost 40 countries in Europe, Asia and North America take part in KOTIF. The headquarters of the Organization of International Carriage by Rail is located in Bern (Switzerland).

International legal regulation of the use of air transport since October 12, 1929 was based on the Warsaw Convention for the Unification of Certain Rules for International Carriage by Air. The Warsaw Convention was supplemented by the Hague Protocol of 1955, and then by the Convention concluded in Guadalajara in 1961. In 1971, the Warsaw Convention was substantially amended by the Guatemalan Protocol and the Montreal Convention in 1975.

The Hague Protocol is in force for Ukraine. Administrative matters of air transport are regulated by the Chicago Convention on International Civil Aviation of December 7, 1944. This convention falls within the competence of the International

Civil Aviation Organization (ICAO). Airlines that are affiliated to the International Air Transport Association (IATA) are governed by the IATA Conditions of Carriage. These conditions are printed on the reverse pages of the international ticket.

International legal regulation of road transport is provided by the Geneva Convention on the Contract for the International Carriage of Goods (CMR) of 19 May 1956. This Convention is also valid for Ukraine. Also, on October 9, 1997, the CIS countries concluded the Convention on the Carriage of Passengers and Luggage by Road. Sources of international motor transport law include: the Convention on Road Traffic (1968) and the Protocol on Road Signs and Signals (1949); Customs Convention on the International Carriage of Goods (1959); European Agreement concerning the International Carriage of Dangerous Goods (1975) and others. The International Road Transport Union (IRU) is a non-governmental organization that plays an important role in creating an international legal framework governing road transport.

International legal regulation of the use of maritime transport is based on the Brussels Conventions (1924) on the unification of principles relating to bills of lading and on the unification of principles relating to the limitation of liability of shipowners. The first of the conventions is also known as the Hague Rules. The Convention was supplemented by the Protocols of 23.02.68 and 21.02.79, known as the Visby Rules. In an amended version, the convention in question is called the Hague-Visburg Rules. A new version of the Second Convention of 1924 was adopted in 1957 and supplemented by the Brussels Protocol of 23.02.79. In March 1978, at a conference in Hamburg, the UN Convention on the Carriage of Goods by Sea, also known as the Hamburg Rules, was adopted. The Convention entered into force on 11 November 1992 after ratification by 20 States. International economic law is also subject to two important regulations: the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea of 13.12.74; London Convention on Limitation of Liability for Claims in Certain Seas of the Sea of 19.11.76.

International inland waterway transport is also called river transport. Rivers flowing through the territory of two or more states are considered international.

International rivers are the Danube, Rhine, Amazon, Niger, Congo and others. In addition to rivers, international bodies of water include lakes and canals (individual lakes in Africa, the Great Lakes in North America, the Suez Canal, the Panama Canal, etc.).

International legal regulation of postal traffic and transit is based on the 1989 Convention on the Carriage of Postal Goods, adopted in Washington. The carriage of goods through the territory of two or more States is a transit governed by the Barcelona Convention on Freedom of Transit (1921).

It should be noted that at the present stage of development of the system of international transport, and especially transport within the European Union raises the question of the need for a detailed study of the Ukrainian state, as well as the creation of a legal system of appropriate international transport.

List of references:

1. Филиппов В. М. С чего начинается дорога? / Филиппов В. М. – Иркутск : Восточно-Сибирское книжное изд-во, 1985. – 112 с.
2. Міжнародне приватне право: Навч. посібник / За ред. В.М. Гайворонського, В. П. Жушмана – К.: Юрінком Інтер, 2007. – 368 с.
3. Про міжнародне приватне право: Закон України від 23 червня 2005 р. № 2709-IV // Відом. Верхов. Ради Укр. – 2005. – № 32. – Ст.422.