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## **CHARACTERISTICS AND PROBLEMS OF LEGAL REGULATION OF SPHERE OF UNMANNED AERIAL VEHICLE IN UKRAINE**

In the result of rapid scientific progress and improvement of technical devices and information systems, the sphere of usage of unmanned aerial vehicle (UAV) has become more affordable for ordinary people, but also more promising and effective for industrial purposes. Amateur pilots, professional photographers, journalists and even military personnel are using different UAVs, for example drones, for entertainment purposes. The greater affordability, convenience, simplicity and effectiveness of UAVs naturally leads to their massive use for a variety of purposes, but global trends indicate that the use of UAV is extending in commercial activities. UAVs in the field of economic activity is used by producers of goods and services, delivery organizations, distributors of goods, producers of agricultural products, etc.

In turn, the use of UAVs, like any other technical device, is associated with certain risks. Having a subjective and objective character, the risks of using UAVs concern both the actual pilots and owners, both for third parties, their rights, freedoms and interests.

The legal vacuum that until recently characterized the regulation of the sphere of use of the UAVs was intended to fill the Temporary Order of the Use of Ukraine's Airspace by UAVs issued on June 11, 2018 by the State Aviation Administration of Ukraine. However, the above Procedure has more extensive prohibitive and permissive norms, without considering or regulating a large number of public relations connected to the use of UAVs.[1] There are several issues in the Temporary Order of the Use of Ukraine's Airspace by UAVs. First, the market sector can stop, because of restriction of use. Professional equipment weighs more than 2 kg. Therefore, those who use it, in particular, journalists, activists-investigators, cinematographers, farmers, are forced to register the UAV receive permits.

Second, such restrictions not only do not allow ordinary citizens to freely use drones, but oblige state structures (including the State Emergency) to obtain permits in order to be able, for example, to save people with the help of UAV.

The third problem in giving permits of use of UAVs. There is only one office of Ukrainian State Air Traffic Service Enterprise. At the same time, the system for submitting an electronic application does not exist yet.

The fourth problem is the requirement to stop the shooting photo or video and give the UAV to the offender or police officer. It is a direct violation of the Constitution of Ukraine regarding the presumption of innocence. In general, those problems can cause a decline in development in the UAVs sphere. That is why the adoption of new Orders are necessary step both for ensuring the economic and social well-being of the society, and for ensuring the safety of the developing industry.

I believe that acceptable rules should be developed in accordance with the European concept of risks and management. UAVs need to distinguished into three-risk based categories: 1) low risk; 2) medium; 3) high [2].

For low risk:

1) Maximum flying height is 120 meters, rather than 50 meters [1]. This will insure from accidents with flying vehicles.

2) Small UAVs under 50 kilograms maximum operating weight do not require the registration and permits. Private sector will be freer in use of UAVs.

3) Be at 16 years old. Persons under 16 years old must be under supervision.

4) The pilot must keep the drone within his direct visual line of sight at all times.

5) Flights over crowd should be at safe distance of 50 meters.

6) Maximum speed 160 kilometers per hour.

For medium risk:

1) Operating a drone requires an operation authorization, which only applies to "specific" types of operation. It is issued by the the State Aviation Administration of Ukraine, which sets out the actual requirements.

2) In order to obtain an operation authorization, the operator must carry out a specific operation risk assessment to identify all the risks to third parties on the ground and in the air arising from the operation of the drone.

3) The operator must propose measures to mitigate the risk. These may be technical features of the drone.

High risk (typically relate to large drones used e.g. for international cargo transport or the transport of persons):

1) The operation of drones must, in principle, be authorized by the State Aviation Administration of Ukraine.

2) Operators of drones must be certified by State Aviation Administration of Ukraine.

3) Pilots must have a license from the State Aviation Administration of Ukraine [2].

First of all, the legal regulation of the UAVs sphere is necessary to establish a balance between the economic and social interests of society in using UAVs. Next is evaluation and minimizing the risks of their application. Foreign experience shows that a regulation is possible and necessary only if balance will be save: the weak regulation will not have the desired effect, and excessive regulation will lead to a decline development in this area.

#### *References*

1. Державна авіаційна служба України. Про затвердження Авіаційних правил України «Тимчасовий порядок використання повітряного простору України». – 2018.

2. European Aviation Safety Agency/ Concept of Operations for Drones A risk based approach to regulation of unmanned aircraft [Electronic source]. – Access mode: [https://www.easa.europa.eu/sites/default/files/dfu/204696\\_EASA\\_concept\\_drone\\_brochure\\_web.pdf](https://www.easa.europa.eu/sites/default/files/dfu/204696_EASA_concept_drone_brochure_web.pdf)

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### **FLIGHT COMPENSATION**

More than 120 states, including Ukraine, USA, Australia, Canada and the countries of the European Union, have signed the Montreal Convention, which unifies the rules of air transportation. This is the main document regulating the rights of passengers departing from Ukrainian airports and using the services of national carriers [1].

If the flight was delayed for less than 2 hours, and also in cases when adverse weather conditions or force majeure caused the transfer, it is not necessary to rely on bonuses from the airline. In other cases, passengers are supposed to receive: soft drinks and; 2 telephone calls / emails, if airport technical conditions permit; hotel room, transfer from the airport and back - for those whose flight is postponed the next day. The first two options are relevant in case of delay: for 2 or more hours - for routes with a length of less than 1500 km; for 3 or more hours - for routes with a length of 1500-3500 km; for 4 or more hours - for all other