

Україні: сучасний стан та перспективи. Права людини в Україні: минуле, сьогодні, майбутнє. Харків, 2021, С. 219-220. URL: https://library.ppss.pro/index.php/ndippsn_20211210/article/view/leshchenko/pdf

УДК 341.1/8:338.47 (043.2)

Водоласкова К.Ю., к.ю.н.,
провідний юрисконсульт юридичної служби
ДП «МА «БОРИСПІЛЬ»,
адвокат, м. Київ, Україна,
докторант авіаційного права
Кельнського університету, м. Кельн, Німеччина

OPEN SKY VS. CLOSE SKY: CONCEPTS OF THE DEVELOPMENT OF UKRAINIAN AVIATION

«Close the sky!» These words became a clarion call to global peacekeeping organizations and the whole world, starting on February 24, 2022, in response to an aggressive, illegal, and insidious attack on a sovereign country. With the protection of a closed sky over its territory, Ukraine could quickly expel aggressive invaders from its land. Unfortunately, this did not happen: the sky was not closed, and Ukraine was forced to wage a long defensive war, as a result of which its citizens died.

However, this is extreme and not normal vectors of Ukrainian aviation development within the cooperation with other countries worldwide, namely with the European Union states. Integration into European and Euro-Atlantic structures (European choice) was chosen by our country as a main foreign economic vector, and also a benchmark of values for the entire Ukrainian society.

Thus, an important aspect of the European integration process of Ukraine is the joining of the country to the «European Open Sky» – a Common Aviation Area (CAA). On October 12, 2021, the CAA Agreement between Ukraine and the EU, which provides for the opening of the air transport market, new opportunities for both consumers and operators, was signed. The purpose of this Agreement is the gradual creation of a CAA between the EU, its Member States and Ukraine. Like any other agreement, the CAA (or an “Open Sky”) Agreement defines rights and obligations. According to the CAA Agreement, Ukraine undertakes to implement more than 60 EU regulations, directives, decisions in the areas of safety, security, air traffic management, the

environment, consumer protection, computerized reservation systems, as well as regarding social aspects [1]. And these are main conceptions of aviation development.

Nevertheless, the implementation of these EU rules began long before the signing of the CAA agreement in 2021. Ukraine has already started the process of harmonization before signing the CAA agreement in a unilateral voluntary manner, continue doing this during war conditions and build plans for approximation of legislation after the victory in current sneaky war.

One of conceptions of the development of the aviation industry within the plans for the implementation of the specified European rules is airport services in the field of ground handling. These plans were announced in more detail in Sofia, Bulgaria, on October 5-6, 2023, during the 46th meeting of the Economic Committee of ASI Europe (Airports Council International) by the management of Boryspil International Airport SE, who gave a report on the current state and needs for operational support and reconstruction of Ukrainian airports, further challenges of the aviation market of Ukraine, its investment opportunities, and requirements. The speech presented the current state of the infrastructure of Ukrainian airports, the future potential of air transportation from Ukrainian airports and the positive impact on the economic development of the country after the war. Being a valid member of the International Council of Airports ACI Europe, Boryspil Airport continues to constantly cooperate with the international aviation community and partners to implement its own vision of resuming flights [2].

This year, Boryspil International Airport celebrates its 30th anniversary since its founding on March 31, 1993. Of course, the history of Boryspil International Airport goes far back to the 1950s, when the civil fleet used the military aviation infrastructure [3]. The 30th anniversary this year is also celebrated in military conditions without passengers, airlines, partners, and guests, without solemn and festive events - in conditions of a forced stoppage of production processes due to a full-scale war in our country [4].

In the field of access to airport infrastructure provisions of Directive 96/67/EU, stipulated in the signed CAA Agreement, provides the separation of accounts of ground handling activities from other activities in accordance with current trade practice [5]. These standards were taken into account in the legislation of Ukraine. However, the legislation of Ukraine does not take into account the provisions of Regulation (EEC) 95/93 [6], namely regarding the determination by a member state of any airport as a simplified schedule airport or a coordinated airport

after a thorough analysis, taking into account the environmental obstacles at this airport, the capacity of an airport that does not have status, or at an airport, the simplification of the schedule by the airport authority or any other competent authority, when that Member State considers it necessary or within six months due to new or upgraded infrastructure, operational changes or any other changes at the airport [7].

Thus, it can be concluded that the achievements of Ukrainian aviation legislation indicate a high level of aviation organization, but there are also a large number of gaps that need to be worked out in order to bring Ukraine's aviation standards into line with the EU standards defined in the CAA Agreement. Further development can be only under the condition of close and fruitful cooperation of all active characters: state enterprises, scientific and educational institutions, relevant state bodies, institutions and, of course, citizens.

Literature

1. Common Aviation Area Agreement Between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part. Official Journal of the European Union L 387, 3.11.2021, p. 3–57.

2. Міжнародний аеропорт «Бориспіль» представив концепцію відновлення авіап перевезень з України на економічному комітеті АСІ Europe. URL: <https://kbp.aero/news/mizhnarodnyj-aeroport-boryspil-predstavyyv-kontseptsiyu-vidnovlennya-aviaperevezen-z-ukrayiny-na-ekonomichnomu-komiteti-asi-europe/>

3. Міжнародному аеропорту «Бориспіль» 30 років з дня заснування. URL: <https://kbp.aero/news/mizhnarodnomu-aeroportu-boryspil-30-rokiv-z-dnya-zasnuvannya/>

4. Смолій В.А. Історія аеропорту Бориспіль 1959-1999. Київ: Знання, 1999.

5. Council Directive 96/67/EC of 15.10.1996 on access to the groundhandling market at Community airports. Official Journal L 272, 25.10.1996, p. 36–45.

6. Council Regulation (EEC) No 95/93 of 18.01.1993 on common rules for the allocation of slots at Community airports. Official Journal L 14, 22.1.1993, p. 1.

7. Shulga D. Integration within the Association: Dynamics of the Implementation of the Agreement between Ukraine and the EU. Analytical Report. Civil society platforms Ukraine - EU. 2019. URL: https://www.slideshare.net/IER_Kyiv/ss-250483634.