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Implementation of ICAO standards as a condition for the development of modern regulatory provision of the domestic aviation industry

The article is focused on developing normative and legal support of the domestic aviation industry and its compliance with the standards of ICAO as the main international organization defining the conceptual policy of development of civil aviation industry. It is highlighted that the necessary condition for the introduction of modern approaches to the management of flight safety is the development of new regulatory acts and the improvement of state policy in the area of air traffic control. The peculiarities and perspectives of the introduction of ICAO aviation safety standards and their implementation in the process of normative activity are analyzed.

In today's fast-changing and high-tech world, the development of the aviation industry in a separate country, and the world as a whole, highly depends on the effective coordination of efforts of all market participants in the formation of the legal framework for its functioning. It is ensured through the integration of national industries into international institutions that determine the basic policy of developing civil aviation and standards for its functioning. Accordingly, the latest regulatory framework of the domestic aviation industry, as well as other states, is based on international civil aviation standards, the principles of which are defined by the Convention on International Civil Aviation or the Chicago Convention, concluded in Chicago at an International Conference on Civil Aviation in 1947.

Ukraine joined the Convention in 1992. Today its participants are more than 190 countries all over the world. The Fundamental Principles of the Convention define the development of international civil aviation as a factor in the establishment and support of friendship and understanding between nations and peoples of the world, the development of this industry in a safe and orderly manner, the establishment of air connections on the basis of equality and on mutually beneficial terms [3].

The Convention establishes common standards for civil aviation, formulated in 96 articles. In particular, the recognition of full and exclusive sovereignty over the airspace of the contracting states, the rules for the proper use of civil navigation, the peculiarities of irregular and regular air connections, denials of traffic, restrictions and prohibitions of aircraft flights, flight rules, disease prevention, airport operation, aircraft inspection, the rules for their registration, the system of measures for air navigation and the provision of assistance to the aircrafts affected, the obligation of the contracting States to enter the relevant standard systems of communication procedures, codes, marking, signals, light equipment and cooperation in international air navigation activities, restrictions on the transportation of goods. A separate chapter of the Convention is dedicated to the international standards and recommended practice in the civil aviation area. According to Art. 38 all States undertake to comply with international standards and procedures and to bring their

own rules or practices in full compliance with them. The second part of the Convention defines the goals, objectives, tasks and peculiarities of the formation and operation of the International Civil Aviation Organization.

Nowadays, approximately 190 countries are members of the ICAO, including Ukraine, which has been a member of this international organization since 1992 on the basis of the succession (the Soviet Union became a member of the ICAO on November 10, 1970).

Among the priority areas of the organization's activities are technical, economic and legal support for cooperation in the civil aviation area. ICAO initiates legal acts that unify flight rules, personnel requirements, airworthiness standards. These documents are systematized in such parts as "Standards", "Recommended Practice", "Procedures".

Since independence, work on the development of legal and regulatory framework for the implementation of ICAO standards is carried on. For a quarter of a century, a legal basis for the functioning of civil aviation was formed. The entry of Ukraine into the ICAO was marked by the definition of priorities for the development of civil aviation of the state, which was reflected in the Decree of the President of Ukraine "On Measures to Ensure the Development of Civil Aviation of Ukraine" (1994), the Cabinet of Ministers of Ukraine "On the Procedure of Air Transport across the State Border of Ukraine" (1995) and "On Providing a Flight with Letters" PC "for the Officials of Ukraine and Foreign States" (1996). In 1999, the rules for the transport of mail by aircraft were developed, and in 2002 the procedure and rules for the mandatory aviation insurance of civil aviation, the provisions on the use of airspace of Ukraine were delivered.

Particular attention is paid to the security issue, which remains one of the most pressing problems of the modern aviation industry.

Aviation safety involves a series of measures to ensure flight safety and the establishment of an effective system of management of this process, which provides for the formation of policies and operational procedures for ensuring flight safety, optimizing the organizational structure, sharing responsibilities between public authorities and aviation actors.

An important step towards the formation of a legislative area for the functioning of civil aviation in Ukraine was the adoption of the State Aviation Safety Program of Civil Aviation in 2003 [4]. It was developed in compliance with the Conventions on International Civil Aviation, combating hijacking, and illegal acts aimed at civil aviation safety. The purpose of the program was to create the organizational and legal framework for ensuring aviation safety and efficiency of civil aviation activities. Its main tasks are the implementation of measures to ensure the protection, safety and security of passengers, crew members, aviation personnel, aircraft, airport facilities, etc.

After the implementation of the Program, important steps were taken to provide legislative support for aviation security. The Regulation on the Use of Airfields of Ukraine (2003), the Decree of the Cabinet of Ministers of Ukraine "On approval of the List of Hazardous Objects and Substances Prohibited for Air Transportation" were adopted (2007).

In 2011, the Air Code of Ukraine was adopted, which is the basic legislative act of modern legal and regulatory support for activities in the domestic aviation. It is a key tool of state regulation in the civil aviation and airspace use in Ukraine, which is aimed at ensuring the safety of aviation and the interests of the state in air transport and aircraft operations. Its norms implement the basic principles of the Chicago Convention, in particular, regarding the sovereignty over the airspace of Ukraine, the state regulation of airspace use, as well as the basic mechanisms for managing safety in the aviation area [5].

At the same time, the process of introducing ICAO aviation security standards proved to be quite lengthy and complicated. Therefore, only after choosing the European vector of development in Ukraine, the normative activity on harmonization of technical standards with the legislation of the European Union has been developed. During 2015-2016, about 15 thousand state standards of the USSR were canceled and more than 4 thousand modern technical standards that are in line with international and European requirements were adopted. In January 2015, a law was adopted on the adaptation of Ukrainian legislation to the European Union standards in the area of technical regulations and conformity assessment.

A logical step was the adoption of the draft Law "On the State Aviation Safety Program for Civil Aviation" by the Verkhovna Rada of Ukraine on January 17, 2017. Its feature is the maximum consideration of ICAO standards, which will give an opportunity to conclude an agreement on mutual recognition of standardization certificates between Ukraine and the European Union not in the distant future. The aircrafts of domestic enterprises will receive its certification, which, in turn, will ensure the integration of the domestic aviation industry into the European and international transport space.

ICAO is currently the main international organization that defines a conceptual policy for the development of the civil aviation industry and develops standards and recommendations that guide other interstate air transport organizations, as well as national aviation transport agencies.

The activities of ICAO aimed at the steady improvement of the successful performance of civil aviation in the area of flight safety include four main areas: policy and standardization, monitoring of key trends and indicators in the area of air safety, flight safety analysis, and implementation of targeted air safety programs.

The ICAO strategy focuses on reducing the accident rate by means of better coordination and unification of flight safety applications. Other initiatives in the area of flight safety concern the improvement of reporting procedures, which are the basis for the regional safety management system, the creation of a Global Road Map for flight safety, the general methodology for modernizing the aviation system, a global concept that considers the flight paths in the whole and integrates into the single air, land and regulatory components of the global air navigation system [6].

A prerequisite for the introduction of a modern approach to the management of flights safety is the development of new regulatory acts and the improvement of state policy in the area of air traffic control.

Cooperation between the National Aviation University and the ICAO started in the 1980's by participating in training programs for specialists, retraining military pilots, developing and translating ICAO materials. Since 2000, more than 2,800

employees of the aviation administration, airlines, airports, aviation enterprises, air clubs, aviation educational institutions of Ukraine and 35 foreign countries have been trained and retrained at the ICAO Institute of Nuclear Science. The ICAO Institute has close liaison with aviation administrations and enterprises in many countries and works closely with the ICAO Council, the ICAO Aviation Safety Office, and the ICAO European North Atlantic Office. Ukraine has the ICAO Institute under the National Aviation University; its staff is actively involved in the organization's activities.

Addressing today's global challenges, ICAO, as an effective tool for implementing the fundamental principles of the Chicago Convention, focuses its efforts on the development and implementation of regulatory and organizational support for aviation passenger transportation safety management, taking into account the common and national interests of individual aviation powers.

Conclusion

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