

LEGAL REGULATION OF INTERNATIONAL MARITIME TRANSPORT

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The paper defines and uses the legal regulation of international maritime transport, the basic international legal instruments are considered separate provisions, as well as procedures for regulating international maritime legislation of Ukraine.

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Shipments by sea every year is increasing. This is due not only cheap maritime transport compared with other modes of transport, but also the geographical convenience of the countries involved in maritime transport. For single use transport vessel leased (freighted); vessels used for a certain period of time (time charter); ships on the basis of agreements between states are used systematically in certain geographic areas, the previously established schedule.

Important for the regulation of maritime transport is of international maritime law as a system of legal rules and principles that govern relations arising in the use of the oceans for commercial and military shipping, fishing and sea fishing, mining biological and mineral resources, scientific research and more. On the basis of these relations on the principle of freedom of the high seas, according to which all States and peoples have equal rights to the use of the oceans.

Sources of international maritime law are: the UN Charter, the Geneva Conventions of 1958 (on the Territorial Sea and the area adjacent to it, on the open sea, on the continental shelf, fisheries and protection of living resources). Brussels Convention of 1910, the London Convention 1954 (as amended 1962, 1969, 1972, 1973), the Convention Safety of Life at Sea, 1960 Of particular importance is the UN Convention on Law of the Sea 1982, which was signed by 159 states. It covers issues related to shipping and flights, exploration and development of resources, fisheries and shipping, etc.. Convention recognized marine areas, rules of the maritime boundaries, rights, duties and responsibilities of the dispute settlement mechanism and so on.

This article's goal is the research of Legal regulation of international maritime transport and clarify the issues related to the definition, the first regime of merchant vessels on the high seas and in the territorial waters and, secondly, the regime of merchant vessels in international straits and canals, as well as ports.

According to Art. 1 of the Convention on this issue (Geneva, 1958) under the "high seas" means all parts of the sea that are not included as a territorial and internal waters of a State and which can be used by different countries.

"Open Sea" free access to all States, and none of them has the right to claim the submission of any part of its sovereignty. All states use it freedom of navigation, fishing, laying of submarine cables and pipelines, as well as the freedom of flight.

Being in a "sea" ships shall sail under the flag of one State only (except as provided for in international treaties), obey the jurisdiction of the State whose flag they are. Not allowed while swimming or parking when entering the port to change its flag (unless the transfer of ownership of the vessel or change of registration). The vessel has a postscript at the port of

the State, is the flag of the State and subject to the high seas only its jurisdiction.

Of great importance are issues related to the use of the straits (Gibraltar, Black - Bosphorus and the Dardanelles, the Baltic - Big and Little Belt and the Sound, and La Perouse Strait of Magellan). They have different international legal regime. Thus, use of the Straits of Gibraltar, the Baltic Sea, and La Perouse Strait of Magellan is free and duty-free. Regarding the mode Straits, he defined a special Convention of 1936, signed in Montreux. According to this passage through those straits in peacetime for all merchant ships free, but requires compliance with certain health standards. Vessels subject to sanitary inspection by the authorities of Turkey. If the vessel meets health standards, evidenced by appropriate documents, it can not stop in ducts and run its course. If not, you should make a stop for a thorough health examination, and pay the cost of services provided.

In the event of war and provided that Turkey is a neutral country, remains the principle of free passage for both belligerent and neutral countries. If Turkey is a country at war, it passes the ship only those countries that are not her at war.

The relevant international legal regime with channels: Suez, Panama, Kiel. Passage, for example, through the Panama Canal governed by rules established by the United States, and treaties concluded by the United States and other countries. Despite the formal right of free passage through the channel (vessels of any State), the administration of the channel has discretion under certain grounds (poor sanitation, dangerous goods) to prohibit the passage. All commercial ships pass through the Panama Canal, subject to review by the commission, which includes representatives of customs, immigration and quarantine departments. The captain and crew members for violating channel can be prosecuted.

Specific international legal regime endowed and ports. Under the provisions of the Barcelona Conference (1921) fleets of all countries freely use any open port. In addition, all fees at ports are made on terms of equality and reasonable.

At the Conference Committee Communications and Transit of the League of Nations, signed the Convention and Statute on the international regime of maritime ports open for trade (freight, passenger) vessels for commercial purposes. Participating countries in accordance with these documents have committed to provide free access to open ports and their foreign vessels, as well as a level playing field for their loading and unloading, collection fees and so on.

In the use of seaports in some cases there is an urgent necessity. Refusal of permission to go to the port can be costly too. For example, on April 26, 1993 modern freighter Ukrainian Danube Shipping Company "Kilija" which gave the goods to Greece, off the coast of Tunisia fell into a violent storm. In the port was not admitted, and go out to the open sea was very dangerous. In this regard, "Kilija" was forced to circle the Gulf of Tunis, resulting in spoiled placed there fishing nets. Government of Tunisia arrested ship, and state fishing company filed a suit in court. According to experts initial direct losses amounted to 180 thousand dollars. USA and side - 2.5 million. Representatives of the Norwegian company "Hart", which insured "Kiel" has agreed to pay that amount, but local fishermen said they cant tuna was very large, and therefore do not constitute indirect damages of 2.5 and 10 million . Incidentally, the value of the vessel is 9 million. Judiciary Tunisian insurance company offered to give unlimited warranty. Due to the fact that the vessel was kept in custody for a long time, the Danube shipping company paid a large sum of money for a simple sailors and Greek firm for forfeit the violation of the luggage shipment terms.

The novelty of our research is to study the issues of legal regulation of international maritime transport from the standpoint of current legislation and identifying key international instruments.