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DOI <https://doi.org/10.26661/2414-0287-2022-2-54-14>**REGULATORY REGULATION OF INTERNATIONAL MIXED TRANSPORTATION
BY TRANSPORT ENTERPRISES: WORLD EXPERIENCE AND NATIONAL FEATURES****Pereverzieva A.V., Volkov V.P.***Zaporizhzhia National University,**Ukraine, 69600, Zaporizhzhia, Zhukovsky str., 66**pereverzeva@ukr.net, volkovvp49@gmail.com*

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transport enterprises

The issue of normative-legal regulation of international mixed transportations is investigated. It is substantiated that the legal regulation of international mixed transport affects the choice of mode of transport and transport company that provides services, ensuring a rational level of financial and time costs, as well as delivery of goods without damage in full. Rules and legislation in the system of international mixed transport, developed both at the national level and those existing in international legal practice, play an important role. Regulatory and legal support for the provision of services by transport companies for the delivery of goods from consumer to producer based on the use of two or more types of vehicles. The advantages of users in the implementation of foreign trade operations due to the effective organization and the latest information of the technology of transportation, including the reduction of time spent on transportation of goods; reduction of transport costs due to the efficiency of a modern data exchange system; preservation of cargo throughout the delivery of goods from the manufacturer to the final consumer, ie its original state, which becomes possible under the conditions of direct control at each stage of transportation. The norms of international law on the regulation of services provided by transport companies are highlighted. The directions of practical application of the existing legislation of Ukraine on management of international mixed transportations, in particular transport and intercontinental connections are substantiated. The practical significance of the obtained results is determined by the expansion of the possibilities of introduction of international mixed transport by transport enterprises at the world level on the basis of harmonization of the norms of the Ukrainian legislation regulating transportations with the norms of international law.

**НОРМАТИВНО-ПРАВОВЕ РЕГУЛЮВАННЯ МІЖНАРОДНИХ
ЗМІШАНИХ ПЕРЕВЕЗЕНЬ ТРАНСПОРТНИМИ ПІДПРИЄМСТВАМИ:
СВІТОВИЙ ДОСВІД ТА НАЦІОНАЛЬНІ ОСОБЛИВОСТІ****Переверзєва А.В., Волков В.П.***Запорізький національний університет**Україна, 69600, м. Запоріжжя, вул. Жуковського, 66***Ключові слова:**міжнародні змішані
перевезення,
нормативно-правове
регулювання,
національна економіка,
світовий досвід,
міжнародне право,
транспортні підприємства

Досліджено питання нормативно-правового регулювання міжнародних змішаних перевезень. Обґрунтовано, що нормативно-правове регулювання міжнародних змішаних перевезень впливає на вибір виду транспорту та транспортного підприємства, яке надає послуги, забезпечуючи раціональний рівень фінансових та часових витрат, а також доставку товару без пошкоджень у повному обсязі. Важливу роль мають правила та законодавчі норми в системі міжнародних змішаних перевезень, розроблені як на національному рівні, так і ті, що існують у міжнародній юридичній практиці. Визначено нормативно-правове забезпечення надання послуг транспортними підприємствами щодо доставки товарів від споживача до виробника на основі використання двох і більше видів транспортних засобів. Виокремлено переваги користувачів у здійсненні зовнішньоторговельних операцій за рахунок ефективної організації та новітньої інформації технології здійснення перевезень, серед яких скорочення витрат часу на транспортування вантажу; зниження транспортних витрат за рахунок ефективності сучасної системи обміну даними; збереження вантажу протягом всього шляху доставки

товару від виробника до кінцевого споживача, тобто його первинного стану, що стає можливим за умов здійснення безпосереднього контролю на кожному етапі транспортування. Виокремлено норми міжнародного права щодо регулювання послуг, які надають транспортними підприємствами. Обґрунтовано напрями практичного використання існуючого законодавства України щодо управління міжнародними змішаними перевезеннями, зокрема транспортного та міжконтинентального сполучення. Практична значущість отриманих результатів визначається розширенням можливостей впровадження міжнародних змішаних перевезень транспортними підприємствами на світовому рівні на основі узгодження норм українського законодавства, що здійснюють регулювання перевезень, з нормами міжнародного права.

Formulation of the problem

Transport companies play an important role in intensifying and deepening the development of international economic relations. The cost of international mixed transport by different types of vehicles and transport companies, the quality of transport services depends on the efficiency and speed of international operations, on the one hand, and the image of the supplier state – on the other hand.

Given the fact that transport costs account for a significant share of production costs (about 20%), there is a need to develop an effective organizational and economic mechanism for delivery of goods from producer to final consumer, based on legal regulation of international mixed transport. This affects the dynamics of changes in the market of transport services and its approach to equilibrium.

Note that the legal regulation of international mixed transport affects the choice of mode of transport and transport company that provides services, ensuring a rational level of financial and time costs, as well as delivery of goods without damage in full. Rules and legislation in the system of international mixed transport, developed both at the national level and those existing in international legal practice, play an important role. The urgent need to resolve legal conflicts and shortcomings is evidenced by the fact that more than 80% of all foreign economic transactions are carried out using international mixed transport [1, p. 516]. In the EU countries this figure reaches 40–50% [2, p. 68].

The dynamic development of international trade and accelerating the movement of goods, necessitates a harmonized state between Ukrainian and international legislation on the regulation of mixed transport based on the concept of automated management of trade between countries, minimizing government intervention in transport companies. As a result, regulatory actions to ensure an effective international transportation mechanism are being stepped up.

Thus, the actualization of the legal framework for the regulation of international mixed transport by transport companies is due to the widespread introduction of this type of transportation of goods worldwide and the urgent need to harmonize Ukrainian legislation governing transport with international law.

Analysis of recent research and publications

The issue of legal regulation of transportation is the focus of attention among scientists. Such

scientists as A. Andrienko, S. Bogdanov, O. Kaspruk, V. Medvedska [3–5] and others have made a significant contribution to the spread of this problem and its solution. The works of these scientists are devoted to determining the level of responsibility of enterprises-carriers that provide services for the transportation of goods by different modes of transport. The main aspects of the organization and regulation of mixed transport are considered by representatives of private international law. A general understanding of the legal provision of mixed transport is contained in the works of I.V. Hetman-Pavlov [1] and others.

In the scientific literature there is no single approach to the identification of rules and regulations of international mixed transport, which require more in-depth research and systematization based on international experience.

The purpose of the article

The main purpose of this work is to determine the features of regulatory regulation of international mixed transport in the national economy and areas for improvement based on the use of positive foreign experience, including cross-border and intercontinental connections.

Presenting main material

The difficulty of regulating international mixed transport is the need to simultaneously take into account the interests of several entities and combine them into a single as equitable system of profit distribution (Fig. 1).

One of the subjects of the system of regulation of international mixed transport are users who have the opportunity to gain benefits in foreign trade operations through efficient organization and the latest information on the technology of transportation. As advantages, it is necessary to allocate:

- reduction of time spent on cargo transportation;
- reduction of transport costs due to the efficiency of modern data exchange system;
- preservation of cargo throughout the delivery of goods from the manufacturer to the final consumer, i. e. its original state, which becomes possible under the conditions of direct control at each stage of transportation.

Significant benefits from transportation are received by transport companies, which through the use of modern data exchange systems, have the opportunity to change market orientations, develop appropriate marketing strategies and occupy a certain market share by specializing in certain

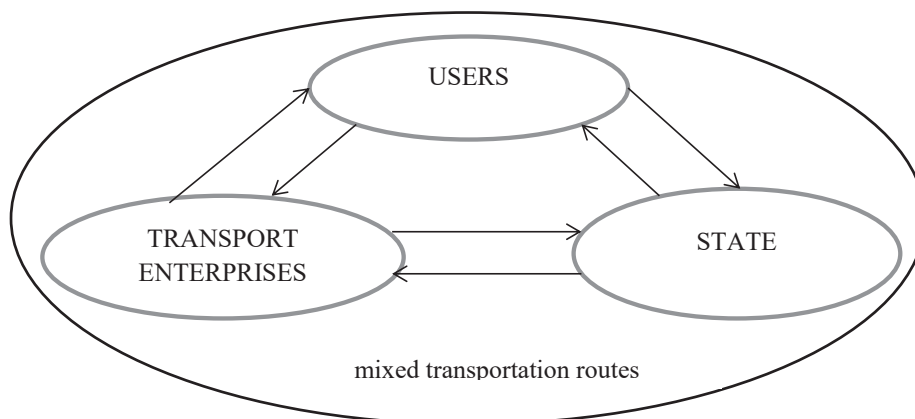


Fig. 1 – Cooperation of entities in the system of regulation of international mixed transport

Source: built by the authors

types of transport, transportation of specific goods and areas of transportation.

The state provides regulatory and legal regulation of transport enterprises and international mixed transport, as well as monitors compliance with rules and regulations, receives benefits, which include the ability to manage international mixed transport of goods by streamlining administrative procedures for regulating international trade and transport services.

Based on the above, it should be noted that the need for a transparent and clear mechanism of legal regulation of transport services, defining the rights and responsibilities of participants in international mixed transport, due to the significant spread and dynamism of transport operations. This is confirmed by the thesis of V. Medvedskaya, who notes that «the relationship between all participants in the transportation process should have proper legal regulation» [5, p. 414].

At the present stage, the probability of violation of delivery deadlines due to conflict situations, changes in established transportation schemes, tariff policies, determines the simultaneous use of different modes of transport for transportation of goods. The regulation of

relations between transport companies within a certain mixed transportation requires the development of rules and legislation that determine the level of responsibility of each participant in the transportation process.

There is no universal law in international transport law to regulate relations between all participants simultaneously within one mixed transport. According to the international practice of legal regulation of mixed transport, there are conventions (Fig. 2) that regulate mixed transport on the basis of management of each mode of transport separately.

One of the most important conventions for the regulation of mixed transport at the international level is the «Tokyo Rules» [6], which were approved in 1969 at the Tokyo Conference of the International Maritime Committee. These rules apply, first of all, to the peculiarities of the carriage of goods by sea, as a carrier of 90% of the world’s tonnage of goods.

Based on the Tokyo Rules, the International Chamber of Commerce has adopted the Multimodal Transport Rules Package, which is a significant contribution to the development of legal regulation of multimodal transportations belonging to international mixed transport.

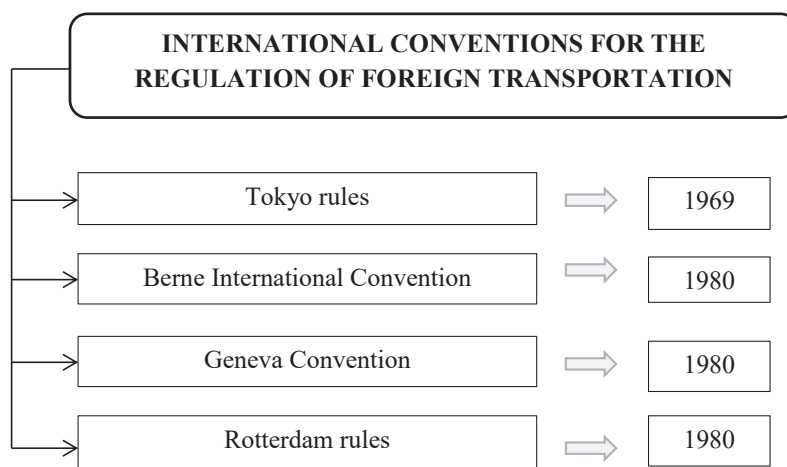


Fig. 2 – Regulatory acts of mixed transport at the international level

Source: built by the authors

Peculiarities of legal regulation of mixed freight transport by rail are regulated by the Berne International Convention on Railway Transport [7].

The basic agreement in the field of legal regulation of international mixed transport is the Geneva Convention – UN Convention on International Multimodal Freight [8], the rules and regulations of which are legislative imperatives and apply to all agreements on international mixed transport. To date, the Geneva concept is theoretically defined, but practically not implemented, ie has no legal force.

At the international level, the most common legal norms are the «Rotterdam Rules», which provide for the legislative regulation of relations between participants in international mixed transport and their practical implementation under the condition of transporting goods by different modes of transport, different transport companies under one agreement. The application of the Rotterdam Rules in practice has a number of limitations. One of them is to determine the limits of liability of the carrier during the carriage, and does not take into account the time of loading and unloading of goods [9]. The Rotterdam Rules superficially deal with the regulation of international mixed transport, but do not contain provisions for clearly defining the level of responsibility of the carrier during the movement of goods from producer to final consumer.

Based on the separation and analysis of conventions governing mixed transport, it should be noted that at the international level, regulation provides only for the transportation of goods by different modes of transport separately, without combining them into a single transport chain.

The basics of legal regulation of mixed transportation in general are presented in the Civil Code of Ukraine [10], which states that the carriage of goods can be carried out using several modes of transport, but on the basis of a single transport document. Such cargo transportation is defined as a direct mixed connection.

In the legislation of Ukraine, in addition to the Civil Code, the legal relations of participants in mixed transportation are regulated by separate laws and intergovernmental agreements with other countries. Among them the following are of special importance: laws: «Law of Ukraine on transit of goods» [11]; intergovernmental agreements: «On International Combined Transport» with the Slovak Republic [12]; «On International Combined Freight with the Republic of Azerbaijan» [12]; «On International Multimodal Cargo Transportation between the Governments of Georgia, Ukraine, Azerbaijan and Moldova (GUAM)» [14].

It should be noted that the existing legal framework in Ukraine does not contain a unified conceptual and categorical apparatus of international mixed transport. The main attention is focused on the types of transport, their technical capabilities for the transportation of goods, the peculiarities of transport documentation. According to the legislation of Ukraine, mixed (combined) transportation is considered to be transportation of goods using two or more modes of transport [12], which involves transportation of goods from the sender on the shortest, allowed by traffic rules economically acceptable route to the railway station

or port of loading (terminal) located in the territory of one of the states of the Contracting Parties (preliminary transportation) [15].

The shortcoming in the legislation of Ukraine is the lack of legal documents, acts and intergovernmental agreements that would carry out regulatory and legal regulation of relations in the system «users-transport companies-state». In this regard, there is a need for practical use of the mechanism of mixed transportation of goods by eliminating inconsistencies in the legal regulation of transportation of goods, taking into account the interests of transport companies and state interests in general, as well as harmonization or harmonization of Ukrainian legislation with international law.

The analysis of conflicts of normative-legal regulation allows to single out priority tasks on intensification of development of international mixed transportations, among which the following are expedient: identifying the development of international transport links as a priority; introduction of modern information technologies to automate the control of the transportation process; simplification of customs procedures for international mixed transport; state support for participants in mixed transport: users, owners of vehicles, i. e. entities directly involved in mixed transport.

In our opinion, one of the most important ways to improve the management system of mixed transportation is to form an effective regulatory framework for relations between participants in the transportation process and clearly define the level of responsibility of each of them based on positive foreign experience and international law. To do this, it is necessary to expand the regulatory framework at the level of legislation: about transport and certain types of vehicles; to regulate the relations that arise between the participants in the process of international mixed transport; on the implementation of international agreements and conventions related to the transportation of goods.

Conclusions and suggestions

Based on the study, it should be concluded that the legal regulation of freight is a form of international economic relations arising from the movement of goods from producer to final consumer with the participation of various vehicles and enterprises. That is, the main area of legal regulation is international trade, which characterizes the efficiency of trade by streamlining the delivery of goods or cargo to the final consumer. The effectiveness of the mechanism for regulating international mixed transport stimulates the development of trade relations between countries, identifies innovative processes in transport and new activities in the transport sector, and enhances the complementarity of modes of transport instead of competition between them. Regulatory regulation of international mixed transport allows them to adapt to modern business conditions and ensure compliance of transport companies with the requirements of a market economy.

Thus, one of the ways to solve the problem of legal regulation is to create a universal convention for the management of mixed transport and its adoption at the global level.

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