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COMPARATIVE ANALYSIS OF THE LEGISLATION OF UKRAINE AND INTERNATIONAL NORMS THAT REGULATE THE IMPLEMENTATION AND FORMATION OF AVIATION LOGISTICS SYSTEM

Volodymyr Reznik, Dmytro Bugayko. "Comparative analysis of the legislation of Ukraine and international norms that regulate the implementation and formation of aviation logistics system". *Intermodal transportation plays an important role in the global economy. In light of the above, it is necessary to analyze the experience of aviation regulation in developed European countries. Aviation legislation in Ukraine is currently at the stage of development. It is important to analyze the experience of the development of aviation legislation and the regulation of personnel training in the aviation industry in European countries. It is important to study the organization of personnel training in the aviation industry. The issue of public administration has not been sufficiently analyzed in Ukrainian legislation. Active work on the realization of a joint aviation space is ongoing. Therefore, the creation of a common aviation space gives provision of mutual free access to the air transportation market. Mutual free access to the air transport market is based on equal conditions of competition and common rules, especially in the field of safety. In particular, common rules apply in the fields of aviation safety & security as well as air traffic management of Ukraine and the EU. It gives possibilities of further development of cooperation between the EU and the Ukrainian in sphere of aviation logistics.*

Keywords: multimodal transportation, cargo transportation, normative documents, optimization processes, routs planning.

Володимир Резнік, Дмитро Бугайко «Порівняльний аналіз законодавства України та міжнародних норм, що регулюють впровадження та формування авіаційної логістичної системи». *Інтермодальні перевезення відіграють важливу роль у світовій економіці. У світлі викладеного необхідно проаналізувати досвід авіаційного регулювання розвинутих європейських країн. Авіаційне законодавство в Україні знаходиться на стадії розвитку. Важливо проаналізувати*

досвід розвитку авіаційного законодавства та регулювання підготовки кадрів в авіаційній галузі в країнах Європи. Актуальним є дослідження організації підготовки кадрів в авіаційній галузі. В українському законодавстві недостатньо проаналізовано питання державного управління. Триває активна робота над впровадженням Єдиного авіаційного простору в Україні. Тому створення єдиного авіаційного простору сприяє взаємному вільному доступу до ринку авіаперевезень, який базується на рівних умовах конкуренції та єдиних правилах, особливо у сфері безпеки. Зокрема, загальні правила застосовуються у сферах безпеки авіації, авіаційної безпеки та організації повітряного руху, що сприяє співробітництву між авіаційними галузями України та ЄС.

Ключові слова: транспортна система, вантажні перевезення, мультимодальні перевезення, процеси оптимізації, планування маршрутів

Introduction. The establishment of a system for the development of logistics activities is an integral part of a market economy. It is an integral part of the market economy. Globalization of the world economy It is an important element of integrating Ukraine into the modern international system. Economic ties. It also solves socio-economic problems and solving socio-economic problems and improve the quality of life of the population. The aviation industry is a sector of fundamental and strategic importance in Ukraine. Air transport is one of the least historic means of transportation.

Stable development of Ukraine today is impossible without the development of the aviation sector. Stable development of the state is impossible without the development of aviation. Important Administrative and legal regulation of civil activities Development of scientific, technical, commercial and intergovernmental relations in aviation activities It has been facilitated by technological progress, trade, interstate relations and the European integration process, It has been facilitated by the European integration process. To achieve this advanced aviation legal system is necessary, close to European standards. It is important to study the experience of the development of aviation. European countries' legislation in the aviation sector, training regulations is important to study. The issue of public administration is not sufficiently studied in the Ukrainian legislation. The problem of public administration persists.

Thus, the main objective of the article is to clear the advantages and disadvantages of legal regulation of logistics activities.

The issue of legal regulation in the field of civil aviation were reflected in the works of O. Radchuk O. and Sadikov O., Konstantinova V., Dikovskaia I., Kuzmenko L., Bordunov V., Mikhailchenko I. and many others.

Special attention should be paid to work of I. Bezludko D.I. Cargo transportation contract by air transport under the civil law of Ukraine.

A number of Ukrainian researchers such as Kharazishvili Y. [2, 7], Bugayko D. [1-2, 4-7, 32-33], Reznik V. [1], Griborak M., Ovdienko O., Marchuk V. [4] Logutova T. G., Poltoratskyi M. M [3] Hariesh Manaadiar [8-9] , David Simchi-Levi and Pierre Haren [11-13], Perkhun L.P.[16], F. Pérez-Galarce [17], Hryhorak M.Yu [19, 32] are devoted to the study of the problems of further development of intermodal transportation. The work of many researchers is devoted to the development of aviation logistics, including: Johnson R., Hegre H., Karlsen J., Nygård H. M., Strand H., Urdal H., Shallcross N. J., Ahner D. K., Bogachov S., Feldman N., Eiran E., Rubin A., Brown G., Langer A., Schirch L., Kaspersen A., Barth E., Shetler-Jones Ph., Shallcross N. J., Ahner D. K., et al.

Also, among domestic researchers of the mentioned issue, the works of such scientists as: Arefieva O[20]., Simkova T., Zhurakivskyi V., Kharizashvili Yu., Bugayko D., Lyashenko V., Solovyova O., Gerasimenko I., Pron S. should be noted., Kravchenko T., Vysotska I., Valko A.,

Volkovska G [21], Vysotska I [22], Voychenko T., Radchenko O. [23], Gura S [24]. and others.

Also, among the foreign researchers of the issue mentioned works are: Poliak M., Poliaková A., Mrníková M., Šimurková P., Jaśkiewicz M., Jurecki R., who researched the Competition and Regulation in the Provision of Local Transportation Services. Also, Glover, L. should be mentioned.

Dissertation studies sufficiently cover the issues of institutional support for the development of air transport in Ukraine, methodological aspects of increasing the efficiency of enterprises in the specified industry and legal aspects (Hura S. [24].), scientific justification for increasing the efficiency of managing logistics costs in the multimodal transportation (Kharchenko M.), the development of innovative activity of logistic companies (Tsymbalistova O.), management of the efficiency of logistics activities of e companies (V. Voytsekhovskiy) and others.

While highly appreciating the available scientific achievements of domestic researchers, we will nevertheless single out insufficiently covered scientific problems related to the development of logistics in the conditions of martial law and in the post-war period in Ukraine. The article was written to note the most important factors influencing the organizing of the multimodal transportation under martial law.

The purpose of the article is to provide research is to provide the theoretical foundations and problems of managing multimodal transportation and to develop article is to clear the advantages and disadvantages of legal regulation of logistics activities. It was also reviewed the main bottlenecks at the process of the legal regulation of transportation during the state of martial law". It was also reviewed on the example referred to the Transport Organization, including the data provided by LLC "Freight Transport Partner".

Presentation of the main results. It should be noted that Ukraine's aviation legislation is not similar to the EU's uniform

legislation. Ukraine's aviation legislation does not resemble the EU's Uniform Law or even the US legislation. It also does not resemble US law and in many cases diametrically opposed. On the other hand . Harmonization of Ukrainian and European aviation legislation is crucial for the interests of Ukraine and the EU countries. Harmonization of Ukrainian and European aviation legislation is very important for the interests of Ukraine and the EU countries, Harmonization of Ukrainian and European aviation legislation and development of aviation in the European region in the interests of Ukraine and EU countries. In the interests of Ukraine and the EU countries, it is very important that Ukraine and Europe cooperate together to harmonize aviation legislation and develop air transport in the European region. As a result of the analysis of international law, the following conclusions were reached Civil aviation needs international regulation should be addressed at the global and regional levels. Regional level. At the regional level, civil aviation conventions have the following consequences regulate matters within the territory (continent). Globally, these include the following agreements Regional includes agreements that regulate aviation-related matters without territorial restrictions. It is important to note what is happening today. This is the globalization of the international aviation sphere [29].

As Kharchenko V. P. and Bugayko D. O. note, the globalization of international air transport involves many things. There are many aspects of international air transportation. The globalization of international air transport involves many elements that are integral to modern air transport.

Development of a global security system is an integrate key international, regional, intergovernmental and non-state organizations; and Integrate international, regional, interstate and non-state organizations to increase security, efficiency

and economy Improving safety, efficiency and economy [30].

Facilitation of their activities:

- Coordination of actions on standardization and enlargement international activities related to air navigation services,
- the development of competition between airlines and a non-discriminatory

environment in international markets air transportation [30]

In order to clear the main normative documents on transportation the author provided the documents.

The activities of the transport sector of Ukraine are regulated by legislative documents of various hierarchical levels (Table 1)

Table 1. Hierarchical levels of regulation of multimodal and transportation

Level	Regulation of multimodal transportation	
International	First - international documents	The UN Convention on International Mixed Transportation of Goods, the provisions of which apply to all types of transport involved in mixed transportation, if the place of receipt or delivery of the cargo is in a country that is a member of the Convention. The United Nations Conference on Trade and Development, where rules were developed for four types of transport, which include intermodal, multimodal, segmented and combined transport. The project of the international convention on mixed transport "Tokyo Rules". About the forms of transport documents (FIATA and BIMCO) for registration of mixed shipments
	Second - Codes of Ukraine	Civil Code of Ukraine dated January 16, 2003 with changes and additions, Merchant Shipping Code of Ukraine dated May 23, 1995 with changes and additions, Tax Code of Ukraine dated December 2, 2010 with changes and additions
	Third - Laws of Ukraine	The Law of Ukraine "On Multimodal Transportation" and the draft Law of Ukraine "On Amendments to the Tax Code of Ukraine in connection with the adoption of the Law of Ukraine "On Multimodal Transportation"" regarding the legal and organizational foundations of multimodal transportation, aimed at creating conditions for their development and improvement , encouraging the use of more ecologically clean modes of transport to protect the environment, prevent climate change and excessive energy consumption, the Law of Ukraine "On Transport" dated November 10, 1994, the Law of Ukraine "On Cargo Transit" dated October 20, 1999, the Law of Ukraine "On Railway transport" dated July 4, 1996, which regulate the transportation of goods in direct mixed traffic.
National	Fourth - Transport statutes	The Statute of Railways of Ukraine, approved by the Decree of the CMU dated April 6, 1998, the Statute of Road Transport of the Ukrainian SSR, approved by the Decree of the Council of Ministers of the Ukrainian SSR dated June 27, 1969, the Statute of Inland Water Transport of the USSR, approved by the Decree of the Council of Ministers of the USSR dated October 15, 1955.
	Fifth - Rules of cargo transportation	Rules for the transportation of goods in direct mixed rail-water transport, approved by the Ministry of Transport of Ukraine dated May 28, 2002, Rules for the transportation of goods by road transport in Ukraine, approved by the Order of the Ministry of Transport of Ukraine dated October 14, 1997; Rules of air transportation of goods, approved by the Order of the State Service for Supervision of Aviation Safety dated March 14, 2006
	Sixth - Decisions of carrier companies	Decisions of business entities regarding the formation of a tariff policy for freight transportation

Developed by: Reznik Volodymyr, Dmytro Bugayko

According to the presented hierarchical levels of regulatory regulation of mixed transportation, the first level is headed by international documents. It should also be

noted that regulation is represented by the activities of international organizations. The main purpose of their activity is:

- promoting the development of political, economic and cultural cooperation between states, strengthening friendly relations between them;

- interests of end users, market participants, as well as society regarding effective regulation.

The second level of normative regulation is the Codes of Ukraine on the regulation of activities in the field of transport.

The third level, in accordance with the presented hierarchical levels of regulatory regulation, are the Laws of Ukraine on the regulation of activities related to the legal and organizational foundations of mixed transportation, aimed at creating conditions for their development and improvement.

Levels from the fourth to the sixth, according to the presented hierarchical levels of regulatory regulation, are presented as follows: Transport statutes, Rules of cargo transportation, Decisions of carrier companies. Any type of economic activity requires legal regulation. It is appropriate to consider the main laws and legal acts in the field of freight transportation. One of the documents is the Economic Code of Ukraine, which has chapter 32 Legal regulation of cargo transportation. In this Code, the transportation of goods is recognized as an economic activity related to the movement of products of industrial and technical purpose and consumer products by railways, roads, waterways and air, as well as the transportation of products by pipelines. Carriers, consignors and consignees are the subjects of cargo transportation relations. Cargo transportation is carried out by rail freight transport, road freight transport, sea freight transport and inland waterway freight transport, air freight transport, pipeline transport, space transport, other types of transport. General conditions of cargo transportation, as well as special conditions of transportation of certain types of cargo (explosives, weapons, poisonous, flammable, radioactive and other dangerous substances, etc.) are determined by this Code and the codes, laws, transport statutes and other

regulatory legal acts issued in accordance with it.

The Code contains the following articles:

- Cargo transportation contract;
- Acceptance of cargo for transportation;
- Change of conditions of transportation;
- Receiving the cargo at the destination;
- Fee for cargo transportation;
- Liability of the carrier for delay in cargo delivery;
- Carrier's responsibility for loss, shortage, damage to cargo;
- The procedure for resolving disputes regarding transportation;
- Transport-forwarding contract.

Also in the Code there is such an article as the Contract of Multimodal Transportation. In accordance with this article, under the contract of multimodal transportation, transportation is carried out by two or more modes of transport on the basis of a document of multimodal transportation of goods under the responsibility of the operator of multimodal transportation. The contract of multimodal transportation is concluded between the operator of multimodal transportation and the customer of the multimodal transportation service in accordance with the Law of Ukraine "On Multimodal Transportation". Agreement on international multimodal transportation can be represented as the kind of external economic agreement between two states on especial terms, which were earlier confirmed. International conventions help to solve the main argued questions between the participants and sub-contractors. In other cases, INCOTERMS and state legal regulations are used. Conception of mixed transportation was approved by FIATA document, that is called Combined transport bill of lading. Tokyo rules are the basis of this documents. This rules were adopted in 1969 on International Conference on Multimodal Transportation in Tokyo. How to improve the

current legislation of Ukraine? In order to improve the current legislation of Ukraine, it is important to study and analyze the foreign experience of regulating transportation. It is important to study and analyze Ukrainian legislation in the field of aviation. The transport sector in Ukraine today The transport sector is a priority in Ukraine. However, it should be noted that Ukraine does not pay enough attention at the legislative level. Insufficient attention is paid to the development of the aviation sector. Therefore, it is necessary to do the following Analyze foreign experience. Compare with Ukrainian legislation. Compare with Ukrainian legislation. Based on the above analysis Based on the analysis, the following recommendations can be made Improvement of administrative and legal support of civil aviation activities in Ukraine. As a result of the analysis of local legislation. Regarding the key issues in the development of the aviation sector in Ukraine, the following conclusions were reached Airports and aviation activities in Ukraine today include transportation, flight performance and performance regulation Unmanned aircraft flights, training of aviation specialists There is the training of aviation specialists. Transportation safety Existence of institutions and mechanisms to ensure transportation safety in foreign countries (especially developed countries in the EU)

Institutions and mechanisms for ensuring transport safety are well developed in other countries (especially in developed countries of the EU and the USA). In Ukraine, relevant institutions and mechanisms are widespread. Therefore, it was decided to introduce and compare foreign systems. Ukraine's experience in civil aviation administrative and legal regulation. Therefore, it was decided to introduce and compare foreign experience of civil aviation administrative and legal regulation. So, there are a lot of another convention and agreements that are used depending on the kind of transport. For example, in automobile transport, CMR (car movement regulation) is used.

During Air Transportation, the rules and documents approved by Montreal Convention are used. The main documents are AirWay Bill, Cargo consignment. Later, the International Trade Association handled and developed this rules for documental accompanying of the multimodal transportation process. This adopted regulations had not satisfied the United Nations organization. The new convention of United Nations on mixed cargo transportation had been adopted in 1980. But during the process of transferring the cargo from one mode of transport to another, the cargo also transferred from one sphere of influence to another there was not one general document accompanying the multimodal transportation.

In November 2021, the Verkhovna Rada of Ukraine adopted the Law of Ukraine on Multimodal Transportation for issues of climate change and excessive energy consumption.

The law provides for the implementation of Council Directive 92/106/EEC of December 7, 1992 on the establishment of common rules for certain types of combined transportation of goods between member states (in accordance with Annex XXXII to Chapter 7 "Transport" of Chapter V "Economic and sectoral cooperation" of the Agreement on association Ukraine - EU). The law introduced the concept of multimodal and combined transportation of goods, multimodal terminal, document of multimodal transportation, operator and customer of multimodal transportation, definition of multimodal transportation contract, its essential conditions, rights and obligations of its parties, basic principles of state regulation and state assistance regarding this type of transportation. The law enshrines the right of participants in multimodal transportation to transport cargo based on the conclusion of a single contract (contract of multimodal transportation) for all stages of transportation, regardless of the change in modes of transportation, and to carry out transportation of cargo under one

transportation document (document of multimodal transportation), on which the parties have reached an agreement. The law provides that during the provision of multimodal cargo transportation services, the responsibility of the multimodal transportation operator for the cargo to the customer of the service covers the period from the moment of acceptance of the cargo to the multimodal transportation and until the moment of delivery of the cargo. Also, relations in the field of multimodal transportation are regulated by the Civil Code of Ukraine, the Code of Merchant Shipping of Ukraine, the Customs Code of Ukraine, the laws of Ukraine "On Transport", "On Railway Transport", "On Road Transport", "On Cargo Transit", "On foreign economic activity", "On transport and forwarding activities", "On state aid to business entities", this Law, other laws, as well as other normative legal acts adopted in accordance with them. Air transportation is carried out in accordance with the requirements of the Convention for the Unification of Certain Rules of International Air Transportation (Montreal, May 28, 1999), as well as the norms of the Civil Code of Ukraine, the Economic Code of Ukraine, and the Air Code of Ukraine. They are regulated by the Order of the Ministry of Transport No. 793 dated 14.10.2003 "On the approval of the Rules for Air Cargo Transportation" (registered at the Ministry of Justice of Ukraine on 07.11.03 under No. 1023/8344) by the Order of the Ministry of Transport No. 568 of 25.07.2003 "On the Approval of the Rules of

Air Transportation of passengers and baggage" (registered in the Ministry of Justice of Ukraine on 29.08.03 under No. 755/8076) and other normative acts, and general provisions on transportation and rules of transportation and provision of services. Today, there are more than 3,000 bilateral agreements regulating international air transport. Bilateral agreements exist. These agreements determine the number of airlines that each Contracting State may designate. The number of airlines that each Contracting State may designate Overhead lines are identified and maximum frequencies are determined flights and share restrictions are established. Limitations on the share of foreign investments in the ownership structure of airlines and a tariff regime are established. According to I. Bezludko, the tariff system is also defined. He cites the example of deepening cooperation for Ukraine's integration into the European and world community. This is deepening cooperation for the integration of Ukraine into the European and world community. This to increases responsibility of air transport operators, gives the possibility of concluding bilateral and multilateral agreements on air transportation, opens prospects for conclusion of bilateral and multilateral agreements on air transportation [32]. All these factors are taken into account while providing services at Freight Transport Partner organization multimodal transportation services.

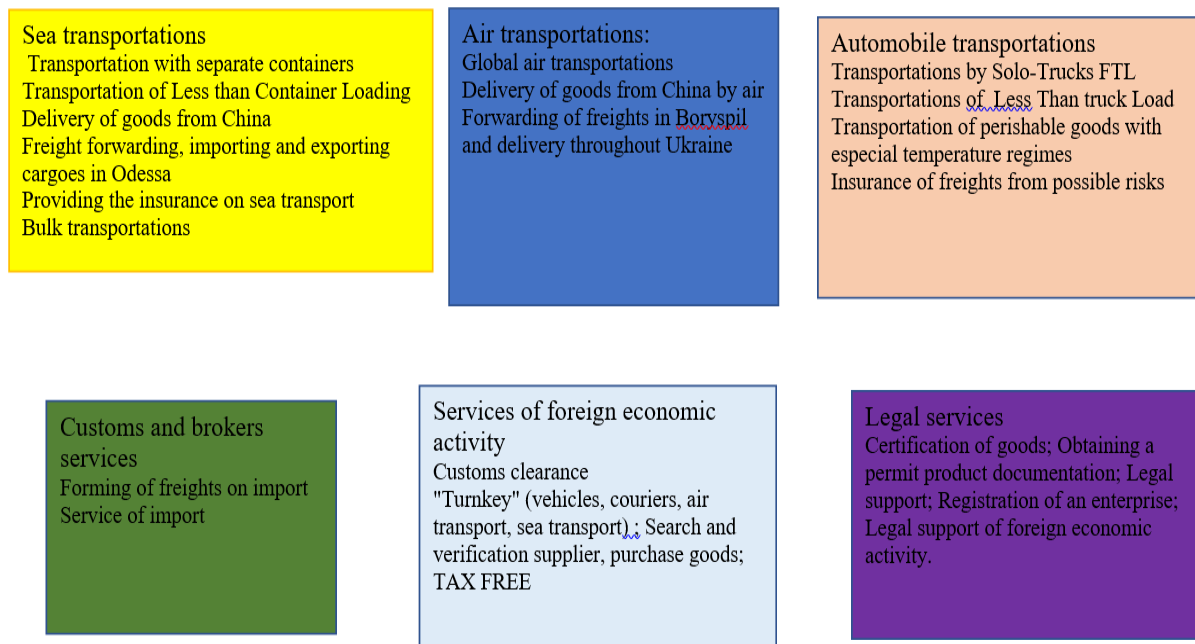


Figure 1 – Legal Multimodal Transportation Services
by Transport Operator Freight Transport Company
Developed by: Reznik Volodymyr, Dmytro Bugayko

In addition, the field of intermodal transportation is regulated by the Civil Code of Ukraine, the Commercial Shipping Code of Ukraine, the Customs Code of Ukraine, the Law of Ukraine "On Transport", "Railway Transport", "Road Transport", "Freight Transport", "Foreign Economic Activities", "Transportation and Freight Forwarding Activities", "State aid to legal entities 'Railway transport', 'Road transport', 'Freight transport', 'Foreign economic activities', 'Transport and transport activities', 'State aid to organizations' are regulated by this Law, other laws and other normative legal acts adopted in accordance with them. Air transport is carried out in accordance with the requirements of the norms of the 'Convention on the Unification of Certain Rules of International Air Transport' (Montreal, 28 May 1999), the Civil Code of Ukraine, the Economic Code of Ukraine and the Air Code of Ukraine. These rules are regulated by the Decree of the Ministry of Transport No. 793 of October 14, 2003 'On Approval of the Rules of Air Cargo Transportation' (Register of the Ministry of Justice of Ukraine No. 1023/8344 of

November 7, 2003) and the Decree of the Ministry of Transport No. 568 of July 25, 2003. . Decree of the Ministry of Transport 'On Approval of the Rules of Air Transportation of Passengers and Baggage' dated July 25, 2003 No. 568 (Register of the Ministry of Justice of Ukraine dated August 29, 2003 No. 755/8076) and other normative acts, as well as transport rules and general provisions on the provision of transport and services.

Conclusions. In today's unstable situation of institutional functioning, it is important to create a logical chain that forms an effective organizational and economic mechanism for innovative development of the transport sector in the intermodal transport system. So, legal regulations of multimodal transportations plays a huge role in the whole process.

The objectives of innovative activities of transport enterprises are:

- Ensuring the quality of transportation services;
- Responsiveness to orders and timeliness of transportation;

- Ensuring the safety of freight transportation;
- Implementation of up-to-date information systems;
- Use of energy-saving technologies;
- Increasing the environmental compatibility of transport services .

The priority direction of state regulation of the economy is the stimulation of innovative activities, which requires the establishment of an effective innovation and innovative processes management system to ensure the exit of the transport sector from the crisis situation and the development of an intermodal transport system. The main reasons hindering the innovative development of the transport sector in the intermodal transport system are:

- Incomplete legal basis for the implementation of intermodal transportation of goods;
- Incompatibility of regulations on the transportation of dangerous goods with EU norms;
- Lack of conditions for the establishment and operation of national intermodal transport operators;
- Incomplete customs policy in transport;
- High risks for intermodal operators when organizing long-distance transport involving multiple means of transport;
- Technological backwardness of transport and infrastructure; low level of implementation of modern technologies and innovative policies in the transport sector;
- Disproportion between the level of development of railway infrastructure capacities and cargo handling capacities of ports;
- Existence of 'bottlenecks' in the infrastructure for transit transport by rail; - low level of development of railway infrastructure capacity and port cargo handling capacity;
- Slow adoption of new information technologies;
- Lack of compensation mechanisms for investments in strategic transport facilities;
- Lack of a transparent accounting system for transport costs and effective control

mechanisms for the provision and use of funds for the repair, reconstruction and construction of transport infrastructure;

- Lack of specialized and experienced professionals in the field of intermodal transport; etc.

Taking into account the experience of intermodal transport in Europe, the creation and development of this type of transport in Ukraine is of great importance and requires solving a number of issues related to the organization of transport on existing and new routes, in particular, through adaptation to the norms of the European Union. Due to the complex geopolitical situation, road and rail transport directs transport flows westward. It is clear that the work of the transport complex reflects the state of the domestic economy, which is currently not in the best condition.

In order to make the most of Ukraine's transport potential, especially as a transit country, it is necessary to create a customer-oriented transport service system, to ensure effective organization of the country's transport and road complexes, to ensure effective organization of all types of transport potential and capacities on the basis of partnership and competition in transport. Measures should be taken to achieve synergies from the combination of the two

The prerequisites for the formation of intermodal transport routes on the market under modern conditions were analyzed. The pre-war conditions of the transportation market were analyzed: Until February 2022, the market had a heterogeneous development structure, as the global downturn following the coronavirus pandemic had a significant impact on the market. At the same time, it should be noted that total transportation volumes in 2020 increased compared to 2019. This increase was mainly due to road transport. Other types of transport remained at the same level (water transport, air) or decreased (rail). The beginning of the large-scale occupation had a significant impact on Ukraine's transport infrastructure, many railway and road routes were destroyed, air routes were completely

closed, and sea ports were almost completely blockaded. The increase in passenger and freight traffic to the West has highlighted problems with border infrastructure. Logistics companies, like many commercial enterprises, had to rebuild their operations with the start of the war and develop new operational plans under martial law conditions. Therefore, companies, having experienced the destruction of many transportation schemes, had to find ways to build new routes. Mixed air transport will be taken to airports in Poland and Germany, from where it will be transported by road to Ukraine. Transportation is a key complex activity related to the movement of material resources, work-in-progress or finished products by a certain means of transport in the logistics chain. The development of the multimodal cargo transportation system contributes to the solution of the region's economic issues; ensures coordination and

organizational-technological interaction of all links of the cargo delivery chain; ensures the development of the transport services market infrastructure. The development of the country's transport complex under martial law is a very important task for supporting the country's economy. On the one hand, the need to restore many kilometers of destroyed roads will require huge investments, and on the other hand, it gives an opportunity to immediately build a modern transport infrastructure that meets all global quality requirements. At the enterprise level, it is necessary to solve the tasks of restructuring one's own business processes or modernizing existing ones to adapt to external circumstances. Thus, due to the cancellation of air transportation and the blockade of sea ports, the company should focus to rebuild its multimodal routes. Delivery by air transport will be carried out to the airports of European countries.

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