

Economic sciences

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FEATURES OF LEGAL REGULATION OF INTERNATIONAL MARITIME CONTAINER SHIPPING

Summary: The purpose of this article is to analyze the international instruments in the field of regulation of international maritime container traffic.

Key words: maritime container shipping, bills of lading, The Hague-Visby Rules, convention, technical requirements, carrier, owner of the cargo.

Formulation of the problem. States interested in merchant shipping, during all times gave close attention to the development of legislation, which regulates shipping. But the rapid development of maritime container shipping, providing international character needed to develop new methods of regulation. This led to the emergence of legal rules, which regulate this kind of transport by sea.

Analysis of studies and publications in recent years. Legal regulation of international maritime container traffic is primarily made of international acts and rules of national law. It should be noted that the problem of legal regulation of international maritime container traffic in the scientific literature highlighted not enough. Some key aspects reflected in scientific works of S. I. Denisenko, T. R. Chukhrai and A. V. Jushko.

Highlighting of unsolved aspects of the problem. Considering the current development of maritime container traffic and their importance for the efficiency of world trade, the legal regulation of maritime container traffic at the international level needs further research.

The main material research. At the present stage of international maritime container shipping has several international treaties governing their implementation.

Firstly, the International Convention for the Unification of Certain Rules relating to bills of lading, signed in August 25, 1924 in Brussels, known as the Hague rules [4]. This Convention applies to bills of lading or any similar document and all goods except live animals and cargo carried on the deck of the ship. Until recent times, 4/5 of sea container transportation of cargo carried on vessels sailing under the flags of the countries - parties to the Convention, or countries that have incorporated its basic rules into national law. The main significance of the Hague Rules is setting a minimum liability of carriers, they thus quite clearly divide risks between carrier and owner of the cargo, and this created the basis for cargo insurance and liability insurance [7,c.315].

Secondly, Protocol of changes in the International Convention for the Unification of Certain Rules relating to bills of lading, signed at Brussels on August 25, 1924, commonly known as Visby Rules [6]. The main provisions of the Protocol are following: founded that the carrier can not deny bill of lading, if the bill of lading submitted to third holder in good faith; provides the ability to extend the statute of limitations; deadline for submission of recourse. The changed rule on limitation of liability of the carrier, introduced the so-called "dual system" - 10 thousand francs Poincare for a place or unit, or 30 francs per 1 kg gross weight lost or damaged goods, whichever amount is higher. Resolved the issue and the procedure of limitation of liability for the carriage of cargo in the container when used container, pallet or similar transport device, the number of sites listed in the bill of lading as packed in such adaptation is considered the number of seats for the purpose of limiting liability. The Protocol specifies that the carrier has no right to use the limitation of liability if the damage appeared to result from the action or omission of the carrier committed with intent to cause damage or recklessly and with knowledge of the possibilities of causing damage [8, c.171].

Thirdly, the UN Convention on commercial maritime transportation of goods, adopted in Hamburg in 1978, with the entry into force on 1 January 1992 [2]. According to the Convention, the carrier is liable for damage resulting from the loss or damage and delay in its delivery, unless he proves that he, his servants or agents took all measures to avoid the circumstances that caused the loss, damage or delays and their consequences. Unlike the Hague Rules the basic rule of liability set out in a positive manner and includes an indicative list of circumstances that exempt the carrier from responsibility. Additionally founded, that the carrier is responsible for the delay in delivery. However, the carrier is no longer able to get rid of responsibility under "navigation error." With the principle of liability for guilt made only one exception: the carrier is not liable in cases where the loss, damage or delay in delivery resulted from measures to rescue lives and reasonable measures to salvage property at sea. There is one exception given by presumption of fault of the carrier, namely, if the loss or damage occurred by fire, the carrier is liable only if the person who claims the requirement proves that the fire occurred through the fault of the carrier, its employees or agents [7, c.316].

Fourthly, the International Convention for Safe Containers of 1972, which is the basis for international regulation of containerized cargo [3]. The Convention defines container as handling equipment to certain permanent characteristics and formulated the basic technical requirements to its structure. The annexes, which are an integral part of set rules for inspection, testing, maintenance and clearance of containers for use. Each new container must pass the appropriate certification. According to the document, the international container shipments can only be containers admitted qualification and supervisor of one of the countries that acceded to the Convention.

Fifthly, Customs Convention on Containers, 1972 [5], whose purpose is harmonization of procedures and rules for crossing state borders laden and empty containers. It consists of four parts: basic text containing the general provisions provided temporary importation of containers, the rules of admission of containers for transport under Customs seal, provided signature, ratification, acceptance,

approval and accession to the Convention; and three Annexes (Regulations on labeling containers; Procedures temporary admission; The use of containers in internal traffic). In addition, since the container is reusable transport equipment optimally convenient, versatile and economical to use this Convention by simplifying and harmonizing domestic laws and bringing them to the best international denominator contributes to the implementation of foreign trade [1, c.102]. Customs Convention determines the conditions of temporary admission and procedure for the temporary use of containers in foreign territory; contains rules and procedures of access equipment to transport under customs seal. By adopting the document, members of the international container cargo agreed to consider temporarily imported and thus not subject to import duty containers specified in the sales contract as backward. Such a container can stay in a foreign country is not more than 3 months and operated internally accordance with the Customs Convention. Each container, which is involved in international cargo transportation and admitted, as required by the Customs Convention to transport under customs seal, should be labeled.

Conclusions and prospects for further development. Consequently, modern base and regulation of international maritime container traffic represented by five major international instruments: the International Convention for the Unification of Certain Rules relating to bills of lading, known as the Hague rules, change the Protocol on the International Convention for the Unification of Certain Rules known worldwide as Visby Rules; UN Convention on maritime transportation; Customs Convention on Containers, and the International Convention for safe containers. Further research requires analysis of national legislation for the regulation of international maritime container traffic.

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