

ppi 201502ZU4645

Publicación científica en formato digital

ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185

Depósito legal pp 197402ZU34

CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.40

Nº 74

2022



The Impact of Russia's Military Aggression on Ukraine's Accession to the Single European Transport Area

DOI: <https://doi.org/10.46398/cuestpol.4074.30>

Hennadii Ferdman *
Maksym Kiriakidi **
Volodymyr Dubovyi ***
Oleh Filonenko ****
Serhiy Benkovsky *****

Abstract

The events of recent years and the direct aggression of the Russian Federation have forced Ukraine to reformat the transport system on a large scale and intensify the accession to the Single European Transport Area (SETA). The aim of this study was to substantiate the thesis that the integration of Ukraine's transport system under the influence of Russia's military aggression is in line with its national interests. The study involved the methods of systems analysis, epistemological, dialectical and statistical methods, comparative law and the method of legal modeling. Definitely, SETA is based on the principles of unity, environmental friendliness, safety, economy, energy saving, branching and digital modernization. It is concluded that the legal framework for Ukraine's accession to SETA was established with the signing of the Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and its member states, on the other hand, in 2014. However, Russia's military aggression against Ukraine has significantly delayed the implementation of the SETA accession plan due to the destruction of many transport infrastructure facilities and economic recession, among other factors.

* PhD in Public Administration, Deputy Head of the Research Center of the Armed Forces of Ukraine "State Oceanarium" on scientific work of the Institute of Naval of the National University "Odesa Maritime Academy", 65029, Odesa, Ukraine. ORCID: <https://orcid.org/0000-0002-2023-1696>

** Commandant of the Institute of Naval of the National University "Odesa Maritime Academy", 65029, Odesa, Ukraine. ORCID ID: <https://orcid.org/0000-0003-4050-3377>

*** Senior Researcher of the Research Center of the Armed Forces of Ukraine "State Oceanarium" Institute of Naval Forces of the National University "Odesa Maritime Academy", 65029, Odesa, Ukraine. ORCID ID: <https://orcid.org/0000-0002-2997-6723>

**** Senior Researcher of the Research Center of the Armed Forces of Ukraine "State Oceanarium" Institute of Naval Forces of the National University "Odesa Maritime Academy", 65029, Odesa. ORCID ID: <https://orcid.org/0000-0003-3380-4390>

***** PhD in Legal Sciences, Head of the Department of Social, Humanitarian and Legal Disciplines of the Kyiv Institute of the National Guard of Ukraine, 03179, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0003-0757-9513>

Keywords: military aggression; single transport space; Russian Federation; Ukraine; European Union.

El impacto de la agresión militar de Rusia en la adhesión de Ucrania al área única europea de transporte

Resumen

Los acontecimientos de los últimos años y la agresión directa de la Federación Rusa han obligado a Ucrania a reformatear a gran escala el sistema de transporte e intensificar la adhesión al Área Única Europea de Transporte (SETA). El objetivo de este estudio fue fundamentar la tesis de que la integración del sistema de transporte de Ucrania bajo la influencia de la agresión militar de Rusia está en línea con sus intereses nacionales. El estudio involucró los métodos de análisis de sistemas, métodos epistemológicos, dialécticos y estadísticos, derecho comparado y el método de modelado legal. Definitivamente, el SETA se basa en los principios de unidad, respeto al medio ambiente, seguridad, economía, ahorro energético, ramificación y modernización digital. Se concluye que el marco jurídico para la adhesión de Ucrania a SETA se estableció con la firma del Acuerdo entre Ucrania, por una parte, y la Unión Europea, la Comunidad Europea de la Energía Atómica y sus Estados miembros, por otra parte, en 2014. Sin embargo, la agresión militar de Rusia a Ucrania ha retrasado significativamente la implementación del plan de adhesión de SETA debido a la destrucción de muchas instalaciones de infraestructura de transporte y la recesión económica, entre otros factores.

Palabras clave: agresión militar; espacio único de transporte; Federación rusa; Ucrania; Unión Europea.

Introduction

Since 2014, Russian aggression on the territory of Ukraine has entered in its active phase. The occupier has taken control of airports and other transport infrastructure of the Autonomous Republic of Crimea (ARC), much of Donbas (Hai-Nyzhnyk *et al.*, 2016). In February 2022, Russia's hybrid war escalated into open military aggression and led to radical transformations in Europe and the world (OSCE, 2022).

Strengthening of the national consciousness of Ukrainian citizens and the identification of the Ukrainian state as part of the European community

was one of the implications of the military aggression of the Russian Federation in Ukraine. This entailed signing of the Association Agreement with the EU in 2014. The cooperation between the EU and Ukraine in the field of international maritime transport (Article 135), road, rail and inland waterway transport (Article 136), air transport (Article 137) were important areas of this Agreement. The Association Agreement with the EU was actually the starting point for Ukraine's accession to the SETA. The latter was established in July 1996 with the adoption of the Decision No. 1692/96/EC of the European Parliament and the Council of Europe on Community guidelines for the development of the trans-European transport network (1996).

The 2030 National Transport Strategy of Ukraine was approved by the Cabinet of Ministers of Ukraine No. 430-r of May 30, 2018 in order to implement the provisions of the Association Agreement with the EU in the field of transport (Verkhovna Rada of Ukraine, 2018). Signing and ratification of the Common Aviation Area Agreement between Ukraine and the European Union was an important achievement of Ukraine after the approval of the said Strategy (Verkhovna Rada of Ukraine, 2022).

However, there are two factors that simultaneously influence Ukraine's accession to the SETA after the beginning of Russia's military aggression. On the one hand, the significant destruction of transport infrastructure as a result of direct Russian aggression is slowing down the pace of implementation of Ukraine's SETA accession plan. In particular, 24 thousand km of public roads were destroyed; 273 structures (bridges, overpasses, etc.) were damaged and destroyed, 6.3 thousand km of main tracks and 41 railway bridges were destroyed as of the end of May 2022 (Minfin, 2022). On the other hand, there is an urgent need for the organization of common transport corridors to unblock the supply of some strategically important products from Ukraine.

So, Ukraine's accession to the SETA is a mutually beneficial area of Ukraine - EU cooperation. This is why certain conditions must be met in the legislative, economic, technical, administrative spheres, both on the part of Ukraine and the EU, in order to achieve all strategic goals on this path.

Many researchers dealt with the issues of military conflict between Russia and Ukraine. In particular, Hai-Nyzhnyk *et al.* (2016) outlined the prehistory of the military conflict, identified areas of joint infrastructure projects of Russia and Ukraine, including the transport projects. A number of authors (Trofymowycz, 2016; Karpachova, 2021) studied the geopolitical and economic background and implications of the Russia's military aggression on the territory of Ukraine.

A large number of studies provide the analysis of certain issues of development of the SETA and the transport system of Ukraine. In particular,

Fediay (2018) studied the features of the integration of Ukrainian transport infrastructure into the Trans-European Transport Network (TEN-T). Other researchers (Derkach, 2017; Żurawski vel Grajewski, 2021; Ihnatova, 2018) studied the common transport policy of the EU, outlined the interaction of the SETA with the transport systems of third countries. These researchers especially focused on the ways of the SETA development.

A separate group of researchers worked on the improvement of safety, environmental friendliness and other performance indicators of the SETA, as well as transport systems of individual countries, including Ukraine to meet EU requirements (Stroiko and Bondar, 2017; Gamero *et al.*, 2018; Shah *et al.*, 2018; Chervinchuk *et al.*, 2021).

The literature review give grounds to make a conclusion that the issues of adapting the SETA development plans and Ukraine's accession to the SETA in view of the implications of Russia's military aggression for Ukraine and the world are poorly studied. In view of the foregoing, the assessment of the impact of the Russian military aggression on Ukraine's accession to the SETA and the development of ways to adapt the plan of Ukraine's accession to the SETA is an important area of research.

1. Aim

Considering all the above, the aim of this study is to substantiate the idea that the integration of Ukraine's transport system into the SETA under the influence of Russian military aggression is in line with the national interests of Ukraine. This aim involved the following research objectives: 1) it was argued that the SETA meets the basic effectiveness criteria; 2) the international acts that regulate SETA's activities, to which Ukraine has acceded and those to be ratified, were determined; those acts were arranged by the types of transport; 3) outlines the steps that Ukraine must take to bring its legislation and transport infrastructure facilities to match the appropriate requirements in order to join Ukraine's transport system to the SETA with due regard to the adjustments caused by Russia's military aggression; 4) international agreements between Ukraine and Russia to be denounced were identified; 5) the implications of Russia's military aggression for Ukraine's accession to the SETA were summarized.

2. Methodology and methods

The methodological background of this research was a system of methods of epistemological, dialectical and statistical analysis, methods of generalization and grouping, system selection, comparative legal methods

and legal modelling. These methods helped to identify the main issues of the impact of Russia's military aggression on Ukraine's accession to the SETA.

The theoretical background of this research is studies that dealt with the causes and implications of Russia's military aggression on the territory of Ukraine, as well as the ways of Ukraine's European integration and its accession to the SETA.

The empirical background of this study are domestic and international legal acts that regulate the transport system of Ukraine and the SETA, international agreements with Russia to be denounced, official statistics on the destructions of transport infrastructure in Ukraine caused by the military aggression, approximate investment for the restoration and modernization of Ukraine's transport infrastructure, data on the level of transport safety in Europe and the EU.

The methodology of this research is based on dividing the research into three interrelated stages.

The first stage involved the collection and arrangement of the theoretical background of the research, its fundamental study in order to further search for unresolved issues in the research topic, scientific and theoretical justification of the topicality of the research. This stage of writing a research paper also provided for determining research methodology, identification a system of methods that will best reveal the topic, analysing the problem of the impact of Russian military aggression on Ukraine's accession to the SETA. The correct setting of the aim of the research and its objectives in accordance with this aim was the key issue at this stage.

The next stage involved sampling for empirical research. The sample was formed using official statistics. In particular, the following criteria were used to justify the effectiveness of the SETA: traffic safety, mortality rate in accidents by mode of transport. Traffic safety was measured using data on the number of road accidents and the number of victims in the EU – Belgium, Greece, Italy, Cyprus, Germany, Poland, France and Sweden. Relevant data on Ukraine were also presented for comparison.

The second stage of the research provided for an assessment of the destructions of Ukraine's transport infrastructure caused by the Russian military aggression based on official data from the Ministry of Economy of Ukraine. The volume of freight and passenger traffic in the EU and Ukraine in the pre-war period was estimated by modes of transport. Based on the comparison of these indicators, a conclusion was made about the impact of destructions, the absence of air traffic on the traffic volume and increased load on the railway transport.

This stage also provided for the arrangement of the international transport-related acts involving the Russian Federation which are denounced or need to be denounced. International acts that regulate SETA's activities are grouped and their status for Ukraine is determined. The steps necessary for Ukraine's accession to the SETA were identified.

The last stage of the research involved systematization of the results of the analysis, which allowed to achieve the aim and fulfil the objectives of the study. The generalization of the obtained research results gave grounds for the practical recommendations on the ways of adaptation of the Ukraine's accession plan to the SETA. The practical significance of the research results is the possibility of their use in the adaptation of Ukraine's accession plan to the SETA.

3. Results

The efficiency of the SETA is based on the following interrelated indicators (criteria) of efficiency: traffic safety, environmental friendliness, innovation, energy saving, infrastructure development (comfort), branching. The EU White Paper on Transport (Publications Office Of The European Union, 2011) is the most important of them. Table 1 is built on the basis of these data on the EU countries in comparison with the corresponding indicators of Ukraine. The period of 2019-2021 is taken as a basis of measurement.

Table 1. Transport safety indicators in the EU and Ukraine

State Years	The total number of accidents on all modes of transport that resulted in casualties			Mortality rate as a result of accidents on all modes of transport		
	2019	2020	2021	2019	2020	2021
Belgium	37,699	36,355	34,217	646	499	341
Greece	10,712	9,083	10,712	618	518	413
Italy	172,183	118,298	115,101	3,173	2,395	1,982
Cyprus	727	706	893	52	48	43
Germany	308,721	327,550	331,615	3,046	2,719	2,114
Poland	30,288	23,540	21,065	2,909	2,491	2 117
France	56,006	45,117	39,074	3,237	2,538	1,871
Sweden	14,951	14,735	13,076	221	204	198
Ukraine	160,675	168,107	173,012	3,454	3,541	2,560

Based on references: Bast (2022); Hellenic Statistical Authority (2022); Eurostat (n.d.); National Police (2022).

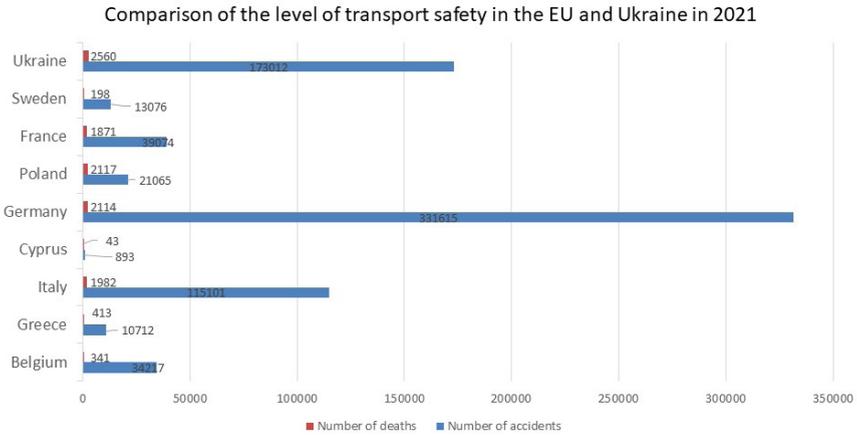


Figure 1: Comparison of the level of transport safety in the EU and Ukraine in 2021.

So, among the EU countries listed in Table 1, Germany (308,721 – 331,615), Italy (172,183 – 115,101), France (56,006 – 39,074), Belgium (37,699 – 34,217) had the largest number of traffic accidents during 2019-2021. At the same time, in all European countries, except Germany, there is a tendency towards the reduction of the number of accidents. Ukraine ranks second among these countries. However, in contrast to European countries, Ukraine has a tendency towards a slight increase the number of accidents. In particular, in 2021 the number of accidents in Ukraine compared to 2019 increased by 7% (National Police, 2022).

The highest mortality rate from traffic accidents was recorded in Poland – 10% of the total number of accidents. Ukraine has a relatively low mortality rate. In 2021, it was 1.5%, which is the average for the EU. That is, in the pre-war period, Ukraine corresponded to the appropriate level of European states in terms of the level of transport safety.

Table 2 provides data on the volume of transportation in selected EU countries and Ukraine in the pre-war period.

Table 2. The volume of transportation by mode of transport in the EU and Ukraine in 2019-2021

Mode of transport /transportations Passengers thousand people	2019		2020		2021	
	Cargoes thousand t	Passengers thousand people	Cargoes thousand t	Passengers thousand people	Cargoes thousand t	
GREECE						
Road	-	354,081	-	289,246	-	-
Air	54,258,826	105,403	17,341,192	72,990	32,245,559	108,580
River	-	-	-	-	-	-
Marine	-	194,468	-	178,339	-	-
Railway	19,599	98,804	10,220	90,902	12,115	92,025
ITALY						
Road	-	978,883	-	933,601	-	-
Air	160,667,939	1,021,941	40,405,355	776,205	59,546,376	1,015,988
River	-	-	-	-	-	-
Marine	-	508,074	-	469,635	-	-
Railway	898,472	94,295	389,883	90,529	391,098	91,678
GERMANY						
Road	996,500	3,208,232	-	3,119,646	-	-
Air	226,764,086	46,845,523	57,795,978	4,497,805	73,597,370	5,273,263
River	-	205,066	-	188,022	-	-
Marine	-	294,533	-	188,022	-	-
Railway	2,938,023	364,120	1,752,198	325,303	1,755,995	357,564
POLAND						
Road	-	1,506,450	-	1,500,104	-	-
Air	46,942,771	143,109	13,825,783	111,278	18,854,783	143,471
River	-	2,870	-	2,517	-	-
Marine	-	93,864	-	88,520	-	-
Railway	19,827	233,744	13,100	218,381	13,354	221,178
FRANCE						
Road	859,367	1,634,946	-	1,508,016	-	-
Air	168,726,788	2,371,614	50,724,011	1,938,349	66,030,409	2,275,093
River	-	64,207	-	55,979	-	-
Marine	-	302,288	-	274,511	-	-
Railway	1,265,330	91,997	723,852	69,805	725,147	71,802

SWEDEN						
Road	-	449,362	-	475,232	-	-
Air	37,614,763	162,743	9,317,677	132,083	10,793,224	146,590
River	-	-	-	-	-	-
Marine	-	170,557	-	168,970	-	-
Railway	264,603	68,220	169,163	69,805	172,361	71,173
UKRAINE						
Road	1,804,929.3	1,147,049.6	1,083,872.7	1,232,391.9	109,089.7	180,029.5
Air	13,705.8	92.6	4,797.5	88.3	930	100
River	589.9	9,990.2	256.5	3,788.4	500	3481.8
Marine	79.4	2120.3	52.6	1,812.2		1,818.2
Railway	154,811.8	312,938.9	68,332.5	305,480.4	91,499.6	314,300.1

Based on references: Statistics Sweden (n.d.); Eurostat (n.d.); Insee (n.d.); Ukrstat (2022).

Germany has the highest volume of traffic among the selected EU countries. This may partly explain the higher level of accidents compared to other EU countries. By modes of transport, air transport takes the largest passenger and freight traffic in all EU countries. The coronavirus pandemic has caused the reduction in passenger traffic in 2020 compared to 2019 in all countries. However, in 2021 there was a tendency towards an increase again.

In contrast to the EU countries, in Ukraine pre-war passenger and freight transportation was carried out mainly by road and railway. This is influenced by such factors as pricing and the branching of the network of relevant modes of transport.

At the same time, according to experts (EVA, 2021), air transport in Ukraine received the highest score – 3.15 points out of 5 possible. All other modes of transport received negative marks: road – 2.96 points, water transport – 2.75 points, sea transport – 2.47 points, and rail transport – 2.45 points.

So, air transport is the most promising area of development in the context of the accession of the Ukrainian transport system to the SETA. That is why the Common Aviation Area Agreement was one of the first agreements signed between Ukraine with the EU (Verkhovna Rada of Ukraine, 2022).

However, air transport has completely ceased its activities since the beginning of the active phase of military aggression against Ukraine. The volume of water transport has also decreased significantly because of the constant threat of shelling by the Russian Federation. Table 3 below shows

the indicators of the destruction of Ukraine's transport infrastructure since the beginning of the active phase of Russia's military aggression.

Table 3. Assessment of the destruction of transport infrastructure in Ukraine as a result of military aggression by the Russian Federation as of the end of May 2022

Transport infrastructure object	Destruction scope, km/pcs	Cost of losses, million US dollars
Roads, thousand km	23,8	29,879
Civil airports, pcs	11	6,817
Railway infrastructure, thousand tracks	6,3	3 676
Railway bridges, pcs	41	
Road bridges and crossings, km	295	1,646
Military airfields, pcs	12	468
Mriia AN 225 aircraft	1	300

Based on references: Minfin UA (2022).

The damage to the transport infrastructure, which slows down the rate of economic growth in Ukraine because of the military aggression of the Russian Federation more than twice, should have stopped the process of joining the SETA. It has launched a process of severing transport cooperation between Ukraine and Russia and a complete reorientation to the EU market. Now, Ukraine is interested in attracting international aid and investment to rebuild transport infrastructure and bring it in line with EU standards. Besides, Ukraine's application for EU membership will also accelerate Ukraine's accession to the SETA. Besides, the sanctions imposed by the EU on Russia are forcing most European countries to reconsider their prospects and reformat modes of transport to more environmentally friendly.

The severance of old transport links between Ukraine and Russia requires a revision of bilateral agreements between these countries (Table 4).

Table 4. Bilateral transport agreements between Ukraine and Russia.

Name	Date and ground for ratification	Summary	Status for Ukraine
-------------	---	----------------	---------------------------

Agreement between the Government of Ukraine and the Council of Ministers – the Government of the Russian Federation on coordination of railway transport	14.05.1993 by signing by governments	Transportation of passengers and cargos between railway stations of both states is carried out on the basis of regulations in force at the time of signing this Agreement.	Valid
Agreement between the Government of Ukraine and the Government of the Russian Federation on the principles of cooperation and terms of relationship in the field of transport	26.05.1993 by signing by governments	The parties determined the principles of reciprocity, favourable conditions for the functioning of all modes of transport. The parties agreed to maintain the current procedure for international transportations established by the intergovernmental agreements previously concluded by the USSR with other countries, as well as the Conventions and other agreements in the field of transport, to which the USSR was a party.	Valid
Agreement on interstate transportation of dangerous and label cargo	23.12.1993 by signing by governments	For the period before the adoption of international regulations on the transportation of dangerous and label cargo or development of new ones, the parties agreed to maintain the procedure of transportation of such cargo previously existing in the territory of the former USSR, including in international traffic, by rail, road, air, river and marine transport.	Valid
Agreement between the Government of Ukraine and the Government of the Russian Federation on air services and cooperation in the field of air transport	12.01.1994 by signing by governments	Determines the activities of airlines designated by each Party for operation of contract lines on established routes.	Valid
Agreement between the Government of Ukraine and the Government of the Russian Federation on commercial shipping	08.02.1995 by signing by governments	Agreement on full promotion of the freedom of commercial shipping and refraining from any action that could harm the normal development of international shipping.	Valid
Agreement between the Government of Ukraine and the Government of the Russian Federation on international road transport	R a t i f i e d by Law of Ukraine No. 275-XIV of 20.11.98	Determines the conditions and procedure for the passage of vehicles (buses, trucks with or without trailers and semi-trailers, cars) that carry passengers and goods between the two countries and in transit through their territories, as well as mutual coordination of activities that is associated with the development and operation of road transport.	Valid

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on issues of environmental safety and environmental control in the sites of basing of the Black Sea Fleet of the Russian Federation on the territory of Ukraine	18.12.1998 by signing by governments	Ensures compliance of the Black Sea Fleet of the Russian Federation with the requirements of the current legislation of Ukraine in the field of environmental protection, radiation safety and rational use of natural resources.	Valid
Agreement between Ukraine and Russia on the status and conditions of stay of the Black Sea Fleet of the Russian Federation on the territory of Ukraine	R a t i f i e d by Law of Ukraine No. 547-XIV of 24.03.99	Military units carry out their activities in places of deployment in accordance with the legislation of the Russian Federation, respect the sovereignty of Ukraine, abide by its laws and do not interfere with the internal affairs of Ukraine.	Valid
Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on measures to ensure the safety of navigation in the Sea of Azov and the Kerch Strait	Approved by Resolution of the Cabinet of Ministers of Ukraine No. 694 of 01.08.2012	Each Party shall ensure the provision of data from the coastal AIS stations of that Party in the Region to the other Party. The exchange of AIS data under this Agreement shall be free of charge.	Valid
Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on cooperation in the prevention of emergencies, fires and response in the settlements where the Black Sea Fleet objects of the Russian Federation are located in the territory of Ukraine	R a t i f i e d by Law of Ukraine No. 25-VII of 11.01.2013	Cooperation under this Agreement shall be carried out in the following areas: prompt exchange of information on the threat or occurrence of emergencies, fires in the settlements where the Black Sea Fleet objects of the Russian Federation are located on the territory of Ukraine, etc.	Valid
Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on joint actions for the construction of a transport crossing through the Kerch Strait	Approved by Resolution of the Cabinet of Ministers of Ukraine No. 34 of 29.01.2014	Establishment of approaches to the transport crossing of each of the Parties, which should not change the direction and volume of the water flow within the Kerch Strait or change its course, as well as harm the safety of navigation, environmental and other safety in the area.	Denounced by Resolution of the Cabinet of Ministers of Ukraine No. 493 of 01.10.2014

So, most transport-related agreements between Ukraine and Russia are still in force and require denunciation. These agreements are obsolete and are not fulfilled by the parties.

Table 5 arranges EU international regulations by mode of transport.

Table 5. International regulations of the EU in the field of transport

Name	Requirements	Status for Ukraine
<i>Road transport</i>		
The Convention on Road Traffic	Determines consolidated traffic rules	Ratified with reservations and statements by Decree of the Presidium of the Verkhovna Rada of the USSR No. 2614-VIII of 25.04.74
European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR)	Minimum age of drivers engaged in the carriage of goods (18 and 21 years) The driving period between any two periods of daily rest or between the daily rest period and the weekly rest period, hereinafter referred to as the daily driving period, shall not exceed nine hours.	Ratified by Law No. 2819-IV of 07.09.2005
Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted	Establishes rules for wheeled vehicles, equipment and parts that can be fitted and/or used on wheeled vehicles.	Ratified by Law No. 1448-III of 10.02.2000
The international occasional carriage of passengers by coach and bus (INTERBUS Agreement)	Determines terms of reference relating to vehicles; market access; customs and fiscal regulations, social conditions, etc.	Ratified with reservations by Law No. 5444-VI of 16.10.2012
Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities	Establishes minimum requirements for the organization of working time in order to improve the protection of health and safety of persons engaged in mobile road transport activities, improve the level of road safety and level the competitive environment.	To be ratified (mandatory for EU member states)
Regulation (EU) No. 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No. 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport	Defines the obligations and requirements for the design, installation, use, testing and inspection of tachographs used in road transport.	To be ratified (mandatory for EU member states)
<i>Railway transport</i>		
Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings	Provides certain rights to access to international rail transport of railway undertakings and international associations of railway undertakings.	To be ratified (mandatory for EU member states)

Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification	Restores the opportunities of European railways of expanding access for international rail freight transportation to the Trans-European Rail network, determines the requirements for the relevant tariffs for railway infrastructure.	To be ratified (mandatory for EU member states)
Regulation (EU) No. 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No. 661/2010/EU (Eur-Lex, 2013)	Provides for the uninterrupted, safe and sustainable transportation of people and cargos, ensuring the accessibility and structural interconnection of all regions of the EU and promoting further economic growth and competitiveness in the global perspective; creation of resource-efficient and sustainable interconnection, as well as interoperability of different national transport networks.	To be ratified (mandatory for EU member states)
<i>Water transport</i>		
The Convention on the Facilitation of International Maritime Traffic, 1965	Establishes commitments in the field of cooperation to maximize the unification of formalities, necessary documentation and procedures on all matters for which the unification will facilitate and improve international shipping.	Adopted by Resolution of the Cabinet of Ministers of Ukraine No. 775 of 21.09.93
Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974	Establishes some rules for the carriage of passengers and their luggage by sea.	Ratified by Law No. 115/94-VR of 15.07.94
Convention regarding the regime of navigation on the Danube	It extends to the navigable part of the Danube from Kelheim to the Black Sea through the Sulina estuary with access to the sea through the Sulina canal.	Ratified as part of the USSR on 12.12.1946
Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community	Determines the requirements for the chartering and pricing system for international and domestic water transport.	To be ratified (mandatory for EU member states)
Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI)	Establishes some uniform rules concerning the contract of carriage of goods by inland waterways.	Ratified by Law No. 1229-VII of 17.04.2014
Regulation (EU) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No. 922/72, (EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007	Determines the requirements for any contract of carriage under which the port of loading or the place of acceptance of the goods and the port of unloading or the port of delivery are located in two different states, at least one of which is a State Party to this Convention.	To be ratified (mandatory for EU member states)
<i>Air transport</i>		

Convention on International Civil Aviation, 1944	Established principles and measures for the safe and orderly development of international civil aviation, for the establishment of international air services on equal grounds rationally and efficiently.	Ratified on 10.08.1992
The Convention on Offences and Certain Other Acts Committed on Board Aircraft	Determines the rights and obligations of Member States to counter to offenses on board aircraft.	Decree of the Presidium of the Verkhovna Rada of the USSR No. 5049-XI of 21.12.87
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation	Establishes types of violations against the safety of civil aviation and the jurisdiction of states in the field of investigations.	Ratified on 23.09.71
Convention for the Unification of Certain Rules for International Carriage by Air	Sets the rules for the international carriage of passengers, baggage or cargo by an aircraft for a fee or free of charge.	Ratified by Law No. 685-VI of 17.12.2008
European Common Aviation Area Agreement (Verkhovna Rada of Ukraine, 2022)	The aim of this Agreement is the gradual establishment of a CAA between Ukraine and the EU and its Member States, based, in particular, on identical rules in the field of flight safety, aviation security, air traffic management, environmental protection, consumer protection, electronic booking systems, as well as on identical rules on social aspects.	Ratified by law No. 2067-IX of 17.02.2022

The survey of the EU international regulations listed in Table 5 shows that their requirements are mainly aimed at improving the environmental friendliness, safety and cost-saving of the transport system. EU institutions are developing measures (COM (2011) 144) aimed at improving the competitiveness of transport, reducing transport-related greenhouse gas emissions by at least 60% by 2050 (European Commission, 2020).

As Table 5 shows, most of the agreements not ratified by Ukraine related to rail transport. The primary reason is the non-compliance of technical parameters of Ukrainian tracks and trains with European standards. The infrastructure of the Ukrainian railway requires significant modernization.

Figure 2 provides the summary of the problems related to Ukraine's accession to the SETS and ways to solve them in view of the impact of military aggression by the Russian Federation.

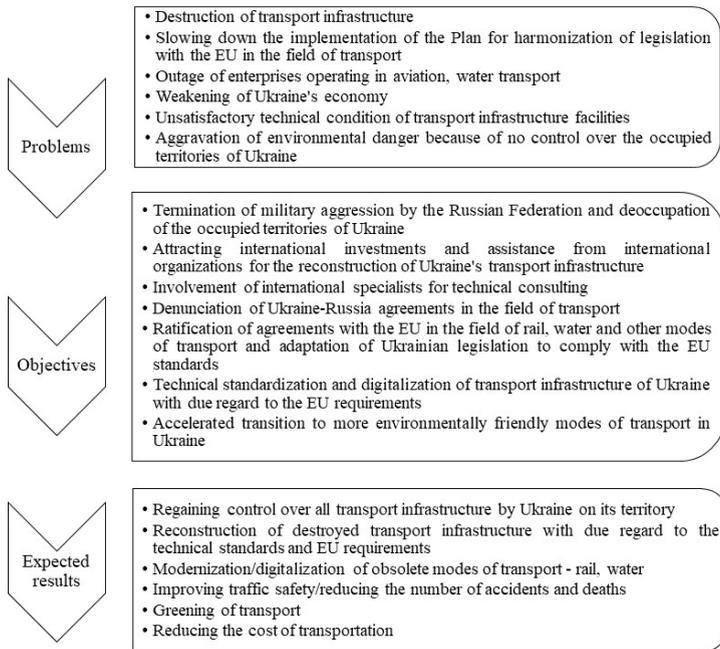


Figure 2: Scheme for determining the impact of Russian military aggression on Ukraine's accession to the SETA

4. Discussion

There are no studies in the academic literature which assess the impact of the Russian military conflict on Ukraine's accession to the SETA. However, the analysis of research papers shows that some scholars (Trofymowycz, 2016) argue that Russia's military aggression accelerated the process of strengthening Ukrainian statehood, improving Ukraine's defence capabilities, eliminating the ideology of brotherhood of Ukrainians and Russians, became a catalyst for orientation of the Ukrainians to freedom and independence. We can support this view, as Russia's military aggression has accelerated Ukraine's European integration.

An important area of research is the substantiation of key areas of cooperation between Ukraine and the EU in the context of developing Ukraine's transport infrastructure. The researchers point to the need to improve the efficiency and effectiveness of the legal framework of Ukraine and its integration into EU legislation; intensification of putting the E-Customs system into operation; increasing capital investment in the

transport system of Ukraine through the development of public-private partnerships with the EU companies (Ihnatova, 2018).

Other researchers hold that the creation of hubs in Ukraine and the adoption of relevant legislation on their operation are promising areas of Ukrainian legislation on the integration into the SETA (Derkach, 2017). Other researchers (Stroiko and Bondar, 2017) propose to carry out sectoral reforms in accordance with European standards; reduce greenhouse gas emissions; increase transport safety to reduce the number of road accidents in order to bring the transport sector of Ukraine closer to the EU transport system. These suggestions require some adjustments with regard to the effects of Russia's military aggression.

A significant number of studies (Finger and Serafimova, 2020) deal with the development of the SETA itself. Some researchers point to the need to urgently address the problem of road congestion by encouraging the use of private vehicles and the transition to more environmentally friendly modes of transport. The work of other researchers (Wiesenthal *et al.*, 2015) cover innovations in rail and water transport.

They argue that this requires a very complex process — homologation, which is the production of new modes of transport and improvement of transport management systems. Some researchers set an example of Poland to improve transport infrastructure. This state carried out the transformation of the property of passenger carriers with the transfer of shares to the regional authorities (Zbigniew and Ciechański, 2018). However, the latter opinion requires a very careful approach. Unreasonable change of ownership from state to communal or even private in the field of transport can have negative implications such as lack of competition, overestimated transportation costs, etc.

It is necessary to point out the important practical importance of research on increasing the level of safety of the SETA. Some authors (Punev, 2020) consider the need to introduce new rules for the use of transport registrars. It is proposed to integrate them into the car system to collect data with subsequent use in the event of an accident. The need to amend EU legislation in this area is emphasized.

Further automation, mobility, uninterrupted transport, electrification, distribution of high-speed land and underground transport are recognized as key trends for the transport sector (Papadopoulos *et al.*, 2018).

A number of authors (Gamero *et al.*, 2018) believe that it is important to take not only regulatory and technical measures, but also organizational and managerial ones in order to ensure safety in transport. The latter include (Shah *et al.*, 2018) infrastructure improvements (safer road design, sidewalk and traffic light regulation, introduction of safe bike lanes), updating standards on motor vehicles, improving law enforcement agencies

and training law enforcement officers with the purpose of increasing the use of seat belts and wearing helmets, etc.

Some authors (Chervinchuk *et al.*, 2021) proposed to introduce a pan-European system for monitoring accident statistics and information, which can be used not only in litigation, but also as a background for analysing the conclusions required for the development of transport safety improvement programmes. Other researchers (Heldeweg and Broos, 2019) considered improving the system of civil liability insurance for drivers.

The above achievements remain relevant. However, given the fact that not only Ukraine but also most European countries are severing economic, transport and other ties with Russia, quick reorientation to alternative, more environmentally friendly modes of transport using alternative types of fuel an important task in the development of the SETA in the current situation.

Conclusions

This research and practical work gives grounds to draw the following conclusions.

Russia's armed aggression had a significant impact on Ukraine's accession to the SETA. This impact involves the following items: 1) raising the national self-consciousness of the Ukrainian people, reorientation of the majority to European self-identification; 2) actual termination of cooperation between Ukraine and Russia in the field of transport, severance of transport links between these states; 3) destruction of significant volumes of transport infrastructure of Ukraine and control over some infrastructure facilities by the occupiers; 4) drawing significant attention of the world, in particular, the European community to the importance of Ukraine as a political player; 4) accelerating the process of granting Ukraine the candidate status for EU membership.

The main SETA efficiency indicators are traffic safety, environmental friendliness, energy saving, economy and comfort of different types of transportation. The study showed that according to these indicators, the SETA has a high level of efficiency, and Ukraine's accession to the SETA is in line with the national interests of Ukraine. In the pre-war period, Ukraine lagged behind in terms of branching of air transport, but did not lag behind in terms of the level of safety in transport.

Ukraine must take the following steps with an extended support of the EU in order to join the SETA, taking into account the adjustments caused by the Russian military aggression: 1) stop the Russian military aggression and de-occupy the occupied territories; 2) attract international investment

and assistance from international organizations for the reconstruction of Ukraine's transport infrastructure; 3) involve international specialists for technical consulting; 4) denounce Ukraine-Russia agreements in the field of transport; 5) obtain Ukraine's candidate status for EU membership; 6) ratify a number of agreements with the EU in the field of rail, water and other modes of transport, adapt Ukrainian legislation to EU requirements; 7) develop medium-term and short-term plans for technical standardization and digitalization of Ukraine's transport infrastructure with due regard to the EU requirements.

These research findings can be used for the purpose of the substantiated adjustment of the plan of Ukraine's accession to the SETA. In particular, it is important to focus on rebuilding transport infrastructure in line with EU standards. It is also important for Ukraine to become a candidate for EU membership.

Bibliographic References

- BAST. 2022. Traffic and accident data. Short summary of the development in Germany. Available online. In: <https://www.bast.de/DE/Publikationen/Medien/VU-Daten/VU.html?nn=1819430>. Consultation date: 11/04/2022.
- CHERVINCHUK, Andrii; PYLYPENKO, Yevheniia; VESELOV, Mykola; PYLYPIV, Ruslan; MERDOVA, Olga. 2021. "Ensuring transport safety by police authorities and Units of member States of the European Union" In: Journal of the National Academy of Legal Sciences of Ukraine. Vol. 28, No. 4, pp. 301-309.
- DERKACH, Ella. 2017. "Regarding the consideration of European perspectives in the legal provision of the transport policy of Ukraine" In: Pravo i suspilstvo. No. 4, pp. 76-83.
- EUR-Lex. 2013. Regulation (EU) N^o 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision N^o 661/2010/EU. Available online. In: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R1315>. Consultation date: 11/04/2022.
- EUROPEAN COMMISSION. 2020. Communication from The Commission to The European Parliament, The Council, The European Economic and Social Committee and The Committee of the Regions. Available online. In: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0789%20>. Consultation date: 11/04/2022.

- EUROSTAT. n.d. Transport – Overview. European statistics. Available online. In: <https://ec.europa.eu/eurostat/en/web/transport>. Consultation date: 11/04/2022.
- FEDIAY, Natalia. 2018. “Features of the Integration of Ukrainian Transport Infrastructure into the Trans-European Network Transport” In: *Efektyvna ekonomika*. No. 12. Available online. In: <http://www.economy.nayka.com.ua/?op=1&z=6764>. Consultation date: 11/04/2022.
- FINGER, Matthias; SERAFIMOVA, Teodora. 2020. “Towards a Common European Framework for Sustainable Urban Mobility Indicators” In: *European transport regulation observer*. Vol. 39. Available online. In: https://cadmus.eui.eu/bitstream/handle/1814/68840/PB_2020_39_FSR.pdf?sequence=1. Consultation date: 11/04/2022.
- GAMERO, Nuria; SILLA, Inmaculada; SAINZ-GONZÁLEZ, Ruben; SORA, Beatriz. 2018. “The influence of organizational factors on road transport safety” In: *International Journal of Environmental Research and Public Health*. Vol. 15, No. 9, pp. 1938.
- HAI-NYZHNYK, Pavlo; ZALIZNIAK, Leonid; KRASNODEMSKA, Iryna; FIGURNYI, Yuriy; CHYRKOV, Oleh; CHUPRIY, Leonid. 2016. *Russia’s aggression against Ukraine: historical background and modern challenges*. Available online. In: <http://ndiu.org.ua/images/book/agresros-1.pdf>. Consultation date: 11/04/2022.
- HELDEWEG, Michiel; BROOS, Lesley. 2019. “Fully autonomous vehicles in the EU: Opportunity or threat?” Master’s thesis. University of Twente. Available online. In: https://essay.utwente.nl/72945/2/DIMA_MA_PA.pdf. Consultation date: 11/04/2022.
- HELLENIC STATISTICAL AUTHORITY. 2022. Number of road traffic accidents and persons injured there from. Available online. In: <https://www.statistics.gr/en/statistics/-/publication/SDT03/->. Consultation date: 11/04/2022.
- IHNATOVA, Natalia. 2018. *Improvement of transport infrastructure in the context of EU-Ukraine cooperation: economic and legal analysis. Legal and institutional mechanisms for ensuring the development of Ukraine in the conditions of European integration*. Proceedings of the International Scientific and Practical Conference. Odesa, Ukraine.
- INSEE. n.d. Statistics and studies. Available online. In: <https://www.insee.fr/en/statistiques?taille=50&debut=0&categorie=1&idfacette=1>. Consultation date: 11/04/2022.

- KARPACHOVA, Nina. 2021. "The role of international human rights organisations in the context of the conflict in eastern Ukraine" In: Journal of the National Academy of Legal Sciences of Ukraine. Vol. 28, No. 1, pp. 25-31.
- MINFIN UA. 2022. "Russia will pay": the amount of direct damage to infrastructure already exceeds \$105.5 billion." Available online. In: <https://www.me.gov.ua/?lang=uk-UA>. Consultation date: 11/04/2022.
- NATIONAL POLICE. 2022. Annual Reports: Traffic accident statistics in Ukraine. Available online. In: <https://www.npu.gov.ua/activity/zviti/richni-zviti/>. Consultation date: 11/04/2022.
- OSCE. 2022. Daily Report No. 53/2022. Available online. In: https://www.osce.org/files/2022-03-07%20Daily%20Report_UKR.pdf?itok=89512. Consultation date: 11/04/2022.
- PAPADOPOULOS, Efthymis; AGGELAKAKIS, Aggelos; TROMARAS, Alkiviadis. 2018. "The Future of the European Transport Sector: Identifying the Key Trends Regarding the Transport Concepts of the Future." In: International Conference On Traffic and Transport Engineering – ICTTE. Belgrade, Serbia. Available online. In: https://www.researchgate.net/publication/330688600_The_Future_of_the_European_Transport_Sector_Identifying_the_Key_Trends_Regarding_the_Transport_Concepts_of_the_Future. Consultation date: 11/04/2022.
- PUBLICATIONS OFFICE OF THE EUROPEAN UNION. 2011. White paper on transport. Roadmap to a single European transport area: towards a competitive and resource efficient transport system. Available online. In: <https://op.europa.eu/en/publication-detail/-/publication/bfaa7afd-7d56-4a8d-b44d-2d1630448855/language-en>. Consultation date: 11/04/2022.
- PUNEV, Anastas. 2020. "Autonomous Vehicles: The Need for a Separate European Legal Framework" In: European View. Vol. 19, No. 4. Available online. In: https://www.researchgate.net/publication/339846006_Autonomous_Vehicles_The_Need_for_a_Separate_European_Legal_Framework. Consultation date: 11/04/2022.
- SHAH, Syyed; AHMAD, Naveed; SHEN, Yongjun; PIRDAVANI, Ali; BASHEER, Muhammad; BRIJS, Tom. 2018. "Road safety risk assessment: An analysis of transport policy and management for low-, middle-, and high-income Asian countries" In: Sustainability. Vol. 10, No. 2, pp. 389-419.

- STATISTICS SWEDEN. n.d. Transport and communications. Available online. In: <https://www.scb.se/en/finding-statistics/statistics-by-subject-area/transport-and-communications/>. Consultation date: 11/04/2022.
- STROIKO, Tetiana; BONDAR, Vitaly. 2017. "Transport infrastructure of Ukraine: the modern realities and development prospects" In: *Baltic Journal of Economic Studies*. Vol. 3, No. 2, pp. 141-146.
- TROFYMOWYCZ, Volodymyr. 2016. "Hybrid war" as a key instrument of Russian revenge geostrategy" In: *Ante Portas - Studia nad Bezpieczeństwem*. Vol. 1, No. 6, pp. 175 – 186.
- UKRSTAT. 2022. The number of transported passengers and volume of transported goods by types of transport. Available online. In: https://ukrstat.gov.ua/operativ/menu/menu_u/tr.htm. Consultation date: 11/04/2022.
- VERKHOVNA RADA OF UKRAINE. 2014. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand. Available online. In: https://zakon.rada.gov.ua/laws/show/984_011#Text. Consultation date: 11/04/2022.
- VERKHOVNA RADA OF UKRAINE. 2018. On the approval of the National Transport Strategy of Ukraine for the period until 2030: order of the Cabinet of Ministers of Ukraine. Available online. In: <https://zakon.rada.gov.ua/laws/show/430-2018-%D1%80#Text>. Consultation date: 11/04/2022.
- VERKHOVNA RADA OF UKRAINE. 2022. Agreement between Ukraine, on the one hand, and the European Union and its member states, on the other, on common aviation space. Available online. In: https://zakon.rada.gov.ua/laws/show/984_004-21#n2. Consultation date: 11/04/2022.
- WIESENTHAL, Tobias; CONDEÇO-MELHORADO, Ana Margarida; LEDUC, Guillaume. 2015. "Innovation in the European transport sector: A review" In: *Transport Policy*. Vol. 42, pp. 86-93.
- ZBIGNIEW, Taylor; CIECHAŃSKI, Ariel. 2018. "Systemic transformation and changes in surface transport companies in Poland: A synthesis after twenty-five years" In: *Journal of Transport Geography*. Vol. 70, pp. 114-122.
- ŻURAWSKI VEL GRAJEWSKI, Przemysław. 2021. "Twelve EU Countries on the Eastern Flank of NATO: What about Ukraine?" In: *East/West: Journal of Ukrainian Studies*. Vol. 8, No. 2, pp. 49-83.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.40 N° 74

*Esta revista fue editada en formato digital y publicada en octubre de 2022, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org