

ISSUES OF LEGAL REGULATION OF INTERNATIONAL SHIPPING RELATIONS IN RAILWAY TRANSPORT

F. B. Shakirova

Associate professor of Tashkent State transport University,

Tashkent city, Uzbekistan

N. X. Gilyazitdinova

Student of Tashkent State Transport University

The Republic of Uzbekistan is one of the countries with developed transport communications. At the same time, further development of this sector and raising the level of efficiency to new levels will ensure the strengthening of economic, scientific-technical, cultural cooperation of our country with foreign countries, integration into the world economic system, and more significant results in delivering cargo and passengers to their destinations.

Freight transportation in international traffic by rail is a component of the international transport system. A number of advantages of railway transport are evident when compared to other modes of transport. For example, the possibility of transporting passengers and luggage on a large scale; the possibility of fast and long-distance transportation compared to other types of transport; the relative cost of transportation compared to other types of transportation. But despite the above-mentioned advantages, railway transport lags behind road and air transport in terms of volume of cargo. In particular, this situation is expressed by the fact that railway transport is effective only when it is carried out over a distance of more than 500 km. However, the current practice shows that due to the high cost and environmental problems of road transport, there is a tendency to shift from road transport to rail transport.

The specific features of the organization of international railway traffic are expressed in the following aspects. First, international railway transport uses railways of several countries. This situation requires coordination of the actions of countries participating in international railway transportation, taking into account the incompatibility of the Western European railway tracks with the railway tracks of Eastern Europe and some Asian countries, and the development of a legal framework for the legal regulation of the mutual relations of different countries in the railway sector. Secondly, crossing the border in such transportation is represented by the transfer of passengers to the railways of another country. Thirdly, in international cargo transportation, it is expressed in the use of wagons of one country's railways from the railways of another country for a certain period.

The analysis of the specific features of the organization of transportation in international rail transport showed that these features are interrelated with the rules that determine the transportation of passengers in rail transport. This situation is seen, in particular, in the system of interrelated regulatory documents on the procedure for the carrier to cross the border and transfer passengers to the railways of another country at border stations.

When there are conventions on carriage in international rail transport, national legislation regarding carriage may be applied when the provisions of this convention refer to the application of national legislation or when certain issues are not directly regulated by the norms of the convention. KOTIF and SMPS agreements are of particular importance among the

international agreements regulating international cargo transportation relations.

The international unification of the legal regulation of international railway transportation began in Europe at the end of the 19th century. In 1890, the Berne Convention on International Railway Carriage, signed by 9 European countries (Czarist Russia was also a member), was adopted. Later, this convention will be abbreviated as MGK or SIM. In 1923, the Berne Convention on the Carriage of Passengers and Baggage by International Railways, abbreviated as MPK or SIV, was adopted.

The use of the Berne Convention over a long period of time has led to the introduction of important changes and additions to it. If at the time of the adoption of the convention, its members were only European countries, as a result of the passage of time, its ranks expanded to include a number of Asian (Iran) and even North African countries (Algeria, Morocco). As a result, the Berne Convention changed from a regional convention to a universal convention. At the 1980 Bern Convention Review Conference, a decision was made on the need to combine these conventions into a new version of the secretary. Since its entry into force, the Convention relative [Organisation] aux transports internationaux ferroviaires agreement has been revised twice, taking into account the practical experience of its application and the increase in the number of countries participating in the agreement. The International Passenger and International Cargo Convention will be developed as an Annex to KOTIF. Within the framework of KOTIF, the International Railway Transport Organization (Bern Organization) will be established, which will have its own tasks and authorized bodies, as well as the procedure for carrying out its activities. Based on the above circumstances, it can be said that the main goal of KOTIF (Convention relative [Organisation] aux transports internationaux ferroviaires) is to create a single legal system used in the transportation of goods and cargo in international direct railway traffic. Ушбу ҳуқуқий тизим нормалари темир йўл, дарё ва денгиз транспорти турларидан фойдаланган ҳолда амалга ошириладиган аралаш ташиш муносабатларини тартибга солишда ҳам қўлланилади.

The most important issues related to transport relations are regulated in the KOTIF international agreement. For example, important conditions of transportation of children, transportation of luggage and hand luggage, liability of the carrier, period of claim and other cases were specially considered. In particular, in the KOTIF contract, the requirements for the passenger's ticket have been strengthened, and the mandatory requisites of the passenger's ticket have been specified. However, the form of the passenger ticket is determined on the basis of mutual agreements between the railway organizations. These agreements also determine the validity period of the passenger ticket. During this period, the passenger can terminate his right to transportation established in the regulatory documents. The passenger can refuse the railway transport service in whole or in part. In this case, the passenger will receive a full or partial refund of the fare.

According to the KOTIF contract, hand luggage is free of charge. Hand luggage refers to light-carried items that can be placed on the lower or upper part of the passenger's seat. Baggage transportation is carried out on the basis of predetermined tariffs. Baggage transportation is carried out on the basis of a receipt in a clearly defined form. When the baggage is not packed in the prescribed manner, special marks are placed on the receipt.

-The following can be included in the framework of documents regulating the relations of freight

transportation by rail within the framework of national law:

- Law of the Republic of Uzbekistan "On Railway Transport";
- "Rules for transportation of passengers, baggage and cargo in railway transport of the Republic of Uzbekistan" approved by Resolution No. 109 of April 13, 2012 of the Cabinet of Ministers of the Republic of Uzbekistan.

The Law of the Republic of Uzbekistan "On Railway Transport" refers to the transportation of goods, passengers, baggage and luggage between the Republic of Uzbekistan and other countries. Based on this rule, it can be said that in order to evaluate railway transportation as international transportation, the cargo must cross the state borders of the Republic of Uzbekistan.

One of the main and important conditions imposed on the carrier in the relationship of cargo and passenger transportation in railway transport is the availability of a license to carry out this activity. Resolution No. 222-II of the Oliy Majlis of the Republic of Uzbekistan dated May 12, 2001 "On the list of activities for which licenses are required" and Resolution No. 360 of the Cabinet of Ministers of the Republic of Uzbekistan dated August 21, 2003 "In railway transport on domestic and international routes" According to the Regulation on Licensing of Passenger and Cargo Transportation Activities, cargo and passenger transportation on railways is specified as a type of licensed activity. Decisions on issuing licenses, suspending or terminating license validity, as well as its cancellation and re-registration are made by the Cabinet of Ministers Commission on Licensing Activities in the Aviation and Railway Transport Sector. A license to carry out passenger and cargo transportation activities in railway transport on international routes is issued for a period of at least 5 years.

In accordance with the Regulation "On Licensing of Passenger and Cargo Transportation Activities in Domestic and International Rail Transport", the carrier must comply with legal documents, cargo transportation rules, passenger and baggage transportation rules, traffic safety, equipment safety, fire safety, production sanitation and environmental requirements and standards, the rolling stock used for passenger and cargo transportation, as well as employees, must be in compliance with the requirements set in railway transport.

The following conclusions can be reached as a result of the analysis of international documents and national legislation on the organization of cargo transportation on international railways. First of all, just as norms of private international law have a significant impact on national transport law, norms of national legislation in individual cases are reflected in private international law.

Secondly, the legislation governing the international carriage of passengers and baggage is less developed and varied than the legislation governing the carriage of international cargo. At the same time, there are aspects of international shipping relations that are similar to international shipping relations. In both cases, the main purpose of transportation is the transfer of passengers or cargo from one place to another. It should be mentioned that the legislation aimed at regulation of transport relations has been formed in the Republic of Uzbekistan, and laws and regulations related to each type of transport have been adopted. These norms are aimed at regulating the relationship between carriers and customers, and are constantly being improved due to the growth of the country's economy and competition in the field of service provision.

On the example of the legislation of the Republic of Uzbekistan, it can be said that the specific

characteristics of legal relations arising from transportation contracts are determined in such a way that the general regulation of transportation contracts, unlike other contracts, is regulated by the Civil legislation of the Republic of Uzbekistan. In this case, the civil legislation only sets general rules aimed at regulating transport relations. Laws and statutes regulating the transport sector are the main source of regulation of transport relations. In these laws, the rules of transportation, the rights and obligations of the parties to the transportation relationship are further clarified.

In the legal literature, this legal-technical method is based on two different reasons. First, transport is such a field of collective activity that requires the same regulation of the relations that arise in it. According to the Law of the Republic of Uzbekistan "On Natural Monopolies", transportation on railways is considered a natural monopoly and is regulated by the state, taking into account the use of railway infrastructure. Accordingly, the role of imperative norms is very important in private legal documents on transport obligations. The conditions of transport for individual types of transport and the responsibility of the parties to these relations can be determined by the agreement of the parties, unless otherwise specified in the FC, transport laws and charters. feature.

In our opinion, in order to create an acceptable system of transport legislation, it is necessary to unify the norms in this field. The main tasks of unification are to reduce the various sources regulating the transport sector, to determine their acceptable composition, to create a single type of these sources based on their form and composition.

However, it should also be noted that the attempt to reduce the number of the transport legal system may have the opposite result and cause the system to not work at all or not to produce the intended results. In order to prevent such a situation from happening, it is necessary to determine the specific purpose of the transport legal system, each normative legal document included in this system, and its role in ensuring the effectiveness of the regulation of transport relations.

REFERENCES

- 1.Shodieva G. M., Paradaeva O. M. Problems of family entrepreneurship developing and increasing employment and income of the population and reducing poverty //Gwalior Management Academy. – Т. 23. – С. 210.
- 2.Bhadouria P. S. GWALIOR MANAGEMENT ACADEMY //WAY. – Т. 87.
- 3.Shadiyeva G. M., Kuvandikov S. O. "Mahallabay" approach to assessing the role of family entrepreneurship in regional development //Экономика: анализы и прогнозы. – 2021. – №. 3. – С. 122-126.

MLA

- 4.Shadiyeva G. Opportunities to Develop Small Business and Family Entrepreneurship in Rural Areas //Academic Journal of Digital Economics and Stability. – 2021. – Т. 7. – С. 101-106.
- 5.Shodieva G. M. Problems of organizational and economic factors and service development in the improvement of family welfare (Doctoral dissertation, Dissertation for the degree of Doctor of Economics. Samarkand). – 2008
- 6.Mardiyeva S. G., Boltaevna S. F. The role of public-private partnerships in attracting investment projects in the transport sector //Journal of Contemporary Issues in Business and Government Vol. – 2021. – Т. 27. – №. 6.