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LOSS OF LUGGAGE BY THE AIR CARRIER: PRIVATE AND LEGAL ASPECT

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Effective protection of user rights helps to increase confidence in domestic air carriers, attract international customers, cooperate with other companies, and maintain reputation, which in turn positively affects the company's financial results. Although all air traffic over Ukraine is currently banned, this issue was relevant before the full-scale invasion and will remain so after the victory. The aspect of baggage loss was not the subject of recent research by domestic scientists, but Radchuk O.P. pointed out the problem of air transport.

The object of the work is the legal relationship that arises between air carriers and passengers in the event of loss of baggage. During the work, theoretical methods were used: analysis, generalization, explanation.

According to Art. 924 of the Civil Code of Ukraine: The carrier is responsible for keeping cargo, luggage, mail from the moment of acceptance for transportation and until delivery to the consignee, unless it is proved that the loss, shortage, spoilage or damage to cargo, luggage, mail occurred as a result of circumstances beyond the control of the carrier prevent and eliminate which do not depend on him.

If the carriage is considered under the chosen topic, it is necessary to refer to Part 11 of Art. 100 of the Air Code of Ukraine, the air carrier is responsible for the loss or damage that occurred during the carriage of passengers, baggage, cargo and mail in accordance with the requirements and rules established by the international treaties of Ukraine, the legislation of Ukraine, including the Aviation Rules of

Ukraine, the amount of which should be the same for domestic and international flights.

Let us consider some important aspects of the Aviation Rules of Ukraine: claims for loss of baggage are made to the air carrier after the baggage is recognized as lost; the baggage is considered lost if it is not found during the search within 21 calendar days from the day when the baggage was supposed to arrive at the destination; in case of loss or damage of baggage with declared value, the amount of compensation is limited to the declared value; if the air carrier responsible for the loss, of baggage, the air carriers shall be jointly and severally liable to the passenger; the air carrier's liability for loss of checked baggage shall be limited to an amount of 1288 SDRs [2].

As a rule, the terms of the air carriage contract are not specified in the ticket, but are derived from legislation that is binding on all air carriers providing international or domestic transportation of passengers and/or baggage to/ from airports on the territory of Ukraine [4]. For example, the well-known Ukrainian airline UIA has published on its website rules and instructions for passengers who have lost baggage. They are identical to the general rules and comply with Ukrainian and European legislation [1].

In the context of European integration, Ukrainian standards must comply European ones. This is important for the convenient cooperation of domestic carriers with the European ones. By the way, Regulation (EC) No. 2027/97 stipulates that air carriers based outside the Community and operating flights to the countries of the Community must provide passengers with a form indicating these conditions. The fact that only the limitation of liability is indicated on the ticket or equivalent document is not sufficient information [3].

The most important international legislation in this area is the "Warsaw Convention on International Carriage by Air" and the "Montreal Convention on Limitation of Liability of Air Carriers". According to these documents, the air carrier is liable for the loss of baggage within certain limits. The amount of compensation depends on the amount of lost baggage and its value. The air carrier has the right to limit its liability for the loss of baggage by setting a compensation limit.

Based on the above, the author believes that the full guarantees of passengers' rights will not be fully respected. The wording used in the legislation is quite vague, and the rules have many exceptions, which gives air carriers the opportunity to abuse it and twist it to their advantage. I believe that the considered Ukrainian regulations require specification and clarity, which could limit air carriers in such a broad interpretation of the regulations and for greater guarantees of consumer rights.

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