

**Iurynets J.L.**, Doctor of Laws, Professor,  
**Kononenko A.S.**, student,  
National Aviation University, Kyiv, Ukraine

## **LEGAL REGULATION OF REFUND FOR AIR TICKETS DURING PANDEMIC**

This year the world was hit by a pandemic because of which we are still forced to change our lifestyle. But the biggest financially affected are large air travel companies, travel companies, etc., because this disease has forced us all to settle in our homes for more than six months. Some faced the problem of returning from abroad to the homeland, because flights were canceled due to the possible spread of the virus, and compensation for cancelled flights was not returned, so this issue is quite relevant.

Each airline has its own rules and conditions for refunds for canceled flights. However, on March 25, 2020, the European Union issued a document entitled "Passenger rights in the European Union, in particular in the context of COVID-19". This document raised the issue of refunds for canceled flights and possible other ways to solve this problem. According to Article 3, paragraph 2 "In case of cancellation of flights by airlines (regardless of the reason), Article 5 of the said Regulations obliges the carrier to offer passengers the following options: reimbursement (refund); rerouting the route at the first opportunity or rerouting the route at a later time at the request of the passenger. "As for financial compensation, if a person booked flights in both directions at once, and only the departure was canceled, the passenger is entitled to reimbursement only for this flight. "However, if the outbound and return flights are part of the same booking, even if they are operated by different carriers, and the outbound flight is canceled, passengers should be offered two options: reimbursement for the entire ticket (ie for both flights) or forwarding to another flight for outbound flight. (Interpretative recommendations, paragraph 4.2)." - specified in the rules of passengers in the EU. In the case of rerouting, problems may also arise due to the circumstances of the COVID-19 outbreak, which may be significantly delayed, and the same may apply to the availability of specific information about this "possibility" given the high level of uncertainty affecting air traffic [1].

The most important thing in solving this problem is to establish the circumstances of the delay. Pursuant to Article 5 (3) of the Regulation, an operating air carrier is not obliged to pay compensation if it can prove

that the cancellation is caused by extraordinary circumstances which could not have been avoided, even if all reasonable measures had been taken. This condition applies to situations where public authorities either explicitly prohibit certain transport services or prohibit the movement of persons in a way that effectively precludes the provision of the transport service in question. That is, the situation with the pandemic and the introduction of quarantine restrictions do not depend directly on the decisions of the airline. For example, the Ukrainian airline UIA offers the following solutions that coincide with the recommended mechanism of action for air traffic during a pandemic, this issue: get a promo code online to pay for the next flight (this promotion will be valid for 2 years); free change of travel date on the same route for UIA flights within the ticket validity period, if new travel dates are included in the period of increased demand, then in case of unavailability of the original fare, changes are possible with payment of the difference between fares; send a claim for a refund for an unused ticket [1, 2].

In addition, airlines have the following responsibilities in the event of cancellations due to any circumstances: "First, passengers should be informed of the delays and / or uncertainties associated with them, choosing a diversion instead of a refund. Secondly, if a passenger still chooses a diversion at the earliest opportunity, the carrier should be deemed to have complied with the obligation to inform the passenger if he has notified on his own initiative, as soon as possible and in time, and the flight is available for diversion" [1].

However, despite the regulation of this issue at the state level, some airlines profit and refuse to reimburse the full cost of the ticket to passengers. In such circumstances, the competent authorities should be consulted. Also, during the pandemic period, a service was created, which for a fee helps to deal with issues of reimbursement or redirection of the flight [3, 4].

Therefore, it can be concluded that the passenger can reimburse the cost of the ticket or choose the direction of travel, as these issues are spelled out at the state level or in the statutes of air carriers. However, before claiming compensation, all aspects of the refund should be examined or reconsidered, as in circumstances beyond the control of the air carrier, the passenger may be left without compensation. For example, the Ukrainian air carrier offers several ways to resolve this issue and does not avoid the right of its users to be reimbursed for canceled flights. That is, people who suffered financial losses during a pandemic due to canceled flights have the opportunity under legal regulation to recover their money.

### *Literature*

1. Passenger rights in the European Union, in particular in the context of COVID-19. URL: <https://ec.europa.eu/transport/sites/transport/files/legislation/c20201830.pdf>
2. Ваш рейс відмінено? URL: <https://www.flyuia.com/pl/ua/information/flight-information-during-covid-19>
3. Як повернути кошти за квиток, якщо рейс скасовано по причині карантину? URL: [https:// protocol.ua/ ua/ yak\\_ povernuti\\_ koshti\\_ za\\_ kvitek\\_ yakshcho\\_ reys\\_ skasovano\\_ po\\_ prichini\\_ karantinu/](https://protocol.ua/ua/yak_povernuti_koshti_za_kvitek_yakshcho_reys_skasovano_po_prichini_karantinu/)
4. Верни свои деньги за авиабилеты. URL: <https://davaidengi.com>

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**Iurynets J.L.**, Doctor of Laws, Professor,  
**Loetska S.A.**, student,  
National Aviation University, Kyiv, Ukraine

## **PARLIAMENT OPENS SPACE TO PRIVATE COMPANIES**

The development of space technology has a positive effect on the growth of the world economy, but many countries are falling out of this process due to the high cost of space launches, which they cannot afford. We are used to Ukraine having the status of a space state. But it is more a memory of the past than a plan for the future, and even more so for the present.

Today, the space industry in Ukraine is not at the forefront, as having engineering and scientific capabilities, the country does not provide adequate support for the development of Ukrainian prospects in this direction. At the same time, the day in Ukraine, activities related to the testing, production and operation of launch vehicles can be carried out only by state-owned companies.

It should be taken into account that Ukraine is in the "club of seven" states that have a full cycle of development, testing, launch and operation of spacecraft, as well as obtaining and processing information. That is, our country has the resources and potential to produce most of its own aerospace products.

In fact, the legislation of Ukraine regulates the space industry based on two laws: "Law on Space Activities" (adopted in 1996) [2] and "Law on State Support of Space Activities" (adopted in 2000) [3].

In recent decades, the state has not developed projects in the space industry and has not given such an opportunity to private companies. The bill passed by the Verkhovna Rada of Ukraine abolishes absurd bans that do not allow to attract non-state investments in the Ukrainian