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LEGAL BASES OF RELATIONS BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF AZERBAIJAN IN THE FIELD OF AIR PASSENGER TRANSPORTATION

Abstract

There is a need to manage air vehicles, which is becoming more and more important with each passing day. So, air travel which is used by more and more people day by day brings out many developments along with development. The solution to these problems can be regulated by law. The European Union and Azerbaijan have a high level of cooperation both in the field of aviation and in other fields. Together with the European Union, Azerbaijan is developing both economically and legally every day. This article examines the air energy transportation activity between Azerbaijan and the European Union, the cooperation between these activities and its legal aspects.

Keywords: *air passengers, transportation, regulation, legal bases, dimensions, cooperation*

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Avropa İttifaqı ilə Azərbaycan Respublikası arasında hava yolu ilə sərnişin daşımaları sahəsində əlaqələrin hüquqi əsasları

Xülasə

Hər keçən gün önəmi daha da artmaqda olan hava yolu ilə sərnişin daşımlarının müəyyən hüquqi tənzimlənməyə ehtiyacı vardır. Belə ki, gün keçdikcə daha çox insan tərəfindən istifadə olunan hava yolu ilə səyahət, inkişaf etməsi ilə bərabər özündə bir çox problemlər ortaya çıxarır. Bu problemlərin həlli hüquqi tənzimlənmə vasitəsilə mümkündür. Avropa Birliyi və Azərbaycan həm hava yolu sahəsində həm də digər sahələrdə yüksək əməkdaşlığa sahibdirlər. Avropa Birliyi ilə həm iqtisadi həm də hüquqi əməkdaşlıq Azərbaycanı hər keçən gün daha da məmnun edir. Bu məqalədə diqqət Azərbaycan və Avropa Birliyi arasında mövcud olan hava yolu ilə sərnişin daşıma fəaliyyətini, bu fəaliyyət sahəsində tərəflər arasında olan əməkdaşlığı və onun hüquqi aspektlərini araşdırmağa yönəlmişdir.

Açar sözlər: *hava nəqliyyatı, sərnişin daşımaları, mühüm tənzimləmələr, hüquqi əsaslar, ölçülər, əməkdaşlıq*

Introduction

Considering the great distance between the European Union and Azerbaijan, we can draw a conclusion that the most important mode of transport between Azerbaijan and the European Union is the activity carried out by air. Every day, in the rapidly developing world, states are also developing and strengthening their relations. The activity carried out by the European Union Commission dated 2005 for the purpose of "developing the foreign air transport policy of the society" is one of such relations. The European Union has always declared its support for the creation of a common airspace. Because the common air space means the strengthening of the economy, the comprehensive strengthening of relations between states and other associations, and the freedom of people to carry out their activities. The main goal of the common airspace envisaged

by the European Union is the creation of an open and wide airspace based on common laws. This goal was supported by the decision of the European Union Council in the summer of 2005 and once again announced the great importance of joining the common air space of neighboring countries to the European Union. The creation of a wider shared airspace creates different benefits in different areas. Examples of these include the following.

1. To positively stimulate the economic development of countries with the prospect of joining the European Union.
2. To promote high European aviation standards and ensure a high level of aviation safety in the wider region.
3. Ensuring comprehensive cooperation between authorities responsible for aviation safety and other important issues (Əkbərov, 2016: 33-34).

Considering its geographical position, good air transport links between Azerbaijan and the European Union are very important for the economic development of Azerbaijan. Its strategic location at the intersection of Europe and Asia makes Azerbaijan an obvious candidate for the Joint Aviation Area Agreement with the European Union (4).

In January 2011, the authorized representatives of Azerbaijan expressed their interest in negotiations on the Joint Aviation Area Agreement with the European Union. After that, both sides analyzed the possibility of reaching such an agreement. During the analysis, air traffic control, aviation safety, level playing field and environmental protection were rated as the most important issues between the two parties. Relations between Azerbaijan and the European Union are expanding every year. In addition, both parties benefit from these relations. In the last 25 years, relations between Azerbaijan and the European Union have become closer and stronger. The Partnership and Partnership Agreement between the European Union and Azerbaijan signed in 1996 and entered into force in 1999 serves to further strengthen these relations. Thus, through this agreement, the relations between Azerbaijan and the European Union, which cover large areas such as cooperation in the fields of trade and economy, harmonization in law, began to be regulated in a clearer form. Article 57 of the agreement concluded in 1996 specifically mentions the reconstruction and modernization of Azerbaijan's transport system in order to strengthen the partnership between Azerbaijan and the European Union in the field of transport. The mentioned measures include reconstruction of airports and modernization of navigation infrastructure. The Partnership Agreement between Azerbaijan and the European Union dated 1996 significantly deepened the integration of the transport sector of Azerbaijan with the European Union (Scott, 2006: 60-61-84).

We can point to the European Neighborhood Policy as one of the important measures implemented to strengthen relations between Azerbaijan and the European Union. Thus, in order to strengthen the relations of the European Union, the European Neighborhood Policy (ENP) was developed and Azerbaijan became a part of this policy in 2004. The European Neighborhood Policy aims to strengthen the prosperity, stability and security of the countries neighboring the European Union. This policy is implemented through European Neighborhood Policy Action Plans (ENPAPs) individually agreed between the European Union and each partner country. The European Neighborhood Policy Action Plan between the European Union and Azerbaijan was adopted in 2006. The transport provisions of the ENPAP (for Azerbaijan) include the development and implementation of a national sustainable transport policy, with a focus on further approximation of legal and regulatory frameworks (Eyvazova, 2016: 34-39).

Azerbaijan has more than 10 million people. The economy of Azerbaijan, which has more population than several states located in the region, is growing rapidly, and passenger transportation by air is becoming one of the priority issues. The main part of passenger transportation by air is carried out by "Azerbaijan Airlines" company. Currently, six airports with international status operate in Azerbaijan. In addition to Heydar Aliyev International Airport located in Baku, all conditions have been created for air carriers at Nakhchivan, Ganja, Gabala, Lankaran and Zagatala airports. All international airports of the republic have ICAO categories, including the 3rd degree, are equipped with modern equipment, where the necessary conditions have been created for ground services, aviation security, border and customs control (5), (6)

It should be noted that Heydar Aliyev International Airport is the largest airport in Azerbaijan and the region in terms of the volume of passenger and cargo transportation, take-off operations, the area of the airport complex and the capacity of the cargo terminal. The capital airport was awarded the maximum "5 Star" status according to the "Skytrax World Airport Awards" version. Heydar Aliyev International Airport is the airport where the majority of passenger transportation is carried out. For example, we can mention that during the first five months of 2019, the airports of Azerbaijan served 1.85 million passengers. 1.57 million of them fell to Heydar Aliyev International Airport (7).

Conclusion

As a result of the establishment of close air transport relations between Azerbaijan and the European Union, travel opportunities for European Union and Azerbaijan passengers have significantly increased and economic benefits have been ensured for European Union and Azerbaijan airlines and airports. Strengthened communication between the parties and ensuring actions in wider directions has played the role of a catalyst for the development of trade and foreign investments in Azerbaijan.

It is particularly important that the agreement between the parties does not limit the European Union's ability to implement regulatory or economic instruments to reduce the unwanted side effects of air traffic growth, in particular air quality and noise levels around airports, and to contribute to global climate change. In addition, the strong relationship established between the parties contributes to improving existing safety standards, optimizing efficiency and capacity, reducing emissions for each flight and minimizing delays.

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