непосредственно не связанными судопроизводством, обладающих только общими признаками - посяательства «извне».

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Contradictions of civil aviation legislation

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Annotation

Contradictories, which are relevant at the moment in the field of civil aviation are analyzed. The development of new methods dealing with such issues requires the regulation at the state level.

Keywords: legal acts, flight operations manual (FOM), crossing of state borders without radio communication, air company (a/c).

According to international guidelines (in particular with a collection of "JEPPESEN"), agreements and main provisions of the ICAO aeronautical authorities of many developed countries of the world have in their normative and legal acts of such a procedure for civil aviation pilots, as the crossing of the state border without radio communication. It is not necessary to coordinate the border crossing with an air traffic controller of another state, regardless of the stage at which radio communication was lost (before or after crossing the state border).

According to modern studies, the using of the rules of this procedure reduces the level of fuel consumption, the need to return to the departure aerodrome, as well as all the risks arising in the cause of a return. This is allowed only if the flight crew have the right to cross the state border without radio communication. Despite this, there is one feature in relation to the Russian Federation: crossing the state border of the Russian Federation without radio communication is prohibited, however, according to FOM one of the Russian air companies "Aeroflot - Russian Airlines", crossing the state border of the Russian Federation without radio communication is allowed, which is contrary to government regulation.

Thus, this article describes the differences between the Russian Federation Federal document and air company's rules "AEROFLOT" on the basis of legal acts of the Russian Federation air legislation and its substantive provisions.

At present, the ban on crossing the state border is regulated by the Order of the Government of the Russian Federation of 11.03.2010 N 138 "On the approval of the Federal rules for the use of the airspace of the Russian Federation's airspace", according to which the intersection by an aircraft of the state border of the Russian Federation without radio communication is prohibited, except for the case when a radio communication failure occurred in flight after the flight crew received the state border of the Russian Federation. If the flight crew decides to go to the departure aerodrome, then the state border of the Russian Federation will be crossed in the opposite direction along the same route, the flight route with the occupation of the associated flight level [2]. However, if we take "FOM of Aeroflot, Part A", we can find the following information: The intersection of the Russian state border when entering Russian airspace without radio communication must be prohibited, unless a radio communication failure occurred in flight (with permission to perform a flight received in accordance with international treaties and agreements of Russia) [4].

Consequently, we have a question: how do the flight operations manual of a/c " AEROFLOT " provide crossing the state border of the Russian Federation without radio communication, citing the presence of permission to carry out a flight received in accordance with international treaties and agreements of Russia.

We analyzed the following documents: flight operations manual of a/c " AEROFLOT " and the main provisions of air law, circulars and federal aviation rules (FAR), which include the following: the flight crew must report entry into the airspace of the Russian Federation when changing the frequency, and FOM of a/c " AEROFLOT " says that the aircraft of this airline have the right no to report the entrance, as a/c flies according to international standards, respectively, according to " JEPPESEN " it is allowed to enter the airspace even with the loss of radio communication. This, in our opinion, is the controversy.

For example, if the aircraft flies across the border of the Russian Federation and the flight crew has agreed crossing the border, ATC must coordinate the crossing with the armed forces of the Russian Federation. There are several possible developments:

- After the controller has agreed the intersection, the flight crew can cross the border.
- In the case of radio communication failure after crossing the state border, the flight crew also can fly to the destination aerodrome.
- In case of radio communication failure before passing the state border, if the flight crew haven't not coordinate intersection, then the controller (RF) hasn't know about the aircraft, because the previous ATC of another region (or country) hasn't report to other ATC that the aircraft crosses the border, respectively, ATC of Russia has not agreed on this with the military, and so the aircraft crosses the border illegally - is a violation. Therefore, in case of failure of radio communication the flight crew must deploy fly back. It is very irrational from an economic point of view, although FOM a/c " AEROFLOT " says that it is not so.

Disagreement in the governing documents can lead to a number of problems:

1. An aircraft that crosses the border illegally can be intercepted for identification or landed on the airfield to determine the causes of the incident.
2. The crew of the aircraft can be subject to disciplinary or administrative measures for violation of the relevant decision.
3. The aircraft can be shot down including passengers on board [1].

In our opinion, these procedures, which are developed on the basis of such incidents, are designed to minimize risks and misunderstandings. These are based on the accumulated experience of flying in various regions of the globe. The presented list is not accurate, not all of its items are required.

First of all, it is necessary to come to a single interpretation of this provision, for example, either to allow everyone to overfly the state border without agreeing with the ATC,

either to prohibit all, or to add a clause in the resolution implying the following: the airspace of the state border without radio communications is prohibited, except for aircraft of a/c "AEROFLOT".

Each operator, together with the relevant regulatory authorities, should develop appropriate procedures for their organization:

- the flight crew performing controlled flight perform listening of a channel speech communication "air - ground" air traffic control.
- as necessary, establish a two-way communication with ATC
- The SELCAL selective call system or similar automatic alarm devices can be used to for continuous listening requirement.
- After a data link has been established (CPDLC), the requirement for an aircraft to listen to air-to-ground voice exchanges should be maintained.
- In case of loss of radio communication, the crew of the aircraft will attempt to establish communication with the appropriate ATC.
- If communications failure interfere with the observance of the above provisions, the aircraft will follow the procedures established in case of voice communications failure in Annex 10, Volume II of the Chicago Convention [3].

In conclusion, I would like to note that this problem is highly relevant, since the number of significant contradictions in documents relating to the field of civil aviation and in federal laws is quite small, but there are precedents. In addition, a huge number of data transmission lines are used near the state borders, which may affect the quality of radio communications during messaging between pilots and relevant ATC centers. Therefore, existing documents should clearly regulate actions in such situations, and prevent the flight crews' confusions.

1. "Air Code of the Russian Federation" dated 03.19.1997 N 60-FZ
2. Resolution of the Government of the Russian Federation of 11.03.2010 N 138 (as amended on 13.06.2018) "On approval of the Federal rules for the use of the airspace of the Russian Federation"
3. Annex 2 to the Convention on International Civil Aviation
4. Flight operations manual of Aeroflot, part A