

PRINCIPLES (TASKS) OF MENTAL AND ORGANIZATIONAL COMPATIBILITY AS A CONDITION OF ADAPTATION AIR LEGISLATION OF UKRAINE TO EU LEGISLATION

The essence and guidelines to ensure the principles of (problems), mental and organizational interoperability as a condition of adaptation of Ukrainian legislation to the flying of the EU legislation. The author proves that the next steps of the management development in the aviation industry as further strengthening of the public management. Management is focused on the program and target methods.

Key words: *mental and organizational compatibility, executive power, corruption, reduction of maintenance costs*

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Принципи (завдання) ментальної і організаційної сумісності як умова адаптації повітряного законодавства України до законодавства ЄС

Розглядаються сутність і основні напрями забезпечення принципів (завдань) ментальної і організаційної сумісності як умова адаптації повітряного законодавства України до законодавства ЄС. Автор доводить, що подальші кроки розвитку організації управління в авіаційній галузі – це подальше зміцнення саме громадських начал в управлінні, орієнтація управління на програмно-цільові методи.

Ключові слова: *ментальна і організаційна сумісність, виконавча влада, корупція, скорочення витрат на утримання.*

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Принципы (задачи) ментальной и организационной совместимости как условие адаптации воздушного законодательства Украины к законодательству ЕС

Рассматриваются сущность и основные направления обеспечения принципов (задач) ментальной и организационной совместимости как условие адаптации воздушного законодательства Украины к законодательству ЕС. Автор доказывает, что дальнейшие шаги развития организации управления в авиационной отрасли – это дальнейшее укрепление именно общественных начал в управлении, ориентация управления на программно-целевые методы.

Ключевые слова: *ментальная и организационная совместимость, исполнительная власть, коррупция, сокращение расходов на содержание.*

Problem statement. Since independence, there was adopted a sufficient number of laws and regulations to adapt national legislation to the EU. Thus, in 1994 ratified the Law № 237/94-VR of 10.11.94 Agreement on Partnership and Cooperation between Ukraine and the European Communities and their Member States (hereinafter – PCA) [1] and Articles 51 and 64 which is approximately suited to the such field as transport, and the parties develop and strengthen cooperation in this area.

According to the Law of Ukraine «On State Program of Adaptation of Ukraine to the European Union» of March 18, 2004 № 1629 [2], to adapt Ukraine's legislation to the EU is to achieve compliance with the legal system of Ukraine *acquis communautaire* on the criteria required by the EU to countries that have intention to join it.

And the first stage of the program was designed for the period until the completion of the PCA. An important effect of government was the signing of the Association Agreement between Ukraine, on

one hand, and the European Union, the European Atomic Energy Community and its countries, on the other hand, which ratified the Law of Ukraine № 1678-VII from 16.9.2014 g. [3], And Part 2 of Art. 479 of the Association Agreement replaces as stated above PCA.

The scope of the Association Agreement excludes measures for regular or irregular domestic and international air transport and transport directly related to the sale of commercial rights to transport (Art. 92).

To ensure the coordinated development and progressive liberalization of air transport between the Parties in accordance with their reciprocal commercial needs, the conditions of mutual market access should be treated under the Agreement between Ukraine and the EU Common Aviation Area (p. 137), which has not yet signed.

However, for making truck shipment aspects of legal elements serving infrastructure (airports, manufacturers of aircraft, air navigation infrastructure, etc.) should be brought into line with EU law.

Analysis of recent research and publications.

The problems associated with the adaptation of Ukrainian legislation to the EU legislation was reflected in the works of A. Filipov, A. Bichkov, V. Chernov, M. Bulgakov and others. And yet, in spite of the numerous publications providing analysis of the main trends principles (tasks) of the mental and organizational interoperability as a condition of adaptation of the air Ukrainian legislation to EU legislation in legal science was not carried out.

The purpose of this article is to determine the compatibility of air legislation of Ukraine and the EU, identification of issues, which State policy of Ukraine does not meet the requirements of the EU and, accordingly, it is not conducive to attracting investment into the economy of Ukraine.

Statement of the base material. In the distant times, there was formulated the statement that it is impossible to solve specific, which means narrow professional issues without solving general issues. The latter attribute principles (tasks) and mental organizational compatibility of Ukraine's integration with the EU. Therefore it is important to say about the tasks of mental and organizational compatibility in the integration of Ukraine and the EU, talking

about certain aspects of the adaptation of the air Ukrainian legislation to the EU legislation.

Let's start with the legal mentality of Ukrainians and citizens of Western Europe countries. What is the legal mentality?

In our opinion, this is an internal perception of implicit rights of State institutions. What's the difference between legal mentality of Ukrainians and citizens of The Western Europe countries? To answer this question, let's make a couple examples. Example 1. King of Prussia, Frederick the Great, who couldn't sleep at night because of a running mill and summoned a miller and threatened him, saying that if he did not stop to work at night, he (the king) would order demolish the mill. «Yes, but in Prussia there is a court!» - said the miller. And this phrase so impressed and discouraged the king that he has ordered to carve it on the front of his castle. And the memories of tourists who visited Prussia, Frederick the Great's palace before the Second World War, they saw this inscription.

That is what we mean by the Western legal mentality. Although there are serious doubts that the Court of Prussia, like any other country, will not rise to protect the power interests of the king, according to the fact that from old times the judges often take bribes (take for example at least the statements of the Bible) – it is still in mentality, in the blood of resident of Western countries – a deep conviction in the judicial justice and respect for public institutions (emphasis S. Yuldashev). In contrast to the mentality of many Ukrainians, described by the expression: «there is no prophet in the native land». We often do not reckon with its domestic bow before all foreign as the acme of perfection.

As for organizational compatibility it is an organization of management of the economy in our country and in the European countries. When we call the authorities, their names are the same with European. For example, ministries, departments of economic profile are approximately the same in our country and in Europe. The same applies to the position of president. We have and they have it. The same situation with the Administration (Secretariat) of the President we have and they. Hereof the organizational similarity ends. The whole point is in the evolution of development. The history of the ministries and departments (previously – commissariats) in the former Soviet Union goes

back to the 20 s. The need of its creation determines to the need of militarization of the country. As we know, Stalin was preparing the country for an offensive, aggressive war against the world, and led them to the party-state apparatus purposefully created entirely militarized economy. The main provisions of the so-called military defense doctrine of the USSR were determined in the middle of the 1930 s.

On the basis a unified national system of production and centralized system of ministries and agencies was created, through which the general planned production, general logistics, finance, human resources and public distribution of manufactured items, products, social benefits between social and labor collectives. It was the time, when the state completely monopolized the management of all processes in the country, including the economy. Economic management of industrial production processes carried out the party-state authorities. The hierarchically arranged structure of the administrative-territorial management was formed, which represented a «spatial-economic-management» framework that covered all aspects of the economy, all the basic «functions» control (research and production, organizational and managerial economic-technological, socio-cultural and etc.), was performed exclusively by the state. Tasks and functions of the ministries and departments came from military defense doctrine. For example, industry (primarily metals) should be aimed at ensuring of the priority military requirements. Virtually every industry deployed «assimilated» military-industrial complex (MIC), which consisted of «civil-military» productions. There was a labor conscription [4, pp. 358-384].

Through ministries and departments the power was carry out: a) labor-mobilization measures - reallocation of labor across the country and hold it in place with a view to use for the administration of general labor service; b) management of a unified national system of production; c) the general distribution of the planned state of clothes, the products of social benefits between social and labor collectives; g) military mobilization measures. Politics of a socialist settlement was considered as the element of the population of the state control in the centralized power structure. So-called social

town housed wherever there was (or was artificially created) the maximum concentration of the proletariat [5, p.114-18]. At the heart of the allocation of new residential areas were laid claim settlement in accordance with the structure of production, etc.

So, the military doctrine, a complete restriction of citizens' rights, the absolute lack of freedom of the population which is considered as consumables in militarization – that's what was represented by the state apparatus inherited by Ukraine. However, currently this apparatus changed under market conditions, however, remains the main contradiction between this kind of subject and object management. The last one – is still the company, but it is in the other - non-state ownership. If earlier part of this or that ministry were dozens, hundreds of state-owned enterprises, the lion's share of which accounted for the MIC share, now it is the enterprise of private or collective ownership. Almost all of them are in private or collective ownership, and therefore not subject to the ministries. In respect of these enterprises are not carried out such functions as planning, accounting, purchasing and marketing of products. And since this is so, what are this ministries? Why should they be members of the government? Instead, today's means of control authorities have long turned into a means of plundering the budget and have been successfully used as such.

It is obvious that the need for execution of certain works should be formulated «from below» rather than «from above». This is the first thing. Secondly, it is clear that if we give up a state monopoly on the management of the economy, social development, then there are professionals who can perform productive management tasks (stress, productive) on a private basis, based on the relevant treaties. And, of course, it will be much more effective. It means that it is not necessary to keep in readiness many tens of thousands of civil servants, who jokes and smokes at public expense for during breaks in the warmth while away working time, lining up the evening at a quarter to six in the queue for a way out of tower-block buildings. Problems should be solved at their receipt. If any problem occurs – temporary structures can be created to deal with it. After solving the problem, the entity as usual stops its activity. There is no need

to hold in readiness for thousands of employees hired according to the «staff schedule» didn't solve any problems, it has long been turned into «sweet spot» with guaranteed salaries, supplementary pension and other benefits. And most importantly – the liquidation of the ministries and departments will be undermined preserved from the socialist era system of financial and material distribution, transformed into a system of plundering the budget.

So, the former departments and agencies ensured the implementation of monopolistic, militarist, mobilization model. Monopolist in particular – means that in every field in each cluster – there is one manufacturer. The current authorities are also aimed at preserving the monopoly. The difference is that if earlier it was done through administrative action, it is now the monopoly provided by the financial, technical and other levers.

It is necessary to rebuild the sectors with the classical branch structure from the post-Soviet to the industry market.

How? One of the most powerful means of improving economic governance in this direction is the use of this process (the process of improving the management of the economy) the principle of subsidiarity (residual). This principle formulated by Pope Pius 11-th in a papal encyclicals in 1931 This means that everything that can be transferred to non-state structures - must be transferred to them. In accordance with this, «they» in the sector managing quite well developed self-regulating professional organization, to successfully solve, so to speak, «public way» all the problems that arise in the operation and development of the industry.

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From the standpoint of the management of

organizational improvement is the aviation industry can be said, at the forefront. In the aviation industry forces central executive body - the State Aviation Service (State Aviation Service), Association of the aviation industry of Ukraine («Ukraviaprom») and Aerospace Society of Ukraine (ASSU).

State Aviation Service is a central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure.

The Association «Ukraviaprom» was created in 1992 at the initiative of enterprises of aviation industry of Ukraine, in order to maintain the existing scientific and technical, industrial and social potential created in the field of aircraft construction, as well as reproduction, renewal, development and broad dissemination of high-performance technologies in the aviation industry in current economic conditions, promotion of domestic aircraft in the world market, targeted support aircraft building programs. Association of the airline industry has been subject to legislative norms of core business by all the participants of the national market. The Assosiation is designed to provide a high level of air transport on the basis of free competition and to bring the industry into line with EU requirements. It's also aimed at the signing of the agreement on Common Aviation Area with the European Union.

The association merged enterprise aviation complex: airframe, aircraft engine manufacturers, the individual components, assemblies, components, test equipment for aircraft, as well as repair works, leading institutes and design bureaus - developers aircraft. An urgent task of the association is to coordinate the actions of aircraft construction enterprises and other industries, as well as business organizations that influence the development of the national aviation industry and the promotion of modern aircraft on the market. Among the priority tasks of the association is development and implementation of conversion programs on the basis of high-tech aerospace industry, the use of new technologies and know-how for the benefit of the national economy.

One of the main tasks of the association is a list of potential buyers on all continents, especially in countries that operate aviation equipment produced by Ukrainian aviation enterprises, initiating and

finding ways and contacts at the international level and in international business circles for cooperation, which will be sent to preservation of the industrial potential and the expansion of jobs.

Tasks of the Assosiation include the coordination in trainings of professionals for the aviation industry, supporting promising young scientists, engineers and students.

As for the Aerospace Society (ASSU). The initiative for its establishment as a public company was made by the National Academy of Sciences of Ukraine, the National Space Agency of Ukraine, Association «Ukraviaprom» Cosmonautics Federation and a number of other organizations, including the public. For software tasks ASSU refers task to focus on the innovative development of the aerospace industry, not only public institutions, but also to attract the general public and all those who care about the fate of the rocket-space and aviation industry.

Conclusions. What are the next steps of the organization of management in the aviation industry? I think that this is further strengthening of the social principles in management, management focus on program-target methods. As noted at the Congress of Aerospace Society of Ukraine, the change in the current structure of the industry is possible through adjustment of its vertical integration on the basis of the final product with the organization of the most closed production cycle, by type of foreign corporations. Availability of qualified personnel and scientific and technological potential to successfully solve these tasks and to be competitive in the domestic and foreign markets with any foreign manufacturer.

These are the basic ideas of ensuring organizational compatibility of Ukraine with the EU in a given subject area, compatibility, which I regard as necessary to ensure the successful operation adapted to EU requirements of Ukrainian legislation.

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