

4. Новые конституции стран СНГ и Балтии : сборник документов / сост.: Дмитриев Ю.А.; сост. и отв. ред.: Михалева Н.А. – М. : Манускрипт, 1994. – 654 с.
5. Сергієнко Н.М. Застосування норм міжнародного права органами конституційної юрисдикції (європейський досвід) : дис. на здоб. наук. ступ. канд. юрид. наук : спец. 12.00.11 / Н.М. Сергієнко; Київ. нац. ун-т ім. Т. Шевченка. – К., 2004. – 228 с.
6. Новикова Л.А. Общие принципы и нормы международного права в системе российского публичного права : дисс. ... канд. юрид. наук : спец. 12.00.01 / Новикова Л.А. – Москва, 2001. – 230 с.
7. Буткевич О.В. Міжнародне право XXI ст.: утвердження концепції «живого права» / О.В. Буткевич // Альманах міжнародного права. – 2013. – Вип. 2. – С. 37–47.
8. Slovenia. Constitutional Court. Important decision. Identification: SLO-2001-1-001 // Bulletin on Constitutional Case-Law. – Strasbourg. – 2001. – Edition 1. – P. 131.
9. Решения Конституционного Суда Италии № 238 от 22 октября 2014 г. [Электронный ресурс]. – Режим доступа: <http://www.qil-qdi.org/wp-content/uploads/2014/10/Italian-Constitutional-Court-Judgment-238-2014.pdf>; Постановление Конституционного Суда Российской Федерации от 6 декабря 2013 г. № 27-П, город Санкт-Петербург [Электронный ресурс]. – Режим доступа: <https://rg.ru/2013/12/18/ks-dok.html>.
10. Мартиненко П. Конституційний Суд України: повноваження у контексті дворічного досвіду (квітень 1997 - квітень 1999 року) / Мартиненко П. // Вісник Конституційного Суду України. – 1999. – № 4. – С. 46–63.
11. Рішення МС ООН у спорі між ФРН та Нідерландами і Данією 1969 р. [Електронний ресурс]. – Режим доступу: <http://www.icj-cij.org/en/case/51>; <http://www.icj-cij.org/en/case/52>.
12. Рішення МС ООН у спорі про риболовну зону 1951 р. [Електронний ресурс]. – Режим доступу: <http://www.icj-cij.org/en/case/5>.
13. Chorzow Factory (Merits). PCIJ. Series A. № 17 (1928). – P. 29.
14. PCIJ. Series A/B. № 79 (1939). – P. 199.
15. Bankovic v. Belgium and others. Decision of 12 December 2001. Admissibility. Application № 52207/99. ECHR 2001-XII. Para.33.

UDC 379.85

THE MODERN MARINE TOURISM SERVICE: FEATURES OF THE PROVIDING PROCESS

СУЧАСНИЙ МОРСЬКИЙ ТУРИЗМ: ОСОБЛИВОСТІ ЗАБЕЗПЕЧЕННЯ ПРОЦЕСУ

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The article is devoted to the study of the problematic issues in the field of marine tourism in Ukraine. It is identified the essence of the categories "marine tourism", "marine tourism services market" by the author in the article. It is carried out a comparison of indicators of activity of separate economic subjects, participating in the process of marine tourism services production.

Key words: marine tourism, marine tourism service, transportation of a passenger, shipping, a ship.

Стаття присвячена дослідженню проблемних питань у сфері морського туризму в Україні. У статті автором виявляється суть категорій «морський туризм», «ринку послуг морського туризму». Виконано порівняння показників діяльності окремих суб'єктів господарювання, які беруть участь у процесі виробництва послуг морського туризму.

Ключові слова: морський туризм, послуга морського туризму, перевезення пасажирів, судноплавство, судно.

Статья посвящена исследованию проблемных вопросов в сфере морского туризма в Украине. В статье автором выявляется сущность категорий «морской туризм», «рынок услуг морского туризма». Выполнено сравнение индикаторов действия отдельных субъектов хозяйствования, участвующих в процессе производства услуг морского туризма.

Ключевые слова: морской туризм, услуга морского туризма, перевозка пассажира, судоходство, судно.

Statement of a problem. Due to the complex economic and political situation, the imperfection of the legislative framework, in particular in the field of taxation and investment, the lack of a competitive passenger fleet and the influence of other essential actors, marine tourism is significantly yield to the growth rates of the North American and European segments of the world market, which is not responds to the potential resource's possibilities of Ukraine. This is confirmed by the low rating of competitiveness of travel and tourism in Ukraine relative to other countries of the world where sea tourism is developed. Therefore, on the basis of adaptation of the experience of developed countries to optimize the use of their own resources and capabilities it is necessary to develop the conceptual framework of maritime tourism in Ukraine.

Analysis of recent researches and publications. Materials of the work are based on the scientific writings of the leading Ukrainian and foreign scientists, legislative acts. The most complete this problem got reflected in the works of I. A. Golubkova [1], V. V. Gihareva [2], V. S. Polivchak [3], V. A. Virgun [4], U. V. Mikhailova [5], U. O. Navrozova [6].

Objects of the article are to identify the essence of the categories "marine tourism", "marine tourism services mar-

ket", to carry out a comparison of indicators of activity of separate economic subjects, participating in the process of marine tourism services production.

Basic material. Maritime tourism has a long prehistory. The first cruise services as the main type of sea tourism services were of an elite nature and a low level of safety. The cruise business is actively developing with the start of the exploitation of transatlantic liners from 1860 to 1960. The most famous cruise companies in the world "Carnival Corporation", was founded in 1972 and "Royal Caribbean International", was founded in 1968, arose after the collapse of the transatlantic travel industry. The first cruise ship was called "Oceanic" and was built in 1965 for cruises in the North American geographical segment of the market. It is from the middle of 60's the development begins of mass cruise business. In the 80's the flourishing of the world cruise business has reached its peak by turning into a powerful high – profit industry.

In the modern conditions, cruise business grows every year. Large shipowners in American, Greek, Italian, Danish, Norwegian origins offer a wide range of cruise services, improving their quality by providing a variety of additional services. Another type of maritime tourism is yachting, support

and promotion of which is taking place in Norway, Turkey, Croatia, Italy, France and other countries, which allows you to create additional jobs, receive income from the service of tourists, proceeds from the operation of marinas, the dynamics of development of yachting tourism in separate countries.

It is difficult to classify the types of maritime tourism. There are a large number of its types that should be classified according to different criteria. A sea tourism is associated with the use of resources of sea and coastal areas. The main purpose of maritime tourism is to provide rest and recreation. For state regulatory bodies, sea tourism is a type of economic activity. Accordingly, it is proposed the use of such a definition – sea tourism is a business carried out within the water area of the sea and coastal areas for the purpose of production of tourist and recreational services for profit. According to this definition, the main types of sea tourism are cruise, yacht and beach tourism. Also, the list of types of maritime tourism includes diving, fishing, underwater hunting, windsurfing, surfing.

The terms “enterprise” and “business” are closely related, which are reflected in the modern scientific works. The implementation of the term “business” in the general scientific thesaurus relates, first of all, to access to the research of foreign authors, the use of Anglicisms in the native speech, the gradual transition from administrative – command to market bases of management and as a result, the need to find new terms [1, p. 76]. Most experts identify business and enterprise. There are certain differences between them. So, in the dictionary of foreign words edited by O.S. Melnichuk, issued in 1974, defines business as “an occupation that brings profit”.

V. A. Vergun determines the business as a business activity carried out by physical and legal persons in order to profit [4, p. 200]. However, it is not necessary to distinguish profits as an imperative goal of business activity, since, along with the commercial sector of the economy, the non-profit sector is used separately, the subjects of which function in order to meet public needs. The Ukrainian legislation uses the term “business undertakings” and derivatives from the term “business” concepts (business environment, business plan, business strategy, etc.). In the economic code of Ukraine states that the enterprise is “economic activity, which is carried out to achieve the economy and social outcomes for the purpose of profit”.

Polivchak V. S. focuses on the fact that the term “business” is more profitable, a global concept than a business undertakings, which forms its basis while remaining a separate concept. He defines business as “a complex dynamic system of business relations that embraces commercial and non – commercial aspects of purposeful human activity in relation to the production, exchange and consumption of material goods, and is based on the close connection of the subsystem of material goods (goods and services) of business entities and subsystems of business entities of legal and physical persons entering into civil relations on business objects” [3, p. 403]. Thus, business is a broader concept, it can be used to identify any economic activity that includes elements of management, marketing, etc. The business undertakings may be a one-time economic activity aimed at profit making. At that time, business undertakings are always associated with innovation, risk, and creative approach. The cruise business is one of the large number of the business types.

There is no generally accepted definition of a cruise business. At the same time, all existing definitions are related to the use of a special cruise ship. In the Cambridge dictionary, a cruise ship equates to its destination to a hotel where tourists travel for the sake of pleasure [1, p. 77]. In separate scientific works of the 2000’s devoted to studying the problems of maritime tourism, it should be noted that a cruise with a specific sea voyage, in which ship is dispatch and returned to the same port. This approach is not in line with modern requirements, since, in addition to the list of cruise passengers of those who come to a cruise other than the port of departure. Sometimes it is emphasized that during a cruise it is not the destination and

the process of carriage from point A to point B, but directly, about the journey itself, entertainment on a board and tourist excursions on the places, which are included in tourist product.

That is, a cruise ship in this case is not a vehicle but a place of stay. It is at the same time a hotel and an analogue of traditional resorts and theme parks. Thus, a cruise is a trip on a sea or river vessel, which is used as a means of transportation, accommodation, food, and entertainment of passengers. The cruise business report in the Baltic Sea Region states that “cruise is a journey of at least 60 hours on a sea-going vessel for the most part to satisfy itself”. Cruise provides passengers with their luggage, accommodation and food. A cruise journey should include both at least visits to two ports, except the base ones (port of departure and destination) [2, p. 155]. Thus, cruise business is a business activity in providing tourist travel services by sea passenger transport. Under the subject of cruise business, it will be considered economic entities, taking part in the creation of a cruise product in the local segment of the cruise market. According to this definition, the main subjects of the cruise business are shipping and tourism companies.

In the process of producing yacht tourism ambassadors, major producers and manufacturers involved in the provision of additional services, provide accompanying goods, provide personnel support. These producers are subjects of the market of sea tourism services, participants in the process of production of sea tourism services. Subjects of the market of cruise services should be divided into such groups: producers, suppliers of resources, consumers, state bodies. Effective interaction between the representatives of these groups provides functioning of the system of sea tourism, which develops according to its own internal laws, taking into account the influence of factors of the external environment. In order to ensure the sustainability of the development of such system, it is necessary to have mechanisms of fruitful cooperation between all elements of the system, the information and financial flows between them, the legal and regulatory framework for the management of certain components of the marine tourism system.

The system of maritime tourism must be open and flexible to the factors of the environment, state regulatory bodies play an important role in the normal functioning of the maritime tourism system. First, they create conditions for the management of the subjects of the market of maritime tourism services, and secondly, control the process of production of services in order to increase their safety and within the framework of the maritime tourism system, the basic and additional services of sea tourism are made. An important element of the maritime tourism system are suppliers of financial and credit (banks, credit funds, investors) labor resources (educational institutions, schools of sailing) and suppliers of related goods (equipment, promotional materials). It is advisable to determine the two main criteria on the basis of which a separate subject can be attributed to maritime tourism:

1. The value of the production of service or products for the operation of maritime tourism. According to this criteria, the subjects function that produce basic services in the system and companies that provide additional services.

2. Dependence of the volume of realization of services of sea tourism on the volume of tourist demand. There are transport services, service delivery, food, insurance, credit and financial services, etc. in this aspect. In scientific literature there are certain differences between the concepts of “cruise tourism” and “sea tourism”. The use of the term “sea tourism” is considered more expedient, and a concept of cruise already include tourist motifs. A cruise is a temporary tourist passenger trip on a sea or river vessel. Cruise and sea tourism can not be identified, because the cruise tourism is one of the main types of sea tourism.

Thus, a significant number of issues related to the development of maritime tourism in Ukraine remained beyond the attention of scientists. At the same time, modern tendencies of the development of the world economy prove the necessity

of developing the basis of maritime tourism in Ukraine. The study of practice of the functioning of world maritime tourism has proven that one of the main types of maritime tourism is a cruise business. Popularity of the cruise as a transport and tourist service due to the characteristics of travel, the ability to meet the diverse demands of consumers in accordance with their budget and purpose of travel. Qualitative service, the opportunity to receive related services, and the provision of closed services create competitive advantages of a cruise service in comparison with other types of transport and tourist services. In addition, increasing the role of the factor of free time, the development of information technology contributed to the fact that the cruise business was formed into a holistic integrated area of activity.

Cruise business is an economic and technological system, within which processes of formation and realization of cruise service take place. These processes include the following stages: the emergence of demand for cruise and the formation of their service offer, the combination of equal services in a single cruise service, consumption of cruise services. The present stage of development of maritime tourism is characterized by the ability to combine several types of tourism. An example is "river – sea" cruises. At the same time, the cruise service can not be divided into services that are consumed separately. Consumers have virtually no opportunity to book a cruise linen ticket at one end or visit one city within a specified route. There are five main components of the cruise service: a transportation service, an excursion and beach service and a placement and food service. The list of services may vary depending on the type of cruise ship, season and type of a vessel. So, beach services can be replaced by additional excursion services or non – standard ones, such as master classes on board, visits to festivals and other cultural events. Thus, the cruise service is a complex of interconnected transport and tourist services, which clients receive for a certain period of time. The fact that cruise service is a set of services that are obtained in one place, will stipulate additional cruise benefits for business from the point of view of tourists [5, p.110]. One of the key stages of the formation of a cruise service is the development of a tourist route. The largest cruise companies in the world have a large number of vessels, which will determine the need to find opportunities for their efficient operation by ensuring optimum loading. Thus, the choice of consumers of sea tourism is due to the optimal balance between comfort on board of a ship and impressions of tourist excursions outside the ship's board. In addition, the development of national maritime tourism will cause the development of the internal tourist market, transport and tourist infrastructure. Cruise business as a type of economic operations of sea travel services is a combination of relationships and actions in the area of the use of marine resources aimed at the production of cruise services in order to profit. Consumers of cruise services form demand for them through the intermediaries (cruise companies that charter a passenger ship) or directly receive a service for carriage to a navigable company. The most widespread scheme is the interaction of consumers and shipping companies through intermediaries, which brings benefits to all parties.

The offer on the cruise market has a clearly defined specialization can be defined as the general transportation capacity of a cruise fleet, depending on types and sizes of vessels. The world cruise fleet is around ships that fully meet consumer demand and in some regions even overwhelming itself. In the practice of maritime business for the carriage of passengers, two types of ferry ships and cruise liners are traditionally used. Ferries provide an opportunity for a relatively short time to stay at the destination port, they are used for the most part for the transportation of passengers at short distances. Such vessels can carry several hundreds to thousands of passengers and cars. The estimated capacity of cruise ships is much larger. A modern liner is able to carry from four to five thousand passengers.

It is conditionally possible to mark out four stages of the production process of a shipping company of cruise service. The duration of each stage depends on the specific type of cruise ship and the stage of the life cycle of the shipping company itself. The first stage is the initial stage when the first cruises are organized. Based on market assessments, a decision is undertaken to seize a cruise market, a cruise service is formed, there is no mass advertising. The number of cruise liners that are insignificant at the disposal of shipping companies. The second stage is associated with an increase in the market share of the new cruise ship navigation company [6, p. 47].

Gradually new cruises are being developed or existing ones are being improved. The funds for modernization of the fleet and its adaptation to cruise needs are actively invested. For a long time it was believed that passenger transportation with non-profits for domestic companies, however, under the conditions of effective realization of the previous stage, the capital of the company should be offset by the profits made from the body of the cruise tours. The third stage is the development of cruise tours. At this stage, a shipping company can invest directly in the construction of a specialized cruise fleet. The pricing policy of the shipping company at the third stage is to appeal to the mass consumer, that is, the masses must be based on the optimal ratio of the price and quality of cruise ship. An important is the advertising of cruise services, cooperation with tourists companies – charterers. The fourth stage is characterized by the stabilization of the share of market of transportation of shipping company. The level of profit reaches the maximal value of competitors in the mass market. The proposal on the market of cruise services directly depends on the state of development of shipbuilding industry.

Conclusion. The study of the practice of functioning of international maritime tourism has proven that one of the main types of maritime tourism is cruise business. The popularity of a cruise as a transport and tourist service is due to the characteristics of a travelling, the ability to meet various demands of consumers in accordance with their travel budget. Qualitative service, the possibility of receiving accompanying services, create competitive advantages of the service quality compared to other types of transport and tourist services. In addition, increasing the role of the factor of free time, the development of information technology contributed to the fact that the cruise business was formed into a holistic integrated area of activity.

REFERENCES

1. Golubkova I. A. (2010). Faktory i zakonomernosti strukturizatsii globalnogo kruiznogo rinka [Factors and appropriatenesses of structuring of a global cruise market]. Collection of transport economy and industry, no 31. – Pp. 75 – 78 [in Russian].
2. Zhihareva V. V. (2012). Sovremennii tendentsii razvitiya rinka kruiznogo sudohodstva [Modern trends of the development of the cruise market navigation]. Development of methods of control and management in transport, no 39 (2). – Pp. 153 – 166 [in Russian].
3. Polivchak V. S. (2006). Komertsiiyni biznes: poniatia, struktura ta formy [Commercial business: conception, structure and forms]. – Kiev: scientific journal, issue 16. – Pp. 403 – 409 [in Ukrainian].
4. Virgun V. A. (2014). Mezhdunarodnyi biznes [International business]. – Kiev. – 810 p [in Russian].
5. Mikhailova Yu. V. & Kholodenko A. M. (2008). Modeli integratsii uchastnikov rynka kruiznykh uslug [Models of integration of participants of the cruise services market]. Methods and tools for management of development of transport systems. – Odessa: ONMU, no13. – Pp.107 – 119 [in Russian].
6. Navrozova U. A. (2013). Sushchnost i vidi morskogo turizma [The essence and types of maritime tourism]. Development of methods of government and management in transport. – Odessa, issue (4) 41. – Pp. 45 – 54 [in Russian].