

COMPLIANCE OF NATIONAL LEGAL QUALITY LEVEL, TRANSPORT AND TRANSPORTATION SERVICES SAFETY WITH WORLD STANDARDS IN PERSPECTIVE

Marat Aldangorovich Sarsembayev^{1*}, Daniyar Maratovich Sarsembayev², Aiman Kudaibergenovna Kussainova¹, Lazzat Talgatovna Nazarkulova¹

¹*Bolashak Consulting Group, Nur-Sultan, Republic of Kazakhstan*

²*International Law Chair, Eurasian National University named after L.N. Gumilev, Nur-Sultan, Republic of Kazakhstan*

In this article, the authors analyze the correspondence of international transport law and national (Kazakhstan) law on issues of ensuring the quality and safety of all types of transport and their transportation services. The article suggests the titles of a number of new international conventions and agreement on the need to implement the principles of quality, reliability, and safety of manufactured vehicles, as well as on the necessity to comply with transport safety rules during its operation, which must be developed and adopted in the future. Kazakhstan scientists, vehicle manufacturers must invent and produce original and at the same time reliable, efficient vehicles. Drivers of Kazakhstan's vehicles, as well as drivers in all other countries, are required to follow traffic regulations related not to only modern cars, but also be able to drive future digitalized unmanned vehicles, all those types of transport that will run on solar and other energy of the future. In this regard, the authors proposed the titles of a number of domestic laws on the feasibility of creating new vehicles with high-quality, environmentally friendly engines, artificial intelligence-based steering, and a reliable chassis, which will be adopted in the legal field of Kazakhstan and other states. According to the authors of the article, such approaches will allow the quality and safety of transport and transportation in Kazakhstan to comply with international standards.

Keywords: world standard, transport, vehicle manufacturing, vehicle components, brand, industrial assembly, cargo

INTRODUCTION

The quality and safety of transport and transportation functioning is ensured not so much on roads and tracks, but in workshops where truly high-quality and reliable vehicles are produced [1, 2]. Therefore, we address the international law of high-quality transport manufacturing, international transport law, thanks to which it is possible to bring the level of the transport quality and transportation safety of the Republic of Kazakhstan in line with the best international standards of technological and technical production, the use, and development of transport. To begin with, let us mention that today there are four large regions of vehicle manufacturing on the planet, including transport manufacturing. They include North America, Western and Eastern Europe, Eastern and Southeast Asia, and the Commonwealth of Independent States (CIS). North America, where the United States plays a key role, is the first region of transport manufacturing and the operation of the first-class vehicles. Vehicles of different capacities, different models and brands are produced here (General Motors, General Electric, Ford, Chrysler, Kenworth, Boeing). The second region of transport manufacturing is Western and Eastern Europe, which produces the first-class luxury vehicles. Various types of transport manufacturing are developed in Western Europe, where the following states should be mentioned: Germany (BMW, Mercedes-Benz, MANSE), France

(Citroen, Peugeot, Renault), Italy (Fiat, Lamborghini), Sweden (Volvo, Scania). The third region includes East and Southeast Asia, where Japan is the leader (Toyota, Mitsubishi, Nissan, Honda). In transport manufacturing, including the production of electronic equipment, the Asian Tigers, as well as China, have proved their value. The CIS region (the Commonwealth of Independent States) can be mentioned the fourth in the production of various types of transport. Here Russia is the champion of transport manufacturing (KAMAZ, Lada). In Central Asia, namely, Kazakhstan, the SaryarkaAvtoProm singled out, which is part of the Association of Kazakhstan Automobile Business (AKAB). In these regions, the automotive industry, shipbuilding, car building, and instrument engineering are being developed. If in the 1950 post-war year, the states produced 10 million 577 thousand cars, then already in 2019 their production increased by 9 times—90 million 864 cars [3]. Moreover, the quality of cars produced has sharply increased. Today sixty-three countries in the world are engaged in the production of vehicles.

LITERATURE REVIEW

International and national legal issues of developing the transport and transportation quality and safety have been developed to a certain extent in the works by foreign scientists: J. Bookbinder [4], M. Spanjaart [5], S.J. Tsen [6],

*marat.sarsembayev@yandex.ru

M. Fialkoff [7], R.W. Faulks [8]. As for the Kazakh and Russian literature on these problems, there are studies by E.D. Atamkulov and K.K. Zhangaskin [9], V.D. Bordunov [10], A.A. Yevseeva and I.O. Tipushova [11], V.N. Grechukha [12-14], A.K. Pokrovsky [15], N.A. Troitskaya [16], O.N. Tolochko [17], G.I. Tuleugaliev [18]. It should be emphasized that all the cited and other authors analyze the afore-mentioned problems mainly in historical or historical and legal, and modern aspects. Where upon, this article offers to look into tomorrow, puts forward ideas about the fact in which way better transport of the future will develop and how international transport law, national (Kazakhstan) law, and the law of other countries will cooperate in its development as a whole, in improving its digital devices designed to provide road users' absolute safety.

MATERIALS AND METHODS

While preparing the article, foreign and domestic researchers' monographs, analytical information on the Internet sites, articles from scientific professional journals on transport, and current materials obtained from transport enterprises were used. Such research methods as comparative analysis, analysis of the correlation of international and national (Kazakhstan) transport law, and methods of formal and legal logic enabled preparing this scientific article.

DISCUSSION

The help of UNIDO is needed

Based on bilateral agreements on certain projects implementation, the relevant state and UNIDO introduced advanced technologies in transport manufacturing. Thus, in China, UNIDO has implemented a project to improve the vehicles' efficiency and has developed long-term energy-saving strategies for the country's automotive industry. Particular attention has been paid to energy-efficient cars. In 2016, this specialized agency of the United Nations, together with the International Labor Office (ILO), carried out a pilot program to strengthen competitiveness and sustainability, and increase the productivity of automotive companies in the South Africa automotive industry. An example is UNIDO of the Automotive Supply Chain Competitiveness Improvement Project. Expert consulting within the project frame work led to strategic results. In particular, this led to an increase in the enterprises competitiveness by reducing production equipment down time, decreasing moving inventory time, increasing equipment efficiency, improving the quality level, reducing defects in the production process, and increasing overall labor productivity. Over the entire 54-year period of its existence, UNIDO has signed several thousand bilateral agreements on industrial and technological cooperation with various states.

At the same time, it should be emphasized that the study of almost all UNIDO activity reports shows that this or-

ganization pays great attention to issues indirectly related to the industrial and transport problems of states. In this regard, in the future, it is highly desirable to cut off the issues of trade, environmental protection, energy, procurement, and premises management from UNIDO activity (the UN has powerful specialized agencies and units on all these issues). The analysis of the UNIDO organizational structure has revealed that there are no departments for leading industries (except for agriculture) among the UNIDO departments, and there are no departments for vehicle manufacturing sectors (transport manufacturing). This institutional omission needs to be fixed in the near future. On the basis of the UN, it would be possible to solve the organizational and legal issues of the advancement of scientific and technical ideas and inventions of the state-of-the-art vehicles. Under the auspices of UNIDO, practically no convention on one or another problem of this international industrial organization activity has been developed or adopted. Kazakhstan, as a member of the UN and a member of UNIDO, could raise the question at the UNIDO conference that this organization should deal more deeply with issues of industrial development, including the transport industry. With this approach, the sector of Kazakhstan vehicle engineering could systematically be enriched with world-wide technological and technical experience through UNIDO and, in this regard, quickly increase the pace of transition from industrial assembly to its own automotive industry and bringing its transport products to the world level.

Industrial assembly of world transport brands as an important stage of creating world-class transport engineering

One of the promising areas of international law of transport manufacturing could be an agreement between the states of a particular region or continent on the specialization of each country in the production of particular components, parts that would go to the parent plant to assemble the corresponding vehicle. The same countries, by agreement with the country, the parent manufacturer, could produce spare parts for repair work on a specific vehicle. Since thousands, tens of thousands of machine-building enterprises operate in many countries, such an approach would help create more jobs. Kazakhstan could propose to title such a regional international agreement as follows: On the Specialization of the States of the Region in the Production of Individual Components, Parts, Spare Parts of the Corresponding Vehicle for Delivery to the Parent Assembly Enterprise.

The international legal regulation of transport manufacturing is carried out by a set of legal norms related to the industrial assembly of automobiles in various countries with global brands. Currently, 40 countries, on the basis of cooperation, investment agreements, in which different approaches and conditions of cooperation are agreed upon, carry out the industrial assembly of cars and trucks, electric vehicles. The legal and economic salient feature of these agreements is that the country pro-

ducing the world-class cars provides the country assembling these cars with the maximum opportunity to localize production (use local technical capabilities); in turn, the country, performing the assembly, provides the other party with the right to import automotive components without requiring customs duties, or at reduced rates. Presenting an agreement at the border is the basis for the provision of appropriate customs and other benefits. Considering the sectoral affiliation of such agreements, we come to the conclusion that they can relate both to the field of international public law and private international law. Both now and in the future, agreements in the field of private international law should be signed and executed not only by companies and corporations manufacturing transport, but also by states as subjects of private international law, since without the state participation, it is impossible to decide on the provision of benefits related to customs duties and taxes. As a rule, bilateral treaties and agreements are concluded with car-producing countries, with transport engineering companies of the state, including Kazakhstan, which provide industrial assembly.

It would be appropriate for consumer countries to create enterprises for the industrial vehicle assembly. They can be assisted in providing raw materials for the production of spare parts for the assembly and repair of vehicles based on 3D printing technology. A significant part of cars' prototypes as test copies have already been made on the basis of this technology [19]. This will facilitate the mass purchase of cars and other vehicles of the latest generations in almost all countries, which will decrease each vehicle's price, and the financial means obtained will allow transport engineering to be raised to a higher world level.

The following major automobile plants are part of the Association of Kazakhstan Auto Business: Astana Motors KMC, Mercur Auto LLP, Toyota Motor Kz LLP, Allur Auto LLP, MAN Truck & Bus Kazakhstan LLP, Caspian Motors LLP, Avtomir Motor Kaz LLP. The Kazakhstan Automobile Industry Union includes: Daewoo Bus Kazakhstan LLP, SemAZ LLP, Asia Auto JSC, BIPEK Auto Kazakhstan LLP, Asia Auto Ust-Kamenogorsk LLC. It is these enterprises that make up the backbone of the Kazakhstan automotive industry, which is now engaged in the industrial assembly of automotive components of cars of world brands of Japan, South Korea, Italy, France, and the Czech Republic. Kazakhstanian automotive specialists acquire world technical and managerial experience in the assembly process, at the same time, they perform localization, that is, they ensure the production of certain automotive components from 20 to 30 percent in this process in Kazakhstan. The expansion of such localization will gradually lead to the fact that Kazakhstan will produce its own cars in the future. Thus, we will be able to advance to a higher quality level in manufacturing cars and other transport modes. Specialists of transport manufacturing in the republic have set a goal so that their products gradually approach the world reliability and safety standards.

If, according to the performance of the first half of 2009, the Kazakh auto industry exported 197 cars in the amount of \$ 1.2 million, then in the same period in 2019, the country exported 854 cars in the amount of \$ 16 million. It is obvious that in a relatively short ten-year period, the country managed to increase its auto-export-currency potential by more than 10 times. This is not a mere figure; behind it there is a significant increase in the Kazakhstan cars quality. According to the Association of Kazakhstan Auto Business press service, "during twelve months in 2019, Kazakhstan produced 50,447 vehicles of all types, which is 55.8 percent more than in January-December, 2018. The aggregate result in monetary terms exceeds the similar result of the previous year by 74.6 percent and amounted to 359,532 million tenge" [23]. In 2009 in Astana, the Kazakhstan Temir Zholy (KTZ) national railway company commissioned the Evolution Locomotive Assembly Plant based on the technology of the American company General Electric Transportation (GETS), which is the world leader in the production of railway equipment. The project worth 14.2 billion tenge has been designed to produce 100 locomotives per year. In 2012, the factory for the production of electric locomotives, Electric Locomotive Krastyru Zauyut, was opened. Thus, in this transport sphere, we hope to reach the world standards level in the nearest future.

About 3.7 million imported and domestic cars registered in the Republic of Kazakhstan, more than 450 thousand trucks, about 100 thousand buses travel along 120 thousand kilometers of Kazakhstan roads, including 24 thousand kilometers of republican roads, which are also international corridors. These include the main highway between Western China and Western Europe and the highway between the city of Nursultan and the resort of Burabay. These and other international corridors meet the highest international standards. Due to their high quality, they allow cars to move not only at their high speed capabilities, but most importantly, they provide them with utmost safety. The quality of the construction of the road between China and Europe, the Kazakh part of which is 2,787 km, which lasted from 2009 to 2016, was possible, in particular, thanks to the signing of five agreements between the Republic of Kazakhstan and international financial institutions. The project was financially supported not only by the Kazakhstan budgetary funds, but also by foreign currency loans from international banks. Therefore, for the future, we need to head on to building more world-class roads.

In the short and long term, Kazakhstan could initiate, as well as solve the issues of development and adoption of the following international treaties, conventions and agreements in areas within the framework of the topic under study: *On the Implementation of a Coordinated Industrial Policy of States in the Field of High-Quality Transport Manufacturing; On the Implementation of Digitalization, Automation of Production Processes in the Field of Transport Manufacturing by States; On Combining the Efforts of States and Companies to Launch*

Unique (Unmanned) Vehicles with Diverse Potential in serial production; On Each Country's In-Depth Specialization in the Production of Vehicles' Particular Units and Components; On Assisting Developing Countries in the Implementation of High-Quality Industrial Assembly of Advanced Vehicles; On the Creation of an Efficient Industry for the Worn-Out Vehicles' Disposal.

Industrial property right regarding scientific and technical ideas and inventions of the transport of the future

What are the prospects of international legal regulation regarding the transport of the future? Scientists, engineers, inventors, and specialists offer innovative methods and approaches in creating unusual cars, trucks and other vehicles that will become familiar to us in the nearest future. American, German, Japanese companies *General Motors, Ford, Audi, BMW, Mercedes, Honda*, being the leaders in the global automotive industry, are always striving to introduce new technologies, with the help of which they are trying to improve the implemented electrical equipment and to ensure transport autonomy. Audi AG is developing a project for an autonomous two-seater, which will move not only on the ground, but also through the air.

The American engineer, inventor E. Musk proposes to design passenger capsules (which can also transport cargo in the long run), which can fly inside an above-surface pipeline at a speed of 500 to 1220 kilometers per hour. The meaning and advantage of such an idea lies in the fact that there is no air resistance or friction of the supports of the sample "capsule car" on the surface. *Laser Power Systems* (USA) believes that thorium is a promising energy source for cars and power plants. The successor to the *Concorde* supersonic aircraft, the British *Skylon* aircraft is capable of 5 times faster than the sound. In the future, it is possible to lift upwards and descend the airship to deliver goods to the stated address of the location, suitable in connection with the rotation of the Earth around its axis. Sea freight transport of the future can outrun a torpedo on and under water using the principle of supercavitation: when cavitation bubbles reduce skin friction drag on a submerged vessel by 900 times compared to conventional friction, which enables high speeds. It is advisable to formulate legal norms that create the conditions for the appearance of high-speed vehicles in national (Kazakhstan) legislation and international law.

The priority in creating the world's first "solar car" belongs to the inventor Hans Tolstrup, who introduced it back in the 1980s: he crossed Australia by it, thereby demonstrating the practical effectiveness of the new energy and the new transport of the future. Famous American conglomerates, *Apple, Tesla, Google, Uber, General Motors, Ford*, with the participation of *Audi, BMW*, are engaged in the development, testing, and improvement of unmanned vehicles. Automobile conglomerates in the

USA, Western Europe, Japan, and China began mass production of electric vehicles; car assembly plants in Kazakhstan and other countries produce batches of modern electric vehicles and electric buses. Among the most interesting exhibits at the EXPO-2017 exhibition, organized by Kazakhstan, was the *Solar Impulse*, which managed to fly around the globe using the solar energy for the first time in the world. *Solar Bullet* high-speed train will move through Arizona (USA) using solar panels.

Our legal assistance now and in the future could have the following forms. Even today, lawyers should be concerned about improving international copyright law. Our fellow lawyers dealing with domestic legal problems in their states could improve legal norms of national copyright law so that scientists and inventors' copyright proposals and ideas on the creation of new, hitherto unknown vehicles, were under reliable legal protection, which would eliminate unnecessary disputes and litigation, so that their attention and time are not distracted from topical transport and technical problems.

If, under the auspices of the UN (UNIDO), a scientific and technical corporation was organized on the issues of the original and reliable transport of the future, then it could base its activities on the norms of the Paris Convention for the Protection of Industrial Property of March 20, 1883, the Madrid Agreement Concerning the International Registration of Marks of April 14 1891, the Hague Agreement Concerning the International Registration of Industrial Designs of November 16, 1925, the Locarno Agreement Establishing an International Classification for Industrial Designs of October 8, 1968, the Strasbourg Agreement Concerning the International Patent Classifications of March 24, 1971, and the Universal Copyright Convention of September 6, 1952, and could also collaborate with the World Intellectual Property Organization (WIPO), UNCTAD, and ICAO. This UN unit could assist prominent scientists, engineers, and inventors who have presented their discoveries and inventions in the field of the latest vehicles in obtaining copyright certificates and patents, in protecting their industrial designs, utility models, in ensuring their priority right on the basis of the above international legal acts. Already today, with a prospect for the future, Kazakhstan could offer to develop and adopt an international universal multilateral convention titled *On the Scientific and Technical Cooperation of States to Create Various Kinds and Types of Transport of the Future*.

Improving transport and logistics activities in order to quickly deliver the necessary goods and cargoes to consumers anywhere in the world is possible primarily through the use of inventions of the cutting-edge vehicles.

And here it is necessary to think over the issue of more reliable protection and vindication of copyright and inventive rights of scientists, specialists, inventors of fundamentally new types of transport and fundamentally new types of engines for all types of transport. Today, al-

most all vehicle engines operate on gasoline, diesel fuel, and kerosene (oil products). Oil within the earth will last for about 30-40 years. In addition, cars and trucks, diesel locomotives, motor ships, and airplanes are the main environmental pollutants [20]. Therefore, states, transnational corporations, and private companies, including oil and gas ones, need to combine their efforts to create and put into everyday operation original modes of transport with engines running on completely new, environmentally friendly energy sources.

In this regard, we propose to create a global scientific and technical body at the level and under the auspices of the UN (UNIDO) in charge of the creation, invention of new safe modes of transport operating on non-gasoline-diesel engines at high speeds and capable of delivering goods in any direction. This body could include world-famous scientists and inventors who would be able to expertly analyze scientific and technical ideas, samples, and transport models sent to this body from any country. After a thorough examination, authors of inventions and technical proposals could receive international certificates and patents, as well as relevant bonuses. The rules of international intellectual property law should ensure the proper protection of these authors' rights. In this regard, Kazakhstan could initiate the development and adoption of an international multilateral convention *On the Creation and Principles of the Global Scientific and Technical Corporation for the Invention and the Creation of the Latest Reliable Vehicles of the Future*. It would also be desirable to develop and adopt regional international conventions with approximately the same title: *On the Functioning of Science and Technology Centers for Inventing Next-Generation Vehicles in the Region in Prospect*, which could become branches of a global scientific and technical corporation and exchange scientific and technical information and experiences between themselves and other regional centers. These conventions would be a manifestation of the globalization promotion. Kazakhstan could send its scientists, inventors, and lawyers to participate in such international centers' activities.

The operating principles of an autopilot in air transport can be transferred to unmanned control and movement of electric vehicles, electric buses, electric locomotives, high-speed trains, underground trains, and electric ships. Of course, such a transfer should take into account the features of land (underground) transport, river and sea transport. The system providing unmanned vehicles movement must be brought to perfection. The digitalization of the situation on roads and railways should be perfected: the driver (a person or a driver-intellect) should see the situation around them within a radius of 50 kilometers, which will exclude the collision of trains, cars, and other accidents. Lawyers from different states, including Kazakhstan, must promptly provide domestic and international legal assistance to these inventors when they get the relevant documents issued for obtaining patents within the country and at the global level, de-

velop samples of civil law contracts for the provision of the latest transport services at the national and private international law.

According to the World Health Organization, more than one million people are killed each year in car accidents. More people die in 1 year than in all military conflicts in total in the current 21st century. The main problems are human-drivers. This avalanche of human deaths can be stopped by an autopilot control system for all vehicles on roads and tracks. The unmanned movement of all types of transport currently developed will exclude the human factor. This factor is manifested in the lack of driving experience, incompetence, fatigue, overwork, distraction, speeding, carelessness, violation of traffic rules, or being unfit through drink and/or drugs, which is the cause of accidents, collisions, or disasters in 80 – 95 percent of cases. Kazakhstan could take a closer look at the experience of unmanned driving the appropriate modes of transport to introduce these mechanisms on all its routes. In addition, the mainstreaming of unmanned vehicles will solve the problem with drivers personnel: there is a shortage of drivers at around 30 percent in almost every country; funds are being saved that are currently being spent on training a huge number of transport drivers. To exclude hacking in unmanned vehicles, scientists and IT specialists can install a number of different anti-hacker systems with instant destruction of the hacker program and instant switch to the next, safe unmanned system. The creation of specialized police units in countries, including Kazakhstan, as well as in Interpol, which ensure the safety of unmanned vehicles, will solve almost all the problems that may arise at the domestic and international levels. But in order for autonomous moving cars on roads to become a reality today, scientific and technical efforts are needed to train the artificial intelligence of a vehicle to drive immaculately in bad weather conditions (in rain and snow). And this technological problem must be solved. Kazakhstan experts could join in solving this problem.

It seems the existing “amphibious car” models as a hybrid type of a vehicle, combining the properties of a boat and a car should be taken to the assembly line: all the more so it does not require large expenses. There are 3-4 billion rivers [21] along the planet [22], through which electric cars, electric buses, and electric trucks with the prefix “amphibian” can move, overcome these water barriers almost anywhere, thereby significantly reducing distances. Such an approach would save the electric power of electric machines and save time while delivering cargo curb-to-curb. They would become irreplaceable in floods (hundreds of large massive floods occur annually on the planet). Such amphibious cars will be urgently needed during continental floods, possibly during a global flood as a result of global warming. In this regard, it would be advisable that all logistic and other facilities, primarily refueling power stations, train stations and piers, food and treatment facilities, are initially built so that in case of a flood they could stay afloat. Scientific and technical

base and relevant legal norms should already currently be aimed at solving this problem. Kazakhstan auto enterprises could mass-produce the aforementioned cars and could take global positions on this issue.

International legal standards in the field of transport manufacturing and construction of roads (tracks), operation of all types of transport can be effective if, in all countries of the world, including the Republic of Kazakhstan, new laws would be adopted on the basis of existing laws on transport with the following titles: *On the Development of High-Quality Transport Manufacturing; On the Introduction of Digitalization in All Types of Transport for the Purpose of Its Quality and Safety; On the Production and Operation of Safe Unmanned Vehicles, On the High-Quality Industrial Assembly of Vehicles with World Brands; On the In-Depth Research and Use of Solar Energy in Transport; On the Safe Transportation of Goods Based on Rational Transport and Logistics Activities; On the Construction of High-Quality Roads (Autobahns), Railroads, Channels for River (Sea) Transport with Logistic Facilities; On High-Quality After-Sales Transport Service; On a Safe System of First-Class Traffic Regulation of All Types Of Transport.*

CONCLUSION

Upon analyzing the information, the authors of the article sought to build an evidence base so that the level of quality, reliability, efficiency, and safety of Kazakhstani vehicles in the near future corresponded to the highest international standards. To achieve this goal, the Republic of Kazakhstan must initiate new conventions and agreements on various aspects of transport, which would correspond not only to advances in science and technology, but would also let science and transport technology pick up speed. Moreover, Kazakhstan should take an active part in the development and adoption of such international legal documents, the titles of which are presented in this article. As a subject of international law, Kazakhstan should encourage the active work of UNIDO, which should solve and stimulate the tasks of the future transport manufacturing.

In order to accelerate the transition to the production of high-quality transport modes that would meet world technical and technological standards and which would ensure safety during their operation, it is necessary that today, lawyers, along with specialists dealing with all types and kinds of vehicles, inventors, heads of specialized ministries and departments of the Republic of Kazakhstan, and all stakeholders, would discuss the titles of future international conventions and Kazakhstan laws on the transport quality and safety, make up sections, chapters, and articles related to each of the international legal acts and Kazakhstan laws. The most important of them can be published in the republican press to be conceptually discussed. The sooner we do this, the faster we will bring the future of new models of all types of vehicles closer, in which we will see amazing means of ensuring high speeds, reliability and safety.

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Paper submitted: 22.06.2020.

Paper accepted: 10.08.2020.

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