

Legal regulation of aircraft leasing

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Abstract

© The Authors, published by EDP Sciences, 2018. Currently, flights are an integral part of our lives. Sitting in the plane, we trust our lives not only to the crew but also to the aircraft. Today, the requirements for aviation are extremely high. But do not forget that the aircraft on which we fly are often the subject of a lease agreement. And we would like to consider the issues of aviation leasing in this article. In the legislation and the theory of civil law, there are no concepts of the contract of aviation leasing and the contract of leasing of aircraft. The leasing contract for aircraft is a contract in accordance with which the lessor undertakes to acquire into the ownership of the aircraft (plane) specified by the lessee for business or other professional purposes from the seller specified by him and provides the lessee with this property for a fee in a temporary possession and use. The contract may provide that the choice of the seller and the acquired property is determined by the lessor. In doctrine and practice, there is no consensus on the nature of the leasing agreement, nor can scientists agree on the nature of such a treaty: whether it is trilateral or bilateral, or represents two contracts (leasing and delivery). In civil law, one of the most controversial issues is whether the leasing agreement should be considered as an independent type of a civil law contract or a type of lease.

<http://dx.doi.org/10.1051/mateconf/201823904007>

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