

SELF-REGULATING ORGANIZATIONS

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The self-regulating organization of builders (SRO) — a type of the non-profit organization based on membership of individual businessmen and legal entities, carrying out construction, reconstruction, major maintenance of objects of capital construction.

The non-profit organization based on membership of persons, carrying out the construction, created in the form of non-profit partnership, under condition of its compliance to the requirements established by parts 1 and 2 of article 55.4 of the Town-planning code of the Russian Federation can get the status of SRO:

- 1) association as a part of non-profit organization as her members not less than hundred individual businessmen and (or) legal entities;
- 2) existence of the indemnification fund created in the size not less than one million rubles on one member of non-profit organization or if such organization established the requirement to insurance by her members of a civil liability which can come in case of infliction of harm owing to shortcomings of works which influence safety of objects of capital construction, in the size not less than three hundred thousand rubles on one member of non-profit organization;
- 3) existence of the documents provided by a part 1 of article 55.5 of the Town-planning code of the Russian Federation.

Main objectives of the self-regulating organizations are:

- 1) the prevention of infliction of harm of life or to health of individuals, property of physical or legal entities, the state or municipal property, environment, life or health of animals and plants, objects of a cultural heritage (history and culture monuments) people of the Russian Federation (further — harm) owing to shortcomings of works which influence safety of objects of capital construction and are carried out by members of the self-regulating organizations;
- 2) improvement of quality of performance of construction, reconstruction, major maintenance of objects of capital construction.

The content of activity of the self-regulating organization are development and the approval of the documents provided by article 55.5 of the Town-planning code of the Russian Federation, and also control of observance by members of the self-regulating organization of requirements of these documents.

Since July 1, 2010 any construction company should be member of one of the self-regulating organizations (SRO) and has from it the admission for work. Nearly two years the construction community lives by new rules, and it is a high time to sum up.

To the introduction of the law on SRO in force, analysts were afraid that average and the more so small business can't work after its acceptance. After all entrance and membership dues, payments in an indemnification fund and insurance of a civil liability should facilitate personal account of construction companies almost on one million rubles, and the design and survey organizations on 500–600 thousand roubles. In seven months after the law on SRO came into force, number of participants of the market, really, was reduced. If construction licenses across Russia about 350 thousand were given out, no more than 250 thousand organizations entered SRO. But the matter is that crisis or the law now to define extremely difficult. It is impossible to dismiss and that fact that some companies could obtain once simply the license, and then stop activity even before crisis or coming into effect of the law on

SRO. And small business was given all the same some ease as individual construction, that is, for example, construction of cottages for individuals the legislator resolved messages and without the introduction in SRO and without obtaining the admission for work from public organization.

During discussion of the law on SRO some participants of the market noted that in the small cities with the population some hundred thousands will be difficult to create SRO as it will not be gathered in the settlement and hundreds construction companies, that is there will be no participants and on one SRO. However builders began to enter SRO from the next regions so all who wanted, could enter SRO.

As experts, in 2010 in the country note, especially in regions there was a merge and absorption process in the construction market. Developed the activity and swindlers, speculating on desire to save. In particular, the Internet dazzles with announcements approximately the following contents – «the introduction in SRO in a day, payment – 10 thousand rubles». In all country not less than one hundred construction companies responded to such announcements, "useless scraps of paper" bought and as a result worked before the first check of the Federal Service for Ecological, Technological and Nuclear Supervision. And after the construction company got on work on false documents, to restore a good name extremely difficult and to enter legal SRO difficult. Some because of a meeting with swindlers had to change the legal face of the company, to someone – in general to leave from the market. After all after such embarrassment it is difficult to restore reputation. And to become the member of legal SRO, it is necessary to sustain serious check. The public organization should check carefully employees of the candidate, their education and length of service. The equipment at which the organization works is exposed to check also. Level of amortization of this or that construction equipment is studied, for example: in what condition cargo lifts, a crane etc. And even if one crane or the cargo lift causes questions – the introduction in SRO is postponed. What to speak, if the company was caught on attempt to bypass the law. After all any director of construction company understands, that it is impossible to become the member of legal SRO in one day, having paid for it 10 thousand rubles.

In the law the moment concerning division of SRO on design and construction was disputable also. As the same firm could be engaged both that and another, and it would be necessary for it to enter two SRO, it means it is necessary to collect two packages of documents, and to pay membership dues and contributions to an indemnification fund to two organizations. However in the large cities mixed SRO so this problem was solved were created.

Among negative consequences of adoption of law about SRO experts noted that members of one organization can appear are compelled to cover a loss to the third parties which the representative put them to SRO. And really such situations were. The internal commissions in SRO were created, payments from an indemnification fund went only after a judgment. As a result receiving money by the injured third parties was tightened.

The self-regulating organization Non-profit partnership "Self-regulating corporation of builders of Krasnoyarsk Krai", (SRO NP "SKS") - the first in Krasnoyarsk Krai and the eleventh SRO in Russia in construction. Members of «Self-regulating corporation of builders of Krasnoyarsk Krai» are such large construction organizations, as:

JSC Vankorneft

JSC Krasnorskpromstroy

JSC Kultbystroy

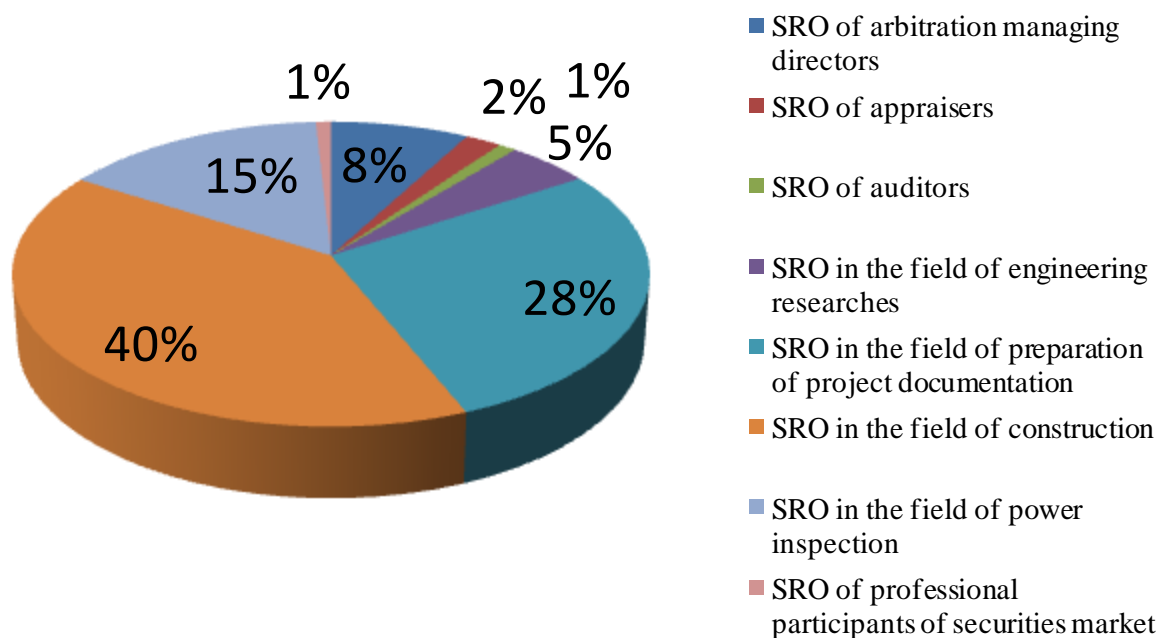
JSC Monolit

JSC KPNU "Severovostokelektromontazh"

JSC Krasnoyarsknefteprodukt

JSC Sibagropromstroy

Distribution of the self-regulating organizations in Russia on separate fields of activity for the end of 2011 looks as follows:



Summarizing the aforesaid, it would be desirable to give advice to the new construction companies which have not entered while any SRO, or the organizations, wishing to replace public organization. Before entering this or that SRO learn, who is registered among members of the organization and as far as participants of SRO are reliable. What staff in SRO and where the office is located. Experts work at what software. After all from SRO documents arrive in the Federal Service for Ecological, Technological and Nuclear Supervision and if in the organization there are no special programs, and data on members are entered into SRO manually, isn't excluded that the expert can commit a mistake, having created thereby at least a reason for check of your organization from the Federal Service for Ecological, Technological and Nuclear Supervision. In staff of SRO there should not be too many people, after all all of them get wages from membership dues of your organization. An optimum ratio – one-two employee of SRO on each 30 members of public organization.

In summary, the statistics of last year says that the number of incidents and failures was reduced almost by 13 %, and number of the construction works which have lost at execution – for 15 %. From this it is possible to draw a conclusion that the main task, namely the prevention of drawing of harm of life and to health, the system of self-regulation carries out.

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