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# SUPERVISORY ACTIVITIES

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Review Article

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## **PROBLEM OF ADMINISTRATIVE BARRIERS TO EMPLOYMENT OF ENTREPRENEURS AND EMPLOYEES OF STRUCTURAL SUBDIVISIONS OF SUPERVISORY BODIES IN THE EMERCOM OF RUSSIA SYSTEM**

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*Abstract.* The problems of administrative barriers for both executive authorities and controlled persons were considered. A partial analysis of the situation with fires and their consequences on the territory of the Russian Federation in recent years in the field of fire safety is given. It is stated that a significant part of the causes of fires occurring in buildings and structures falls on the emergency mode of operation of power grids. It is noted that arc breakdown or sparking is one of the most common causes of «electric» fires. The issue of responsibility for the serviceability and integrity of electrical wiring at the protection facility was touched upon. It was concluded that the progress of the goal to improve the quality of life of citizens, among other things, is achieved by the use of experimental methods of legal regulation.

*Keywords:* fire causes, fire prevention, fire safety, arc breakdown, electrical fires

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### **Introduction**

When considering problems related to administrative barriers in the implementation of Federal State Fire supervision on the territory of the Russian Federation, it is impossible to determine the only correct and unanimously supported solution or take a clearly calibrated course to improve control (supervisory) activities without the risk of burdening the party contributing to the growth of the country's economic potential with an administrative burden [1]. It is necessary to investigate the problem and look for a solution to the apparent contradiction. Since in a state governed by law, the forces of circumstances inevitably push the development of solutions aimed at preventing the occurrence of situations that threaten the health and life of citizens, and the result inevitably confronts with increased administrative barriers for both executive authorities and controlled persons [2].

Assigning an object of protection to the appropriate category has the same task, only in a more global sense, taking into account also the possible scale of the spread of the emergency situation and its consequences. A risk category is assigned to the object of supervision, which determines the frequency of control (supervisory) measures carried out at a particular facility [3].

To date, Decree of the Government of the Russian Federation № 336 dated March 10, 2022 «On the specifics of the organization and implementation of State Control (Supervision), municipal Control» establishes the procedure for conducting control (supervisory) measures, implying the exclusion of objects of protection classified as risk categories below high from annual plans for scheduled control (supervisory) measures [4].

However, an analysis of the situation with fires and their consequences in the Russian Federation in recent years dictates the need to reconsider the current procedure for state control in the field of fire safety in the residential sector. The article will present the precedents and the reasoned position of the authors on the conclusion reached.

### Emergency operation of power lines as a cause of fires

According to recent data, available due to the analysis of the situation with fires and their consequences on the territory of the Russian Federation, a significant part of fires in buildings and structures occur due to emergency operation of power lines, and in a ratio of 3:4 of the total number of fires occur in residential buildings (fig. 1–4) [5, 6].

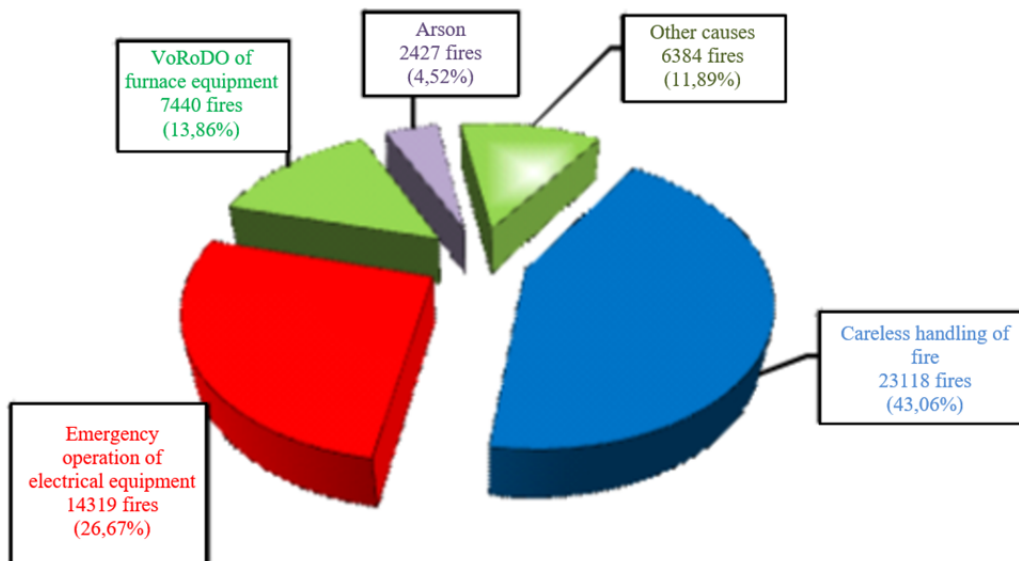


Fig. 1. Categories of the most common causes of fires in the three months of 2023

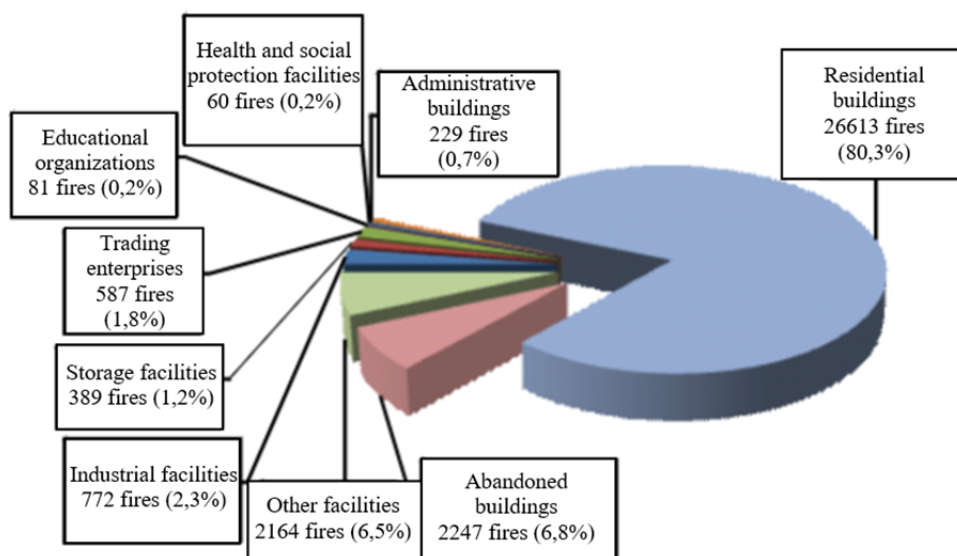


Fig. 2. The categories of objects most frequently affected by fires in the three months of 2023

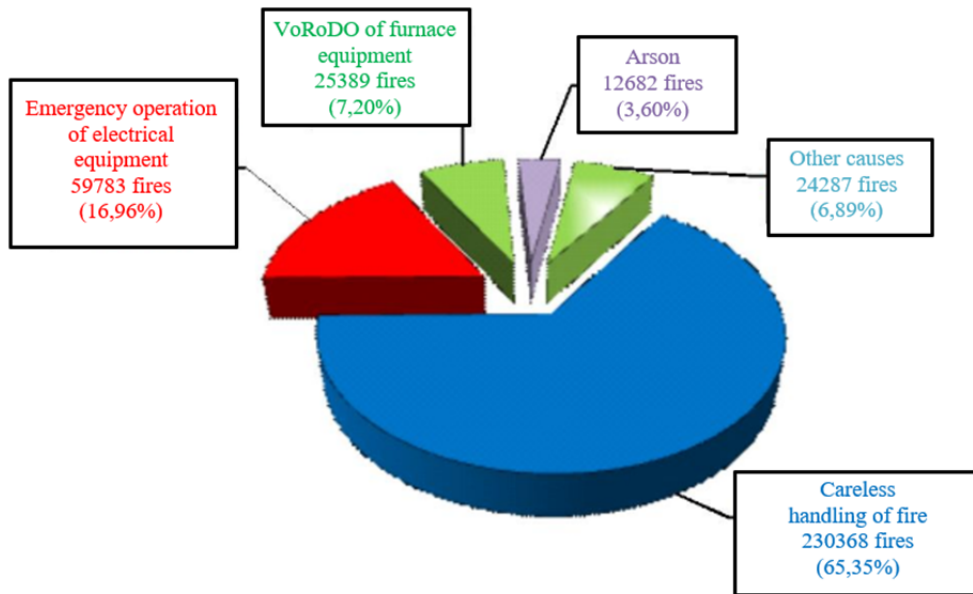


Fig. 3. Categories of the most common causes of fires in the 12 months of 2022

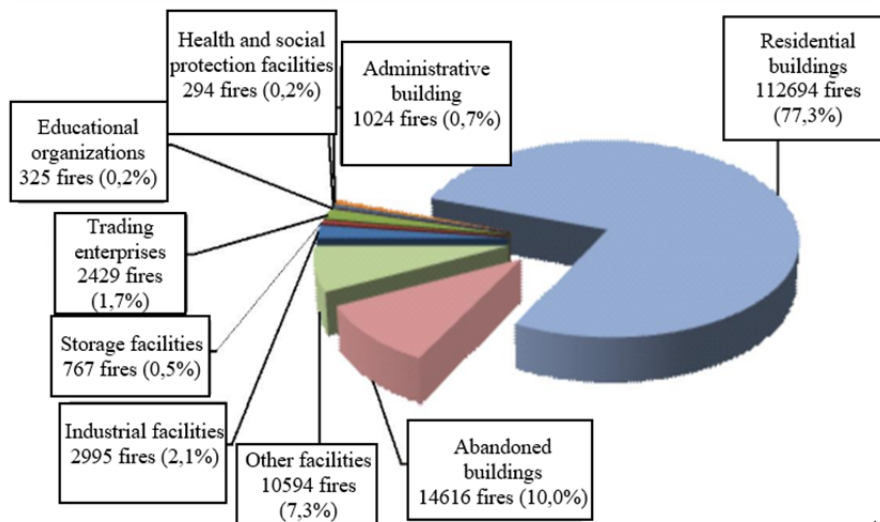


Fig. 4. The categories of objects most frequently affected by fires in the 12 months of 2022

Numerous studies of the causes of fires, conducted both in Russia and abroad, have revealed arcover or sparking as one of the most common causes of «electric» fires. Arccover usually occurs as a result of malfunction in cables, contact failures, insulation damage, wear or mechanical damage to wiring or equipment, as well as due to poor-quality installation. Electrical appliances that do not comply with safety standards and requirements can also become sources of arcovers.

This pattern was discovered by analysts not so long ago. As a result, the legislative body, as an addition to paragraph 32 of the Rules of the fire safety, introduced by Government Decree № 510 on March 30, 2023 [7, 8], took a more than reasonable countermeasure. The solution includes a mandatory requirement to add arc-fault detection device (AFDD) to electrical equipment located in buildings of the categories represented by the directly supplemented paragraph.

So, why AFDD? The principle of operation of such devices consists in warning, detecting or automatically disconnecting the power supply by means of protective shutdown when a powerline malfunction happens.

Going back to the question of the need to introduce changes to the rules of fire protection, it is worth noting that a significant amount of residential, public, administrative and other buildings has exceeded their service lifespan by a vast margin. Any resident of St. Petersburg, for example, knows that all electrical communications, that is, insulation of electrical wiring and electricity distribution boards, are in a decadent state.

And it follows from this that the list of buildings specified in the new paragraph will have to be generalized to all buildings and structures with an expired service life.

At the same time, it is necessary to remember about the reasonable division of responsibility and the proportionality of the methods used to suppress offenses in accordance with the severity of the circumstances that follow them, some of which may be life and health-threatening situations.

### **Responsibility for the serviceability and integrity of the electrical wiring at the protection facility**

Responsibility for the serviceability and integrity of the electrical wiring at the object of protection is assigned to the owner or a person who is authorized to operate for purposes that do not violate the legal norms of the property of the object of protection.

According to Article 210 of the Civil Code of the Russian Federation, each owner bears the burden of maintaining his property. Thus, it is the responsibility of the person, who owns and operates the residence to monitor the condition of the electrical wiring, for example, in a residential building [9].

It would seem that this is quite reasonable, if not for the fact that in reality a very small proportion of citizens who are endowed with ownership rights, for example, to residential premises or even tenants, are at least generally familiar with the state of electrical communications located around the perimeter of the premises in operation.

In the opinion of the authors, the obligation to exercise the function of monitoring the fulfillment of the aforementioned requirement should be assigned to the management companies of residential buildings, persons who operate parts of buildings and structures and carry out their activities as a legal entity (LE), and owners of objects of protection for other purposes. Normative regulation of this issue can be implemented by entering information about the fulfillment of the requirement in Section № 9 of the project documentation [10] or by marking in the appropriate paragraph of the log of operation of fire protection systems at the facilities in question. The integrity of the documentation must be controlled by the owner of the facility or any other authorized person.

It is also known that the responsibility for the authenticity and adequacy of information with factual data in the project documentation for the facility rests on the shoulders of the owner, his deputies or persons authorized to resolve issues in the field of fire safety of the facility [11]. And here the problem of administrative barriers and an increase in the administrative burden for LE and individual entrepreneurs in carrying out their work is obvious. But, considering the situation with fires on the territory of the Russian Federation, based on statistical data, such a load seems quite justified [12–19].

The owner, in turn, must have documentation at the facility containing acts of work on installation and repair of electrical communications, affirmed by an organization specially accredited to perform this type of work. And in order to correctly identify the cause of the fire, there are fire investigation units in the departments of supervision and preventive work of the territorial divisions of the EMERCOM of Russia.

### **Conclusion**

Acute contradictions can always be seen in the legal field, it is important to regularly compare the country's contemporary situation concerning fire safety with the established fire safety requirements and identify their insufficient or inadequate parts. The same applies to the law

enforcement practice of structural divisions of supervisory authorities in accordance with current legislation. And it must be borne in mind that the progress of the goal of improving the quality of life of citizens, among other things, is achieved by using experimental methods of legal regulation.

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