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**PROBLEMATIC ISSUES OF COMPULSORY INSURANCE OF POTENTIALLY
HAZARDOUS OBJECTS AGAINST FIRE RISKS AND ENVIRONMENTAL
DAMAGE IN UKRAINE**

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Negative trends related to the permanent increase in fire risks, significant potential and real economic losses, irreparable social losses associated with the increase in the number of fires and their scale, pose a significant threat to national security in the economic, social and environmental spheres. Over the last 10 years, 730,456 fires have been registered in Ukraine, which is an average of more than 73,000 cases per year. The direct damage caused by the fires amounted to more than 12 billion hryvnias, and the total material losses – about 50 billion hryvnias. Losses from such catastrophes and accidents require compensation in the form of payments to victims, allocation of funds to eliminate the consequences, compensation for damage caused to legal entities. [1]

In contrast to our practice of reimbursement at the expense of the budget, the world experience is based on extensive involvement in the process of guaranteeing compensation for losses of the insurance system. The European experience has long been based on a fairly effective model, where insurance is a prerequisite for those who do business from time to time in the face of risky circumstances. Everyone who operates facilities where there is a potential for an emergency situation insures their liability to potential victims. This provides a reliable guarantee that the victims will receive compensation.

One of the tools to reduce the risk of emergencies and fires at facilities is a fire insurance system, which provides for the creation of conditions under which the business entity, understanding the responsibility for the safety of its enterprise and its employees, will be interested in meeting fire safety requirements. reduction of fire risks and, accordingly, reduction of insurance premium. Insurance should be aimed at providing economic levers for regulating fire and man-made safety. The insured event is considered to cause direct damage to third parties as a result of a fire and / or an accident at an elevated facility during the validity of the compulsory insurance contract, as a result, the insurer has an obligation to make a payment insurance indemnity.

Given the foreign experience of insurance, it should be noted that third party liability insurance for "fire risks" is extremely common not only in Europe and the United States, but also in China and Japan. Most real estate is put into operation or rented with the condition of having an appropriate insurance policy. In many countries (Germany, France, others) such insurance is regulated in the case of the presence on the territory of such an enterprise of flammable and explosive substances, the use of which can lead to accidents of ecological and sanitary-epidemiological nature. [2]

In Ukraine, fire insurance is currently provided, but the level of fire protection and the actual state of fire safety is taken into account in each case. Therefore, fire insurance has almost no effect and does not regulate fire safety. Currently, in insurance organizations, to justify the applied insurance rates, methods based on the theory of probability are widely used, which allow assessing the risk and determining the insurance premium – the price of an insurance service. The insurance rate for the insurance of the lane is based on the fire conditions and the elements of the natural manifestations. The accuracy of the risk assessment and, accordingly, of the calculated tariff is determined by the accuracy of the statistical data. Consequently, the incompleteness or inaccuracy of statistical data leads to errors in the calculation of the tariff. The main problem for insurance organizations when applying these methods is that the business case and calculation of the insurance rate are presented on the basis of the existing data of the insurance market, which could be collected earlier.

At the same time, the main source of information is the insurance rates of other companies, since it is not possible to obtain more complete data not only due to competition, but also due to the lack of a sufficient statistical base for most young insurance organizations (in many insurance companies there are no more than a hundred insured events caused by fire). The insurance rules must indicate the standard rights and obligations of insurers and policyholders, in accordance with which the policyholder is obliged to comply with fire safety rules, instructions (rules) for the operation, maintenance of the insured property, as well as buildings and structures in which this property is located, in a timely manner. necessary repair and maintenance work; take reasonable and accessible precautions to prevent the occurrence, as well as reduce damage to the insured property.

At the same time, responsibility for violation of fire safety rules can arise only in case of proof of the guilt of the person who committed the offense, i.e. evidence of a causal relationship between a specific violation of a fire safety requirement or rule and the person who committed it or committed such a violation, and the damage caused by this violation.

Fire insurance is currently carried out without regard to the level fire protection and the actual state of fire safety, ie at random. So fire insurance does not affect or regulate the state of fire safety. The modern system of fire insurance should provide for the creation of such conditions, when which the owner, understanding the responsibility for the safety of his enterprise and its employees, will be interested in insuring possible risks that may arise in his company. The extent of these risks will be determined by independent audit firms, and by their magnitude will depend on the insurance premiums that will be set by the insurance companies. That is the amount of the insurance premium will be differentiated depending on the level of protection of the object and insurance companies will insure only those companies that have carried out a set of measures to minimize the risk of fire.

If a law appears in Ukraine that will regulate compensation for damages third parties, and insurance companies will pay damages to the victims but not the perpetrators fire, the participants in the insurance process will be interested in compliance by other parties with all established requirements. On the one hand, the

insurance company will be interested in the client, on the other – the client will be interested in insuring the liability that in case of emergency situations victims are guaranteed compensation. On the third hand, an independent audit company in a competitive market will be interested in conducting a quality audit, and the fourth participant in the scheme is the SES of Ukraine.

It is proposed to prescribe at the legislative level a detailed mechanism for compensation for damage caused to third parties. By increasing the size of the insurance rate, the insurer will be able to influence the company by motivating the latter to invest in security. The modern fire insurance system should provide for the creation of such conditions under which the owner, understanding the responsibility for the safety of his enterprise and its employees, will be interested in reducing the risks of accidents and fires that may occur at his enterprise.

REFERENCES

1. Draft Law of Ukraine from 17.04.2020. N 3361 "On Amendments to Certain Legislative Acts of Ukraine Concerning the First Steps of Deregulation of Business through Civil Liability Insurance".
2. «Early models describing the fire insurance risks» Paul Johaxsen. [Electronic resource]. Access mode: <http://www.actuaries.org/LIBRARY/ASTIN/vol10no3/330.pdf>.