**INTRODUCTION**

The semantic colonization of the future is fundamentally based on mandatory compliance with environmental requirements of sustainable development. The concept of sustainable development is creating not only new international relations, but also new business models, prompting a rethink of the goals and objectives of development institutions. The declared ESG principles are reshaping many types of activities, including the design, construction and operation of real estate. The international practice of using reduced credit rates or subsidizing them, methods of guaranteed sales and promotion of products of environmentally oriented manufacturers are currently being actively analyzed and developed by enterprises of the investment and construction sector. In this regard, there are many tasks at the sectoral level of regulation, both in terms of the norms recommended by the Ministry of Construction of the Russian Federation, and in the contractual format of interaction between members of public associations (NOSTROI, NOTIM, etc.). At the same time, the analysis of practice shows that the participation of economic entities of the industry pool remains beyond the active discussion of the implementation of the principles of sustainable development in the investment and construction sector. This requires a detailed analysis and search for mechanisms for implementing ESG principles for investment and construction activities.

**MATERIALS AND METHODS**

The evolution of the idea of sustainable development, declared and researched initially by business at the beginning of the XVIII century, was fully developed in the late 80’s and early 90’s of the last century. The report “Our Common Future”, prepared by the UN World Commission on Environment and Development, fixed certain limitations in the exploitation of natural resources, affirming the need to support the ability of the biosphere to cope with the consequences of human activity. Already in 2005, the sustainable development agenda was formulated until 2030. The transformation plan included 17 goals and 169 tasks. In the field of specific economic activity, the basic principles of sustainable development are modified into the principles of sustainable innovative and environmentally safe activities. Back in 2004, UN Secretary-General Kofi Annan formulated the ESG principles.
Main types of regulatory documents and initiatives in the world and in the Russian Federation

<table>
<thead>
<tr>
<th>Supranational regulation</th>
<th>National regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. UN Sustainable Development Goals until 2030</td>
<td>1. National codes of sustainable development management</td>
</tr>
<tr>
<td>2. G20 Corporate Governance Principles</td>
<td>2. National Corporate Governance Codes</td>
</tr>
<tr>
<td>4. Directive 2014/95/EU on non-financial reporting</td>
<td>the goals and main directions of sustainable development, including green, in the</td>
</tr>
<tr>
<td>5. Roadmap for the development of a set of standards, etc.</td>
<td>Russian Federation)</td>
</tr>
<tr>
<td></td>
<td>approval of criteria for sustainable development projects”</td>
</tr>
<tr>
<td></td>
<td>5. IRIIS and CLEVER Assessment Systems</td>
</tr>
</tbody>
</table>

Developed by the authors on the basis of principles of business in his report “Caring Wins”. He addressed them mainly to large companies, calling for voluntary compliance with environmental requirements (E), social responsibility (S), corporate governance (G), that is, compliance with ESG principles of sustainable development. Industry ESG standards were rapidly formed on their basis. Table shows the main types of regulatory documents and initiatives in the world and in the Russian Federation.

As noted in7, there are already more than 400 different indexes that disclose the requirements of the ESG principles. At the same time, their composition varies, forming the basis of decentralized information control. The latter can significantly affect both stock and bond quotes, as well as the investment attractiveness of a particular company, region and country as a whole.

Responsible business conduct is increasingly becoming the norm even in the absence of international approaches and unior- rules. We are certainly talking about large companies with more than 500 employees. They are of the greatest interest to society. Currently, large companies include environmental indicators, social indicators and employment dynamics indicators in the annual report in accordance with the EU Directive 2014/95/EU. The framework approach to the report is set out in the White Paper5.

Analyzing the actively emerging approaches to modelling the environmentally sustainable development of territories, we note that they are inextricably linked with the concept of sustainability, including green, in the Government of the Russian Federation dated 09/21/2021 (ed. dated 03/11/2023) “On Approval of criteria for Sustainable (including Green) Development Projects in the Russian Federation and requirements for the Verification System of Sustainable Development Financing Instruments in the Russian Federation”. URL: https://cloud.consultant.ru/cloud/cgi/online.cgi?req=doc&n=39093454122ZTVhhiqLA

As noted in7, there are already more than 400 different indexes that disclose the requirements of the ESG principles. At the same time, their composition varies, forming the basis of decentralized information control. The latter can significantly affect both stock and bond quotes, as well as the investment attractiveness of a particular company, region and country as a whole. Responsible business conduct is increasingly becoming the norm even in the absence of international approaches and unior- rules. We are certainly talking about large companies with more than 500 employees. They are of the greatest interest to society. Currently, large companies include environmental indicators, social indicators and employment dynamics indicators in the annual report in accordance with the EU Directive 2014/95/EU. The framework approach to the report is set out in the White Paper5.

Analyzing the actively emerging approaches to modelling the environmentally sustainable development of territories, we note that they are inextricably linked with the concept of sustainability, including green, in the Government of the Russian Federation dated 09/21/2021 (ed. dated 03/11/2023) “On Approval of criteria for Sustainable (including Green) Development Projects in the Russian Federation and requirements for the Verification System of Sustainable Development Financing Instruments in the Russian Federation”. URL: https://cloud.consultant.ru/cloud/cgi/online.cgi?req=doc&n=39093454122ZTVhhiqLA

5.  Roadmap for the development of the concept of “sustainable contract”.

RESULTS

It is obvious that the concept of a “sustainable contract” should reflect the essence of the concept of sustainable development and fix its goals and norms in the concluded contracts, step by step and consistently forming the legal environment for the functioning of a socially responsible business. Synthesising the most common views in international practice on the essence of a “sustainable contract”56, its concept implements the principle of trinity in the evaluation of business activities. These are compliance with social criteria, compliance with environmental requirements and economic efficiency of activities (Fig.).

The practical implementation of the principle of the trinity of economic, social and environmental projection of investment and construction activities involves:

1) development of judicial and non-judicial practice of resolving economic disputes in the direction of providing judges, arbitrators, mediators, consultants and experts with the possibility of accurate qualification of the contract in the context of compliance with ESG principles;
2) formation of standards of social and environmental responsibility of the construction business at all stages of its functioning, taking into account the subject binding to the activities of construction contractors (designers, contractors, suppliers, creditors, shareholders, etc.);

3) development of standard contracts in order to ensure mutual compliance of economic, social and environmental consequences of investment and construction activities [3].

The implementation of these directions will require, from the point of view of the authors, the unification of disparate norms and indicators of sustainable development. This means that a “sustainable contract” becomes a kind of tool for evaluating the effectiveness and compliance of investment and construction activities with ESG principles.

Summarizing international experience of the unification of contractual conditions in terms of compliance with the requirements of sustainable development, we note the version of the standard “sustainable contracts” developed by the American Bar Association (MCC 2.0) in 2021. The most important thing for domestic practice is the use of a contract control mechanism equally applicable to suppliers/contractors and buyers/users of products or services. Compliance with responsible procurement practices “and due diligence in the field of compliance with the rights of consumers of works and services.” This approach in practice implements the principles of responsible contracts11, contributing to the integration of risk management methods. Their application is associated with the specification of contractual conditions associated with risk neutralization, disclosure of information and the use of a system of special sustainability clauses.

The formation of standard/model “sustainable contracts” will require the organization of systematic analytical work in the field of implementation of corporate, tax, environmental, administrative, labor standards, rules and traditions of business turnover. For the investment and construction sector, reference to ESG principles should occur already at the project initiation stage. The examination of the pre-project,
CONCLUSION AND DISCUSSION

The most important conclusion arising from the analysis of emerging contract models that serve the transformation of the relationships of participants in investment and construction activities in the direction of taking into account the requirements of sustainable development is the understanding of the need to switch to new standards of construction and real estate management. “Sustainable contracts” containing socio-environmental conditions and reservations are essentially only the first step towards the implementation of ESG principles in the industry. Obviously, it is not yet mandatory for counterparties to comply with the principles of sustainable development in the context of the above three main projections.

The declaration of requirements is a necessary but insufficient condition for investment and construction activities carried out in accordance with the concept of sustainable development. We need the will of the authorities and the efforts of the industry management center in terms of search, development and implementation: 1) methods of coordination of activities, methods of supervision and control at all stages of implementation of investment and construction projects; 2) standard “sustainable contracts” regulating the entire range of investment and construction processes; 3) forms of liability for breach of obligations; 4) the new functionality of the regulator, taking into account the non-legal nature of industry standards; 5) methods of out-of-court dispute resolution, etc.

These actions are possible subject to the involvement of public organizations (NOSTROI, NOTIM, etc.) that are able to organize the online collection of information and systematization of proposals of the business environment. Separately, we note that all organizational work should be based on digital technologies of the distributed registry and blockchain. They will accelerate the processes of contract control, provide an entrance examination of compliance and reduce the risks of unfair performance of contractual obligations. Moreover, the realization of the advantages of digital tools creates conditions for the introduction of promising smart contract tools.

REFERENCES

но-экологических требований в контрактах на выполнение работ, поставок, финансирование, долевое участие, оказание услуг и др. Контракты, учитывающие требования устойчивого развития, на практике формируют семейство «устойчивых контрактов». Их отличает единство экономических, социальных и экологических требований. Последние отражают нормы национального регулирования и направлены на формирование правовой среды корпоративной ответственности строительного бизнеса за устойчивое развитие. Базируясь на международной практике, авторы предложили структуру Концепции «устойчивого контракта» в строительстве. Она охватила и систему стандартов устойчивого развишива, и необходимость разработки и согласования Кодекса устойчивого корпоративного управления строительством. Организация деятельности в этом направлении видится во взаимосвязанном совместном устремлении отраслевых и территориальных органов управления, корпоративных и общественных организаций, научных и образовательных учреждений к стандартизации инвестиционно-строительной деятельности, разработке типовых «устойчивых контрактов», использованию внесудебных методов разрешения споров в части выполнения обязательств по реализации ESG-принципов, а также принятию отраслевого кодекса корпоративного управления строительством.

Ключевые слова: устойчивое развитие, стандарты устойчивого развития, инвестиционно-строительный бизнес, кодекс корпоративного управления, организационные треки деятельности, координационный центр

СПИСОК ИСТОЧНИКОВ


Об авторах: Зайцева Лариса Игоревна — кандидат юридических наук, доцент кафедры инвестиционно-строительного бизнеса и управления недвижимостью; Российская академия народного хозяйства и государственной службы при Президенте Российской Федерации (РАНХиГС); 119571, г. Москва, Проспект Вернадского, д. 82; РИНЦ ID: 1027747, Scopus: 57194457897, ResearcherID: P-9941-2019, ORCID: 0000-0002-8325-4342; zaytseva-li@ranepa.ru;

Буданов Игорь Викторович — депутат Государственного Совета Республики Крым, соискатель кафедры организации строительства и управления недвижимостью; Национальный исследовательский Московский государственный строительный университет (НИУ МГСУ); 129337, г. Москва, Ярославское шоссе, д. 26; igor-budanov@inbox.ru.
