

Briefing

18 March 2016

Trans-European Transport Infrastructure Projects in Romania - a leaner and faster authorization process

On 16 March 2016, the Romanian Government adopted a new set of measures designed to accelerate the trans-European transport infrastructure projects by bringing more flexibility to the process of obtaining building permits in connection with such projects and reducing the implementation period ("**Infrastructure Ordinance**"). The projects which may benefit from the simplified regime refer to railway, road, air transport and inland waterways, as defined under the Regulation (EU) no. 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network (i.e. high-speed and conventional railways and associated tunnels, sidings and bridges, high-quality roads and parking and rest areas, airports, or sea canals and maritime ports) ("**TEN-T Infrastructure Projects**").

A summary of the key legal developments under the Infrastructure Ordinance is set out below.

1. Preliminary approvals issued by the competent authorities

Under the new improved regime, the building permits in connection with TEN-T Infrastructure Projects may be issued based on preliminary approvals, endorsements or conditional site approvals for removal of the plots of land from the forestry category or for relocating utility networks located on the (expropriation) path of the relevant project. The aforementioned preliminary approvals and notices have to be issued within 10 days as of the date when the application is submitted to the relevant competent authority.

In case the building permits are indeed issued on the basis of preliminary approvals in line with the above, the beneficiary of the TEN-T Infrastructure Project has to obtain the final approvals until the final reception of the works.

2. Extension of validity of building permits and other authorisations

Under the new regime, the validity period of the building permits, site plan approvals, urban planning certificates and other approvals in connection with the TEN-T Infrastructure Projects is extended for entire period during which the works are executed. However, such extension will only become applicable if the works related to the Infrastructure Projects start within 12 months as of the issue of the above mentioned permits and approvals and is also subject to no discoveries which may require the establishment of protected areas.

3. Removal of plots of land from the agricultural category

Pursuant to the Infrastructure Ordinance, the plots of land located outside the city limits (in Romanian, *extravilan*), which are subject to expropriation procedures for the purposes of the TEN-T Infrastructure Projects, will be deemed removed from the agricultural category once the ownership title is transferred to the state, by operation of law (such removal being needed for the building permit). Since, currently, the process of removing the plots of land from the agricultural category may take up to 6 months, this particular legal development represents a major improvement with respect to the duration of the implementation of TEN-T Infrastructure Projects.

This material is for general information only and is not intended to provide legal advice. For further information on this topic please contact us at: office@volciucionescu.com. The Volciuc-Ionescu website can be accessed at www.volciucionescu.com.