

## Legal revisions to ease up the building permitting process in Romania

On 2 November 2019, the Law no. 50/1991 regarding authorisation of construction works has been revised and amended pursuant to Amendment Law no. 193/2019 ("**Revised Constructions Law**") in order to ease and speed up the building permitting process in Romania.

In a nutshell, the building permitting process requires the beneficiary of a construction/demolition project to obtain the following: (i) urbanism certificate which sets out the building parameters and documentation to be prepared; (ii) prior endorsements from various authorities (traffic, health, environment, culture etc.) and utilities suppliers; (iii) building/demolition permit which is based on documents mentioned before at (a) and (b).

The main changes of the building permitting process brought by the Revised Constructions Law are summarized below.

### **Prior endorsements for the building permit**

Under the Revised Constructions Law, the prior endorsements imposed through the urbanism certificate for obtaining the building permit must strictly refer to the types of works necessary for the envisaged construction project - it is forbidden for issuing entities to impose endorsements which have no legal and technical grounds by reference to the proposed construction. Furthermore, the following types of prior endorsements are no longer required for obtaining a building permit: (i) endorsement from the population health protection authorities for works on single-family homes, building of household annexes, fences; (ii) endorsement from the environmental authorities for mergers/de-mergers of land plots, works on single-family homes, building of household annexes, fences; (iii) endorsement from the Technical Traffic Commission for single-family homes located on streets category II and III.

The Revised Constructions Law expressly provides that the issuer of incomplete or errored endorsements will be liable towards the operators or users of utilities networks for damages to such networks, which are caused by construction works due to inaccurate indication of the location of said networks.

### **Connection to the utilities networks**

The endorsements from utilities suppliers (water, sewage, gas, heating agent, electricity, telephone and internet, cable, etc.) which are obtained by the beneficiary for the proposed construction project can be used also for the installations necessary to connect the envisaged project to the utilities networks. Moreover, both type of works will be covered by a single building permit. This provision has eliminated the need for the beneficiary to obtain two separate sets of endorsements and building permits - one for the proposed construction project and other ones for the utilities connection installations.

Furthermore, the urbanism certificate will now expressly name (identify) the utilities suppliers from which the endorsements must be obtained - before this, the beneficiary would have struggled to identify and find which are the utilities suppliers that have the relevant utilities networks serving the proposed construction project.

### **Shorter issuing period for urbanism certificate and building permit**

Under the Revised Constructions Law, the relevant authorities must issue urbanism certificates within 15 business days (formerly - 30 days). As a novelty, the urbanism certificate may be issued and communicated to the beneficiary in digital format via email, if this was requested by the beneficiary.

In the emergency procedure (with payment of emergency fee) the building permit must be issued by the relevant authorities within 7 business days (formerly - 15 days). However, the deadline under normal procedure for the issuing of the building permit remains as before - 30 days.

In case of projects involving demolition and then construction works, the beneficiary may apply for a single building permit that will cover both types of works - formerly, it was necessary to obtain a demolition permit and then a building permit, with separate sets of endorsements for each permit.



### **Easier way to reobtain the expired building permits**

The building permit has two deadlines - one for starting the works and one for completing the works.

In order to facilitate the continuation of the project in case these deadlines are not met, the Revised Constructions Law allows the beneficiary to obtain a new building permit based on the urbanism certificate and endorsements which have already been issued for the expired building permit. As such, there will be no need for the beneficiary to obtain a new set of endorsements and urbanism certificate, except when regulatory changes have occurred in the meantime.

### **Simplified permitting for certain constructions works**

The Revised Constructions Law introduces additional works for which building / demolition permit is not required - e.g.: connection or installation works on the public domain regarding city utilities networks, with the approval of the manager of the public road; aerial connection works in areas where such are not prohibited by the local urbanism plans.

Furthermore, certain works such as interior compartmenting (fit-outs) or closing of balconies / terraces are authorized based on simplified documentation.

### **Improved cooperation from relevant authorities**

There are now stricter rules and deadlines for authorities & entities to issue building/demolition permits, urbanism certificates and endorsements, which are sanctioned by fines if not observed. Moreover, the involved authorities & entities have to request within shorter periods of time the beneficiary to complete or clarify the submitted documentation.

As a novelty, the public authorities at the level of the county and cities - head of county must set up specialised internal structures that will obtain, upon the request of the beneficiary and payment of specific fee, all endorsements on behalf of the beneficiary.

### **Extended powers for prefects**

Under the Revised Constructions Law, the prefect (head of county) has the power to directly annul building/demolition permits issued without the observance of all applicable requirements, following a control by the Constructions State Inspectorate. This new provision raises concerns as to the broad powers of the prefect, which, formerly would have had only the power to request a competent court to annul the permit.

As before, courts generally remain competent to assess the validity of the building/demolition permits upon challenges submitted to the court by interested parties.

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