

Tax & Legal Weekly Alert

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New amendments performed to Law no. 50/1991 regarding the authorization of construction works

Law no. 193/2019 for the amendment and completion of Law 50/1991 regarding the authorization of construction works has been promulgated by the Romanian President and published in the Official Gazette no. 873/ 30 October 2019.

New EORI obligations for Romanian branches of non-EU companies performing export operations



New amendments performed to Law no. 50/1991 regarding the authorization of construction works

Among the main amendments implemented by the new regulation, we mention the following:

- 1. Simplification of the approval procedures for certain category of works:**
 - in the cases expressly provided under the law, the issuance of the approval of the local authorities on population's health protection, the administrative deed of the competent environmental protection agency or the approval of the Traffic Technical Commission shall no longer be required;
 - the approvals/agreements required through the urbanism certificate must strictly refer to the types of works required for the respective construction to be authorized, the request of approvals/agreements that do not have a technical and legal ground in relation to the respective building permit's subject matter being expressly forbidden;
 - the public authority issuing the urbanism certificate has the obligation to nominate the utility providers' networks competent to issue the approvals/agreements required through the urbanism certificate;
 - the works related to interior partitioning amendments or to the closing of balconies/loggias are authorized on the basis of a simplified technical documentation.
- 2. Connection to public utilities networks** – the approvals obtained for the construction works are also valid and can be used in the authorization procedure of the connection works to the public utilities' networks (for water, sewage, gas, electricity, telephone, etc.)
- 3. Reducing the terms for the authorization procedure** – the terms for issuing/obtaining the urbanism certificate, the building permit under the emergency procedure, the approval of the central and local public authorities for the cultural heritage protection have been reduced.
- 4. The applicable procedure in case of failure to observe the obligation to commence or finalize the construction works during the validity period of the building permit or in case of variation of the project's theme** – in case the conditions expressly mentioned under the law are observed, a new building permit shall be issued, in absence of a new urbanism certificate or new approvals and/or a new documentation for the authorization of works being required.
- 5. The urbanism certificate may be issued in a digital form, through electronic mail**, in case the petitioner has expressed its consent in this regard.
6. Another beneficial amendment for simplifying the administrative procedures applicable for developing a new construction lies in **the possibility to issue a single permit authorizing both the demolition works of the old construction and the new construction works envisaged.**
- 7. Supplementing the list of construction works that may be performed in absence of a building permit (including the ones related to historical monuments, the buildings with an acknowledged architectural/historical value or those located in the protection area of historical monuments or in the protected built areas).** The new regulation details the regime applicable to certain construction works by expressly excluding such works from the authorization procedure. At the same time, the new regulation simplifies the approval procedure: for the works expressly mentioned under the law, in the sense that the public

authority in charge with the cultural heritage protection has the obligation to issue its approval in 30 days, while failure to observe such term shall be deemed as a tacit approval.

8. **The County Prefect shall be entitled to annul the building/demolition permit.** The new regulation expressly entitles the County Prefect to annul the building/demolition permits issued in breach of the legal provisions, following the control activity performed by the Construction State Inspectorate.
9. **Set-up of commission in charge with the sole permit issuance** – the new legislation (re)introduces, as a general rule, the obligation of the public administrative authorities, at both the county and capital city level to set up the commission in charge with the sole permit issuance. Upon the petitioner's request, such commission shall provide, at a cost, services for obtaining the approvals/agreements required for the authorization of the construction works. At the level of the local administrative authorities, the establishment of the above-mentioned commission is optional. No applicable procedure/methodology is detailed in the new legislation.

To conclude, the amendments of Law 50/1991 have been implemented in order to simplify/clarify the procedure for obtaining the urbanism certificate and the building permit and to reduce the period of time required to obtain such urbanism deeds, as well as to limit the deficiencies currently existing under Law 50/1991.

For further questions regarding the aspects mentioned in this alert, please contact us.



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New EORI obligations for Romanian branches of non-EU companies performing export operations

The new exporter definition of the Union Customs Code, states that **only EU** established companies or the permanent establishments of non-EU companies (e.g. branches) can act as exporters of record.

As per a recent notification issued by the Romanian customs authorities, **Romanian branches of non-EU companies that have a Romanian EORI number and perform export operations must submit a request** to the Romanian customs authorities, in order to amend the EORI information in the customs system.

The request must inform the customs authorities that the branch of the non-EU company in Romania is an established person (i.e. permanent establishment) as per art. 5 of the Union Customs Code.

The failure to inform the Romanian Customs authorities about the establishment of the non-EU branch will result in the ban of the export operations in Romania.

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