

Tax & Legal Weekly Alert

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New regulations on fire safety and civil protection authorizations applicable starting from 1 September 2016

Order no. 129/2016 of the Ministry of Internal Affairs approves the new Methodological Norms on fire safety and civil protection authorization procedures. The previous regulations, namely the Order of Ministry of Internal Affairs no. 3/2011 on the Methodological Norms on fire safety and civil protection permitting and authorization procedures and the Order Ministry of Internal Affairs no. 130/2007 on the methodology regarding execution of fire safety scenarios, were repealed with effect from 1 September 2016.



New regulations on fire safety and civil protection authorizations applicable starting from 1 September 2016

The Order of the Ministry of Internal Affairs ("MIA") no. 129/2016 approving the Methodological Norms on fire safety and civil protection authorization procedures ("Order no. 129/2016") entered into force upon its publication in the Official Gazette of Romania no. 675, Part I, on 1 September 2016.

Order no. 129/2016 repeals the MIA Order no. 3/2011 approving the Methodological Norms regarding the authorization procedures on fire safety and civil protection – i.e. MIA Order no. 130/2007 approving the methodology regarding the execution of fire safety scenarios.

The new regulations will apply to applications for the issuance of permits and authorizations for fire safety or civil protection submitted before 01.09.2016, in accordance with the principle that each application shall be resolved based on the governing regulations in force at the date of submission.

As mentioned in the approval report, the main objectives to be implemented by the new Order no. 129/2016 are:

- a) reducing administrative costs for obtaining fire safety permits and authorizations by simplifying the permitting documentation;
- b) increasing the designer's accountability regarding the execution of technical documentation;
- c) eliminating situations that lead to administrative bottlenecks and/or additional charges related to the procedure for obtaining fire safety authorizations on the basis of technical expertise after a 6 months overdue since commissioning, even if legal measures have been fulfilled;
- d) setting forth rules for certain situations that were not sufficiently covered by the legislation in force;
- e) unifying the methodology for the execution of fire safety scenarios with the permitting and authorization procedures regarding fire safety and civil protection.

Please find listed below the main novelties on fire safety authorizations brought by Order no. 129/2016.

I. Necessary documentation for obtaining fire safety and civil protection permits and authorizations

- the documentation should be executed by designers that are individuals or legal entities authorized by law;
 - drawn-up and written blueprints, including the fire safety scenario and certified design inspectors' reports, as required by these norms, must be dated, signed by hand and stamped on each page and slide by certified specialists;
- it is no longer required to submit the technical expertise document for the fundamental requirement of fire safety.

II. Timing and submission of the permitting and authorization procedure

- the applicant can now submit the documentation online in electronic format with the electronic signature of those involved in the permitting/authorization procedure;
- the deadline for the issuance of permits and authorizations is maximum 15 and 30 days, respectively, starting from the date

the request is filed, on the condition that the submitted documentation is complete.

III. Modifying or changing destination to a part of a building

In the situation that the building has a fire safety authorization:

- permitting/authorization documentation should refer only to the places that have seen intervention;
- fire safety scenario should include only a review of the impact of the changes on the "fire safety" of the entire building;
- the new authorization shall be issued as an appendix to the initial fire safety authorization issued for the building.

In the situation that the building doesn't have a fire safety authorization¹:

- documentation for permitting/authorization should refer to the entire building, space or installation.

IV. Validity of fire safety permits and authorizations

The new legislation establishes new rules regarding the conditions in which a fire safety or civil protection permit or authorization maintains validity or loses validity, as follows:

- permits lose validity if the ascertaining agents cite a failure to comply with conditions that initiated original issuance, regarding:
 - fire stability of the building;
 - limiting fire proliferation in neighborhoods and within fire areas;
 - protection and evacuation of users;
 - safety of fire extinguishing equipment;
 - the provision of water supply in case of fire and, where appropriate, of energy sources for consumers related to protection systems;
- civil protection or fire safety permits will be invalid when the urbanism certificate or the building authorization reaches the expiration date;
- validity is maintained when there is a change of owner, user or the name of the beneficiary during the lifetime of the building, if the conditions that had led to the issuance are respected.

Finally, please be informed that in order to unify the applicable regulations to the fire safety and civil protection authorization, the relevant legislation is unified under the same act, namely the new Order no. 129/2016, as follows:

- the regulations referring to the structure of the fire safety scenario;
- the list of documents required to obtain permits and authorizations, organized in explicit tables and categorized by construction types, systems and installations subject to permitting and authorization;
- models for applications, authorizations, permits and other documents.

¹ According to the Emergency Ordinance no. 52/2015 amending and supplementing Law no. 307/2006 on fire safety, with respect to the categories of the constructions and establishments that have been operating without fire safety authorization, the time limit for complying with the legal provisions is extended until June 30, 2017

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

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