

## Romania: Authorities' holiday season concerns on fire safety

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The year 2023 in Romania started with hopes for more legislative clarity concerning fire safety. Order No. 180 / 2022 issued by the Ministry of Internal Affairs for the Approval of the Methodological Norms on Fire Safety and Civil Protection Endorsements and Approvals (the "Fire Safety Norms") was published in the Official Gazette of Romania on 27 December 2022.

The long-awaited Fire Safety Norms entered into force one and a half years after the significant amendment of Law No. 307 / 2006 on Fire Protection (the "Fire Safety Law") through the Government Emergency Ordinance No. 80 / 2021 for Amending and Supplementing certain Regulatory Acts in the field of the Management of Emergency Situations and Fire Protection (the "GEO No. 80 / 2021"), requiring the issuance of new application norms for a proper implementation of the adopted amendments.

The novelties brought about by the Fire Safety Norms concern mainly the preliminary fire safety scenario, the exemptions from the obligation to obtain the fire safety endorsement / permit and the provision of three new endorsements.

Below are some positive and some less positive aspects of this new piece of legislation.

### 1 Preliminary fire safety scenario

The concept of the preliminary fire safety scenario was introduced by GEO No. 80/2021 as a design-stage document comprising the essential technical elements needed for the issuance of the fire safety endorsement and establishing the main design requirements, which are to be further detailed in the fire safety scenario.

Annex no. 5 of the newly implemented Fire Safety Norms now defines the structure and content of the preliminary fire safety scenario, as follows:

- the characteristics of the construction;
- the estimated level of fire risk;
- the performance indicators regarding fire safety;
- the installations with a role in ensuring the fire safety fundamental requirement;
- the compensatory measures proposed for the existing constructions, which do not meet the fire safety requirements.

*The practical use of and advantages brought about by the preliminary fire safety scenario in the real estate industry are, however, debatable, since it appears to be merely a simplified version of the fire safety scenario, playing no particularly defined role within the permitting process and being just one more document to be prepared and submitted within the permitting process.*

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## 2 Exemptions from the obligation to obtain the fire safety endorsement / permit

Art. 5 of the Fire Safety Norms identifies the type of works which are exempted from the obligation to obtain the fire safety endorsement / permit in accordance with the provisions of Art. 30<sup>2</sup> para. (4) of the Fire Safety Law, as follows:

- interior subdivision works, if (i) the length of escape routes is not increased and / or if their width is not reduced, (ii) the fire safety installations are not affected and (iii) fire safety resistance / stability of the building is not reduced;
- consolidation works which do not reduce the fire resistance / stability of the building;
- consolidation works which do not reduce the width of and / or increase the length of escape routes;
- interventions to the roof of the building, where the roof framing and roof support are not to be considered in determining the fire resistance / fire stability level;
- extensions or changes of use of rooms of existing buildings for sanitary facilities, technical rooms or works thereon, for which the technical design norms do not impose their separation from the other rooms with fire-resistant construction elements;
- extensions with balconies / lobbies or their perimeter enclosure.

The legislative identification of these works for which fire safety endorsements / permits are not required appears to bring some light in answering questions raised over time by owners and users when performing works to existing buildings (be they office, retail, residential or industrial buildings).

## 3 New endorsements

Two new endorsements are introduced by the Fire Safety Norms, in an aim to correlate the legislation on fire safety with the provisions of the General Urbanism Regulation (approved by Government Decision no. 525/1996, as subsequently amended), as follows:

- the site emplacement endorsement (in Romanian: *avizul de amplasare in parcela*) for the establishment of the minimum distances necessary for intervention in case of fire;
- the endorsement regarding securing the access to public roads (in Romanian: *avizul privind asigurarea posibilitatilor de acces la drumurile publice*), if there is no access to public roads (either direct access or *via* easement rights) or if the access to public roads does not allow the intervention of the fire safety equipment.

Although neither the Fire Safety Norms, nor the General Urbanism Regulation specifically regulate this, these two new endorsements seem to be required in the permitting process in addition to the old and known fire safety endorsement, **thus creating a supplemental burden for real estate developers / investors who are required to obtain two endorsements for the same purpose and from the same authority.**

The third newly introduced endorsement is the fire safety endorsement for standard design of buildings with a high degree of repeatability. One would think that the permitting process would be simplified for such type of projects. Nevertheless, when analysing the documents required to be submitted in order to obtain this endorsement, one would notice that the requested documentation is practically the same as the one requested for the fire safety endorsement itself and, thus, **the intent to simplify the permitting process for these project is not obvious.**

In conclusion, from a fire safety perspective, 2023 starts on one hand with clarifications of the permitting documentation and procedures and, on the other hand, with additional bureaucracy within the permitting process. It is yet to be seen how the authorities will implement and apply the new legislative provisions and what will be their actual effect in the real estate industry.

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