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Legal Bulletin



Summary:

1. **Law No. 101/2020 for amending and supplementing Law No. 372/2005 on the energy performance of buildings**

New obligations concerning the energy performance of buildings

In the Official Journal of Romania, Part I, No. 579 of 1 July 2020 was published the Law No. 101/2020 for amending and supplementing Law No. 372/2005 on the energy performance of buildings (“**Law No. 101/2020**”). Law No. 101/2020 transposes Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency.

Law No. 101/2020 sets forth the obligation of the Ministry of Public Works, Development and Administration to issue a long-term strategy oriented towards the renovation of the national complex of public and private residential and non-residential buildings, and the gradual transformation thereof into a real estate complex with high energy efficiency, thus facilitating the transformation of the existing buildings into “*nearly zero-energy buildings*”. The new piece of legislation increases the weight of the renewable energy resources from 10% to 30% of the required energy. Law No. 101/2020 establishes several obligations for investors, owners and/or building managers, among which: (i) the obligation to install self-regulating devices for the regulation of energy consumption, and (ii) the obligation to equip several categories of buildings with recharging points for electric vehicles.

1. **Obligations to install self-regulating devices for the regulation of energy consumption**

The piece of legislation targets (i) new buildings (the urban planning certificate is issued after 15 September 2020), or (ii) existing buildings.

1.1. New buildings

The investors have the obligation to ensure the equipment with self-regulating devices for the regulation of indoor air temperature and quality of the indoor air, of each directly heated/cooled room or a heated/cooled area in the building, to the extent technically and economically feasible.

1.2. Existing buildings

Similar to the new buildings, the owners/managers of the existing buildings have the obligation to install, to the extent technically and economically feasible, self-regulating temperature control devices, upon the replacement of the heat or cold generators or upon the replacement of the heat or cold systems of the buildings. Such obligation to install self-regulating temperature control devices is addressed to the owners of the construction that, further to the intervention works made for such constructions, become buildings (as defined by Law No. 372/2005). To be noted that this obligation subsists to the extent the intervention is technically and economically feasible.

2. The obligation to equip the buildings with recharging points for electric vehicles

The new piece of legislation sets forth several obligations concerning the equipment with recharging points for electric vehicles, on a differentiated basis, as per categories of functions of the buildings, namely: (i) non-residential, (ii) residential, or (ii) with mixed, residential and non-residential, functions.

2.1. Non-residential buildings

In the case of new non-residential buildings, as well as in the case of major renovations made for non-residential buildings, which have more than 10 parking places, the investors and/or the owners thereof have the obligation to install: (i) at least one recharging point for electric vehicles, as well as (ii) the built-in tube system for electric cables for at least 20% of the provided parking places for allowing the further installation of the recharging points for electric vehicles.

The owners of the existing non-residential buildings with more than 20 parking places, have the obligation to install, by 1 January 2025, recharging points for electric vehicles (for at least 10% of the aggregate number of parking places, but no less than two recharging points for electric vehicles).

2.2. Residential buildings

In the case of new residential buildings, as well as in the case of major renovations made for the existing residential buildings, which have more than 10 parking places, the investors and/or owners thereof have the obligation to ensure the installation of the built-in tube system for electric cables for each parking place, in order to allow the further installation of the recharging points.

2.3. Exceptions

The obligations provided under items 2.1 and 2.2 above do not apply, among others, to:

- (a) (new or subject to major renovation) residential and non-residential buildings, that have more than 10 parking places, for which have been submitted requests for issuing the building permit by 10 March 2021;

- (b) the existing residential and non-residential buildings that are subject to major renovations, when the estimated cost of the recharging installations for electric vehicles exceeds 7% from the total cost of the renovation;
- (c) certain categories of public buildings;
- (d) the buildings owned and/or occupied by small and medium enterprises.

2.4. Authorization of the installation of recharging stations

The installation of the recharging stations shall be authorized in accordance with simplified procedures set forth by the competent authorities, within no more than 45 days from the submission of the request and related documentation. The installation by the tenant or, as the case may be, co-owner, of a recharging point for electric vehicles, without making any changes to the building and using the previously installed built-in infrastructure, may be done without approval by the owner of the rented real estate or, as the case may be, of the other co-owners.

3. Inspection of heating and acclimatization systems

The new piece of legislation amends the thresholds for performance of the inspections regulated by Law No. 372/2005 and sets forth provisions concerning the inspection of the ventilation systems for the combined heating and ventilation systems. As such, in the case of heating/ventilation systems with a useful nominal power of more than 70 kW the inspection of the accessible parts shall be conducted at 2-year intervals. The buildings subject to energy performance agreements are excepted from the performance of the technical inspection.

4. Other obligations in the field of energy performance

The non-residential buildings provided with heating systems or area combined heating and cooling systems with a useful nominal power of more than 290 kW, must be equipped by 31 December 2024, if technically and economically feasible, with electronic monitoring and control systems.

Law No. 101/2020 sets forth the obligation of energy auditors to send after 31 December 2020 to the Ministry of Public Works, Development and Administration, an electronic editable document containing relevant energy-related information about the building audited for energy performance, with a view to establish data banks.

At the end, Law No. 101/2020 provides that the non-observance by the investor, owner, manager of the building, or by the real estate agents or the real estate marketing agencies the obligation to include in the sale or rent adverts information from the energy certificate concerning the performance indicators, is misdemeanour punishable by a fine of RON 1,250 to RON 2,500.

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