

## RES DEPLOYMENT LEGAL INSIGHTS: LEGISLATIVE PROPOSAL ON ESTABLISHING SPECIAL PROTECTIVE MEASURES FOR MILITARY OBJECTIVES

A legislative proposal was recently introduced on the agenda of the Chamber of Deputies, as the first notified chamber, that aims to establish special protective measures for military objectives. This proposal is justified by the current complexities of the international security environment. The legislative initiative underscores the need to strengthen the national protection framework by restricting access and conditioning urban development in proximity to strategic interest areas.

According to the draft law, the execution of construction works in these zones will be contingent upon obtaining prior approvals from competent institutions within the National Defense System.

### A. PROPOSED MEASURES

The proposal imposes a strict authorization regime for technical documentation applicable to construction works planned within a 2,400-meter radius from the perimeter of military objectives located in non-urban areas. Consequently, within this 2,400-meter perimeter around military objectives located in rural areas, the following activities will be prohibited:

- a) The execution of any construction works;
- b) Re-zoning of land from non-urban to urban;
- c) Installation of radio transmitters;
- d) Operation of unmanned aerial vehicles (drones);
- e) Burning of stubble and vegetation;
- f) Hunting, fishing, and recreational activities;
- g) Operations necessary for the exploitation and processing of natural resources in extractive areas as defined by applicable legislation.

### B. IMPACT ON ONGOING PERMITTING PROCESSES

The legislative proposal stipulates that property owners who obtained construction permits prior to the law's entry into force will be compensated for damages incurred. The law will also apply to land located in special protection zones that have been reclassified as urban land but on which no construction has been carried out by the law's effective date. The amount of compensation will be determined in accordance with implementing regulations to be published within three months of the law's enactment.

This proposal highlights the state's commitment to protecting activities specific to military objectives by limiting external interventions and controlling permissible activities within protection zones.

In light of the provisions of the Land Law no. 18/1991, with subsequent amendments, as well as Law no. 50/1991 and Law no. 350/2001, authorization and operation of renewable energy projects in *extra muros* areas have been

permitted, subject to certain conditions. However, we caution investors that this legislative proposal, if enacted in its current form, will significantly impact authorization processes for renewable energy projects, including the risk of “revocation” of previously issued construction permits. However, this measure of revoking construction permits may be considered unconstitutional to the extent that it targets the lack of predictability for investors who invest in good faith as rightful citizens. Nevertheless, this measure could still be regarded as constitutional given that compensation is provided, and the protected interest lies in national security.

Investors are advised to conduct a detailed legal audit before initiating the authorization process for works in affected areas to determine if the property is located within a special protection zone and to seek specialized legal assistance to avoid potential adverse effects of this legislative proposal.

**Further assistance at Fiodorov & Partners:**



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