

## **RES DEPLOYMENT LEGAL INSIGHTS: LEGISLATIVE PROPOSAL ON INVESTMENTS CONCERNING THE ELECTRICITY TRANSMISSION NETWORK**

A legislative proposal was recently introduced on the agenda of the Ministry of Energy for amending and supplementing certain normative acts in the field of investments concerning the electricity transmission network<sup>1</sup>.

This ordinance primarily targets infrastructure projects for electricity transmission, whether involving the development of new high and medium voltage power lines and substations or the modernization of the existing network. The estimated value of these works amounts to 1.9 billion euros, and the investments must be completed by 2033. These investments are essential not only for achieving the cross-border objectives committed to in Romania's Energy Strategy 2020-2030, with a perspective for 2050, but also for interconnection with the North-South Corridor, Central and Southeastern Europe, particularly the Black Sea sub-corridor (with Bulgaria) and the Balkan sub-corridor (with Serbia).

### **A. AMENDMENTS TO LAW NO. 50/1991 REGARDING THE AUTHORIZATION OF CONSTRUCTION WORKS**

1. With regard to Law 50/1991, the draft of ordinance states that the amendment of Article 2, paragraph 4, letter F, as well as Article 11, paragraph 1, letter I, is primarily intended to clarify that building permits are issued without the prior elaboration and approval of urban planning documentation.
2. This is intended to apply not only to works related to the construction of renewable energy production and storage capacities for electricity and hydrogen, including transformation stations, cables, and installations for their connection, but now there is a clearer distinction regarding these works, namely the production and storage of electricity and hydrogen from carbon-free sources, including transformation stations, cables, and installations for their connection to the public electricity grid, or works on electricity transmission infrastructure, including high-voltage lines, whether located within or outside the municipalities.
3. It is also specified that, for these works, although the general rule for authorizing construction works is that the demolition permit must be issued under the same conditions as the building permit for works related to national electricity transmission infrastructure or public interest infrastructure projects funded by non-reimbursable external funds, and for constructions located on land within expropriation corridors, the issuance of a demolition permit will no longer be required. The building permit will grant the right to demolish existing constructions on the expropriation corridor, with the authority being obligated to mention in the building permit which constructions exist on the expropriation corridor and are to be demolished.

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<sup>1</sup> <https://energie.gov.ro/proiectul-de-ordonanta-de-urgenta-pentru-modificarea-si-completarea-unor-acte-normative-in-domeniul-investitiilor-privind-reteaua-electrica-de-transport-al-energiei-electrice-2/>

## **B. AMENDMENTS TO LAW NO. 255/2010 ON EXPROPRIATION FOR PUBLIC UTILITY, NECESSARY FOR THE IMPLEMENTATION OF NATIONAL, COUNTY, AND LOCAL INTEREST PROJECTS**

4. The proposed amendments to Law No. 255/2010 on expropriation in the public interest aim at clarifying the public works and related procedures.
5. In this regard, the provisions of article 2 letter d) are amended, which, according to the previous text, included as works of public utility those of national interest for the realization, development of the production, transmission and distribution of electricity, the transmission and distribution of natural gas, the extraction of natural gas, as well as works for the development, modernization and rehabilitation of the national system for the transmission of crude oil, gasoline, ethane and condensate.
6. The new regulation intends to clarify these provisions and establishes that infrastructure works of national interest or of national importance for the realization and development of the production, transmission and distribution of electricity, the extension of interconnection with neighboring states, the transmission and distribution of natural gas, the extraction of natural gas, as well as the development, modernization and rehabilitation of the national system for the transmission of crude oil, gasoline, ethane and condensate are declared of public utility.
7. In order to carry out these works, the Romanian state, as expropriator, will have to approve a government decision including the technical-economic indicators, as well as the list of the real estate publicly owned by the state or by the administrative-territorial units that are part of the expropriation corridor. In addition, the administrative-territorial units will be obliged, within six months from the publication of the normative act approving the expropriation, to draw up the topo cadastre documentation related to the real estate included in the expropriation corridor.
8. A significant change is the introduction of a regulation whereby forest or agricultural land located in the expropriation corridor will be taken out of the forest or agricultural circuit by operation of law, without the need for additional costs.
9. Also, if the works require the relocation of existing utilities, they will be carried out on the basis of a technical relocation project endorsed by the Romanian State, as expropriator, within six months of the provision of the necessary land, the costs being borne entirely by the expropriator.
10. The deadline for carrying out these works and the entire related procedure is 90 days, thus marking a significant acceleration of the implementation process of energy infrastructure projects of national importance.

## **C. AMENDMENTS TO LAW NO. 120/2019 ON CERTAIN MEASURES NECESSARY FOR THE EXECUTION OF WORKS AND IMPLEMENTATION OF NATIONALLY SIGNIFICANT PROJECTS REGARDING THE ELECTRICITY TRANSMISSION NETWORK**

11. The main objective of the proposed amendments to Law No. 120/2019 is to clarify and define projects of national importance relating to the electricity transmission network. Thus, included in this category are all investment projects in the electric transmission grid infrastructure aimed at

increasing the capacity of connection to the electric transmission grid and interconnection with neighbouring states, either by modernizing the existing grid or by expanding it through the construction of high and medium voltage stations and lines. Projects of common interest in the field of electricity are also included, as they are considered to be of national security and safety within the meaning of the Emergency Ordinance on the regime of protected natural areas.

12. Another important aspect introduced by the amendments is the regulation of the legal status of the land necessary for the implementation of these projects. It is stipulated that the temporary occupation of forest land, whether publicly owned by the state or belonging to administrative-territorial units, will be free of charge for the entire period of works and for the entire lifetime of the transmission grid. This occupation will be done without the payment of any guarantee, and in the case of permanent removal from the forest, it will also be done free of charge, both for forest land in the public ownership of the State and for forest land in the public ownership of administrative-territorial units.
13. It also introduces a significant exemption for agricultural land needed for works related to the electricity transmission network. The permanent or temporary set-aside of agricultural land, if publicly owned by the State or administrative-territorial units, will be exempted from the payment of the set-aside improvement fund fee.
14. In order to speed up the administrative process, it is stipulated that all necessary permits and agreements mentioned in the urban planning certificate, with the exception of the environmental and water management permit, will have to be issued within 10 days from the date of submission of the application. This mechanism is intended to reduce bureaucratic bottlenecks and facilitate the rapid implementation of energy infrastructure projects essential for the development of the national energy system.

#### **D. AMENDMENTS TO LAW NO. 350/2001 THE URBANISM LAW**

15. The amendments to Law No. 350/2001 clarify that the building right can be granted even in the absence of spatial planning documents, in line with the proposed amendments to Law 50/1991.
16. It also introduces the obligation for Transelectrica to submit to local authorities the plan for the development of the electricity transmission network for the next 10 years. The purpose of this measure is to facilitate the updating of land-use and urban planning documents, thus ensuring territorial compatibility in areas adjacent to the sites of the electricity transmission infrastructure. This provision is essential for a better coordination between the development of the electricity transmission grid and urban planning at local level, contributing to the efficient integration of new investments into the existing territorial framework.

#### **E. GENERAL PROVISIONS ON APPROVAL DEADLINES**

17. A general provision introduced by these amendments seeks to limit the timeframe for issuing necessary approvals for energy infrastructure projects. Specifically, certain approvals must be granted within a maximum of 5 calendar days, while the environmental regulatory act must be issued within 30 days from the conclusion of the public consultation process.

18. Furthermore, a tacit approval mechanism is established for cases where approvals are not issued within the stipulated deadlines. In such situations, the provisions of Emergency Ordinance No. 27/2003 on the tacit approval procedure apply, meaning that if the competent authorities fail to meet the deadlines, the approvals will be considered implicitly granted. Moreover, if building permits, which fall under the jurisdiction of local authorities, are not issued within the legally established timeframe, they are deemed granted through tacit approval, and the issuing authority is required to provide an official document within 5 days from the date of tacit approval.

**Further assistance at Fiodorov & Partners:**



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