

constructions - draft laws published in February 2018

Draft Government Decision approving the Regulation on State Quality Control in Construction was published on the website of the Ministry of Regional Development and Public Administration on 13 February 2018.

The draft decision will repeal the Government Decision no. 272/1994 for the approval of the Regulation on State Quality Control in Construction and aims to establish the new legal framework of state quality control in construction.

As legal improvement, the draft establishes the control duties of the staff of the State Construction Inspectorate. Among these, we list the following powers:

- (i) the quality control of the execution of the works and the power to order the stopping, restoration, technical analysis, when the contractor is found to be in breach of the technical design and the technical regulations in force at the date of execution;
- (ii) control of the existence of the written and drawn parts of the projects and the conformity of their contents with the framework content provided by the legislation in force;
- (iii) the control of the acceptance at the completion of the works;
- (iv) notifying competent authorities of the facts that can be classified as offenses and finding misdemeanors and applying sanctions.

Also, the personnel with control and inspection duties has the obligation to preserve the confidentiality of the technical data, performances, technical solutions, technological methods and the like, of which they became aware during the exercise of the control activity.

Draft Government Decision on Amending the Government Decision no. 925/1995 for the approval of the Regulation for the verification and technical expertise of the quality of the designs, the execution of works and constructions was published on the website of the Ministry of Regional Development and Public Administration on 13 February 2018.

The draft decision aims to amend the Government Decision no. 925/1995 with the purpose of repealing the Regulation for verification and technical expertise in the field of construction and adopting a new Regulation on the technical verification and technical examination of the designs, the technical expertise of the execution of works and constructions, as well as the quality check of the executed works (the "Regulation").

The new Regulation's main purpose is the establishment of the types of activities carried out by the specialists certified in construction, broken down as follows:

- (i) the technical verification and technical examination of the designs, as well as the technical expertise of the execution of the works and constructions regarding the observance of the technical regulations regarding the basic requirements provided by the Law no. 10/1995 are carried out by specialists in construction, certified by the Ministry of Regional Development and Public Administration;

- (ii) the verification of the execution of construction works is carried out by construction specialists, authorized by the State Construction Inspectorate ("SCI"),

In order to implement European directives, the Regulation regulates the professional recognition of specialists in construction for Romanian citizens, as well as citizens of a Member State of the European Union, of the European Economic Area, or of the Swiss Confederation, who wish to apply to the professional activities of project verifier, technical expert, technical officer responsible for the execution and site supervisor, and to perform them in Romania in order to ensure the free movement of services and not to limit the exercise of regulated professions in the field of construction in Romania.

Also, the Regulation introduces a new element to specify the role of SCI in case of special events due to natural or human factors. Thus, in case of special events, SCI has the right to request the participation of the certified technical experts in the construction domains/subdomains and the specialties related to the damaged constructions, in order to determine the conditions for further use or decommissioning.

The draft proposes that the verification of the quality of the works executed for new constructions and for the interventions to existing constructions shall be carried out by the contractors, by the technical specialist responsible with the authorized execution and by the investors, through authorized construction supervisors.