

constructions - legal changes published in April 2019

Law no. 97/2019 for amending and completing Law no.10/1995 on the quality of constructions, promulgated by the President of Romania by Decree no. 435/2019,

provides that a construction can only be used after approval of the reception at the completion of works.

In this respect, investors will only be allowed to dispose of the construction after approval of the reception at the completion of works, both in the case of new investments and in the case of modifications to the existing constructions that were not used during the execution of the construction works. At the same time, the owners of the construction will allow the use only after approval of the reception at the completion of works. In case of modifications to the existing constructions that were not used during the execution of the construction works. Failure to comply with these obligations will be punished by a fine ranging from RON 20,000 to 40,000.

The aforementioned regulations will come into force as a result of their publication in the Official Gazette of Romania.

Decision of the High Court of Cassation and Justice no. 13/2019 regarding the examination of the referral lodged by the Board of the Bucharest Court of Appeal regarding the interpretation and application of the provisions of art. 492 of the Civil Code of 1864, art. 579 par. (1), art. 577 par. (2) of the Civil Code, art. 37 par. (5) of the Law no. 50/1991 regarding the authorization of construction works, republished, with subsequent amendments and additions and art. 37 paragraph (1) of the Cadastral and Real Estate Publicity Law no. 7/1996, republished, as amended and supplemented.

The High Court of Cassation and Justice upheld the appeal in the interest of the law and established that the lack of the building permit or the non-observance of its provisions, as well as the absence of the reception protocol at the completion of the works, represent impediments for judicial recognition, by way of declaratory action, of the right of ownership on a construction built by the owner of the land using their own materials.

The decision will be mandatory upon publication in the Official Gazette of Romania.