



ROMANIA – NEW LEGISLATION INTRODUCING THE SINGLE INDUSTRIAL LICENCE

1. Overview

On October 20, 2022, the Government Emergency Ordinance no. 140/2022 on the single industrial licence (“GEO 140/2022”) adopted by the Romanian Government has been published in the Official Gazette.

2. Main novelties

GEO 140/2022 introduces the single industrial license, aiming to simplify the process of obtaining various administrative acts (licenses, authorisations, approvals, endorsements, permits, etc.) required to carry out a plethora of industrial activities, including, for example, activities in the extractive, food, textile and energy industries.

For the purpose of implementing the process for issuing the single industrial licenses, the competent authorities are required to identify the licenses, authorisations, approvals, endorsements and permits specific to the relevant industrial fields that are interconnected and subsequently amend and simplify the applicable procedures for obtaining the same within 150 days after the entry into force of GEO 140/2022.

3. Competent authority

GEO 140/2022 establishes the grounds for the incorporation of the Office for Industrial Licensing (the "**Office**"), a specialised body of the central public administration subordinated to the Romanian Government.

The organisation and functioning regulation of the Office shall be approved by Government Decision within 120 days from the date of entry into force of GEO 140/2022. The same Government Decision shall also establish territorial structures of the Office.

The Office is the institution that will deal with the granting, amendment, renewal, suspension and withdrawal of the single industrial licence.

The same shall have a plethora of responsibilities, including: (i) endorsing measures to simplify the procedures for obtaining the relevant administrative acts and providing guidance to the competent authorities; (ii) supervising the uniform application of the relevant legislation, examining the complaints received, finding and sanctioning infringements; (iii) mediation between applicants for single industrial licences and the authorities involved in obtaining the relevant administrative acts.

4. The single industrial licensing procedure

In order to obtain a single industrial licence, applicants will apply for the same before the Office. After the registration of the application, the Office will confirm whether the applicant meets the conditions for the application to be considered validly filed, namely whether the complete documentation has been submitted and that the corresponding fee has been paid.

The whole process will be carried out through the Single Contact Point for Industrial Licences ("**PCUEL**"), an IT system to be managed by the Office. The PCUEL is intended to interconnect the information systems of the authorities involved in order to facilitate data sharing and, per GEO 140/2022, will become operational by the end of 2023.

GEO 140/2022 sets a maximum time limit of 180 days from the date on which the application is considered validly filed for the application to be resolved.

The new legislation also provides that if the competent authorities do not respond within this time limit and the applicant has been notified that his application is validly filed, the single industrial licence shall be deemed to be tacitly granted, unless the relevant administrative acts to be obtained are expressly included in the legislation as not subject to tacit approval.

Furthermore, adding to the effort to simplify the procedure, GEO 140/2022 introduces the elimination of double checks for the granting of the single industrial licence and the prohibition of multiple requests for the same documents or information.

5. Conclusions

GEO 140/2022 aims to significantly reduce the bureaucracy for obtaining the relevant approvals for undertaking various industrial activities, by introducing a simplified single procedure, facilitating the exchange of data between the authorities and institutions involved and digitising the processes for obtaining the necessary documents, basically establishing a one-stop shop for this purpose.

This should normally encourage entrepreneurs to undertake industrial activities in Romania, seen that the procedure for authorising the same should be much smoother, predictable and faster.

As GEO 140/2022 will be followed by a decision to be issued by the Romanian Government within 120 days as of the entry into force of the GEO 140/2022, it remains to be seen how the same will impact the procedure for obtaining the single industrial licence.



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