

New rules to simplify urban planning and construction permitting



On April 30, 2025, Government Emergency Ordinance No. 31/2025 on measures to simplify urban planning and construction permitting and to accelerate investment was published in the Official Gazette of Romania and has entered into force (hereinafter referred to as “Ordinance”).

The Ordinance amends the following laws: (i) Law No. 350/2001 on territorial development and urban planning („Law 350/2001”) and (ii) Law No. 50/1991 on the authorization of construction works („Law 50/1991”), as detailed below.

1. Context and purpose

The stated purpose of the Ordinance, as per its underlying explanatory note (the “Explanatory Note”) is to speed up and simplify the current complex, lengthy and costly processes for the approval of urban development plans and for obtaining building permits, which pose significant hurdles / difficulties to investors.

According to the Explanatory Note, the Ordinance is meant to tap into the full potential of the construction sector by reducing administrative burdens, stimulating investments and accelerating the development of projects and to ensure compliance with the pressing deadlines set out under the National Resilience and Recovery Plan (“NRRP”).

2. Simplification of permitting procedures

2.1 Clear deadlines

One of the most important reforms brought by the Ordinance is the standardization and clarification of the permit issuance process through the introduction of precise and overarching time limits for the issuance of endorsements (in Romanian: avize) and approvals (in Romanian: acorduri), namely:

- maximum 30 days from the submission of the application, for the urban planning procedure; and
- maximum 15 days from the submission of the application, for the building permit procedure.

A maximum 15-day time limit, starting from the examination of the documentation by the technical committee for spatial and urban planning has also been introduced for the issuance of the opportunity endorsement (in Romanian: avizul de oportunitate).

The Ordinance introduces a number of derogations from the deadlines set out above (mainly with respect to the starting point of the terms) for the endorsements/approvals to be obtained from: (i) environmental protection

authorities (maximum 15 days after the completion of specific environmental procedures); (ii) authorities for the protection of historical monuments (maximum 30 days after the review of the documentation); (iii) central public authorities whose legally established procedure involves a review by a specialized commission (within a maximum of 15 days after the commission examines the documentation); (iv) county emergency inspectorates (maximum 15 days from the submission of the documentation); (v) Romanian Civil Aviation Authority (maximum 30 days from the submission of the documentation).

Also, as a novelty, the beneficiary and the designers must be notified about the date when the documentation will be examined by the relevant committees, regardless of whether they are entitled to attend the meeting or not.

The introduction of clear deadlines for the issuance of endorsements and approvals is an essential step towards ensuring predictability and streamlining the approval of urban planning documentation and construction permitting.

2.2 Extension of validity of the endorsements and approvals for the urban planning documentation

The Ordinance stipulates that the endorsements and approvals issued for urban planning documentation under the same permitting procedure shall remain valid until the approval of the documentation in question, regardless of the deadlines established by the issuing authorities under internal procedures.

Regarding the building permit documentation, Law 50/1991 already provided, even before the issuance of the Ordinance, that the prior endorsements and approvals in force at the time of the building permit application shall remain valid until the date when the building permit is issued and subsequently, until completion of works. This is expressly restated in the Ordinance.

2.3 Concurrent and independent applications for all endorsements and approvals

The Ordinance introduces a prohibition (applicable both to urban planning documentation and building permit) according to which the issuance of endorsements or approvals may not be conditional upon the prior procurement of other endorsements or approvals, except for the opportunity endorsement and the opinion of the chief architect in the case of spatial planning and urban planning documents.

Also, the Ordinance provides that the endorsements and approvals are to be simultaneously applied for from all competent authorities, thus eliminating the practice of sequential approval.

For urban planning documentation, the Ordinance further imposes three other prohibitions, namely:

- (i) any requirement for documents or information that goes beyond the specific sectoral substantiation studies and the framework content of the documentation;
- (ii) the imposition of requirements or solutions that are not related to the regulatory object or to the degree of detail of the information specific to the respective type of documentation;
- (iii) the imposition of multiple taxes or tariffs during the approval process for a PUZ or PUD applied for by private beneficiaries.

The introduction of these new rules may be the result of lessons learned from years of bureaucratic practice, as previously sequential approval chains have often led to delays. By allowing the concurrent fulfilment of procedures, the Ordinance acknowledges the need for a more pragmatic and time-efficient approach.

2.4 A single request for amendment/supplementation/clarification

If, following the analysis of the submitted documentation, clarifications or amendments are deemed necessary, the

relevant authorities may request the amendment/clarification/supplementation of the permitting documentation (for both urban planning and construction permitting) only once.

Requests to amend, clarify or supplement the urban planning documentation, may be made only once.

Additionally, a 60-day deadline after the date of receipt of the aforementioned notice has been introduced for the applicant to submit its response.

After receiving the requested amendments/clarifications/supplementations from the applicant, the relevant authorities must (i) issue the approval within 15 days from the submission of the amendments/clarifications/supplementations by the applicant; (ii) reject the documentation.

3. Tacit approval

3.1 Rule

It is worth mentioning that the jurisprudence before the issuance of the Ordinance considered that “the tacit approval procedure is not applicable in the case of building permits, urban planning certificates and urban planning documents...” .

As such, the Ordinance expressly regulates the tacit approval of prior endorsements and approvals in the urban planning and building permit process where the relevant authority does not (i) issue the endorsement/approval or the request for amendment/clarification/supplementation, or (ii) denies the application with justification (in Romanian: justificat). This latter situation opens the possibility of the interpretation that the tacit approval procedure remains applicable in the event the denial is not justified.

This new tacit approval procedure sets forth that if prior endorsements and approvals (or requests for clarifications or application denials) are not issued within the new legal deadlines set forth under the Ordinance, the relevant endorsements and approvals shall automatically be deemed to have been issued (i.e., pursuant to the tacit approval mechanism).

In this case, the applicant may continue the permitting process based on an (i) affidavit stating the lack of reaction from the relevant authority, a template of such affidavit having already been approved and/or (ii) proof of submission of the answer to the request for amendment/clarification/supplementation of the documentation, or the revised documentation, if the case. Endorsements and approvals issued after the applicant has invoked the tacit approval shall not produce legal effects.

The tacit approval procedure should (i) minimize the risk of investments being stalled by administrative inactivity and, at the same time, (ii) not compromise project quality, since issuing authorities may still require the necessary remedial measures during the process to ensure compliance with legislation - it is only their passivity that is being sanctioned, (iii) not exempt the beneficiary, designers and construction entrepreneurs from the obligation to comply with all applicable legislation and to make all necessary efforts to identify the information necessary for the design and execution after the start of the construction works.

3.2 Exemptions and limitations

The Ordinance lays down two exemptions from the tacit approval procedure, more specifically for (i) documentation submitted for approval to the institutions of the National Defence, Public Order and National Security System, and (ii) opportunity endorsements required during the PUZ approval process.

However, it is worth mentioning that the general procedure for confirming tacit approval is regulated by

Government Emergency Ordinance No. 27/2003 (which ultimately requires a court ruling to acknowledge/validate the tacit approval) and the Ordinance does not expressly derogate from it. However, it is reasonable to consider that such derogation is implicit by the fact that the Ordinance itself sets out a procedure which is different and autonomous (as well a lot simpler) and given that the stated purpose of the Ordinance is to simplify and speed up the permitting process.

It is also worth mentioning that while the Ordinance has a broad scope of application, it also has, to a certain extent, a limitative coverage, as it is confined to the endorsements and approvals governed by Law 350/2001 and Law 50/1991. Thus, a question would be, for instance, whether the Ordinance also applies to the procedure of removal of land from agricultural circuit governed by Land law No. 18/1991 and ancillary legislation which expressly state that the latter is a distinct procedure which is not part of the building permit procedure under Law 50/1991.

4. Prioritization principle

The Ordinance introduces a double prioritisation principle for projects financed from NRRP and for complex projects.

Thus, the relevant authorities have the obligation to (i) analyse and approve with priority and urgency the documentation for the investments financed from the NRRP; and (ii) prioritize the projects submitted for approval according to their complexity (irrespective of the financing source).

Prioritizing projects according to complexity has the potential to speed up the approval of major projects. We note, however, that the Ordinance does not provide criteria for assessing the complexity mentioned under point (ii) above and unlike in the case of projects financed from NRRP, the wording is less precise (“prioritise” versus “analyse and approve with priority”).

5. Implementation provisions

To ensure procedural continuity and optimize the approval/authorization processes, the person in charge of the file during the analysis and approval process must remain unchanged.

Also, new sanctions (fines ranging from RON 3,000 to RON 10,000, which is rather a small value) have been introduced for failure to comply with some of the obligations incumbent on the relevant authorities, including certain mandatory deadlines (e.g., failure to comply with the 30-day deadline for the introduction on the committee's agenda of the documentation for the issuance of the opportunity endorsement, unjustified rejections of opinions and agreements on technical, scientific and legal grounds, etc.).

Last but not least, the Ordinance includes certain transitory provisions. Thus, the Ordinance shall also apply to the ongoing urban planning and building permitting procedures, as follows: (i) the endorsements and approvals already obtained shall remain valid (this is expressly provided only for the urban planning procedure but should also apply for the building permit procedure according to the general principle of *law tempus regit actum*); and (ii) for the endorsements and approvals already applied for, but which have not been issued yet, in which case the new deadlines shall be applied from the enactment of the Ordinance (i.e. April 30, 2025).

6. Conclusions

Overall, the Ordinance represents a significant step towards simplifying and clarifying the urban planning and building permitting procedures.

The introduction of the tacit approval mechanism (in a simplified form) stands out as a key instrument for increasing predictability in the permitting process by ensuring continuity in cases of bureaucratic passivity. Other key benefits include shorter and enforceable deadlines, the possibility to concurrently submit applications for all necessary endorsements rather than sequentially and measures to ensure efficient communication in the case of amendment/supplementation/clarification requests.

Ultimately, the long-term impact of the Ordinance will depend on the final form of the Ordinance ratified by the Parliament and on how the changes will be implemented in the administrative practice of the relevant authorities.

[\[1\]](#) *Guidance decision of the High Court of Cassation and Justice No. 13/2013.*

[\[2\]](#) *Order No. 634/2025 providing the template of such affidavit was published in the Official Gazette of Romania on 8 May 2025.*