



## EMERGENCY LEGAL KIT FOR BUSINESS SERIES

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### LEGISLATIVE CHANGES CONCERNING HAND-OVER OF NATIONAL INTEREST INFRASTRUCTURE

On September 18, 2018 the Government Emergency Ordinance no. 84 of September 13, 2018 for the amendment of certain enactments in the constructions area (the “GEO”) has been published in the Official Gazette of Romania no. 795.

The GEO is aimed at enabling the hand-over and commissioning of the lots, sections, sectors or articles of national interest infrastructure works included in the building permit, in case such can be used separately, in accordance with their destination. A regulation concerning hand-over of road and railway infrastructure works of national interest is to be drafted by the Ministry of Transport, to be subsequently endorsed by the Ministry of Regional Development and Public Administration and eventually approved by government decision.

As also highlighted by the preamble of the GEO, such enactment is welcomed and an important step forward in removing the blockages and delays interfering in practice in the development and exploitation of infrastructure projects. Before the GEO, the finalized lots, sections, sectors or articles of construction works for the modernization or rehabilitation of the road and railway infrastructure could not be taken over and exploited

until all the construction works provided under the relevant building permit had been realized.

The GEO should equally represent an improvement for contractors amongst others, since they would thus avoid losses triggered by (i) obligation to maintain completed works which could not be officially handed over, and (ii) the obligation to maintain the whole amount of performance bond until the hand-over upon completion of all works included in the building.

It remains to be seen how the new changes will be implemented in practice, in particular seen that the relevant hand-over regulation for road and railway infrastructure works of national interest is still to be adopted.

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