

With regard to “**Financial incentives and market barriers**” (Article 10(2) of Directive 2010/31/EU):

In order to reduce energy consumption in buildings and to increase the number of buildings with a reduced consumption of energy, the following legislative acts were promoted:

- **Government Emergency Order No 18/2009** on the increase in the energy performance of residential buildings. The legislative document provides for funds to finance the works carried out for the envelope of residential buildings, as follows:

- Ø 50% from allocations from the State budget;
- Ø 30% from funds provided under the local budgets and/or from other legally established sources;
- Ø 20% from the fund of the owners’ association, which is intended for repairs, and/or from other legally-established sources.

Likewise, the legislative act provides for the putting in place of specific measures so as to ensure that the specific annual heating consumption has decreased below 100 kWh/square meter of useful area.

- **Government Emergency Order No 69/2010** on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee. The legislative act provides mainly for the following issues:

- Ø the non-discriminatory access of the owners’ associations and natural persons acting as owners of single-family residential buildings to bank loans granted under a Government guarantee and having a subsidized interest rate for the thermal rehabilitation of buildings. The value of the loan shall account for 90% of the value of the works to be executed but not above the following thresholds:
 - the equivalent amount in RON of EUR 1,850/room, VAT inclusive, in the case of residential blocks,
 - the equivalent amount in RON of EUR 7,400/room, VAT inclusive, in the case of individual residences.
- Ø complete subsidy granted for the interest rate from the State budget through the budget of the Ministry of Regional Development and Tourism on a period of up to 5 years in the granted loans. The interest rate is: ROBOR, every three months + a fixed margin of 1.9%;
- Ø the possibility of local public administration authorities to participate by up to 30% in the expenses incurred with the thermal rehabilitation of residential blocks;
- Ø the possibility to introduce, as appropriate, some alternative systems for partial/complete energy supply for hot water intended for consumption, lighting and/or heating for individual buildings and residential blocks.

With regard to the stage of transposition into the national legislation of the provisions of Directive 2010/31/EU on the energy performance of buildings (recast of Directive 2002/91/EC), please note that these provisions are pending transposition.

This report is included with the following:

1. Government Emergency Order No 18/2009 on the increase in the energy performance of residential blocks;
2. Government Emergency Order No 69/2010 on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee.

DIRECTOR

Cristian STAMATIADÉ

Drawn up by,
Eng. A Simion

On the grounds set out above, pursuant to Article 146(d) and to Article 147(4) of the Constitution, as well as to Article 1 to 3, to Article 11(1)(A)(d) and to Article 29 of Act no 47/1992,

THE CONSTITUTIONAL COURT

In the name of the law

DECIDES:

To reject as inadmissible the exception to the non-constitutionality of the provisions of Article 27(72) of the Rules providing for the procedure of establishment, for the tasks and the functioning of the committees determining the private property right over the lands, the model and the method for the award of property deeds, as well as the owners' appropriation, as approved by Government Decision No 890/2005, an exception claimed by the Concordia Grassland Association in Timisoara in Case File No 4,060/325/2007 of the District Court in Timisoara.

Final and generally binding.

Ruled in public session on 16 December 2008.

PRESIDENT OF THE CONSTITUTIONAL COURT,

Lecturer, Dr. **IOAN VIDA**

Assistant magistrate,

Maria Bratu

ORDINANCES AND DECISIONS OF THE GOVERNMENT OF ROMANIA

THE GOVERNMENT OF ROMANIA

EMERGENCY ORDER

on the increase in the energy performance of residential blocks

The extraordinary situation referred to in Article 115(4) of the Constitution of Romania, as republished, consists in the need to reduce the consumption of energy for the heating of residential blocks provided that the indoor thermal climatic environment has been ensured and maintained in apartments by the promotion of programmes integrated in the National Energy Efficiency Action Plan.

Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC provides, among others, that Member States should take all the steps in order to improve energy efficiency at end-users and to establish a national energy savings target of not less than 9% for the ninth year of application of the Directive.

The reduction of energy consumption for the heating of residential blocks triggers the reduction of the maintenance costs incurred with heating, the mitigation of

the effects of climatic changes by reducing greenhouse gas emissions, the increase in energy independence by reducing the consumption of fuel used in the preparation of the heating fluid for the heating system, as well as the improvement of localities in terms of urban planning.

At the same time, the urgent adoption of this legislative act will result in the fostering of the economic growth and the countering of the adverse effects which are likely to be triggered by the current international financial crisis with regard to the energy and constructions sectors, including by the use of the national energy resources.

The application of the provisions of this legislative document on the short and medium term will result in the State budget's discharge of the expenses incurred with the fuel used, the reduction of the costs incurred with the maintenance of residential blocks by reducing the invoices issued for heating, the assurance of support to the economic operators in the field of constructions and the creation of new jobs.

Failure to adopt this legislative act as a matter of urgency shall translate into non-compliance with the obligations undertaken by Romania as regards the transposition of Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/79/EEC, and of Directive 2002/91/EC of the European Parliament and of the Council on the energy performance of buildings.

Pursuant to Article 115(4) of the Romanian Constitution, as republished,

The Government of Romania hereby adopts this Emergency Order.

CHAPTER 1

General provisions

Article 1 – (1) This Emergency Order shall provide for the intervention works to be carried out for the thermal insulation of the residential blocks built by the designs prepared between 1950 and 1990, the stages required for the performance of the works, the method of their funding as well as for the obligations and responsibilities pertaining to public administration authorities and the owners' associations.

(2) The intervention works provided for by this Emergency Order are meant to enhance the energy performance of residential blocks and to reduce the energy consumption intended for the heating of apartments, respectively, provided that the indoor thermal climatic environment has been ensured and maintained, and to improve localities in terms of urban planning.

Article 2 - For the purposes of this Emergency Order, the expressions below have the following meaning:

a) *residential block* – building – the building comprising individual properties defined as apartments and the common undividable property. The expression refers both to the building overall and to parts thereof – block sections – separated by joints;

b) *local multiannual programme concerning an enhanced energy performance of residential blocks* – the document which is substantiated and prepared by the local public administration authorities of municipalities, towns, communes, of the sectors pertaining to Bucharest Municipality based on the authorisation agreements concluded with the owners' associations, as approved by a decision of the local council, which is

prepared in order to justify the allocations from the local budget and the State budget, hereinafter referred to as a local programme;

c) *national multiannual programme concerning an enhanced energy performance of residential blocks* – the document prepared by the Ministry of Regional Development and Housing and approved by Order of the Minister on the basis of the local programmes sent by the local coordinators and of the funds allocated from the State budget to the budget of the Ministry of Regional Development and Housing, hereinafter referred to as *national programme*; the national programme establishes the allocations established under Article 13(a) for the local budgets of municipalities, towns and communes, as well as those for the sectors pertaining to Bucharest Municipality;

d) *local coordinators* – the mayors of municipalities, towns and communes, as well as those of the sectors pertaining to Bucharest Municipality, who are responsible for the coordination of local programmes as Contracting Authorities.

Article 3. - In order to justify local programmes, the local coordinators shall identify and draw up an inventory of the residential blocks referred to in Article 1(1).

CHAPTER II

Intervention works

Article 4 – The intervention works to be carried out in respect of the residential block envelope, as established by this Emergency Order, shall be:

- a) the thermal insulation of the outdoor walls;
- b) the replacement of the existing windows and external doors, including the joinery designed for access to the residential block, with energy performance joinery;
- c) the hydrothermal insulation of the terrace/the thermal insulation of the floor over the last level, where there is a roof framing;
- d) the thermal insulation of the floor over the underground, where the block was designed to include apartments on the ground floor;
- e) works for the dismantling of the installations and equipments mounted visibly on the façades/terrace of the residential block and their reassembling after the thermal insulation works have been completed;
- f) works for the recovery of the envelope finishes.

Article 5 – The intervention works referred to in Article 4(a) to (d) shall be carried out with a view to enhancing the energy performance of residential blocks so as to determine a decrease in the specific annual energy consumption calculated for heating below 100 kWh/m² of the useful area under conditions of economic efficiency.

Article 6 – The intervention works referred to in Article 4 may be carried out concomitantly with the following intervention works justified from the technical viewpoint in the technical expert's report and/or in the energy audit report:

- a) repair works to the construction elements representing a potential release hazard and/or affecting the functionality of the residential block, including recovery works in the areas requiring intervention;

b) intervention works to the heating fluid distribution unit relating to the common parts of the residential block.

CHAPTER III

The stages required for the implementation of local programmes

Article 7 – The stages required for the implementation of local programmes are the following:

a) the identification and inventory of the residential blocks referred to in Article 1(1);

b) the notification of the owners' association by the local coordinators with regard to the application for the local programme;

c) the decision-making of the owners' general assembly as regards the application for the local programme and the signing of the authorisation agreement;

d) the design of the intervention works;

e) the execution of the intervention works;

f) the acceptance of works upon their completion and the issue of an energy performance certificate outlining the specific annual energy consumption for heating;

g) the final acceptance after the expiry of the 3 year-period of performance guarantee.

Article 8 – The owners' associations in the residential blocks identified and listed in the inventory shall be notified by the local coordinators with regard to the possibility to submit applications under the local programme.

Article 9 – (1) The notification referred to in Article 8 shall be sent by the local coordinator together with the draft authorisation agreement signed by the latter in two originals in order to be signed by the owners' association.

(2) The purpose of the authorisation agreement is the local coordinator's authorisation by the owners' association in order to establish the measures and actions required under the terms of and in compliance with this Emergency Order with a view to achieving an enhanced energy performance of the residential block concerned.

(3) The authorisation agreement provides for the parties' obligations as well as for other clauses mutually agreed upon by the parties concerned.

Article 10 – (1) The notified owners' associations may submit applications under the local programme in the form of a written request registered at the competent local coordinator in the area where the relevant residential block is located.

(2) The request submitted by the owners' association, which is referred to in paragraph 1, shall be accompanied by:

a) the signed authorisation agreement;

b) the decision concerning the application under the local programme, as adopted by the general assembly with the consent of the majority of owners;

c) the list of the owners in the building.

Article 11. - (1) the stage concerning the design of intervention works, which is referred to in Article 7(d), shall include:

a) the technical expertise, the energy audit and the preparation of the documentation for the endorsement of the intervention works;

b) the preparation of the technical documentation for the authorisation of the intervention works and the procurement of the construction permit;

c) the preparation of the brief design and of the execution details as well as of the tender documentation for the award of contracts for the execution of intervention works.

(2) The technical expertise referred to in paragraph 1(a) shall be carried out with a view to analysing the resistance structure of the residential block in the light of the essential requirement for “mechanical strength and stability”, according to the qualitative method referred to in the technical rules in force. Where the technical expertise provides for the need to carry out reinforcing/repair works which are subject to the execution of intervention works, the contractor designing the intervention works shall inform the local coordinator in writing thereof in order to have the latter issue a decision concerning the steps required.

(3) The documentations referred to in paragraph 1(b) and (c) shall be prepared subsequent to the approval of the technical and economic indicators by a decision of the local council, the notification of the owners’ association by the local coordinator with regard to the decision of the local council and the conclusion of the addendum to the authorisation agreement on the establishment and classification of payment obligations for the execution of intervention works.

CHAPTER IV

Funding

Article 12 – The funds for the design of the intervention works referred to in Article 4 and 6 shall be ensured from the local budgets of the administrative – territorial units and of the sectors pertaining to Bucharest Municipality, respectively, under the law.

Article 13 – The funds for the execution of the intervention works referred to in Article 4 and 6 shall be ensured as follows:

a) 50% from allocations from the State budget within the limit of the funds approved on an annual basis for this purpose, under the budget of the Ministry of Regional Development and Housing;

b) 30% from funds approved on an annual basis for this purpose under the local budgets and/or from other legally-established sources;

c) 20% from the repairs fund of the owners’ association and/or from other legally established sources.

Article 14 – (1) By way of exception from the provisions of Article 13, within the limit of the funds approved on an annual basis for this purpose and in addition to the 30% funding rate, the authorities of the local public administration may ensure:

a) the partial or full take-over of the expenditure incurred with the intervention works and relating to the rate of 20% assigned to the owners’ association. Local

public administration authorities may decide with regard to the applicable measures intended to recover the amounts granted to cover the rate of 20% on the basis of the internal mechanisms established by them;

b) the partial or full take-over of the expenditure incurred with the intervention works and relating to the rate of the owner(s) in the relevant residential block, who is/are unable to ensure the amounts assigned.

(2) The conditions for the take-over and the selection criteria for the application of the provisions of paragraph 1 shall be established and approved by a decision of the local council.

Article 15 – Within the deadlines set under Law No 500/2002 on public finances, as subsequently amended:

a) the local public administration authorities shall establish under the local programmes the value of allocations from the State budget which are required for funding the share referred to in Article 13(a) and relating to the residential blocks submitted to the intervention works in the following budget year, and shall send the local programmes to the Ministry of Regional Development and Housing;

b) the Ministry of Regional Development and Housing shall register the received proposals and, on the basis thereof, it shall include in the draft State budget the amounts required for the financing of the share referred to in Article 13(a).

Article 16 – Within the limit of the budget resources allocated for this purpose under the law providing for the State budget, the Ministry of Regional Development and Housing shall:

a) approve, by Order of the Minister, the national programme whereby it allocates under the local budgets the funds relating to the share referred to in Article 13(a);

b) apportion and communicate to the local public administration authorities the allocated funds.

Article 17 – The Ministry of Regional Development and Housing shall pay on a monthly basis to the local coordinators the amounts corresponding to the share referred to in Article 13(a) which relates to the completed intervention works on the basis of the supporting settlement statements checked and approved under the law.

Article 18 – The local public administration authorities may decide and take over the expenses relating to the intervention works and relating to the 50% share assigned to the Ministry of Regional Development and Housing within the limit of the funds approved on an annual basis for this purpose under the local budgets for the residential blocks not included in the national programme referred to in Article 29.

CHAPTER V

Obligations and responsibilities

Article 19 – On a proposal from the local coordinators, the local council shall approve:

a) the technical – economic indicators relating to the investment objectives as regards the increase in the energy performance of residential blocks;

b) the multiannual local programmes on the increase in the energy performance of residential blocks.

Article 20 – The local coordinator shall:

a) identify and make an inventory of the residential blocks referred to in Article 1(1);

b) notify the owners' associations with regard to the legal provisions on the increase in the energy performance of residential blocks, setting out the conditions and the method of application for the local programme;

c) conclude the authorisation agreement with each of the owners' associations notified for the implementation of the local programme in stages;

d) contract the design of the intervention works;

e) notify the owners' association with regard to the decision of the local council on the approval of the technical – economic indicators relating to the intervention works to be executed;

f) send to the Ministry of Regional Development and Housing the proposals included in the local programmes with a view to including the residential blocks in the national programme;

g) conclude an addendum to the authorisation agreement, which includes the data and information referred to in the notification under point (e);

h) contract the execution of the intervention works;

i) organise the acceptance of works upon their completion and make available to the owners' association the energy performance certificate outlining the specific annual energy consumption for heating;

j) organise the final acceptance after the expiry of the three year-period of performance guarantee and send to the owners' association the documents supplementing the construction technical book;

k) create, manage and update specific databases which it makes available to the Ministry of Regional Development and Housing in order to justify the relevant national public policies and to quantify the energy savings obtained as a result of the completed intervention works;

l) ensure the control of the efficient use of the allocated funds and of the application of the contractual provisions;

m) inform the owners' associations about all the implementing stages of the local programme.

Article 21 – The owners' association shall:

a) approve the application for the local programme at the owners' general assembly;

b) sign the authorisation agreement concluded with the local coordinator, whereby it authorizes the latter to establish the measures and the action required under the terms of and in accordance with this Emergency Order for the increase in the energy performance of the residential block;

c) establish the repairs fund with a view to ensuring the funds for the share assigned for the execution of the intervention works;

d) participate in the acceptance of works upon their completion as well as in the final acceptance.

Article 22 – The Ministry of Regional Development and Housing shall:

a) register and prioritise the proposals included in the local programmes for the purpose of including the residential blocks in the national programme within the limit of the allocated funds;

b) approve the national programme;

c) ensure the financing of the works within the share referred to in Article 13(a) within the limit of the funds allocated on a yearly basis for this purpose under its own budget;

d) quantify the energy saving produced as a result of the completed intervention works by registering and taking over the specific data and information provided by the local coordinators;

e) approve on a yearly basis, by an order of the Minister, the list of energy auditors certified for buildings, which is published in Official Gazette of Romania, Part I

Article 23 – In order to finance the execution of the intervention works, the local coordinators shall open a separate account for this purpose on behalf of the administrative – territorial units at the territorial units of the State Treasury, where the corresponding sums allocated from the local State budget as well as the sums relating to the participation rate of each owners' association will be transferred.

Article 24 – The local coordinators receiving amounts allocated from the State budget in order to finance the execution of intervention works to the residential blocks included in the national programme shall be bound to provide the Ministry of Regional Development and Housing, at the latter's request, with all the supporting documents. They are held liable for the necessity and opportunity of the amounts requested as well as for the reality, accuracy and legality of the amounts spent for the purpose for which they were allocated.

CHAPTER VI

Monitoring and control

Article 25 – (1) The Ministry of Regional Development and Housing shall organise its own randomised control of the documents prepared in the design stage of the intervention works as well as in the physical execution stage of the intervention works.

(2) For the purposes of carrying out its own control, as referred to in paragraph 1, the Ministry of Regional Development and Housing may contract specialised services and/or request cooperation with specialists acting as natural persons from the academic environment, national research and development institutes as well as from the public administration.

(3) The expenses incurred with its own control activity, namely the payment of specialised services, transport, the daily allowance and accommodation, shall be borne

from the own revenues of the Ministry of Regional Development and Housing, which are established under Article 40 of Law No 10/1995 concerning quality in civil engineering, as subsequently amended.

Article 26 – (1) The Ministry of Regional Development and Housing shall monitor the energy performance of residential blocks and shall create specific data banks through the National Institute of Research and Development in Civil Engineering and Civil Engineering Economy.

(2) The costs for the creation, use and update of the databases referred to in paragraph 1 shall be incurred from the own revenues of the Ministry of Development, Public Works and Housing, established under Article 40 of Law No 10/1995, as subsequently amended.

CHAPTER VII

Transitional and final provisions

Article 27 – The contracts for the energy audit, the design and/or the execution of thermal rehabilitation works, which were concluded or pending conclusion on the date when this Emergency Order has entered into force, shall be completed under the legal provisions in force on the date of their signing.

Article 28 – In the case of residential blocks for which the technical designs and execution details were completed before the entry into force of this Emergency Order, the execution of intervention works shall be contracted in accordance with the financing requirements set out in this Emergency Order.

Article 29 – The residential blocks not included in the national programme in the current year shall remain in the local coordinators' database in order to justify the local and national programmes in the forthcoming years.

Article 30 – Within 60 days following the date of entry into force of this Emergency Order, the local coordinators shall complete the identification and inventory of the residential blocks built in accordance with designs prepared between 1950 and 1990.

Article 31 – In order to adopt some unitary technical solutions and to shorten the periods for the design of intervention works and for the execution of intervention works, the contracting of such works may be organised and achieved by types of residential blocks depending on: the design/construction period, the similar constructive system for the envelope of the residential blocks, the height class.

Article 32. - (1) The urban planning certificate and the construction permit for the execution of intervention works shall be issued as a matter of urgency and free of duty by way of exception from the legal provisions in force.

(2) By way of derogation from the provisions of Article 1 and 7(1)(b) of Law No 50/1991 on the authorisation of the execution of construction works, as republished, as subsequently amended and supplemented, for the execution of intervention works to the common parts, the construction permit shall be issued under no requirement to submit the deed for the building, land and/or construction or the transcripts from the Cadastral Register and from the Land Register for information purposes.

Article 33 – For the intervention works referred to in this Emergency Order, by way of exception from the legal provisions in force, the construction permit shall be issued under no requirement to pay the rates of 0.7% and 0.1% to the State Civil Engineering Inspectorate, and the rate of 0.5% to the Constructor's Social Fund from the expenses incurred for the execution of works.

Article 34 – The authorisation agreement shall be deemed an enforceable title for the values paid by the local public administration authorities under the provisions of Article 14(1)(a) and not recovered from the owners' associations by the date of final acceptance of the completed intervention works.

Article 35 – Within 10 days following the date of entry into force of this Emergency Order, detailed rules shall be approved for the implementation thereof by Joint Order of the Minister of Regional Development and Housing, of the Minister of Administration and the Interior and of the Minister of Public Finance.

Article 36 - On the date of entry into force of this Emergency Order, the following shall be repealed:

a) Government Emergency Order No 174/2002 laying down special measures for the thermal rehabilitation of certain residential blocks, i.e. condominiums, as published in Official Monitor of Romania, Part I, No 890 of 9 December 2002, as approved as amended and supplemented by Law No 211/2003, as subsequently amended and supplemented;

b) Government Decision No 1070/2003 approving the Detailed rules implementing Government Emergency Order No 174/2002 laying down special measures for the thermal rehabilitation of certain multi-floor residential buildings, as published in Official Gazette of Romania, Part I, No 661 of 18 September 2003, as subsequently amended.

PRIME MINISTER

EMIL BOC

Countersigning:

The Minister of Regional Development
and Housing,

Vasile Blaga

The Head of the Prime Minister's
Chancellery,

C•t•lin Ovidiu Baba

The Deputy Prime Minister, the Minister
of Administration and the Interior,

Dan Nica

The Minister of Public Finance,

Gheorghe Pogea

Bucharest, 4 March 2009.

No 18.

THE GOVERNMENT OF ROMANIA

EMERGENCY ORDER

on the thermal rehabilitation of residential buildings with funding from bank loans under a Government guarantee

The extraordinary situation referred to in Article 115(4) of the Constitution of Romania, as republished, consists in the need to reduce the consumption of energy in houses, provided that the indoor climatic conditions have been ensured and maintained in those houses, by the promotion of measures included in the National Energy Efficiency Action Plan,

considering that Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC provides for national energy efficiency plans at end users as well as institutional and legislative measures for the achievement of such plans,

considering the provisions of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, for the application of some financial measures to foster the reduction of energy consumptions and the increase in the number of buildings with a low consumption rate of energy originating in the classical sources,

in order to reduce energy consumption in residential buildings as a measure of social protection of the population by reducing the expenses incurred through the maintenance of houses following the removal of the subsidy granted for thermal energy and the increase in the price for the fuel used for heating and for the preparation of hot water for consumption,

considering the need to mitigate the effects of the climatic changes by the reduction of greenhouse gas emissions, to increase energy independence by the reduction of the consumption of fuel used in the preparation of the thermal agent for heating and of the hot water for consumption, and to improve localities from the urban planning viewpoint,

considering that the adoption of this legislative act as a matter of urgency will result in the fostering of economic growth and the countering of the adverse effects which are likely to be triggered by the current international financial crisis with regard to the energy and construction sectors, including by the use of the national energy resources,

considering that the execution of intervention works for the thermal rehabilitation of residential buildings is meant to support the economic operators in the area of constructions and of installations for constructions, as well as the creation of new jobs, failure to adopt this legislative act as a matter of urgency shall lead to an ongoing encumbering of the State budget with expenses such as those incurred under some national programmes concerning the increase in the energy performance of residential buildings in the case of residential blocks where the owners' associations can sustain financially the execution of thermal rehabilitation works,

pursuant to Article 115(4) of the Romanian Constitution, as republished,

The Government of Romania hereby adopts this Emergency Order.

CHAPTER 1

General provisions

Article 1 – The thermal rehabilitation of residential blocks and of single-family residential buildings, hereinafter referred to as residential buildings, shall be deemed public interest action meant to reduce energy consumption at end users affecting directly the reduction of the costs incurred with heating and the preparation of hot water for consumption and indirectly the reduction of the consumption of conventional fuel and of greenhouse gas emissions.

Article 2 – (1) The purpose of this Emergency Order is to facilitate the access of the associations of owners acting as non-profit-making legal persons and of owners of single-family houses acting as natural persons, hereinafter referred to as beneficiaries, to the bank loans granted by credit institutions, hereinafter referred to as financing authorities, under a Government guarantee and with a subsidized interest rate for the execution of intervention works relating to the thermal rehabilitation of residential buildings.

(2) The provisions of this Emergency Order shall be applicable to the beneficiaries of residential buildings built and delivered by the end of 2000.

Article 3 – The intervention works relating to the thermal rehabilitation which may be financed under this Emergency Order shall include:

- a) the thermal rehabilitation of the envelope of the building and of its related installations;
- b) repair works to, where appropriate, the replacement/purchase and assembly of the central heating plant for the block/entrance and of the heating plant for the single-family house, as well as of its related installations;
- c) the introduction, where appropriate, of some alternative systems for partial/total energy supply for hot water intended for consumption, lighting and/or heating.

Article 4 – The thermal rehabilitation of residential buildings funded from bank loans and having a subsidized interest rate shall include the following stages:

- a) technical expertise, the energy certification and the energy audit of the existing building and the design of intervention works;
- b) the execution of intervention works;
- c) the acceptance and energy certification of the building upon the completion of works;
- d) the final acceptance upon the expiry of the period of performance guarantee for the works.

Article 5 – (1) The decision to undertake the thermal rehabilitation of the residential buildings in accordance with the provisions of this Emergency Order shall be made by the beneficiary.

(2) In the case of the owners' association, the decision for the execution of the thermal rehabilitation works and the contracting of a bank loan under this Emergency Order shall be made with the vote of at least 90% of the members in the owners' association. The decision of the general assembly of the owners' association shall be notified to all the owners in the condominium, including to those who are not members in the owners' association by disclosure at the notification board of the association within five days following its adoption.

Article 6 – (1) Where the execution of the intervention works referred to in Article 3 is authorised under the law, the urban planning certificate and the construction permit for the execution of the intervention works related to the thermal rehabilitation of residential buildings shall be issued as a matter of urgency and free of duty by way of exception from the legal provisions in force.

(2) By way of derogation from the provisions of Article 1 and 6(4) of Law No 50/1991 on the authorisation of the execution of construction works, as republished, as subsequently amended and supplemented, for the execution of intervention works related to the thermal rehabilitation of residential buildings, the construction permit shall be issued under no requirement to submit the deed for the building, land and/or construction, the transcripts from the Cadastral Register and from the Land Register for information purposes.

Article 7 – The technical expertise work, the design and verification of designs, the execution and acceptance of works and the site management shall be ensured in accordance with the provisions of Law No 10/1995 concerning quality in civil engineering, as subsequently amended, and the certification and the energy audit shall be carried out in accordance with the provisions of Law No 372/2005 on the energy performance of buildings, as subsequently amended, of the subsequent acts and of the technical rules in force on the date when the intervention works were designed/executed.

CHAPTER II

Financing and guarantee

Article 8 – The technical expertise, the energy performance certificate and the energy audit of the existing building, the documentation for the authorisation of the intervention works, where appropriate, the brief design and the execution details as well as the energy performance certificate of the thermally rehabilitated building shall be ensured under the law by the beneficiary and shall be financed from its own sources.

Article 9 – The execution of intervention works shall be financed as follows:

a) from the beneficiaries' own sources, accounting for at least 10% of the execution value of the intervention works;

b) from bank loans granted in RON under a Government guarantee and having a subsidized interest rate, which were contracted by beneficiaries and guaranteed in a rate of 100% by the National Credit Guarantee Fund for Small and Medium Enterprises (Fondul Național de Garantare a Creditelor pentru întreprinderile Mici și Mijlocii S.A. - I.F.N.) on behalf and to the account of the State, accounting for not more than 90% of the execution value of the intervention works.

Article 10 – (1) By way of exception from the provisions of Article 9 and on a request from the owners' associations, the local public administration authorities may finance from the funds approved on a yearly basis for this purpose under the local budgets and/or from other legally-established sources, in a rate of not more than 30% of the value specified in the general estimates, the following:

a) the execution of intervention works, which may also include the rate of not more than 10% referred to in Article 9(a);

b) the preparation of the documentations referred to in Article 8.

(2) The selection criteria, the amount and the financing terms under the provisions of paragraph 1 shall be established and approved by a decision of the local council.

Article 11 – The period for the return of bank loans under a Government guarantee and having a subsidized interest rate shall not exceed five years.

Article 12 – (1) The interest rate corresponding to the bank loans granted to beneficiaries under a Government guarantee shall be borne from the State budget through the budget of the Ministry of Regional Development and Tourism within the limit of the amounts approved on a yearly basis for this purpose.

(2) The structure of the interest rate as well as the maximum threshold of the loan granted under a Government guarantee per beneficiary shall be established by the detailed rules implementing this Emergency Order.

(3) Any other costs related to the loan as well as the penalties charged by the financing authority as a result of failure to pay the instalments by the due dates according to the timetable for repayment of the loan approved shall be borne by the beneficiary.

Article 13 – (1) By way of derogation from the provisions of Government Emergency Order No 64/2007 on the public debt, as approved as amended and supplemented by Law No 109/2008, as subsequently amended, the Ministry of Public Finance shall be authorised to empower the National Credit Guarantee Fund for Small and Medium Enterprises SA – I.F.N. to issue guarantees on behalf and to the account of the state in favour of the financing authorities granting loans to beneficiaries.

(2) The Ministry of Public Finance and the National Credit Guarantee Fund for Small and Medium Enterprises S.A. – I.F.N. shall conclude an agreement providing for the parties' rights and obligations involved in the process of funding through bank loans under a Government guarantee and having a subsidized interest rate.

(3) The beneficiary shall guarantee by a commitment made by the owners of single-family houses or those in residential blocks, acting as fidejussors for the recovery of the sums not paid by the beneficiary and accrued from the execution of the guarantees granted by the National Credit Guarantee Fund for Small and Medium Enterprises SA – IFN on behalf and to the account of the state.

(4) With regard to the buildings included in the programme referred to in this Emergency Order, the existence of the loan agreement and of the fidejussion agreement shall be mentioned in Part III of the Real Estate Register of Buildings.

(5) Upon the conveyance of the property right, the grantee shall be subrogated to the rights and obligations of the fidejussor owner.

(6) Where the value of the loan has been repaid, the specification referred to in paragraph 4 shall be deleted under the law.

(7) Where the beneficiary is an owners' association, the owners in the relevant residential block shall be bound to pay the amounts not paid by the beneficiary and accrued from the execution of the guarantees granted by the National Credit Guarantee Fund for Small and Medium Enterprises SA – I.F.N. on behalf and to the account of the state within the limit of the share they are assigned from the value of the credit proportionally with the undividable share held by each owner in the common property.

Article 14 – Agreements shall be concluded between the Ministry of Regional Development and Tourism and the financing authorities granting bank loans to beneficiaries under this Emergency Order with the endorsement of the Ministry of Public Finance, providing for the parties' rights and obligations involved by the funds allocated to subsidize the interest rate relating to the amounts used from the loans granted. These funds shall be within the limit of the annual threshold approved for this purpose under the budget of the Ministry of Regional Development and Tourism.

CHAPTER III

Execution and recovery of state guarantees

Article 15 – (1) The amounts accrued from the execution of the guarantees granted from the National Credit Guarantee Fund for Small and Medium Enterprises SA – I.F.N. on behalf and to the account of the state shall be paid to the financing authority by the Ministry of Public Finance through the budget of the Ministry of Public Finance – General Action Lines, on the basis of the supporting documents submitted by the National Credit Guarantee Fund for Small and Medium Enterprises SA – I.F.N.

(2) The amounts referred to in paragraph 1 which are to be recovered shall become due as of the day following that when the payment was made by the Ministry of Public Finance.

(3) The documents drawn up by the specialised directorate of the Ministry of Public Finance, which set out distinctly the amounts to be recovered and expressed in the national currency shall account for debt securities and shall include the elements of the fiscal administrative act referred to in Government Order No 92/2003 on the Code of Fiscal Procedure, as republished, as subsequently amended and supplemented. The debts securities which are set out distinctly in these deeds shall be treated as fiscal debts.

(4) Within 15 days following the date when the payments referred to in paragraph 1 were made, the debt securities together with the proof of their transmission shall be sent to the competent fiscal bodies subordinated to the National Fiscal Administration Agency for their collection pursuant to Government Order No 92/2003, as republished as subsequently amended and supplemented. Within the same time limit, the debt security shall be communicated to the debtor.

(5) The debt security shall become enforceable on the 60th day following the date of its communication to the debtor.

(6) The amounts cashed under paragraph 4 shall account for revenues to the State budget and shall be transferred into a distinct budget revenue account.

(7) The provisions of Article 154(3) of Government Order No 92/2003, as republished, as subsequently amended and supplemented, shall not be applicable to enforcement action intended to cease the debt owed to the State budget and accrued from the execution of the guarantees issued on behalf and to the account of the state under the terms of this Emergency Order.

CHAPTER IV

Final provisions

Article 16 – (1) The annual threshold for the guarantees which may be issued under Article 13(1) shall be established by the Ministry of Public Finance and shall be approved by a Government decision.

(2) The general conditions for granting loans, Government guarantees, the eligibility criteria for beneficiaries, banks and economic operators operating in the construction field, as well as the rules for the management of subsidies and guarantees shall be provided for by the detailed rules implementing this Emergency Order, which were prepared by the Ministry of Public Finance and the Ministry of Regional Development and Tourism and approved by a Government decision within 7 days following the date when this Emergency Order was published.

Article 17 – The services contracts concerning the execution of intervention works for the thermal rehabilitation of residential buildings by bank loans under a Government guarantee and having a subsidized interest rate shall be awarded under the law.

Article 18 – The execution of the intervention works for the thermal rehabilitation of the residential buildings referred to in this Emergency Order shall be exempted from the payment of the rate of 0.5% to the Constructor's Social Fund by way of exception from the legal provisions in force.

PRIME MINISTER

EMIL BOC

Countersigning:

The Minister of Regional Development
and Tourism,

Elena Gabriela Udrea

The Minister of Administration and the
Interior,

Vasile Blaga

The Minister of the Economy, Commerce
and Business Environment,

Adriean Videanu

The Minister of Public Finance,

Sebastian Teodor Gheorghe Vlădescu

Bucharest, 30 June 2010.

No 69.

THE PARLIAMENT OF ROMANIA

THE DEPUTIES' CHAMBER

THE SENATE

LAW

approving Government Emergency Order No 69/2010 on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee

The Parliament of Romania hereby adopts this law.

Single Article. - Government Emergency Order No 69 of 30 June 2010 on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee, as published in Official Gazette of Romania, Part I, No 443 of 1 July 2010, as hereby amended and supplemented:

1. In Article 3, a new point shall be introduced after point a, i.e. point a¹, to read as follows:

“a¹) the repairs to and/or closure of, as appropriate, the balconies/loggias of residential buildings provided that compliance has been ensured with the technical rules in force concerning the assurance of natural ventilation in the rooms;”

2. Article 9 shall be amended to read as follows:

“Article 9 – The execution of intervention works shall be financed as follows:

a) from the beneficiaries' sources and/or from other sources, accounting for the beneficiaries' own contribution and representing at least 10% of the total value of the expenses, as specified in the general estimates;

b) from bank loans granted in RON under a Government guarantee and having a subsidized interest rate, which were contracted by beneficiaries and guaranteed in a rate of 100% by the National Credit Guarantee Fund for Small and Medium Enterprises (Fondul Național de Garantare a Creditelor pentru întreprinderile Mici și Mijlocii S.A. - I.F.N.) on behalf and to the account of the State, accounting for not more than 90% of the total value of the expenditure specified in the general estimates.”

3. In Article 10(1), the introductory part shall be amended to read as follows:

“Article 10 – (1) By way of exception from the provisions of Article 9 and on a request from the owners' associations, the local public administration authorities may finance from the funds approved on a yearly basis for this purpose under the local budgets and/or from other legally-established sources, in a rate of not more than 30% of the total value of the expenditure specified in the general estimates, the following:”

4. In Article 13, two new paragraphs shall be introduced after paragraph 2, i.e. paragraph 4¹ and 4², to read as follows:

“(4¹) When concluding loan contracts, the owners of single-family houses, natural persons and the members of the owners’ association, respectively, acting as beneficiaries, shall conclude fidejussion agreements at credit institutions.

(4²) By way of exception from the provisions of paragraph 4¹, the member(s) of owners’ associations financing from their own revenues their share in the value of the intervention works to be executed according to the general estimates shall not conclude (a) fidejussion agreement(s).

5. Under Article 16, a new paragraph, (1¹), shall be introduced after paragraph 1, to read as follows:

“(1¹) The owners who are natural persons of single-family houses and owners’ associations may receive loans for the execution of intervention works under the terms of this Emergency Order if they are not registered with their utilities bills with more than two instalments overdue in the last three calendar months prior to the assessment of the conditions for the granting of loans by the financing authority.”

This law has been adopted by the Parliament of Romania in compliance with the provisions of Article 75 and 76(2) of the Constitution of Romania, as republished.

for the PRESIDENT OF THE DEPUTIES’
CHAMBER,
IOAN OLTEAN

THE PRESIDENT OF THE
SENATE
MIRCEA-DAN GEOAN•

Bucharest, 6 June 2011.

No 76.

THE PRESIDENT OF ROMANIA

DECREE

on the promulgation of the Law approving Government Emergency Order No 69/2010 on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee

Pursuant to Article 77(1) and to Article 100(1) of the Constitution of Romania, as republished,

The President of Romania issues this decree:

Single Article. - The Law approving Government Emergency Order No 69/2010 on the thermal rehabilitation of residential buildings with funds from bank loans granted under a Government guarantee shall be promulgated and a decision has been issued for the publication of this law in Official Gazette of Romania, Part I.

THE PRESIDENT OF ROMANIA

TRAIAN B• SESCU

Bucharest, 3 June 2011.

No 533.