

## **Building Permit no longer needed for on-roof photovoltaic installations**

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On 27<sup>th</sup> June 2019, a law came into force stating that inter alia the construction of on-roof photovoltaic systems no longer requires a building permit under Romanian law.. For potential electricity producers, providers and producers of system engineering, and assemblers, this is good news in general.

### **Background**

On 17<sup>th</sup> December 2018 a draft law<sup>1</sup> was submitted to the Romanian Senate to change the law on construction works<sup>2</sup> ('**Construction Law**'). The purpose was to encourage investment programs to develop electricity generation for end consumers – among them also for prosumers<sup>3</sup>, and to reduce bureaucracy. After being rejected by the Senate on 25<sup>th</sup> March 2019, the proposal reached the Chamber of Deputies, where it was approved and sent to the President of Romania for adoption.

On the 20<sup>th</sup> of June 2019, the President adopted The Decree<sup>4</sup> approving Law 117/2019 ('**Law 117**')<sup>5</sup>. The law was published in the official gazette and came into force 3 days later.

### **Building permits no longer needed for on-roof photovoltaic systems**

Based on Law 117, the installation of photovoltaic modules for electricity generation ('**PV systems**') and/or solar modules for water heating preparation on roofs will no longer require a building permit.

But before setting up such installations, the local authorities (the town hall) must be informed about the planned project.

The previous construction law exempted only indoor and outdoor repair and painting works, energy rehabilitation works, surface treatments, etc. from the obligation of obtaining a building permit, as long as the works did not change the structure or the architectural appearance of the building. The installation of PV systems and solar modules for electricity generation or water heating preparation, however, was subject to what usually proved to be a very long and exhausting procedure to get the building permit.

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<sup>1</sup>Legislative Proposal Nr. Pl-x nr. 209/2019,  
[http://www.cdep.ro/pls/proiecte/upl\\_pck2015.proiect?idp=17597](http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=17597)

<sup>2</sup> Nr. 50/1991 on the approval of construction works

<sup>3</sup> Term introduced in 2018. This is the end customer – including apartment blocks, commercial and industrial plants or closed distribution systems – that owns electricity generation plants (including CHP plants) and consumes or saves and sells the electricity originating from renewable sources generated in the building. Non-household consumers are considered to be Prosumers only if the generation of electricity is not part of their commercial activity

<sup>4</sup>The Decree No. 517/2019, <https://www.presidency.ro/ro/media/decrete-si-acte-oficiale/decrete-semnate-de-presedintele-romaniei-domnul-klaus-iohannis1561021206>

<sup>5</sup>Law on changing and completing Romanian construction law.

## Beneficiaries of the new regulation

The change is especially intended to boost electricity production at the consumption site. According to Law 117, prosumers that produce and consume electricity from renewable energy sources should be encouraged to invest in such systems by facilitating the installation of photovoltaic and solar modules. This can lead to a reduction of household expenses by selling their excess electricity to the public electricity grid.

The exemption from the need for a building permit will however also benefit commercial producers and industrial companies. In its current version, Law 117 does not refer explicitly only to small electricity producers, such as Prosumers; it exempts all on-roof PV systems which produce electricity and water heating, without distinguishing among the different beneficiaries. So due to the new law, the need for a building permit no longer applies to larger on-roof PV systems either.

## Conclusion

Even though green certificates are no longer granted for electricity produced from newly installed on-roof PV systems, the approval procedure for their installation becomes significantly easier. This can contribute to the reduction and optimization of electricity costs, and to increased energy effectiveness.

It is very interesting that it is not only small producers that benefit from this exemption, but also big on-roof systems mounted, for example, on factories, office buildings, farms and, of course, on public institution buildings.

Even if the process of informing the local authorities about the installation of on-roof PV systems is still unclear (form of the notification, necessity of a response from the authority prior to the beginning of the construction, etc.), Law 117 is a major step towards increasing energy efficiency, in both private and public sectors.

We shall keep you in the loop on any measures taken by the authorities, such as the adoption of implementation norms for Law 117.

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