

**NEWSLETTER**  
**- November 2010 -**

**Exproprierea in scopul construirii retelelor de transport si distributie**

In Monitorul Oficial Partea I nr. 773 din data de 18/11/2010 a fost publicata Legea nr. 210/2010 (denumita in continuare „Legea”) privind unele masuri prealabile lucrarilor de constructie de retele de transport si distributie a energiei electrice; prin intermediul noii Legi se faciliteaza procedura de expropriere pentru lucrarile de constructie de retele de transport si distributie a energiei electrice de interes local, judetean sau national, respectiv lucrarile de construire, dezvoltare, modernizare, extindere ori deviere.

Scopul Legii este acela de a accelera procedura de expropriere mai sus detaliata in vederea dezvoltarii si modernizarii retelor de transport si distributie a energiei electrice.

**1) Concepte – expropriator, lucrari de constructie retele transport/distributie energie electrica:**

Calitatea de expropriator apartine statului roman prin operatorii de transport si distributie a energiei electrice.

Lucrarile de constructie de retele de transport si distributie a energiei electrice de interes local, judetean si national sunt definite ca lucrari de construire, dezvoltare, modernizare, extindere ori deviere a retelelor de

**Expropriation for construction of transmission and distribution of electricity grids**

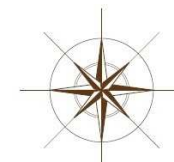
Within the Official Journal I<sup>st</sup> Part, no. 773 as of 18/11/2010 was published the Law no. 210/2010 (hereinafter the “Law”) regarding the prior measures to the works for construction of transmission and distribution of electricity grids; the aim of the Law is to facilitate the expropriation procedure for the construction works of transmission and distribution of electricity grids of local, county or national interest, more exactly construction works related to the development, modernization, extension or deviation.

The purpose of the Law is to speed up the expropriation procedure for the construction works mentioned above and regarding the transmission and distribution of electricity grids.

**1) Signification of terms - expropriator and construction works of transmission and distribution of electricity grids:**

The Romanian state holds the quality of expropriator through the transmission and distribution grid operators.

The construction works of transmission and distribution of electricity grids are of local, county or national interest and include the construction works related to construction, development,



transport si distributie a energiei electrice (denumite in continuare „Lucrarile”), stabilite ca atare de catre autoritatea publica locala, judeteana sau centrala, după caz.

**2) Procedura expropriarii si termene legale:**

Legea analizata prevede urmatoarele etape ale procedurii expropriarii si termene legale:

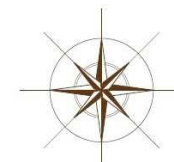
- Notificarea detinatorilor cu orice titlu ai imobilelor ce urmeaza a fi expropriate; acestia sunt obligati sa permita accesul pentru efectuarea masuratorilor topografice, studiilor geotehnice si alte operatiuni necesare intocmirii studiului de fezabilitate;
- Elaborarea de catre operatorii de transport, de distributie sau de catre autoritatile publice locale, dupa caz, a documentatiei tehnico-economice aferente, ce va contine si varianta finala a studiului de fezabilitate;
- Avizarea de catre ANCPI a documentatiei cadastral-juridice de expropriere si transmiterea catre unitatile administrativ-teritoriale a listei cu imobilele expropriate situate pe culoarul de trecere a liniei electrice;
- Eliberarea certificatelor de urbanism in termen de 10 zile de la data depunerii documentatiei;
- Avizele, acordurile, permisele si autorizatiilor solicitate prin certificatul de urbanism, cu exceptia avizului de mediu, se elibereaza in termen de 25 zile de la data depunerii documentatie pentru eliberare; in cazul nerespectarii termenului indicat se aplica procedura aprobarii tacite;

modernization, extension or deviation transmission and distribution of electricity grids ( hereinafter the “Works”), as they shall be settled by the local, county or central public authorities.

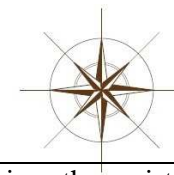
**2) Expropriation procedures and mandatory time limits:**

The subject law stipulates the following steps of expropriation procedure and mandatory time limits:

- Notification of the holders of the lands prospected to be expropriated; the land holders are obliged to allow the access on their property for the execution of the topographic measurements, geotechnical studies and other activities necessary for the realization of the feasibility study;
- Execution by the grid operators or local public authorities, as per the case, of the relevant technical-economical documentation which shall also include the final version of the feasibility study;
- Endorsement by ANCPI of the cadastral-juridical documentation and communication of the expropriated land plots list to the local cadastral and publicity units;
- Issuance of the urbanism certificate within a maximum term of 10 days as of the registration of the necessary documentation;
- The approvals, permits, endorsements and authorizations requested through the urbanism certificate, except the environment approval, shall be issued within a maximum term of 25 days as of the registration of the necessary documentation; in case of non compliance with the term imposed by law, the tacit approval procedure shall apply.



<ul style="list-style-type: none"><li>▪ Autorizatia de construire se elibereaza in termen de 15 zile de la data depunerii documentatiei complete;</li><li>▪ Transferul imobilelor in proprietatea publica a statului si in administrarea operatorului de rețeta opereaza de drept, la data platii despagubirilor sau dupa caz la data consemnarii acestora in beneficiul detinatorilor de terenuri.</li></ul> <p><b>3) <u>Sumele necesare expropriarii:</u></b></p> <p>Operatorii de transport si/sau distributie a energiei electrice, dupa caz, vor suporta sumele necesare pentru plata evaluatorilor autorizati si a despagubirilor datorate proprietarilor/detinatorilor de terenuri;</p> <p>Astfel, operatorii de transport si/sau distributie a energiei electrice vor pune la dispozitia expropriatorului respectivele sume, in termen de cel mult 30 de zile de la data intrarii in vigoare a hotararii de Guvern prin care se aproba declansarea procedurii de expropriere.</p> <p><b>4) <u>Drepturile persoanelor expropriate:</u></b></p> <p>In cazul in care persoana expropriata este nemultumita de cuantumul despagubirilor acordate, aceasta se poate adresa instantei judecatoresti competente in termenul prevazut de Lege, inasa eventualul litigiu nu suspenda transferul dreptului de proprietate catre expropriator, ci are ca efect doar amanarea eliberarii despagubirilor consemnate.</p> <p>De asemenea, mentionam dispozitiile noii Legi, conform carora, atat procedura de expropriere cat si lucrarile de utilitate publica care fac obiectul Legii nu pot fi suspendate sau sistate la cererea vreunei</p>	<ul style="list-style-type: none"><li>▪ Issuance of the building permit within a maximum term of 15 days of the registration of the necessary documentation;</li><li>▪ The transfer of the relevant lands within the public ownership of the State and under the administration of grid operators shall operate de jure, at the moment of payment of the due damages or their registration/depositing within the benefit of the land holders.</li></ul> <p><b>3) <u>The amounts necessary for expropriation:</u></b></p> <p>The operators of the transmission and/or distribution electricity grids, as per the case, will support the amounts needed for the payment of the authorized evaluators and the damages payable to the holders of the relevant land plots;</p> <p>Hence, the operators of the transmission and/or distribution electricity grids will make available for the expropriator those amounts, no later than 30 days from the entry into force of the Government decision approving the onset of the expropriation proceedings.</p> <p><b>4) <u>The rights of the expropriated persons:</u></b></p> <p>If the person is dissatisfied with the damages amount awarded, it may address the competent court within the period stipulated by law, but the possible litigation does not suspend the transfer of ownership to the expropriator, but simply leads to the delay of the reported damages release.</p> <p>It is also important to note, the provisions of new law, according to which, the expropriation procedure so as the public utility works, subject of the law, cannot be suspended or discontinued at the request</p>
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persoane care invoca existenta unor litigii privind posesia ori proprietatea bunului expropriat.

**5) Diverse:**

- Scoaterea definitiva ori temporara a terenurilor necesar a fi expropriate din circuitul agricol sau forestier se excepteaza de la plata taxelor prevazute de Legea Fondului Funciar si de Legea Codului Silvic;
- De asemenea, taxele aferente serviciilor privind inregistrarea, avizarea si receptionarea documentatiilor cadastrajudiciare, intabulare cat si orice alte taxe datorate bugetului de stat sau bugetelor locale, sunt scutite de plata.

Consideram ca prin adoptarea noii Legi se faciliteaza dezvoltarea, modernizarea si extinderea retelelor de transport si distributie, iar acest fapt nu poate fi decat incurajator pentru operatorii retelor si, nu in ultimul rand, pentru investitorii care doresc sa dezvolte noi unitati de productie a energiei electrice si care, in prezent, se lovesc de capacitatea limitata atat a retelelor de transport cat si a celor de distributie comparativ cu proiectele deja anuntate pentru dezvoltarea unor noi capacitati de productie a energiei electrice.

of any person invoking the existence of disputes concerning the possession or ownership of the property expropriated.

**5) Miscellaneous:**

- The temporary or permanent removal of lands subject of expropriation from the agricultural or forestry circuit makes exception to the payment of the fees provided by Land Law and Forest Code Law;
- Furthermore, the fees related to the registration, approval and receipt of cadastral-judicial documentation, land book registration and any other fees owed to the state or to the local budgets are exempt from payment.

The entering into force of the subject Law facilitates the development, modernization and extension of the transmission and distribution electricity grids, on one hand in the direct benefit of the grid operator, but also in the benefit of the investors interested in developing new units of electricity generators and which nowadays face the limited capacity of the existing transmission and distribution grids compared to the already announced projects prospected to be developed and regarding the construction of new generation units.

Yours sincerely,  
Almaj & Albu, attorneys at law