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OUR HERALD

Newsletter / July 16, 2018

Amendments for private services for emergency situations



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Amendments for private services for emergency situations

On June 29, 2018 Order no 71/2018 (“**Order 71/2018**”) was approved concerning the prorogation of the term provided in Article 2 paragraph (2) of Order no 96/2016 of the Minister of Internal Affairs (“**Order 96/2016**”) on the approval of the Performance criteria regarding the establishment of the voluntary and private services for emergencies (“**Performance Criteria**”).

Term prorogation for compliance

Order 71/2018 was published in the Official Gazette no. 544 on June 29, 2018 and extended until June 30, 2019 the deadline until the voluntary and private services for emergencies set up before July 23, 2016 have to fulfill the Performance Criteria. Previously, the deadline for fulfillment of the Performance Criteria provided in Article 2 paragraph (2) of Order 96/2016 was June 30, 2018.

Obligation to set up voluntary or private services

Please note that according to the provisions of Order 96/2016, the obligation to set up voluntary services and private services was established as follows:

I. C1-type of Services for companies and institutions that have in administration, for exemplification purposes:

- high or very high buildings, except residential buildings;
- buildings or building complex and annexes for trade, with a surface area of more than 1,500 sqm;
- buildings or building complex for production and/or storage, with an area of between 10,000 and 50,000 sqm, with high and very high fire risk;

- healthy centers with a number of beds greater than or equal to 100; and
- in certain situations: university centers, cultural buildings and buildings for sport activities;

II. C2-type of Services for companies:

- subject to the legislation in the field of preventing of major accidents involving dangerous substances; and
- that have in administration buildings or building complex with a surface area of more than 50,000 sqm, with high and very high risk of fire.

Unclear and interpretable matters

In practice, the provisions of Order 96/2016 and the Performance Criteria raised several interpretation challenges. For instance, in a case of an owner-tenant relationship, the allocation of the obligation to set up private services is not clearly regulated under the law. Also, the option of a company obliged to set up C1-type of Services to contract a third party service provider (instead of setting up its own service) was debated.

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