



Fire Protection - An Essential Asset For Our Safety

Analysis by Gianina Găvănescu, Senior Associate at Bulboacă & Asociații SCA / 25 July 2018

The tragedy of the Russian mall fire that left more than 60 victims in March this year is, regrettably, not a singular occurrence. Such unfortunate events happen year after year. Fire safety, therefore, remains an important topic for companies and the authorities involved.

Several observations and trends in this area will be commented below. Our analysis is based on the official information provided by the General Inspectorate for Emergency Situations (GIES) for the past 3-4 years.

Legislative changes

After the *Colectiv* club tragedy, a grace period for the issuing of the fire safety authorisation was granted, in order to allow legal compliance for all companies. The grace period expired on 1 October 2017. Failure to comply is punishable with a fine of up to 50,000 RON. The fine may be further increased to 100,000 RON in serious cases, when a decision is made to interrupt operational activities, as well.

Changes in legislation have also been made with regard to public awareness on the functioning of buildings in the absence of fire safety authorisations. Operators of buildings used for a variety of purposes and public functions were thus ordered to post a visible warning notice bearing the text "These premises operate without fire safety authorisations".

However, long awaited clarifications affecting the grey areas of the law, subject to interpretation, have not been presented. As an example, clarifications are lacking with regard to the authorisation of refurbishing works in premises located in already authorised buildings, the identification of the entity responsible for obtaining the authorisation (i.e. landlord vs. tenant), the authorisation of older buildings with several owners or the mandatory provision relating to the establishment of a private service for emergencies.

Fewer audits and fines

Contrary to expectations, the overall amount of fines for failure to observe fire prevention and safety regulations fell significantly in 2017 compared to previous years. We noticed a 55% drop compared to 2016, i.e. 71% below 2015 figures (2015 was a record year for the overall amount of fines, in the context of the *Colectiv* club tragedy); the level of fines is currently below the overall amount registered in 2014.

At first glance, this might indicate an increased level of compliance, namely a lower number of offences in this area.

The decrease of the total number of fines must however be correlated to the evolution of the total number of audits. It becomes clear that, actually, the number of audits decreased significantly in 2017, compared to previous years. Basically, audits dropped by 42.51% compared to 2016 figures. The current level of audits (in 2017) dropped below 50% vs 2014 (i.e. the year prior to the *Colectiv* tragedy).

To conclude, it's the number of audits that decreased, not compliance that increased.

More prevention actions

Considering that the grace period was successively extended until the second half of 2017, the atypical developments with regard to the amount of fines and number of audits may be due to a lesser focus on sanctions, on the part of Inspectorates for Emergency Situations (IES), and to a prioritisation of other prevention areas.

For 2017, GIES official reports indicate a **36.8%** increase (vs. 2016) in terms of emergency alarm and evacuation drills, performed by IES, field exercises and training of staff for the purpose of preventive actions.



Fewer authorisations

The total number of fire and civil protection authorisations and permits issued in 2017 dropped by around 19%, compared to 2016 figures. This decrease might be justified by the very high number of authorisations and permits issued in 2016, in the aftermath of the *Colectiv* case.

An interesting note is that many applications for authorisations and permits, i.e. 48%, were rejected last year.

To conclude, for a very high number of buildings requiring authorisation, the procedure is far from completed. It may also be noted that the number of cases where IES provided technical assistance for buildings operating without authorisation dropped by around 27%.

Safety level

Recent experience shows that the topic of compliance with regard to fire safety and prevention is a priority for companies that invest in Romania. Considering the frequent occurrence of potential litigations as a result of legislative discrepancies, companies are increasingly careful with regard to the contractual regulation of the allocation of obligations in this area (lease agreements, general contractor agreements, property management etc.).

We may even go as far as to claim that this effervescence, both at legislative level and at the level of control and sanction actions, in 2015 and 2016, in addition to the training and prevention actions of 2017, have resulted in an increased awareness of risks in this area.

Unfortunately, though, in terms of increased safety, there is room for improvement.

As a whole, the average number of fires per day is increasing, most of them (75%) affecting dry vegetation, houses or outhouses. On average, 19 houses are affected by fires on a daily basis. A very small percentage of fires affects office or commercial/industrial buildings. Worryingly, in the context of an expansion of newly developed buildings, we may expect this daily average to continue.

Just as worryingly, we must note the high percentage of non-compliant schools (16%) still operating and in need of authorisation.

A mostly positive and salutary aspect, however, is the population's high degree of confidence in the emergency services. A 2017 poll, quoted officially, indicates that firefighters enjoy the highest degree of confidence, at 83%. In terms of public confidence in institutions, firefighters are followed by the armed forces (71%), the education sector (66%), the church (61%) and the police (59%).

Fire prevention and protection must be a priority for companies and institutions, as well as for the authorities appointed to ensure the relevant control and authorisation. This is certainly a joint effort of accountability that, once intensified, will help us significantly reduce the incidence of fire in any residential or commercial premises.

[Infographic "Firefighters: all eyes on prevention in 2017":](#)

http://bulboaca.com/www/uploads/Herald%202018/News2018/PSI%20Infografice_EN.pdf