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Romania Urbanist (RO)

General	Establishment		
Decisions	Statistics		
Provision of services			
Declarations	Statistics		
Competent authorities	Screening information		Proportionality

Profession

Title : Town planner / Town and Country Planner

Identification

Name of regulated profession : Urbanist

Translation(s) : Chartered town planner (EN)

Urbaniste (FR)

Stadtplaner (DE)

Town planner/ Town and County Planner (EN)

Urbaniste / Specialiste agree de l' aménagement du territoire (FR)

Stadtplaner (DE)

Country : Romania

Region : All regions

Legal information

Legal basis for regulation

EU Law: Undefined

→ None

National law : <http://www.cnred.edu.ro/#legislatic-nationala-pentru-recunoasterea-profesionala>

⇒

Decision no. 101 of 29 July 2010 on the approval of the Regulation on acquiring the right to sign and seal urban and spatial planning documents the Regulation on organizing and functioning of the Romanian Register of Urban Planners

Useful link : <http://legislatie.just.ro/Public/DetaliiDocument/121463>

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Garantam drepturile dumneavoastra de a fi informat, de acces, de intervenție și de opoziție, precum și orice alte drepturi prevazute de Legea nr. 677/2001, astfel cum a fost modificata, in privinta propriilor date cu caracter personal pe care le detinem.

Regulation

Type of regulation: undefined

=> Protected title (without reserves of activities)

Recognition

Recognition under:

=> DIRECTIVE 2005/36/EC

=>

National Law no.200/2004 on the recognition of the diplomas and professional qualifications for regulated professions and the Decision no.101/2010 on the approval of the Regulation on acquiring to sign and seal urban and spatial planning documents and the Regulation on the organisation and operation of the Romanian Register of Urban Planners

Recognition under Directive 2005/36/EC : General system of recognition - primary application

Qualification level : PS4 - Diploma of post-secondary level (exactly 4 years) , Art. 11 e

Prior check of qualifications under article 7(4): Not specified => No

Prior check of qualifications only for individual professionals not benefiting from automatic recognition : Not specified => Yes

Justification:

none

Activities covered

Description of activities :

The urban planner's activity domain refers to urban and territorial development by grouping various integrated spatial planning practices (at the local, regional and national level) in urban design, public administration, management and expertise, urban operations, project management, research, communication in the public space, prospective studies and in professional training.

Reserved activities

In accordance with the urban planner's qualification level (bachelor's degree or bachelor's degree + master's degree), these practices include specific activities, such as: local and zonal urban development studies and projects, general urban plans, design projects for urban complexes, site analysis, urban planning programmes, diagnostic analyses on the current situations, urban planning documentation and regulations, fundamental and applied research papers on spatial planning,

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project management, managing specific activities in the field of public administration, professional communication.

Also, the urban planner is involved in other types of activities, in collaboration with other professionals with a different core education and whose qualification is recognized in relation to spatial: studies on diagnosis, potential and urban and territorial prospective, studies on historical and cultural urban heritage, the conception, organization and management of urban operations, communication in the public space, conducting studies on infrastructure, sociology, demography and urban and territorial economy.

PROPORTIONALITY REPORT

1. Have you examined whether the requirements under your national legal system are directly or indirectly discriminatory on the basis of nationality or residence?

- *If yes, what were the results?*
- *If no, why not?*

R1. The requirements included in the regulations of the Romanian Register of Urban Planners are non-discriminatory on the basis of nationality and residence; the statutory regulations, the regulations related to the grant of right of signature as well as the derivative ones have been revised in accordance with the provisions of the Directive 2013/55/EU modifying Directive 2005/36/EC concerning the recognition of professional qualifications and EU regulation no.1024/2012 concerning the administrative cooperation by means of the Internal Market Information System ('the IMI Regulation') and law no.200/2004 concerning the recognition of diplomas and professional qualifications for the regulated professions in Romania (law modified and complemented in 2015).

2. Which of the following overriding reasons relating to the general interest justifies the measure(s)?

- *Public policy*
- *Public security*
- *Public health*
- *Protection of consumers and recipients of services*
- *Prevention of fraud*
- *Protection of the environment and the urban environment, including town and country planning*
- *Safeguarding the sound administration of justice*
- *Road safety*
- *Preservation of cultural, historical, archaeological and artistic heritage*
- *Protection of creditors*

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• *Other, please specify*

R2. The general interest grounds relating to 'the right of signature' and the other resulting (adjacent) measures are defined as main imperative objectives/motives in urban and regional planning (urbanism and land use planning) and are directly or indirectly included in public policy, protection of consumers and recipients of services, protection of the environment, preservation of cultural, historical, architectural and artistic heritage; the totality of these aspects also takes into account the dignity of the profession (and of the professional alike) within the community.

3. What specific risks or benefits have you identified that your measure(s) is designed to, respectively, minimise or maximise?

R3. The introduction of the right of signature as a compulsory regulation at the national level in order to elaborate all the urbanism and land use planning documentations has in view the possible emergence of risk situations in performing the professional activity, the reality of elaborated documentations as well as the spatial reality resulting from the application of the documentations in question so that the elimination or the diminishment of such risks increase the direct or indirect benefits taken into consideration in planning the previously mentioned imperative objectives/motives.

3.1. The following risks are taken into account:

- elaborating documentations that are incomplete, incorrect or incongruous with the legislation;
- documentations elaborated by people lacking qualifications in the domain;
- neglecting either of the two parties of the community – private balance of interests due to the proposed solution;
- the incapacity of certain professionals in the domain to synthesize the quantity of information coming from several documentary fields often situated outside their strict specialization (as a main formation);
- the emergence of deliberate economical or legal errors due to negligence in elaborating the documentation (often having serious consequences on the private or public-community interest);

3.2. The following benefits are taken into account:

- the observation of the legal provisions and the specific technical standards;
- the guarantee of at least a minimal quality of the documentation, the response to the demand for services in the field as well as the relations between the professionals in the domain and the professionals and the community;
- the elimination of the situations of fraud affecting (especially private) solicitants coming from false or evil-minded professionals;
- the increase of the professionals' responsibility in relation to the contractual professional obligations and the deontological principles.

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4. How specifically do your measures operate to minimize the risk(s) or maximise the benefit(s) identified in question 3?

R4. In order to minimize the risks and maximize the benefits, the measures taken through the agency of the Romanian Register of Urban Planners have an informative and stimulating restrictive character insofar as the profession is concerned, as follows:

4.1. – The professional's / the service supplier's compulsoriness to obtain the right of signature prevents people lacking adequate training (with no qualifications or with general qualification) or lacking a minimal experience in the domain from being hired or being put in charge of elaborating urbanism and land use planning documentations as this would lead to non-functional, non-economic spatial organization (in terms of land use, materials, money and energy), destructive for the natural and historical heritage environment; the omission to apply a professional deontology, the neglect of the current legislation and the non-compliance with the continuous formation process will also be avoided. The inaccuracy adds up to the risk of incorrect solutions for the problems that the professional has to face by means of the urbanism or land use planning documentations at the local, regional or national scale as a response to private, community or national requests. In this regard and with a view to minimizing risks, the right of signature is obtained by the professional based on his own qualification documents and is established in accordance with specific regulations differentiated according to the obtained qualifications and their level.

4.2. – Consequently, the right of signature ensures the protection of the recipients of services and the prevention of fraud in the relations between the recipients and the service supplier; in addition, it is worth mentioning that for certain imperative grounds - the protection of the environment or the preservation of the cultural, historical and archeological built heritage, the right of signature also attests a specialized supplementary qualification in the absence of which the endorsement of the respective documentations is not legal; as a matter of fact, at present, the right of signature is granted in accordance with several types of urbanism and land use planning documentations (often comprising, in fact, some of the previously mentioned imperative grounds) taking into consideration the qualification obtained over a period of time and the experience (by accumulating adjacent or overlapped competencies).

4.3. – And, although the direct engagement in the definition of urban policy does not necessarily involve a specific right of signature, through the possible reference to urban policy in relation to the existing or potential urbanism and land use planning documentations, their authors are indirectly engaged in the definition or the understanding and translation of this urban policy while being able at the same time to influence it.

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4.4. In general, the imposition of the right of signature operates in the same way and often cumulatively for all the imperative grounds related to general interest taken into account by the Romanian Register of Urban Planners with respect to the list included in the current questionnaire.

4.5. In essence, the benefit of the regulation regarding the appropriation of a documentation by means of the right of signature consists in increasing the professional's level of responsibility with respect to his engagement and, consequently, to the quality of the provided product/service. By means of the professional's own conscience as well as by acknowledging this fact, the right of signature supports the dignity of the profession (of the professional) in the community, national and local space thus increasing the citizens' trust but also their exigencies for the quality of the services.

4.6. – This right of signature granted by the Romanian Register of Urban Planners is appropriated in relation to the documentation by the professional through his own paraph; the compulsoriness to apply it on each piece of documentation (plans, certificates, spatial analyses illustrations) is verified according to the law, at the approval of the respective documentation within the corresponding public administration department.

4.7. – Besides the requirements concerning the qualification and the professional traineeship, the right of signature is associated with the requirements related to a direct exercise of the profession and a continuous formation in accordance with the same specific regulations resulting in the maximization of benefits. All these initial and follow-up requirements are observed in accordance with the legal provisions (law no.200/2004 concerning the recognition of diplomas and professional qualifications for the regulated professions in Romania, complemented in 2015 and based on the Directive 2013/55 from the 20th November 2013 modifying Directive 2005/36/EC concerning the recognition of professional qualifications). The measures representing the base for the observance of the respective requirements are not temporary and are not occasionally founded as they are mentioned in the statutory regulations of the Romanian Register of Urban Planners and have a character of general applicability. Where applicable, the subsidiary measures resulting at the individual application level have an occasional character.

4.8. – An important stimulating measure linked to the requirements specific to continuous formation consists in placing, free of charge, at the disposal of registered professionals with declared activity, the biannual magazine edited by the Romanian Register of Urban Planners(RUR) – URBANISMUL, as well as a series of important documents, such as ' The Charter of European Planning' drawn up by CEU-ECTP and trilingually re-edited by the Romanian Register of Urban Planners (in 2015) or the EU declarations concerning spatial planning and the annual issue of an important book in the specialty literature.

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5. In so far as you are able, please provide information that you have gathered regarding the concrete effects of the measure(s).

R5. The Romanian Register of Urban Planners was founded in 2004 as a self-financing public institution aimed at managing the right of signature based on a statutory regulation that was set in concordance with the EU requirements in 2010 and recently, in 2015, was adapted in accordance with the Directive 2013/55/EU concerning the recognition of professional qualifications. Gradually, following its establishment, the Romanian Register of Urban Planners started raising awareness among professionals and also at the community level.

5.1. – Although initially the professionals who enrolled in the register were architects (back then, only architect worked in the field of urbanism and land use planning and there was no possibility to differentiate them), at present we can observe (based on an investigation covering the last 5 years), that out of 1521 initially and subsequently registered architects only 325 are active with at least an annual work registered at RUR. We must add 233 urban planners (emerging in the field practice after 2005 as a result of reconsidering the formation/qualification programmes in the domain) and 163 other professionals having various main formations and subsequent post-graduate specializations in urbanism and land use planning (construction engineers, geographers, sociologists, economists, ecologists, etc.).

5.2. – The implementation of the right of signature was perfected over the course of approximately 5 years; the process needed time in order to be applied by professionals, recognized and observed by the recipients of services or by politicians and public officials. Nevertheless, even nowadays, one can find, generally at the level of communal administration, documentations failing to be approved at the superior administrative levels and lacking the right of signature paraph (thus eluding the professional's / specialist's endorsement). Functioning with only 4 regional representation offices (out of a necessary of 8) due, on one hand, to the surpassed possibilities of incurred costs from self-financing, and on the other hand, to the provisional difficulties in hiring new employees, the Romanian Register of Urban Planners cannot fully monitor the situation; in this respect, supplementary legal specifications would be also needed in the sense of a direct access to the necessary information from the local administration. However, in the absence of exact statistics, we estimate that at present approximately 97% of the main documentations already have, following the drafting process, authors who assumed, in accordance with the law, the right of signature; at the same time, we observe that out of these only 5 % are criticisable due to an unacceptable quality beyond the normal critics any documentation is submitted to.

5.3. – The Romanian Register of Urban Planners is not entitled to reject such unsatisfying documentations but every time we deal with such cases, we draw attention directly to the professional in question or the issuing professional entity (20 cases). In accordance with the law, the Romanian Register of Urban Planners has representatives in the majority of the consultative approval committees

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at the central, county and city level. Thus, together with the central and local administration, RUR exercises a partial monitoring of the product elaborated by the professionals. We thereby notice an increase of the professionals' awareness concerning problems such as: economy and the efficient use of territory, the integrated approach of urban and territorial development issues; the preservation of built and natural historical heritage, the protection of the environment, the coordination of service networks, the guarantee of urban mobility, the concern for the prevention of negative consequences provoked by natural disasters. Certainly, other measures taken in the domain converge to this situation besides the right of signature, originating in several political-administrative or civic initiatives.

5.4. – By means of its regulation, the Romanian Register of Urban Planners receives notifications / complaints regarding the quality of certain documentations. They are commented in the professional and/or discipline committee. However, these committees do not make observations regarding the concept of compositional-spatial organization, except for the case in which there is an encroachment on the general legislation, the provisions of the Civil Code, the correct interpretation of the field data, the legal content for the respective documentation type, the relations between the professional, beneficiary and the public authority, as well as professional technical solutions. In the case in which serious legal errors are observed, the situation is signaled out to the competent legal entities. The sanctions resulting in relation to the Romanian Register of Urban Planners are independent of the legal approach of the case. In the past 5 years, the Romanian Register of Urban Planners received 22 notifications and complaints signaling out other errors apart from those directly observed by the Council of the Romanian Register of Urban Planners.

<i>The type of conflict/error</i>	<i>The nature of the notification</i>	<i>Solution/Sanction</i>	<i>Number of notifications</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Directly notified by the Council</i>	<i>Low quality of the documentation</i>	<i>Warning the supplier of services / the professional</i>	<i>16</i>
<i>Among professionals</i>	<i>Interruption and continuation of the work</i>	<i>Amiable understanding through the mediation of the Romanian Register of Urban Planners</i>	<i>3</i>
<i>From citizens towards the professionals</i>	<i>Infringement of previous documentations, incorrect registration of the existing situation, lack of observation of the Civil Code norms, the occupation of green spaces</i>	<i>ungrounded</i>	<i>2</i>
		<i>Discussion with the professional with a view to rectification</i>	<i>4</i>
		<i>Finding the error, signaling out the finding to the approval structure, sanctioning the professional with a warning and the compulsoriness to redo the work</i>	

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			3
		<i>Finding the error and warning the professional</i>	4
		<i>Finding the act of professional negligence and suspending the right of signature over a period ranging from 3 months to 1 year*</i>	4
<i>From the public administration towards the professionals</i>	<i>Non-observation of the provisions included in previous documentations in force</i>	<i>The obligation to redo the work</i>	1
<i>From the professionals towards the public administration offices</i>	<i>Non-observation of the provisions included in the General Urban Plan and/or Zonal Urban Plan</i>	<i>Discussions within the public administration</i>	
		<i>- accepting to correct the situation</i>	1
		<i>- maintaining the existing situation</i>	3

* These situations leading to remaking the documentation and even solving the conflict of interests (beneficiary-professional) in a law court, the decision being the only justification accepted with a view to the definitive withdrawal of the right of signature; there are situations occurring due to the professional's omission of concrete field data by not including them in the documentations or by the violation of ownership.

5.5. – Except from the sanction directly connected to deficiencies referring to the performed service (urbanism and land use planning documentations), the RUR regulations also stipulate sanctions concerning the non-fulfillment of follow-up requirements: continuous formation, periodical reports, the payment of the documentation tariff to the Romanian Register of Urban Planners (there is no other tax or annual subscription irrespective of the amount of work).

5.6. – The application of (un)finalized statutory measures by means of sanctions is publicly communicated and commented in the professional area whenever possible. A diminishment of transgressions is observed accordingly.

5.7. – The Romanian Register of Urban Planners' monitoring of the quality of the services carried out by professionals points out their different response submitted, in terms of address and remuneration, to the play of the service market, on which the Romanian Register of Urban Planners has no interventions/influences of any kind. From the point of view of the service quality – costs relationship we notice a normal situation in the sense that the superior quality documentations prove to have been engaged with higher costs. The documentations engaged with lower costs are generally adjacent to other works which, motivated or not, essentially represent a financial interest for the issuing entity;

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consequently, the objective of the documentation in question becomes only a pretext and takes over a small amount of the engaged financial value (situations in which the Romanian Register of Urban Planners cannot take action as it has no involvement in the development of auctions); or this is the case of documentations elaborated by less competent professionals with or without eluding the right of signature.

5.8. – In addition, we notice a variable level of satisfaction of the beneficiaries which is not indifferent, for the majority of them, to the costs of the service in terms of aspiration and possibility; however, we cannot overlook the beneficiary's satisfaction in dealing with an excellent professional with a view to the quality of the work even if his services are more expensive; at the same time, we cannot deny the fact that this emerges as a consequence of the pressure that is sometimes exercised on the professional in order to make him force the regulations imposed on the place. We must signal out a fluctuation of the degree of satisfaction at the community level also reflecting the quality differentiations of the documentations but also the influences of various interests or perspectives against a background of a still insufficiently accommodated community in terms of participatoriness and urban culture.

6. Is the general interest objective you indicated in question 2 pursued in a consistent and systematic manner?

R6. As shown in the commentary concerning the previous matter (4) – (urbanism and land use planning) documentations involve a highly extensive set of problems so that the imperative objectives/grounds indicated as being subject to our attention are normally observed as a whole (as they superpose and combine and are seldom separately approachable and only possibly as a priority but only within a context).

6.1. – Observing these objectives by the Romanian Register of Urban Planners is reflected in the consistency within the boundaries of territorial coverage at the national level and legal permissiveness yet without carrying out, due to these limits, (see the answer to question 5.2.) a systematic pursuit. When referring to the urbanism and land use planning documentations seen as a professional obligation (requiring the right of signature) we must go back and make a distinction between the three types of risks that occur:

- the risks in the activity of elaborating the documentation (incorrect or incomplete contraction, non-observation of the deadline, completion with errors in relation to the necessary framework content, the failure to obtain the necessary approvals according to the law, the failure to complete the documentation in relation to the engaged costs);

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- the risks related to the realistic character of the completed documentation (due to data inaccuracy, an incomplete approach, the lack of prospective vision, insufficient or incorrect information or measures that are to be implemented in the territory or in other consecutive studies);

- the risks related to the concrete reality of the organized space/territory (due to having partial knowledge of the situation, the lack of prospective vision, the lack of a participatory approach, incomplete proposals or incorrect priorities).

6.2. – Since an urbanism or a land use planning documentation has also a creative component besides the information requested by the framework content or by the specific procedures according to the law, the Romanian Register of Urban Planners as the administrator of the right of signature has only partial pursuit competencies insofar as the idea of creation is concerned, except for the copyright mentioned in the RUR regulations.

6.3. – Our approach (which is essentially specific for the domain) bears resemblance to those activities involving the project elaborated for the public interest and mainly to the architecture activity which also demands a specific right of signature (administered by the Romanian Order of Architects) attesting however other competencies imposed by the execution project of a built object (fundamentally, the risks are partially covered but the territorial-spatial scale and, consequently, the effects are highly different in practical reality – in terms of spatialization, functionality, environmental consequences, execution costs); therefore, the objectivization of the professional's interest is methodologically imposed differently by entailing a vast professional complexity.

7. Please explain in how far the degree of complexity or the nature of the activities which are reserved justify that these activities can be exclusively performed by professionals possessing a specific professional qualification?

R7. First of all, we have to mention that the service product representing the purpose of the existence of the Romanian Register of Urban Planners - the urbanism and land use planning documentation - is an integrated product resulting from the accumulation of the contribution of several professions who, based on an initial training (with a mainly substantive application outside this domain) and a subsequent specialized training, are associated to the urban planner (having a main training in the domain and often a specialized training in the same domain).

7.1. – Basic domain-specific training, as well as specialized training, explains the cautious character of several activities by the professional body of urbanism and land use planning, a fact rendered obvious in the list of competencies supplied in the university diploma supplement for the title of 'urban planner' and in the master's degree in urban planning diploma completing the previously mentioned one or the basic professional training diplomas in adjacent domains. Although the idea of creation cannot be

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submitted, in its essence, to regulations, as previously shown, as it is not an express objective in relation to the competencies of the Romanian Register of Urban Planners, we must mention the fact that the practice of urbanism and land use planning involves a specific, personal creativity which is accessible to the specialists in adjacent domains (named as such precisely because of this motivation) by means of specialized supplementary training. We also record the fact that, in spite of the use of framework and normative contents, the urbanism and land use planning documentation also implies creativity at the level of process organization, functional or configurational spatial relationships involving the capacity of defining the environment-related development priorities/options, as well as the capacity to find and formulate correct variants for grounding the decision; similarly, a certain compositional activity in the space organization is inevitably expressed/suggested in the documentation.

7.2. – The complexity of the activity in this domain is also underlined through an important number of other highly-qualified professionals (historians, for instance) or secondary education professionals (technicians, sketchers, computer operators, interview agents) hired to perform more or less specialized partial component works which do not have to be proportionally identified in the domain and thus, do not require supplementary knowledge besides their initial training. We must underline the fact that in the case of small urban planning offices these auxiliary works are carried out by the same professionals specialized in the field who engage the work.

7.3. – There are many situations in which we have professionals with multiple specializations who consequently obtain the right of signature for several categories of documentations or parts of documentations.

8. Where you have indicated several measures in place in the screening tab, have you reviewed the cumulative effect of all these measures on professional activities?

•If not, why not?

•If yes, please outline for us how you approached assessing this issue as well as the results and conclusions or any learning you drew from this. Where possible please include evidence.

R8. The Romanian Register of Urban Planners (RUR) is currently in the process of initiating a screening procedure concerning the states, the measures and the effects at the level of professional activities. As previously shown at question no.5 we must however point out several aspects:

8.1. – The applied measures referring to the practice of the profession and having a permanent character were the following: the compulsory use of the right of signature for the urbanism documentations attested through the certificate and the paraph issued by RUR; in addition, the compulsoriness to integrate in the longlife formation process, the annual activity report, the compulsoriness of traineeship, the registration in the National Chart of Urban Planners (public updated account for the assistance of

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the recipients of services) of the professionals with right of signature classified according to basic professional specializations and territorial areas. On a temporary basis, measures concerning the stage conditions negatively influencing the practice of the profession have been applied (for instance, related to hiring and training young professionals during a crisis period when the volume of work in the field had been drastically reduced as well as the temporary tariff diminishment due to the same reason).

8.2. – In order to manage the exercise of the right of signature several organizational measures were taken regarding the legal character of the competency of the Romanian Register of Urban Planners (RUR) as a national authority for the recognition of educational documents in the field, the integration of RUR in the IMI system, the recognition of the Romanian Register of Urban Planners by the European Council of Spatial Planners (ECTP-CEU) under the aegis of which the Charter of European Planning has been elaborated - the document was published by RUR in Romanian, English and French and sent to the central and local authorities, as well as the professionals; the involvement in the specific training actions applied to local administration public servants developing a mission in urbanism and land use planning.

8.3. – The interest taken by the Romanian Register of Urban Planners in the level 6 (university degree) and level 7 (master's degree) formation process was expressed by means of the Professional Committee in collaboration with the Faculty of Urbanism concerning the specification of the framework content (in concordance with the concerns of the European Council of Spatial Planners in this respect) with a view to the completion of the National Qualifications Framework in Romania and the CEU initiative of recognizing the qualifications in urbanism in Europe; the direct measure resulted in the creation of the specific regulations of RUR for the recognition of the master's programmes as valid specializations for the right of signature in urbanism and land use planning.

8.4. – Based on field information and on the aspects directly observed in the practice of urbanism and land use planning, the Romanian Register of Urban Planners supported several measures proposed by the Ministry of Regional Development and Public Administration concerning the improvement of the urbanism and land use planning documentations (including the insertion of new components in accordance with the EU directives – such as the mobility plan); as a result of promulgation, these measures were applied to the professional activities in the field clarifying the understanding of certain provisions and simplifying the content or the evolution of a documentation.

8.5. – As for the consequences of all the measures directly or indirectly applied / intermediated by the Romanian Register of Urban Planners concerning the activities in the domain we must emphasize a previously mentioned fact – the cumulated effect is important for the domain of urbanism and land use planning as all the measures taken (not only by the Romanian Register of Urban Planners) lead to the same objective: the quality of the offer (the urbanism and land use planning documentation) and

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consequently, the quality of the organized space. Even though we do not have a methodical assessment (for previously mentioned reasons) we estimate the positive cumulative character of the effects: the increase of the exigency in relation to the documentations at the level of the local administration, the diminishment of the rejection of documentations during the follow-up and final approval, a more accurate correlation between documentations at different levels, a more conscious contribution related to the elaboration of the documentation necessary for projects funded from European funds; these observations result from the quarterly reports of the Romanian Register of Urban Planner territorial representation offices.

9. Have you considered the use of alternative mechanisms to achieve your objective(s)?

- *Use of voluntary certification schemes*
- *Reconsider the level of qualification requirements*
- *Use of title protection*
- *Reduce the scope of reserved activities*
- *Open certain reserved activities to neighbouring professions*
- *Use of other existing measures/regulations*
- *Other, please specify*

R9. The regulation system in the field of urbanism and land use planning has already in view three generally valid mechanisms related to qualification; however, the urbanism documentations cannot function as such (as is the case with other activities which do not demand a specific, differentiated, interdisciplinary practice and which do not largely imply a community interest).

9.1. – Therefore, we observe that:

- the periodical reexamination of the level of the qualification conditions in concordance with the right of signature categories led, as a response to a necessity, to the foundation in 1998 of a dedicated programme for training in urbanism; in 2015 the programme was separated into a university degree programme (level 6) and several specialized master's degree programmes (level 7) the latter being open to both urban planners and to other professionals with different basic trainings (architects, engineers, etc.); at present, at the national level, over 12 master's degree programmes in urbanism are developing based on different approaches, contents and duration; the Romanian Register of Urban Planners introduced the recognition of these programmes for the obtention of right of signature, keeps in touch with the organizing higher education institutions and takes part at the elaboration of a unique platform for field training by the European Council of Spatial Planners (ECTP-CEU).

- as a result of the proposals of the Faculty of Urbanism of the 'Ion Mincu' University of Architecture and Urbanism in Bucharest (supported by RUR), starting from 2015 the university degree in urbanism

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(240 credits) is, according to the law, a title diploma ('urban planner') similar to the 'engineer' diploma type, and so is the master's degree programme final diploma conferring the title of 'master'.

- in accordance with the practical reality in the field, the Romanian Register of Urban Planners militated for the openness of the field activities (for the urbanism and land use planning documentations) towards auxiliary professions; this openness required, as previously shown in question 7, a regulation in relation to the partial right of signature; for instance, in the past few years, we have noticed, as a consequence, the geographers' increasing involvement in the land use planning studies.

- based on the certification of the right of signature, the holder has the right to use it in the practice of the profession, attached to the academical title and the professional title of 'specialist in urbanism and land use planning'.

9.2. – In connection/complementarity to this, other specific statutory provisions verified during the acceptance of the works at certain approvals, other than the urbanistic ones, are in use as a support or a conditioning for the validity of the urbanism and land use planning documentations: for instance, the certificate of expert issued by the Ministry of Culture (for works involving the historical built heritage), certificate of elaborator of environmental protection studies issued by the Ministry of Environment (for works or pieces of work involving analyses of the natural environment), the right of signature in architecture (for the authorization or the approval of building execution).

9.3. – The use of voluntary certification is inopportune in the field of urbanism and land use planning at the level of qualification that must be taken into consideration and the reduction of the sphere of action of the cautious activity is not justified (due to the fact that the reference restricted only to documentations triggers in itself a diminishment of the sphere of interest of the complex multifold activity in the field unregulated through the right of signature).

9.4. – In addition, other law provisions occur, such as the one referring to the compulsoriness for the professionals occupying the position of chief-architect in the public local administration to be attested by RUR; this triggers the problem of professional competencies in relation to a specific public function (presently unattractive for an urban planner, architect or engineer) and lead to a situation when many of these positions are temporarily occupied by people with a different training so that important requalification efforts must be made.

10. Conclusion

Following your internal examination of this regulated profession, which of the following have you concluded?

- *Improve current system (simplify guidance, remove burdensome aspects etc.)*
- *Maintain current system*

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- *Remove current system and replace with alternative*
- *Remove current system without replacement*
- *Explain where relevant:*

R10. Taking into account the current situation in the envisaged domain of activity, in correlation with the practice of the profession as a whole, the development level of the Romanian society, the forms and results of the complex formation process, the human and civic behavior patterns and following the experience of the 10 years of existence of the Romanian Register of Urban Planners (which initially took over concerns of the Romanian Association of Professional Urban Planners - APUR – at present the association has reassumed its own path yet maintaining a collaboration with the Romanian Register of Urban Planners) we consider necessary the maintenance of the current system accompanied by the improvement of the monitoring means and the simplification of the informative documents - an action currently developing at the level of the main statutory regulations.

10.1. – We aim at simplifying and updating the system of the right of signatures categories in relation to the current demands of the urbanism and land use planning documentations, as well as a clarification of the requirements regarding the obtention and gradual practice of the right of signature. Since the demand of a right and its obtention – in the sense of practicing a profession, also involves certain obligations we consider that in the case of ‘urbanism and land use planning’ domain we do not have a burdensome situation in relation to the partial regulation as the profession can also be practiced in the absence of the right of signature, by having specialization studies (other than specific documentations involving community interest and a certain degree of quality for the public or private recipient of services) in research, education and training, administration, culture, etc.

10.2 – The only obligations of the professional interested in obtaining the right of signature are:

- to present the documents and give an interview at the registration (in accordance with the EU norms);
- to master the updated specific legal requirements for the urbanism and land use planning documentations as part of the set of problems inherent to the evolution of the domain (in accordance with the EU norms) in the absence of which no offer is possible;
- to exhibit concern for lifelong training conforming himself to the provisions of the RUR regulations for continuous training (the periodical accumulation of a number of credits from participations at various events, mainly by free choice);
- to submit a brief activity report necessary for a correct monitoring;
- to pay a tariff for each work; without it the funding of the Romanian Register of Urban Planners (including the training, the regulation, the IMI system, etc.) as an institution for the management of the right of signature would not be possible. The option for a tariff instead of a tax or a subscription resulted from noticing an important difference in relation to the professionals registered at the

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Romanian Register of Urban Planners from the point of view of their employment on the labor market: there is a relatively high number of professionals who have carried out no specific documentation for many years (earning their existence by *performing* other activities in the field) and therefore they pay nothing; this gives rise to the question – to what extent are these professionals updated with their profession? What is the quality of the work they elaborate at one point, after an interrupting their activity for 5 or even 10 years since the right of signature cannot be withdrawn (this can only happen in the case of a legal conviction) in accordance with the provisions of the EU directive?; those beneficiaries wanting to elude rules or pay less for such a service are the ones taking advantage of this situation.

11. Any other comments?

11. The efficiency of applying the right of signature and all the other auxiliary measures on the practice of the main activity in urbanism and land use planning (elaborating documentations) may increase with a view to minimizing the risks and maximizing the benefits.

11.1. – In the following period, the Romanian Register of Urban Planners aims at performing several actions related to the practice of the profession and the responsibility for the quality in correlation with the right of signature:

- to implement an extrajudicial technical expertise department responding to the numerous requests coming from both the local authorities and the citizens;
- to elaborate and propose a new rubric for the profession of ‘urban planner’ in the Romanian Occupational Code (the current content is presently incorrect having no connection to reality);
- to revise the specific regulations concerning traineeship relying on a collaboration with the Romanian Association of Professional Urban Planners.

11.2. – RUR supports and expects an improvement of the (externally stimulated) activity in the domain insofar as the legal framework is concerned (with reference to the revaluation in concordance with the legislation in the domain regarding the organization of public auctions in order to promote the quality of the service by means of the right of signature and with reference to the updated procedures and contents for the urbanism and land use planning documentations).