A REVIEW OF THE ROMANIAN LEGAL FRAMEWORK CONCERNING METROPOLITAN AREAS AND FUNCTIONAL URBAN AREAS. OVER A DECADE OF CHANGES

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Abstract. This article reviews the Romanian legal framework for metropolitan areas (MAs) and functional urban areas (FUAs) over the past decade, examining changes and developments in this area. It provides an overview of the legal provisions concerning MAs and FUAs in Romania, and discusses the various laws, regulations, and policies that govern their formation and operation. The article also analyses the status and the challenges that have emerged in the implementation of the legal framework and highlights the main obstacles faced by Romanian metropolitan areas and functional urban areas. Ultimately, the article seeks to provide insights into the effectiveness of the Romanian legal framework in supporting the development and governance of metropolitan areas and FUAs and identifies areas for further improvement.

Key words: urban law provisions, regulatory framework, interjurisdictional planning, metropolitan governance

1. Introduction

In the past decades, the spatial planning literature has been dominated by the emergence of Metropolitan Areas (MAs). Metropolitan Areas and **Functional** Urban Areas (FUAs) serve as key pillars of the development policies in the past 20 years at the European level. These urban territories concentrate approximately 70% of the inhabitants of the European Union (EU) and generate over two thirds of the EU's Gross Domestic Product (GDP). Since urbanisation exceeds administrative boundaries of a single city or municipality, these two concepts represent an important shift in the way cities and their surrounding areas are planned and fact, managed. In metropolitan areas are considered an appropriate institutional structure for governing fragmented territories, as well as for generating cooperative advantages and multiplier effects (Salet et al., 2003; Heinelt and Kubler, 2004). By considering the interconnections and interdependence between urban and rural areas, MAs and FUAs seek to promote sustainable and integrated development across multiple well domains, jurisdictions, as as including economic, social, environmental sectors, overcoming the negative practices of compartmentalised policymaking (Herrschel, 2010; Kurek et al., 2020). This perception recognizes that

cities and MAs are not isolated entities, rather form a complex interconnected network which requires a inter-jurisdictional coordinated and approach to planning spatial development (Salet et al., 2003; Jouve and Lefèvre, 2006; Fioretti and Pertoldi, 2020). Over the past decades, the concept of MA followed three waves of transformation, the early emergence as: metropolitan issues in European spatial planning (pre-2006), the consolidation of policies regarding metropolitan areas (2007-2013),and the conceptual expansion of metropolitan issues (post-2014) (Fricke, 2020).

As such, MAs and FUAs have become key tools for policymakers in shaping the future of European cities and regions, promoting economic growth competitiveness, while addressing social and environmental challenges. In other words, adopting a planning approach at metropolitan level can be advantageous in aligning the 'de jure city' and the 'de facto city', providing a harmonious spatial relationship between the two (Simeonova et al., 2018; Zimmerman et al., 2019). In fact, this is highly justified by one of the most prominent characteristics of the metropolitan areas, respectively the extension of its limit as far as the daily phenomenon commuting extends (Blumenfeld, 1971; Moreno-Monrov et al., 2020). In other words, the metropolisation phenomenon highlights an important in the economic paradigm, producing significant consequences over the spatial planning domain. Therefore, a functional approach to urban planning (Dijkstra et al., 2019) is considered particularly advantageous in resolving challenges such as the commuting phenomenon and the uncontrolled sprawl of urban development, improving the effectiveness of public policies (Piorr et al., 2011). In fact, EU and OECD member states adopted a common method to delineate metropolitan areas based on the concept of functional urban area (Dijkstra et al., 2019).

In theory, metropolitan areas are defined contiguous built-up characterized by high population density, constituted around a core city or multiple centres, with shared land use industry, infrastructure, housing and other public services or recreational uses (Blumenfeld, 1971; Loibl et al., 2018). In emergence simple words, the metropolitan areas and functional urban areas has changed the way we plan cities and territories, especially in terms of organising the economic production, consumption, distribution and specialised activities in extended urban areas (Zimmerman et al., 2019).

Thus, the concepts of MAs/ FUAs evolved as a proper solution to two essential problems - on the one hand, the partial overlap between administrative boundaries of the city and the manifestation of urbanisation in the territory. On the other hand, integrated planning at the inter-jurisdictional level turns out to be a solution for the administrative and territorial fragmentation of many countries, including Romania (Hintea et al., 2019). However, for these areas to be effective from the perspective of urban and territorial management, thev need delegated and well-defined interjurisdictional powers (Friesema, 1970; Matkin and Frederickson, 2009; Schragger, 2016). This statement is backed by scientific literature, which supports the idea that a decentralisation process leads to more effective and responsive government, by distributing decision-making authority and resources

to the proper administrative levels (Heinelt and Kübler, 2004). This provides numerous benefits such as increased accountability, efficient and equitable service delivery, as well as greater participation in the democratic process (Bardhan, 2002). However, territorial restructuring is not a simple task, it actually encounters major obstacles and challenges in different parts of Europe (Jouve and Lefèvre, 2002; Herrschel and Newman, 2002; Salet *et al.*, 2003; Heinelt and Kübler, 2004), including Romania.

According to the existing literature, MAs and FUAs can take different formulas from the governance perspective, resulting from two main approaches (Kaczmarek and Kociuba, 2017):

- (a) a top-down process, which generates metropolitan areas with predetermined boundaries and institutionalised forms of management. This governance model results from shifting local and regional competences to the metropolitan level.
- (b) a bottom-up process, which provides a more flexible form of metropolitan governance, achieved based on informal associations, voluntary cooperation, partnership agreements for coordinating investments and urban development. This second approach applies to the current metropolitan areas in Romania.

either In proper governance case, structures within MAs can mitigate the negative impacts of fragmentation caused by the division of the metropolitan area into multiple jurisdictions (Feiock, 2004; Gleeson et al., 2010). An institutional framework for the metropolitan scale together with complementary policy delivery tools are mandatory for various governance attributions, including the delivery of infrastructure, public transportation, basic public services, as well as local business development (Bardhan, 2002; Van der Heiden *et al.*, 2013; Harrison and Hoyler, 2014; Bliznina, 2020). In the same note, the adoption of a more robust and clearer legal framework for metropolitan areas can impact the rate of development (Kladivo *et al.*, 2015), being mandatory for a complete policy response to the current challenges (Gleeson *et al.*, 2010).

In essence, the legal administrative organisation of metropolitan areas can be obtained in three ways (Norris, 2001):

- (1) administrative reform and the establishment of an intermediate level of public administration with a special status for the management of MAs;
- (2) associations or companies under public or commercial law established for the purpose of implementing partnerships regarding the provision of public services;
- (3) companies without legal personality, acting based on the principle of voluntary association, which is the case of Romania.

1.2 The impact of the legal/regulatory framework for metropolitan areas

This paper begins from the premise that the legal/ regulatory framework has a high impact in the development course of a metropolitan area. This assumption starts from the fact that evidence-based literature has given significant attention to the effects of urban planning policies on the functioning of land and housing Nevertheless, policies markets. and institutional collective actions at metropolitan level exceed the urban planning and land use domain, tackling issues such as economic development, regional partnerships and environmental planning, among others (Allen, 2003; Feiock, 2004). In fact, the empirical literature has considered a wide range of impacts that the legal/ regulatory



framework has on the development and functioning of metropolitan areas.

Firstly, the development of metropolitan areas is highly influenced by land use planning and regulations (Glaeser and Ward, 2009; Lens and Monkkonen, 2016; Del Fabbro, 2017). The use of clear regulatory measures empowers local governments to actively manage their development instead of simply reacting to construction proposals. In fact, land use is perceived as a means of regulating administrative borders and controlling the cross-border flow of resources and persons (Schragger, 2016). Moreover, use regulations can produce variations in the metropolitan housing market. For example, existing literature suggests that the increase in housing prices and rents may be largely influenced by zoning and land use regulations (Glaeser and Gyourko, 2003; Xing et al., 2004; Balta and Eke, 2011).

urban growth Secondly, distribution of population across space are considerably affected by urban planning policies, implicitly impacting the development of metropolitan areas. They can produce both positive and negative consequences. For instance, they can support the reduction of economic inefficiencies in urban agglomerations, but they can also slow down growth, since conventional urban plans can easily become outdated and ineffective in time (Mora and Sáez-Fernández, 2009). On a less positive note, the body of literature also illustrates a connection between land use regulations/ zoning approvals and the social segregation in metropolitan areas (Lens and Monkkonen, 2016). Another effect of the metropolitan legal and regulatory framework is linked to environmental aspects (Allen, Kwadwo and Skripka, 2022). Supposedly,

there is a strong relationship between inter-municipal cooperation metropolitan level and environmental outcomes. For instance, cooperation on transportation issues and mitigation policies has a positive impact achieving environmental results.

Finally, but very importantly, the general European policy framework impacts metropolitan development. For example, implementation Integrated of the Sustainable Urban Development Strategies led to a gradual adoption of an integrated and place-based approach to urban and metropolitan development policies, overcoming sectoral and silosthinking (Hințea and Neamțu, 2014; Medeiros and Van Der Zwet, 2019; Mendez *et al.*, 2021).

Against this background, the legal and regulatory framework plays a crucial role in shaping the current and future development of metropolitan areas. It sets the rules and guidelines for various activities such as land use, transportation, housing and economic development (Fioretti and Pertoldi, 2020). By doing so, it can either facilitate or hinder the growth and prosperity of a metropolitan For instance, the legal regulatory framework can influence the availability and affordability of housing, accessibility and quality transportation, the level of economic activity, as well as the overall life quality for residents (Piorr et al., 2011). It can also affect the level of investment in a metropolitan area and the ability of local governments to provide adequate public services to residents (Bardhan, 2002).

Therefore, having a well-designed legal framework is essential for promoting integrated, sustainable and balanced development in metropolitan areas.

1.3. Overview of the scope of the paper

The present paper provides an in-depth examination of the legal and regulatory framework for metropolitan areas and functional urban areas in Romania. Specifically, the aim is to identify whether the Romanian legislation integrated not the concept or functional urban areas, considered basic development units for the polycentric urban network the at international level (Antikainen, 2005). It provides a detailed analysis of the changes and developments in this field over the past decade, including the legal definition of metropolitan areas in Romania and the various regulations, and policies that govern their formation and operation. The analysis follows a structure drawn from the literature review focused on the impact of the legal/ regulatory framework in MAs.

The article delves into the historical evolution of the framework and its current state, highlighting its strengths and weaknesses, as well as its impact on development selected the of a metropolitan area in Romania, specifically Cluj-Napoca (Fig. 1). This investigation provides insights into the effectiveness of the Romanian legal framework in supporting the governance development and of metropolitan areas. Furthermore, the article explores the challenges faced by Romanian metropolitan areas, including trends in the implementation of the legal framework and the key obstacles that need to be overcome to promote integrated and sustainable development.

Ultimately, this paper seeks to provide a comprehensive understanding of the role

of the legal framework in shaping the development of metropolitan areas in Romania and to make recommendations for further improvement. By doing so, the article hopes to contribute to the efforts of policymakers in promoting sustainable and integrated development across multiple jurisdictions around Romania's developing cities.

2. Methodology

The research strategy for this paper includes two parts. The first part comprises a short review of existing literature on the relevance and impact of the legal and regulatory framework on MA's development. This part was based international academic journals, relevant books and papers addressing the subject of MAs from the legal framework perspective. The second part comprises of a synthetic review of the legal framework that governs the formation and operation of MAs/ FUAs in Romania.

The method and materials were based on desk research including various sources such as law provisions, as well as government reports and studies. The following documents were consulted:

- (1) The draft of the normative act Law for the approval of the Spatial Planning, Urban Planning and Construction Code (CATUC) 2022, hereafter referred to as CATUC.
- (2) The Territorial Development Strategy of Romania: Polycentric Romania 2035 Cohesion and territorial competitiveness, development and equal opportunities for people, Annex no. 1, Version 4, hereafter referred to as SDTR 2035.
- (3) The Law no. 215/2001 of the local public administration, Official Monitor of 23 May 2001, hereafter referred to as L215/2001.



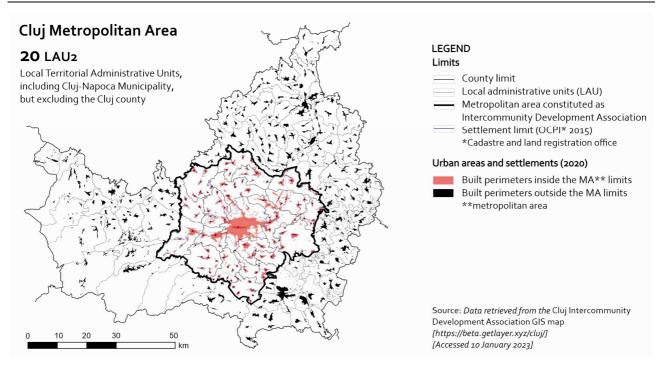


Fig. 1. Cluj metropolitan area (Source: author elaboration, based on the GIS map of Cluj MA).

- (4) The Law no. 350/ 2001 regarding territorial planning and town planning, Official Monitor, 373, hereafter referred to as L350/2001.
- (5) The Law no. 351/2001 regarding the approval of the National Territorial Development Plan. Section IV: The network of localities, Official Monitor, 408, hereafter referred to as L351/2001.
- (6) The Government Decision no. 998/2008 for the designation of growth poles and urban development poles in which priority investments are made from programs with community and national funding, Official Monitor, 621, hereafter referred to as GD 998/2008.
- (7) The Emergency Order no. 57/ 2019 regarding the Administrative Code, Official Monitor, 555, hereafter referred to as EO 57/2019.
- (8) The Law no. 246/ 2022 regarding metropolitan areas, as well as for the modification and completion of some normative acts, Official Monitor, 745, hereafter referred to as L246/2022.

The legislation analysis aims at providing an understanding of the evolution of legal provisions governing MAs' and FUAs in Romania. This included an examination of changes and developments in the framework since the adoption of the first town and spatial planning law, in 2001. In addition, trends and challenges that have emerged in the implementation of the legal framework were analysed, together with the main obstacles facing Romanian MAs.

Since the legal and regulatory framework concerning metropolitan areas at national level is quite broad, the analysis has been complemented by a case study. The indepth study covers specific laws, regulations, legal documents and policies that govern the formation and operation of Cluj-Napoca MA. The study aims to examine the impact of the regulatory framework the on development of the metropolitan areas over the past decade, allowing for the identification of areas for improvement.

2.1. Case study overview

For this reason, a thorough analysis of the legal documents that govern intercommunal development association of Cluj MA (Fig. 1) has been done. The data collected was used to provide an understanding of the attributions of the MA, as well as the strengths weaknesses resulting from The following two documents were consulted:

- (1) The Updated Constitutive Act of the Intercommunity Development Association for Cluj Metropolitan Area (https://www.clujmet.ro/despre-noi/).
- (2) The Updated Statute of the Intercommunity Development Association for Cluj Metropolitan Area (https://www.clujmet.ro/despre-noi/).

Moreover, the case study analysis includes an illustration of the level of coordination between the urban planning tools, resulted from the elaboration process of the General Urban Plan for each individual territorial administrative unit, included in the MA. The data regarding the approval time and details about the current status of the General Urban Plans was retrieved from the Territorial Observatory GIS, provided by the Ministry of Regional Development Public Administration and (https://ot.mdrap.ro/website/maps/). visualisation The spatial information has been done using georeferenced data from the platform Metropolitan Clui **GIS** (https://beta.getlayer.xyz/cluj/). The map was generated using QGIS Desktop 3.14.16, in order to visualise the spatial distribution of data inside the MA.

Finally, the case study served as a valuable and more nuanced illustration of the broader findings, providing insights into the current status of the Romanian

MAs, as well as the effectiveness of the legal framework in supporting the development and governance of MAs in the Romanian planning context.

The decision to choose Cluj-Napoca for the in-depth case study has a double motivation. Firstly, the city together with its metropolitan area represent one of the fastest growing urban areas in Romania. According to the metropolitan development strategy, Cluj has witnessed a sustained demographic and economic growth in the past 10 years (Elisei et al., 2017). Therefore, this case study stands as an exponent of major cities and MAs in Romania, which went through the of urban growth process development in the past years. Secondly, Cluj MA is represented by a functional intercommunal development association, which is actively involved in the planning process of the entire MA.

3. Results and discussions

3.1. The European policy background

Without any doubt, functional urban areas proved to be highly relevant on a macro-territorial scale, particularly in the of context the polycentric development paradigm advocated by the European Union (Antikainen, 2005; Dühr, 2005). In fact, it has been highlighted that FUAs play a crucial role in balancing the polycentric macro-territorial promoting integrated and sustainable development at the metropolitan scale, as well as in strengthening the cooperation capacity of local administrations (Dühr, 2005; Šašinka et al., 2019; Kurek et al., 2020). Specifically, FUAs were the main subject of spatial policies that promote metropolitan development and direct beneficiaries of European funds within the Integrated Territorial Investments (ITI) program, in the 2014-2020 funding

framework. Consequently, each member state had to allocate a minimum of 5% of European Regional Development Fund sustainable resources to urban (Cotella, development 2018). This percentage has been increased in the 2021-2027 programming period of the Cohesion Policy, promoting a sustainable urban development in the European regions (Antonescu, 2021). These trends confirm the relevance of FUAs not only as a tool to manage the European territory, but also as an invitation towards member states to update their spatial units in order to be able to fully benefit from the EU funding opportunities.

In this context, planning practices around Europe emerged in this adapting to various contextual factors given by the diversity of planning systems and institutional frameworks (Salet et al., 2003; Elinbaum and Galland 2016; Zimmerman et al., 2019). Thus, the concept of FUA was introduced at the national level in several member states, such as The Czech Republic, Poland, Slovenia, in order to access substantial financial resources for supporting sustainable urban development through the Integrated Territorial Investments program (Kaczmarek, 2016; Lamovšek and Drobne, 2017; Ouředníček et al., 2018). However, Romania is still making efforts to align the national legislation to the European models of planning at the inter-jurisdictional level. This struggle reflects an urgent need to adapt the incidental law to spatial planning to the requirements of metropolitan planning. Thus, the discussion on the evolution of the legal and regulatory framework for metropolitan and functional urban areas in Romania cannot be separated from a broader insight into the spatial planning system.

3.2. The spatial planning system in Romania

The Romanian spatial planning system comprises three levels that follow the territorial-administrative organization of the country: (i) the central level; (ii) the county level (NUTS 3), with decentralised units of the central government and (iii) the local level (LAU 2 units: cities / urban municipalities and communes) (Benedek, 2013). Moreover, in 1998, Romania established eight development regions (NUTS 2) to manage EU funds in the preparation for joining the European Union (Benedek et al., 2022) Despite being artificially created for this purpose, these regions lack the authority to make decisions on territorial planning or policymaking (Cocheci, 2016). However, the role of these regions has increased in the 2021-2027 financial period, as they now serve as intermediate bodies in managing European funds.

For each of the three territorial levels, a planning instrument has been designed, to the law according dedicated territorial development and urban planning (Petrișor, 2010). For example, at the national level there is a National Territorial Plan. which offers vision integrated the of spatial development at national level, being adopted by Law. For the county level, there is a County territorial development which represents the expression of the county's socio-economic development program. Lastly, for the local level, there is the General Urban Plan, having a strong normative and regulatory character. According to the spatial planning law, there are also some instruments designed for the interjurisdictional territories, such as the intercounty plan, inter-communal plan or as inter-city plan, as well spatial development plans for metropolitan and peri-urban areas. Apart from these plans,

there is also a set of strategies designed for each territorial level (Petrișor, 2010; Cocheci, 2016). Although the law promotes an approach oriented towards integrated local development at interjurisdictional level (metropolitan/ peri urban), the provisions of inter-municipal strategies and plans are, generally, indicative and lacking in legitimacy.

In the post-communism period, Romania confronted has been with phenomenon of urban sprawl, especially in areas surrounding the major cities. This situation led to the expansion of urban areas outside their administrative limits, requiring an inter-jurisdictional approach for planning and making. Therefore, the intercommunal cooperation model has been inspired by the French law, being organised in the form of intercommunity development associations between local territorialunits, administrative without administrative status (Săgeată, 2012). This is also the case of MAs, which include a city and the territorialpolarising administrative units, comprised within the commuting area, at distances of up to develop cooperation 30 km, which relations multiple on Unfortunately, the establishment of MA the form of intercommunity in development associations was linked exclusively to the conditions imposed by Romania's accession to the EU and the to structural funds development, considerably limiting their role (Florescu and Mitrea, 2015; Cocheci, Leopa, 2019). In fact. establishment of metropolitan areas, as a decision to associate cities and communes around large urban centres was aimed at obtaining access to better performing instruments for local economic development (Săgeată, 2012; Dumitrică Unfortunately, and Dinu, 2013).

intercommunity development associations related to MAs are often neglected by decision-makers at the local level, especially in the implementation of infrastructure projects (Luca *et al.*, 2021).

It is essential to mention that since 2022, Romania benefits from a law dedicated to metropolitan areas (L246/2022), whose provisions are correlated to those in the legislation regarding the establishment of metropolitan areas as intercommunity development associations. The adoption of this law demonstrates the relevance of planning interspatial at an municipal/metropolitan scale in Romania and lays the foundations for future reforms in the field. It should also be noted that FUA is not mentioned, at the moment, in any Romanian normative act. Consequently, the paper focuses on the legal and normative framework governing the MAs, as established by Romanian law, considering sufficient to reflect its effectiveness in supporting the development of both MAs and FUAs.

3.3. The evolution of MA legal framework in Romania in the past decades

In the the Romanian early 1990s, government established a legal and for regulatory framework spatial planning at local and territorial level. The initial framework focused primarily on land use and zoning regulations, aimed at controlling urban sprawl and preserving green spaces. In the late 1990s and early 2000s, the Romanian government expanded legal/ regulatory the framework to include new policies and regulations aimed at promoting private investment and economic growth. This included tax incentives and streamlined administrative procedures to make it easier for businesses to invest in urban areas.

Against this background, Romania underwent significant economic political changes, leading to increased urbanisation and the growth of its metropolitan areas. The country's secondranked cities, such as Cluj-Napoca, Timișoara, Iași, Brașov, etc. experienced rapid expansion as people moved from rural areas to urban centres in search of better job opportunities and a higher quality of life. However, this rapid growth also created new challenges for local governments and metropolitan areas, such as traffic congestion, housing environmental shortages, and degradation. In response, the Romanian government established a legal and regulatory framework for metropolitan areas to manage growth and promote sustainable development. The definition of metropolitan areas has been the subject of two fundamental laws for the spatial planning domain (Danielewicz, 2020), respectively:

metropolitan territory represents the area located around large urban agglomerations, determined specialised studies, within which mutual relations of influence are created in the field of communication, economic, social, cultural and building infrastructure. Generally, the limit of the metropolitan territory exceeds the administrative limit of the locality and may exceed the limit of the county where the core city is located. - In the same note, L351/2001 presents the metropolitan areas as independent personality, without legal entities constituted around the capital city and the municipalities of the first and second rank cities, to promote a balanced development of the national territory. For local administrativereason, territorial units can associate, in a voluntary partnership and can operate on a perimeter independent of the limits of a

to

L350/2001,

According

single administrative unit. Additionally, this law offers more details concerning the the spatial delimitation of metropolitan area. As such, metropolitan area includes the administrative territory of the polarising city and the administrative-territorial units included in its commuting zone, at distances of up to 30 km, which respect the condition of spatial contiguity and develop cooperation relations on multiple levels.

Another important legal reference to the metropolitan area is represented by a secondary law, dedicated to the public administration, which includes provisions related to the legal of metropolitan constitution areas. L215/2001, According to established as inter-community association with legal development personality, under private law, based on partnership between the capital Romania or first/ second-rank cities and administrative-territorial located in the surrounding area, with the purpose to develop infrastructures and objectives investment of interest. These provisions related to MA purpose definition, and powers continued to be reinforced by the Administrative Code (EO 57/2019). It should be noted that until 2022, MA have been governed by several laws that regulate their establishment, objectives and functioning mechanism.

Last year (2022), a new law dedicated to metropolitan areas (L246/2022) has been adopted. This normative act outlines specific details regarding the operation goals of metropolitan Additionally, it amends or even repeal certain articles in previous laws that pertain to metropolitan areas (e.g. L350/2001 or L351/2001). Content wise,

the general principles for outlining MA are in line with the previous laws, but there are some additional specifications regarding the method to establish the metropolitan limit, such as:

- a) for the municipality of Bucharest at least the administrative territory of Ilfov county;
- b) for county seat municipalities at most the first two surrounding urban rings;
- c) for municipalities, other than the county seat at most the first urban ring.

This legal provision was well received since it gathered all details pertaining to metropolitan areas in one place. Furthermore, law includes the provision dedicated to the objectives for the establishment of MA. The list of objectives is guite extensive and refers to integrated and sustainable territorial planning development; and infrastructure development improvement, metropolitan mobility; modernisation, and development of the technical infrastructure; development of educational and health infrastructure; public services efficiency and joint provision, as well as the economic development and competitiveness.

Besides the legal provisions governing MAs, there is also a related Government Decision which designates a number of growth poles and urban development poles in which priority investments from the European and national funding programs are carried out (GD 998/2008). It is upon this background that seven designated as growth municipalities, poles, obliged establish were to metropolitan areas, to be eligible to access European funds in the 2007-2013 programming period (Benedek Cristea, 2014). This rule has preserved until now, being applied both growth poles and urban development poles in the period 2014-2020, as well as to all county seat municipalities in the period 2021-2027. In this context, we note that the number of MAs in Romania has grown considerably.

Another observation that must be drawn from the evolution analysis of the MA/ FUA legal framework in Romania in the past decade refers to the concept of FUA. Despite the increased attention that FUAs received at European level since the pioneer study of **ESPON** 1.1.1 (Antikainen, 2005), little effort has been made to operationalise this concept in Romania. Until now, FUA is not mentioned in any normative act either primary the or secondary legislation. However, the concept is used within the Territorial Development Strategy of Romania (SDTR 2035), being one of the four key pillars. In this context, FUAs are promoted as engines development of the national territory, well connected in the network localities at national and European level. On a positive side, in 2022, a Law for the approval of the Spatial Planning, Urban Planning and Construction (CATUC) has been drafted. Its provisions explicitly mention the concept of FUA in the context of Romania's Urban Policy. Moreover, the major changes that come with this drafted law refer to the spatial planning instruments dedicated to MAs and FUAs. According to CATUC, there are at least two new instruments that could be applied at inter-jurisdictional level. One refers to the General Urban Plan for the MAs, which provides urban regulations for the entire intercommunity cooperation area. The second refers to Zonal Urban Plans for investments made the territory of several administrative units. Undoubtedly, adopted, these instruments are expected to

solve the issue of uncontrolled urban sprawl and to empower the interjurisdictional level of MAs and FUAs. However, since this law is still in draft version, we cannot yet rely on these instruments.

According to the evolution analysis over the past decade, the legal/ regulatory framework for MAs in Romania has evolved to reflect changing circumstances and challenges. For example, provisions became more detailed in what the establishment concerns of metropolitan limits. However. the principle voluntary association of remained unchanged, placing the current MAs as artificial aggregations of local territorial- administrative units, lacking a common metropolitan identity and an determined by functional relationships in the territory. Furthermore, it is worth mentioning that the available planning instruments are more strategic in nature, failing to address the challenges of integrated and sustainable development, such as uncontrolled urban sprawl, monofunctional predominantly residential neighbourhoods, traffic congestion, air pollution, and limited access to basic services. Even though the government has introduced new regulations and policies aimed promoting integrated development and sustainable mobility in recent years, the legal/ regulatory framework for MAs and FUAs in Romania still lacks a lot of substance to ensure a better coordination of the efforts done by independent local governments.

3.4. The role of local government in the legal/ regulatory framework

The role of local government in the legal/ regulatory framework for metropolitan particularly important areas Romania, the country has as decentralized system of government.

According to the local autonomy principle, municipalities have significant independence and play a key role in shaping the legal/ regulatory framework for metropolitan areas, as they are responsible for implementing the policies and regulations established by the central government. They also have the authority to establish their own local regulations and policies, which must be consistent with the broader framework established by the central government. However, preserving the local autonomy of every single territorial- administrative unit might generate multiple conflicts in terms of coordinated and unitary spatial development of the entire MA. Since MAs are not an administrative level in the Romanian territorial organisation model, local governments have the final call in the decision-making process when it comes to investments and development objectives of metropolitan importance. intercommunity Currently, the development associations are consulted in the development of new regulations and policies connected to metropolitan development.

According to the current law, the role of local government in the legal/regulatory framework for MAs in Romania is critical for the success of this framework to be effective and efficient.

3.5. The impact of the current legal/ regulatory framework in Cluj MA

detailed legal documents regulate the functioning of metropolitan areas will be discussed with reference to study focused case intercommunity development association Cluj-Napoca Metropolitan established according to the law. Based on its constitutive act and the statute of the association, some observations can be issued.

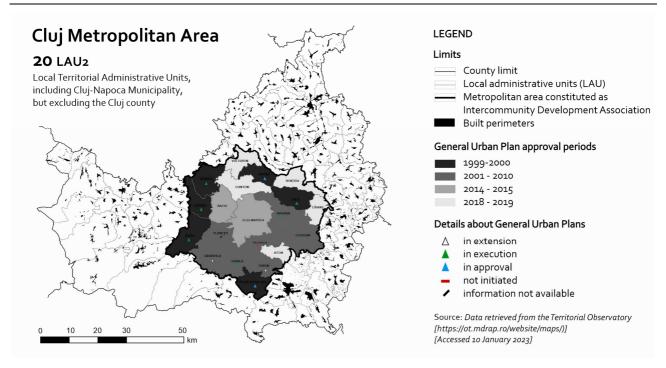


Fig. 2. General Urban Plans in Cluj MA (Source: author elaboration, based on Romanian Territorial Observatory)

- Firstly, the objective of the association is clearly stated as the pursuit of sustainable development, achieved by developing and executing projects of zonal or regional interest and by providing public services of metropolitan interest.
- Secondly, based on the regulations of the intercommunity development association, county seat municipality typically holds a dominant position and significantly influences decisionmaking for the entire metropolitan area.
- Thirdly, but probably importantly, the association has responsibilities in the planning domain for the MA, including the development and implementation of a strategic concept for sustainable development, the elaboration of the Metropolitan Intercommunal Territory Development Plan, based on every General Urban Plan, and generating programs and Currently, the projects. main responsibility delegated the to Intercommunity Development Association for Cluj Metropolitan Area

is the creation and updating of the Integrated Development Strategy and the Sustainable Urban Mobility Plan. In terms of public services and utilities, the association prepares studies for non-reimbursable financing for urban and metropolitan infrastructure projects but has limited influence in urban design. In fact, the MA association only provides an advisory opinion for strategy, planning, and public policy documents for the metropolitan territory. This usually leads to a chaotic urbanisation in the MA, since the land use and zoning regulations are planned for individual local administrative units. From a brief analysis of the 20 General Urban Plans elaborated for each local administrative unit in the MA, it can be easily observed that the planning process is poorly coordinated, since the plans have a very different time for its approval, as illustrated in Fig. 2.

Based on the analysis of the legal documents that govern metropolitan

areas in Romania, it becomes clear that the MA only holds limited powers. Its main attribution in the spatial planning field is linked to the elaboration of a common strategic document at the metropolitan level, whose legitimacy is only related to accessing European funding for urban development projects (Leopa, 2019). Nevertheless, local public authorities retain their autonomy in of local development, establishing land use regulations in the statutory land use plans.

Unfortunately, the consequences of this are situation visible in the poor correlation strategic between the planning framework adopted metropolitan, peri urban or functional level and the land use regulations assumed at local level. However, it should be noted that the current legal/ regulatory framework for MA allows for building flexible partnerships between municipalities, based their on development needs. For example, Cluj Metropolitan Belt **Project** (https://primariaclujnapoca.ro/informat ii-publice/comunicate/comunicat-2631/) was elaborated under the association between Cluj-Napoca municipality and the communes of Gilău, Florești and Apahida, through collaboration protocol, to carry out, in partnership, the feasibility study, the Zonal Urban Plan and the technical documentation necessary for issuing the building permit for the investment objective "Trans-Regio Gilău-Apahida Road, TR Feleac". Another example is the association agreement between the Municipality of Cluj-Napoca and three other municipalities (Gilău, Florești and Apahida) for the metropolitan investment objective "Development of a sustainable urban mobility corridor (pedestrian and bicycle) along the Somes river"

(https://primariaclujnapoca.ro/informat ii-publice/comunicate/parteneriat-intrecluj-napoca-gilau-floresti-si-apahidapentru-realizarea-coridorului-demobilitate-urbana-durabila-de-a-lungulraului-somes/), which includes shared elaboration of the feasibility study, the Zonal Urban Plan, as well as the technical documentation and all the investment-related studies. In any case, there are not yet many examples of this kind, proving that development rules and regulations are still controlled by each municipalities' local government.

Based on this analysis, we can conclude that there are significant implications of the legal/ regulatory framework for the future of metropolitan areas in Romania. Briefly, the framework can impact the rate of metropolitan development, the quality of life for residents, as well as the competitiveness sustainability of the metropolitan areas. Some of the key implications of the framework include:

 Spatial development trends: The legal regulatory framework influence the pace and pattern of development in MAs. Solid legal provisions regarding sustainability and inclusive growth principles can stimulate the development of liveable economically competitive metropolitan areas. Furthermore, the adoption of metropolitan land use plans and zoning regulations in the legal framework can contribute to a better management of development projects and investments' locations by determining the types of development and the distribution of land uses within MAs. For instance, effective regulations would promote compact, mixed-use development and prevent urban sprawl patterns which lead to

- increased traffic congestion and generate negative environmental impacts.
- Economic Development and competitiveness: The legal and regulatory framework can also have important implications for investment and competitiveness in metropolitan areas. For instance, administrative fragmentation and competitive interjurisdictional policymaking in the economic field can affect wealth distribution across metropolitan areas and limit the economic integration at the metropolitan level. In this context, a well-designed framework can create a favourable environment for business and investment, making metropolitan areas more attractive to investors. In addition, unpredictable rules regarding land use can be decisive in attracting and retaining mobile capital and investments.
- Environmental Regulations: The legal and regulatory framework can also have a direct impact on the quality of life for residents of metropolitan areas. The current framework for MAs only provides a clear provision regarding the Sustainable Urban Mobility Plan, which must be elaborated, adopted and periodically monitored at the metropolitan level. Unfortunately, provisions concerning air quality standards, energy waste use, management and water usage regulations explicitly are not mentioned in the law. In this context, promoting environmental regulations for metropolitan areas is crucial to ensure that urban development is sustainable and does not harm the environment.
- Public services: Although the legal and regulatory framework concerning the objectives of the intercommunity development associations for MAs is

quite generous on this point, the principle of local autonomy hinders the metropolitan associations to act in this sector in the absence of clear delegated attributions from governments. Therefore, without many exceptions, regulations related to housing, education, healthcare, and other basic services remain in the competence and power of the local administrations. Undoubtedly, provisions adopting legal for mandatory public services metropolitan areas would ensure that residents of metropolitan areas have access to better services and amenities.

Considering all these implications together with the fact that functional relationships established between central nucleus and the adjacent territory expand beyond the current metropolitan limits, the need to refine the metropolitan polycentric borders and to create connections different between development poles becomes an urgent necessity. In essence, it is crucial to for Romania to carry out a diagnostic redefines analysis that the functional urban areas of the county seat municipalities, highlighting the socioeconomic typology, as well as smart and functional specialization of urban areas. The boundaries of these functional urban areas must be scientifically delineated as a critical mass, in order to produce integrated development strategies that are effective and meaningful.

3.5. Study limitations

A comprehensive analysis of the legal/ regulatory framework in metropolitan areas in the past decades was exclusively based on the relevant laws, regulations and policies, as well as an examination of their implementation and impact in practice, in Cluj MA. Undoubtedly, the

analysis could benefit from more extensive knowledge. Firstly. this analysis can also refer to a range of factors such as political and economic conditions, demographic trends, and the interests needs and of different stakeholders. From this point of view, Cluj is an exponent only for cities and metropolitan areas with similar conditions. Secondly, it would interesting to gather feedback from a variety of sources, including local government officials, urban planners, community organisations, and residents of MA. This feedback could support the where identification of areas framework is working well and where there is room for improvement. Finally, it would be relevant to evaluate the legal/ regulatory framework using a scientific impact assessment method/ tool to draw consistent conclusions. In addition, the study can benefit from a comparative analysis on several MAs in Romania to assess if the current challenges and obstacles represent a systemic problem.

4. Conclusions

Over the past decade, the legal and regulatory framework for metropolitan areas in Romania has undergone changes to adapt to evolving challenges and conditions, including the accession to the European Union. Legal provisions have specific become more regarding boundaries, metropolitan but principle of voluntary association has remained unchanged. Unfortunately, this leads today to artificial aggregations of local administrative units without a metropolitan identity determined on the basis of functional relationships in the territory.

Despite the adoption of a dedicated law to MA in 2022, there are still significant challenges facing metropolitan areas in Romania, such as rapid and spread urban development, limited or inefficient public transportation, inadequate infrastructure, as well as unequal access to basic services. Nevertheless, the evolution of the legal/ regulatory framework has helped MAs to guide their future development and to better coordinate the efforts of local governments, at least in the field of European funding accession. However, existing planning instruments are more strategic in nature and fail to address challenges such as uncontrolled urban growth, traffic congestion, and limited access to basic services. Despite recent government policies aimed at promoting integrated and sustainable development, the legal/ regulatory framework still lacks substance coordinate the efforts of governments. Moreover, the coordination of development at the metropolitan level desirable solely intercommunity development associations maintain their current status.

As mentioned, the legal and regulatory framework for metropolitan areas and functional urban areas can have a significant impact on the development of these areas. The framework can either facilitate or hinder the growth and improvement of metropolitan areas, depending on its specific provisions. Generally, the framework can impact the rate of development in MAs, the quality of life for residents, as well as the overall competitiveness and sustainability of the metropolitan areas. According to the analysed case study, the metropolitan planning is characterised by a rather fragmented approach, at least in terms of land use development, which is poorly coordinated at the level of each General Urban Plan (Fig. 2). In this context, the legal/ regulatory framework can positively influence the pace and

pattern of development in MAs, if land use regulations are adopted at metropolitan level and the intercommunity development strategies and plans gain more substance and legitimacy.

Additionally, the legal/ regulatory framework can have a direct impact on the quality of life for residents of metropolitan areas if it stipulates clear procedures for delegating competencies from local administrative bodies to the metropolitan intercommunity development associations. Finally, the legal and regulatory framework can also have important implications for the inclusiveness and equity of MAs. Regulations that promote affordable housing and ensure access to basic services such as housing, education, healthcare and other public services for all residents can help to create liveable and inclusive metropolitan areas.

In conclusion, the legal and regulatory framework for metropolitan areas in Romania can have significant implications for the future of these areas.

It is important for policymakers to carefully consider the impacts of the framework and make changes as needed to support sustainable, inclusive, and economically competitive metropolitan areas. In this context, some recommendations can be made starting from the analysis of the current legal/regulatory framework and the impacts it has over the MAs in Romania.

1. Streamlining regulations: The current legal and regulatory framework for metropolitan areas in Romania may be cumbersome and difficult to navigate. Streamlining regulations and reducing red tape can help to create a more favourable environment for investment

and development. In this context, the efforts of the Ministry of Development, Public Works and Administration to draw a unitary Spatial Planning, Urban Planning and Construction (CATUC) are highly appreciated, especially in what concerns the alignment of primary, secondary and connected laws to spatial planning. Furthermore, the introduction of FUA concept in the context of Romania's Urban Policy in CATUC are well received and should be further promoted, to adopt a common framework for MA definition, based on FUA recognised methodology at the European level.

- 2. Promoting predictability, transparency, and consistency: The legal and regulatory framework on MAs should be predictable, transparent, and consistent to ensure that development is aligned with the needs and priorities of the entire territory of the metropolitan areas. This can be achieved by developing clear policies, guidelines, and procedures for land use and zoning, as well as for environmental protection, public services provision and participatory planning and involvement.
- Enhancing metropolitan role of the associations' role: The intercommunity development metropolitan associations for areas enhanced by law. should be Legal for empowering provisions the metropolitan associations could refer to competencies in the field of urban development, land use and zoning, by providing the necessary resources and support to assist local administrations to effectively carry out their responsibilities.

In conclusion, improving the legal and regulatory framework for metropolitan areas in Romania requires a comprehensive and integrated approach. Policymakers should work to streamline

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regulations, promote transparency and consistency, encourage sustainable development, foster inclusiveness and equity, and enhance the role of metropolitan associations to ensure a better coordination of the efforts done by independent local governments.

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Received: 16 February 2023 • Revised: 26 March 2023 • Accepted: 27 March 2023

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