

# BOȚIC S. (COORDINATOR) (2021), LAW NO. 50/1991 ON AUTHORIZING THE EXECUTION OF CONSTRUCTION WORKS. COMMENTS AND CASE LAW BY ARTICLE, HAMANGIU PRESS, BUCHAREST, ROMANIA

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**Abstract.** The present article is a review of the book: Boțic S. (coordinator) (2021), *Law no. 50/1991 on authorizing the execution of construction works. Comments and case law by article*, Hamangiu Press, Bucharest, Romania, ISBN 978-606-21-1798-8, 962 pp.

**Key words:** case law, urban planning legislation, book review.

Normally, "Urbanism Architecture Constructions" issues reviews of international works, usually published in English or in another *lingua franca*. However, we have made an exception for this book, which is exemplary: We have before us a technical work that maintains a clear and appealing writing style. Given its strategic position at the intersection of architecture and urban planning, it might very well act as a primer for countries where there is a gap between the normative framework and day-to-day professional practices.

Hence, the book builds upon two perspectives: Firstly, a technical

viewpoint that explains the specialized jargon to law professionals who need to become more familiar with planning and building terms. And secondly, a legal viewpoint that gives the judicial interpretation, useful to both planning professionals and architects, irrespective of whether they work within the public administration or in a private office.

Consequently, each chapter is dedicated to a specific article of the law. As expected, the structure of the chapters varies little: they begin with the quotation of the article under scrutiny, mentioning all the changes that have made it into its present form (2021). Then the authors

enter a technical discussion, which defines and explains the key terms that appear in that article, using a wide variety of specialized literature. Having built the technical foundation, they move on to the legal interpretation proper, always searching for a consistent and coherent explanation of the legal text. The chapter ends with the relevant case law, both national and international.

It is worth noting that both the legal interpretation and the relevant case law never lose sight of the procedural, where they highlight problems and bottlenecks, as well as erroneous and sound judicial solutions. Hence, the text is both explanatory and critical, qualities that make it very interesting to read.

Note however, that this commentary comes at a crossroads in Romanian planning legislation. At the time of writing (2022), the line ministry, i.e., the Ministry of Development, Public Works, and Administration (*Ministerul Dezvoltării, Lucrărilor Publice și Administrației*), is currently drafting the Planning and Building Code (*Codul Amenajării Teritoriului, Urbanismului și Construcțiilor/CATUC*), aimed at streamlining all the relevant legislation in the field. While keeping with some of the previous legal framework, the Code

dispenses with some provisions that appeared in Law 50/1991.

If our assumptions prove right, the Code will come into force some time at the beginning of next year (2023). Then we will have a proper framework against which to judge the progress made in bridging the gap between the normative framework and the reality of day-to-day practice. We do hope, however, that this book will contribute to a better writing of the Code.

