

## To the Ministry of Economy, Digitalization, Entrepreneurship and Tourism

### Department of Analysis, Legislation Development in Tourism

Dear Ladies and Gentlemen,

The Transylvanian Carpathian Tourist Association (SKV) has completed the project **“Reducing Carbon Emissions at Mountain Cabins in the Carpathians”** funded by the **EUKI program – “European Climate Initiative”** – a cooperation and financing instrument of the German Federal Ministry for Economic Affairs and Climate Action (BMWK). The project was carried out in partnership with the German Alpine Club – DAV Sektion Karpaten.

The project included an assessment of the situation of mountain huts in Romania and throughout the Carpathian Mountains. On this occasion, we found that of the 72 huts that were functional in Romania in 1950, most are now ruins or have been replaced by hotels and resorts. 21 still operate as mountain huts, of which only 7 have been renovated. All the mountain associations currently active in Romania, a country that has half of the Carpathian Mountains, have together no more than 4,000 members and only two mountain huts, the other 19 being privately owned. On the other half of the Carpathians, the mountain associations of the Czech Republic, Slovakia, Poland and Serbia, which have a combined 110,000 members, have 133 huts.

On the other hand, the project ensured documentary visits to representative huts throughout Europe, in the Pyrenees, the central area of the Alps, the Dinaric Alps and Norway.

The results are included in a Guide with functional schemes for three models of mountain shelters: 4-season mountain cabins, summer mountain cabins and mountain refuges, which incorporate **12 verified, modern and ecological solutions** for interaction between building and environment.

The valorization of the project results in Romania requires, first of all, the adoption of some amendments and additions to the legislation in force, an activity within which **we propose the introduction of the notion of "mountain hut"**, as follows:

**Article 1 - Definitions** (1) A mountain hut with a social role is a tourist facility of public interest, intended exclusively for the shelter and hosting of tourists, accessible exclusively on foot, located at an altitude of over 1,200 meters and at a minimum distance of one hour's walk from the nearest accessible area by road. (2) Three categories of mountain huts with a social role are defined:

- **Category A mountain huts** – functional throughout the year, located in the ridge area at altitudes over 1,800m;
- **Category B mountain huts** – functional only during the warm period of the year, located in the ridge area at altitudes over 1,800 m;
- **Category C mountain huts** – functional throughout the year, located at altitudes over 1,200 m. (3)

These huts are not commercial in nature and cannot be used as tourist accommodation units such as hotels or guesthouses. (4) Their administration is carried out by associations with experience in mountain activities, which have specialized personnel (mountain guides, cabin owners, architects, construction engineers, installation engineers, etc.), through a social enterprise.

**Article 2 - Legal regime of land** (1) Mountain huts with a social role may be built on land located outside the built-up area, without the obligation to change the land use by PUZ. (2) These constructions must be carried out with minimal impact on the environment, using ecological materials and technologies. (3) Mountain huts with a social role may not generate private property rights over the occupied land and may not be sold or leased for commercial purposes. (4) The land on which these huts are located must be owned or managed by

mountain associations or local public authorities, leased by the mountain associations described above, with exclusive use for the use provided for by this law.

**Article 3 - Management regime** (1) The management of mountain huts with a social role may be carried out exclusively by mountain associations through a social company, provided that the profit obtained is fully reinvested in repairs, maintenance, investments and payment of the hut's staff. (2) The concession, sale or transformation of these huts into private tourist units for commercial purposes is prohibited. (3) The tariffs charged must be accessible to all categories of hikers, being established through a sustainable system that exclusively covers the costs of operation and procurement of the products with which the hut is supplied.

**Article 4 - Specific authorisation rules** (1) Construction projects for mountain huts with a social role must be developed by specialists in architecture, construction and installations, in compliance with the principles of sustainability and minimal impact on the environment. (2) The authorisation procedure must be simplified, including specific approvals that allow for a rapid implementation of the project. (3) Exceptions to the usual urban planning requirements must be regulated by specific rules established by the Ministry of Development, the Ministry of Environment and the Mountain Rescue Service.

**Article 5 - Financing and partnerships** (1) Mountain huts with a social role may benefit from public and private financing, including through European programmes for sustainable mountain tourism. (2) Partnerships may be concluded with local authorities, the Mountain Rescue Service, mountain clubs and NGOs for their support and maintenance. (3) Tax incentives may be granted to economic operators that support such initiatives.

This legislative proposal aims to facilitate access to safe and sustainable mountain shelters, promoting responsible tourism and protecting the mountain environment from excessive urbanization.

## **METHODOLOGICAL GUIDE FOR THE IMPLEMENTATION OF THE LEGISLATIVE PROPOSAL ON MOUNTAIN CABINETS WITH A SOCIAL ROLE**

### **Chapter I - General Provisions**

**Art. 1 - Purpose of the Guide** This methodological guide aims to establish the procedures for implementing the Law on the regulation of the construction and management of mountain cabins with a social role, in order to apply its provisions uniformly and efficiently.

**Art. 2 - Definitions and classifications** (1) Mountain cabins with a social role are shelter and accommodation structures intended for hikers, accessible exclusively on foot, without a commercial character. (2) They are classified as follows:

- Category A cabins – 4 seasons, located above 1,800m, exposed to extreme conditions of use;
- Category B cabins – 2 seasons, located above 1,800m, usable during the warm period of the year.
- Category C chalets – 4 seasons, located above 1,200m, offering support points for access to the ridge.

### **Chapter II - Legal regime of land and construction procedure**

**Art. 3 - Legal status of land** (1) Land intended for mountain chalets with a social role must be located outside the built-up area and be managed by mountain associations or owned by them, or under the administration of the local authority. (2) They cannot be sold, leased for commercial purposes or used for real estate developments.

**Art. 4 - Authorization procedure** (1) The construction of mountain huts is exempt from the obligation of the PUZ, but requires:

- Approval from the Ministry of Environment;

- Approval from the Mountain Rescue Service for access safety and optimal positioning;
- Approval from local authorities for compliance with building regulations. (2) The authorization must be simplified, with a maximum period of 90 days to obtain all necessary approvals.

**Art. 5 - Technical construction standards** (1) Projects must comply with ecological principles:

- Use of natural or recycled materials;
- Energy efficiency (solar panels, micro-hydropower plants, natural insulation);
- Ecological waste and wastewater management systems. (2) Buildings must be resistant to extreme weather conditions.

### **Chapter III - Management regime**

**Art. 6 - Eligible administrators** (1) The chalets may only be managed by mountain associations with a minimum of 5 years of experience in mountain tourism activities. (2) The management must be carried out by social enterprises.

**Art. 7 - Operating conditions** (1) The tariffs must be accessible, established according to operating costs, without commercial purpose. (2) The organization of private or tourist events that would affect the social character of the chalets is prohibited.

### **Chapter IV - Financing and partnerships**

**Art. 8 - Sources of financing** (1) The chalets may be financed through:

- European funds for sustainable tourism;
- Public-private partnerships with NGOs and environmental protection institutions;
- Subsidies from local, regional and national administrations.

**Art. 9 - Institutional partnerships** (1) Agreements may be concluded with the Mountain Rescue Service, the Mountain Gendarmerie and mountain clubs for the maintenance and supervision of the huts. (2) The managing associations must collaborate with the local authorities to ensure access and supply infrastructure.

### **Chapter V - Monitoring and sanctions**

**Art. 10 - Monitoring compliance** (1) The Ministry of Tourism and the Ministry of Environment shall carry out periodic inspections regarding compliance with the legislation and standards in force. (2) Administrators shall submit an annual activity report on the condition of the lodge, the sources of financing and the use of funds.

**Art. 11 - Sanctions** (1) Violation of the provisions regarding non-commercial status by failing to prove how the amounts resulting from the lodge's activity were reinvested shall attract administrative sanctions that may result in the suspension of the operating permit until proof can be provided of the use of the respective amounts in the sense agreed upon in this legislative proposal. (2) Failure to comply with maintenance obligations may result in the suspension of the operating permit until the lodge is brought to a condition that meets the optimal operating criteria.

### **Chapter VI - Final Provisions**

**Art. 12 - Entry into force** This methodological guide enters into force 60 days after publication and applies to all mountain huts with a social role in Romania.