

# Spatial Development Act

Promulgated, State Gazette No. 1/2.01.2001, effective 31.03.2001, amended, SG No. 41/24.04.2001, SG No. 111/28.12.2001, SG No. 43/26.04.2002, amended and supplemented, SG No. 20/4.03.2003, SG No. 65/22.07.2003, SG No. 107/9.12.2003, amended, SG No. 36/30.04.2004, amended and supplemented, SG No. 65/27.07.2004, amended, SG No. 28/1.04.2005, effective 1.04.2005, amended and supplemented, SG No. 76/20.09.2005, SG No. 77/27.09.2005, amended, SG No. 88/4.11.2005, SG No. 94/25.11.2005, effective 25.11.2005, SG No. 95/29.11.2005, effective 1.03.2006, amended and supplemented, SG No. 103/23.12.2005, amended, SG No. 105/29.12.2005, effective 1.01.2006, SG No. 29/7.04.2006, SG No. 30/11.04.2006, effective 12.07.2006, SG No. 34/25.04.2006, effective 1.01.2008 (\*) (\*\*), SG No. 37/5.05.2006, effective 1.07.2006, amended and supplemented, SG No. 65/11.08.2006, effective 11.08.2006, SG No. 76/15.09.2006, effective 1.01.2007, SG No. 79/29.09.2006, amended, SG No. 82/10.10.2006, amended and supplemented, SG No. 106/27.12.2006, effective 28.01.2007, SG No. 108/29.12.2006, SG No. 41/22.05.2007, amended and supplemented, SG No. 61/27.07.2007, effective 27.07.2007, SG No. 33/28.03.2008, supplemented, SG No. 43/29.04.2008, amended, SG No. 54/13.06.2008, SG No. 69/5.08.2008, supplemented, SG No. 98/14.11.2008, effective 14.11.2008, amended, SG No. 102/28.11.2008, amended and supplemented, SG No. 6/23.01.2009, SG No. 17/6.03.2009, SG No. 19/13.03.2009, effective 10.04.2009, amended, SG No. 80/9.10.2009, SG No. 92/20.11.2009, effective 20.11.2009, SG No. 93/24.11.2009, effective 25.12.2009, amended and supplemented, SG No. 15/23.02.2010, effective 23.02.2010, supplemented, SG No. 41/1.06.2010, amended and supplemented, SG No. 50/2.07.2010, SG No. 54/16.07.2010, effective 16.07.2010, SG No. 87/5.11.2010, supplemented, SG No. 19/8.03.2011, effective 9.04.2011, SG No. 35/3.05.2011, effective 3.05.2011, amended and supplemented, SG No. 54/15.07.2011, SG No. 80/14.10.2011, effective 14.10.2011, supplemented, SG No. 29/10.04.2012, effective 10.04.2012, SG No. 32/24.04.2012, effective 24.04.2012, amended, SG No. 38/18.05.2012, effective 1.07.2012, supplemented, SG No. 45/15.06.2012, effective 1.09.2012, SG No. 47/22.06.2012, amended and supplemented, SG No. 53/13.07.2012, effective 13.07.2012, amended, SG No. 77/9.10.2012, effective 9.10.2012, amended and supplemented, SG No. 82/26.10.2012, effective 26.11.2012, amended, SG No. 99/14.12.2012, effective 14.12.2012, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 24/12.03.2013, supplemented, SG No. 27/15.03.2013, amended and supplemented, SG No. 28/19.03.2013, SG No. 66/26.07.2013, effective 26.07.2013, amended, SG No. 109/20.12.2013, supplemented, SG No. 49/13.06.2014, amended and supplemented, SG No. 53/27.06.2014, amended, SG No. 98/28.11.2014, effective 28.11.2014, SG No. 105/19.12.2014, SG No. 35/15.05.2015, effective 15.05.2015, SG No. 61/11.08.2015, supplemented, SG No. 62/14.08.2015, effective 14.08.2015, amended and supplemented, SG No. 79/13.10.2015, effective 1.11.2015, SG No. 101/22.12.2015, amended, SG No. 15/23.02.2016, amended and supplemented, SG No. 51/5.07.2016, effective 5.07.2016, SG No. 13/7.02.2017, SG No. 63/4.08.2017, effective 1.01.2018, amended, SG No. 92/17.11.2017, effective 1.01.2018, amended and supplemented, SG No. 96/1.12.2017, effective 1.01.2018, SG No. 103/28.12.2017, effective 1.01.2018, SG No. 21/9.03.2018, effective 9.03.2018, SG No. 28/29.03.2018, amended, SG No. 55/3.07.2018, supplemented, SG No. 108/29.12.2018, effective 1.01.2019, amended and supplemented, SG No. 1/3.01.2019, effective 1.01.2019

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(\*) effective 1.07.2007 - amended, SG No. 80/3.10.2006, effective 3.10.2006

(\*\*) effective 1.01.2008 - amended, SG No. 53/30.06.2007, effective 30.06.2007

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## **PART ONE**

### **FUNDAMENTAL PRINCIPLES OF SPATIAL DEVELOPMENT**

#### **Chapter One**

#### **GENERAL PROVISIONS**

Article 1. (Amended, SG No. 65/2003) (1) The territory of the Republic of Bulgaria is a national asset. Spatial development shall guarantee sustainable development and favourable living, working and recreation conditions to the

community.

(2) This Act regulates the social relations associated with spatial development, development-project designing and construction in the Republic of Bulgaria and determines the restrictions on ownership for spatial-development purposes.

Article 2. The Council of Ministers shall determine the principal guidelines and fundamental principles of spatial development policy and shall adopt decisions concerning the financing of spatial-development activities.

Article 3. (1) (Amended, SG No. 65/2003, amended and supplemented, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall direct the implementation of the national spatial-development policy and shall coordinate the activities of the central and the local executive authorities, the activities of the bodies of local self-government and of the local administration, and shall provide methodological guidance and exercise control over the overall spatial-development practice.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall appoint a National Expert Board on Spatial Development and Regional Policy and shall organize the operation thereof.

(3) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015) Acting on a motion by the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency, the Minister of Regional Development and Public Works shall appoint specialized expert boards on spatial development which shall consider development-project designs for special-purpose installations related to national defence and security. The Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency shall organize the work of the said boards.

(4) (New, SG No. 13/2017) The Minister of Regional Development and Public Works shall organize the maintenance of public registers of the instruments issued on the preparation and approval of spatial-development plans and of any modifications thereof, of the building permits as issued and of commissioned construction works.

Article 4. (1) Regional Governors shall implement the national spatial-development policy within the territory of the administrative regions whereof they are in charge.

(2) Depending on the spatial-development objectives and tasks of administrative-regional and inter-municipality importance, the [competent] Regional Governor may appoint an administrative regional expert board on spatial development and shall organize the operation thereof for performance of the functions vested therein by this Act. The composition of such expert board shall be determined according to the character of the project under consideration.

(3) (New, SG No. 65/2003) The Regional Governor shall organize the keeping of records of the instruments issued thereby according to the powers vested therein under this Act.

(4) (New, SG No. 13/2017) The Regional Governor shall organize the maintenance of public registers of the instruments issued on the preparation and approval of spatial-development plans and of any modifications thereof, of the building permits as issued and of commissioned construction works.

Article 5. (1) (Supplemented, SG No. 65/2003) Acting within the competence vested therein, the Municipal Council and the municipality mayor shall determine the spatial-development policy and shall implement spatial-development activities within the territory of the relevant municipality.

(2) (Amended, SG No. 61/2007, supplemented, SG No. 101/2015) Chief architects shall be appointed under an employment or civil-service relationship in the municipalities and in the boroughs of Sofia Municipality and of the cities subdivided into boroughs on the basis of a competitive selection procedure, with representatives of the Chamber of Architects in Bulgaria and of the Union of Architects in Bulgaria participating in the competition commission gratuitously or at the expense of the organization which they represent. To be eligible for appointment as chief architect, a person must possess full licensed designer competence or have the length of service required for attainment of such competence.

(3) (Amended, SG No. 65/2003, SG No. 61/2007) The Chief Architect shall direct, coordinate and control the activities comprehended in spatial planning, design and construction within the relevant spatial-development area, shall coordinate and control the operation of the units referred to in Paragraph (6), and shall issue the administrative acts conforming to the powers conferred thereon under this Act. The Chief Architect of a municipality shall coordinate and control the activities of the chief architects of boroughs.

(4) (Supplemented, SG No. 101/2015) The municipality mayor (or borough mayor) shall appoint a municipal (or borough) expert board on spatial development, and representatives of the Chamber of Engineers in Investment Design, of the Chamber of Architects in Bulgaria and of the Union of Architects in Bulgaria shall mandatorily be invited.

(5) (New, SG No. 65/2003, amended, SG No. 13/2017) The municipality mayor shall organize the keeping of records of the spatial-development plans as approved and the modifications thereof, records of the construction files as issued and public registers of all instruments on the preparation and approval of spatial-development plans and of any modifications thereof, of the building permits as issued and of commissioned construction works.

(6) (New, SG No. 65/2003, amended, SG No. 61/2007) Units for performance of the functions and tasks under this Act shall be established within the structure of the municipal administration and of the borough administration.

(7) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015) The Minister of Regional Development and Public Works and the regional governors shall transmit copies of the effective instruments issued thereby within the scope of the powers vested therein under this Act regarding works within the territory of the relevant municipality to the municipal records for custody. The Minister of Interior, the Minister of Defence, the Chairperson of the State Agency for National Security and the Chairperson of the National Intelligence Agency shall provide information to the municipalities regarding the special-purpose installations related to national defence and security according to the procedure established by the Classified Information Protection Act.

Article 6. (1) (Supplemented, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The National Expert Board on Spatial Development and Regional Policy, the regional and the municipal (or borough) expert boards on spatial development shall perform consulting and expert examination activities.

(2) (Supplemented, SG No. 101/2015) The expert boards referred to in Paragraph (1) may furthermore include experts other than employees of the administration wherewith the said boards have been established, as well as representatives of professional organisations in spatial planning, development-project designing and construction.

(3) Financial resources may be allocated under the appropriate budgets for the operation of the expert boards referred to in Paragraph (1).

(4) (Amended, SG No. 65/2003) The expert board shall furthermore include representatives of the specialized control and clearance authorities where the opinion, decision or authorization thereof is required by law.

(5) (Repealed, SG No. 65/2003, new, SG No. 66/2013, effective 26.07.2013, repealed, SG No. 98/2014, effective 28.11.2014).

(6) (Amended, SG No. 65/2003) The specialized expert boards on spatial development related to national defence and security shall perform the following functions:

1. conduct an expert examination of development-project designs;

2. adopt development-project designs;

3. (amended and supplemented, SG No. 33/2008, SG No. 79/2015, effective 1.11.2015) perform other activities as shall be assigned thereto by the Minister of Defence, by the Minister of Interior, the Chairperson of the State Agency for National Security or by and the Chairperson of the National Intelligence Agency.

(7) (Amended, SG No. 65/2003) The terms and procedure for the work of the expert boards shall be regulated by an order of the appointing authority.

## **Chapter Two**

# **ASSIGNED USE OF SPATIAL-DEVELOPMENT AREAS AND LOTS**

Article 7. (1) (Previous text of Article 7, amended, SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 28/2013) According to the basic assigned use thereof as determined by the concepts and schemes for space development and the master plans, there shall be the following types of spatial-development areas in Bulgaria: urbanized areas (nucleated settlements and dispersed settlements), agricultural areas, forest areas, protected areas, disturbed areas for rehabilitation, areas occupied by water and water bodies, and transport areas.

(2) (New, SG No. 82/2012, effective 26.11.2012) Spatial-development areas with an assigned use as agricultural, forest or urbanized areas may simultaneously be spatial-development areas with an assigned use as protected areas designated by a law.

Article 8. The specific assigned use of lots shall be determined by the relevant detailed plan and may be one of the following:

1. (amended, SG No. 65/2003, amended and supplemented, SG No. 65/2004) within urbanized areas or in detached lots outside the boundaries of such areas: for residential, public-services, manufacturing, storage, resort, country-house, sporting or recreational functions, for greenspaces and landscaped links between greenspaces and nature-conservation areas, for decorative water features (cascades, navigable canals and other such), for public access and transport, including bicycle paths and movement of persons with disabilities, for physical infrastructure, for special-purpose installations etc.;

2. within agricultural areas: for cropland (fields, orchards or vegetable gardens, vineyards, meadows etc.) or for uncropped land (pastures, slopes, ravines, gullies etc.);

3. within forest areas: for forests (merchantable forests, protection forests, recreation forests etc.) or for woodland (glades, heaths, rocks etc.);

4. (amended, SG No. 88/2005) within protected areas: for nature conservation (nature reserves, national parks, natural monuments, managed reserves, natural parks, protected sites, coastal beaches, sand dunes, water sources with the sanitary protected areas thereof, aquatic areas, wetlands, protected water margins) and for protection of cultural and historical heritage sites (archaeological reserves, specific blocks or corporeal immovables within nucleated settlements of cultural and historic, ethnographic or architectural significance);

5. within disturbed areas: for rehabilitation and reclamation of quarries, ore mines, waste banks, tailings ponds, sanitary landfills, cave-ins etc;

6. (new, SG No. 28/2013) within areas occupied by water and water bodies: for the internal sea waters and the territorial sea, the Bulgarian section of the River Danube, the rivers, lakes and dam lakes;

7. (new, SG No. 28/2013) within transport areas: for national and local roads, the railway infrastructure, the maritime and river ports and the airports.

Article 9. (Supplemented, SG No. 65/2003, amended, SG No. 65/2004, SG No. 61/2007) (1) In spatial-development areas without spatial-development plans, until the entry into effect of the plans, the assigned use of the lots shall be determined by the actual use of the said lots, insofar as the said use does not conflict with a law.

(2) The assigned use of any spatial-development areas and lots shall be altered for the purpose of building development on the basis of an effective detailed plan under the terms and according to the procedure established by this Act.

(3) (Repealed, SG No. 82/2012, effective 26.11.2012).

## **Chapter Three**



# **SPATIAL DEVELOPMENT OF SPATIAL-DEVELOPMENT AREAS AND LOTS**

## **Section I General Requirements to Spatial Development**

Article 10. (1) (Amended, SG No. 82/2012, effective 26.11.2012) The requirements to spatial development shall be established by concepts and schemes for space development and spatial-development plans in accordance with the effective statutory framework.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) Special planning-protection areas, including areas of distinctive character designated according to the procedure established by separate laws, may acquire a special planning and control mode. The scope and the planning mode of such areas shall be determined by concepts and schemes for space development and spatial-development plans.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) A preventive planning-protection mode may be conferred on spatial-development areas and parts thereof, designated by concepts and schemes for space development and by spatial-development plans, whereby the actual use of the said areas and parts is preserved without degradation of the qualities thereof.

Article 11. (Supplemented, SG No. 65/2003) In order to ensure appropriate spatial development, lots may be grouped together into spatial-development areas and planning zones which shall be designated by the master plans and detailed plans and in accordance with the ordinance referred to in Article 13 (1) herein.

Article 12. (1) Within the meaning given by this Act, "building development" shall be the arrangement and construction of buildings, structures, networks and facilities in lots.

(2) Building development shall be permissible solely where projected by an effective detailed plan and after alteration of the assigned use of the land, where so required according to the procedure established by a special law.

(3) (Amended, SG No. 65/2003) Building development of works whereof the functions are compatible with the assigned use of the lots shall be permissible in any lots referred to in Items 2, 3 and 4 of Article 8 herein without alteration of the assigned use, in compliance with the effective statutory framework and on the basis of a detailed plan or a design permit issued by the Chief Architect of the municipality.

Article 13. (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue an ordinance establishing the rules and standard specifications applicable to the planning of the particular types of spatial-development area and planning zone.

(2) (Amended, SG No. 65/2003, SG No. 61/2007) Special rules and standard specifications, admitting deviations from the rules and standard specifications referred to in Paragraph (1), may be established attached to the relevant master plans and detailed plans or parts thereof in respect of:

1. any special planning protection areas or parts thereof and any preventive planning protection mode areas or parts thereof referred to in Article 10 (2) and (3) herein;
2. any spatial-development areas or parts thereof assigned for low-rise residential development in nucleated settlements of complicated ground and geologic conditions and/or for low-rise residential development with social housing;
3. any spatial-development areas or parts thereof for special-purpose installations related to national defence and security.

(3) (Amended and supplemented, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The special rules and standard specifications referred to in Paragraph (2) shall be adopted by the National Expert Board on a proposal by the authority competent to

approve the plan. The decisions of the Board shall be endorsed by the Minister of Regional Development and Public Works. The special rules and standard specifications shall be approved by the competent authority simultaneously with the approval of the plan and shall constitute an integral part thereof.

(4) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, amended, SG No. 82/2012, effective 26.11.2012) The special rules and standard specifications for spatial development of spatial-development areas wherein special-purpose installations related to national defence and security are projected to be constructed shall be adopted by the specialized expert boards referred to in Article 3 (3) herein, shall be approved simultaneously with the spatial-development plan according to the procedure established by Article 129 herein and shall constitute an integral part thereof.

(5) (Renumbered from Paragraph (4), SG No. 65/2003) With a view to maintaining the natural balance and the permissible pressure on spatial-development areas, the building development thereof shall be implemented in accordance with standard specifications as to the land required according to the ordinance referred to in Paragraph (1).

(6) (New, SG No. 65/2004, amended, SG No. 82/2012, effective 26.11.2012) In respect of any protected cultural heritage conservation areas, special rules and standard specifications attached to the spatial-development plans or to the modifications thereof shall be prepared if upon the clearance of the terms of reference for designing a spatial-development plan according to the procedure established by Article 125 (6) herein the Minister of Culture has established mandatory requirements regarding the spatial design, the architectural character and the style of the building development projected by the plan for individual spatial-development areas, for a group of immovables or for an individual immovable falling within the boundaries of stand-alone or of cluster immovable cultural assets or within the protection zones thereof which necessitate admitting deviations from the rules and standard specifications established by the ordinance referred to in Paragraph (1).

## **Section II**

# **Regulation and Building Development of Spatial-Development Areas and Lots**

Article 14. (1) The detailed plans shall regulate streets, as well as blocks and lots for building development and for purposes other than building development.

(2) Streets and blocks shall be regulated by means of record street lines.

(3) Lots shall be regulated by means of:

1. record street lines, delimiting the lot boundary with the adjoining street (frontage of the lot);

2. inner record lines, delimiting the lot boundaries with the adjoining lots (side and rear), under the terms established by Articles 16 and 17 herein.

(4) Regulated lots shall mandatorily have a frontage (egress) to a street, to a road or, as an exception, to a park walk.

(5) (Supplemented, SG No. 82/2012, effective 26.11.2012) The record lines covered under Paragraph (3) shall become lot boundaries in lots regulated by a detailed plan where the detailed plan is applied in respect of the regulation.

Article 15. (1) A detailed plan referred to in Article 16 or in Article 17 herein shall regulate solely such lots as have not been regulated by a preceding detailed plan. Any lots once regulated shall not be subject to any succeeding regulation except in the cases provided for in this Act.

(2) Any succeeding detailed plan may regulate solely streets or blocks without altering the boundaries between the lots.

(3) (Amended, SG No. 65/2003) The boundaries of regulated lots may be altered solely by means of a regulation plan with the consent of the owners of the said lots, and such consent must be expressed in a statement and tentative agreement on transfer of title bearing notarized signatures.

(4) (New, SG No. 65/2003) Where the boundaries of any regulated lots constituting state property are altered by means of a regulation plan, the agreement referred to in Paragraph (3) shall be concluded at market prices by the Regional Governor in writing.

(5) (New, SG No. 65/2003) Where the boundaries of any regulated lots constituting municipal property are altered by means of a regulation plan, the agreement referred to in Paragraph (3) shall be concluded at market prices by the municipality mayor in writing.

(6) (New, SG No. 65/2003, amended, SG No. 101/2015) Any act approving a regulation plan whereby the boundaries between regulated lots are altered according to the procedure established by Paragraph (3) shall enter into effect as from the issuance thereof and shall be communicated to the applicants.

(7) (New, SG No. 65/2003) Construction within any regulated lots whereof the boundaries are altered by the regulation plan according to the procedure established by Paragraph (3) herein shall be authorized after presentation of a conclusive contract under Paragraph (3), (4) or (5).

(8) (New, SG No. 65/2003) Construction within any regulated lots whereof the boundaries are altered by the regulation plan according to the procedure established by Paragraph (3) herein shall be denied authorization where, as a result of the modification of the regulation plan, the building-development plan of the regulated lots concerned conflicts with the effective spatial-development rules and standard specifications.

(9) (New, SG No. 65/2003) A modification of the regulation plan according to the procedure established by Paragraph (3) shall be refused by an order of the municipality mayor where the draft modification provides for creation of a legally impermissible siting of any existing buildings or of authorized construction works.

(10) (New, SG No. 65/2003) A modification of the regulation plan according to the procedure established by Paragraph (3) shall be refused by an order of the municipality mayor where the draft modification provides for creation of regulated lots whereof the frontage and surface area are less than the minimum requirements established by law for the building-development character and manner determined by the building-development plan of the said lots.

(11) (New, SG No. 65/2003) Copies of the effective modifications of the detailed spatial-development plans referred to in Paragraph (3) shall be transmitted through official channels by the municipality to the Geodesy, Cartography and Cadastre Agency upon presentation of a conclusive contract under Paragraph (3), (4) or (5).

Article 16. (1) (Supplemented, SG No. 61/2007, amended, SG No. 101/2015) A detailed plan in respect of any spatial-development areas with unregulated lots, as well as in respect of any spatial-development areas whereto the first regulation under a preceding spatial-development plan has not been applied, shall determine the surface areas as shall be necessary for construction of the projects of the green structure, of the social infrastructure and the physical infrastructure constituting public property. For the purpose of implementation of the said projections, upon entry of any such plan into effect, the owners of corporeal immovables shall transfer to the municipality a percentage share of the surface area of the immovables thereof as determined by the plan which may not exceed 25 per cent.

(2) A detailed plan referred to in Paragraph (1) shall be prepared on the basis of a cadastral map as approved according to the procedure established by the Cadastre and Property Register Act.

(3) The frontage and the surface area of any newly formed regulated lots, the specific assigned use thereof, and the building-development character and manner thereof shall be determined by the detailed plan proper.

(4) (Supplemented, SG No. 13/2017) In the cases covered under Paragraph (1), the municipality shall allot to each owner of a corporeal immovable affected an equivalent regulated lot or lots, reckoning with the location of the lots in the site but without regard to the exact cadastral boundaries of the said lots. Where a lot extends over different planning zones, the newly formed regulated lot shall be provided in the zone where the lot [transferred] was predominantly located. The market value of the regulated lots may not be less than the market value of the lots prior to the regulation thereof, which shall be evidenced by a decision of the commission under Article 210 herein. The decision of the commission shall be communicated to the interested parties together with the draft detailed plan and shall be appealable in the proceeding for an appellate review of the detailed plan referred to in Paragraph (1).

(5) (New, SG No. 13/2017) By the plan referred to in Paragraph (1):

1. any lots, which do not satisfy the requirements for minimum size of frontage and surface area in conformity with the planning zone wherewithin the said lots fall, may be consolidated into one or more new regulated lots if owned by the same parties;

2. at the request of the owners, several lots owned by the same parties may be consolidated into a single newly formed regulated lot, as well as a single lot may be divided into two or more newly formed regulated lots;

3. a co-owned regulated lot may be formed out of two or more lots owned by different parties on the basis of a joint application by the owners with notarized signatures, whereby the undivided interests held by the co-owners are determined, which interests shall be specified in the order referred to in Paragraph (6).

(6) (Renumbered from Paragraph (5), amended and supplemented, SG No. 13/2017) Title to the regulated lots newly formed by the plan shall pass to the owners of lots referred to in Paragraphs (4) and (5), and title to the shares ceded thereto under Paragraph (1) shall pass to the municipality as from the effective date of the [relevant detailed] plan. For each particular regulated lot, the municipality mayor or a person thereby authorized shall issue an order setting forth the precise individualization of the lot concerned. Any such order shall be transmitted to the Recording Office, and a copy of the effective plan referred to in Paragraph (1) shall be transmitted to the Geodesy, Cartography and Cadastre Agency for entry in the property register and plotting in the cadastre proprio motu.

(7) (Repealed, renumbered from Paragraph (6), SG No. 13/2017) Mortgages raised on lots prior to the regulation thereof shall pass entirely onto the newly created regulated lots. The municipality shall acquire the shares in the lots thereto ceded unencumbered by any charge.

Article 16a. (New, SG No. 13/2017) In respect of any spatial-development areas with unregulated lots, as well as of any spatial-development areas whereto the first regulation under a preceding spatial-development plan has not been applied, a regulation plan for streets and lots for works constituting public property, referred to in Item 2 of Article 110 (1) herein, may be created by a Municipal Council resolution in lieu of a plan referred to in Article 16.

Article 17. (1) In any cases other than such covered under Article 16 herein, a detailed plan in respect of a nucleated settlement or a part thereof shall regulate theretofore unregulated lots, whereupon the inner record lines of the said lots shall become coincident with the [existing] immovable property lines.

(2) In compliance with the rules and standard specifications established in this Act, the plan referred to in Paragraph (1) may regulate:

1. existing unregulated lots for the purpose of formation of a larger number of self-contained regulated lots;

2. lots whereof the size does not satisfy the requirements established by Article 19 herein, for the purpose of establishing full-size lots by means of incorporation of parts of adjoining lots;

3. adjoining unregulated lots, for the purpose of creation of co-owned regulated lots.

(3) (Supplemented, SG No. 65/2003) In the cases covered under Paragraph (2), the owners concerned shall submit an application to the (appropriate) municipality, and in the cases referred to in Items 2 and 3 of Paragraph (2), any such application shall enclose a tentative agreement on transfer of title bearing notarized signatures. The undivided interests held by the co-owners in the co-owned regulated lots as formed shall be determined by the agreement proper.

(4) (New, SG No. 65/2003) Where any regulation plan referred to in Items 2 and 3 of Paragraph (2) affects any lots constituting state property, the agreement referred to in Paragraph (3) shall be concluded at market prices by the Regional Governor in writing.

(5) (New, SG No. 65/2003) Where any regulation plan referred to in Items 2 and 3 of Paragraph (2) affects any lots constituting municipal property, the agreement referred to in Paragraph (3) shall be concluded at market prices by the municipal mayor in writing.

(6) (New, SG No. 65/2003) In the cases referred to in Items 2 and 3 of Paragraph (2), construction may be authorized upon presentation of a conclusive contract under Paragraph (3), (4) or (5).

(7) (Renumbered from Paragraph (4), supplemented, SG No. 65/2003) Copies of the effective detailed plans shall be transmitted by the municipality to the Geodesy, Cartography and Cadastre Agency through official channels. In the cases referred to in Items 2 and 3 of Paragraph (2), copies of the effective detailed plans shall be transmitted by the municipality to the Geodesy, Cartography and Cadastre Agency through official channels upon presentation of a conclusive contract under Paragraph (3), (4) or (5).

Article 18. (1) In respect of lots regulated for building development, a detailed plan shall determine:

1. the specific assigned use, permissible activities and permissible building development;
2. the maximum building-development density;
3. the maximum building-development intensity;
4. the minimum open yard space;
5. the mandatory minimum yard greenspace;
6. the building-development manner and character;
7. the building-development lines.

(2) Particular types of a detailed plan may contain only part of the parameters covered under Paragraph (1).

Article 19. (1) Upon regulation of lots for low-rise residential development, whether detached or attached across the boundary between two lots, the lot sizes shall comply with the following requirements:

1. in urban settlements: a minimum of 14 metres in frontage and 300 square metres in surface area;
2. (amended, SG No. 65/2003) in resort nucleated settlements and dispersed settlements and in resort zones with nucleated settlements: a minimum of 16 metres in frontage and 500 square metres in surface area;
3. in country-house zones: a minimum of 18 metres in frontage and 600 square metres in surface area;
4. in rural settlements or parts thereof located on predominantly level ground: a minimum of 16 metres in frontage and 500 square metres in surface area; and where specific ground or economic conditions apply, as well as along major streets: a minimum of 14 metres in frontage and 300 square metres in surface area;
5. in rural settlements or parts thereof located on predominantly steep ground: a minimum of 12 metres in frontage and 250 square metres in surface area.

(2) The rural settlements and the parts thereof located on predominantly level or steep ground shall be designated by the [competent] Municipal Council by resolution on the basis of an opinion of the municipal expert board.

(3) (Amended, SG No. 65/2003) The minimum frontage and floor area sizes of lots regulated for low-rise development, as determined in Paragraph (1), may be reduced by not more than one fifth depending on the economic, technical or ground conditions, or to allow for the position of pre-existing solid buildings, where such allowance shall not result in deterioration of the conditions for appropriate building development, on the basis of an opinion of the municipal expert board.

(4) Upon partition of any lot covered under Paragraph (1), the sizes of the resulting physical divisions may not be smaller than the minimum established in Paragraph (1) or reduced by more than one-fifth of the said sizes.

(5) (Amended, SG No. 61/2007) Upon regulation of lots in blocks for medium-high-rise and high-rise development, for low-rise development attached across the boundary between two lots, for development with social housing or for other development of specific character extending over more than two lots, the sizes of the lots concerned shall be determined by the [relevant] detailed plan proper without compliance with the minimum standards covered under Paragraph (1).

(6) (Amended, SG No. 65/2003) Upon regulation of lots for non-residential development or for purposes other than building development within nucleated-settlement limits, the sizes of the lots concerned shall be determined by a detailed plan, in conformity with the requirements of sanitation, hygiene and fire protection and the relevant spatial-development rules and standard specifications.

(7) (Supplemented, SG No. 65/2003) The apparent outlines of streets, squares and regulated lots and the sizes thereof, as well as the building development of lots within nucleated settlements or parts thereof of historic, archaeological, ethnographic or architectural significance shall be established by the [relevant] detailed plan proper, so as to preserve the historical and architectural landmarks, the surroundings, the distinctive spatial design and architectural and aesthetic character, and the valuable tree vegetation.

## **Section III**

### **Types of Building Development, Building-Development Parameters**

Article 20. (1) Building development in regulated lots can be either principal or accessory.

(2) The principal development shall conform with the specific assigned use of the lots according to Article 8 herein, as determined by the [relevant] detailed plan.

(3) Development with auxiliary, farm or subordinate structures shall be accessory to the principal development in regulated lots.

Article 21. (1) The building-development manner in adjoining regulated lots can be either detached or attached.

(2) (Supplemented, SG No. 61/2007) Principal-development buildings may be developed in an attached manner solely across side immovable property lines, with completely overlapping blank walls. Non-overlapping of a blank wall may be admitted under terms and according to a procedure established by the rules and standard specifications referred to in Article 13 herein, where the overlapping of the blank wall leads to a breach of other standard specifications for height and separations and when other existing specific features have to be complied with.

(3) (New, SG No. 61/2007) The provisions of Paragraph (2) shall not apply to any protected cultural and historical heritage areas.

(4) (Renumbered from Paragraph (3), SG No. 61/2007) Accessory-development structures may be developed in an attached manner across inner immovable property lines.

(5) (Renumbered from Paragraph (4), SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012) Attached low-rise development shall be permissible subject to the availability of notarized written consent of the owners of the adjoining lots wherein the attached development shall be established.

Article 22. (1) In blocks or in large regulated lots, cluster development may be applied, with arrangement in clusters of buildings of different assigned uses, whether free-standing or attached.

(2) (Amended and supplemented, SG No. 6/2009, effective 1.05.2009) The open spaces between buildings in cluster development shall be developed as parks and gardens, outdoor parking spaces or underground car parks and playgrounds.

(3) In residential or resort complexes, cluster development may combine with building development within separate regulated lots.

(4) (New, SG No. 106/2006, amended, SG No. 82/2012, effective 26.11.2012) New construction in the existing residential complexes shall be projected on the basis of a detailed plan referred to in Article 110 (4) herein: a plan for

regulation and building development of the residential complex of a scope extending at least to the spatial-development area of one block in cluster-development. The draft regulation plan and the draft building development for redevelopment of the residential complex shall be subject to a public debate according to the procedure established by Article 127 (1) herein prior to being laid before the expert boards on spatial development.

(5) (New, SG No. 106/2006) The drafts referred to in Paragraph (4) may not exceed the parameters of the plan according to which the residential complexes were established.

(6) (Supplemented, SG No. 65/2003, amended, SG No. 65/2004, renumbered from Paragraph (4), SG No. 106/2006, amended and supplemented, SG No. 61/2007) Upon regulation of lots within the existing blocks with cluster development, the separations between the newly projected buildings and the existing buildings shall be determined according to the cluster development rules. The building development density and intensity in any such lots may not exceed the parameters fixed by the plan for the relevant planned development zone, while concurrently reckoning with the parameters for the separate blocks within the said zone. The assigned use of any grounds situated within the same block may not be altered for the purpose of increasing the building development density if the standard specifications for greenspaces, established in the ordinance referred to in Article 13 (1) herein, have not been achieved.

(7) (New, SG No. 65/2004, renumbered from Paragraph (5), amended, SG No. 106/2006, SG No. 61/2007) Upon restructuring of blocks with cluster development, there shall be designated spaces adjoining the existing buildings according to the rules and standard specifications established in the ordinance referred to in Article 13 (1) herein, which shall be regulated as lots. The remaining undeveloped part of the blocks, including the lots for which building development cannot be projected according to the rules referred to in Paragraph (6), shall be regulated as greenspaces for general public use and shall be entered in the public register referred to in Article 63 (1) herein.

(8) (New, SG No. 13/2017) A design for restructuring of the residential complexes may allot equivalent regulated lots for all lots resituated according to the procedure established by the restitution laws in compliance with Paragraph (6) and the rules of Article 16 herein, without affecting newly formed regulated lots for the existing buildings, allotted according to the rules of the foregoing paragraph. In case this is impossible, the remaining undeveloped part of the blocks, including the lots for which building development cannot be projected according to the rules referred to in Paragraph (6), shall be regulated as greenspaces for general public use, and the owners of restituted lots shall be indemnified by equivalent regulated lots allotted at the expense of other municipal-owned lots within the scope of the plan or beyond that scope.

Article 23. (1) The building-development character shall be determined depending on the height of the principal-development buildings as follows:

1. low-rise: of a height not exceeding 10 metres;
2. medium-rise: of a height not exceeding 15 metres;
3. high-rise: of a height exceeding 15 metres.

(2) (Supplemented, SG No. 65/2003) Solely low-rise development, of a height not exceeding 7 metres, shall be permissible in country-house zones.

Article 24. (1) (Supplemented, SG No. 65/2003, SG No. 65/2004) The height of a building, where facing the building development line, shall be measured in absolute units from the level mark of the average elevation of the ground adjoining the relevant surrounding wall to: the level mark of the intersecting line of the facade plane with the roof plane, applicable to buildings with roof eaves; to the level mark of the upper surface of the cornice, applicable to buildings with cornices; to the level mark of the highest point of the surrounding walls, applicable to buildings without cornices and without eaves.

(2) (Amended and supplemented, SG No. 65/2003) The height of a building shall exclude the height of the roof space, provided that such space shall remain behind a geometrical plane enclosed between an angle of 45 degrees with the horizon and the line of intersection of the facade plane with the upper plane of the cornice or eaves or, applicable to buildings without cornices and without eaves, with the highest point of the surrounding walls. Where the height of the roof space is not included in the height of the building, the level mark of the ridge may not exceed the level mark of the cornice or, respectively, the eaves or the highest point of the surrounding walls, by more than 4.5 metres.

(3) (New, SG No. 65/2004) The height of a building shall be presumed equal to the permissible height if the building is located within a space bounded by a vertical plane along the building-development line of a height equal to the permissible height and a geometrical plane enclosed between an angle of 45 degrees with the horizon and the said height. In such a case, the level mark of the ridge may not exceed the height of the building, measured under the terms established by Paragraph (1), by more than 4.5 metres.

Article 25. Building development in regulated lots shall be delimited by outer and inner building-development lines beyond which the buildings may not be arranged at ground level or along which the buildings must be arranged at ground level, according to the projection of the [relevant] detailed plan.

Article 26. (1) (Amended, SG No. 65/2003) The outer building development line shall be set back from the record street line of the primary street network as follows:

1. along first-class streets (urban freeways): a minimum of 15 metres;
2. along second-class streets (urban highways): a minimum of 5 metres;
3. along third-class streets (arterial streets): a minimum of 3 metres.

(2) Where a street referred to in Items 2 or 3 of Paragraph (2) has a frontage road, the outer building-development line may be coincident with the record street line.

(3) The setbacks covered under Paragraph (1) may be reduced in cases where the pre-existing buildings are preserved and incorporated into the system of building development under the detailed plan, with the building-development line of any new buildings being determined respecting the building-development line of the existing buildings where the said pre-existing buildings shall predominate.

Article 27. (1) The building-development lines in a regulated lot having frontage upon two streets shall be delimited according to the rules applicable to each street.

(2) In a regulated corner lot, where the building-development lines are coincident with the record street lines along both streets, the building-development line in the intersection zone shall be set back at least 2 metres from the point of intersection of the record street lines of the regulated lot.

(3) (Supplemented, SG No. 61/2007) Building-development density and intensity shall not be restricted in regulated corner lots with attached principal development along the two side record lines.

(4) (New, SG No. 61/2007) The provision of Paragraph (3) shall not apply where the regulated lot has a frontage to two streets of which one is cul-de-sac.

Article 28. A detailed plan may prescribe different depths of development for the first story above ground level (of such height as the said plan shall determine) and, separately, for the principal development above the first story above ground level, complying with the standard specifications regarding building development density and intensity and regarding separations between buildings.

Article 29. The depth of development of residential buildings shall not be restricted where the maximum permissible standard specifications for building-development density and intensity, for greenspace and for separations from regulated-lot boundaries and between buildings are complied with under the terms established by Articles 31 to 35 herein, in any of the following cases:

1. upon detached development;
2. upon attached development, solely across the boundary between two regulated lots.

Article 30. (1) (Amended, SG No. 41/2001) In residential zones with attached development, the depth of principal-development residential buildings above the first story above ground level shall be a maximum of 16 metres.



(2) Exceptions to the rule established by Paragraph (1) shall be permissible solely where the regulated lot has a depth exceeding 30 metres and a frontage of at least 20 metres.

(3) The depth of development of non-residential buildings shall not be restricted if the requirements of sanitation, hygiene and fire protection and the requirements established by Article 35 (1) herein are complied with.

## **Section IV**

### **Rules and Standard Specifications Regarding Arrangement of Principal-Development Buildings**

Article 31. (1) (Amended, SG No. 65/2003) In respect of low rise residential development, the standard specifications regarding the separations between principal-development buildings shall be:

1. from the side regulated-lot line: a minimum of 3 metres;
2. from the rear regulated-lot line: a minimum of 5 metres.

(2) (Amended, SG No. 65/2003) In respect of medium or high-rise residential development, the standard specifications regarding the separations between principal-development buildings shall be:

1. from the side regulated-lot line: a minimum of one-third of the height of the building;
2. from the rear regulated-lot line: a minimum of 6 metres.

(3) (New, SG No. 65/2003) The standard specifications regarding the separations covered under Paragraph (2) shall be optional where the inner regulated-lot lines abut a river. In such cases, the building-development lines facing the river shall be determined in compliance with the requirements of hygiene, fire protection and protection against geologic hazards, as well as with the other spatial-development rules and standard specifications.

(4) (Renumbered from Paragraph (3), SG No. 65/2003) The separations between two residential buildings across the side boundary of adjoining regulated lots shall be equal to the sum total of the required separations from each of the buildings to the boundary between the lots.

(5) (Renumbered from Paragraph (4), SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) The standard specifications regarding separations from the side regulated-lot lines, established under Paragraphs (1) and (2), shall apply to buildings of a depth not exceeding 16 metres. In respect of the part of the building of a larger depth, 30 per cent of the excess of depth over 16 metres shall be added to the separations from the side regulated-lot lines under Paragraphs (1) and (2). In a regulated lot having frontage upon two streets, the separations for the excess of depth over 16 metres shall be increased until they reach a value of 2 metres greater than the standard specification for a separation from a side line under Paragraphs (1) and (2).

(6) (New, SG No. 82/2012, effective 26.11.2012) The separation from the building development in a lot and the boundary of a coastal beach shall be greater than or equal to the height of the building development.

Article 32. (1) (Amended, SG No. 65/2003, SG No. 61/2007) The separation between principal-development residential buildings across a street shall be greater than, or equal to, the combined height of the said residential buildings.

(2) (Amended, SG No. 65/2003, SG No. 61/2007) The separation between principal-development residential buildings across the rear of the regulated lot shall be, at a minimum, one and a half times the height of the building oriented in a manner affording more beneficial solar access. On sloping ground, depending on the direction of the slope in respect of the orientation affording more beneficial solar access, the separation shall be increased or decreased by the difference of the average elevations of the ground adjoining the two buildings.

(3) (Amended, SG No. 61/2007) Upon determination of the separation between the buildings under Paragraphs (1) and (2), the height of the building on the side affording more beneficial solar access shall be reduced by the height of the first

and succeeding non-residential stories of the building affording less beneficial solar access.

Article 33. (Supplemented, SG No. 65/2003) In a lot regulated for residential development with multiple buildings, as well as upon cluster development in residential or resort complexes, the separations between principal-development buildings shall be prescribed by the ordinance referred to in Article 13 (1) herein.

Article 34. In country-house zones, buildings shall be separated at a minimum of 4 metres from the side lines and at a minimum of 6 metres from the rear of the regulated lot. The minimum separation between buildings across a street or across the rear of a lot shall be determined according to the procedure established by Article 32 herein.

Article 35. (1) (Amended, SG No. 65/2003) The separations between residential and non-residential buildings in any two adjoining regulated lots shall be determined in conformity with the standard specifications regarding separations between residential buildings. In this case, the depth of development of the non-residential building shall be determined according to the procedure established by Article 31 (5) herein.

(2) The separation from a non-residential building to the inner regulated-lot lines upon detached development may not be less than 3 metres, and the separation between any such buildings within a regulated lot shall conform to the [relevant] detailed plan and shall comply with the requirements of sanitation, hygiene, fire protection and engineering.

(3) (New, SG No. 13/2017) The standard specifications regarding the separations between residential buildings shall apply to buildings for temporary human occupancy: dormitories, barracks, tourist accommodations under the Tourism Act and places for the provision of residence-type social services, shelters and specialized institutions for the provision of social services under the Social Assistance Act.

## **Section V**

### **Deviations from Building-Development Rules and Standard Specifications**

Article 36. (1) With a view to preserving pre-existing fit buildings, it shall be permissible for the actual siting of the pre-existing buildings in the working spatial-development plans to deviate from the required separations, provided that such buildings are solid and have a residual useful life of not less than 25 years, or are cultural or historical heritage sites within the meaning given by the Cultural Heritage Act. In such cases, the required separation between the pre-existing buildings and any buildings projected by the plan within adjoining regulated lots may be reduced by not more than one-third, with the building-development lines being determined respecting the siting of the pre-existing building.

(2) On the basis of a working spatial-development plan, any pre-existing solid buildings may be heightened together with the extension as shall be necessary for any such heightening, complying with the minimum required separations between the buildings in the adjoining regulated lots but without having to comply as well with the minimum required separation between the buildings and the relevant immovable property lines. In such a case, it shall be permissible for the separation between the buildings, including such separation across a street, to be reduced by not more than one-third depending on the position of the pre-existing solid buildings and the possibilities for building development.

(3) Upon urban development of blocks with attached development, where the height of a (new) building must conform to the height of pre-existing buildings, it shall be permissible, on the basis of a working spatial-development plan, for the separation between adjoining buildings at the rear of the regulated lot, as well as for the separation between the building-development lines on the two sides of the street, to be reduced by not more than one-third.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) In the cases referred to in Paragraphs (1) to (3), deviations larger than such established therein in respect of blocks and streets of predominantly developed (50 per cent and more) regulated lots may be permitted on a motion by the municipality mayor by a resolution of the [competent] Municipal Council passed by a majority of not less than two-thirds of the total number of councillors.

(5) (New, SG No. 65/2003) Any authorization referred to in Paragraph (4) shall be issued within two months after receipt of a request.

## **Section VI**

# **Principal-Development Buildings. Requirements to Residential Buildings and Dwelling Units**

Article 37. (1) Principal-development buildings shall be constructed in conformity with the assigned use of the regulated lots as determined in a detailed plan.

(2) Principal-development buildings can be either residential, or manufacturing, or resort, or country-house, or public-services or other, as well as mixed-use buildings.

(3) In mixed-use buildings, the premises and establishments for non-residential needs involving mass access of non-residents shall be arranged below the residential units.

(4) (New, SG No. 101/2015) In a building having a condominium project status, the required parking spaces shall be provided by the development-project design in:

1. a parking garage having the status of a self-contained work in the building, or
2. a parking garage having the status of a common part in the building, or
3. separate parking spaces having the status of an appurtenance to the respective self-contained works in the building.

Article 38. (1) (Supplemented, SG No. 82/2012, effective 26.11.2012) In addition to dwelling units, studios and studies for individual creative pursuits may be constructed on stories of residential buildings above ground level, and parking garages or parking spaces, transformer stations as an exception, as well as other physical-infrastructure works and facilities may be constructed on the first story (above ground level), on the semi-subterranean story or in the basement, observing the requirements of sanitation, hygiene, fire protection and the other technical requirements and safety standards.

(2) Business and service establishments in any residential building under construction may be projected in the basement, on the semi-subterranean story, or on the first story (above ground level), provided that any such establishment shall have a separate entrance and shall conform to the requirements of sanitation, hygiene, fire protection and other technical requirements.

(3) (Supplemented, SG No. 65/2003) It shall be permissible to remodel and alter the assigned use of any residential premise or of any self-contained dwelling unit within an existing residential building having a condominium project status through conversion into a medical consulting room, an office or a studio for individual creative pursuits, requiring the access of non-residents to the building, provided that such establishments shall be located on the first story (above ground level) or on the semi-subterranean story and the remodelling thereof shall conform to the requirements of sanitation, hygiene, fire protection and other technical requirements, and on the basis of an express notarized consent in writing given by all owners of dwelling units adjoining the establishments. As an exception, arrangement of such establishments shall be permissible on other stories above ground level as well, solely on the basis of a resolution of the general meeting of owners passed according to the established procedure, and provided that an express notarized consent in writing has been obtained from all owners of dwelling units adjoining the said establishments.

(4) (Supplemented, SG No. 65/2003) Any existing residential premise or self-contained dwelling unit on the first story [above ground level] of a residential building may be remodelled with an alteration of the assigned use thereof through conversion into a retail shop or for any service activities other than such covered under Paragraph (3), complying with the requirements of sanitation, hygiene, fire protection and if provided with a separate entrance other than the entrance and the common premises on the residential stories. Such conversion shall require a resolution of the general meeting of owners of dwelling units passed according to the established procedure, and an express notarized consent in writing given by all owners of dwelling units adjoining the relevant establishment.

(5) (Amended, SG No. 65/2003, supplemented, SG No. 61/2007, amended and supplemented, SG No. 101/2015) Any self-contained works constructed for non-residential uses within a pre-existing building may be remodelled and have their assigned use altered according to the standard procedure, without having to obtain the consent of the owners in the condominium project, provided that the requirements of Items 2 to 4 of Article 185 (1) herein are complied with and this does not lead to noise pollution and other pollution above the limit values. Unless these conditions apply, the requirements of Article 185 (2) and (3) herein shall be complied with.

(6) (New, SG No. 65/2003) The consent of the owners in a condominium project shall not be required upon restoration of the residential assigned use of any self-contained premises and works converted to non-residential needs, constructed in a pre-existing residential building.

(7) (Renumbered from Paragraph (6), amended, SG No. 65/2003) A reasoned opinion of a structural engineer possessing full licensed designer competence, proving that loads are not increased, that structural elements are not affected, and that the bearing capacity, the stability and the durability of the building are not impaired, shall mandatorily be presented attached to the designs for any conversion under Paragraphs (3) to (5) and, where the building structure has to be modified or loads have to be increased, a structural design part shall furthermore be presented attached to any such design.

(8) (New, SG No. 6/2009, effective 1.05.2009) In any buildings having a condominium project status under construction with a building permit issued after the entry into force of the Condominium Ownership Management Act, wherein more than ten self-contained works are projected, there shall be provided at least one common premise, located on the ground floor or on the first floor, to be used by the owners and occupants of the buildings for household, sports and other service activities (a premise for meetings; for janitors or security guards; for perambulators, bicycles, mopeds and motor cycles; for storage of implements for cleaning the building and the adjoining area thereof, laundry rooms, drying rooms and other such).

(9) (New, SG No. 82/2012, effective 26.11.2012) Remodelling and alteration of the assigned use of any works under Paragraphs (1) to (5) shall be impermissible unless the required parking garages or parking spaces in the respective lot can be ensured for the new works.

(10) (New, SG No. 101/2015) Exceptions to the provision under Paragraph (9) may be permitted by the authority competent to issue the building permit, under the terms established by Article 43 (2) herein.

Article 39. (1) In a country-house building, parking garages may be constructed on the first story (above ground level) or below ground level, as well as studios and studies for individual creative pursuits on the stories and within the roof space.

(2) Upon alteration of the assigned use of any building or part thereof in residential, resort or country-house zones, where such alteration shall involve mass access of non-residents or noise pollution or other pollution above the limit values applicable to the zone, in addition to compliance with the requirements established by Article 38 herein, it shall furthermore be necessary to obtain an express notarized consent in writing given by all owners and holders of limited rights in rem in adjoining lots.

(3) (New, SG No. 17/2009, supplemented, SG No. 50/2010) An alteration of the assigned use of any building or part of building which is an establishment of education, science, health care or culture as well as of sports sites and facilities or parts thereof may be performed under the terms and according to the procedure established by this Act solely after a written consent by the competent government minister. Any refusal to grant such consent shall be reasoned. Should the said minister fail to rule within one month after receipt of the request, tacit consent shall be presumed.

(4) (New, SG No. 65/2003, renumbered from Paragraph (3), supplemented, SG No. 17/2009) In the cases under Paragraphs (2) and (3), the modification of the detailed plan shall be recorded *proprio motu*, on the basis of an order of the municipality mayor, without conducting a procedure for modification of the detailed plan.

(5) (New, SG No. 65/2003, renumbered from Paragraph (4), amended, SG No. 17/2009) The consent of the owners concerned shall not be required, and a procedure for modification of the detailed plan shall not be conducted, in case a non-residential building in a residential, resort or country-house zone is converted into a residential building, and any such alteration shall be recorded according to the procedure established by Paragraph (4).

Article 40. (1) Every dwelling unit must have a separate entrance, at least one residential premise, a kitchen or a kitchenette and a bathroom, as well as a cellar which may be located inside or outside the dwelling unit. It shall be permissible for the premises to be spatially linked, with the exception of lavatories and bathrooms.

(2) A sanitary unit may not be located above a residential premise, above a kitchen or a food cellar except in a dwelling unit which the said sanitary unit serves.

## **Section VII**

### **Accessory Development, Fences**

#### **(Heading amended, SG No. 65/2003)**

Article 41. (Amended, SG No. 65/2003) (1) The accessory development in regulated lots shall consist of auxiliary, service, farm and subordinate structures to the principal-development buildings and shall be permitted in conformity with the projections of the detailed plan.

(2) Where accessory development is not projected by the effective detailed plan, such structures may be permitted by the Chief Architect of the municipality by means of an investigation and design permit referred to in Article 140 herein, if the structures are developed in a detached manner or touching to principal-development buildings in the regulated lot or attached to accessory-development structures solely between two regulated lots. Such development as permitted shall be recorded in the effective detailed plan proprio motu.

(3) Any building development, whereby the planning parameters set by the detailed plan for the relevant regulated lot are exceeded, shall be impermissible according to the procedure established by Paragraph (2).

Article 42. (1) (New, SG No. 65/2003) Accessory-development structures shall be arranged either in a detached manner or touching the principal development in the regulated lot, or attached to the accessory development in an adjoining lot.

(2) (Renumbered from Paragraph (1), amended and supplemented, SG No. 65/2003) No accessory-development structures other than parking garages, workshops and distributive-trade and service establishments may be arranged at the record street line or between the record street line and the principal-development buildings. Accessory-development structures may be constructed along the inner regulated-lot line provided that the blank walls of the said structures overlap with the blank walls of pre-existing or newly projected structures in the adjoining regulated lot or solid fences.

(3) (Renumbered from Paragraph (2), amended, SG No. 65/2003) In a free-standing arrangement, any accessory-development structures shall be of a height not exceeding 3.6 metres and shall be separated from the inner regulated-lot lines at a minimum of 3 metres or, where up to 2.5 metres in height, any such structures shall be separated from the southern, south-western and south eastern boundary with the adjoining regulated lot at a minimum of 1.5 metres up to 45 degrees off due south.

(4) (Renumbered from Paragraph (3), amended, SG No. 65/2003) Any free-standing semi-subterranean structures, rising up to 1.2 metres above the adjoining ground, shall be separated from the inner regulated-lot line at a minimum of 1.5 metres.

Article 43. (1) (Amended, SG No. 82/2012, effective 26.11.2012) The required parking garages and parking spaces for new buildings shall mandatorily be provided within the regulated-lot boundaries.

(2) (Amended and supplemented, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) Exceptions to the provision under Paragraph (1) may be permitted by the authority competent to issue the building permit where it is impossible to provide the standard required parking garages and parking spaces within the regulated-lot boundaries due to technical or statutory constraints such as: regulated-lot size and/or gradient, groundwater conditions, sanitary protected areas and other such under terms established by the ordinance referred to in Article 13 (1) herein.

(3) (Amended, SG No. 65/2003, repealed, SG No. 82/2012, effective 26.11.2012, new, SG No. 101/2015) Where the regulated lot is a common part of a condominium-project building, the required parking places may alternatively be

provided in the open yard space through allocation of the use of part of the yard by the general meeting of the condominium owners, conforming to the standard specifications for the mandatory minimum yard greenspace. Where the land on which the residential building is constructed does not have the status of a common part under Article 38 (1) of the Ownership Act, parking shall be provided through allocation of the use of the part of the open yard space which is not necessary for the use of the building as assigned.

Article 44. (1) (Amended, SG No. 65/2003) Accessory-development structures assigned for agricultural use of any kind may be constructed in rural settlements.

(2) (Amended, SG No. 65/2003) Accessory-development structures for keeping domestic animals may be constructed in urban settlements and country-house zones as an exception, solely in conformity with a uniform use and building-development mode for the zone as conferred by the competent Municipal Council.

(3) (Amended, SG No. 65/2003) Accessory-development structures for keeping domestic animals shall be constructed having a maximum height of 5.5 metres above the adjoining ground and 8.5 metres measured to the highest roof point. Construction of a loft at a separate second level shall be permissible within these heights.

Article 45. (Amended, SG No. 41/2001, SG No. 65/2003) Accessory-development farm structures may not be arranged touching a blank wall of a residential building within an adjoining regulated lot.

Article 46. (1) (Supplemented, SG No. 65/2003) Accessory development subordinate structures (such as summer kitchens or heating-fuel and tools sheds, wells, drinking fountains, cesspools and latrines) may be constructed in lots regulated for low-rise residential or country-house development.

(2) (Supplemented, SG No. 65/2003) Accessory-development subordinate structures shall have a maximum height of 2.5 metres above the adjoining ground and 3 metres to the highest roof point. Where such structures are arranged along the inner regulated-lot line, the highest part of the roof at the blank wall may have a maximum height of 3.6 metres.

Article 47. (1) Summer kitchens may be arranged in a detached or attached manner, without complying with the requirements regarding separations from principal-development buildings.

(2) Swimming pools, wells, drinking fountains, cesspools and latrines shall be constructed in a regulated lot in conformity with the applicable technical requirements and requirements of sanitation and hygiene at a minimum separation of 3 metres from the immovable property line.

Article 48. (1) Regulated lots may be fenced off from a street and from the surrounding regulated lots.

(2) (Amended and supplemented, SG No. 65/2003) Acting on a motion by the [competent] municipal expert board, the municipality mayor shall determine the general requirements regarding fences (type, shape, height, material, etc.) in conformity with the type of planning zones or spatial-development areas, the urban development of the primary street network and the other public spaces, the specific ground conditions, the assigned use of the lots, and in accordance with the rules and standard specifications with the effective detailed plans.

(3) (Supplemented, SG No. 65/2003) Fences separating adjoining regulated lots shall be arranged in equal portions within each of the lots. Where the fence is solid and of a height exceeding 0.6 metres, it shall be permitted subject to an express consent in writing given by the owners of the lots affected and provided that the separation between the said fence and a dwelling unit on the first story [above ground level] of a building in the adjoining regulated lot is greater than, or equal to, the height of the solid part of the said fence. It shall furthermore be permissible to arrange any such fence entirely within the lot of the contracting entity.

(4) (New, SG No. 103/2005, amended, SG No. 82/2012, effective 26.11.2012) Absent a consent of an owner of a lot affected, the construction of a solid fence between adjoining lots of a height of the solid part exceeding 0.6 metres shall be admitted if the separation from the fence to a dwelling unit on the first story of a building in the adjoining regulated lot is greater than or equal to the height of the solid part of the fence, with the fence being sited entirely within the lot of the contracting entity.

(5) (Renumbered from Paragraph (4), SG No. 103/2005) The maximum permissible height for fences shall be 2.2

metres above the adjoining ground. Should there be a difference between the ground elevations of two adjoining regulated lots, the height of the solid part of the fence [between the said lots] shall be measured from the level mark of the lower adjoining ground.

(6) (New, SG No. 103/2005) In the case of a difference between the ground elevations of adjoining regulated lots exceeding 1.5 metres, the height of the solid part of the fence shall be up to 0.6 metres measured from the level mark of the higher adjoining ground.

(7) (Renumbered from Paragraph (5), SG No. 103/2005) The solid part of a street fence may not be higher than 0.6 metres.

(8) (New, SG No. 65/2003, renumbered from Paragraph (7), SG No. 103/2005) Outside urbanized-area boundaries and within the unregulated parts of nucleated settlements, it shall be permissible to fence off lots solely by light fences conforming to the requirements under Paragraph (2).

(9) (Supplemented, SG No. 65/2003, renumbered from Paragraph (6), amended, SG No. 103/2005, SG No. 61/2007, SG No. 13/2017) Construction of fences in deviation from the requirements of Paragraphs (5) and (7) shall be permitted by the Chief Architect of the municipality on the basis of an individual architectural design conforming to the assigned use of the regulated lot and with a view to ensuring stylistic unity.

(10) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) The construction file for fences of any special-purpose installations related to national defence and security shall constitute an integral part of the construction file for any such installations.

(11) (New, SG No. 13/2017) In the restructured residential complexes, resort, vacation and other dispersed settlements, the regulated lots may be fenced off along the record lines by means of hedgerows or by means of see-through fences of a height of the solid part not exceeding 60 centimetres.

(12) (New, SG No. 13/2017) On a motion by the municipality mayor, the fencing off of lots within spatial-development areas projected by a master or detailed plan for the construction of the primary street network, for the underground railway system, for tramway or railway lines, for projects of the green structure and for waste treatment facilities may be temporarily banned by a Municipal Council resolution passed by a majority of two-thirds of the total number of councillors. Any such ban may be imposed on a single occasion for a period not exceeding three years.

## **Section VIII**

### **Provisional Construction Works**

Article 49. (1) (Amended and supplemented, SG No. 65/2003) The owners of lots projected by the [relevant] detailed plans for construction of works constituting public state or municipal property shall have the right to construct provisional construction works, if the State or the municipality concerned:

1. refuses to alter the detailed plan for lack of the grounds covered under Article 134 (2) herein;

2. (amended, SG No. 65/2003) refuses to purchase the corporeal immovable under the terms established by Article 199 (2) herein or fails to respond to an offer of such purchase within three months.

(2) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) In cases other than such covered under Paragraph (1), provisional construction works may be permitted according to the procedure established by this Section in such lots in respect whereof a new building-development manner or character has been established.

(3) (Amended and supplemented, SG No. 65/2003, supplemented, SG No. 82/2012, effective 26.11.2012) A construction work referred to in Paragraphs (1) and (2) shall be permitted subject to the condition that a ban on construction has not been imposed or the new construction or the other action is not projected to commence within the next succeeding one year. The condemnation of any provisional construction works shall be executed under the terms and according to the procedure established by the State Property Act or the Municipal Property Act, as the case may be.

Article 50. In the cases covered under Article 49 herein, the interested parties may construct the following provisional construction works:

1. (amended, SG No. 65/2003) within a developed lot:

(a) a single-storied extension to a legally constructed building of a floor area not exceeding 40 square metres; in the case of a two-storied extension, the maximum floor area thereof shall be 30 square metres per story;

(b) (amended, SG No. 41/2001) a remodelling of an attic room in lieu of an extending referred to in Littera (a), with construction of a buttress not exceeding 1.5 metres in height, and addition of skylights, regardless of the number of existing stories;

(c) (amended and supplemented, SG No. 65/2003) a studio or a service establishment, complying with the limitations established by Littera (a) in respect of floor area and height;

(d) (amended, SG No. 65/2003) accessory-development structures under the terms established by Article 46 herein;

(e) (amended, SG No. 65/2003) a parking garage;

(f) (supplemented, SG No. 65/2003, amended, SG No. 61/2007) a fence complying with the requirements under Article 48 (2) herein;

2. (amended, SG No. 65/2003) within an undeveloped lot:

(a) (supplemented, SG No. 65/2003) a residential building of a floor area not exceeding 60 square metres on two stories, or a single-storied residential building [of a floor area] not exceeding 80 square metres;

(b) (repealed, SG No. 65/2003);

(c) any of the construction works referred to in Litterae (c), (d), (e) or (f) of Item 1.

Article 51. (Amended, SG No. 65/2003) (1) Provisional construction works covered under Article 50 herein shall be permitted on a single occasion per lot on the basis of a design permit specifying the building-development manner and issued by the Chief Architect of the municipality, and a construction file issued according to the standard procedure. A reduction of the established standard required separations from the immovable property lines shall be permissible in the cases referred to in Item 1 of Article 50 herein with the consent of the interested parties expressed in a statement addressed to the municipality mayor, bearing notarized signatures.

(2) In the case of a co-owned lot, structures referred to in Article 50 herein may be permitted to each of the co-owners in compliance with the requirements of Article 183 herein. The aggregate floor area of the structures permitted under Article 50 herein may not exceed 30 per cent of the surface area of the lot.

(3) (New, SG No. 61/2007) Any undeveloped lots falling within spatial-development areas, in respect of which the assigned use referred to in Article 61 (2) herein or another specific assigned use referred to in Article 61 (3) herein is projected but is not implemented, may be used until implementation of the projections of the plan solely for construction or placing of outdoor facilities for sporting activities and playgrounds according to the procedure established by Article 55 herein.

Article 52. (1) The terms and conditions whereunder such structures are permitted shall be recorded in the approved development-project design and in the building permit.

(2) Provisional construction works shall be connected to the existing physical-infrastructure networks and facilities by means of provisional connections.

Article 53. (Amended, SG No. 65/2003) In compliance with the requirements established by this Act, any existing buildings in a lot referred to in Article 49 herein may undergo interior remodelling, or the assigned use thereof may be altered, or any such buildings may be repaired without modification of the exterior contour thereof whether horizontally or



vertically and without adding new bearing structures or substantially reinforcing the existing bearing structures.

Article 53a. (New, SG No. 65/2003, amended, SG No. 101/2015) Any existing and tolerable construction works, which are not included in the building-development mode of the regulated lot, shall be removed by the contracting entity at the latest until the completion of the permitted construction work. If the contracting entity fails to comply with this, the construction work shall not be commissioned.

Article 54. (1) (Amended, SG No. 65/2003, SG No. 101/2015) Provisional construction works may furthermore be constructed for the needs of organization and mechanization of construction, by permission of the authority issuing the building permit. Any such provisional construction works shall be removed upon completion of the construction. If the contracting entity fails to comply with this, the construction work shall not be commissioned.

(2) (Amended, SG No. 65/2003) If construction fails to commence within the term of validity of the building permit, the provisional construction works shall be removed according to the procedure established by Paragraph (1).

(3) (Repealed, SG No. 65/2003).

(4) (New, SG No. 65/2003) Provisional construction works shall furthermore be permitted by the authority issuing the building permit for needs related to action for rehabilitation and reclamation of disturbed areas.

(5) (New, SG No. 65/2003) If the action for rehabilitation and reclamation of disturbed areas fails to commence within one year after authorization of the provisional construction works referred to in Paragraph (2), the building permit issued in respect of any such works shall be invalidated by default, and any constructed structures and facilities shall be removed according to the procedure established by Paragraph (1).

(6) (New, SG No. 106/2006) Provisional construction works shall furthermore be authorized in the cases where, by virtue of a special law, a licence for prospecting and exploration has been granted or a concession for extraction of subsurface resources has been awarded, solely if related to the implementation of these activities. The building-development parameters shall be determined by a specific detailed plan. After expiry of the term of validity of the licence for prospecting or exploration or of the concession for extraction, the provisional construction works shall be removed according to the procedure established by Paragraph (1).

Article 55. (Supplemented, SG No. 65/2003, amended, SG No. 61/2007, amended and supplemented, SG No. 13/2017) Until implementation of the detailed plan, any lots may be used for temporary outdoor parking areas, stall market-places, outdoor facilities for sporting activities and playgrounds, movable amenities referred to in Article 56 (1) herein and other such outdoor facilities on the basis of a building permit or a placing permit, as the case may be, under terms and according to a procedure established by a Municipal Council ordinance.

## **Section IX**

### **Movable Amenities and Street Furnishings**

Article 56. (1) (Amended, SG No. 103/2005, supplemented, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) Movable amusement facilities and movable amenities for retail trade and other service activities, such as kiosks, booths, stalls, electric vehicle supply equipment, as well as other street furnishings (urban public transport stops, benches, lighting fixtures, waste receptacles, drinking fountains, water fountains, clocks and other such), may be placed in lots.

(2) In respect of any amenity referred to in Paragraph (1), a placing permit shall be issued according to a procedure established by a Municipal Council ordinance and, where the lot is state-owned or municipal-owned, placing of any such amenities shall require a scheme approved by the Chief Architect of the municipality. In respect of state-owned lots, any such scheme shall be approved upon consultation with the competent central administration stewarding the lot, and in the rest of the cases upon consultation with the [competent] Regional Governor.

(3) (New, SG No. 65/2003, repealed, SG No. 103/2005, new, SG No. 82/2012, effective 26.11.2012) The amenities referred to in Paragraph (1) may be connected to the physical-infrastructure networks and facilities by provisional connections where this is necessary for the normal functioning of the said amenities.

(4) (New, SG No. 65/2003, supplemented, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) A permit for placing any amenities covered under Paragraph (1) in corporeal immovables constituting cultural assets shall be issued pursuant to a plat after clearance under the terms and according to the procedure established by the Cultural Heritage Act.

(5) (New, SG No. 65/2003) A permit for placing any amenities covered under Paragraph (1) in another's lot shall be issued on the basis of an express written consent of the owner of the lot or a written lease agreement on the surface area occupied by the movable amenity.

(6) (New, SG No. 61/2007, amended, SG No. 50/2010, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and procedure for the planning, safety and technical requirements to the equipment placed in amusement facilities shall be established by an ordinance of the Minister of Regional Development and Public Works, the Minister of Interior and the Minister of Youth and Sports.

Article 57. (1) (Previous text of Article 57, SG No. 65/2003) Outdoor advertising displays, public-information signs or monumental and decorative fixtures may be placed on lots on the basis of a placing permit issued according to the procedure established by a Municipal Council ordinance referred to in Article 56 (2) herein.

(2) (New, SG No. 65/2003, repealed, SG No. 103/2005).

(3) (New, SG No. 65/2003) A permit for placing any amenities covered under Paragraph (1) in another's lot or building shall be issued on the basis of an express written consent of the owner of the lot or building, or on the basis of a written lease agreement on the surface area occupied by the amenity referred to in Paragraph (1).

(4) (New, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) A permit for placing any amenities covered under Paragraph (1) on any condominium-project building shall be issued on the basis of an express written consent of the condominium owners or a written lease agreement with the condominium owners on the surface area occupied by the amenity referred to in Paragraph (1). Any such consent and lease agreement shall be executed according to the procedure established by the Condominium Property Management Act.

(5) (New, SG No. 65/2004, amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) A placing permit under Paragraph (1) in corporeal immovables constituting cultural assets within the boundaries and the protection zones thereof shall be issued after clearance under the terms and according to the procedure established by the Cultural Heritage Act.

Article 57a. (New, SG No. 103/2005) (1) The amenities covered under Article 56 (1) and Article 57 (1) herein shall be removed when they:

1. have been placed without a permit or in conflict with a permit issued;
2. have been placed in another's immovable without legal grounds or the legal grounds for the issuance of a placing permit have lapsed;
3. do not conform to the rules and standard specifications for spatial development;
4. (amended, SG No. 76/2006) do not conform to the requirements under Items 1, 2, 3, 4, 5 of Article 169 (1) and Item 1 of Article 169 (3) herein;
5. constitute advertisement forbidden by a law;
6. the term of validity of the placing permit has expired;
7. do not conform to other requirements established by the ordinance referred to in Article 56 (2) herein.

(2) The circumstances under Paragraph (1) shall be established by an instrument of ascertainment drawn up by the officers referred to in Article 223 (7) herein within seven days after ascertainment of the violation. The instrument of

ascertainment shall be served on the owners of the amenities referred to in Paragraph (1), who may lodge objections within three days after service.

(3) The municipality mayor shall issue an order on removal of the amenity within seven days after service of the instrument of ascertainment.

(4) When the owner of an amenity referred to in Paragraph (1) placed in another's immovable is unknown, the instrument of ascertainment shall be served on the owner of the said immovable. In this case, the municipality mayor shall obligate the owner of the immovable to remove the said amenity at his or her own expense by the order referred to in Paragraph (3).

(5) Where the owner of an amenity referred to in Paragraph (1) placed in a corporeal immovable constituting municipal property is unknown, the instrument of ascertainment and the order on removal shall be posted in a prominent place on the amenity in the presence of two witnesses, as well as in the places appointed to this end in the building of the municipality, borough or mayoralty.

(6) In the order under Paragraph (3), the municipality mayor shall set a deadline for removal of the amenity and shall order the companies supplying water and energy to terminate supplies to the amenity designed for removal.

(7) (Amended, SG No. 61/2007) In case the deadline for removal in the order under Paragraph (3) is not kept, the amenity shall be removed coercively according to a procedure established by the ordinance referred to in Article 56 (2) herein.

(8) If necessary, the coercive execution of the order under Paragraph (3) shall be effected with the cooperation of the police.

## **Section X**

### **Building Development in Unregulated Spatial-Development Areas**

Article 58. (Amended, SG No. 65/2003) Within unregulated small nucleated settlements and within parts of such settlements, building development shall be permissible on the basis of a plat copied from a cadastral map (cadastral plan) or a ground plat drafted by the designer which must contain data on the existing buildings and facilities in the adjoining lots, as well as the required elevations. Construction shall be permitted according to the established procedure in compliance with the standards of the ordinance referred to in Article 13 (1) herein. Fences shall be built following the existing immovable property lines without marking a building line therefor.

Article 59. (1) (Amended and supplemented, SG No. 65/2003, SG No. 82/2012, effective 1.01.2021 - amended, SG No. 101/2015, SG No. 1/2019) Outside urbanized-area boundaries, building development shall be permissible in compliance with the projections of an effective master plan for the territory of the municipality or a part thereof or on the basis of an effective building-development plan for a lot or group of lots, or a parcelling plan for the physical-infrastructure elements after alteration of the assigned use of the land where so required according to the procedure established by a special law, except in the cases referred to in Article 109 (2) and (3) herein.

(2) (Amended, SG No. 41/2001) Without alteration of the assigned use of the land, building development within lots under Paragraph (1) shall be permissible under the terms established by Article 12 (3) herein.

Article 60. (1) The siting of construction works in the cases referred to in Articles 58 and 59 herein shall be determined with a view to future regulation and, to this end, no building development shall be permitted in proximity to angles or strips projecting onto roads or streets or adjoining lots, and space shall be left open for new streets or for widening of existing streets. Any construction works along aquatic areas (rivers, canals, lakes and other such) shall be arranged with a view to a possible future water margin correction.

(2) Building development shall be permitted after water supply and electricity supply have been arranged for the work, as well as vehicular traffic accessibility thereto.

## **Section XI**

### **Arrangement of Greenspaces and Forested Spaces**

Article 61. (1) Greenspaces aggregated into a green structure shall be spatially developed within the territories of the municipalities as a means to improve the micro-climate and hygienic conditions and to provide for public recreation.

(2) (Amended, SG No. 65/2004, SG No. 61/2007) At the core of the green structure, there shall be the greenspaces for general public use, assigned for durable satisfaction of public requirements of national or public importance, such as parks, gardens, paved urban spaces with plants.

(3) (Supplemented, SG No. 61/2007) The green structure shall be complemented by greenspaces for restricted public use located in lots regulated for residential, country-house, public, manufacturing, resort and sporting buildings and complexes, as well as greenspaces of any other specific assigned use, such as landscaped cemeteries, botanical gardens, arboretums, zoos and securing stands.

(4) (New, SG No. 65/2004) Any greenspaces referred to in Paragraph (2) and any greenspaces of specific assigned use referred to in Paragraph (3), which are owned by the State or by a municipality, shall constitute public property.

Article 62. (1) (Supplemented, SG No. 65/2003, amended and supplemented, SG No. 61/2007) Green structures and greenspaces shall be spatially developed in accordance with the approved master plans and detailed plans for urbanized areas and, applicable to parks and gardens, in accordance with detailed plans, complying with the rules and standard specifications established by the ordinance referred to in Article 13 (1) herein.

(2) No greenspaces constituting public property may be sold, ceded or encumbered by any charges, nor can any such spaces be used for any other purposes.

(3) Any existing greenspaces constituting public property shall be spatially developed and conserved as protected areas within the meaning given by Item 4 of Article 8 herein.

(4) Any parks or gardens of historic significance or of distinctive composition and aesthetic appeal shall be designated landscape monuments and shall be spatially developed and conserved in compliance with the standard specifications established by the Cultural Heritage Act.

(5) (New, SG No. 65/2004) Where any lots constituting private property fall within grounds designated for greenspaces constituting public property, the said lots shall be condemned according to the procedure provided for by the law.

(6) (New, SG No. 65/2004, amended, SG No. 61/2007) Lots referred to in Paragraph (5) shall not be condemned where the detailed plans for parks and gardens project any construction or siting of works covered under Items 3 to 6 of Paragraph (7).

(7) (New, SG No. 65/2004, supplemented, SG No. 61/2007) The detailed plans for parks and gardens in greenspaces constituting public property and in lots constituting private property, without alteration of the assigned use thereof, may project building development solely where necessary for:

1. (supplemented, SG No. 61/2007) physical-infrastructure networks and facilities servicing the greenspaces;
2. maintenance of the green structure;
3. (amended, SG No. 61/2007) outdoor facilities for sporting or cultural activities;
4. (new, SG No. 61/2007) playgrounds;

5. (new, SG No. 61/2007) movable amenities covered under Article 56 herein, which may not occupy more than 10 per cent of the surface area of the lot;

6. (new, SG No. 61/2007) monumental and decorative fixtures, public-information signs and outdoor advertising displays referred to in Article 57 herein;

7. (new, SG No. 61/2007) memorial places and sites.

(8) (New, SG No. 65/2004, amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) Any memorial places and sites (monuments, memorial plaques, monumental and decorative structures and fixtures and other such), related to historic events and/or persons, shall be authorized according to the procedure established by this Act after a resolution of the Municipal Council and clearance with the Ministry of Culture. The requirements of the Cultural Heritage Act shall apply to any memorial places and sites having the status of stand-alone or cluster cultural assets and to any construction works within the boundaries and protection zones thereof. Any repair, conservation, restoration and other activities on war monuments, as well as the construction of new ones, shall be performed under the terms and according to the procedure established by the War Monuments Act.

(9) (New, SG No. 65/2004) The detailed plans for parks and gardens shall be adopted by a Municipal Council resolution regardless of the territorial scope of the said plans. A diagrammatic layout for placing of movable amenities and advertising facilities, which shall be approved according to the procedure, provided for approval of the detailed plan for the park or garden.

(10) (New, SG No. 61/2007) The Municipal Council shall adopt an ordinance on the construction and conservation of the green structure within the territory of the municipality.

(11) (New, SG No. 61/2007, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and procedure for the planning and safety of playgrounds shall be established by an ordinance of the Minister of Regional Development, the Minister of Interior and the Chairperson of the State Agency for Child Protection.

Article 62a. (New, SG No. 61/2007) (1) The assigned use of existing greenspaces or of parts thereof within urbanized areas may not be altered where implemented according to the projections of the spatial-development plans.

(2) The assigned use of spatial-development areas and lots, projected for greenspaces in the master plans or detailed plans of urbanized areas, may not be altered even where unimplemented, with the exception of parts of such areas and lots for construction of physical-infrastructure elements or of special-purpose installations related to national defence and security.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) Any alteration of the assigned use of spatial-development areas and lots under Paragraph (2) shall be authorized after a public debate conducted according to the procedure established by Article 127 (1) herein:

1. by the Council of Ministers: in respect of state-owned immovables;

2. by the Municipal Council, in pursuance of a resolution passed by a majority of two-thirds of the total number of councillors: in the remaining cases.

(4) Paragraphs (2) and (3) shall not apply upon alteration of the assigned use of any immovables and parts thereof, projected for greenspaces in the detailed plans, which are not implemented in nucleated settlements of a population not exceeding 10,000 residents. In such cases, alteration of the assigned use shall follow the procedure established in Section IV of Chapter Seven herein.

(5) Except in the cases under Paragraph (2), the assigned use of spatial-development areas and lots projected for greenspaces in the detailed plans of the urbanized areas, which are not implemented, may be altered by a new master plan or detailed plan of the entire nucleated settlement or dispersed settlement, if compliance with the standard specifications for greenspaces is proved by the schemes or diagram plans of the green structure.

Article 63. (1) (Amended, SG No. 65/2004) The [competent] municipality mayor shall organize the compilation and updating of a public register of the greenspaces, of the perennial ornamental trees and of the trees of historic significance within the municipality. The information entered in the said register shall be accessible under the terms and according to the

procedure established by the Access to Public Information Act.

(2) Perennial ornamental trees and trees of historic significance may be felled or uprooted solely as an exception, acting on a written permission given by the municipality mayor on the basis of an expert sanitary examination of the condition of the tree concerned.

(3) (Amended, SG No. 61/2007) Centuries-old or remarkable trees shall be designated as protected and shall be recorded in the register referred to in Article 113 (1) of the Biological Diversity Act. The trees designated as protected shall be recorded in the register referred to in Paragraph (1).

(4) (New, SG No. 65/2003, amended, SG No. 61/2007, supplemented, SG No. 17/2009) The draft detailed plans, with the exception of the draft parcelling plans for the physical-infrastructure projects outside urbanized-area boundaries, shall mandatorily be accompanied by a data sheet on the registered vegetation and a geodetic survey, certified by the municipal amenity-planting authorities.

(5) (New, SG No. 61/2007) Within five years after the completion and acceptance of construction, the municipal amenity-planting authorities shall verify the compliance of the owners (contracting authorities) with the obligations related to amenity planting and substitute afforestation.

## **Chapter Four**

# **PHYSICAL-INFRASTRUCTURE NETWORKS AND FACILITIES**

### **Section I**

## **General Requirements to Physical-Infrastructure Elements**

Article 64. (Amended, SG No. 65/2003) (1) There shall be the following physical-infrastructure elements:

1. transport physical infrastructure and the facilities thereto appertaining (bridges, tunnels, overpasses, underpasses etc.);
2. transmission (disposal and delivery) lines (networks) and the facilities thereto appertaining in an unregulated spatial-development area;
3. transmission (removal and delivery) lines (networks) and the facilities thereto appertaining in a regulated spatial-development area;
4. distribution lines and distribution devices and the facilities thereto appertaining (transformer stations, drinking water and waste-water treatment plant, electricity-supply substations, step-down and distribution stations etc.), including the connecting lines to on-site wiring and plumbing systems and the shared metering devices;
5. (new, SG No. 80/2011, effective 14.10.2011) irrigation and land-reclamation transmission (disposal and delivery) lines (networks) and the facilities thereto appertaining and irrigation and land-reclamation construction works built for safeguarding against the harmful impact of water;
6. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 21/2018, effective 9.03.2018) transceivers and the rest of the physical infrastructure intended to host electronic communications networks;
7. (new, SG No. 82/2012, effective 26.11.2012) stream-bank and shore-line stabilization, shore-protection and geohazards-control construction works;
8. (new, SG No. 82/2012, effective 26.11.2012) waste treatment facilities and installations.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) The physical-infrastructure elements shall be projected by spatial-development plans. The diagrammatic layouts of the physical-infrastructure elements shall constitute an integral part of the master plans and detailed plans.

(3) Physical-infrastructure lines and facilities shall be constructed, maintained and repaired by, and for the account of, the State, the municipalities, or the utility companies concerned, save as otherwise provided by a special law.

(4) Physical-infrastructure works shall be designed and constructed according to the standard procedure established by this Act.

(5) (New, SG No. 82/2012, effective 26.11.2012) Where, in connection with new construction, it shall be necessary to relocate or restructure any existing construction works: underground and overhead physical-infrastructure networks and facilities, the relevant works shall be performed by the contracting entity of the new construction for the account thereof upon approval of the requisite designs, cleared with the utility companies whereof the networks and facilities are affected, and upon the issuance of a building permit.

Article 65. (Repealed, SG No. 65/2003).

Article 66. (Amended, SG No. 65/2003) Corporeal immovables shall mandatorily be connected to the existing physical-infrastructure networks and facilities on the basis of the construction file as issued. The utility company may not refuse a connection citing non-compliance with any requirements as have not been specified thereby upon conclusion of the coupling contract.

Article 67. (1) (Amended and supplemented, SG No. 65/2003) Physical-infrastructure networks and facilities, whether underground or overhead, shall be designed and constructed on municipal-owned or state-owned lots. Where this is impracticable, the physical-infrastructure networks and facilities shall be constructed on lots owned by natural and legal persons according to the procedure established by Article 199 or Article 205 herein.

(2) (Supplemented, SG No. 65/2003) On lots located over or in proximity to underground communication lines or other physical-infrastructure networks and facilities, the building development shall be projected in such a manner as the said development shall not affect adversely the design of the physical infrastructure nor intrude into the servitude strips for operation and maintenance of the said infrastructure. Should it be impossible to achieve appropriate building development or where the servitude strips occupy more than one-third of the surface area of a regulated lot, the detailed plan shall project the said lot for the network concerned, with the condemnation executed for the account of the owner of the network or facility concerned in compliance with the requirements of Article 206 herein.

Article 68. (1) (Amended, SG No. 65/2003) The development-project designs for physical-infrastructure buildings and facilities shall furthermore project the action as shall be necessary for spatial renewal of the regulated lot whereon the said buildings and establishments are located.

(2) (Amended, SG No. 65/2003) Development-project designs shall be denied clearance and approval unless the said designs project the required:

1. action for spatial renewal and amenity planting of regulated lots for physical-infrastructure buildings and facilities;
2. action for spatial renewal (rehabilitation of the adjoining ground for physical-infrastructure networks) in regulated spatial-development areas, including amenity planting, which is to be disturbed by the projected construction;
3. designs for rehabilitation of the adjoining ground for physical-infrastructure networks in unregulated spatial-development areas;
4. designs for roadside amenity planting, attached to the designs for transport infrastructure and national roads, including outside the boundaries of the regulated spatial-development area.

Article 69. (Amended, SG No. 65/2003) Upon construction and restructuring of industrial and resort zones and dispersed settlements, the spatial-renewal action, including amenity planting, shall mandatorily be performed by the owners for the account thereof within the regulated lot. The physical-infrastructure lines and facilities may be constructed for the account of the owners under terms and according to a procedure established by a Municipal Council ordinance.

## **Section II**

### **Physical-Infrastructure Street Networks and Facilities**

Article 70. (1) (New, SG No. 65/2003) The physical-infrastructure lines and the transport-infrastructure facilities associated with vehicular and pedestrian traffic shall be projected and constructed as street networks and facilities.

(2) (Previous text of Article 70, SG No. 65/2003) The location of the physical-infrastructure underground and overhead street networks and facilities shall be determined by the [relevant] master plans and detailed plans in compliance with the applicable technical rules and standard specifications.

(3) (New, SG No. 65/2003) Should there be any existing lines or facilities constituting public state or public municipal property which are impossible to relocate for technical reasons, it shall be permissible to keep any such lines or facilities through appropriate allocation by a detailed plan.

(4) (New, SG No. 65/2003, amended, SG No. 41/2007, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue an ordinance establishing the rules and standards for arrangement of physical-infrastructure lines and facilities (including the lines and facilities for electronic communications networks).

Article 71. (Amended, SG No. 65/2003) The municipality mayor or an official authorized thereby shall ensure the necessary coordination upon the laying and construction of the individual underground street networks and facilities, and shall coordinate underground street construction with above-ground street construction.

Article 72. (1) (Amended, SG No. 65/2003) Any work involving the breaking of street or pavement surfacings or the digging up of interior courtyard spaces shall be performed on the basis of a building permit. The contracting entity shall notify the competent municipal administration of the commencement of any such work after clearance with the traffic safety authorities.

(2) (Amended, SG No. 65/2003, supplemented, SG No. 82/2012, effective 26.11.2012) In the event of any malfunction of the physical-infrastructure underground networks or facilities requiring emergency repair, the contracting entity or utility company concerned may commence the works forthwith, notifying the competent municipal administration and the owners of the lots affected of this.

Article 73. (1) (Previous text of Article 73, amended and supplemented, SG No. 65/2003, amended, SG No. 107/2003) Where, in connection with construction, it shall be necessary to relocate or restructure any constructed underground or overhead street networks or facilities, the relevant works shall be performed by the contracting entity of the new construction for the account thereof upon approval of the requisite designs, cleared with the utility companies whereof the networks or facilities are affected, and upon the issuance of a building permit. Should the detailed plans and the specific schemes thereto project relocation of any lines and facilities, the costs of the new construction shall be for the account of the contracting entity.

(2) (New, SG No. 65/2003) Should street regulation be not applied, where necessary, construction of new or redevelopment of existing lines for the spatial-development area concerned, with the exception of transmission lines, shall be permissible as temporary supply according to the status quo of the ground by a notarized declaration of the contracting entity (or of the utility company concerned) pledging voluntary relocation for the account thereof upon future implementation of the detailed plan. The provisions of Article 192 herein shall apply in such cases.

Article 74. (1) (Amended, SG No. 65/2003) The developer of physical-infrastructure street networks or facilities shall be under an obligation:

1. prior to the commencement of construction, to take all measures as shall be necessary to ensure safety, by placing barricades and crossings, warning signs, traffic detour directions and other such;

2. to take all measures as shall be necessary to prevent any damage to, or displacement of, pre-existing underground or overhead networks or facilities, survey monuments, greenspaces, ornamental trees and other such;



3. (supplemented, SG No. 65/2003) to notify the municipal administration of any overhead or underground networks or facilities, unindicated on the relevant selective maps and registers, as have been uncovered during the course of execution of the work; such networks or facilities shall be covered by backfill only after being surveyed according to the established procedure;

4. (amended, SG No. 65/2003) to give immediate notice to the municipal administration and the nearest museum of history upon uncovering any archaeological finds;

5. (amended, SG No. 65/2003, SG No. 82/2006, SG No. 69/2008, SG No. 53/2014) to notify immediately the fire safety and protection of the community and the road traffic authorities regarding the commencement and the time limit for construction along the relevant streets obstructed by earth work;

6. (amended, SG No. 82/2006, SG No. 69/2008, SG No. 53/2014) to give immediate notice to the competent services and utility companies of any possible damage to networks or facilities resulting from the work and, where water mains, heating mains or gas mains have been damaged, to give immediate notice to the hygiene and epidemiological authorities and the fire safety and protection of the community;

7. (supplemented, SG No. 65/2003) to give at least three days' advance notice to the [competent] municipal administration, as well as to the services and utility companies stewarding and operating the networks and facilities, of a forthcoming backfilling of any newly constructed or remodelled underground networks or facilities. Any such backfilling shall be permitted according to Paragraph (2);

8. to perform, for the account thereof, the recovery works as shall be necessary within such time limits as shall be set by the [competent] municipal administration;

9. to eliminate any damage caused, as ascertained by the municipal administration and as recorded in a memorandum of ascertainment, within such time limits as shall be set by the [competent] municipal administration.

(2) The municipal administration shall permit the backfilling of any networks or facilities after satisfying itself that the building-development line as marked and the other conditions and requirements as to the execution of construction have been complied with, and that the networks or facilities have been surveyed and plotted on the appropriate selective maps and registers referred to in Article 115 (4) herein. A memorandum shall be drawn up on the results of any such verification.

(3) (Amended, SG No. 65/2003) Upon completion of the construction work, executive documents shall be prepared and certified according to the procedure established by Article 175 herein. The contracting entity shall forthwith transmit a copy of the said documents to the municipality and a copy to each of the utility companies concerned.

## **Section III**

### **Roads, Streets and Transport Networks and Facilities**

Article 75. (1) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) The transport physical-infrastructure elements shall be constructed on the basis of the projections of the master plans and detailed plans, and contingent on the spatial structure.

(2) (New, SG No. 65/2003) The works referred to in Paragraph (1) shall be constructed according to the standard procedure established by this Act.

(3) (Renumbered from Paragraph (2), amended, SG No. 65/2003) The transport physical infrastructure shall ensure the best possible conditions for convenient, safe and cost-efficient carriage of passengers and goods, and for accessibility to persons with disabilities, with due consideration for environmental protection.

(4) (New, SG No. 65/2003, amended, SG No. 88/2005, SG No. 93/2009, effective 25.12.2009, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue ordinances establishing standards for planning and designing of the transport physical-infrastructure elements. The standards for planning and designing of the railway infrastructure elements shall be established by an ordinance of the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and

Article 76. (1) (Amended, SG No. 65/2003, supplemented, SG No. 47/2012) Motorways, express roads and first-class and second-class roads of the national road network may not be designed and constructed to pass through nucleated-settlement areas save as an exception where the following conditions shall simultaneously be fulfilled:

1. exceedingly heavy ground and other specific conditions;
2. proven feasibility;
3. compatibility with the spatial-development plans of the nucleated settlement concerned;
4. favourable environmental impact assessment decision.

(2) (Amended, SG No. 65/2003) Where roads of the national road network are designed and constructed to pass through nucleated settlement areas, the said roads shall be dimensioned as elements of the primary street network, observing the requirements for protection of the urban environment against harmful impacts.

Article 77. (1) (Previous text of Article 77, SG No. 65/2003) The street network in nucleated and dispersed settlements shall be classified in conformity with the functional assigned use thereof as follows:

1. primary street network: first-class, urban freeways; second class, urban highways; third-class, arterial streets; fourth class, major streets;
2. secondary street network: fifth-class, collector streets; sixth-class, access streets.

(2) (New, SG No. 65/2003) The primary street network shall be determined by a master plan or, should there be no such plan, by a detailed plan. The class of the primary and secondary street network shall be determined by the detailed plan.

Article 78. Railway stations, maritime and river ports and airports shall be constructed in conformity with the projections of the relevant spatial-development plans and shall mandatorily be connected to the primary street network, to the urban passenger transport lines and, accordingly, to the railway and road network.

Article 79. The spatial-development plans must provide for public parking areas, conditions for pedestrian traffic by means of construction of pavements, pedestrian paths, arcades, streets and precincts, as well as for bicycle traffic by means of bicycle paths, laid out whether self-contained or as part of the cross section of the street.

Article 80. (1) (New, SG No. 65/2003) The width of access streets in nucleated settlements shall be determined by the detailed plan depending on the need to construct infrastructure guaranteeing the normal functioning of the spatial-development area.

(2) (Renumbered from Paragraph (1), supplemented, SG No. 65/2003) In respect of small nucleated settlements and country house zones, the width of access streets between record lines, where projected without pavements, shall be a minimum of 6 metres in nucleated settlements and resorts, and a minimum of 5 metres in country-house zones. In such cases, the minimum width of the roadway shall be 4.5 metres and 4 metres, respectively.

(3) (New, SG No. 65/2003) Streets without pavements shall be impermissible in nucleated settlements of a population exceeding 30,000 residents.

(4) (Renumbered from Paragraph (2), SG No. 65/2003) The width of pedestrian paths in nucleated settlements, resorts and country house zones shall be a minimum of 2.25 metres.

(5) (Renumbered from Paragraph (3), SG No. 65/2003) The width of pavements in nucleated settlements, resorts and country-house zones shall be:

1. a minimum of 1.5 metres, applicable to pavements proper;

2. a minimum of 0.75 metres, applicable to reserve strips.

(6) (Renumbered from Paragraph (4), amended, SG No. 65/2003, amended and supplemented, SG No. 61/2007) The provisions of Paragraphs (2), (3), (4) and (5) shall not apply in any nucleated settlements or parts thereof of historic, archaeological, ethnographic or architectural significance, or in any nucleated settlements or parts thereof constructed on exceedingly heavy ground or in other specific conditions or assigned for development with social housing.

Article 81. (1) Cul-de-sac streets providing access to a limited number of regulated lots must have a minimum width of 3.5 metres, and where a cul-de-sac street provides access to more than four regulated lots in an urban settlement, the minimum width must be 6 metres. Cul-de-sac streets longer than 100 metres shall have a turnaround at the end thereof.

(2) (Supplemented, SG No. 61/2007) The provisions of Paragraph (1) shall not apply to any streets in nucleated settlements or parts thereof of historic, archaeological, ethnographic or architectural significance, or to any streets in nucleated settlements or parts thereof constructed on exceedingly heavy ground or in other specific conditions or assigned for development with social housing.

(3) Any regulated lot with an egress to a cul-de-sac street may have a frontage upon the said street of a size not smaller than the width of the said street.

(4) (Repealed, SG No. 65/2003, new, SG No. 82/2012, effective 26.11.2012) Condemnations for the building of a new cul-de-sac street within a regulated spatial-development area at the request of owners of lots shall be for the account of the said owners.

Article 82. (1) (Supplemented, SG No. 65/2003) Tunnels and multi-level transport facilities shall be designed and constructed in nucleated settlements in conformity with the communication and transport requirements according to the detailed plan.

(2) (Amended, SG No. 65/2003) Rail transport lines, tunnels and other facilities below the surface of streets, squares and block spaces in nucleated settlements shall be designed in a manner ensuring to the greatest extent the preservation of pre-existing buildings and facilities, as well as the existing underground networks and facilities.

(3) (Amended, SG No. 65/2003) Where existing underground networks or facilities have to be disturbed upon the building of lines or tunnels, the said networks or facilities shall be redeveloped according to approved designs for the relocation thereof by the contracting entity for the account thereof.

(4) (Repealed, SG No. 65/2003).

## **Section IV**

### **Water-Supply and Sewer Networks and Facilities**

Article 83. (1) (Supplemented, SG No. 65/2003) Water-conduit and sewer networks and facilities shall be constructed on the basis of approved designs in accordance with the [relevant] master plans and detailed plans and the relevant specific schemes thereto attached and with the grading plans.

(2) (New, SG No. 65/2003) Water-conduit and sewer networks in nucleated settlements shall be designed as street networks and in compliance with the provisions of Section II of Chapter Four herein.

(3) (Renumbered from Paragraph (2), SG No. 65/2003) As an exception, in nucleated and dispersed settlements without grading plans, it shall be permissible to construct water mains and partial sewerage in conformity with the pre-existing terrain configuration of the streets and squares and observing the requirements for future vertical levelling.

(4) (New, SG No. 1/2019, effective 1.01.2019) Water-conduit and sewer pipelines (networks) and facilities outside nucleated and dispersed settlements shall be constructed on the basis of parcelling plans under Item 5 of Article 110 (1).

(5) (New, SG No. 1/2019, effective 1.01.2019) The parcelling plan under Paragraph (4) shall determine the servitude strips in which no construction and planting of permanent crops shall be allowed. The terms and procedure for determining the dimensions and location of servitude strips and the special regime for exercise of servitudes shall be set out in an ordinance of the minister of regional development and public works.

(6) (New, SG No. 1/2019, effective 1.01.2019) The persons building and operating the common water-conduit and sewer pipelines (networks) and facilities which are public state or public municipal ownership shall have the right:

1. to lay and build water-conduit or sewer pipelines or facilities and ground facilities thereto;

2. their representatives to enter into and pass through the properties concerned and to perform activities therein in connection with the building and/or operation of line projects under Paragraph (4) and facilities thereto, including a right of passage of machinery through the land properties concerned;

3. to carry out accident remediation activities.

(7) (New, SG No. 1/2019, effective 1.01.2019) Within the boundaries of servitude strips in the land properties concerned the following shall be prohibited:

1. construction or planting of permanent crops;

2. laying of lines of other physical infrastructure networks, except in cases where this is admitted by a statutory instrument, subject to compliance with the relevant technical and other requirements.

(8) (New, SG No. 1/2019, effective 1.01.2019) The owner of the property concerned may not relocate the line projects and facilities under Paragraph (4) built in his property. The change of ownership shall not terminate the limitations on the use of the land properties concerned.

Article 83a. (New, SG No. 1/2019, effective 1.01.2019) (1) The rights of the persons constructing and operating water-conduit and sewer pipelines (networks) and facilities shall arise when:

1. an effective parcelling plan determines the location and dimensions of the servitude strips and water-conduit and sewer pipelines (networks) and facilities in the properties concerned, and

2. a one-off compensation under Paragraph (2) has been paid or made available to the property owner and to the holders of other real rights over the property concerned.

(2) The amount of the one-off compensations shall be determined and payment thereof shall be made in accordance with Articles 210 and 211. The appeal of the amount of the compensation by interested parties shall not interfere with the exercise of the rights under Article 83 (6) by the persons under Paragraph (1).

(3) The amount of the compensation referred to in Item 2 of Paragraph (1) shall be determined applying the following criteria:

1. the surface area of the property concerned incorporated within the boundaries of the servitude strips;
2. the types of limitations on use;
3. the period of the limitation;
4. the assessed fair market value of the property or of the part thereof which falls within the servitude boundaries.

(4) Apart from the compensation under Item 2 of Paragraph (1), the persons constructing or operating water-conduit and sewer pipelines (networks) and facilities shall restore all damages caused in the property and shall pay the owner a monetary compensation for the limitations on its use outside the servitude strips for the period of actual construction works.

(5) Servitude strips as determined in the detailed plan shall be recorded in the cadastre in accordance with Article 31a of the Cadastre and Property Register Act.

Article 83b. (New, SG No. 1/2019, effective 1.01.2019) (1) The provisions of Articles 83 and 83a shall furthermore apply to redevelopment or overhaul of existing water-conduit and sewer pipelines (networks) and facilities in case of modification of the route, scope and boundaries of the servitude strips indicated in a cadastral map, a specialised map, a cadastral plan or a map of restituted ownership.

(2) The ordinance under Article 83 (5) shall set out the terms and procedure for laying additional (replacement) water-conduit and sewer pipelines to the existing water-conduit and sewer pipelines (networks) and facilities in the servitude strips.

Article 84. (1) (Previous text of Article 84, SG No. 65/2003, supplemented, SG No. 82/2012, effective 26.11.2012) The owner of any public water-supply and sewer networks and facilities shall be under an obligation to connect thereto the water-supply and waste-water plumbing systems of all corporeal immovables within the territorial scope of the said networks and facilities in compliance with the requirement of Article 125a of the Water Act.

(2) (New, SG No. 65/2003) Corporeal immovables and water consumers shall be connected to the water-conduit and sewer networks in compliance with the provisions of this Act and upon conclusion of a written coupling contract between the consumer and the utility company.

(3) (New, SG No. 65/2003, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and conditions, the technical requirements and the procedure for connecting corporeal immovables and consumers to water-supply and sewer networks and facilities and for conclusion of the coupling contracts shall be established by an ordinance of the Minister of Regional Development and Public Works.

(4) (New, SG No. 13/2017) The owners of any developed corporeal immovables shall be bound to connect the said immovables to the existing water-supply and sewer networks and facilities. Any such connecting shall follow the procedure established by the ordinance referred to in Paragraph (3) and the contract referred to in Paragraph (2).

Article 85. (Amended, SG No. 65/2006) The water within the territory of a municipality may be used for satisfaction of drinking and household needs of other municipalities as well, where the quantities of drinking and household water necessary for the needs of the municipality are available and the environmental protection purposes, defined in the Water Act, are not compromised.

Article 86. (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) To ensure protection from pollution and other harmful impacts of water assigned for drinking and household water supply and of mineral water used for therapeutic, prophylactic, drinking and hygienic purposes, spatial-development plans shall project sanitary protected areas around water sources and facilities as designated according to the procedure established by the

Water Act. The planning mode of such sanitary protected areas and the activities prohibited therein shall be regulated by an ordinance of the Minister of Regional Development and Public Works and the Minister of Environment and Water.

(2) No use permit shall be granted for a constructed water supply work unless the sanitary protected areas thereof have been approved and marked out on site.

Article 87. (1) (Supplemented, SG No. 65/2003, amended, SG No. 65/2006, SG No. 82/2012, effective 26.11.2012) In nucleated and dispersed settlements with low-rise development or parts thereof without sewerage, household waste water shall be discharged into water-proof scrape pits satisfying the applicable technical requirements and requirements of sanitation and hygiene.

(2) Where sewerage is lacking, or where owing to the gradient the existing sewerage is incapable of draining surface water, the owners shall be under an obligation to ensure the free flow of such water through the lots up to the relevant street facilities (surface inlet drains, gutters etc.).

(3) Absent a technically feasible alternative, provided that such absence is evidenced inter alia by a vertical levelling design, it shall be permissible for the waste-water plumbing of buildings in regulated lots to be discharged into the street sewerage passing through adjoining lots without impeding the possibility to perform permissible building development in the said lots. In such cases, the section of such sewer passing through such lots from the building up to the street sewerage shall be treated as yard network (building branch).

(4) (Amended, SG No. 65/2003) For any damage resulting from construction and use of networks referred to in Paragraph (3), the title holders shall be paid compensation by the contracting entity according to the procedure established by Article 210 herein.

(5) (New, SG No. 101/2015) Building development shall not be admitted in landslide-hazard areas entered in the register referred to in Article 95 (2) herein without constructed sewerage.

Article 88. Pumping stations for drinking water or waste water, as well as customer's water systems for residential or public buildings, may be installed in buildings complying with the permissible limit values for noise and vibration.

## **Section V**

### **Power-Supply Networks and Facilities**

Article 89. (Amended, SG No. 65/2003) (1) Power-supply networks and facilities shall be off-site (street and yard) and on-site (building).

(2) Construction of off-site power-supply networks shall be performed according to Article 74 herein and under an approved construction file.

Article 90. (Amended, SG No. 65/2003) (1) Public heat-supply and gas-supply networks and facilities and the branches thereof shall be constructed outside of buildings according to the standard procedure established by this Act.

(2) Within developed blocks it shall be permissible, as an exception, for branches from the public heat-supply networks to pass through basement rooms of buildings, absent a technically feasible alternative. The compensation for this shall be determined according to the procedure established by Article 210 herein.

(3) On-site heating systems shall be connected to off-site heating mains by means of subscriber substations. The equipment of subscriber substations shall be part of the public networks and facilities, and shall be installed, maintained and repaired according to the procedure established by Article 64 herein.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) Depending on the capacity and siting thereof, the subscriber substation in a building may serve other buildings as well, any such connection following the procedure established by the Energy Act.

(5) Subscriber substations shall be installed inside or outside the buildings on premises suited for the purpose, with

effective noise and vibration control according to the established standards.

Article 91. (1) Transformer stations shall be constructed in open spaces or in buildings which are not assigned for human occupancy. In urban settlements, such stations may furthermore be constructed in the undeveloped part of a regulated lot owned by natural or legal persons, with the consent of the said persons and complying with the requirements regarding accessory development.

(2) (Supplemented, SG No. 65/2003) In developed blocks, absent a technically feasible alternative, transformer stations may furthermore be constructed in residential buildings with the consent of the owners bearing notarized signatures and with effective noise and vibration control and protection against electric and magnetic fields according to the established standards.

(3) Depending on the capacity and siting thereof, a transformer station may serve multiple buildings.

Article 92. (1) Outside artificial lighting of streets, squares, parks, gardens and other corporeal immovables constituting public municipal property shall mandatorily be provided by the municipality for the purpose of creating conditions for safe night-time traffic as well as of an appropriate night ambience of the nucleated settlements.

(2) The outside artificial lighting of individual corporeal immovables other than such referred to in Paragraph (1) shall be implemented by, and for the account of, the owners and shall require authorization by the Chief Architect of the municipality.

(3) It shall be prohibited to place transformer devices for outside artificial lighting on residential buildings.

## **Section VI**

### **Electronic Communications Networks and Facilities**

**(Heading amended, SG No. 41/2001, SG No. 41/2007, SG No. 21/2018, effective 9.03.2018)**

Article 93. (1) (Previous text of Article 93, supplemented, SG No. 65/2003, amended, SG No. 41/2007, SG No. 21/2018, effective 9.03.2018) Underground physical infrastructure intended to host electronic communications networks shall be constructed in regulated spatial-development areas simultaneously with the other networks and facilities (water mains, sewerage, electricity, heat supply, gas-supply networks and other such) prior to the placing of curbs, pavements, and street surfacings.

(2) (New, SG No. 65/2003, amended, SG No. 41/2007, SG No. 21/2018, effective 9.03.2018) Electronic communications networks shall be constructed in unregulated spatial-development areas on the basis of a plan referred to in Item 5 of Article 110 (1) herein.

(3) (New, SG No. 65/2003, amended, SG No. 41/2007, SG No. 21/2018, effective 9.03.2018) If there is a detailed plan for a spatial-development area wherein no street network is laid, the electronic communications network shall be constructed in accordance with the street regulation projections and with the provisions of Article 210 herein for the account of the owner of the said network.

Article 94. (Amended, SG No. 41/2007, SG No. 21/2018, effective 9.03.2018) The designs of buildings shall project physical infrastructure intended to host electronic communications networks which shall be constructed simultaneously with the building and the other on-site wiring and plumbing systems.

## **Section VII**

**(Amended, SG No. 65/2003)**

### **Monitoring and Combating Landslide, Erosion and Abrasion Processes** **(Heading amended, SG No. 82/2012, effective 26.11.2012)**

Article 95. (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) (1) (Amended, SG No. 66/2013,

effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The activities of registering and monitoring landslide-hazard areas within the territory of the Republic of Bulgaria, including erosion and abrasion processes on the Black Sea coast and the stream-bank of the River Danube, as measures to prevent accidents and damage, shall be implemented by the Ministry of Regional Development and Public Works through the state-owned geohazards-protection companies.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 101/2015) The Ministry of Regional Development and Public Works shall maintain a register of landslide-hazard areas in the country and of areas affected by abrasion and erosion processes along on the Black Sea coast and the stream-bank of the River Danube through the State-owned geohazards-protection companies.

(3) Monitoring under Paragraph (1) shall be performed through observation, analysis and evaluation of the results of conducted detailed subsurface, groundwater and hydrological investigations, geodetic survey and observations of constructed survey monument grids and monitoring and metering systems. The monitoring data, including on areas where geohazards-control measures and activities for landslide containment have been executed, shall be provided to the competent state-owned geohazards-protection companies for inclusion in the register referred to in Paragraph (2).

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The terms and procedure for entry into and maintenance of the register referred to in Paragraph (2), as well as for performing the activities referred to in Paragraph (3), shall be established by an ordinance of the Minister of Regional Development and Public Works.

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The coordination between the individual central-government departments for landslide containment within the territory of the Republic of Bulgaria, including the abrasion and erosion processes along the Black Sea coast and the stream-bank of the River Danube, shall be implemented by the Ministry of Regional Development and Public Works.

Article 96. (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 101/2015) The geohazards-control measures and activities for containment of landslides, erosion and abrasion processes and for prevention of accidents and damage shall be implemented by the Ministry of Regional Development and Public Works, the central and the local executive authorities and by the owners and users of the lots under terms and according to a procedure established by an ordinance of the Minister of Regional Development and Public Works.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 101/2015) The requirements to the geohazards-control measures and activities, the technical requirements to the design, execution, operation and maintenance of geohazards-control construction works, buildings and facilities in landslide-hazard areas shall be established by the ordinance referred to in Paragraph (1).

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 101/2015) In landslide-hazard areas entered in the register referred to in Article 95 (2) herein, geohazards-control measures and activities shall be authorized according to the procedure established by this Act after adoption of the subsurface and groundwater investigations in respect of the overall and local stability of the spatial-development area by a specialized composition of the competent expert board with the authority competent to approve the detailed plan, and the advance consent of the Minister of Regional Development and Public Works issued within one month after receipt of a request for the issuance thereof. The consent of the Minister of Regional Development and Public Works shall be entered into the building permit.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 101/2015) Any building and erection works other than those referred to in Paragraph (3), which require the issuance of a building permit, shall be permitted in landslide-hazard areas entered in the register referred to in Article 95 (2) herein on the basis of an effective detailed plan after:

1. implementation of the geohazards-control measures and activities under Paragraph (3), if the need of this is proved by the results of subsurface and groundwater investigations carried out in respect of the overall and local stability of the spatial-development area, adopted by a specialized composition of the competent expert board with the authority competent to approve the detailed plan;



2. identifying a positive effect of the execution of the measures and activities referred to in Item 1;

3. advance consent of the Minister of Regional Development and Public Works, issued within one month from the receipt of the request, which consent shall be entered into the building permit.

(5) The effect of the execution of the geohazards-control measures and activities under Paragraph (4) shall be identified by means of monitoring under Article 95 (3) herein.

(6) (New, SG No. 101/2015) In areas where a ban on construction has been imposed by an order under Article 198 (3) herein, an advance consent under Paragraph (4) shall not be issued until all conditions of the order for the sectors for which it has been issued are fulfilled and until the said order is revoked on a motion by the competent local self-government authorities.

## **Section VIII**

### **Waste-Treatment Installations and Facilities**

Article 97. (1) The location of sites for construction of waste treatment installations and facilities shall be determined by master plans and detailed plans.

(2) The distances from the sites for arrangement of waste treatment installations and facilities to nucleated settlements shall be determined depending on the [treatment] technology adopted and the established sanitary protected areas.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The sites referred to in Paragraph (1) shall be selected, constructed and operated on the basis of designs approved according to the standard procedure and according to requirements established by ordinances of the Minister of Regional Development and Public Works, the Minister of Environment and Water, and the Minister of Health.

Article 98. (1) The grounds for, and construction of, household waste and construction and demolition-waste treatment installations and facilities shall be provided by the municipality concerned.

(2) Two and more municipalities may construct shared household waste and construction and demolition-waste treatment installations and facilities.

(3) (Amended, SG No. 53/2012, effective 13.07.2012) The provision of grounds, the construction of installations and facilities, and the treatment of industrial waste, including of hazardous waste, shall be performed under the terms and according to the procedure established by the Waste Management Act.

## **Section IX**

### **(New, SG No. 65/2003)**

### **Gas Supply**

Article 98a. (New, SG No. 65/2003) Gas supply of urbanized areas shall be implemented through construction of a gas-distribution network according to designs approved according to the standard procedures in accordance with the projections of the master plans and detailed plans and the specific diagrammatic layouts attached thereto. If there are no master plans and detailed plans for small nucleated settlements and dispersed settlements, the gas-supply system installation designs shall be prepared on the basis of a specific diagrammatic layout approved according to the procedure established by Article 128 herein.

Article 98b. (New, SG No. 65/2003) (1) (Amended, SG No. 82/2012, effective 26.11.2012) The street gas-distribution networks, the elements thereof and the adjoining facilities shall be constructed by and for the account of the legal person which has obtained authorization for construction of such energy facilities according to the procedure established by the Energy Act.

(2) Gas-distribution networks and the elements thereof shall be operated, maintained and repaired by and for the account of the gas-distribution enterprises (companies) in the nucleated settlements.

(3) The gas-supply piping and fittings in buildings shall be constructed, maintained and repaired for the account of the owners of the buildings.

## **PART TWO**

### **SPATIAL-DEVELOPMENT PLANNING. DEVELOPMENT-PROJECT DESIGNING AND CONSTRUCTION AUTHORIZATION**

#### **Chapter Five**

### **CONCEPTS AND SCHEMES FOR SPACE DEVELOPMENT (Heading amended, SG No. 82/2012, effective 26.11.2012)**

Article 99. (Amended, SG No. 82/2012, effective 26.11.2012) The concepts and schemes for space development shall determine the national spatial-development policy for a specified period.

Article 100. (Amended, SG No. 82/2012, effective 26.11.2012, SG No. 15/2016) Planning of space development shall comprehend the elaboration and updating of a system of documents on space development at the national and functional-regional level, defining a strategy for integrated space development, taking into consideration the territorial potential and the principles of balanced sustainable development.

Article 101. (1) (Amended and supplemented, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012, SG No. 15/2016, previous text of Article 101, SG No. 28/2018) The system of documents on planning of space development, the scope and content, as well as the procedure and terms for the commissioning, preparation, adoption and application of the concepts and schemes for space development, shall be specified in the Regional Development Act.

(2) (New, SG No. 28/2018) The scope and content of the Maritime Spatial Plan of the Republic of Bulgaria and the conditions and procedure for its elaboration, adoption, application and amendment shall be determined in the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act.

Article 102. (Repealed, SG No. 82/2012, effective 26.11.2012).

#### **Chapter Six**

### **SPATIAL-DEVELOPMENT PLANS**

#### **Section I**

### **General Provisions**

Article 103. (1) Spatial-development plans shall be of the following types:

1. master plans;
2. detailed plans.

(2) A master plan shall determine the prevailing assigned use and manner of planning of the separate structural parts of the areas comprehended into the plan.

(3) A detailed plan shall determine the specific assigned use and manner of planning of the separate lots comprehended into the plan.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) Each spatial-development plan shall conform to the projections of the superior concepts and schemes for space development and spatial-development plans, if any, and shall represent a more complete, more detailed and specific elaboration in respect thereof.

(5) (New, SG No. 65/2003, repealed, SG No. 82/2012, effective 1.01.2021 - amended, SG No. 101/2015, SG No. 1/2019).

(6) (New, SG No. 65/2003, supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 53/2014) Subsurface and hydrological investigation shall be conducted upon preparation of master plans and detailed plans in respect of the overall stability of the spatial-development area and the buildability thereof.

Article 103a. (New, SG No. 82/2012, effective 26.11.2012) (1) (Amended, SG No. 101/2015) The draft master plan shall reckon with the projections of the pre-existing detailed plans approved prior to the date of the granting of the authorizations under Article 124 herein. Any alteration of the assigned use, the building-development manner and character of the lots for which there is an approved detailed plan shall be permissible solely for the construction of works constituting public state property or public municipal property, as well as for the purpose of protecting public interests: protection of the environment and of human health, protection of agricultural, forest and protected areas and special areas of conservation.

(2) The draft detailed plans, whereof the preparation is authorized according to the procedure established by this Act and which have not been approved as at the effective date of the master plan or of the modification thereof, shall conform to the projections of the master plan and to the rules and special specifications for the application of the said master plan.

(3) (Amended, SG No. 13/2017) Upon the entry into effect of the new master plan, the action on application of the pre-existing detailed plans shall be suspended in the parts in which the master plan projects an alteration of the assigned use and the manner of planning of the lots in the cases referred to in Paragraph (1). Within six months after the entry into effect of the master plan, the authorities referred to in Article 135 (1) herein shall issue a prescription on a proprio motu modification of the pre-existing detailed plan according to the procedure established by Article 134 (2) herein in conjunction with Item 1 of Paragraph (1).

(4) (Amended, SG No. 13/2017) Upon condemnation for construction of any works constituting public State or public municipal property, the equivalent compensation to the owners and holders of limited rights in rem shall be determined depending on the projections of the pre-existing detailed plans.

## **Section II**

### **Master Plans**

Article 104. (1) (Amended, SG No. 65/2003) Master plans shall provide a basis for the overall planning of the spatial-development areas of municipalities, of parts thereof or of individual nucleated settlements with the land-use areas thereof. The projections of the master plans, determining the general structure and prevailing assigned use of the spatial-development area, the type and assigned use of the physical infrastructure and the protection of the environment and the cultural and historical heritage sites, shall be mandatory in preparation of the detailed plans.

(2) (Supplemented, SG No. 65/2003) The rules and standard specifications for application of any master plan, which shall be prepared in accordance with the ordinance referred to in Article 13 (1) herein and shall be approved simultaneously with the plan, shall constitute an integral part of the said plan.

(3) A master plan shall have no direct applicability to construction authorization.

Article 105. Master plans shall be elaborated for the spatial-development areas of:

1. a particular municipality, comprehending all nucleated settlements in the said municipality and the land-use areas of the said settlements;
2. a particular part of a municipality, comprehending a group of adjoining land-use areas with the nucleated settlements thereof;

3. an urban nucleated settlement, together with the land-use area thereof; the spatial-development area which is subject to the master plan need not be coincident with the land-use area of the urban settlement;

4. a dispersed settlement of national importance according to the Territorial Administration of the Republic of Bulgaria Act.

Article 106. The master plan of a municipality or of a part thereof shall determine:

1. (supplemented, SG No. 65/2004) the general spatial structure of the spatial-development area subject to the plan, and the prevailing assigned use of the constituent and structural parts of the said area: location and boundaries of the nucleated settlement and dispersed-settlement areas; the agricultural areas; the forest areas; the nature-conservation areas; the cultural and historical conservation areas, the disturbed areas for rehabilitation, and the areas of special, other, or mixed assigned use;

2. the general planning mode of each of the spatial-development areas covered under Item 1, with the requisite rules and standard specifications;

3. the siting of the physical-infrastructure networks and facilities within the territory of the municipality, and the connections of the said networks and facilities to the spatial-development areas of the surrounding municipalities and to the infrastructure networks, facilities and works of national importance;

4. the spatial-development areas constituting public state and public municipal property, and the planning mode thereof;

5. (amended, SG No. 53/2014) the territories threatened by disasters, determined pursuant to the maps, drawn up under the regulation on Article 6, paragraph 2 and the municipal plans under Article 9, paragraph 1 of the Disaster Protection Act, as well as preventive measures and ways of way of organisation and protection;

6. the spatial-development areas for active application of landscaping and aesthetically effective arrangement.

Article 107. The master plan of an urban settlement with the land-use area thereof or of a dispersed settlement of national importance shall determine:

1. the general spatial structure of the spatial-development area subject to the plan: residential areas; manufacturing and storage areas; park and garden areas; sports and entertainment areas; public-services areas; areas containing cultural and historical heritage sites; areas for construction of resort and tourist facilities and country houses; areas for physical-infrastructure networks and facilities; agricultural areas; forest areas; nature-conservation areas; disturbed areas for rehabilitation; areas of special, other or mixed assigned use.

2. the general planning mode of each of the spatial-development areas covered under Item 1, with the requisite rules and standard specifications;

3. the spatial-development areas constituting public state and public municipal property, and the planning mode thereof;

4. the requirements as to the aesthetic composition of the area;

5. (new, SG No. 65/2003, amended, SG No. 61/2007, repealed, SG No. 13/2017);

6. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 53/2014) the territories threatened by disasters, determined pursuant to the maps, drawn up under the regulation on Article 6, paragraph 2 and the municipal plans under Article 9, paragraph 1 of the Disaster Protection Act, as well as preventive measures and ways of way of organisation and protection.

## **Section III**

# Detailed Plans

Article 108. (1) Detailed plans shall particularize the planning and building development of nucleated-settlement areas and of the land-use areas of nucleated settlements, as well as of the dispersed settlements. The projections of detailed plans shall be mandatory in development-project designing.

(2) (Supplemented, SG No. 65/2003, amended, SG No. 41/2007, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) A detailed plan shall be accompanied by grading plans, diagram maps of the communication and transport network, of water supply, sewerage, electrification, by landscaping and spatial renewal plans, subsurface investigation, central-heating and hot-water supply, telecommunications and other such, which shall be approved simultaneously with the detailed plan as an integral part thereof. Regulation plans shall determine the cross sections of the streets with projected amenity planting and the servitude strips for physical-infrastructure networks and facilities, if beyond the scope of street regulation plans. Diagrammatic layouts of physical-infrastructure networks and facilities shall determine the type and the technical dimensions of the said networks and facilities.

(3) Where detailed plans are created for a single block or a group of blocks, the said plans shall enclose a grading design. Should any such design project alterations of the street network, the said design shall enclose a layout of the street network, cross sections of the streets, as well as layouts of the physical-infrastructure networks and facilities, if the new projections affect existing physical-infrastructure underground networks and facilities of the nucleated settlement or parts of the said networks and facilities.

(4) (Amended and supplemented, SG No. 65/2003) The rules and standard specifications for application of the detailed plans, which shall be prepared in accordance with the ordinance referred to in Article 13 (1) herein and shall be approved simultaneously with the detailed plans, shall constitute an integral part of any such plan with the exception of an integrated development-project initiative design referred to in Article 150 herein.

(5) The projections of the plan must be cost-effectively feasible and provide an opportunity for appropriate planning of the regulated lots and of the blocks.

(6) Lot owners shall be indemnified for any detriment caused by the application of the grading plan. Article 210 herein shall apply in such a case.

Article 109. (1) Detailed plans may be elaborated for the areas of:

1. nucleated settlements with the land-use areas thereof, as well as of structural parts of nucleated settlements with the immediately adjoining parts of the land-use areas;
2. nucleated or dispersed settlements or parts thereof comprehending part of a block, one or several blocks;
3. land-use areas or parts of land-use areas.

(2) (Amended, SG No. 82/2012, effective 1.01.2021 - amended, SG No. 101/2015, SG No. 1/2019) A detailed plan for the urbanized areas referred to in Items 1 and 2 of Paragraph (1) may be created even when there is no master plan, and a detailed plan for the spatial-development areas referred to in Item 3 of Paragraph (1) may be created solely for the entire land-use area. In the cases where the regulation and building-development plans cover the entire nucleated settlement and/or the land-use area thereof or the entire dispersed settlement, the said plans shall furthermore play the role of a master plan for the spatial-development area concerned.

(3) (New, SG No. 82/2012, effective 1.01.2021 - amended, SG No. 101/2015, SG No. 1/2019) In any cases other than such referred to in Paragraph (2), where there is no master plan, a detailed plan for a single lot or for a group of lots outside the boundaries of the urbanized areas may be elaborated for:

1. works of national importance;

2. national works within the meaning given by the State Property Act;
3. works of functional-regional importance;
4. municipal works of primary importance;
5. works constituting public property;
6. works which have been awarded an investment class certificate under the Investment Promotion Act;
7. physical-infrastructure projects;
8. special-purpose installations related to national defence and security;
9. works in areas for targeted State support under the Regional Development Act in pursuance of a Municipal Council resolution;
10. immovable cultural assets;
11. works referred to in Article 12 (3) herein.

(4) (New, SG No. 82/2012, effective 1.01.2021 - amended, SG No. 101/2015, SG No. 1/2019) The plan referred to in Paragraph (3) shall be elaborated within a scope and with content according to Article 108 (2) herein and the ordinance referred to in Article 117 herein.

Article 110. (1) Detailed plans may be of the following types:

1. regulation and building-development plan, abbreviated to RBDP (plan for regulation of streets and lots and for building development mode);
2. regulation plan, abbreviated to RP (plan for regulation of streets and lots without building-development mode); one subtype of a regulation plan shall be the street-regulation plan, abbreviated to SRP (plan limited to regulation of streets and of lots for works constituting public property);
3. (amended, SG No. 65/2003) building-development plan, abbreviated to BDP;
4. working spatial-development plan, abbreviated to WSDP (plan for building development and skyline arrangement);
5. (new, SG No. 65/2003) parcelling plans for the physical-infrastructure elements outside urbanized-area boundaries.

(2) (Amended, SG No. 65/2003) One of the plans covered under Paragraph (1) may be prepared and applied according to the spatial-development objectives and tasks and depending on the specific need upon planning of a specific spatial-development area.

(3) The detailed plans referred to in Item 2 of Paragraph (1) may furthermore designate planning zones and planning-mode areas, and building-development lines.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) A plan for regulation and building-development shall be prepared and applied for redevelopment of residential complexes, of industrial, resort, vacation and other dispersed settlements.

Article 111. (1) (Previous text of Article 111, SG No. 28/2018) Specific detailed plans may be elaborated for agricultural, forest and protected areas, for disturbed areas for rehabilitation, and for areas of special and other assigned uses, with the said plans solving specific spatial-development problems and comprehending structural parts of the municipality territory.

(2) (New, SG No. 28/2018) For the ports under items 1 – 4 of Article 93 and for the specialized port facilities under Article 111a, paragraph 1 and Article 111b, paragraph 1 of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act the following specialized detailed development plans are developed:

1. general plan for public transport port - plan for regulation and construction of the port territory and land parcel plan of the port aquatory;
2. detailed development plan for a fishing port, marina or special purpose port - plan for regulation and construction of the port territory, accompanied by a communication-transport scheme and a plot plan of the port aquatory;
3. detailed development plan of a specialized port facility - a plot plan of the aquatic area, accompanied by a specialized scheme.

Article 112. (1) A detailed plan referred to in Item 1 of Article 110 (1) herein shall determine: the spatial structure, the planning zones and planning-mode areas, and the specific assigned use of each lot.

(2) A detailed plan referred to in Item 1 of Article 110 (1) herein shall regulate:

1. the lots assigned for works constituting public property;
2. the lots for building development and the lots without building development, with the mode thereof;
3. the blocks and lots for predominantly residential development of maximum permissible building-development density and intensity, height and building-development manner, building development lines;
4. the blocks and lots for manufacturing and storage, for agricultural production and animal husbandry, the planning mode thereof and the sanitary protected areas thereof;
5. the blocks and lots for landscaping assigned for a recreational, protective and land-reclamation use;
6. the blocks and lots for sporting activities and entertainment activities and the planning mode thereof;
7. the blocks and lots with public-services buildings;
8. the blocks and lots of cultural and historic significance and the planning and protection mode thereof;
9. (amended, SG No. 65/2003) the street network, and the driveways.
10. the physical-infrastructure networks and facilities with the servitude strips thereof, as well as the works involved in environmental protection;
11. the blocks and lots of mixed, special, or other assigned use;
12. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 53/2014) the territories threatened by disasters, determined pursuant to the maps, drawn up under the regulation on article 6. paragraph 2 and the municipal plans under Article 9, paragraph 1 of the Disaster Protection Act, as well as preventive measures and ways of way of organisation and protection.

(3) (Repealed, SG No. 65/2003, new, SG No. 82/2012, effective 26.11.2012) The following may be determined by the detailed plans on the basis of the special rules and standard specifications referred to in Article 13 (4) herein and the relevant special statutory instruments:

1. grounds which are forbidden zones immediately adjoining the lots assigned for development with special-purpose installations related to national defence and security, wherein building development, use, staying and passage shall be inadmissible;

2. servitude zones around the lots assigned for development with special-purpose installations, whereby restrictions shall be imposed on an alteration of the assigned use and use mode of the lots affected.

(4) (Supplemented, SG No. 65/2003, amended, SG No. 13/2017) The detailed plans shall furthermore create conditions for spatial development of the environment and the physical infrastructure with a view to accessibility to, and use by, persons with disabilities, confirming to the requirements of the ordinance referred to in Article 169 (4) herein for an environment accessible to the public, including to people with disabilities.

(5) (New, SG No. 82/2012, effective 26.11.2012) Protection zones for stand-alone or for cluster immovable cultural assets may be defined by the detailed plans on the basis of the special rules and standard specifications referred to in Article 13 (6) herein, for which [zones] restrictions shall be imposed in the building-development and use modes.

Article 113. (1) A working spatial-development plan shall be drafted for a limited part of the spatial-development area (a separate regulated lot or a group of regulated lots) and shall be prepared on the basis of a detailed plan referred to in Items 1, 2 and 3 of Article 110 (1) herein or simultaneously therewith. The building-development character and manner as projected by the effective detailed plan may not be altered by a working spatial-development plan.

(2) (Amended, SG No. 65/2003) A working spatial-development plan shall be drafted at the request of the contracting entity for particularization of the effective detailed plan solely under the terms established by Article 36 herein or in the case of attached development of more than two regulated lots.

(3) A working spatial-development plan may admit, inter alia, alterations of the regulated-lot boundaries in compliance with the terms established by Article 17 herein.

(4) A working spatial-development plan shall determine precisely:

1. the siting and apparent outline of the buildings, as well as the minimum separation between the buildings and between the buildings and the immovable property lines, in conformity with the building development density and intensity permissible for the relevant planned development zone;

2. the requisite skylines, specifying: the maximum heights of buildings and the ridges thereof in absolute level marks; the number of stories; the shape and pitch of the roofs, and the architectural link between the buildings for the purposes of proper space arrangement.

(5) (New, SG No. 65/2003) At the request of the contracting entity, a draft modification of a detailed plan may be prepared, communicated, approved and take effect simultaneously with the draft working spatial-development plan.

(6) (New, SG No. 19/2009, effective 10.04.2009) Where detailed plans of protected cultural heritage conservation areas or parts thereof are modified, working spatial-development plans shall be prepared as well for the immovables affected by the modification and the adjoining immovables.

Article 114. (1) (Previous text of Article 114, SG No. 65/2003) The specific siting of buildings and the building development manner of lots regulated by the plans covered under this Section shall be determined:

1. by a working spatial-development plan, where preparation of such a plan shall be mandatory;

2. (amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) by a design permit referred to in Article 140 (3) to (5) herein;



3. (new, SG No. 82/2012, effective 26.11.2012) by the development-project design in accordance with the effective detailed plan: in the rest of the cases.

(2) (New, SG No. 65/2003) The siting of physical-infrastructure networks and facilities shall be determined by the development-project design.

## **Chapter Seven**

### **CREATION, APPROVAL AND MODIFICATION OF SPATIAL-DEVELOPMENT PLANS**

**(Heading amended, SG No. 82/2012, effective 26.11.2012)**

#### **Section I**

### **Information and Technical Basis of Spatial-Development Plans**

**(Heading amended, SG No. 82/2012, effective 26.11.2012)**

Article 115. (1) (Amended and supplemented, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 1/2019, effective 1.01.2019) Spatial-development plans shall be prepared using data derived from the topographic maps, the cadastre, the levelling plans, the selective maps and registers and others, whether in digital or graphic form, as well as other data retrieved from the specialized information systems of central and local administrations and of the utility companies.

(2) (Amended and supplemented, SG No. 82/2012, effective 26.11.2012) The data regarding the location, boundaries, sizes, durable assigned use and manner of durable use of lots and buildings and the physical-infrastructure facilities wherein there are self-contained works, the data regarding the international borders, the boundaries of the political units and territorial units and the boundaries of spatial-development areas comprehending immovables of identical durable assigned use, as well as the data regarding ownership and limited rights in rem, shall be retrieved from the cadastral map and the property register.

(3) (Supplemented, SG No. 82/2012, effective 26.11.2012) The data regarding the overhead networks and facilities of the physical infrastructure, regarding the transport facilities (railways, roads, bridges, fords, maritime and river ports and other such), regarding the hydrography, regarding the vegetation cover and the soil mantle, the landscape and regarding the terrain, shall be retrieved from the topographic and selective maps and registers.

(4) (Supplemented, SG No. 1/2019, effective 1.01.2019) The data regarding the subterranean buildings, regarding the physical-infrastructure underground networks and facilities, regarding the protected natural sites, regarding the cultural and historical heritage sites, as well as other specific data regarding the spatial-development areas shall be handled using the selective maps, registers and information systems of central and local administrations and the utility companies.

(5) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) At the request of the municipality mayor, of other government departments or of the interested parties, selective maps, registers and information systems with specialized data referred to in Article 32 (1) of the Cadastre and Property Register Act may be created simultaneously with the creation of the cadastral map and the cadastral registers.

(6) (New, SG No. 65/2003, supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 1/2019, effective 1.01.2019) The information covered under Paragraphs (1) to (5) shall mandatorily be provided to the competent State or municipal administration or to other persons having the right to commission spatial-development plans. Upon request, any such information shall be provided within 14 days. Upon refusal or delay, administrative penalty liability shall be incurred according to this Act.

Article 116. (1) The legal or natural persons, which or who implement building works affecting the contents of the cadastral plans, shall be obligated, upon completion of any such works, to provide forthwith the municipal administration with comprehensive and accurate data regarding the new construction or remodelling performed in the form of diagrams, plats, plans, drawings and documentary proofs of title. In the cases where the contents affected are of a cadastral plan

which has been transmitted to the Geodesy, Cartography and Cadastre Agency or of an approved cadastral map, the said data shall be provided to the Geodesy, Cartography and Cadastre Agency.

(2) (Amended, SG No. 65/2006) In connection with the preparation of selective maps of physical-infrastructure underground networks and facilities and of other subterranean construction works, the municipalities and the corporations which steward and use the said networks, facilities and works shall be obligated to cooperate with the relevant makers of the selective maps, providing the said makers, when requested to do so, comprehensive and accurate diagrams, plats, drawings and, where necessary, documentary proofs of title, as well as indicating and marking on the ground the exact location of the existing underground networks, facilities and construction works, including the groundwater extraction facilities.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) A basic plan, containing the requisite data under this Section regarding the relevant spatial-development area, may be drafted as a technical basis of the spatial-development plans.

(4) (New, SG No. 82/2012, effective 26.11.2012) The Minister of Defence, the Minister of Interior and the Chairperson of the State Agency for National Security shall provide the Geodesy, Cartography and Cadastre Agency and the authorities referred to in Article 3 (1), Article 4 (1) and Article 5 (1) herein with data referred to in Paragraphs (1) and (2) on the existence of new special-purpose installations related to national defence and security within one month after the commissioning of the said installations. The said data shall be provided to the extent necessary and according to the procedure established by the Classified Information Protection Act.

Article 116a. (New, SG No. 82/2012, effective 26.11.2012) (1) Spatial-development plans shall be prepared in graphic and in digital form.

(2) The format of the record in digital form and the accuracy of the spatial-development plans shall be determined by the ordinance referred to in Article 117 herein.

Article 117. (Amended, SG No. 82/2012, effective 26.11.2012) (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works, acting in consultation with the Minister of Environment and Water, the Minister of Culture and the Minister of Health, shall issue an ordinance establishing the scope and content of spatial-development plans.

(2) The ordinance referred to in Paragraph (1) shall furthermore establish the mandatory requirements to the scope and content of the spatial-development plans which project the construction of special-purpose installations related to national defence and security, with a view to conducting the public procedures regulated in the law for communication, consultation, public debate and adoption in conformity with the Classified Information Protection Act.

## **Section II**

### **(Repealed, SG No. 82/2012, effective 26.11.2012)**

### **Creation, Approval and Modification of Spatial-Development Schemes**

Article 118. (Amended, SG No. 65/2003, SG No. 37/2006, repealed, SG No. 82/2012, effective 26.11.2012).

Article 119. (Supplemented, SG No. 65/2003, amended, SG No. 61/2007, supplemented, SG No. 19/2011, effective 9.04.2011, repealed, SG No. 82/2012, effective 26.11.2012).

Article 120. (Repealed, SG No. 82/2012, effective 26.11.2012).

Article 121. (Amended and supplemented, SG No. 65/2003, amended, SG No. 61/2007, repealed, SG No. 82/2012, effective 26.11.2012).

Article 122. (Amended, SG No. 87/2010, repealed, SG No. 82/2012, effective 26.11.2012).

Article 123. (Repealed, SG No. 82/2012, effective 26.11.2012).

## **Section III**

# **Creation, Announcement and Approval of Spatial-Development Plans**

Article 124. (Supplemented, SG No. 65/2003, SG No. 103/2005, SG No. 6/2009, amended and supplemented, SG No. 17/2009, amended, SG No. 80/2009, supplemented, SG No. 19/2011, effective 9.04.2011, amended, SG No. 82/2012, effective 26.11.2012) (1) The Municipal Council shall pass a resolution on the preparation of a draft master plan on a motion by the municipality mayor, accompanied by terms of reference referred to in Article 125 herein.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Preparation of a draft master plan of a dispersed settlement of national importance and of the municipalities under the Black Sea Coast Development Act shall be authorized by an order of the Minister of Regional Development and Public Works.

Article 124a. (New, SG No. 82/2012, effective 26.11.2012) (1) Preparation of a draft detailed plan shall be authorized by a Municipal Council resolution on a motion by the municipality mayor. The same procedure shall be followed in authorizing the preparation of a draft detailed plan of a dispersed settlement of national importance, as well as of lots outside urbanized-area boundaries.

(2) Preparation of a draft detailed plan of part of an urbanized area (with the exception of the dispersed settlements of national importance) of a scope not extending beyond one block, and in Sofia Municipality and in the cities subdivided into boroughs of a scope not extending beyond three blocks, shall be authorized by an order of the municipality mayor on a motion by the Chief Architect.

(3) Preparation of a draft detailed plan for construction of works of functional-regional importance or works located within the territory of more than one municipality shall be authorized by an order of the Regional Governor.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Preparation of a draft detailed plan shall be authorized by an order of the Minister of Regional Development and Public Works for:

1. works of a scope extending beyond a single administrative region;
2. works of national importance and/or national works;
3. the national roads, the railway trunk lines and the railways.

(5) Preparation of a draft detailed plan may furthermore be authorized by the authorities referred to in Paragraphs (1) to (4) at the request and for the account of interested parties: owners of lots, concessionaires, persons enjoying a right to build in another's immovable by virtue of a law, or other persons specified in a law.

(6) Preparation of detailed plans for spatial-development areas wherein special-purpose installations related to national defence and security are projected to be constructed shall be authorized by an order of the Minister of Defence, of the Minister of Interior or of the Chairperson of the State Agency for National Security. The preparation of any such draft shall be commissioned by the Minister of Defence, by the Minister of Interior or by the Chairperson of the State Agency for National Security.

(7) The requests for the granting of authorizations under Paragraphs (1) to (6) shall be accompanied by terms of reference referred to in Article 125 herein. The authorizations under Paragraphs (1) to (6) shall determine the scope, the purposes and the tasks of the draft, the type of detailed plan, as well as the manner of regulation of the lots: according to the rules of Article 16 or of Article 17 herein.

(8) Granting of authorization shall not be necessary for the preparation of a working spatial-development plan for the application of an effective detailed plan.

(9) (New, SG No. 1/2019, effective 1.01.2019) Development of parcelling plans for the physical-infrastructure

elements outside urbanized-area boundaries located in the territory of more than one municipality within one region or in the territory of more than one region shall be authorized by an order of the competent body under Article 124a (3) and (4) on the basis of terms of reference including route versions.

Article 124b. (New, SG No. 82/2012, effective 26.11.2012) (1) (Amended, SG No. 13/2017, SG No. 1/2019, effective 1.01.2019) The authorizations referred to in Articles 124 and 124a herein shall approve the terms of reference referred to in Article 125 herein. The licenses shall be issued within a month.

(2) The Municipal Council resolutions and the orders of the municipality mayor referred to in Articles 124 and 124a herein shall be made public by means of a notice which shall be posted in the places appointed to this end in the building of the municipality, borough or mayoralty, as well as in other suitable places within the respective spatial-development area which is subject to the plan, and shall be published on the Internet site of the municipality and shall be inserted in one local newspaper.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The orders of the Minister of Regional Development and Public Works referred to in Article 124 (2) and Article 124a (4) herein and of the Regional Governor referred to in Article 124a (3) herein shall be published on the Internet site of the relevant ministry or of the administrative region and shall be transmitted to the municipality concerned to be made public according to the procedure established by Paragraph (2).

(4) The resolutions, decisions and orders referred to in Articles 124 and 124a herein shall be incontestable.

(5) The granting of authorization for the preparation of a spatial-development plan under Article 124a (5) herein shall be refused by a reasoned resolution, decision or order of the competent authority within one month after the receipt of the request. The refusals shall be communicated according to the procedure established by the Administrative Procedure Code and may be contested according to the procedure established by Article 215 herein.

(6) (New, SG No. 1/2019, effective 1.01.2019) Should it be necessary, the competent body under Article 124a (3) and (4) may impose a ban on construction for the period during which parcelling plans under Article 124 (9) are to be developed, but for no longer than two years. The construction ban shall suspend the application of the master and detailed plans effective for the territory within the scope of the land properties concerned according to the approved route version for which an assessment under the environmental law has been made. The order for the construction ban shall be announced by a notice published in the State Gazette and may be appealed in accordance with Article 215.

Article 125. (1) Draft spatial-development plans shall be prepared on the basis of terms of reference including, where necessary, a basic plan, as well as from additional information relating to the spatial development of the relevant spatial-development area, provided by the municipalities, the Geodesy, Cartography and Cadastre Agency, the central and local administrations and corporations which shall prepare selective maps, registers and information systems.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) The terms of reference, compiled by the contracting entity, shall specify a rationale for the need to prepare the plan and shall contain requirements as to the territorial scope of the said plan, the time limits and stages of preparation. Requisite information regarding the existing situation and the concepts and schemes for space development and spatial-development plans effective for the relevant spatial-development area shall be attached to the said terms of reference.

(3) The basic plan, which shall constitute an integral part of the terms of reference, shall be prepared on the scale of the relevant spatial-development plan and shall contain essential cadastral and specialized data regarding the spatial-development area.

(4) (New, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 101/2015, new, SG No. 1/2019, effective 1.01.2019) Utility companies shall provide free of charge the required data for the development of the terms of reference and of the basic plan within 14 days of request thereof.

(5) (Amended, SG No. 65/2003, renumbered from Paragraph (4), SG No. 82/2012, effective 26.11.2012) A draft detailed plan shall cover the authorized construction works under a preceding detailed plan whereof the building permits have not lost legal effect. An alteration of projected building development, in respect whereof there was an effective building permit, shall be permissible solely with the consent of the contracting entity of the construction work.

(6) (New, SG No. 65/2003, supplemented, SG No. 61/2007, amended, SG No. 19/2009, effective 10.04.2009, renumbered from Paragraph (5), SG No. 82/2012, effective 26.11.2012, amended, SG No. 13/2017) The terms of reference referred to in Paragraph (1) regarding protected cultural heritage conservation areas shall be cleared under the terms and according to the procedure established by the Cultural Heritage Act.

(7) (New, SG No. 65/2003, amended, SG No. 77/2005, renumbered from Paragraph (6), amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 62/2015, effective 14.08.2015) The terms of reference referred to in Paragraph (1) shall be submitted to the Ministry of Environment and Water or to the competent Regional Inspectorate of Environment and Water for determination of the applicable procedures according to the procedure established by Chapter Six and Section I of Chapter Seven of the Environmental Protection Act and Article 31 of the Biological Diversity Act. The environmental assessment shall be part of the spatial-development plan.

(8) (New, SG No. 13/2017) The requirements under Paragraphs (6) and (7) shall not apply upon the preparation of any detailed plans which do not define a framework for any development proposals under Annex 1 to Item 1 of Article 92 and Annex 2 to Items 1 and 2 of Article 93 (1) of the Environmental Protection Act, do not apply to any establishments and installations referred to in Article 104 of the Environmental Protection Act and do not fall within protected areas and which conform to the projections of a master plan approved in compliance with the Environmental Protection Act, the Biological Diversity Act and the Cultural Heritage Act.

Article 126. (1) (Amended, SG No. 43/2002, SG No. 65/2003, SG No. 37/2006) The investigation and designing of spatial-development plans, as well as the selection of a spatial-development concept for the said plans, shall be awarded according to the procedure established by the Public Procurement Act.

(2) (Repealed, SG No. 43/2002, new, SG No. 65/2003, repealed, SG No. 37/2006).

(3) (Repealed, SG No. 65/2003).

(4) Investigation and design works for drafting of spatial-development plans shall proceed in the following phases:

1. preliminary design;
2. final design.

(5) The contracting entity shall have discretion to award separately the preparation of terms of reference with a basic plan, as well as to merge the phases covered under Paragraph (4).

(6) (New, SG No. 65/2003) Investigation and design works for physical-infrastructure elements outside urbanized-area boundaries shall proceed in the following phases:

1. preliminary design, in which alternatives of the route shall be prepared;
2. (supplemented, SG No. 1/2019, effective 1.01.2019) final design: a parcelling plan whereunder condemnation shall be effected and/or the right of ownership shall be restricted.

Article 127. (1) (Amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 27/2013) Draft master plans shall be published on the Internet site of the respective municipality and shall be submitted to public consultation prior to the submission thereof to the expert boards on spatial development. The entity commissioning the draft shall organize and hold the public consultation, making public the venue, date and time of holding by a notice which shall be posted in the places appointed to this end in the building of the municipality, borough or mayoralty, as well as in other pre-announced publicly accessible places within the respective spatial-development area which is subject to the plan, and shall be published on the Internet site of the commissioning entity and of the municipality and shall be inserted in one national daily newspaper and in one local newspaper. The proceedings at the public consultation shall be recorded in writing, and the record shall be attached to the documentation for the expert board and for the Municipal Council. In the cities subdivided into boroughs, public consultations shall mandatorily be organized in all boroughs. The public consultation shall be integrated with and shall be part of the procedure for holding consultations under the environmental assessment and/or the compatibility assessment which the entity commissioning the draft organizes and holds under the Environmental Protection Act and/or the Biological

(2) (Amended, SG No. 82/2012, effective, 26.11.2012, SG No. 1/2019, effective 1.01.2019) The commissioning entity shall clear draft spatial-development plans with the central and local administrations concerned and, where necessary, also with the specialized control authorities. Any such clearance shall take the form of:

1. issuance of the requisite acts under the terms, according to the procedure and within the time limits established in a special law;

2. issuance of written opinions and/or participation of representatives of central-government departments concerned in the meeting of the expert board, where the issuance of an act under Item 1 is not required for the clearance; in such case, if no written opinion has been presented within one month from the receipt of the request for clearance and a representative of the central-government department concerned is not present at the meeting of the expert board, or if the minutes of proceedings at the meeting of the board are not signed within 14 days after the meeting, clearance of the draft without remarks shall be presumed; any refusals of clearance must be reasoned.

(3) Draft master plans shall be adopted by the municipal expert board.

(4) (Repealed, SG No. 61/2007).

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) By resolution of the Municipal Council, draft master plans of the spatial-development areas referred to in Article 10 (2) herein and other draft master plans may furthermore be submitted for adoption by the administrative-regional expert board or by the National Expert Board on Spatial Development and Regional Policy.

(6) (Amended, SG No. 87/2010, amended and supplemented, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 27/2013) The master plan shall be approved by the Municipal Council on a report by the municipality mayor. Within seven days after the passage thereof, the Municipal Council resolution shall be transmitted to the Regional Governor who, within fourteen days after the receipt, may return the legally non-conforming resolution for further consideration or may contest the said resolution before the competent administrative court under the terms and according to the procedure established by Article 45 of the Local Self-Government and Local Administration Act. The Municipal Council resolution shall be transmitted for promulgation in the State Gazette unless returned for further consideration or unless contested before the competent administrative court, and if contested, the said resolution shall be transmitted for promulgation after completion of the court proceeding. The master plan as approved shall be published on the Internet site of the respective municipality.

(7) (Amended, SG No. 106/2006, SG No. 13/2017) The rules and standard specifications for the planning and building development of the spatial-development area of Sofia Municipality shall be established by a separate law.

(8) (New, SG No. 106/2006, supplemented, SG No. 82/2012, effective 26.11.2012) A new master plan of the Sofia Municipality, as well as modifications of the effective master plan, shall be adopted by the Council of Ministers according to the procedure established by this Act in conformity with the rules and standard specifications for planning and building development as determined by the Sofia Municipality Planning and Building Development Act. The Council of Ministers decision shall be promulgated in the State Gazette.

(9) (Renumbered from Paragraph (8), SG No. 106/2006) The municipality mayor shall submit for approval by the Municipal Council an annual report on the implementation of the master plan of the municipality or of the nucleated or dispersed settlement, as the case may be, and shall move for modification of the said plan, if any such modification shall be necessary.

(10) (New, SG No. 65/2003, supplemented, SG No. 103/2005, renumbered from Paragraph (9), SG No. 106/2006, amended, SG No. 87/2010, supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) A master plan for dispersed settlements of national importance shall be approved by an order of the Minister of Regional Development and Public Works after consultation with the Municipal Council and adoption by the National Expert Board on Spatial Development, and any such

order shall be promulgated in the State Gazette.

(11) (New, SG No. 27/2013, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The master plans approved by the Minister of Regional Development and Public Works, shall be published on the Internet sites of the Ministry of Regional Development and Public Works and of the respective municipality.

Article 128. (1) (Amended, SG No. 17/2009, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) The draft detailed plan as prepared shall be communicated by the municipality to the interested parties by means of a notice, which shall be transmitted for promulgation in the State Gazette within ten days after the receipt of the draft at the municipal administration. The same procedure shall be followed in communicating draft detailed plans for the physical-infrastructure line projects outside nucleated-settlement and dispersed-settlement limits.

(2) (Supplemented, SG No. 65/2003, amended, SG No. 17/2009, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 27/2013, SG No. 13/2017) The notice referred to in Paragraph (1) shall be made public by being posted in the places appointed to this end in the building of the municipality, borough or mayoralty, as well as in other pre-announced publicly accessible places within the respective spatial-development area which is subject to the plan, and shall be published on the Internet site of the municipality and shall be inserted in at least one local newspaper. The draft master plan shall be published on the Internet site of the respective municipality. The draft master plan shall be made public according to this procedure within ten days after the promulgation of the notice referred to in Paragraph (1).

(3) (Amended, SG No. 17/2009, SG No. 101/2015, supplemented, SG No. 13/2017) Where the draft detailed plan is for a part of a nucleated or dispersed settlement of a scope not extending beyond one block, as well as for lots outside nucleated-settlement and dispersed-settlement limits, the notice referred to in Paragraph (1) shall not be promulgated in the State Gazette but shall be communicated to the interested parties within one month from the receipt of the draft at the municipal administration.

(4) (Repealed, SG No. 82/2012, effective 26.11.2012).

(5) (Amended and supplemented, SG No. 17/2009, amended, SG No. 82/2012, effective 26.11.2012) Within one month after the notice referred to in Paragraph (1) or within fourteen days after the announcement referred to in Paragraph (3), the interested parties may lodge written objections, suggestions and requests regarding the draft detailed plan with the municipal administration.

(6) (Amended, SG No. 82/2012, effective 26.11.2012, SG No. 1/2019, effective 1.01.2019) Clearance of draft detailed plans with the central and local administrations concerned and, where necessary, with the specialized control authorities, shall be effected according to the procedure established by Article 127 (2) herein.

(7) Within one month after expiry of the time limits established by Paragraph (5), the drafts together with any objections, suggestions and requests as may have been received shall be adopted by the municipal expert board.

(8) (Repealed, SG No. 61/2007, new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 13/2017) At the discretion of the Chief Architect of the municipality, the draft detailed plan may be considered by the municipal expert board prior to being communicated with a view to bringing the said draft into conformity with the statutory requirements, of which the interested parties shall be notified in writing within ten days from the receipt of the draft at the municipal administration. The municipal expert board shall consider the draft within one month from the receipt of the draft at the municipal administration. The draft shall be communicated according to the procedure and within the time limits under Paragraphs (1), (2) and (3) after it has been brought into conformity with the decisions of the municipal expert board.

(9) By resolution of the Municipal Council, draft detailed plans for the spatial-development areas referred to in Article 10 (2) herein and other draft detailed plans may furthermore be presented for adoption by the administrative-regional expert board or by the National Expert Board.

(10) Where a draft detailed plan is returned for redrafting in whole or in part, the procedures provided for by law shall be followed again in respect of the redrafted portion of the plan.

(11) The natural and legal persons shall be entitled to receive information from the municipal administration on any rejected objections, suggestions and requests regarding the plan.

(12) (New, SG No. 65/2003, amended and supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013) Any draft detailed plan shall be considered by:

1. the administrative-regional expert board: for works of a scope extending beyond a single municipality or for works of functional-regional importance;

2. (amended, SG No. 98/2014, effective 28.11.2014) the National Expert Board on Spatial Development and Regional Policy for:

(a) works of a scope extending beyond a single administrative region;

(b) works of national importance and/or national works;

(c) the national roads, the railway trunk lines and the railways;

3. (repealed, SG No. 98/2014, effective 28.11.2014).

The communicating steps shall be performed by the municipal administrations.

(13) (New, SG No. 61/2007, supplemented, SG No. 54/2010, amended, SG No. 82/2012, effective 26.11.2012) Where interested parties, within the meaning given by Article 131 herein, are only the parties on whose initiative a detailed plan is created or modified, as well as when the condemnation under Article 63b of the Energy Act of lots outside nucleated-settlement and dispersed-settlement limits, for which development is not permitted, serves for the purpose of mine works upon extraction of energy resources through the open pit extraction method and the projected building development is for Category Six construction works, the draft of the plan or of the modification thereof shall be approved by the competent authority without being communicated according to the procedure established by Paragraphs (1) and (3).

(14) (New, SG No. 47/2012) Draft detailed plans for the construction or redevelopment of crossroads, road junctions and road links connecting municipal and private roads to the national roads and of areas adjoining the national roads shall be coordinated by the administration managing the relevant road according to the procedure established by Article 127 (2) herein.

(15) (New, SG No. 62/2015, effective 14.08.2015) Draft detailed plans for the construction or redevelopment of lower-tier or upper-tier establishments and/or installations according to Section I of Chapter Seven of the Environmental Protection Act shall be cleared with the Minister of Environment and Water or with the Director of the competent Regional Inspectorate of Environment and Water according to the procedure established by Article 127 (2) herein.

Article 128a. (New, SG No. 1/2019, effective 1.01.2019) (1) Clearance of the terms of reference, of proposals for modification of detailed plans and of draft detailed plans and their modifications with utility companies shall be carried out ex officio by the mayor of the municipality or by the competent body under Article 124a (3), (4) and (6). The utility companies shall provide the requested information, motivated objections and prescriptions within 14 days of the request.

(2) Where the development of a draft detailed plan or its modification is at the initiative of persons under Article 124a (5), the mayor of the municipality or the competent body under Article 124a, (3), (4) and (6) shall, within seven days of receipt of the application, forward the draft terms of reference and the sketch under Article 135 (2) to the utility companies, which shall submit, within 14 days, the required data and prescriptions for the development of the respective design.

(3) Within seven days of submission to the municipality of the draft detailed plan or its modification by persons under Article 124a (5), the mayor of the municipality or the competent body under Article 124a (3), (4) and (6) shall forward it for clearance to the utility companies, which shall clear the draft within 14 days, make motivated objections or give additional prescriptions.

(4) If the utility company fails to submit a motivated objection within the time limits under Paragraphs (1) and (3), it



shall be deemed that the utility company clears the draft without any remarks.

Article 129. (1) (Amended, SG No. 17/2009, supplemented, SG No. 82/2012, effective 26.11.2012) Any detailed plan shall be approved by Municipal Council resolution on a report by the municipality mayor within one month after adoption of the draft detailed plan by an expert board. Any such resolution shall be transmitted within seven days for promulgation in the State Gazette. The same procedure shall be followed in approving the draft detailed plans of dispersed settlements of national importance and of the physical-infrastructure line projects outside nucleated-settlement and dispersed-settlement limits.

(2) (Amended, SG No. 17/2009, supplemented, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) Any detailed plan of a scope not extending beyond one block and, in the Sofia Municipality and in the cities subdivided into boroughs, of a scope not extending beyond three blocks, as well as for lots outside nucleated-settlement and dispersed-settlement limits, including for the requisite physical-infrastructure elements, shall be approved by an order of the municipality mayor within 14 days after the adoption of the draft detailed plan by the municipal expert board. The order shall be communicated to the interested parties under the terms and according to the procedure established by the Administrative Procedure Code.

(3) (New, SG No. 65/2003, supplemented, SG No. 103/2005, amended and supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013, SG No. 101/2015) Any detailed plan shall be approved by an order of:

1. the Regional Governor: for works of a scope extending beyond a single municipality or for works of functional-regional importance;

2. (amended, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works for:

(a) works of a scope extending beyond a single administrative region;

(b) works of national importance and/or national works;

(c) the national roads, the railway trunk lines and the railways;

3. (repealed, SG No. 98/2014, effective 28.11.2014).

(4) (New, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 101/2015) Any orders referred to in Paragraph (3) shall be issued within one month from the adoption of the design by the competent expert board under Article 128 (7) herein and within seven days shall be transmitted for promulgation in the State Gazette.

(5) (New, SG No. 27/2013, amended, SG No. 13/2017) The master plans as approved shall be published on the Internet site of the authority which approved the said plans within three days after the approval thereof.

(6) (New, SG No. 1/2019, effective 1.01.2019) After the entry into force of the order for the approval of a detailed plan for physical-infrastructure projects located in the territory of more than one municipality within one region or in the territory of more than one region, the mayors of the respective municipalities shall issue an order for ex officio recording of these projects in the master plan, effective for the territory, without modifying the plan. Where after recording of the physical-infrastructure projects other modifications in the master plan are required, they shall be carried out in accordance with the terms and procedure for its modification.

Article 130. (Amended, SG No. 61/2007, SG No. 87/2010, repealed, SG No. 82/2012, effective 26.11.2012).

Article 131. (Amended, SG No. 65/2003) (1) (Amended, SG No. 82/2012, effective 26.11.2012, SG No. 96/2017, effective 1.01.2018) The owners, the holders of limited rights in rem and the concessionaires according to the particulars of the property register and, until the introduction of the said register, according to particulars of the cadastral register, where

the corporeal immovables are immediately affected by the projections of the plan, shall be interested parties in the proceeding for approval of detailed plans and of the modifications thereof.

(2) The following corporeal immovables shall be immediately affected by the projections of the detailed plan:

1. the immovables subject to the plan itself;
2. (amended, SG No. 101/2015) the adjoining immovables, where incorporated into an attached development and/or an alteration of the building development thereof is projected;
3. the adjoining immovables, including such fronting the opposite street line, where reduced separations are permissible;
4. the adjoining immovables, where the assigned use of the immovable subject to the plan is altered;
5. (amended, SG No. 82/2012, effective 26.11.2012) the immovables falling within any servitudes, within any protected cultural heritage conservation areas, or within any forbidden zones, sanitary protected areas or hygiene protection areas, including such for installations related to national defence and security, for which restrictions in the building-development and use mode have been imposed by a statutory instrument and/or by special rules and standard specifications.

(3) (New, SG No. 82/2012, effective 26.11.2012) The lots or parts thereof, which are immediately affected by the projections of the parcelling plan for the physical-infrastructure elements which have been declared works of national importance, national works or municipal works of primary importance, shall be the lots or parts thereof subject to the plan itself.

Article 132. (1) (Previous text of Article 132, SG No. 65/2003) The resolutions, decisions and orders approving spatial-development plans under this Act shall enter into effect:

1. as from the date of approval, where unappealable;
2. after expiry of the time limit for appellate review, unless appealed;
3. (amended, SG No. 87/2010) as from the date of confirmation thereof by the court.

(2) (New, SG No. 65/2003) Where the resolution, decision or order approving a detailed plan has been appealed, the said resolution, decision or order shall enter into effect in respect of the part of the plan which is beyond the subject of the appeals.

Article 133. (1) (Supplemented, SG No. 65/2003, amended, SG No. 66/2013, effective 26.07.2013) In the process of preparation of detailed plans, development-project designing of new construction works on lots may be authorized on the basis of a detailed plan which shall be an excerpt from the draft detailed plan in preparation. Preparation of a plan excerpt shall be authorized by the authority competent to approve the plan. The plan excerpt shall be cleared with the designer of the detailed plan.

(2) Preparation of a plan excerpt referred to in Paragraph (1) shall be admitted after adoption of the preliminary design for a detailed plan by the competent expert board.

(3) As an exception and with the consent of the authority appointing the expert board on spatial development which is competent to adopt the draft detailed plan, preparation of a plan excerpt may be admitted even before the adoption of the preliminary design referred to in Paragraph (2), where street regulation is not subject to material alterations and there is existing building development within the scope of the plan excerpt which predetermines the building-development manner designed.

(4) Where a plan excerpt modifies an effective detailed plan, the said excerpt shall be prepared as a draft modification of the effective plan.

(5) (Amended, SG No. 65/2003) Should a working spatial-development plan be necessary, it shall be prepared and proceeded with together with the plan excerpt referred to in Paragraph (1).

(6) (Amended, SG No. 65/2003, SG No. 17/2009) No plan excerpt shall be prepared for parts of the spatial-development area in respect of which the draft detailed plan in preparation does not alter the projections of an effective detailed plan. In such cases, a design permit shall mandatorily be issued.

(7) (New, SG No. 106/2006, amended, SG No. 66/2013, effective 26.07.2013) In the process of preparation of a new master plan or of a modification of an effective master plan, after consideration of the draft by the expert board with the authority competent to approve the plan, creation of new and modification of effective detailed plans may be admitted in the cases where:

1. the draft of the new detailed plan conforms to the projections of the draft modification of or of the draft new master plan;

2. the draft modification of the effective detailed plan conforms to the projections of the draft modification or to the draft new master plan.

(8) (New, SG No. 106/2006, amended, SG No. 66/2013, effective 26.07.2013, SG No. 1/2019, effective 1.01.2019) In the cases referred to in Paragraph (7) a draft new detailed plan or a draft detailed plan modification shall be authorised by the body that is competent to approve the design of the master plan or the modification of the effective master plan, and for Sofia Municipality this shall be done by the Municipal Council.

(9) (New, SG No. 1/2019, effective 1.01.2019) During the preparation of a draft new detailed plan or a draft detailed plan modification, the preparation of a draft detailed plan under Article 124 (9) shall be authorised by the body under Article 124a (3) and (4). The authorisation for preparation of a detailed plan shall be granted to the body that is competent to approve the draft master plan or the draft for its modification, where it is different from the body that has issued the authorisation. The body that is competent to approve the draft master plan or the draft for its modification shall record the physical infrastructure project in the draft master plan or in the draft master plan modification.

## **Section IV**

### **Terms and Procedure for Modification of Spatial-Development Plans**

Article 134. (1) Any effective master plan may be modified where:

1. material changes occur in the socio-economic and spatial-development conditions whereunder the plan was drafted;

2. (amended, SG No. 65/2003) new state or municipal needs arise of works owned by the State, the municipalities, or the utility companies;

3. (new, SG No. 106/2006) development-project initiatives emerge, which will be implemented on resources provided under international treaties or by the State budget, as well as by investors certified according to the procedure established by the Investment Protection Act;

4. (new, SG No. 106/2006) the necessity to construct buildings, networks and facilities for specific needs of national defence and security lapses;

5. (new, SG No. 106/2006) an apparent error of fact is ascertained, which is relevant to the projections of the plan;

6. (new, SG No. 106/2016, repealed, SG No. 61/2007, new, SG No. 1/2019, effective 1.01.2019) its projections need to be aligned with an approved parcelling plan, authorised pursuant to Article 124a (9);

7. (new, SG No. 106/2006, repealed, SG No. 61/2007);

8. (new, SG No. 106/2006, repealed, SG No. 61/2007).

(2) Any effective detailed plan may be modified on any of the grounds covered under Paragraph (1) as well as where:

1. (amended, SG No. 65/2003, SG No. 61/2007) no condemnation procedure has been initiated within the time limit referred to in Article 208 herein;

2. (amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 13/2017) upon modification of a cadastral plan or upon approval or modification of a cadastral map in a regulated spatial-development area, the immovable property lines of the lots are not coincident with the record lines or a deficiency or error has been detected in the cadastral map used as a basis for the preparation of a detailed plan;

3. (amended, SG No. 82/2012, effective 26.11.2012) the plan does not provide an opportunity for building development according to the effective spatial-development rules and standard specifications as a result of established subsurface and groundwater conditions and for the purpose of conservation of valuable archaeological, historical and cultural finds;

4. the plan contains an apparent error of fact, which affects the projections thereof;

5. the plan has been approved despite material breaches of law; plans in respect of which there is an effective judgment of court or plans which have been applied may not be modified on this ground;

6. (amended, SG No. 87/2010, supplemented, SG No. 96/2017, effective 1.01.2018) all owners of immovables referred to in Item 1 of Article 131 (2) herein, as well as the holders of limited rights in rem to these immovables assent and the concessionaires;

7. there is a proposal of the court on cases of partition of regulated lots;

8. (new, SG No. 65/2003, repealed, SG No. 61/2007, new, SG No. 82/2012, effective 26.11.2012) the plan has been approved without diagram maps referred to in Article 108 (2) herein.

(3) (New, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 1/2019, effective 1.01.2019) Where the modification of the detailed plan necessitates a modification of an effective master plan as well, the master plan shall be modified first. The body referred to in Article 124 herein, which authorizes the preparation of the draft modification of the master plan, may admit that the two plans be modified simultaneously under the terms and according to the procedure applicable to the relevant plan, as provided for in the Act, and the modification of the detailed plan shall be approved after the approval of the modification of the master plan, except for the cases referred to in Article 124a (9).

(4) (Renumbered from Paragraph (3), amended, SG No. 65/2003, SG No. 61/2007) Effective detailed plans may not be modified for the purpose of:

1. legalization of illegally constructed construction works;

2. alteration of the assigned use of grounds designated for greenspaces by the detailed plans, except in the cases referred to in Item 1 of Paragraph (2) and in Article 62a (2) to (5) herein.

(5) (Renumbered from Paragraph (4), SG No. 65/2003, repealed, SG No. 82/2012, effective 26.11.2012).

(6) (Renumbered from Paragraph (5), amended, SG No. 65/2003) Where, upon application of effective detailed plans, solely the siting and configuration of projected buildings is altered, inter alia through extension and heightening of existing buildings, without alteration of the building-development manner and character and the rules and standard specifications for the relevant planning zone, the said detailed plans need not be modified. In such cases, the specific building development shall be determined by a design permit referred to in Article 140 herein.

(7) (New, SG No. 101/2015) Applicability of the procedure under Paragraph (6) shall be limited to a modification of the building-development manner between two lots regulated for low-rise development complying with the rest of the requirements and provided that the owners of the two lots have granted a notarized written consent. In such case, the design

permit need not be communicated to the interested parties. Such development as permitted shall be recorded in the effective detailed plan proprio motu.

(8) (New, SG No. 1/2019, effective 1.01.2019) Without modification of the building-development plan and without modification of the intended purpose set out in the regulation plan, medium and/or low-rise development from high-rise development and low-rise development from medium development may be authorised in accordance with Paragraph (6). The design permits issued shall not alter the projections of the effective building-development plan. The construction sites authorised on their basis may be extended and/or heightened within the scope of the projections of the effective building-development plan or be removed in accordance with Article 53a.

(9) (New, SG No. 17/2009, supplemented, SG No. 50/2010, renumbered from Paragraph 7, SG No. 101/2015, renumbered from Paragraph 8, SG No. 1/2019, effective 1.01.2019) With the exception of the cases referred to in Item 1 of Paragraph (2), a written consent by the competent government minister, granted according to the procedure established by Article 39 (3) herein, shall be a mandatory condition precedent for any modification of the detailed plans for alteration of the assigned use of any regulated lots allocated for establishments of education, science, health care or culture, as well as of sports sites and facilities and any such modification must be effected under the terms and according to the procedure established by this Act.

Article 134a. (New, SG No. 13/2017) (1) Upon the detection of any deficiency or error in the cadastral map which served as a basis for the preparation of a detailed plan, the interested parties may request a modification of the said plan under the terms and according to the procedure established by Article 135 herein after the entry into effect of the orders referred to in Article 54 (4) and (5) of the Cadastre and Property Register Act or after the cadastral map has been modified in pursuance of an enforceable judgment referred to in Article 54 (2) of the Cadastre and Property Register Act.

(2) The preparation of a draft modification of a detailed plan approved in pursuance of Article 16 herein shall be assigned by the municipality mayor within one month after the submission by interested parties of an enforceable judgment referred to in Article 54 (2) of the Cadastre and Property Register Act or of a combined plat, issued by the geodesy, cartography and cadastre service, whereby a deficiency or error is detected in the cadastral map which served as a basis for the preparation of the plan.

(3) In the cases referred to in Paragraph (2), the modification shall allot equivalent regulated lots for all lots affected by the deficiency or error, in compliance with the rules of Article 16 herein, without affecting any newly formed regulated lots of owners which are not affected by the deficiency or error. In case this is impossible, equivalent regulated lots shall be allotted in the order referred to in Article 16 (6) herein at the expense of other municipal-owned lots within the scope of the plan and/or beyond that scope.

(4) In the cases referred to in Paragraph (2), the detailed plan, as approved in pursuance of Article 16 herein, shall not be modified where the interested parties agree to receive or to pay pecuniary compensation, fixed by a decision of the commission under Article 210 herein, or reach a settlement of their relations arising from the non-remedying of the deficiency or error detected. The geodesy, cartography and cadastre service shall include the alterations in the cadastral register of corporeal immovables according to the procedure established by Article 53 of the Cadastre and Property Register Act.

Article 135. (1) (Amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The parties referred to in Article 131 herein may approach the [competent] municipality mayor with requests for modification of spatial-development plans by means of a written application, and in the cases referred to in Article 124a (3) and (4) herein, any such requests shall be addressed to the [competent] Regional Governor or to the Minister of Regional Development and Public Works, as the case may be.

(2) (Amended, SG No. 61/2007) Where the request is for modification of a detailed plan, a plat showing the proposed modification of the said plan shall be attached to the application.

(3) (Amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 13/2017, amended, SG No. 1/2019, effective 1.01.2019) Within one month from the receipt of any such application, the competent authority referred to in Paragraph (1) shall issue an order authorizing or refusing to authorize the preparation of a draft modification of the plan.

(4) (New, SG No. 65/2003, amended, SG No. 61/2007) The orders under Paragraph (3) shall be issued on the basis of an opinion of:

1. the Chief Architect of the municipality: where the act is issued by the municipality mayor;
2. the municipality mayor: where the act is issued by the Regional Governor;
3. (repealed, SG No. 82/2012, effective 26.11.2012).

(5) (Renumbered from Paragraph 4, amended, SG No. 65/2003, SG No. 61/2007, SG No. 13/2017, supplemented, SG No. 1/2019, effective 1.01.2019) Should any of the grounds covered under Article 134 (1) and (2) herein exist, the control authority referred to in Paragraph (1) may direct, proprio motu, by an order, the preparation of a draft modification of an effective spatial-development plan. Should grounds under Item 6 of Article 134 (1) exist, the competent body under Paragraph (1) shall order ex officio preparation of a draft for modification of the effective master plan and/or detailed plan to align them with the approved parcelling plan as authorised under Article 124a (9). The order shall be issued within one month of the entry into force of the parcelling plan.

(6) (Renumbered from Paragraph (5), amended, SG No. 65/2003, SG No. 61/2007, SG No. 13/2017) The orders referred to in Paragraphs (3) and (5), whereby preparation of a draft modification of the plan is admitted, shall suspend the application of the effective spatial-development plans in the parts whereto the said prescriptions apply.

(7) (New, SG No. 1/2019, effective 1.01.2019) The orders referred to in Paragraphs (3) and (5) shall be communicated to the persons concerned under Article 131 in accordance with Article 124b (2).

Article 136. (1) (Amended and supplemented, SG No. 65/2003) The draft modifications of spatial-development plans under on the grounds referred to in Article 134 (1) and (2) herein shall be prepared, cleared, announced and enter into effect according to the procedure established by Section III of Chapter Seven herein.

(2) (New, SG No. 65/2003, supplemented, SG No. 65/2004, amended, SG No. 82/2012, effective 26.11.2012) The clearance requirements under Article 127 (2) herein shall not apply to draft modifications of spatial-development plans on the grounds referred to in Article 134 (2) herein of a scope not extending beyond three blocks, with the exception of the cases referred to in Items 5 and 6 of Article 134 (2) herein, where immovable cultural assets is affected.

(3) (Renumbered from Paragraph (2), SG No. 65/2003) The effect of the relevant preceding spatial-development plan shall be terminated as from the effective date of the new or modified spatial-development plan.

(4) (Renumbered from Paragraph (3), SG No. 65/2003) Copies of any effective modifications of detailed plans, whereby lot boundaries are altered, shall be transmitted to the Geodesy, Cartography and Cadastre Agency.

## **Chapter Eight**

# **DEVELOPMENT-PROJECT DESIGNING AND CONSTRUCTION AUTHORIZATION**

## **Section I**

### **Development-Project Investigation and Designing**

Article 137. (Amended, SG No. 43/2002, SG No. 65/2003) (1) Depending on the characteristics, significance, complexity and operating risk, construction works shall be categorized as follows:

1. Category One:

(a) (supplemented, SG No. 47/2012) motorways, express roads and first-class and second-class roads of the national road network, railways, public-transport maritime or river ports and airports, subways and the facilities thereto appertaining;

(b) (amended, SG No. 41/2007) physical-infrastructure transmission lines and the facilities thereto appertaining in the sphere of water supply, electricity supply, heat supply, gas supply and other operations;

(c) construction works required for prevention and protection of the community against, and recovery of functional regions from, disasters and accidents;

(d) construction works capable of causing a hazard of explosion, of a significant harmful environmental impact, or of the spread of toxic or noxious substances;

(e) (amended, SG No. 82/2012, effective 26.11.2012, SG No. 55/2018) hydraulic engineering works posing a risk of flooding, including large dams and dams of first degree potential danger and the adjoining facilities thereof and provisional construction;

(f) construction works whereat the working process is uninterrupted;

(g) geohazards-control facilities and stream-bank- and shoreline-stabilization facilities;

(h) electric power plants and heat power plants of a generating capacity exceeding 100 megawatts;

(i) productive enterprises of a capacity exceeding 500 job positions and facilities thereto appertaining;

(j) (amended, SG No. 82/2012, effective 26.11.2012) metal-industry and chemical-industry manufacturing buildings, installations, facilities, adjoining infrastructure and other such;

(k) other construction works of national importance, designated by an act of the Council of Ministers;

(l) (new, SG No. 65/2004, supplemented, SG No. 54/2011) immovable cultural assets assigned a "world importance" or "national importance" category, as well as buildings within the boundaries and protection zones of archaeological reserves outside urbanised areas;

(m) (renumbered from Littera (l), SG No. 65/2004, amended, SG No. 82/2012, effective 26.11.2012) any redevelopment and overhaul of the construction works of this category;

## 2. Category Two:

(a) third-class roads of the national road network, first-class and second-class primary street network and the facilities thereto appertaining;

(b) (amended, SG No. 41/2007) distribution lines, facilities and devices thereto appertaining in the sphere of water supply, electricity supply, heat supply, gas supply and other operations;

(c) (repealed, SG No. 82/2012, effective 26.11.2012);

(d) (supplemented, SG No. 41/2010) waste-treatment installations and facilities and closure of sanitary landfills through surface sealing with upper insulation screen;

(e) public services buildings and facilities of a capacity exceeding 1,000 visitor places;

(f) (supplemented, SG No. 82/2012, effective 26.11.2012) manufacturing buildings, installations, facilities, adjoining infrastructure and other such of a capacity exceeding 200 job positions but not exceeding 500 job positions and the facilities thereto appertaining;

(g) electric power plants and heat power plants of a generating capacity exceeding 25 megawatts but not exceeding 100 megawatts;

(h) (new, SG No. 65/2004, repealed, SG No. 82/2012, effective 26.11.2012);

(i) (Renumbered from Letter (h), SG No. 65/2004, amended, SG No. 82/2012, effective 26.11.2012) any redevelopment and overhaul of the construction works of this category;

(j) (new, SG No. 82/2012, effective 26.11.2012) buildings and facilities of coal mines, ore mines and quarries, including for the liquidation thereof, as well as construction works related to the elimination of environmental damage on the site of impact;

### 3. Category Three:

(a) municipal roads, third-class and fourth-class streets of the primary street network and the facilities thereto appertaining;

(b) (amended, SG No. 41/2007) physical-infrastructure elements, hydraulic-engineering, irrigation and land-reclamation and other networks, facilities and systems not categorized above;

(c) residential and mixed-use buildings of a high-rise development; public services buildings and facilities of a gross floor area exceeding 5,000 square metres or of a capacity exceeding 200 visitor places but not exceeding 1,000 visitor places;

(d) (supplemented, SG No. 82/2012, effective 26.11.2012) manufacturing buildings, installations, facilities, adjoining infrastructure and other such of a capacity exceeding 100 job positions but not exceeding 200 job positions and the facilities thereto appertaining;

(e) (supplemented, SG No. 29/2012, effective 10.04.2012, amended, SG No. 82/2012, effective 26.11.2012) electric power plants and heat power plants of a generating capacity not exceeding 25 megawatts, with the exception of power generation installations under Item 14 of Article 147 (1) herein;

(f) parks and gardens of a surface area exceeding 1 hectare;

(g) (amended, SG No. 82/2012, effective 26.11.2012) any redevelopment and overhaul of the construction works of this category;

(h) (new, SG No. 41/2007, supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 21/2018, effective 9.03.2018) transceivers and the rest of the physical infrastructure for the deployment of electronic communications network of a trunk type at a national level or outside urbanised areas;

### 4. Category Four:

(a) private roads, fifth-class and sixth-class streets of the secondary street network and the facilities thereto appertaining;

(b) residential and mixed-use buildings of a medium high rise development; public services buildings and facilities of a gross floor area exceeding 1,000 square metres but not exceeding 5,000 square metres or of a capacity exceeding 100 visitor places but not exceeding 200 visitor places;

(c) (supplemented, SG No. 82/2012, effective 26.11.2012) manufacturing buildings, installations, facilities, adjoining infrastructure and other such of a capacity exceeding 50 job positions but not exceeding 100 job positions and the facilities thereto appertaining;

(d) parks, gardens and greenspaces of a surface area not exceeding 1 hectare;

(e) (amended, SG No. 82/2012, effective 26.11.2012) redevelopment and overhaul of the construction works of this category and interior remodellings of Category One to Four buildings whereby the structure thereof is not affected;

(f) (amended, SG No. 82/2012, effective 26.11.2012) immovable cultural assets of the "local importance" category;

(g) (new, SG No. 41/2007, amended, SG No. 21/2018, effective 9.03.2018) physical infrastructure for the



deployment of electronic communications networks and facilities, constructed in urbanised areas with high-rise and medium-rise development;

#### 5. Category Five:

(a) residential and mixed-use buildings of a low-rise development, country-house buildings, public services buildings and facilities of a gross floor area not exceeding 1,000 square metres or a capacity not exceeding 100 visitor places;

(b) (supplemented, SG No. 82/2012, effective 26.11.2012) manufacturing buildings, installations, facilities, adjoining infrastructure and other such of a capacity not exceeding 50 job positions and the facilities thereto appertaining;

(c) accessory-development construction works other than such covered under Category Six;

(d) redevelopments, remodellings, overhauls and alteration of the assigned use of the construction works of this category;

(e) (new, SG No. 41/2007, amended, SG No. 21/2018, effective 9.03.2018) physical infrastructure for the deployment of electronic communications networks and facilities, constructed in urbanised areas with low-rise development;

(f) (new, SG No. 82/2012, effective 26.11.2012) immovable cultural assets of the "ensemble importance" category" and "for the record" category;

(g) (new, SG No. 13/2017) reclamation of old, unregulated municipal landfills for solid household and non-hazardous waste whose operation is discontinued and in which there is a proven absence of landfill gas and leachate;

#### 6. Category Six: the construction works covered under Article 54 (1) and (4) and Article 147 herein.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The nomenclature of the types of construction works by individual category shall be established by an ordinance of the Minister of Regional Development and Public Works.

(3) Where preparation of development-project designs constitutes a public procurement within the meaning given by the Public Procurement Act, the said preparation shall be awarded according to the procedure established by the said Act.

(4) (Amended, SG No. 37/2006, SG No. 82/2012, effective 26.11.2012) A construction work, which falls under one category according to one criterion under Paragraph (1) and under a higher category according to another criterion, shall be categorized in the higher category.

(5) (Repealed, SG No. 37/2006).

Article 138. (Amended, SG No. 65/2003) The contracting entity may commission pre-design (pre-development) investigations and development of dimensions, areas and volumes for determination of the siting of the work, proving regulatory permissibility, the appropriateness of the development-project concept, as well as compilation of terms of reference for preparation of a development-project design.

Article 139. (1) Development-project designs may be prepared in the following phases:

1. conceptual design;
2. schematic design;
3. working design (working drawings and details).

(2) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) Depending on the specificity of the site, the contracting entity shall mandatorily commission the preparation of those parts of the development-project design on the basis of which the conformity with the requirements of Article 169 (1) and (3) herein can be assessed and the construction work can be executed.

(3) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015, SG No. 13/2017) All documents (graphic and textual) on all parts of the development-project design shall be signed and stamped by the designer of the relevant part and shall be cleared by means of signature with the designers of the rest of the parts and with the contracting entity. The calculations done by the designer under the respective part shall not be cleared by means of signature.

(4) (Supplemented, SG No. 20/2003, repealed, SG No. 65/2003).

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue an ordinance on the scope and content of development-project designs.

Article 140. (Amended, SG No. 65/2003) (1) (Amended, SG No. 1/2019, effective 1.01.2019) The contracting entity or a person authorized thereby may request a design permit.

(2) (Supplemented, SG No. 82/2012, effective 26.11.2012) A design permit shall be a copy (excerpt) of an effective detailed plan of a scope extending to the lot and the adjoining lots, indicating the existing buildings and structures within the said lot and within the adjoining lots, and with building development lines and permissible heights, building-development density and intensity and other requirements, if any, as well as the permissible deviations under Article 36 herein, plotted thereon. Where the cadastral map has entered into effect after the entry into effect of the detailed plan, the design permit shall be issued on a plat combining the cadastral map and the detailed plan.

(3) (Supplemented, SG No. 65/2004, amended and supplemented, SG No. 61/2007, supplemented, SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 101/2015, amended, SG No. 1/2019, effective 1.01.2019) Issuance of a design permit shall be mandatory for any construction works referred to in Article 12 (3), Article 41 (2), Articles 50, 51, 58, 59, Article 133 (6) and Article 134 (6), (7) and (8) herein, as well as for any works which constitute immovable cultural assets. The design permit shall be communicated to the interested parties under Article 131 herein with the exception of cases where declarations of the consent thereof with notarized signatures have been presented or where interested parties are only the parties on whose initiative the permit is issued.

(4) (New, SG No. 19/2009, effective 10.04.2009) For construction works within the boundaries of immovable cultural assets and within the protection zones of stand-alone cultural assets, where no specific rules and standard specifications have been approved, the design permit shall be issued with mandatory building-development lines and maximum permissible level mark of the cornice.

(5) (Renumbered from Paragraph (4), SG No. 19/2009, effective 10.04.2009) In nucleated settlements and parts thereof with an effective regulation plan, designated for low-rise residential development, development-project designing may commence on the basis of a design permit indicating the requirements for building development in conformity with the effective standard specifications, provided that the building-development character is not altered and solely upon detached and attached development between two immovables. Approval of a building-development plan shall not be required for authorization of construction.

(6) (Renumbered from Paragraph (5), SG No. 19/2009, effective 10.04.2009) A design permit shall not be issued for physical-infrastructure projects.

(7) (Amended and supplemented, SG No. 33/2008, renumbered from Paragraph (6), SG No. 19/2009, effective 10.04.2009, amended and supplemented, SG No. 79/2015, effective 1.11.2015, amended, SG No. 1/2019, effective 1.01.2019) The design permit shall be issued by the chief architect of the municipality or the regional governor, or by the minister of regional development and public works, respectively. The design permit for special-purpose installations related to national defence and security shall be issued by the Minister of Defence, by the Minister of Interior, by the Chairperson of the State Agency for National Security or by the Chairperson of the State Intelligence Agency, where concerning installations of the respective ministry or agency. The design permit shall be issued within one month from receipt of the application under Paragraph (1).

Article 140a. (New, SG No. 1/2019, effective 1.01.2019) (1) The contracting authority or the person authorised thereby may demand from relevant utility companies to submit in the application under Article 140 (1) the design permit and

output data necessary for the design and for the connection to the physical-infrastructure networks by describing its investment intention.

(2) Within seven days of receipt thereof, the competent body under Article 140 (7) shall send the application under Paragraph (1) to the utility companies for submission of the output data requested, which data are necessary for the preparation of the development-project design and the conditions for connection to the physical infrastructure networks.

(3) Within 14 days of receipt of the application, utility companies shall submit ex officio opinions to the competent body under Article 140 (7), containing the output data requested in the application under Paragraph (1), which are necessary for the design, and the conditions for connection.

(4) The output data and the conditions for connection shall contain the technical parameters and the requirements of the respective company for the facilities in the site that is to be connected, a layout specifying the method and place of connection, the required servitude areas of the connection facilities, the potential deadlines for connection, as well as other data set out in the ordinances under Article 84 (3) herein and Article 116 (7), Article 12 (3), and Article 196 (1) of the Energy Act.

(5) Within three days of submission of all output data under Paragraph (4) by the utility companies, the competent body under Article 140 (7) shall notify the applicant under Paragraph (1) and the latter may make objections within three days.

(6) If no objections are made within the time limit under Paragraph (5), the competent body under Article 140 (7) shall issue the design permit. If there are objections, the procedure under Paragraphs (2) and (3) shall be repeated and the applicant may not make a repeated objection.

(7) The design permit under Paragraph (6) shall include the data under Article 140 and the output data and conditions for connection to the physical infrastructure networks, provided by the utility companies.

(8) The design permit under Paragraph (6) shall serve as a ground for entering into contracts with the utility companies for temporary water supply of the construction site during construction works and/or for temporary power supply of the construction site, where the property has no power supply in place, and into contracts for connection to the physical infrastructure networks in line with the conditions set out in the design permit, provided that the contracting authority submits for clearance and approval the development-project design within one year of its entry into force. The utility companies may not set additional conditions aggravating the contracting authority. If the contracting authority fails to submit the development-project design for clearance and approval within one year of entry into force of the design permit, the contracting authority shall request from the utility companies to submit new output data and conditions for connection in accordance with the procedure set out in Article 84 (3) herein and Article 116 (7), Article 125 (3) and Article 196 (1) of the Energy Act.

(9) The standard form of the application under Paragraph (1) shall be approved by the Minister of Regional Development and Public Works, in consultation with the Chairperson of the Energy and Water Regulatory Commission.

## **Section II**

### **Clearance and Approval of Development-Project Designs**

Article 141. (1) (Amended, SG No. 65/2003, supplemented, SG No. 13/2017) A conceptual development-project design shall be subject to clearance with the Chief Architect of the municipality on the basis of an advance conformity assessment under Article 142 (2) herein.

(2) (Amended, SG No. 65/2003, SG No. 15/2013, effective 1.01.2014, repealed, SG No. 66/2013, effective 26.07.2013).

(3) (Amended, SG No. 65/2003) Clearance of a conceptual development-project design may be refused solely on grounds of legal non-conformity.

(4) (Amended, SG No. 65/2003) Conceptual development-project designs for special-purpose installations related to national defence and security shall be subject to expert examination by the specialized expert board referred to in Article 3 (3) herein.

(5) (New, SG No. 65/2003, supplemented, SG No. 33/2008, amended and supplemented, SG No. 79/2015, effective 1.11.2015) Conceptual development-project designs for special-purpose installations related to national defence and security shall be cleared with the Minister of Defence, with the Minister of Interior, or with the Chairperson of the State Agency for National Security, or with the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned as the case may be, after consideration of the design by the specialized expert board referred to in Article 3 (3) herein.

(6) (Renumbered from Paragraph (5), SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013) Any conceptual development-project shall be cleared with:

1. the Regional Governor: for physical-infrastructure projects of a scope extending beyond a single municipality or for projects of functional-regional importance;

2. (amended, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works for:

(a) works of a scope extending beyond a single administrative region;

(b) works of national importance and/or national works;

(c) the national roads, the railway trunk lines and the railways;

3. (repealed, SG No. 98/2014, effective 28.11.2014).

Clearance shall be effected on the basis of an advance assessment of conformity under Article 142 (2) herein.

(7) (New, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) Any conceptual development-project design for immovable cultural assets and for construction works within the boundaries and protection zones of such assets shall be cleared under the terms and according to the procedure established by the Cultural Heritage Act.

(8) (Renumbered from Paragraph (6), SG No. 65/2003, supplemented, SG No. 65/2004, renumbered from Paragraph (7), SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) Clearance of a conceptual design shall be granted or refused by the competent authority:

1. within one month after the submission of the design, where the advance assessment has been prepared under Item 1 of Article 142 (6) herein;

2. within 14 days after the submission of the design, where the advance assessment has been carried out under Item 2 of Article 142 (6) herein.

(9) (Renumbered from Paragraph (7), SG No. 65/2003, renumbered from Paragraph (8), SG No. 61/2007) Clearance of a conceptual design shall be grounds to proceed with the designing in the succeeding phases.

Article 142. (Amended, SG No. 65/2003) (1) Development-project designs shall be subject to clearance and approval and shall be grounds for issuance of a building permit.

(2) (Supplemented, SG No. 13/2017) A development-project design may be grounds for issuance of a building permit if an advance assessment has been performed in respect of the said design as to conformity with the projections of the detailed plan, with the spatial-development rules and standard specifications, with the requirements to construction works according to the statutory instruments as to functionality, vehicular traffic accessibility, environmental protection and health protection, as well as to the harmony between the separate parts of the design, and has been approved by the authority under Article 145 herein. In such cases, the approved conceptual design shall furthermore serve for the award of a construction work under the Public Procurement Act. The succeeding design phases shall be approved while construction is in progress prior to performance of the relevant building and erection works and shall be subject to assessment according to the requirements covered under Paragraph (5). Each part of a development-project design shall bear the number of the building permit whereto the said design is being approved.

(3) Regarding elements of transport technical infrastructure it shall be permitted that the technical or development-project design be considered by the expert board simultaneously with the acceptance of the parcelling plan, the building permit being issued after the plan comes into force.

(4) (Amended, SG No. 101/2015) All parts of development-project designs that are grounds for the issue of a building permit shall be assessed regarding their conformity with the basic requirements for construction works.

(5) Any such assessment shall comprehend examination for conformity with:

1. the projections of the detailed plan;
2. the spatial-development rules and standard specifications;
3. (amended, SG No. 101/2015) the requirements under Article 169 (1) and (3) herein;
4. the harmony between the parts of the design;
5. the completeness and the structural conformity of the engineering calculations;
6. the requirements as to the mechanism, safe operation and technical surveillance of high-risk facilities, if the work contains any such facilities;
7. (amended, SG No. 82/2012, effective 26.11.2012) other specific requirements to particular types of construction works according to a statutory instrument, if the work contains any such construction works;
8. (new, SG No. 32/2012, effective 24.04.2012) the requirements of effective administrative acts which, depending on the type and size of the construction work, are required as a condition for authorization of construction under the Environmental Protection Act, the Biological Diversity Act, the Cultural Heritage Act or another special law, as well as inclusion of the measures and conditions under those administrative acts in the design;
9. (new, SG No. 53/2012, effective 13.07.2012, repealed, SG No. 13/2017);
10. (new, SG No. 62/2015, effective 14.08.2015) the requirements for the prevention of major accidents involving dangerous substances and limitation of the consequences of such accidents for human life and health and for the environment under Section I of Chapter Seven of the Environmental Protection Act.

(6) Conformity shall be assessed:

1. through adoption by an expert board of the approving administration;
2. (amended, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) as an integrated report compiled by a registered consulting firm not connected with the designer, which shall be mandatory in respect of Category One, Two and Three works and optional, at the discretion of the contracting entity, in respect of any lower category works;
3. (repealed, SG No. 65/2004);

4. (repealed, SG No. 65/2004).

(7) Apart from issuance of a building permit, an approved development-project design may furthermore serve for the award of a construction work under the Public Procurement Act.

(8) (New, SG No. 82/2012, effective 26.11.2012) In respect of any special-purpose installations of the Ministry of Defence, of the Ministry of Interior and of the State Agency for National Security, the information whereon constitutes a state secret within the meaning given by the Classified Information Protection Act, the conformity assessment shall be performed by experts designated by an order of the competent government minister or of the Chairperson of the Agency.

(9) (New, SG No. 82/2012, effective 26.11.2012) All documents (graphic and textual) of the development-project design shall be signed and stamped by the relevant qualified expert and by the managing director of the consulting firm which performed the conformity assessment. The report on conformity assessment shall be signed by the managing director of the consulting firm and by all qualified experts who performed the assessment.

(10) (Supplemented, SG No. 15/2010, effective 23.02.2010, renumbered from Paragraph (8), amended and supplemented, SG No. 82/2012, effective 26.11.2012) Conformity assessment of the structural part of development-project designs in the phases of schematic and working design shall be performed under a contract with the contracting entity by natural persons exercising technical control over the structural part, included in a list prepared and updated annually by the Chamber of Development-Project Design Engineers, which shall be promulgated in the State Gazette, or in an equivalent list or register maintained by a competent authority in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area. The person exercising construction supervision shall sign all documents (graphic and textual) on the structural part of the development-project design.

(11) (New, SG No. 98/2008, effective 14.11.2008, renumbered from Paragraph (9), SG No. 82/2012, effective 26.11.2012, amended, SG No. 24/2013, effective 12.03.2013, SG No. 35/2015, effective 15.05.2015, supplemented, SG No. 13/2017) Conformity assessment under Item 6 of Article 169 (1) herein of development-project designs in the phases of schematic and working design shall be performed under a separate contract with the contracting entity by natural and legal persons who and which satisfy the requirements of the Energy Efficiency Act and are entered into the public register referred to in Article 44 (1) of the said Act. The assessment may alternatively be carried out as part of the integrated report referred to in Item 2 of Article 142 (6) herein where the registered consulting firm is entered in the register referred to in Article 44 (1) of the Energy Efficiency Act for carrying out the activities covered under Article 43 (1) of the Energy Efficiency Act or whose complement includes natural persons who are energy efficiency consultants entered in the register referred to in Article 44 (1) of the Energy Efficiency Act for carrying out the activities covered under Article 43 (2) of the Energy Efficiency Act for Category Five construction works.

Article 143. (Amended, SG No. 65/2003) (1) Development-project designs shall be cleared and approved on the basis of a submission of:

1. (amended, SG No. 101/2015) assessment of the conformity of the design plans and specifications with the basic requirements for the construction work;

2. (amended, SG No. 82/2006, SG No. 69/2008, SG No. 53/2014) a positive opinion of the fire safety bodies and protection of the population for the construction sites of the first, second and third category;

3. (repealed, SG No. 1/2019, effective 1.01.2019);

4. (new, SG No. 77/2005, amended, SG No. 82/2012, effective 26.11.2012) effective administrative acts which, depending on the type and size of the construction work, are required as a condition for authorization of construction under the Environmental Protection Act, the Biological Diversity Act, the Cultural Heritage Act or another special law, and conformity of the development-project design with the conditions in the said administrative acts;

5. (new, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015, SG No. 13/2017) clearance under the terms and according to the procedure established by the Cultural Heritage Act, applicable to immovable cultural assets and to construction works within the boundaries and protection zones thereof.

(2) Fees for clearance and approval of development-project designs shall be paid under the Stamp Duty Act and the Local Taxes and Fees Act.

(3) (Repealed, SG No. 65/2004).

Article 144. (Amended, SG No. 65/2003) (1) Any development-project designs, which serve as grounds for the issuance of a building permit, shall be approved acting on a written application by the contracting entity and after submission of:

1. documentary proofs of title and, applicable to buildings of housing development cooperatives, an effective resolution of the general meeting on adoption of the design;

2. (supplemented, SG No. 61/2007, amended, SG No. 101/2015) a design permit, in the cases referred to in Article 140 (3) herein;

3. (amended and supplemented, SG No. 13/2017) two copies of the development-project design of a scope and contents specified by the ordinance referred to in Article 139 (5) herein in hard copy and soft copy, with the format of the record of the digital copies of the development-project designs and of the documents and data thereto being specified by the ordinance referred to in Article 139 (5) herein;

4. (amended, SG No. 77/2005, SG No. 82/2012, effective 26.11.2012) effective administrative acts which, depending on the type and size of the construction work, are required as a condition for authorization of construction under the Environmental Protection Act, the Biological Diversity Act, the Cultural Heritage Act or another special law, and conformity of the development-project design with the conditions in the said administrative acts;

5. (amended, SG No. 65/2004) a conformity assessment prepared according to the procedure established by Article 142 (6) herein;

6. (new, SG No. 65/2006) a permit to build a groundwater extraction facility and/or a permit to extract water, and/or to discharge waste water, issued according to the procedure established by, and in the cases provided for, the Water Act.

(2) The conditions for use of water for drinking, manufacturing and fire-protection purposes, for release of waste water, for use of electric power, for communication links, for heat supply and for gas supply shall be ensured by the organizations providing public services, under the terms and according to the procedure established by special law.

(3) Development-project designs shall be approved or approval shall be refused by the authority under Article 145 herein:

1. (amended, SG No. 65/2004, SG No. 82/2012, effective 26.11.2012) where conformity has been assessed under Item 2 of Article 142 (6) herein: within fourteen days after submission of any such designs;

2. (amended, SG No. 65/2004) where conformity has been assessed under Item 1 of Article 142 (6) herein: within one month after submission of any such designs.

(4) (New, SG No. 87/2010, repealed, SG No. 109/2013).

(5) (New, SG No. 47/2012) Development project designs affecting national roads shall be coordinated by the administration managing the relevant road according to the procedure established by Article 127 (2) herein.

(6) (New, SG No. 13/2017) A documentary proof of title shall not be submitted for the construction of a national work, of a work of national importance or of a municipal work of primary importance, but documents certifying the conclusion of the condemnation proceedings under the State Property Act and under the Municipal Property Act shall be submitted in such case.

Article 145. (1) (Amended, SG No. 65/2003, SG No. 13/2017) Schematic or working development-project designs shall be cleared with and approved by:

1. the Chief Architect of the municipality (or borough);
2. the Regional Governor: for physical-infrastructure projects of a scope extending beyond a single municipality or for works of functional-regional importance;
3. the Minister of Regional Development and Public Works for:
  - (a) works of a scope extending beyond a single administrative region;
  - (b) works of national importance and/or national works;
  - (c) the national roads, the railway trunk lines and the railways;
4. the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security or by the Chairperson of the State Intelligence Agency, where concerning installations of the said Agency, as the case may be: for special-purpose installations related to national defence and security.

(2) (Supplemented, SG No. 65/2003, SG No. 33/2008, amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015, amended, SG No. 13/2017) Clearance of development-project designs covered under Paragraph (1) shall consist in examination of the conformity of the said designs with the projections of the detailed plan and with the rules and standard specifications for the arrangement of the building development and the planning parameters.

(3) (Supplemented, SG No. 65/2003, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015) All parts of the approved development-project designs shall be stamped with the seal of the municipal administration, the administrative-regional administration, of the Ministry of Regional Development and Public Works and in respect of special-purpose installations related to national defence and security, with the seal of the Ministry of Defence, of the Ministry of Interior, of the State Agency for National Security, or of the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned, as the case may be.

(4) (Amended, SG No. 65/2003) Should the contracting entity fail to request the grant of a building permit within one year after approval of the development-project designs, the design shall lose legal effect.

(5) (Supplemented, SG No. 65/2003, amended and supplemented, SG No. 13/2017) Where the approved development-project designs wherefrom the construction work has been executed have been lost, the said designs shall be restored where necessary by the owner through a survey development-project design of the performed construction work and submission of documents referred to in Items 1 to 3 of Article 144 (1) and in Article 144 (2) herein. Any such survey design shall be approved by the authority competent to approve the development-project design for the construction work, upon submission of the building permit or of other documents comprehended in the construction file as issued.

Article 146. (Amended and supplemented, SG No. 65/2003, amended, SG No. 61/2007) Approval of a development-project design may be denied solely on grounds of legal non-conformity, citing a specific reasoning. The contracting entity shall be notified in writing according to the procedure established by the Administrative Procedure Code of a refusal to approve a development-project design. Any such refusal shall be appealable before the authority referred to in Article 216 (2) herein within fourteen days after communication of the issuance of the said refusal.

Article 147. (1) (Supplemented, SG No. 65/2003) Approval of development-design projects shall not be required for the issuance of a building permit for:

1. (amended, SG No. 65/2003) farm structures assigned for agricultural use and the accessory-development construction works covered under Article 44 and under Article 46 (1) herein, save as otherwise provided by a Municipal Council resolution;

2. (amended and supplemented, SG No. 65/2003) installation of utility-service systems, facilities and fixtures, with the exception of high-risk equipment subject to technical surveillance by the Directorate General of State Technical Surveillance Inspectorate;



3. (repealed, SG No. 101/2015);
  4. pools of a cubic content not exceeding 100 cubic metres in fenced lots;
  5. (supplemented, SG No. 101/2015) retaining walls of a height ranging from 1.20 metres to 2 metres above the level of the ground adjoining the base thereof, where not a component of transport works;
  6. (amended, SG No. 65/2003, repealed, SG No. 101/2015);
  7. (amended, SG No. 101/2015, supplemented, SG No. 13/2017) solid fences of regulated lots of a height of the solid part ranging from 0.60 metres to 2.20 metres, with the exception of the cases referred to in Article 48 (9) herein;
  8. (repealed, SG No. 101/2015);
  9. (repealed, SG No. 101/2015);
  10. (amended, SG No. 65/2003) the construction works covered under Article 55 herein;
  11. (amended, SG No. 65/2003, supplemented, SG No. 65/2004, repealed, SG No. 61/2007);
  12. (repealed, SG No. 101/2015);
  13. (repealed, SG No. 65/2003);
  14. (new, SG No. 35/2011, effective 3.05.2011) installation of plants for production of electricity, heating and/or cooling from renewable sources with total installed capacity of up to 30 kW, including to the existing buildings in urbanized areas, including on the roof and facade structures of any such buildings and in their own lots;
  15. (new, SG No. 21/2018, effective 9.03.2018) construction of physical infrastructure for the deployment of in-building cable electronic communications networks, including under joint ownership or condominium ownership;
  16. (new, SG No. 21/2018, effective 9.03.2018) construction of physical infrastructure for the deployment of cable electronic communications networks from the record line of the immovable wherein the said infrastructure is constructed up to the network entry point to the building.
- (2) (Amended, SG No. 65/2003, SG No. 61/2007, supplemented, SG No. 35/2011, effective 3.05.2011, SG No. 29/2012, effective 10.04.2012, SG No. 101/2015) An opinion of a structural engineer with directions for execution shall be presented in respect of any construction work referred to in Items 1, 4, 5 and 7 of Paragraph (1), and opinions of a structural engineer, electrical engineer and/or heat engineer, together with drawings, diagrams, calculations and directions for the execution thereof, and an opinion which defines the conditions for connection to the distribution network, shall be presented in the cases referred to in Item 14.
- (3) (New, SG No. 61/2007, amended, SG No. 54/2011, SG No. 13/2017) For immovable cultural assets within the boundaries and protection zones thereof, the construction works referred to in Paragraph (1) shall be authorised after clearance under the terms and according to the procedure established by the Cultural Heritage Act.
- (4) (New, SG No. 21/2018, effective 9.03.2018) A contract with the owner and opinions of a structural engineer and an engineer professionally qualified in the field of communications, with drawings, layouts, a note of the technical characteristics of the physical infrastructure and of electronic communications network which is envisaged to be hosted by the said infrastructure, and directions for execution shall be presented in respect of any construction works referred to in Items 15 and 16 of Paragraph (1).

## **Section III**

### **Construction Authorization**

Article 148. (1) Construction works may be performed solely if authorized according to this Act.

(2) (Amended, SG No. 13/2017) A building permit shall be issued by the Chief Architect of the municipality.

(3) (Supplemented, SG No. 65/2003, SG No. 33/2008, amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013) A building permit shall be issued by:

1. the Regional Governor: for physical-infrastructure projects of a scope extending beyond a single municipality or for works of functional-regional importance;

2. (amended, SG No. 98/2014, effective 28.11.2014) the Minister of Regional Development and Public Works for:

(a) works of a scope extending beyond a single administrative region;

(b) works of national importance and/or national works;

(c) the national roads, the railway trunk lines and the railways;

3. (repealed, SG No. 98/2014, effective 28.11.2014);

4. (amended and supplemented, SG No. 79/2015, effective 1.11.2015) the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned, as the case may be: for special-purpose installations related to national defence and security.

(4) (Amended, SG No. 65/2003, supplemented, SG No. 61/2007, amended, SG No. 19/2009, effective 10.04.2009) A building permit shall be issued to the contracting entity on the basis of an approved schematic or working development-project design, where such shall be required. It shall be permissible to issue a building permit on the basis of an approved conceptual design referred to in Article 142 (2) herein. Any such building permit shall be issued simultaneously with the approval of the development-project design, where so requested in the application. A building permit for works within protected cultural heritage conservation areas shall be issued pursuant to the provisions of the Cultural Heritage Act. A building permit shall be issued within seven days after receipt of a written application, where there is an approved development-project design.

(5) (Supplemented, SG No. 45/2012, effective 1.09.2012) Where the contracting entity is a person enjoying a right to build in another's immovable by virtue of a special law, the building permit shall be issued to the contracting entity and to the owner of the immovable. A building permit for a co-owned immovable shall be issued in compliance with the terms and the procedure established by Article 183 herein.

(6) (Amended and supplemented, SG No. 101/2015) In a disaster and emergency, building permits may be issued, as an exception, on the basis of partial working designs. The construction file set may furthermore be completed either while the execution of the urgent emergency recovery works is in progress or after the said works are executed, and the said file shall be delivered to the authority competent to issue the building permit.

(7) A building permit for a new construction work within a corporeal immovable wherein an illegal construction work exists shall not be issued to the person who or which has performed the illegal construction work until the said work is removed or legalized.

(8) (Supplemented, SG No. 32/2012, effective 24.04.2012, SG No. 62/2015, effective 14.08.2015) The approved development-project design, where such is required, shall constitute an integral part of the building permit. Any effective environmental impact assessment (EIA) decision or decision stating that an EIA is not required, as well as a decision on approval of a safety report for the construction or redevelopment of an upper-tier establishment and/or installation or of parts thereof according to the procedure established by the Environmental Protection Act, shall be appended to the building permit as an integral part thereof.

(9) (Amended, SG No. 53/2012, effective 13.07.2012) A building permit shall record:

1. all factual reasons and legal grounds for the issuance thereof;
2. the terms and conditions for execution of the construction work, including utilization of the humus layer of earth;
3. (repealed, SG No. 13/2017);

4. removal of buildings without a building-development mode or preservation of such buildings within a specified period of time until completion of the construction work.

(10) In cases where water supply of the works from an own water source is projected, a building permit shall be issued in compliance with the provisions of the Water Act.

(11) (New, SG No. 65/2006) The building permit shall be issued in accordance with the bans under Item 4 of Article 118a (1) and Article 125a of the Water Act and the requirements under Article 125 of the same Act.

(12) (New, SG No. 61/2007) The municipal amenity-planting authorities shall prepare instruments ascertaining the tree vegetation prior to commencement and after completion of the construction. The building permit shall be issued after the issuance of a permit to remove the tree vegetation affected by the construction under terms and according to a procedure established by Article 62 (10) herein.

(13) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) A building permit for the performance of building and erection works, such as an overhaul, a redevelopment, a general renovation, remodellings, a restoration and adaptation, whereby the structure of the construction work is affected, shall be issued after conduct of a study according to the procedure established by Article 176c herein.

(14) (New, SG No. 108/2018, effective 1.01.2019) Building permits, including those issued upon approval of an integrated development-project initiative design, shall be issued for houses of prayer, temples and monasteries intended for religious activities only to a contracting authority which is a religious denomination or its local division within the meaning of the Religious Denominations Act.

Article 149. (Amended, SG No. 65/2003) (1) (Amended, SG No. 61/2007) Any building permit, issued by the Chief Architect of the municipality (or borough), or any refusal to issue such a permit shall be communicated to the interested parties under the terms and according to the procedure established by the Administrative Procedure Code. Issuance may be denied solely on grounds of legal non-conformity, citing a specific reasoning.

(2) "Interested parties" for the purposes of Paragraph (1) shall be:

1. (supplemented, SG No. 17/2009, SG No. 87/2010, amended, SG No. 109/2013) in the cases of a new construction work, extending or heightening of a pre-existing construction work: the contracting entity, the owners and the holders of limited rights in rem in the lot, the person enjoying a right to build in another's immovable by virtue of a special law, and in the cases of construction works in blocks and lots referred to in Article 22 (1) herein: the contracting entity and the owner of the land;

2. in the cases of remodelling and alteration of the assigned use of a pre-existing work: the persons referred to in Article 38 (3) and (4) and Article 39 (2) herein;

3. in the cases referred to in Article 185 (1) and (2) herein: the owners and the holders of limited rights in rem in the building, or the owners in the condominium project, as the case may be.

(3) A building permit, together with the approved development-project design, or a refusal to issue such a permit, shall be appealable by the interested parties as to legal conformity before the Chief of the Regional Office of the National Construction Control Directorate within fourteen days after communication of the issuance of the respective instrument.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Any building permit issued together with the development-project designs approved by the Minister of Regional Development and Public Works or by a Regional Governor, or any refusal to issue such a design [sic, must be permit] shall be communicated to interested parties by means of a notice promulgated in the State Gazette. Any such building permit or any refusal to issue

such a permit, as the case may be, shall be appealable before the Supreme Administrative Court within fourteen days after the promulgation thereof.

(5) (Amended, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) The authorities which have issued a building permit shall notify in writing the authorities of the National Construction Control Directorate exercising competence over the location of the construction work of the building permits issued and of the orders supplementing any such permits under Article 154 (5) herein and shall transmit copies of the said permits and orders within seven days after the issuance thereof. Copies of the textual and graphic part of the effective detailed plan and a copy of the design permit, where such is required, shall be attached to the said copies of permits and orders.

(6) (New, SG No. 32/2012, effective 24.04.2012, supplemented, SG No. 62/2015, effective 14.08.2015) Any building permit whereto an EIA decision or decision to evaluate the need of conduct of EIA, as well as a decision on approval of a safety report for the construction or redevelopment of an upper-tier establishment and/or installation or of parts thereof, is appended, shall be notified on the Internet site of the authority which has issued the building permit, and this notification shall furthermore specify the manner of ensuring public access to the content of the permit and the appendix thereto.

Article 150. (1) (Amended, SG No. 65/2003, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Acting on a reasoned request by the contracting entity, the municipality mayor, the Regional Governor or the Minister of Regional Development and Public Works, as the case may be, each acting within the competence vested therein, may authorize the preparation of an integrated development-project initiative design.

(2) An integrated development-project initiative design shall consist of the following self-contained constituent parts:

1. a draft detailed plan, including a working spatial-development plan, where such shall be necessary;
2. (amended, SG No. 65/2003) a development-project design.

(3) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) The parts of an integrated development-project initiative design shall be approved simultaneously with the issuance of a building permit and shall be communicated according to the procedure established by Article 149 (1) or (4) herein to the interested parties referred to in Article 131 herein.

(4) (Amended, SG No. 65/2003) A 30 per cent surcharge fee shall be due separately for approval of the parts of an integrated development-initiative design referred to in Paragraph (3) and for issuance of a building permit.

(5) (Repealed, SG No. 87/2010).

(6) (New, SG No. 17/2009) An integrated development-project initiative design for the physical-infrastructure line projects shall be prepared with the constituent parts of the said design being cleared, approved and communicated simultaneously. The time limit referred to in Article 145 (4) herein for the issuance of a building permit shall begin to run after the conclusion of the condemnation proceedings or the settlement of other relations related to ownership. The building permit shall be communicated solely according to the procedure established by Article 149 (5) herein.

(7) (New, SG No. 17/2009, amended and supplemented, SG No. 87/2010) Paragraph (4) shall not apply to any integrated development-project initiative designs for projects referred to in Paragraph (6), to any national works and to any municipal works of primary importance.

(8) (New, SG No. 87/2010) The instruments on approval of the parts of the integrated development-project initiative designs and the building permit shall be communicated simultaneously under the terms and according to the procedure provided for communication of instruments on approval of detailed plans.

(9) (New, SG No. 87/2010) No memorandums may be drawn up and no certifications may be effected under Article 157 (1) herein for commencement of construction authorized through an integrated development-project initiative design without an alteration of the assigned use of a spatial-development area or a lot, if such alteration is required by the virtue of another law.

Article 151. (1) (Amended, SG No. 65/2003, supplemented, SG No. 65/2004, previous text of Article 151, amended, SG No. 61/2007, supplemented, SG No. 54/2011, amended and supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) No building permit shall be required for:

1. routine repair of buildings, structures, facilities and utility-service systems;
2. routine repair and maintenance of the physical-infrastructure elements covered under Article 64 (1) herein, whereby the route and the technical parameters are not altered;
3. greenhouses of a floor space not exceeding 200 square metres;
4. retaining walls of a height not exceeding 1,2 metres above the level of the ground adjoining the base thereof, where not a component of transport works;
5. excavations and embankments of a depth or height not exceeding 1 metre and of an area not exceeding 30 square metres;
6. glazing of balconies and loggias;
7. grave monuments, tomb stones and crosses of a height not exceeding 3 metres;
8. on-site conservation of immovable cultural assets;
9. conservation and restoration of facades and of artistic elements and frescoes in the interior of cultural assets of an architectural or artistic nature and conservation of archaeological immovable cultural assets;
10. installation of on-site gas-supply systems in residential and country-house buildings.
11. light see-through fences of a height of the solid part not exceeding 0.6 metres within the lot;
12. garden and park furnishings of a height not exceeding 2.5 metres above the adjoining ground.

(2) (New, SG No. 61/2007, amended, SG No. 19/2009, effective 10.04.2009, SG No. 54/2011) For immovable cultural assets within the boundaries and protection zones thereof, the activities under Paragraph (1) shall be performed after co-ordination according to the procedure established by the Cultural Heritage Act, with the exception of on-site conservation.

Article 152. (1) A building permit shall be issued for the entire construction work.

(2) A building permit may furthermore be issued for separate stages (parts) of construction works which may be executed and used independently and, in respect of residential buildings, for separate stories of a building, subject to the condition that space arrangement and facade arrangement be completed at each construction phase.

Article 153. (1) (Amended, SG No. 65/2003) In the cases where approval of a development-project design is not required, a building permit shall be issued solely on the basis of the request for a permit and a documentary proof of title, of

a created building right, or of a right to build in another's immovable by virtue of a special law. Any such building permit shall state the types of building and erection works to be executed. In respect of structures and facilities covered under Article 147 (1) herein, a ground plat indicating building-development lines, separations and heights shall be attached to the building permit.

(2) (Amended, SG No. 87/2010, supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 13/2017) A building permit shall lose legal effect where:

1. construction has not commenced within three years after the said permit has become effective;
2. the rough construction work, including the roof of the buildings, has not been completed within five years after the commencement of the construction;
3. construction of physical-infrastructure elements has not been completed within ten years after the commencement of the said construction, or the rough construction work, including the roof of the buildings, has not been completed within such a period: applicable to works covered under Items 1 and 2 of Article 137 herein, to national works, to works of national importance and to works of primary municipal importance.

(3) (Amended, SG No. 13/2017) Construction works in respect of which the building permit has lost legal effect within the meaning given by Paragraph (2) may be implemented after re-certification of the building permit.

(4) (New, SG No. 13/2017) The contracting entity of the construction work may request re-certification of the building permit within three months after expiry of the respective time limit under Paragraph (2). The building permit shall be re-certified by the authority which issued the said permit within 14 days after the submission of the application.

(5) (New, SG No. 13/2017) A building permit may be re-certified only once: for a renewal of the time limit for commencement of the construction work or for a renewal of the time limit for completion of the construction work. Re-certification of the permit shall be an administrative service which shall be provided on a single occasion by an entry on all copies of the building permit as issued.

(6) (New, SG No. 13/2017) In the cases referred to in Item 1 of Paragraph (2), the re-certification of the building permit shall renew the time limit for commencement of construction, and in the cases referred to in Items 2 and 3, the re-certification of the building permit shall renew the time limit for completion of construction.

(7) (New, SG No. 13/2017) In the cases referred to in Item 1 of Paragraph (2), re-certification shall be effected after a self-initiated check for conformity with the projections of the effective detailed plan, as well as with the requirements of effective administrative acts under the Environmental Protection Act, the Biological Diversity Act, the Cultural Heritage Act or another special law which, depending on the type and size of the construction work, shall be required as a condition for authorization of construction.

(8) (Renumbered from Paragraph (4), amended, SG No. 13/2017) Fifty per cent of the fee provided for the issuance of a building permit shall be paid upon re-certification of a building permit.

(9) (New, SG No. 13/2017) A re-certified building permit shall lose legal effect after the expiry of the time limit for which the said permit has been re-certified, unless construction has commenced or has been completed, as the case may be.

(10) (New, SG No. 13/2017) The approved development-project design shall lose legal effect unless the building permit is re-certified, as well as where the re-certified building permit has lost legal effect.

(11) (New, SG No. 101/2015, renumbered from Paragraph (5), SG No. 13/2017) A refusal to re-certify the building permit shall be communicated to the interested parties under Article 149 (2) herein according to the procedure established by the Administrative Procedure Code and shall be appealable according to the procedure established by Article 215 herein within 14 days from the communication.

Article 154. (Amended, SG No. 65/2003) (1) (Supplemented, SG No. 101/2015, amended, SG No. 13/2017) Upon change of the development-project intention after the issuance of a building permit, solely immaterial deviations from

the approved development-project design shall be permissible.

(2) Material deviations from the approved development-project design shall be any deviations which:

1. conflict with the projections of the effective detailed plan;
2. conflict with the requirements for construction in special planning-protection areas or in preventive planning-protection mode areas;
3. are incompatible with the assigned use of the spatial-development area;
4. conflict with the construction rules and standard specifications, the technical, technological, sanitation, hygiene and fire-protection requirements;
5. alter the building structure and the type of the structural elements and/or loads;
6. (supplemented, SG No. 82/2012, effective 26.11.2012) conflict with the projections of the design, altering the assigned use of works, removing or altering materially common parts of the construction work, or the development-project intention is changed for phased construction under the terms established by Article 152 (2) herein;
7. alter the type and location of shared wiring and plumbing systems and fixtures in buildings and structures;
8. alter the type, elevation, location and route of transmission and delivery lines and facilities to urbanized territories and of physical-infrastructure public networks and facilities and of the waste-treatment installations and facilities.

(3) Immaterial deviations from the approved development-project design shall be any deviations other than those covered under Paragraph (2).

(4) After issuance of a building permit, any modifications of the approved development-project design within the scope of the material deviations referred to in Items 1, 2, 3 and 4 of Paragraph (2) shall be impermissible.

(5) (Amended, SG No. 82/2012, effective 26.11.2012) After issuance of a building permit, any modifications of the approved development-project design within the scope of the material deviations referred to in Items 5, 6, 7 and 8 of Paragraph (2) shall be admitted at a request of the contracting entity accompanied by a notarized consent of the interested parties covered under Article 149 (2) herein on the basis of an approved development-project design attached to the building permit as issued. Any such modifications shall be recorded as issued by means of an order supplementing the building permit and shall be admitted prior to the implementation thereof.

(6) (New, SG No. 13/2017) The changes in the approved development-project design within the scope of the material deviations referred to in Items 5 to 8 of Paragraph (2) shall be approved under the terms and according to the procedure established by Article 145 herein within the time limits under Article 144 (3) herein. The order supplementing the building permit referred to in Paragraph (5) shall be issued simultaneously with the approval of the changes in the development-project design.

Article 155. (1) The original of the building permit shall be submitted into the indefinite custody of the records of the municipal administration (or borough administration).

(2) In respect of any physical-infrastructure work referred to in Article 148 (3) herein, the original of the building permit shall be submitted into the custody of the issuing authority, and copies of the said building permit shall be transmitted for observance and custody to the competent municipal administration (or borough administration).

(3) A certified copy of the approved development-project (executive) design shall be attached to the building permit.

Article 156. (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) (1) Building permits as issued and the orders supplementing any such building permits under Article 154 (5) herein, together with the approved development-project designs, as well as building partners in the cases referred to in Article 147 (1) herein, may be revoked solely on grounds of legal non-conformity, acting on an appeal lodged by the interested party within the time limit referred to

in Article 149 (3) herein or upon self-initiated examination by the authorities of the National Construction Control Directorate within fourteen days after notification of the said authorities according to the procedure established by Article 149 (5) herein. Any effective building permits shall be irrevocable.

(2) Acting proprio motu, the authorities of the National Construction Control Directorate shall verify the conformity of the building permits as issued and the development-project designs as approved, where such are required, to the projections of the effective detailed plan.

(3) Upon ascertainment of any violations under Paragraph (2), as well as of any other violations leading to legal non-conformity of the construction files as issued, the Chief of the National Construction Control Directorate or an official authorized thereby shall revoke, by a reasoned order, the building permit and the development-project designs as approved.

(4) The orders of the Chief of the National Construction Control Directorate referred to in Paragraph (3) shall be appealable according to the procedure established by Article 215 herein.

(5) Any effective building permits shall be irrevocable.

Article 156a. (New, SG No. 87/2010) After the preparation of a detailed plan for the construction of a national work or a municipal work of primary importance has been admitted/commissioned, all authorities and persons shall perform the administrative services or clearance under this Act within time limits which are by one-half shorter than the time limits provided for herein.

## **PART THREE CONSTRUCTION**

### **Chapter Nine COMMENCEMENT OF CONSTRUCTION AND RELATIONSHIPS IN CONSTRUCTION PROCESS**

#### **Section I Construction Site Opening and Building Line and Elevation Marking**

Article 156b. (New, SG No. 13/2017) Prior to the opening of the construction site and/or prior to the commencement of the activities comprehended in the construction or removal of a construction work, the contracting entity shall submit the following to the municipality for approval:

1. a construction and demolition waste management plan, where required under the Waste Management Act;
2. a safety and health plan.

(2) The plan referred to in Item 1 of Paragraph (1) shall be approved under the terms and according to the procedure established by the Waste Management Act.

(3) The plan referred to in Item 2 of Paragraph (1) shall be approved by the municipality mayor or by an official empowered thereby within 14 days after the submission of the said plan.

(4) The plans covered under Paragraph (1) for any construction works located within the territory of more than one municipality shall be approved by the mayors of the municipalities concerned or by officials empowered thereby for the part of the construction work which is executed within the territorial scope of the municipality concerned.

(5) The approved plans covered under Paragraph (1) shall lose legal effect in case construction has not commenced within six months from the date of approval of the said plans, as well as where the building permit has lost legal effect.



Article 157. (1) (Supplemented, SG No. 65/2003) Construction shall be deemed commenced conforming to the building permit as issued as from the day of drawing up of a memorandum on the opening of a construction site and on marking of a building line and elevation or, where no such memorandum is required, as from the date of certification of the order record book.

(2) (Amended, SG No. 65/2003, supplemented, SG No. 103/2005, SG No. 108/2006, effective 3.01.2008, SG No. 33/2008, SG No. 15/2010, effective 23.02.2010, amended and supplemented, SG No. 79/2015, effective 1.11.2015, amended, SG No. 13/2017) The opening of a construction site and the marking of a building line and elevation shall be performed if there is an effective building permit and in the presence of officers referred to in Article 223 (2) herein by the person exercising construction supervision in respect of the work or by the site manager in respect of Category Five construction works, and, in respect of special-purpose installations related to national defence and security, by the Minister of Defence, by the Minister of Interior, by the Chairperson of the State Agency for National Security, by the Chairperson of the National Intelligence Agency or by the Chairperson of the State Intelligence Agency, where facilities of said Agency are concerned, where facilities of said Agency are concerned, as the case may be, or by persons authorized thereby. The opening of a construction site and the marking of a building line and elevation, as well as the certification of the order record book, shall be performed after presentation by the contracting entity of an approved construction and demolition waste management plan, an approved safety and health plan, a contract for the execution of the construction work with a developer recorded in the Central Register of Professional Developers, as well as a contract for designer supervision with the designer.

(3) (Repealed, SG No. 65/2003).

(4) A memorandum shall be drawn up on the opening of the construction site and on the marking of the building line and elevation, indicating the regulation benchmarks and the datum levels. Any such memorandum shall record the measures to ensure occupational health and safety, traffic safety, and preservation of adjacent buildings, pre-existing buildings, networks and facilities in the immovable, which shall be preserved in the course of construction and thereafter, as well as the large-sized tree vegetation which is not subject to removal.

(5) (New, SG No. 13/2017) The person exercising construction supervision or the site manager for Category Five construction works shall submit a request to the municipal administration for the drawing up of a memorandum referred to in Paragraph (4) within seven days before the date of drawing up of the said memorandum.

(6) (New, SG No. 13/2017) The official referred to in Article 223 (2) herein shall be bound to appear on the date set in the request referred to in Paragraph (5), and the non-appearance of the said official shall not impede the drawing up of the memorandum on the opening of the construction site and on the marking of the building line of the construction work.

(7) (Supplemented, SG No. 65/2003, amended and supplemented, SG No. 76/2005, renumbered from Paragraph (5), supplemented, SG No. 13/2017) Absent a technically feasible alternative, parts of pavements, public open spaces, as well as parts of roadways may be used temporarily as construction sites under terms and according to a procedure established by a Municipal Council ordinance and by the development-project design. Construction sites shall be fenced off by means of temporary fences at the direction of the municipal administration (or borough administration), and signs stating the authorized construction work with data about the developer, the designer, the person exercising construction supervision and other relevant information shall be placed.

Article 158. (1) (Amended, SG No. 65/2003) The memorandum on the opening of a construction site and on marking of a building line and elevation shall be submitted into the indefinite custody of the records of the administration which has issued the building permit. A duplicate copy of the said memorandum shall remain in the custody of the contracting entity or of the person exercising construction supervision.

(2) (Amended, SG No. 65/2003, SG No. 103/2005, supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, amended and supplemented, SG No. 79/2015, effective 1.11.2015) Within three days after the drafting of the memorandum referred to in Paragraph (1) or, where no such memorandum is required, prior to commencement of the construction, the person exercising construction supervision, or the site manager for Category Five construction works, shall certify the order record book of the construction work and shall notify in writing the municipality, the specialized control authorities and the Regional Office of the National Construction Control Directorate within seven days after such certification. In the cases where the building permit has been issued by the Regional Governor or by the Minister of Regional Development and Public Works, the order record book shall be certified

by the National Construction Control Directorate. In respect of special-purpose installations related to national defence and security, the order record book shall be certified by officials designated by the Minister of Defence, by the Minister of Interior, by the Chairperson of the State Agency for National Security, by the Chairperson of the National Intelligence Agency or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned, as the case may be.

Article 159. (Amended, SG No. 65/2003) (1) Upon reaching the design elevations of footing course, base course, coping (eaves) course and ridge course in respect of buildings (respectively, at footing course elevation, prior to covering any newly constructed or remodelled underground lines and facilities with backfill and for survey in the selective maps and registers, design levelling with restored or executed surfacing), the person exercising construction supervision, or the site manager of Category Five construction works, shall be obligated, prior to authorizing execution of the succeeding building and erection works, to conduct an examination and to ascertain the conformity of the construction work with the development-project designs as approved, the building permit and the memorandum on the marking of a building line and elevation, with the geological engineer who performed the subsurface investigation and the designer of the structural part being mandatorily present at footing course elevation.

(2) The person exercising construction supervision, or the site manager of Category Five construction works, shall record the result of the examination conduction upon reaching the elevations controlled in the memorandum on the marking of a building line and elevation, noting inter alia that the underground lines and facilities were recorded in the selective maps and registers before being covered with backfill, and shall transmit a certified copy of the said memorandum to the municipality (or borough) within three days.

(3) Within three days after completion of the building and erection works on the foundations of the construction work, an official of the municipal administration (or borough administration), acting at the request of the person exercising construction supervision, or of the site manager of Category Five construction works, shall conduct an examination to ascertain the conformity of the construction work with the construction file as issued and as to whether the detailed plan has been applied in respect of the building development.

(4) Should the examination of the design elevations reached ascertain any material deviations from the construction file, the person exercising construction supervision shall suspend the construction by an order which the said person shall enter into the record order book of the construction work and shall draft a memorandum on the deviations ascertained which the said person and shall transmit to the Regional Office of the National Construction Control Directorate within three days.

(5) (Supplemented, SG No. 33/2008, amended and supplemented, SG No. 79/2015, effective 1.11.2015) In respect of special-purpose installations related to national defence and security, the actions covered under Paragraph (1) to (4) shall be performed by persons designated by the Minister of Defence, by the Minister of Interior, by the Chairperson of the State Agency for National Security or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned, as the case may be.

## **Section II**

### **Participants in Construction and Relationships between Them**

Article 160. (Amended, SG No. 43/2002, SG No. 65/2003) (1) "Participants in the construction process" shall be the contracting entity, the developer, the designer, the consultant, the natural person exercising construction supervision over the structural part, the site manager and the supplier of machinery, plant and process equipment.

(2) The relationships of the participants in construction shall be regulated by written contracts.

(3) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) To ensure the normal functioning and use of completed construction projects and to remedy latent defects after acceptance and commissioning (commencement of use) of any such projects, minimum warranty periods for executed building and erection works, facilities and construction projects shall be fixed by an ordinance of the Minister of Regional Development and Public Works.

(4) The warranty periods for executed building and erection works, facilities and construction projects shall be fixed by the contract between the contracting entity and the contractor for the relevant construction project. Any such periods

may not be shorter than the minimum periods fixed by the ordinance referred to in Paragraph (3).

(5) The warranty periods shall begin to run as from the day of commissioning of the construction project.

Article 161. (1) (Amended, SG No. 65/2003, SG No. 87/2010) "Contracting entity" shall be the owner of the immovable, the person in favour whereof a right to build in another's immovable has been created, or the person enjoying a right to build in another's immovable by virtue of a law. The contracting entity or a person authorized thereby shall ensure everything necessary for the commencement of construction.

(2) (Repealed, SG No. 65/2003).

(3) (New, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 96/2017, effective 1.01.2018).

(4) (New, SG No. 82/2012, effective 26.11.2012) The contracting entity shall be responsible for:

1. ensuring the requisite documents referred to in Items 7 and 8 of Article 142 (5) herein and providing the said documents to the designer and to the person performing conformity assessment of the development-project design for inclusion in the integrated report on conformity assessment, with the exception of the cases in which the said obligations are assigned by contract to the consultant;

2. commencement of a construction work with a concluded construction supervision contract, where such a contract is required;

3. commencement of a construction work with a concluded construction contract, where such a contract is required;

4. commencement of a construction work with a construction contract with a developer registered under Article 3 (2) of the Chamber of Developers Act for the relevant group and category of construction work, in the cases where such a registration is mandatory;

5. (new, SG No. 13/2017) commencement of a construction work with a concluded contract for designer supervision of the work.

Article 162. (Amended, SG No. 65/2003) (1) "Designer" shall be a natural or a legal person whereof the members include natural persons possessing the requisite licensed designer competence.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) The terms and a procedure for exercise of designer supervision in the course of construction shall be established by a contract between the contracting entity and the designer. Designer supervision over all parts shall be mandatory for all construction works of Category One to Category Five inclusive.

(3) The prescriptions of the designer, related to the copyright thereof, as to strict compliance with the development-project design as thereby prepared, shall be entered into the order record book and shall be mandatory for the remaining participants in construction.

(4) (Repealed, SG No. 103/2005, new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) The designer shall be responsible for the designing of the construction work in accordance with the projections of the detailed plan, the requirements covered under Article 169 (1) and (3) herein, as well as with the requirements for ensuring health and safety at work.

(5) (New, SG No. 82/2012, effective 26.11.2012) In the fulfilment of the obligations thereof, the designer shall be entitled to unimpeded access to the construction work, the construction file, the order record book and the instruments and memorandums drawn up in the course of construction.

(6) (New, SG No. 82/2012, effective 26.11.2012) The designer shall incur liability for all actions thereof upon the exercise of designer supervision in the course of construction.

(7) (New, SG No. 101/2015, repealed, SG No. 13/2017).

(8) (New, SG No. 101/2015, repealed, SG No. 13/2017).

Article 163. (Amended, SG No. 65/2003) (1) "Developer" shall be a natural person or a legal person whereof the members include natural persons possessing the requisite licensed technical competence, who or which, acting under a written contract with the contracting entity, executes the construction work in accordance with the construction file as issued.

(2) The developer shall be responsible for:

1. (amended, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) execution of the construction work in accordance with the construction file as issued and with the requirements of Article 169 (1) and (3) herein, as well as with the rules for execution of building and erection works and of the measures for protection of human life and health on the construction site;

2. (supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) execution of the building and erection works using materials, manufactures, products and other such conforming to the basic requirements for construction works, as well as compliance with the technological requirements for the use thereof;

3. (new, SG No. 82/2012, effective 26.11.2012) timely drawing up of the instruments and memorandums in the course of construction, certifying the circumstances referred to in Items 1 and 2;

4. (renumbered from Item 3, amended, SG No. 82/2012, effective 26.11.2012) custody of the executive documents and the preparation thereof, unless this is assigned by contract to another participant in construction, as well as custody of the other technical documents on execution of the construction work;

5. (renumbered from Item 4, amended, SG No. 82/2012, effective 26.11.2012) custody and submission, upon request, to the rest of the participants in construction or to a control authority of the construction file, the order record book of the construction work referred to in Article 170 (3) herein and the instruments and memorandums drawn up in the course of construction;

6. (new, SG No. 82/2012, effective 26.11.2012) execution of construction works corresponding to the registration effected under Article 3 (2) of the Chamber of Developers Act for the relevant group and category of construction works, in the cases where such a registration is mandatory.

(3) The developer shall incur pecuniary liability for any detriment inflicted and lost profit sustained through a culpable act or omission thereof.

(4) The developer may subcontract the performance of particular types of building and erection works or of parts (stages) of the construction work.

Article 163a. (New, SG No. 65/2003) (1) (New, SG No. 108/2006) The developer shall be obligated to appoint technically qualified licensed persons under employment contracts to carry out site management of the construction works.

(2) (New, SG No. 108/2006) Technically qualified licensed persons shall be the persons who hold a diploma issued by an accredited higher school certifying attainment of qualifications of "civil engineer," "engineer" or "architect", as well as the persons who have completed secondary education with a four-year course of instruction and have attained professional qualification in the fields of "architecture and construction" and "engineering technology".

(3) (New, SG No. 108/2006) Apart from the cases under Paragraph (2), licensed technical competence of a non-resident person may be recognized on conditions of reciprocity established for each particular case when the non-resident holds a diploma legalized in accordance with the relevant procedure and when the said person satisfies the requirements of this Act.

(4) (Renumbered from Paragraph (1), supplemented, SG No. 108/2006, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) "Site manager" shall be a civil engineer, an architect or a civil engineering assistant who shall direct the building works and shall ensure fulfilment of the responsibilities covered under Items 1 to 5 of Article 163 (2) herein and,

applicable to Category Five construction works, fulfilment of the responsibilities referred to in Article 168 (1) and in Article 169b (1) herein as well. Other technically qualified licensed persons, referred to in Paragraph (2), may perform specialized site management of specific building and erection works in conformity with the specialist qualifications as attained thereby and the educational qualification degree as conferred thereon.

(5) (Renumbered from Paragraph (2), SG No. 108/2006) Where the construction work is executed by the contracting entity, the said contracting entity shall be obligated to make arrangements for a site manager. In such a case, the site manager shall incur liability for compliance with the requirements covered under Article 163 (2) herein.

Article 164. (Repealed, SG No. 65/2003).

Article 165. (Amended, SG No. 65/2003) The contracting entity may commission the supply and installation of the process equipment and utility-service system equipment of the construction work to a supplier. Any such supplier shall be responsible for the quality and prompt execution of the said supply and installation, as well as for the related acceptance trials.

(Section III Construction Supervision)

(Heading repealed, SG No. 65/2003)

Article 166. (Amended, SG No. 20/2003, SG No. 65/2003) (1) On the basis of a written contract with the contracting entity, the consultant:

1. shall perform conformity assessment of the development-project designs and/or shall exercise construction supervision;

2. (new, SG No. 101/2015, supplemented, SG No. 13/2017) shall check and control the construction products delivered and used in the construction work, thereby ensuring conformity with the basic requirements for construction works in accordance with the requirements of the ordinance referred to in Item 5 of Article 9 (2) of the Technical Requirements Towards Products Act upon practice of the activities referred to in Item 1;

3. (supplemented, SG No. 82/2012, effective 26.11.2012, renumbered from Item 2, amended, SG No. 101/2015) may conduct pre-development studies, preparation of the design process and coordination of the construction process until commissioning of the construction work, including control of the quantities, quality and conformity of the building and erection works executed under the construction execution contracts, as well as other activities subject to contracts.

(2) (Amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, supplemented, SG No. 101/2015) The Chief of the National Construction Control Directorate or an official empowered thereby shall enter into a register certificates on practice of the activities referred to in Item 1 of Paragraph (1) under terms and according to a procedure established by an ordinance of the Minister of Regional Development and Public Works.

(3) The consultant may not conclude a construction supervision contract for any construction works in respect of which the said consultant or any natural persons hired thereby under an employment relationship are developers and/or suppliers of machinery, plant and process equipment, as well as persons connected therewith within the meaning given by the Commerce Act.

(4) The consultant may not conclude a contract for conformity assessment of the design for any construction works in respect of which the said consultant or any natural persons hired thereby under an employment relationship are designers and/or developers, and/or suppliers of machinery, plant and process equipment, as well as persons connected therewith within the meaning given by the Commercial Code.

(5) (Amended, SG No. 82/2012, effective 26.11.2012) A fee shall be paid for the issuance of a certificate referred to in Paragraph (1) according to a rate schedule adopted by the Council of Ministers.

(6) (Amended and supplemented, SG No. 33/2008, repealed, SG No. 82/2012, effective 26.11.2012).

(7) (New, SG No. 15/2010, effective 23.02.2010) The consultant activities covered under Paragraph (1) may furthermore be practised by persons who have presented a copy of a document certifying the right to practise such activity, issued by a competent authority of a Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area.

(8) (New, SG No. 54/2011) In the case of works which constitute immovable cultural assets, persons included in the register referred to in Article 165 of the Cultural Heritage Act shall carry out the consultant activity.

Article 167. (Amended, SG No. 20/2003, SG No. 65/2003) (1) (Amended and supplemented, SG No. 82/2012, effective 26.11.2012) Eligibility for the issuance of a certificate on practice of the activities referred to in Item 1 of Article 166 (1) herein shall be limited to persons who or which are merchants within the meaning given by the Commerce Act or who or which are registered in a commercial or another public register in a Member State of the European Union, or in another State which is a Contracting Party to the Agreement on the European Economic Area, and who or which satisfy the following requirements:

1. no bankruptcy adjudication proceedings must be pending against them;

2. (amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 101/2015, SG No. 103/2017, effective 1.01.2018) the members of the management bodies of the legal person or the sole trader, as well as the natural persons hired thereby under a contract of employment or another contract, must be qualified experts holding the educational qualification degree of Master, conferred thereon upon graduation from a higher educational establishment, have at least five years' length of service in a relevant position, have not suffered another to commit and/or have not committed more than two violations under this Act and the statutory instruments on the application thereof during the two years last preceding the submission of an application for entry into the register, and must not have been sentenced to deprivation of liberty for intentional publicly prosecutable offences, as well as for offences related to the practice of the profession, unless rehabilitated; the circumstances relating to the previous conviction status of Bulgarian citizens shall be established by official channels by the National Construction Control Directorate; foreign citizens shall submit a certificate of previous convictions or a similar document;

3. (amended, SG No. 82/2012, effective 26.11.2012) they have not committed and/or suffered another to commit more than two violations under this Act and the statutory instruments on the application thereof during the two years last preceding the submission of an application for entry into the register.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) A certificate shall be issued for a term of validity of five years and shall be entered in a public register with the National Construction Control Directorate. To obtain a certificate, the [eligible] legal person or sole trader shall submit an application completed in a standard form as endorsed by the Chief of the National Construction Control Directorate, attaching thereto:

1. (amended, SG No. 34/2006, SG No. 82/2012, effective 26.11.2012) a current document on commercial registration, where a Standard Identification Code under the Commercial Register Act is not stated, or a copy of a document on registration in a commercial or another public register or an equivalent identification means under the register of the relevant Member State of the European Union, or of another State which is a Contracting Party to the Agreement on the European Economic Area;

2. (amended, SG No. 105/2005, repealed, SG No. 63/2017, effective 1.01.2018);

3. (amended, SG No. 82/2012, effective 26.11.2012, SG No. 66/2013, effective 26.07.2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) a list of the licensed natural persons, including a safety and health coordinator, wherethrough the activities of conformity assessment of the designs and/or construction supervision are implemented, with proof of the professional experience of the said persons and of the five years' length of service, as well as other individual documents certifying the technical competences and abilities to practise the activities referred to in Item 1 of Article 166 (1) herein, including training received under programmes endorsed by the Minister of Regional Development and Public Work jointly with the competent government ministers;

4. proof of professional experience and of five years' length of service of the members of the management bodies of the legal person or the sole trader;

5. (amended, SG No. 82/2012, effective 26.11.2012) declarations by the members of the management bodies of the legal person or the sole trader, as well as by the natural persons wherethrough the activities referred to in Item 1 of Article 166 (1) herein are to be practised, to the effect that the said persons have not suffered another to commit, nor have committed themselves, more than two violations under this Act and the statutory instruments on the application thereof during the two years last preceding the submission of an application for entry into the register;

6. (repealed, SG No. 103/2017, effective 1.01.2018);

7. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 24/2013, SG No. 35/2015, effective 15.05.2015, SG No. 13/2017) certificates issued by branch organizations on the competence of the experts from the relevant register of the licensed persons, including certificates of licensed designer competence, certificates of technical control over the structural part, a certificate of entry into the register referred to in Article 44 (5) of the Energy Efficiency Act and other certificates required by law.

(3) (New, SG No. 63/2017, effective 1.01.2018, amended, SG No. 92/2017, effective 1.01.2018) The National Construction Control Directorate shall request by official channels information regarding the existence or non-existence of liabilities under Article 87 (11) of the Tax and Social Insurance Procedure Code regarding the merchant concerned.

(4) (New, SG No. 1/2019, effective 1.01.2019) For the issuance of a certificate for the performance of the activities under Item 1 of Article 166 (1) the National Construction Control Directorate shall require by official channels a document of recognition of higher education acquired in foreign higher schools, which shall be issued by the National Information and Documentation Centre.

(5) (Amended, SG No. 82/2012, effective 26.11.2012, renumbered from Paragraph 3, SG No. 63/2017, effective 1.01.2018, renumbered from Paragraph 4, SG No. 1/2019, effective 1.01.2019) A certificate on entry into the register shall be issued or refused within one month after submission of an application.

(6) (Amended, SG No. 82/2012, effective 26.11.2012, renumbered from Paragraph 4, SG No. 63/2017, effective 1.01.2018, renumbered from Paragraph 5, SG No. 1/2019, effective 1.01.2019) A refusal to enter into the register shall be communicated to the applicant in writing and shall be appealable according to the procedure established by the Administrative Procedure Code.

(7) (Amended, SG No. 82/2012, effective 26.11.2012, renumbered from Paragraph 5, SG No. 63/2017, effective 1.01.2018, renumbered from Paragraph 6, SG No. 1/2019, effective 1.01.2019) The validity of a certificate shall be terminated prior to the expiry of the term for which the said certificate has been issued at the request of the person who has been entered into the register upon presentation of evidence that there are no unconsummated contracts for any activities under the certificate, as well as upon dissolution of the legal person or the enterprise of the sole trader, or upon:

1. (amended, SG No. 101/2015) three enforceable penalty decrees for a period of two years, whereby pecuniary penalties have been imposed on the legal person or on the sole trader under this Act or the statutory instruments on the application thereof;

2. three enforceable penalty decrees for a period of one year against the natural persons who practise the activities on [behalf] and for the account of the legal person or sole trader entered into the register;

3. lapse of any of the reasons and grounds which have served for the issuance of the certificate.

(8) (New, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 101/2015, renumbered from Paragraph 6, SG No. 63/2017, effective 1.01.2018, renumbered from Paragraph 7, SG No. 1/2019, effective 1.01.2019).

Article 168. (1) (Amended, SG No. 65/2003) The person exercising construction supervision shall be responsible for:

1. legally conforming commencement of the construction work;
2. (amended, SG No. 82/2012, effective 26.11.2012) exercise of control as to completeness and correct drafting of the instruments and memoranda in the course of construction;
3. (amended, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) suspension of construction works which are executed under the terms established by Article 224 (1) and Article 225 (2) herein and in violation of the requirements of Article 169 (1) and (3) herein;
4. (amended, SG No. 65/2003, SG No. 76/2005, SG No. 82/2012, effective 26.11.2012) exercise of control as to compliance with the requirements for health and safety at work in construction;
5. preclusion of damage to third parties and immovables as a consequence of the construction;
6. (amended, SG No. 65/2003, repealed, SG No. 82/2012, effective 26.11.2012);
7. (new, SG No. 65/2003, repealed, SG No. 82/2012, effective 26.11.2012);
8. (new, SG No. 65/2003, repealed, SG No. 82/2012, effective 26.11.2012).

(2) (New, SG No. 65/2003) Construction supervision shall be exercised by a consultant in respect of Category One to Four construction works.

(3) (Renumbered from Paragraph (2), SG No. 65/2003, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The person exercising construction supervision shall sign all instruments and memoranda in the course of construction as shall be necessary for assessment of the construction works in respect of requirements as to safety and legally conforming execution, according to an ordinance of the Minister of Regional Development and Public Works regarding the instruments and memoranda drawn up in the course of construction.

(4) (Renumbered from Paragraph (3), amended and supplemented, SG No. 65/2003) The prescriptions and orders of the person exercising construction supervision, as entered in the order record book, shall be mandatory for the developer, building contractor and site manager of the construction work. Any objections to the prescriptions of the person exercising construction supervision may be lodged within three days before the authorities of the National Construction Control Directorate, and construction shall be suspended until the said authorities rule. After examination, the authorities of the National Construction Control Directorate shall issue mandatory directions.

(5) (Renumbered from Paragraph (4), amended, SG No. 65/2003) Upon violation of the technical rules and standard specifications, the person exercising construction supervision shall be obligated to notify the Regional Office of the National Construction Control Directorate within three days after ascertainment of any such violation.

(6) (Repealed, renumbered from Paragraph (5), amended, SG No. 65/2003) Upon completion of building and erection works, the person exercising construction supervision shall prepare a final report to the contracting entity.

(7) (Amended, SG No. 65/2003) The persons exercising construction supervision shall incur liability for any detriment inflicted thereby on the contracting entity and the other participants in construction, and solidary liability with the developer for any detriment inflicted through non-observance of technical rules and standard specifications and of the designs as approved. The period of liability under the construction supervision contract shall be at least as long as the warranty periods in construction.

### **Section III**

### **(Renumbered from Section IV, SG No. 65/2003)**

### **Requirements to Construction Works**



Article 169. (Amended and supplemented, SG No. 65/2003, amended, SG No. 76/2006) (1) (Amended, SG No. 101/2015) Construction works shall be designed, executed and maintained in accordance with the basic requirements for construction works set out in Annex I to Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88/5 of 4 April 2011) for:

1. mechanical resistance and stability;
2. safety in case of fire;
3. hygiene, health and the environment;
4. safety and accessibility in use;
5. protection against noise;
6. energy economy and heat retention;
7. sustainable use of natural resources.

(2) (Amended, SG No. 61/2007, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 101/2015).

(3) Construction works shall be designed, executed and maintained in conformity with the requirements of the statutory instruments for:

1. preservation of the special areas of conservation, of the protected areas and of the other protected sites and of immovable cultural assets;
2. (amended, SG No. 51/2016, effective 5.07.2016) reducing the risk of disasters;
3. physical protection of construction works.

(4) (Supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 101/2015, supplemented, SG No. 51/2016, effective 5.07.2016) The Minister of Regional Development and Public Works, independently or jointly with the competent government ministers, shall issue ordinances setting out the requirements for the design, execution, control and commissioning of construction works, for the durability of building structures, the stability of the foundation bed, the requirements for an environment accessible to the public, including to people with disabilities, and the requirements for safety of construction works, development of natural resources and environmentally friendly use of natural and secondary raw materials in construction works, taking into account the impact of the geographic, climatic and seismic factors in accordance with the requirements referred to in Paragraph (1) and Items 1, 2 and 3 of Paragraph (3).

(5) (Amended, SG No. 102/2008, SG No. 93/2009, repealed, SG No. 80/2011, effective 14.10.2011).

(6) (New, SG No. 61/2007, amended, SG No. 101/2015) Annually, the executive authorities shall elaborate programmes of measures to bring the urbanized area and the individual buildings and facilities existing therein into conformity with the requirements for an accessible environment and shall project resources for the implementation of the said measures. The Council of Ministers and the municipal councils shall adopt the programmes and shall exercise control over the implementation thereof.

Article 169a. (New, SG No. 76/2006) (1) (Amended, SG No. 101/2015) Only construction products, which ensure conformity with the basic requirements for construction works under Article 169 (1) herein and which conform to the requirements defined by the Technical Requirements Towards Products Act and by the ordinance referred to in Item 5 of Article 9 (2) of the said Act, shall be used in construction works.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 101/2015).

(3) (Repealed, SG No. 101/2015).

(4) (Repealed, SG No. 101/2015).

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 101/2015).

(6) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, repealed, SG No. 101/2015).

Article 169b. (New, SG No. 76/2006) (1) The control over construction products under Article 169a (1) herein shall be exercised by the consultant when performing conformity assessment of development-project designs and when exercising construction supervision.

(2) The administrative control over construction products under Article 169a (1) herein upon design and construction shall be exercised by the authorities referred to in Articles 220 to 223 herein.

Article 170. (1) (Amended, SG No. 65/2003) All circumstances related to a construction work, including but not limited to delivery and acceptance of the construction site, building and erection works subject to closure, and intermediate and conclusive instruments of acceptance and delivery of building and erection works, shall be documented by the representatives of the parties to the contracts as concluded.

(2) (Supplemented, SG No. 65/2003) Upon refusal or failure (of a party) to report for the drafting of a joint instrument, the interested party shall extend an invitation in writing to the other party or parties to a drafting of the instrument. Should a representative of the party invited fail to report within twenty four hours after the time limit established in the invitation, the said party shall be substituted by the authority which has issued the building permit or by an official authorized thereby.

(3) (Amended and supplemented, SG No. 65/2003) All prescriptions related to the execution of a construction work, as issued by the duly empowered persons and the specialized control authorities, shall be entered in the order record book of the construction work which shall be kept at the construction work.

## **Chapter Ten**

# **INSURANCE IN DESIGNING AND CONSTRUCTION**

Article 171. (Amended, SG No. 65/2003) (1) (Supplemented, SG No. 103/2005) The designer, the person exercising technical control over the structural part, the consultant, the developer and the person exercising construction supervision shall be insured against professional liability for any detriment inflicted on the other participants in construction and/or third parties as a result of wrongful acts or omissions in the course of, or in connection with, the performance of their duties.

(2) The terms and a procedure for compulsory insurance of the persons covered under Paragraph (2), including the insurance cover, the risks excluded, the minimum amounts of insurance, and the insurance premiums, shall be established by an act of the Council of Ministers.

Article 171a. (New, SG No. 82/2012, effective 26.11.2012) (1) The requirement for professional liability insurance of the persons referred to in Article 171 (1) herein shall not apply to any person from a Member State of the European Union,

or from another State which is a Contracting Party to the Agreement on the European Economic Area, who establishes himself or herself in the territory of the Republic of Bulgaria and has provided an equivalent professional liability insurance or guarantee in another Member State of the European Union, or in a State which is a Contracting Party to the Agreement on the European Economic Area.

(2) In the cases referred to in Paragraph (1), where the risk cover of the insurance or guarantee provided is only partial, the state bodies or the contracting entity may require an additional insurance or guarantee to cover the uncovered risks in accordance with Article 173 (2) and Article 174 (1) herein and in compliance with the requirements of Article 27 (3) of the Service Activities Act.

Article 172. (Amended, SG No. 65/2003) (1) The insurances referred to in Article 171 herein shall be contracted for a period of one year and shall cover the liability of the insured on written claims presented within the term of validity of the contract of insurance for:

1. any wrongful acts or omissions of the insured in the course of, or in connection with, the performance of the duties thereof, performed within the term of validity of the contract;

2. any wrongful acts or omissions of the insured in the course of, or in connection with, the performance of the duties thereof, performed within a period commencing on the retroactive date and ending upon conclusion of the contract; in such a case, the insurer shall not be liable for any loss as have occurred prior to the conclusion of the contract of insurance.

(2) "Retroactive date" within the meaning given by Paragraph (1) shall be the date of commencement of practice of a person covered under Article 171 herein. In respect of the persons who have practised for a period exceeding five years, the retroactive date shall be five years prior to conclusion of the contract of insurance.

(3) The contract of insurance shall be concluded by the persons covered under Article 171 herein within fifteen days after commencement of the professional practice thereof.

(4) The insurance shall be renewed annually without interruption until the person practises the respective activity.

(5) Upon discontinuance of an activity subject to compulsory insurance, the person covered under Article 171 herein shall be obligated to contract an additional insurance covering a period of five years succeeding the discontinuance of the activity, in case the loss-inflicting act was performed after the retroactive date referred to in Paragraph (2).

Article 173. (Amended, SG No. 65/2003) (1) A separate insurance may be agreed between the participants in construction covering the liabilities thereof for a specific work.

(2) The contracting entity may require that the contractor contract an additional insurance covering damage to property sustained by the construction work, the materials, the mechanical equipment for construction and the furnishings of the construction site which has arisen in the course of construction, if paid by the contracting entity or owned thereby.

Article 174. (Amended, SG No. 65/2003) (1) The state bodies and the contracting entity may require from the persons covered under Article 171 herein proof of the existence and validity of a contract of insurance (copies of insurance policies and documentary proof of insurance premiums paid). Any such documents shall be submitted within seven days after being requested in writing.

(2) Should the contracting entity ascertain non-fulfilment of the obligation to contract and maintain an insurance by the persons covered under Article 171 herein, the said contracting entity may suspend all payments due thereby to the said persons.

## **Chapter Eleven**

### **COMPLETION OF CONSTRUCTION. USE PERMIT**

Article 175. (Amended, SG No. 65/2003) (1) Upon actual completion of a construction work, executive documents shall be prepared by the contractor or by a person designated by the contracting entity, showing the immaterial deviations from the cleared designs.

(2) (Supplemented, SG No. 101/2015, amended, SG No. 13/2017) The executive documents shall contain a complete set of drawings on the actually performed building and erection works. The said documents shall be certified by the contracting entity, the designer, the developer, the person who has exercised designer supervision, by the natural person exercising technical control over the structural part, and by the person who has effected the construction supervision. Delivery shall be certified by a seal affixed by the relevant administration to all graphics and textual materials. The executive documents shall constitute an integral part of the construction file as issued.

(3) Upon ascertainment of material deviations from the construction file as issued, the authority who has approved the designs shall be obligated:

1. (amended, SG No. 82/2012, effective 26.11.2012) to take the actions referred to in Item 1 of Article 223 (2) herein: applicable to Category Four, Five and Six construction works;

2. (amended, SG No. 82/2012, effective 26.11.2012) to notify the authorities of the National Construction Control Directorate: applicable to Category One, Two and Three construction works.

(4) Where the construction work has been executed in conformity with the development-project designs as approved, no executive documents shall be delivered.

(5) The complete set of executive documents shall be submitted into the indefinite custody of the authority which has issued the building permit and, and, a specified portion of the said documentation as required, to the Geodesy, Cartography and Cadastre Agency as well.

Article 176. (1) (Amended, SG No. 65/2003, SG No. 101/2015) Upon completion of a construction work, the contracting entity, the designer, the developer and the person exercising construction supervision shall draft an instrument of ascertainment certifying that the construction work has been executed in conformity with the development-project designs as approved, the executive documents as certified, the requirements to construction works covered under Article 169 (1) and (3) herein, and the terms and conditions of the contract as concluded. Memoranda on successfully conducted single trial runs of machinery and plant shall furthermore be attached to any such instrument. Delivery of the construction work by the developer to the contracting entity shall furthermore be performed by the said instrument.

(2) In respect of construction works assigned for manufacture and other specific use, depending on the stipulations in the contract, completion of construction shall be proved additionally through conduct of successful acceptance trials.

(3) Where construction is performed by multiple developers, each one of them shall be obligated to conduct the trials of the portion of the construction work thereof upon completion of the construction of the said portion.

(4) (Amended, SG No. 65/2003) In the cases where the trials fail, construction shall not be deemed to be completed and the contracting entity shall enjoy the rights covered under Article 265 of the Obligations and Contracts Act.

(5) Should individual parts of a construction work be used separately, the building contract may provide that the trials of any such parts be conducted prior to the final completion of the entire work.

Article 176a. (New, SG No. 76/2006) (1) (Supplemented, SG No. 79/2006) A technical passport of the construction work shall be prepared after completion of any new construction work, as well as after redevelopment, general renovation, overhaul or remodelling of any existing construction work. Technical passports shall not be prepared for the construction works referred to in Sections VII and VIII of Chapter Three herein.

(2) The technical passport of the construction work shall define the time limits for performance of the overhauls and routine repairs of the construction work and shall contain data on all certificates issued for the construction work, as required by other statutory instruments.

(3) The technical passport of the construction work shall state all performed redevelopments, overhauls and remodellings, the conformity of the construction work characteristics with the requirements of the effective statutory instruments and documents and the measures necessary for their improvement.

(4) The technical passport of the construction work shall be prepared in two originals: one copy for the contracting entity and one copy for the building permit issuing authority, and where the building permit has been issued by an authority under Article 5 (7) herein, a copy of the technical passport of the construction work shall also be delivered to the authority under Article 5 (5) herein. The contracting entity shall provide a certified copy of the technical passport of the construction work to the Geodesy, Cartography and Cadastre Agency.

(5) The authorities under Article 5 (5) and (7) herein shall maintain an archive of the technical passports issued and shall keep a register thereof.

(6) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall issue an ordinance establishing the scope and content of technical passports, as well as the procedure for the preparation, provision, registration, and custody thereof.

(7) (New, SG No. 82/2012, effective 26.11.2012) The time limits for preparation of the technical passports for the separate categories of existing construction works, including such constituting state and municipal property, shall be established in the ordinance referred to in Paragraph (6).

Article 176b. (New, SG No. 76/2006) (1) The technical passport of a new construction work shall be prepared by the person exercising construction supervision or, applicable to Category Fine construction works, by the site manager, before commissioning of the construction work by the competent authority.

(2) (Amended, SG No. 101/2015) The technical passport of an existing construction work shall be prepared after a study of the construction work to identify the characteristics thereof related to the requirements under Article 169 (1) and (3) herein, by the persons performing the study.

(3) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) Within the time limits under the ordinance referred to in Article 176a (6) herein, the mandatory building and erection works for bringing the construction works into conformity with the requirements covered under Article 169 (1) and (3) herein shall be entered in the technical passport of the construction work.

Article 176c. (New, SG No. 76/2006) (1) (Amended, SG No. 82/2012, effective 26.11.2012) A study of construction works shall be performed by a consultant which has obtained a certificate according to the procedure established by Article 166 (2) herein or by designers with various specialist qualifications possessing full licensed designer competence.

(2) (Amended, SG No. 82/2012, effective 26.11.2012) Where the study is performed by a consultant, the members thereof shall include natural persons exercising technical control over the structural part who satisfy the requirements of Article 142 (10) herein.

(3) (Supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) Where the study is performed by a designer, the members thereof shall include natural persons exercising technical control over the structural part who satisfy the requirements of Article 142 (10) herein, as well as designers with various specialist qualifications possessing full licensed designer competence to evaluate the other characteristics of the construction works under Article 169 (1) and (3) herein.

(4) The energy efficiency study shall be part of the general study of the construction works and shall be performed by natural or legal persons meeting the requirements defined in the Energy Efficiency Act.

(5) The procedure for performance of the study of construction works shall be established by the ordinance referred to in Article 176a (6) herein.

Article 177. (Amended, SG No. 65/2003) (1) (Amended and supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 105/2014, SG No. 101/2015) Upon completion of a construction work and finalization of the acceptance trials, where any such shall be necessary, the contracting entity shall submit an application to the authority referred to in Paragraph (2) or (3) for the commissioning of the work, submitting the final report referred to in Article 168 (6) herein, the contracts with the utility companies for coupling with the physical-infrastructure networks, a technical and an energy passport and a document issued by the Geodesy, Cartography and Cadastre Agency, to the effect that the

requirement established under Article 175 (5) herein has been complied with. In the cases referred to in Item 10 of Article 151 (1) herein, after the installation of the systems the registration thereof shall be effected before the technical surveillance authorities.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Category One, Two and Three construction works shall be commissioned on the basis of a use permit issued by the authorities of the National Construction Control Directorate under terms and according to a procedure established by an ordinance of the Minister of Regional Development and Public Works.

(3) (Amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 13/2017) Category Four and Five construction works shall be commissioned on the basis of a certificate on commissioning issued by the authority who issued the building permit under terms and according to a procedure established in the ordinance referred to in Paragraph (2). Any such certificate shall be issued within seven days from the receipt of the application referred to in Paragraph (1) after a check as to whether the documents are in a complete set and registration of the commissioning of the construction work and, at the discretion of the authority, an on-site inspection may be conducted as well.

(4) (Repealed, SG No. 82/2012, effective 26.11.2012).

(5) The on-site plumbing and wiring systems and fixtures of a construction work shall be connected to the physical-infrastructure public networks and facilities on the basis of a contract with the competent utility companies.

(6) (Supplemented, SG No. 33/2008, amended and supplemented, SG No. 79/2015, effective 1.11.2015) In respect of special-purpose installations related to national defence and security, the use permit for the construction work shall be issued by the Minister of Defence, by the Minister of Interior, by the Chairperson of the State Agency for National Security or by the Chairperson of the National Intelligence Agency, where facilities of said Agency are concerned, as the case may be.

(7) (New, SG No. 43/2008, amended, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 13/2017).

Article 178. (Amended, SG No. 65/2003) (1) It shall be prohibited to use any construction work or part thereof prior to the commissioning of the said work or part by the competent authority referred to in Article 177 herein.

(2) Category Six construction works shall not be subject to commissioning.

(3) Construction works shall not be commissioned where:

1. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 98/2014, effective 28.11.2014, SG No. 101/2015) the said construction works have not been executed in accordance with the development-project design as approved, with the requirements covered under Article 169 (1) and (3) herein and Article 169a (1) herein and/or a technical passport and an energy passport has not been prepared;

2. (supplemented, SG No. 61/2007, renumbered from Item 1, SG No. 82/2012, effective 26.11.2012) the actions projected in the vertical levelling part have not been performed and amenity planting has not been implemented under the design as approved;

3. (renumbered from Item 2, SG No. 82/2012, effective 26.11.2012) any existing buildings and structures, which are not included in the building-development mode, have not been removed even though projected for removal in the design permit as issued;

4. (renumbered from Item 3, SG No. 82/2012, effective 26.11.2012) the facades of the buildings and structures have not been completed conforming to the development-project design as approved;

5. (new, SG No. 103/2005, renumbered from Item 4, SG No. 82/2012, effective 26.11.2012) the spatial-renewal action on the construction of streets, roads or driveways according to Article 69 herein has not been performed in resorts, holiday villages, golf villages, water parks and other spatial-development areas for recreation activities, linking the work with the street or road network and ensuring normal access to the respective lot;

6. (new, SG No. 41/2010, amended, SG No. 53/2012, effective 13.07.2012, renumbered from Item 5, SG No. 82/2012, effective 26.11.2012, repealed, SG No. 13/2017);

7. (new, SG No. 53/2012, effective 13.07 2012, renumbered from Item 6, SG No. 82/2012, effective 26.11.2012) a permit or registration document for waste-related operations has not been issued, where such a permit or document is required according to the procedure established by Articles 67 and 78 of the Waste Management Act.

(4) It shall be prohibited to put a construction work or any parts thereof to any use other than assigned or in breach of the conditions for commissioning.

(5) (Supplemented, SG No. 82/2012, effective 26.11.2012) Upon any violation under Paragraphs (1) and (4) of Category One to Three construction works, the Chief of the National Construction Control Directorate or an official authorized thereby, acting on the basis of a drawn-up instrument of ascertainment, shall prohibit, by a reasoned order, the use of the construction works affected and shall direct the vacation thereof, a disconnection of the supply of the said works with electricity and heat, with running water, gas, telephone communications etc. Any such direction shall be mandatory for the service providers and shall be complied with forthwith.

(6) (New, SG No. 82/2012, effective 26.11.2012) Upon any violation under Paragraphs (1) and (4) of Category Four and Five construction works, the municipality mayor or an official authorized thereby, acting on the basis of a drawn-up instrument of ascertainment, shall prohibit, by a reasoned order, the use of the construction works and shall direct the vacation thereof, a disconnection of the supply of the said works with electricity and heat, with running water, gas, telephone communications etc. Any such direction shall be mandatory for the service providers and shall be complied with forthwith.

(7) (Supplemented, SG No. 33/2008, renumbered from Paragraph (6), SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 79/2015, effective 1.11.2015) Upon any violation under Paragraphs (1) and (4) at special-purpose installations related to national defence and security, the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security or by the Chairperson of the National Intelligence Agency, as the case may be, shall prohibit, by a reasoned order, the habitation or use, as the case may be, of the construction works and shall direct the performance of the actions as shall be necessary for bringing the said construction works into conformity with the use permit as issued and the rest of the construction file.

(8) (Renumbered from Paragraph (7), SG No. 82/2012, effective 26.11.2012) After elimination of the reasons which have prompted the prohibition and after payment of the fines and fees due, the commissioning of the construction works shall be permitted or certified by the authorities referred to in Article 177 herein.

Article 179. (Amended, SG No. 65/2003, repealed, SG No. 61/2007).

Article 179a. (New, SG No. 106/2006, repealed, SG No. 61/2007).

## **PART FOUR**

### **REGIME AND LIMITATION OF RIGHTS IN REM.**

### **CONDEMNATION AND INDEMNIFICATION**

## **Chapter Twelve**

### **CREATION AND TRANSFER OF BUILDING RIGHT**

Article 180. (Amended, SG No. 65/2003) A right to build on a lot shall be created in accordance with an effective spatial-development plan or design permit as issued by the Chief Architect of the municipality (or borough) where so provided for by the law.

Article 181. (1) The right to construct a building or a part thereof may not be subject to a transfer transaction as from the time of creation of the said right and until completion of the rough construction work on the building.

(2) (Amended, SG No. 65/2003) Upon completion of the rough construction work on any building, as ascertained by

a memorandum of the municipal administration (or borough administration), the building as constructed or any self-contained parts thereof may be subject to a transfer transaction.

Article 182. (1) (Previous text of Article 182, SG No. 65/2003) The right to perform construction works on another's regulated lot, as well as construction works beneath the surface of the ground, shall vest in any persons in favour of whom a building right or a right to heighten or extend a pre-existing building has been created.

(2) (New, SG No. 65/2003, supplemented, SG No. 107/2003, SG No. 1/2019, effective 1.01.2019) The right of construction works on another's lot and construction works beneath the surface of the ground on another's lot shall vest in the persons under Article 83b and in the persons in favour of whom an order has been issued under Article 193 (3) and (4) herein or a servitude has been established under Article 64 and § 26 of the Transitional and Final Provisions of the Energy Act. Any such persons shall be issued a building permit under Article 148 herein.

Article 183. (Amended, SG No. 65/2003) (1) A new construction work, or heightening or extending on a co-owned regulated lot may be performed by one or several co-owners on the basis of a notarized contract with the rest of the co-owners.

(2) Heightening or extending of a condominium-project building shall be permitted on the basis of a notarized contract with the owner of the regulated lot for creation of a heightening or extending right and a declaration of consent bearing the notarized signatures of all condominium owners.

(3) Where the State or a municipality is co-owner of a regulated lot, the contracts referred to in Paragraphs (1) and (2) shall be concluded in writing. Where the State or a municipality is owner of an immovable in a condominium-project building, the consent referred to in Paragraph (2) shall be in writing. The terms and a procedure for conclusion of contracts by the State and the municipalities under Paragraphs (1) and (2), as well as for granting consent under Paragraph (2), shall be established by the Regulations for Application of the State Property Act and by the ordinance referred to in Article 8 (2) of the Municipal Property Act, respectively.

(4) (New, SG No. 17/2009) The consent of the rest of the co-owners shall not be required for the issuance of a building permit for a new construction work or, respectively, for heightening or extending on a co-owned lot assigned for low-rise residential or country-house development, in the cases where the said co-owners have implemented, have commenced, or hold rights to, the respective construction on the lot.

Article 184. (Repealed, SG No. 65/2003, new, SG No. 17/2009) (1) (Amended, SG No. 101/2015) The facilities for an environment accessible to persons with disabilities in existing buildings shall be constructed or placed on the basis of an approved design in accordance with the requirements of the ordinance referred to in Article 169 (4) herein and an issued building permit or placing permit.

(2) Where necessary, any facilities referred to in Paragraph (1) may be constructed or placed even outside the regulated-lot boundaries of the respective building on part of a lot constituting public state or public municipal property, unless this impedes the durable manner of use established for the latter lot.

(3) The consent of the rest of the co-owners of the lot or from the owners of self-contained works in the condominium project shall not be required for the construction or placing of any facilities referred to in Paragraph (1) on a co-owned lot or in the common parts of buildings having a condominium project status, respectively.

(4) No fees shall be charged for the issuance of the permits referred to in Paragraph (1).

Article 185. (1) No consent from the rest of the condominium owners shall be required upon redevelopment of own works, premises or parts thereof where:

1. the assigned use thereof is not altered;

2. common premises and surface areas or parts thereof are not taken, and the assigned use of any such premises and areas is not altered;

3. the common parts of the building are not altered significantly;



4. on-site wiring and plumbing systems are connected to public networks running through or next to the partition wall or through utility premises along a single vertical axis;

5. a new wiring and plumbing system is laid through a common part which does not affect premises of individual owners;

6. (new, SG No. 65/2004) the assigned use of works situated in non-residential buildings is altered;

7. (new, SG No. 103/2005) the redevelopment is effected under the terms established by Article 38 (5) and (6) herein.

(2) In cases other than such covered under Paragraph (1), there shall be required a resolution by the general meeting of owners, passed according to the established procedure, and an express written consent of all owners whereof the immovables adjoin the work and, where common parts are taken, the consent of all owners expressed by means of notarized signatures.

(3) (New, SG No. 65/2003) Where the remodelling design projects the incorporation of a common part in a condominium-project building into a self-contained work within the condominium project or the creation of a self-contained work out of a common part of a condominium-project building, a notarized contract for transfer of ownership shall be concluded with the rest of the condominium owners. A building permit shall be issued on the basis of the design as approved and of the said contract.

(4) (New, SG No. 65/2003) The State and the municipalities shall conclude contracts under Paragraph (3) under terms and according to a procedure established by the Regulations for Application of the State Property Act and by the ordinance referred to in Article 8 (2) of the Municipal Property Act, respectively.

(5) (Renumbered from Paragraph (3), SG No. 65/2003) A remodelling under Paragraphs (1) and (2) shall be permissible solely if no other technical solution is feasible and if the said remodelling conforms to the architectural, building, engineering, sanitation, hygiene and fire-protection rules and standard specifications and is executed in a manner most favourable for the immovable affected.

(6) (Renumbered from Paragraph (4), SG No. 65/2003) In the cases under Paragraphs (1) and (2), the owner of the remodelled premises shall be obligated to repair all damages caused in connection with the building works, and Article 210 herein shall apply.

(7) (New, SG No. 65/2003) Any remodelling referred to in Paragraph (3) shall be recorded in the cadastre, and the contracts referred to in Paragraphs (3) and (4) shall be entered in the property register.

Article 186. (Amended, SG No. 65/2003) (1) (Amended and supplemented, SG No. 82/2012, effective 26.11.2012) Any alteration of existing shared wiring and plumbing systems or laying of new wiring and plumbing systems in co-owned buildings or in condominium-project buildings shall require the express written consent of one-half of all co-owners or, respectively, a resolution of the general meeting of the condominium owners passed by a majority of more than 50 per cent of the undivided interests in the common parts.

(2) (Amended, SG No. 54/2010, effective 16.07.2010, SG No. 82/2012, effective 26.11.2012) Installation of a central-heating or gas-supply system in a co-owned building or in a condominium-project building shall require the express written consent of one-half of all co-owners or, respectively, a resolution of the general meeting of the condominium owners passed by a majority of more than 50 per cent of the undivided interests in the common parts.

Article 187. (Repealed, SG No. 65/2003, new, SG No. 61/2007) (1) Extensions and links to the pavement of the adjoining street, such as pedestrian passageways, colonnades and arcades facilitating pedestrian access in the depth of the block or along the length of the street, may be projected at the ground level of buildings in a medium high-rise or high-rise attached building-development mode by detailed plans in parts of regulated lots sited along the outer record lines.

(2) The works referred to in Paragraph (1) may not exceed 30 per cent of the floor area of the buildings.

(3) The owners of regulated lots and buildings may not impede or restrict the mass pedestrian access to the works referred to in Paragraph (1).

(4) Works referred to in Paragraph (1) may alternatively be projected through modification of the effective detailed plans according to the procedure established by Article 135 (5) herein.

(5) The owners of regulated lots and buildings referred to in Paragraph (1) shall be paid a lump-sum compensation by the municipality according to the procedure established by Article 210 herein.

Article 188. (Repealed, SG No. 65/2003, new, SG No. 61/2007) (1) Building development under and over streets and other open spaces may be projected by detailed plans.

(2) The owners of construction works under or over streets and other open spaces shall be obligated to afford a possibility for unimpeded operation and maintenance of the works referred to in Paragraph (1) and of the appertaining physical infrastructure. The construction works may not result in deterioration of the conditions for use or building development of the works referred to in Paragraph (1).

(3) Construction works under a street and other open spaces shall be linked to one or more of the blocks bounded by the street by means of passageways in regulated lots, buildings or in the adjoining pavement area, which are part of the street regulation plan. The construction works shall be plotted in the cadastre with an identifier and shall be entered in the property register on a separate property record.

(4) Construction works under a street and other open spaces may be linked to opposite non-residential buildings.

(5) Construction works under a street or other open spaces which are owned by the municipality or by the State shall be performed on the basis of a building right created according to the procedure established by the Municipal Property Act or by the State Property Act.

Article 189. (Repealed, SG No. 65/2003, new, SG No. 61/2007) (1) Specific detailed plans may project subterranean construction of transport physical infrastructure and the appertaining elements constituting property of the State or of the municipalities, which are not linked to the lots located on the surface and any semi-subterranean and above-ground construction works.

(2) Interested parties under the said plans shall be the owners and the holders of limited rights in rem to lots and semi-subterranean and above-ground construction works sited immediately above the subterranean construction works referred to in Paragraph (1).

(3) The subterranean construction works referred to in Paragraph (1) may not result in deterioration of the conditions for use or building development of the lots on the surface.

(4) The owners and holders of limited rights in rem to any lots and semi-subterranean and above-ground construction works sited immediately above the subterranean construction works referred to in Paragraph (1) shall be paid a lump-sum compensation by the owner of the subterranean construction work according to the procedure established by Article 210 herein prior to commencement of construction.

Article 189a. (New, SG No. 32/2012, effective 24.04.2012) (1) (Amended, SG No. 28/2018) The specialized detailed development plans under Article 111 (2) may project building development on the sea bed and the bottom of the Bulgarian sector and the floodplain of the River Danube for:

1. the construction of a public transport port, a marina, a fishing port or a special port or a specialized port site within the meaning of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act, as well as associated coastal protection facilities the damaging effect of water - for the benefit of the state or municipality;

2. expansion of existing public transport port, a marina, a fishing port or a special port or a specialized port site within the meaning of the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act – for benefit of the owner of the port or the specialized port facility.

(2) (Amended, SG No. 28/2018) Construction of any works under Paragraph (1) shall be performed by the State, the municipality natural person or of the legal entity – owner of a port or specialised port facility, after creation of a building right according to the procedure the State Property Act.

(3) (New, SG No. 28/2018) With detailed development plans - plot plans, construction on the seabed and the bottom of the Bulgarian section and the coastal flood plain on the Danube River may be envisaged for the benefit of the state, municipality or investor for the construction or extension of submarine line objects of the technical infrastructure. The construction of underwater energy sites is carried out after the establishment of the right to construction under the Energy Act. The construction of other underwater lines of the technical infrastructure shall be carried out by the state, respectively the municipality or the investor, after the establishment of the right to construction under the procedure of the State Property Act.

## **Chapter Thirteen**

# **SERVICE ROADS. PASSAGE THROUGH OTHER PERSONS' LOTS AND AFFORDING ACCESS. REMOVAL OF CONSTRUCTION WORKS**

## **Section I**

### **Service Roads**

Article 190. (1) Where, according to a detailed plan, certain regulated lots front solely on newly designed streets, the municipality may build service roads prior to the opening of the said streets providing access to the relevant lots.

(2) Where necessary, service roads may be built in regulated parts of nucleated and dispersed settlements in respect whereof a new detailed plan will be created, as well as in yet unregulated parts incorporated into a master plan.

(3) Service roads must, as far as possible, follow the layout of the new streets according to the detailed plan or, respectively, of the streets according to the draft plan or according to investigation as conducted. The service roads shall be built in such a manner as shall not affect pre-existing buildings and structures, or perennial ornamental trees.

(4) Ownership of the parts of lots occupied by service roads shall subsist. Service roads shall be used until the opening of the new streets according to the detailed plan.

(5) Absent a technically feasible alternative, service roads shall furthermore be built to provide access to legally authorized construction works outside urbanized-area boundaries until grant of a use permit for the said works, together with the permanent roads therefor provided.

(6) (Supplemented, SG No. 103/2005) Service roads shall be built on the basis of a written agreement between interested owners of lots bearing notarized signatures or, absent a consent, on the basis of an order of the municipality mayor.

(7) Emergency access routes shall be built on the basis of an order issued by the competent authorities as designated by a special law.

Article 191. (1) Compensation of title holders for the detriment caused by the building of service roads shall be for the account of the owners of the lots which shall be accessed thereby.

(2) Compensation for the parts of lots used for service roads shall be determined for the relevant year and shall be paid in equal monthly instalments. Compensation for any improvements destroyed in connection with service roads shall be paid in cash prior to the taking of the lots.

(3) Compensation for emergency access routes shall follow the procedure established by a special law.

(4) (Amended, SG No. 65/2003) The amount of compensation shall be determined according to the procedure

## **Section II**

### **Right of Passage through Other Persons' Lots. Laying of Network and Facility Branches through Other Persons' Corporeal Immovables**

Article 192. (Amended, SG No. 65/2003) (1) A right of passage through another's lot shall be created by a written contract bearing notarized signatures.

(2) Where no agreement has been reached among the owners of the lots and another economically feasible technical solution is apparently unavailable, the right of passage through another's lot shall be created by an order of the municipality mayor.

(3) The right of passage through state-owned or municipal-owned lots shall be created where another economically feasible technical solution is apparently unavailable, by an order of the Regional Governor or by order of the municipality mayor, as the case may be.

(4) The right of passage may not result in deterioration of the conditions for building development of the lots, in hindrance of the established manner of durable use of the lots, or in affecting authorized construction works or existing buildings, save as where so expressly agreed between the owners in the contract referred to in Paragraph (1).

(5) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Deterioration of the conditions for building development and use of state-owned or municipal-owned lots upon creation of a right of passage to other lots shall be permissible as an exception, absent a technically feasible alternative or where another economically feasible technical solution is apparently unavailable, by permission of the Minister of Regional Development and Public Works in respect of state-owned lots or by permission of the Municipal Council in respect of municipal-owned lots.

(6) The price of the right of passage referred to in Paragraphs (2) and (3) shall be fixed according to the procedure established by Article 210 herein and shall be paid prior to the issuance of the orders referred to in Paragraphs (2) and (3).

(7) Any contract referred to in Paragraph (1) and any order referred to in Paragraph (2) shall be entered into the property register on the record of the lot constituting the dominant estate and on the record of the lot constituting the servient estate in respect of the right of passage as created.

(8) Any order referred to in Paragraph (3) shall be entered into the property register on the record of the lot constituting the dominant estate, on the record of the state-owned or municipal-owned lot constituting the servient estate in respect of the right of passage as created, and on the state or municipal property registration certificate.

Article 193. (Amended, SG No. 65/2003) (1) A right to lay branches from physical-infrastructure public networks and facilities through other persons' lots shall be created by a written contract bearing notarized signatures.

(2) Any contract referred to in Paragraph (1) shall confer on one contracting party a right to construct and acquire ownership of the branch from the physical-infrastructure public network in the lot owned by the other contracting party.

(3) Where no agreement has been reached among the owners of the lots and another economically feasible technical solution is apparently unavailable, the right of laying shall be created by an order of the municipality mayor.

(4) The right to lay branches from physical-infrastructure public networks and facilities through state-owned or municipal-owned lots shall be created where another economically feasible technical solution is apparently unavailable, by an order of the Regional Governor or by order of the municipality mayor, as the case may be.

(5) The right to lay branches from physical-infrastructure public networks and facilities may not result in deterioration of the conditions for building development of the lots, in hindrance of the established manner of durable use of the lots, or in affecting authorized construction works or existing buildings, save as where so expressly agreed between the owners in the contract referred to in Paragraph (1).

(6) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Deterioration of the conditions for building development and use of state-owned or municipal-owned lots by reason of laying of branches from physical-infrastructure public networks and facilities to other lots shall be permissible as an exception, absent a technically feasible alternative or where another economically feasible technical solution is apparently unavailable, by permission of the Minister of Regional Development and Public Works in respect of state-owned lots or by permission of the Municipal Council in respect of municipal-owned lots.

(7) A building permit for the branches from physical-infrastructure public networks and facilities shall be issued by the holder of the right created under Paragraphs (1), (3) and (4).

(8) The price of the right created under Paragraphs (3) and (4) shall be fixed according to the procedure established by Article 210 herein and shall be paid prior to the issuance of the orders referred to in Paragraphs (3) and (4).

(9) Any contract referred to in Paragraph (1) and any order referred to in Paragraph (3) shall be entered into the property register on the record of the lot constituting the dominant estate and on the record of the lot constituting the servient estate in respect of the right to lay branches from the physical-infrastructure public networks and facilities as created.

(10) Any order referred to in Paragraph (4) shall be entered into the property register on the record of the lot constituting the dominant estate, on the record of the state-owned or municipal-owned lot constituting the servient estate in respect of the right to lay branches from the physical-infrastructure public networks and facilities as created, and on the state or municipal property registration certificate.

(11) In case of disaster, accident or catastrophe, branches from physical-infrastructure public networks and facilities to specified works through other persons' corporeal immovables may be laid temporarily, until mitigation of the effects of the disaster, accident or catastrophe, on the basis of an order issued by competent authorities as designated by a special law. A building permit shall not be issued in any such case.

(12) The owners of the immovables affected shall be compensated for any detriment sustained under Paragraph (11) immediately after the disaster, accident or catastrophe is brought under control under the terms and according to the procedure established by a special law.

Article 194. (1) The owners and occupants of any corporeal immovables shall be obligated to afford unimpeded access thereto for the conduct of licensed or prescribed investigation, design, building, erection, control and other works in connection with spatial development, on the basis of an order by the municipality mayor and, where so prescribed by the law, from an order of the Chief of the National Construction Control Directorate.

(2) The owners of corporeal immovables shall be obligated to afford unimpeded access thereto for conduct of disaster, accident and catastrophe response and recovery operations and implementation of projects for comprehensive protection against geologic hazards (landslide containment, stream-bank and seashore stabilization, and other drainage and consolidation works). Operations and projects will be executed in a manner unaffected the principal-development works. Access shall be afforded by an order of the authorities referred to in Paragraph (1), except as otherwise provided for in a special law.

(3) Upon failure to fulfil the obligations under Paragraph (1) and (2), the owners shall be compelled to afford access to the relevant corporeal immovables according to an administrative procedure and, where necessary, with police assistance.

(4) Upon completion of the works covered under Paragraph (1) and (2), the person whereto access has been afforded shall be obligated to repair forthwith all damages caused to the corporeal immovable in connection with the execution of the works. Should any such damages be irreparable, the title holders shall be indemnified for the detriment sustained.

(5) The amount of compensation shall be determined according to the procedure established by Article 210 herein and shall be paid within one month after the effective date of the appraisal.

## **Section III**

### **Removal of Unusable or Unsafe Construction Works**

Article 195. (Amended, SG No. 28/2005, SG No. 94/2005, SG No. 61/2007) (1) (Amended, SG No. 101/2015) The owners of construction works shall be obligated to maintain the said works in a technical condition conforming to the basic requirements covered under Article 169 (1) and (3) herein, not to perform and not to tolerate the performance of any alterations in the said works that lead or may lead to a deterioration of the design elevations in accordance with the requirements for the entire construction work or for particular characteristics thereof.

(2) (Repealed, SG No. 19/2009, effective 10.04.2009).

(3) (Amended, SG No. 19/2009, effective 10.04.2009) Upon any accidents or other circumstances exposing any work referred to in Paragraph (1) to a risk of damage or destruction, the owner of the work shall be obligated to undertake immediate action for the prevention of the said circumstances or for elimination of the damage caused and restoration of the work, and to notify the municipality.

(4) (Amended, SG No. 19/2009, effective 10.04.2009) In case any work referred to in Paragraph (1) is not maintained in good condition, as well as upon occurrence of the circumstances referred to in Paragraph (3), the [competent] municipality mayor shall issue an order thereby obligating the owner to perform, within a specified time limit, the repair and restoration activities required for repair or reinforcement.

(5) (Amended, SG No. 19/2009, effective 10.04.2009, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 101/2015) The [competent] municipality mayor may issue an order obligating the owners of any pre-existing or tolerable construction works to remove, transform or repair any fences, parking garages, subordinate, farm and other works under Article 151 (1) herein, temporary structures, cesspools, sewer facilities and plantation of an inappropriate location, siting, type or materials, as well as to perform the works as shall be necessary in the interest of security, traffic safety, health care, hygiene, aesthetic appropriateness, sanitation, and the peace, quiet, comfort and repose of persons.

(6) The [competent] municipality mayor shall issue an order on the removal of any construction works which, owing to natural wear or other circumstances, pose a health and life hazard to citizens, are unusable, present a risk of spontaneous collapse, create conditions for the occurrence of a fire or are harmful in terms of sanitation and hygiene and cannot be repaired or reinforced.

(7) (Amended, SG No. 19/2009, effective 10.04.2009) The owners of any works covered under Paragraph (1) shall incur pecuniary liability for any detriment inflicted and lost profit sustained through culpable acts or omissions thereof, as a result of which an accident has occurred at the construction work which has led to damage to property or injury to third parties and immovables.

Article 196. (Amended, SG No. 61/2007) (1) (Amended, SG No. 19/2009, effective 10.04.2009) The condition of construction works and the requisite repair and restoration activities, as well as the circumstances covered under Article 195 (6) herein, shall be ascertained by a memorandum by a commission appointed by the [competent] municipality mayor.

(2) The commission shall act proprio motu or at the request of the interested parties, gathering all information as shall be necessary about the type and condition of the construction work and hearing the interested parties. On the basis of the findings recorded in the memorandum, the commission shall propose to the [competent] municipality mayor that the construction work be repaired, reinforced or removed.

(3) (Supplemented, SG No. 53/2012, effective 13.07.2012) Construction works shall be repaired, reinforced or removed by the owners for their own account within a time limit set in the order of the municipality mayor referred to in Article 195 (4), (5) or (6) herein. Where the construction work poses an immediate hazard to human health or life, the municipality mayor shall authorize anticipatory execution of the order. The removal of construction works shall be carried out after approval of a plan for management of construction and demolition waste pursuant to Article 11 of the Waste Management Act.

(4) The order referred to in Paragraph (3) shall be communicated to the interested parties and shall be appealable according to the procedure established by Article 215 herein.

(5) (Amended, SG No. 82/2012, effective 26.11.2012) Where the order referred to in Paragraph (3) authorizes anticipatory execution or where the said order has not been complied with within the time limit set, the construction work shall be repaired, reinforced or removed by the municipality according to a procedure established by a Municipal Council ordinance.

(6) (Amended, SG No. 82/2012, effective 26.11.2012) In the cases referred to in Paragraph (5), on the basis of the effective order referred to in Paragraph (3) and a memorandum of expenditures incurred, an immediate enforcement order shall be issued according to the procedure established by Article 418 of the Code of Civil Procedure.

(7) The owners of construction works shall be obligated to afford access for performance of the activities defined in the order of the municipality mayor. If the owners refuse to afford such access, the access shall be ensured coercively with the cooperation of the police.

(8) (New, SG No. 54/2011) In respect of immovable cultural assets, the ascertainment of the condition thereof and the subsequent measures and procedures shall follow the procedure established by the Cultural Heritage Act.

Article 197. (1) (Amended, SG No. 28/2005, SG No. 94/2005, SG No. 61/2007, supplemented, SG No. 53/2012, effective 13.07.2012, amended, SG No. 82/2012, effective 26.11.2012) In cases other than such covered under this Section, an owner may remove a legal construction work thereof after notifying the municipal administration (or borough administration) and the Geodesy, Cartography and Cadastre Agency and following the approval of a construction and demolition waste management plan pursuant to Article 11 of the Waste Management Act and, where the construction work constitutes a cultural and historical heritage site, after clearance with the Ministry of Culture under the terms and according to the procedure established by Article 125 (6) herein.

(2) Depending on the type of construction work, the complexity and nature of the removal, the Chief Architect of the municipality (or borough) may give mandatory technical prescriptions.

## **Chapter Fourteen**

### **BAN ON CONSTRUCTION**

Article 198. (1) A ban on construction may be imposed by an order of the municipality mayor for the duration of the time as shall be necessary for:

1. creation of master plans and detailed plans;

2. conduct of investigation for physical-infrastructure underground networks and facilities and for construction of such networks and facilities.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) A ban on construction may be imposed on a single occasion for a period not exceeding two years. Any such ban on construction may be re-imposed by an order of the Minister of Regional Development and Public Works for a period not exceeding one year.

(3) (Supplemented, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works may impose, by an order, a ban on construction for the purpose of identifying the overall stability of the ground in landslide-hazard areas for a period not exceeding two years, and, in connection with the performance of geohazards-control action, until implementation of the said action. Any such order shall be revoked on a motion by the competent local self-government authorities after implementation of the geohazards-control measures and activities and identifying a positive effect of the execution thereof by means of monitoring carried out under Article 95 (3) herein.

(4) (Amended, SG No. 82/2012, effective 26.11.2012) A ban on construction shall suspend the application of the effective master plans and detailed plans in respect of the spatial-development areas concerned.

(5) (New, SG No. 82/2012, effective 26.11.2012) The orders referred to in Paragraphs (1) to (3) shall be

communicated by means of a notice promulgated in the State Gazette and shall be appealable according to the procedure established by Article 215 herein.

## **Chapter Fifteen**

### **STATE AND MUNICIPAL RIGHT OF FIRST REFUSAL**

Article 199. (1) (Amended, SG No. 109/2013) The State and the municipality shall have the right of first refusal to purchase a corporeal immovable where, according to a detailed plan, the said immovable is projected for construction of a work constituting public State or public municipal property before the said corporeal immovable is sold to any third parties who or which are not co-owners.

(2) (Amended, SG No. 109/2013) An owner may sell a corporeal immovable referred to in Paragraph (1) or any parts thereof to a third party solely after offering the said immovable for purchase first to the State or to the municipality, depending on the projections of the detailed plan, and submitting a written refusal to a notary. Any such refusal shall specify the terms and conditions whereupon the purchase was offered.

## **Chapter Sixteen**

### **TECHNICAL REQUIREMENTS AS TO ACQUISITION AND PARTITION OF CORPOREAL IMMOVABLES**

Article 200. (1) Physically defined parts of lots situate within nucleated-settlement or dispersed-settlement limits may be acquired through legal transactions or through acquisitive prescription solely where the requirements as to the minimum size established by Article 19 herein have been complied with.

(2) The rule of Paragraph (1) shall not apply where the part of the lot is incorporated into an adjoining immovable under the terms established by Article 17 herein and the remainder satisfies the requirements of Article 19 herein or is incorporated into another adjoining immovable.

(3) (Repealed, SG No. 36/2004).

Article 201. (Amended, SG No. 65/2003) (1) In a judicial partition of a regulated lot for the purpose of formation of new regulated lots, the court shall approach the municipal administration (or borough administration) for an opinion as to the divisibility of the lot.

(2) A regulated lot shall be indivisible where it shall be impossible to prepare a design for the division of the said lot into two or more parts without creating a legally impermissible siting of existing buildings or of authorized construction works and without creating regulated lots whereof the frontage and surface area are less than the minimum requirements established by law for the building-development character and manner determined by the building-development plan of the lot to be partitioned.

(3) (Amended, SG No. 28/2005, SG No. 94/2005, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) Where the regulated lot is divisible, the Chief Architect of the municipality (or borough) shall order, by a reasoned prescription addressed to the parties, the preparation of a draft modification of the effective regulation plan. Any order modifying the regulation plan shall enter into effect according to the procedure established by Article 15 (6) herein and shall be applied after the entry into effect of the judgment of court on partition.

(4) Should the regulated lot be indivisible, the Chief Architect shall transmit an opinion thereof to the court within fourteen days after receipt at the municipality of the request of the court under Paragraph (1).

(5) The court shall consider the opinion of the Chief Architect referred to in Paragraph (4). Should the court determine that the said opinion is unfounded and that the impediments to division of the regulated lot, covered under Paragraph (2), do not exist, the court shall issue a ruling giving mandatory directions for modification of the regulation plan according to the procedure established by Paragraph (3).



Article 202. A voluntary partition of a co-owned building, dwelling unit or another work, as well as any legal transactions for the transfer of physically defined parts of such immovables, may be performed solely where the defined interests or parts conform to expressly approved development-project designs, with the exception of the works referred to in Item 1 of Article 147 (1) herein. This conformity shall be attested by the municipal administration (or borough administration).

Article 203. (1) A judicial partition of a co-owned building, dwelling unit or another work shall be performed solely where the respective parts may become self-contained works without significant remodelling and without causing inconvenience greater than the customary one, in compliance with building rules and standard specifications. The Chief Architect of the municipality (or borough), acting on a motion by the court and within a time limit established by the court, shall approve a development-project design or shall issue a reasoned refusal. Where technically feasible as proven by a development-project design, multiple alternate options of a partition shall furthermore be approved.

(2) Any approval of the designs or any denial referred to in Paragraph (1) shall be appealable as to legal conformity before the court which is hearing the case of partition in the same proceeding.

Article 204. Copies of the effective detailed plans referred to in Articles 200 and 201 herein and of the approved development-project designs referred to in Articles 202 and 203 herein shall be transmitted to the Geodesy, Cartography and Cadastre Agency under terms and according to a procedure established according to the Cadastre and Property Register Act.

## **Chapter Seventeen**

# **INDEMNIFICATION UPON CONDEMNATION OF CORPOREAL IMMOVABLES FOR CONSTRUCTION OF WORKS CONSTITUTING PUBLIC STATE AND PUBLIC MUNICIPAL PROPERTY**

## **Section I**

### **Conditions for Condemnation and Indemnification**

Article 205. On the basis of effective detailed plans, corporeal immovables owned by legal and natural persons may be condemned according to the procedure established by the State Property Act and the Municipal Property Act for works constituting state and municipal property, as follows:

1. (supplemented, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) for construction and redevelopment of the transport physical infrastructure, remodelling of transport and communication networks and facilities: roads, streets, driveways, squares, above-ground and underground routes of railway and tramway lines and facilities thereto appertaining;

2. (amended, SG No. 65/2003, SG No. 41/2007, supplemented, SG No. 21/2018, effective 9.03.2018) for construction and redevelopment of other physical-infrastructure networks and facilities: water supply, sanitary sewerage, treatment of drinking and waste water, electricity supply, central heating and hot-water supply, gas supply system installation, physical infrastructure for the deployment of electronic communications networks and other such;

3. for implementation of environmental and natural resources protection activities, action to remove and eliminate geologic hazards, stream-bank and shoreline stabilization, as well as for spatial renewal: greenspaces for general public use, aquatic surfaces and streams, landscaped cemeteries, and household-waste treatment;

4. for construction of public health-care facilities, social assistance facilities, and educational establishments;

5. (new, SG No. 82/2012, effective 26.11.2012) for construction of special-purpose installations related to national defence and security, as well as for the forbidden zones adjoining any such installations, referred to in Item 1 of Article 112 (3) herein.

Article 206. (1) For construction of any works covered under Article 205 herein, there shall be condemned corporeal immovables or parts thereof which are immediately affected by the planned construction or become unfit for building development or use in conformity with the rules and standard specifications of planning, sanitation, hygiene and fire protection, as well as in conformity with the requirements of security and safety.

(2) Parts of lots shall be condemned solely where a regulated lot may be formed out of the remainder of the lot in accordance with the requirements of Article 19 herein.

(3) It shall be permissible for parts of lots out of which no regulated lots can be formed to be consolidated into co-owned regulated lots under the terms established by Articles 17 and 19 herein, without being condemned.

(4) In cases where the principal development is preserved and the remainder of the lot may be used as assigned prior to the condemnation, an undersized regulated lot may be formed with the consent of the owner.

(5) Where the owners refuse their consent in the cases of Paragraphs (3) and (4), the entire lot shall be condemned.

Article 207. (Supplemented, SG No. 65/2003) Upon construction of works and facilities covered under Article 205 herein, the lot shall not be condemned if the owner thereof creates a building right, with the exception of the transport physical-infrastructure elements constituting public state or municipal property.

Article 208. (Supplemented, SG No. 65/2003, SG No. 61/2007) (1) (Previous text of Article 208, SG No. 13/2017) Condemnation procedures under the State Property Act and the Municipal Property Act in respect of corporeal immovables designated under the detailed plans for construction of works constituting public state or municipal property must be initiated within five years after the effective date of the said plans and within ten years after the effective date of the detailed plans for construction of physical-infrastructure elements covered under Article 64 herein which constitute public state or municipal property and, applicable to any immovables projected for greenspaces under Article 61 (4) herein, within fifteen years after the effective date of the plans. Upon expiry of the said time limit, the owners of any such corporeal immovables shall enjoy the rights under Item 1 of Article 134 (2) herein.

(2) (New, SG No. 13/2017) Any condemnation proceeding under the State Property Act or under the Municipal Property Act, instituted after expiry of the time limits referred to in Paragraph (1), shall be suspended upon the submission of an application for modification of the detailed plan in pursuance of Item 1 of Article 134 (2) herein until the entry into effect of the act on the request for modification of the plan for the immovable concerned. The proceeding for modification of the detailed plan shall be terminated if the parties conclude an agreement on a further pursuit of the condemnation proceeding.

Article 209. (1) (Amended, SG No. 65/2003, SG No. 54/2008) The terms and procedure for condemnation under the State Property Act shall not apply where parts of lots are condemned for widening of the transport-infrastructure elements: motorways and roads of the national road network, railways and railway stations, airports, ports, whereby the lots can be used as assigned prior to the condemnation.

(2) (Supplemented, SG No. 65/2003, amended, SG No. 54/2008) The Regional Governor shall issue an order regarding the condemnation whereby, on the basis of an appraisal made by licensed professionals, the said governor shall determine:

1. the amount of pecuniary compensation at market prices;
2. the date whereat the condemned part shall be taken.

(3) Any order referred to in Paragraph (2) shall be appealable according to the procedure established by Article 215 (1) herein.

(4) The part of the lot shall be deemed to be condemned as from the day of payment of the pecuniary compensation.

## **Section II**

### **Indemnification in Other Cases**

Article 210. (1) The preparation of appraisals and the determination of the amount and payment of compensation in cases expressly specified in the law shall be made at market prices set by a commission appointed by the municipality mayor.

(2) Acting proprio motu or on a request by the interested parties, the mayor shall order the commission to determine compensations or make an appraisal.

(3) (Amended, SG No. 61/2007) The decision of the commission shall be communicated to the parties according to the procedure established by the Administrative Procedure Code. The said decision shall be appealable by the said parties according to the procedure of Article 215 (1) herein.

(4) The amount of compensation according to an effective appraisal shall be credited to an account with a commercial bank and shall be paid to title holders on a mandate from the municipality mayor or an official authorized thereby.

(5) (Amended, SG No. 61/2007) A person who wishes to benefit from an appraisal prior to the entry into effect of the decision of the commission must deposit with the bank an amount equivalent to the compensation as determined to the order of the title holder. Payment of the said amount shall have effect in respect of the title holder as from the day of communication effected by the municipality according to the procedure established by the Administrative Procedure Code. The amount credited shall be paid to the title holder on a mandate from the municipality mayor. Title holders must be fully compensated for the balance within one month after the entry of the appraisal into effect.

(6) (Amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) Upon refusal or delay in payment of the amount under an effective decision referred to in Paragraph (3), the interested party may move for the issuance of an immediate enforcement order according to the procedure established by Article 418 of the Code of Civil Procedure.

(7) Legal interest shall accrue on the amount of unpaid compensation as from the due day.

Article 211. (1) The pecuniary compensation due under Article 210 (4) herein shall be credited to an account with a commercial bank to the order of the title holders where:

1. the right to compensation has not yet been established by the appropriate documents;

2. (amended, SG No. 61/2007) the title holder has not reported to present the requisite documents within fourteen days after receipt of the communication according to the procedure established by the Administrative Procedure Code;

3. there is a controversy between several parties regarding the right to the amount due; in such a case, the bank shall pay the amount to the party who establishes the rights thereof by a judicial process;

4. the whereabouts of the title holders is unknown;

5. (new, SG No. 65/2003, amended\*, SG No. 61/2015) the lots are located within unregulated spatial-development areas left after restitution of the title of owners and are stewarded and managed by the municipality under the terms and according to the procedure established by the Agricultural Land Ownership and Use Act.

(2) (Amended, SG No. 61/2007) Payment of the amount shall have effect in respect of the title holders as from the day of communication according to the procedure established by the Administrative Procedure Code.

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*\*This amendment concerns new spelling of a Bulgarian word which does not affect the English version.*

Article 211a. (New, SG No. 82/2012, effective 26.11.2012) (1) The terms and procedure established by Articles 210 and 211 herein shall furthermore apply to the lump-sum indemnification of the owners of lots falling within the servitude zones referred to in Item 2 of Article 112 (3) herein around the lots assigned for development with special-purpose installations related to national defence and security.

(2) The indemnification shall be for the account of the Ministry of Defence, of the Ministry of Interior or of the State Agency for National Security, as the case may be.

## **Chapter Eighteen** **(Repealed, SG No. 111/2001)** **PUBLIC FACILITIES MUNICIPAL FUND**

Article 212. (Repealed, SG No. 111/2001).

## **PART FIVE** **SPATIAL DEVELOPMENT CONTROL**

### **Chapter Nineteen** **CONTESTING INDIVIDUAL ADMINISTRATIVE ACTS** **REGARDING SPATIAL DEVELOPMENT** **(Heading amended, SG No. 87/2010)**

Article 213. (Amended, SG No. 65/2003, SG No. 30/2006) The administrative acts regarding spatial development shall be subject to judicial review as to the legal conformity thereof under the terms and according to the procedure established by this Act and, in matters which are not regulated thereby, under the Administrative Procedure Code.

Article 214. Within the meaning given by this Act, individual administrative acts shall comprehend:

1. the spatial development instruments covered under Article 1 herein, the refusals to issue such instruments, and the administrative acts revoking or leaving standing instruments issued according to an administrative procedure whereby rights or duties are created or rights or legitimate interests of individual natural or legal persons are affected, regardless of whether such persons or entities are expressly identified as subjects;

2. the instruments referred to in Item 1, which have been issued by the National Construction Control Directorate, by the borough mayors and mayoralty mayors, by the Chief Architects and other empowered officials in the regional, municipal and borough administrations;

3. the instruments suspending, banning the use, and removing illegal construction works.

Article 214a. (New, SG No. 87/2010, repealed, SG No. 101/2015).

Article 215. (1) (Supplemented, SG No. 65/2003, amended, SG No. 30/2006, effective 1.03.2007, SG No. 61/2007, supplemented, SG No. 33/2008, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The individual administrative acts under this Act, the refusals to issue any such acts and the administrative acts revoking or leaving standing any such acts, with the exception of such covered under Article 216 (1) herein, shall be appealable before the competent administrative court having jurisdiction over the location of the corporeal immovable. The acts and refusals by the Minister of Regional Development and Public Works, by the Minister of Defence and by the Minister of Interior shall be appealable before the Supreme Administrative Court.

(2) The decisions of the commission referred to in Article 210 (3) herein shall likewise be appealable according to the procedure established in Paragraph (1), and the municipality and the interested parties shall be called in the case.

(3) A public prosecutor may lodge appeals against any appealable acts as to legal conformity.

(4) (Amended, SG No. 87/2010) Any appeals shall be lodged care of the authority whose instrument is appealed against within fourteen days after communication of the said act, and when the act is communicated through promulgation in the State Gazette, within thirty days of its promulgation. Any appeals against instruments by which a detailed plan is approved or a building permit is issued for a work of national importance or for a municipal work of primary importance

shall be lodged care of the authority which has issued the act within fourteen days after the promulgation of the act in the State Gazette.

(5) (New, SG No. 87/2010, amended, SG No. 101/2015, supplemented, SG No. 13/2017) The authority which has issued the act referred in Article 216 (1) herein shall have the right to appeal the order referred to in Article 156 (3) and in Article 216 (6) herein. The appellant, the authority which has issued the act referred to in Article 156 (3) and in Article 216 (1) herein and the interested parties shall be called in the court proceeding.

(6) (New, SG No. 87/2010, amended, SG No. 82/2012, effective 26.11.2012) Master plans, as well as the modifications thereof, shall be unappealable.

(7) (New, SG No. 87/2010, amended, SG No. 101/2015, SG No. 13/2017) The court of first instance shall render final judgments on appeals from the defence or from the prosecution against individual administrative acts on:

1. approval or modification of detailed plans for works of national importance and for municipal works of primary importance and the refusals to issue any such acts;
2. approval of integrated development-project initiative designs for works of national importance and for municipal works of primary importance and the refusals to approve any such designs;
3. authorization of the construction of works of national importance and of municipal works of primary importance and the refusals to issue any such acts.

Article 216. (Amended, SG No. 65/2003) (1) The following administrative acts of the Chief Architects of municipalities (or boroughs) shall not be subject to direct appellate review by a judicial process:

1. the refusals to clear and approve any development-project designs, where not constituting an integral part of the integrated development-project initiative design;
2. the building permits together with the cleared and approved development-project designs, where such are required, and the refusals to issue any such permits, where not constituting an integral part of the integrated development-project initiative design.

(2) (Supplemented, SG No. 33/2008, amended and supplemented, SG No. 79/2015, effective 1.11.2015) The administrative acts covered under Paragraph (1) shall be appealable as to legal conformity before the chiefs of the Regional Offices of the National Construction Control Directorate and, in respect of the special-purpose installations related to national defence and security, before the Minister of Defence, before the Minister of Interior, before the Chairperson of the State Agency for National Security or before the Chairperson of the National Intelligence Agency, as the case may be.

(3) (Amended, SG No. 30/2006) Appeals shall be lodged by the interested parties care of the authority which has issued the instrument according to the procedure established by the Administrative Procedure Code.

(4) An appeal against the acts covered under Paragraph (1) shall stay the execution of any such act.

(5) (Amended, SG No. 82/2012, effective 26.11.2012) Before considering an appeal on its merits, the Chief of the Regional Office of the National Construction Control Directorate or an official authorized thereby shall verify the admissibility of the said appeal. If the said Chief or official determines that the appeal is inadmissible, the proceeding shall be terminated by an express order. Any such order shall be appealable by an interlocutory appeal according to the procedure established by Article 215 herein. The competent administrative court shall pronounce by a ruling which shall be unappealable.

(6) (Amended, SG No. 82/2012, effective 26.11.2012) Where the appeal is admissible, the Chief of the Regional Office of the National Construction Control Directorate or the authorized officials shall proceed with the consideration of the said appeal on the merits and shall rule by a reasoned order, whereby the act appealed may be revoked in whole or in part or the appeal may be dismissed, leaving the act appealed standing. The orders of the Chief of the Regional office of the National Construction Control Directorate shall be appealable according to the procedure established by Article 215 herein.

(7) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) The order of the Chief of the Regional Office of the National Construction Control Directorate or of the empowered official shall be issued within 15 days from the receipt of the appeal from the defence or from the prosecution together with the administrative case file on the issuance of the act appealed, where the administrative case file on the issuance of the act appealed contains the complete set of documents required for the pronouncement.

Article 217. (1) Any appeal before a court of law shall not stay the execution of the following administrative acts:

1. (repealed, SG No. 65/2003);

2. (amended, SG No. 103/2005, supplemented, SG No. 82/2012, effective 26.11.2012) any orders suspending and barring access to construction works referred to in Article 224 (1) and (5) and in Article 224a (1) and (5) herein;

3. any orders barring the access to, and banning the use of, construction works;

4. (repealed, SG No. 65/2003);

5. (repealed, SG No. 65/2003);

6. (repealed, SG No. 65/2003);

7. (new, SG No. 65/2003) on commissioning of construction works;

8. (renumbered from Item 7, SG No. 65/2003) any orders referred to in Article 194 (1) herein to afford unimpeded access to construction works;

9. (renumbered from Item 8 and amended, SG No. 65/2003, supplemented, SG No. 106/2006, amended, SG No. 61/2007) any orders referred to in Articles 195 and 196 herein;

10. (renumbered from Item 9 and amended, SG No. 65/2003) any orders referred to in Article 209 (2) herein;

11. (new, SG No. 103/2005) any orders referred to in Article 57a (3) herein;

12. (new, SG No. 82/2012, effective 26.11.2012) any orders on termination of the proceeding under Article 216 (5) herein.

(2) (Amended and supplemented, SG No. 65/2003) The court may suspend the execution of any administrative acts covered under Paragraph (1) with the exception of such referred to in Item 2.

Article 218. (Amended, SG No. 87/2010) (1) (Supplemented, SG No. 82/2012, effective 26.11.2012) In the event of contestation according to the procedure established by Article 215 herein of individual administrative acts on the approval of detailed plans which have been communicated through promulgation in the State Gazette or of integrated development-project initiative designs which have been communicated through promulgation in the State Gazette, the interested parties may constitute themselves as respondents in the proceeding within one month of the date of promulgation in the State Gazette of an announcement of the contestation.

(2) The court shall promulgate in the State Gazette an announcement of the contestation of the acts referred to in paragraph (1), which shall contain:

1. (amended, SG No. 82/2012, effective 26.11.2012) identification and description of the contested individual administrative act or, respectively, of the part in which the said act is contested;

2. information about the rights of the interested parties to constitute themselves as respondents within one month of the promulgation;

3. number of the case.

(3) (New, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 13/2017) Where the administrative act referred to in Paragraph (1) is contested in part, the court shall issue a ruling specifying that part as a subject of the case, on the basis of which the content of the announcement referred to in Item 1 of Paragraph (2) shall be determined. Where an administrative act whereby a detailed plan has been approved in pursuance of Article 16 herein is contested, the subject of the case shall be the entire detailed plan, and all appeals shall be examined in a single court proceeding. Any such ruling shall be appealable according to the procedure established by Chapter Thirteen of the Administrative Procedure Code.

(4) (Renumbered from Paragraph (3), SG No. 82/2012, effective 26.11.2012) Where the court determines that the appeal is inadmissible, the announcement referred to in Paragraph (2) shall not be promulgated and the proceeding shall be terminated according to the procedure provided for this.

(5) (Renumbered from Paragraph (4), SG No. 82/2012, effective 26.11.2012) Interested parties shall constitute themselves as respondents in the court proceeding within the time limit referred to in Paragraph (1) by submission of applications to the court which shall contain:

1. the forename, patronymic and surname and the address, telephone, fax and e-mail address, if any: applicable to Bulgarian citizens;

2. the forename, patronymic and surname and the personal number of an alien, and the address, declared in the competent administration, telephone, fax and e-mail address, if any;

3. the business name of the merchant or the designation of the legal person, written in the Bulgarian language as well, the registered office and the address of the place of management as last declared in the relevant register and e-mail address;

4. number of the case;

5. the act which is contested and the authority which has issued the said act;

6. a statement to the effect that the interested party wishes to be constituted in the proceeding as a respondent;

7. signature of the applicant.

(6) (Renumbered from Paragraph (5), SG No. 82/2012, effective 26.11.2012) Written evidence certifying the capacity of the applicant as an interested party shall be enclosed with the application referred to in Paragraph (4).

(7) (Renumbered from Paragraph (6), SG No. 82/2012, effective 26.11.2012) It shall be inadmissible to make in the application referred to in Paragraph (4) any motions for revocation of the individual administrative act, as well as for joining to appeals lodged within the statutorily established time limit.

(8) (Renumbered from Paragraph (7), SG No. 82/2012, effective 26.11.2012) Any non-conformities in the applications lodged under Paragraph (4) shall be cured according to the procedure established by Article 158 of the Administrative Procedure Code.

(9) (Renumbered from Paragraph (8), SG No. 82/2012, effective 26.11.2012) By a ruling the court shall constitute or, respectively, shall refuse to constitute, the applicants referred to in Paragraph (4) as respondents in the proceeding.

(10) (Renumbered from Paragraph (9), SG No. 82/2012, effective 26.11.2012) Any refusal under Paragraph (8) shall be appealable within seven days of being communicated by an interlocutory appeal according to the procedure established by Chapter Thirteen of the Administrative Procedure Code. The court shall pronounce by a ruling which shall be final.

(11) (Renumbered from Paragraph (10), SG No. 82/2012, effective 26.11.2012) The judgement of the court in cases instituted according to the procedure established by Paragraph (1) shall have effect in respect of all interested parties.

Article 219. (1) (Amended, SG No. 61/2007) The provisions of Title Three of the Administrative Procedure Code shall apply to any appeals lodged and judicial proceedings instituted under this Chapter.

(2) (Repealed, SG No. 61/2007).

(3) (New, SG No. 65/2003, amended, SG No. 30/2006) The Administrative Procedure Code shall apply to any matters unregulated in this Chapter.

## **Chapter Twenty**

# **ADMINISTRATIVE CONTROL OF SPATIAL DEVELOPMENT AND CONSTRUCTION**

Article 220. (1) (Amended, SG No. 65/2003, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall exercise control over compliance with the provisions of this Act and of the statutory instruments on the application thereof in designing and construction, including the use of standard-quality construction materials and manufactures with a view to ensuring the security, safety, accessibility and other statutory requirements to construction works.

(2) (Amended, SG No. 65/2003, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall exercise control over the operation of the National Construction Control Directorate.

(3) (Amended, SG No. 65/2003, supplemented, SG No. 53/2014) The Minister of Interior or officials authorized thereby shall exercise control as to compliance with fire safety requirements and of the requirements of Article 106, Item 5, Article 107, Item 6 and Article 112, Paragraph 2, Item 12.

(4) (Repealed, SG No. 65/2003).

Article 221. (1) (Supplemented, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) The National Construction Control Directorate shall be a public-financed legal person with a headquarters in Sofia. The said Directorate shall consist of a head office and of regional offices. Should a need arise, the National Construction Control Directorate may create provisional area offices by order of the Chief of the said Directorate, without an increase of the approved budget and payroll of the Directorate. The National Construction Control Directorate shall mandatorily contract accident insurance and life assurance for the employees thereof for the account of the budget of the said Directorate.

(2) (Amended, SG No. 53/2014) In the discharge of the official duties thereof, the employees of the National Construction Control Directorate shall be entitled to issue clothing and distinctive insignia, shall use special technical means and, may possess firearms pursuant to the terms and procedures of the Weapons, Ammunitions, Explosives and Pyrotechnical Products Act.

(3) The authorities of the Ministry of Interior, as well as the other state and municipal authorities, shall be obligated to cooperate with the National Construction Control Directorate and with the employees thereof in the discharge of their functions.

(4) Any orders, prescriptions and directions of the authorities of the National Construction Control Directorate, issued acting within the competence vested therein, shall be mandatory for the addressees thereof.

(5) In connection with the performance of the functions thereof under this Act, the authorities of the National Construction Control Directorate shall be entitled:

1. (supplemented, SG No. 65/2003) to unimpeded access to the construction works, as well as to the buildings and facilities for the duration of their use according to the procedure established by Article 194 (1) and (3) herein;

2. (amended, SG No. 65/2003) to require all documents, data, identification, written reference briefs and written explanations as may be necessary for the inspections from the office holders at the state and municipal administrations, from the participants in construction, from the persons present in the construction work and on the construction site, from the central and local administrations concerned, from the specialized control authorities, and the utility companies;



3. to use data from the National System of Civil Registration and Administrative Services under terms and according to a procedure established by a law.

(6) (New, SG No. 103/2005, repealed, SG No. 38/2012, effective 1.07.2012).

Article 222. (1) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) The Chief of the National Construction Control Directorate or an official authorized thereby shall:

1. (supplemented, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) suspend illegal construction works of Category One to Category Three inclusive within the meaning given by Article 225 (2) herein, parts of any such works, as well as individual building and erection works;

2. (amended, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 101/2015) suspend construction works of Category One to Category Three inclusive, parts thereof, or individual building and erection works with violations under Article 224 herein and permit resumption of any such works after rectification of the violations and payment of the fines and pecuniary penalties due;

3. bar access to construction works referred to in Items 1 and 2 and direct the placing of signs restricting the access of people and machinery and barring them from any such construction works;

4. ban the supply of electricity and heat, running water and gas to construction works referred to in Items 1 and 2;

5. (supplemented, SG No. 76/2006, amended, SG No. 101/2015) ban the use of construction products which do not conform to the requirements under Article 169a (1) herein, and perform inspections at the construction product manufacturing sites;

6. (supplemented, SG No. 101/2015) ban the use of any construction works of Category One to Category Three inclusive or of parts thereof which have not been commissioned according to the established procedure or which are put to any use other than assigned according to the construction file as issued and the conditions for commissioning;

7. (supplemented, SG No. 101/2015) bar access to any construction works of Category One to Category Three inclusive or parts thereof which have not been commissioned according to the established procedure or which are put to any use other than assigned according to the construction file as issued and the conditions for commissioning, ban the supply of electricity and heat, running water and gas to any such construction works, and direct the placing of signs restricting the access of people and others and barring them from any such construction works;

8. (supplemented, SG No. 101/2015) issue use permits for construction works of Category One to Category Three inclusive or refuse to issue such permits;

9. (amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) suspend or terminate the registration of consultants for performance of conformity assessment of development-project designs and/or for exercise of construction supervision;

10. (supplemented, SG No. 101/2015) issue orders on the removal of illegal construction works within the meaning given by Article 225 (2) herein of Category One to Category Three inclusive;

11. (amended, SG No. 30/2006) issue orders revoking or revising the orders of the chiefs of the Regional Offices of the National Construction Control Directorate, in respect whereof no provisions are made for direct judicial review, under the terms and according to the procedures established by the Administrative Procedure Code;

12. (supplemented, SG No. 101/2015) prescribe execution of consolidation and recovery measures for the prevention of accidents, losses and others at construction works under Items 1, 2 and 6 and parts thereof whereof the construction or the effect of the construction file has been suspended or whereof the use has been banned;

13. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) issue orders for investigation of accidents in construction according to a procedure established by an ordinance of the Minister of Regional Development and Public Works for all categories of construction

works;

14. (renumbered from Item 13, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 101/2015) direct the evacuation of people, mechanical equipment, manufactures, products, materials, supplies endangering the general public and other such from the construction work under Items 1, 2, 6 and 7 and from the construction site;

15. (renumbered from Item 14, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) impose the fines and pecuniary penalties provided for in this Act for construction works of all categories.

(2) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012, SG No. 101/2015) The authorities of the National Construction Control Directorate, acting within the competence vested therein, shall:

1. (amended, SG No. 101/2015) ascertain Category One, Two and Three illegal construction works and construction works with violations;

2. (supplemented, SG No. 101/2015) ascertain violations in the use of construction works of Category One to Three inclusive or of parts thereof;

3. (supplemented, SG No. 101/2015) ascertain violations in the issuance of construction files for construction works of all categories;

4. (supplemented, SG No. 101/2015) execute the orders of the Chief of the National Construction Control Directorate or an official authorized thereby to suspend, to ban the use of, to bar access to construction works and construction sites, and to remove illegal construction works;

5. (supplemented, SG No. 101/2015) investigate accidents in construction for construction works of all categories;

6. (repealed, SG No. 101/2015);

7. (supplemented, SG No. 101/2015) ascertain other violations of this Act and of the statutory instruments on the application thereof for construction works of all categories;

8. (supplemented, SG No. 101/2015) establish and maintain a register of the penalty decrees issued by the Chief of the National Construction Control Directorate or an official authorized thereby;

9. certify order record books in the cases provided for by the law.

(3) (Amended, SG No. 65/2003) Upon execution of orders to suspend, to ban the use, to bar the access, and to compel removal of illegal construction works, the authorities of the National Construction Control Directorate shall be entitled to use the following special technical means within the perimeter of the construction site:

1. devices immobilizing automobiles and mechanical equipment for construction or for removing such machinery from the construction site perimeter;

2. devices to open partitions and premises;

3. light and sound signalling devices;

4. building machines and mechanical equipment for construction, technical means and methods.

(4) The technical means covered under Paragraph (3) may be used solely by duly qualified employees.

(5) Upon resistance or refusal to obey a direction to afford access or to vacate a construction site, or in other cases as specified by the law, compliance with the direction shall be compelled with the assistance of the authorities of the Ministry of Interior.

Article 222a. (New, SG No. 103/2005, repealed, SG No. 82/2012, effective 26.11.2012).

Article 223. (Amended, SG No. 65/2003, amended and supplemented, SG No. 103/2005, amended, SG No. 82/2012, effective 26.11.2012) (1) In respect of Category Four, Five and Six construction works, the municipality mayor (or borough mayor) or an official authorized thereby shall:

1. suspend illegal construction works within the meaning given by Article 225 (2) herein, parts or any such works, as well as individual building and erection works;
2. suspend the execution of construction works, parts thereof or individual building and erection works with violations under Article 224 (1) herein and permit resumption of any such works after rectification of the violations and payment of the fines and pecuniary penalties due;
3. bar access to construction works referred to in Items 1 and 2 and direct the placing of signs restricting the access of people and machinery and barring them from any such construction works;
4. ban the supply of electricity and heat, running water and gas to construction works referred to in Items 1 and 2;
5. (amended, SG No. 101/2015) ban the use of construction products which do not conform to the requirements under Article 169a (1) herein, and perform inspections at the construction product manufacturing sites;
6. ban the use of any construction works or of parts thereof which have not been commissioned according to the established procedure or which are put to any use other than assigned according to the construction file as issued and the conditions for commissioning;
7. bar access to any construction works or parts thereof which have not been commissioned according to the established procedure or which are put to any use other than assigned according to the construction file as issued and the conditions for commissioning, ban the supply of electricity and heat, running water and gas to any such construction works, and direct the placing of signs restricting the access of people and others and barring them from any such construction works;
8. issue orders on removal of illegal construction works;
9. prescribe execution of consolidation and recovery measures for the prevention of accidents, losses and others at construction works and parts thereof whereof the construction or the effect of the construction file has been suspended or the use has been banned;
10. direct the evacuation of people, mechanical equipment, manufactures, products, materials, supplies endangering the general public and other such from the construction work and from the construction site; 11. impose the fines and pecuniary penalties provided for in this Act.

(2) In respect of Category Four, Five and Six construction works, the construction control officers at the administration of each municipality (or borough) shall:

1. ascertain illegal construction works and construction works with violations;
2. ascertain violations in the use of construction works or of parts thereof;
3. execute orders to suspend, to ban the use of, to bar access to construction works and construction sites, and to remove illegal construction works;
4. control the implementation of action for rehabilitation of special spatial-development protection areas;
5. ascertain other violations of this Act and of the statutory instruments on the application thereof;
6. establish and maintain a register of the penalty decrees as issued and of the enforceable orders on removal of illegal construction works.

(3) Upon execution of orders to suspend, to ban the use, to bar the access, and to compel removal of illegal construction works, the construction control officers at the administration of each municipality shall be entitled to use the following special technical means within the perimeter of the construction site:

1. devices immobilizing automobiles and mechanical equipment for construction or for removing such machinery from the construction site perimeter;

2. devices to open partitions and premises;

3. light and sound signalling devices;

4. building machines and mechanical equipment for construction, technical means and methods.

(4) The technical means covered under Paragraph (3) may be used solely by duly qualified employees.

(5) Upon the performance of the functions thereof under this Act, the officers referred to in Paragraph (2) shall be entitled to:

1. to unimpeded access to the construction works, as well as to the buildings and facilities for the duration of their use according to the procedure established by Article 194 (1) and (3) herein;

2. to require all documents, data, identification, written reference briefs and written explanations as may be necessary for the inspections from the participants in construction, from the persons present in the construction work and on the construction site, from the administrations concerned, from the specialized control authorities, and the utility companies;

3. to use data from the National System of Civil Registration and Administrative Services under terms and according to a procedure established by a law.

(6) Upon resistance or refusal to obey a direction to afford access or to vacate a construction site, or in other cases as specified by the law, compliance with the direction shall be compelled with the assistance of the authorities of the Ministry of Interior.

(7) Accident insurance and life assurance shall mandatorily be contracted for the officers referred to in Paragraph (2) for the account of the municipal budget.

(8) (Amended, SG No. 53/2014) In the discharge of the official duties thereof, the officers referred to in Paragraph (2) shall be entitled to distinctive insignia, to use special technical means and, may possess weapons under the terms and procedures of the Weapons, Ammunitions, explosives and Pyrotechnical Products Act.

(9) The financial resources raised from the revenues collected under this Act by the municipalities for the municipal budgets, constituting fees, fines and pecuniary penalties, shall be spent solely on financial support of the control functions thereof under this Act and on the removal of illegal construction.

## **Chapter Twenty-One**

# **PREVENTION AND REMOVAL OF ILLEGAL CONSTRUCTION**

### **(Heading amended, SG No. 65/2003)**

Article 224. (Amended, SG No. 65/2003, amended and supplemented, SG No. 103/2005, supplemented, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012) (1) The Chief of the National Construction Control Directorate or an official authorized thereby shall, by a reasoned order, suspend the execution of, and bar access to, any Category One to Three construction work or to any part thereof which is performed:

1. without an effective building permit;

2. involving material deviations within the meaning given by Items 5 to 8 of Article 154 (2) herein;

3. (amended, SG No. 101/2015) using construction products which do not conform to the requirements of Article 169a (1) herein, or in breach of the rules for execution of building and erection works and of the basic requirements for construction works referred to in Article 169 (1) and (3) herein;

4. without construction supervision arranged by the contracting entity, in the cases where such supervision is mandatory;

5. without a memorandum on a building line and elevation having been drafted, and/or without the order record book having been certified;

6. without clearance with the Ministry of Culture under the terms and according to the procedure established by the Cultural Heritage Act: applicable to immovable cultural assets and to construction works within the boundaries and the protection zones thereof, where this is required according to the procedure established by this Act;

7. without the specific requirements having being fulfilled and/or without the acts having been issued within the meaning given by Items 7 and 8 of Article 142 (5) herein;

8. (new, SG No. 101/2015) without designer supervision arranged by the contracting entity, in the cases where such supervision is mandatory.

(2) The circumstances covered under Paragraph (1) shall be ascertained by an instrument of ascertainment drawn up by the authorities of the National Construction Control Directorate. The instrument of ascertainment shall be served on the interested parties, who or which may lodge objections within seven days. The order referred in Paragraph (1) shall be issued within three days after expiry of the time limit referred to in sentence two. Where the offender is unknown, copies of the instrument of ascertainment and of the order shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(3) Any order referred to in Paragraph (1) shall mandatorily give directions for elimination of the reasons that have prompted suspension of construction and shall set time limits for implementation of the said directions. Where necessary, evacuation of people and mechanical equipment from the construction work and from the construction site shall be directed, as well as disconnection of the supply of electricity and heat, running water and gas. Any such order shall be mandatory for the service providers and shall be complied with forthwith.

(4) The construction suspended by the order referred to in Paragraph (1) may resume by permission of the suspending authority after elimination of the reasons which have prompted the said suspension. In the cases under Items 5 to 8 of Article 154 (2) herein, the permission for resumption of construction shall be issued after presentation of a survey and other data, calculations and documents conforming to the directions referred to in Paragraph (3), which shall be attached as an integral part to the approved development-project design and which shall prove that the material deviations have been rectified and the completed part of the construction work is legally conforming.

(5) Upon ascertainment of a Category One to Three construction work which is illegal within the meaning given by Article 225 (2) herein, the authorities of the National Construction Control Directorate shall draw up an instrument of ascertainment which shall be served on the interested parties, who or which may lodge objections within seven days. The order on suspension of the illegal construction work shall be issued by the Chief of the National Construction Control Directorate or by an official authorized thereby within three days after expiry of the time limit for objections. Where the offender is unknown, copies of the instrument of ascertainment and of the order shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(6) The order on suspension referred to in Paragraph (5) shall bar access to the construction work.

Article 224a. (New, SG No. 82/2012, effective 26.11.2012) (1) The municipality mayor or an official authorized thereby shall, by a reasoned order, suspend the execution of, and bar access to, any Category Four to Six construction work or to any part thereof with violations within the meaning given by Article 224 (1) herein.

(2) The circumstances under Paragraph (1) shall be established by an instrument of ascertainment drawn up by the officials under Article 223 (2) herein. The instrument of ascertainment shall be served on the interested parties, who or

which may lodge objections within seven days. The order referred in Paragraph (1) shall be issued within three days after expiry of the time limit referred to in sentence two. Where the offender is unknown, copies of the instrument of ascertainment and of the order shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(3) Any order referred to in Paragraph (1) shall mandatorily give directions for elimination of the reasons that have prompted suspension of construction and shall set time limits for implementation of the said directions. Where necessary, evacuation of people and mechanical equipment from the construction work and from the construction site shall be directed, as well as disconnection of the supply of electricity and heat, running water and gas. Any such order shall be mandatory for the service providers and shall be complied with forthwith.

(4) The construction suspended by the order referred to in Paragraph (1) may resume by permission of the suspending authority after elimination of the reasons which have prompted the said suspension. In the cases under Items 5 to 8 of Article 154 (2) herein, the permission for resumption of construction shall be issued after presentation of a survey and other data, calculations and documents conforming to the directions referred to in Paragraph (3), which shall be attached as an integral part to the approved development-project design and which shall prove that the material deviations have been rectified.

(5) Upon ascertainment of a Category Four to Six construction work which is illegal within the meaning given by Article 225 (2) herein, the officers referred to in Article 223 (2) herein shall draw up an instrument of ascertainment which shall be served on the interested parties, who or which may lodge objections within seven days. The order on suspension of the illegal construction work shall be issued by the municipality mayor or by an official authorized thereby within three days after expiry of the time limit for objections. Where the offender is unknown, copies of the instrument of ascertainment and of the order shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(6) The order on suspension referred to in Paragraph (5) shall bar access to the construction work.

Article 225. (Amended, SG No. 65/2003) (1) (Supplemented, SG No. 82/2012, effective 26.11.2012) The Chief of the National Construction Control Directorate or an official authorized thereby shall issue an order on the removal of any Category One, Two and Three illegal construction works or parts thereof.

(2) A construction work or a part thereof shall be illegal where performed:

1. (amended, SG No. 65/2004, SG No. 103/2005) in non-conformity with the projections of the effective detailed plan;

2. (amended, SG No. 103/2005) without approved development-project designs and/or without a building permit;

3. (amended, SG No. 103/2005) with material deviations from the approved development-project design under Items 1, 2, 3 and 4 of Article 154 (2) herein;

4. (amended, SG No. 101/2015) using construction products which do not conform to the requirements under Article 169a (1) herein, or in breach of the rules for execution of building and erection works, if this affects the structural security and the safety in use of the construction work, and it is impossible to bring the construction work into conformity with the requirements of this Act;

5. (new, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012) even though the issuance of an act referred to in Item 8 of Article 142 (5) herein has been effectively refused;

6. (new, SG No. 82/2012, effective 26.11.2012) in violation of the requirements for construction in special planning-protection areas or in preventive planning-protection mode areas under Article 10 (2) and (3) herein.

(3) (Amended, SG No. 103/2005, supplemented, SG No. 82/2012, effective 26.11.2012) Any order referred to in Paragraph (1) shall be issued on the basis of an instrument of ascertainment drawn up by officials of the National Construction Control Directorate. Any such instrument shall be served on the interested parties who or which may lodge objections within seven days. Where the offender is unknown, copies of the instrument of ascertainment and of the order

shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Should an order on removal be not complied with voluntarily within the time limit set therein, compliance shall be compelled by the authorities of the National Construction Control Directorate, either unaided or jointly with the persons entrusted to enforce such an order by the Chief of the Directorate or by an official authorized thereby, according to a procedure established by an ordinance of the Minister of Regional Development and Public Works.

(5) (Amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) On the basis of an effective order on removal of the construction work and a memorandum on the expenditures incurred on the removal, an immediate enforcement order shall be issued according to the procedure established by Article 418 of the Code of Civil Procedure.

(6) Coercive removal shall be for the account of the person performing the work and of:

1. the person who has exercised construction supervision;

2. the developer: in case construction has proceeded after the issuance of an order suspending the construction work by the National Construction Control Directorate or an order by the person exercising construction supervision, entered into the order record book of the construction work;

3. the developer: in the cases referred to in Items 2, 3 and 4 of Paragraph (2);

4. the designer and the person who has assessed the conformity of the development-project designs: in case of non-conformity of the approved development-project design according to which the construction work is executed with the safety requirements referred to in Items 1, 2, 3 and 4 of Article 169 (1) herein and/or with the assigned use of the land;

5. (new, SG No. 82/2012, effective 26.11.2012) the contracting entity of the construction work.

(7) The persons covered under Paragraph (6) shall incur solidary liability.

Article 225a. (New, SG No. 82/2012, effective 26.11.2012) (1) The municipality mayor or an official authorized thereby shall issue an order on the removal of any Category Four to Six Category construction works which are illegal within the meaning given by Article 225 (2) herein or of any parts thereof.

(2) Any order referred to in Paragraph (1) shall be issued on the basis of an instrument of ascertainment drawn up by the officers referred to in Article 223 (2) herein. Any such instrument shall be served on the interested parties who or which may lodge objections within seven days. Where the offender is unknown, copies of the instrument of ascertainment and of the order shall be posted at the construction work and in places appointed to this end in the building of the municipality, borough or mayoralty.

(3) Should an order on removal be not complied with voluntarily within the time limit set therein, compliance shall be compelled by the municipality according to a procedure established by an ordinance of the Municipal Council.

(4) On the basis of an effective order on removal of the construction work and a memorandum on the expenditures incurred on the removal, an immediate enforcement order shall be issued according to the procedure established by Article 418 of the Code of Civil Procedure.

(5) Coercive removal shall be for the account of the person performing the work and of:

1. the person who has exercised construction supervision;

2. the developer: in case construction has proceeded after the issuance of an order suspending the construction work by the municipality mayor or an order by the person exercising construction supervision, entered into the order record book of the construction work;

3. the developer: in the cases referred to in Items 2 to 4 of Paragraph (2);

4. the designer and the person who has assessed the conformity of the development-project designs: in case of non-conformity of the approved development-project design according to which the construction work is executed with the safety requirements referred to in Items 1 to 4 of Article 169 (1) herein and/or with the assigned use of the land;

5. the contracting entity of the construction work.

(6) The persons covered under Paragraph (5) shall incur solidary liability.

Article 226. (Repealed, SG No. 65/2003).

Article 227. (Repealed, SG No. 65/2003).

Article 228. (Amended, SG No. 30/2006) The provisions of the Administrative Procedure Code shall apply to any matters which are not regulated in this Chapter and in Chapter Twenty herein.

## **Chapter Twenty-Two**

### **LICENSED TECHNICAL COMPETENCE**

Article 229. (1) Natural persons may perform investigation, design, control and supervision activities provided they possess licensed technical competence in conformity with the specialist qualifications as attained thereby and the educational qualification degree as conferred thereon.

(2) Legal persons may perform any activities covered under Paragraph (1) should the members thereof include natural persons possessing the requisite licensed technical competence.

(3) (New, SG No. 82/2012, effective 26.11.2012) Technically qualified licensed persons shall be the persons who hold a diploma issued by an accredited higher school certifying attainment of qualifications of "architect", "civil engineer," "engineer", "urban developer" or "landscape architect".

Article 230. (1) (Amended, SG No. 20/2003, supplemented, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) Spatial-development schemes and plans and development-project designs shall be prepared solely by natural-person designers who possess the relevant licensed technical and designer competence. The terms and procedure for recognition of full licensed designer competence shall be established by a law.

(2) (Amended, SG No. 20/2003, SG No. 65/2003) The law referred to in Paragraph (1) shall regulate the permissible activities that may be performed by persons who possess limited licensed competence.

(3) (Amended, SG No. 43/2002, SG No. 20/2003, SG No. 79/2006, SG No. 82/2012, effective 26.11.2012) Designers possessing full licensed designer competence, who work as employees under an employment or civil-service relationship at the administrations of the local executive authorities, may perform the activities referred to in Article 229 (1) herein only for the political units in which they are not authorities or members of authorities vested with powers of expert-opinion, clearance, approval, authorization, control or other powers according to the procedure established by this Act.

(4) (New, SG No. 79/2006) Employees at municipal administrations possessing full or limited licensed designer competence may prepare, acting proprio motu, prepare spatial-development plans for state or municipal lots within the territory of the municipality and, for construction of works constituting municipal property, such plans and development-project designs, in accordance with the licensed designer competence attained.

(5) (Amended, SG No. 37/2006, renumbered from Paragraph (4), SG No. 79/2006, amended, SG No. 15/2010, effective 23.02.2010) Aliens and nationals of Member States of the European Union or of the other States which are Contracting Parties to the Agreement on the European Economic Area, whose professional qualification has been recognised according to the procedure established by the Recognition of Professional Qualifications Act, may perform the activities referred to in Article 229 (1) herein within the scope of the qualification thereof under the terms established by the Chambers of Architects and Development-Project Design Engineers Act.



Article 231. (Amended, SG No. 108/2006) The requirements to natural and legal persons performing construction shall be established by a law.

## **Chapter Twenty-Three**

### **ADMINISTRATIVE PENALTY LIABILITY**

Article 232. (1) (Amended, SG No. 106/2006, SG No. 61/2007) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed, unless another law provides for a severer sanction, on any official who:

1. derelicts, misperforms or defaults on any duty enjoined thereon under this Act, the instruments on the application thereof and the other rules and standard specifications in designing and construction, as well as on any decisions and prescriptions proceeding therefrom;

2. clears, approves or issues a construction file in violation of this Act, of the instruments on the application thereof and the other rules and standard specifications in designing and construction, as well as the effective spatial-development plans;

3. fails to take prompt action for prevention of illegal construction, for suspension or removal of illegally performed building and erection works, or for elimination of other consequences of violations;

4. requires, as conditions for clearance and approval of a development-project design or authorization of a construction work, any documents which are not required by this Act or by another statutory instrument;

5. (amended and supplemented, SG No. 65/2003, amended, SG No. 13/2017) fails to rule, within a time limit as established by a statutory instrument: on a request for clearance, proceeding with and approval of spatial-development plans and modifications thereof, for clearance and approval of development-project designs and issuance of building permits, for compilation or issuance of construction files, plats, design permits and other such; fails to perform any inspections or other technical services; fails to respond to any appeal lodged; fails to forward any request or appeal, as the case may be, to the competent authority;

6. permits, suffers the connection, or connects off-site physical-infrastructure networks and facilities with an illegal construction work or with a construction work for which no use permit has been issued, save in the case where provisional connection is permitted by a statutory instrument;

7. (new, SG No. 61/2007) has failed to fulfil the obligations thereof under Article 63 (1) herein;

8. (new, SG No. 82/2012, effective 26.11.2012) issues a design permit in breach of the projections of the effective detailed plan, in violation of this Act, of the instruments on the application thereof and the other rules and standard specifications in designing and construction;

9. (new, SG No. 13/2017) fails to fulfil the obligation under Article 157 (6) herein;

10. (new, SG No. 13/2017) fails to rule on a request for commissioning within the time limit referred to in Article 177 (3) herein.

(2) (Amended, SG No. 65/2003, SG No. 61/2007) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed, unless another law provides for a severer sanction, on any participant in construction who orders or suffers the performance of an illegal construction work.

(3) (Amended, SG No. 61/2007) A fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000 shall be imposed, unless another law provides for a severer sanction, on any person who, while unqualified, engages in any practice comprehended within the competence vested in persons exercising construction supervision.

(4) (Amended, SG No. 65/2003, SG No. 61/2007) A fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000 shall be imposed, unless another law provides for a severer sanction, on any person who:

1. (amended, SG No. 65/2003) without possessing the relevant licensed competence, performs investigation and design works, participates in the performance of conformity assessment of development-project designs, in exercise of construction supervision, or directs building works;

2. in a designer capacity, prepares any designs non-conforming to this Act, the instruments on the application thereof and the other rules and standard specifications in designing and construction, or fails to exercise designer supervision in conformity with a contract as concluded;

3. (repealed, SG No. 65/2003);

4. (repealed, SG No. 65/2003).

(5) (Amended, SG No. 61/2007) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed, unless another law provides for a severer sanction, on any person who:

1. (supplemented, SG No. 65/2003) fails to execute a written mandate of a control authority issued acting within the competence vested in the said authority or by the person exercising construction supervision, to suspend, to remove, to restore or to repair any construction works or any parts of construction works;

2. cuts or uproots, orders or suffers the cutting or uprooting of a perennial ornamental tree or a tree of historic significance without prior written permission by the competent authorities;

3. (new, SG No. 65/2003) fails to afford access, fails to provide the required documents, data, identification and written reference briefs to the control authorities;

4. (renumbered from Item 3, SG No. 65/2003) works on a construction work and fails to vacate the said work after receiving a written warning from the control authorities that construction is performed illegally;

5. (renumbered from Item 4, SG No. 65/2003) fails to execute directions of the competent control authorities issued in connection with action and work as shall be necessary to remove and eliminate geologic hazards;

6. (renumbered from Item 5, SG No. 65/2003) fails to perform recovery works and to eliminate, for the own account thereof, any damage inflicted on another's corporeal immovable in connection with a construction work implemented therein within a time limit as established by the municipality or by the authorities of the National Construction Control Directorate;

7. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 13/2017) has suffered the placing of a movable amenity or an advertising display in an immovable thereof in conflict with the requirements of the ordinance referred to in Article 56 (2) herein.

(6) (New, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000 shall be imposed, unless another law provides for a severer sanction, on any owner of a construction work or a lot who has failed to comply with an order under Article 195 (5) herein and has posed an immediate hazard to human health and life.

(7) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 13/2017, repealed, SG No. 96/2017, effective 1.01.2018).

(8) (New, SG No. 82/2012, effective 26.11.2012) A fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 shall be imposed on any developer of a construction work who has failed to fulfil any obligation covered under Article 163 (2) herein.

(9) (New, SG No. 82/2012, effective 26.11.2012) A fine of BGN 100 or exceeding this amount but not exceeding BGN 300 shall be imposed, unless another law provides for a severer sanction, on any contracting entity of a construction work who fails to commission the preparation of a technical passport within the time limits under the ordinance referred to in Article 176a (6) herein.

Article 232a. (New, SG No. 54/2011) (1) Any official, who clears, approves or issues construction files or other

instruments specified in this Act within cultural and historical conservation areas without advance clearance according to the procedure established by Article 84 (1) and (2) of the Cultural Heritage Act, shall be liable to a fine of BGN 800 or exceeding this amount but not exceeding BGN 1,500, unless another law provides for a severer sanction.

(2) Where the violation referred to in Paragraph (1) has resulted in the destruction or damage of any immovable cultural asset, the fine shall amount to BGN 1,000 or exceeding this amount but not exceeding BGN 3,000, unless another law provides for a severer sanction.

Article 232b. (New, SG No. 82/2012, effective 26.11.2012) (1) A fine of BGN 10,000 shall be imposed on any municipality mayor who fails to fulfil the obligation referred to in § 123 (1) of the Transitional and Final Provisions herein.

(2) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The written statement ascertaining the administrative violation under Paragraph (1) shall be drawn up by the Regional Governor or by officials of the regional administration designated thereby, and the penalty decree shall be issued by the Minister of Regional Development and Public Works or by an official authorized thereby.

Article 232c. (New, SG No. 101/2015, repealed, SG No. 13/2017).

Article 232d. (New, SG No. 101/2015) The municipality mayor or an official empowered thereby shall impose a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 5,000 on any owner of a lot who destroys or damages any monitoring and metering system or a part thereof in a landslide hazard area or any geohazards-control facility or a part thereof.

Article 233. (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) Any other violations of this Act, of the instruments adopted by the Council of Ministers or issued by the government ministers, as the case may be, on the application thereof and of the other rules and standard specifications in designing and construction, as well as of the decisions and prescriptions proceeding therefrom, shall be punishable by a fine of BGN 100 or exceeding this amount but not exceeding BGN 500, unless another law provides for a severer sanction.

Article 234. (1) (Amended and supplemented, SG No. 103/2005, amended, SG No. 82/2012, effective 26.11.2012) Should any violation covered under Article 232 and under Article 233 herein be continued after being ascertained by an instrument, or should another violation be committed by the same person within the time limit for issuance of a penalty decree, the sanction shall be a fine of BGN 3,000 or exceeding this amount but not exceeding BGN 15,000 notwithstanding the sanction for the first violation.

(2) (Amended, SG No. 65/2003) Should a new violation of the same provision be committed within three years after the effective date of the penalty decree, the penalty shall be a fine of BGN 2,000 or exceeding this amount but not exceeding BGN 30,000. In minor cases, the fine shall be BGN 100 or exceeding this amount but not exceeding BGN 500.

Article 235. (1) In the cases under Article 232 (2) herein, the offenders may be removed from the construction work on the basis of a reasoned order of the Chief of the National Construction Control Directorate or an official authorized thereby.

(2) Upon refusal to execute the order voluntarily, the offenders shall be compelled to vacate the construction work, if necessary with the cooperation of the authorities of the Ministry of Interior.

(3) An appellate review of any order referred to in Paragraph (1) shall not stay the execution thereof.

Article 236. (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) Upon systematic violations under Article 232 (1) herein, committed by a Chief Architect of a municipality (or borough), as ascertained by the National Construction Control Directorate, the Minister of Regional Development and Public Works may disqualify the offender from holding the position of Chief Architect of a municipality (or borough) for a period not exceeding two years.

Article 237. (1) The Chief of the National Construction Control Directorate or an official authorized thereby shall impose the following pecuniary penalties on legal persons or sole traders:

1. (amended, SG No. 65/2003, SG No. 103/2005, supplemented, SG No. 101/2015) on any contractor, contracting entity or developer of a construction work of Category One to Category Three inclusive, which is illegal within the meaning given by Article 225 (2) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000;

2. (new, SG No. 103/2005, supplemented, SG No. 101/2015) on any contractor, contracting entity, developer or person exercising construction supervision of a construction work referred to in Article 224 (1) herein of Category One to Category Three inclusive: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

3. (amended, SG No. 65/2003, renumbered from Item 2, SG No. 103/2005, supplemented, SG No. 101/2015, SG No. 13/2017) on any contracting entity or developer of a construction work which or who has proceeded with the execution of building and erection works at a construction work of Category One to Category Three inclusive, suspended by an order under Article 224 (1) and (5) or under Article 159 (4) herein, or at a construction work with a construction file whereof the effect has been suspended: to the amount of BGN 10,000 to 100,000 or exceeding this amount but not exceeding BGN 100,000;

4. (new, SG No. 65/2003, renumbered from Item 3, SG No. 103/2005, supplemented, SG No. 101/2015) on any person which or who uses a construction work of Category One to Category Three inclusive without this having been permitted according to the established legal procedure: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

5. (renumbered from Item 3 and amended, SG No. 65/2003, renumbered from Item 4, SG No. 103/2005) on any person which or who, without being qualified, engages in any practice comprehended within the competence vested in the consultant and the technical control over the structural part: to the amount of BGN 3,000 or exceeding this amount but not exceeding BGN 30,000;

6. (renumbered from Item 4 and amended, SG No. 65/2003, renumbered from Item 5 and amended, SG No. 103/2005) on any person who has performed conformity assessment of a development-project design in violation of the requirements of Article 142 (5) herein and/or who, in exercising construction supervision, has suffered execution of an illegal construction work within the meaning given by Article 225 (2) herein: to the amount of BGN 30,000 or exceeding this amount but not exceeding BGN 150,000;

7. (renumbered from Item 5 and amended, SG No. 65/2003, renumbered from Item 6, SG No. 103/2005, amended, SG No. 82/2012, effective 26.11.2012) on any provider of electricity, heat, running water or gas, which has failed to fulfil a mandate under Article 224 (3) or under Article 178 (5) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 50,000;

8. (new, SG No. 108/2006, effective 3.01.2008) on any developer, for execution of Category One construction works without being recorded in the Central Register of Professional Developers and without holding a certificate issued for such works: to the amount of BGN 50,000 or exceeding this amount but not exceeding BGN 100,000;

9. (new, SG No. 108/2006, effective 3.01.2008) on any developer, for execution of Category Two construction works without being recorded in the Central Register of Professional Developers and without holding a certificate issued for such works: to the amount of BGN 30,000 or exceeding this amount but not exceeding BGN 50,000;

10. (new, SG No. 108/2006, effective 3.01.2008) on any developer, for execution of Category Three, Four and Five construction works without being recorded in the Central Register of Professional Developers and without holding a certificate issued for such works: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 30,000;

11. (new, SG No. 108/2006, effective 3.01.2008) on any developer, for execution of building and erection works without being recorded in the Central Register of Professional Developers and without holding a certificate for such works: to the amount of BGN 2,000 or exceeding this amount but not exceeding BGN 5,000;

12. (new, SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 101/2015) on any manufacturer of construction products, supplied for direct use on the construction site from the manufacturing sites, non-conforming to the requirements of Article 169a (1) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 30,000;

13. (new, SG No. 82/2012, effective 26.11.2012) on any person which or who has concluded a construction supervision contract or a contract for conformity assessment of a development-project design in violation of Article 166 (3) and (4) herein: to the amount of BGN 30,000 or exceeding this amount but not exceeding BGN 150,000;

14. (new, SG No. 82/2012, effective 26.11.2012, amended, SG No. 101/2015) on any contracting entity of a construction work which or who has failed to fulfil any obligation referred to in Article 161 (4) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 30,000;

15. (new, SG No. 82/2012, effective 26.11.2012) on any contracting entity of a construction work which or who has failed to fulfil any obligation referred to in Items 1 to 5 of Article 163 (2) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 30,000;

16. (new, SG No. 82/2012, effective 26.11.2012) on any contracting entity of a construction work which or who fails to commission the preparation of a technical passport within the time limits under the ordinance referred to in Article 176a (6) herein: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

(2) (New, SG No. 103/2005) The municipality mayor shall impose the following pecuniary penalties on legal persons or sole traders:

1. (new, SG No. 82/2012, effective 26.11.2012) on any contractor, contracting entity or developer of a Category Four to Six construction work which is illegal within the meaning given by Article 225 (2) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000;

2. (renumbered from Item 1, amended and supplemented, SG No. 82/2012, effective 26.11.2012) on any contractor, contracting entity, developer of a construction work or person exercising construction supervision over a construction work referred to in Article 224a (1) and (2) herein: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

3. (renumbered from Item 2, amended, SG No. 82/2012, effective 26.11.2012, SG No. 13/2017) on any contractor, contracting entity or developer which or who has proceeded with the execution of building and erection works at a construction work suspended by an order under Article 224a (1) and (5) herein: to the amount of BGN 10,000 or exceeding this amount but not exceeding BGN 50,000;

4. (new, SG No. 82/2012, effective 26.11.2012) on any person which or who uses a Category Four and Five construction work without this having been permitted according to the established legal procedure: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

5. (renumbered from Item 3 and amended, SG No. 82/2012, effective 26.11.2012) on any provider of electricity, heat, running water or gas, which has failed to fulfil an order under Article 57a, or under Article 224a (3) or under Article 178 (6) herein: to the amount of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000;

6. (new, SG No. 61/2007, renumbered from Item 4, SG No. 82/2012, effective 26.11.2012) on any owner of a construction work or a lot who has failed to comply with an order under Article 195 (5) herein and has posed an immediate hazard to human health and life: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

7. (new, SG No. 13/2017) has suffered the placing of a movable amenity or an advertising display in an immovable thereof in conflict with the requirements of the ordinance referred to in Article 56 (2) herein: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000.

(3) (New, SG No. 1/2019, effective 1.01.2019) On default on the obligations under Article 125 (4), Article 128a and Article 140a (3), the Mayor of the Municipality, respectively the Regional Governor, the Minister of Regional Development and Public Works, the Minister of Defence, the Minister of Interior, the Chairperson of the State Agency for National Security or the Chairperson of the State Intelligence Agency shall impose a pecuniary penalty of 1000 BGN on the respective utility company on a weekly basis until rectification of the obligation.

(4) (Renumbered from Paragraph 2, supplemented, SG No. 103/2005, renumbered from Paragraph 3, amended, SG

No. 1/2019, effective 1.01.2019) The sanctions covered under Paragraphs (1), (2) and (3) shall be imposed according to the procedure established by Articles 238 and 239 of this Act.

Article 238. (1) The ascertainment of violations under this Act, the issuance, appellate review, and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act, safe in so far as otherwise provided for by this Act.

(2) (Amended, SG No. 65/2003) The instruments ascertaining violations under this Act shall be drawn up by:

1. employees of the municipal administrations (or borough administrations);
2. employees of the National Construction Control Directorate;
3. (amended, SG No. 82/2006, supplemented, SG No. 53/2014) employees designated by the Minister of Interior: in respect of any violations of fire safety rules and standards and the requirements of Article 106, Item 5, Article 107, Item 6 and Article 112, Paragraph 2, Item 12;
4. (amended, SG No. 95/2005) employees designated by the President of the State Agency for Metrological and Technical Surveillance: in respect of any violations of the safety standards for high-risk systems and equipment;
5. employees designated by the Minister of Environment and Water: in respect of violations of environmental and water protection standards.

Article 239. (1) The penalty decrees shall be issued:

1. (amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014, SG No. 105/2014) by the Minister of Regional Development and Public Works or officials authorized thereby: in respect of any violations of the provisions regarding spatial development;
2. (supplemented, SG No. 103/2005) by the Chief of the National Construction Control Directorate or officials authorized thereby: in respect of any violations of the provisions regarding spatial development (designing, construction, prevention and removal of illegal construction and quality of construction materials, and other such);
3. (new, SG No. 65/2003, amended, SG No. 82/2006, supplemented, SG No. 53/2014) by the Minister of Interior or by officials designated thereby: in respect of any violations of fire safety rules and standards and the requirements of article 106, item 5, article 107, item 6 and article 112, paragraph 2, item 12;
4. (renumbered from Item 3, SG No. 65/2003) by the Minister of Environment and Water or officials designated thereby: in respect of any violations of the provisions regarding environmental protection;
5. (renumbered from Item 4, SG No. 65/2003, amended, SG No. 95/2005) by the President of the State Agency for Metrological and Technical Surveillance or by officials authorized thereby: in respect of any violations of the provisions regarding high-risk systems and equipment.
6. (new, SG No. 103/2005, supplemented, SG No. 61/2007, amended, SG No. 82/2012, effective 26.11.2012) by the municipality mayor or by an official authorized thereby: in the cases provided for by the law.

(2) (Supplemented, SG No. 82/2012, effective 26.11.2012) The one-year time limit, established by the Administrative Violations and Sanctions Act for initiation of administrative liability proceedings for violations under this Act, the instruments on the application thereof and the other rules and standard specifications in designing and construction, shall begin to run as from the day of issuance of a use permit or a certificate on commissioning for the construction work or, where no use permit or certificate on commissioning is required, as from the day of commission of the violation.

(3) (Repealed, SG No. 77/2012, effective 9.10.2012).

(4) (Repealed, SG No. 77/2012, effective 9.10.2012).

(5) (Repealed, SG No. 65/2003).

## SUPPLEMENTARY PROVISIONS

§ 1. (1) (Amended and supplemented, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works may delegate functions thereof under this Act to the Deputy Ministers of Regional Development and Public Works and to other officials within the system of the Ministry of Regional Development and Public Works.

(2) (New, SG No. 65/2003) The Regional Governor may delegate functions thereof under this Act to the Regional Vice Governors or to other persons of the regional administration.

(3) (Renumbered from Paragraph (2), SG No. 65/2003, amended, SG No. 61/2007) The municipality mayor may delegate functions thereof under this Act to the deputy municipality mayors, to the Chief Architect of the municipality and to other officials of the municipal administration (or borough administration).

(4) (Renumbered from Paragraph (3), amended, SG No. 65/2003, SG No. 61/2007, supplemented, SG No. 101/2015) The Chief Architect of any municipality may delegate functions thereof under this Act to other officials of the municipal administration possessing full licensed designer competence or having the length of service required for attainment of such competence.

§ 1a. (New, SG No. 65/2003, supplemented, SG No. 33/2008, amended, SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 79/2015, effective 1.11.2015) The Minister of Defence, respectively, the Minister of Interior or the Chairperson of the State Agency for National Security, may delegate functions thereof under this Act to the Deputy Ministers of Defence, or of Interior, to the Deputy Chairpersons of the State Agency for National Security or to the Chairperson of the National Intelligence Agency, and to other officials within the system of the Ministry of Defence, of the Ministry of Interior, of the State Agency for National Security or of the National Intelligence Agency.

§ 2. (Repealed, SG No. 61/2007).

§ 3. (1) (Previous text of § 3, SG No. 82/2012, effective 26.11.2012) Fees shall be charged under the Local Taxes and Fees Act and the Stamp Duty Act for clearance and approval of a development-project design, for issuance of a building permit, a memorandum on marking of a building line and elevation, an instrument of legalization, a use permit for a construction work and for other administrative and technical services under this Act.

(2) (New, SG No. 82/2012, effective 26.11.2012, amended, SG No. 1/2019, effective 1.01.2019) The prices of administrative and technical services provided by utility companies in the course of project development design and construction authorisation, such as provision of output data necessary for the design and connection to the physical infrastructure networks, clearance of designs, giving opinions or prescriptions, and others, except in the case when they provided free of charge, shall be determined in a tariff by the Energy and Water Regulatory Commission in accordance with Article 7a of the Act Restricting Administrative Regulation and Administrative Control over Economic Activity. The tariff shall be published in the State Gazette and on the website of the Energy and Water Regulatory Commission and on the websites of utility companies in the section for the respective company.

§ 4. (Amended, SG No. 61/2007, SG No. 82/2012, effective 26.11.2012) (1) The communication by the competent authorities to the interested parties according to the procedure established by the Administrative Procedure Code, provided for in this Act and in the instruments on the application thereof, shall be effected through dispatch of a written communication.

(2) Where this Act and the instruments on the application thereof do not expressly provide that the communication must be effected according to the procedure established by the Administrative Procedure Code, the said communication shall be effected through dispatch of a written communication to the interested parties. In the cases where the address of some of the interested parties is unknown or the said party has not been reached at the address named thereby, which is attested by the signature of two officials, the communication shall be posted on the dwelling unit or on the corporeal immovable whereto the communication applies and shall be posted on the notice board in the building of the municipality, borough or mayoralty or on the Internet site of the relevant authority for the time for submission of objections, suggestions

and requests. The communication so effected, as well as the date of positing and removal thereof from the notice board or from the Internet site of the authority, shall be certified by the signatures of two officials.

(3) Where all owners and holders of limited rights in rem in building having a condominium project status are interested parties, the communications thereto shall be served care of the chairpersons of the managing boards (managers). Until the election of chairpersons of the managing boards of the condominium project under the Condominium Ownership Management Act, the communication shall be effected according to the procedure established by sentences two and three of Paragraph (2).

§ 5. Within the meaning given by this Act:

1. (Supplemented, SG No. 65/2003, amended, SG No. 101/2015) The words "National Expert Board", "administrative-regional expert board" and "municipal (or borough) expert board" shall refer, respectively, to "National Expert Board on Spatial Development and Regional Policy", "administrative-regional expert board on spatial development" and "municipal (or borough) expert board on spatial development", the word "the Directorate" shall refer, respectively, to "National Construction Control Directorate" and "the National Construction Control Directorate", and the words "conformity assessment" and "conformity assessment of designs" shall refer to "assessment of the conformity of designs with the basic requirements for construction works".

2. "Lot" shall be a part of the spatial-development area, including such as shall be durably submerged, within boundaries as established in conformity with the right of ownership.

3. "Unregulated spatial-development area" shall be a spatial-development area wherein the lots are not regulated by a detailed plan.

4. "Special spatial-development protection areas" shall comprehend the protected nature-conservation areas under the Protected Areas Act, the cultural and historical conservation areas under the Cultural Heritage Act, other areas of distinctive character whereof the planning and control mode is regulated by separate laws (the mountain and frontier areas, the coastal areas, the urban area of the capital city and other such), the areas susceptible to landsliding, the sanitary protected areas of water sources and the facilities for drinking and household water supply and around mineral water sources constituting public state property according to the Water Act.

5. (Amended, SG No. 82/2012, effective 26.11.2012) "Preventive spatial-development protection areas" shall be spatial-development areas designated by concepts and schemes for space development and by spatial-development plans as possessing a high scenic, environmental and cultural value but not designated as protected by a special law.

6. "Nucleated-settlement area" shall be the spatial-development area of a nucleated settlement enclosed within the limits (development limits) thereof as defined by a spatial-development plan, excluding the land-use area.

7. "Small nucleated settlements", as referred to in Article 58 herein, shall be the villages, as well as the towns of a population not exceeding 30,000 residents.

8. "Spatial-development area" or "planning zone," as referred to in Article 11 herein, shall constitute an assemblage of adjoining lots with similar characteristics and prevailing assigned use.

9. "Permissible pressure on areas assigned for building development" shall be determined by the building-development intensity and the permissible purposes in conformity with the specific assigned use of the lots.

10. "Block" shall be a regulated spatial-development area bounded by streets or by streets and boundaries of an urbanized area, which consists of one or several lots.

11. "Regulated lot" or "regulated immovable" shall be a lot in respect of which a detailed plan has established boundaries, access from a street, road or driveway, a specific assigned use and planning mode.

12. (Amended, SG No. 13/2017) "Individualization of a newly created regulated lot," as referred to in Article 16 (6) herein, shall be a recording of a description of the boundaries and designation of an identifier of the lot.



13. "Predominantly level ground," as referred to in Item 4 of Article 19 (1) herein, shall be a ground not exceeding a slope of 10 per cent, and "predominantly steep ground," as referred to in Item 5 of Article 19 (1) herein, shall be a ground exceeding a slope of 10 per cent.

14. "Narrow regulated lot" shall be an immovable of a frontage of a size to which the allowance referred to in Article 19 (3) herein has been applied.

15. (Amended, SG No. 41/2001) "Floor area" shall be the surface area delimited by the exterior contours of the surrounding walls of the first story above ground level or of the semi-subterranean story, including the surface area of the ventilation shafts and the passageways within the said contours. The floor area at ground level shall exclude any terraces, exterior stairways and stairway landings, loading platforms, parking garages and other elements of a height not exceeding 1.2 metres from the average elevation of the adjoining ground.

16. "Unoccupied yard space" shall be the difference between the surface area of the regulated lot and the floor area. The open usable terraces above the basement, as well as the greenspaces, shall likewise be treated as such a space.

17. "Building-development density" shall be the ratio of the sum total of the floor areas of the principal and accessory development to the surface area of the regulated lot, expressed in percentage terms. Building-development density may furthermore be calculated for an entire block, spatial-development area or planning zone, as well as for any parts thereof.

18. (Amended, SG No. 82/2012, effective 26.11.2012, amended and supplemented, SG No. 101/2015) "Gross floor area" shall be the sum total of the floor areas of all stories above ground level of the principal and accessory development. The gross floor area shall furthermore incorporate the floor areas entirely within the roof space of buildings. The floor area of the stories above ground level shall incorporate the entire surface area of balconies, loggias and terraces.

19. "Building-development intensity" of a regulated lot shall be the ratio of the gross floor area to the surface area of the regulated lot, expressed as an absolute number. Building development intensity may furthermore be calculated for an entire block, spatial-development area or planning zone, as well as for any parts thereof.

20. "Building-development manner" shall be the siting of the principal- and accessory-development buildings and structures within the regulated lots.

21. "Detached development" shall be a building development whereby the buildings in the regulated lots are arranged at a distance from the immovable property lines (record lines) of the adjoining regulated lots, as well as along the northern side record line in the case of narrow regulated lots situated at the intersection of a north-south, northeast-southwest or northwest-southeast street with a street having an angle of intersection of not more than 45 degrees.

22. "Attached development" shall be a building development whereby the buildings in two or more adjoining regulated lots are arranged touching one another along the immovable property lines (record lines). Attached development in adjoining regulated lots shall constitute touching of the principal-development buildings or of the accessory-development structures.

23. "Cluster development" shall be a building development on large regulated lots of clusters of buildings which are arranged free-standing or touching one another.

24. "Restructuring of residential complexes, of industrial, resort, vacation and other dispersed settlements" shall constitute an alteration of the structure and building development of the said complexes or settlements, inter alia through formation of regulated lots for existing or for new buildings, for amenity planting of public spaces, as well as for another assigned use, on the basis of a detailed plan.

25. "Outer building-development line" shall be the building development line abutting on a street. The said line may be coincident with the street line or be set back therefrom on the regulated lot.

26. "Inner building-development line" shall be the building development line abutting on adjoining regulated lots or on adjoining buildings. The inner building-development lines shall likewise be side lines in respect of the rear lot line.

27. "Depth of the principal development of buildings" shall be the distance between the outer building-development line and the opposite inner building-development line.

28. "Orientation of a residential building affording more beneficial solar access" shall be an orientation of a building in respect of the distances to adjoining buildings which corresponds to the following grading of compass points: south, southeast and southwest; east; west; northeast and northwest; north. Should the actual orientation be in departure or latitude from any such point of direction, the nearer point shall apply.

29. "Residential building" shall be a building assigned for permanent human occupancy and consisting of one or more dwelling units which occupy at least 60 per cent of the gross floor area of the said building.

30. "Dwelling unit" shall be a set of premises, roofed and/or open spaces, constituting a single functional and spatial whole and designed for the satisfaction of housing needs.

31. (Supplemented, SG No. 107/2003, amended, SG No. 41/2007) "Physical infrastructure" shall be a system of buildings, facilities and utility lines networks of transport, water supply and sewerage, electricity supply, heat supply, gas supply, electronic communications, irrigation and land-reclamation, waste treatment, and action to remove and eliminate geologic hazards.

32. (Amended, SG No. 103/2005) "Physical-infrastructure public networks and facilities" shall be the networks and facilities up to the shared monitoring and metering devices in the corporeal immovables, including the distribution devices.

33. "Servitude strip" shall be part of a lot around physical-infrastructure networks and facilities in respect of which restrictions are introduced by a statutory instrument in the building-development and use mode of the lot.

34. "Reserve strip" shall be a pavement reserved for passage of workers engaged in the maintenance and repair of streets, street facilities and the physical infrastructure.

35. (Amended, SG No. 53/2012, effective 13.07.2012) "Waste treatment" means recovery or disposal operations, including preparation prior to recovery or disposal.

36. "Construction file" shall be all approved development-project designs required for performance or legalization of a construction work, the building permit or the instrument of legalization, as well as the memoranda on the marking of a building line and elevation.

37. (Amended, SG No. 76/2005) "Construction site" shall be the ground required for performance of a construction work and determined by a development-project design or by the boundaries of the lot whereon the construction is performed.

38. (Amended, SG No. 65/2003, supplemented, SG No. 61/2007, amended, SG No. 54/2011, supplemented, SG No. 82/2012, effective 26.11.2012) "Construction works" shall be any above-ground, semi-subterranean, subterranean and underwater buildings, structures, extending and heightening additions, consolidation, recovery works, conservation, restoration, redevelopment according to authentic data within the meaning given by Article 74 (1) of the Cultural Heritage Act and adaptation of immovable cultural assets, fences, physical infrastructure networks and facilities, spatial renewal and sports facilities, as well as the overhauls, redevelopments and remodellings thereof, with or without alteration of the assigned use.

39. (Amended, SG No. 65/2003) "Work" shall be a self-contained construction work or a divisible interest in a construction work of a designated name, location, independent functional assigned use and identifier under the Cadastre and Property Register Act.

40. (Supplemented, SG No. 65/2003) "Building and erection works" shall be the works whereby construction works are constructed, repaired, redeveloped, remodelled, maintained or rehabilitated.

41. (New, SG No. 65/2003, amended, SG No. 103/2005) "Alteration of the assigned use" of a work or of a part thereof shall be a change from one manner of use of any such work or part to another manner according to the corresponding codes, constituting fundamental cadastral data and determined according to the Cadastre and Property Register Act and the statutory instruments on the application thereof.

42. (New, SG No. 65/2003) "Overhaul" of a construction work shall be partial restoration and/or partial replacement of structural elements, essential parts, facilities or utility service systems of a construction work, as well as building and erection works whereupon originally used by worn out materials, structures and structural elements are replaced by other types or new types of works are performed, whereby the serviceability thereof is restored, the operation thereof is enhanced, or the service life thereof is extended.

43. (Repealed, new, SG No. 65/2003) "Routine repair" of a construction work shall be the improvement and maintenance of buildings, structures, facilities and utility-service systems in serviceable condition, as well as interior remodellings whereupon:

(a) the structure of the building is not affected;

(b) existing walls are not removed, relocated or breached, where any such or other action affects the structure of the building;

(c) the assigned use of the premises and the loads therein are not altered.

44. (New, SG No. 65/2003) "Redevelopment" of a construction work shall be restoration, replacement of structural elements, essential parts, facilities or utility-service systems and execution of new such elements, parts, facilities or systems, whereby the bearing capacity, the stability and the durability of the construction works are enhanced.

45. (Renumbered from Item 41, SG No. 65/2003) "Stage" shall be part of a construction work having an independent functional assigned use, in respect of which a separate building permit and a use permit may be issued.

46. (Renumbered from Item 42, SG No. 65/2003) "Rough construction work" shall be a building or a structure whereof the surrounding walls and the roof have been executed, and the finishing works have not been executed at all or have been partly executed.

47. (Renumbered from Item 44, SG No. 65/2003) "Story" shall be a part of a building or structure included between two successive floor structures.

48. (Renumbered from Item 45, SG No. 65/2003) "Subterranean story" shall be a story whereof the ceiling is situated below the level mark of the average elevation of the adjoining pavement (of the adjoining ground fronting on the street) or within 0.3 metres above the said level mark.

49. (Renumbered from Item 46, SG No. 65/2003) "Semi-subterranean story" shall be a story whereof the floor is situated below the level mark of the average elevation of the adjoining pavement (of the adjoining ground fronting on the street) and whereof the ceiling is situated at more than 0.3 metres above the said level mark and within 1.5 metres above the said mark.

50. (Renumbered from Item 47, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) "Story above ground level" shall be a story which is situated at more than 1.50 metres above the level mark of the average elevation of the adjoining ground (of the adjoining pavement fronting the street).

51. (Renumbered from Item 48, SG No. 65/2003) "Attic" shall be a story situated within the roof space and enclosed, in part or in whole, by the roof planes.

52. (Renumbered from Item 49, SG No. 65/2003, amended, SG No. 82/2012, effective 26.11.2012) "Level mark of the average elevation of the adjoining ground" shall be the arithmetic mean of the lowest and highest design level mark of the adjoining ground for the relevant surrounding wall, formed (modelled) in accordance with the geodetic part (vertical levelling) of the development-project design.

53. (Renumbered from Item 50, SG No. 65/2003) "Base course elevation" shall be the elevation of the floor of the first story above ground level.

54. (Renumbered from Item 51, SG No. 65/2003) "Ridge course elevation" shall be the highest horizontal part of the roof of a building.

55. (Renumbered from Item 52, SG No. 65/2003) "Facade" shall be the outer surrounding wall of a building or structure which rests on the ground.

56. (Renumbered from Item 53, SG No. 65/2003) "Blank wall" shall be the outer wall of a building or structure without a coping or eaves and unbreached by door and window openings, arranged along the inner lot line.

57. (Renumbered from Item 54, SG No. 65/2003) "Balcony" shall be an open usable space upon a bracket-type structure, projecting from the facade of a building.

58. (Renumbered from Item 55, SG No. 65/2003) "Loggia" shall be a usable space, open on the external side and incorporated into the total bulk of the building.

59. (Renumbered from Item 56, SG No. 65/2003) "Terrace" shall be an open usable space situated above premises, supported by columns or resting on the ground.

60. (Renumbered from Item 57, SG No. 65/2003) "Benchmark" within the meaning given by Article 157 (4) herein shall be a survey monument used as a reference point in measurements, levelling and in plotting points and lines from a site map.

61. (Renumbered from Item 58, SG No. 65/2003) "Abrasion" shall be the water erosion of the margins of aquatic surfaces and rivers.

62. (New, SG No. 65/2003, supplemented, SG No. 87/2010) "Work of national importance" shall be a work designated as such by a law or an act of the Council of Ministers.

63. (New, SG No. 65/2003, amended, SG No. 99/2012, effective 14.12.2012) "Special-purpose installations related to national defence and security" shall be lots related to classified information constituting a state secret or related to national security and defence.

64. (New, SG No. 76/2006, amended, SG No. 101/2015) "Technical passport of a construction work" shall be a document which includes the technical characteristics of the construction work elements related to the fulfilment of the basic requirements under Article 169 (1) and (3) herein, instructions on operation, service, study, maintenance and repair and records all building and erection works performed after the commissioning of the construction work.

65. (New, SG No. 76/2006, amended, SG No. 101/2015) "Economically feasible service life" shall be the period during which the construction work must be maintained at the level required to fulfil the basic requirements under Article 169 (1) herein, taking into account all design, construction and operation costs, the risks and effects of accidents during operation and the insurances covering such risks, the costs of inspection, of current maintenance, service and repair, as well as taking into account the location and the impact of the environment on the construction work.

66. (New, SG No. 76/2006, amended, SG No. 101/2015) "General renovation" of a construction work shall be a complex of building and erection works related to conformity with the basic requirements under Article 169 (1) and (3) herein, which are performed during operation and which affect the structural elements of the construction work, including the surrounding structures and elements of buildings, physical-infrastructure facilities and elements: heating, ventilation, air-conditioning, electricity, water-supply, sewer and other systems.

67. (New, SG No. 61/2007) "Social housing" shall be housing assigned for persons of ascertained housing needs, whereof the construction is financed or is implemented with the help of the State or the municipality.

68. (New, SG No. 61/2007) "Outdoor facilities" shall be:

(a) for sporting activities: fields (grounds) and equipment used for mass physical exercises and sport in the open air: association football grounds, volleyball courts, basketball courts, handball courts, baseball parks, rugby grounds, mini golf courses and other team sports grounds, athletic tracks, tennis and badminton courts, velodromes, cycleways, horseback-riding areas, horseback-riding paths, tennis and badminton courts, kart circuits, gymnastics grounds, outdoor swimming pools, outdoor ice skating rinks, skateboard and roller-skating rinks and other such, also including the requisite

auxiliary structures and facilities associated with the functioning thereof: sanitary units, spectator stands, movable seasonal covers etc.;

(b) for cultural activities: fields (grounds) and equipment for concert stages, outdoor amphitheatres, exhibition space, circus performances and other such, also including the requisite auxiliary structures and facilities associated with the functioning thereof: sanitary units, changing rooms, spectator stands, movable seasonal covers etc.

69. (New, SG No. 61/2007) "Memorial places and sites" shall be the places and sites associated with historic events and/or personalities, works of monumental art and/or landscape monuments.

70. (New, SG No. 61/2007) "Playground" shall be a publicly accessible outdoor or indoor area assigned for individual or team games, appropriately planned, floored and equipped for play depending on the designated age group of the users.

71. (New, SG No. 61/2007) "Amusement facilities" shall be publicly accessible outdoor or indoor areas for amusement facilities with appropriately planned and sited amusement equipment, the predominant part whereof are powered by an external energy source: electricity, fuels, photovoltaic cells etc.

72. (New, SG No. 54/2010) "Mine works" is a system of pits in the ground surface within the concession surface area through the open pit extraction method from a deposit of subsurface resources - energy resources.

73. (New, SG No. 87/2010) "Municipal works of primary importance" shall be: municipal roads, metropolitans, tram routes, streets from the primary street network, landfills or other waste treatment facilities, cemetery parks, as well as other works - public municipal property, identified in the programme referred to in Article 8 (9) of the Municipal Property Act as works of primary importance.

74. (New, SG No. 82/2012, effective 26.11.2012) "Work of functional-regional importance" shall be a work designated as such by resolution of the competent administrative-regional development council under the Regional Development Act.

75. (New, SG No. 82/2012, effective 26.11.2012) "Social infrastructure" shall be buildings and facilities constituting public property which form a system for the provision of services to the community in the central-government and local-government administration, education, health care, culture, social activities and sports.

76. (New, SG No. 82/2012, effective 26.11.2012) "Combating landslide, erosion and abrasion processes" shall be a complex of activities for the registration and monitoring of spatial-development areas at risk of, and affected by, landslides, marine abrasion, river erosion and adverse technogenic processes and implementation of geohazards-control measures and activities.

77. (New, SG No. 82/2012, effective 26.11.2012) "Landslide-hazard areas" shall be natural or artificial slopes and swathes which move or may be brought into an unstable condition under the influence of a complex of natural and technogenic factors and which are registered in the public register of landslide-hazard areas referred to in Article 95 (2) herein.

78. (New, SG No. 82/2012, effective 26.11.2012) "Geohazards-control measures and activities" shall be measures and activities related to the preparation of consolidation and stream-bank and shore-line stabilization schemes, subsurface and groundwater investigations, engineering geology zonings, development-project designs and implementation of stream-bank and shore-line stabilization, shore-protection and geohazards-control construction works for the consolidation and drainage of spatial-development areas affected by landslide, erosion and abrasion processes.

79. (New, SG No. 82/2012, effective 26.11.2012) "State-owned geohazards-protection companies" shall be Geozashtita EOOD - Varna, Geozashtita EOOD - Pleven, and Geozashtita EOOD - Pernik.

80. (New, SG No. 82/2012, effective 26.11.2012) "Movable amenity" shall be an amenity assigned for amusement, retail trade or other service activities which, after the detachment thereof from the surface of the ground and disconnection from the physical-infrastructure networks, may be moved in space without losing the identification thereof and the possibility of being used in another place with the same or similar assigned use to the one for which it was used at the place from which it was detached, and whose placing and/or removal does not change durably the substance or manner of use of the land, as

well as of the work whereon the amenity is placed or wherefrom it is detached.

81. (New, SG No. 82/2012, effective 26.11.2012) "Advertising display" shall be a movable amenity of a self-contained or semi-self-contained structure, which is temporarily attached to a ground, building or another work, where necessary by means of a foundation, and serves for the provision of advertising.

82. (New, SG No. 82/2012, effective 26.11.2012) "Protected cultural heritage conservation areas" shall be the stand-alone and cluster immovable cultural assets with the boundaries and the protection zones thereof, in accordance with the conservation regimes specified by the act of declaration of the said assets or by the act of conferment of a status.

83. (New, SG No. 66/2013, effective 26.07.2013, repealed, SG No. 101/2015).

## **TRANSITIONAL PROVISIONS**

§ 6. (1) Any regional-development plan, master and detailed urban-development plan effective at the date of entry into force of this Act shall continue in effect. Any such plan shall be amended under the terms and according to the procedure established by this Act.

(2) Any yard regulation plan effective at the date of entry into force of this Act may be applied according to the hitherto effective procedure within six months after the date of entry into force of this Act. The municipal administration shall arrange the conduct of the requisite appraisals within one month after submission of a request.

(3) (Amended, SG No. 41/2001) Any drafts of regional development plans, master and detailed urban-development plans and the cadastral plans thereto, which have been submitted for approval on or before the 31st day of May 2001, shall be communicated, cleared, approved, appealed against and enter into effect according to the hitherto effective procedure. In such cases, the instruments of approval shall be issued on or before the 31st day of December 2001.

(4) As from the effective date of any yard regulation plans referred to in Paragraph (3), the said plans may be applied according to the hitherto effective procedure within six months after the effective date thereof. The municipal administration shall arrange the conduct of the requisite appraisals within one month after submission of a request.

(5) After expiry of the time limits established by Paragraphs (2) and (4), it shall no longer be possible to effect transactions for disposition of a regulated yard parcel in respect of which the compensations due for settlement of accounts on regulation have not been paid, where such compensations are provided for.

(6) (Repealed, SG No. 36/2004).

(7) (Amended, SG No. 65/2003, SG No. 82/2012, effective 26.11.2012) The existing cadastral maps, land distribution plans and other plans related to restitution of the right of ownership of agricultural land and forests and lots in forest areas shall be used for preparation of spatial-development plans until the preparation and entry into effect of a cadastral map for the relevant spatial-development area.

(8) (New, SG No. 82/2012, effective 26.11.2012) Prior to the preparation of the spatial-development plan, the plans referred to in Paragraph (7) which are not in digital form shall be converted into digital form in a format determined according to the procedure established by the Cadastre and Property Register Act.

§ 7. (Repealed, SG No. 61/2007).

§ 8. (Amended, SG No. 61/2007) (1) Upon expiry of the time limits established under § 6 (2) and (4) herein, the condemnation effect of any effective but unapplied yard regulation plans for equalization of parts in formed co-owned regulated yard parcels and for taking of adjoining lots or parts of lots shall be terminated.

(2) The owners of any lots referred to in Paragraph (1) may:

1. apply the effective unapplied yard regulation plans by a notarized contract for transfer of ownership;

2. request modification of the yard regulation plans under the terms and according to the procedure established by this Act;

3. request that the inner record lines of the lots thereof be brought into conformity with the existing lot boundaries.

(3) The contracts with the State or with the municipality under Item 1 of Paragraph (2) shall be concluded in the form, under the terms and according to the procedure established by Article 15 (4) and (5) and Article 17 (4) and (5) herein.

(4) The modification of the yard regulation plans under Item 3 of Paragraph (2) shall be approved by an order of the [competent] municipality mayor. The municipality mayor shall issue an order refusing the requested modification of the plan where the time limits referred to in § 6 (2) or (4) herein have not expired, the hypotheticals of Paragraph (6) or (7) exist or if the modification envisages formation of regulated lots without a frontage under Article 14 (4) herein. The orders referred to in sentence one and two shall be announced solely to the owners of the immediately affected immovables, and any appeals against the said orders shall not stay the execution thereof.

(5) Construction in any regulated lots referred to in Paragraph (1) shall not be permitted until implementation of one of the possibilities covered under Paragraph (2). Construction in any regulated lots referred to in Paragraph (1) shall not be permitted, either, where, as a result of a modification of the yard regulation plan under Item 3 of Paragraph (2), the building-development plan for the relevant regulated lots has conflicted with the effective spatial-development rules and standard specifications.

(6) Any instituted proceedings for application of yard regulation plans shall be completed according to the hitherto effective procedure. The proceeding shall be deemed to have been instituted as from the date of submission of a request for appraisal to the municipal administration within the time limit established by § 6 (2) and (4) herein.

(7) Paragraphs (1) and (2) shall not apply in respect of any effective regulation plans for works constituting public property.

§ 9. (1) The repealed provisions of the Regional and Urban Planning Act and the repealed Article 102 of the Ownership Act shall apply to any condemnation proceedings instituted under the effect of the repealed (in the State Gazette No. 124 of 1998) provisions of Section I of Chapter Five of the Regional and Urban Planning Act, in respect of which a condemnation order has been issued and the corporeal immovable was taken on or before the 30th day of October 1998.

(2) In the cases where the corporeal immovable was not taken on or before the 30th day of October 1998, the condemnation order and the compensation order shall be revoked and the proceeding shall be terminated by an order of the municipality mayor.

(3) Annually, funds shall be allocated in the national budget and the municipal budgets to ensure indemnification of any owners referred to in Paragraph (1).

§ 10. The right to indemnification with a corporeal immovable or with another right in rem for a condemned and taken corporeal immovable shall be inextinguishable through limitation.

§ 11. The five-year period of limitation established by Article 67 of the Ownership Act shall not run and shall not be applied in the cases where the building right has accrued in compensation for a condemned corporeal immovable.

§ 12. (1) Any proceedings for approval of development-project designs and issuance of building permits instituted prior to the entry into force of this Act shall be completed according to the hitherto effective procedure.

(2) A proceeding for approval of a development-project design shall be deemed to have been instituted as from the day of submission of a development-project design for approval by the competent authority. Any such proceeding shall furthermore be deemed to have been instituted if a conceptual development-project design, cleared with the competent authority, is available.

§ 13. (1) (Amended, SG No. 20/2003) The natural persons who, prior to the entry into force of this Act, possessed licensed technical competence in conformity with the specialist qualifications as attained thereby and the educational qualification degree as conferred thereon, documented by a certificate of educational attainment, shall likewise possess full

licensed designer competence within the meaning given by Article 230 (1) herein.

(2) Any contracts for construction supervision in designing and construction, as well as for technical control in designing and construction, which have been concluded prior to the entry into force of this Act, shall continue in effect unless the parties thereto alter the said contracts or terminate them by mutual consent.

(3) (Repealed, SG No. 20/2003).

(4) Until the entry into force of the law referred to in Article 230 (1) herein, the natural persons exercising technical control over the structural part of development-project designs shall be entered into a register with the National Construction Control Directorate under terms and according to a procedure established by the Minister of Regional Development and Public Works.

§ 14. (Repealed, SG No. 65/2003).

§ 15. The time limits for all proceedings, which have begun to run prior to the entry into force of this Act, shall expire according to the previously effective provisions.

§ 16. (1) (Supplemented, SG No. 65/2003) Any construction works constructed prior to the 7th day of April 1987, in respect of which a construction file is lacking but which were permissible under the effective detailed urban-development plans and under the rules and standard specifications effective during the time of performance thereof or according to this Act, shall be tolerable construction works and shall not be subject to removal and to ban on use. Any such works may be subject to a transfer transaction upon presentation of a certificate issued by the authorities which are empowered to approve the relevant development-project designs, to the effect that the said construction works are tolerable.

(2) Any illegal construction works, commenced during the period from the 8th day of April 1987 until the 30th day of June 1998 but not legalized prior to the entry into force of this Act, shall not be removed if the said works were tolerable under the effective detailed urban-development plans and under the rules and standard specifications effective during the time of performance thereof or according to this Act, and if declared by the owners thereof to the approving authorities on or before the 31st day of December 1998.

(3) (Effective 2.01.2001) Any illegal construction works, commenced after the 30th day of June 1998 but not legalized prior to the promulgation of this Act, shall not be removed if the said works were tolerable under the effective detailed urban development plans and under the rules and standard specifications effective during the said period and according to this Act, and if declared by the owners thereof to the approving authorities within six months after the promulgation of this Act.

(4) Upon condemnation of any construction works referred to in Paragraph (1) and of any legalized construction works referred to in Paragraphs (2) and (3), the said works shall be appraised and a compensation shall be due therefor to the owners according to the standard procedure.

§ 17. (Effective 2.01.2001) (1) (Supplemented, SG No. 65/2003, amended and supplemented, SG No. 61/2007) By decision of the Regional Governor or by resolution of the Municipal Council, any construction works enjoying a provisional planning status, constructed according to the procedure established by Paragraph (4) of Article 120 of the Regulations for Application of the Regional and Urban Planning Act as repealed (in the State Gazette No. 6 of 1998) on land constituting state or municipal property in cases other than such referred to in Articles 195 and 196 herein, may be preserved until implementation of the construction works projected by an effective detailed plan. Upon emergence of a development-project initiative for implementation of the projections of the detailed plan, the provisional construction works shall be removed without payment thereof on the basis of an order of the municipality mayor issued according to the procedure established by Articles 195 and 196 herein.

(2) (Amended, SG No. 41/2001) By decision of the Regional Governor or by resolution of the Municipal Council, made or passed within six months after the entry into force of this Act, it shall be permissible to institute a procedure for modification of an effective detailed plan for the purpose of conferring a durable planning status on any provisional construction works referred to in Paragraph (1) within the existing size and type. Upon establishment of a durable planning status, a building right shall be created in favour of the owners of the existing construction works under the terms and according to the procedure established by the State Property Act and the Municipal Property Act.



(3) (Amended, SG No. 65/2003) In the cases under Paragraph (2), where a durable building-development status is established with planning parameters, dimensions and functions which differ materially from the existing provisional construction work, the work affected shall be removed according to the procedure established by Paragraph (1), and the contracting entity of the new construction work shall be designated according to the standard procedure.

## **FINAL PROVISIONS**

§ 18. (1) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall approve building and technical rules and standard specifications, shall issue ordinances and instructions, and shall approve standard forms of documents, acting within the powers vested therein on the application of this Act.

(2) (Repealed, SG No. 65/2003).

(3) (Repealed, SG No. 65/2003).

(4) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works and the Minister of Interior shall approve building and technical rules and standard specifications for traffic safety.

(5) (Repealed, SG No. 65/2003).

(6) (Repealed, SG No. 82/2012, effective 26.11.2012).

(7) (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works jointly with the heads of the central and local administrations concerned, shall approve the technical rules and standard specifications for the designing, construction and use of physical-infrastructure facilities and networks.

§ 19. (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The tasks and functions of the National Construction Control Directorate shall be regulated by regulations adopted by the Council of Ministers on motion by the Minister of Regional Development and Public Works.

§ 20. (1) This Act shall supersede the Regional and Urban Planning Act (promulgated in the State Gazette No. 29 of 1973; corrected in No. 32 of 1973; amended and supplemented in No. 87 of 1974, Nos. 3 and 102 of 1977, No. 36 of 1979, No. 3 of 1980, No. 45 of 1984, No. 19 of 1985, No. 36 of 1986, No. 14 of 1988, No. 31 of 1990; corrected in No. 32 of 1990; amended in No. 15 of 1991; amended and supplemented in No. 63 of 1995, No. 104 of 1996, Nos. 41 and 79 of 1998; corrected in No. 89 of 1998; amended in Nos. 124 and 133 of 1998, Nos. 26 and 86 of 1999, Nos. 14 and 34 of 2000).

(2) The statutory instruments of secondary legislation, issued in pursuance of the Regional and Urban Planning Act, shall be applied until the issuance of the respective new statutory instruments of secondary legislation, save in so far as conflicting with this Act.

§ 20a. (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008, repealed, SG No. 82/2012, effective 26.11.2012).

§ 21. Where, in connection with spatial development, account is taken of pre-existing construction works, the reference shall be to legal construction works.

§ 22. (1) (Previous text of § 22, SG No. 49/2014) The detailed plan shall be deemed to be applied:

1. (amended, SG No. 82/2012, effective 26.11.2012) in respect of regulation:

(a) upon the entry into effect of the administrative act on approval of a detailed plan referred to in Article 16 herein;

(b) upon the conclusion of conclusive contracts for transfer of a right of ownership, where such contracts are provided for;

(c) upon payment of the compensations in the condemnation proceedings;

2. in respect of building development: upon the laying of the foundations of construction works in conformity with a construction file as issued.

(2) (New, SG No. 49/2014) When creating a digital version of a detailed plan from a graphic plan, if the zoning line would coincide with the cadastral boundary, the location of the zoning line in digital form shall coincide with the location of the cadastral boundary in digital form.

(3) (New, SG No. 49/2014) When marking on site a zoning line, which coincides with a cadastral boundary in the detailed plan, if any differences would emerge in regard to a materialized cadastral boundary within the range of available accuracy, determined under the procedure of the Cadastre and Real Property Register Act, the materialized cadastral boundary shall be marked zoning line.

§ 23. (1) In the case of conflict of provisions of other laws with the provisions of this Act on matters concerning spatial development, as regulated therein, the provisions of the Spatial Development Act shall prevail.

(2) The provisions of other laws, which refer to the Regional and Urban Planning Act as superseded and to the Regulations for the Application thereof, shall refer to the relevant provisions of this Act.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) The provisions of other laws, related to the designations of the regional-development plans, master and detailed urban development plans, shall apply accordingly to the relevant spatial-development plans under this Act.

§ 24. (Amended and supplemented, SG No. 65/2004, amended, SG No. 61/2007) (1) Upon conclusion of the contracts between the participants in the investment process, the conditions of contract of the International Federation of Consulting Engineers (FIDIC) may be applied in respect of any projects financed in full or in part by international financial institutions and by funds of the European Union.

(2) In the cases referred to in Paragraph (1), the functions, rights, obligations and responsibilities of the consultant under this Act shall be implemented by the engineer designated under the conditions of the financing institution and shall be regulated in detail in the special conditions of the contract concluded between the said engineer and the contracting entity.

(3) (Amended, SG No. 82/2012, effective 26.11.2012) To perform the activity comprehended in conformity assessment of development-project designs and to exercise construction supervision, the engineer under the contract must be registered under the terms and according to the procedure established by Article 167 or must assign the performance of these activities to a sub-contractor registered under this Act.

(4) Construction works under Paragraph (1) shall be commissioned under the terms and according to the procedure established by this Act.

§ 24a. (New, SG No. 6/2009, effective 1.05.2009) Any building permits issued prior to the 31st day of July 2008 in blocks with cluster development, the execution whereof has commenced until that date, shall retain the effect thereof for the term of validity for which the said permits have been issued. This provision does not lift the moratorium imposed by the National Assembly Resolution to Impose a Moratorium on the Building Development of Planning Zones Projected for Cluster Development (State Gazette No. 70 of 2008).

§ 25. The Environmental Protection Act (promulgated in the State Gazette No. 86 of 1991; corrected in No. 90 of 1991; amended in No. 100 of 1992, Nos. 31 and 63 of 1995, Nos. 13, 85 and 86 of 1997, No. 62 of 1998, Nos. 12 and 67 of 1999, Nos. 26, 27 and 28 of 2000) shall be amended and supplemented as follows:

1. In Article 20 (1), Item 2 shall be amended to read as follows:

"2. the plans and programmes for national, local and regional development;"

2. There shall be inserted the following new item:

"3. the spatial-development plans and the modifications thereof, providing for activities listed in the annex referred to in Item 1;"

3. Item 3 shall be renumbered to become Item 4.

§ 26. The Local Self-Government and Local Administration Act (promulgated in the State Gazette No. 77 of 1991; amended in Nos. 24, 49 and 65 of 1995, No. 90 of 1996, No. 122 of 1997, Nos. 33, 130 and 154 of 1998, Nos. 67 and 69 of 1999, Nos. 26 and 85 of 2000) shall be amended as follows:

1. In Article 21 (1), Item 11 shall be amended to read as follows:

"11. pass resolutions on the creation and approval of spatial-development plans and modifications thereof for the entire territory of the municipality or for any portion thereof under the terms and according to the procedure established by the Spatial Development Act;"

2. In Article 44 (1), Item 12 shall be amended to read as follows:

"12. commission or authorize the preparation of spatial-development plans and modifications thereof for the entire territory of the municipality or for any portion thereof, and approve specified spatial-development plans under the terms and according to the procedure established by the Spatial Development Act, as well as organize the implementation of the said plans."

§ 27. In the State Property Act (promulgated in the State Gazette No. 44 of 1996; amended in No. 104 of 1996, Nos. 55, 61 and 117 of 1997, Nos. 93 and 124 of 1998, No. 67 of 1999, Nos. 9, 12, 26 and 57 of 2000), in Article 33 (2) the words "within nucleated settlement limits" shall be deleted.

§ 28. In the Sofia Urban Development Master Plan Approval and Application Act (promulgated in Transactions of the Presidium of the National Assembly No. 89 of 1961; amended in the State Gazette No. 29 of 1973, No. 41 of 1998), Section II "Application of the Urban Development Master Plan and Regulations for Ownership of Corporeal Immovables", Articles 8, 9 and 10 are hereby repealed.

§ 29. The Transitional and Final Provisions of the Act to Amend and Supplement the Sofia Urban Development Master Plan Approval and Application Act (promulgated in the State Gazette No. 41 of 1998) shall be amended as follows:

1. In § 10, § 12 (1) and (4) and § 13, the words "urban development master plan" shall be replaced by "master plan."

2. § 17 shall be amended to read as follows:

"§ 17. The Urban Development Fund with Sofia Municipality is hereby transformed into a Public Facilities Fund."

§ 30. (Amended, SG No. 66/2013, effective 26.07.2013, SG No. 98/2014, effective 28.11.2014) The implementation of this Act shall be entrusted to the Minister of Regional Development and Public Works.

§ 31. This Act shall enter into force on the 31st day of March 2001, with the exception of § 16 (3) and § 17, which shall enter into force on the date of promulgation of the said Act in the State Gazette.

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## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

§ 182. Any construction works, works and facilities referred to in Articles 54, 55, Article 56 (1) and Article 57 (1) [of the Spatial Development Act] shall not constitute corporeal immovables under Article 110 of the Ownership Act, shall not be plotted on the cadastral map, shall not be entered into the cadastral registers, and no instruments recordable in the property register shall be issued to certify the right or ownership or other rights to any such construction works, works or facilities.

§ 183. (1) Any proceedings for approval of development-project designs and for issuance of building permits, which have been initiated prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure or, if the contracting entity so wishes, according to the procedure established by this Act.

(2) A proceeding shall be deemed to have been instituted as from the day of submission of a development-project design for approval by the competent authority. Any such proceeding shall furthermore be deemed to have been instituted if a conceptual development-project design, cleared with the competent authority, is available.

(3) Any proceedings exploring the possibility of legalization, which have been initiated prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure. Any such proceeding shall be deemed to have been instituted as from the day of submission of a written request for legalization to the competent authority.

§ 184. (1) Any construction works, which have been performed illegally prior to the entry into force of this Act, may be legalized at the request of the owner if permissible under the provisions which were effective at the time when the said works were performed or under the currently effective provisions.

(2) A proceeding for legalization of any construction works referred to in Paragraph (1) shall be initiated acting on an application by the owner to the authority which has issued or should have issued the building permit, submitted within six months after the entry into force of this Act.

(3) Within one month after receipt of any such application, the officials of the municipal administration shall draft an instrument of ascertainment of the illegal construction, on the basis of which the authority referred to in Paragraph (2) shall require the requisite documents covered under Article 144 [of the Spatial Development Act] and shall establish a time limit for submission of the said documents.

(4) Upon failure to submit the requisite documents within the established time limit, or should the authority referred to in Paragraph (2) determine that the conditions for legalization are not fulfilled, the said authority shall issue a reasoned refusal, shall communicate the said refusal to the interested parties, and shall notify the National Construction Control Directorate for application of the measures under Article 225 [of the Spatial Development Act].

(5) Construction works shall be legalized to the name of the owner of the land, to the name of the person in favour of whom a building right has been created, or to the name of the person enjoying a right to build in another's immovable by virtue of a special law. If the construction work has been constructed by a non-owner, the relations between the developer and the owner shall be settled according to the requirements of Articles 72 to 74 of the Ownership Act.

(6) In respect of any illegally performed construction works in co-owned corporeal immovables and in a condominium project, where permissible for legalization and where fit for self-contained use, the instrument of legalization may be issued to the name of all co-owners or condominium owners, as the case may be, provided the said co-owners or condominium owners have not objected to the illegal construction work while performance of the said work was in progress. In such case, disputes regarding the rights to the legalized construction work shall be actionable according to the standard procedure.

(7) Legalization shall consist in clearance of a survey development-project design for legalization, bringing the construction work into conformity with the design as cleared, payment of the fines and fees due, and issuance of an instrument of legalization. The survey design for legalization shall be prepared within a scope determined by the ordinance referred to in Article 139 (5) [of the Spatial Development Act].

(8) The time of performance of the illegal construction work shall be established by all means of proof admissible under the Code of Civil Procedure, including by declarations. The declarants shall incur criminal liability for making false statements in any such declarations.

(9) The requirements of Chapter Eight [of the Spatial Development Act] shall apply to the time limits for clearance of survey development-project designs for legalization and for issuance of instruments of legalization, for communication of instruments of legalization as issued or of refusals to issue any such instruments, for appellate review of any such instruments as to legal conformity, and for notification of the competent Regional Offices.

(10) Any instruments of legalization together with the survey development-project designs for legalization, as well as any refusals referred to in Paragraph (4), shall be appealable according to the procedure established by Article 216 [of the Spatial Development Act].

(11) In respect of any parts of the construction work in progress, a development-project design shall be cleared and a building permit shall be issued according to the standard procedure.

(12) Any construction works referred to in Paragraph (1), for which an application for legalization has not been submitted within the time limit established by Paragraph (2) or in respect of which the legalization proceeding has been concluded by an effective refusal to issue an instrument of legalization, shall be removed according to the procedure established by Article 225 [of the Spatial Development Act].

§ 185. Any persons empowered by the Minister of Regional Development and Public Works to exercise independent construction supervision in designing, independent construction supervision in designing and construction, and independent construction supervision in construction, whereof the period of empowerment has not expired, may exercise construction supervision over Category One, Two, Three and Four construction works, as well as perform conformity assessment of development-project designs for Category One, Two and Three Category construction works. After expiry of the said period, to be qualified to perform the activities referred to in Item 1 of Article 166 (1) [of the Spatial Development Act], any such persons must hold a licence issued by the Minister of Regional Development and Public Works under terms and according to a procedure established in Article 167 (1) and (2) [of the Spatial Development Act].

§ 186. Any persons exercising construction supervision and licensed to do so by the Chief of the National Construction Control Directorate may continue to exercise construction supervision over Category One, Two, Three and Four construction works until expiry of the term of validity of the licence. Upon expiry of the said term, to be qualified to perform the activities referred to in Item 1 of Article 166 (1) [of the Spatial Development Act], any such persons must hold a licence issued by the Minister of Regional Development and Public Works under terms and according to a procedure established in Article 167 (1) and (2) [of the Spatial Development Act].

§ 187. (1) Within six months after the entry into force of this Act, the Municipal Councils can confirm the orders of the Chief Architect of the municipality (or borough) issued in pursuance of Item 6 of Article 6 of the Regional and Urban Planning Act (promulgated in the State Gazette No. 29 of 1973; corrected in No. 32 of 1973; amended and supplemented in No. 87 of 1974, Nos. 3 and 102 of 1977, No. 36 of 1979, No. 3 of 1980, No. 45 of 1984, No. 19 of 1985, No. 36 of 1986, No. 14 of 1988, No. 31 of 1990; corrected in No. 32 of 1990; amended in No. 15 of 1991; amended and supplemented in No. 63 of 1995, No. 104 of 1996, Nos. 41 and 79 of 1998; corrected in No. 89 of 1998; amended in Nos. 124 and 133 of 1998, Nos. 26 and 86 of 1999, Nos. 14 and 34 of 2000; superseded in No. 1 of 2001) as superseded, as well as the orders of the borough mayors issued in pursuance of Items 6 and 7 of Article 6 of the said Act during the period commencing on the 11th day of September 1991 and ending on the 31st day of December 2001, with the exception of any such orders which have been revoked as legally non-conforming.

(2) Any Municipal Council resolutions under Paragraph (1) shall be promulgated in the State Gazette.

§ 188. In the Act, the words "Litterae (c) and (h) of Article 237" and "Littera (h) of Article 237" shall be replaced passim by "Litterae (c) and (i) of Article 237" and "Littera (i) of Article 237".

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Cadastre and Property Register Act

(SG No. 36/2004)

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§ 62. Within three months after the promulgation of this Act in the State Gazette, recordation according to the personal system shall be effected by the recording office with the Recordation Agency (sic, must be Geodesy, Cartography and Cadastre Agency).

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#### TRANSITIONAL PROVISION

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 65/2004)

§ 24. Any designs for construction of works of national importance, financed in whole or in part through financing contracts and agreements specified in § 24 (1) of the Final Provisions [of the Spatial Development Act], whereof the designing or construction has commenced prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure or, if the contracting entity so wishes, according to the procedure established by this Act.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Geodesy and Cartography Act

(SG No. 29/2006)

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§ 11. In the Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005), the words "the Cadastre Agency" shall be replaced passim by "the Geodesy, Cartography and Cadastre Agency".

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#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 76/2006, effective 1.01.2007)

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§ 8. Technical passports of existing commissioned construction works constituting state and municipal property, except in the cases referred to in Article 176a (1) [of the Spatial Development Act], shall be prepared not later than the 31st day of December 2011. The time limits for preparation of technical passports of the separate construction work categories shall be established by the ordinance referred to in Article 176a (6) [of the Spatial Development Act].

§ 9. The ordinances under this Act shall be issued or adopted not later than the 31st day of December 2006.

.....

(\*)ACT to Amend the Commercial Register Act

(SG No. 80/2006, effective 3.10.2006)

§ 1. In § 56 of the Transitional and Final Provisions [of the Commercial Register Act], the words "the 1st day of October 2007" shall be replaced by "the 1st day of July 2007".

.....

## TRANSITIONAL AND FINAL PROVISIONS

to the Chamber of Developers Act

(SG No. 108/2006)

.....

§ 4. The provisions of Items 1 and 4 of § 3 herein shall enter into force one year after the entry into force of this Act.

(\*)ACT to Amend the Commercial Register Act

(SG No. 53/2007, effective 30.06.2007)

§ 1. In § 56 of the Transitional and Final Provisions [of the Commercial Register Act], the words "the 1st day of July 2007" shall be replaced by "the 1st day of January 2008".

.....

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 61/2007, effective 27.07.2007)

§ 69. The Municipal Councils shall adopt the ordinances referred to in Article 62 (10) and Article 196 (5) [of the Spatial Development Act] within three months after the entry of this Act into force.

§ 70. The time limits referred to in Article 208 [of the Spatial Development Act] for initiation of condemnation procedures in respect of corporeal immovables, designated for construction of works constituting public state or municipal property under the detailed plans effective at the date of entry into force of this Act, shall begin to run as from the 31st day of March 2001.

§ 71. Within one month after the entry into force of this Act, the Council of Ministers shall adopt the amendments to the statutory instruments of secondary legislation related to the status of the chief architect, arising from this Act, which shall apply as from the day of entry into force of the said Act.

§ 72. Any pre-existing works referred to in § 24 (1) of the Final Provisions [of the Spatial Development Act], whereof the construction has commenced prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure and, if the contracting entity so wishes, according to the procedure established by this Act.

(2) Not later than the 31st day of December 2008, the Minister of Regional Development and Public Works shall arrange the official translation into the Bulgarian language of the documents published by the International Federation of Consulting Engineers (FIDIC): Conditions of Contract for Works of Civil Engineering Construction (CONS), Conditions of Contract for Engineering, Procurement and Construction/Turnkey Projects (EPCT), Short Form of Contract, Client-Consultant Agreement (White Book) Guide, and FIDIC Contracts Guide.

(3) The documents covered under Paragraph (2) shall be posted on the Internet site of the Ministry of Regional Development and Public Works.

§ 73. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

## TRANSITIONAL PROVISION

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 33/2008)

§ 19. Any cases instituted before the administrative courts prior to the entry into force of this Act shall be completed by the same courts according to the hitherto effective procedure.

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Municipal Property Act

(SG No. 54/2008)

§ 37. (1) Within three months after the entry into force of this Act, the Minister of Regional Development and Public Works and the Minister of Justice shall endorse the standard forms of the municipal property registration certificates and of the registers and shall issue the ordinances under this Act.

(2) The municipality mayors shall organize the drawing up of the registers under this Act within three months after the entry into force of the relevant ordinances referred to in Paragraph (1).

(3) The municipality mayors shall organize the drawing up of the register referred to in Article 41 (4) [of the Municipal Property Act] within three months after the entry into force of this Act.

(4) The municipal councils shall adopt the municipal property management strategies, the clauses amending and supplementing the ordinances on application of the law and shall determine the price zones within the urbanized areas within three months after the entry into force of this Act.

(5) Any condemnation proceedings, in respect of which the municipal councils have passed resolutions under Article 23 [of the Municipal Property Act] as hereby repealed, shall be completed according to the hitherto effective procedure.

.....

§ 42. (1) In respect of any unconcluded proceedings for the sale of any land constituting private municipal property to the owners of a building lawfully constructed thereon, instituted under § 27 of the Transitional and Final Procedures of the Act to Amend and Supplement the Ownership Act (State Gazette No. 33 of 1996), as hereby repealed, for which a request has been submitted to the municipality mayor until the day of entry into force of this Act, the price of the land shall be determined by increasing the assessed value by 20 per cent.

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 17/2009)

§ 12. Any lots or parts of lots constituting state property which, according to the effective detailed plans, are allocated or assigned for needs of education, science, health care or culture, shall be provided by the Council of Ministers for management to the competent ministry depending on the assigned use of the said lots in the detailed plan within three months after the entry into force of this Act.

§ 13. (1) Upon the entry into force of this Act, the application of the effective detailed plans shall be suspended in the parts thereof relating to any lots whereof the ownership has been restituted to any establishments of education, science, health care or culture and whose assigned use has been altered for other needs by the said plans.

(2) Should there be any state or municipal need, within one year after the entry into force of this Act the competent authorities referred to in Article 135 (1) [of the Spatial Development Act] shall issue an order referred to in Article 135 (5) [of the Spatial Development Act] modifying the detailed plans referred to in Paragraph (1). The state or municipal need shall be in place if, within the same time limit, the competent government minister or Municipal Council has approached the competent authority with a proposal for modification of the plans referred to in Paragraph (1).



(3) Within one year after the entry into effect of the detailed plans as modified under Paragraph (2), the State or the municipality shall condemn the lots or parts of lots concerned according to the procedure established by the State Property Act or, respectively, according to the procedure established by the Municipal Property Act.

(4) Paragraph (1) shall not apply if an order modifying the relevant detailed plan has not been issued within the time limit referred to in Paragraph (2).

(5) The owners of any lots or parts of lots which are subject to the plan referred to in Paragraph (2), which have not been condemned within the time limit referred to in Paragraph (3), shall enjoy the rights referred to in Article 135 (1) [of the Spatial Development Act].

.....

§ 16. Any proceedings for the restitution of ownership to any lots constituting public state property and any lots constituting public municipal property, which have not been concluded until the entry into force of this Act, shall be terminated.

## TRANSITIONAL AND FINAL PROVISIONS

to the Cultural Heritage Act

(SG No. 19/2009, effective 10.04.2009)

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§ 42. The Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, Nos. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108 of 2006, Nos. 41 and 61 of 2007, Nos. 33, 43, 54, 69, 98 and 102 of 2008 and No. 6 of 2009) shall be amended and supplemented as follows:

.....

8. In the Act, the words:

(a) "cultural monuments" shall be replaced passim by "cultural assets";

(b) "the Cultural Monuments and Museums Act" shall be replaced passim by "the Cultural Heritage Act";

(c) "the National Institute for Cultural Monuments" shall be replaced passim by "the National Institute for Protection of Immovable Cultural Assets".

## TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Cultural Heritage Act

(SG No. 92/2009, effective 20.11.2009)

§ 39. The Ministry of Culture and NIICH [National Institute for Immovable Cultural Heritage] shall be successors in title to the assets and liabilities of the National Institute for Protection of Immovable Cultural Assets.

§ 40. (1) The powers of the Director of the National Institute for Protection of Immovable Cultural Assets shall be terminated as from the day of entry into force of this Act.

(2) The legal relationships of the persons within the National Institute for Protection of Immovable Cultural Assets shall be settled according to Article 123 of the Labour Code and Article 87a of the Civil Servants Act in accordance with the structure and numerical strength specified by the Rules of Organization of the Ministry of Culture and of the NIICH.

§ 41. (1) The NIICH shall provide the Registry Agency with a list of the pre-existing, declared and announced immovable

cultural monuments within one year of the entry into force of this Act.

(2) The Registry Agency shall note the status of a cultural asset on the records of the sites within two months after the presentation of the list referred to in Paragraph (1).

.....

§ 47. In the Spatial Development Act (promulgated in the State Gazette No. 1 of 2001; amended in Nos. 41 and 111 of 2001, No. 43 of 2002, Nos. 20, 65 and 107 of 2003, Nos. 36 and 65 of 2004, Nos. 28, 76, 77, 88, 94, 95, 103 and 105 of 2005, Nos. 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108 of 2006, Nos. 41, 53 and 61 of 2007, Nos. 33, 43, 54, 69, 98 and 102 of 2008 and Nos. 6, 17, 19 and 80 of 2009), the words "the National Institute for Protection of Immovable Cultural Assets" shall be replaced passim by "the Ministry of Culture".

.....

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Waste Management Act

(SG No. 41/2010)

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§ 117. The provisions of § 50 (with the exception of Article 71e [of the Waste Management Act], § 105 and Item 2 of § 112 herein, which shall enter into force as from the 1st day of January 2011.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Amend and Supplement the Civil Servants Act

(SG No. 38/2012, effective 1.07.2012)

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health

insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;
2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Public-Private Partnership Act

(SG No. 45/2012, effective 1.01.2013)

.....

§ 16. This Act shall enter into force as from the 1st day of January 2013, with the exception of § 4, § 5, § 7, § 8, § 9, § 10 and § 13 herein, which shall enter into force as from the 1st day of September 2012.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 82/2012, effective 26.11.2012, supplemented, SG No. 66/2013,

effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014,

amended and supplemented, SG No. 101/2015,

amended, SG No. 1/2019, effective 1.01.2019)

§ 123. (1) Within six months after the entry into force of this Act, the mayors of any municipalities wherein there is no effective master plan shall lay before the competent Municipal Council a motion for the preparation of a master plan under Article 124 (1) [of the Spatial Development Act].

(2) The financing of the preparation of the plans shall be assisted, inter alia, with State budget resources which shall be provided for annually in the State Budget of the Republic of Bulgaria Act for the relevant year.

(3) (New, SG No. 66/2013, effective 26.07.2013, amended, SG No. 98/2014, effective 28.11.2014) The Minister of Regional Development and Public Works shall allocate the State budget resources referred to in Paragraph (2) and shall implement methodological guidance, coordination and control upon the commissioning, preparation, coordination and approval of the plans referred to in Paragraph (1).

§ 124. (1) Any instituted proceedings for preparation of master and detailed plans, which have not been concluded prior to the entry into force of this Act by the issuance of an act on the approval of the said plans, shall be approved according to the hitherto effective procedure.

(2) The date of institution of a proceeding for preparation of master or of detailed plans and of modifications thereof shall be deemed to be the date of permitting the preparation of the relevant draft.

§ 125. (1) Any instituted proceedings for clearance and approval of development-project designs, which have not been concluded prior to the entry force of this Act, shall be approved according to the hitherto effective procedure.

(2) The date of institution of a proceeding for approval of a development-project design and issuance of a building permit shall be deemed to be the day of submission of the development-project design for clearance and approval by the competent authority. The existence of a conceptual development-project design cleared with the competent authority shall likewise be considered an instituted proceeding.

§ 126. Any proceedings for removal of Category Four to Six illegal construction works or of parts thereof, which have been instituted prior to the entry into force of this Act, shall be completed according to the hitherto effective procedure.

§ 127. (1) Any construction works, constructed prior to the 31st day of 2001, in respect of which a construction file is lacking but which were permissible under the provisions which were effective at the time when the said works were performed, or under the effective provisions according to this Act, shall be tolerable construction works and shall not be subject to removal or ban on use. Any such works may be subject to a transfer transaction upon presentation of a certificate issued by the authorities which are empowered to approve the relevant development-project designs, to the effect that the said construction works are tolerable.

(2) Any construction works referred to in § 184 of the Transitional and Final Provisions of the Act to Amend and Supplement the Spatial Development Act (State Gazette No. 65 of 2003), for which an application for legalization has not been submitted prior to the entry into force of this Act, may be legalized at the request of the owner if the said works were permissible under the provisions which were effective at the time when the said works were performed of under the effective provisions according to this Act.

(3) A proceeding for legalization of any construction works referred to in Paragraph (1) shall be initiated acting on an application by the owner to the authority which has issued or should have issued the building permit, submitted within one year after the entry into force of this Act.

(4) Within one month after receipt of any such application, the officials of the municipal administration shall draft an instrument of ascertainment of the illegal construction, on the basis of which the authority referred to in Paragraph (3) shall require the requisite documents covered under Article 144 [of the Spatial Development Act] and shall establish a time limit for submission of the said documents.

(5) (Amended, SG No. 101/2015) Upon failure to submit the requisite documents within the established time limit, or should the authority referred to in Paragraph (3) determine that the conditions for legalization are not fulfilled, the said authority shall issue a reasoned refusal, shall communicate the said refusal to the interested parties, and shall notify the authority competent to apply the measures under Articles 225 and 225a [of the Spatial Development Act].

(6) Construction works shall be legalized to the name of the owner of the land, to the name of the person in favour of whom a building right has been created, or to the name of the person enjoying a right to build in another's immovable by virtue of a special law. If the construction work has been constructed by a non-owner, the relations between the developer and the owner shall be settled according to the requirements of Articles 72 to 74 of the Ownership Act.

(7) In respect of any illegally performed construction works in co-owned corporeal immovables and in a condominium project, where permissible for legalization and where fit for self-contained use, the instrument of legalization may be issued

to the name of all co-owners or condominium owners, as the case may be, provided the said co-owners or condominium owners have not objected to the illegal construction work while performance of the said work was in progress. In such case, disputes regarding the rights to the legalized construction work shall be actionable according to the standard procedure.

(8) Legalization shall consist in clearance of a survey development-project design for legalization, bringing the construction work into conformity with the design as cleared, payment of the fines and fees due, and issuance of an instrument of legalization. The survey design for legalization shall be prepared within a scope determined by the ordinance referred to in Article 139 (5) [of the Spatial Development Act].

(9) The time of performance of the illegal construction work shall be established by all means of proof admissible under the Code of Civil Procedure, including by declarations. The declarants shall incur criminal liability for making false statements in any such declarations.

(10) The requirements of Chapter Eight [of the Spatial Development Act] shall apply to the time limits for clearance of survey development-project designs for legalization and for issuance of instruments of legalization, for communication of instruments of legalization as issued or of refusals to issue any such instruments, for appellate review of any such instruments as to legal conformity, and for notification of the competent Regional Offices.

(11) Any instruments of legalization together with the survey development-project designs for legalization, as well as any refusals referred to in Paragraph (5), shall be appealable according to the procedure established by Article 216 [of the Spatial Development Act].

(12) In respect of any parts of the construction work in progress, a development-project design shall be cleared and a building permit shall be issued according to the standard procedure.

(13) Upon condemnation of any construction works referred to in Paragraph (1) and of any legalized construction works referred to in Paragraph (2), the said works shall be appraised and a compensation shall be due therefor to the owners according to the standard procedure.

(14) The proceedings on the applications for legalization of any construction works under Paragraph (2) and under § 184 (2) of the Transitional and Final Provisions of the Act to Amend and Supplement the Spatial Development Act (State Gazette No. 65 of 2003) shall be concluded within two years after the entry into force of this Act.

(15) (Supplemented, SG No. 101/2015) Any construction works referred to in Paragraph (2), for which an application for legalization has not been submitted in due time or in respect of which the legalization proceeding has been concluded by an effective refusal to issue an instrument of legalization, shall be removed according to the procedure established by Articles 225 and 225a [of the Spatial Development Act].

§ 128. (1) Any persons, which have obtained a licence from the Minister of Regional Development and Public Works, may continue to perform the activity thereof under Article 166 (1) [of the Spatial Development Act] until expiry of the term of validity of the licence.

(2) Within three months prior to the expiry of the term of validity of the licence, the persons referred to in Paragraph (1) may submit a written application to the Chief of the National Construction Control Directorate for the issuance of a certificate with a new term of validity of five years. The Chief of the National Construction Control Directorate shall rule on the basis of a declaration by the applicant to the effect that any of the reasons and grounds which have served for the issuance of a certificate have not lapsed. The new circumstances covered under Article 167 [of the Spatial Development Act] shall be certified by the relevant documents.

§ 129. (1) The validity of a licence issued by the Minister of Regional Development and Public Works shall be terminated by the Chief of the National Construction Control Directorate prior to the expiry of the term for which the said licence has been issued at the request of the licensed person upon presentation of evidence that there are no unconsummated contracts for the activities under the licence, as well as upon dissolution of the legal person or the enterprise of the sole trader, or upon:

1. two enforceable penalty decrees whereby pecuniary penalties have been imposed on the legal person or on the sole

trader under this Act or the statutory instruments on the application thereof;

2. three enforceable penalty decrees for a period of one year against the natural persons who practise the activities on [behalf] and for the account of the licensed legal person or sole trader;

3. lapse of any of the reasons and grounds which have served for the issuance of the licence.

(2) The validity of a licence issued by the Minister of Regional Development and Public Works shall be suspended by the Chief of the National Construction Control Directorate for a period of one year upon an enforceable penalty decree whereby a pecuniary penalty has been imposed on a person which has performed a conformity assessment of a development-project design in violation of the requirements of Article 142 (5) [of the Spatial Development Act] and/or upon exercise of construction supervision has admitted the execution of an illegal construction work within the meaning given by Article 225 (2) [of the Spatial Development Act].

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§ 149. (Amended, SG No. 101/2015, SG No. 1/2019, effective 1.01.2019) This Act shall enter into force within 30 days after the promulgation thereof in the State Gazette with the exception of § 16, Item 2 of § 35 and § 39 herein, which shall enter into force as from the 1st day of January 2021.

#### TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Spatial Development Act

(SG No. 66/2013, effective 26.07.2013)

§ 52. (1) Any instituted proceedings for preparation and approval of master and detailed plans or of modifications thereof lying within the competence of the Minister of Regional Development and Public Works, which have not been concluded prior to the entry into force of this Act by the issuance of an act on the approval of the said plans or modifications, shall be completed according to the hitherto effective procedure by the Minister of Regional Development.

(2) The date of institution of a proceeding for preparation of master or of detailed plans or of modifications thereof under Paragraph (1) shall be deemed to be the date of admitting (permitting) or commissioning the preparation of the relevant draft.

(3) Any proceedings for clearance and approval of development-project designs and issuance of building permits, as well as for admission and approval of modifications in the approved development-project designs according to the procedure established by Article 154 (5) [of the Spatial Development Act], instituted prior to the entry into force of this Act, which were within the powers of the Minister of Regional Development and Public Works, shall be completed according to the hitherto effective procedure by the Minister of Regional Development.

(4) The date of institution of a proceeding for clearance and approval of a development-project design and issuance of a building permit under Paragraph (3) shall be deemed to be the day of submission of the development-project design for clearance and approval to the Ministry of Regional Development and Public Works or the Ministry of Regional Development.

(5) In respect of the works of national importance designated by an act of the Council of Ministers prior to the entry into force of this Act, the detailed plans or the modifications thereof, as well as the clearance and approval of the development-project designs and the issuance of the building permits shall be permitted, cleared and approved according to the hitherto effective procedure by the Minister of Regional Development.

§ 53. The statutory instruments of secondary legislation, issued by the Minister of Regional Development and Public Works prior to the entry into force of this Act, shall continue in effect and shall apply until being amended and supplemented or until the issuance of the respective new instruments, save in so far as conflicting with this Act.

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## TRANSITIONAL AND FINAL PROVISIONS

to Act to Amend and Supplement the Spatial Development Act

(SG No. 98/2014, effective 28.11.2014)

§ 52. (1) Any instituted proceedings for preparation and approval of master plans or of modifications thereof lying within the competence of the Minister of Regional Development, which have not been concluded prior to the entry into force of this Act by the issuance of an act on the approval of the said plans or modifications, shall be completed according to the hitherto effective procedure by the Minister of Regional Development and Public Works.

(2) Any instituted proceedings for preparation and approval of detailed plans or of modifications thereof lying within the competence of the Minister of Regional Development, which have not been concluded prior to the entry into force of this Act by the issuance of an act on the approval of the said plans or modifications, shall be completed according to the hitherto effective procedure by the Minister of Regional Development and Public Works.

(3) Any instituted proceedings for preparation and approval of detailed plans or of modifications thereof lying within the competence of the Minister of Regional Development, which have not been concluded prior to the entry into force of this Act by the issuance of an act on the approval of the said plans or modifications, shall be completed according to the hitherto effective procedure by the Minister of Regional Development and Public Works.

(4) The date of institution of a proceeding for preparation of master plans or of detailed plans or of modifications thereof under Paragraph (1), (2) and (3) shall be deemed to be the date of admitting (permitting) or commissioning the preparation of the relevant plan.

(5) Any instituted proceedings for clearance and approval of development-project designs and issuance of building permits, which were within the powers of the Minister of Regional Development or of the Minister of Investment Planning, shall be completed according to the hitherto effective procedure by the Minister of Regional Development and Public Works.

(6) Any proceeding referred to in Paragraph (5) shall be deemed instituted if the development-project design was submitted for clearance and approval to the Ministry of Regional Development or to the Ministry of Investment Planning until the 7th day of November 2014.

(7) Any modifications according to the procedure established by Article 154 (5) [of the Spatial Development Act], which have been approved by the Minister of Investment Planning or by the Minister of Regional Development until the 7th day of November 2014, shall be admitted by the Minister of Regional Development and Public Works.

§ 53. The statutory instruments of secondary legislation, issued by the Minister of Regional Development or by the Minister of Investment Planning prior to the entry into force of this Act, shall continue in effect and shall apply until being amended and supplemented or until the issuance of the respective new instruments, save in so far as conflicting with this Act.

.....

ACT to Amend and Supplement the Spatial Development Act

(SG No. 101/2015)

.....

§ 52. In the rest of the texts of the Act, the words "the essential requirements" and "with the essential requirements" shall be replaced, respectively, by "the basic requirements" and "with the basic requirements", and the words "Article 169 (1) and

(2)" and "Article 169 (1) to (3)" shall be replaced by "Article 169 (1) and (3)".

## Transitional and Final Provisions

§ 53. (1) Any tolerable construction works referred to in § (1) of the Transitional and Final Provisions of the [Spatial Development] Act and in § 127 (1) of the Transitional and Final Provisions of the Act to Amend and Supplement the Spatial Development Act (promulgated in the State Gazette No. 82 of 2012; amended in No. 66 of 2013 and No. 98 of 2014), enjoying a permanent planning status under an effective detailed plan, may be extended and heightened and overhauls, redevelopments and remodellings may be performed therein, including with alteration of the assigned use, as well as all permissible building and erection works in accordance with the projections of the effective detailed plan.

(2) Any tolerable construction works referred to in Paragraph (1), which do not enjoy a permanent planning status under an effective detailed plan, may, in compliance with the requirements established by this Act, undergo interior remodelling, or the assigned use thereof may be altered, or any such construction works may be repaired without modification of the exterior contour thereof whether horizontally or vertically and without adding new bearing structures or substantially reinforcing the existing bearing structures.

(3) The activities under Paragraphs (1) and (2) may be permitted upon presentation of a survey design of the existing construction work, approval of the development-project design for the new construction work, and issuance of a building permit according to the standard procedure established by this Act.

(4) A redevelopment or overhaul of any tolerable construction works constituting physical-infrastructure line projects may be permitted without altering the route, scope and boundaries of the servitude zones plotted on a cadastral map, a selective plan, a cadastral plan or a map of restituted ownership, after a development-project design is approved and a building permit is issued. An alteration of the route, scope and boundaries of the servitude zone for such construction works may be permitted according to the standard procedure established by this Act in accordance with the projections of an effective detailed plan.

§ 54. Any orders issued by the Chief of the National Construction Control Directorate or an official empowered thereby until the 26th day of November 2012, as well as any orders issued in pursuance of § 126 of the Transitional and Final Provisions of the Act to Amend and Supplement the Spatial Development Act (promulgated in the State Gazette No. 82 of 2012; amended in No. 66 of 2013 and No. 98 of 2014), in respect of any Category Four, Five and Six construction works, shall be executed by the authorities of the National Construction Control Directorate.

§ 55. (1) Any proceedings for approval of development-project designs and issuance of building permits instituted prior to the entry into force of this Act shall be completed according to the hitherto effective procedure.

(2) A proceeding for approval of a development-project design and issuance of a building permit shall be deemed to have been instituted as from the submission of a development-project design for approval by the competent authority.

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## TRANSITIONAL AND FINAL PROVISIONS

to Act to Amend and Supplement the Spatial Development Act

(SG No. 13/2017)

.....

§ 57. (1) Any proceedings for preparation and approval of spatial-development plans and of modifications thereof instituted prior to the entry into force of this Act shall be completed according to the procedure established by this Act.



(2) Any proceeding for preparation and approval of spatial-development plans or of modifications thereof under Paragraph (1) shall be deemed to have been instituted as from the date of admitting (permitting) or commissioning the preparation of the relevant draft.

§ 58. (1) Any proceedings for approval of development-project designs and issuance of building permits instituted prior to the entry into force of this Act shall be completed according to the hitherto effective procedure.

(2) Any proceeding for approval of a development-project design and issuance of a building permit shall be deemed to have been instituted as from the submission of a development-project design for approval by the competent authority.

§ 59. Any instituted condemnation proceedings, in which an instrument of condemnation has not been issued prior to the entry into force of this Act, shall be completed according to the procedure established by this Act.

§ 60. Any unconcluded court proceedings under Article 215 (7) [of the Spatial Development Act] shall be concluded according to the procedure established by this Act.

§ 61. (1) The statutory instruments of secondary legislation referred to in Article 139 (5) and Article 177 (2) [of the Spatial Development Act] shall be brought into conformity with this Act within six months from the entry into force of the said Act.

(2) The hitherto effective procedure shall apply until the entry into force of the amendment and supplement to the ordinance referred to in Article 139 (5) [of the Spatial Development Act].

## TRANSITIONAL AND FINAL PROVISIONS

to Act to Amend and Supplement the Spatial Development Act

(SG No. 1/2019, effective 1.01.2019)

§ 23. The servitude strips of existing water-conduit and sewer pipelines (networks) and facilities which are public state ownership or public municipal ownership shall be recorded in the cadastre under Article 31a of the Cadastre and Property Register Act with dimensions and location of the limitation zone as set out in the ordinance under Article 13 (1).

§ 24. (1) The ordinances under Article 84 (3) herein and Article 116 (7), Article 125 (3) and Article 196 (1) of the Energy Act shall be aligned with the provisions of this Act within two months of its entry into force.

(2) Within the time limit under Paragraph (1), the Energy and Water Regulatory Commission shall adopt the tariff for the prices of services under § 3 (2) of the additional provisions.

§ 25. (1) Any instituted proceedings for preparation of drafts of spatial-development plans and of draft modifications thereof, which have not been completed prior to the entry into force of this Act by issuing an act of approval thereof, shall be completed according to the hitherto effective procedure.

(2) Instituted proceedings under Paragraph (1) are those for which a permit has been issued by the competent body for the preparation of the respective design prior to the entry into force of this Act.

§ 26. (1) Any instituted proceedings for clearance and approval of development-project designs and for issuance of building permits, which have not been concluded prior to the entry force of this Act, shall be approved according to the hitherto effective procedure.

(2) Instituted proceedings under Paragraph (1) are those for which a development-project design for clearance and approval by the competent body and/or for issuance of building permit has been submitted prior to the entry into force of this Act. Any such proceeding shall furthermore be deemed to have been instituted if a conceptual development-project design, cleared with the competent authority, is available.

§ 27. (1) Until the entry into force of this Act, any instituted proceeds for issuance of design permits shall be completed according to the hitherto effective procedure.

(2) Instituted proceedings under Paragraph (1) are those for which an application for issuance of a design permit has been submitted prior to the entry into force of this Act.

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