

Spatial Development Act

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Text in Bulgarian: Закон за устройство на територията

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) 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) 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) Acting on a motion by the Minister of Defence, the Minister of Interior and the Chairperson of the State Agency for National Security, 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 and the Chairperson of the State Agency for National Security shall organize the work of the said boards.

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 work under consideration.

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

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) 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. 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) The municipality mayor (or ward mayor) shall appoint a municipal (or ward) expert board on spatial development.

(5) (New, SG No. 65/2003) 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, a register of all resolutions on preparation of detailed plans and of any modifications thereof, a register of the building permits as issued, and a register 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) 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 and the Chairperson of the State Agency for National Security 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) The National Expert Board on Spatial Development and Regional Policy, the regional and the municipal (or ward) expert boards on spatial development shall perform consulting and expert examination activities.

(2) 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.

(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 are required by statute.

(5) (Repealed, SG No. 65/2003).

(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. accept development-project designs;

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

(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

INTENDED PURPOSE OF SPATIAL-DEVELOPMENT AREAS AND LOTS

Article 7. According to the basic intended purpose thereof as determined by the (relevant) spatial-development schemes and 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, and disturbed areas for rehabilitation.

Article 8. The specific intended purpose 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) or for protection of cultural and historical heritage sites (archaeological reserves, specific blocks or lots within nucleated settlements of cultural, 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.

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 statute.

(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) The assigned use of any spatial-development areas and lots which are cultural and historical heritage sites shall be altered after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

Chapter Three

SPATIAL DEVELOPMENT OF SPATIAL-DEVELOPMENT AREAS AND LOTS

Section I

General Requirements to Spatial Development

Article 10. (1) The requirements to spatial development shall be established by spatial-development schemes and plans in accordance with the effective statutory framework.

(2) Special planning-protection areas, including areas of distinctive character designated according to the procedure established by separate statutes, may acquire a special planning and control mode. The scope and the planning mode of such areas shall be determined by spatial-development schemes and plans.

(3) A preventive planning-protection mode may be conferred on spatial-development areas and parts thereof, designated according to the procedure established by this Act, 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 intended purpose of the land, where so required according to the procedure established by a special statute.

(3) (Amended, SG No. 65/2003) Building development of works whereof the functions are compatible with the intended purpose 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 intended purpose, 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) 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) The special rules and standard specifications referred to in Paragraph (2) shall be adopted by the National Expert Board on a proposal by the competent Municipal Council (or municipal councils) prior to the approval of the relevant spatial-development plans. The Minister of Regional Development and Public Works shall approve or shall refuse to approve the decision of the National Expert Board by an order which shall be promulgated in the State Gazette. The said order shall be unappealable and shall be binding on the municipal authorities concerned.

(4) (New, SG No. 65/2003, amended and supplemented, SG No. 33/2008) The special rules and standard specifications related to national defence and security shall be determined by an ordinance of the Minister of Regional Development and Public Works, the Minister of Defence, the Minister of Interior, and the Chairperson of the State Agency for National Security.

(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) In respect of any cultural and historical conservation areas, establishment of special rules and standard specifications referred to in Paragraph (2) shall be mandatory. The said rules and specifications shall be adopted by the National Expert Board, referred to in Paragraph (3), which shall mandatorily include representatives of the National Institute of Monuments of Culture.

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) The record lines covered under Paragraph (3) shall become lot boundaries in lots regulated by a detailed plan.

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) Any order 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 statute 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) A detailed plan in respect of previously unregulated spatial-development areas, as well as in respect of 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 social infrastructure projects constituting public property, of the greenspaces consolidated into a green structure, and of the physical-infrastructure public networks and facilities. For the purpose of implementation of the said projections, upon entry of any such plan into effect, the owners of lots (affected) shall transfer to the municipality a percentage share of the surface area of the corporeal 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 intended purpose thereof, and the building-development character and manner thereof shall be determined by the detailed plan proper.

(4) In the cases covered under Paragraph (1), the municipality shall allot to each owner of a lot 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 property 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 properties prior to the regulation thereof, which shall be evidenced by a decision of the commission under Article 210 herein.

(5) Title to the regulated lots newly formed by the plan shall pass to the owners of lots referred to in Paragraph (4), and title to the shares ceded thereto under Paragraph (1) shall pass to the municipality on the effective date of the (relevant detailed) plan. For the purpose of acquisition of title to 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. Within seven days after the effective date of such order, a copy thereof shall be transmitted to the Recording Office, and a copy of the approved 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.

(6) 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.

(7) 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 projects constituting public property, referred to in Item 2 of Article 110 (1) herein, may be created by resolution of the (competent) Municipal Council in lieu of a plan referred to in Paragraph (1).

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) 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) and 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 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 intended purpose, 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 specifications 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 16metres 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 intended purpose 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 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 property lines.

(5) (Renumbered from Paragraph (4), SG No. 61/2007) Attached low-rise development shall be permissible subject to the 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 intended purposes, whether free-standing or attached.

(2) The open spaces between buildings in cluster development shall be spatially developed predominantly as parks and gardens.

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

(4) (New, SG No. 106/2006) 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 mode of the residential complex of a scope extending at least to the spatial- development area of one block in cluster-development mode. The draft regulation plan and the draft building-development mode for redevelopment of the residential complex shall be subject to a public debate according to the procedure established by Article 121 (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 clustered 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) and 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.

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 and 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 storey above ground level (of such height as the said plan shall determine) and, separately, for the principal development above the first storey 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 inclusive 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 storey 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) 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 14 metres. In respect of buildings of a larger depth, the separations shall be increased by 30 per cent for the excess of depth over 14 metres.

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.

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 Monuments of Culture and Museums 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 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) Where so proposed by the (competent) Municipal Council and authorized by the Minister of Regional Development and Public Works, deviations larger than such established in Paragraphs (1), (2) and (3) shall be permissible in respect of blocks and streets of predominantly developed (50 per cent and more) regulated lots in the central parts of urban settlements.

(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 intended purpose 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-purpose buildings.

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

Article 38. (1) 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, transformer stations as an exception, as well as other physical-infrastructure projects and facilities may be constructed on the first storey (above ground level), on the semi-subterranean storey 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 storey, or on the first storey (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 intended purpose of any residential premise or of any self-contained dwelling unit within an existing residential building having a condominium project mode 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 storey (above ground level) or on the semi subterranean storey 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

property adjoining the said establishments.

(4) (Supplemented, SG No. 65/2003) Any existing residential premise or self-contained dwelling unit on the first storey (above ground level) of a residential building may be remodelled with an alteration of the intended purpose 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 property adjoining the relevant establishment.

(5) (Amended, SG No. 65/2003, supplemented, SG No. 61/2007) Any premises and establishments constructed for non-residential uses within a pre-existing residential building may be remodelled and have their assigned use altered according to the standard procedure, provided that this does not lead to noise pollution and other pollution above the limit values.

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

(7) (Renumbered from Paragraph (6) and amended, SG No. 65/2003) A reasoned opinion of a structural engineer possessing full licensed designer qualifications, 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) inclusive 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.

Article 39. (1) In a country-house building, parking garages may be constructed on the first storey (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 intended purpose 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 real rights in adjoining lots.

(3) (New, SG No. 65/2003) In the cases under Paragraph (2), 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.

(4) (New, SG No. 65/2003) 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 (3).

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 indicators 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) and 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) and 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) The required number of indoor and/or outdoor parking spaces for new buildings shall mandatorily be provided within the regulated-lot boundaries.

(2) (Amended and supplemented, SG No. 65/2003) 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 number of indoor and/or outdoor 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) Parking garages may be constructed as accessory development in country-house and residential zones of high-rise, medium high-rise and low-rise development.

Article 44. (1) (Amended, SG No. 65/2003) Accessory-development structures intended for agricultural purposes 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 and 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 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 intended purpose 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 properties affected and provided that the separation between the said fence and a dwelling unit on the first storey (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 authority.

(4) (New, SG No. 103/2005) In case of absence of consent of an owner of property affected the construction of a solid fence with a height of the solid portion exceeding 0.6 metres shall be permitted in abidance with the requirements of Paragraph (3), sentence two, the fence being arranged entirely within the lot of the contracting authority.

(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 portion 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) and amended, SG No. 103/2005, amended, SG No. 61/2007) Construction of fences in the cases under Paragraphs (3) and (4), as well as in deviation from the requirements of Paragraphs (2), (5) and (7), shall be permitted for cultural and historical heritage sites, and in the rest of the cases such construction shall be permitted conforming to the assigned use of the regulated lot and with a view to ensuring stylistic unity, by the Chief Architect of the municipality on the basis of an individual architectural design.

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) 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, or a ban on construction has been imposed, with the exception of landslide-hazard areas.

(3) (Amended and supplemented, SG No. 65/2003) A construction work referred to in Paragraph (1) shall be permitted subject to the condition that 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 storey;

(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 metre;

(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 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 property, 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 where under 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 intended purpose 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) Any existing construction works, which are not included in the building-development mode, shall be removed by the contracting authority not later than before completion of the permitted construction work. If the contracting authority fails to remove and such projects, the construction work shall not be commissioned, and the pre-existing construction work shall be removed for the account of the contracting authority on the basis of an order of the Chief of the National Construction Control Directorate or an official authorized thereby according to the procedure established by the ordinance referred to in Article

225 (4) herein.

Article 54. (1) (Amended, SG No. 65/2003) 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 authority fails to remove any such works, the construction work shall not be commissioned and the provisional works shall be removed for the account of the said contracting authority on the basis of an order of the Chief of the National Construction Control Directorate or an official authorized thereby according to the procedure established by the ordinance referred to in Article 225 (4) herein.

(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 projects 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) Until implementation of the detailed plan, any undeveloped regulated lots may be used for temporary outdoor parking areas, stall market-places, outdoor facilities for sporting activities and playgrounds 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) Movable amusement facilities and movable amenities for retail trade and other service activities, such as kiosks, booths, stalls, 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 covered under 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 property, 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).

(4) (New, SG No. 65/2003, supplemented, SG No. 61/2007) A permit for placing any amenities covered under Paragraph (1) in immovable cultural property shall be issued pursuant to a plat after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

(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) 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 Chairperson of the State Agency for Youth and Sports.

Article 57. (1) (Previous 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 covered under Paragraph (1).

(4) (New, SG No. 65/2003) 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 covered under Paragraph (1). Any such consent and lease agreement shall be executed according to the procedure established by the rules referred to in Article 49 (1) of the Ownership Act.

(5) (New, SG No. 65/2004, amended, SG No. 61/2007) A permit for placing any amenities covered under Paragraph (1) in immovable cultural property within the boundaries and the protection zones thereof shall be issued after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

Article 57a. (New, SG No. 103/2005) (1) The amenities pursuant to Article 56 (1) and

Article 57 (1) shall be lifted when they:

1. have been placed without permission or in contradiction to the issued permit;
2. have been placed in another's property without legal grounds or the legal grounds for the issuance of a permit for placement have become invalid;
3. do not conform to the rules and provisions for spatial development;
4. (amended, SG No. 76/2006) do not conform to the requirements of Article 169, Items (1), (2), (3), (4), (5) of Paragraph (1) and Item (1) of Paragraph (3);
5. constitute advertisement forbidden by a law;
6. the term of permit for placement has expired;
7. do not conform to other requirements established with the Ordinance under Article 56 (2).

(2) The circumstances under Paragraph (1) shall be established by a memorandum of ascertainment, compiled by the officials under Article 223 (7) within seven days of ascertainment of violation. The memorandum of ascertainment shall be handed to owners of amenities under Paragraph (1) who may make objections within three days following notification.

(3) The mayor of the relevant municipality shall issue an order for removal of amenity within seven days of notification by memorandum of ascertainment.

(4) When the owner of an amenity under Paragraph (1) placed in another's property is not known the memorandum of ascertainment shall be handed to the owner of said property. In this case the mayor of the municipality shall obligate the owner to remove it at his expense with the order pursuant to Paragraph (3).

(5) When the owner of an amenity under Paragraph (1) placed in municipal property is not known, the memorandum of ascertainment and the order for removal shall be posted on a prominent location on amenity in the presence of two witnesses, as well as on the locations appointed to that end in the building of the municipality, ward or mayoralty.

(6) In the order under Paragraph (3) the mayor of the municipality shall determine a deadline for removal of amenity and shall order the companies supplying water and power 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 the need arises the compelling 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 properties, 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 property lines without marking a building line therefor.

Article 59. (1) (Amended and supplemented, SG No. 65/2003) 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, if such plan has been elaborated, 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 intended purpose of the land where so required according to the procedure established by special statute.

(2) (Amended, SG No. 41/2001) Without alteration of the intended purpose 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 project, 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 intended purpose 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 Monuments of Culture and Museums 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 of 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 property;

6. (new, SG No. 61/2007) monumental and decorative fixtures, public- information signs and outdoor advertising displays referred to in Article 57 (1) herein;

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

(8) (New, SG No. 65/2004, amended, SG No. 61/2007) The requirements of the Monuments of Culture and Museums Act shall be complied with in respect of stand-alone or cluster cultural monuments and of the construction works within the boundaries and protection zones thereof.

(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) The terms and procedure for the planning and safety of playgrounds shall be established by an ordinance of the Minister of Regional Development and Public Works, 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 facilities or of special-purpose installations related to national defence and security.

(3) 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 121 (1) herein:

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

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 properties 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 lost 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) The draft detailed plans 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 building wiring and plumbing systems and the shared metering devices.

(2) The physical-infrastructure elements shall be projected by spatial-development schemes

and plans. Specific schemes, containing information on the type, size and technical parameters of the physical-infrastructure elements, shall be an integral part of the spatial-development 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 special statute.

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

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 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) 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 authority 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) In the event of any malfunction of the physical-infrastructure underground networks or facilities requiring emergency repair, the contracting authority or utility company concerned may commence the works forthwith, notifying the competent municipal administration of this.

Article 73. (1) (Previous 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 authority 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 authority.

(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 authority (or of the utility company concerned) pledging voluntary relocation for the account thereof upon future realization 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) to notify immediately the fire safety and protection of population authorities 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) 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 also give immediate notice to the hygiene and epidemiological authorities and to the fire and emergency safety authorities;

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 remodeled 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 authority 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) The transport physical-infrastructure elements shall be constructed on the basis of the projections of the specific spatial-development schemes, master plans and detailed plans, and contingent on the spatial structure.

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

(3) (Renumbered from Paragraph (2) and 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) 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 railroad infrastructure shall be established by an ordinance of the Minister of Regional Development and Public Works and the Minister of Transport.

Article 76. (1) (Amended, SG No. 65/2003) Highways and first 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 Article 77, SG No. 65/2003) The street network in nucleated and dispersed settlements shall be classified in conformity with the functional intended purpose 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. Railroad 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 mass transit lines and, accordingly, to the railroad 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) and 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 meters 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 population exceeding 30,000 residents.

(4) (Renumbered from Paragraph (2), SG No. 65/2003) The width of pedestrian walks 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) and 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).

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 authority 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 leveling.

Article 84. (1) (Previous Article 84, SG No. 65/2003) 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.

(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) 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.

Article 85. (Amended, SG No. 65/2006) The water resources within the territory of a municipality may be used for satisfaction of drinking and household needs of other municipalities as well, provided that the quantities of drinking and household water as shall be necessary for the needs of the municipality are available and the environment preservation goals, as established by the Water Act, are not compromised.

Article 86. (1) To ensure protection from pollution and other harmful impacts of water intended 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 project 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) In nucleated and dispersed settlements with low-rise development or parts thereof without sewerage, household waste water shall be discharged into self-contained water disposal and treatment facilities (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 grading 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 authority according to the procedure established by Article 210 herein.

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) Depending on the capacity and siting thereof, the subscriber substation in a building may serve other buildings as well according to the procedure established by the Energy and Energy Efficiency 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 intended 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 property 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)

Article 93. (1) (Previous Article 93 and supplemented, SG No. 65/2003, amended SG No. 41/2007) Underground electronic communications networks and facilities shall be constructed and placed 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) 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) If there is a detailed plan for a spatial-development area wherein no street work 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) The designs of buildings shall project electronic communications systems and facilities which shall be constructed simultaneously with the building and the other on-site wiring and plumbing systems.

Section VII

Monitoring and Geohazards Protection of Landslide-Hazard Areas

(Amended, SG No. 65/2003)

Article 95. (1) The activities of registration and monitoring of landslide-hazard areas within

the territory of the Republic of Bulgaria as action taken to prevent accidents and damage shall be implemented by the Ministry of Regional Development and Public Works.

(2) The Ministry of Regional Development and Public Works shall keep a public register of landslide-hazard areas.

(3) The monitoring of landslide-hazard areas shall be performed through observation, analysis and evaluation of the results of detailed groundwater and hydrological investigation to determine the essential geotechnical characteristics of landslides and through geodetic survey and observations of constructed survey monument grids for landslide movements in space and time.

(4) The circumstances and particulars recordable in the register referred to in Paragraph (2), as well as the terms, procedure and manner of performing the activities referred to in Paragraph (3), shall be established by an ordinance of the Minister of Regional Development and Public Works.

Article 96. (1) The measures 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.

(2) For the purpose of landslide containment, including consolidation of the River Danube stream-banks and the Black Sea shoreline, there shall be implemented the requisite geohazards control operations and geohazards protection projects on the basis of specific schemes, master plans and detailed plans, and approved development-project designs under the terms and according to the procedure established by this Act.

(3) The technical requirements to the designing of geotechnical construction works, buildings and facilities in landslide-hazard areas shall be established by an ordinance of the Minister of Regional Development and Public Works.

(4) The coordination between the individual government departments in connection with the geohazards protection of nucleated settlements, resort complexes, the River Danube stream banks and the Black Sea shoreline, as well as the engineering supervision of work to remove and eliminate geologic hazards, shall be implemented by the Ministry of Regional Development and Public Works.

(5) Performance of building works of any kind in landslide hazard areas shall require advance permission by the Minister of Regional Development and Public Works, issued within two months after receipt of a request.

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) 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 ground 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) The provision of ground, the construction of installations and facilities, and the treatment of industrial waste, including hazardous waste, shall be performed under the terms and according to the procedure established by the Mitigation of the Harmful Environmental Impact of Waste Act.

Section IX

Gas Supply

(New, SG No. 65/2003)

Article 98a. 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. (1) 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 and Energy Efficiency 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

SPATIAL-DEVELOPMENT SCHEMES

Article 99. (1) Spatial-development schemes shall provide for planning of spatial-development areas consistent with the socio economic development, with guaranteed environmental protection.

(2) Spatial-development schemes may be elaborated for the territory of the entire country, of one or several administrative regions, or of a group of adjoining municipalities.

(3) According to the contents thereof, there can be integrated spatial-development schemes, where solving general planning problems of the area and the interdependence of the said problems, and specific spatial-development schemes, where solving specific spatial-development problems of the area or the spacing of economic and other socially significant projects and infrastructures of national, functional-regional, administrative regional, and inter-municipality importance.

Article 100. Planning of the national territory shall be implemented on the basis of a National Integrated Spatial Development Scheme. The said Scheme shall specify the means to attain the objectives and tasks of spatial development on a national level, contingent on an overall sustainable socio economic development.

Article 101. (1) (New, SG No. 65/2003) Functional-region spatial-development schemes shall conform to the projections of the National Spatial-Development Scheme.

(2) (Previous Article 101, SG No. 65/2003) Functional region spatial-development schemes shall determine:

1. (amended, SG No. 65/2003) the requirements as to spatial development in accordance with the National Spatial-Development Scheme and the regional development strategies;

2. the general spatial structure of the functional region, the general intended purpose of the spatial-development areas referred to in Article 7 herein, and the general requirements as to the use, protection and planning of the said areas;

3. the sitting and future development of the physical infrastructure projects, networks and facilities of national and regional importance;

4. the development of the network of nucleated settlements in the functional region and the centers of national and functional regional importance;

5. the measures to protect and ameliorate the environment, to prevent or mitigate harmful environmental and public-health impacts.

(3) (New, SG No. 65/2003) Depending on the specific tasks of the functional-region spatial-development scheme, as set in the design terms of reference, specific functional-region spatial development schemes can be prepared under Items 3, 4 and 5 of Paragraph (2).

Article 102. (1) Spatial-development schemes shall have no direct development-project applicability.

(2) The projections of the approved spatial-development schemes regarding the spatial structure, the physical infrastructure of national and regional importance, environmental protection and protection of cultural and historical heritage sites, as well as regarding the use of water and forest resources, shall be mandatory in respect of succeeding spatial-development plans.

(3) The projections of the approved spatial-development schemes shall be grounds for the regional and municipal administration to apply for budget grants for spatial-development activities.

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 intended purpose and manner of planning of the separate structural parts of the areas comprehended into the plan.

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

(4) Each spatial-development plan shall conform to the projections of the superior spatial-development schemes and plans, if any, and shall represent a more complete, more detailed and specific elaboration in respect thereof.

(5) (New, SG No. 65/2003) A detailed plan of a nucleated settlement and of the land-use area thereof may be created even where there is no master plan of the said settlement. In the cases where the regulation and building-development mode plans comprehend the entire nucleated settlement, the said plans shall concurrently perform the role of a master plan of the said settlement.

(6) (New, SG No. 65/2003) 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.

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 intended purpose of the spatial

development area, the type and intended purpose 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 intended purpose 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 intended purpose;

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 sitting 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 projects of national importance;

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

5. the spatial-development areas susceptible to predictable natural hazards and the requisite precautions and a manner of planning 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 intended purpose.

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) the requirements as to planning of an environment accessible to the entire community, including persons with disabilities.

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) 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 within a scope sufficient for the issuance of a design permit under Article 140 herein.

(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 a integrated development 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. a nucleated settlement with the land-use area thereof, as well as a structural part of a nucleated settlement with the immediately adjoining part of the land-use area;

2. a nucleated or dispersed settlement or a part thereof comprehending part of a block, one or several blocks;

3. a land-use area or a part of a land-use area.

(2) A detailed plan may furthermore be elaborated for a single lot or for a group of lots.

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 public-property projects);

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) A plan for regulation and building-development mode shall be prepared and applied for redevelopment of residential complexes, of industrial, resort, vacation and other dispersed settlements.

Article 111. Specific detailed plans may be elaborated for agricultural, forest and protected areas, for disturbed areas for rehabilitation, and for areas of special and other intended purposes, with the said plans solving specific spatial-development problems and comprehending structural parts of the municipality territory.

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 intended purpose of each lot.

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

1. the lots intended 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 intended for a recreational, protective and land-reclamation purpose;
 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 projects involved in environmental protection;
 11. the blocks and lots of mixed, special, or other intended purpose.
- (3) (Repealed, SG No. 65/2003).
- (4) (Supplemented, SG No. 65/2003) 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 Item 5 of Article 107 herein.

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 authority for particularization of the effective detailed plan solely under the terms established by Article 36 of this Art 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 lot boundaries, 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 authority, a draft modification of a detailed plan may be prepared, communicated, approved and take effect simultaneously with the draft working spatial-development plan.

Article 114. (1) (Previous 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) by a design permit referred to in Article 140 herein, in the case of detached development and attached development on two adjoining regulated lots.

(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

SCHEMES AND PLANS

Section I

Information and Technical Basis of Spatial-Development

Schemes and Plans

Article 115. (1) Spatial-development schemes and plans shall be drafted using data derived from the topographic maps, the cadastre, the levelling plans, the selective maps and others, whether digital or graphic, as well as other data retrieved from the specialized information systems of central and local administrations and of corporations.

(2) The data regarding the location, boundaries, sizes, durable intended purpose and manner of durable use of lots and buildings, the data regarding the international borders, the boundaries of the political units and territorial units and the boundaries of spatial-development areas comprehending properties of identical durable intended purpose, as well as the data regarding ownership and limited real rights, shall be retrieved from the cadastre and the property register.

(3) The data regarding the overhead networks and facilities of the physical infrastructure, regarding the transport facilities (railroads, roads, bridges, fords, maritime and river ports and other such), regarding the hydrography, regarding the cover crop and the soil mantle and regarding the terrain shall be retrieved from the topographic and selective maps.

(4) 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 of corporations.

(5) (Amended, SG No. 65/2003) At the request of the municipality mayor, of other government departments or of the interested parties, selective maps, registers and information systems with additional cadastral 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) The information covered under Paragraphs (1) to (5) shall mandatorily be provided to the competent state or municipal administration, charging solely the actual expenditures incurred for duplication of documents. Upon request, any such information shall be provided within seven 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 remodeling 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 projects shall be obligated to cooperate with the relevant makers of the selective maps, providing the said makers, when requested to do so, with 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 ground-water extraction facilities.

(3) 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 schemes and plans.

Article 117. The Minister of Regional Development and Public Works, acting in consultation with the Minister of Environment and Water and with the Minister of Health, shall issue an ordinance establishing the scope and contents of spatial-development schemes and plans.

Section II

Creation, Approval and Modification of Spatial-Development Schemes

Article 118. (1) Preparation of spatial-development schemes shall be commissioned by the authorities competent to approve the spatial-development schemes, and preparation of the National Spatial-Development Scheme shall be commissioned by the Minister of Regional Development and Public Works with the assistance and participation of the central and local administrations.

(2) Spatial-development schemes shall be prepared on national budget resources and on municipal resources.

(3) (Amended, SG No. 65/2003, No. 37/2006) The investigation and designing of spatial-development schemes shall be commissioned according to a procedure established by the Public Procurement Act.

Article 119. (1) Draft spatial-development schemes shall be prepared on the basis of terms of reference compiled by the contracting authority, specifying a rationale for the need to create the scheme, the territorial scope, the time limits and stages of preparation, as well as the basic requirements to the said scheme. Requisite information regarding the existing situation and development prospects of the relevant area shall be attached to the said terms of reference.

(2) (Supplemented, SG No. 65/2003) The central and local administrations possessing any information as shall be necessary for preparation of the terms of reference shall be obligated to provide the said information in the required volume gratuitously to the contracting authority upon request within one month.

(3) (New, SG No. 65/2003, amended, SG No. 61/2007) The terms of reference referred to in Paragraph (1) regarding protected cultural and historical heritage areas shall be cleared with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

(4) (New, SG No. 65/2003) Should any elements of the National Environmental Network be

affected, the terms of reference referred to in Paragraph (1) shall be approved after clearance with the Ministry of Environment and Water, which shall present a written opinion within one month after the date of receipt.

Article 120. Spatial-development schemes shall be prepared by technically qualified licensed persons according to Articles 229 and 230 herein.

Article 121. (1) (Amended, SG No. 65/2004) Draft spatial development schemes shall be subject to public debate prior to the submission thereof to the expert boards on spatial development. The contracting authority of a spatial-development scheme shall announce the venue, date and time of any such debate in one national daily newspaper and in at least one local medium. The proceedings at any such debate shall be recorded in writing, and the said record shall be filed with the documentation for the Expert Board. In the cities subdivided into wards, public debates shall mandatorily be organized in all wards.

(2) (Amended and supplemented, SG No. 65/2003, amended, SG No. 61/2007) Clearance of draft spatial-development schemes with the central and local administrations concerned and, where necessary, with the specialized control authorities and the utility companies, shall be effected by the contracting authority and shall take the form of written opinions of the said administrations and authorities presented within one month after receipt of a request for clearance and thorough participation of designated representatives thereof in the meeting of the expert board on spatial development. Refusals of clearance must be reasoned. If no written opinion has been presented and a representative of the central or local administration concerned is absent from the meeting of the expert board, or if the minutes of proceedings at the meeting of the board are not signed within fourteen days after the meeting, clearance of the draft shall be presumed.

(3) (Supplemented, SG No. 65/2003) The draft functional-region spatial-development schemes shall be cleared within one month with the municipal councils of the municipalities whereof the territories are affected by the said schemes.

(4) (Amended, SG No. 65/2003) The draft functional-region spatial-development schemes comprehending the territory of a single administrative region, which have not been cleared by a municipal council, shall be submitted for consideration to the National Expert Board.

(5) (Amended and supplemented, SG No. 65/2003) The draft spatial-development schemes comprehending the territory of a single administrative region shall be considered by the administrative-regional expert board, and all other schemes shall be considered by the National Expert Board within two months after submission to the relevant expert board.

Article 122. (1) The Council of Ministers, acting on motion by the Minister of Regional Development and Public Works, shall approve the National Integrated Spatial-Development Scheme by a decision.

(2) The Minister of Regional Development and Public Works shall approve by an order the specific spatial-development schemes and the functional-region spatial-development schemes which affect the territory of more than one administrative region, as well as the functional-region spatial-development schemes referred to in Article 121 (4) herein.

(3) The Regional Governor may approve by an order the spatial development schemes which affect the territory of a single administrative region.

(4) The acts covered under Paragraph (1) to (3) shall be promulgated in the State Gazette. The said acts shall be final and unappealable.

Article 123. Any modifications and additions to approved spatial-development schemes shall be introduced under the terms and according to the procedure for the preparation and approval of the said schemes.

Section III

Creation, Announcement and Approval of Spatial-Development Plans

Article 124. (1) (Supplemented, SG No. 65/2003) Preparation of master plans shall be commissioned by the municipality mayor in pursuance of a Municipal Council resolution, where the said plans are financed with municipal budget resources, or by the Minister of Regional Development and Public Works, in the cases of financing from the national budget.

(2) (Supplemented, SG No. 65/2003) Preparation of detailed plans shall be commissioned by the municipality mayor, by the Regional Governor, or by the Minister of Regional Development and Public Works. Detailed plans may furthermore be commissioned by interested parties with the consent of the municipality mayor.

(3) Preparation of detailed plans for part of a nucleated or dispersed settlement of a scope not extending beyond three blocks, as well as for lots outside nucleated-settlement and dispersed settlement limits, may furthermore be commissioned by interested parties after obtaining a permission from the municipality mayor.

(4) (New, SG No. 65/2003, supplemented, SG No. 103/2005) Preparation of spatial-development plans which comprehend spatial-development areas extending beyond a single municipality or which project construction of projects of functional-regional importance shall be commissioned or authorized by the Regional Governor, and preparation of spatial-development plans which comprehend spatial-development areas extending beyond a single administrative region or which project construction of projects of national importance, as well as of settlement formations of national importance, shall be commissioned or authorized by the Minister of Regional Development and Public Works in consultation with the authorities covered under Paragraphs (1) to (3).

(5) (New, SG No. 65/2003) Issuance of a permission by the authorities covered under Paragraphs (2) to (4) shall not be required for preparation of a working spatial-development plan for application of a detailed plan in any cases other than such referred to in Article 113 (3) herein.

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) The terms of reference, compiled by the contracting authority, shall specify a rationale for the need to create 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 spatial-development schemes and 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) (Amended, SG No. 65/2003) 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 authority of the construction work.

(5) (New, SG No. 65/2003, supplemented, SG No. 61/2007) The terms of reference referred to in Paragraph (1) regarding protected cultural and historical heritage areas shall be cleared with the National Institute of Monuments of Culture within one month after submission of the said terms of reference, and in the cases where stand-alone or cluster monuments of culture of world or national importance, the boundaries or protection zones thereof, within two months. Should no pronouncement be issued within the said time limit, clearance without objections shall be presumed.

(6) (New, SG No. 65/2003, amended SG No. 77/2005) The terms of reference referred to in Paragraph (1) shall be submitted to the Ministry of Environment and Water or the respective regional environment an waters inspectorate for clearance and determination of the need of an environmental impact assessment according to the procedure established by the ordinance pursuant to Article 90 of the Environment Protection Act. The environment impact assessment shall be part of the detailed plan.

Article 126. (1) (Amended, SG No. 43/2002 and SG No. 65/2003, No. 37/2006) The investigation and designing of spatial-development plans, as well as the selection of a spatial-development concept 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 authority 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. final design: a parcelling plan where under condemnation shall be effected.

Article 127. (1) Master plans shall be subject to public debate according to the procedure established by Article 121 (1) herein prior to the submission thereof to the expert boards on spatial development.

(2) Clearance of draft spatial-development schemes with the central and local administrations concerned and, where necessary, with the specialized control authorities and the utility companies, shall be effected according to the procedure established by Article 121 (2) herein.

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

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

(5) 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.

(6) The master plan shall be approved by the Municipal Council on a report by the municipality mayor. The resolution to approve the plan shall be promulgated in the State Gazette. Any such resolution shall be final and unappealable.

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

(8) (New, SG No. 106/2006) 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.

(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) 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 any such order shall be promulgated in the State Gazette. Any such order shall be final and unappealable.

Article 128. (1) Any decision by the municipality mayor on preparation of a detailed plan of a scope extending beyond three blocks shall be announced by means of posting in a prominent location on the premises of the municipality and insertion in at least one local newspaper.

(2) (Supplemented, SG No. 65/2003) Any prepared draft detailed plan shall be communicated by the municipality to interested parties by means of a notice promulgated in the State Gazette. The said notice shall be announced according to the procedure established by Paragraph (1). The same procedure shall be followed in communication of the draft detailed plans for physical infrastructure projects outside nucleated-settlement and dispersed settlement limits. At the discretion of the Chief Architect of the municipality, the draft detailed plan may be considered by the Municipal Council prior to the communication thereof with a view to bringing the said draft into conformity with regulatory requirements.

(3) Where the draft detailed plan is for a part of a nucleated or dispersed settlement of a scope not extending beyond three blocks, as well as for lots outside nucleated-settlement and dispersed-settlement limits, the notice referred to in Paragraph (2) shall not be promulgated in the State Gazette but shall be communicated to the interested parties.

(4) The procedures under Paragraphs (2) and (3) shall not be followed in respect of any working spatial-development plan which corresponds to an effective detailed plan.

(5) Within one month after the notice referred to in Paragraph (2) and 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) Clearance of draft detailed plans with the central and local administrations concerned and, where necessary, with the specialized control authorities and the utility companies, shall be effected according to the procedure established by Article 121 (2) herein.

(7) Within one month after expiration 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).

(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 statute 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) Any draft detailed plan of a scope extending beyond a single municipality shall be considered by the administrative-regional expert board, and any draft detailed plan of a scope extending beyond a single administrative region and for dispersed settlements of national importance shall be considered by the National Expert Board, with communication being performed by the municipal administrations.

(13) (New, SG No. 61/2007) 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, 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 (2) and (3).

Article 129. (1) Any detailed plan, with the exception of a plan referred to in Article 128 (5) herein, 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.

(2) Any detailed plan referred to in Article 128 (3) herein shall be approved by an order of the municipality mayor within fourteen days after adoption of the draft detailed plan by the municipal expert board.

(3) (New, SG No. 65/2003, supplemented, SG No. 103/2005) Any detailed plan of a scope extending beyond a single municipality shall be approved by an order of the Regional Governor, and any detailed plan of a scope extending beyond a single administrative region and for dispersed settlements of national importance, as well as any detailed plan providing the construction of a site of national importance, shall be approved by an order of the Minister of Regional Development and Public Works after consultation with the Municipal Council. Any such orders shall be transmitted within fourteen days for promulgation in the State Gazette.

(4) (New, SG No. 65/2003) In respect of transport physical infrastructure projects, the parcelling plan shall be approved by an order of the Minister of Regional Development and Public Works within one month after adoption of the draft by the National Expert Board on Spatial Development.

Article 130. (Amended, SG No. 61/2007) Any order to approve a detailed plan referred to in Article 128 (3) herein shall be communicated to the interested parties under the terms and according to the procedure established by the Administrative Procedure Code.

Article 131. (Amended, SG No. 65/2003) (1) Interested parties for the purpose of clearance and approval of spatial-development schemes and plans and of the modification thereof shall be the owners and the holders of limited real rights according to the particulars of the property register, whose corporeal immovables are immediately affected by the projections of the detailed plan.

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

1. properties subject to the plan itself;
2. adjoining properties, where incorporated into an attached development;

3. adjoining properties, including such fronting the opposite street line, where reduced separations are permissible;

4. adjoining properties, where the intended purpose of the property subject to the plan is altered;

5. properties falling within any hygiene protection areas designated by a statutory instrument, as required for the building development projected by the plan.

Article 132. (1) (Previous 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 expiration of the time limit for appeal, unless appealed;

3. as from the date of affirmation by the competent court of law whereof the judgment is final.

(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) 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 municipality mayor, by the Regional Governor, or by the Minister of Regional Development and Public Works. 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) 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 in consultation with the designer of the new detailed plan.

(7) (New, SG No. 106/2006) 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 municipal expert board on spatial development, 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 of or of the draft new master plan.

(8) (New, SG No. 106/2006) In the cases referred to in Paragraph (7), preparation of a draft new detailed plan or of a draft modification of the detailed plan shall be admitted by an order of the municipality mayor.

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 where under the plan was drafted;

2. (amended, SG No. 65/2003) new state or municipal needs arise of projects 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 Promotion 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. 106/2006, repealed, SG No. 61/2007);

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. the cadastral plan or the cadastral map contains material deficiencies or errors which necessitate a modification of the effective detailed plan; in such a case, modification of the detailed plan shall be admitted after the cadastral plan is supplemented or corrected, as the case may be, by an order of the municipality mayor or after the cadastral map is supplemented or corrected, as the case may be, according to the procedure established by the Cadastre and Property Register Act;

3. the plan does not provide an opportunity for appropriate 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. all directly interested owners assent;

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).

(3) (New, SG No. 65/2003) Where the modification of the detailed plan necessitates a modification of an effective master plan as well, simultaneous preparation, communication and approval of the two spatial-development plans shall be permissible.

(4) (Renumbered from Paragraph (3) and amended, SG No. 65/2003, amended, 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) The detailed plans adopted by the National Expert Board may not be modified for a period of five years after the entry thereof into effect. Exceptions shall be permissible on the basis of a conclusion of the expert board of the municipality and with the consent of the Minister of Regional Development and Public Works.

(6) (Renumbered from Paragraph (5) and 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.

Article 135. (1) (Amended, SG No. 61/2007) 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 124 (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 sketch showing the proposed modification of the said plan shall be attached to the application.

(3) (Amended, SG No. 61/2007) Within fourteen days after receipt of any such application, the competent authority referred to in Paragraph (1) shall admit or refuse to admit, by a reasoned prescription, 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. the municipality mayor and the Regional Governor: where the act is issued by the Minister of Regional Development and Public Works.

(5) (Renumbered from Paragraph (4) and amended, SG No. 65/2003, SG No. 61/2007) Should any of the grounds covered under Article 134 (1) and (2) herein exist, the control authority referred to in Paragraph (1) may order, proprio motu, by a reasoned prescription, the preparation of a draft modification of an effective spatial-development plan.

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

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) The clearance requirements under Article 121 (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 property 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 and 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) highways and first-class and second-class roads of the national road network, railroads, 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, electronic communications 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) hydraulic engineering projects posing a risk of flooding, including dams of a capacity exceeding 50 million cubic metres or of a dam wall height exceeding 80 metres;

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

(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) metal-industry and chemical-industry enterprises, coal mines, ore mines, quarries, including the liquidation thereof, as well as projects related to elimination of environmental damage on the site of impact;

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

(l) (new, SG No. 65/2004) immovable cultural property assigned "world importance" and "national importance" category;

(m) (renumbered from Letter (l), SG No. 65/2004) redevelopments, remodellings, overhauls and alteration of the intended purpose 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, electronic communications and other operations;

(c) hydraulic engineering projects, including dams of a capacity exceeding 30 million cubic metres but not exceeding 50 million cubic metres or of a dam wall height exceeding 50 metres but not exceeding 80 metres;

(d) waste-treatment installations and facilities;

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

(f) manufacturing buildings 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) immovable cultural property assigned "local importance" category;

(i) (renumbered from Letter (h), SG No. 65/2004) redevelopments, remodellings, overhauls and alteration of the intended purpose of the construction works of this category;

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-purpose 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) manufacturing buildings of a capacity exceeding 100 job positions but not exceeding 200 job positions and the facilities thereto appertaining;

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

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

(g) redevelopments, remodellings, overhauls and alteration of the intended purpose of the construction works of this category;

(h) (new, SG No. 41/2007) electronic communications networks and facilities, constructed of a trunk type at a national level;

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-purpose 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) manufacturing buildings 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) redevelopments, remodellings, overhauls and alteration of the intended purpose of the construction works of this category;

(f) interior remodelings of Category One to Four buildings whereby the structure thereof is not affected;

(g) (new, SG No. 41/2007) electronic communications networks and facilities, constructed in urbanized areas with high-rise and medium-rise development;

5. Category Five:

(a) residential and mixed-purpose 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) manufacturing buildings 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 intended purpose of the construction works of this category;

(e) (new, SG No. 41/2007) electronic communications networks and facilities, constructed in urbanized areas with low-rise development.

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

(2) 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) Preparation of development-project designs shall be assigned according to the procedure established by the Public Procurement Act.

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

Article 138. (Amended, SG No. 65/2003) The contracting authority may commission pre-design (pre-development) investigations and development of dimensions, areas and volumes for determination of the sitting of the project, 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) The producing entity shall have discretion as to which phases or parts of development-project designs the said entity shall contract in accordance with the specifics of the projects for successful implementation of the development-project intention.

(3) (Amended, SG No. 65/2003) All parts of the development project designs (graphical and textual) shall be signed by the designer, by the person who performed the conformity assessment, by the contracting authority and by a design engineer possessing full licensed designer qualifications in respect of the structural part, where the conformity assessment has not been

performed by a consultant.

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

(5) The Minister of Regional Development and Public Works shall issue an ordinance on the scope and contents of development project designs.

Article 140. (Amended, SG No. 65/2003) (1) The contracting authority or a person authorized thereby may request a design permit. A design permit shall be issued by the Chief Architect of the municipality within fourteen days after receipt of the application.

(2) 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.

(3) (Supplemented, SG No. 65/2004, amended and supplemented, SG No. 61/2007) 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) herein, as well as for any works which are immovable cultural property.

(4) 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 properties. Approval of a building-development plan shall not be required for authorization of construction.

(5) A design permit shall not be issued for physical infrastructure projects.

(6) (Amended and supplemented, SG No. 33/2008) 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, or by the Chairperson of the State Agency for National Security within seven days after receipt of the application.

Section II

Clearance and Approval of Development-Project Designs

Article 141. (1) (Amended, SG No. 65/2003) A conceptual development- project design shall be subject to clearance with the Chief Architect of the municipality.

(2) (Amended, SG No. 65/2003) Any conceptual development project design for construction works financed in whole or in part with executive budget resources shall be considered by the administrative-regional expert board or by the National Expert Board. The decisions of the expert board shall be mandatory for the participants in construction.

(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) 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, 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) Any conceptual development-project design for physical-infrastructure projects of a scope and importance extending beyond a single municipality shall be cleared with the Regional Governor after the said design is adopted by the administrative-regional expert board, and any such designs for projects of a scope and importance extending beyond a single administrative region and for projects of national importance shall be cleared with the Minister of Regional Development and Public Works after adoption of the design by the National Expert Board.

(7) (New, SG No. 61/2007) Any conceptual development-project design for immovable cultural property and for construction works within the boundaries and protection zones of such property shall be cleared with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

(8) (Renumbered from Paragraph (6), SG No. 65/2003, supplemented, SG No. 65/2004, renumbered from Paragraph (7), SG No. 61/2007) Clearance of a conceptual design shall be effected within one month after receipt of a written request, and in the cases referred to in Article 142 (2) herein, within seven days.

(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 approval and shall be grounds for issuance of a building permit.

(2) 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).

(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) All parts of investment-project designs that are grounds for the issue of a building permit shall be assessed regarding their accordance with the essential requirements to construction.

(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. the requirements under Article 169 (1) 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 project contains any such facilities;
7. the specific requirements to particular types of construction works according to a statutory instrument, if the project contains any such construction works.

(6) Conformity shall be assessed:

1. through adoption by an expert board of the approving administration;
2. as an integrated report compiled by a licensed consulting firm not connected with the designer, which shall be mandatory in respect of Category One and Two projects and optional, at the discretion of the contracting authority, in respect of any lower category projects;
3. (repealed, SG No. 65/2004);
4. (repealed, SG No. 65/2004).

(7) Apart from issuance of a building permit, an approved schematic design may furthermore serve for the award of a construction work under the Public Procurement Act.

(8) Conformity assessment of the structural part of development project designs in the phases of schematic and working design shall be performed under a separate contract with the contracting authority 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.

Article 143. (Amended, SG No. 65/2003) (1) Development-project designs shall be cleared

and approved on the basis of a submission of:

1. assessment of the conformity of the design plans and specifications with the essential requirements to the construction work;

2. (amended, SG No. 82/2006) a favourable opinion by the fire safety and protection of population authorities, applicable to Category One and Two construction works;

3. tentative agreements with the utility companies for coupling with the physical-infrastructure networks.

4. (new, SG No. 77/2005) opinion of the Minister of Environment and Water for the construction of sites, the building of which requires a permit pursuant to Article 104 (1) of the Environment Protection Act.

5. (new, SG No. 61/2007) clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein, applicable to immovable cultural property 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 authority 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) a design permit, in the cases referred to in Article 12 (3), Article 41 (2), Articles 50, 51, 58, 59, Article 133 (6) and Article 134 (6) herein;

3. three copies of the development-project design of a scope and contents specified in the ordinance referred to in Article 139 (5) herein;

4. (amended, SG No. 77/2005) the administrative acts which, depending on the type and scope of construction, are required as a prerequisite for permission of construction pursuant to the Environment Protection Act or a special law;

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 to extract groundwater, and/or to discharge waste water, issued according to the procedure and the in the cases, for which respective provisions are made in 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 statutes.

(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) where conformity has been assessed under Item 2 of Article 142 (6) herein: within seven 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.

Article 145. (1) (Amended, SG No. 65/2003) Schematic or working development-project designs shall be cleared with and approved by the Chief Architect of the municipality (or ward). Clearance of development-project designs shall consist in examination of the conformity of the said designs with the projections of the detailed plan and with the building-development rules and standard specifications.

(2) (Supplemented, SG No. 65/2003, SG No. 33/2008) Schematic and working development-project designs for physical-infrastructure projects of a scope and importance extending beyond a single municipality shall be approved by the Regional Governor, and such designs for works of a scope and importance extending beyond a single administrative region and for works of national importance shall be approved by the Minister of Regional Development and Public Works. Schematic and working development-project designs for special-purpose installations related to national defence and security shall be cleared with and approved by the Minister of Defence, the Minister of Interior, or the Chairperson of the State Agency for National Security, as the case may be.

(3) (Supplemented, SG No. 65/2003, SG No. 33/2008) All parts of the approved development-project designs shall be stamped with the seal of the municipal administration, the administrative-regional administration, or 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, or of the State Agency for National Security, as the case may be.

(4) (Amended, SG No. 65/2003) Should the contracting authority 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) Where the approved development- project designs where from the construction work has been executed have been lost, the said designs shall be restored by the owner through a survey development-project design of the performed construction work and submission of documents referred to in Items 1, 2, 3 and 5 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 authority 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 project shall not be required for the issuance of a building permit for:

1. (amended, SG No. 65/2003) farm structures intended for agricultural purpose 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 Supervision Inspectorate;

3. greenhouses of a floor space not exceeding 200 square metres;

4. pools of a cubic content not exceeding 100 cubic metres in fenced lots;

5. retaining walls of a height not exceeding 2 metres above the level of the ground adjoining the base thereof, where not a component of transport projects;

6. (amended, SG No. 65/2003) repair of physical-infrastructure elements;

7. fences, garden and park furnishings of a height not exceeding 2. 20 metres above the adjoining ground;

8. excavations and embankments of a depth or height not exceeding 1 metre and of an area not exceeding 30 square metres;

9. pneumatic (air-supported) warehouses or covers of a floor space not exceeding 100 square metres;

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. glazing of balconies and loggias, with the exception of such facing the primary street network;

13. (repealed, SG No. 65/2003).

(2) (Amended, SG No. 65/2003, SG No. 61/2007) An opinion of a structural engineer with

directions for execution shall be presented in respect of any construction work referred to in Items 1, 3, 5, 7 and 12 of Paragraph (1).

(3) (New, SG No. 61/2007) The provisions of Paragraph (1) shall not apply to immovable cultural property and to any works within the boundaries and protection zones thereof.

Section III

Construction Authorization

Article 148. (1) Construction works may be performed solely if authorized according to this Act.

(2) A building permit shall be issued by the Chief Architect of the municipality, and in the cities subdivided into wards, subject to a Municipal Council resolution, by the Chief Architect of the ward.

(3) (Supplemented, SG No. 65/2003, SG No. 33/2008) A building permit for physical-infrastructure works of a scope and importance extending beyond a single municipality shall be issued by the Regional Governor, and such a permit for works of a scope and importance extending beyond a single administrative region and for works of national importance shall be issued by the Minister of Regional Development and Public Works. A building permit for special-purpose installations related to national defence and security shall be issued by the Minister of Defence, by the Minister of Interior, or by the Chairperson of the State Agency for National Security, as the case may be.

(4) (Amended, SG No. 65/2003, supplemented, SG No. 61/2007) A building permit shall be issued to the contracting authority 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 and historical heritage areas shall be issued after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein. A building permit shall be issued within seven days after receipt of a written application, where there is an approved development- project design.

(5) A building permit for a co-owned property shall be issued in compliance with the terms and the procedure established by Article 183 herein.

(6) In an emergency, building permits for geohazards protection projects may be issued, as an exception, on the basis of partial working designs.

(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 project is removed or legalized.

(8) The approved development-project design, where such shall be required, shall constitute an integral part of the building permit.

(9) A building permit shall record all grounds of fact and law for the issuance thereof, the terms and conditions for execution of the construction work, including utilization of the humus layer of earth and removal of buildings without 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 projects 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 according to the bans under Article 118a, Paragraph 1, Item 4, 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 written statements 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.

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. in the cases of a new construction work, extending or heightening of a pre-existing construction work: the contracting authority, the owners and the holders of limited real rights to the lot, the person enjoying a right to build in another's property by virtue of a special statute;

2. in the cases of remodelling and alteration of the intended purpose of a pre-existing project: 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 real rights 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 act.

(4) 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) The authorities issuing building permits shall notify in writing the competent Regional Offices of the National Construction Control Directorate of any building permits issued thereby and shall transmit copies of any such permits within seven days after issuance.

Article 150. (1) (Amended, SG No. 65/2003) Acting on a reasoned request by the contracting authority, 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-initiative design.

(2) An integrated development-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) The parts of an integrated development-initiative design shall be approved simultaneously with the issuance of a building permit and shall be communicated according to the procedure established by Article 130 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) The term of validity of an integrated development initiative design shall be two years reckoned from the date of issuance of the last building permit act, unless the effect of the said design be suspended by the court or for another compelling reason.

Article 151. (1) (Amended, SG No. 65/2003, Previous Article 151, SG No. 61/2007) No building permit shall be required for:

1. exterior and interior painting of buildings and structures;

2. replacement of roof covering materials;

3. interior remodellings whereby:

(a) the structure of the building is not affected;

(b) existing walls are not removed, relocated or breached, where any such action shall affect the structure of the building;

(c) the intended purpose of the premises and the loads therein are not altered;

4. routine repair of buildings, structures, facilities and utility- service systems;

5. routine repair of the physical-infrastructure elements covered under Article 64 (1) herein,

whereby the route and the technical parameters are not altered;

6. routine repair of roads, whereby the structure of the roadway is not altered;
7. monuments, tomb stones and crosses of a height not exceeding 3 metres;
8. (supplemented, SG No. 65/2004, repealed, SG No. 61/2007).

(2) (New, SG No. 61/2007) In works which are monuments of culture, the activities covered under Paragraph (1) shall be performed after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

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 property by virtue of a special statute. 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) A building permit shall lose legal effect unless construction has commenced within three years after the issuance of the said permit or unless the rough construction work, including the roof of the building, has been completed within five years after the issuance of the said permit. Any such failure shall be ascertained in writing by the authority issuing the building permit.

(3) 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. Unless the building permit is re-certified within one year, the approved design shall lose legal effect.

(4) Upon re-certification of a building permit in the cases under Paragraphs (2) and (3), 50 per cent of the fee provided for according to the standard procedure shall be charged.

Article 154. (Amended, SG No. 65/2003) (1) 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 intended purpose 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. conflict with the projections of the design, altering the intended purpose of works, removing or altering materially common parts of the construction work;
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) 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 authority 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 in the building permit as issued by means of a note and shall be admitted prior to the implementation thereof.

Article 155. (1) The original of the building permit shall be submitted into the indefinite custody of the records of the municipal administration (or ward administration).

(2) In respect of any physical-infrastructure project 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 ward administration).

(3) A certified copy of the approved development-project (executive) design shall be attached to the building permit.

Article 156. (1) (Amended, SG No. 65/2003) Building permits as issued, together with the approved development-project designs, as well as building partners in the cases where approval of development-project designs is not required, 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 seven 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) (Repealed, SG No. 65/2003).

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

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 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) 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 officials under 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, or by the Chairperson of the State Agency for National Security, 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 presentation by the contracting authority of a contract for execution of the construction work with a developer recorded in the Central Register of Professional Developers, unless the construction work is of a category for which recording of the developer in the said register is not required.

(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 property, 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) (Supplemented, SG No. 65/2003, amended and supplemented, SG No. 76/2005) 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 ward administration), and signs stating the authorized construction work with data about the developer, 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 transcript of the said memorandum shall remain in the custody of the contracting authority or of the person exercising construction supervision.

(2) (Amended, SG No. 65/2003, SG No. 103/2005, supplemented, SG No. 33/2008) 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, or by the Chairperson of the State Agency for National Security, 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 conducted 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 ward) 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 ward 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) 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, or by the Chairperson of the State Agency for National Security, as the case may be.

Section II

Participants in Construction and Relationships between Them

Article 160. (Amended, SG No. 43/2002 and SG No. 65/2003) (1) "Participants in the construction process" shall be the contracting authority, 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) 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 authority 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) "Contracting authority" shall be the owner of the property, the person in favour whereof a right to build in another's property has been created, or the person enjoying a right to build in another's property by virtue of a special statute. The contracting authority or a person thereby authorized shall ensure everything necessary for the commencement of construction.

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

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 qualifications.

(2) The terms and a procedure for exercise of designer supervision in the course of construction shall be established by a contract between the contracting authority and the designer. Designer supervision over the structural part 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).

Article 163. (Amended, SG No. 65/2003) (1) "Developer" shall be a natural person a legal person whereof the members include natural persons possessing the requisite licensed technical qualifications.

(2) The developer shall be responsible for:

1. execution of the construction work in accordance with the construction file as issued and with the requirements of Article 169 (1) 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. execution of the building and erection works employing materials, manufactures, products and other such conforming to the essential requirements to construction works;

3. custody of the executive documents and the preparation thereof, where this is assigned by the contracting authority, as well as custody of the other technical documents on execution of the construction work;

4. custody and submission, upon request, to a control authority of the construction file and the order record book of the construction work referred to in Article 170 (3) herein.

(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 builder shall be obliged to appoint technically qualified persons under labour contracts to carry out the technical supervision of the construction works.

(2) (New, SG No. 108/2006) Technically qualified persons shall be considered to be those

who hold a diploma issued by an accredited higher education establishment with the qualification "construction engineer", "engineer" or "architect", as well as persons who have completed high school education with a four-year training course and professional qualifications acquired in the fields of "architecture and construction" and "engineering technology".

(3) (New, SG No. 108/2006) Apart from the cases stipulated in para. 2, technical qualifications may be recognized of a foreign person under conditions of mutuality established for each particular case when he or she holds a diploma legalized in accordance with the relevant procedures and when he or she meets the requirements set out in this act.

(4) (Renumbered from Paragraf 1 and supplemented, SG No. 108/2006) "Site manager" shall be a civil engineer or a civil engineering assistant who shall direct the building works. Other technically qualified persons under para. 2 may perform specialized technical supervision of specific construction and assembly works in accordance with their specialization and level of education and qualifications.

(5) (Renumbered from Paragraf 2, SG No. 108/2006) Where the construction work is executed by the contracting authority, the said contracting authority 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 authority 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 and SG No. 65/2003) (1) On the basis of a written contract with the contracting authority, the consultant:

1. shall perform conformity assessment of the development project designs and/or shall exercise construction supervision;

2. may conduct pre-development studies, preparation of the design process and coordination of the construction process until commissioning of the construction work.

(2) The Minister of Regional Development and Public Works shall issue a licence for practice of the activity referred to in Item 1 of Paragraph (1) under terms and according to a procedure established by a Council of Ministers ordinance.

(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) A fee shall be paid for the issuance of a licence referred to in Paragraph (1) according to a rate schedule adopted by the Council of Ministers.

(6) (Amended and supplemented, SG No. 33/2008) In respect of any special-purpose installations of the Ministry of Defence, the Ministry of Interior and the State Agency for National Security, whereon the information constitutes a state secret within the meaning given by the Classified Information Protection Act, the conformity assessment shall be performed by experts appointed by an order of the competent minister or of the Chairperson of the Agency.

Article 167. (Amended, SG No. 20/2003 and SG No. 65/2003) (1) Eligibility for the issuance of a licence for 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 and who or which satisfy the following requirements:

1. no bankruptcy adjudication proceedings must be pending against them;

2. the members of the management bodies of the legal persons and the sole traders, 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, and during the last preceding three years have not committed and/or have not suffered another to commit any systematic violations under this Act and the statutory instruments on the application thereof, and must not have been sentenced to deprivation of liberty for an offence at public law, unless rehabilitated;

3. they have not committed and/or suffered another to commit any systematic violations under this Act and the statutory instruments on the application thereof.

(2) A licence shall be issued for a term of validity of five years and shall be entered in a public register with the Ministry of Regional Development and Public Works. To obtain a licence, the (eligible) legal person or sole trader shall submit an application completed in a standard form as approved by the Minister of Regional Development and Public Works, attaching thereto:

1. (amended, SG No. 34/2006) certificate reflecting current status of commercial registration;

2. (amended, SG No. 105/2005) certificate under Article 87, (6) of the Tax and Social Insurance Procedure Code;

3. a list of the technically qualified natural persons where through the activities of

conformity assessment of the designs and/or construction supervision are practised, 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;

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. certificates issued by the Regional Offices of the National Construction Control Directorate, showing that the members of the management bodies of the legal person or the sole trader, as well as the natural persons where through the activities referred to in Item 1 of Article 166 (1) herein are to be practised, have not suffered another to commit, nor have committed themselves, any systematic violations under this Act and the statutory instruments on the application thereof;

6. a conviction status certificate: applicable to natural persons.

(3) A licence shall be issued or refused within three months after submission of an application.

(4) A licence may be revoked prior to the expiration of the term of validity thereof at the request of the licence holder upon presentation of evidence that there are no unconsummated contracts for any licensed activities, as well as upon dissolution of the legal person or of the enterprise of the sole trader, or where:

1. the authorities of the National Construction Control Directorate revoke as legally non-conforming more than three directions, recommendations or orders issued by the person exercising construction supervision in respect of each particular project;

2. more than three instances of omission have been ascertained in the performance of the construction supervision duties in respect of each particular project;

3. a pecuniary penalty has been imposed by an effective penalty decree on the legal person or sole trader for systematic violations under this Act or the statutory instruments on the application thereof;

4. a fine has been imposed by an effective penalty decree on more than three occasions within a single year on the natural persons who practise the activities thereof on (behalf) and for the account of the licensed legal person or sole trader;

5. any of the grounds which have served for issuance of the licence is eliminated.

(5) Any licence or refusal to issue a licence, as well as any withdrawal of a licence, shall be appealable before the Supreme Administrative Court within fourteen days after communication.

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. completeness and correct drafting of the statements and memoranda in the course of construction;
3. execution of the construction works in conformity with the development-project designs as approved and the requirements under Article 169 (1) and (2) herein;
4. (amended, SG No. 65/2003, No. 76/2005) compliance with the conditions for occupational safety in construction;
5. preclusion of damage to third parties and properties as a consequence of the construction;
6. (amended, SG No. 65/2003) commissionability of the construction work;
7. (new, SG No. 65/2003) accessibility of the construction work to persons with disabilities;
8. (new, SG No. 65/2003) energy efficiency evaluation.

(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) The person exercising construction supervision shall sign all certificates 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 statements 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 pronouncement by the said authorities. After examination, the authorities of the National Construction Control Directorate shall issue mandatory directions.

(5) (Renumbered from Paragraph (4) and 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) and 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 authority.

(7) (Amended, SG No. 65/2003) The persons exercising construction supervision shall incur liability for any detriment inflicted thereby on the contracting authority 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) Construction works shall be designed, executed and maintained in accordance with the requirements of the statutory instruments and technical specifications as to provide within an economically feasible term of operation all material requirements for:

1. bearing capacity - mechanical resistance, stability and durability of building structures and of the foundation bed under service and earthquake loads;
2. fire safety;
3. hygiene, protection of human health and life;
4. operational safety;
5. noise protection and protection of the environment;
6. energy efficiency - energy savings and heat preservation;

(2) (Amended, SG No. 61/2007) Construction works shall be designed, executed, and maintained in conformity with the requirements for environment accessible to the general public, including persons with disabilities, established by an ordinance of the Minister of Regional Development and Public Works. The heads of the central executive authorities and the municipality mayors shall elaborate annually programmes of measures to bring the urbanized area and the existing buildings and facilities therein into conformity with the requirements for accessible environment and shall project resources for the implementation of the said measures.

(3) Construction works shall be designed, executed, and maintained in conformity with the statutory requirements for:

1. preservation of all protected areas, protected territories, and other protected sites and immovable monuments of culture;
2. engineering and technical rules on disaster and emergency safety;
3. physical protection of the construction works.

(4) The Minister of Regional Development and Public Works, jointly with the competent ministers, shall issue ordinances to define any requirements under Paragraphs (1) and (2), and Items (1) and (3) of Paragraph (3), related to construction works design, execution, control, and commissioning, construction durability, land base stability, as well as any other safety requirements, taking into account any impact from geographic, climatic, and seismic factors.

(5) The Council of Ministers shall adopt an ordinance for construction works disaster and emergency safety engineering and technical rules after proposal by the Minister of Disaster Management Policy.

(6) (New, SG No. 61/2007) Annually, the Council of Ministers and the municipal councils shall adopt the programmes referred to in Paragraph (2) and shall exercise control over the implementation thereof.

Article 169a. (New, SG No. 76/2006) (1) Construction works shall use only construction products, compliant with all material requirements towards construction works, and meeting the technical specifications, defined by the Technical Requirements Towards Products Act.

(2) The Council of Ministers shall adopt an ordinance to define the procedure for issuance of permits for evaluation of construction product compliance with the technical specifications under Paragraph (1) and a permit to issue Bulgarian technical approvals after proposal by the Minister of Regional Development and Public Works.

(3) The ordinance under Paragraph (2) shall define the compliance evaluation and Bulgarian technical approval issuance procedure, as well as the procedure to use construction products, compliant with the technical specifications under Paragraph (1), in construction works.

(4) A fee for the issuance of permits under Paragraph (2) shall be charged, based on a schedule adopted by the Council of Ministers.

(5) All persons, holding permits to perform activities under Paragraph (2), shall:

1. submit to the Minister of Regional Development and Public Works an annual report, containing information on all product compliance evaluations performed, for all Bulgarian technical approvals issued, for all claims submitted, and for all actions taken to resolve them.

2. inform the Minister of Regional Development and Public Works within 7 days of any change in legal status, structure, personnel, scope of activity, subcontractor change, if any subcontractors are being used, as well as of all changes of conditions under Article 10, Paragraph 1, Item 6 of the Technical Requirements Towards Products Act.

(6) The Minister of Regional Development and Public Works or officials authorised thereby, shall exercise control over the activity of the persons, holding permit to evaluate construction product compliance or to issue European or Bulgarian technical approvals.

Article 169b. (New, SG No. 76/2006) All control of construction products under Article (169a), Paragraph (1) shall be exercised by the consultant when performing investment project evaluation, and exercising construction supervision.

(2) All administrative control over construction products under Article 169a, Paragraph 1 in the design and construction phases shall be exercised by the authorities under Articles 220 - 223.

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 statements 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 statement, the interested party shall extend an invitation in writing to the other party or parties to a drafting of the statement. 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 DESIGN AND CONSTRUCTION

Article 171. (Amended, SG No. 65/2003) (1) (Supplemented, SG No. 103/2005) The designer, the person commissioned with technical control on "Constructive" part, the consultant, the builder 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 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 authority 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 authority or owned thereby.

Article 174. (Amended, SG No. 65/2003) (1) The state bodies and the contracting authority 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 authority ascertain non-fulfilment of the obligation to contract and maintain an insurance by the persons covered under Article 171 herein, the said contracting authority 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 authority, showing the immaterial deviations from the cleared designs.

(2) 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 authority, 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. to take the actions referred to in Article 223 (3) herein: in the cases referred to in Items 5

to 8 of Article 154 (2) herein;

2. to direct the drafting of a statement of ascertainment and to notify the authorities of the National Construction Control Directorate: in the cases referred to in Items 1 to 4 of Article 154 (2) herein.

(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) Upon completion of a construction work, the contracting authority, the designer, the developer and the person exercising construction supervision shall draft a statement 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) 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 statement. Delivery of the construction work by the developer to the contracting authority shall furthermore be performed by the said statement.

(2) In respect of construction works intended for manufacture and other specific purposes, 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 authority 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 project.

Article 176a. (New, SG No. 76/2006) (1) (Supplemented, SG No. 79/2006) A technical passport for the construction works shall be prepared after the completion of any new construction, as well as after reconstruction, general renovation, major repairs, or existing construction remodelling. Technical passports shall not be issued for the construction works referred to in Chapter Three, Sections VII and VIII.

(2) The technical passport of the construction works shall define all terms to perform any major or current repairs to the construction works, and shall contain data on all certificates issued for the construction works, required by other statutory instruments.

(3) The technical passport of the construction works shall list all performed reconstructions, major repairs and remodelling, the construction works features compliance with the requirements of all effective statutory instruments and documents, as well as all measures necessary for their improvement.

(4) The technical passport of the construction works shall be issued in two original copies - one for the contracting authority and one for the building permit issuing authority, and when the building permit has been issued by an authority under Article 5, Paragraph 7, a copy of the technical passport of the construction works shall be also submitted to the authority under Article 5, Paragraph 5. The contracting authority shall submit a notarized copy of the technical passport of the construction works to the Geodesy, Cartography, and Cadastre Agency.

(5) Authorities under Article 5, Paragraphs 5 and 7 shall maintain an archive of all technical passports issued, and shall maintain a registry thereof.

(6) The Minister of Regional Development and Public Works shall issue an ordinance, defining the scope and content of technical passports, as well as the procedure for the preparation, submission, registration, and storage thereof.

Article 176b (New, SG No. 76/2006) (1) The technical passport of new construction works shall be prepared by the person exercising construction supervision, or by the technical manager - for all Category 5 construction works, before commissioning it by the competent authority.

(2) The technical passport of existing construction works shall be prepared after inspection of the construction works to identify its features, related to the requirements under Article 169, Paragraphs 1 - 3, by the persons performing the inspection.

Article 176c. (New, SG No. 76/2006) (1) Inspection of construction works shall be performed by a consultant, holding a licence issued by the Minister of Regional Development and Public Works, according to the procedure under Article 166, Paragraph 2, or by designers in various fields with full licensed designer qualifications.

(2) When the inspection is performed by a consultant, it shall include natural persons, exercising technical control on the "Structural" part and included in a list prepared by the Chamber of Engineers in Investment Design, promulgated in State Gazette.

(3) When the inspection is performed by designers, they shall include natural persons, exercising technical control on the "Structural" part, as well as designers in various fields with full licensed designer qualifications to evaluate the other construction works features under Article 169, Paragraphs 1 - 3.

(4) The energy efficiency inspection shall be part of the general inspection 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 to perform the construction works inspection shall be defined by the ordinance under Article 176a, Paragraph 6.

Article 177. (Amended, SG No. 65/2003) (1) Upon completion of a construction work and finalization of the acceptance trials, where any such shall be necessary, the contracting authority

shall register the commissioning of the work with the authority which has issued the building permit, submitting the final report referred to in Article 168 (6) herein, the contracts with the utility companies for coupling with the physical-infrastructure networks, 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.

(2) 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) Within seven days after receipt of a request, the authority which has issued the building permit, having satisfied itself that the documents have been submitted in a complete set, shall register the commissioning of the construction work and shall issue a commissioning certificate.

(4) Where a technological period of time is required for verification of attainment of the design parameters under service conditions, the contracting authority may register the bringing of the construction work into preliminary operation.

(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) 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, or by the Chairperson of the State Agency for National Security, as the case may be.

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 project 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. (supplemented, SG No. 61/2007) the actions projected in the vertical levelling part have not been performed and amenity planting has not been implemented under the design as approved;

2. 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;

3. the facades of the buildings and structures have not been completed conforming to the development-project design as approved.

4. (new, SG No. 103/2005) the spatial-renewal action on the construction of streets, roads or lanes pursuant to Article 69 has not been effected in resorts, holiday villages, golf courses, aqua

parks and other territories for recreational activity, linking the site with the street or road network and providing access to respective lot.

(4) It shall be prohibited to use a construction work or any parts thereof for a purpose other than intended or in breach of the conditions for commissioning.

(5) Upon any violation under Paragraphs (1) and (4), the Chief of the National Construction Control Directorate or an official authorized thereby, acting on the basis of a drafted statement 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 projects with electricity, heat, running water, telephone communications etc. Any such direction shall be mandatory for the service providers and shall be complied with forthwith.

(6) (Supplemented, SG No. 33/2008) 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, or the Chairperson of the State Agency for National Security, 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.

(7) 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 REAL RIGHTS. CONDEMNATION AND

INDEMNIFICATION

Chapter Twelve

CREATION AND TRANSFER OF BUILDING RIGHTS

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 ward) 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 ward administration), the building as constructed or any self-contained parts thereof may be subject to a transfer transaction.

Article 182. (1) (Previous 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) The right to perform a construction work on another's lot and a construction work beneath the surface of the ground shall furthermore vest in any 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 a property 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.

Article 184. (Repealed, SG No. 65/2003).

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 intended purpose thereof is not altered;
2. common premises and surface areas or parts thereof are not taken, and the intended purpose 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/or plumbing system is laid through a common part which does not affect premises of individual owners;
6. (new, SG No. 65/2004) the intended purpose of projects situated in non-residential buildings.
7. (new, SG No. 103/2005) the redevelopment is effected under the conditions of Article 38, Paragraphs (5) and (6).

(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 properties 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 property 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) 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 all co-owners or all condominium owners, as the case may be.

(2) 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 not fewer than two-thirds of all owners.

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.

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 properties.

(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 projects, 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 with notarized signatures and, in the case of absence of agreement - 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 an express statute.

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 an express statute.

(4) (Amended, SG No. 65/2003) The amount of compensation shall be determined according to the procedure established by Article 210 herein.

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) 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 properties 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) 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 projects 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 statute A building permit shall not be issued in any such case.

(12) The owners of the properties 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 statute.

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 unaffecting the principal-development works. Access shall be afforded by an order of the authorities referred to in Paragraph (1), except as otherwise provided in a special statute.

(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) The owners of construction works shall be obligated to maintain the said works in a technical condition conforming to the essential requirements covered under Article 169 (1) to (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) The owners of any corporeal immovables which are monuments of culture shall be obligated to exercise due care for the protection, conservation and maintenance in good condition of the said monuments in conformity with the provisions of the Monuments of Culture and Museums Act and of this Act.

(3) Upon any accidents or other circumstances exposing any work referred to in Paragraph (1) or (2) 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. In respect of the works referred to in Paragraph (2), the owner shall notify the National Institute of Monuments of Culture as well.

(4) In case any work referred to in Paragraph (1) or (2) 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) The competent municipality mayor may issue an order obligating the owners of any works referred to in Paragraph (1) or (2) to remove, transform or repair any fences, parking garages, subordinate, farm and 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) The owners of any works covered under Paragraph (1) or (2) 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 properties.

Article 196. (Amended, SG No. 61/2007) (1) 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. In respect of any corporeal immovables which are monuments of culture, the said commission shall mandatorily include representatives of the National Institute of Monuments of Culture.

(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) 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.

(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) 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. A mortgage on the corporeal immovable shall be recorded in favour of the municipality in such case.

(6) On the basis of the effective order referred to in Paragraph (3) and a memorandum of expenditures incurred, a writ of execution in favour of the municipality shall be issued for recovery of the claim according to the procedure established by Littera (j) of Article 237 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.

Article 197. (1) (Amended, SG No. 28/2005, SG No. 94/2005, SG No. 61/2007) 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, where the construction work constitutes a cultural and historical heritage site, after clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein.

(2) Depending on the type of construction work, the complexity and nature of the removal, the Chief Architect of the municipality (or ward) 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) 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) The Minister of Regional Development and Public Works may impose 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 work to remove and eliminate geologic hazards, until implementation of the said work.

(4) A ban on construction shall suspend action for the application of the effective master

plans and detailed plans in respect of the spatial-development areas concerned.

Chapter Fifteen

STATE AND MUNICIPAL RIGHT OF FIRST REFUSAL

Article 199. (1) 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 property 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) 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 property 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. The terms and procedure established by Article 33 of the Ownership Act shall apply in such a case.

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 property under the terms established by Article 17 herein and the remainder satisfies the requirements of Article 19 herein or is incorporated into another adjoining property.

(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 ward administration) for an opinion as to the divisibility of the property.

(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 statute 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) 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. Advance clearance with the National Institute of Monuments

of Culture under the terms and according to the procedure established by Article 125 (5) herein shall be required in respect of any regulated lots which enjoy the status of cultural and historical heritage sites.

(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 properties, 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 ward 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 ward), 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 PROJECTS 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) for construction and redevelopment of the transport physical infrastructure, remodelling of transport and communication networks and facilities: roads, streets, squares, above-ground and underground routes of railroad and tramway lines and facilities thereto appertaining;

2. (amended, SG No. 65/2003, SG No. 41/2007) 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, 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.

Article 206. (1) For construction of any projects 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 were a regulated lot may be formed out of the remainder of the property 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 intended prior to the condemnation, an undersize 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 projects and facilities covered under Article 205 herein, the land 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) 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 properties 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.

Article 209. (1) (Amended, SG No. 65/2003) The terms and procedure for condemnation under the State Property Act and under the Municipal Property Act shall not apply where parts of lots are condemned for widening of the transport-infrastructure elements: highways and roads of the national road network, railroads and railroad stations, airports, ports, streets, boulevards and squares, whereby the properties can be used as intended prior to the condemnation. In such a case, the owners shall receive pecuniary compensation.

(2) (Supplemented, SG No. 65/2003) The Regional Governor or the municipality mayor, as the case may be, shall issue an order regarding the condemnation whereby, on the basis of an appraisal made by licensed professionals, the said governor or mayor 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) Upon refusal or delay in payment of the amount under an effective decision referred to in Paragraph (3), the interested party may obtain from the court a writ of execution under Litterae (c) and (j) of Article 237 and Article 242 et seq. of the Code of Civil Procedure and request the National Construction Control Directorate to suspend operations and instruments until payment of the amount.

(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 through a judicial proceeding;
4. the whereabouts of the title holders is unknown;
5. (new, SG No. 65/2003) 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.

Chapter Eighteen

PUBLIC FACILITIES MUNICIPAL FUND

(Repealed, SG No. 111/2001)

Article 212. (Repealed, SG No. 111/2001).

PART FIVE

SPATIAL DEVELOPMENT CONTROL

Chapter Nineteen

JUDICIAL REVIEW OF INDIVIDUAL ADMINISTRATIVE ACTS REGARDING

SPATIAL DEVELOPMENT

Article 213. (Amended, SG No. 65/2003, amended SG No. 30/2006) The administrative acts regarding spatial development shall be appealable before the courts of law as to legal conformity 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 acts covered under Article 1 herein, the refusals to issue such acts, and the administrative acts reversing or affirming acts 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 acts referred to in Item 1, which have been issued by the National Construction Control Directorate, by the ward mayors and mayoralty mayors, by the Chief Architects and other empowered officials in the regional, municipal and ward administrations;

3. the acts to suspend, ban the use, and remove illegal construction works.

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) The individual administrative acts under this Act, the refusals to issue any such acts and the administrative acts reversing or affirming any such acts, with the exception of such covered under Article 216 (1) herein, shall be appealable before the relevant 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 furthermore 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 file for a judicial review of any appealable acts as to legal conformity.

(4) Any appeals and review filings shall be lodged care of the authority whose act is appealed or reviewed, within fourteen days after communication of the said act. The legal person on behalf of which the act has been issued shall likewise be called as a party to the cases and shall participate in the proceedings.

Article 216. (Amended, SG No. 65/2003) (1) The following administrative acts of the Chief Architects of municipalities (or wards) shall not be subject to direct appeal through a judicial proceeding:

1. the refusals to clear and approve any development-project designs, where not constituting an integral part of the integrated development- 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-initiative design.

(2) (Supplemented, SG No. 33/2008) 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, or before the Chairperson of the State Agency for National Security, 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 act according to the procedure established by the Administrative Procedure Code.

(4) An appeal or review filing against an act covered under Paragraph (1) shall stay the execution of any such act.

(5) The Chief of the Regional Office of the National Construction Control Directorate shall rule by a reasoned order as to whether the appeal as lodged is well founded, after evaluation of the admissibility of the said appeal, within fifteen days after receipt of the said appeal. By the order thereof, the Chief of the Regional Office of the National Construction Control Directorate may revoke the act appealed in whole or in part or may reject the appeal, leaving the act appealed in effect.

(6) 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.

Article 217. (1) Any appeal or review filing 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) any orders suspending and barring access to construction works referred to in Article 224 (1);

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 and refusals to issue such orders;

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) orders referred to in Article 57a (3).

(2) (Amended and supplemented, SG No. 65/2003) The court may suspend the execution of any administrative act covered under Paragraph (1) with the exception of such referred to in Item 2.

Article 218. An integrated development-initiative design shall be appealable before the court within fourteen days after communication of the issuance of a building permit.

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 accordingly to any matters unregulated in this Chapter.

Chapter Twenty

ADMINISTRATIVE CONTROL OF SPATIAL DEVELOPMENT AND CONSTRUCTION

Article 220. (1) (Amended, SG No. 65/2003) 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) 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) The Minister of Regional Development and Public Works or officials authorized thereby shall exercise control as to compliance with fire safety requirements.

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

Article 221. (1) (Supplemented, SG No. 65/2003) 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 in the centres of the administrative regions. 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 insurance for the officials thereof for the account of the budget of the said Directorate.

(2) In the discharge of the official duties thereof, the officials of the National Construction Control Directorate shall be entitled to issue clothing and distinctive insignia, shall use special technical means and, on a licence granted by the Minister of Interior, may possess side arms for protection.

(3) The authorities of the Ministry of Interior, as well as the other state and public bodies, shall be obligated to cooperate with the National Construction Control Directorate and with the officials thereof in the discharge of their functions.

(4) Any orders, prescriptions and mandates of the authorities of the National Construction Control Directorate, issued acting within the competence vested therein, shall be mandatory in respect of the persons concerned thereby.

(5) In connection with the performance of the functions thereof under this Act, the authorities of the National Construction Control Directorate shall be entitled to:

1. (supplemented, SG No. 65/2003) gain free 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) require all documents, data, identification, written reference briefs and written statements 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. use data from the National System of Civil Registration and Administrative Services under terms and according to a procedure established by statute.

(6) (New, SG No. 103/2005) The funds from allowances to the amount of 50 per cent of the revenue for the budget collected pursuant to this law by the National Construction Control Directorate, representing fees, fines and pecuniary penalties, shall be spent only for removal of illegal construction works, development of equipment, raising qualification and motivation of the Directorate staff under conditions and by a procedure determined by an ordinance of the Minister of Regional Development and Public Works.

Article 222. (1) (Amended, SG No. 65/2003) The Chief of the National Construction Control Directorate or an official authorized thereby shall perform the following functions, acting within the competence vested therein:

1. suspend illegal construction works;

2. suspend construction works, parts thereof, or individual building and erection works performed in deviation from the construction file as approved, and permit resumption after

rectification of 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) ban the use of construction products which have not been assessed for conformity with the essential requirements to construction works, 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 used for a purpose other than intended according to the construction file as issued and the conditions for commissioning;

7. bar the access to any construction works or parts thereof which have not been commissioned according to the established procedure or which are used for a purpose other than intended 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 use permits for construction works or refuse to issue such permits;

9. (amended, SG No. 61/2007) propose the withdrawal of licences of consultants for performance of conformity assessment of development-project designs and/or for exercise of construction supervision;

10. issue orders on removal of illegal construction works;

11. (amended, SG No.30/2006) issue orders reversing 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. 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;

13. 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;

14. impose the penalties provided for in this Act.

(2) (Amended, SG No. 65/2003) Acting within the competence vested therein, the authorities of the National Construction Control Directorate shall perform the following functions:

1. ascertain illegal construction;
2. ascertain violations in the use of construction works or of parts thereof;
3. ascertain violations in the issuance of construction files;
4. execute orders to suspend, to ban the use of, to bar the access to construction works and construction sites, and to remove illegal construction works;
5. investigate accidents in construction;
6. control the implementation of action for rehabilitation of special spatial-development protection areas;
7. ascertain other violations of this Act and of the statutory instruments on the application thereof;
8. establish and maintain a register of the penalty decrees as issued;
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 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 officials.

(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) The municipality mayor shall:

1. suspend construction works, parts thereof, as well as individual building and erection works under the conditions and procedure provided by Article 224 herein, and shall give permission for their continuation upon removal of violations and payment of fines and pecuniary penalties due;

2. bar access to the sites referred to in Item 1 and shall order the installment of distinctive insignia for restriction and prevention of access of people and equipment to construction sites;

3. forbid electricity, heating, water and gas supply to construction sites referred to in Item 1;

4. order execution of consolidation, restoration and other works for prevention of accidents and damages of sites or parts thereof for which construction works have been suspended;

5. impose the fines and pecuniary penalties provided by the law.

Article 223. (1) The municipal administrations shall exercise control over the application of spatial-development plans, approved development- project designs, building permits, marked building lines and elevations, as well as over compliance with the effective statutory instruments on spatial development.

(2) (Amended, SG No. 65/2003) One or several construction control officers shall be appointed in the administrations of each municipality and shall implement the control referred to in Paragraph (1), shall prevent, preclude and ascertain violations in construction.

(3) (Amended, SG Nos. 65/2003, 103/2005) Within three days after ascertainment of a construction work referred to in Article 224 (1) or of legally non-conforming use of a construction work, the officers referred to in Paragraph (2) shall be obligated to draft a statement of ascertainment under Article 224 (2) or under Article 178 (5) herein and to serve the said statement on the offender. Within three days after expiration of the time limit for objections, any such statement of ascertainment referred to in Article 178 (5) shall be transmitted to the National Construction Control Directorate.

(4) (New, SG No. 103/2005) Upon execution of their functions under this law the municipal administration officials shall enjoy the right to:

1. free access to the construction sites, as well as to the buildings and facilities in the process of being used under the procedure provided by Article 194, Paragraphs (1) and (3) herein;

2. require all documents, data, identification, written attestations and explanations necessary for the inspections from the participants in construction works, the persons on the building and construction site, the administrations involved, the specialized control authorities and operating companies;

3. use data from the Standard Public Registry and Administrative Service System under conditions and by a procedure provided by a law.

Chapter Twenty-One

PREVENTION AND REMOVAL OF ILLEGAL CONSTRUCTION

(Heading amended, SG No. 65/2003)

Article 224. (Amended, SG No. 65/2003) (1) (Amended, SG No. 103/2005) The mayor of the municipality shall suspend, by a reasoned order, the execution of and shall bar access to any construction work or part thereof which is performed:

1. (amended, SG No. 103/2005) without approved development-project designs and/or without a building permit that has come into force;

2. involving material deviations within the meaning given by Article 154 (2) herein;

3. employing construction products which do not satisfy the essential requirements to construction works or in breach of the rules for execution of building and erection works;

4. without construction supervision arranged by the contracting authority, in the cases where such supervision is mandatory;

5. (amended, SG No. 103/2005) without a memorandum on a building line and elevation having been drafted, and/or without the order record book having been certified.

6. (new, SG No. 61/2007) without clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein: applicable to immovable cultural property and to construction works within the boundaries and the protection zones thereof.

(2) (Amended, SG No. 103/2005) Any circumstances referred to in Paragraph (1) shall be issued on the basis of a statement of ascertainment drafted by officials referred to in Article 223 (2). The statement of ascertainment shall be served on the interested parties who or which can lodge objections within seven days. The order referred in Paragraph (1) shall be issued within three days after the expiry of the deadline in sentence two. In case the perpetrator is not known, copies of the statement of ascertainment and of the order referred to in Paragraph shall be placed on the site and the locations set aside therefore at the building of the municipality, region or mayoralty. Copies of the statement of ascertainment and the order referred to in Paragraph (1) shall be posted to the head of the National Construction Control Directorate and the head of the Regional Construction Control Directorate.

(3) (Amended, SG No. 103/2005) Where the circumstances covered under Paragraph (1) have been ascertained by statement of ascertainment drawn up by the National Construction Control authorities, the order referred to in Paragraph 1 shall be issued by head of the National Construction Control Directorate or persons authorised thereby. Copies of the statement of ascertainment and the order shall be sent to the mayor of the relevant municipality.

(4) Any order referred to in Paragraph (1) shall give mandatory directions for elimination of the reasons that have prompted suspension of construction and time limits for implementation. 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.

(5) (Supplemented, SG No. 103/2005) 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 promoted the said suspension. In the cases pursuant to Article 154, Items (5) through (8) of Paragraph (2) the permission for resumption of construction shall be permitted following presentation ?? survey and other data, calculations and documents pursuant to the instructions referred to in Paragraph (4), which are attached as an integral part of the approved investment project and prove that the material deviations have been rectified and the completed part of construction is in abidance with the law.

(6) (New, SG No. 103/2005) Within three days of ascertainment of illegal construction pursuant to Article 225 (2) by the officials referred to in Article 223 (2), the mayor of the municipality shall send the case file to the head of the National Construction Control Directorate for the initiation of a proceeding under Article 225 herin.

(7) (Renumbered from Paragraph (6), SG No. 103/2005) Upon ascertainment of an illegal construction work within the meaning given by Article 225 (2) herein, the national construction control authorities shall suspend construction, shall bar access to the construction work, and shall transmit the case file to the Chief of the National Construction Control Directorate for initiation of a proceeding under Article 225 herein.

Article 225. (Amended, SG No. 65/2003) (1) The Chief of the National Construction Control Directorate or an official authorized thereby shall issue an order on the removal of any illegal construction works or parts thereof.

(2) A construction work or a part thereof shall be illegal where performed:

1. (amended, SG Nos. 65/2004, 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) deviating materially from the approved development-project design under Items 1, 2, 3 and 4 of Article 154 (2) herein;

4. employing construction products which do not satisfy the essential requirements to construction works, 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) without clearance with the National Institute of Monuments of Culture under the terms and according to the procedure established by Article 125 (5) herein: applicable to immovable cultural property and to construction works within the boundaries and the protection zones thereof.

(3) (Amended, SG No. 103/2005) Any order referred to in Paragraph (1) shall be issued on the basis of a statement of ascertainment drafted by officials of the National Construction Control Directorate. Any such statement shall be served on the interested parties who or which can lodge objections within seven days.

(4) Should an order to remove a construction work be not executed voluntarily within the time limit set therein, execution 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) On the basis of an effective order for removal of the construction work and the memorandum on the expenditures incurred on the removal, a writ of execution shall be issued for recovery of the claim from the liable persons according to the procedure established by Littera (j) of Article 237 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 intended purpose of the land.

(7) The persons covered under Paragraph (6) 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 QUALIFICATIONS

Article 229. (1) Natural persons may perform investigation, design, control and supervision activities provided they possess licensed technical qualifications 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 qualifications.

Article 230. (1) (Amended, SG No. 20/2003, supplemented, SG No. 65/2003) Spatial-development schemes and plans and development project designs shall be prepared solely by natural-person designers who, in addition to the licensed technical qualifications referred to in Article 229 (1) herein, possess furthermore full licensed designer qualifications. The terms and procedure for recognition of full licensed designer qualifications shall be established by statute.

(2) (Amended, SG No. 20/2003 and SG No. 65/2003) The statute referred to in Paragraph (1) shall regulate the permissible activities that may be performed by persons who possess limited licensed qualifications.

(3) (Amended, SG No. 43/2002, SG No. 20/2003, SG No. 79/2006) Designers with full designer qualifications, who work as officials under labour or official employment at the administrations of territorial authorities of the executive. shall have the right to prepare draft spatial-development schemes and plans, as well as to exercise technical control, only for the territorial administrative units in which they are not authorities or where they do not participate in 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) Officials at municipal administrations with full or limited designer qualification shall have the right to prepare ex officio draft spatial development plans for state or municipal lots on the territory of the municipality, or development project designs for the construction of sites that are municipal property, in accordance with the designer qualification acquired.

(5) (Amended, SG No. 37/2006, renumbered from Paragraph (4), SG No. 79/2006) Non-resident natural and legal persons, holding recognised licensed designer qualifications under their national law, may survey and design works in Bulgaria independently, only upon winning a competitive procedure and subsequently being named designated contractors under the terms and procedure of the Public Procurement Act.

Article 231. (Amended, SG No. 108/2006) Requirements to natural and legal persons performing construction work shall be regulated by an act of 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 statute provides for a severer sanction, on any official who:

1. derelict, misperform or default 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. clear, approve or issue 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. fail 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. require, 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) fail to rule, within a time limit as established by a statutory instrument, on a request for clearance, approval, compilation or issuance of construction files, plats, design permits and other such; fail to perform inspections or other technical services; do not respond to an appeal lodged; do not forward a request or an appeal, as the case may be, to the competent authority;

6. permit, suffer the connection, or connect physical infrastructure off-site 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.

(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 statute 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 statute 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 statute provides for a severer sanction, on any person who:

1. (amended, SG No. 65/2003) without possessing the relevant licensed qualifications, shall perform investigation and design works, shall participate in the performance of conformity assessment of development-project designs, in exercise of construction supervision, or shall direct building works;

2. in a designer capacity, shall prepare designs non-conforming to this Act, the instruments on the application thereof and the other rules and standard specifications in designing and construction, or fail 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 statute provides for a severer sanction, on any person who:

1. (supplemented, SG No. 65/2003) fail to execute a written mandate from a control authority issued acting within the competence vested within the said authority or from the person exercising construction supervision, to suspend, to remove, to restore, or to repair any construction works or any parts of construction works;

2. cut or uproot, order or suffer 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) fail to afford access, fail to provide the required documents, data, identification and written reference briefs to the control authorities;

4. (renumbered from Item 3, SG No. 65/2003) work on a construction work and fail 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) fail 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) fail 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.

(6) (New, SG No. 61/2007) A fine of BGN 300 or exceeding this amount but not exceeding BGN 1,500 shall be imposed, unless another statute 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.

Article 233. (Amended, SG No. 65/2003) Any other violations of this Act, of the instruments 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 statute provides for a severer penalty.

Article 234. (1) (Amended and supplemented, SG No. 103/2005) Should any violation covered under Article 232 and Article 233 herein be continued after being ascertained by a written statement, or should another violation be committed by the same person within the time limit for issuance of a penalty decree, the penalty shall be a fine of BGN 300 or exceeding this amount but not exceeding BGN 5,000 notwithstanding the penalty 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 leave the construction work, if necessary with the assistance of the authorities of the Ministry of Interior.

(3) An appeal against any order referred to in Paragraph (1) shall not stay the execution thereof.

Article 236. Upon systematic violations under Article 232 (1) herein, committed by a Chief Architect of a municipality (or ward), 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 ward) 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, No. 103/2005) on any contractor, contracting authority or developer of a 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 50,000;

2. (new, SG No. 103/2005) on any contractor, contracting authority or person exercising construction supervision of construction works referred to in Article 224 (1) herein: 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) on any contracting authority or developer of a construction work which or who has proceeded with the execution of building and erection works at a construction work suspended by an order under Article 224 (1) 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 or exceeding this amount but not exceeding BGN 100,000;

4. (new, SG No. 65/2003, renumbered from Item 3, SG No. 103/2005) on any person which or who uses a construction work without this being 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, amended, SG No. 103/2005) on any person that has performed assessment as to conformity of development project design in violation of the requirements of Article 142 (5) 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) on any provider of electricity, heat, running water or gas, which has failed to fulfil a mandate under Article 224 (4) 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 a builder for carrying out construction works on projects of Category 1 without being entered in the Central Register of Professional Builders and without possessing a certificate for such buildings: from BGN 50,000 to 100,000;

9. (new, SG No. 108/2006, effective 3.01.2008) on a builder for carrying out construction works on projects of Category 2 without being entered in the Central Register of Professional Builders and without possessing a certificate for such buildings: from BGN 30,000 to 50,000;

10. (new, SG No. 108/2006, effective 3.01.2008) on a builder for carrying out construction works on projects of Category 3, 4 & 5 without being entered in the Central Register of Professional Builders and without possessing a certificate for such buildings: from BGN 10,000 to 30,000;

11. (new, SG No. 108/2006, effective 3.01.2008) on a builder for carrying out construction and assembly works without being entered in the Central Register of Professional Builders and without possessing a certificate for such structures: from BGN 2,000 to 5,000;

(2) (New, SG No. 103/2005) The mayor of the relevant municipality shall impose the following pecuniary penalties on legal persons or sole traders:

1. on any contractor, contracting authority, developer of a construction work or person exercising construction supervision on construction suspended with his order pursuant to Article 224 (1) herein: to the amount of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000;

2. on any contractor, contracting authority or developer of a construction work which or who has proceeded with the execution of building and erection works at a construction work referred in Item 1: to the amount referred to in Paragraph 1 (3);

3. on any provider of electricity, heat, running water or gas, which has failed to fulfil a mandate under Article 57a or under Item 3 of Article 222a herein: to the amount of BGN 50000 or exceeding this amount but not exceeding BGN 50,000.

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

(3) (Renumbered from Paragraph (2) and supplemented, SG No. 103/2005) The sanctions covered under Paragraphs (1) and (2) 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, appeal against, and execution of penalty decrees shall follow the procedure established by the Administrative Infractions and Penalties Act, save in so far as otherwise provided by this Act.

(2) (Amended, SG No. 65/2003) The written statements ascertaining violations under this Act shall be drafted by:

1. officials of the municipal administrations (or ward administrations);
2. officials of the National Construction Control Directorate;
3. (amended, SG No. 82/2006) officials designated by the Minister of Interior: in respect of any violations of fire safety rules and standards;
4. (amended, SG No. 95/2005) officials 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. officials 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. 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 and quality of construction materials, and other such), prevention and removal of illegal construction;
3. (new, SG No. 65/2003, amended, SG No. 82/2006) by the Minister of Interior or by officials designated thereby: in respect of any violations of the rules and standards regarding fire safety;
4. (renumbered from Item 3, SG No. 65/2003) by the Minister of Environment and Water or officials authorized 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) by the municipality mayor: in the cases referred to in Items 1, 2, 3, 4 and 6 of Article 232 (5), Article 232 (6) and in Article 233 herein: where the instruments ascertaining violations have been drawn up by the officials referred to in Item 1 of Article 238 (2) herein, as well as in the cases referred to in Article 237 (2) herein.

(2) 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 for the construction work or, where no use permit is required, as from the day of commission of the violation.

(3) A penalty decree whereby a fine of BGN 100 or less has been imposed shall be unappealable.

(4) A penalty decree whereby a pecuniary penalty of BGN 5,000 or less has been imposed on a legal person or a sole trader shall be unappealable.

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

(2) (Amended, SG No. 61/2007) The rules of sentence two of Paragraph (1) et seq. shall not apply in the cases where this Act and the instruments on the application thereof expressly provide for service of notice according to the procedure established by the Administrative Procedure Code.

SUPPLEMENTARY PROVISIONS

§ 1. (1) 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 or 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) and amended, SG No. 65/2003, amended, SG No. 61/2007) The Chief Architect of any municipality may delegate functions thereof under this Act to the Chief Architects of other officials of the municipal administration.

§ 1a. (New, SG No. 65/2003, supplemented, SG No. 33/2008) The Minister of Defence, the Minister of Interior, or the Chairperson of the State Agency for National Security, each acting within the competence vested therein, or officials authorized thereby, shall approve development-project designs, shall issue a building permit, shall commission and shall exercise control over construction works related to national defence and security.

§ 2. (Repealed, SG No. 61/2007).

§ 3. 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, a certificate of legalization, a use permit for a construction work and for other administrative and technical services under this Act.

§ 4. (1) (Amended, SG No. 61/2007) Unless otherwise specified, the notices by the competent authorities to the interested parties under this Act and the instruments on the application thereof shall be served according to the procedure established by the Administrative Procedure Code. Absent persons shall be notified by means of posting of the notice on the dwelling unit thereof or on the corporeal immovable whereto the spatial-development plan, development-project design, appraisal, request, reply, objection, order of other documents apply. Any such notice shall be posted in a prominent place in the building of the municipality, borough or mayoralty. The communication so effected shall be attested by a certificate bearing the signatures of two officials. The said certificate shall be attached to the relevant file.

(2) (Amended, SG No. 61/2007) The rules of sentence two of Paragraph (1) et seq. shall not apply in the cases where this Act and the instruments on the application thereof expressly provide for service of notice according to the procedure established by the Administrative Procedure Code.

(3) In the cases covered under Paragraph (1), notices regarding buildings having a condominium project status shall be served on the chairpersons of the managing boards (or the managers).

§ 5. Within the meaning given by this Act:

1. (Supplemented, SG No. 65/2003) The words "National Expert Board", "administrative-regional expert board" and "municipal (or ward) 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 ward) expert board on spatial development," the word "Directorate" shall refer to "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 essential requirements to 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 protected areas for conservation of the cultural and historical heritage under the Monuments of Culture and Museums Act, other areas of distinctive character whereof the planning and control mode is regulated by separate statutes (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. "Preventive spatial-development protection areas" shall be spatial-development areas designated by spatial-development schemes and plans as possessing a high scenic, environmental and cultural value but not designated as protected by an express statute.

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 intended purpose.

9. "Permissible pressure on areas intended for building development" shall be determined by the building-development intensity and the permissible purposes in conformity with the specific intended purposes 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 property" shall be a lot in respect of which a detailed plan has established boundaries, access from a street, road or driveway, a specific intended purpose and planning mode.

12. "Individualization of a newly created regulated lot, " as referred to in Article 16 (5) herein, shall be a recording of a description of the boundaries and designation of an identifier of the property.

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 a property 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 storey above ground level or of the semi-subterranean storey, 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. "Gross floor area" shall be the sum total of the floor areas of all stories of the principal and accessory development at and above ground level. The gross floor area shall furthermore incorporate the floor areas entirely within the roof space of buildings, where projected for dwelling units, studios and studies. 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 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 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 intended purpose, 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 intended 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. "Waste treatment" shall be the collection, storage and safe disposal of waste and all intermediate operations, as well as the reuse, recycling and reclamation of waste or production of energy or extraction of materials from waste in compliance with the Limitation of Harmful Impact of Waste on the Environment Act.

36. "Construction file" shall be all approved development project designs required for performance or legalization of a construction work, the building permit or the certificate 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) "Construction works"

shall be any above-ground, semi-subterranean, subterranean and underwater buildings, structures, extending and heightening additions, consolidation, recovery, conservation and restoration works on immovable cultural property, 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) "Project" shall be a self contained construction work or a divisible interest in a construction work of a designated name, location, independent functional intended purpose 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, remodeled, maintained or rehabilitated.

41. (New, SG No. 65/2003, amended, SG No. 103/2005) "Alteration of the intended purpose" of a project or of part thereof shall constitute a change in the manner of use of any such work or part in conformity with corresponding codes, constituting fundamental cadastral data and determined pursuant to the Cadastre and Property Register Act and the statutory legislation on its application.

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 item 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 shall affect the structure of the building;

(c) the intended purpose 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 intended purpose, 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) "Storey" 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 storey" shall be a storey 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 storey" shall be a storey 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) "Storey above ground level" shall be a storey whereof the floor is situated at or above the level mark of the average elevation of the adjoining pavement (of the adjoining groundfronting on the street).

51. (Renumbered from Item 48, SG No. 65/2003) "Attic" shall be a storey 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) "Average elevation of the adjoining ground" shall be the elevation of the ground measured in the middle of the relevant surrounding wall of the building.

53. (Renumbered from Item 50, SG No. 65/2003) "Base course elevation" shall be the elevation of the floor of the first storey 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 watererosion of the margins of aquatic surfaces and rivers.

62. (New, SG No. 65/2003) "Project of national importance" shall be a project designated as such by an act of the Council of Ministers.

63. (New, SG No. 65/2003) "Special-purpose installations related to national defence and security" shall be lots and the construction works therein constituting state property, whereon the information constitutes a state secret within the meaning given by Article 25 of the Classified information Protection Act.

64. (New, SG No. 76/2006) "Technical Passport of Construction Works" shall be a document, containing all technical features of the construction works components, related to the conformity with the material requirements under Article 169, Paragraph 1 - 3, operation, service, inspection, maintenance, and repair instructions, and shall reflect all construction and assembly works performed after the construction works are commissioned.

65. (New, SG No. 76/2006) "Economically Feasible Term of Operation" shall be the term, during which the construction works shall be maintained at the level required to meet all material requirements under Article 169, Paragraph 1, taking into account all design, construction, and operation costs, all emergency risks and consequences during operation, and all insurance coverage thereof, all inspection, ongoing maintenance, service, and repair costs, as well as taking into account the location and the environmental impact on the construction works.

66. (New, SG No. 76/2006) "General Renovation" of construction works shall be a complex of construction and assembly operations, related to the conformity with the material requirements under Article 169, Paragraph 1 - 3, performed during operation and affecting the structural components of the construction works, including all surrounding structures and building components, technical infrastructure facilities and components - heating, ventilation, air-conditioning, electric, water, sewage, and other installations.

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.

TRANSITIONAL PROVISIONS

§ 6. (1) Any regional-development plan, master and detailed

urban-development plan effective at the date of entry of this Act into force 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 of this Act into force may be applied according to the previously effective procedure within six months after the date of entry of this Act into force. 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 previously effective procedure. In such cases, the certificates 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 previously 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 expiration 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) The existing cadastral maps, land distribution plans and other plans related to restitution of the right of ownership of agricultural land and forests and forest stock land tracts shall be used for preparation of spatial development schemes until the preparation and entry into effect of a cadastral map for the relevant territory.

§ 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 properties 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 properties, 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 concluded

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 real right 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 of this Act into force shall be concluded according to the previously 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 of this Act into force possessed licensed technical qualifications inconformity 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 qualifications 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 of this Act into force, 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 statute 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 of this Act into force, 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 work 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 work is 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 of this Act into force, 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 January 2, 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 of this Act into force, 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 authority of the new construction work shall be designated according to the standard procedure.

FINAL PROVISIONS

§ 18. (1) 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 on the application of this Act.

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

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

(4) 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) The Minister of Regional Development and Public Works, the Minister of Health, the Minister of Environment and Water, and the Minister of Interior shall approve the construction and technical rules and minimum standards concerning obtrusive noise attenuation and elimination in nucleated settlements, in buildings, in individual dwelling units, works and on premises, and in the places for recreation, tourism, and senatorial and resort treatment.

(7) 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. 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) The terms and procedure for designing, execution and completion of any construction works related to national defence and security shall be established by an ordinance of the Minister of Regional Development and Public Works, the Minister of Defence, the Minister of Interior and the Chairperson of the State Agency for National Security.

§ 21. Where, in connection with spatial development, account is taken of pre-existing construction works, the reference shall be to legal construction works.

§ 22. The detailed plan shall be deemed to be applied:

1. in respect of regulation: upon payment of the amounts due on contracts referred to in Article 17 (3) herein, where such amounts are provided for, plotting of the property in the cadastre, and entry in the property register;

2. in respect of building development: upon the laying of the foundations of construction works in conformity with a construction file as issued.

§ 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) 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 schemes and 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 authority.

(3) To perform the activity comprehended in conformity assessment of development-project designs and to exercise construction supervision, the engineer under the contract must be licensed under the terms and according to the procedure established by Article 167 or must assign the performance of these activities to a sub-contractor licensed under this Act.

(4) Construction works under Paragraph (1) shall be commissioned under the terms and according to the procedure established by this Act.

§ 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 elaboration 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 terms and according to the procedure established by the Spatial Development Act, as well as organize the realization 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. 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.

Act to Amend and Supplement the Spatial Development Act

Promulgated, State Gazette No. 65/22.07.2003

TRANSITIONAL AND FINAL PROVISIONS

§ 182. Any construction works, projects 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 acts recordable in the property register shall be issued to certify the right or ownership or other rights to any such works, projects 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 of this Act into force, shall be concluded according to the previously effective procedure or, if the contracting authority 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 of this Act into force, shall be concluded according to the previously 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 of this Act into force, may be legalized at the request of the owner if permissible under the provisions which were effective at the time 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 of this Act into force.

(3) Within one month after receipt of any such application, the officials of the municipal administration shall draft a statement 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, 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 property by virtue of a special statute. 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 certificate 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 a certificate of legalization. The survey design for legalization shall be executed 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 instruments of proof admissible under the Code of Civil Procedure, including 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 certificates of legalization, for communication of certificates of legalization as issued or of refusals to issue any such certificates, for appeal of any such certificates as to legal conformity, and for notification of the competent Regional Offices.

(10) Any certificates 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 certificate of legalization shall be issued according to the standard procedure.

(12) Any construction works referred to in Paragraph (1), which have not been declared for legalization 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 a certificate 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 expiration 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 expiration of the term of validity of the licence. Upon expiration 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 of this Act into force, the Municipal Councils can confirm the orders of the Chief Architect of the municipality (or ward) 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 ward 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.

Act to Amend and Supplement the Cadastre and Property Register Act

Promulgated, State Gazette No. 36/30.04.2004.

TRANSITIONAL AND FINAL PROVISIONS

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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 Cadastre Agency).

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Act to Amend and Supplement the Spatial Development Act

Promulgated, State Gazette No. 65/27.07.2004

TRANSITIONAL PROVISION

§ 24. Any designs for construction of projects 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 of this Act into force, shall be completed according to the previously effective procedure or, if the contracting authority 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. Everywhere in the Spatial Development Act (Promulgated, State Gazette No. 1/2001, amended, SG No. 41/2001, SG No. 111/2001, SG No. 43/2002, amended and supplemented, SG No. 20/2003, SG No. 65/2003, SG No. 107/2003, amended, SG No. 36/2004, amended and supplemented, SG No. 65/2004, amended, SG No. 28/2005, amended and supplemented, SG No. 76/2005, SG No. 77/2005, amended SG No. 88/2005, No. 94/2005, No. 95/2005, amended and supplemented, SG No. 103/2005, amended, SG No. 105/2005) the words "Cadastre Agency" shall be replaced by "Geodesy, Cartography, and Cadastre Agency".

TRANSITIONAL AND FINAL PROVISIONS

to the Spatial Development Act Amendment Act

(SG, No. 76/2006, effective 1.01.2007)

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§ 8. Technical passports of existing commissioned construction works - state and municipal property, except cases under Article 176a, Paragraph 1, shall be prepared by 31 December 2011. The terms for preparation of technical passports for different construction works categories shall be defined by the ordinance under Article 176a, Paragraph 6.

§ 9. All ordinances under this Act shall be issued or adopted by 31 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 the words "1 October 2006" shall be replaced by "1 July 2007"
Chamber of Developers Act

(SG No. 108/2006)

TRANSITIONAL AND FINAL PROVISIONS

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§ 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".

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Act to Amend and Supplement the Spatial Development Act

(SG No. 61/2007, effective 27.07.2007)

TRANSITIONAL AND FINAL PROVISIONS

§ 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. (1) 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 authority 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.

Act to Amend and Supplement the Spatial Development Act

(SG No. 33/2008)

TRANSITIONAL PROVISION

§ 19. Legal actions brought before administrative courts prior to the entry into effect of this Act shall be finalized by said courts according to the previously effective procedure.