

# **SPATIAL DEVELOPMENT ACT**

*Prom. SG. 1/2 Jan 2001, amend. SG. 41/24 Apr 2001, amend. SG. 111/28 Dec 2001, amend. SG. 43/26 Apr 2002, amend. SG. 20/4 Mar 2003, amend. SG. 65/22 Jul 2003, amend. SG. 107/9 Dec 2003, amend. SG. 36/30 Apr 2004, amend. SG. 65/27 Jul 2004, amend. SG. 28/1 Apr 2005, amend. SG. 76/20 Sep 2005, amend. SG. 77/27 Sep 2005, amend. SG. 88/4 Nov 2005, amend. SG. 94/25 Nov 2005, amend. SG. 95/29 Nov 2005, amend. SG. 103/23 Dec 2005, amend. SG. 105/29 Dec 2005, amend. SG. 29/7 Apr 2006, amend. SG. 30/11 Apr 2006, amend. SG. 34/25 Apr 2006, amend. SG. 37/5 May 2006, amend. SG. 65/11 Aug 2006, amend. SG. 76/15 Sep 2006, amend. SG. 79/29 Sep 2006, amend. SG. 82/10 Oct 2006, amend. SG. 106/27 Dec 2006, amend. SG. 108/29 Dec 2006, amend. SG. 41/22 May 2007, amend. SG. 61/27 Jul 2007, amend. SG. 33/28 Mar 2008, amend. SG. 43/29 Apr 2008, amend. SG. 54/13 Jun 2008, amend. SG. 69/5 Aug 2008, amend. SG. 98/14 Nov 2008, amend. SG. 102/28 Nov 2008, amend. SG. 6/23 Jan 2009, amend. SG. 17/6 Mar 2009, amend. SG. 19/13 Mar 2009, amend. SG. 80/9 Oct 2009, amend. SG. 92/20 Nov 2009, amend. SG. 93/24 Nov 2009, amend. SG. 15/23 Feb 2010, amend. SG. 41/1 Jun 2010, amend. SG. 50/2 Jul 2010, amend. SG. 54/16 Jul 2010, amend. SG. 87/5 Nov 2010, amend. SG. 19/8 Mar 2011, amend. SG. 35/3 May 2011, amend. SG. 54/15 Jul 2011, amend. SG. 80/14 Oct 2011, amend. SG. 29/10 Apr 2012, amend. SG. 32/24 Apr 2012, amend. SG. 32/24 Apr 2012, amend. SG. 45/15 Jun 2012, amend. SG. 47/22 Jun 2012, amend. SG. 53/13 Jul 2012, amend. SG. 77/9 Oct 2012, amend. SG. 82/26 Oct 2012, amend. SG. 99/14 Dec 2012, amend. SG. 15/15 Feb 2013, amend. SG. 24/12 Mar 2013, amend. SG. 27/15 Mar 2013, amend. SG. 28/19 Mar 2013, amend. SG. 66/26 Jul 2013, amend. SG. 109/20 Dec 2013, amend. SG. 49/13 Jun 2014, amend. SG. 53/27 Jun 2014, amend. SG. 98/28 Nov 2014, amend. SG. 105/19 Dec 2014, amend. SG. 35/15 May 2015, amend. SG. 61/11 Aug 2015, suppl. SG. 62/14 Aug 2015*

## **Part one.**

### **BASICS OF SPATIAL DEVELOPMENT**

#### **Chapter one.**

#### **GENERAL PROVISIONS**

Art. 1. (amend. SG 65/03) (1) The territory of the Republic of Bulgaria is national wealth. Its structure shall guarantee sustainable development and favourable conditions for living, work and recreation of the population.

(2) This Act shall provide the public relations, connected with the structure of the territory, the investment designing and the construction in the Republic of Bulgaria, and shall determine the restrictions of ownership for development purposes.

Art. 2. The Council of Ministers shall define the basic directions and principles of the policy for spatial development and approve decisions for financing the activities for spatial development.

Art. 3. (1) (amend. SG 65/03; amend. and suppl. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development shall manage the implementation of the state policy in the spatial development, co-ordinate the activity of the central and the regional bodies of the executive power, of the bodies of local government and the local administration, implement methodical guidance and exercise control over the overall activity for the spatial development.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall appoint National expert council for spatial development and regional policy and organise its work.

(3) (new – SG 65/03; amend. and suppl. - SG 33/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall, on proposal by the Minister of Defence and the Minister of Interior and the Chairman of State Agency "National Security", appoint specialised expert councils on development of the territories, which shall consider the investment designs for the special sites, connected with the defence and the security of the country. The Minister of Defence, the Minister of Interior and the Chairman of State Agency "National Security" shall organise the work of these councils.

Art. 4. (1) The regional governor shall conduct the state policy for spatial development in the corresponding region.

(2) Depending on the development objectives and tasks of regional and inter-municipal importance the regional governor can appoint regional expert council for spatial development and organise its activity for implementation of the functions conceded to him with this Act. The members of the regional expert council shall be defined according to the character of the project being considered.

(3) (new – SG 65/03) The regional governor shall organise the maintaining of archive of the acts issued by him in connection with his authorities under this Act.

Art. 5. (1) (suppl. SG 65/03) The municipal councils and the mayors of the municipalities shall, within the framework of the conceded competence determine the policy and implement activities for the spatial development of the corresponding municipality.

(2) (amend. – SG 61/07, in force from 27.07.2007) In the municipalities and in the regions of Sofia municipality and of the towns with division in districts chief architects shall be appointed with a labour or office contract upon a competitive examination. Persons with acquired full engineering competency or those having got the required time of service for its acquisition shall be appointed as chief architects.

(3) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The chief architect of the municipality shall manage, coordinate and control the activities for spatial development, engineering and construction in the respective territory, shall coordinate and control the activity of the units of par. 6 and shall issue administrative acts according to the powers conceded to him under this Act. The chief architect of the municipality shall coordinate and control the activity of districts chief architects.

(4) The mayor of the municipality (the district) shall appoint municipal (district) expert council for spatial development.

(5) (new – SG 65/03) The mayor of the municipality shall organise the maintaining of archive of the approved development plane and their amendments, archive issued construction papers, register of all decisions for working out of detailed development plans and of their amendments, register of the issued permissions for construction and register of the constructions, entered into exploitation.

(6) (new – SG 65/03; amend. – SG 61/07, in force from 27.07.2007) In the structure of the municipal administration and of the administration of the district operational unit shall be created for

fulfilment of the functions and the tasks under this Act.

(7) (new – SG 65/03; amend. and suppl. - SG 33/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works and the regional governors shall send for preservation in the archive of the municipality copies of the acts, entered into force, issued by them within the authorities under this Act, about sites on the territory of the respective municipality. The Minister of Interior, the Minister of Defence and the Chairman of State Agency "National Security" shall concede information to the municipalities about the special sites, connected with the defence and the security of the country by the order of the Protection of Classified Information Act.

Art. 6. (1) (suppl. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The National council for spatial development and regional policy, the regional and the municipal (the district) expert councils for spatial development shall implement consultative and expert activity.

(2) In the expert councils of para 1 can be included also specialists out of the administration where they have been established.

(3) Funds from the corresponding budgets shall be provided for the work of the expert councils of para 1.

(4) (amend. SG 65/03) In the expert councils shall be included also representatives of the specialised control and co-ordination bodies when their statement, decision or permission is required under the law.

(5) (revoked – SG 65/03; new – SG 66/13, in force from 26.07.2013; revoked – SG 98/14, in force from 28.11.2014).

(6) (amend. SG 65/03) The specialised expert councils for development of the territories, connected with the development and the security of the country shall:

1. implement expertise of the investment designs;

2. approve the investment designs;

3. (amend. and suppl. - SG 33/08) fulfil other activities, assigned by the Minister of Defence, by the Minister of Interior or the Chairman of State Agency "National Security".

(7) (amend. SG 65/03) The conditions and the order for work of the expert councils shall be provided with an order by the body, assigning them.

## **Chapter two.**

### **DESIGNATION OF THE TERRITORIES AND THE LANDED PROPERTIES**

Art. 7. (1) (prev. Art. 7, amend. – SG 82/12, in force from 6.11.2012; amend. and suppl. - SG 28/13) According to their basic designation defined with the concepts and spatial development schemes and general development plans the territories in the country are: urbanised territories (settlements and settlement formations), agricultural territories, forest territories, protected territories, damaged territories for restoration, territories covered by waters and water sites and transport territories.

(2) (new – SG 82/12, in force from 6.11.2012) Territories intended for agricultural, forest or urbanized territories may be at the same time intended as protected territories, determined by a law.

Art. 8. The concrete designation of the landed properties shall be determined with the detailed development plan and it can be:

1. (amend. SG 65/03; amend. and suppl., SG 65/04) in urbanised territories or in separate

landed properties out of them - for residential, public servicing, production, storage, resort, villa, sport and amusement functions, green areas and green connections between them and the territories of nature protection, for decorative water systems (cascades, navigation canals and others), for movement and transport, including bicycle lanes and for movement of disabilitytyped people, for technical infrastructure, for special sites etc.

2. in agricultural territories - for farmed land (fields, orchards and vegetable gardens, vineyards, meadows etc.) and non farmed land (pastures, slopes, gullies, ravines etc.);

3. in forest territories - for forests (timber woods, protective forests, recreation forests etc.) and forest lands (glades, land taken by bushes, rocks etc.)

4. (amend., SG 88/05) protected territories - for protection of environment (reserves, national parks, natural sites, maintained reserves, nature parks, protected areas, beaches, dunes, water sources with their sanitary - protection zones, water areas, humid zones, protected coastal strips) and for preservation of the sites of the culture and historic heritage (archaeological reserves, separate quarters or landed properties in settlements with culture-historic, ethnographic or architectural significance);

5. in damaged territories - for restoration and reclamation of quarries, mines, mounds, deposits, tailings ponds, waste deposits, land slides etc.

6. (new – SG 28/13) in territories covered by waters and water sites – for the internal sea waters and the territorial sea, the Bulgarian section of the Danube river, the rivers, lakes and dams;

7. (new – SG 28/13) in transport territories – for the republic and local roads, the railway infrastructure, the ports and airports.

Art. 9. (amend. – SG 61/07, in force from 27.07.2007) (1) In territories without development plans the designation of land properties until the enforcement of the plans shall be determined on the grounds of their actual use, unless their use contravenes an Act.

(2) A change of the designation of territories and of landed properties with objective construction to be made shall be implemented on the basis of a detailed development plan in effect subject to the terms and conditions and following the procedures set out in this Act.

(3) (amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; revoked – SG 82/12, in force from 6.11.2012)

### **Chapter three.**

## **DEVELOPMENT OF THE TERRITORIES AND THE LANDED PROPERTIES**

### **Section I.**

#### **General requirements to the development of the territories**

Art. 10. (1) (amend. – SG 82/12, in force from 6.11.2012) The requirements for the development of the territories shall be determined with concepts and spatial development schemes and development plans in compliance with the normative provisions in effect.

(2) (amend. – SG 82/12, in force from 6.11.2012) Territories with special territorial development protection, including territories with specific characteristics defined by the order of separate laws can acquire special regime of development and control. The scope and the regime of their development shall be determined with spatial development concepts and schemes and development plans.

(3) (amend. – SG 82/12, in force from 6.11.2012) Regime of preventive development protection of territories and parts thereof determined with spatial development concepts and schemes and development plans may be established, by which their physical use is maintained without degrading

their characteristics.

Art. 11. (suppl. SG 65/03) In order to be ensured expedient development the landed properties can be grouped in territories and development zones which are determined with the general and the detailed development plans and in compliance with the ordinance of art. 13, para 1.

Art. 12. (1) Building up in the sense of this Act is the location and the construction of buildings, constructions, networks and facilities in landed properties.

(2) Building up shall be admitted only if it is provided with a detailed development plan and after change of the designation of the land when this is required by the order of a special law.

(3) (amend. SG 65/03) Without change of the designation in the landed properties of art. 8, items 2, 3 and 4 shall be admitted the building up of sites with functions compliant with the designation of the properties, observing the normative provisions in effect and on the basis of a detailed development plan or a visa for designing issued by the chief architect of the municipality.

Art. 13. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue an ordinance for the rules and the norms for development of the different kinds of territories and development zones.

(2) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) Specific rules and norms, allowing deviations from the rules and norms under par. 1, may be produced to the the general and the detailed development plans for territories or parts thereof:

1. with special territorial development protection and with regime of preventive development protection under art. 10, para 2 and 3;

2. designated for low-rise residential buildings in residential areas with complicated terrain and geological conditions and/or for low-rise socially-oriented residential buildings;

3. for special sites, related to the defence and the security of the country.

(3) (amend. and suppl. – SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The specific rules and norms of para 2 shall be approved by the National expert council upon a proposal of the body, competent to approve the plan. The decisions of the council shall be approved by the Minister of Regional Development and Public Works. Specific rules and standards shall be approved by the competent body together with the approval of the plan and shall be an integral part thereof.

(4) (new – SG 65/03; amend. and suppl. - SG 33/08; amend. – SG 82/12, in force from 26.11.2012) The specific rules and norms for the development of territories, on which construction of special facilities is provided, related to country defence and security, shall be adopted by the specialized expert councils referred to in Art. 3, par. 3, shall be approved together with the development plan following the provision of Art. 129 and shall become an integral part thereof.

(5) (prev. (4) – SG 65/03) With regard to maintain the natural equilibrium and the admitted burdening of the territories the building on them shall be implemented in compliance with norms for the necessary land according to the ordinance of para 1.

(6) (new, SG 65/04; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) For protected territories for cultural and historical heritage protection, specific rules and standards to the development plans or to the amendments thereof shall be issued, provided that during the agreeing upon of the Technical Inquiry for the engineering of a development plan under the provision of Art. 125, par. 6 the Minister of Culture has

set out obligatory requirements regarding the special, architectural and styling arrangement of the items provided in the development plan for individual territories, for a group of properties or for a particular property, falling into the boundaries of unit or group immovable cultural valuables or into their protected zones, requiring allowance of deviations from the rules and standards, set out by the ordinance of par. 1.

## **Section II.**

### **Regulation and building up the territories and the landed properties**

Art. 14. (1) With the detailed development plans shall be regulated streets, as well as quarters and landed properties for building up and for other needs without building up.

(2) The streets and the quarters shall be regulated with street regulation plans.

(3) The landed properties shall be regulated with:

1. street regulation lines defining the boundary of the adjacent street (face of the property);

2. internal regulation lines defining the boundary with the neighbouring properties (side and to the bottom of the property), under the conditions of art. 16 and 17.

(4) The regulated landed properties shall obligatory have face (exit) to a street. To a road or as exception to an alley in a park.

(5) (suppl. – SG 82/12, in force from 26.11.2012) For the landed properties regulated with a detailed development plan the regulation lines of para 3 shall become boundaries of the properties where the detailed development plan has been applied to the regulation.

Art. 15. (1) Only landed properties which have not been regulated with a previous detailed regulation plan shall be regulated with a detailed development plan under art. 16 or 17. The landed properties once regulated shall not be subject to consequent regulation except in the cases provided in this Act.

(2) With a consequent development plan can be regulated only streets and quarters without changing the boundaries between the landed properties.

(3) (amend. SG 65/03) The boundaries of regulated landed properties can be changed with plan for regulation only with the consent of their owners expressed with a declaration and preliminary contract for transfer of ownership with signatures certified by a notary.

(4) (new – SG 65/03) When with plan for regulation are changed boundaries of regulated landed properties – state property, the contract of para 3 shall be concluded at market prices by the regional governor in written form.

(5) (new – SG 65/03) When with plan for regulation are changed boundaries of regulated landed properties – municipal property, the contract of para 3 shall be concluded at market prices by the mayor of the municipality in written form.

(6) (new – SG 65/03) The order for approval of the plan for regulation, with which are changed the boundaries between regulated landed properties by the order of para 3, shall enter into force with its issuing and shall be announced to the applicants.

(7) (new – SG 65/03) Construction in regulated landed properties, which boundaries are changed with the plan for regulation by the order of para 3, shall be permitted after presenting of ultimate contract under para 3, 4 or 5.

(8) (new – SG 65/03) Construction in regulated landed properties, which boundaries are changed with the plan for regulation by the order of para 3, shall not be permitted when as result of the change of the plan for regulation the plan for construction for the respective regulated landed properties is in contradiction with the development rules and norms in effect.

(9) (new – SG 65/03) Change of plan for regulation by the order of para 3 shall be refused with an order by the mayor of the municipality when with the design for change is provided creating of inadmissible under law disposition of existing buildings or permitted constructions.

(10) (new – SG 65/03) Change of plan for regulation by the order of para 3 shall be refused with an order of the mayor of the municipality when with the design for change is provided creating of regulated landed properties with face and area, which are below the minimum established by law, determined with the development plan for these properties character and way of building up.

(11) (new – SG 65/03; amend. - SG 29/06) Copies of the changes of the detailed development plans of para 3, entered into force, shall be sent ex officio by the municipality to the Agency for geodesy, cartography and cadastre after presenting of ultimate contract under para 3, 4 or 5.

Art. 16. (1) (suppl. – SG 61/07, in force from 27.07.2007) With a detailed development plan for territories with not regulated landed properties as well as for territories with not implemented first regulation according to a previous development plan shall be determined the necessary areas for construction of the sites of the social infrastructure - public ownership of landscaped spaces, integrated in a green system, and of the common networks and facilities of the technical infrastructure. For the implementation of these predictions with the plan entering into force the owners of immovable properties shall transfer in favour of the municipality a percentage of the area of their properties determined with the plan but not more than 25 percent.

(2) The detailed development plan shall be worked out on a cadastral map approved by the order of the Cadastre and Property Register Act.

(3) The face and the area of the newly formed regulated properties, their concrete designation, the character and the way of building up shall be defined with the very detailed development plan.

(4) In the cases of para 1 the municipality shall determine an equal regulated property (properties) for each owner, complying with the location of the properties in the locality but not with their precise cadastral boundaries. When the property is in different development zones the newly formed regulated property shall be conceded in the zone where the property has had prevailing location. The regulated properties shall have market value not less than the market value of the properties before regulation, which shall be proven by the commission of art. 210.

(5) (amend. - SG 29/06) The owners of landed properties of art. 4 shall acquire ownership in the newly formed regulated landed properties formed with the plan and the municipality shall acquire the ownership in the parts conceded to it from the date when the plan enters into force. The mayor of the municipality or a person empowered by him shall issue an order with precise identification of the property for the acquisition of ownership in each separate regulated landed property. In 7 days term after the order enters into force its copy shall be sent to the service for entering and a copy of the approved plan of para 1 - to the Agency for geodesy, cartography and cadastre - for official entering into the property register and in the cadastre.

(6) The mortgages imposed on landed properties before their regulation shall pass entirely to the newly regulated landed properties. The municipality shall acquire the parts of the landed properties conceded to it without real encumbrances.

(7) For territories with not regulated landed properties as well as for territories with not applied first regulation according to a previous development plan, upon a decision of the municipal council can be created a plan for street regulation and for properties of public ownership under art. 110, para 1, item 2, instead of the plan of para 1.

Art. 17. (1) Out of the cases of art. 16 with a detailed development plan of a settlement or part of it shall be regulated landed properties that have not been regulated before, the internal regulation lines

being identical with the property boundaries.

(2) With the plan of para 1, observing the rules and the norms determined in this Act can be regulated:

1. existing not regulated landed properties with objective greater number independent regulated landed properties to be formed;

2. landed properties which dimensions not meeting the requirements of art. 19, with objective making their dimensions to be made appropriate with parts from neighbouring properties;

3. neighbouring landed properties for creating co-owned landed properties for creating co-owned regulated landed properties;

(3) (suppl. SG 65/03) In the cases of para 2 the interested owners shall submit application to the municipality and in the cases of para 2, items 2 and 3 - also a preliminary contract for transfer of ownership with signatures certified by a notary. The ideal parts of the co-owners of the formed regulated landed properties shall be determined with the very contract.

(4) (new – SG 65/03) When with a plan for regulation of para 2, items 2 and 3 are affected landed properties – state property, the contract of para 3 shall be concluded at market prices by the regional governor in written form.

(5) (new – SG 65/03) When with a plan for regulation of para 2, items 2 and 3 are affected landed properties – municipal property, the contract of para 3 shall be concluded at market prices by the mayor of the municipality in written form.

(6) (new – SG 65/03) In the cases of para 2, items 2 and 3 construction can be permitted after presenting of ultimate contract under para 3, 4 or 5.

(7) (prev. (4), suppl. SG 65/03; amend. - SG 29/06) Copies of the detailed development plans entered into force shall be sent officially by the municipality to the Agency for geodesy, cartography and cadastre. In the cases of para 2, items 2 and 3 copies of the detailed development plans, entered into force, shall be sent ex officio by the municipality to the Agency for geodesy, cartography and cadastre after presenting of ultimate contract under para 3, 4 or 5.

Art. 18. (1) About the landed properties regulated for building up with a detailed development plan shall be determined:

1. the concrete designation, the admissible activities and the admissible building up;

2. the maximum density of building up;

3. the maximum intensity of construction;

4. the minimum free yard area;

5. the minimum obligatory green yard area;

6. the way and the character of building up;

7. the construction line.

(2) Separate kinds detailed development plans can contain also part of the indices of para 1.

Art. 19. (1) At regulating landed properties for low residential construction, free or connected in two properties, the following dimensions shall be observed:

1. in the towns - at least 14 meters face and 300 sq metres area;

2. (amend. SG 65/03) in the resort settlements and settlement formations and in the resort zones of the settlements - at least 16 meters face and 500 sq metres area;

3. in the villa zones - at least 18 meters face and 600 sq metres area;

4. in the villages or the parts of them with predominant flatland terrain - at least 16 meters face and 500 sq metres area, and in case of specific terrain and economic conditions as well as on main streets - at least 14 meters face and 300 sq metres area;

5. in the villages or the parts of them with predominant steep terrain - at least 12 meters face and 250 sq metres area.

(2) The villages or the parts of them with predominant flat or steep terrain shall be determined with a decision of the municipal council on the basis of a conclusion of the municipal expert council.

(3) (amend. SG 65/03) The smallest dimensions of the regulated properties for low construction (front and area) determined in para 1 can be decreased at the most with one fifth depending on the economic, the technical or the terrain conditions or in connection with the location of the existing solid buildings when this does not worsen the conditions for expedient building up, on the basis of a conclusion of the municipal expert council.

(4) In case of subdivision the landed properties of para 1 the really detached parts cannot be with dimensions smaller than the minimum defined in para 1, decreased with 1/5.

(5) At regulating landed properties in quarters with middle high and high residential building up, for low connected building up in more than two properties for construction of socially-oriented buildings or for other specific building up, the dimensions of the properties shall be determined with the very detailed development plan without observing the standards of para 1.

(6) (amend. SG 65/03) At regulating landed properties within the boundaries of the settlements for non residential construction or other needs without construction their dimensions shall be determined with a detailed development plan according to the sanitary - hygiene and fire safety requirements and the corresponding rules and norms.

(7) (suppl. SG 65/03) The outline of the streets, the squares and the regulated properties and their dimensions, as well as the building up of the properties in settlements or parts of them with historic, archaeological, ethnographic or architectural significance shall be established with the very detailed development plan so that the historic and the architectural values, the environment, the characteristic spatial and the architectural - artistic image and the valuable trees be preserved.

### **Section III.**

#### **Kinds of building up, parameters of building up**

Art. 20. (1) The building up on the regulated landed properties shall be basic and supplementing.

(2) The basic building up shall correspond to the concrete designation of the properties according to art. 8, defined with the detailed development plan.

(3) The building up of auxiliary, economic, servicing and secondary buildings shall supplement the basic building up in the regulated landed properties.

Art. 21. (1) The way of building up in neighbouring regulated landed properties shall be free or connected.

(2) (suppl. – SG 61/07, in force from 27.07.2007) The buildings of the basic build up can be constructed connected only at the side property boundaries the blind walls covering fully each other. Non-roofing of a part of a welded blind wall can be admitted under the terms and conditions and following a procedure, set out in the rules and standards of Art. 13, where the roofing of the blind wall results in violation of other regulations related to height and distances and where consideration of other welded specific units is required.

(3) (new – SG 61/07, in force from 27.07.2007) The provisions of par. 2 shall not apply to protected territories of cultural and historical heritage.

(4) (prev. par. 3 - SG 61/07, in force from 27.07.2007) The buildings of the supplementing constructions can be built up connected on the internal property boundaries.

(5) (prev. par. 4 - SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012) Connected low building up shall be admitted in case of existing notarized written consent of the owners of the neighbouring regulated landed properties where connected building up is established.

Art. 22. (1) In quarters and in big regulated landed properties the building up can be complex with disposition of groups of buildings with different designation, standing free or connected.

(2) (amend. – SG 6/09, in force from 01.05.2009) The areas between the buildings at complex building up shall be developed as parks and gardens, parking lots or underground parking and playgrounds.

(3) In residential and resort complexes the complex building up can be combined with building up in separate regulated landed properties.

(4) (new – SG 106/06, in force from 28.01.2007; amend. – SG 82/12, in force from 26.11.2012). New construction in the existing residential complexes is foreseen on the grounds of a detailed development plan under Art. 110, par. 4 – regulation and development plans for restructuring of the residential complex within a scope not less than the territory of one area with a complex development regime. Designs of regulation and development plans for restructuring of the residential complex shall be subject to public discussion under the provision of Art. 127, par. 1 prior to their submission to expert councils in charge of spatial development.

(5) (new – SG 106/06, in force from 28.01.2007) Designs under par. 4 cannot exceed the parameters of the plan according to which the residential complexes have been established.

(6) (suppl. SG 65/03; amend., SG 65/04; prev. par. 4 – SG 106/06, in force from 28.01.2007; amend. and suppl. - SG 61/07, in force from 27.07.2007) In regulating landed properties in the existing quarters with complex development, the distances between the newly planned building and the existing buildings shall be determined by the rules for complex construction. The density and intensity of construction in such properties may not exceed the parameters determined by the plan for the respective construction zone, by observing the indices for the individual quarters in the zone as well. Designation of terrains, located in the same quarter, cannot be changed for the purpose of increasing of construction density, unless the standards for green spaces, set out in the ordinance of Art. 13, par. 1 are achieved.

(7) (new, SG 65/04; prev. par. 4 – SG 106/06, in force from 28.01.2007; amend.- SG 61/07, in force from 27.07.2007) In restructuring of quarters with complex development contiguous areas to the existing buildings shall be allocated in compliance with the rules and standards, set out in the ordinance of Art. 13, par. 1, which shall be regulated as land properties. The remaining non-developed part of the quarters, including the land properties, for which construction by the rules of para 6 cannot be provided, shall be regulated as a landscaped space of wide public use and shall be entered in the public register of Art. 63, par. 1.

Art. 23. (1) The character of the building up is determined according to the height of the buildings of the basic buildings as follows:

1. low buildings - high up to 10 m;
2. middle buildings - high up to 15 m;
3. high buildings - high over 15 m.

(2) (suppl. SG 65/03) In the villa zones the building up is low – up to 7 m.

Art. 24. (1) (suppl. SG 65/03; suppl., SG 65/04) The height of the building, when it is located on the construction line, is defined in absolute measures from the elevation of the average level of the

adjacent terrain for the corresponding external wall: to the elevation of the line of crossing of the facade surface with the roof surface - for buildings with eaves; to the elevation of the upper surface of the cornice - for buildings with cornices; to the elevation of the highest point of the external walls - for buildings without cornices and eaves.

(2) (amend. SG 65/03) The space under the roof shall not be included in the height of the building if it is behind the plane at an angle of 45 degrees to the horizon from the line of crossing the facade plane with the upper surface of the cornice or the eaves and for buildings without cornices and eaves - from the highest point of the external walls. Using this opportunity, the elevation of the ridge cannot exceed the elevation of the cornice with more than 4.5 m, respectively of the eaves or of the highest point of the surrounding walls.

(3) (new, SG 65/04) The height of the building shall be accepted as equal to the admissible if the building is located in the area marked out by a vertical plane, along the line of construction with a height equal to the admissible and a plane drawn from this height under 45 degrees angle in relation to the horizon. In this case the elevation of the ridge may not exceed by more than 4.5 m the height of the building determined under the requirements of para 1.

Art. 25. The building up in regulated landed properties shall be determined with external and internal lines of construction to which according to the provision of the detailed development plan can be disposed or along which the buildings are obligatory disposed with their ground level.

Art. 26. (1) (amend. SG 65/03) The external line of construction to the streets of the primary network shall be established at distance from the street regulation line as follows:

1. on the streets first class (high speed town highways) - at least 15 m;
2. on the streets second class (town highways) - at least 5 m;
3. on the streets third class (regional arteries) - at least 3 m.

(2) When the streets of para 1, items 2 and 3 have local lanes, the external construction line can coincide with the street regulation line.

(3) The distances of para 1 shall be admitted to be decreased in the cases when the existing buildings are preserved and included in the system of building up of the detailed development plan, the construction line of the new buildings being determined by the construction line of the existing buildings when they are predominating.

Art. 27. (1) The construction lines in regulated landed properties with face on two streets shall be determined according to the rules of each one of the streets.

(2) In the angle regulated landed properties when the construction lines coincide with the street regulation lines along both of the streets, in the zone of the crossing the construction line has to go back from the cross point of the street regulation lines of the regulated property at least at a distance 2 m.

(3) (suppl. – SG 61/07, in force from 27.07.2007) The density and the intensity of building up shall not be restricted in the angle regulated landed properties with connected basic building up of both side regulating lines.

(4) (new - SG 61/07, in force from 27.07.2007) The provisions of par. 3 shall not apply, where the regulated land property faces two streets, one of which is a dead-end street.

Art. 28. With the detailed spatial plan can be defined different depth of construction for the first ground floor (with height established with the same plan) and separately - for the basic building up

above the first ground floor, observing the norms for density and intensity of building up and distances between the buildings.

Art. 29. The depth of construction of the residential buildings shall not be restricted if the utmost admitted norms have been observed, for green area and for distances to regulated landed properties and between buildings under the conditions of art. 31 - 35 in the following cases:

1. in case of free building up;
2. in case of connected building up - only in two regulated landed properties.

Art. 30. (1) (Amend., SG 41/01) In the residential zones with connected building up the depth of the basic constructions above the first floor over the ground shall be no more than 16 m.

(2) Exception of the rule of para 1 shall be admitted only when the regulated landed property has depth more than 30 m and face not less than 20 m.

(3) The depth of building up of non residential buildings shall not be restricted if the sanitary - hygiene and the fire safety requirements of art. 35, para 1 have been observed.

#### **Section IV.**

##### **Rules and norms for disposition of the buildings of the basic building up**

Art. 31. (1) (amend. SG 65/03) For low residential building up the norms for the distances of the buildings of the basic building up are:

1. to the side boundary of the regulated landed property - at least 3 m;
2. to the boundary at the bottom of the regulated landed property - at least 5 m.

(2) (amend. SG 65/03) For middle and high residential building up the norms for the distances of the buildings of the basic building up are:

1. to the side boundary of the regulated landed property - at least one third of the height of the building;
2. to the boundary at the bottom of the regulated landed property - at least 6 m.

(3) (new – SG 65/03) The norms for distances under para 1 and 2 can not be applied when internal boundaries of regulated property are located towards a river. In these cases the lines of construction towards the river shall be determined observing the sanitary – hygiene, the fire safety and the geo-protection requirements as well as the other rules and norms for spatial development.

(4) (prev. (3) – SG 65/03) The distances between two residential buildings across the side boundary of neighbouring regulated landed properties is the sum of the required distances for each of the buildings to the boundary between the properties.

(5) (prev. (4) – SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The norms for distances to the side boundaries of the regulated landed properties of para 1 and 2 shall be applied for buildings with depth up to 16 m. For the part of the building of a bigger depth, 30 per cent of the increased depth exceeding 16 m shall be added to the side borders of the regulated land properties under par. 1 and 2. In a regulated land facing two streets the distances for the depth exceeding 16 m shall be increased until reaching a value which is by 2 m larger than the rate for distance to the side border under par. 1 and 2.

(6) (new – SG 82/12, in force from 26.11.2012) The distance between the construction in a land property and a border of a sea beach shall be bigger or equal to the construction height.

Art. 32. (1) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The distance between the residential buildings of the basic development across the street shall be bigger or equal to the height of the residential buildings.

(2) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The distance between the residential buildings of the basic development across the bottom of the regulated landed property shall be at least one and a half times of the height of the building located at to the more favourable direction for sun-lighting. In case of sloped terrain, depending on the more favourable direction, the distance shall be increased or decreased with the difference between the average levels of the adjacent terrain of the two buildings.

(3) (amend. – SG 61/07, in force from 27.07.2007) When the distance between the buildings of para 1 and 2 is determined, the height of the building to the more favourable direction shall be decreased with the height of the first and the following non residential floors of the shaded building.

Art. 33. (suppl. SG 65/03) In a regulated landed property for residential building up with more than one building as well as at complex building up in residential and resort complexes the distance between the buildings of the basic building up shall be determined with the ordinance of art. 13, para 1.

Art. 34. In the villa zones the buildings shall be at distance at least 4 m to the side boundaries and at least 6 m to the bottom of the regulated landed property. The shortest distance between the buildings across the street and across the bottom of the property shall be determined by the order of art. 32.

Art. 35. (1) (amend. SG 65/03) The distance between residential and non residential buildings in neighbouring regulated landed properties shall be defined according to the norms for distances between residential buildings. In this case the depth of building up of the non residential building shall be determined by the order of art. 31, para 5.

(2) The distance of the non residential buildings to the internal boundaries of a regulated landed property in the case of free building up cannot be less than 3 m and between these buildings in a regulated landed property - according to the detailed development plan and observing the sanitary - hygiene, the fire safety and the technological requirements.

## **Section V.**

### **Deflection from the rules and the norms for building up**

Art. 36. (1) (amend. – SG 19/09, in force from 10.04.2009) In order to be preserved existing fit buildings, in the working development plans shall be admitted the actual disposition of the existing buildings not to meet the required distances if the buildings are solid and have durability at least 25 years or are sites of the cultural - historic heritage in the sense of the Cultural Heritage Act. In these case the required distance between the existing buildings and the buildings provided with the plan in the neighbouring regulated landed properties can be decreased at most with one third, the construction lines being established in compliance with the disposition of the existing building.

(2) On the basis of a working development plan the existing solid buildings can be super-constructed together with the necessary additional construction for this, observing the required least distances between the buildings in the neighbouring regulated landed properties without being necessary the required shortest distance from the buildings to the corresponding property boundaries to

be observed. In this case shall be admitted the distance between the building, including across a street, to be decreased with at most one third depending on the location of the existing solid buildings and the opportunities for building up.

(3) It shall be admitted at architectural - urban designing of the quarters with connected building up, when the height of the building must be complied with the height of the existing buildings, on the basis of a working development plan, the distance between the neighbouring buildings to the bottom of the regulated landed property as well as the distance between the construction lines on both sides of the street to be decreased at most with one third.

(4) (amend. – SG 82/12, in force from 26.11.2012) In cases referred to in par. 1 – 3 bigger deviations from those set out therein for quarters and streets with primarily built up regulated landed properties (50 percent and more), may be allowed upon a proposal of the municipality mayor by a decision of the local council, adopted with a majority of minimum of two thirds of the total number of councillors.

(5) (new – SG 65/03) The permission of para 4 shall be issued in two months term after the receiving of the request.

## **Section VI.**

### **Buildings of the basic building up. Requirements for the residential buildings and the homes**

Art. 37. (1) The buildings of the basic building up shall be constructed according to the designation of the regulated landed properties, defined in a detailed development plan.

(2) The buildings of the basic building up according to designation shall be residential, production, resort, villa, public servicing and others, as well as buildings with mixed designation.

(3) In the buildings with mixed designation the premises and the sites non residential needs connected with mass access of external persons shall be located under the residential sites.

Art. 38. (1) (suppl. – SG 82/12, in force from 26.11.2012) In the over-ground floors of a residential building besides homes can be constructed also studios and studies for individual creative activity and on the first floor, in the semi-underground floor or in the underground floor – garages or parking spaces, as exception transformer stations, as well as other sites and facilities of the technical infrastructure, observing the sanitary - hygiene, the fire safety and the other technical requirements and the safety standards.

(2) Sites for economic and servicing activities in a newly built residential building shall be provided in the underground, the semi-underground and on the first floor if independent entrances to them are ensured and they are compliant with the observing the sanitary - hygiene, the fire safety and the other technical requirements.

(3) (amend. SG 65/03) In an existing residential building with a regime of condominium restructuring and change of the designation of residential premises or of independent home into a surgery for health needs, an office or studio for individual creative activity connected with the access of external persons in the building if the sites are on the first or on the semi-underground floor, the reconstruction is compliant with the sanitary - hygiene, the fire safety and the other technical requirements and on the basis of an explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites shall be admitted. As an exception can be admitted the disposition of the sites pointed out also on other over-ground floors, only on the basis of a decision of the general meeting of the owners of homes, taken by the due order and with explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites.

(4) (suppl. SG 65/03) An existing residential premises or independent home on the first floor of

a residential building can be restructured with change of the designation into a shop or for another servicing activities besides these of para 3, observing the sanitary - hygiene, the fire safety and the other technical requirements and if a separate entrance out of the entrance and the common premises of the residential floors is ensured. In these cases a decision of the general meeting of the owners of homes, taken by the due order and an explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites, is required.

(5) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) Premises and sites for non residential needs, constructed in existing residential building, can be reconstructed and have their purpose of use changed by the general order without requiring the consent of the owners in the condominium in case no noise and other pollution over the norm is admitted.

(6) (new – SG 65/03) The consent of the owners in the condominium shall not be required at restoration of the residential designation of already reconstructed independent premises and sites for non residential needs, constructed in existing residential building.

(7) (prev. (6), amend. SG 65/03) A motivated statement of a civil engineer with full designer's competence shall be obligatory presented with the designs for reconstruction, proving that the loads are not increased, construction elements are not affected and the bearing capacity, the stability and the durability of the construction of the building are not decreased, and when changes of the construction are necessary or the loads are increased, also constructive part of the design shall be presented with the designs for reconstruction of para 3 - 5.

(8) (new – SG 6/09, in force from 01.05.2009) In newly constructed buildings in a regime of a condominium with a granted construction permit after entering of the Condominium Ownership Management Act, in which it is provided the stand-alone objects to be more than ten, at least one common room shall be allocated, to be used by the owners and by the tenants of the buildings for communal, sport and other servicing activities (a meeting room, for a concierge or security; for baby carriages, bicycles, motor bikes and motor cycles, for storage of cleaning items for the building and the adjacent area, washing rooms, drying rooms and other similar ones), allocated on the ground floor or on the first floor.

(9) (new – SG 82/12, in force from 26.11.2012) No reorganization and change of the purpose of use of the facilities under par. 1 – 5 shall be allowed, if necessary garages or parking spaces cannot be provided in the respective land property for the new facilities.

Art. 39. (1) Garages can be constructed in a villa building on the first floor or under the ground, as well as studios and studies for individual creative activity on the floors and in the space under the roof.

(2) At change of the designation of a part or of a whole building in residential, resort or villa zones, when the reconstruction is connected with mass access of external persons and noise and other pollution of the zone over the standards, besides observing the requirements of art. 38, it is necessary also the explicit written consent, with signatures certified by a notary, by all the owners and bearers of limited real rights in neighbouring landed properties.

(3) (new – SG 17/09; suppl. – SG 50/10) Change of the designation of a building or part of a building - site for education, science, healthcare or culture, as well as sports facilities and equipment or parts thereof, may be carried out under the conditions and order of this Act only upon the written consent of the relevant Minister. The refusal shall be reasoned. The lack of pronouncement within one month from the submission of the request shall be deemed tacit consent.

(4) (new – SG 65/03; prev. text of Para 03, suppl. – SG 17/09) In the cases of para 2 and 3 the change of the detailed development plan shall be entered ex officio on the basis of an order by the mayor of the municipality without conducting of procedure for change of the detailed development plan.

(5) (new – SG 65/03; prev. text of Para 04, amend. – SG 17/09) No consent of the interested

owners shall be required and no procedure for change of the detailed development plan shall be conducted in case non residential building in residential, resort or villa zone is reconstructed into residential, the change being reflected by the order of para 4.

Art. 40. (1) Each home must have independent entrance, at least one residential premises, a kitchen or kitchen box and a bath - WC, as well as a storage premises which can be in the home or out of it. It shall be admitted the premises to be spatially connected except the WCs and the baths - WCs.

(2) Sanitary premises over a residential premises, over a kitchen or a closet for food products, shall be admitted only in the home they are servicing.

## **Section VII.**

### **Additional building up, fences (title amend. SG 65/03)**

Art. 41. (amend. SG 65/03) (1) The additional building up in regulated landed properties shall be comprised by auxiliary, servicing, economic and secondary structures to the buildings of the basic building up and it shall be permitted in compliance with the provisions of the detailed development plan.

(2) When supplementary building up is not provided with the detailed development plan in effect, it shall be admitted by the chief architect of the municipality with visa for investigation and designing under art. 140 if the constructions are built freely or contacting the basic buildings in the regulated landed property or connected with the supplementing building up only between two regulated landed properties. The admitted building up shall be reflected ex officio in the detailed development plan in effect.

(3) Building up shall not be admitted by the order of para 2, with which are exceeded the development indices for the respective regulated landed property, provided in the detailed development plan.

Art. 42. (1) (new – SG 65/03) The constructions of the supplementing building up shall be disposed freely or contacting with the basic buildings in the regulated landed property or connected with supplementing building up in neighbouring property

(2) (prev. (1), amend. SG 65/03) Buildings of the supplementing building up, except garages, workshops and sites for trade and services, cannot be disposed on the street regulation line or between it and the buildings of the basic building up. Buildings of the supplementing building up can be constructed on the internal boundary of the regulated landed property if their blind walls cover the blind walls of existing or newly provided buildings in the neighbouring regulated landed property or solid fences.

(3) (prev. (2), amend. SG 65/03) In case of free disposition the buildings of the supplementing building up shall be high up to 3.6 m and at a distance to the internal boundaries of the regulated landed property at least 3 m, and when they are high up to 2.5 m, they can be at a distance at least 1.5 m from the south, the south west and the south east boundary with the neighbouring regulated landed property with deflection up to 45 degrees from the south direction.

(4) (prev. (3), amend. SG 65/03) The freely disposed semi-underground with elevation up to 1.2 m above the adjacent terrain shall be admitted at a distance not less than 1.5 m to the internal boundary of the regulated landed property.

Art. 43. (1) (amend. – SG 82/12, in force from 26.11.2012) The garages and parking spaces

required for the new buildings must be provided within the boundaries of the regulated landed property.

(2) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) Exceptions from the provision of para 1 shall be admitted by the body, which should issue the permission for construction when the legally required garages and parking spaces cannot be provided within the boundaries of the regulated landed property due to technical or normative reasons as: dimensions and/or slope of the regulated landed property, hydrologic conditions, sanitary - protection zones etc. under conditions, determined in the ordinance of art. 13, para 1.

(3) (amend. SG 65/03; revoked – SG 82/12, in force from 26.11.2012).

Art. 44. (1) (amend. SG 65/03) Buildings of the supplementing building up with farm designation of any kind can be constructed in the villages.

(2) (amend. SG 65/03) In the towns and in the villa zones buildings of the supplementing building up for breeding domestic animals can be constructed as exception only according to a unified regime for use and building up for the zone, approved by the respective municipal council.

(3) (amend. SG 65/03) The economic buildings of the supplementing building up for breeding domestic animals shall be constructed with height up to 5.5 m above the adjacent terrain and up to 8.5 m to the highest point of the roof. Within this height shall be admitted the separation of second level for storage needs.

Art. 45. (Amend., SG 41/01, SG 65/03) The economic constructions of the supplementing building up cannot be disposed at the blind wall of a residential building in a neighbouring landed property.

Art. 46. (1) (suppl. SG 65/03) The secondary buildings of the supplementing building up (summer kitchens and light constructions for heating materials and inventory, wells, fountains, septic pits and temporary toilets) can be constructed in regulated landed properties for low or for villa construction.

(2) (suppl. SG 65/03) The secondary constructions of the supplementing building up shall be with height up to 2.5 m over the adjacent terrain, and up to 3 m up to the most high point of the roof. When the buildings are situated on the internal boundary of the regulated landed property the most upper part of the roof at the blind wall side can be with height up to 3.6 m.

Art. 47. (1) Summer kitchens shall be disposed freely or connected without observing the requirements for distances to the buildings of the basic construction.

(2) Basins, wells, fountains, septic pits and temporary toilets shall be constructed in the regulated landed property according to the technical and the sanitary-hygiene requirements at a distance not less than 3 m from the boundary of the property.

Art. 48. (1) The regulated landed properties can be fenced to the street and to the neighbouring regulated landed properties.

(2) (amend. SG 65/03) The mayor of the municipality shall, on proposal by the municipal expert council, determine the general requirements to the fences (kind, form, height, material etc.) according to the types of development zones, the design of the primary street network and the other public areas, the terrain peculiarities, the designation of the landed properties and in compliance with the

rules and the norms of the detailed development plans in effect.

(3) (suppl. SG 65/03) The fences to the neighbouring regulated landed properties shall be disposed with equal parts in both of the properties. When the fence is solid one with height over 0.6 m it shall be admitted on the basis of an explicit written consent of the owners of the properties concerned and if the distance from the fence to a home on the first floor of a building in the neighbouring regulated landed property is bigger or equal to the height of the solid part of the fence. It shall also be admitted the fence to be disposed entirely in the property of the assignor.

(4) (new – SG 103/05; amend. – SG 82/12, in force from 26.11.2012) In case of no consent by an owner of a concerned property, the construction of solid fence between neighbouring properties with height of the solid part more than 0.6m shall be admitted, provided that the distance from the fence to a residence on the first floor of the building in the neighbouring regulated land property is bigger or equal to the height of the solid part of the building, whereby the fence shall be located fully on the property of the assigner.

(5) (prev. text of Para 4 - SG 103/05) It shall be admitted the fences to be with height up to 2.2 m over the adjacent terrain. In case of rise of the terrain between neighbouring regulated landed properties the height of the solid part of the fence shall be read according to the elevation of the lower adjacent terrain.

(6) (new – SG 103/05) In event of displacement of the terrain between two regulated land properties more than 1.5 m, the height of the solid part of the fence shall be up to 0.6 m to the elevation of the higher adjacent terrain.

(7) (prev. text of Para 5 - SG 103/05) The height of the solid part of the fence to the street shall be up to 0.6 m.

(8) (new – SG 65/03; prev. text of Para 7 - SG 103/05) Out of the boundaries of the urbanised territories and in the not regulated parts of the settlements shall be admitted the landed properties to be surrounded only with light fences, complied with the requirements of para 2.

(9) (suppl. SG 65/03; prev. text of Para 6, amend. - SG 103/05; amend. – SG 61/07, in force from 27.07.2007) Construction of fences in the cases of Para 3 and 4, as well as a deviation from the requirements of Para 2, 5 and 7 shall be allowed for sites of the cultural-historical heritage, and in the rest of the cases - by the chief architect of the municipality, according to the designation of the regulated landed property and with regard to be ensured architectural uniformity on the basis of individual architectural design.

(10) (new – SG 82/12, in force from 26.11.2012) The construction papers of fences of construction products, related to country defence and security, are an integral part of the construction papers of the projects. The investment projects of fences in urbanized territories, beyond those referred to in Art. 147, par. 1, item 7, prior to their approval under Art. 145, par. 2 shall be agreed upon with the Chief Architect of the municipality.

## **Section VIII.**

### **Temporary buildings**

Art. 49. (1) (amend. SG 65/03) The owners of landed properties on which with the detailed development plans it is provided the construction of sites - public ownership of the state and the municipalities, shall have the right to construct temporary buildings, if the state or the municipality:

1. refuses to change the detailed development plan due to non existing of the conditions of art. 134, para 2;

2. (amend. SG 65/03) refuses to buy out the property under the conditions of art. 199, para 2 or does not answer in three months term to the proposal for selling which has been made.

(2) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) Except in the cases of

para 1 temporary buildings can be permitted by the order of this section in a landed property about which has been established a new way or character of building up.

(3) (amend. SG 65/03; suppl. – SG 82/12, in force from 26.11.2012) The buildings of para 1 and 2 shall be permitted under the condition that no construction prohibition has been imposed or the new construction or the other measures is not provided to start during the following one year. The alienation of temporary buildings shall be implemented under the conditions and by the order of the Municipal Property Act.

Art. 50. In the cases of art. 49 the persons can construct the new buildings:

1. (amend. SG 65/03) on built up landed properties:

a) one floor additional building to a lawfully constructed building with built area up to 40 sq m; If the building is with two floors it can be with area up to 30 sq m at each floor.

b) (Amend., SG 41/01) reconstruction of an attic premises instead of additional construction under item a) making superstructure up to 1.5 m high and dormer windows regardless of the number of the floors of the building;

c) (amend. SG 65/03) a studio or a site with servicing designation observing the restrictions of item a), for built up area and height;

d) (amend. SG 65/03) constructions of supplementing building up under the conditions of art. 46;

e) (amend. SG 65/03) garage;

f) (suppl. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) a fence, complied with the requirements of art. 48, para 2;

2. (amend. SG 65/03) in undeveloped landed properties:

a) (suppl. SG 65/03) residential building with built area up to 60 sq m with two floors or residential building on one floor up to 80 sq m;

b) (revoked – SG 65/03);

c) buildings of item 1, items c), d), e) and f).

Art. 51. (amend. SG 65/03) (1) The temporary buildings of art. 50 shall be permitted only one time in one landed property on the basis of a visa for design with defined way of construction issued by the chief architect of the municipality, and construction papers issued by the general order. In these cases of art. 50, item 1, can be admitted decrease of the normative established distances to the property boundaries with the consent of the interested parties expressed with a declaration to the mayor of the municipality with signatures, certified by a notary.

(2) In case of co-ownership of the property buildings under art. 50 can be permitted to each of the co-owners, observing the requirements of art. 183. The total built area of the permitted constructions of art. 50 cannot exceed 30 percent of the area of the landed property.

(3) (new – SG 61/07, in force from 27.07.2007) Non-developed land properties, falling within the territories, for which general or detailed development plans provide, but do not implement the purpose of use as per Art. 61, par. 2 or any other specific designation pursuant to Art. 61, par. 3, may be used until the implementation of the provisions of the plan only for construction or placement of open air facilities for sport activities and playgrounds pursuant to the provisions of Art. 55.

Art. 52. (1) The conditions under which are permitted the buildings shall be entered in the approved investment project and in the permission for construction.

(2) The temporary buildings shall be connected with the existing networks and facilities of the

technical infrastructure with temporary connections.

Art. 53. (amend. SG 65/03) Existing buildings in landed properties under art. 49 can be restructured internally observing their designation and be repaired without changing their external outline in horizontal and vertical direction and without making new or strengthening significantly the bearing structures.

Art. 53a. (new – SG 65/03) The found existing constructions, not included in the regime of building up of the regulated landed property, shall be removed by the assignor at latest till the finishing of the permitted construction. If the assignor does not fulfil this, the construction shall not be entered into exploitation and the found construction shall be removed for the account of the assignor on the basis of an order by the chief of the Directorate for national construction supervision or official, authorised by him by the order of the ordinance of art. 225, para 4.

Art. 54. (1) (amend. SG 65/03) Temporary buildings can be made also for needs connected with organisation and mechanisation of the construction, with a permission by the body issuing the permission for construction. The temporary buildings shall be removed at the end of the construction. If the investor does not accomplish this, the construction shall not be entered into exploitation and the temporary constructions shall be removed for his account on the basis of an order by the chief of the Directorate for national construction supervision or official, authorised by him by the order of the ordinance of art. 225, para 4.

(2) (amend. SG 65/03) If the construction does not start within the time till the permission for construction is in force the temporary buildings shall be removed by the order of para 1.

(3) (revoked – SG 65/03).

(4) (new – SG 65/03) Temporary constructions shall be permitted also for needs, connected with implementing of measures for restoration and reclamation of damaged territories, by the body, issued the permission for construction.

(5) (new – SG 65/03) If the measures for restoration and reclamation of damaged territories do not start in one year term after the permitting of the temporary constructions of para 2, the permission for construction, issued for them shall be invalidated by right and the constructed buildings and facilities shall be removed by the order of para 1.

(6) (new- SG 106/06, in force from 28.01.2007) Temporary constructions shall be permitted also in cases when by the force of a special law a permit for prospecting or investigation of a concession for extracting of underground resources has been granted, only provided that they are related to the implementation of this activity. Development parameters shall be determined in a specialized detailed development plan. Upon expiration of the validity of the permit for prospecting or investigation or of the concession for extracting, the temporary constructions shall be removed pursuant to the provision of par. 1.

Art. 55. (suppl. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) Till the realisation of the detailed development plan undeveloped landed properties can be used for temporary open air parking places, markets for stall trading, open air sport facilities and children's playgrounds and other similar sites on the basis of permission for construction, respectively permission for placing, under conditions and by order, determined with an ordinance of the municipal council.

## **Section IX.**

### **Movable sites and elements of urban furniture**

Art. 56. (1) (amend. - SG 103/05; suppl. – SG 61/07, in force from 27.07.2007; suppl. – SG 82/12, in force from 26.11.2012) Movable places of entertainment and assets for trade and other servicing activities - pavilions, cabins, tables, charging columns for electrical vehicles as well as other elements of the urban furniture (stops of the public transport, benches, lighting bodies, vessels for garbage, fountains, clocks etc.) can be put on landed properties.

(2) A permission for putting shall be issued for the sites of para 1 by an order established with an ordinance of the municipal council and for state and municipal properties - also on the basis of a scheme approved by the chief architect of the municipality. The scheme for the state properties shall be approved after co-ordinating with the corresponding central administration managing the property and in the other cases - with the regional governor.

(3) (new – SG 65/03; revoked – SG 103/05; new – SG 82/12, in force from 26.11.2012) The projects under par. 1 may be connected with temporary connections to the networks and facilities of the technical infrastructure, where this is required for their normal functioning.

(4) (new – SG 65/03; suppl. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) In the immovable properties – cultural valuables, permission for placing of sites under para 1 shall be issued on the basis of scheme after co-ordination with the Ministry of Culture under the terms and conditions and following the procedure set in Art. 125, par. 6.

(5) (new – SG 65/03) In other's landed properties permission for placing of sites of para 1 shall be issued on the basis of explicit written consent by the owner of the landed property or written contract for rent of the area, taken by the movable site.

(6) (new – SG 61/07, in force from 27.07.2007; amend. – SG 50/10; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The terms and conditions and the procedure of arrangement, safety and technical requirements to facilities, installed in places of entertainment, shall be set out by an ordinance of the Minister of Regional Development and Public Works, the Minister of Interior and the Minister of Youth and Sports.

Art. 57. (1) (prev. art. 57 – SG 65/03) Advertising, information and monumental - decorating elements can be put on immovable properties on the basis of a permission for this issued by the order established with an ordinance of the municipal council under art. 56, para 2.

(2) (new – SG 65/03; revoked – SG 103/05)

(3) (new – SG 65/03) In other's landed properties and buildings the permission for placing of sites of para 1 shall be issued on the basis of explicit written consent by the owner of the landed property or of the building or on the basis of written contract for rent of the area, taken by the facility of para 1.

(4) (new – SG 65/03; amend. – SG 82/12, in force from 26.11.2012) On buildings – condominiums, the permission for placing of sites of para 1 shall be issued on the basis of explicit written consent of the owners of the floors or written contract for rent with the owners of the floors for the area, taken by the facility of para 1. The consent and the contract for rent shall be executed following the provisions of the Condominium Management Act.

(5) (new, SG 65/04; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) On real estates – cultural valuables within their boundaries and protection zones, permit for placing under para 1 shall be issued upon coordination with the Ministry of Culture under the requirements and by the order of art. 125, para 6.

Art. 57a. (new – SG 103/05) (1) The sites under Art. 56, Para 1 and Art. 57, Para 1 shall be removed, if:

1. have been put without permit or in contradiction with the issued permit;
2. have been put in somebody's else property without legal ground or the legal ground for issuance of the permit has fallen out;
3. do not correspond to the rules and the norms of spatial development;
4. (amend. - SG 76/06, in force from 01.01.2007) do not meet the requirements of Art. 169, Para 1, item 1, 2, 3, 4, 5 and Para 3, item 1;
5. appear to be advertisement forbidden by a law;
6. the term of the permit has elapsed;
7. do not meet other requirements, determined by the ordinance under Art. 56, Para 2.

(2) The circumstances under Para 1 shall be found by an act of findings, designed by the officials of Art. 223, Para 2 within 7 days term from the finding of the breach. The act of findings shall be handed to the owners of the sites under Para 1, who may make objections within 3 days after the handing.

(3) Within 7 days from the handing of the act of findings under Para 2, the mayor of the municipality shall issue order of removal of the site.

(4) Where the owner of a site under Para 1, put on a somebody's else property is unknown, the act of findings shall be handed to the owner of the property to remove it on his/her own account.

(5) Where the owner of a site under Para 1, put on a property- municipal ownership, is unknown, the act of findings and the order of removal shall be put at a visible place on the site in the presence of two witnesses and at the determined for this places in premises of the municipality, the region or the town hall.

(6) In the order under Para 3 the mayor of the municipality shall determine a term for removal of the site and shall direct that the water- and energy supplying companies shall stop the supply to the determined for removal site.

(7) (amend. – SG 61/07, in force from 27.07.2007) In event of non-observance of the term for removal, as determined in the order under Para 3, the site shall be removed compulsory following the procedure set by the ordinance of Art. 56, par. 2.

(8) In event of necessity, the compulsory execution of the order under Para 3 shall be performed with the assistance of the police.

## **Section X.**

### **Building up on non regulated territories**

Art. 58. (amend. SG 65/03) In not regulated small settlements and parts thereof construction shall be admitted on the basis of a sketch – copy of cadastral map (cadastral plan) or situation sketch, compiled by the designer, which must contain also data about the existing buildings and facilities in the neighbouring properties as well as the necessary levels. The construction shall be permitted by the established order observing the norms of the ordinance of art. 13, para 1. The fences shall be constructed according to existing property boundaries without construction line being given for them.

Art. 59. (1) (amend. SG 65/03; amend. and suppl. – SG 82/12, in force from 26.11.2012) Out of the boundaries of the urbanised territories building up shall be admitted observing the provisions of the general development plan in effect for the territory of the municipality or part of it and on the basis of an

effective building up plan for a landed property or group of landed properties or parcel plan for the elements of the technical infrastructure after change of the designation of the land when this is required by the order of a special law, except for the cases referred to in Art. 109, par. 2 and 3.

(2) (Amend., SG 41/01) Building up on landed properties without a change of the designation of the land under para 1 shall be admitted under the conditions of art. 12, para 3.

Art. 60. (1) The disposition of the buildings in the cases of art. 58 and 59 shall be determined with regard to future regulation not admitting construction close to corners or strips extended on roads, streets or neighbouring landed properties and leaving free area for construction of new or extending of the existing streets. The buildings by water areas (rivers, canals, lakes etc.) shall be disposed with regard to their probable future correction.

(2) The building up shall be permitted when for the sites water and electricity supply as well as transport access are ensured.

## **Section XI.**

### **Spatial development of green and forest areas**

Art. 61. (1) Green areas shall be developed on the territories of the municipalities unified in green system as means for improvement of the micro-climate and the hygiene conditions and for organising the recreation of the population.

(2) (amend., SG 65/04; amend. – SG 61/07, in force from 27.07.2007) A basis of the green system shall be the green areas for wide public use, designated for permanent satisfaction of public needs of national or public importance - parks, gardens, street vegetation.

(3) (suppl. – SG 61/07, in force from 27.07.2007) The green areas for limited public use in the properties for residential, villa, public, production, resort and sport buildings and complexes as well as the green areas with other specific designation - graveyard parks, botanical gardens, dendraria, zoological gardens, protective vegetation are supplementing the green system.

(4) (new, SG 65/04) The green areas under para 2 and the areas of specific designation under para 3 – property of the state and the municipalities, shall be public property.

Art. 62. (1) (suppl. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The green systems and the green areas shall be developed in compliance with the approved general and detailed development plans of the urbanized territories and with the detailed development plans of the parks and the gardens observing the rules and the norms of the ordinance of art. 13, para 1.

(2) The green areas being public ownership cannot be sold, conceded and encumbered with real encumbrances as well as to be used for other purposes.

(3) Existing green areas which are public ownership shall be developed and preserved as protected areas in the sense of art. 8, item 4.

(4) (amend. – SG 19/09, in force from 10.04.2009) Parks and gardens with historic significance and with characteristic design and aesthetic structure shall be registered and announced as monuments of the garden and park art which are developed and preserved observing the norms and the Cultural Heritage Act.

(5) (new, SG 65/04) Where, on plots designated for green areas – public property, fall landed properties – private property they shall be alienated by the order stipulated by the law.

(6) (new, SG 65/04; amend. – SG 61/07, in force from 27.07.2007) Properties under para 5 shall not be alienated where the detailed development plans of parks and gardens provide for

construction or location of facilities as per para 7, item 3 - 6.

(7) (new, SG 65/04; suppl. – SG 61/07, in force from 27.07.2007) The detailed development plans for parks and gardens in the green areas – public property and in land properties of private ownership, without a change of their designation, may be provided only for construction necessary for:

1. (suppl. – SG 61/07, in force from 27.07.2007) networks and facilities of the technical infrastructure servicing the green plots;

2. maintenance of the green system;

3. (amend. – SG 61/07, in force from 27.07.2007) open air facilities for sport or cultural activities;

4. (new – SG 61/07, in force from 27.07.2007) playgrounds;

5. (new – SG 61/07, in force from 27.07.2007) movable facilities under Art. 56, which may not occupy more than 10 per cent of the surface area of the property;

6. (new – SG 61/07, in force from 27.07.2007) monumental-decorative, information and advertising elements referred to in Art. 57;

7. (new – SG 61/07, in force from 27.07.2007) memorial places and facilities.

(8) (new, SG 65/04; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. – SG 82/12, in force from 26.11.2012) The memorial places and facilities (monuments, memorial stones, monumental decorative structures and components, etc.), related to historical events and/or individuals, shall be permitted following the procedure of this law upon a decision of the local council upon agreement with the Ministry of Culture. For memorial places and facilities having the status of unit or group cultural valuables and the constructions within their boundaries and protection zones shall be subject to the requirements of the Cultural Heritage Act. Repair, conservation, restoration and other activities on military monuments, and also construction of new ones shall take place under the terms and conditions and following the provision of the Military Monuments Act.

(9) (new, SG 65/04) The detailed development plans for parks and gardens shall be adopted by a decision of the municipal council regardless of their territorial range. Obligatory element of these plans shall be layout for location of movable sites and advertising facilities which shall be approved by the order stipulated for approval of the detailed development plan for the park or garden.

(10) (new – SG 61/07, in force from 27.07.2007) The municipal council shall adopt an ordinance for construction and protection of the green system in the territory of the municipality.

(11) (new – SG 61/07, in force from 27.07.2007; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The terms and conditions and the procedure of arrangement and safety of playgrounds shall be set out in an ordinance of the Minister of Regional Development and Public Works, the Minister of Interior and the Chairman of the State Agency of Children's Protection.

Art. 62a. (new – SG 61/07, in force from 27.07.2007) (1) The purpose of use of existing landscaped spaces or parts thereof in the urbanized territories, implemented in compliance with the provisions of the development plans may not be changed.

(2) The purpose of use of territories and land properties, allocated in the general or in detailed development plans of the urbanized territories for landscaped spaces, which have not been implemented, may not be changed, except for part thereof for construction of components of the technical infrastructure or of special facilities, related to the defense and safety of the country.

(3) (amend. – SG 82/12, in force from 26.11.2012) Change of the purpose of use of the territory and of land properties referred to in par. 2 shall be permitted following public open debate, held in compliance with the procedure of Art. 127, par. 1 by:

1. the Council of Ministers under a proposal of the regional governor – for the state owned

properties;

2. the municipal council by a decision, adopted with the majority of two third of the total number of the local councillors - in all other cases.

(4) Paragraphs 2 and 3 shall not apply in case of change of the purpose of use of properties and parts thereof, allocated in the detailed development plans for landscaped spaces, which have not been implemented in the settlements of up to 10.000 of residents. In these cases the change of the purpose of use shall be done in compliance with the procedures of Chapter Seven, Section IV.

(5) Apart from the cases of par. 2 the purpose of use of territories and land properties, allocated in the general or detailed development plans of the urbanized territories for landscaped spaces, which have not been implemented, may be changed by a new general or detailed development plan of the entire settlement or aggregation, provided that the outlines or design outlines of the green system evidence, that the standards for landscaped areas have been complied with.

Art. 63. (1) (amend., SG 65/04) The mayor of the municipality shall organize the drawing up and updating of a public register of the green areas for the perennial decorative trees and the trees with historic significance in the municipality. The access to the information entered in the register shall be fulfilled under the terms and by the order of the Access to Public Information Act.

(2) Perennial decorative trees and the trees with historic significance can be cut or rooted out only as exception after a written permission by the mayor of the municipality issued on the basis of a sanitary expert statement about the status of the tree.

(3) (amend. – SG 61/07, in force from 27.07.2007) Century-old or remarkable trees shall be announced protected and shall be entered into the register of Art. 113, par. 1 of the Biological Diversity Act. The trees announced to be protected shall be entered also in the register of par. 1.

(4) (new – SG 65/03; amend. – SG 61/07, in force from 27.07.2007; suppl. – SG 17/09) The designs of detailed development plans, except the designs for parcel plans for the technical infrastructure sites outside the boundaries of the urbanized territories, must be accompanied by a reference of the indexed plants and geodetic survey, certified by the municipal landscape bodies.

(5) (new – SG 61/07, in force from 27.07.2007) Within 5 years after the accomplishment and acceptance of construction works the municipal bodies in charge of landscaping shall carry out inspections of obligations fulfillment by the owners (investors), related to landscaping and compensating forestation.

## **Chapter four.**

### **NETWORKS AND FACILITIES OF THE TECHNICAL INFRASTRUCTURE**

#### **Section I.**

##### **General requirements to the elements of the technical infrastructure**

Art. 64. (amend. SG 65/03) (1) Elements of the technical infrastructure shall be:

1. the transport technical infrastructure and the facilities at it (bridges, tunnels, overpasses, underpasses, railway crossings etc.);

2. the transferring (bringing in and taking out) conduits (networks) and the facilities at them in not regulated territory;

3. the transferring (bringing in and taking out) conduits (networks) and the facilities at them in regulated territory;

4. the distributing conduits and the distribution devices and facilities at them (transformer posts, electric substations, treatment stations for drinking and waste waters, step-down and distribution stations

etc.), including the joining conduits to the building installations and the common means for measurement;

5. (new – SG 80/11, in force from 14.10.2011) hydromelioration transferring (bringing in and taking out) conduits (networks) and the facilities thereto and the hydromelioration constructions for prevention from the damaging effects of the waters;

6. (new – SG 82/12, in force from 26.11.2012) electronic communication networks and facilities;

7. (new – SG 82/12, in force from 26.11.2012) coast reclaiming, coast protection and geo-protective constructions;

8. (new – SG 82/12, in force from 26.11.2012) waste treatment facilities and systems.

(2) (amend. – SG 82/12, in force from 26.11.2012) The elements of the technical infrastructure shall be provided with development plans. Integral part of the general and detailed development plans shall be the plan-schemes of the elements of the technical infrastructure.

(3) The conduits and the facilities of the technical infrastructure shall be constructed, maintained and repaired by and for the account of the state, the municipalities or the corresponding operational companies unless in a special law other has been provided.

(4) The designing and the construction of the sites of the technical infrastructure shall be implemented by the general order, defined in this Act.

(5) (new – SG 82/12, in force from 26.11.2012) Where with regard to new construction it is necessary to change the position or the design of welded constructions – underground or ground networks and facilities of technical infrastructure, the respective works shall be carried out by the Employer of the new construction at their expense upon approval of relevant engineering designs, agreed upon with the operating companies, the networks of which have been affected, and upon granting of a construction permit.

Art. 65. (revoked – SG 65/03)

Art. 66. (amend. SG 65/03) The immovable properties shall be obligatory connected with the constructed networks and facilities of the technical infrastructure on the basis of issued construction documentation. Requirements of the operational companies that are not pointed out at the concluding of the contract for joining shall not be basis for refusal of the connecting.

Art. 67. (1) (amend. SG 65/03) Underground and surface common networks and facilities of the technical infrastructure shall be designed and constructed on municipal and state landed properties. When this is not possible the networks and the facilities of the technical infrastructure shall be constructed in landed properties - ownership of individuals and corporate bodies, by the order of art. 199 or 205.

(2) (suppl. SG 65/03) In landed properties located on or near to underground communication facilities or other networks and facilities of the technical infrastructure shall be provided such building up that is does not have unfavourable effect over the constructions of the technical infrastructure as well as which does not enter the easement strips for exploitation and repairs of this infrastructure. In case of impossible achieving of expedient building up or when the easement strips take more than 1/3 of the area of a regulated landed property, with the detailed development plan the property shall be provided for the respective network the alienation being implemented for the account of the respective owner of the network or facility observing the requirements of art. 206.

Art. 68. (1) (amend. SG 65/03) In the investment projects for buildings and facilities of the technical infrastructure shall be provided also the measures necessary for the improvement of the regulated landed property, in which they are with regard to the functional designation and the correct exploitation of the buildings and the sites.

(2) (amend. SG 65/03) Investment projects shall not be co-ordinated and approved, in which are not provided the necessary:

1. measures for improvement and verdurisation of regulated landed properties for buildings and facilities of the technical infrastructure;

2. measures for improvement (restoration of the adjacent terrain for networks of the technical infrastructure) in regulated territories, including verdurisation, which has been damaged with the provided construction;

3. designs for restoration of the adjacent terrain for networks of the technical infrastructure in not regulated territories;

4. designs for verdurisation along the roads to the designs for transport infrastructure and the republican roads, including out of the boundaries of the regulated territory.

Art. 69. (amend. SG 65/03) At construction and reconstruction of industrial and resort zones and settlement formations the improvement measures, including the verdurisation, shall obligatory be implemented by the owners for their account within the framework of the regulated landed property. The conduits and the facilities of the technical infrastructure can be constructed for the account of the owners under conditions and by order, determined with an ordinance by the municipal council.

## **Section II.**

### **Street networks and facilities of the technical infrastructure**

Art. 70. (1) (new – SG 65/03) The conduits of the technical infrastructure and the facilities of the transport infrastructure, connected with the traffic of vehicles and pedestrians, shall be designed and constructed as street networks and facilities.

(2) (prev. art. 70 – SG 65/03) The location of the underground and the surface street networks and facilities of the technical infrastructure shall be defined with the general and the detailed development plans observing the corresponding technical rules and norms.

(3) (new – SG 65/03) If there are existing conduits or facilities – public state or public municipal property, which is impossible to be moved due to technical reasons, shall be admitted they to be preserved by their respective assigning with detailed development plan.

(4) (new – SG 65/03; amend. – SG 41/07; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue ordinance for the rules and the norms for disposing of the conduits and the facilities of the technical infrastructure (including electronic communication networks).

Art. 71. (amend. SG 65/03) The mayor of the municipality or the official, authorised by him shall ensure the necessary co-ordination for laying down and construction of the separate underground street networks and facilities, and co-ordinate the underground and the surface street construction.

Art. 72. (1) (amend. SG 65/03) The works connected with digging of street and side walk

pavement and the internal quarter areas shall be implemented on the basis of a permission for construction. The assignor shall inform the corresponding municipal administration after co-ordination with the bodies for safety of movement about the start of the construction.

(2) (amend. SG 65/03; suppl. – SG 82/12, in force from 26.11.2012) The assignor or the operating company can start the works immediately at damages of the underground networks of the technical infrastructure which must immediately be removed, informing about this the corresponding municipal administration and the owners of affected land properties.

Art. 73. (1) (prev. art. 73, amend. SG 65/03; amend., SG 107/03) When it is necessary in connection with the construction the location or the construction of constructed street underground and surface networks and facilities to be changed, the corresponding works shall be implemented by the assignor of the new construction for his account after approval of the corresponding designs co-ordinated with the operating companies which networks and facilities are affected and after issuing a permission for construction. In the cases of conduits and facilities, provided for movement in the detailed development plans and the specialised schemes with them the resources for the new construction shall be for the account of the assignor.

(2) At not applied street regulation if necessary the construction of new or the reconstruction of existing conduits for the respective territory, except transfer conduits, it can be admitted as temporary supply according to the existing situation on the terrain with declaration by the assignor, certified by a notary (or by the respective operation company) for voluntary movement for his account at the future realisation of the detailed development plan. In these cases shall be applied the provisions of art. 192.

Art. 74. (1) (amend. SG 65/03) The constructor of street networks and facilities of the technical infrastructure shall be obliged:

1. to undertake the necessary measures for ensuring the safety making fences and crossings, put warning signs, instructions for diversion of the movement etc. before the start of the construction;

2. to undertake the necessary measures for protection of existing underground and surface networks and facilities, survey signs, green areas, decoration trees etc. from damages and displacement;

3. (suppl. SG 65/03) to inform the municipal administration about the underground and the surface networks and facilities, not marked in the respective specialised maps and registers, found during the works; such networks and facilities shall be covered only after surveying by the due order;

4. (amend. SG 65/03) to inform immediately the municipal administration and the closest history museum at finding archaeological items;

5. (amend. SG 65/03; amend. - SG 82/06; amend. – SG 69/08; amend. – SG 53/14) to notify immediately the bodies for fire safety and protection of people and for traffic safety about the beginning and the term of the construction on the streets that are being dug;

6. (amend. - SG 82/06; amend. – SG 69/08; amend. – SG 53/14) to notify immediately the corresponding services and operating companies about eventual damages of networks and facilities occurred during the works and if the matter refers to damages of water supply, heat or gas pipelines - to inform immediately also the hygiene - epidemiological and fire safety and protection of people bodies;

7. (suppl. SG 65/03) to inform at least three days earlier the municipal administration as well as the services and the operating companies managing and running the networks and the facilities about the forthcoming covering of newly constructed or reconstructed underground networks and facilities; the covering shall be permitted according to para 2;

8. to implement for his account necessary restoration works within terms defined by the municipal administration;

9. to remove the caused damages found by the municipal administration and reflected in the

fact finding record within terms defined by the municipal administration.

(2) The municipal administration shall permit the networks and the facilities to be covered after checking that the defined construction line and the other conditions and requirements for implementation of the construction have been observed, the networks and the facilities have been surveyed and plotted on the corresponding specialised maps and registers of art. 115, para 4. A record shall be compiled about the results of the check.

(3) (amend. SG 65/03) After the finishing of the construction shall be prepared and certified executive documentation by the order of art. 175. The assignor shall submit immediately one copy of the documentation to the municipality and to the respective operating companies.

### **Section III.**

#### **Roads, streets and transport networks and facilities**

Art. 75. (1) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The elements of the transport technical infrastructure shall be constructed on the basis of the provisions of the general and the detailed development plans, bound with the structure of the territory.

(2) (new – SG 65/03) The sites of para 1 shall be constructed by the general order of this Act.

(3) (prev. (2), amend. SG 65/03) The transport technical infrastructure and facilities should ensure best conditions for comfortable, safe and economic transport of passengers and loads and for access of disabled people, preserving the environment.

(4) (new – SG 65/03, amend. SG 88/05; amend. – SG 93/09, in force from 25.12.2009; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue ordinances for the norms for planning and designing of the elements of the transport technical infrastructure. The norms for planning and designing of the elements of the railway infrastructure shall be determined with an ordinance of the Minister of Regional Development and Public Works and the Minister of Transport, Information Technology and Communications.

Art. 76. (1) (amend. SG 65/03; suppl. – SG 47/12) The designing and the construction of motor ways, speed ways and roads first and second class of the republican road network through the settlements shall be admitted as exception when simultaneously the following conditions are existing:

1. very difficult terrain and other specific conditions;
2. proved technical - economic expediency;
3. compatibility with the development plans of the settlement;
4. positive decision of the environment impact assessment.

(2) (amend. SG 65/03) When the roads of the republican road network are designed and constructed through the territory of the settlements they shall be with dimensions as elements of the first class street network, observing the requirements for preservation of the settlement environment from harmful impacts.

Art. 77. (1) (prev. art. 77 – SG 65/03) The street network in the settlements and the settlement formations shall be subdivided according to its functional designation into:

1. first class street network: I class - high speed town motor ways; II class - town motor ways; III class - regional arteries; IV class - main streets;
2. second class street network: V class - gathering streets; VI class - servicing streets.

(2) (new – SG 65/03) The first class street network shall be determined with general

development plan and if there is no such – with detailed development plan. The class of the primary and the secondary street network shall be determined with the detailed development plan.

Art. 78. Railway stations, ports and airports shall be constructed according to the provisions of the development plans and shall be obligatory connected with the first class street network, with the lines of the mass public transport, respectively with the railway and the road network.

Art. 79. The development plans should ensure public parking places, conditions for movement of pedestrians by construction of side walks, pedestrian alleys, passages, streets and zones, as well as of bicycle movement - by bicycle alleys, independent or within the cross section of the street.

Art. 80. (1) (new – SG 65/03) The width of the servicing streets in the settlements shall be determined with the detailed development plan and depending on the need for construction of infrastructure, guaranteeing the normal functioning of the territory.

(2) (prev. (1), amend. SG 65/03) For small settlements and villa zones the width of the servicing streets between the regulation lines, provided with no side walks, shall be at least 6 m in the settlements and in the resorts and 5 m in the villa zones. In these cases the width of the road lane shall be 4.50, respectively 4 m.

(3) (new – SG 65/03) No streets without sidewalks shall be admitted in settlements with population over 30 000.

(4) (prev. (2) – SG 65/03) The width of the pedestrian alleys in the settlements, in the resort and the villa zones shall be at least 2.50 m.

(5) (prev. (3) – SG 65/03) The width of the side walks in the settlements, in the resort and the villa zones shall be:

1. at least 1.50 m - side walks for pedestrians;
2. at least 0.75 m - for servicing side walks.

(6) (prev. (4), amend. SG 65/03; amend. and supp. – SG 61/07, in force from 27.07.2007) The provisions of para 2, 3, 4 and 5 shall not be applied to settlements or parts thereof with historic, archaeological, ethnographic or architectural significance neither to settlements or parts thereof with very difficult terrain and other specific conditions or to those allocated for development of socially-oriented housing.

Art. 81. (1) Dead-end streets for ensuring access to a limited number of regulated landed properties must have width at least 3.5 m and in the towns, when the dead-end street services more than 4 regulated landed properties - at least 6 m. Dead end streets longer than 100 m shall finish at the end with widening ensuring turning back of the automobiles.

(2) (supp. – SG 61/07, in force from 27.07.2007) The provisions of para 1 shall not be applied for streets in settlements or parts thereof with historic, archaeological, ethnographic or architectural significance as well as for streets in settlements or parts thereof with very difficult terrain and other specific conditions or for those allocated for development of socially-oriented housing.

(3) The regulated landed properties with exit on a dead-end street can have face on it with dimension not less than the width of the street.

(4) (revoked – SG 65/03; new – SG 82/12, in force from 26.11.2012) Alienations for arranging of a new dead-end street in a regulated territory upon request or land properties owners shall be done at their expense.

Art. 82. (1) (suppl. SG 65/03) Tunnels and transport facilities at different levels shall be designed and constructed in the settlements according to the communication - transport requirements according to the detailed development plan.

(2) (amend. SG 65/03) The lines of the rail transport, the tunnels and the other facilities under the streets, the squares and the quarter areas within the settlements shall be designed in a way ensuring in biggest extent the preserving of existing buildings and facilities as well as existing underground garages and facilities.

(3) (amend. SG 65/03) When at construction of lines and tunnels it is necessary to be affected already constructed underground networks and facilities they shall be reconstructed according to approved designs for their movement by the assignor for his account.

(4) (revoked – SG 65/03).

#### **Section IV.**

#### **Water supply and sewerage networks and facilities**

Art. 83. (1) (suppl. SG) The water supply and sewerage networks and facilities shall be constructed according to approved designs in compliance with the general and the detailed development plans and the respective specialised schemes with them and with the terrain level plans.

(2) (new – SG 65/03) The water supply and sewerage networks in the settlements shall be designed as street networks and observing the provisions of chapter four, section II.

(3) (prev. (2) – SG 65/03) As exception in the settlements and settlement formations without terrain level plans water supply pipelines and partial sewerage can be constructed according to the existing relief of the terrain of the streets and the squares observing the requirements for the future terrain level planning.

Art. 84. (1) (prev. art. 84 – SG 65/03; suppl. – SG 82/12, in force from 26.11.2012) The owner of the common water supply and sewerage networks and facilities shall be obliged to connect with them the water supply and the sewerage installations of all immovable properties within the territorial scope of the networks and the facilities subject to compliance with the provisions of Art. 125a of Waters Act.

(2) (new – SG 65/03) The joining of the immovable properties and the consumers of water to the water supply and the sewerage networks shall be implemented observing the provisions of this Act and with concluding of written contract for joining between the consumer and the operating company.

(3) (new – SG 65/03; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The conditions, the technical requirements and the order for joining of the immovable properties to water supply and sewerage networks and facilities and for the concluding of the contracts for joining shall be determined with ordinance by the Minister of Regional Development and Public Works.

Art. 85. (amend. - SG 65/06, in force from 11.08.2006) The waters on the territory of one municipality may also be used for satisfying the needs of drinking and household water of other municipalities, provided that the necessary quantities of drinking and household water are ensured for the needs of the municipality and the environment protection goals determined by the Water Act are not affected.

Art. 86. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Sanitary - protection zones around the water sources and the facilities, defined by the order of the Water Act, shall be provided in the development plans in order the waters designated for drinking and household water supply, and the mineral waters used for treatment, prophylactic, drinking and hygiene needs to be preserved from pollution and other harmful influence. The regime of spatial development of the sanitary - protection zones and the activities forbidden in them shall be provided with an ordinance of the Minister of Regional Development and Public Works and of the Minister of Environment and Waters.

(2) Permission for use of the constructed water supply sites shall not be issued if their sanitary - protection zones have not been approved and set out on the place.

Art. 87. (1) (suppl. SG 65/03; amend. - SG 65/06, in force from 11.08.2006; amend. – SG 82/12, in force from 26.11.2012) In population centres and settlement formations with zones for low construction or parts thereof without sewerage the household waste water shall be discharged in watertight cesspits meeting the technical and the sanitary - hygiene requirements.

(2) The owners shall be obliged to ensure the free flow of surface waters through their landed properties to the corresponding street facilities (sewerage shafts, drenches etc.) if there is no sewerage system or when due to the slope of terrain the sewerage system is not capable to take these waters.

(3) If there is no other technical opportunity, proved also with a design for vertical planning, it shall be admitted the sewerage of buildings in regulated landed properties to be connected with the street sewerage system passing through neighbouring properties without hindering the opportunity admissible building up to be implemented in them. In these cases the section passing through the properties from the building to the street sewerage shall be considered yard network (building branch).

(4) (amend. SG 65/03) The rightful claimants shall be indemnified for the damages ensuing from the construction and the use of the networks of para 3 by the assignor by the order of art. 210.

Art. 88. Pump stations for drinking and waste waters as well as hydrophores for residential and public buildings can be disposed in the buildings observing the admissible norms for noise and vibrations.

## **Section V.**

### **Energy supply networks and facilities**

Art. 89. (amend. SG 65/03) (1) The energy supply networks and facilities shall be external (street and yard) and internal (building).

(2) The construction of the external energy supply networks shall be implemented according to art. 74 and according to approved construction papers.

Art. 90. (amend. SG 65/03) (1) The common heat supply and gas supply networks and facilities and their branches shall be constructed out of the buildings by the general order, determined with this Act.

(2) In built up quarters shall be admitted as exception the branches of the common heat supply networks to pass through the basement premises of buildings when there is no other technical opportunity. The indemnification for this shall be determined by the order of art. 210.

(3) The internal heating installations shall be connected with the external heat conduits through distribution stations. The equipment of the distribution stations shall be part of the common networks and facilities and it shall be mounted, maintained and repaired by the order of art. 64.

(4) (amend. – SG 82/12, in force from 26.11.2012) The distribution station in one building, depending on its capacity and location, can service also other buildings whereby the attaching shall take place subject to compliance with the provisions of the Energy Sector Act.

(5) The distribution stations shall be located in or out of the buildings in premises, appropriate for this purpose, with effective isolation of noise and vibrations according to the acting norms.

Art. 91. (1) The transformer stations shall be constructed on free areas or in buildings which are not designated for living. In the towns they can be constructed also on the undeveloped part of a regulated property - owned by individuals and corporate bodies, with their consent and observing the requirements to additional building up.

(2) (suppl. SG 65/03) In built up quarters if there is no other technical opportunity transformer stations can be constructed also in residential buildings with the consent of the owners with their signatures, certified by a notary and with effective insulation of noise and vibrations and protection from electric and magnetic fields according to the established norms.

(3) The transformer station can service also more than one building depending on its capacity and location.

Art. 92. (1) External artificial lighting of streets, squares, parks, gardens and other immovable properties - public municipal ownership, shall obligatory be ensured by the municipality with objective conditions for safe night traffic and movement to be created as well as appropriate night image of the settlements.

(2) External artificial lighting of separate immovable properties out of these of para 1 shall be implemented by and for the account of the owners and shall be permitted by the chief architect of the municipality.

(3) Putting of transformer equipment for external lighting on residential buildings shall be prohibited.

## **Section VI.**

### **Electronic communication networks and equipment (Amend., SG 41/01; amend. – SG 41/07)**

Art. 93. (1) (prev. art. 93, suppl. SG 65/03; amend. – SG 41/07) In regulated territories the underground electronic communication networks and facilities shall be constructed and placed simultaneously with the other networks and facilities (water supply, sewerage, electric, heat supply, gas supply networks etc.) before the placing of curbs, side walks and street covers.

(2) (new – SG 65/03; amend. – SG 41/07) In not regulated territories electronic communication networks shall be constructed on the basis of plan under art. 110, para 1, item 5.

(3) (new – SG 65/03; amend. – SG 41/07) If there is detailed development plan for a territory, on which there is no street network, the electronic communication network shall be constructed in compliance with the provisions for street regulation and with the provisions of art. 210 for the account of the owner of the network.

Art. 94. (amend. – SG 41/07) Electronic communication installations and facilities which are

constructed simultaneously with the building and the other internal installations shall be provided in the designs of the buildings.

## **Section VII.**

### **Monitoring and countermeasure to landslide, erosion and abrasion processes (Title amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012)**

Art. 95. (amend. SG 65/03; amend. – SG82/12, in force from 26.11.2012) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The activities for registration and monitoring of the landslide regions on the territory of the Republic of Bulgaria, including the abrasion and erosion processes along the Black sea coast and Danube river banks as preventive measures for preventing of accidents and damages shall be implemented by the Ministry of Regional Development and Public Works through the state geo-protection societies.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Ministry of Regional Development and Public Works shall maintain a public register of the landslide regions and of the regions with abrasion and erosion processes through the state geo-protection societies.

(3) The monitoring under par. 1 shall be implemented by observation, analyses and assessment of the results of accomplished detailed engineering – geologic, hydro-geologic and hydrologic investigations, geodetic measurements and observations of constructed stationary benchmark networks and control measuring systems. The information for the carried out monitoring, including of territories with accomplished geo-protection measures and activities for landslides stabilization shall be provided to the respective state geo—protection societies to be recorded in the register under par. 2.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The terms and conditions and the procedure of recording into and maintenance of the register under par. 2, and also of performance of activities of para 3 shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(5) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The coordination between individual administrations for restriction of landslides in the territory of the Republic of Bulgaria, including of abrasion and erosion processes along the Black Sea coast and the Danube River banks, and for prevention of accidents and damages, shall be carried out by the Ministry of regional development and Public Works.

Art. 96. (amend. SG 65/03; amend. – SG82/12, in force from 26.11.2012) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The geo-protective measures and activities for restricting of the landslides, the erosion and the abrasion processes and for preventing of accidents and damages shall be implemented by the Ministry of Regional Development and Public Works.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The requirements to geo-protective measures and activities, technical requirements for the engineering, execution, operation and maintenance of geo-protective constructions, buildings and facilities in landslide regions shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) In regions recorded in the register under Art. 95, par. 2, geo-protective measures and activities shall be permitted following the provisions of this law upon acceptance of engineering geology and hydro-geological surveys for the general and local stability of the territory by a specialized panel of

the respective expert council of the body, competent to approve the plan, and a preliminary decision of the Minister of Regional Development and Public Works issued within one month after the submission of the application for its granting.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The construction of buildings and facilities, provided in a detailed development plan, adopted by the respective expert council, in regions, recorded in the register under Art. 95, par. 2, including in regions for which there is a construction injunction imposed regarding carrying out of geo-protective measures, shall be permitted subject to compliance with the provision of par. 3 only upon accomplishment of the geo-protective measures and activities, reported positive effect of their implementation and a preliminary permission of the Minister of Regional Development and Public Works, issued within one month after the submission of the application for its granting.

(5) The effect of the implementation of geo-protective measures and activities under par. 4 shall be reported through the monitoring referred to in Art. 95, par. 3.

### **Section VIII.**

#### **Facilities and installations for treatment of waste**

Art. 97. (1) The location of the plots for construction of facilities and installations for treatment of waste shall be determined with the general and the detailed development plans.

(2) The distance from the plot for disposing facilities and installations for treatment of waste to the settlements shall be determined by the adopted technology and accounting for the established sanitary protective zones.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The plots of para 1 shall be selected, constructed and operated on the basis of projects approved according to the general order and meeting the requirements defined with ordinances by the Minister of Regional Development and Public Works, the Minister of Environment and Waters and the Minister of Health.

Art. 98. (1) The terrains for the construction of the facilities and the installations for treatment of the household and construction waste shall be ensured by the municipality.

(2) Two and more municipalities can construct common facilities and installations for treatment of the household and construction waste.

(3) (amend. – SG 53/12, in force from 13.07.2012) The ensuring of the terrains, the construction of the facilities and installations for treatment of the production waste shall be implemented under the conditions and by the order of the Waste Management Act.

### **Section IX.**

#### **Gas supply (new – SG 65/03)**

Art. 98a. (new – SG 65/03) The gas supply of urbanised territories shall be implemented by construction of gas distribution network according to designs, approved by the general order in compliance with the provisions of the general and the detailed development plans and the specialised plan – schemes with them. If there are no general and detailed development plans for small settlements and settlement formations the designs for gas supply shall be worked out on the basis of specialised plan – scheme, approved by the order of art. 128.

Art. 98b (new – SG 65/03) (1) (amend. – SG82/12, in force from 26.11.2012) The street gas distribution networks, their elements and the adjacent facilities shall be constructed by and for the account of the corporate body, received permission for constructing of such kind of energy site, by the order of the Energy Sector Act.

(2) The gas distribution networks and their elements shall be exploited, maintained and repaired by and for the account of the gas distribution enterprises (companies) in the settlements.

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

## **Part two.**

### **DEVELOPMENT PLANNING OF THE TERRITORY. INVESTMENT PROJECTS AND PERMITTING OF CONSTRUCTION**

#### **Chapter five.**

#### **SPATIAL DEVELOPMENT CONCEPTS AND SCHEMES (TITLE AMEND. – SG 82/12, IN FORCE FROM 26.11.2012)**

Art. 99. (amend. – SG82/12, in force from 26.11.2012) (1) The Spatial development concepts and schemes shall determine the objectives of the state policy of land development for a specific period.

Art. 100. (amend. – SG82/12, in force from 26.11.2012) The strategic planning of spatial development shall cover the development and updating of a system of documents for spatial development on a national, regional and municipal level, determining a strategy of integrated spatial development in consideration of the territorial potential and the balanced sustainable development principles.

Art. 101. (amend. – SG82/12, in force from 26.11.2012) The system of documents for the strategic planning of spatial development, the scope and the content and the terms and conditions and the procedure of assignment, drawing up, adoption and application of the spatial development concepts and schemes shall be determined in the Law on the Regional Development.

Art. 102. (revoked – SG82/12, in force from 26.11.2012)

## **Chapter six.**

### **DEVELOPMENT PLANS**

#### **Section I.**

#### **General provisions**

Art. 103. (1) The development plans shall be:

1. general development plans;
2. detailed development plans.

(2) The general development plans shall determine the prevailing designation and way of spatial structure of the separate structural parts of the territories covered by the plan.

(3) The detailed development plans shall determine the concrete designation and development

of the separate landed properties covered by the plan.

(4) (amend. - SG82/12, in force from 26.11.2012) Each development plan shall be in compliance with the provisions of the spatial development concepts and schemes and development plans of higher degree if there are such and is with respect to them more full and detailed development.

(5) (new – SG 65/03; revoked - SG82/12, in force from 26.11.2012).

(6) (new – SG 65/03; suppl. - SG82/12, in force from 26.11.2012; amend. – SG 53/14) At working out of general and detailed development plans shall be implemented engineering – geologic and hydro-geologic investigations for the general stability of the territory and its fitness for construction.

Art. 103a. (new - SG82/12, in force from 26.11.2012) (1) The detailed development plans, approved prior to enforcement of a new general development plan or of its amendment, shall remain effective.

(2) The draft detailed development plans, the elaboration of which is permitted under the provisions of this law, which are not approved as of the date of enforcement of the general development plan or of its amendment, shall be in compliance with the provisions of the general development plan and with the rules and regulations for its application.

(3) Upon entering of the new general development plan into force the effect of application of the existing detailed development plans shall be suspended in the parts, where the general development plan provides construction of projects which are public municipal or public state ownership. Within 6 months after the enforcement of the general development plan the bodies under Art. 135, par. 1 shall issue prescriptions for ex-officio amendment of the existing detailed development plan under the provision of Art. 134, par. 2 with reference to par. 1, item 1.

(4) In case of alienation for construction of projects under par. 3 the equivalent compensation of the owners and of limited material rights holders shall be determined in compliance with the forecasts of the existing detailed development plans.

## **Section II.**

### **General development plans**

Art. 104. (1) (amend. SG 65/03) The general development plans shall be a basis of the general spatial development of the territories of the municipalities and parts of them or separate territories belonging to settlements. The provisions of the general development plans with which is determined the general structure and the prevailing designation of the territories, the kind and the designation of the technical infrastructure and the protection of environment and the sites of cultural heritage shall be obligatory at preparing the detailed development plans.

(2) (suppl. SG 65/03) An inseparable part of the general development plan shall be the rules and the normatives for its implementation, being worked out in compliance with the ordinance of art. 13, para 1, and they shall be approved together with the plan.

(3) The general development plan shall not have direct application for permitting a construction.

Art. 105. The general development plans shall be worked out for the territories of:

1. a municipality covering all the settlements in it and their territories;
2. a part of a municipality covering a group of neighbouring territories belonging to settlements and the very settlements;
3. a settlement - town, together with its territory; the territory - subject of the general

development plan can not coincide with the territory belonging to the town;

4. a settlement formation of national importance according to the Administrative and Territorial Structure of the Republic of Bulgaria Act;

Art. 106. The general development plan of the municipality or part of it shall determine:

1. (suppl., SG 65/04) the general structure of the territory subject of the plan and the prevailing designation of its components and structural parts - the location and the boundaries of the territories of the settlements and settlement formations, the forest territories; the territories for protection of the environment, the territories for cultural and historic protection the damaged territories to be restored and the territories with special, other or mixed designation;

2. the general development regime of each of the territories of item 1 with the corresponding rules and normatives;

3. the location of the networks and the facilities of the technical infrastructure on the territory of the municipality and their connections with the territories of the neighbouring municipalities and with infrastructure networks, facilities and sites of national importance;

4. the territories of public state and public municipal ownership and the regime of their development;

5. ( amend. – SG 53/14) the disaster endangered territories determined according to the maps produces according to the provision of Art. 6, par. 2 and the municipal plans under Art. 9, par. 1 of the Act for the protection in case of disasters, and also the necessary preventing measures and spatial structure and protection;

6. the territories for active application of landscape development measures and aesthetic arrangement.

Art. 107. The general development plan of a town with its territory or of a settlement formation of national importance shall determine:

1. the general structure of the territory subject of the plan - residential areas, production - storage territories, areas for parks and gardens; territories for sport and recreation; territories for public services; territories with sites of the cultural - historic heritage; territories for resort - tourist and villa construction; territories for networks and facilities of the technical infrastructure; agriculture territories; forest territories; territories for environmental protection; damaged territories for restoration; territories with special, other or mixed designation;

2. the general development regime of each of the territories of item 1 with the corresponding rules and normatives;

3. the territories being public state and public municipal ownership and their development regime;

4. the requirements to the aesthetic - composition development of the territory.

5. (new – SG 65/03; amend. – SG 61/07, in force from 27.07.2007) the requirements for development of environment, accessible for the whole population, including the people with disabilities.

6. (new – SG 82/12, in force from 26.11.2012; amend. – SG 53/14) the disaster endangered territories determined according to the maps produces according to the provision of Art. 6, par. 2 and the municipal plans under Art. 9, par. 1 of the Act for the protection in case of disasters, and also the necessary preventing measures and spatial structure and protection.

### **Section III.**

## Detailed development plans

Art. 108. (1) The detailed development plans shall make concrete the development and the building in the settlements and on their territories as well as in the settlement formations. The provisions of the detailed plans shall be compulsory for the investment designs.

(2) (suppl. SG 65/03; amend. – SG 41/07; amend. – SG 61/07, in force from 27.07.2007; amend. - SG82/12, in force from 26.11.2012) The detailed development plan shall be accompanied by plans for vertical planning, plans - schemes of the communication - transport network, water supply, sewerage, electricity supply, by park development and public development plans, geological surveys, gas supply, thermal power supply, telecommunications etc., which are approved simultaneously with the detailed development plan as integral part of it. The regulation plans shall define the cross sections of the streets with the provided planting and the easement strips of the networks and the facilities of the technical infrastructure if there is such out of the regulated streets. The plan – schemes for the networks and the facilities of the technical infrastructure shall determine the kind and the technical dimensions of the networks and the facilities.

(3) When detailed development plans are created for one quarter or a group of quarters, they shall be accompanied by designs of the vertical planning. In case changes of the street network are provided in the project, it shall be accompanied by a scheme of the street network, cross sections of the streets as well as schemes of the networks and the facilities of the technical infrastructure if the new provisions affect already constructed underground networks and facilities of the technical infrastructure of the settlement or part of it.

(4) (amend. SG 65/03) An integral part of the detailed development plans, except the complex projects for investment initiative under art. 150, shall be the rules and the normatives for applying them which are worked out in compliance with the ordinance of art. 13, para 1 and are approved simultaneously with the plans.

(5) The provisions of the plan have to be economically applicable and to give opportunity for expedient development of the regulated landed properties and the quarters.

(6) The owners of landed properties shall be indemnified for the damages caused by the implementation of the vertical plan. Art. 210 shall be applied in the case.

Art. 109. (1) The detailed development plans can be worked out for the territories of:

1. settlements with their territories as well as structural parts of settlements with the immediately adjacent territories;

2. settlements and settlement formations or parts thereof comprising a part of a quarter, one or more quarters.

3. territories belonging to settlements or parts thereof.

(2) (amend. – SG 82/12, in force from 01.01.2016) The detailed development plan of urbanized territories under par. 1, items 1 and 2 may be worked out also where there is not a general development plan, and for the territories under par. 1, item 3 – only for the entire lands. In cases where the regulation and development plans cover the entire residential plan and/or its lands or the entire residential unit, they also play the role of a general development plant of the respective territory.

(3) (new - amend. – SG 82/12, in force from 01.01.2016) Beyond the cases referred to in par. 2, where there is not a valid general development plan, a detailed development plan of a single land property or for a group of land properties beyond the borders of urbanized territories may be developed for:

1. projects of national importance;

2. national projects in the meaning of the Law for the State Property;

3. projects of regional importance;

4. municipal projects of primary importance;
  5. projects which are public property;
  6. projects with a certificate of investment class according to the Law for encouragement of investments;
  7. technical infrastructure projects;
  8. special projects related to country defence and safety;
  9. projects in regions for task specific state support in compliance with the Law for the Regional Development based on a decision of the local council;
  10. immovable cultural valuables;
  11. projects under Art. 12, par. 3.
- (4) (new – SG 82/12, in force from 01.01.2016) The plan referred to in par. 3 shall be drawn up with a scope and content according to Art. 108, par. and the ordinance under Art. 117.

Art. 110. (1) The detailed development plans can be:

1. plan for regulation and construction - PRC (plan for regulation of streets and landed properties and for regime of construction);
  2. plan for regulation - PR (plan for regulation of streets and landed properties without regime of construction); the plan for regulation can be plan for street regulation - PSR (plan for regulation of only streets and landed properties for sites of public ownership);
  3. (amend. SG 65/03) construction plan - CP;
  4. working development plan - WDP (construction plan and skyline design)
  5. (new – SG 65/03) parcel plans for the elements of the technical infrastructure out of the boundaries of the urbanised territories.
- (2) (amend. SG 65/03) According to the development objectives and tasks and depending on the concrete need at the development of certain territory one of the plans of para 1 can be worked out and applied.
- (3) With the detailed development plans of para 1 and 2 can be determined also development zones and territories with development regime and construction lines.
- (4) (amend. – SG 82/12, in force from 26.11.2012) For reconstruction of residential complexes, industrial, resort, tourist and other settlement formations shall be worked out and applied a regulation and construction plan.

Art. 111. Specialised and detailed development plans solving separate development problems and covering structural parts of the territory of the municipality can be worked out for agricultural, forest and protected territories, damaged territories for restoration and territories with special or other designation.

Art. 112. (1) The detailed development plan of art. 110, para 1, item 1 shall determine the structure of the territory, the development zones and territories with development regime and the concrete designation of each landed property.

- (2) The detailed development plan of art. 110, para 1, item 1 shall regulate:
1. the landed properties designated for sites of the public ownership;
  2. the landed properties with construction and the landed properties without construction with their regime;
  3. the quarters and the landed properties for primarily residential development with the highest admissible density and intensity of construction; height and way of construction, construction lines;

4. the quarters and the landed properties for production and storage activities, for farming and live stock breeding, the regime of their development and their sanitary - protection zones;
  5. the quarters and the landed properties for planting vegetation with recreation, protection and amelioration designation;
  6. the quarters and the landed properties for sport activities and entertainment and the regime for their development;
  7. the quarters and the landed properties with buildings for public services;
  8. the quarters and the landed properties with cultural - historic importance and their regime for development and preservation;
  9. (amend. SG 65/03) the street network and the alleys;
  10. the networks and the facilities of the technical infrastructure with their easement strips as well as the sites connected with the preservation of environment;
  11. the quarters and the landed properties with mixed, special or other designation.
  12. (new – SG 82/12, in force from 26.11.2012; amend. – SG 53/14) disaster endangered quarters and land properties, determined according to the maps, produces according to the provision of the ordinance under Art. 6, par. 2 and the municipal plans under Art. 9, par. 1 of the Disaster Protection Act and the required preventive measures and development and protection methods.
- (3) (revoked – SG 65/03; new – SG 82/12, in force from 26.11.2012) By the detailed development plans based on the specific rules and regulations under Art. 13, par. 4 and the respective special regulatory acts may be determined:
1. terrains – restricted zones, immediately attached to the land properties, intended for construction of special projects related to country defence and security, where no construction, use, stay or right of way is allowed;
  2. easement zones near the land properties, intended for construction of special projects, by which limitations are introduced for changing the purpose of use and the regime of use of the involved land properties.
- (4) (suppl. SG 65/03) The detailed development plans shall also create conditions for development of the ambience and of the technical infrastructure with objective accessibility for and use by disabled according to the requirements of the ordinance of art. 107, item 5.
- (5) (new – SG 82/12, in force from 26.11.2012) By the detailed development plans based on specific rules and regulations under Art. 13, par. 6 may be determined protective zones of single or of group immovable cultural valuables, for which limitations in the construction and usage regimes are introduced.

Art. 113. (1) The working development plan shall be compiled for a limited part of the territory (separate regulated landed property or a group of regulated landed properties) and shall be worked out on the basis of an effective detailed development plan of art. 110, para 1, item 1, 2 and 3 or simultaneously with it. The working development plan cannot change the character and the way of construction provided with the detailed development plan in effect.

(2) (amend. SG 65/03) A working development plan shall be compiled upon request by the assignor for making the development plan in effect concrete only under the conditions of art. 36 or at connected construction in more than two regulated landed properties.

(3) The working development plan can admit also changes of the boundaries of the regulated landed properties observing the conditions of art. 17.

(4) The working development plan shall determine precisely:

1. the disposition and the outlines of the buildings as plan as well as the minimum distances between them and to the property boundaries - according to the density and intensity of construction admissible for the corresponding development zone.

2. the necessary skyline clarifying: the maximum height of the buildings and of their ridges in absolute elevations; the number of floors; the form and the slope of the roofs and the architectural connection between the buildings with regard to the correct architectural - spatial design.

(5) (new – SG 65/03) Upon request by the assignor the design for amendment of the detailed development plan can be worked out, announced, approved and enter into force simultaneously with the design for working development plan.

(6) (new – SG 19/09, in force from 10.04.2009) In cases of amendments of the detailed development plans for protected territories for preservation of the cultural heritage or for parts thereof it shall be obligatory to draw up working development plans encompassing the properties subject to the amendment and their immediately neighboring properties.

Art. 114. (1) (prev. art. 114 – SG 65/03) The concrete disposition of the buildings and the way of constructing over the landed properties regulated with the plans of this section shall be determined:

1. by a working development plan when its working out is compulsory;

2. (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) by an engineering visa under art. 140, par. 3 – 5;

3. (new – SG 82/12, in force from 26.11.2012) by the investment project in compliance with the applicable detailed development plan – in the remaining cases.

(2) (new – SG 65/03) The disposition of the networks and the facilities of the technical infrastructure shall be determined with the investment project.

## **Chapter seven.**

### **CREATING, APPROVAL AND AMENDMENT OF THE DEVELOPMENT PLANS (TITLE AMEND. – SG 82/12, IN FORCE FROM 26.11.2012)**

#### **Section I.**

#### **Information and technical basis of the development plans (Title amend. – SG 82/12, in force from 26.11.2012)**

Art. 115. (1) (amend. and suppl. – SG 82/12, in force from 26.11.2012) Data from the topographic maps, the cadastre, the levelling plans, the specialised maps and registers etc. in digital and graphic form as well as other data from the specialised information systems of central and territorial administrations are used for working out the development plans.

(2) (amend. and suppl. – SG 82/12, in force from 26.11.2012) The data about the location, the boundaries, the dimensions, the durable designation and way of durable use of the landed properties and the buildings and technical infrastructure facilities, where there are single projects, the data about the state borders, the borders of the administrative - territorial and territorial units and the boundaries of territories covering properties with uniform durable designation as well as the data about the ownership and the limited real rights shall be derived from the cadastre map and the property register.

(3) (suppl. – SG 82/12, in force from 26.11.2012) The data about the over-ground networks and facilities of the technical infrastructure, about the transport facilities (railways, roads, bridges, fords, ports etc.), about the hydrography, the vegetation and the relief, the landscape are derived from the topographic and the specialised maps and registers.

(4) The data about the underground constructions, the underground networks and facilities of the technical infrastructure, the protected natural sites, the sites of the cultural - historic heritage, as well as other specific data about the territories shall be used from the specialised maps, registers and information systems of central and territorial administrations and of companies.

(5) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) On request by the mayor of the municipality, other departments or the interested persons the creating of specialised maps, registers and information systems with specialized data of art. 32, para 1 of the Cadastre and Property Register Act can be implemented simultaneously with the creating of the cadastral map and the cadastral registers.

(6) (new – SG 65/03; suppl. – SG 82/12, in force from 26.11.2012) The information of para 1 - 5 shall be obligatory conceded to the respective state or municipal administration, or to other persons, having the right to assign development plans, being paid only the actual expenses, made for creating of copies of the documentation. On request the information shall be conceded in 7 days term. For refusal or delay administrative punitive responsibility shall be born according to this Act.

Art. 116. (1) (amend. - SG 29/06) The corporate bodies and the individuals implementing construction works, influencing the content of the cadastral plans, shall be obliged immediately after finishing the works to present to the municipal administration full and precise data - schemes, sketches, plans, drawings and documents for ownership of the implemented new construction or reconstruction. In the cases when the content of a cadastral plan delivered to the Agency for geodesy, cartography and cadastre or an approved cadastral map is influenced, the data shall be conceded to the Agency for geodesy, cartography and cadastre.

(2) (amend. - SG 65/06, in force from 11.08.2006) In connection with the production of the specialised maps of underground networks and facilities of the technical infrastructure and of other underground constructions, the municipalities and the companies managing and using them, shall be obliged to co-operate with the corresponding contractors producing the specialised maps and upon request concede to the contractors full and precise schemes, sketches, plans, drawings and if necessary - documents of ownership, as well as to indicate and mark on the terrain the precise location of the existing underground networks, facilities and constructions, including the water collecting facilities for underground waters.

(3) (amend. – SG 82/12, in force from 26.11.2012) Basic plan containing the necessary data of this section for the corresponding territory can be compiled as technical basis of the development plans.

(4) (new – SG 82/12, in force from 26.11.2012) The Minister of Defence, the Minister of Interior and the Chairman of the "National Security" State Agency shall provide information under par. 1 and 2 about existence of new special projects related to country defence and security, within one month after their commissioning to the Agency of Geodesy, Map making and Cadastre and to the bodies under Art. 3, par. 1, Art. 4, par. 1 and Art. 5, par. 1. The information shall be provided in the required scope and subject to compliance with the Law for the protection of classified information.

Art. 116a. (new – SG 82/12, in force from 26.11.2012) (1) The development plans are drawn up in graphical and digital form.

(2) The format of the record in a digital form and the accuracy of development plans shall be determined by the ordinance of Art. 117.

Art. 117. (amend. – SG 82/12, in force from 26.11.2012) (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall, in co-ordination with the Minister of Environment and Waters, the Minister of Culture and the Minister of Health, issue ordinance about the amount and the contents of the development plans.

(2) By the ordinance under par. 1 shall be determined the obligatory requirements to the scope

and content of development plans, by which construction of special projects related to country defence and security is provided, in view of conducting of the regulated by the law public procedures of announcing, coordination, public discussion and adoption subject to compliance with the Law for the protection of classified information.

## **Section II.**

### **Creating, approval and change of the development schemes (revoked – SG 82/12, in force from 26.11.2012)**

Art. 118. (revoked – SG 82/12, in force from 26.11.2012)

Art. 119. (revoked – SG 82/12, in force from 26.11.2012)

Art. 120. (revoked – SG 82/12, in force from 26.11.2012)

Art. 121. (revoked – SG 82/12, in force from 26.11.2012)

Art. 122. (revoked – SG 82/12, in force from 26.11.2012)

Art. 123. (revoked – SG 82/12, in force from 26.11.2012)

## **Section III.**

### **Creating, announcement and approval of the development plans**

Art. 124. (amend. - SG 82/12, in force from 26.11.2012) (1) The local council shall take a decision for drawing up of a design of a general development plan upon municipality mayor's proposal with an attached Terms of Reference under Art. 125.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The permission for drawing up of a design of a general development plan of a residential unit of national importance and of municipalities under the Law for the Development of the Black Sea Coast shall be granted by an order of the Minister of Regional Development and Public Works.

Art. 124a. (new - SG 82/12, in force from 26.11.2012) (1) Permission for drawing up of a design of a detailed development plan shall be granted by a decision of the local council upon municipality mayor's proposal. Following this procedure, drawing up of a design of a detailed development plan of a residential unit of national importance shall be permitted, and also of land properties beyond the borders of the urbanized territories.

(2) Permission for drawing up of a design of a detailed development plan of a part of an urbanized territory (except for residential units of national importance) with a scope of one quarter, and in Sofia municipality and in the towns with regional subdivisions – with a scope of up to three quarters, shall be granted by a municipality mayor's order upon a proposal of the Chief Architect.

(3) Permission for drawing up of a design of a detailed development plan for construction of

projects of regional importance or located in the territory of more than one municipality shall be granted by a Regional Governor's order.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Permission for drawing up of a design of a detailed development plan shall be granted by an order of:

1. the Minister of Regional Development and Public Works for projects with a scope more than one region;

2. projects of national importance and/or national projects;

3. national roads, railway main lines and railways.

(5) Permission for drawing up of a design of a detailed development plan may be granted by the bodies referred to in par. 1 – 4 and upon request and at the expense of interested persons – owners of land properties, concessionaries, persons having the right to construction in someone else's property in compliance with a law, or other persons, determined by a law.

(6) Permission for drawing up of a design of detailed development plans for territories, in which construction of special projects related to country defence and security, shall be granted by an order of the Minister of Defence, of the Minister of Interior or of the Chairman of the National Security State Agency. The drawing up of the design shall be assigned by the Minister of Defence, of the Minister of Interior or of the Chairman of the National Security State Agency.

(7) The applications for granting of permits under par. 1 – 6 shall be accompanied by Terms of Reference under Art. 125. The permits under par. 1 – 6 shall set out the scope, the objectives and the targets of the project, the type of the detailed development plan, and also the method of regulation of the land properties – according to the provision of Art. 16 or of Art. 17.

(8) For drawing up of a detailed working plan for the implementation of a valid detailed development plan granting of a permit shall not be required.

Art. 124b. (new – SG 82/12, in force from 26.11.2012) (1) By the permits under Art.124 and 124a the Terms of Reference under Art. 125 shall be approved. The permits under Art. 124a, par. 5 shall be granted within one month after the receipt of the application for a permit.

(2) The decisions of the local council and the municipality mayor's orders under Art. 124 and 124a shall be announced by a notice to be displayed in the designated places in the building of the municipality, region or mayor administration, and in other relevant places in the respective territory – subject to the plan and shall be published on the Internet site of the municipality and in one local newspaper.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The orders of the Minister of Regional Development and Public Works under Art. 124, par. 2 and 124a, par. 4, and of the Regional Governor under Art. 124a, par. 3, shall be published on the Internet site of the Ministry or of the regional administration and shall be forwarded to the respective municipal administration for announcement according to the provisions of par. 2.

(4) The decisions and the orders under Art.124 and 124a shall not be subject to protest.

(5) The refusals to grant a permit for drawing up of a development plan under Art.124a, par. 5 shall be issued with a justified decision or an order of the competent body within one month after the receipt of the application. The refusals shall be communicated according to the provisions of the Code of Administrative Procedure and may be protested following the provisions of Art. 215.

Art. 125. (1) (amend. - SG 29/06) The designs for the development plans shall be worked out on the basis of terms of reference including if necessary a basic plan, as well as additional information connected with the development of the corresponding territory, ensured by the municipalities, the

Agency for geodesy, cartography and cadastre, the central and the territorial administrations and companies, by working out specialised maps, registers and information systems.

(2) (amend. – SG 82/12, in force from 26.11.2012) The terms of reference, compiled by the assignor, shall substantiate the need for working out the plan and contain requirements about its territorial scope, the timetable and the stages of working out. The terms of reference shall be accompanied by the necessary information about the existing situation and the spatial development concepts and schemes and development plans in effect for the corresponding territory.

(3) The basic plan, which is an integral part of the terms of reference, shall be worked out in the scale of the corresponding development plan and contain basic cadastral and specialised data about the territory.

(4) (new – SG 82/12, in force from 26.11.2012) In the design of a general development plan shall be considered the forecasts of the existing detailed development plans approved prior to the date of granting of the permits under Art. 124. Change of the purpose of use, the method and the nature of development of land properties for which there is an approved detailed development plan, shall be allowed only for the construction of projects which are public municipal or public state property, and also for protection of public interests – protection of environment and of human health, protection of agricultural, forest and protected territories and protected zones.

(5) (amend. SG 65/03, prev. par. 4 – SG 82/12, in force from 26.11.2012) In the design for a detailed development plan shall be reflected the permitted constructions according to a previous detailed plan for which the permissions for construction have not lost legal effect. A change in provided construction with effective permission for construction shall be admissible with the consent of the assignor of the construction.

(6) (new – SG 65/03; suppl. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; prev. par. 5 – SG 82/12, in force from 26.11.2012) The terms of reference of para 1 for protected territories for protection of the cultural heritage shall be co-ordinated with the Ministry of Culture under the conditions and order of the Cultural Heritage Act.

(7) (new – SG 65/03, amend. SG 77/05; prev. par. 6, amend. – SG 82/12, in force from 26.11.2012; suppl. - SG 62/15, in force from 14.08.2015) The terms of reference of para 1 shall be submitted to the Ministry of Environment and Waters or to the respective regional inspectorate for environment and waters for determination of the applicable procedures following the provisions of Chapter Six and Chapter Seven, Section I of the Environmental Protection Act and Art. 31 of the Biological Diversity Act. The ecological assessment shall be part of the development plan.

Art. 126. (1) (amend. SG 43/02, SG 65/03, amend. - SG 37/06, in force from 01.07.2006) The investigation and the design of development plans, as well as the selection of development concept for them, shall be assigned by the order of the Public Procurement Act.

(2) (revoked – SG 43/02, new – SG 65/03, revoked - SG 37/06, in force from 01.07.2006).

(3) (revoked – SG 65/03).

(4) The investigation and design works for compiling development plans shall be implemented in the following phases:

1. preliminary design;
2. final design.

(5) The assignor can assign separate working out of terms of reference with basic plan as well as amalgamation of the phases of para 4.

(6) (new – SG 65/03) The investigation and the design works for the elements of the technical infrastructure out of the boundaries of the urbanised territories shall be implemented in the following phases:

1. preliminary design, in which are worked out variants of the track;
2. ultimate design – parcel plan, according to which alienation shall be implemented.

Art. 127. (1) (amend. – SG 82/12, in force from 26.11.2012; suppl. - SG 27/13) The designs of general development plans shall be published on the website of the respective municipality and shall be subject to public discussions prior to their submission to the land development expert councils. The employer of the project shall organize and conduct the public discussions, by announcing the venue, date and time of the event by a notice which shall be displayed in the designated places in the building of the municipality, region or mayor administration, and in other places announced in advance and accessible by the public in the respective territory – subject to the plan and shall be published on the Internet site of the employer and of the municipality, in one national daily newspaper and one local newspaper. Written minutes shall be recorded at the public discussion, which shall be attached to the documentation for the expert council and for the local council. In the towns with regional subdivision public discussions must be arranged in all regions. The public discussion shall be combined and shall be a part of the procedure for consultations on the environmental assessment and/or compatibility assessment, organized and conducted by the employer according to the provisions of the Environmental Protection Act and/or the Law for the Biological Diversity.

(2) (amend. – SG 82/12, in force from 26.11.2012) The employer shall co-ordinate the designs for general development plans with the interested central and territorial administrations, and if necessary - also with the specialised control bodies and the operating companies. The co-ordination shall include:

1, issuance of relevant acts under the terms and conditions, following the procedure and within the terms, determined in a special law;

2. issuance of written opinions and/or participation of representatives of interested administrations in the meetings of the expert council, where no act under item 1 is required; in this case, if within one month after the receipt to the application for coordination no written opinion is issued and a representative of the interested administration is not attending the session of the expert council, or within 14 days after the session no minutes of the council meeting is signed, it shall be deemed that the design has been agreed upon without remarks; the refusals to agree upon must be justified.

(3) The designs for general development plans shall be approved by the municipal expert council.

(4) (revoked – SG 61/07, in force from 27.07.2007)

(5) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Designs for general development plans of the territories of art. 10, para 2 and for other general development plans can be submitted for approval also to the regional expert council or to the National expert council for spatial planning and regional policy.

(6) (amend. – SG 87/10; amend. and suppl. – SG 82/12, in force from 26.11.2012; suppl. - SG 27/13) The general development plan shall be approved by the municipal council upon a report of the mayor of the municipality. The decision of the local council shall be sent within 7 days after its adoption to the Regional Governor, who may within 14 days after its receipt send back the illegitimate decision for a new discussion or may appeal it before the respective administrative court subject to the terms and conditions and the procedure of Art. 45 of the Local Government and Local Administration Act. The decision of the local council shall be sent for promulgation in State Gazette if it has not been sent back for new discussion or has not been appealed before the respective administrative court, and if it has been appealed – after the finalization of the court proceedings. The approved general development plan shall be published on the website of the respective municipality.

(7) (amend. – SG 106/06, in force from 28.01.2007) Specific rules and norms of spatial development and development of the territory of Sofia municipality shall be set in a separate Act.

(8) (new – SG 106/06, in force from 28.01.2007; suppl. – SG 82/12, in force from 26.11.2012)

A new general development plan of Sofia municipality, and also amendments to the applicable general development plan shall be adopted by the Council of Ministers pursuant to the provisions of this Act subject to observance of the rules and regulations for spatial development and development, determined in the Spatial Development Act and development of Sofia municipality. The decision of the Council of Ministers shall be promulgated in the State Gazette.

(9) (prev. par. 8 – SG 106/06, in force from 28.01.2007) The mayor of the municipality shall present for approval to the municipal council annual report about the implementation of the general development plan of the municipality, respectively the settlement or the settlement formation, and make proposals for change of the plan if such is necessary.

(10) (new – SG 65/03; suppl. - SG 103/05; prev. par. 9 – SG 106/06, in force from 28.01.2007; amend. – SG 87/10; suppl. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) General development plan for settlement formations of national importance shall be approved with an order by the Minister of Regional Development and Public Works after co-ordination with the municipal council and adoption by the National expert council for land development, which shall be promulgated in State Gazette.

(11) (new – SG 27/13; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The general development plans approved by the Minister of the Regional Development shall be published on the websites of the Ministry of the Regional Development and Public Works and the respective municipality.

Art. 128. (1) (amend. – SG 17/09; amend. – SG 82/12, in force from 26.11.2012) The drawn up design of a detailed development plan shall be announced by the municipality to the interested persons by a notice promulgated in State Gazette. Following this procedure the designs of detailed development plans for linear projects of the technical infrastructure beyond the boundaries of the settlements and the residential units shall be announced, too.

(2) (suppl. – 65/03; amend. – SG 17/09; amend. – SG 82/12, in force from 26.11.2012; suppl. - SG 27/13) The notice under par. 1 shall be announced by displaying it in the designated places in the building of the municipality, region or mayor administration, and in other places announced in advance and accessible by the public in the respective territory – subject to the plan and shall be published on the Internet site of the municipality and at least in one local newspaper. The draft detailed development plan shall be published on the website of the respective municipality.

(3) (amend. – SG 17/09) When the design for detailed development plan is for a part of a settlement or settlement formation with scope up to one quarter, as well as for landed properties out of the boundaries of settlements and settlement formations, the announcement of para 2 shall not be promulgated in State Gazette but announced to the interested persons.

(4) (revoked – SG 82/12, in force from 26.11.2012).

(5) (amend. and suppl. – SG 17/09; amend. – SG 82/12, in force from 26.11.2012) The interested persons can make written appeals, proposals and requests for the design of the detailed development plan to the municipal administration in one month term after the announcement of para 1 or within 14 days after the announcement of para 3.

(6) (amend. – SG 82/12, in force from 26.11.2012) The co-ordination of the designs for the detailed development plans with the interested central and territorial administrations, and if necessary - with the specialised control bodies and the operating companies, shall be implement by the order of art. 127, para 2.

(7) The designs, together with the received appeals, proposals and requests shall be approved by the municipal expert council in one month term after the elapse of terms of para 5.

(8) (revoked – SG 61/07, in force from 27.07.2007; new – SG 82/12, in force from 26.11.2012) At the municipality Chief Architect's judgement the design of a detailed development plan may be

considered by the municipal expert council prior to announcement in view of its bringing into compliance with the regulatory requirements.

(9) Designs for detailed development plans of the territories of art. 10, para 2 and of other similar development plans can be submitted for approval also to the regional expert council or to the National expert council upon a decision of the municipal council.

(10) When the design for detailed development plan is returned for overall or partial re-working, the procedures provided by the law shall be conducted again for the re-worked part of the plan.

(11) The individuals and the corporate bodies shall have the right to receive information from the municipal administration about the unaccepted appeals, proposals and requests.

(12) (new – SG 65/03; amend. and suppl. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013) The design of detailed development plan shall be considered by:

1. the regional expert council – for projects with a scope more than one region or for projects of regional importance;

2. (amend. – SG 98/14, in force from 28.11.2014) the National expert council for land development and regional policy – for:

a) projects with a scope more than one region;

b) projects of national importance and/or national projects;

c) national roads, railway main lines and railways;

3. (revoked – SG 98/14, in force from 28.11.2014).

(13) (new – SG 61/07, in force from 27.07.2007; suppl. – SG 54/10; amend. – SG 82/12, in force from 26.11.2012) Where interested person pursuant to the provisions of Art. 131 are only the persons, on whose initiative a detailed development plan, as well as in those cases where the expropriation of estates as per Art. 63b of the Energy Sector Act outside settlements and settlement formations, regarding which there is no authorized construction, is intended for mine workings for the extraction of energy resources in an open way and the planned construction is of sixth category, the design of the plan or its amendment shall be subject to approval by the competent body, without being communicated pursuant to the procedure of par. 1 and 3.

(14) (new – SG 47/12) The coordination of the drafts of the detailed development plans for construction or reconstruction of crossroads, intersections and road connections for connecting municipal and private roads with republic roads and of adjacent territories to the republic roads shall be carried out by the administration managing the road as set out in Art. 127, Para 2.

(15) (new – SG 62/15, in force from 14.08.2015) Coordination of draft detailed development plans for construction or reconstruction of enterprises and / or facilities with low or high risk potential under Chapter Seven, Section I of the Environmental Protection Act shall be carried out by the Minister of Environment and Waters or the Director of the regional Inspectorate of Environment and Waters in pursuant to Art. 127, para 2.

Art. 129. (1) (amend. – SG 17/09; suppl. – SG 82/12, in force from 26.11.2012) The detailed development plan shall be approved with a decision of the municipal council upon a report of the mayor of the municipality in one month term after the approval of the design for detailed development plan by the expert council. The decision shall be sent in 7 days term for promulgation in State Gazette. Following this procedure the designs of detailed development plans of residential units of national importance and of linear projects of the technical infrastructure beyond the borders of the residential places and residential units shall be approved.

(2) (amend. – SG 17/09; suppl. – SG 82/12, in force from 26.11.2012) The detailed development plan with scope of up to one quarter, and in the Capital Municipality and the cities divided in regions – with scope of up to three quarters, and also for land properties beyond the borders of

residential places and residential units shall be approved with an order of the mayor of the municipality in 14 days term after the approval of the design for detailed development plan by the municipal expert council. The order shall be communicated to the interested parties under the terms and conditions and following the provisions of the Code of Administrative Procedure.

(3) (new – SG 65/03; suppl. - SG 103/05; amend. and suppl. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013) The detailed development plan shall be approved by an order of:

1. the Regional Governor – for projects covering more than one municipality or for projects of regional importance;

2. (amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional development and Public Works – for:

a) projects covering more than one region;

b) projects of national importance and/or national projects;

c) national roads, railway main lines and railways;

3. (revoked – SG 98/14, in force from 28.11.2014).

(4) (new – SG 65/03; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013) The national roads, railway highways and railway roads of I and II category, the parcel plan shall be approved by an order by the Minister of Regional Development in one month term after the approval of the design by the National expert council for spatial development. The order shall be sent within 7 days from the promulgation in State Gazette.

(5) (new – SG 27/13) The approved detailed development plans referred to in Para 1 and 2 shall be published on the website of the respective municipality.

Art. 130. (amend. – SG 61/07, in force from 27.07.2007; amend. – SG 87/10; revoked – SG 82/12, in force from 26.11.2012).

Art. 131. (amend. SG 65/03) (1) (amend. – SG 82/12, in force from 26.11.2012) Interested persons in approval proceedings of development plans and of their amendments shall be the owners and the bearers of limited real rights according to the data from the property register, and prior to its enforcement – according to information from the cadastre register, and also the persons, to whom concession has been granted, where the immovable properties are directly affected by the provisions of the plan.

(2) Immovable properties directly affected by the provisions of the detailed development plan shall be:

1. the properties – subject of the very plan;

2. the neighbouring properties, when they are included in connected building up;

3. the neighbouring properties, including the properties across a street, when decreased distances are admitted;

4. the neighbouring properties, when the designation of the property – subject of the plan, is changed;

5. (amend. – SG 82/12, in force from 26.11.2012) the properties, falling into easements, into protected territories for protection of cultural heritage or into prohibited, protective or preserving zones, including such for projects related to country defence and security, for which restrictions in the regime of construction and use of the land property are introduced by a regulatory act and/or by specific rules and regulations.

(3) (new – SG 82/12, in force from 26.11.2012) Immediately affected by the provisions of the parcel plan for the components of the technical infrastructure, announced as projects of national

importance, as national sites or municipal sites of primary importance, shall be the land properties or parts thereof – subject of the plan.

Art. 132. (1) (prev. art. 132 – SG 65/03) The decisions and the orders for approval of the development plans under this Act shall enter into force:

1. from the date of the approval when they are not subject to appeal;
2. after the elapse of the term for appeal if they have not been appealed;
3. (amend. – SG 87/10) from the day of confirmation by the court.

(2) (new – SG 65/03) When the decision or the order for approval of detailed development plan are appealed, they shall enter into force with regard to the part of the plan, which is out of the subject of the appeals.

Art. 133. (1) (suppl. SG 65/03; amend. – SG 66/13, in force from 26.07.2013) During the process of working out of detailed development plans investment designing for new constructions in the landed properties can be permitted on the basis of a detailed development plan, which is an excerpt of the development plan being worked out. The working out of excerpt plan shall be permitted by the body competent to approve the plan. The excerpt plan shall be co-ordinated by the designer of the detailed development plan.

(2) The working out of the excerpt plan of para 1 shall be admitted after the approval of the preliminary design for detailed development plan by the corresponding expert council.

(3) As exception with the consent of the body assigning the expert council for development of the territory, competent to approve the design for detailed development plan, the working out of the excerpt plan can be admitted also before the approval of the preliminary design of para 2, when the street regulation is not subject to significant changes and within the scope of the excerpt plan there is existing construction which predetermines the way of the designed construction.

(4) When the excerpt plan changes detailed development plan in effect, the excerpt plan shall be worked out as design for change of the plan in effect.

(5) (amend. SG 65/03) If a working development plan is necessary, it shall be worked out and proceed together with the excerpt plan of para 1.

(6) (amend. SG 65/03; amend. – SG 17/09) An excerpt plan shall not be worked out for parts of the territory where the design for the detailed development plan being worked out does not change the provisions of the detailed development plan in effect. In these cases visa for designing shall obligatory be issued.

(7) (new – SG 106/06, in force from 28.01.2007; amend. – SG 66/13, in force from 26.07.2013) In the course of elaboration of a new general development plan or of amendment of an applicable general development plan after consideration of the design by the expert council of the body competent to approve the plan can be admissible in cases when:

1. the design of the new detailed development plan corresponds to the provisions of the design of the new general development plan;
2. the design for amendments to the applicable detailed development plan correspond to the provisions of the design for amendment or of the design of the new general development plan.

(8) (new – SG 106/06, in force from 28.01.2007; amend. – SG 66/13, in force from 26.07.2013) In cases of par. 7 with an order of the body, competent to approve the plan, elaboration of a design of a new detailed development plan or of a design of amendments to the detailed development plan shall be allowed.

## **Section IV.**

### **Conditions and order for change of the development plans**

Art. 134. (1) The general development plans entered into force can be changed when:

1. significant changes occur in the social - economic and development conditions under which the plan been compiled;
2. (amend. SG 65/03) new state or municipal needs occur for sites - ownership of the state, of the municipalities or of the operating companies.
3. (new – SG 106/06, in force from 28.01.2007) investment initiatives emerge, which shall be implemented with funds, provided under international agreements or from the state budget, and also by investors, certified pursuant to the provisions of the Investment Promotion Act;
4. (new – SG 106/06, in force from 28.01.2007) the requirement to construct buildings, networks and facilities for special purposes of country defense and safety lapses;
5. (new – SG 106/06, in force from 28.01.2007) obvious factual mistake is identified, which is essential for the provisions of the plan;
6. (new – SG 106/06, in force from 28.01.2007; revoked – SG 61/07, in force from 27.07.2007);
7. (new – SG 106/06, in force from 28.01.2007; revoked – SG 61/07, in force from 27.07.2007);
8. (new – SG 106/06, in force from 28.01.2007; revoked – SG 61/07, in force from 27.07.2007).

(2) The detailed development plans which have entered into force can be changed besides on the ground of para 1 also when:

1. (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) the alienation procedure has not started within the respective term pursuant to Art. 208;
2. (amend. – SG 82/12, in force from 26.11.2012) in case of amendment of the cadastral plan or approval or amendment of the cadastral map in a regulated territory land property boundaries do not match with the regulatory ones;
3. (amend. – SG 82/12, in force from 26.11.2012) the plan does not ensure opportunity for e construction according to the development rules and normatives in effect because of the geologic and hydro - geologic conditions and for preservation of archaeological, historic and cultural heritage;
4. the plan contains obvious factual mistake important for its provisions;
5. the plan has been approved with significant breaches of law; on this basis cannot be changed plans for which there is a court decision entered into force or when the plan has been applied;
6. (amend. – SG 87/10) there is consent of all owners of properties under Art. 131, Para 2, Item 1 as well as of holders of limited rights in rem in them;
7. there is a proposal of the court for cases of subdivision of regulated landed properties;
8. (new – SG 65/03; revoked – SG 61/07, in force from 27.07.2007; new – SG 82/12, in force from 26.11.2012) the plan is approved without plan-schemes under Art. 108, par. 2.

(3) (new – SG 65/03; amend. – SG 82/12, in force from 26.11.2012) When the amendment of the detailed development plan imposes also change of acting general development plan, first shall be changed the general development plan. The body under Art. 124, permitting drawing up of a design of amendment of the general development plan, can admit both plans to be amended at the same time under the terms and provisions and following the procedure for the respective plan, provided in the law, whereby the amendment of the detailed development plan shall be approved upon approval of the amendment of the general development plan.

(4) (prev. (3), amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) Enforced detailed development plans may not be changed with the objective of

1. legalization of unlawfully constructed buildings;

2. change of the purpose of use of terrains, allocated in the detailed development plans for landscaped spaces, except for the cases of par. 2, item 1 and under Art. 62a, par. 2 – 5.

(5) (prev. (4) – SG 65/03; revoked – SG 82/12, in force from 26.11.2012).

(6) (prev. (5), amend. SG 65/03) When at applying detailed development plans in effect are changed only the disposition and the configuration of the provided buildings, in this number adjacent construction and superstructure of existing buildings without changing the way and the character of construction and the rules and the normatives of the corresponding development zone, it is not necessary these plans to be changed. In these cases the concrete way of building shall be determined with a visa of art. 140.

(7) (new – SG 17/09; suppl. – SG 50/10) Except for the cases under Para 2, Item 1, the amendment of the detailed development plans for changing the designation of regulated land properties assigned as sites for education, science, healthcare or culture, as well as sports facilities and equipment may be carried out under the conditions and order of this Act only upon the written consent of the relevant Minister under the order of Art. 39, Para 3.

Art. 135. (1) (amend. – SG 61/07, in force from 27.07.2007; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The persons under Art. 131 can request a change of the development plans with a written application to the mayor of the municipality, and in cases of Art. 124, par. 2 – respectively to the regional governor or to the Minister of Regional Development and Public Works.

(2) (amend. – SG 61/07, in force from 27.07.2007) Where the request refers to a change of the detailed development plan, an outline with a proposal for its change shall be attached to the application.

(3) (amend. – SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012) Within 14 days after the submission of the application the competent body of par. 1 shall permit or reject to produce a design for the change of the plan.

(4) (new – SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The orders of par. 3 shall be issued on the grounds of a statement of:

1. the chief architect of the municipality – where the act is being issued by the mayor of the municipality;

2. the mayor of the municipality – where the act is being issued by the regional governor;

3. (revoked – SG 82/12, in force from 26.11.2012).

(5) (prev. (4), amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The competent body of para 1 can order ex officio with a motivated prescription a design for change of an operating development plan to be produced if some of the grounds of art. 134, para 1 and 2 exist.

(6) (prev. (4), amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The motivated prescription of para 3 and 5, allowing the production of a design of a change of the plan shall stop the application of the operating development plans in the parts they refer to.

Art. 136. (1) (amend. SG 65/03) The designs for change of the development plans on the grounds of art. 134, para 1 and 2 shall be worked out, co-ordinated, announced, approved and enter into force under the conditions and by the order of section III of chapter seven.

(2) (new – SG 65/03; suppl., SG 65/04; amend. – SG 19/09, in force from 10.04.2009; amend. – SG 82/12, in force from 26.11.2012) For the designs for change of the development plans on the grounds of art. 134, para 2 with range up to three quarters the requirements for co-ordination of art. 127, para 2, shall not be applied, with exception of the cases under art. 134, para 2, item 5 and 6 where it regards properties – immovable cultural valuables.

(3) (prev. (2) – SG 65/03) The effect of the corresponding development plan shall be terminated

from the day when the new plan or the changes enter into force.

(4) (prev. (3) – SG 65/03; amend. - SG 29/06) Copies of the changes of detailed development plans with which are changed the boundaries of the landed properties shall be sent to the Agency for geodesy, cartography and cadastre.

## **Chapter eight.**

### **INVESTMENT DESIGNING AND PERMISSION OF CONSTRUCTION**

#### **Section I.**

#### **Investment investigation and designing**

Art. 137. (amend. SG 65/03) (1) Depending on the characteristics, the significance, the complexity and the risks at exploitation the constructions shall be categorised as follows:

1. first category:

a) (suppl. - SG 47/12) motor ways, speed ways and roads I and II class of the republican road network, railway lines, ports and airports for public use, metropolitan railways and the facilities with them;

b) (amend. – SG 41/07) transfer conduits (networks) of the technical infrastructure and the facilities with them in the field of water supply, electric supply, heat supply, gas supply and other activities;

c) constructions, necessary for prevention and protection of the population and restoration of the regions from disasters and accidents;

d) constructions, being dangerous for explosion, significant harmful impact over the environment or for dissemination of poisonous or harmful substances;

e) (amend. – SG 82/12, in force from 26.11.2012) hydro-technical facilities, being dangerous for floods, including dams and their affiliated facilities and temporary constructions;

f) constructions where no stopping of the technological process is admitted;

g) constructions for geo-protection and reinforcement of the banks of rivers and the sea coast.

h) electric power plants and heat plants with capacity over 100 MW;

i) production enterprises with capacity over 500 working places and the facilities with them;

j) (amend. – SG 82/12, in force from 26.11.2012) production buildings, plants, facilities, affiliated infrastructure, affiliated infrastructure, etc. of the metallurgical and chemical industry;

k) other constructions with national importance, determined with an act of the Council of Ministers;

l) (new, SG 65/04; amend. – SG 19/09, in force from 10.04.2009; suppl. – SG 54/11) immovable cultural valuables of category "of global importance" and "of national importance", as well as buildings within the boundaries and security zones of archaeological sites outside the urban territories;

m) (prev. letter "l" – SG 65/04; amend. – SG 82/12, in force from 26.11.2012) reconstruction and major repair of constructions of this category;

2. second category:

a) roads III class of the republican road network, primary street network I and II class and the facilities with them;

b) (amend. – SG 41/07) distribution conduits, facilities and devices with them in the field of water supply, sewerage, electric supply, heat supply, gas supply and other activities;

c) (revoked – SG 82/12, in force from 26.11.2012);

d) (suppl. – SG 41/10) facilities and installations for treatment of wastes and closing of waste depots by surface sealing by upper isolation shield;

- e) buildings and facilities for public services with capacity over 1000 places for visitors;
- f) (suppl. – SG 82/12, in force from 26.11.2012) production buildings, plants, facilities, affiliated infrastructure, etc. with capacity from 200 to 500 working places and the facilities with them;
- g) electric power plants and heat plants with capacity from 25 to 100 MW;
- h) (new, SG 65/04; amend. – SG 19/09, in force from 10.04.2009; revoked – SG 82/12, in force from 26.11.2012);
- i) (prev. item "h" – SG 65/04; amend. – SG 82/12, in force from 26.11.2012) reconstruction and major repair of constructions of this category;
- j) (new – SG 82/12, in force from 26.11.2012) buildings and facilities of mines, diggings and quarries, including for their liquidation, and also constructions related to recovery of environmental damages in the area of their impact;

3. third category:

- a) municipal roads, streets of the primary street network III and IV class and the facilities with them;
- b) (amend. – SG 41/07) elements of the technical infrastructure, hydro-technical, hydro-melioration and other networks, facilities and installations, not being in the above categories;
- c) residential and mixed buildings with high building up; buildings and facilities for public servicing with total built area over 5000 sq m or with capacity from 200 to 1000 places for visitors;
- d) (suppl. – SG 82/12, in force from 26.11.2012) production buildings, plants, facilities, affiliated infrastructure, etc. with a capacity from 100 to 200 working places and the facilities with them;
- e) (suppl. – SG 29/12, in force from 10.04.2012; amend. – SG 82/12, in force from 26.11.2012) electric power plants and heat plants with capacity up to 25 MW, except sites for electricity production under Art. 147, par. 1, item 14;
- f) parks and gardens with area over 1 ha;
- g) (amend. – SG 82/12, in force from 26.11.2012) reconstruction and major repairs of the constructions of this category;
- h) (new – SG 41/07; suppl. – SG 82/12, in force from 26.11.2012) electronic communication networks and facilities, constructed on a trunk type at a national level, including communication and base stations;

4. forth category:

- a) private roads, streets of the secondary street network V and VI class and the facilities with them;
- b) residential and mixed buildings with medium building up; buildings and facilities for public servicing with total built area from 1000 to 5000 sq m or with capacity from 100 to 200 places for visitors;
- c) (suppl. – SG 82/12, in force from 26.11.2012) production buildings, plants, facilities, affiliated infrastructure etc. with capacity from 50 to 100 working places and the facilities with them;
- d) parks, gardens and green areas up to 1 ha;
- e) (amend. – SG 82/12, in force from 26.11.2012) reconstruction and major repair of constructions of this category and internal reconstruction of the buildings of first to forth category, with which their construction is not affected;
- f) (amend. – SG 82/12, in force from 26.11.2012) immovable cultural valuables of category "local importance";
- g) (new – SG 41/07) electronic communication networks and facilities, constructed in urbanized territories with high and medium development;

5. fifth category:

- a) residential and mixed buildings with low building up, villa buildings, buildings and facilities for public servicing with total built area up to 1000 sq m or with capacity up to 100 places for visitors;
- b) (suppl. – SG 82/12, in force from 26.11.2012) production buildings, plants, facilities,

affiliated infrastructure, etc. with capacity up to 50 working places and the facilities with them;

c) constructions from the supplementing building up out of these from sixth category;

d) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category;

e) (new – SG 41/07) electronic communication networks and facilities, constructed in urbanized territories with law development;

f) (new – SG 82/12, in force from 26.11.2012) immovable cultural valuables of category "ensemble importance" and "for reference";

6. sixth category – the constructions of art. 54, para 1 and 4 and art. 147.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The nomenclature of the kinds of constructions in the separate categories shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(3) The constructions shall be fulfilled in compliance with the provisions of the detailed development plan and co-ordinated and approved investment designs under the conditions and by the order of this Act.

(4) (amend. - SG 37/06, in force from 01.07.2006; amend. – SG 82/12, in force from 26.11.2012) A construction which under one of the criteria under par. 1 falls into one category, and under another category – into a higher class, shall be categorized in the higher category.

(5) (revoked - SG 37/06, in force from 01.07.2006).

Art. 138. (amend. SG 65/03) The assignor can assign preliminary (pre-investment) and spatial - development investigations for defining the disposition of the site, proving of normative admissibility, expediency of the investment idea as well as for compiling terms of reference for working out investment design.

Art. 139. (1) The investment designs can be worked out in the following stages:

1. preliminary design;

2. technical design;

3. working design (working drawings and details).

(2) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The assignor, depending on the specifics of the project, must assign for elaboration these parts of the investment project, based on which assessment of compliance with the requirements of Art. 169, par. 1 -3 may be carried out and the construction can be accomplished.

(3) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) All documents - graphic and textual on all parts of the investment design shall be signed and stamped by the engineer of the respective part and shall be agreed upon with a signature by the engineers of the remaining parts and by the assignor. Calculations, made by the engineer of the respective part, shall not be subject to agreeing upon with a signature by the engineers of the remaining parts and by the assignor.

(4) (revoked – SG 65/03)

(5) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue ordinance about the contents of the investment designs.

Art. 140. (amend. SG 65/03) (1) The assignor or a person, authorised by him, can require visa for designing. The visa shall be issued by the chief architect of the municipality in 14 days term after receiving of the application.

(2) (amend. – SG 82/12, in force from 26.11.2012) The visa for designing is a copy (excerpt) from acting detailed development plan, covering the landed property and the neighbouring landed properties, with marked existing buildings and constructions in it or in the neighbouring properties and with plotted lines of construction and admissible heights, density and intensity of building up and other requirements, if there are such, as well as the admissible detractions of art. 36. Where the cadastre map has entered into force after the enforcement of the detailed development plan, the visa shall be issued on a combined outline of the cadastre map and the detailed development plan.

(3) (suppl., SG 65/04; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; suppl. – SG 82/12, in force from 26.11.2012) For the constructions of art. 12, para 3, art. 41, para 2, art. 50, 51, 58, 59, art. 133, para 6 and art. 134, para 6, as well as for sites – immovable cultural valuables the issuing of visa shall be compulsory. For these constructions the engineering visa shall be communicated to the interested persons under Art. 131.

(4) (new – SG 19/09, in force from 10.04.2009) For constructions within the boundaries of immovable cultural valuables and in the security zones of individual cultural valuables, where there are no specific rules and norms approved, the visa for designing shall be issued with compulsory construction lines and maximum admissible cornice elevation.

(5) (prev. text of Para 04 – SG 19/09, in force from 10.04.2009) In settlements and parts of them with acting regulation plan, determined for low residential building up, the investment designing can start on the basis of visa, in which are pointed out the requirements for building up according to the acting norms if the character of building up is not changed and only for free and connected construction between two properties. For permitting of the construction approval of plan for building up shall not be required.

(6) (prev. text of Para 05 – SG 19/09, in force from 10.04.2009) For sites of the technical infrastructure visa for designing shall not be issued.

(7) (amend. and suppl. - SG 33/08; prev. text of Para 06 – SG 19/09, in force from 10.04.2009) The visa for designing of special sites, connected with the defence and the security of the country, shall be issued by the Minister of Defence, by the Minister of Interior or by the Chairman of State Agency "National Security" in 7 days term after receiving of the application.

## **Section II.**

### **Co-ordination and approval of the investment designs**

Art. 141. (1) (amend. SG 65/03) The preliminary investment design shall be subject to co-ordination with the chief architect of the municipality.

(2) (amend. SG 65/03; amend. SG 15/13, in force from 01.01.2014; revoked – SG 66/13, in force from 26.07.2013).

(3) (amend. SG 65/03) A refusal to co-ordinate a preliminary investment design can be made according to lawfulness.

(4) (amend. SG 65/03) The preliminary investment designs for special sites, connected with the defence and the security of the country, shall be subject to expertise by the specialised expert council of art. 3, para 3.

(5) (new – SG 65/03; amend. and suppl. - SG 33/08) The preliminary investment designs for special sites, connected with the defence and the security of the country, shall be co-ordinated with the Minister of Defence, respectively with the Minister of Interior or the Chairman of State Agency "National Security", after considering of the design by the specialised expert council of art. 3, para 3.

(6) (prev. (5) – SG 65/03; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013) The preliminary investment design shall be agreed upon by:

1. by the regional governor for technical infrastructure projects covering more than one

municipality or for projects of regional importance;

2. (amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public works for:

- a) projects covering more than one region;
- b) projects of national importance and/or national project;
- c) national roads, railway main lines and railways.

3. (revoked – SG 98/14, in force from 28.11.2014).

(7) (new – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) The basic investment project for immovable cultural valuables and for constructions within their boundaries and their protection zones shall be coordinated with the Ministry of Culture under the terms and conditions and following the procedure of Art. 125, par. 6.

(8) (prev. (6) – SG 65/03; suppl., SG 65/04; prev. par. 7 – SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012) The co-ordination of the preliminary design shall be implemented in one month term after the receiving of the written request, and in the cases under art. 142, para 2 within the terms under Art. 144, par. 3.

(9) (prev. (7) – SG 65/03; prev. par. 8 – SG 61/07, in force from 27.07.2007) The co-ordination of the preliminary design shall be ground for continuing the design in the following stages.

Art. 142. (amend. SG 65/03) (1) The investment designs shall be subject to co-ordination and shall be basis for issuing of permission for construction.

(2) The preliminary investment design can be basis for issuing of permission for construction, if for it has been implemented preliminary assessment of compliance with the provisions of the detailed development plan, with the rules and the norms for development of the territory, with the requirements to the constructions according to the normative acts for functionality, transport accessibility, protection of environment and the health protection, as well as for the mutual co-ordination between the separate part of the design, and it is approved by the body of art. 145. In these cases the approved preliminary design shall also serve for assigning of construction under the Public Procurement Act. The following phases of designing shall be approved in the progress of construction before implementing of the respective construction – mounting works and shall be subject to assessment according to the requirements of para 5.

(3) For the elements of the transport technical infrastructure shall be admitted the technical or the working investment design to be considered by the expert council simultaneously with the approval of the parcel plan, permission for construction being issued after the plan enters into force.

(4) All parts of the investment designs, which are basis for issuing of permission for construction, shall be assessed for compliance with the essential requirements to the constructions.

(5) The assessment shall comprise check of the compliance with:

- 1. the provisions of the detailed development plan;
- 2. the rules and the norms for spatial planning;
- 3. the requirements of art. 169, para 1 and 2;
- 4. the mutual co-ordination between the parts of the design;
- 5. the completeness and the structural compliance of the engineering calculations;
- 6. the requirements for structure, safe exploitation and technical supervision of facilities with increased danger if in the site there are such;

7. (amend. – SG 82/12, in force from 26.11.2012) other specific requirements to certain kinds of constructions according to a normative act, if for the site there are such;

8. (new – SG 32/12, in force from 24.04.2012) the requirements of administrative acts in force, which depending on the type and size of the construction are necessary for obtaining a permission for

construction under the Protection of the Environment Act, the Biological Diversity Act, the Cultural Heritage Act or other special Act, as well as for implementing the measures and conditions of those acts in the project;

9. (new – SG 53/12, in force from 13.07.2012) the requirements for selective distribution of the waste formed during construction works and the destruction proceedings allowing their further use, including recycling and achievement of the quantitative goals for use and recycling;

10. (new – SG 62/15, in force from 14.08.2015) requirements to prevent major accidents involving dangerous substances and limiting consequences relating to the human health and the environment under Chapter Seven, Section I of the Environmental Protection Act.

(6) The assessment for compliance shall be implemented:

1. with approval by the expert council of the approving administration;

2. (amend. – SG 82/12, in force from 26.11.2012) as complex report, compiled by a registered company – consultant, not connected with the designer – for sites of first and second category compulsory, and for sites of lower category – on wish by the assignor;

3. (revoked, SG 65/04)

4. (revoked, SG 65/04)

(7) The approved investment design, apart for issuing of permission for construction, can also serve for assigning of construction under the Public Procurement Act.

(8) (new – SG 82/12, in force from 26.11.2012) For special projects of the Ministry of Defence, of the Ministry of Interior and of the National Security National Agency, the information about which is considered to be a state secret pursuant to the provisions of the Law for the protection of classified information, the assessment for compliance shall be carried out by experts, appointed by an order of the respective Minister of the Chairman of the Agency.

(9) (new – SG 82/12, in force from 26.11.2012) All documents – graphic and text, of the investment project shall be signed and stamped by the respective qualified professional and by the manager of the consulting company, which has carried out the assessment for compliance. The assessment of compliance report shall be signed by the manager of the consulting company and by all qualified professional, having carried out the assessment.

(10) (suppl. – SG 15/10, in force from 23.02.2010; prev. par. 8, amend. and suppl. – SG 82/12, in force from 26.11.2012) The assessment for compliance of part "Construction" of the investment designs in phase technical and working design shall be implemented under a contract with the assignor by individuals, exercising technical control of part "Construction", including in a list, prepared and updated every year by the Chamber of the engineers in the investment designing, which is promulgated in State Gazette or in equivalent list or register maintained by a competent authority in a Member State of the European Union or in another contracting country to the Agreement on the European Economic Area. The person, carrying out technical supervision, shall sign all documents – graphic and text, of "Structures" part of the investment project.

(11) (new - SG 98/08, in force from 14.11.2008; prev. par. 9 – SG 82/12, in force from 26.11.2012; amend. - SG 24/13, in force from 12.03.2013; amend. - SG 35/15, in force from 15.05.2015) The assessment for compliance referred to in Art. 169, Para 1, Item 6 of the investment projects in phase technical and working design shall be implemented under separate contract with the assignor by natural or legal persons meeting the requirements of the Energy Efficiency Act and entered into the public register under Art. 44, Para 1 of the same law.

Art. 143. (amend. SG 65/03) (1) The investment designs shall be co-ordinated and approved on the basis of presented:

1. assessment of the compliance of the design documentation with the essential requirements to the construction;

2. (amend. - SG 82/06; amend. – SG 69/08; amend. – SG 53/14) positive statement by the bodies of fire safety and protection of people for the constructions of first, second and third category;

3. preliminary contracts with the operating companies for joining to the networks of the technical infrastructure.

4. (new – SG 77/05; amend. – SG 82/12, in force from 26.11.2012) enforced administrative acts, which depending on the type and the scale of the project are a required condition for permitting the construction under the Environment Protection act, the Law for the Biological Diversity or another special law, and compliance of the investment project with the provisions of these acts;

5. (new – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) coordination with the Ministry of Culture under the terms and conditions and following the procedure of Art. 125, par. 6 – for immovable cultural valuables and for the constructions within their boundaries and their protection zones.

(2) For co-ordination and approval of the investment designs fees shall be paid under the State Fees Act and the Local Taxes and Fees Act.

(3) (revoked, SG 65/04)

Art. 144. (amend. SG 65/03) (1) The investment designs for which permission for construction is issued, shall be co-ordinated and approved after a written application by the assignor and presentation of:

1. documents of ownership, and for buildings of condominiums also a decision of the general meeting for approval of the design that has entered into force;

2. (suppl. – SG 61/07, in force from 27.07.2007) visa for designing in the cases of art. 12, para 3, art. 41, para 2, art. 50, 51, 58, 59, art. 133, para 6 and art. 134, para 6;

3. three copies of the investment design with scope and content, determined with the ordinance of art. 139, para 5;

4. (amend. SG 77/05; amend. – SG 82/12, in force from 26.11.2012) enforced administrative acts which depending on the kind and the amount of the construction are a required condition for permission of the construction under the Environmental Protection Act, the Law for the Biological Diversity, the Law for the Cultural Heritage or another special law and compliance of the investment project with the provisions of these acts;

5. (amend., SG 65/04) assessment of compliance, prepared by the order of art. 142, para 6;

6. (new - SG 65/06, in force from 11.08.2006) authorization for construction of a water collecting facility for underground waters and/or authorization for water collecting, and/or authorization for discharging of wastewater issued according to the order and in the cases determined by the Water Law.

(2) The conditions for use of water for drinking, production and anti-fire needs, for discharge of waste waters, for use of electric energy, for communication connections, for heat energy and for gas supply shall be ensured by the organisations, conceding public services, under the conditions and by the order of the special laws.

(3) The investment designs shall be approved or their approval shall be refused by the body of art. 145:

1. (amend., SG 65/04; amend. – SG 82/12, in force from 26.11.2012) upon worked out assessment under art. 142, para 6, item 2 – within 14 days after submitting them;

2. (amend., SG 65/04) upon worked out assessment under art. 142, para 6, item 1 – in one month term after submitting them.

(4) (new – SG 87/10; revoked – SG 109/13)

(5) (new – SG 47/12) The coordination of the investment plans affecting the republic roads

shall be carried out by the administration managing the road as set out in Art. 127, Para 2.

Art. 145. (1) (amend. SG 65/03) The technical or the working investment designs shall be co-ordinated and approved by the chief architect of the municipality (region). The co-ordination of the investment designs shall consist in check of their compliance with the provisions of the detailed development plan and the rules and the norms for building up.

(2) (suppl. SG 65/03; suppl. - SG 33/08; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013) Technical and detailed investment designs shall be approved by:

1. the regional governor - for technical infrastructure projects covering more than one region or for projects of national importance;

2. (amend. – SG 98/14, in force from 28.11.2014) by the Minister of Regional Development and Public Works – for:

a) projects covering more than one region;

b) projects of national importance and/or national projects;

c) national roads, railway main lines and railways.

3. (revoked – SG 98/14, in force from 28.11.2014).

4. the Minister of Defense, respectively by the Minister of Interior, or by the Chairman of the State Agency "National Security" – for special projects, related to country defense and safety.

(3) (suppl. SG 65/03; suppl. - SG 33/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) All parts of the approved investment designs shall be stamped with the seal of the municipal administration, the regional administration of the Ministry of Regional Development and Public Works and for the special projects, connected with the defence and the security of the country, - with the seal of the Ministry of Defence, respectively the Ministry of Interior, or of the Chairman of State Agency "National Security".

(4) (amend. SG 65/03) The design shall lose its legal power in case in one year term after the approval of the investment designs the assignor does not make a request to receive permission for construction.

(5) (suppl. SG 65/03) The approved investment designs according to which the construction has been accomplished, when lost, shall be restored by the owner with an investment design - surveying of the implemented construction and presented documents of art. 144, para 1, items 1, 2, 3 and 5 and para 2. The design - survey shall be approved by the body, competent to approve the investment design of the construction, after presentation of the permission for construction or other documents of the construction papers.

Art. 146. (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) A refusal to be approved an investment design shall be made only according to lawfulness, pointing out the concrete motives for this. The assignor shall be informed in writing by the order of the Administrative Procedure Code about the refusal to be approved the investment design. The refusal can be appealed before the body of art. 216, para 2 in 14 days term after the announcement about its issuing.

Art. 147. (1) (suppl. SG 65/03) Approval of investment designs and issuing of permission for construction shall not be required for:

1. (amend. SG 65/03) economic constructions with agricultural designation and the buildings of complementing construction of art. 44 and art. 46, para 1 unless with a decision of the municipal council other is provided;

2. (amend. SG 65/03) mounting of installations, facilities and equipment, except the facilities

with increased degree of danger, subject to technical supervision by Chief directorate "Inspectorate for state technical supervision";

3. greenhouses with area up to 200 sq m;
4. pools with volume up to 100 cubic m in fenced landed properties;
5. support walls with height up to 2 m above the level of the terrain adjacent to their basis when they are not an element of transport sites;
6. repair of the elements of the technical infrastructure;
7. fences, garden and park elements with height up to 2.20 m above the adjacent terrain;
8. diggings and dumps with depth or height up to 1 m and with area up to 30 sq m;
9. pneumatic (inflated) storehouses or covers with area up to 100 sq m;
10. (amend. SG 65/03) the constructions of art. 55;
11. (amend. SG 65/03; suppl., SG 65/04; revoked – SG 61/07, in force from 27.07.2007);
12. glazing of balconies and loggias, except these exposed to the first class street network;
13. (revoked – SG 65/03);
14. (new – SG 35/11, in force from 03.05.2011) mounting of installations for production of electric power, heat power and/or cooling power from renewable sources of general installed capacity up to 30 kW, including in the cases to the existing buildings in the urbanised territories, including on the roofs and on the facade constructions and in the own land property.

(2) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007; amend. - SG 35/11, in force from 03.05.2011; suppl. – SG 29/12, in force from 10.04.2012) Statement by a civil engineer with instructions about implementing them shall be presented for the constructions of para 1, items 1, 3, 5, 7, and 12; and in the cases envisaged in item 14 – opinions of an engineer-constructor, of an electric engineer and/or heating installations engineer shall be presented, accompanied by drawings, schemes, calculations and instructions on their execution and an opinion determining the conditions for joining the distribution network.

(3) (new – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. – SG 54/11) In respect of immovable cultural valuables within their boundaries and protection zones, the constructions referred to in Para 1 shall be authorised in coordination as set out in Art. 84, Para 1 of the Cultural Heritage Act.

### **Section III.**

#### **Permission of the construction**

Art. 148. (1) Constructions can be implemented only if they are permitted according to this Act.

(2) A permission for construction shall be issued by the chief architect of the municipality and for the towns with district division - upon decision of the municipal council - by the chief architect of the district.

(3) (suppl. SG 65/03; suppl. - SG 33/08; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) A permission for construction shall be issued by:

1. the Regional Governor – for technical infrastructure projects covering more than one municipality or for projects of regional importance;

2. (amend. – SG 98/14, in force from 28.11.2014) the Minister of Regional Development and Public Works – for:

- a) projects covering more than one region;
- b) projects of national importance and/or national projects;
- c) national roads, railway main lines and railways;
3. (revoked – SG 98/14, in force from 28.11.2014).

(4) (amend. SG 65/03; suppl. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009) The permission for construction shall be issued to the assignor on the basis of approved technical or working investment design when such is required. It shall be admitted permission for construction to be issued on the basis of approved preliminary design under the conditions of art. 142, para 2. The permission for construction shall be issued simultaneously with the approval of the investment design when this is required in the application. Permission for construction of facilities in protected territories for preservation of the cultural heritage shall be issued in compliance with the provisions of the Cultural Heritage Act. The permission for construction shall be issued in 7 days term from the receiving of the written application when there is approved investment design.

(5) (amend. and suppl. – SG 45/12, in force from 01.09.2012) Where the assignor is a person holding the right to build in another's property by virtue of a special law, the permission for construction shall be issued to the assignor and the property's owner. A permission for construction in a co-owned property shall be issued observing the conditions and the order of art. 183.

(6) Permissions for construction of geo-protective sites as exception can be issued on the basis of partial working designs in case of accidents.

(7) A permission for new site in an immovable property where there is unlawful construction shall not be issued to the person who has accomplished the unlawful construction until it is not removed or made legal.

(8) (suppl. – SG 32/12, in force from 24.04.2012; suppl. - SG 62/15, in force from 14.08.2015) The approved investment design, when such is required, shall be an integral part of the permission for construction. Any decision on the environmental impact assessment (EIA) in force or any decision for not carrying out EIA, as well as a decision approving the safety report for construction or reconstruction of the enterprise and/or a facility with high risk potential or parts thereof under the Environmental Protection Act shall be an annex, integral part of the permission for construction.

(9) (amend. – SG 53/12, in force from 13.07.2012) In the permission for construction shall be indicated:

1. all factual and legal grounds for issuing,
2. the conditions connected with the implementation of the construction, including the utilisation of the humus soil layer;
3. the measures for selective division of the waste formed during construction works and the activities of destruction and enabling their further use, including recycling, and
4. the removal of the buildings without regime of construction or their preservation for certain period till the end of the construction shall be entered in the permission for construction.

(10) In the cases when water supply of the sites is provided from own water source, permission for construction shall be issued observing the provisions of the Water Act.

(11) (new - SG 65/06, in force from 11.08.2006) Permission for construction shall be issued in compliance with the prohibitions referred to in Art. 118a, para 1, item 4 and Art. 125a of the Water Act and the requirements referred to in art. 125 of the same Act.

(12) (new – SG 61/07, in force from 27.07.2007) Municipal bodies in charge of landscaping shall produce acts of findings on the tree vegetation prior to commencement and after the accomplishment of construction works. The permission for construction shall be issued after the issuing of a permit for removal of the affected by the construction works tree vegetation under the terms and conditions and following a procedure, set in the ordinance referred to in Art. 62, par. 10.

(13) (new – SG 82/12, in force from 26.11.2012) A construction permit for carrying out construction and installation works, such as major repair, reconstruction, major renovation, reconstruction, rehabilitation and adaptation, where the structure is affected, shall be issued upon accomplished survey according to the provision of Art. 176c and drawing up of a technical sheet under Art. 176a.

Art. 149. (amend. SG 65/03) (1) (amend. – SG 61/07, in force from 27.07.2007) The interested persons shall be notified about the issued permission for construction by the chief architect of the municipality (the district) or the refusal to be issued such permission, under the conditions and by the order of the Administrative Procedure Code. The refusal shall be made only on the basis of lawfulness, pointing out the concrete motives for this.

(2) Interested persons of para 1 shall be:

1. (suppl. – SG 17/09; suppl. – SG 87/10; amend. – SG 109/13) in the cases of new construction, additional adjacent construction or superstructure of an existing building – the assignor, the owners and the bearers of limited real rights in the landed property, the person, who has right to build in other's property by force of special law, and in the cases of constructions in quarters and properties under Art. 22, Para 1 – the assignor and the owner of the land.

2. in the cases of restructuring and change of the designation of an existing construction – the persons of art. 38, para 3 and 4 and art. 39, para 2;

3. in the cases of art. 185, para 1 and 2 – the owners and the bearers of limited real rights in the building, respectively the owners of the condominium.

(3) The permission for construction together with the approved investment design or the refusal of issuing can be appealed by the interested persons for lawfulness before the chief of the regional directorate for national construction control in 14 days term after the notification about the issuing of the respective act.

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The issued permission for construction together with the approved investment projects by the Minister of Regional Development and Public Works or by the regional governors, or the refusal for such to be issued, shall be announced to the interested persons with an announcement, promulgated in State Gazette. These permissions for construction, respectively the refusal to be issued such permissions, shall be subject to appeal before the Supreme Administrative Court in 14 days term after their promulgation.

(5) (amend. – SG 82/12, in force from 26.11.2012) The bodies, having issued permissions for construction, shall notify in writing the corresponding bodies of the Directorate of national construction supervision at the location of the construction about the issued permissions for construction and orders for their supplementation under Art. 154, par. 5 and shall send copies thereof within 7 days after their issuance. Copies of the text and graphic part of the valid detailed development plan and a copy of the construction visa shall be attached thereto, where required.

(6) (new – SG 32/12, in force from 24.04.2012; suppl. - SG 62/15, in force from 14.08.2015) As regards to any permission for construction with annexed decision on EIA or decision for assessing the need of EIA, as well as a decision approving the safety report for construction or reconstruction of the an enterprise and/or facility with high risk potential or parts thereof shall be placed an announcement on the internet site of the authority issuing the decision for construction indicating the way for providing public access to the contents of the decision and the annex thereto.

Art. 150. (1) (amend. SG 65/03; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Upon motivated request by the assignor the mayor of the municipality, respectively the regional governor or the Minister of Regional Development and Public Works, according to their competence, can permit the working out of a complex design for investment initiative.

(2) The complex design for the investment initiative shall contain the following independent composing parts:

1. design for detailed development plan, including a working development plan, when such is necessary;

2. (amend. SG 65/03) investment design.

(3) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The parts of the complex design for investment initiative shall be approved simultaneously with the issuing of a permission for construction and they shall be announced by the order of art. 149, par. 1 or 4 to the interested persons under Art. 131.

(4) (amend. SG 65/03) The fees for approval of the separate parts of the complex design for investment initiative and for issuing of a permission for construction of para 3 shall be collected separately with 30 percent increase of the due sums.

(5) (revoked – SG 87/10)

(6) (new – SG 17/09) Complex project for investment initiative shall be drawn up for the linear objects of the technical infrastructure and its components shall be coordinated, approved and announced simultaneously. The term under Art. 145, Para 4 for issuing a permission for construction shall commence from the conclusion of the expropriation proceedings or from the settlement of other property related relations. The permission for construction shall be announced only under the order of Art. 149, Para 5.

(7) (new – SG 17/09; amend. and suppl. – SG 87/10) Para 4 shall not apply to complex projects for investment initiative for sites under Para 6, for a national site and for a municipal site of primary significance.

(8) (new – SG 87/10) The announcement of the acts for approval of parts of complex investment initiative projects and the construction permit shall be carried out simultaneously under the conditions and order specified for announcement of the acts for approval of detailed spatial plans.

(9) (new – SG 87/10) May not be drawn up protocols and certifications under Art. 157, Para 1 for commencement of a construction, permitted pursuant to a complex investment initiative project without amendment of the designation of a territory or a land property, where required by another Law.

Art. 151. (1) (amend. SG 65/03, prev. Art. 151 – SG 61/07, in force from 27.07.2007)  
Permission shall not be required for:

1. external and internal painting of buildings and constructions;
  2. change of roof materials;
  3. internal restructuring which does not:
    - a) affect the construction of the building;
    - b) make activities as removal, movement of existing walls and openings in them when they affect the construction of the building;
    - c) change the designation of the premises and the loads in them;
  4. current repairs of buildings, constructions, facilities and installations;
  5. current repair of the elements of the technical infrastructure of art 64, para 1, with which are not changed the track and the technical characteristics;
  6. current repair of roads, with which is not changed the construction of the road bed;
  7. (amend. – SG 82/12, in force from 26.11.2012) grave monuments, grave-stones and crosses with height up to 3 m.
  8. (suppl., SG 65/04; revoked – SG 61/07, in force from 27.07.2007)
  9. (new – SG 54/11) terrain conservation of immovable cultural valuables;
  10. (new – SG 54/11) conservation and restoration of facades and artistic elements and wall paintings part of the interior of architectural and artistic cultural valuables and conservation of archaeological immovable cultural valuables;
  11. (new – SG 82/12, in force from 26.11.2012) installation of building gas systems in residential and summer-house buildings.
- (2) (new – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009;

amend. – SG 54/11) The activities referred to in Para 1 in respect of immovable cultural valuables within their boundaries and protection zones shall be carried out after coordination as set out in the Cultural Heritage Act except for the terrain concession.

Art. 152. (1) The permission for construction shall be issued for the whole construction.

(2) The permission for construction can be issued also for separate stages (parts) of the constructions, which can be worked out and used independently, and for the residential buildings also for separate floors of the building - under the condition that the architectural - spatial and facade arrangement is finished at each stage of the construction.

Art. 153. (1) (amend. SG 65/03) A permission for construction in the cases when approval of investment design is not required, shall be issued only on the basis of the application for permission and document for ownership, established construction right or right to build on other's property by force of special law. The types of the construction and mounting works to be implemented shall be entered in the permission for construction. For constructions and facilities of art. 147, para 1 to the permission for construction shall be attached situation sketch with marked lines of construction, distances and heights.

(2) (amend. – SG 87/10; suppl. – SG 82/12, in force from 26.11.2012) The permission for construction shall lose legal effect when the construction has not started for 3 years after its entry into force or when the rough construction, including the roof of the buildings, the construction has not been finished within 5 years after its entry into force, and for linear projects of the technical infrastructure – if within 10 years after its enforcement the construction has not been accomplished. This is ascertained in writing by the body issued the permission.

(3) The constructions for which the permission for construction has lost its effect in the sense of para 2 can be implemented after re-certification of the permission for construction. The approved design shall lose its legal effect when the permission for construction has not been re-certified in one year term.

(4) A fee 50 percent of the fee provided by the general order shall be paid at re-certification of the permission for construction in the cases of para 2 and 3.

Art. 154. (amend. SG 65/03) (1) At change of the investment intentions after issuing of the permission for construction shall be admitted only insignificant deviations from the approved investment design.

(2) Essential deviations from the approved investment design shall be deviations, which:

1. violate the provisions of the acting detailed development plan;
2. violate the requirements for construction in territories with special territorial development protection or in territories with regime of preventive development protection;
3. are incompatible with the designation of the territory;
4. violate the construction rules and norms, the technical, technological, sanitary – hygiene, ecological and fire protection requirements;
5. change the building construction and the type of the constructive elements and/or the loads;
6. (suppl. – SG 82/12, in force from 26.11.2012) and for linear projects of the technical infrastructure – if within 10 years after its enforcement violate the provisions of the design by changing the designation of sites, remove or change significantly common parts of the construction or the investment intention is modified to stage construction according to the provisions of Art. 152, par. 2;
7. change the kind and the location of common installations and machinery in buildings and facilities;
8. change the type, the level, the location and the track of transfer and supply conduits and

facilities to the urbanised territories and of common networks and facilities of the technical infrastructure in the urbanised territories as well as of the communication – transport networks and facilities and of the facilities and the installations for treatment of wastes.

(3) Insignificant deviations from the approved investment design shall be all deviations out of these pointed out in para 2.

(4) After issuing of the permission for construction changes in the approved investment design within the scope of the essential deviations of para 2, items 1, 2, 3 and 4 shall be inadmissible.

(5) (suppl. – SG 82/12, in force from 26.11.2012) After issuing of the permission for construction changes in the approved investment design within the scope of the essential deviations of para 2, items 5, 6, 7 and 8 shall be admitted on request by the assignor, accompanied by consent of the interested parties of art. 149, para 2 with signatures, certified by a notary, on the basis of approved investment design to the issued permission for construction. These changes shall be reflected with an order for supplementation of the issued permission for construction and they shall be admitted before realisation.

Art. 155. (1) The original of the permission for construction shall be preserved forever in the archive of the municipal (district) administration.

(2) The original of the permission for construction of a site of the technical infrastructure under art. 148, para 3 shall be preserved by the body issued it, copies of the permission for construction being sent for observation and preservation to the corresponding municipal (district) administration.

(3) A certified copy of the approved investment (executive) design shall be attached to the permission for construction.

Art. 156. (amend. – SG 82/12, in force from 26.11.2012) (1) The issued permissions for construction and the orders for their supplementation under Art. 154, par. 5 together with the approved investment designs as well as the permissions for construction in the cases under Art. 147, par. 1, can be revoked only according to lawfulness upon submitted appeal by the interested person within the term of art. 149, para 3 or at official check by the bodies of the Directorate for national construction control within 14 days after notifying them by the order of art. 149, para 5.

(2) The bodies of the Directorate for national construction control shall verify ex-officio the compliance of the issued construction permits and the approved investment designs, where required, with the provisions of the valid detailed development plan.

(3) In case of identified violations under par. 2, and also of other violations, resulting in illegitimacy of the issued construction papers, the head of the Directorate for national construction control or an official authorized by him/her shall revoke by a justified order the construction permit and the approved investment designs.

(4) The orders of the head of the Directorate for national construction control under par. 3 may be appealed following the provision of Art. 215.

(5) The enforced construction permits shall not be subject to revocation.

Art. 156a. (new – SG 87/10) Following the admission/assignment of development of a detailed spatial plan for construction of a national site or of a municipal site of primary significance all authorities and persons shall carry out administrative servicing or coordination under this Act within time limits shorter by 1/2 than those stipulated.

**Part three.**  
**CONSTRUCTION**

**Chapter nine.**

**START OF THE CONSTRUCTION AND RELATIONS IN THE CONSTRUCTION PROCESS**

**Section I.**

**Opening of a construction site and determining of construction line and level**

Art. 157. (1) (suppl. SG 65/03) As start of the construction according to the issued permission for construction shall be considered the day of compiling the record for opening the construction site and defining the construction line and level, and when such is not required – the date of certifying of the order book.

(2) (amend. SG 65/03; suppl. - SG 103/05; suppl. – SG 108/06, in force from 01.01.2008; suppl. - SG 33/08; amend. – SG 15/10, in force from 23.02.2010) Opening of a construction site and determining of construction line and level shall be implemented, under entered in force permit for construction and in the presence of an official of Art. 223, Para 2, by the person, exercising construction supervision for the site or by the technical manager of the constructions of fifth category, and for special sites, connected with the defence and the security of the country – by the Minister of Defence, respectively by the Minister of Interior or by the Chairman of State Agency "National Security" or the persons, authorised by them. Opening of a construction site and determination of a construction line and level, and also certification of orders record book shall be carried out upon presentation by the customer of a contract for execution of the construction by a contractor, who is entered under the order of Art. 3, Para 2 of the Bulgarian Construction Chamber Act, unless the construction is of a category, for which no entering into records of the register of the contractor is required.

(3) (revoked – SG 65/03)

(4) A record shall be compiled for the opening of the construction site and determining of construction line and level with marking the regulation and the elevation benchmarks. In the record shall be reflected the measures for ensuring safe and healthy labour conditions, safety of movement and preservation of the neighbouring buildings, networks and facilities in the property, which are preserved during the construction and after it as well as the large size trees which is not subject to removal.

(5) (suppl. SG 65/03, amend. SG 76/05) Parts of pavements, free public areas as well as parts of street lanes can be used temporarily as construction sites under conditions and by order defined by an ordinance of the municipal council and with the investment design. The construction sites shall be surrounded with temporary fences. According to the instruction of the municipal administration (the administration of the region), information boards shall be put about the permitted construction with data about the constructor, the person, exercising construction supervision etc.

Art. 158. (1) (amend. SG 65/03) The record for the opening of a construction site and determining of construction line and level shall be preserved forever in the archive of the administration that has issued the permission for construction. A copy of the record shall be preserved by the assignor or the person exercising construction supervision.

(2) (amend. SG 65/03; suppl. - SG 103/05; suppl. - SG 33/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The person, exercising construction supervision, or the technical manager for the constructions of fifth category, shall in three days term after the compiling of the record of para 1, and when such is not required – before the start of the construction, certify the order book of the construction and notify in written within 7 days term the municipality, the specialised controlling bodies and the regional directorate for national construction

control about the certification. In the cases when the permission for construction has been issued by the regional governor or the Minister of Regional Development and Public Works, the order book shall be certified by the Directorate for national construction control. For special sites, connected with the defence and the security of the country the order book shall be certified by officials, determined by the Minister of Defence, respectively the Minister of Interior or by the Chairman of State Agency "National Security".

Art. 159. (amnd. SG 65/03) (1) At reaching the design levels excavation, socle, cornice (eave) and ridge for buildings (respectively at level excavation before filing of newly constructed or reconstructed underground conduits and facilities and for surveying in the specialised maps and registers, design level with restored or fulfilled cover) the person, exercising construction supervision or the technical chief of the constructions of fifth category shall be obliged, before continuing the following construction and mounting works, to implement check and to establish the compliance of the construction with the approved investment designs, the permission for construction and the record for determining of construction line and level, at level excavation being compulsory the presence of the engineer – geologist and the designer of the construction part.

(2) The person, exercising construction supervision or the technical chief of the constructions of fifth category shall reflect the result of the implemented check at reaching of the controlled levels in the record for determining of construction line and level, including the note, that the underground conduits and facilities before filling up are reflected in the specialised maps and registers, and in three days term send certified copy of the record to the municipality (the region).

(3) In three days term after finishing the construction and mounting works for the foundations of the construction on request by the person, exercising construction supervision or the technical chief of the constructions of fifth category an official from the municipal (regional) administration shall implement check for establishing of the compliance of the construction with the issued construction papers and whether the detailed development plan has been applied with regard to the building up.

(4) In case at the check of the reached design level significant deviations from the construction papers are established, the person exercising construction supervision shall stop the construction with an order, entered in the order book of the construction, and compile record of established deviations, which shall be sent in three days term to the regional directorate for national construction control.

(5) (suppl. - SG 33/08) For the special sites, connected with the defence and the security of the country, the activities of para 1 – 4 shall be implemented by persons, determined by the Minister of defence, respectively the Minister of Interior or by the Chairman of State Agency "National Security".

## **Section II.**

### **Participants in the construction and the relations between them**

Art. 160. (amend. SG 65/03) (1) Participants in the process of construction shall be the assignor, the constructor, the designer, the consultant, the individual, exercising technical control for part "Construction", the technical chief and the supplier of machines, facilities and technological equipment.

(2) The relations between the participants in the construction shall be provided with written contracts.

(3) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Minimum guarantee terms for accomplished construction and mounting works, facilities and sites shall be determined with an ordinance by the Minister of Regional Development and Public Works for ensuring the normal functioning and use of the finished construction sites and removing of

the hidden defects after approval and entering into exploitation (use).

(4) The guarantee terms for accomplished construction and mounting works, facilities and sites shall be determined with the contract between the assignor and the contractor for the respective construction site. They cannot be less than the minimum terms, determined with the ordinance of para 3.

(5) The guarantee terms shall start from the day of entering of the construction site into exploitation.

Art. 161. (1) (amend. SG 65/03; amend. – SG 87/10) Assignor shall be the owner of the property, the person for whom right of construction in another one's property has been established and the person, who has right to build in other's property by force of law. The assignor or a person, authorised by him, shall ensure everything necessary for starting of the construction.

(2) (revoked – SG 65/03).

(3) (new – SG 82/12, in force from 26.11.2012) The concessionary is an assignor of the temporary constructions, provided by the specialized detailed development plant under Art. 54, par. 6. For all other construction, related to the fulfilment of the concession contract, the concession grantor shall be the assignor, whereby the concessionary shall represent him/her at its risk for the development and approval of investment designs, permission and execution of construction and commissioning of projects.

(4) (new – SG 82/12, in force from 26.11.2012) The assignor shall bear responsibility for:

1. provision of the required documents under Art. 142, par. 5, items 7 and 8 and their submission to the engineer and to the person, carrying out assessment of investment design compliance, for recording in the complex compliance assessment report, except for the cases where these obligations are assigned to the consultant by a contract;

2. commencement of a construction by a concluded contract for construction supervision, where such is required;

3. commencement of a construction by a concluded contract for construction, where such is required;

4. commencement of a construction by a contract with a constructor, registered under art. 3, par. 2 of the Law for the Chamber of Constructors for the respective construction group and category, in cases where the registration is obligatory.

Art. 162. (amend. SG 65/03) (1) The designer shall be individual or corporate body, including individuals with the necessary designer's competence.

(2) (amend. – SG 82/12, in force from 26.11.2012) The conditions and the order for implementing author's supervision during the construction shall be determined with a contract between the assignor and the designer. The author's supervision for all parts shall be obligatory for all constructions from first to fifth category inclusive.

(3) The instructions of the designer, connected with his author's right, for the precise observation of the investment design, worked out by him, shall be entered in the order book and they shall be obligatory for the other participants in the construction.

(4) (revoked – SG 103/05; new – SG 82/12, in force from 26.11.2012) The engineer shall bear responsibility for the engineering of the construction according to the provisions of the detailed engineering plan, the requirements of Art. 169, par. 1 – 3, and to the requirements for occupational health and work safety requirements.

(5) (new – SG 82/12, in force from 26.11.2012) In fulfilment of his/her obligations the engineer shall have the right of access to the project, the construction papers, the orders record book and the acts and certificates, issued in the course of construction.

(6) (new – SG 82/12, in force from 26.11.2012) The engineer shall bear responsibility for all his/her actions when carrying out engineering supervision during the construction.

Art. 163. (amend. SG 65/03) (1) The constructor shall be individual or corporate body, including in itself individuals, having the necessary technical competence, who under a written contract with the assignor fulfils the construction in compliance with the issued construction papers.

(2) The constructor shall bear responsibility for:

1. (amend. – SG 82/12, in force from 26.11.2012) the fulfilment of the construction in compliance with the issued construction papers and with the requirements of art. 169, para 1 – 3, as well as with the rules for fulfilment of the construction and the mounting works and of the measures for preserving of the life and health of the people on the construction site;

2. (suppl. – SG 82/12, in force from 26.11.2012) the fulfilment of the construction and the mounting works with materials, articles, products etc. in compliance with the essential requirements to the constructions, and also for compliance with the technological requirements for their application;

3. (new – SG 82/12, in force from 26.11.2012) timely issuance of acts and certificates during the construction, certifying the circumstances under item 1 and 2;

4. (prev. item 3, amend. – SG 82/12, in force from 26.11.2012) the preserving of the as built documentation and its working out, where this has not been assigned by the assignor by a contract to another participant in construction works, as well as for preservation of the other technical documentation for the fulfilment of the construction

5. (prev. item 4, amend. – SG 82/12, in force from 26.11.2012) the preservation and the conceding upon request by the other participants in the construction works or by a control body of the construction papers, the order record book of the construction of art. 170, para 3 and acts and certificates, issued in the course of construction;

6. (new – SG 82/12, in force from 26.11.2012) execution of constructions, complying with the made registration under Art. 3, par. 2 of the Law for the Chamber of Constructors for the respective construction group or category, in cases where it is obligatory.

(3) The constructor shall bear proprietary responsibility for caused damages and missed benefits due to his guilty actions or lack of actions.

(4) The constructor can assign to a sub-contractor the implementing of separate kinds construction and mounting works or parts (stages) of the construction.

Art. 163a. (new – SG 65/03) (1) (new – SG 108/06) The constructor shall be obliged to appoint under an employment contract technically qualified persons, who are supposed to carry out technical management of the construction works.

(2) (new – SG 108/06) Technically qualified are the persons, having acquired diplomas of accredited higher education schools with a qualification of "civil engineer", "engineer" or "architect", and also persons with secondary school education with four years of educational course and acquired professional qualification in the fields of "Architecture and Civil Engineering" and "Technical Engineering".

(3) (new – SG 108/06) Beyond the cases of par. 2 technical qualification can be recognized to a foreign person under the conditions of reciprocity, established for each individual case, provided that he/she holds a diploma, legalized pursuant to the relevant procedure and meeting the requirements of this Act.

(4) (prev. par. 1, suppl. – SH 108/06; suppl. – SG 82/12, in force from 26.11.2012) The technical manager shall be a civil engineer or technician in construction, who manages the construction works and provides implementation of responsibilities under Art. 163, par. 2, items 1 – 5, and for

constructions of fifth category – also the responsibilities under Art. 168, par. 1 and under Art. 169b, par. 1. Other technically qualified persons under par. 2 can carry out specialized technical management of individual construction and erection works in compliance with their acquired specialty and educational and qualification degree.

(5) (prev. par. 2 – SG 108/06) When the construction is fulfilled by the assignor, he shall be obliged to ensure technical chief. In this case the technical chief shall bear responsibility for the observing of the requirements of art. 163, para 2.

Art. 164. (revoked – SG 65/03)

Art. 165. (amend. SG 65/03) The assignor can assign the supply and the mounting of the technological and installation equipment of the construction to a supplier. The supplier shall be responsible for the high quality and timely fulfilment of the supply as well as for the acceptance trials connected with it.

Art. 166. (amend. SG 65/03) (1) The consultant shall on the basis of written contract with the assignor:

1. implement assessment of the compliance of the investment designs and/or exercise construction supervision;

2. (suppl. – SG 82/12, in force from 26.11.2012) be able to implement pre-investment investigations, preparation of the designing process and co-ordination of the construction process until the commissioning of the construction, including control over the quantities, quality and compliance of executed construction and installation works and applied materials with the agreed for the execution of construction, and also other activities – subject to contracts.

(2) (amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Head of Directorate of national construction control shall grant and enter into a register certificates for execution of activities referred to in par. 1, item 1 under terms and conditions and following a procedure, determined by an ordinance of the Minister of Regional Development and Public Works.

(3) The consultant cannot conclude contract for construction supervision for constructions, for which he or the individuals, hired by him with employment legal relation, are constructors and/or suppliers of machines, facilities, technological equipment, as well as persons, connected with them in the sense of the Commercial Law.

(4) The consultant cannot conclude contract for assessment of the compliance of the design for constructions, for which he or the individuals, hired by him with employment legal relation, are designers and/or constructors, and/or suppliers of machines, facilities, technological equipment, as well as persons, connected with them in the sense of the Commercial Law.

(5) (amend. – SG 82/12, in force from 26.11.2012) For issuing of certificate under para 1 fee shall be paid according to a tariff, approved by the Council of Ministers.

(6) (amend. and suppl. - SG 33/08; revoked – SG 82/12, in force from 26.11.2012).

(7) (new - SG 15/10, in force from 23.02.2010) The consultancy activities under Para 1 may be carried out also by persons holding a copy of a document certifying their right to carry out such activity issued by a competent authority of a Member State of the European Union or of another contracting country to the Agreement on the European Economic Area.

(8) (new – SG 54/11) The consultation activities for sites qualifying as immovable cultural valuables shall be carried out with the participation of persons from the register referred to in Art. 165 of

the Cultural Heritage Act.

Art. 167. (amend. SG 65/03) (1) (amend. and suppl. – SG 82/12, in force from 26.11.2012) A certificate for carrying out of the activities of art. 166, para 1, item 1 shall be issued to a person, who is trader in the sense of the Commerce Act or is a registered in a trade or another public register in an European Union Member State or in another state – a party to the Agreement on the European Economic Area and meets the following requirements:

1. not to be in procedure for announcing insolvent;

2. (amend. – SG 82/12, in force from 26.11.2012) the members of the management bodies of the corporate body or the sole entrepreneur, as well as the individuals, hired by them with employment or other contract, are specialists with graduated higher education – qualification degree "master", have at least 5 years practice in the speciality, have not admitted and/or commit more than two violations under this Act and the normative acts for its implementation during the last two years prior to submission of an application for entering into the register and have not been convicted for intentional unclassified crimes to deprivation from liberty, unless they are rehabilitated;

3. (amend. – SG 82/12, in force from 26.11.2012) have not admitted and/or committed more than two violations under this Act and the normative acts for its implementation during the last two years prior to submission of an application for entering into the register.

(2) (amend. – SG 82/12, in force from 26.11.2012) The certificate shall be issued for a term of 5 years and shall be entered in a public register of the Directorate for national construction control. For issuing of the certificate the corporate body or the sole entrepreneur shall submit an application in a standard form, approved by the Head of Directorate for national construction control with attached:

1. (amend. - SG 34/06, in force from 01.10.2006; amend. – SG 82/12, in force from 26.11.2012) current document of business registration, where no Unified Identification code according to the Law for the Trade Register is provided, or a copy of a document of registration in a trade or another public register or an equivalent identification instrument from the register in the respective European Union Member State or in another state – a party to the Agreement on the European Economic Area;

2. (amend. - SG 105/05, in force from 01.01.2006) certificate under Art. 87, Para 6 of the Tax-insurance Procedure Code.

3. (amend. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) list of the competent individuals, including work safety and occupational health coordinator, through whom will be implemented the activities for assessment of the compliance of the designs and/or construction supervision of the buildings with proofs about their professional experience and the 5 years of practice as well as other individual documents, certifying their technical competence and the abilities to exercise the activities of art. 166, para 1, item 1, including provided training under programs, approved by the Minister of Regional Development and Public Works in cooperation with the competent Ministers;

4. proofs for the professional experience and the 5 years practice of the members of the management bodies of the corporate body or the sole entrepreneur;

5. (amend. – SG 82/12, in force from 26.11.2012) declarations of the members of the management bodies of the corporate body or the sole entrepreneur as well as of the individuals, through whom will be exercised the activities of art. 166, para 1, item 1, that they have not admitted or committed more than two violations of this Act and the normative acts for its implementation during the last two years prior to submission of an application for entering into the register;

6. certificate, showing no previous conviction;

7. (new – SG 82/12, in force from 26.11.2012; amend. - SG 24/13, in force from 12.03.2013; amend. - SG 35/15, in force from 15.05.2015) certificates by branch organizations about the competency

of the professionals from the respective register of qualified persons, including certificates of engineering qualification, certificates for technical supervision of the part of "Structures", certificate of successfully passed exam under Art. 43, par. 1, item 3, item "c" of the Law for Energy Efficiency, etc., required by a law.

(3) (amend. – SG 82/12, in force from 26.11.2012) The certificate of entering into the register or the refusal shall be issued within one month after the submission of the application.

(4) (amend. – SG 82/12, in force from 26.11.2012) The refusal of entering into the register shall be advised in writing to the applicant and can be appealed following the provisions of the Code of Administrative Procedure.

(5) (amend. – SG 82/12, in force from 26.11.2012) The validity of the certificate shall be terminated prior to expiration of the term for which it has been issued upon request of the person entered into the register upon presentation of proofs that there are no non-finalized contracts for the activities under the certificate as well as at termination of the corporate body or the enterprise of the sole entrepreneur or where:

1. there are enforced punitive decrees, by which proprietary sanctions have been imposed to the legal entity or to the sole trader under this law or the regulatory acts for its application;

2. there are enforced three punitive decrees for a period of one year to the individuals, who exercise their activities on behalf of and for the account of a corporate body or the sole entrepreneur, entered into the register;

3. some of the grounds, served for issuing of the certificate fall away.

(6) (new – SG 82/12, in force from 26.11.2012) The validity of the certificate shall be suspended for a period of one year in case of an enforced punitive decree, by which a proprietary sanction has been imposed to a person, having carried out assessment of the compliance of an investment design in violation of the provisions of Art. 142, par. 5 and/or in the course of implementation of construction supervision has admitted execution of an illegitimate construction in the meaning of Art. 225.

Art. 168. (1) (amend. SG 65/03) The person, exercising construction supervision shall be responsible for:

1. lawful start of the construction;

2. (amend. – SG 82/12, in force from 26.11.2012) carrying out control for the full and correct compiling of the acts and the records during the construction;

3. (amend. – SG 82/12, in force from 26.11.2012) suspension of constructions, which are executed under the provision of Art. 224, par. 1 and Art. 225, par. 2 and in violation of the provisions of art. 169, para 1 – 3.

4. (amend. SG 65/03, amend. SG 76/05; amend. – SG 82/12, in force from 26.11.2012) carrying out control for compliance with the requirements for healthy and safe labor conditions in construction;

5. not admitting damaging of third persons and properties due to the construction;

6. (amend. SG 65/03; revoked – SG 82/12, in force from 26.11.2012);

7. (new – SG 65/03; revoked – SG 82/12, in force from 26.11.2012);

8. (new – SG 65/03; revoked – SG 82/12, in force from 26.11.2012).

(2) (new – SG 65/03) The construction supervision shall be exercised for the constructions from first to forth category

(3) (prev. (2) – SG 65/03; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The person exercising construction supervision shall sign all the acts and records during the construction, necessary for the assessment of the constructions, about the requirements for safety and lawfulness fulfilment, according to an ordinance of the Minister of Regional Development and Public Works for the acts and the records compiled during the construction.

(4) (prev. (3), amend. SG 65/03) The instructions and the orders of the person exercising construction supervision, entered in the order book of the construction, shall be obligatory for the constructor, the entrepreneur and the technical manager of the construction. Objections against the instructions of the person exercising construction supervision can be made in 3 days term before the bodies of the Directorate for national construction control, the construction being stopped till the decision. After a check the bodies of the Directorate for national construction control shall issue obligatory instructions.

(5) (prev. (4), amend. SG 65/03) The person exercising construction supervision shall be obliged to notify the regional directorate for national construction control in 3 days term in case of establishing breach of technical rules and normatives.

(6) (prev. (5), amend. SG 65/03) After the end of the construction - mounting works the person, exercising construction supervision shall prepare ultimate report to the assignor.

(6) (revoked – SG 65/03).

(7) (amend. SG 65/03) The persons exercising construction supervision shall bear responsibility for damages caused to the assignor and to the other participants in the construction, and joint responsibility with the constructor for damages caused due to not observing the technical rules and normatives and the approved designs. The responsibility for the contract for construction supervision shall be with term not less than the guarantee period of the construction.

### **Section III.**

#### **Requirements for the constructions (prev. IV – amend. SG 65/03)**

Art. 169. (amend. - SG 76/06, in force from 01.07.2006) (1) The constructions shall be designed, fulfilled and maintained in compliance with the requirements of the normative acts and the technical specification for ensuring within an economically reasonable term of exploitation of the substantial requirements for:

1. (suppl. SG 65/03) bearing capacity – mechanical resistance, stability and durability of the building structures and the earth base at exploitation and seismic loads;
2. fire safety;
3. hygiene, preservation of the health and the life of the people;
4. safe exploitation;
5. protection from noise and preservation of the environment;
6. energy efficiency - economy of heat energy and heat insulation.

(2) (amend. – SG 61/07, in force from 27.07.2007; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The constructions must be designed, fulfilled and maintained in compliance with the requirements for accessible environment for the people, including the people with disabilities, determined by an ordinance of the Minister of Regional Development and Public Works. Heads of central executive bodies and mayors of municipalities shall work out on an annual basis programs of measures for adjustment of the urbanized territory and of the existing individual buildings and facilities in it in compliance with the requirements or an accessible environment and shall allocate funds for their implementation.

(3) The constructions must be designed, fulfilled and maintained in compliance with the requirements of the normative acts for:

1. (amend. – SG 19/09, in force from 10.04.2009) preservation of the protected zones, the protected territories and other protected sites, and the immovable cultural valuables;
  2. engineering and technical rules for protection at disasters and accidents;
  3. physical protection of the sites.
- (4) (suppl. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from

26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works independently or together with the competent Ministers shall issue ordinance for setting the requirements referred to in Para 1 and 2, regarding the design, performance, control and putting into exploitation of the constructions, the durability of the building constructions, the stability of the ground base as well as other safety requirements and for sustainable development of natural resources and environmental friendly use of natural and secondary raw materials in constructions taking into consideration the influence of the geographical, climatological and seismic impact.

(5) (amend. - SG 102/08; amend. – SG 93/09, in force from 25.12.2009; revoked – SG 80/11, in force from 14.10.2011)

(6) (new – SG 61/07, in force from 27.07.2007) The Council of Ministers and the municipal councils shall adopt on an annual basis the programs of par. 2 and shall carry out control over their implementation.

Art. 169a. (new - SG 76/06, in force from 01.01.2007) (1) The constructions shall contain only construction materials providing the performance of the essential requirements to the constructions and meet the technical specifications determined by the Technical Requirements to Products Act.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Council of Ministers on proposal by the Minister of Regional Development and Public Works shall adopt Ordinance on setting the order of issuing permissions for assessment of the compliance of the construction materials with the technical specifications referred to in Para 1 and permissions for issuing Bulgarian technical approvals.

(3) The Ordinance referred to in Para 2 shall determine the order of assessment of the compliance and of issuing of Bulgarian technical approvals as well as the order of importing into constructions construction materials meeting the technical specifications referred to in Para 1.

(4) At issuing of the permissions referred to in Para 2 fees shall be collected in amount determined by an tariff adopted by the Council of Ministers.

(5) (amend. – SG 98/14, in force from 28.11.2014) Persons who have received permissions for carrying out the activities referred to in para 2 shall be obliged to:

1. (amend. – SG 66/13, in force from 26.07.2013) present to the Minister of Regional Development and Public Works annual report containing information on the performed assessments of compliance of the materials, on the issued Bulgarian technical approvals, on the submitted reclamations and the actions undertaken for their elimination;

2. (amend. – SG 66/13, in force from 26.07.2013) notify the Minister of Regional Development and Public Works within a term of 7 days of occurrence of changes of the legal status, the structure and the personnel, the range of activity, on replacement of the subcontractors if available, as well as on changes of the circumstances referred to in Art. 10, Para 1, item 6 of the Technical Requirements to Products Act.

(6) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works or officials authorized by him shall control the activity of the persons who have been issued permission for assessment of the compliance of the construction materials or for issuing European or Bulgarian technical approvals.

Art. 169b. (new - SG 76/06, in force from 01.01.2007) (1) The control of the construction materials referred to in Art. 169a, Para 1 shall be carried out by the consultant at the performance of the assessment of the compliance of the investment projects and at performance of construction supervision.

(2) The administrative control of the construction materials referred to in Art. 169a, Para 1 at design and construction shall be performed by the bodies referred to in Art. 220 - 223.

Art. 170. (1) (amend. SG 65/03) All the circumstances connected with the construction, as well as with the handing over and accepting the construction site, construction and mounting works subject to be closed, intermediate and conclusive acts for accepting and handing over of construction and mounting works etc. shall be documented by the representatives of the parties in the concluded contracts.

(2) (suppl. SG 65/03) In case of refusal or not attending a joint act shall be compiled and the interested party shall send written invitation to the other party or parties for the compiling of the act. If a representative of the invited party does not appear in 24 hours term after the term defined in the invitation the party shall be substituted by the body issued the permission for construction, or by official, authorised by him.

(3) (amend. SG 65/03) All the instructions connected with the fulfilment of the construction issued by the persons authorised for this and the specialised control bodies shall be entered in a order book of the construction preserved at the construction site.

## **Chapter ten.**

### **INSURANCE OF THE DESIGNING AND THE CONSTRUCTION**

Art. 171. (amend. SG 65/03) (1) (suppl. - SG 103/05) The designer, the person exercising technical control over part "Constructive", the consultant, the constructor and the person exercising construction supervision shall insure their professional responsibility for damages caused to the other participants in the construction and/or third persons due to unlawful actions or lack of actions or on the occasion of fulfilment of their obligations.

(2) The conditions and the order for obligatory insurance of the persons of para 1, including the insurance coverage, the excluded risks, the minimum insurance sums and premiums shall be determined with ordinance of the Council of Ministers.

Art. 171a. (new – SG 82/12, in force from 26.11.2012) (1) The requirements for professional liability insurance of the persons under Art. 171, par. 1 shall not apply to a person from a European Union Member State or from another state – a party to the Agreement on the European Economic Area, settled in the territory of the Republic of Bulgaria and who has provided equivalent professional liability insurance or a guarantee in another European Union Member State or in a state – a party to the Agreement on the European Economic Area.

(2) In cases under par. 1, where the provided insurance or guarantee covers only partially the risks, the governmental bodies or the assignor may request additional insurance or guarantee, which is supposed to cover the non-covered risks in compliance with Art. 173, par. 2 and Art. 174, par. 1 and subject to compliance with the provision of Art. 27, par. 3 of the Law for the Activities for Provision of Services.

Art. 172. (amend. SG 65/03) (1) The insurance of art. 171 shall be concluded for one year and they shall cover the responsibility of the insured person according to written claims, presented within the term of effect of the insurance contract, for:

1. unlawful activities or lack of activity of the insured at or on occasion of fulfilment of his obligations, implemented within the term of the contract.

2. unlawful activities or lack of activity of the insured at or on occasion of fulfilment of his

obligations, implemented in then period from the retroactive date till the concluding of the contract; in this case the insurer shall not be responsible for damages, occurred before the concluding of the insurance contract.

(2) Retroactive date in the sense of para 1 shall be the date of start of activity of a person under art. 171. For the persons, who have exercised activity more than 5 years, the retroactive date shall be 5 years before the concluding of the insurance contract.

(3) The insurance contract shall be concluded by the persons of art. 171 in 15 days term from the start of their professional activity.

(4) The insurance shall be renewed every year without stopping till the person exercises the respective activity.

(5) At terminating of the activity, subject to obligatory insurance, the person of art. 171 shall be obliged to conclude additional insurance, covering period of 5 years following the termination of the activity in case the damaging act has been implemented after the retroactive date of para 2.

Art. 173. (amend. SG 65/03) (1) With the contracts between the participants in the construction can be agreed separate insurance for securing of their responsibilities for concrete site.

(2) The assignor can require the contractor to conclude additional insurance, covering material damages to the construction, the materials, the construction machinery and the equipment on the construction site, occurred during the term of the construction if they have been paid by the assignor or are his ownership.

Art. 174. (amend. SG 65/03) (1) The state bodies and the assignor can require from the persons of art. 171 proofs for the existence and the validity of insurance contract (copies of insurance policies and payment documents for paid insurance premiums). These documents shall be presented in 7 days term after requiring them in writing.

(2) In case the assignor establishes non fulfilment of the obligation for concluding and maintaining of insurance by the persons of art. 171, he can stop all payments he owes to them.

### **Chapter eleven.**

#### **FINISHING OF THE CONSTRUCTION. PERMISSION FOR USE**

Art. 175. (amend. SG 65/03) (1) After the factual finish of the construction executive documentation shall be prepared, reflecting the insignificant deviations from the co-ordinated designs by the contractor or a person, determined by the assignor.

(2) The executive documentation shall contain a full set of drawings for the actually implemented construction and mounting works. It shall be certified by the assignor, the constructor, the person, exercised author's supervision, by the individual, exercised technical control of part "Constructive" and by the person, implemented construction supervision. The submitting shall be certified with seal of the respective administration, put on all graphic and textual materials. The executive documentation shall be integral part of the issued construction papers.

(3) At established essential deviations from the issued construction papers, the body, approved the designs, shall be obliged:

1. (amend. – SG 82/12, in force from 26.11.2012) to undertake the activities of art. 223, para 2, item 2- for the constructions of fourth, fifth and sixth category;

2. ( amend. – SG 82/12, in force from 26.11.2012) to notify the bodies of the Directorate for national construction control – for the constructions of first, second and third category.

(4) When the construction is fulfilled in compliance with the approved investment designs, executive documentation shall not be submitted.

(5) (amend. - SG 29/06) The whole executive documentation shall be submitted for termless preservation to the body, issued the permission for construction and in the necessary amount – also to the Agency for geodesy, cartography and cadastre.

Art. 176. (1) (amend. SG 65/03) After the finishing of the construction the assignor, the designer, the constructor and the person, exercising construction supervision, shall compile a fact finding act with which they ascertain that the construction has been fulfilled according to the approved investment designs, the certified executive documentation, the requirements to the constructions of art. 169, para 1 and 2 and the conditions of the concluded contract. To this act shall be attached also the records for conducted single trials of the machines and the facilities. With this act shall be implemented also the transfer of the construction by the constructor to the assignor.

(2) The end of the construction shall be proved additionally with the accomplishment of successful acceptance trials, depending on the matters agreed in the contract, for the construction of sites with production and other specific designation.

(3) When the construction is implemented by several constructors each of them shall be obliged to implement the trials of their part of the construction after finishing it.

(4) (amend. SG 65/03) In the cases when the trials are not successful the construction shall not be considered finished and the assignor shall have the rights of art. 265 of the Obligations and Contracts Act.

(5) If separate parts of the construction can be used independently, with the contract for construction can be provided that the trial of these parts of the construction shall be implemented before the overall construction is finished.

Art. 176a. (new - SG 76/06, in force from 01.01.2007) (1) (suppl. - SG 79/06) Technical passport of the construction shall be compiled after finishing a new construction as well as after reconstruction, substantial renewal, substantial repair or reorganization of existing construction. Technical passports of the constructions referred to in Chapter Three, Sections VII and VIII shall not be compiled.

(2) The technical passport shall determine the terms of performing the substantial and current repairs of the construction and shall contain data regarding all issued certificates of the construction required by other normative acts.

(3) Into the technical passport of the construction shall be indicated all performed reconstructions, substantial repairs and reorganizations, the compliance of the characteristics of the construction with the normative acts in force and documents and the necessary measures for their approval.

(4) The technical passport of the construction shall be compiled in two original copies – one for the assignor and one for the body that has issued the construction permission, and in case the construction permission was issued by a body as referred to in Art. 5, Para 7 a copy of the technical passport of the construction shall be provided to the body referred to in Art. 5, Para 5. The assignor shall provide a certified copy of the technical passport of the construction to the Agency for Geodesy, Cartography and Cadastre.

(5) The bodies referred to in Art. 5, Para 5 and 7 shall keep an archive of issued technical passports and shall keep a register thereof.

(6) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall issue an Ordinance which

shall determine the range and contents of the technical passports as well as the order of their compiling, providing, registration and keeping.

(7) (new – SG 82/12, in force from 26.11.2012) The terms for drawing up of technical passports of individual categories of existing constructions, including state and municipal property, shall be determined in the ordinance under par. 6.

Art. 176b. (new - SG 76/06, in force from 01.01.2007) (1) The technical passport of new construction shall be compiled by the person performing construction supervision or by the technical manager – for the constructions of fifth category, before putting it into exploitation by the competent body.

(2) The technical passport of existing construction shall be compiled after examination of the construction for detecting its characteristics related to the requirements referred to in Art. 169, Para 1 – 3 by the persons performing the examination.

(3) (new – SG 82/12, in force from 26.11.2012) The obligatory construction and installation works for bringing of the construction into compliance with the requirements of Art. 169, par. 1 – 3 shall be recorded in the technical passport of the construction within the terms referred to in the ordinance under Art. 176a, par. 6.

Art. 176c. (new - SG 76/06, in force from 01.01.2007) (1) (amend. – SG 82/12, in force from 26.11.2012) The examination of the constructions shall be carried out by a consultant having obtained a certificate according to the provisions of the Ordinance referred to in Art. 166, para 2, or by designers of different specializations having full designer capacity.

(2) (amend. – SG 82/12, in force from 26.11.2012) Where the examination shall be performed by a consultant its members shall include natural persons performing technical control for part "Structures", meeting the requirements of Art. 142, par. 10.

(3) (suppl. – SG 82/12, in force from 26.11.2012) Where the examination shall be performed by designers they shall include natural persons performing technical control for part "Structures", meeting the requirements of Art. 142, par. 10, as well as designers of different specialization having full designer capacity for assessment of the rest of the characteristics of the constructions referred to in Art. 169, Para 1 – 3.

(4) The examination of the energy efficiency shall be part of the general examination of the constructions and shall be performed by natural or legal persons that meet the requirements determined by the Energy Efficiency Act.

(5) The order of performing the examination of constructions shall be determined by the Ordinance referred to in Art. 176a, Para 6.

Art. 177. (amend. SG 65/03) (1) (amend. - SG 29/06; amend. – SG 82/12, in force from 26.11.2012; amend. – SG 102/14) After the finishing of the construction and the end of the acceptance trials when they are necessary the assignor shall submit an application to the body under par. 2 or 3 for the commissioning of the construction, by presenting the final report of art. 168, para 6, the contracts with the operating companies for joining to the networks of the technical infrastructure, technical passport and Draft Energy Performance Certificate and a document from the Agency for geodesy, cartography and cadastre confirming that the requirement of art. 175, para 5 has been fulfilled. In cases referred to in Art. 151, par. 1, item 11 upon installation of the systems their registration shall be done before the technical supervision bodies.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from

28.11.2014) The constructions of first, second and third category shall be entered into exploitation only on the basis of permission for use, issued by the bodies of the Directorate for national construction control, under the conditions and by the order of, determined in an ordinance by the Minister of Regional Development and Public Works.

(3) (amend. – SG 82/12, in force from 26.11.2012) The constructions of fourth and fifth category shall be commissioned based on a commissioning certificate issued by the body, having issued the construction permit. The certificate shall be issued within 7 days term after submission of the application under par. 1 upon checking the completeness of the set of documents and registration of construction commissioning, whereby at the discretion of the body site inspection can be carried out.

(4) (revoked – SG 82/12, in force from 26.11.2012).

(5) The connecting of the internal installations and devices of the construction with the common networks and facilities of the technical infrastructure shall be implemented on the basis of contract with respective operating companies.

(6) (suppl. - SG 33/08) For special sites, connected with the defence and the security of the country the permission for use of the construction shall be issued by the Minister of Defence, respectively by the Minister of Interior or by the Chairman of State Agency "National Security".

(7) (new - SG 43/08; amend. – SG 82/12, in force from 26.11.2012) The issue of an authorisation for special use through exploitation in case of carrying out special use of the roads in the sense of § 1, Item 8 of the Additional Provisions of the Roads Act shall be a mandatory requirement for construction commissioning.

Art. 178. (amend. SG 65/03) (1) The use of constructions or parts thereof shall not be permitted before they are entered into exploitation by the competent body of art. 177.

(2) The constructions of sixth category shall not be subject to entering in exploitation.

(3) The constructions shall not be commissioned when:

1. (new – SG 82/12, in force from 26.11.2012; amend. – SG 98/14, in force from 28.11.2014) they have not been executed in compliance with the approved investment design, with the requirements of Art. 169, par. 1 – 3 and with the technical specifications under Art. 169a, par. 1 and/or no technical passport and a certificate of design energy parameters are produced;

2. (suppl. – SG 61/07, in force from 27.07.2007; prev. item 1 – SG 82/12, in force from 26.11.2012) neither the measures, provided in part "Vertical levelling", nor the landscaping according to the approved design, have been implemented;

3. (prev. item 2 – SG 82/12, in force from 26.11.2012) existing buildings and structures, which are not included in the regime of building up when are provided for removal in the issued visa for designing, have not been removed;

4. (prev. item 3 – SG 82/12, in force from 26.11.2012) the facades of the buildings and the structures are not finished according to the approved investment design.

5. (new – SG 103/05; prev. item 4 – SG 82/12, in force from 26.11.2012) the works for construction of streets, roads or alleys as per Art. 69 in the resorts, the holiday settlements, golf settlements, the aqua-parks and on the other territories of recreation activities, connecting the site with the street or the road net and providing normal access to the respective land property are not executed.

6. (new – SG 41/10, in force from 01.01.2011; amend. – SG 53/12, in force from 13.07.2012; prev. item 5 – SG 82/12, in force from 26.11.2012) certain amount of the discounts per unit of exposed waste as per Art. 60 of the Waste Management Act;

7. (new – SG 53/12, in force from 13.07.2012; prev. item 6 – SG 82/12, in force from 26.11.2012) no permission or registration document for waste activities has been issued, where required under Art. 67 and 78 of the Waste Management Act.

(4) It shall not be permitted constructions or parts of them to be used not for their designation or

in violation of the conditions for entering in exploitation.

(5) (suppl. – SG 82/12, in force from 26.11.2012) In case of violations of para 1 and 4 on constructions from the first to the third category the chief of the Directorate for national construction control or an official, authorised by him, shall on the basis of compiled fact finding act prohibit with motivated order the using of the constructions and order their liberation, cutting of the supply with electric and heat energy, with water, gas, telephone etc. The order shall be compulsory for the suppliers and shall be fulfilled immediately.

(6) (new – SG 82/12, in force from 26.11.2012) In case of violations of par. 1 and 4 on constructions of fourth and fifth category the municipality mayor or an official authorized by him/her based on a produced certificate of findings shall prohibit by a justified order the use of constructions and instructs for their abandonment, cutting of electrical and thermal power supply, of water and gas supply, telephone line, etc. The instruction shall be binding for the suppliers and shall be subject to immediate execution.

(7) (suppl. - SG 33/08; prev. par. 6 – SG 82/12, in force from 26.11.2012) At violations of para 1 and 4 in the special sites, connected with the defence and the security of the state, the Minister of Defence, respectively the Minister of Interior or the Chairman of State Agency "National Security", shall with motivated order prohibit the inhabiting, respectively the using of the constructions and order the implementing of the necessary activities for bringing them in compliance with the issued permission for use and the other construction papers.

(8) (prev. par. 7 – SG 82/12, in force from 26.11.2012) After removal of the reasons, that have caused the prohibition and after payment of the due fines and fees the entering of the constructions in exploitation shall be permitted or certified by the bodies of art. 177.

Art. 179. (amend. SG 65/03; revoked – SG 61/07, in force from 27.07.2007).

Art. 179a. (new – SG 106/06, in force from 28.01.2007; revoked – SG 61/07, in force from 27.07.2007).

#### **Part four.**

### **REGIME AND RESTRICTION OF REAL RIGHTS. ALIENATION AND INDEMNIFICATION**

#### **Chapter ten.**

### **ESTABLISHING AND TRANSFER OF CONSTRUCTION RIGHT**

Art. 180. (amend. SG 65/03) The construction right in a landed property shall be established in compliance with a detailed development plan or visa for designing entered into force, issued by the chief architect of the municipality (district) in the cases provided by the law.

Art. 181. (1) The construction right for a building or part of it can be subject to transfer transaction from the moment of establishing it till the finish of the building in coarse construction.

(2) (amend. SG 65/03) After the finish of the building as coarse construction, ascertained with a record of the municipal (district) administration subject to transfer can be the constructed building or independent parts of it.

Art. 182. (1) (prev art. 182 – SG 65/03) The persons in favour of which has been established right to make construction or the right to super-construct or additional adjacent construction as well as constructions under the surface of the earth shall have the right to make constructions in other's regulated property.

(2) (new – SG 65/03; suppl., SG 107/03) Construction in other's landed property and construction under the surface of the earth in other's landed property shall have right to implement also the persons in favour of whom has been issued order of art. 193, para 3 and 4 or easement is established according to art. 64 and § 26 of the transitional and concluding provisions of the Energy Sector Act. To the latter shall be issued permission for construction of art. 148.

Art. 183. (amend. SG 65/03) (1) New construction, superstructure or additional adjacent construction can be made in own regulated landed property or in a by one or more co-owners on the basis of contract in notarial form with the rest of the owners.

(2) Superstructure or additional adjacent construction of a building – condominium shall be permitted on the basis of a contract for establishing of right to superstructure or adjacent construction with the owner of the regulated landed property in notarial form and declaration – consent with certified signatures by a notary of all owners in the condominium.

(3) When the state or the municipality is co-owner of a regulated landed property the contracts of para 1 and 2 shall be concluded in written form. When the state or the municipality is owner of a property in a building – condominium, the consent of para 2 shall be in written form. The conditions and the order for concluding of the contracts by the state and the municipalities of para 1 and 2, as well as forgiving a consent of para 2, shall be determined respectively with the regulation for implementation of the State Property Act and with the ordinance of art. 8, para 2 of Municipal Property Act.

(4) (new – SG 17/09) For issuing permission for new construction, respectively for superstructure or additional adjacent construction, in a co-owned property intended for low residential or summer house constructing, no consent from the rest of the co-owners shall be required where they have completed, commenced or have rights for the said construction in the property.

Art. 184. (revoked – SG 65/03; new – SG 17/09) (1) The facilities for accessible environment for people with disabilities in existing buildings shall be built or placed on grounds of an approved project in compliance with the requirements of the ordinance under Art. 169, Para 2 and issued permission for construction or permission for placement.

(2) Where necessary facilities under Para 1 may be built or placed also outside the boundaries of the regulated land property of the building on part of a property – public property of the state or the municipalities, if that does not impede its permanent way of use.

(3) For building or placement of facilities under Para 1 in a co-owned property or in the common parts of condominium buildings the consent of the rest of the rest of the co-owners in the property, respectively of the owners of individual sites in the condominium, shall not be required.

(4) Fees shall not be collected for issuing the permission under Para 1.

Art. 185 (1) The consent of the other co-owners of the condominium shall not be required for restructuring of own sites, premises or parts thereof when:

1. their designation is not changed;
2. common premises and areas or parts thereof are not taken away and their designation is not changed;
3. the common parts of the building are not changed significantly;

4. internal installations are connected with common networks through or next to the division wall or through servicing premises along one vertical axis;

5. new installation is going through a common part which does not affect premises of separate owners;

6. (new, SG 65/04) the designation of sites located in non-residential buildings is changed;

7. (new – SG 103/05) the re-construction shall be executed under the conditions of Art. 38, Para 5 and 6.

(2) In the cases out of these of para 1 shall be required a decision of the general meeting of the owners taken by the due order and explicit written consent of all the owners - immediate neighbours of the site and when common parts are taken - the consent of all the owners expressed with certification of the signatures by a notary.

(3) (new – SG 65/03) When with designs for reconstruction is provided joining of common part in a building – condominium, to independent site in the condominium or creating of independent site from a common part of building – condominium, shall be concluded contract for transfer of ownership in notarial form with the rest of the owners in the condominium. On the basis of the approved design and the contract shall be issued permission for construction.

(4) (new – SG 65/03) The state and the municipalities shall conclude contracts of para 3 under conditions and by order, determined respectively with the regulation for implementation of the State Property Act and with the ordinance of art. 8, para 2 of the Municipal Property Act.

(5) (prev. (3) – SG 65/03) The reconstruction of para 1 and 2 shall be admitted only if another technical solution cannot be found and it meets the architectural, the construction - technical and the fire safety rules and normatives and is implemented in a way most favourable for the property concerned.

(6) (prev. (4) – SG 65/03) (4) In the cases of para 1 and 2 the owner of the restructured premises shall be obliged to remove all the damages caused in connection with the construction works, applying art. 210.

(7) (new – SG 65/03) The reconstruction of para 3 shall be noted in the cadastre and the contracts of para 3 and 4 shall be entered in the property register.

Art. 186. (amend. SG 65/03) (1) (amend. and suppl. – SG 82/12, in force from 26.11.2012) Modification of the existing common systems in buildings or the setting up of new systems in co-owned buildings or in buildings – condominiums, shall be implemented with explicit written consent of the half of all co-owners, respectively by a decision of the general meeting of owners in the condominium, adopted by a majority of 50 per cent of the shares of the common parts.

(2) (amend. – SG 54/10, in force from 16.07.2010; amend. – SG 82/12, in force from 26.11.2012) Installations for central heating or gas supply in a co-owned building or building – condominium, shall be made with explicit written consent of the half of all co-owners, respectively by a decision of the general meeting of owners in the condominium, adopted by a majority of more than 50 per cent of the shares of the common parts.

Art. 187. (new – SG 61/07, in force from 27.07.2007) (1) By detailed development plans in parts of regulated land properties – on the ground floor of buildings in a regime of medium or high rise connected building-up, located along the outside regulating lines, extensions may be foreseen and also connections with the sidewalk of the adjacent street as pedestrian walkways, colonnades and passages facilitating pedestrian access in the depth of the neighborhood or along the street.

(2) The facilities under par. 1 may not exceed 30 per cent of the built up area of the buildings.

(3) The owners of regulated land properties and buildings may not obstruct or restrict the mass pedestrian access to the facilities of par. 1.

(4) Facilities of par. 1 may also be foreseen by amendments to the enforced detailed development plans pursuant to the provisions of Art. 135, par. 5.

(5) The owners of regulated land properties and buildings of par. 1 shall be compensated one off by the municipality pursuant to the provisions of Art. 210.

Art. 188. (new – SG 61/07, in force from 27.07.2007) (1) Detailed development plans can provide construction under and above streets and other open spaces.

(2) The owners of construction under and above streets and other open spaces shall be obliged to provide opportunity of undisturbed operation and maintenance of the facilities of par. 1 and of the associated engineering infrastructure. Constructions may not aggravate the conditions for usage or construction of the facilities of par. 1.

(3) Constructions under a street and other open spaces shall be connected with one or more of the neighbouring with the street quarters through access ways in regulated land properties, buildings or in the adjacent sidewalk area, which are a part of the street regulation plan. Constructions shall be indicated in the cadastre with an identification code and shall be entered into the property register under and individual property batch.

(4) Constructions above a street and other open spaces may be connected with opposing non-residential buildings.

(5) Constructions under and above streets or other open spaces, owned by municipalities or by the state, shall be carried out on the grounds of an instituted construction right pursuant to the Municipal Property Act or to the State Property Act.

Art. 189. (new – SG 61/07, in force from 27.07.2007) Specialized detailed development plans can provide underground construction of transport technical infrastructure and associated with it components of public ownership of the state or of municipalities, which are not connected with the located on the ground land properties and semi-underground and above ground constructions.

(2) Interested persons with regard to these plans are the owners and the holders of limited material rights on land properties and semi-underground and above ground constructions, located immediately above the underground constructions of par. 1.

(3) Underground constructions of par. 1 may not aggravate the conditions for usage or development of land properties on the ground.

(4) Owners and holders of limited material rights on land properties and semi-underground and above ground constructions located immediately above the underground constructions of par. 1, shall be compensated one off by the owner of the underground construction prior to commencement of the construction works following the provisions of Art. 210.

Art. 189a. (new – SG 32/12, in force from 24.04.2012) (1) Detailed spatial plans may provide for construction on the sea bottom and the bottom of the Bulgarian section and the bench-side flooded part of the Danube river for the benefit of a municipality for construction or enlargement of a fishing port or a specialised site for services for fishing activities in the sense of the Law on the Sea Spaces, the Internal Waterways and the Ports of the Republic of Bulgaria, as well as the bench protection facilities for prevention of the water damages.

(2) The construction of the sites under Para 1 shall be carried out by the state or the municipality following the creation of a right to construction as set out in the Law on the State Property.

**Chapter thirteen.**  
**TEMPORARY ROADS. PASSING THROUGH OTHER'S LANDED PROPERTIES AND**  
**ENSURING ACCESS. REMOVAL OF CONSTRUCTIONS**

**Section I.**  
**Temporary roads**

Art. 190. (1) When according to a detailed development plan some regulated landed properties have face only on designed new streets before these streets have been opened, the municipality can make temporary roads ensuring access to the corresponding properties.

(2) Temporary roads, if necessary, shall be made in regulated parts of settlements and settlement formations for which new detailed development plans will be created as well as in not yet regulated parts included in a general development design.

(3) The temporary roads must if possible follow the new streets according to the detailed development plan, respectively the streets of the design plan or the implemented investigations. The temporary roads shall be made in such a way so that existing buildings and constructions as well as long term decoration trees are not affected.

(4) The ownership of the parts of landed properties taken for temporary roads shall be preserved. Temporary roads shall be used till the opening of the new streets according to the detailed development plan.

(5) When there is no other technical opportunity temporary roads shall be made also for ensuring the access to lawfully permitted constructions out of the boundaries of the urbanised territories till the permission for using the constructions together with the permanent roads provided for them.

(6) (suppl. – SG 103/05) Temporary roads shall be made on the ground of written agreement between the interested owners of land properties with a notary certification of the signatures, and in event of lack of consent – on the ground of order by the mayor of the municipality.

(7) Temporary roads in case of disasters, accident and catastrophes shall be made on the ground of an order issued by the competent bodies defined with a special law.

Art. 191. (1) The indemnification of the rightful claimants for the damages caused by the making of temporary roads shall be for the account of the owners of landed properties which will be serviced with the temporary roads.

(2) The indemnification for the parts of the landed properties used for temporary roads shall be determined for the corresponding year and shall be paid with equal monthly instalments. The indemnification for the improvements that will be destroyed in connection with the temporary roads shall be paid in cash before the taking of the landed properties.

(3) The indemnification for temporary roads at disasters, accidents and catastrophes shall be made by the order of a special law.

(4) (amend. SG 65/03) The extent of the indemnification shall be determined by the order of art. 210.

**Section II.**  
**Passing through other's landed properties. Laying branches of networks and facilities through**  
**other's immovable properties**

Art. 192. (amend. SG 65/03) (1) Right to pass through other's landed property shall be established with written contract with signatures, certified by a notary.

(2) When consent is not reached between the owners of the landed properties and other technical solution is obviously economically inexpedient, the right to pass through other's landed properties shall be established with an order by the mayor of the municipality.

(3) The right to pass through state or municipal landed properties shall be established when other technical solution is obviously economically inexpedient, with an order by the regional governor, respectively with order by the mayor of the municipality.

(4) with the right to pass cannot be impaired the conditions for building up in the landed properties, to be hindered the established way of durable use of the landed properties and to affected permitted constructions or existing buildings unless this is not explicitly agreed between the owners with the contract of para 1.

(5) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Impairing of the conditions for building and use of state or municipal landed properties at establishing of right to pass to other properties can be admitted as exception, due to lack of other technical possibility or when other technical solution is obviously economically inexpedient, with permission by the Minister of Regional Development and Public Works – for the state landed properties, respectively with decision of the municipal council – for the municipal landed properties.

(6) The price of the right to pass of para 2 and 3 shall be determined by the order of art. 210 and it shall be paid before the issuing of the orders of para 2 and 3.

(7) The contract of para 1 and the order of para 2 shall be entered in the property register in the file of the landed property, which is served by the established right to pass and in the file of the landed property, on which is established right to pass.

(8) The order of para 3 shall be entered in the property register in the file of the landed property, which is served by the established right to pass, in the file of the state or the municipal landed property, on which is established the right to pass and in the act for state or municipal ownership.

Art. 193. (amend. SG 65/03) (1) The right to lay branches of common networks of the technical infrastructure through other's properties shall be established with written contract between the owners of the landed properties with signatures, certified by a notary.

(2) with the contract of para 1 shall be acquired the right to construct and acquire the ownership in the branch of the common network of the technical infrastructure in the other's property.

(3) When agreement between the owners of the landed properties has not been achieved and other technical solution is obviously economically inexpedient, the right to lay shall be established with an order by the mayor of the municipality.

(4) The right to lay branches of common networks and facilities of the technical infrastructure through state or municipal landed properties shall be established when other technical solution is obviously economically inexpedient, with an order by the regional governor, respectively with an order by the mayor of the municipality.

(5) With laying of branches from common networks and facilities of the technical infrastructure cannot be impaired the conditions for building up in the landed properties, be hampered the established way of durable use of the landed properties and be affected permitted constructions or existing buildings unless this is explicitly agreed between the owners with the contract of para 1.

(6) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) Worsening of the conditions for building and use of state or municipal landed properties due to laying of branches from common networks and facilities of the technical infrastructure to other properties can be admitted as exception due to lack of other technical possibility or when other technical solution is obviously economically inexpedient, with permission by the Minister of Regional Development and Public Works – for the state landed properties, respectively with decision of the municipal council – for the municipal landed properties.

(7) Permission for construction of the branches from common networks and facilities of the technical infrastructure shall be issued to the titulary of the established right of para 1, 3 and 4.

(8) The price of the established right of para 3 and 4 shall be determined by the order of art. 210 and shall be paid before issuing of the orders of para 3 and 4.

(9) The contract of para 1 and the order of para 3 shall be entered in the property register in the file of the landed property, which is served by the established right to lay the branches from common networks and facilities of the technical infrastructure and in the file of the landed property, through which are laid the branches from the common networks and facilities of the technical infrastructure.

(10) The order of para 4 shall be entered in the property register in the file of the landed property, which is served by the established right to lay the branches from common networks and facilities of the technical infrastructure, in the file of the state or the municipal landed property, through which are laid the branches from the common networks and facilities of the technical infrastructure and in the act for state or municipal ownership.

(11) At disasters, accidents and catastrophes branches from common networks and facilities of the technical infrastructure to separate sites can be laid temporary – till overcoming of the consequences of the disaster, the accident or the catastrophe, through other's immovable properties on the basis of an order, issued by the competent bodies, determined with special law. In this case permission for construction shall not be issued.

(12) The owners of the affected properties shall be indemnified for the damages of para 11 immediately after control is achieved over the disaster, the accident or the catastrophe under the conditions and by the order of special law.

Art. 194. (1) The owners and the inhabitants of immovable properties shall be obliged to ensure free access in them for implementing permitted or recommended investigation, design, construction, mounting, control and other works in connection with the development of the territory on the basis of an order by the mayor of the municipality and in the cases defined by the law - with order by the chief of the Directorate for national construction control.

(2) The owners of immovable properties shall be obliged to ensure free access in them for implementing activities and measures in case of disasters, accidents and catastrophes and accomplishment of complex geo-protective designs (protection from of landslides, protection of river and sea banks and strengthening works). The implementation of the activities and the designs shall be made in such a way so that the sites of the basic construction are not affected. The access shall be ensured with an order by the bodies of para 1 unless other has been provided in a special law.

(3) The access to the corresponding immovable property shall be ensured compulsory by administrative order and if necessary - with the co-operation of the police in case of non fulfilment of the obligations of para 1 and 2.

(4) After the finish of the works of para 1 and 2 the person to whom access has been ensured shall be obliged to remove all the damages caused to the immovable property in connection with the accomplishment of the works. If the damages cannot be removed the rightful claimant shall be indemnified for the caused damages.

(5) The determining of the extent of the indemnification shall be implemented by the order of art. 210 and it shall be paid in one month term after the valuation has entered into force.

### **Section III.**

#### **Removal of constructions not fit for use or threatening the security**

Art. 195. (amend. – SG 61/07, in force from 27.07.2007) (1) The owners of the constructions

shall be obliged to maintain them in a technical condition, meeting the essential requirements referred to in Art. 169, par. 1 – 3, not to carry out and not to let carrying out modifications in them, resulting or likely to result in worsening of the design levels of conformity with the requirements for the entire construction or individual properties thereof.

(2) (revoked – SG 19/09, in force from 10.04.2009)

(3) (amend. – SG 19/09, in force from 10.04.2009) In case of accidents or any other circumstances, endangering a facility of par. 1 to be damaged or destroyed, the owner of the facility shall be obliged to undertake immediate actions for their elimination or for repairing of the caused damages, for rehabilitation of the facility and to notify the municipality.

(4) (amend. – SG 19/09, in force from 10.04.2009) Provided that a facility of par. 1 is not being maintained in a good condition, and also in case of occurring circumstances of par. 3, the mayor of the municipality shall issue an order, by which the owner shall be obliged to carry out within a set period relevant repair and rehabilitation works for repairing or strengthening.

(5) (amend. – SG 19/09, in force from 10.04.2009; amend. – SG 82/12, in force from 26.11.2012) The municipality mayor may oblige by an order the owners of existing or acceptable constructions to remove, modify or repair inappropriate with regard to location, arrangement, type and material fencing, garages, subsidiary, agricultural or temporary constructions, soil stacks, sewage facilities, plants, as well as to carry out relevant repairs to the benefit of security, traffic safety, public health, hygiene, aesthetics, cleanness and peace of citizens.

(6) The municipality mayor shall issue an order for removal of constructions, which due to natural wear or any other circumstances have become dangerous for citizens' health and life, which are inappropriate for usage, which are exposed to a danger of self-collapsing, which create conditions for emerging fires or are dangerous sanitary and hygiene wise and cannot be repaired or strengthened.

(7) (amend. – SG 19/09, in force from 10.04.2009) The owners of facilities of par. 1 shall bear property responsibility for caused damages and loss profit due to their guilty acts or omission, as a result of which the accident has occurred at the site, having lead to material damages or injury to third persons and properties.

Art. 196. (amend. – SG 61/07, in force from 27.07.2007) (1) (amend. – SG 19/09, in force from 10.04.2009) The condition of the facilities and the required repair and rehabilitation works, as well as circumstances of Art. 195, par. 6 shall be evidenced in a protocol by a commission appointed by the municipality mayor.

(2) The commission shall act ex officio or upon request of interested parties by collecting all relevant data about the type and the condition of the construction and shall give a hearing to the interested parties. On the grounds of findings, stated in the protocol the commission shall propose to the municipality mayor the construction to be repaired, strengthened or to be removed.

(3) (suppl. – SG 53/12, in force from 13.07.2012) The constructions shall be repaired, strengthened or removed by the owners at their expense within a time, set in the municipality mayor's order of Art. 195, par. 4, 5 or 6. When the construction creates immediate danger for citizens' health or life, the municipality mayor shall admit preliminary execution of the order. The removal of construction shall be carried out following the approval of a plan for management of construction waste under Art. 11 of the Waste Management Act.

(4) The order of par. 3 shall be communicated to the interested parties and may be subject to appeal following the provisions of Art. 125.

(5) (amend. – SG 82/12, in force from 26.11.2012) When preliminary execution is admitted in the order of par. 3 or it has not been fulfilled within the set time, the construction shall be repaired, strengthened or removed by the municipality following procedures, set by an ordinance of the municipal council.

(6) (amend. – SG 82/12, in force from 26.11.2012) In cases under par. 5 on the grounds of the enforced order of par. 3 and a protocol of incurred expenses an order for immediate execution shall be issued pursuant to Art. 418 of the Civil Procedure Code.

(7) The owners of the constructions shall be obliged to provide access for implementation of the activities, determined in the municipality mayor's order. In case of refusal of doing so, the access shall be provided forcibly with police assistance.

(8) (new – SG 54/11) The assessment of conditions and subsequent measures and procedures in respect of immovable cultural valuables shall be carried out as set out in the Cultural Heritage Act.

Art. 197. (1) (amend. SG 28/05, amend. SG 94/05; amend. - SG 29/06; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; suppl. – SG 53/12, in force from 13.07.2012; amend. – SG 82/12, in force from 26.11.2012) Except as specified in this Law, an owner can remove his lawful construction after notifying the municipal (district) administration and the Agency for geodesy, cartography and cadastre and following the approval of a management plan of construction waste under Art. 11 of the Waste Management Act, and when the construction is a site of the cultural - historic heritage - after co-ordination with the Ministry of Culture under the terms and conditions and following the procedure of Art. 125, par. 6.

(2) The chief architect of the municipality (district) can issue obligatory technical instructions depending on the kind of the constructions, the complexity and the character of the removal.

#### **Chapter fourteen.**

### **CONSTRUCTION PROHIBITION**

Art. 198. (1) Construction prohibition can be imposed with an order of the mayor of the municipality for the time necessary for:

1. creating general and detailed development plans;
2. implementing investigations for underground networks of the technical infrastructure and for construction them.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The construction prohibition shall be imposed one time for a term not longer than two years. A second construction prohibition can be imposed with an order of the Minister of Regional Development and Public Works for a term not longer than one year.

(3) (suppl. – SG 82/12, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works can impose construction prohibition for clarification of the general stability of the terrain in landslide regions for a term up to two years, and in connection with the implementation of geo-protection measures - till their finish. The order shall be revoked upon a proposal of the respective local government bodies upon accomplishment of the geo-protective measures and activities and reported positive effect from their implementation by carrying out the monitoring under Art. 95, par. 3.

(4) (amend. – SG 82/12, in force from 26.11.2012) The construction prohibition shall stop the application of the general and the detailed development plans entered into force on the part of the territory it refers to.

(5) (new – SG 82/12, in force from 26.11.2012) The orders under par. 1 – 3 shall be communicated by an announcement, promulgated in the State Gazette and may be appealed following the provision of Art. 215.

## **Chapter fifteen.**

### **RIGHT OF THE STATE AND OF THE MUNICIPALITY TO BE FIRST BUYER**

Art. 199. (1) (amend. – SG 109/13) The state and the municipality shall have the right to priority before third persons to buy out an immovable property on market prices in the cases when according to a detailed development plan it is provided for construction of a site - public state or public municipal property.

(2) (amend. – SG 109/13) The owner can sell a property of para 1 or parts of it to a third person only after proposing it for buying out to the state or to the municipality depending on the provisions of the detailed development plan and present to the notary a written refusal. In the refusal shall be pointed out the conditions under which has been proposed the buying out.

## **Chapter sixteen.**

### **TECHNICAL REQUIREMENTS AT ACQUISITION AND SUBDIVISION OF IMMOVABLE PROPERTIES**

Art. 200. (1) Really determined parts of landed properties within the boundaries of the settlements and the settlement formations can be acquired with legal transactions or with prescription only if the requirements for the minimum dimensions of art. 19 are met.

(2) The rule of para 1 shall not be applied in the cases when the part of the landed property is joined to a neighbouring property under the conditions of art. 17 and the other part meets the requirements of art. 19 or is joined to a neighbouring property.

(3) (revoked, SG 36/04)

Art. 201. (amend. SG 65/03) (1) At court division of regulated landed property with objective formation of new regulated landed properties the court shall require a statement from the municipal (district) administration about the divisibility of the property.

(2) The regulated landed properties shall be indivisible when design for their subdividing into two or more parts cannot be prepared without creating inadmissible by law disposition or existing buildings or permitted constructions and without creating regulated landed properties with face and area below the minimum established by law for the defined with the plan for building up for the divided property character and way of building up.

(3) (amend. SG 28/05, amend. SG 94/05; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) When the regulated landed property is divisible the chief architect of the municipality (district) shall with motivated instruction to the parties order to submit design for change or the acting plan for regulation. The order for change of the plan for regulation shall enter into force by the order of art. 15, para 6 and shall be applied after the court decision for subdivision enters into force.

(4) When the regulated landed property is indivisible the chief architect shall send his statement to the court in 14 days term after the request of the court of para 1 is received at the municipality.

(5) The court shall consider the statement of the chief architect of para 4. When it decides that the statement is ungrounded and the obstacles of para 2 for division of the regulated landed property are not existing, the court shall with a definition issue obligatory instructions for change of the plan for regulation by the order of para 3.

Art. 202. A voluntary subdivision of co-owner building, home or other site as well as legal transactions for transfer of really defined parts thereof can be implemented only if the detached shares or parts comply with investment designs approved for this, except the sites of art. 147, para 1, item 1. This shall be certified by the municipal (district) administration.

Art. 203. (1) Court subdivisions of a co-owned building, home or another site shall be implemented only if the corresponding shares can be detached into independent sites without significant restructuring and inconveniences greater than the usual, observing the construction rules and normatives. The chief architect of the municipality (the district) shall, upon a proposal by the court and within the term defined by the court, approve an investment design or issue a motivated refusal. If there is a technical opportunity, proven with an investment design, even more than one variant of subdivision shall be approved.

(2) The control of lawfulness of the approval of the designs or the refusal of para 1 shall be implemented by the court before which is pending the case for subdivision in the same procedure.

Art. 204. (amend. - SG 29/06) Copies of the detailed development plans entered into force under art. 200 and 201 and the approved investment designs under art. 202 and 203 shall be sent to the Agency for geodesy, cartography and cadastre under conditions and by order defined according to the Cadastre and Property Register Act.

## **Chapter seventeen.**

### **INDEMNIFICATION AT COMPULSORY ALIENATION OF IMMOVABLE PROPERTIES FOR CONSTRUCTION OF SITES - PUBLIC OWNERSHIP OF THE STATE AND THE MUNICIPALITIES**

#### **Section I.**

#### **Conditions for compulsory alienation and indemnification**

Art. 205. Immovable properties - ownership of corporate bodies and individuals, can be alienated by the order of the State Property Act and the Municipal Property Act for sites - public ownership of the state and of the municipalities, on the grounds of detailed development plans entered into force, as follows:

1. (suppl. SG 65/03; suppl. – SG 82/12, in force from 26.11.2012) for construction and reconstruction of the transport technical infrastructure - communication networks and facilities - roads, streets, passages, squares over-ground and underground tracks of railway and tram lines and facilities thereof:

2. (amend. SG 65/03; amend. – SG 41/07) for construction and reconstruction of other networks and facilities of the technical infrastructure - water supply, sewerage, treatment of drinking and waste waters, electricity supply, gas supply, electronic communication networks etc.;

3. for implementing of activities for preservation of the environment and the natural resources, geo-protection activity, fortifying of the banks, as well as for public works activity - green areas for wide public use, water areas and courses, graveyard parks and treatment of household wastes;

4. for construction of public sites of health care, social support and education;

5. (new – SG 82/12, in force from 26.11.2012) for construction of special projects, related to the country defence and security, and also for the attached prohibited zones under Art. 112, par. 3, item 1.

Art. 206. (1) Immovable properties or parts thereof affected by the immediately provided construction or becoming unfit for construction or use according to the development, the sanitary - hygiene and the fire safety rules and normatives, as well as according to the requirements for safety and security, shall be alienated for the construction of the sites of art. 205.

(2) Parts of landed properties shall be alienated only if the remaining part of the property can form a regulated landed property in compliance with the requirements of art. 19.

(3) It shall be admitted parts of landed properties from which cannot be formed regulated landed properties to be amalgamated into co-owned regulated landed properties under the conditions of art. 17 and 19 without being alienated.

(4) In the cases when the basic construction is preserved and the remnant of the landed property can be used for the designation which the property has had before the alienation a small regulated landed property can be formed.

(5) The whole landed property shall be alienated when there is no consent of the owners in the cases of para 3 and 4.

Art. 207. (suppl. SG 65/03) The landed property shall not be alienated if the owner establishes right of construction, except the elements of the transport technical infrastructure – public ownership of the state and the municipalities at the construction of sites and facilities of art. 205.

Art. 208. (suppl. SG 65/03; suppl – SG 61/07, in force from 27.07.2007) The term for starting the alienation procedure under the State Property Act and the Municipal Property Act for immovable properties defined in the detailed development plans for construction of sites - public state or municipal ownership, shall be five years after the plans enter into force and ten years after the detailed development plans for construction of elements of the technical infrastructure of art. 64 – public ownership of the state and the municipalities, enter into force, and for properties, allocated for landscaped spaces as per Art. 61, par. 4 – fifteen years after the enforcement of the plans. After the elapse of this term the owners of the immovable properties shall have the rights of art. 134, para 2, item 1.

Art. 209. (1) (amend. SG 65/03; amend. SG 54/08) The conditions and the order for compulsory alienation under the State Property Act shall not be applied when parts of landed properties are alienated for widening of the elements of the transport infrastructure – motor ways and roads of the republican road network, railway lines and stations, airports, ports with which the properties can be used for the designation they have had before the alienation.

(2) (suppl. SG 65/03; amend. SG 54/08) The regional governor shall issue an order with which on the ground of a valuation prepared by licensed specialists determines for the alienation:

1. the extent of the pecuniary indemnification according to market prices;
2. the date on which the alienated part will be taken.

(3) The order of para 2 shall be subject to appeal by the order of art. 215, para 1.

(4) The part of the landed property shall be considered alienated from the day of payment of the pecuniary indemnification.

## **Section II.**

## **Indemnification in other cases**

Art. 210. (1) The preparation of the valuations and the determining of the extent and the payment of indemnifications in the cases explicitly provided by the law shall be implemented on market prices determined by a commission appointed by the mayor of the municipality.

(2) The mayor shall order ex officio or on the ground of a request by the interested persons the determining of indemnifications or the valuation of the commission.

(3) (amend. – SG 61/07, in force from 27.07.2007) The decision of the commission shall be notified to the parties of by the order of the Administrative Procedure Code. They can be appealed by the order of art. 215, para 1.

(4) The sum of the indemnification of the valuation entered into force shall be paid to an account in a commercial bank and shall be paid to the rightful claimants upon order by the mayor of the municipality or an official authorised by him.

(5) (amend. – SG 61/07, in force from 27.07.2007) The person wishing to use the valuation before the decision of the commission has entered into force has to pay to the bank to the account of the rightful claimant a sum equal to the defined indemnification. The payment of the sum shall have effect with regard to the rightful claimant from the day of the announcement by the order of the Administrative Procedure Code made by the municipality. The sum paid shall be paid to the rightful claimant upon order by the mayor of the municipality. The rightful claimants must be indemnified fully for the difference in one month term after the valuation has entered into force.

(6) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012) In case of refusal or delay to pay the sum under the enforced decision of para 3 the interested party can require issuance of an order for immediate execution according to Art. 418 of the Civil Procedure Code.

(7) The lawful interests shall be due for the unpaid indemnification from the day of elapse of the term for payment.

Art. 211. (1) The due pecuniary indemnification of art. 210, para 4 shall be paid to a commercial bank at disposal of the rightful claimants when:

1. the right to receive indemnification has not yet been established with the corresponding documents;

2. (amend. – SG 61/07, in force from 27.07.2007) the rightful claimant has not appeared to present the corresponding documents in 14 days term after receiving of the notification by the order of the Administrative Procedure Code;

3. there is a dispute between several persons for the right over the due sum; in this case the bank shall pay the sum to the person established his rights by court order;

4, the rightful claimants are with unknown whereabouts.

5. (new – SG 65/03; amend. - SG 61/15) the landed properties are in not regulated territories, left after restoration of the rights of the owners, and they are managed and ruled by the municipality under the conditions and by the order of the Ownership and use of farm lands Act.

(2) (amend. – SG 61/07, in force from 27.07.2007) The payment of the sum shall have effect with regard to the rightful claimants from the day of the notification by the order of the Administrative Procedure Code.

Art. 211a. (new – SG 82/12, in force from 26.11.2012) (1) Subject to compliance with the provisions and following the procedure of Art. 210 and 211, single compensation of the owners of land properties falling into the easement zones under Art. 112, par. 3, item 2 around the land properties

intended for construction of special projects related to the state defence and security shall take place.

(2) The compensation shall be at the expense of the Ministry of Defence, respectively of the Ministry of Interior or of the National Security State Agency.

**Chapter eighteen.**  
**MUNICIPAL FUND "PUBLIC WORKS ON THE TERRITORY"**

Art. 212. (Revoked, SG 111/01)

**Part five.**  
**CONTROL OVER THE DEVELOPMENT OF THE TERRITORY**

**Chapter nineteen.**  
**CONTESTING THE INDIVIDUAL ADMINISTRATIVE ACTS FOR DEVELOPMENT OF  
THE TERRITORY (TITLE AMEND. – SG 87/10)**

Art. 213. (amend. SG 65/03; amend. - SG 30/06, in force from 12.07.2006) The courts shall implement control over the lawfulness of the administrative acts for development of the territory under the conditions and by the order of this Act and for issues not provided into it - under the Administrative procedure code.

Art. 214. Individual administrative acts in the sense of this Act shall be:

1. the acts for development of the territory under art. 1, the refusals for issuing of such acts and the administrative acts for repealing or leaving into force of acts issued by administrative order with which are created rights or obligations or are affected rights or lawful interests of separate individuals or corporate bodies regardless whether they are explicitly pointed out as addressees;

2. the acts of item 1 issued by the Directorate for national construction control, by the mayors of districts and mayoralties, by the chief architects and by other authorised officials at the municipal and the district administrations;

3. the acts for stopping, prohibition of the use and for removal of unlawful constructions.

Art. 214a. (new – SG 87/10) (1) Within 7 days from receiving the appeal the administrative authority may reconsider the issue and withdraw himself the contested individual administrative act for approval of a detailed spatial plan or for approval of a complex project for investment initiative, to overturn it or amend it, or to issue the required act, if he has refused to do so, and shall notify the interested parties thereof.

(2) The individual administrative acts under Para 1 shall be notified and shall be subject to appeal according to the order for notification and appeal of the individual administrative act that has been withdrawn or overturned.

Art. 215. (1) (suppl. SG 65/03; amend. - SG 30/06, in force from 01.03.2007; suppl. - SG 33/08; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The individual administrative acts under this Act, the refusals for issuing them and the administrative acts with which they are repealed or left into force except these of art. 216, para 1, shall be appealed about lawfulness before the court at the location of the immovable property. The acts and the refusals of the

Minister of Regional Development, the Minister of Regional Development and Public Works, the Minister of Defence and the Minister of Interior shall be appealed before the Supreme Administrative Court.

(2) The decisions of the commission of art. 210, para 3 can also be appealed by the order provided in para 1, summoning to the court the municipality and the interested parties.

(3) The prosecutor can submit protests about the lawfulness of the acts subject to appeal.

(4) (amend. – SG 87/10) The appeals and the protests shall be submitted through the body which act is appealed or protested in 14 days term after the announcing, and where the act is notified through publication in the State Gazette – within 30 days from its promulgation. Appeals and protests against acts approving a detailed spatial plan or for issue of a construction permit for a site of national significance or of a municipal site of primary significance shall be filed through the authority that has issued the act within 14 days from the promulgation of the act in the State Gazette.

(5) (new – SG 87/10) The authority that has issued the act under Art. 216, Para 1 shall be entitled to appeal the order under Art. 216, Para 5. In the court proceedings shall be summoned the appellant, the authority that has issued the act under Art. 216, Para 1 and the interested parties.

(6) (new – SG 87/10; amend. – SG 82/12, in force from 26.11.2012) The general development plans and the amendments thereto may not be subject to appeal.

(7) (new – SG 87/10) The decisions of the court of first instance on appeals or contests against individual administrative acts under this Act shall be final except the decisions on appeals and contests against individual administrative acts for approval of detailed spatial plans, of complex investment initiative projects and of the orders for removal of illegal constructions from first to fifth category inclusive. The decisions of the court of first instance shall be final also in respect of appeals and contests against individual administrative acts for approval of detailed spatial plans or of complex investment initiative projects for construction of sites of national significance and of municipal sites of primary significance.

Art. 216. (amend. SG 65/03) (1) The following administrative acts of the chief architects of the municipalities (the districts) shall not be subject to direct appeal by court order:

1. the refusals of co-ordination and approval of investment designs, when they are not part of the complex design for investment initiative;

2. the permissions for construction together with the co-ordinated and approved investment designs, when such are required and the refusal for issuing them when they are not part of the complex design for investment initiative.

(2) (suppl. - SG 33/08) The administrative acts of para 1 shall be subject to appeal about lawfulness before the chiefs of the regional directorates for national construction control and for the special sites, connected with the defence and the security of the state – before the Minister of Defence, respectively the Minister of Interior or the Chairman of State Agency "National Security".

(3) (amend. - SG 30/06, in force from 12.07.2006) The appeals shall be submitted by the interested persons through the body, issued the act, by the order of the Administrative procedure code.

(4) The appeals and the protests against the acts of para 1 shall not stop their implementation.

(5) (amend. – SG 82/13, in force from 26.11.2012) Prior to consideration of the appeals and protests on the merits, the head of the regional directorate for national construction control or an official authorized by him/her, shall assess their admissibility. If he/she considers that the appeal or the protest are inadmissible, the proceedings shall be terminated by an explicit order. The order may be appealed by a private complaint or a protest following the provision of Art. 215. The respective administrative court shall pronounce by an instruction, which shall not be subject to appeal.

(6) (amend. – SG 82/13, in force from 26.11.2012) Where the appeal or the protest are admissible, the head of the regional directorate for national construction control or an official authorized

by him/her shall proceed to their consideration on the merits and shall pronounce by a justified order, by which the appealed act may be revoked fully or partially or may reject the complaint and to leave the protested act in force. The orders of the head of the regional directorate for national construction control shall be appealed by the order of art. 215.

(7) (new – SG 82/13, in force from 26.11.2012) The term for pronouncement by the head of the regional directorate for national construction control or the official authorized by him/her shall be 15 days from the date of submission of the appeal or the protest together with the administrative file for issuance of the appealed act.

Art. 217. (1) The appeals and the protests before the court shall not stop the implementation of the following administrative acts:

1. (revoked – SG 65/03);
2. (amend. – SG 103/05; suppl. – SG 82/13, in force from 26.11.2012) orders for stopping and prohibition of access to constructions of Art. 224, Para 1 and 5 and of Art. 224a, par. 1 and 5;
3. prohibition of the access and the use of constructions;
4. (revoked – SG 65/03);
5. (revoked – SG 65/03);
6. (revoked – SG 65/03);
7. (new – SG 65/03) for entering of the constructions into exploitation;
8. (prev. 7 – SG 65/03) orders under art. 194, para 1 for ensuring free access in immovable properties;
9. (prev. 8, amend. SG 65/03; suppl. – SG 106/06, in force from 28.01.2007; amend. – SG 61/07, in force from 27.07.2007) orders under art. 195 and 196;
10. (prev. 9, amend. SG 65/03) orders under art. 209, para 2;
11. (new – SG 103/05) orders under Art. 57a, Para 3;
12. (new – SG 82/13, in force from 26.11.2012) orders for termination of the proceedings under Art. 216, par. 5.

(2) The court can stop the fulfillment of the administrative acts of para 1 except these of item 2.

Art. 218. (amend. – SG 87/10) (1) (suppl. – SG 82/13, in force from 26.11.2012) In case of contesting under Art. 215 of individual administrative acts for approval of detailed spatial plans, the announcement of which has been done by promulgation in the State Gazette, or of complex investment initiative projects that have been announced by publication in the State Gazette, the interested persons may be summoned as respondents in the procedure within one month from the day of promulgation in the State Gazette of the announcements about the contest.

(2) The court shall promulgate in the State Gazette an announcement of the contesting of the acts under Para 1 containing:

1. (amend. - SG 82/13, in force from 26.11.2012) indication and description of the contested individual administrative act, respectively of the part in which it has been appealed;
2. information of the rights of the interested parties to be summoned as respondents within one month from the date of promulgation;
3. number of the case.

(3) (new - SG 82/13, in force from 26.11.2012) Where the administrative act under par. 1 is appealed partially, the court by an instruction shall indicate this part as a subject of the proceedings, based on which the content of the announcement under par. 2, item 1 shall be determined. The instruction shall be subject to appeal following the provisions of Chapter Thirteen of the Code of Administrative Procedure.

(4) (prev. par. 3 - SG 82/13, in force from 26.11.2012) Where the court finds the appeal to be inadmissible, the announcement referred to in Para 2 shall not be promulgated and the proceedings shall be terminated according to the applicable procedure.

(5) (prev. par. 4 - SG 82/13, in force from 26.11.2012) The interested parties shall be summoned as respondents in the court proceedings within the time limit under Para 1 by filing applications with the court containing:

1. names and address, the telephone, fax and electronic address, if available – for Bulgarian nationals;
2. names and personal number of a foreigner and address notified to the competent administration, the telephone, fax and electronic address, if available;
3. the firm of the trader or the name of the legal person in Bulgarian, the seat and the latest address of management specified in the corresponding register and his electronic address;
4. number of the case;
5. the contested act and the issuing authority;
6. a statement that the interested person wishes to be summoned in the proceedings as a respondent;
7. signature of the applicant.

(6) (prev. par. 5 - SG 82/13, in force from 26.11.2012) With the application referred to in Para 4 shall be enclosed written evidence in proof that the applicant qualifies as an interested person.

(7) (prev. par. 6 - SG 82/13, in force from 26.11.2012) In applications under Para 4 shall be prohibited to request overturning of individual administrative acts as well as joining filed appeals within the legally specified time limit.

(8) (prev. par. 7 - SG 82/13, in force from 26.11.2012) The deficiencies in the applications filed under Para 4 shall be corrected as set out in Art. 158 of the Administrative Procedure Code.

(9) (prev. par. 8 - SG 82/13, in force from 26.11.2012) In a determination the court shall summon, respectively refuse to summon, the applicants under Para 4 as respondents in the proceedings.

(10) (prev. par. 9 - SG 82/13, in force from 26.11.2012) The refusal under Para 8 may be appealed within 7 days from its notification in a petition for appeal as set out in Chapter Thirty of the Administrative Procedure Code. The court shall deliver a determination which shall be final.

(11) (prev. par. 10 - SG 82/13, in force from 26.11.2012) The decision of the court in cases opened under Para 1 shall have force in respect of all interested parties.

Art. 219. (1) (amend. – SG 61/07, in force from 27.07.2007) The provisions of Division Three of the Administrative Procedure Code shall be applied for the received appeals and the formed court procedures under this chapter.

(2) (revoked – SG 61/07, in force from 27.07.2007).

(3) (new – SG 65/03; amend. - SG 30/06, in force from 12.07.2006) For the issues not provided with this chapter shall be applied the Administrative procedure code.

## **Chapter twenty .**

### **ADMINISTRATIVE CONTROL OVER THE DEVELOPMENT OF THE TERRITORY AND THE CONSTRUCTION**

Art. 220. (1) (amend. SG 65/03; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall exercise control over the observation of the provisions of this Act and of the normative acts about its implementation for designing and construction, in this number the use of high quality construction

materials and articles with regard to be ensured the security, the safety, the accessibility and the other normative requirements for the constructions.

(2) (amend. SG 65/03; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall implement control over the activity of the Directorate for national construction control.

(3) (amend. SG 65/03; suppl. – SG 53/14) The Minister of Interior or officials, authorised by him, shall exercise control over the observing of the requirements for fire safety and of the requirements of Art. 106, item 5, Art. 107, item 6 and Art. 112, par. 2, item 12.

(4) (revoked – SG 65/03)

Art. 221. (1) (suppl. SG 65/03; amend. - SG 82/13, in force from 26.11.2012) The Directorate for national construction control shall be a corporate body at budget maintenance with headquarters in Sofia. It shall be comprised by a central management and regional directorates. In connection with occurred needs temporary territorial bureaus of the Directorate for national construction control can be established with an order by its chief without increasing the approved budget and payroll of the directorate. The Directorate for national construction control shall obligatory insure its employees against accident and with insurance "Life" for the account of its budget.

(2) (amend. – SG 53/14) The employees of the Directorate for national construction control shall have the right to uniform clothing and distinguishing signs, to use special facilities and may possess arms subject to compliance with the provisions of the Act on arms, munitions, explosives and pyro-technical products at implementation of their official obligations.

(3) The bodies of the Ministry of Interior as well as the other state and municipal bodies shall be obliged to render co-operation to the Directorate for national construction control and its employees in the implementation of their functions.

(4) The orders, the instructions and the rulings of the bodies of the Directorate for national construction control, issued within their competence, shall be obligatory for the persons they refer to.

(5) In connection with the implementation of their functions under this Act the bodies of the Directorate for national construction control shall have the right:

1. (suppl. SG 65/03) to free access to the constructions as well as to the buildings and the facilities during their use by the order of art. 194, para 1 and 3;

2. (amend. SG 65/03) to require all necessary documents for the check, data, identification, written data and explanations from the officials at the state and municipal administrations, from the participants in the construction, from the persons at the construction and the construction site, from the interested central and territorial administrations, the specialised control bodies and operating companies;

3. to use data from the Unified system for civil registration and administrative servicing under conditions and by order determined with a law.

(6) (new – SG 103/05; revoked – SG 38/12, in force from 01.07.2012)

Art. 222. (1) (amend. SG 65/03; amend. - SG 82/13, in force from 26.11.2012) For the constructions of first, second and third category the head of the Directorate for national construction control or an official, authorised by him, shall:

1. (suppl. - SG 82/13, in force from 26.11.2012) stop unlawful constructions in the meaning of Art. 225, par. 2, parts thereof, and also specific construction and installation works;

2. (amend. - SG 82/13, in force from 26.11.2012) stop constructions, parts thereof or separate construction and installation works with violations under Art. 224, and give permission for continuation after the removal of the breaches and payment of the due fines and proprietary sanctions;

3. prohibit the access to constructions of items 1 and 2 and order the mounting of signs for

restriction and not admitting people and machinery in the constructions;

4. prohibit the supply of constructions of items 1 and 2 with electric and heat energy, water and gas;

5. (suppl. - SG 76/06, in force from 01.01.2007) prohibit the input of construction products, which are not assessed for compliance with the essential requirements to the constructions and perform checks in the paces of production of construction materials;

6. prohibit the use of constructions or parts of them, which have not been entered into exploitation according to the established order or are used not for their designation according to the issued construction papers and the conditions for entering into exploitation;

7. prohibit the access to constructions and parts of them, which have not been entered into exploitation by the established order or are used not for their designation according to the issued construction papers and the conditions for entering into exploitation, prohibit their supply with electric and heat energy, water and gas and order the mounting of signs for restriction of the access and not admitting of people etc.;

8. issue permissions for use of constructions or refuse their issuing;

9. (amend. – SG 61/07, in force from 27.07.2007; amend. - SG 82/13, in force from 26.11.2012) suspend or terminate the registration of consultants for carrying out assessments of conformity of investment projects and/or for exercising construction supervision;

10. issue orders for removal of unlawful constructions;

11. (amend. - SG 30/06, in force from 12.07.2006) issue orders for revoking or change of the orders of the chiefs of the regional directorates for national construction control, for which direct court control is not provided, under the conditions and by the order of the Administrative procedure code;

12. sign fulfilment of strengthening and restoration measures for not admitting of accidents, damages etc. on constructions and parts of them, for which the construction is stopped, the effect of the construction papers or their use is prohibited;

13. (new - SG 82/13, in force from 26.11.2012; amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) issue orders for investigation of accidents in construction following the provisions of an ordinance of the Minister of Regional Development and Public Works for all categories of construction;

14. (prev. item 13 - SG 82/13, in force from 26.11.2012) order liberation of the construction and the construction site from people, machinery, articles, products, materials, generally dangerous means etc;

15. (prev. item 14 - SG 82/13, in force from 26.11.2012) impose the sanctions, provided in this Act.

(2) (amend. SG 65/03; amend. - SG 82/13, in force from 26.11.2012) For constructions of first, second and third category the bodies of the Directorate for national construction control, according to their competence, shall:

1. ascertain the unlawful construction;

2. ascertain violations at the use of constructions or parts of them;

3. ascertain violations at the issuing of construction papers;

4. fulfil the orders for stopping, for prohibition of the use, for prohibition of the access to constructions and construction sites and for removal of the unlawful constructions;

5. investigate accidents in construction;

6. control the fulfilment of the measures for restoration of territories with special territorial development protection;

7. ascertain other breaches of this Act and of the by-law normative acts for its implementation;

8. create and maintain register of the issued punitive decrees;

9. certify the order books in the cases, provided by the law.

(3) (amend. SG 65/03) The bodies of the Directorate for national construction control shall, at

implementing orders for stopping, for prohibition of the use, the access and for compulsory removal of unlawful constructions, have the right to use on the territory of the construction site the following special facilities:

1. facilities for compulsory restriction of the movement of automobiles and construction machinery or for movement of such machinery out of the construction site;
2. appliances for opening fences and premises;
3. light and sound appliances;
4. construction machines and construction mechanisation, technical facilities and techniques.

(4) The technical facilities of para 3 can be used only by employees who have the necessary qualification.

(5) The ruling shall be fulfilled compulsory with the co-operation of the bodies of the Ministry of Interior in case of counteraction or refusal to be fulfilled a ruling for access to or leaving of the construction site and in other cases determined by the law.

Art. 222a. (new – SG 103/05; revoked - SG 82/13, in force from 26.11.2012)

Art. 223. (amend. – SG 82/13, in force from 26.11.2012) (1) For constructions of fourth, fifth and sixth category the municipality (or regional) mayor or an official authorized by him/her shall:

1. suspend illegitimate constructions in the meaning of Art. 225, par. 2, parts thereof, and individual construction and installation works;
2. suspend execution of constructions, parts thereof or individual construction and installation works with violations of Art. 224, par. 1 and shall grant permit for their processing after the removal of the violations and payment of the due fines and proprietary sanctions;
3. prohibit the access to constructions under items 1 and 2 and instruct for displaying of marking signs for limitation and stopping people and technical equipment on the constructions;
4. prohibit the supply of electricity and heating power, water and gas to constructions under item 1 and 2;
5. prohibit application of construction products, which have not been assessed for compliance with the essential requirements to constructions and do not meet the requirements of Art. 169a, par. 1 and shall carry out inspection in construction products manufacturing facilities;
6. prohibit the use of constructions or of parts thereof, which are not commissioned according to the established procedures or are not used for their purpose of use according to the issued construction papers and the terms and conditions for their commissioning;
7. prohibit the access to constructions or to parts thereof, which are not commissioned according to the established procedures or are not used for their purpose of use according to the issued construction papers and the terms and conditions for their commissioning, shall prohibit the supply of electricity and heating power, water and gas and shall instruct for displaying of marking signs for restriction of access and non-admission of persons, etc.
8. issue orders for removal of illegitimate constructions;
9. prescribe execution of strengthening and recovering measures for avoiding of accidents, damages, etc. on constructions and parts thereof, for which the construction works, validity of construction papers are stopped or their use is prohibited;
10. instruct for abandonment of construction and of the construction site by people, machinery, articles, products, materials, general danger goods, etc.;
11. impose the provided by this law fines and property sanctions.

(2) For the constructions of fourth, fifth and sixth category the officers for construction control in the administration of each municipality (region) shall:

1. identify illegitimate constructions with violations;
2. identify violations of usage of constructions or of parts thereof;
3. execute the orders for suspension, for prohibition of usage, for prohibition of the access to constructions and construction sites and for removal of illegitimate constructions;
4. control the implementation of measures for rehabilitation of territories under specific land development protection;
5. identify other violations of this law and of the secondary legislative acts for its application;
6. produce and maintain a register of the issued punitive decrees and of the enforced orders for removal of illegitimate constructions.

(3) For bringing into effect of orders for suspension, for prohibition of usage, access and for compulsory removal of illegitimate constructions, the officers for construction control in the administration of each municipality shall have the right to use in the territory of the construction site the following special means:

1. facilities for compulsory restriction of travelling of vehicles and construction machinery or for movement of such machinery beyond the construction site;
2. facilities for opening of partitions and rooms;
3. light and audio facilities;
4. construction equipment and construction machinery, technical facilities and methods.

(4) The means under par. 3 may be used only by employees with the required qualification.

(5) For the execution of their functions under this Act, the officials under par. 2 shall have the right:

1. of free access to the constructions, as well as to the buildings and equipments during their usage under the procedure of Art. 194, Para 1 and 3;

2. to require all needed for the checks documents, data, legitimating, written statements and explanations from the participants in the constructions, by the persons on the building and the construction spot, by the interested administrations, the specialized controlling bodies and the exploitation companies;

3. to use data from the Unified system for civil registration and administrative servicing under conditions and procedure determined by a law.

(6) In case of counteraction or refusal to fulfil an instruction for access or to abandon the construction site or in other cases, determined by the law, the instruction shall be fulfilled compulsorily with the assistance of Ministry of Interior bodies.

(7) The employees under par. 2 shall be insured mandatorily against accident and shall have got "Life" insurance at the expense of the municipal budget.

(8) (amend. – SG 53/14) For the fulfilment of their professional duties the employees under par. 2 shall have the right to distinguishing marks in order to use special means and they may own weapons subject to compliance with the provisions and following the procedure of the Act on arms, munitions, explosives and pyrotechnical products.

(9) The funds, accumulated from the collected under this law by the municipalities income for the municipal budgets in the form of fees, fines and proprietary sanctions, shall be spent only for financial support of their control functions under this law and for removal of illegitimate construction.

## **Chapter twenty one.**

### **NOT ADMITTING AND REMOVAL OF THE UNLAWFUL CONSTRUCTION (title amend. SG 65/03)**

Art. 224. (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) (1) The head of the Directorate for national construction control or an official authorized by him/her by a justified order

shall suspend the implementation of and prohibit the access to a construction or to a part of construction of first to third category, which is being implemented:

1. without an enforced construction permit;
2. with essential deviations in the sense of art. 154, para 2, items 5 - 8;
3. with construction products not complying with the essential requirements to constructions and to the provisions of Art. 169a, par. 1 or in violation of the rules for implementing of the construction and the installation works and of the essential requirements to constructions under Art. 169, par. 1, 2 and 3;
4. without ensured by the assignor construction supervision when such is compulsory;
5. without being compiled record for construction line and level and/or without the order book being certified;
6. without being coordinated with the Ministry of Culture under the provisions of the Law for the Cultural Heritage – for properties which are cultural valuables and for constructions within their boundaries and their protection zones, where this is required by the provisions of this law;
7. without the special requirements being complied with and/or the acts in the meaning of Art. 142, par. 5, items 7 and 8 being available.

(2) The circumstances of para 1 shall be identified by an act of findings, drawn up by the bodies if the Directorate for national construction control. The act of findings shall be handed over to the interested persons who may file objections within 7 days. The order under Para 1 shall be issued within three days after expiration of the period under sentence two. Where the offender is not known, copies of the act of findings and the order shall be displayed at the construction and on the designated for this purpose places in the premises of the municipality, the region or the town hall.

(3) By the order of para 1 obligatory instructions for removal of the reasons, lead to the stopping of the construction shall be issued, and the terms for their fulfilment. If necessary, abandonment of the construction and of the construction site by people and machinery shall be instructed, as well as cutting of the supply with electric and heat energy, water and gas. The order shall be compulsory for the suppliers and shall be fulfilled immediately.

(4) The construction, having been suspended by the order of para 1 may be resumed by a permission by the body, having issued it upon removal of the reasons, having caused its suspension. In the cases of Art. 154, Para 2, items 5-8 the permit for resuming the construction works shall be issued after submission of a survey and other data, calculations and documents as per the instructions of Para 3, which shall be attached as an integrate part to the approved investment design and prove that the major deviations have been corrected and the accomplished part of the construction is legitimate.

(5) In case of identification of a construction of first to third category, which is illegitimate in the meaning of Art. 225, Para 2 the bodies of the Directorate for national construction control shall issue an act of findings, which shall be handed over to the interested parties, who may file objections within 7 days. The order for suspension of the illegitimate construction shall be issued by the head of the Directorate for national construction control or by an official authorized by him/her within three days after expiration of the term for objections. Where the offender is unknown, copies of the act of findings and of the order shall be displayed at the construction site and in the designated for this purpose places in the building of municipality, regional or mayoralty administration.

(6) The access to the construction site shall be prohibited by the order for suspension under par. 5.

Art. 224a. (new – SG 82/12, in force from 26.11.2012) (1) The municipality mayor or a person authorized by him/her by a justified order shall suspend the execution and shall prohibit the access to a construction site or to a part of a construction site of fourth to sixth category with violations in the meaning of Art. 224, par. 1.

(2) The circumstances of para 1 shall be identified by an act of findings, drawn up by the officials under Art. 223, par. 2. The act of findings shall be handed over to the interested persons who may file objections within 7 days. The order under Para 1 shall be issued within three days after expiration of the period under sentence two. Where the offender is not known, copies of the act of findings and the order shall be displayed at the construction and on the designated for this purpose places in the premises of the municipality, the region or the town hall.

(3) By the order of para 1 obligatory instructions for removal of the reasons, lead to the stopping of the construction shall be issued, and the terms for their fulfilment. If necessary, abandonment of the construction and of the construction site by people and machinery shall be instructed, as well as cutting of the supply with electric and heat energy, water and gas. The order shall be compulsory for the suppliers and shall be fulfilled immediately.

(4) The construction, having been suspended by the order of para 1 may be resumed by a permission by the body, having issued it upon removal of the reasons, having caused its suspension. In the cases of Art. 154, Para 2, items 5-8 the permit for resuming the construction works shall be issued after submission of a survey and other data, calculations and documents as per the instructions of Para 3, which shall be attached as an integrate part to the approved investment design and prove that the major deviations have been corrected.

(5) In case of identification of a construction of fourth to sixth category or of a part thereof, which is illegitimate in the meaning of Art. 225, Para 2 the employees under Art. 223, par. 2 shall issue an act of findings, which shall be handed over to the interested parties, who may file objections within 7 days. The order for suspension of the illegitimate construction shall be issued by the municipality mayor or by an official authorized by him/her within three days after expiration of the term for objections. Where the offender is unknown, copies of the act of findings and of the order shall be displayed at the construction site and in the designated for this purpose places in the building of municipality, regional or mayoralty administration.

(6) The access to the construction site shall be prohibited by the order for suspension under par. 5.

Art. 225. (amend. SG 65/03) (1) (suppl. – SG 82/12, in force from 26.11.2012) The chief of the Directorate for national construction control or an official authorised by him shall issue an order for removal of unlawful constructions of first, second and third category or parts thereof.

(2) A construction or part of it is unlawful when it is implemented:

1. (amend., SG 65/04; amend. - SG 103/05) in discrepancy of the provisions of the acting detailed development plan;

2. (amend. - SG 103/05) without approved investment designs and/or without permission for construction;

3. (amend. - SG 103/05) with essential deviations from the approved investment design of art. 154, para 2, items 1, 2, 3 and 4;

4. with construction products, not compliant with the essential requirements to the constructions or in breach of the rules for fulfilment of construction and mounting works, if this influences the constructive security and the safe use of the construction and it is impossible the construction to be brought in compliance with the requirements of this Act;

5. (new – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. - SG 92/09, in force from 20.11.2009; amend. – SG 82/12, in force from 26.11.2012) in case of existing enforced refusal to issue an act under Art. 142, par. 5, item 8;

6. (new – SG 82/12, in force from 26.11.2012) in violation of the requirements for construction in territories with special land development protection or with a regime of preventive development protection under Art. 10, par. 2 and 3.

(3) (amend. - SG 103/05; suppl. - SG 82/12, in force from 26.11.2012) The order of para 1 shall be issued on the basis of fact finding act, compiled by officials of the Directorate for national construction control. The act shall be handed over to the interested persons who can lay objections in 7 days term. Where the offender is unknown, copies of the act of findings and of the order shall be displayed at the construction and in the designated for this purpose places in the building of municipality, regional or mayoralty administration.

(4) (amend. - SG 66/13, in force from 26.07.2013; amend. - SG 98/14, in force from 28.11.2014) If the order for removal is not fulfilled voluntarily within the defined term in it, it shall be fulfilled compulsorily by the bodies of the Directorate for national construction control independently or together with persons, to whom this has been assigned by the chief of the directorate or by official, authorised by him, by order, established in an ordinance of the Minister of Regional Development and Public Works.

(5) (amend. - SG 61/07, in force from 27.07.2007; amend. - SG 82/12, in force from 26.11.2012) On the basis of an enforced order for removal of the construction and a record about the incurred expenses for the removal, an order for immediate execution shall be issued according to the provision of art. 418 of the Civil Procedure Code.

(6) The compulsory removal shall be for the account of the perpetrator and of:

1. the person, exercised construction supervision;
  2. the constructor – in case the construction has continued after issued order for stopping of the construction by the Directorate for national construction control or order by the person, exercising construction supervision, entered in the order book of the construction;
  3. the constructor – in the cases of para 2, items 2, 3 and 4;
  4. the designer and the person, assessed the compliance of the investment designs – at non compliance of the approved investment design, according to which is fulfilled the construction, with the requirements for safety of art. 169, para 1, items 1, 2, 3 and 4 and/or with the designation of the land;
  5. (new – SG 82/12, in force from 26.11.2012) construction contractor.
- (7) The responsibility of the persons of para 6 shall be joint.

Art. 225a. (new– SG 82/12, in force from 26.11.2012) (1) Municipality mayor or an official authorized by him/her shall issue an order for removal of constructions of fourth to sixth category, which are illegitimate in the meaning of Art. 225, par. 2 or of parts thereof.

(2) The order of para 1 shall be issued on the basis of an act of findings, drawn up by the employees under Art. 223, par. 2. The act shall be handed over to the interested persons who may file objections within 7 days. Where the offender is unknown, copies of the act of findings and of the order shall be displayed at the construction and in the designated for this purpose places in the building of municipality, regional or mayoralty administration.

(3) If the order for removal is not fulfilled voluntarily within the term set therein, it shall be fulfilled compulsorily by the municipality following a procedure, determined by an ordinance of the local council.

(4) On the grounds of an enforced order for removal of the construction and a record about the incurred expenses for the removal, an order for immediate execution shall be issued according to the provision of art. 418 of the Civil Procedure Code.

(5) The compulsory removal shall be at the contractor's expense and at the expense of:

1. the person, having carried out construction supervision;
2. the constructor – in case the construction has continued after an issued order for suspension of the construction by the municipality mayor or an order by the person, carrying out construction supervision, entered in the orders record book at the construction site;
3. the constructor – in the cases of Art. 225, para 2, items 2 - 4;

4. the designer and the person, having assessed the compliance of the investment designs – in case of noncompliance of the approved investment design, according to which the construction is being carried out, with the safety requirements under art. 169, para 1, items 1 - 4 and/or with the purpose of use of the land;

5. construction contractor.

(6) The responsibility of the persons of para 5 shall be joint.

Art. 226. (revoked – SG 65/03).

Art. 227. (revoked – SG 65/03).

Art. 228. (amend. - SG 30/06, in force from 12.07.2006) The provisions of the Administrative procedure code shall be applied for issues which are not provided in this chapter and in chapter twenty.

## **Chapter twenty two. TECHNICAL COMPETENCE**

Art. 229. (1) Individuals can implement investigation, design, control, construction and supervision activities if they have technical competence according to the acquired speciality and education - qualification degree.

(2) Corporate bodies can implement activities of para 1 if they include individuals with the corresponding technical competence.

(3) (new– SG 82/12, in force from 26.11.2012) Technically qualified shall be the persons, having acquired a diploma from an accredited higher school with a qualification of an "architect", "civil engineer", "engineer", "urban engineer" or "landscape architect".

Art. 230. (1) (amend. SG 20/03, suppl. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) Development plans and investment designs under this law shall be worked out by design engineers – natural persons who have got relevant technical and engineering competence. The conditions and the order for recognising of full designer's competence shall be determined by a law.

(2) (amend. SG 20/03, amend. SG 65/03) With the law of para 1 shall be determined the admissible activities, which can implement the persons having restricted competence.

(3) (amend. SG 43/02, SG 20/03; amend. - SG 79/06; amend. – SG 82/12, in force from 26.11.2012) Designers having full designer capacity employed under employment of official relationship in the administration of the territorial bodies of the administrative authority may carry out the activities under Art. 229, par. 1 only on the administrative-territorial units in which are not bodies or do not participate in bodies with expert, co-ordination, approving, permission, controlling or other authorities by the order of this Act.

(4) (new – SG 79/06) Officials in the municipal administrations having full or restricted designer capacity may work out ex officio designs of development plans of state or municipal land properties on the territory of the municipality, and for the construction of sites of municipal property – also investment projects according to their designer capacity.

(5) (amend. - SG 37/06, in force from 01.07.2006; prev. text of para 04 – SG 79/06; amend. – SG 15/10, in force from 23.02.2010) Foreigners and nationals of Member States of the European Union

or of other contracting countries to the Agreement on the European economic Area that have been recognized vocational qualification under the order of the Recognition of Professional Qualifications Act may carry out the activities under Art. 229, Para 1 within the scope of their qualification under the conditions of the Chambers of Architects and the Engineers in Investment Design Act.

Art. 231. (amend. – SG 108/06) The requirements to natural and legal persons engaged in construction activity shall be provided by a law.

### **Chapter twenty three.**

#### **ADMINISTRATIVE-PUNITIVE RESPONSIBILITY**

Art. 232. (1) (amend. – SG 106/06, in force from 28.01.2007; amend. – SG 61/07, in force from 27.07.2007) An official shall be punished with a fine from 1000 to 5000 levs, if under another law a graver penalty has not been provided, who:

1. does not fulfil or fulfils badly or not on time obligations assigned to him under this Act, the acts for its implementation and the other rules and normatives for designing and construction as well as decisions and instructions based on them;

2. co-ordinates, approves or issues construction papers in breach of this Act, the acts for its implementation and the other rules and normatives for designing and construction, as well as the development plans in effect;

3. does not undertake on time measures to prevent unlawful construction, to stop or remove unlawfully done construction and mounting works or removal of other consequences of the breaches;

4. requires as conditions for co-ordination and approval of investment design or for permitting a construction documents which are not required by this Act or by another normative act;

5. (amend. SG 65/03) does not decide, within a term determined with a normative act, about a requirement for co-ordination, approval, compiling or issuing of construction papers, sketches, visas for designing etc.; does not implement checks or other technical services; does not answer to received appeal; does not send the request, respectively the appeal, to the competent body;

6. permits, admits connection or connects external measures and facilities of the technical infrastructure with an unlawful construction or with a construction for which no permission for use has been issued except in the cases when with a normative act temporary connection is permitted.

7. (new – SG 61/07, in force from 27.07.2007) has not fulfilled the obligations under Art. 63, par. 1;

8. (new – SG 82/12, in force from 26.11.2012) issues an engineering visa in violation of the provisions of the current detailed development plan, in violation of this law, of the acts for its application and of other rules and regulations regarding the engineering and construction.

(2) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) A person - participant in the construction shall be punished with a fine from 1000 to 10000 levs, if under another law a graver penalty has not been provided, who implements, orders or admits the implementation of unlawful construction.

(3) (amend. – SG 61/07, in force from 27.07.2007) A person who, without having right, implements activity included in the competence of the persons exercising construction supervision, shall be punished with a fine from 3000 to 15000 levs, if under another law a graver penalty has not been provided, who implements, orders or admits the implementation of unlawful construction.

(4) (amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) A person shall be punished with a fine from 3000 to 15000 levs, if under another law a graver penalty has not been provided, who:

1. (amend. SG 65/03) without having the respective competence implements investigation and design work, participates in making of assessment of the compliance of investment designs, at exercising the construction supervision or manages the construction works;

2. as designer works out designs not compliant with this Act, the acts for its implementation and the other rules and normatives for designing and construction or does not exercise author's supervision according to the concluded contract;

3. (revoked – SG 65/03);

4. (revoked – SG 65/03);

(5) (amend. – SG 61/07, in force from 27.07.2007) A person shall be punished with a fine from 1000 to 5000 levs, if under another law a graver penalty has not been provided, who:

1. (suppl. SG 65/03) does not fulfil a written order of a control body issued within its competence or of the person, exercising construction supervision to stop, to remove, to restore or repair constructions or parts thereof;

2. cuts down or roots out, orders or admits to be cut down or rooted out a durable decoration tree or a tree with historic importance without preliminary written permission of the competent bodies;

3. (new – SG 65/03) does not ensure access, does not present the necessary documents, data, identification and written information to the control body;

4. (prev. 3 – SG 65/03) works at a construction and does not leave it after a written warning by the control bodies that the construction is being implemented unlawfully;

5. (prev. 4 – SG 65/03) does not fulfil orders of the competent control bodies issued in connection with activities and measures for geo-protection;

6. (prev. 5 – SG 65/01) does not implement the restoration works and does not remove for his account the damages caused to other's immovable property in connection with a construction accomplished by him within the term defined by the bodies of the municipality or the bodies of the Directorate for national construction control;

7. (new – SG 82/12, in force from 26.11.2012) has admitted in his/her property, facility or on an advertising component, a movable facility or an advertising component to be placed in violation of the requirements of the ordinance under Art. 56, par. 2.

(6) (new – SG 61/07, in force from 27.07.2007; amend. – SG 82/12, in force from 26.11.2012) A person shall be punished with a fine from 1000 to 10 000 levs, if under another law a graver penalty has not been provided, who is an owner of a construction or of a land property and who has failed to fulfill an order under Art. 195, par. 5 and thus has created an immediate danger for other persons' health and life.

(7) (new – SG 82/12, in force from 26.11.2012) A construction contractor, having failed to fulfil the obligation under Art. 161, par. 3 shall be penalized with a fine from 1000 to 5000 levs.

(8) (new – SG 82/12, in force from 26.11.2012) A constructor of a construction, having failed to fulfil the obligation under Art. 163, par. 2 shall be penalized with a fine from 1000 to 5000 levs.

(9) (new – SG 82/12, in force from 26.11.2012) Unless a heavier penalty is provided by another law, a contractor if a construction, who fails to assign production of a technical passport within the terms set in the ordinance under Art. 176a, par. 6 shall be penalized with a fine from 100 to 300 levs.

Art. 232a. (new – SG 54/11) (1) Any official that coordinates, approves or issues construction papers or other acts under this Act in territories of cultural and historical protection without coordination as set out in Art. 84, Para 1 and 2 of the Cultural Heritage Act shall be imposed a fine in amount between BGN 800 and 1500, unless another law provides for a more severe penalty.

(2) Where destruction of corruption of an immovable cultural valuable has resulted from the offence referred to in Para 1, the fine shall be in amount between BGN 1000 and 3000, unless another law provides for a more severe penalty.

Art. 232b. (new – SG 81/12, in force from 26.11.2012) (1) For non-fulfilment of the obligation under § 123, par. 1 of the transitional and concluding provisions of the municipality mayor a penalty of 10.000 levs shall be imposed.

(2) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The act of identification of administrative violation under par. 1 shall be drawn up by the regional governor or by officials from the regional administration nominated by him/her, and the punitive decree shall be issued by the Minister of Regional Development and Public Works or by an official authorized by him/her.

Art. 233. (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The punishment shall be a fine from 100 to 500 levs for other breaches of this Act, the acts adopted by the Council of Ministers, respectively those issued by the Ministers for its implementation and the other rules and normatives for designing and construction as well as of the decisions and the instructions based on them, if under another law a graver penalty has not been provided.

Art. 234. (1) (suppl. and amend. - SG 103/05; amend. – SG 82/12, in force from 26.11.2012) The punishment shall be a fine from 3000 to 15000 levs regardless of the penalty for the first breach if the breach of art. 232 and art. 233 is continued after it has been ascertained with an act or if within the term for issuing punitive decision another breach is made by the same person.

(2) (amend. SG 65/03) The punishment shall be a fine from 2000 to 30 000 levs if within 3 years after the punitive decision enters into force a new breach is made of the same provision. The fine shall be from 100 to 500 levs in insignificant cases.

Art. 235. (1) In the cases of art. 232, para 2 the violators can be removed from the construction on the grounds of a motivated order by the chief of the Directorate for national construction control or an official authorised by him.

(2) The removal shall be done by compulsion and if necessary - also with the co-operation of the bodies of the Ministry of Interior in case of refusal for voluntary fulfilment of the order.

(3) The appeal against the order of para 1 shall not stop its fulfilment.

Art. 236. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works can deprive the violator in case of systematic breaches of art. 232, para 1, implemented by a chief architect of a municipality (district), established by the Directorate for national construction control, from the right to take the position of chief architect of a municipality (district) for a term up to 2 years.

Art. 237. (1) The chief of the Directorate for national construction control or an official authorised by him shall impose a proprietary sanction to a corporate body or sole entrepreneur as follows:

1. (amend. SG 65/03; amend. - SG 103/05) to a perpetrator, an assignor or contractor of a construction, unlawful in the sense of art. 225, para 2 - in extent from 5000 to 50 000 levs;

2. (new – SG 103/05) to a perpetrator, an assignor or contractor of a construction, or to a person

exercising construction control over a construction in the meaning of Art. 224, Para 1 - in extent from 1000 to 10 000 levs

3. (amend. SG 65/03M prev. text of item 2 - SG 103/05) to an assignor or contractor of a construction, who has continued to implement construction and mounting works at a site stopped with an order under art. 224, para 1 or art. 159, para 4 or at a construction with stopped effect of the construction papers - in extent from 10 000 to 100 000 levs;

4. (new – SG 65/03; prev. text of item 2) to a person, who uses construction without this being permitted by the established lawful order – in extent from 1000 to 10 000 levs;

5. (prev. 3, amend. SG 65/03; prev. text of item 4, SG 103/05) to a person, who without having right, implements activity included in the competence of the consultant and the technical control of part "Constructive" - in extent from 3000 to 30 000 levs;

6. (prev. 4, amend. SG 65/03, prev. text of item 5, amend. – SG 103/05) to a person performing assessment of adequacy of an investment project in offence of the requirements of Art. 142, Para 5 and/or at exercising of construction control has admitted execution of unlawful construction in the meaning of Art. 225, Para 2 – in amount from 30 000 to 150 000 levs;

7. (prev. 5, amend. SG 65/03, prev. text of item 6 – SG 103/05; amend. – SG 82/12, in force from 26.11.2012) to a supplier of electric or heat energy, water or gas who has not fulfilled an order under art. 224, para 3 or art. 178, para 5 - in extent from 5000 to 50 000 levs.

8. (new – SG 108/06, in force from 01.01.2008) to a constructor for execution of construction works of the first category, when he/she is not entered in the Central Professional Register of Contractors and does not have a certificate for them – in the amount from 50000 to 100000 Levs;

9. (new – SG 108/06, in force from 01.01.2008) to a constructor for execution of construction works of the second category, when he/she is not entered in the Central Professional Register of Contractors and does not have a certificate for them – in the amount from 30000 to 50000 Levs;

10. (new - SG 108/06, in force from 01.01.2008) to a constructor for execution of construction works of the third, fourth and fifth category, when he/she is not entered in the Central Professional Register of Contractors and does not have a certificate for them – in the amount from 10000 to 30000 Levs;

11. (new - SG 108/06, in force from 01.01.2008) to a constructor for execution of construction and erection works when he/she is not entered in the Central Professional Register of Contractors and does not have a certificate for them – in the amount from 2000 to 5000 Levs

12. (new – SG 82/12, in force from 26.11.2012) to a producer of construction products, non-complying with the provisions of Art. 169a, par. 1 – in the amount from 5000 to 30000 levs;

13. (new – SG 82/12, in force from 26.11.2012) to a person, having concluded a contract for construction supervision or for assessment of compliance of the investment design in violation of Art. 166, par. 3 and 4 – in the amount from 30000 to 150000 levs;

14. (new – SG 82/12, in force from 26.11.2012) to an employer of a construction, having failed to fulfil an obligation under Art. 161, par. 3 – in the amount from 5000 levs to 30000 levs;

15. (new – SG 82/12, in force from 26.11.2012) to a construction of a construction, having failed to fulfil an obligation under Art. 163, par. 2, item 1 – 5 – in the amount from 5000 to 30000 levs;

16. (new – SG 82/12, in force from 26.11.2012) to an employer of a construction, failing to assign the production of a technical passport within the terms under the ordinance of Art. 176a, par. 6 – in the amount from 1000 to 10000 levs.

(2) (new - SG 103/05) The mayor of the municipality shall impose property sanction to a legal person or to a sole entrepreneur as follows:

1. (new – SG 82/12, in force from 26.11.2012) to a perpetrator, an assignor or a contractor of a construction of fourth to sixth category, which is illegitimate in the meaning of Art. 225, par. 2 – in the amount from 5000 to 20000 levs;

2. (prev. item 1, amend. – SG 82/12, in force from 26.11.2012) to a perpetrator, an assignor, a

contractor or a person exercising construction control over a construction under art. 224, para 1 and 2 in the amount from 1000 to 10 000 levs;

3. (prev. item 2, amend. – SG 82/12, in force from 26.11.2012) to a perpetrator, an assignor or contractor or a person exercising construction control over a construction, who has continued to implement construction and mounting works under item 2 - in the amount from 10000 to 50000;

4. (new - SG 82/12, in force from 26.11.2012) to a person, using a construction of fourth and fifth category, without being permitted following the applicable legal procedures – in the amount from 1000 to 10000 levs;

5. (prev. item 3, amend. – SG 82/12, in force from 26.11.2012) to a supplier of electric or heat energy, water or gas who has not fulfilled an order under art. 57a, para 6 or under Art. 224a, item 3 or under Art. 178, par. 6 - in extent from 5000 to 20 000 levs;

6. (new – SG 61/07, in force from 27.07.2007; prev. item 4 - SG 82/12, in force from 26.11.2012) to an owner of a construction or of a land property, failing to fulfill an order of Art. 195, par. 5 and thus has created immediate danger for other persons' health and life – in the amount from 1000 to 10000 levs.

(3) (prev. text of Para 2, suppl. – SG 103/05) The sanctions of para 1 and 2 shall be imposed by the order of art. 238 and 239 of this Act.

Art. 238. (1) The establishing of the breaches of this Act, the issuing, the appealing and the execution of the punitive decisions shall be implemented by the order of the Administrative Violations and Penalties Act as far as in this Act other has not been provided.

(2) (amend. SG 65/03) The acts for establishing of breaches under this Act shall be compiled by:

1. employees of the municipal (district) administrations;

2. employees of the Directorate for national construction control;

3. (amend. - SG 82/06; suppl. – SG 53/14) employees, determined by the Minister of Interior – for breaches of the rules and norms for fire safety and of the provisions of Art. 106, item 5, Art. 107, item 6 and Art. 112, par. 2, item 12;

4. (amend., SG 95/05, in force from 01.03.2006) employees, determined by the chairman of the State Agency for Metrological and Technical Supervision – for breaches of the norms for safety of the installations and the facilities with increased danger;

5. employees, determined by the Minister of Environment and Waters, for breaches of the norms for protection of environment and waters.

Art. 239. (1) The punitive decisions shall be issued by:

1. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014; amend. – SG 102/14) the Minister of Regional Development and Public Works according to his/her competencies or officials authorised by him/her - for breach of the provisions for development of the territory;

2. (suppl. – SG 103/05) the chief of the Directorate for national construction control or officials authorised by him - for breach of the provisions for development of the territory (designing, construction, not admission and removal of unlawful construction and quality of the construction materials etc.);

3. (new – SG 65/03; amend. - SG 82/06; suppl. – SG 53/14)) the Minister of Interior or officials, determined by him – for breaches of the provisions and norms for fire safety and of the provisions of Art. 106, item 5, Art. 107, item 6 and Art. 112, par. 2, item 12.

4. (prev. 3 – SG 65/03) the Minister of Regional Development and Public Works or officials

authorised by him - for breach of the provisions for preservation of environment;

5. (prev. 4 – SG 65/03, amend., SG 95/05, in force from 01.03.2006) the chief of the State Agency for Metrological and Technical Supervision or officials authorised by him - for breach of the provisions concerning equipment and facilities with increased danger;

6. (new – SG 103/05; suppl. – SG 61/07, in force from 27.07.2007, amend. - SG 82/12, in force from 26.11.2012) by the mayor of the municipality or by an official authorized by him/her – in the cases provided by the law.

(2) (suppl. - SG 82/12, in force from 26.11.2012) The one year term of the Administrative Violations and Penalties Act for the start of administrative punitive procedures for breaches of this Act, the acts for its implementation and the other rules and normatives for designing and construction, shall start on the day of issuing the permission for use or a commissioning certificate of the construction, and when a permission for use or a commissioning certificate is not required - on the day of committing the breach.

(3) (revoked – SG 77/12, in force from 09.10.2012)

(4) (revoked – SG 77/12, in force from 09.10.2012)

(5) (revoked – SG 65/03)

### **Additional provisions**

§ 1. (1) (amend. and suppl. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works can assign his functions under this Act to his deputies and to other officials in the system of the Ministry of Regional Development and Public Works.

(2) (new – SG 65/03) The regional governor can concede his functions under this Act to his deputies or to other persons from the regional administration.

(3) (prev. (2) – SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The mayor of the municipality can concede his functions under this Act to his deputies, to the chief architect of the municipality and to other officials of the municipal (district) administration.

(4) (prev. (3), amend. SG 65/03; amend. – SG 61/07, in force from 27.07.2007) The chief architect of the municipality can concede his functions under this Act to other officials of the municipal administration.

§ 1a. (new – SG 65/03; amend. and suppl. - SG 33/08; SG 82/12, in force from 26.11.2012) The Minister of Defence, respective the Minister of Interior or the Chairman of State Agency "National Security" may delegate his/her powers under this law to his/her deputies or to other officials within the system of the Ministry of Defence, of the Ministry of Interior or of the State Agency "National Security".

§ 2. (revoked – SG 61/07, in force from 27.07.2007)

§ 3. (1) (prev. § 3 - SG 82/12, in force from 26.11.2012) Fees shall be collected under the Local Taxes and Fees Act and the State Fees Act for co-ordination and approval of investment design, for issuing permission for construction, record for determining construction line and level, act for legalisation, permission for use of a construction and for other administrative and technical services

under this Act.

(2) (new - SG 82/12, in force from 26.11.2012) The price of all services provided by the operating companies in the process of approval or of amendment of designs of general or of detailed development plans, and also in the process of approval of investment designs and issuance of construction permits, such as provision of input data, coordination of designs, issuance of opinions or prescription, etc., shall be determined following the provision of Art. 7a of the Law for restriction of administrative regulation and administrative control over the business activity and shall be approved by the respective public regulator.

§ 4. (amend. - SG 82/12, in force from 26.11.2012) (1) The provided in this law and in the acts for its application announcement by the competent bodies to the interested persons shall be carried out by the order of the Administrative Procedure Code.

(2) Where it is not explicitly provided in this law and in the acts for its application that the announcement shall be made following the provisions of the Administrative Procedure Code, it shall be carried out by addressing a written notification to the interested persons. In cases where the address of any of the interested persons is not known or it has not been found at the indicated address, which shall be certified by the signatures of two officials, the notification shall be stuck on the residence or on the property, to which it applies, and shall be displayed on the information board in the building of the municipal, regional or mayoralty administration or on the internet page of the respective body for the time of filing of complaints, proposals and requests. The announcement so made, and also the date of its displaying or removal from the information board or from the Internet site of the body shall be certified by the signatures of two officials.

(3) Where interested persons are all owners and holders of limited real rights in buildings with a regime of condominium the announcements thereto shall be handed over through the chairpersons of the management councils (the managers). Until the election of chairpersons of the managing bodies of the condominium the announcement shall be made following the provision of par. 2, sentences two and three.

§ 5. In the sense of this Act:

1. (suppl. SG 65/03) The words "National expert council", "regional expert council" and "municipal (district) expert council" shall be understood respectively as: "National expert council for development of territory and regional policy", "regional expert council for development of territory" and "municipal (district) expert council for development of territory", the word "the Directorate" shall be understood respectively as "Directorate for national construction control" and "the Directorate for national construction control" and the words "assessment of the compliance" and "assessment of the compliance of the designs" shall be understood as "assessment of the compliance of the designs with the essential requirements to the constructions".

2. "Landed property" is a part of territory, included this covered durably with water, determined with boundaries according to the right of ownership.

3. "Unregulated territory" is a territory where the landed properties are not regulated with a detailed development plan.

4. (amend. – SG 19/09, in force from 10.04.2009) "Territories with special territorial development protection" are the protected territories for protection of environment under the Protected Areas Act, for cultural - historic protection under the Cultural Heritage Act, other territories with specific characteristic which development and control regimes are provided by separate laws (high mountain, border territories, coastal seaside, the territory of the capital etc.), the landslide territories, the sanitary - protection zones around the water sources and the facilities for drinking - household water

supply and the water sources of mineral waters - public state ownership according to the Water Act.

5. (amend. - SG 82/12, in force from 26.11.2012) "Territories with a regime of preventive development protection" are determined by land development concepts and schemes and by territories development plans, which have high natural - landscape, ecological and cultural value but are not announced as protected by a special law.

6. "Territory of a settlement" is the settlement territory encompassed by its boundaries (construction boundaries), determined with a development plan without including the territory belonging to the settlement.

7. "Small settlements" under art. 58 are the villages as well as the towns with population up to 30 000.

8. "Territories" or "development zone" of art. 11 is a multitude of neighbouring landed properties with similar characteristics and prevailing designation.

9. "The admissible load of the territories designated for construction" shall be determined by the intensity of construction and the admissible activities according to the concrete designation of the landed properties.

10. "Quarter" is regulated territory limited by streets or by streets and boundaries of urbanised territory, comprising one or more landed properties.

11. "Regulated landed property" or "regulated property" is a landed property for which with a detailed development plan have been determined boundaries, access from a street, road or alley, concrete designation and development regime.

12. "Identification of newly formed regulated landed property" of art 16, para 5 is a description of the boundaries and defining the identifier of the property.

13. "Prevailing flatland terrain" of art. 19, para 1, item 4 is terrain with slope up to 10 percent and "prevailing steep terrain" of art. 19, para 1, item 5 is terrain with slope over 10 percent.

14. "Narrow regulated landed property" is a property with face for which extent is applied the deviation of art. 19, para 3.

15. (Amend., SG 41/01) "Built area" is the area is the area limited by the external outlines of the surrounding walls of the first over-ground floor or of the semi - underground floor, including the area of the ventilation pits and the passages within these contours. The built area at ground level shall not include terraces, external staircases and staircase broadstep, slopes, ramps, garages and other elements with height up to 1.2 m above the average level of the adjacent terrain.

16. "Free yard area" is the difference between the area of the regulated landed property and the built area. As such area shall be considered also the open usable terraces over the underground floor as well as the verdure areas.

17. "Density of the construction" is the ratio of the sum of the built areas of the basic and the supplementing construction to the area of the regulated landed property expressed as percentage. Density of construction can be determined also generally for a quarter, development territory or zone as well as for parts thereof.

18. "Total built area" is the sum of the built areas of all the floors of the basic and the supplementary construction on and above the terrain. The total built area shall include also the built areas in the under - roof space of the buildings provided for homes, studios and studies. The built area of the over - ground floors shall include the whole area of the balconies, the loggias and the terraces.

19. "Intensity of construction" of the regulated landed property is the ratio of the total built area to the area of the regulated landed property expressed in absolute number. The intensity of construction can be determined also generally for a quarter, development territory or zone as well as for parts thereof.

20. "Way of construction" is the disposition of the buildings and the constructions of the basic and the supplementing construction in the regulated landed properties.

21. "Free" is the construction when the buildings in the regulated landed properties are located at a distance from the property boundaries (regulation lines) to the neighbouring regulated landed

properties, as well as at the north side regulation line in narrow regulated landed properties along streets with orientation north - south and the half - directions up to 45 degrees.

22. "Connected" is the construction when the buildings in two or more neighbouring landed properties are located contacting each other at the property boundaries (regulation lines). The connected construction in neighbouring regulated landed properties is contact of the buildings of the basic construction or of these of the supplementing construction.

23. "Complex" is the construction in big regulated landed properties in groups of buildings located freely or contacting each other.

24. "Restructuring of residential complexes, of industrial, resort, tourist and other settlement formations" is a change of their structure and construction, in this number through formation of regulated landed properties for existing and new buildings, for public verdure, as well as for other designation, on the basis of a detailed development plan.

25. "External construction line" is the line of construction to the street. It can coincide with the street regulation line or be at a distance from it inside in the regulated landed property.

26. "Internal construction line" is the line of construction to the neighbouring regulated landed properties or to neighbouring buildings. The internal construction lines are side and to the bottom of the regulated landed property.

27. "Depth of the basic construction of buildings" is the distance from the external construction line to the opposite internal construction line.

28. "Disposition of a residential building at the more favourable orientation of sunlight" is the disposition of the building at determining the distances to neighbouring buildings in compliance with the following grading of the geographic directions: south, south-east and south-west; east; west, north-east and north-west; north. In case of orientation intermediary to these directions, the closer geographic direction shall be assumed.

29. "Residential building" is a building designated for constant inhabiting, comprised by one or more homes covering at least 60 percent of its total built area.

30. "Home" is a totality of premises, covered and/or open spaces, unified functionally and spatially in one entity for satisfying residential needs.

31. (suppl., SG 107/03; amend. – SG 41/07) "Technical infrastructure" is a system of buildings, facilities and linear engineering networks of transport, water supply and sewerage, electric supply, central heating, gas supply, electronic communications, hydro-meliorations, treatment of waste and geo-protection activity.

32. (amend. – SG 103/05) "Common networks and facilities of the technical infrastructure" are the networks to the common control - measuring devices in the immovable properties, including distribution appliances.

33. "Easement strip" is a part of a landed property around networks and facilities of the technical infrastructure, for which with a normative act restrictions have been introduced in the regime of construction and use of the landed property.

34. "Official pavement" is a pavement designated for passing of officials in connection with implementing activities for maintaining and repair of the streets, the facilities thereof and the technical infrastructure.

35. (amend. – SG 53/12, in force from 13.07.2012) "Waste Treatment" is the activity of recycling or disposal, including preparation before recycling or disposal.

36. "Construction papers" are all the necessary approved investment designs for implementing or legalising, the permission for constructions or the act for legalisation, as well as the records for determining the construction line and level.

37. (amend. SG 76/05) "Construction site" is the terrain necessary for accomplishment of the construction and determined with an investment design with the boundaries of the landed property where the construction is implemented.

38. (amend. SG 65/03; suppl. – SG 61/07, in force from 27.07.2007; amend. – SG 19/09, in force from 10.04.2009; amend. – SG 54/11; suppl. - SG 82/12, in force from 26.11.2012) "Constructions" are over-ground, semi – underground, underground and under-water buildings, constructions, additional constructions, superstructures, strengthening, rehabilitation works, conservation, restoration, reconstruction under authentic data in the meaning of Art. 74, par. 1 of the Law for the Cultural heritage and adaptation of immovable cultural valuables, fences, networks and facilities of the technical infrastructure, public works and sport facilities as well as their major repairs, reconstruction and restructuring, with or without change of the designation.

39. (amend. SG 65/03) "Site" is an independent construction or real part of construction with defined name, location, independent functional designation and identifier under the Cadastre and Property Register Act.

40. (suppl. SG 65/03) "Construction and mounting" are the works by which the constructions are built, repaired, reconstructed, restructured or restored.

41. (new – SG 65/03; amend. – SG 103/05) "Change of the designation" of a site or of part of it shall be the change from one manner of usage to another as per the corresponding to them codes, constituting basic cadastral data and determined by the Law of the cadastre and the property register and the secondary legislation on its application.

42. (new – SG 65/03) "Major repair" of a construction is partial restoring and/or partial replacement of constructive elements, basic parts, facilities or installations of constructions, as well as the construction – mounting works, with which initially input but worn out materials, constructions and constructive elements are replaced with other kinds or are implemented new kinds of works, with which is restored their exploitation fitness, their exploitation is improved or is extended its term.

43. (new – SG 65/03) "Current repair" of a construction is the improvement and the maintenance in fitness of buildings, structures, facilities and installations, as well as internal restructuring at which are not:

- a) affected the construction of the building;
- b) implemented activities as removal, movement of existing walls and openings in them when they affect the construction of the building;
- c) changed the designation of the premises and the loads in them.

44. (new – SG 65/03) "Reconstruction" of a construction is restoration, replacement of constructive elements, basic parts, facilities and installations and making of new such, with which is increased the load capacity, the stability and the durability of the constructions.

45. (prev. 41 – SG 65/03) "Stage" is part of the construction with independent functional designation for which a separate permission for construction and permission for use can be issued.

46. (prev. 42 – SG 65/03) "Rough construction" is a building or a construction which surrounding walls and roof are ready, without or with different degree of finishing works.

43. (revoked – SG 65/03).

47. (prev. 44 – SG 65/03) "Floor" is part of a building between two consequent floor structures.

48. (prev. 45 – SG 65/03) "Underground floor" is the floor which ceiling is located under the elevation of the average level of the adjacent pavement to the street (of the adjacent terrain to the street) or up to 0.3 m above this elevation.

49. (prev. 46 – SG 65/03) "Semi - underground floor" is the floor which floor is located below the elevation of the adjacent pavement (of the adjacent terrain to the street) and the ceiling - more than 0.3 m above this elevation.

50. (prev. 47 – SG 65/03; amend. - SG 82/12, in force from 26.11.2012) "Over-ground floor" is the floor, the ceiling of which is located on more than 1,50 m above the elevation of the average level of the adjacent terrain (of the adjacent sidewalk to the street).

51. (prev. 48 – SG 65/03) "Attic floor" is the floor located in the space under the roof and limited partially or entirely by the roof surfaces.

52. (prev. 49 – SG 65/03; amend. - SG 82/12, in force from 26.11.2012) "Average level of the adjacent terrain elevation" is the arithmetic mean value of the lowest and the highest design elevation of the adjacent terrain for the corresponding surrounding wall, formed (modelled) according to the part "Survey" (landscaping) of the investment design.

53. (prev. 50 – SG 65/03) "Level socle" is the level of the floor of the first over-ground floor.

54. (prev. 51 – SG 65/03) "Level ridge" is the highest horizontal part of the roof of the building.

55. (prev. 52 – SG 65/03) "Facade" is an external surrounding wall of a building, stepping on the terrain.

56. (prev. 53 – SG 65/03) "Side wall" is an external wall of a building or construction without cornice or eave and without openings for doors and windows, located on the internal boundary of a landed property.

57. (prev. 54 – SG 65/03) "Balcony" is an open usable area on console structure, protruded in front of the facade of the building.

58. (prev. 55 – SG 65/03) "Loggia" is a usable area opened from the external part and included in the total volume of the building.

59. (prev. 56 – SG 65/03) "Terrace" is an open usable area located over premises, columns or on the terrain.

60. (prev. 57 – SG 65/03) "Benchmark" in the sense of art. 157, para 4 is a geodetic sign serving as starting point at measurements, levelling and setting out points and lines of a plan of the locality.

61. (prev. 58 – SG 65/03) "Abrasion" is washing out the banks of water areas and rivers.

62. (new – SG 65/03) "Site of national importance" is a site, determined as such with an act of the Council of Ministers.

63. (new – SG 65/03; amend. – SG 99/12, in force from 14.12.2012) "Special sites, connected with the defence and the security of the country" are the properties related to classified information, representing state secret or to county security and defence.

64. (new – SG 76/06, in force from 01.01.2007) "Technical passport of a construction" shall be a document that includes the technical characteristics of the components of the construction related to the fulfilment of the substantial requirements referred to in Art. 169, Para 1 – 3, instructions for exploitation, servicing, examination, maintenance and repair and shall reflect all construction and assembly activities carried out after entering the construction into exploitation.

65. (new – SG 76/06, in force from 01.01.2007) "Economically reasonable term of exploitation" means the period during which the construction shall be maintained at the necessary level in order to fulfil the substantial requirements referred to in Art. 169, Para 1 taking into account all expenditures for designing, construction, and exploitation, the risks and the consequences of accidents at the time of exploitation and the insurances covering those risks, the expenditures for inspection, for current support, servicing and repair as well as taking into account the location and the impact of the environment on the construction.

66. (new – SG 76/06, in force from 01.01.2007) "Substantial renewal" of a construction means a complex of construction and assembly activities related to the fulfilment of the substantial requirements referred to in Art. 169, Para 1 – 3 that shall be carried out during the exploitation and affect the constructive components of the construction including the fencing constructions and components of buildings, equipment and components of the technical infrastructure – heating, ventilation, air conditioning, electrical, water supply, sewerage and other equipment.

67. (new – SG 61/07, in force from 27.07.2007) "Socially oriented housing" is a housing, meant for persons with identified housing needs, the construction of which is financed or implemented with the support of the state or of the municipality.

68. (new – SG 61/07, in force from 27.07.2007) "Open facilities" are:

a) for sport activities – fields (playgrounds) and equipment, used for mass physical exercises

and sports in an open space: football, volleyball, basketball, handball, baseball, rugby, mini-golf, and other fields for collective sports, athletics tracks, tennis and badminton courts, fields and tracks for cycling and for horseback riding, carting tracks, athletics fields, open swimming pools, open skating rinks, skateboard and rollers runs and other similar ones, including relevant supplementing buildings and facilities, related to their functioning – toilet rooms, locker rooms, installable grandstands, removable seasonable covers and others;

b) for cultural activities – fields (grounds) and equipment for concert stages, summer amphitheatres, exhibition spaces, circus performances and other similar ones, including relevant supplementing buildings and facilities, related to their functioning – toilet rooms, locker rooms, installable grandstands, removable seasonable covers and others;

69. (new – SG 61/07, in force from 27.07.2007) "Memorial places and sites" are the places and the sites related to historical events and/or persons, works of monumental arts and/or of the park arrangement and gardening art.

70. (new – SG 61/07, in force from 27.07.2007) "Playground" is accessible to the public open air or covered area, designated for individual or group games, with appropriate for this purpose facility, covering and facilities for playing games, pending on the determined users' age group.

71. (new – SG 61/07, in force from 27.07.2007) "Places of entertainment" are accessible to the public open air and covered spaces for entertainment with relevant for this purpose arrangement and located entertainment facilities, the majority of which are driven by an external source of energy – electricity, fuels, solar panels, etc.

72. (new – SG 54/10, in force from 16.07.2010) "Mine workings" means a system of excavations in the ground within the concession area during extraction in an open way from a field of natural resources - energy resources.

73. (new – SG 87/10) "Municipal sites of primary significance" shall be: municipal roads, metropolitans, tram ways, streets from the primary street network, depots and other facilities for garbage treatment, graveyards and other site that are public municipal property determined in the programme under Art. 8, Para 9 of the Municipal Property Act as sites of primary significance.

74. "Project of regional importance" is a project, determined as such by a decision of the respective district council for development under the Law for the regional development.

75. (new – SG 82/12, in force from 26.11.2012) "Social infrastructure" are buildings and facilities – public property, constituting a citizens' service system in the administration of the state and local authority, education, health care, culture, social care and sports.

76. (new – SG 82/12, in force from 26.11.2012) "Countermeasures to landslip, erosion and abrasion processes" is a complex of measures for registration and monitoring of endangered and affected territories by landslips, sea abrasion, river erosion and unfavourable technogenic processes and carrying out geoprotective measures and activities.

77. (new – SG 82/12, in force from 26.11.2012) "Landslip regions" are natural or artificial slopes and inclinations which are moving or may be brought into an unstable condition under the influence of a complex of natural and technogenic factors and are registered in the public register of landslip regions under Art. 95, par. 2.

78. (new – SG 82/12, in force from 26.11.2012) "Geoprotective measures and activities" are measures and activities, related to production of strengthening and coast reclamation schemes, engineering geological and hydrogeological surveys, engineering geological zoning, investment designs and carrying out coast strengthening, coast protection and geoprotective constructions for strengthening and drainage of territories, affected by landslip, erosion and abrasion processes.

79. (new – SG 82/12, in force from 26.11.2012) "State geoprotection societies" are Geozashtita EOOD – Varna, Geozashtita EOOD – Pleven and Geozashtita EOOD – Pernik.

80. (new – SG 82/12, in force from 26.11.2012) "Movable facility" is a facility, intended for entertainment, commercial or other servicing activity, which may upon its removal from the grounds and

from the networks of technical infrastructure to be relocated in the space, without losing its identification and opportunity to be used in another place for the same or for a similar purpose of the one, for which it has been used in the place, from where it has been detached, whereby its placement and/or removal does not change permanently the substance or the way of use of the land, neither of the site, on which it is placed or from which it is detached.

81. (new – SG 82/12, in force from 26.11.2012) "Publicity component" is a movable facility with individual or semi-individual structure which is being fixed temporarily on a piece of land, facility or another facility, where necessary and with a foundation, and is used for publicity.

82. (new – SG 82/12, in force from 26.11.2012) Protected territories for protection of cultural heritage" are unit and group immovable cultural valuables with their boundaries and protective zones, according to the protection regimes, determined by the act of their declaration or for granting of a status.

83. (new – SG 66/13, in force from 26.07.2013) "Public finances" are the funds, provided from the state budget, and also the funds, allocated under the European Union funds, including financial instruments.

### **Transitional provisions**

§ 6. (1) The territorial development plans, the general and the detailed town development plans, in effect by the day when this Act enters into force, shall preserve their effect. The plans pointed out shall be amended under the conditions and by the order of this Act.

(2) The yard regulation plans, in effect by the day when this Act enters into force, can be applied according to the previous order in 6 months term after the day when the law enters into force. The municipal administration shall ensure the implementation of the necessary valuations in one month term after the request has been received.

(3) (Amend., SG 41/01) Territorial development plans, general and detailed, and detailed town development plans and the cadastral plans to them, presented for announcement by May 31, 2001, shall be announced, coordinated, approved appealed and enter into force according to the previous order. In these cases the approval acts for approval shall be issued by December 31, 2001.

(4) After the yard regulation plans of para 3 enter into force, they can be applied in 6 months term after the day when they have entered into force. The municipal administration shall ensure the accomplishment of the necessary valuations in one month term after the request has been received.

(5) Transactions for disposition with a yard regulation parcel for which the due indemnifications for settlement of accounts for regulation, when such indemnifications are provided, cannot be implemented after the elapse of the terms of para 2 and 4.

(6) (revoked, SG 36/04)

(7) (amend. SG 65/03; amend. – SG 82/12, in force from 26.11.2012) The existing cadastral plans, the land reallocation plans and of the other plans, connected with restoration of the right of ownership in agricultural lands and land properties in forest territories shall be used for working out of development plans till the working out and the entering into force of cadastral map for the respective territory.

(8) (new – SG 82/12, in force from 26.11.2012) The plans referred to in par. 7 which are not in a digital form, prior to production of the development plan shall be modified in a digital form and in a format, determined by the provisions of the Law for the cadastre and property register.

§ 7. (revoked – SG 61/07, in force from 27.07.2007)

§ 8. (amend. – SG 61/07, in force from 27.07.2007) (1) After the elapse of the of § 6, para 2 and 4, the alienating effect of the yard regulation plans, entered into force but not applied, for equalling the parts in the formed co-owned yard regulation plans and for added landed properties or parts of landed properties, shall be terminated.

(2) The owners of the land properties of par. 1 may:

1. apply the enforced non-applied yard-regulation plans with an agreement for transfer of ownership as a notary deed;

2. require a change of the yard regulation plans under the conditions and by the order of this Act;

3. require the internal regulation lines of their properties to be set in compliance with the existing boundaries of the landed properties.

(3) The agreements with the state or with the municipality under par. 2, item 1 shall be concluded in the form, under the terms and conditions and following the provisions of Art. 15, par. 4 and 5 and Art. 17, par. 4 and 5.

(4) The change of the yard regulation plan of par. 2, item 3 shall be approved by an order of the municipality mayor. The municipality mayor shall issue an order for a rejection of the required change of the plan, provided that the terms of § 6, par. 2 or 4 have expired, in the case of par. 6 or 7 or provided that the change provides establishment of regulated land properties without exit under Art. 14, par. 4. The orders of sentence one and two shall be communicated only to the owners of directly involved properties, and the complaints against them shall not suspend their execution.

(5) Construction in regulated land properties of par. 1 shall not be permitted until the implementation of one of the options of par. 2. The construction in regulated land properties of par. 1 shall not be permitted either where as a result of a change of yard regulation plan of par. 2, item 3 the plan of development of the respective regulated land properties is contravening the applicable development regulations and standards.

(6) Procedures for application of the yard regulation plans already started shall be finished according to the previous order. As started procedure shall be deemed the day of submitting of the request for valuation to the municipal administration within the term of § 6, para 2 and 4.

(7) Para 1 and 2 shall not be applied to the regulation plans in effect for sites of the public ownership.

§ 9. (1) The repealed provisions of the Territorial and Urban Development Act and the repealed art. 102 of the Ownership Act shall be applied for the alienation procedures, started under the repealed (SG 124/98) provisions of chapter five, section I of the Territorial and Urban Development Act under which an order for alienation has been issued and the immovable property has been taken till October 30, 1998.

(2) The order for alienation and for indemnification shall be repealed and the procedure shall be terminated by the mayor of the municipality with an order in cases when the immovable property has not been taken till October 30, 1998.

(3) Funds shall be provided every year in the state and the municipal budgets for ensuring the indemnification of the owners of para 1.

§ 10. The right to indemnification with immovable property or with other real right for alienated and taken immovable property shall not lapse by prescription.

§ 11. The five year prescription term of art. 67 of the Ownership Act shall not pass and shall not be applied in the cases when the construction right has been received as indemnification for an alienated immovable property.

§ 12. (1) The already started procedures for approval of investment designs and issuing of permissions for construction till this Act enters into force, shall be finished by the previous order.

(2) As started procedure for approval of an investment design and issuing of permission for construction shall be considered the day of submitting the investment design for approval to the competent body. As started procedure shall be considered also the existence of a preliminary investment design co-ordinated by the competent body.

§ 13. (1) (amend. SG 20/03) The individuals who have technical competence according to the acquired speciality and qualification degree with a document for graduated education till this Act enters into force shall have also full designing competence in the sense of art. 230, para 1.

(2) The contracts for construction supervision and construction as well as for technical control in designing and construction, concluded till this Act enters into force, shall preserve their effect unless the parties do not change or terminate them with mutual consent.

(3) (revoked – SG 20/03).

(4) Till the law of art. 230, para 1, enters into force the individuals, exercising technical control over the structural part of the investment designs, shall be entered in a register at the Directorate for national construction control under conditions and by order determined by the Minister of Regional Development and Public Works.

§ 14. (revoked – SG 65/03)

§ 15. The terms for all the procedures started till this Act enters into force shall expire according to the provisions having been in effect until now.

§ 16. (1) (suppl. SG 65/03) Constructions made till April 7, 1987 without construction papers but having been admissible according to the detailed town development plans and under the rules and the normatives in effect during their implementation or according to this Act, shall be tolerable constructions and shall not be subject to removal and prohibition for use. They can be subject to transfer transaction after presenting of a certificate by the bodies which are authorised to approve the corresponding investment designs, that the constructions are tolerable.

(2) Unlawful constructions which have been started during the period till April 8, 1987 - June 30, 1998, but not legalised till this Act enters into force, shall not be removed if they have been tolerable under detailed town development plans and rules and normatives that have been in effect during the implementation or according to this Act and if they have been declared by their owners till December 31, 1998.

(3) Unlawful constructions which have been started after June 30, 1998, but have not been legalised till the promulgation of this Act, shall not be removed if they have been tolerable under detailed town development plans and rules and normatives that have been in effect during the period pointed out or according to this Act, and if they have been declared by their owners before the approving bodies in 6 months term after the promulgation of this Act.

(4) The constructions of para 1 and the legalised constructions of para 2 and 3 shall be valued and indemnification shall be due for them to the owners by the general order.

§ 17. (1) (suppl. SG 65/03; amend. and suppl. – SG 61/07, in force from 27.07.2007) Constructions with temporary development statute, constructed by the order of the repealed (SG 6/98) para 4 and art. 120 of the Regulation for implementation of the Territorial and Urban Development Act on land - state or municipal property, out of the cases of art. 195 and art. 196 of this Act, can be preserved till the realisation of the constructions provided with a detailed development plan in effect, with a decision of the regional governor or the municipal council. The temporary constructions shall be removed after the occurrence of investment initiative for realisation of the provisions of the detailed development plan on the ground of an order by the mayor of the municipality issued by the order of art.195 and Art. 196 of this Act.

(2) (Amend., SG 41/01) Procedures for change of a detailed development plan with objection temporary constructions of para 1, to receive durable development statute with the compliant to the dimensions and kind can be admitted upon a decision by the regional governor, taken in 6 months term after this Act enters into force. After the establishing of durable development statute a construction right shall be established to the owners of the existing constructions under the conditions and by the owner of the State Property Act and the Municipal Property Act.

(3) (amend. SG 65/03) In the cases of para 2 when a durable construction statute is established with construction indices, dimensions and function, which significantly differ from the existing temporary construction, the latter shall be removed by the order of para 1, and the assignor of the new construction shall be determined by the general order.

### **Concluding provisions**

§ 18. (1) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall approve construction and technical rules and normatives, issue ordinances and instructions and approve models of documents for the implementation of this Act.

(2) (revoked – SG 65/03)

(3) (revoked – SG 65/03)

(4) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works and the Minister of Interior shall approve the construction - technical rules and normatives for the safety of the traffic.

(5) (revoked – SG 65/03)

(6) (revoked – SG 82/12, in force from 26.11.2012)

(7) (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The Minister of Regional Development and Public Works shall, together with the chiefs of the interested central and territorial administrations, approve the technical rules and normatives for designing, construction and use of the facilities and the networks of the technical infrastructure.

§ 19. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The tasks and the functions of the Directorate for national construction control shall be provided with a regulation approved by the Council of Ministers upon a proposal by the Minister of Regional Development and Public Works.

§ 20. (1) This Act shall repeal the Territorial and Urban Development Act (prom. SG 29/73; corr. SG 32/73; amend. And suppl. SG 3, 102/77, SG 36/79, SG 3/80, SG 45/84, SG 19/85, SG 36/86, SG 14/98, SG 31/90; corr. SG 32/90; amend. SG 15/91; amend. And suppl. SG 63/95, SG 104/96, SG 41, 79/98; corr. SG 89/98; amend. SG 124, 133/98, SG 26, 86/99, SG 14, 34/2000).

(2) The by-law normative acts issued on the grounds of the Territorial and Urban Development Act shall be implemented till the issuing of the corresponding new by-law normative acts as far as they do not contradict with this Act.

§ 20a. (new – SG 65/03; amend. and suppl. - SG 33/08; revoked – SG 82/12, in force from 26.11.2012)

§ 21. When in connection with the development of the territory are reckoned existing buildings, the lawful constructions shall be kept in mind.

§ 22. (1) (prev. text of § 22 – SG 49/14) The detailed development plan shall be considered as applied:

1. (amend. – SG 82/12, in force from 26.11.2012) with regard to the regulation:

a) upon entering of the administrative act for the approval of a detailed development plan under Art. 16 into force;

b) upon conclusion of final contracts for transfer of the title, where such are provided;

c) upon payment of compensations under alienation proceedings;

2. with regard to the construction - with the laying of the foundations of the constructions according to issued construction papers.

(2) (new – SG 49/14) When creating a digital form of a detailed development plan of graphic plan, if the regulation line coincides with the cadastral boundary, the location of the regulation line in digital form coincides with the location of the cadastral boundary in digital form.

(3) (new – SG 49/14) Where, upon stakeout of a regulating line on the spot, which in detailed development plan coincides with the cadastral boundary, any differences are found from materialized cadastral boundary within the acceptable accuracy, determined by the Cadastre and Property Register Act, the materialized cadastral boundary shall be deemed traced regulation line.

§ 23. (1) When provisions of other laws contradict with the provisions of this Act about issues for the development of the territory provided in it, the provisions of the Spatial Development Act shall be applied.

(2) The provisions of other laws referring to the repealed Territorial and Urban Development Act and the Regulation for its implementation shall refer to the corresponding provisions of this Act.

(3) (amend. – SG 82/12, in force from 26.11.2012) The provisions of other laws connected with the names of the territorial development plans, general and detailed town development plans, shall be applied for the corresponding development plans under this Act.

§ 24. (amend. – SG 61/07, in force from 27.07.2007) (1) For projects funded entirely or partially by international financial institutions and by European Union accession funds the contractual terms and conditions of the International Federation of the Consulting Engineers (FIDIC) may apply for conclusion of agreements between the participants in the investment process.

(2) In the cases of para 1 the functions, rights, obligations and responsibilities of the consultant under this Act shall be carried out by the engineer, nominated in compliance with the terms and conditions of the financing institution, and shall be set out in detail in the special terms and conditions of the agreement, concluded between him and the assignor.

(3) (amend. – SG 82/12, in force from 26.11.2012) For the implementation of the activity for assessment of the conformity of the investment projects and for the exercising of construction project supervision the engineer under the agreement must be licensed under the terms and conditions of Art. 167 or must assign the implementation of these activities to a subcontractor, registered pursuant to this Act.

(4) The commissioning of the construction of par. 1 shall be carried out under the terms and conditions and following the provisions of this Act.

§ 24a. (new – SG 6/09, in force from 01.05.2009) The issued construction permits by 31 July 2008 in districts with complex development, the execution of which started before the said date, shall remain valid for the period, for which they have been granted. This provision shall not lift the moratorium imposed by the Decision of the General Assembly for imposition of a moratorium on building up in development zones allocated for complex development (SG 70/08).

§ 30. (amend. – SG 66/13, in force from 26.07.2013; amend. – SG 98/14, in force from 28.11.2014) The implementation of the law shall be assigned to the Minister of Regional Development and Public Works.

§ 31. The law shall enter into force from March 31, 2001 except § 16, para 3 and § 17, which shall enter into force on the day of promulgation of the law in State Gazette.

The law was passed by the 38th National Assembly on December 19, 2000 and was affixed with the official seal of the National Assembly

### **Transitional and concluding provisions (SG 65/03)**

§ 182. The constructions, the sites and the facilities of art. 54, 55, art. 56, para 1 and art. 57, para 1 shall not be immovable properties under art. 110 of the Ownership Act, shall not be plotted in the cadastral map, shall not be recorded in the cadastral registers, and for certifying of the right of ownership or of other rights in them shall not be compiled or issued acts, subject to entering in the property register.

§ 183. (1) The procedures for approval of investment designs and issuing of permissions for construction, started till this Act enters into force, shall be finished by the previous order or upon wish of the assignor – by order of this Act.

(2) As started procedure for approval of investment design and issuing of permission for construction shall be considered the day of submitting of investment design for approval by the competent body. As started procedure shall be considered also the existence of preliminary investment design, co-ordinated by the competent body.

(3) The procedures for investigation of the opportunity for legalisation, started till this Act enters into force, shall be finished by the previous order. As started procedure shall be considered the day of submitting of the written request for legalising to the competent body.

§ 184. (1) Constructions, implemented unlawfully till this Act enters into force, can be legalised on request by the owner if they are admissible according to the provisions which were in effect when they have been implemented or according to the acting provisions.

(2) The procedure for legalising of the constructions of para 1 shall start with application by the owner to the body, which has issued or should have issued the permission for construction, submitted in 6 months term after this Act enters into force

(3) In one month term after receiving of the application the officials from the municipal administration shall compile fact finding act for establishing of the unlawful construction, on the basis of which the body of para 2 shall require the necessary documents of art. 144 and determine term for their presenting.

(4) At not presenting of the necessary documents within the defined term or when the body of para 2 decides that the conditions for legalising do not exist, it shall issue motivated refusal, announce it to the interested persons and notify the Directorate for national construction control for applying of the measures of art. 225.

(5) The constructions shall be legalised to the name of the owner of the land, to the name of the person, to whom has been established right to construction or to the name of the person, who has right to construct in other's property by force of special law. If the construction has been made by no owner the relations between the constructor and the owner shall be provided according to the requirements of art. 72 – 74 of the Ownership Act.

(6) For the unlawfully implemented constructions in co-owned immovable properties and in condominium, which are admissible for legalising and can be used independently, the act for legalising can be issued to the name of all co-owners, respectively owners in condominium, if they have not objected against the unlawful construction during its implementing. In this case the disputes about the rights in the legalised construction shall be resolved by the general claim order.

(7) The legalising shall consist in co-ordination of investment design – surveying for legalising, bringing of the construction in compliance with the co-ordinated design, payment of the due fines and fees and issuing of act for legalising. The design – surveying for legalising, shall be worked out in scope, determined with the ordinance of art. 139, para 5.

(8) The time for implementing of the unlawful construction shall be established with all proving means, admitted under the Civil Procedure Code, including with declarations. For entering of untrue data in the declarations the persons shall bear punitive responsibility.

(9) For the terms for co-ordinating of investment designs – surveying for legalising and for issuing of acts for legalising, for the announcing of the issued acts for legalising or of the refusals to be issued such acts, for their appealing according to lawfulness and for the notifying of the respective regional directorates shall be applied the requirements of chapter eight.

(10) The acts for legalising together with the investment designs – surveying for legalising as well as the refusals of para 4 shall be subject to appeal by the order of art. 216.

(11) For the unfinished parts of the construction shall be co-ordinated investment design and permission for construction shall be issued by the general order.

(12) The constructions of para 1, which are not announced for legalising within the term of para 2 or for which the procedure for legalising has finished with refusal to be issued act for legalising, entered into force, shall be removed by the order of art. 225.

§ 185. The persons, authorised 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, for whom the term for authorisation has not elapsed, can exercise construction supervision at constructions of first, second, third and forth category as well as to implement assessment of the compliance of the investment designs for the constructions of first, second and third category. After the elapse of this term in order to implement the activities of art. 166, para 1, item 1 the persons must have license, issued by the Minister of Regional Development and Public Works under conditions and by order, determined in art. 167, para 1 and 2.

§ 186. The persons, exercising construction supervision and licensed for this by the chief of the Directorate for national construction control, can continue to exercise construction supervision for the constructions of first, second, third and forth category till the elapse of the term of the license. After the elapse of this term in order to implement the activities of art. 166, para 1, item 1 the persons must have license, issued by the Minister of Regional Development and Public Works under conditions and by order, determined in art. 167, para 1 and 2.

§ 187. (1) In six months term after this Act enters into force the municipal councils can confirm the orders of the chief architect of the municipality (district), issued pursuant to art. 6, item 6 of the revoked Territorial and Urban Development Act (prom. SG 29/73; corr. SG 32/73; amend. and suppl. SG 3, 102/77, SG 36/79, SG 3/80, SG 45/84, SG 19/85, SG 36/86, SG 14/98, SG 31/90; corr. SG 32/90; amend. SG 15/91; amend. And suppl. SG 63/95, SG 104/96, SG 41, 79/98; corr. SG 89/98; amend. SG 124, 133/98, SG 26, 86/99, SG 14, 34/2000, revoked SG 1/01) as well as the orders of the mayors of districts, issued pursuant to art. 6, items 6 and 7 of the same Act during the period from September 11, 1991 till December 31, 2001 except those revoked as unlawful.

(2) The decisions of the municipal councils of para 1 shall be promulgated in State Gazette.

### **Transitional provisions (SG 65/04)**

§ 24. Projects for construction of sites of national importance, financed entirely or partially through financial agreements and contracts, indicate din § 24, para 1 of the Concluding Provisions, whose designing or construction has started before the enactment of this Act, shall be concluded by the previous order or at the assignor's choice – by the order of this Act.

### **Transitional and concluding provisions TO THE TAX-INSURANCE PROCEDURE CODE**

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

**Transitional and concluding provisions  
TO THE GEODESY AND CARTOGRAPHY ACT**

(PROM. – SG 29/06)

§ 11. Within the Spatial Development Act (prom. – SG 01/01; amen. – SG 41 and 111/01, 43/02, 20, 65 and 107/03, 36 and 65/04, 28, 76, 77, 88, 94, 95, 103 and 105/05) the words "Cadastre Agency" shall be replaced by "Agency for geodesy, cartography and cadastre".

**Transitional and concluding provisions  
TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

**Transitional and concluding provisions  
TO THE COMMERCIAL REGISTER ACT**

(PROM. – SG 34/06, IN FORCE FROM 01.10.2006)

§ 56. This Act enters in force from 1st of October 2006, except § 2 and § 3, which enter in force from the date of promulgation of the law in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE PUBLIC PROCUREMENT ACT**

(PROM. – SG 37/2006, IN FORCE FROM 01.07.2006)

§ 160. The law shall enter into force from the 1st of July 2006, except for § 12, item 1, letter "a" (with regards to item 2) and letter "g" (with regards to second sentence), § 13, item 1, letter "c", § 20, item 2, letter "c" (in the part regarding the notifying of the European commission about amendments of the lists) and letter "i" (with regards to items 17 - 22), § 46, item 4 (with regards to para 7), § 47, § 78, item 3 (with regards to second sentence) and § 125, which shall enter into force from the 1st of January

2007.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE WATER ACT**

(PROM. – SG 65/06, IN FORCE FROM 11.08.2006)

§ 145. This Act shall enter into force from the day of its promulgation in the State Gazette except the provisions of:

1. Paragraph 18, item 3 which shall enter into force one year after entering into force of this Act;
2. Paragraph 48 – in the part regarding the provision of Art. 118a, para 1, item 1 which shall enter into force from 22 December 2013;
3. Paragraph 60, item 5 which shall enter into force from 1 March 2007;
4. Paragraph 73 – in the part regarding the provision of Art. 155a, para 1, item 1 which shall enter into force one year after entering into force of this Act.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 76/06, IN FORCE FROM 11.01.2007)

§ 8. The technical passports of existing constructions in exploitation – state or municipal property, except in the cases referred to in Art. 176a, para 1, shall be compiled before 31 December 2011. The terms of compilation of the technical passport of the different categories constructions shall be determined by the Ordinance referred to in Art. 176a, Para 6.

§ 9. The Ordinances referred to in this Act shall be adopted before 31 December 2006.

§ 10. This Act shall enter into force from 1 January 2007.

**Transitional and concluding provisions**  
**TO THE SPATIAL DEVELOPMENT AND DEVELOPMENT OF SOFIA MUNICIPALITY**  
**ACT**

(PROM. – SG 106/06, IN FORCE FROM 28.01.2007)

§ 14. This Act shall enter into force one month after its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE CONTRACTORS' CHAMBER ACT**

(PROM. – SG 108/06, IN FORCE FROM 01.01.2008)

§ 4. The provisions of § 3, item 1 and 4 shall enter into force one year after entering of the law in force.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 61/07, IN FORCE FROM 27.07.2007)

§ 69. The municipal councils shall adopt the ordinances of Art. 62, par. 10 and Art. 196, par. 5 within three months after entering of this Act into force.

§ 70. The terms of Art. 208 for commencement of alienation procedures of properties, determined as per the detailed development plans applicable as of the date of entering of the law into force, for construction of facilities of public state or public municipal ownership, shall start elapsing from 31 March 2001.

§ 71. Within one month after entering of this Act into force the Council of Ministers shall adopt the amendments to the secondary legislative acts, related to the status of the chief architect, arising out of this Act, which shall be applied from the day of its enforcement.

§ 72. (1) The existing facilities of § 24, par. 1 of the conclusive provisions, the construction of which has started prior to entering of this Act into force, shall be accomplished following the previous procedure, and if the assignor wishes so – pursuant to the provisions of this Act.

(2) Not later than 31 Dec. 2008 the Minister or Regional Development and Public Works shall arrange the official translation into Bulgarian language of the documents – editions of the International Federation of Consulting Engineers (FIDIC): Conditions of contract for construction (CONS), Conditions of Contract for Design- Build and Turnkey basis (EPCT), Short form of a contract, White book – Customer consultant, and Guidance on FIDIC contracts.

(3) The documents of par. 2 shall be published on the internet site of the Ministry of Regional Development and Public Works.

§ 73. This Act shall enter into force one month after its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. - SG 33/08)

§ 19. The lawsuits in the administrative courts initiated before entry into force of this Act shall proceed before the same courts under the hitherto existing order.

**Transitional and concluding provisions**  
**TO THE ENERGY EFFICIENCY ACT**

(PROM. - SG 98/08, IN FORCE FROM 14.11.2008)

§ 20. This Act shall enter into force from its promulgation in the State Gazette, except the provision of Art. 29, Para 2, which shall enter into force one year after entry into force of this Act, and the provisions of Art. 38, Para 3 and 4, which shall enter into force 6 months after its entry into force.

**Transitional and concluding provisions  
TO THE CONDOMINIUM OWNERSHIP MANAGEMENT ACT**

(PROM. - SG 6/09, IN FORCE FROM 01.05.2009)

§ 13. This Act shall enter into force from 1 May 2009.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE SPATIAL DEVELOPMENT ACT**

(PROM. – SG 17/09)

§ 12. The properties or parts of properties – state property, which according to the effective detailed development plans are intended or assigned for the needs of the education, science, healthcare or culture, shall be made available by the Council of Ministers to the competent ministry for administering in accordance with their purpose under the detailed development plan within three months from entry into force of this Act.

§ 13. (1) Upon entry into force of this Act shall be discontinued the application of the effective detailed development plans in those parts concerning properties the ownership of which was restored in sites of the education, science, healthcare or culture and where their assignment has been changed with these plans for other purposes.

(2) In case of state or municipal need within one month from entry into force of this Act the competent authorities under Art. 135, Para 1 shall issue an order under Art. 135, Para 5 for amendment of the detailed development plans under Para 1. The state or municipal need for amendment of the plans shall be, where within the same time limit the respective minister or municipal council has made a proposal to the competent authority for amendment of the plans under Para 1.

(3) Within one year from entry into force of the amended detailed development plans under Para 2 the state or the municipality shall expropriate the respective properties or parts thereof under the order of the Law on the State Property, respectively under the order of the Law on the Municipal Property.

(4) Para 1 shall not apply, where order for amendment of the respective detailed development plan has not been issued within the time limit under Para 2.

(5) The owners of properties or parts thereof, subject matter of the plan under Para 2, which have been expropriated within the time limit under Para 3, shall have the rights under Art. 135, Para 1.

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§ 16. The proceedings for reinstatement in ownership in properties – public state property, and properties – public municipal property, pending upon entry into force of this Act, shall be terminated.

**Transitional and concluding provisions  
TO THE LAW ON THE CULTURAL HERITAGE**

(PROM. – SG 19/09, IN FORCE FROM 10.04.2009)

§ 44. This Act shall enter into force from 10 April 2009 except Art. 114, Para 2 and Art. 126, which shall enter into force from 10 April 2010.

**Transitional and concluding provisions  
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE  
CULTURAL HERITAGE**

(PROM. - SG 92/09, IN FORCE FROM 20.11.2009)

§ 47. Everywhere in the Law on the Spatial development (prom. - SG 01/2001; amend. - SG 41 and 111/01, SG 43/02, SG 20, 65 and 107/03, SG 36 and 65/04, SG 28, 76, 77, 88, 94, 103 and 105/05, SG 29, 30, 34, 37, 65, 76, 79, 80, 82, 106 and 108/06, SG 41, 53 and 61/07, SG 33, 43, 54, 69, 98 and 102/08 and SG 6, 17, 19 and 80/09) the words "National Institute for Protection of the Immovable Cultural Valuables" shall be replaced by "Ministry of Culture".

§ 48. This Act shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE LAW FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE  
MINISTRY OF INTERIOR**

(PROM. – SG 93/09, IN FORCE FROM 25.12.2009)

§ 100. The law shall enter into force one month after its promulgation in the State Gazette, except for § 1, 2, 21, 36, 39, 41, 44, 45, 49, 50, 51, 53, 55, 56, 57, 59, 62, 63, 64, 65, 70 and 91, which shall enter into force from the day of its promulgation.

**Transitional and concluding provisions  
TO THE LAW ON THE ACTIVITIES OF PROVISION OF SERVICES**

(PROM. – SG 15/10, IN FORCE FROM 23.02.2010)

§ 13. This Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE WASTE MANAGEMENT ACT**

(PROM. – SG 41/10)

§ 117. Provisions of § 50 (except for Art. 71e), § 105 and § 112, item 2 shall enter into force from 1st of January 2011.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ENERGY SECTOR ACT**

(PROM. - SG 54/10, IN FORCE FROM 16.07.2010)

§ 29. This Act shall enter into force from the date of its promulgation in the State Gazette.

**Transitional provisions**  
**TO FORESTRY ACT**

(PROM. – SG 19/11, IN FORCE FROM 09.04.2011)

§ 42. This Act shall enter into force within one month time period from its promulgation in the State Gazette, except for:

1. Paragraph 3, § 9 – 11 and § 16, item 41, which shall enter into force from the day of promulgation of this Act in the State Gazette;

2. Art. 14, Para 1, item 2; Art. 115, Para 1, item 2, Art. 116, Para 2; Art.183, Para 2, item 3; and Art. 249, Para 5, item 3, which shall enter into force from 1st January 2016.

**Transitional and concluding provisions**  
**TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON DISASTER PROTECTION**

(PROM. - SG 80/11, IN FORCE FROM 14.10.2011)

§ 57. The Law shall enter into force from the date of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE LAW ON THE AMENDMENT AND SUPPLEMENTATION OF THE LAW ON ENERGY FROM RENEWABLE RESOURCES**

(PROM. – SG 29/12, IN FORCE FROM 10.04.2012)

§ 23. This Law shall enter into force on the day of its promulgation in the State Gazette with the exception of § 3, which shall enter into force on 1 April 2013.

**Concluding provisions**  
**TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE SEA SPACES, INTERNAL WATERWAYS AND THE PORTS OF THE REPUBLIC OF BULGARIA**  
(PROM. – SG 32/12, IN FORCE FROM 24.04.2012)

§ 3. This Law shall enter into force from the day of its promulgation in the State Gazette.

**Concluding provisions**  
**TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE**  
**PROTECTION OF THE ENVIRONMENT**  
(PROM. – SG 32/12, IN FORCE FROM 24.04.2012)

§ 98. This Law shall enter into force from the date of its promulgation in the State Gazette except for the provisions of:

1. paragraphs 20-42, § 75 and § 91 which shall enter into force from 1 January 2013;
2. paragraphs 43-58, § 87 and § 88 which shall enter into force on 7 January 2014 for operators:
  - a) of installations put into operation and holding a complex permit before 7 January 2013 and performing activities in Annex № 4:
    - aa) item 1.1 - for operations with a rated thermal input exceeding 50 MW;
    - bb) paragraphs 1.2, 1.3, 1.4, "a", 2.1 - 2.6 3.1 - 3.5;
    - cc) 4.1 - 4.6 - for activities relating to production by chemical treatment;
    - dd) 5.1, letters "a", "g", "" and "k" and 5.2 "a" - only for municipal waste; dd) sections 5.3.1, letters "a" and "b", 5.4, 6.1, letter "a" and "b", 6.2, 6.3, 6.4.1, 6.4.2, letter "a", and 6.4.3 6.5 - 6.9;
  - b) whose application for a complex permit is approved no later than 7 January 2013 and the facilities - subject of the application will be put into operation no later than 7 January 2014.

**Transitional and concluding provisions**  
**TO THE LAW ON THE PUBLIC-PRIVATE PARTNERSHIP**

(PROM. - SG 45/12, IN FORCE FROM 01.01.2013)

§ 16. This Law shall enter into force from 1 January 2013, except § 4, § 5, § 7, § 8, § 9, § 10 and § 13, which shall enter into force from 1 September 2012.

**Transitional and concluding provisions**  
**TO THE WASTE MANAGEMENT ACT**

(PROM. - SG 53/12, IN FORCE FROM 12.07.2012)

§ 35. This Law shall enter into force from the day of its promulgation in the State Gazette, except the provisions of:

1. Art. 10, Para 3 and 6, Art. 11, Para 1, Art. 19, Para 5, Art. 38, Para 4 and Art. 39, Para 3, which shall enter into force two years after entry into force of the Act;
2. Art. 33, Para 4 and Art. 34, which shall enter into force from 1 January 2013;
3. Art. 49, Para 8, which shall enter into force from 1 January 2015.

**Concluding provisions**  
**TO THE LAW AMENDING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT**  
(PROM. - SG 77/12, IN FORCE FROM 09.10.2012)

§ 19. This Law shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions**  
**TO THE LAW AMENDING AND SUPPLEMENTING THE LAW FOR THE SPATIAL**

## PLANNING

(PROM. - SG 82/12, IN FORCE FROM 26.11.2012)

§ 123. (1) Within 6 months after entering of this law into force the mayors of municipalities, where there is no a valid general development plan, shall submit a proposal to the respective local council under Art. 124, par. 1 for production of a general development plan.

(2) Financing of production of plans shall be supported also with funds from the state budget, which shall be provided on an annual basis in the law for the state budget of the Republic of Bulgaria for the respective year.

(3) (new – SG 66/13, in force from 26.07.2013) The Minister of Investment Project Development shall allocate the funds from the state budget referred to in par. 2 and shall provide methodological guidance, coordination and control for the assignment, production, agreeing upon and approval of the plans referred to in par. 1.

§ 124. (1) The commenced procedures of production of general and detailed development plans, which have not been finalized prior to entering of this law into force by issuing an act of their approval, shall be approved following the existing procedures.

(2) The date of admission of production of the respective design shall be deemed a date of commencement of the procedure of production of general or of detailed development plans.

§ 125. (1) The commenced procedures of coordination and approval of investment designs, which have not been finalized prior to entering of this law into force by issuing an act of their approval, shall be approved following the existing procedures.

(2) The date of submission of investment design for coordination and approval by the competent body shall be deemed a date of commencement of the procedure of approval of investment design and issuance of a construction permit. The existence of a basic investment design agreed upon with the competent body shall be deemed a commenced procedure.

§ 126. The procedures for removal of illegitimate constructions or of parts thereof from fourth to sixth category having been commenced prior to entering of this law into force shall be finalized following the existing procedures.

§ 127. (1) Constructions, accomplished by 31 March 2001, for which there are no construction papers, but which have been acceptable according to the provisions applicable at the time of their implementation, or according to the applicable provisions of this law, shall be tolerable constructions and shall not be subject to removal or prohibition for use. They can be subject to a transfer transaction upon presentation of a certificate from the bodies, empowered to approve the respective investment designs, that the constructions are tolerable.

(2) Constructions under § 184 of the Transitional and Concluding provisions of the Law amending and supplementing the Law for the Spatial Planning (SG 65/03), non-applied for legalization prior to entering of this law into force, may be legalized upon owner's request, if they have been tolerable according to the provisions, applicable at the time when they have been accomplished or according to the applicable provisions of this law.

(3) The procedure of legalization of the constructions under par. 2 shall be initiated following

an owner's application to the body, having issued or should have issued the construction permit, submitted within one year after entering of this law into force.

(4) Within one month after the submission of the application, the officials from the municipal administration shall produce a certificate of findings for identification of illegitimate constructions, and based on this certificate the body referred to in par. 2 shall request the required documents under Art. 144 and shall set a term for their presentation.

(5) In case of non-presentation of the required documents within the set term or where the body referred to in par. 3 considers, that the terms and conditions for legalization are not existing, it shall issue a justified refusal, shall communicate it to the interested persons and shall notify the Directorate for national construction control of application of the measures under Art. 225.

(6) The constructions shall be legalized in the name of the land owner, in the name of the person, to which the construction right has been granted, or in the name of the person entitled to build in somebody else's property by virtue of a special law. If the construction has been built by a non-owner, the relations between the constructor and the owner shall be settled according to the provisions of Art. 72 – 74 of the Law for the ownership.

(7) For illegally accomplished constructions in co-owned real estates and in condominiums, which are acceptable for legalization and may be used independently, the legalization act may be issued in the name of all co-owners, respectively of the owners in the condominium, provided that they have not objected to the illegal construction during its execution. In this case the disputes on the rights over the legalized construction shall be settled following the general claiming procedure.

(8) Legalization shall include coordination of the investment design – survey for legalization purposes, bringing of construction into compliance with the agreed design, payment of due penalties and fees and issuance of a legalization act. The design – survey for legalization shall be produced with a scope, determined by the ordinance under Art. 139, par. 5.

(9) The time of execution of the illegal construction shall be identified by all evidencing means, allowable by the Code of Civil Procedure, including by declarations. The persons having stated incorrect information in the declarations shall bear penal responsibility.

(10) The provisions of Chapter Eight shall apply for the terms for coordination of investment designs – survey for legalization purposes, and for issuing of legalization acts, for communication of the issued legalization acts or of the refusals to issue such acts, for their appealing for legitimacy and for notification of the respective regional directorates.

(11) The legalization acts together with the investment designs – survey for legalization purposes, and the refusals under par. 5 shall be subject to appeal subject to compliance with the provision of Art. 216.

(12) For non-completed parts of the construction investment design shall be agreed upon and a construction permit shall be issued following the general procedure.

(13) For alienation of constructions under par. 1 and of legalized constructions under par. 2, they shall be assessed and compensation of the owners shall be due according to the general procedure.

(14) The procedures under the applications for legalization of constructions under par. 2 and under § 184, par. 2 of the Transitional and Concluding provisions of the Law amending and supplementing the Law for the Spatial Planning (SG 65/03) shall be finalized within two years after entering of this law into force.

(15) The constructions under par. 2 which have not been applied for legalization within the set term or for which the legalization procedure has been terminated by an enforced refusal to issue a legalization act, shall be removed subject to compliance with the provision of Art. 225.

§ 128. (1) The persons, having received a license granted by the Minister of Regional Development and Public Works may continue carrying out their activity under Art. 166m par. 1 until the

expiration of validity of the license.

(2) Within three months prior to expiration of the term of the license the persons under par. 1 may submit a written application to the Head of the Directorate for national construction control for issuance of a certificate with a new 5-year validity. The Head of the Directorate for national construction control shall pronounce based on applicant's declaration that no reasons for issuance of a certificate has become irrelevant. New circumstances under Art. 167 shall be evidenced by relevant documents.

§ 129. (1) The validity of a license granted by the Minister of Regional Development and Public Works shall be terminated by the Head of the Directorate for national construction control prior to expiration of the term for which the license has been issued, upon request of the licensed person against presentation of evidences that there are no pending contracts for the activities under the license, and also where the legal entity or the undertaking of the sole trader are wound up or in case of:

1. enforced two penal decrees, by which proprietary sanctions have been imposed to the legal entity or to the sole trader under this law or the regulating acts for its application;

2. enforced three penal decrees for a period of one year to natural persons, carrying out the activities on behalf of and at the expense of the licensed legal entity or sole trader;

3. where any of the reasons used as grounds for granting of the license have become irrelevant.

(2) The validity of a license granted by the Minister of Regional Development and Public Works shall be terminated by the Head of the Directorate for national construction control for a period of one year upon an enforced penal decree, by which proprietary sanction has been imposed to a person, having carried an assessment of compliance of investment design in violation of the provisions of Art. 142, par. 5 and/or while exercising construction supervision the person has allowed execution of an illegal construction in the meaning of Art. 225.

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§ 149. The law shall enter into force within 30 days after its promulgation in the State Gazette, except for § 16, § 35, item 2 and § 39, which shall enter into force from 1 January 2016.

#### **Concluding provisions**

#### **TO THE LAW AMENDING THE LAW FOR THE STATE PROPERTY (PROM. - SG 99/12, IN FORCE FROM 01.01.2013)**

§ 3. This Law shall enter into force from 1 January 2013, except for § 2, which shall enter into force from the day of its promulgation in the State Gazette.

#### **Transitional and concluding provisions TO THE PUBLIC FINANCE ACT**

(PROM. SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. This Act shall enter into force on 1 January 2014 with the exception of § 115, which enters into force on January 1, 2013, and § 18, § 114, § 120, § 121 and § 122, which came into force on 1 February in 2013.

**Transitional and concluding provisions  
TO THE ENERGY EFFICIENCY ACT**

(PROM. SG 24/13, IN FORCE FROM 12.03.2013)

§ 72. This Law shall enter into force from the day of its promulgation in the State Gazette.

**Transitional and concluding provisions  
TO THE ACT AMENDING AND SUPPLEMENTING THE LAW FOR SPATIAL PLANNING**

(PROM. SG 66/13, IN FORCE FROM 26.07.2013)

§ 52. (1) The initiated procedures of production and approval of general and detailed development plans or of their modifications within the competency of the Minister of Regional Development and Public Works, which have not been finalized until entering of this Act into force with issuing an approval act thereof, shall be finalized following the existing procedure by the Minister of Regional Development.

(2) As an initial date of the procedure of production and approval of general and detailed development plans or of their modifications under par. 1 shall be considered the date of admission (permission) or assignment of development of the respective engineering design.

(3) The initiated prior to entering of this Act into force procedures of agreeing upon and approval of investment projects and issuance of construction permits, and also of admission and approval of modifications of the approved investment projects subject to compliance with the provision of Art. 154, par. 5, which have been within the competency of the Minister of Regional Development and Public Works, shall be finalized following the existing procedure by the Minister of Regional Development.

(4) As an initial date of the procedure of agreeing upon and approval of investment projects and issuance of construction permits under par. 3 shall be considered the date of submission of the investment project for agreeing upon and approval to the Ministry of Regional Development and Public Works or to the Ministry of Regional Development.

(5) For the projects of national importance, determined by an act of the Council of Ministers prior to entering of this Act into force, the detailed development plans or their modifications, and also the agreeing upon and approval of investment projects and issuance of construction permits shall be permitted, agreed upon and approved following the existing procedure by the Minister of Regional Development.

§ 53. The secondary regulatory acts issued by the Minister of Regional Development and Public Works prior to entering of this law into force shall keep their validity and shall apply until their amendment and supplementation or until issuance of relevant new acts, as far as they are not conflicting.

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§ 117. The Act shall enter into force from the day of its promulgation in State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE LAW FOR SPATIAL PLANNING**

(PROM. SG 98/14, IN FORCE FROM 28.11.2014)

§ 52. (1) The initiated procedures of production and approval of general development plans or of their amendments within the competency of the Minister of Regional Development, which have not been finalized until the enforcement of this present Act by issuing an act of approval, shall be finalized following the existing procedure by the Minister of Regional Development and Public Works.

(2) The initiated procedures of production and approval of detailed development plans or of their amendments within the competency of the Minister of Regional Development, which have not been finalized until the enforcement of this present Act by issuing an act of approval, shall be finalized following the existing procedure by the Minister of Regional Development and Public Works.

(3) The initiated procedures of production and approval of general development plans or of their amendments within the competency of the Minister of Investment Projects Development, which have not been finalized until the enforcement of this present Act by issuing an act of approval, shall be finalized following the existing procedure by the respective regional governor, local council or municipality mayor depending on the territorial coverage of the plan.

(4) The commencement date of the procedure of production and approval of general or detailed development plans or of their amendments under par. 1, 2 and 3 shall be the date of admission (permission) or assignment of engineering of the respective development plan.

(5) The initiated procedures of agreement and approval of investment projects and issuing of construction permits which have been within the scope of powers of the Minister of Regional Development of the Minister of Investment Projects Development shall be finalized following the existing procedure by the Minister of Regional Development and Public Works.

(6) The procedures under par. 5 shall be deemed commenced if the investment project has been submitted for agreement and approval to the Ministry of Regional Development of the Ministry of Investment Projects Development by 7 November 2014.

(7) Amendments according to the provision of Art. 154, par. 5 to investment projects, approved by the Minister of Investment Projects Development or the Minister of Regional Development by 7 November 2014 shall be admitted by the Minister of Regional Development and Public Works.

§ 53. Secondary legislative acts issued by the Minister of Regional Development or by the Minister of Investment Projects Development prior to entering of this act into force shall keep their effect and shall be applied until their amendment or supplementation or until issuance of respective new acts as far as they are not at variance thereof.

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§ 117. The act shall enter into force on the day of its promulgation in State Gazette.

**Transitional and concluding provisions**  
**TO THE ENERGY EFFICIENCY ACT**

(PROM. - SG 35/15, in force from 15.05.2015)

§ 32. The Act shall enter into force on the day of its promulgation in State Gazette.

**Transitional and concluding provisions**  
**TO THE ACT AMENDING AND SUPPLEMENTING THE ENVIRONMENTAL**  
**PROTECTION ACT**

(PROM. - SG 62/15, in force from 14.08.2015)

§ 34. The Act shall enter into force on the day of its promulgation in State Gazette.

**Relevant acts from the European legislation**

COUNCIL DIRECTIVE 85/384/EEC of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services