

The construction works in the Republic of Bulgaria are performed as required by the Spatial Planning Act (SPA) (promulgated in SG, issue 1 of 2 January 2001).

The definitions of "construction works", "overhaul", "routine repair" and "redevelopment" of a construction site, according to §5, it. 38, it. 42, it. 43 and it. 44 of the Supplementary Provisions to the SPA are as follows:

"Construction works" will be any above-ground, semi-subterranean, subterranean and underwater buildings, structures, extending and heightening additions, consolidation, recovery, conservation and restoration works on immovable cultural property, fences, physical-infrastructure networks and facilities, spatial renewal and sports facilities, as well as the overhauls, redevelopments and remodelling thereof, with or without alteration of the assigned use.

"Overhaul" of a construction work will be partial restoration and/or partial replacement of structural elements, essential parts, facilities or utility service systems of a construction work, as well as building and erection works whereupon originally used by worn out materials, structures and structural elements are replaced by other types or new types of works are performed, whereby the serviceability thereof is restored, the operation thereof is enhanced, or the service life thereof is extended.

"Routine repair" of a construction work will be the improvement and maintenance of buildings, structures, facilities and utility-service systems in serviceable condition, as well as interior remodelling whereupon:

- (a) the structure of the building is not affected;
- (b) existing walls are not removed, relocated or breached, where any such or other action affect the structure of the building;
- (c) the intended purpose of the premises and the loads therein are not altered.

"Redevelopment" of a construction work will be restoration, replacement of structural elements, essential parts, facilities or utility-service systems and execution of new such elements, parts, facilities or systems, whereby the bearing capacity, the stability and the durability of the construction works are enhanced.

According to the provisions of the SPA the construction works will be carried out based on the approved construction documents – generally, they include an investment design and a building permit, based on a building permit issued in the cases under Art. 147, or without the requirement for issuance of a building permit in the cases under Art. 151 of the SPA.

The investment designs are prepared in compliance with the provisions of the SPA and the subordinate regulations by designers - individuals who have technical competence according to their acquired specialty, or legal entities, provided that they include individuals with relevant technical competence. The designers also need to demonstrate their design capacity by means of a certificate issued by the Chamber of Architects in Bulgaria (CAB) and the Chamber of Engineers in Investment Design (CEID) which maintain a register of qualified persons ( <http://www.kab.bg/>

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<http://www.kiip.bga.>

In the case of the construction works (within the competence of the municipal administrations) which require the approval of an investment design for the issuance of the building permit, the Sponsor must file a written application in the respective municipality where the property is

located together with the documents referred to in Art. 144 of the SPA:

- Documents of title, and in the case of buildings in condominium ownership arrangements – the enforced decision of the general meeting for approval of the design;
- Design Visa in the cases under Art. 12, para. 3, Art. 41, para. 2, Art. 50, 51, 58, 59, Art. 133, para. 6 and Art. 134, para. 6 of the SPA (issued by the respective municipality where the property is located based on a written application by the Sponsor – a fee is due for its issuance);
- Three copies of the investment design, the scope and content of which is determined by Ordinance 4 of 21 May 2001 on the scope and content of investment projects (promulgated in SG, issue 51 of 5 June 2001), prepared by certified designers by the separate parts, according to Art. 229 of the SPA. All parts of the design should be stamped with the appropriate personal seal of the designers, issued by the CAB and the Chamber of Engineers in Investment Design (CEID);
- Administrative instruments, which depending on the type and size of construction are required as a condition for the issuance of the building permit under the Environmental Protection Act or other special laws;
- Conformity assessment, prepared in accordance with Art. 142, para. 6 of the SPA;
- Building permit for the construction of water intake structures for groundwater and/or water use permit and/or permit for discharge of wastewater, issued in accordance and within the cases provided for under the Water Act.

Depending on the size, category and complexity of the construction work it may be required to submit additional documents referred to in Art. 143 of the SPA.

Information on the necessary documents, applications form, fees, etc., can also be obtained from the website of the respective municipality (almost all municipal governments support such websites now).

The investment designs are agreed and approved by the Chief Architect of the municipality/district (in the towns with district division), stamped with the seal of the municipal administration.

For coordination and approval of the investment designs and for the issuance of building permits fees are imposed under the Local Taxes and Fees Act as determined by the respective municipal council.

For construction works, which require the issuance of a building permit only (under Art. 147 of the SPA), a written application will also be filed at the municipality, accompanied with a document of ownership or certificate of established right of construction, situational sketch and in some cases the opinion an engineer-designer, prepared by a licensed designer and stamped with their personal seal of design capacity.

The entry into force of the building permit is followed by opening of the construction site, determination of construction line and level and drawing up a protocol in the presence of an municipal officer and the person exercising construction supervision of the site (for construction works of first to fourth grade) or technical manager (for construction works of fifth category). The required forms of acts should be issued at each stage of construction. Warranty periods will start from the day of commissioning of the construction works, as specified by the Ordinance of the Minister of Regional Development and Public Works. Upon the completion of a new building, after redevelopment, overhaul or reconstruction of an existing building, a technical passport of the construction work is to be drawn up by the construction supervisor or the technical designer of the site. The temporary construction works and the construction works of

ancillary buildings do not require the issuance of such a passport.

The construction works under Art. 147 of the SPA belong to the sixth category and are not subject to commissioning. The construction works listed under Art. 151 of the SPA are not subject to commissioning either.

To protect the interests of the Sponsor of the construction works, it is advisable to choose a builder from the public register of the Chamber of Builders in Bulgaria ( <http://register.ksb.bg/> ). The relationships between the parties involved in design and construction are governed by written contracts.

The construction works that do not require the approval of the investment designs for the issuance of a building permit are as follows, according to Art. 147 of the SPA:

- farm structures intended for agricultural purpose and the accessory-development construction works covered under Art. 44 and under Art. 46, para. 1 of the SPA, save as otherwise provided by a Municipal Council resolution;
- installation of utility-service systems, facilities and fixtures, with the exception of high-risk equipment subject to technical surveillance by the Directorate General of State Technical Supervision Inspectorate;
- greenhouses of a floor space not exceeding 200 square metres;
- pools of a cubic content not exceeding 100 cubic metres in fenced lots;
- retaining walls of a height not exceeding 2 metres above the level of the ground adjoining the base thereof, where not a component of transport projects;
- repair of physical-infrastructure elements;
- fences, garden and park furnishings of a height not exceeding 2.20 m above the adjoining ground;
- excavations and embankments of a depth or height not exceeding 1 metre and of an area not exceeding 30 square metres;
- pneumatic (air-supported) warehouses or covers of a floor space not exceeding 100 square metres;
- the construction works covered under Art. 55;
- glazing of balconies and loggias, with the exception of such facing the primary street network;
- installation of plants for the production of electricity, heat and/or cooling from renewable sources with a total installed capacity of up to 30 kW, including to the existing buildings in urban areas, including on their roof and façade structures and on their land plots.

The construction works which, according to Art. 151 of the SPA, do not require a building permit are as follows:

- exterior and interior painting of buildings and structures;
- replacement of roof covering materials;
- interior remodellings whereby:
  - a) the structure of the building is not affected;
  - b) existing walls are not removed, relocated or breached, where any such action will affect the structure of the building;
  - c) the intended purpose of the premises and the loads therein are not altered;
- routine repair of buildings, structures, facilities and utility- service systems;
- routine repair of the physical-infrastructure elements covered under Art. 64, para. 1, whereby the route and the technical parameters are not altered;
- routine repair of roads, whereby the structure of the roadway is not altered;
- monuments, tomb stones and crosses of a height not exceeding 3 metres;

- field preservation of immovable cultural property;
- conservation and restoration of facades and artistic elements and murals in the interior of the architectural and artistic monuments and conservation of archaeological cultural property values.

Frequently asked questions:

- By virtue of a notarized power of attorney, the property owner may empower another family member or another person to perform the actions necessary to obtain a design visa, to assign the investment project design, to proceed on the project and to obtain building permit as well as all other activities related to the construction with the exception of the activities carried out on the basis of a written contract. The design visa is issued based on an enforced detailed development plan and is valid for six months.