

**ANNEX TO THE OSCE/ODIHR OPINION ON CERTAIN PROVISIONS OF THE
DRAFT ACT ON LAND-USE PLANNING AND CONSTRUCTION OF THE
SLOVAK REPUBLIC (1 JULY 2014)**

(Draft)
(October 2013)

ACT

of2014,

On Land-use Planning and Construction and on Amendments of Certain Acts (“Building Act”)

The National Council of the Slovak Republic has enacted the following act:

Section I

**PART ONE
BASIC PROVISIONS**

Article 1
Subject matter

This Act shall regulate:

- a) land-use planning
- b) classification and categorisation of structures
- c) placement, authorisation, implementation, approval, use and demolition of structures
- d) advertising structures
- e) activities and persons in construction
- f) public administration in land-use planning and construction.

Article 2
General obligations

(1) In fulfilling their statutory tasks the public administration authorities shall respect the spatial arrangement and functional use of land according to the land-planning documentation, to ensure a well-balanced sustainable development in the interest of territorial and social cohesion, economical use of natural resources and other territorial context and protection of natural and cultural heritage. Departmental overall plans of the central bodies of state administration, programmes of economic and social development and overall plans for development of self-governing municipalities must be in line with the land-planning documentation.

(2) The public administration authorities shall decide on the siting of a building and authorise works with impact on the territory in strict compliance with the land-use planning documentation and built-up conditions, while respecting the principles and directions of spatial arrangement and

functional use of land, and coordinate the effects of departmental and sectoral overall plans on the territory and the protection of natural and cultural values of the territory.

(3) In case of a new building or restoration of existing building projected for use by the public the developer is obliged to earmark and use a part of investment funds of the public budget for the acquisition and installation of a work of art on such building; this provision shall not apply to linear structures.

(4) Owners of transport infrastructure are obliged to keep an up-to-date documentation on the siting, technical parameters and useful capacity of transport infrastructure buildings and on their components and protective zones.

(5) Owners of engineering networks are obliged to keep an up-to-date documentation containing the exact spatial position of the siting of engineering networks, including the height and depth siting, and definition of their protective zones.

(6) At request of the public administration authorities which fulfil tasks in land-use planning according to this Act (hereinafter referred to as “land-use planning authority”) and project engineers (hereinafter referred to as “project engineer”) the owners of transport infrastructure and the owners of engineering networks are obliged to provide required data from documentation under paragraphs 4 and 5, to cooperate in proposing possible points of connection and to propose technical conditions of connection and protection of lines, structures and setting points.

Article 3

Sustainable territorial development

(1) The territorial development is a comprehensive development of a territory which comprises the development of all tangible components, activities and processes related to the territory and their mutual relations. It is a permanent process of development and changes in the use of areas, land, buildings and landscape and their protection, which is aimed to a balanced and sustainable development of the settlement and natural environment in the territory.

(2) The sustainable territorial development creates conditions for a balanced relation of conditions for a quality environment and territorial conditions for the settlement environment and satisfies the needs of present generation without endangering the living conditions of next generations.

(3) The settlement environment means the sum of social, economic and cultural-historical conditions for assurance of quality life of population of settlements.

Article 4

Spatial arrangement and functional use of land

(1) Spatial arrangement of land means a practical coordination of individual functional components in a territory and in time, which corresponds to the public interest and enables a collision-free organisation of the territory and development of the whole.

(2) Functional use of land means a method of use of individual parts of land for the fulfilment of certain function, e.g. housing, transport or recreation.

Article 5

Land-use planning documentation

(1) The land-use planning documentation addresses complexly the spatial arrangement and functional land use, harmonizes the interests and activities affecting the land development, environment and ecological stability and establishes the principles and regulations of spatial arrangement and functional use of land; it contains among others the solution of issues such as housing, transport infrastructure, engineering network, territorial conditions for the economic and social development and creation and protection of landscape.

(2) The principle of spatial arrangement and functional use of land means textual and graphic guidance on the siting of a building and implementation of other activities in a territory.

(3) A regulation of spatial arrangement and functional use of land means a textual, numeric or graphic parameter or limit which determines, within the limits of land-use planning principles, the siting of a building, and in particular the prevailing activity or function in a territory.

(4) Land-use planning documentation contains a binding text and graphic parts and an explanatory report.

(5) Land-use planning documentation consists of:

- a) The Overall plan for development of the Slovakia
- b) a land-use plan of region
- c) a land-use plan of municipality
- d) a land-use plan of zone and
- e) a built-up plan.

(6) Land-use planning documentation is a strategic document that is obligatorily subject to the procedure of professional and public assessment of estimated environmental impact¹⁾ (hereinafter referred to as “impact assessment”).

(7) The land-use planning documentation is not the subject of copyright.

Article 6

Land-planning reference documents

(1) Land-planning reference documents are the land planning study and technical reference documents.

¹⁾ Article 4 (1) of Act No. 24/2006 Coll. on environmental impact assessment and on amendments of certain acts, as amended by Act No. 408/2011 Coll.

(2) Land-planning reference documents consist of textual and graphical parts and have an indicative character.

Article 7 **Building land**

(1) Building plot (land) is land intended by the land-use planning documentation or decision of the building office for building up and land built-up by the building.

(2) Unbuilt land may be determined to be a building plot, if its position in the commune, shape, size, type and basic relations allow the implementation of construction work which is able to fulfil the basic requirements for buildings²⁾, general technical requirements for construction and built-up conditions.

(3) Unbuilt land that is part of agricultural land or forest land may be determined to be a building plot if statutory conditions for its removal from agricultural land or forest resources are fulfilled or if the unbuilt land is in a built-up area.

(4) In a built-up area a building should be erected on unbuilt building plots; this provision does not apply to construction of transport infrastructure and engineering networks, where technical requirements for their siting and operation do not allow it.

(5) Land shall not be determined to be a building plot, if the area or land is temporarily or permanently excluded from building-up in the land-use planning documentation for the following reasons:

- a) threat of negative natural impact, in particular land in inundation areas, areas characterised by geological instability of slopes or areas endangered by falling rocks or avalanches,
- b) Need of protection of a protected area, cultural heritage or natural scenery or unique view or panorama.

(6) Land excluded from building-up for the reasons

- a) under paragraph 5 (a) may only be used for implementation of:
 1. protective structures, in particular protective nets, supporting walls, hydraulic works
 2. measuring and monitoring equipment of water management and geology
 3. transport infrastructure and
 4. engineering networks;
- b) under paragraph 5 (b) may only be used for implementation of small buildings and facilities enabling partial use of land for the purposes of protection of nature, hunting and fishing, recreational activities, tourism and recreational sport, unless their siting on this land is excluded by a protective zone or protection of area.

Article 8

²⁾ Annex I to the Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011, laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ EU L88, 04. 04. 2011).

Built-up conditions

(1) Built-up conditions are a set of binding regulations expressed by words, numeric or graphical means, which reflect permissible and limiting conditions of building up of land, i.e. architectural and urban requirements for the building up of a building plot and for a planned building.

(2) The built-up conditions are among others:

- a) The marking of the street line defining the boundary of public area
- b) The marking of the building line determining the position of orthogonal projection of contours of above-ground floors of a building in relation to the street line; the building line for above-ground parts of the building and the building line for underground parts of the building can be determined separately;
- c) The definition of potential built-up area on the plot, marking the boundaries of an area where the building can be erected, with indication of distances from adjacent plots and existing buildings,
- d) The marking of an area or corridor for siting of a road or other linear structure,
- e) The determination of the built-up area index as the ratio of ground-plan projection of the area of external circumference of above-ground and underground walls of all floors of the building to the ground to the total area of the plot,
- f) The determination of the share of verdure on unbuilt areas of the plot and the share of reinforced impermeable areas;
- g) Permeability index of built-up areas
- h) The determination of the maximum admissible height of building
- i) The determination of basic architectural components, in particular the shape of roof and facade of building in relation to adjacent buildings
- j) The determination of admissible and inadmissible functional use of the building
- k) Solution of static transport in relation to the method of use of the building
- l) The marking of admissible connection of the building to transport infrastructure and engineering networks with indication of balance requirements for the capacity.

(3) Unless the Act provides otherwise, the built-up conditions are the direct binding basis for designing and for siting and authorisation of buildings.

(4) The built-up conditions are determined by the building plan, the decision on the siting of a building or the decision on the change of use of land.

Article 9

Construction work

(1) The construction work means a civil structure implemented using construction products that is firmly connected with ground or erected on adjusted formation, regardless of building-technical performance and used construction products, purpose of use and duration. Depending on circumstances, building also means a part of construction work, if this part is the subject of separate decision on the siting, authorisation or approval.

(2) For the purposes of this Act the construction work also means a construction product which fulfils the function of construction work, if it can be relocated and installed on adjusted foundation and connected to engineering networks, in particular accommodation units, prefabricated halls and garages, reservoirs and storage silos, and advertising structures.

(3) Unless this Act provides otherwise, the provisions on construction works also apply to structures. The structure means a solid structure with stable connection to the ground regardless of structural performance, purpose of use and duration, in particular lamp posts, structures and supports of overhead contact circuits and conductors and cables of overhead lines, antennas and distributions of electronic communication networks, lightning conductors, beacons.

(4) Stable connection to the ground means:

- a) connection by stable foundation,
- b) fastening by machine parts or by weld with stable foundation in ground or with other building,
- c) anchoring by piles or ropes with the anchor in the ground or in other building,
- d) connection to engineering networks
- e) placing under the ground.

(5) Adjusted foundation for placement of a construction work means in particular an area deprived of soil, reinforced area, supports and prefabricated foundation.

(6) New construction work is a construction work that is newly implemented in all its parts, including the foundation.

(8) Temporary construction work is a construction work whose duration is limited by decision of the building office or by the purpose and method of use, e.g. site facilities.

(9) Construction works are classified according to building-technical performance and purpose to buildings and engineering structures.

Article 10

Building

(1) The building is a spatially concentrated three-dimensional covered structure, which is technically suitable and designed for the protection of people, animals and objects. For the purposes of this Act the building also means a covered three-dimensional structure that has none or only some of the walls.

(2) By their purpose and method of use buildings are divided to flat buildings and non-flat buildings.

(3) The flat building is a building where at least half of floor space is intended for housing as follows:

- a) Permanent housing in houses, flats and habitable rooms, in particular family houses, flat houses, senior homes and other buildings used for permanent housing;
- b) Transitory housing in stay rooms, in particular worker's dormitories, student hostels, shelters and other accommodation facilities serving for transitory housing.

(4) The non-flat building is a building where more than half of their usable floor space is intended for non-housing purposes.

(5) If a building is intended for various purposes, its type is determined according to the main purpose to which falls the largest part of usable floor space. If a part of the non-flat building serves for housing purposes, the requirements for flat buildings apply to this part of building.

(6) Family house is intended for permanent family housing by its internal arrangement. It may comprise up to three flats and two above-ground floors, attic and an underground floor. A family house may also have a stay room or a shop, if its area does not exceed the total area of floors intended for housing.

(7) Flat is the habitable room or group of habitable rooms with internal fitting arranged into functional unit with own closing, intended for permanent housing. Accessories of a flat are rooms that fulfil communication, economic and hygienic functions for flat users only. A flat may also comprise a room that is used by the flat user for his work.

(8) Habitable room is a heated room receiving direct day light and permanently supplied with fresh air that can be used for permanent housing. It has minimum area of 8m² and minimum floor-to-floor clearance of 2.4 m; the minimum floor-to-floor clearance in the attic room is 2.3 m.

(9) Stay room is a heated room receiving direct day light and permanently supplied with fresh air that can be used for short-term stay, with minimum area of 8 m² and minimum floor-to-floor clearance of 2.3 m.

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Article 14 **Categorisation of structures**

(1) For the purposes of design, siting and authorisation, structures are classified to the following categories: small buildings, simple buildings, dedicated buildings and other buildings.

(2) Small buildings are structures that are not intended for housing and have not substantial influence on the environment; they usually supplement the main structure. Small structures are:

- a) One-storey structures with maximum built-up area of 25 m² and maximum height of 5 m from the lowest level of the surrounding or reinforced area, in particular home workshops, sheds, gazebos and chalets, tool stores and greenhouses, summer kitchens, garbage bin sheds, shelters for small animals, hay-barns, guard-houses, garages, sports facilities and children playgrounds,

- b) One-storey structures of electronic communication networks with maximum built-up area of 25 m² and maximum height of 5 m;
- c) Underground structures with maximum built-up area of 25 m² and maximum depth of 3 m, in particular cesspools, cellars, vegetable and fruit stores;
- d) Products serving as buildings with maximum built-up area of 25 m² and maximum height of 5 m,
- e) Structures used for forestry and hunting purposes on forest land with maximum built-up area of 25 m² and maximum height of 5 m, in particular fodder stores, feed racks, high-seats and shelters;
- f) Agricultural structures on farmland with maximum built-up area of 30 m² and maximum height of 5 m, in particular hay-barns and fodder, tool and fertiliser stores;
- g) Structures in quarries, sandpits and gravel areas with maximum built-up area of 25 m² and maximum height of 3 m, in particular tool stores;
- h) Monuments, memorials, stands for works of art and small architecture with maximum built-up area of 15 m² and maximum height, including the stand, of 5 m;
- i) Fencing with maximum height of 2 m;
- j) Island platforms, curve stones and passenger shelters;
- k) Connections of buildings and land to engineering networks;
- l) Structures of active anti-corrosive protection of gas installations;
- m) Facilities and structures such as
 1. antennas
 2. distribution and diversion equipment of electronic communication networks on building sites
 3. electric vehicle recharge stations and accumulator replacement stations;
 4. advertising structures.

(3) Simple buildings are:

- a) Flat buildings with maximum built-up area of 300 m² and not more than two above-ground floors and an underground floor;
- b) Buildings for recreation with maximum built-up area of 80 m² and maximum height of 9 m or one above-ground floor, attic or retreating storey and one underground floor;
- c) One-storey non-flat buildings with maximum built-up area of 300 m² and maximum height of 15 m that are intended for use by not more than 30 persons;
- d) Garages with maximum useful area of 300 m² and not more than two floors;
- e) Underground buildings with maximum built-up area of 300 m² and not more than two underground floors that are intended for use by not more than 30 persons;
- f) Supporting walls and noise barriers with maximum height of 2 m and maximum length of 25 m;
- g) Site installations
- h) Advertising structures.

(4) The following structures are not regarded as small buildings and simple buildings, even if they fulfil the characteristics under paragraphs 2 and 3:

- a) Civil defence structures, in particular shelters and civil defence stores;

- b) Fire protection structures, in particular fire stations, fire engine houses, garages and stores;
- c) Uranium industry and nuclear facility structures;
- d) Structures whose operation poses a fire risk for users or the neighbourhood, in particular explosive, combustibles and pressure vessel storages, structures of refuelling stations, structures of combustible pumping stations, plants for filling pressure vessels with combustible gas or gas contributing to the combustion of gases;
- e) Structures with production operations that use electricity or combustion engines to drive machines;
- f) Thermal and electric connections.

(5) Dedicated buildings are structures that present an increased risk in terms of mechanical resistance and stability, fire safety and influence on the users and surroundings. Dedicated buildings are

- a) bridges and road bridges with minimum length of bearing structure of 10 m,
- b) foot-bridges with minimum span of 20 m;
- c) supporting walls, revetment walls and earth structures with minimum height of 5 m;
- d) tunnels, underpasses and subways;
- e) noise barriers with minimum height of 5 m;
- f) dams and other hydraulic works with minimum height of 3 m;
- g) engineering structures with height exceeding 30 m;
- h) masts of electronic communication networks with height exceeding 60 m,
- i) high-rise buildings with the highest floor in a height exceeding 22 m;
- j) non-flat buildings with built-up area exceeding 3 000 m² or with room for assembly of more than 100 persons;
- k) commercial, fair and exposition buildings with usable area exceeding 3 000 m²,
- l) sport halls, covered stadiums and bleachers with built-up area exceeding 400 m² or with more than 400 seats for spectators;
- m) buildings of hospitals;
- n) garages with usable area of more than 1 000 m²;
- o) buildings and engineering structures with increased risk of fire or explosion and with increased health, emission or transport risk;
- p) buildings of nuclear facilities and structures related to nuclear facilities in the complex of the building of nuclear facility;
- q) dangerous waste storage sites.

(6) Built-up area means an area delimited by orthogonal projection of the external face of vertical structures of all above-ground floors of a building to the horizontal plane, with the exception of reception walls.

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Article 19
Project documentation

(1) Project documentation means an integrated set of documents containing textual description and graphic representation of a building. Project documentation is required as the basis for siting, authorisation, implementation, approval and use of buildings, authorisation of land modifications and changes in the use of land in procedures according to this Act.

(2) Project documentation consists of the project and related documents. Project comprises textual and graphical parts. The documents are related binding opinions and comments of affected authorities, as well as other documents required for the procedure, that were acquired during the preparation of the project or in relation to the project.

(3) Project documentation of territorial plan consists of the project of change of land use and related documents required for the purposes of procedure for the change of land use. It comprises basic data on land and its present use, proposal for the new use of land, estimated impact on the territory after the implementation of the proposed change of use, equipment of land with reinforced surfaces, small architecture or supplementary small structures and connection to transport infrastructure and engineering networks to ensure the lighting and maintenance of vegetation cover.

(4) Project documentation of the notice of building consists of the project of notified building or project of notified construction works and related documents that are required for the purposes of the notice. It comprises a simple layout drawing with graphical representation and technical description of the building, marking of the ground-plan of the siting of the building on land with marked distances from boundaries of adjacent land plots and adjacent buildings, data on building plot and notified building or construction works, architectural solution and urban integration of the building in the surrounding development, estimated impact of the building or construction work on land and surroundings, and marking of the siting of connections to engineering networks.

(5) Project documentation of the siting of a building consists of the project of siting of the building and related documents required for the purposes of proceedings on siting of the building. It comprises data on building land and wider relations, urban parameters of the building in the built-up conditions with marking of the ground-plan of siting on building land and distances from boundaries of adjacent land plots and adjacent buildings, data on basic ground-plan and height parameters of the building, estimated impact of the building on surroundings, on the position of connections to engineering networks and estimated demands of the building on engineering networks with capacity requirements, on the place and method of connection to transport infrastructure and solution of static transport. Project documentation of the siting of building is elaborated with use of valid national system of coordinates.

(6) Project documentation of building consists of the building project and related documents that are required for the purposes of building proceedings. The building project is textual and graphical expression of architectural, building-technical and technological solution of the building. The building project also means the project of change of a building for the purposes of proceedings on the change of uncompleted or completed building. It comprises the accompanying report and summary technical report, technical reports of individual parts of the building project, description of technical and technological equipment of building and layout of technical systems in the building,

assessment of mechanical resistance and stability of the building and fire resistance of bearing structure, setting drawings and construction drawings, fire protection project, project of organisation of construction works and safety and health protection plan.

- (7) Project documentation of a building also comprises:
- a) energy assessment³⁾ of the project in case of a building that is subject to energy certification
 - b) follow-up assessment of documentation of load-bearing structures of the building (“follow-up static assessment”) in case of a dedicated building or other statically demanding building, where the building office decided so;
 - c) determination of volume activity of radon in the soil air and of permeability of land soil and their evaluation in case of a building and project of anti-radon building measures.

(8) Implementing project documentation consists of the implementing project and its parts. The implementing project is a detailed textual and graphic elaboration of the building project for the purposes of implementation and approval of the building. It proposes the structure of construction works, construction products, construction mechanisms and equipment of the building site and contains detailed building drawings, drawings for detailed setting of the building, drawings of details of building structures, list of components and descriptions of all parts of the building, schedule of implementation of construction works as well as detailed solution of individual assembly stages of construction during the implementation of the building and assessment of stability of supporting and retaining structures used for the implementation of the building. Implementing project also means the implementing project for the change of a building.

- (9) The implementing project documentation usually comprises:
- a) plan of organisation of construction works
 - b) bill of quantities
 - c) budget of the building and
 - d) operating regulations of dedicated building, containing the limits and instructions for optimal operation and maintenance of the building over the whole proposed useful life, including the schedule of regular checks of bearing structures and general repairs.

(10) Project documentation of a building for approval proceedings consists of the building project and related documents that are required for the purposes of approval proceedings. The building project for approval proceedings is textual and graphic documentation of actually realised building. It comprises drawings and descriptions of the building according to the condition of completed building with marking of all changes against the verified building project that were authorised or implemented during the implementation of the building.

- (11) Project documentation of a building for approval proceedings also comprises:
- a) Implementing project in case of a dedicated building, or if it has been procured on the basis of decision of the building office
 - b) geodetic documentation

³⁾ Article 4a paragraph 2 of Act No. 555/2005 Coll. on energy performance of buildings and on amendments of certain acts, as amended by Act No. 300/2012 Coll.

- c) documents to supplied construction products proving their suitability for intended use
- d) report from determination of volume activity of radon in the air of buildings, if its determination was part of the project documentation of the building, and
- e) expert report on the fulfilment of special technical requirements for buildings used by persons with restricted mobility and orientation in case of a building that is intended for use by these persons or a building that will be used by the public.

(12) Project documentation according to paragraphs 3, 5 and 6 also comprises the final opinion from environmental impact assessment of the building (hereinafter referred to as “final opinion of the impact assessment authority”) in case of a building that is subject to this assessment obligatorily or on the basis of result of inquiry proceedings⁴).

Article 20 Building documentation

(1) Building documentation for the purposes of this Act means a set of documents on the building that must be kept by the site manager on the building site during the implementation of building; in case of a building implemented by the developer himself these documents must be kept by the developer.

- (2) Building documentation consists among others of:
- a) Verified building project and implementing project, if available
 - b) The original or certified copy of building permit, decision on the change of building or other decision of the building office relating to the building or building site
 - c) Site log and reports from site visits or report on a building implemented by the developer himself
 - d) Documentation proving the suitability of supplied construction products for intended use, especially manuals and declarations of producers in respect of parameters of construction products
 - e) documents on the quantity and structure of construction products supplied to the building site, especially lists of construction works carried out and delivery notes
 - f) reports on the quantity of earth and building waste removed from the building site
 - g) decisions, approvals and opinions of public administration authorities, owner of transport infrastructure and owners of engineering networks that are required for installation and operation of the building site and for the implementation of the building.

(3) Building documentation is part of documents required for approval of the building.

(4) Building documentation shall be issued to the owner of building for permanent custody after the entry into force of the official approval.

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PART TWO

⁴) Article 18 paragraph 2 and 3 of Act No. 24/2006 Coll., as amended by Act No. 287/2009 Coll.

LAND-USE PLANNING

Article 22

Basic provisions

(1) The main task of land-use planning authorities is to regulate the territorial development by determination of the overall plan for development and organisation of a territory and to systematically and comprehensively address the spatial arrangement and functional use of land in order to create a quality settlement environment and conditions for sustainable territorial development, construction, territorial cohesion, social cohesion, conservation and improvement of the environment and harmonisation of all activities in a territory.

(2) By fulfilling tasks in the area of land-use planning in public interest the land-use planning authorities create conditions for territorial development, including conservation of urban, architectural, natural and monument values of a territory with the aim to achieve publicly beneficial compliance of public interests and private interests in the development of territory and protection of landscape.

(3) Main tasks of land-use planning authorities are:

- a) Determination of the overall plan for development of the State and regions and determination of urban concepts of development of settlements and their parts
- b) Monitoring and assessment of the condition of the area, its cultural, natural and civilisation values and possibilities of its use
- c) Determination of conditions of the development of settlement and renewal of settlements
- d) Coordination of plans in the territory and determination of sequence of works on the implementation of changes in the area
- e) Determination of urban, architectural and aesthetic requirements and conditions of the siting of buildings, taking into account the character and values of the area and landscape
- f) Determination of conditions for the implementation of changes in the use of the area, including use of natural resources
- g) Determination of necessary interventions aimed to reconstruction and renovation of settlements, development of the territory and creation of quality settlement environment
- h) Creation of local conditions for removal of negative consequences of economic changes
- i) Creation of local conditions for the implementation of flood control measures and measures for retention of water in urbanised areas and in landscape
- j) Support of heterogeneous character of urban environment and undeveloped areas and specifics of individual settlements
- k) Evaluation of territorial effects of the proposed development on a balanced relation of conditions for territorial cohesion, favourable condition of environment and social cohesion
- l) Creation of conditions for protection of cultural heritage in settlements and cultural diversity
- m) Determination of public interest in the area.

(4) The land-use planning authorities fulfil the tasks under paragraphs 1 to 3 by

- a) Monitoring, evaluation and keeping records of data and information about the area

- b) Keeping land-use planning registers
- c) Procurement of land-planning reference documents and
- d) Procurement and approval of land-use planning documentation and its amendments.

(5) Sanitation of territory is removal or modification of the built-up area which does not meet the requirements for development of municipality, especially if the built-up area is characterised by excessive density and transport, health or construction defects, is threatened by landslides or presents a threat to water sources.

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Article 25

Technical reference documents

(1) Technical reference documents describe the condition and development of an area. They comprise a set of data on the present state of use of the area, its urban and architectural values, possibilities of further use, limitations of its use due to legal protection of a part of the area or due to characteristics of the area and plans for implementation of changes in the area.

(2) The land-use planning authority procures technical reference documents within a scope required for

- a) procurement of land-use planning documentation, with the exception of the Overall plan for development of Slovakia
- b) detection of the need of amendments of land-use planning documentation, with the exception of the Overall plan for development of Slovakia and the built-up plan
- c) as the basis for elaboration of the report on condition of land-use planning documentation, with the exception of the built-up plan, or
- d) as the basis for implementation of land-use planning study.

(1) Technical reference documents are procured on the basis of investigation of area through own survey and on the basis of data on the area. Data on the area are data on its condition and on rights, obligations and limitations resulting from legal regulations and land-use plans, as well as data on plans for implementation of required changes in the area. Data on the area are related to certain part of the area, e.g. to a space, land, building or natural formation. Available documents and sets of information containing data on the area are mandatorily used.

(2) The following persons and bodies are obliged to provide data on the area for technical reference documents immediately after their elaboration or reception:

- a) State administration authorities that fulfil functions related to the protection of public interests in the area according to special regulations
- b) Owners of transport infrastructure and owners of engineering networks, including graphic representation of their position
- c) Other persons, if this obligation is imposed on them by the act or contract with the contracting authority
- d) Building offices.

(3) The affected state authorities and organisations established by them, owners of transport infrastructure, owners of engineering networks and other persons who provided data on the area are responsible for validity, correctness and completeness of provided data.

(4) The land-use planning authority shall use data on the area for elaboration of technical reference documents and their updating. Technical reference documents serve for elaboration of the land-use planning documentation, report on the state of land-use planning documentation and its amendments.

(5) The land-use planning authority is obliged to supplement procured technical reference documents with new data on the area obtained by its own activity, activity of persons set out in paragraph 4 and by investigation of the area, and to update the technical reference documents at least once every four years.

(6) The persons set out in paragraph 4 are obliged to provide the land-use planning authority with data on the area immediately after they receive them against compensation of unavoidable costs of reproduction and delivery of these data. Owners of transport infrastructure and owners of engineering networks are obliged to also provide to the land-use planning authority a map with marked position of transport infrastructure and corridors of engineering networks.

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Article 30 **Land-Use Plan of Municipality**

(1) The land-use plan of municipality is a land-use planning documentation covering the entire territory of municipality. A municipality is obliged to have a land-use plan.

(2) The land-use plan of municipality is based on the purpose of the land-use planning documentation and on the tasks of public administration authorities in land-use planning with as many details as needed for solving the territory of the municipality, and on the technical land requirements for constructions and activities within the area; the land-use plan of municipality must comply with the land-use plan of the region.

(3) The land-use plan of municipality determines the urban concept for the development of municipality, and the directions of functional use and spatial arrangement of municipality areas with special regard to:

- a) admissible, restricted and excluded functional use;
- b) interconnections with neighbouring municipalities;
- c) location of transport infrastructures and engineering networks, including protection zones and areas;
- d) location of civic amenities and use of public spaces;
- e) arrangement of the landscape and public green areas and corridors;
- f) protection of nature and landscape, agricultural land and forest lands, and reasonable use of natural resources and mineral wealth;

- g) preservation, protection and use of national cultural monuments, archaeological sites, monumental zones, local places of interest, and other cultural heritage;
- h) designation of the boundaries of built-up areas of the municipality indicated in the cadastral map;
- i) designation of areas excluded from development;
- j) protection of municipality areas against floods and minimisation of the impacts of climate changes in built-up areas of municipality;
- k) spaces for buildings in public interest;
- l) designation of municipality areas for which it is necessary to procure and land-use plan of zone or development plan.

(4) The proposal for functional use of municipality area shows the areas designated for predominantly functional use, especially housing areas, combined areas, productive areas, recreation areas, and spa areas. The proposal shall indicate areas for marginalised groups of inhabitants within housing areas.

(5) The basic principles of the urban concept of municipality development shall be reflected in the land-use plan of municipality as a strategic direction for the spatial arrangement and functional use of land.

(6) The civic amenities of an area mean buildings necessary for proper functioning of the housing area and for satisfying the needs of inhabitants, such as school buildings, buildings for the purpose of culture, healthcare, social assistance, trade and services, public catering, and fire safety (temporary accommodation, physical education, administration and management, public hygiene). The composition and capacity of civic amenities must correspond to the size and function of municipality, and some civic amenities must meet the needs of area of interest.

(7) Public space means external publicly accessible vacant area serving for the purposes of transport, movement of persons, recreation and rest, in particular squares, streets, banks, public parks, public cemeteries, marketplaces, children playgrounds and public areas formed by compact or free-standing house buildings. Public spaces beyond built-up areas are forest parks, urban forests, protected zones, water courses, and water areas.

(8) Built-up area of municipality is the area designated by the boundary depicted in cadastral maps as of 01 January 1990, and the area designated by the land-use plan of municipality for building purposes.

(9) Protected areas and protection zones established under special regulations and protection zones proposed in the land-use plan of municipality shall be considered in the directions of spatial arrangement and functional use of the area.

(10) The contents of the land-use plan of municipality is binding for the procurement and approval of the land-use plan of zone and development plan and for decisions on the area, and constitute the condition for the provision of funds from the public budget for investment plans of municipalities. If any part of the land-use plan of zone contradicts the later approved land-use plan

of municipality, the land-use plan of municipality shall indicate the invalid parts of the land-use plan of zone.

(11) If the municipalities agree, the land-use planning documentation can be procured as a common land-use plan of several municipalities which have common boundaries or have merged, or are interconnected with transport infrastructure and basic system of engineering networks, or if investments have been made in networks on which these municipalities are dependent. The basis for agreement can be the morphological boundaries of the area, important common job opportunities for inhabitants of the municipalities, common civic amenities, arrangement of the settlement or other agglomeration factors. The provisions of this act on land-use plan of municipality shall also apply to common land-use plans of municipalities.

(12) The provisions of par. 1 and 2 shall appropriately apply to the contents of the land-use plan of military district.

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Article 47 Reasons for Expropriation

(1) The ownership right over land, ownership right over building, and the right to build can be restricted in public interest under land-planning documentation by establishing encumbrance or by expropriation for the following reasons:

- a) placement and construction of a building in public interest;
- b) creation of conditions for essential access to land or building;
- c) creation of conditions for the placement and proper operation of facilities of the state monitoring network for the purpose of monitoring the environment.

(2) Public interest under paragraph 1, letter a) and b) above also include the ensuring of housing for marginalised groups of inhabitants.

(3) Expropriation, compensation for expropriation and expropriation procedures shall be governed by the general regulation on expropriation⁵).

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PART THREE CONSTRUCTION

Article 48 Developer

(1) The developer means the owner of land or building or other building contractor from the date of opening of the authorisation proceedings to the effective date of the approval decision. The

⁵) Act No./2013 Coll. on Expropriation of Lands and Buildings and on Changes and Amendments to Some Acts.

notifying person is developer of building, which can be implemented on the basis of the notice of the building office that it has no objections to the notice of the developer and agrees with implementation of the notified building (hereinafter referred to as “building approval”), from the date of notification to the date of completion of the building. For the purposes of Article 67 paragraph 1 the developer is also a person who implements an unauthorised building and who has procured the implementation of an unauthorised building.

(2) Unless this act provides otherwise, the developer may implement himself only small buildings, simple buildings, building adaptation and maintenance works.

(3) If a developer implements a building himself he is obliged to ensure compliance of installations and operation of the building site and implementation of the building with this act and compliance of the building with project documentation, building permit or building approval and with other decisions of the building office and other public administration authorities issued in connection with the preparation and implementation of the building.

(4) The developer is further obliged

- a) To procure project documentation at the authorised project engineer or qualified person, if the developer implements the building himself
- b) To provide a person authorised for performance of building supervision or a qualified person for the whole period of implementation of the building by the developer himself and to follow instructions of such person
- c) To provide the project documentation coordinator and the safety coordinator in case of implementation of dedicated building
- d) To provide an authorised building contractor in case of building implemented by external contractor and to notify the person of the building contractor to the building office immediately after conclusion of contract with this contractor
- e) To provide an authorised building contractor and a persona authorised for performance of building-technical supervision in case of implementation of a dedicated building
- f) To ensure the performance of activity of the chief geodesist of the building
- g) To monitor or ensure monitoring whether the building is complemented in accordance with conditions of the building permit and according to the verified building project or building approval
- h) To notify or ensure the notification of individual phases of implementation of the building to the building office according to the conditions of building permit and to continue the implementation of the building after the site visit; this provision does not apply if the building office has informed that it would not participate in the site visit or if the building office has been inactive for more than seven days
- i) To ensure that building documentation is available on the building site during the implementation of the building by the developer himself
- j) To keep a site log or records on construction works, containing relevant events occurring on the building site and the progress of works on a building implemented by the developer himself

- k) To provide personal protection equipment to persons helping on the building site in case of a building implemented by the developer himself, to ensure that these persons are sufficiently instructed on work safety on the building site and check whether they are not under influence of addictive drugs or medicaments that influence their mobility and perception
- l) To prevent access of third parties, minor children and animals to the building site in case of a building implemented by the developer himself
- m) To immediately suspend any construction works on a building implemented by the developer himself and to secure the building and the building site against damage or deterioration, if the person authorised for performance of building supervision or qualified person or state building supervision ordered it;
- n) To conduct the inspection of completed building as early as possible after the request of the building contractor.

(5) In case of a building that is subject to impact assessment, the developer is obliged to give notice of proposed building, modification of building, change of use of building and demolition of building to the impact assessment authority in the electronic form before submission of the proposal for initiation of proceedings to the building office. The notice shall be accompanied by the project documentation.

(6) The person who has acquired the rights and obligations of the developer is obliged to notify the change in the person of developer to the building office in five working days of the date of transfer of rights; the notice shall be accompanied by a copy of document proving the transfer of these rights and obligations.

(7) The building shall be implemented by external contractor on the basis of the contract between the developer and the authorised building contractor, where the parties shall agree on relevant requirements for implementation of the building, especially on the scope of responsibilities of the building contractor and cooperation of the developer, the schedule of implementation of the building, financing of implementation of the building and the method of handing over of completed building.

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Article 60

General technical requirements for construction

General technical requirements for construction, including technical and operating requirements for buildings which allow for access and use of buildings by persons with disabilities (hereinafter referred to as “requirements for barrier-free access”) determine the land-technical solution of construction and building-technical and practical solution of buildings that the public administration authorities and persons in construction are obliged to take into account in the process of designing, siting, authorisation, implementation, approval, use and demolition of buildings.

Article 61

General technical requirements for building project

The design of buildings must be in accordance with built-up conditions to ensure that buildings meet the basic requirements for buildings during their whole economically justified useful life, are implemented with use of construction products that are suitable for intended use and fulfil the minimum requirements for energy performance of buildings. In particular, they must fulfil the following conditions:

- a) Buildings must be integrated in the area in accordance with architectural, urban, landscaping and environmental principles and with requirements for protection of nature and landscape and monument preservation;
- b) Buildings must be accessible from a public road; this provision does not apply to facilities and engineering networks located in the area and facilities and buildings whose operation does not require access from a public road;
- c) The building-technical performance and equipment of buildings must correspond to the intended purpose and planned method of use and negative effects of the building on the surroundings must be excluded or reduced to a permissible limit with respect to the protection of human and animal health and protection of the environment;
- d) Flat buildings and buildings intended for use by persons with disabilities or for visits by the public must also fulfil requirements for barrier-free access;
- e) Buildings must be connected to the public water supply and public sewer system if a public water supply and public sewer system with sufficient capacity is operated in their proximity, and waste waters from the buildings discharged to the public sewerage must be in accordance with local sewerage regulations; this provision does not apply to equipment and lines of electronic communication networks and to facilities and buildings whose operation does not require the connection to the water supply and sewerage system;
- f) Public engineering networks must have sufficient standby capacity for further territorial development in the adjacent area according to the land-use planning documentation;
- g) Each connection of a building to engineering networks used for distribution of water, gas, heat and electricity must be independently closable or detachable and places of closing, detachment and measuring devices must be permanently accessible and clearly marked;
- h) Layout and operating arrangement of buildings must take into account climatic conditions and possibilities of the building land, especially to ensure the best use of solar radiation and daylight and the best protection of the building against wind, rain and snow;
- i) Building envelopes, especially external and roof cladding, as well as windows and doors must allow the fulfilment of minimum requirements for energy performance of buildings and the achievement of their cost-optimal level, where it is technically and functionally possible⁶⁾;
- j) As far as their technical, functional and economic parameters allow it, technical systems of buildings should enable the achievement of cost effectiveness in view of the climatic conditions, the siting of the building and the method of its use through the use of high-efficient alternative energy systems based on renewable energy sources and on automated control and monitoring systems;

⁶⁾ Article 4 paragraph 5 of Act No. 555/2005 Coll., as amended by Act No. 300/2012 Coll.

- k) Buildings should be optimally protected against noise, vibrations and shocks from external environment, against ionising radiation from geological subsoil, effects of geopathogenic zones and stray currents and effects of groundwater and surface water and earth humidity;
- l) The waste from use of the building should be collected or disposed in any manner; this provision does not apply to equipment, lines and buildings whose operation or use does not generate any waste;
- m) Emissions of air pollutants and light, thermal and electromagnetic radiation from the building should be minimised and conditions of their discharge to the external environment must correspond to the actual state of the best available techniques⁷⁾,
- n) Bridge constructions that are part of transport infrastructure must meet the requirements of seismic resistance corresponding to the level of potential seismic hazard in the area and to the requirement to withstand the consequences of a flow rate defined as century flood and in case of dedicated building as millennium flood;
- o) Static transport should be solved, especially in the building or building plot, and have sufficient capacity for users of the building and its visitors;
- p) Structure of road should have sufficient capacity and connections to local transport infrastructure, existing and planned built-up area and other transport modes in the area according to the land-use planning documentation.

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Article 64 **Authorisation of building**

(1) Unless this act provides otherwise, the implementation of a building or modifications of a completed building require the building permit.

(2) The building permit is not required for the implementation of a building for which the building approval or decision on the siting of a building is sufficient, if its implementation does not require the building permit or the building approval.

(3) Neither the building permit nor the building approval are required for

- a) The implementation of mining constructions, mining works and constructions in surface quarries, sandpits, gravel areas and in surface layers of surface quarries, providing they are subject to approval and supervision by state mining authorities,
- b) Seasonal markets and short-term placement of a construction product which fulfils functions of a building;
- c) Placement of a construction product which fulfils functions of an advertising structure, for a period not longer than 30 days;
- d) Constructions and facilities for the ceremonial decoration and lighting of buildings;
- e) Scenery structures and the wings;
- f) Geodesic fixed and portable measuring towers, signals and pyramids;

⁷⁾ Article 2 (l) of Act No. 39/2013 Coll. on integrated prevention and environmental pollution control and on amendment of certain acts.

- g) Supporting structures in hop-gardens and vineyards;
- h) Structural modifications to electrical lines with no limit on voltage, providing their height and route do not change;
- i) Structural modifications and maintenance works on gas pipelines, providing their route does not change;
- j) Distributions of electronic telecommunication networks and antenna down-leads that are located in closed spaces of the buildings;
- k) Minor structural modifications not intervening into the bearing structure of the building and not changing the method of its use or its appearance;
- l) Attachment of shop device or sign to the building or other facility;
- m) Attachment of advertising structure with maximum information area of 1.2 m² to a lamp post or traction line;
- n) Installation of signposts and traffic signs used in road or railway transport;
- o) Maintenance works; this provision does not apply to maintenance works on buildings that are national monuments or buildings in a conservation area, conservation zone or in their protection zones.

(4) In case of doubts whether the building permit is required or the building approval is sufficient, the building office shall issue a binding opinion at the request of the applicant in 15 days of the date of submission of application; in doing so the authority shall evaluate the directions of the land-use plan and the built-up conditions applicable to the building site or the building.

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Article 66

General requirements for authorisation and modifications of buildings

- (1) A building may be authorised if according to the project documentation of the building:
 - a) the siting of the building is in accordance with the built-up conditions;
 - b) the building is accessible from local road or dedicated public road, which allows a safe access of users, potential visitors, fire fighting trucks and ambulances to the building; this provision does not apply to the authorisation of electronic communication network, facilities or buildings that do not require access from public road;
 - c) the building fulfils the basic requirements for buildings;
 - d) justified requirements of affected bodies and participants of proceedings (hereinafter referred to as “participants”) are taken into account,
 - e) the building has barrier-free access, in case of a building that is intended for use by persons with disabilities, a flat building or a building intended to be visited by the public;
 - f) the building is in accordance with the final opinion from impact assessment, in case of a building that is subject to obligatory impact assessment or a building that was evaluated on the basis for the decision of the impact assessment authority from inquiry proceedings;
 - g) the building can be connected to engineering networks in the location of construction, especially to the public water supply, public sewerage and electricity supply networks; this provision does not apply to a facility, line or building whose operation or use does not require the connection to engineering networks.

(2) A building may be authorised to a developer who holds the licence for the implementation of the building.

(3) If a building consists of independently operated parts or a group of structures with independent operation all the structures may be authorised as a whole, by individual parts of the set of buildings or by individual structures of the set of buildings.

(4) If a building consists of a set of structures with mutually dependent operation it may be authorised as a whole or by individual structures, taking into account the operating dependence of individual structures.

(5) If a set of structures with mutually dependent operation contains at least one structure the implementation of which required the building permit the whole set of structures shall be authorised as a whole, when the individual structures are intended to be implemented at the same time or in direct succession.

(6) Another building may be authorised together with authorisation of main building. Such another building may be authorised by a special building office if the building fulfils supplementary function to the main building and the special building office has given its approval to it in a binding opinion.

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U n a u t h o r i s e d b u i l d i n g Article 68

(1) Unauthorised building is a building or modification of a building implemented without building permit or without building approval, if this act requires it.

(2) Unauthorised building also means a building or a part of building that was subject to modification, for which the building permit or building approval is required by this act.

(1) Unauthorised building also means a building or a part of building that was implemented without decision on the siting of building or in substantial contradiction with this decision, if such decision is required and if the implementation of the building requires neither building permit nor building approval according to this act.

(2) Unauthorised building also means early implementation of a building when the building permit has not entered into force yet or when the period for issue of building approval according to Article 66 (5) has not expired since the notification of the building; this provision does not apply if the building office has issued preliminary building permit or authorised the implementation of some preparatory works.

(4) Unauthorised building also means a temporary building whose duration of use or purpose has expired and the building has not been demolished. Temporary building shall not be regarded as unauthorised building if the period of its duration has not been prolonged by the building office due to its inactivity, although the owner of the building has applied for prolongation of this period not later than 30 days before its expiration, until the entry into force of the decision of the building office.

(5) A building shall not be regarded as unauthorised building if during its implementation, during or after its approval proceedings the building permit or the decision on change of building was cancelled by an administrative authority reviewing the decision or by a court in administrative justice for a reason not attributable to the developer. Such building shall be subject to new building or approval proceedings.

(6) Unauthorised buildings shall not be regarded as buildings or building modifications implemented without building permit or notice before 1 October 1976 (option 1), before 1 September 1997 (option 2).

Article 69

(1) The building office is obliged to immediately order the demolition of an unauthorised building or its part to its developer, to the owner of land on which the unauthorised building is erected, and to the owner of building in case of unauthorised change of the building, and to determine a reasonable period for the demolition of the building and conditions that must be fulfilled during its demolition.

(2) The persons set out in paragraph 1 are obliged to immediately demolish the building at their own expense, to close the building site and to prevent access of third parties to the building and the building site until the demolition of the unauthorised building or its part.

(3) If a person set out in paragraph 1 does not demolish the unauthorised building or its part in the determined period the building office shall propose an auction of the unauthorised building or its part through a bailiff; the successful bidder is obliged to demolish the unauthorised building or its part at his own expense; this provision does not apply to unauthorised advertising structures. If the owner of unauthorised advertising structure does not demolish the unauthorised advertising structure in the determined period the building office may decide on the demolition of the unauthorised advertising structure by the advertising providers association, which is a party to the proceedings on the demolition of the advertising structure, at expense of its owner.

(4) If an unauthorised building or its part cannot be sold at auction the building office shall suggest the building inspectorate to exercise the decision by direct enforcement of the obligation to demolish the unauthorised building or its part.

(5) In case of unauthorised change to a completed building according to Article 15 (3)(c) which cannot be demolished for building-technical reasons the building office shall order immediate suspension of construction works, impose a sanction and request the developer to submit an

application initiating the proceedings for authorisation of the change to the building in the determined period, even in case of a change or construction works that only require the building approval. This application comprises the request for payment of fine.

(6) To ensure the suspension of construction works pursuant to paragraph 5 the building office may prohibit access to the building site to the building contractor, who continues construction works after the entry into force of the decision on their suspension. The building office may also lock and have a security guard to protect the construction products kept on the building site, retain and store building vehicles on the building site, and apply the trade licensing authority to withdraw the trade licence to the contractor.

(7) The procedure according to paragraphs 1 to 6 also applies to equipment mounted without building permit or without building approval.

(8) The decision ordering the demolition of unauthorised building or its part shall be communicated to the participants by hand delivery and published on the official information board and on the website of the building office.

Article 70

General technical requirements for implementation of construction works

(1) Construction works must be implemented in accordance with technical requirements proposed in the verified building project, the implementing project, or resulting from safety, hygienic and technical regulations and Slovak technical standards, and meet basic requirements for buildings.

(2) The buildings are founded by the manner corresponding to foundation conditions of the building plot and to the groundwater regime. When founding a building it is necessary to ensure that the foundation works do not threaten the stability of neighbouring buildings or change the foundation conditions of neighbouring building plots. The neighbouring buildings whose stability or foundation conditions could be threatened by foundation of the building should be secured before the start of earthmoving works.

(3) It is necessary to coordinate earthmoving works when founding a building and placing the underground structures simultaneously and on the same site. Excavations and dumps must not prevent from access or approach to the neighbouring plots and buildings. Cuttings on public roads must be adequately protected by fixed barrier and equipped by adequate number of passages, level crossings or alternate roads that are sufficiently safe and suitable as for capacity. Moreover, they must be marked by traffic signs and implemented in a manner not affecting the stability of neighbouring buildings and use of land.

(4) The solid foundation of a building must safely carry into buildings grounds the load caused by building construction and usable load. The foundation crevice must be founded in non-congealable depth.

(5) Buildings on land plots that may be affected by mining activity or activity carried out by mining procedure or that are in the close vicinity of road buildings must comply with the requirements for foundation engineering and for building constructions corresponding to these conditions.

(6) Buildings on the land with seismic danger must comply with the requirements corresponding to the level of possible seismic activity of the land. Buildings in an area which may be threatened by flood, landslide or other undesirable geodynamic events must comply with the safety requirements corresponding to the level of threat.

(7) External cladding and roof cladding of the building must according to the type of buildings show the required thermal insulating characteristics and meet requirements of thermo-technical standards, resist all external climatic conditions and meet the minimum requirements for energy performance of buildings.

(8) The roofs of buildings must hold and carry off precipitation and prevent its penetration into building constructions and be resistant to the loads caused by snow.

(9) External and internal stairways must allow safe operation and their number, width and slope must be adequate to the type of building, purpose and way of building use. Stair areas must be sufficiently lit and equipped by protective railing with design adequate to the type, purpose and way of use of the building.

(10) Chimneys and conduits must safely remove the waste gases from the fuel combustion equipments and other technological facilities into outer air and resist the flue effects. Chimneys must be designed and erected in the manner enabling their cleaning.

(11) Interior distributions must be safe and enable the use of the building for intended purpose. Internal energy and water distributions of large and multi-storey buildings must have also interior stop valves enabling to close or interrupt energy or water supply into the part of building in case of failure or in maintenance.

(12) Building-technical, operating and technological facilities of buildings must enable the operation and technological process for which the building is intended.

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Title Four
Use and demolition of buildings

Article 81
Maintenance of buildings

(1) The owner of building is obliged to maintain the building in working order for the purpose for which the building has been authorised and approved, and in a manner to ensure its compliance with basic requirements for buildings and general technical requirements for construction during the whole economically justified useful life.

(2) The owner of building is obliged

- a) To maintain the building in a good building-technical condition, to implement preventive maintenance and to remove detected defects by maintenance works of building modifications;
- b) To make sure that the building does not create the risk of fire or hygienic defects;
- c) To maintain technical systems of buildings and other technical equipment in the building in a functional condition and in case of their replacement to prefer the best available technique and monitoring, control and measuring systems in case of their replacement;
- d) To observe the regime of regular checks prescribed by technical regulations, Slovak technical standards, operating regulations of buildings and manuals of producers of construction products, in particular to timely implement the planned inspections of bearing structures in the building and technical systems of buildings as well as overhauls, maintenance, repairs and replacement of dedicated technical equipment;
- e) To keep building documentation, energy certificate and records of regular inspections of bearing structures of the building and technical systems of buildings as well as overhauls, maintenance, repairs and replacement of dedicated technical equipment and in case of sale of the building to hand them over to the new owner;
- f) To carry out maintenance works on the building, required building modifications and urgent precaution works ordered by the building office;
- g) To respect the rights and justified interests of the owners of structures and facilities that are part of the building, in the building or on the building according to the building permit, building approval or authorisation for implementation of building.

(3) If the building documentation does not clearly indicate the purpose for which the building has been authorised or approved the building shall be deemed to be intended for a purpose that its building-technical solution, operating arrangement and equipment allows. If the structure, internal operating arrangement and equipment of the building allows the use of building for more than one purpose the building shall be deemed to be intended for a purpose for which the building is actually used without problems.

(4) If the building documentation, especially the verified building project or implementing project, has not been preserved or the building project is in an unusable condition the owner of building may procure documentation of actual implementation of the building. If elaboration of complete building project is not necessary it is sufficient to procure a simplified documentation of actual implementation of the building. The procured documentation of actual implementation of the building or simplified documentation shall be verified by the building office.

(5) The building office may order the owner of building to procure documentation of actual implementation of the building if this documentation is to serve as the basis for approval of changes in a completed building or changes in the use of a completed building.

Article 82

Change in the use of completed building

(1) A building may only be used for the purpose determined in the decision on the siting of building, the building permit and in the approval decision. Any change in the purpose and way of use of a building or its part or substantial change or extension of production or other operating activity, which might endanger human life or health or the environment, requires the permit of the building office for change in the use of a completed building.

(2) The change in the use of a completed building or its part requires

- a) new approval proceedings, if the change does not require building modifications;
- b) notice and new approval proceedings if the change involves reconstruction which only requires the building approval;
- c) new building permit and new approval proceedings if the change involves a change in the building or building modifications which require the building permit.

(3) In case of a building that is subject to the impact assessment or which has been assessed on the basis of the decision of the impact assessment authority in the inquiry proceedings, the change in the use of a completed building may be authorised on the basis of new impact assessment.

Article 83

Authorisations of the building office for assurance of the use of buildings

For the reason of protection of public interest the building office is authorised:

- a) to order the owner of building to implement at his own expense maintenance works on the building, in particular repairs of façade, repairs or replacement of roof covering or rainwater pipes, repairs of chimney or fencing;
- b) to order the owner of land to implement at his own expense urgent modifications of the land, in particular transport of building or other waste to a dump site, land modifications required for water discharge, removal of self-sowing trees or weeds;
- c) to order the owner of building to procure at his own expense the inspection of bearing structures of the building in case of suspicion of their instability or visible wear.

Article 84

Necessary building modifications

(1) If a building does not fulfil the basic requirements for buildings the building office acting in the public interest shall order the owner of building to implement necessary building modifications or changes in the building plot. Such ordered modifications shall be implemented by the owner at his own expense.

(2) If necessary building modifications require project documentation or other documents the building office shall impose on the owner of building or building land to submit these documents in the determined scope and period. If the owner of building does not fulfil this obligation the building office may procure the required documentation or documents at cost of the obliged person. After their procurement the building office shall order replacement performance of building modifications and determine the conditions and the period for their performance. It shall procure an authorised project engineer for the provision of replacement performance.

(3) If necessary building modifications do not require project documentation or other documents the building office shall impose on the owner of building or building land to implement the modifications and determine the scope, method, conditions and reasonable period for their implementation.

(4) A building or its part on which necessary building modifications were ordered may only be used on the basis of the approval decision; this provision does not apply if the building office waived the approval proceedings.

Article 85 **Safety works**

(1) If the condition of a building endangers life or health of people or animals or might cause damage to property or cultural values and immediate demolition of the building is not necessary, the building office shall order the owner of building to carry out safety works in public interest.

(2) If a danger of delay arises and safety works cannot be carried out otherwise the building office shall order a contractor authorised for performance of necessary building works, also without consultation with the owner of building, to immediately perform the safety works in the required extent and determine the conditions of their performance.

(3) The appeal against the decision ordering safety works does not have a delaying effect.

(4) The provisions of paragraphs 1 to 3 shall apply reasonably to safety works ordered for land modifications.

(5) Costs of safety works shall be borne by the owner of building.

Article 86 **Clearance of building**

(1) If a building is in such condition that it present imminent threat to life or health of persons the building office shall order the owner of building to clear the building.

(2) The building office shall order the users of building to immediately leave the building. If they refuse to leave the building the owner of building shall be obliged to ensure the clearance of the building.

(3) The decision ordering clearance of a building pursuant to paragraph 1 may be communicated orally in case of imminent threat of collapse of the building; a written copy of this decision must be delivered immediately. The appeal against the decision ordering clearance of a building does not have any delaying effect.

(4) The building office shall order the clearance of a building even if it is necessary for performance of immediate safety works on the building or necessary modifications and maintenance which it has ordered itself.

Article 87

Measures on neighbouring land or neighbouring building

(1) For the purpose of implementation of a building or its change and performance of necessary building modifications, maintenance or safety works, land modifications as well as for demolition of a building the building authority may impose on the owner or user of neighbouring land or neighbouring building to tolerate the building works implemented on its land or building.

(2) The person in whose favour the building office has imposed the measure according to paragraph 1 is obliged to take care to interrupt as little as possible the use of land or buildings and to make sure that their activities do not cause damage which could be prevented; this person is obliged to provide to the owner of land or building adequate compensation for restriction of the ownership right and after termination of works to reinstate the land or building or provide compensation for caused damage to the owner.

Article 88

Demolition of buildings

(1) The building office shall permit demolition of a building

- a) upon proposal of the owner of building by a decision in case of a building the implementation of which requires the building permit;
- b) upon notice of the owner of building or facility by a building approval in case of a building the implementation of which requires the building approval.

(2) If the construction of a new building which requires the building permit is planned in the place of demolished building the permit or approval to demolition of building may be included in the building permit. If the construction of a new building which requires the building approval is planned in the place of demolished building the notice of demolition of the building may be combined with notice of the new building and one building approval may be issued.

(3) The building office shall order the owner of building to demolish

- a) a building threatening human life or health, which cannot be renovated at an economic viable cost;
- b) a building for which the building permit has been cancelled due to serious irreparable structural defect detected during construction, which does not allow the implementation of the building;
- c) a building structure for which the building permit has been cancelled due to important archaeological or cultural finding made on the building plot or the building during its implementation, which does not allow the implementation of the building;
- d) an unauthorised building or its unauthorised part according to Article 67 paragraph 1(a) to (c) or paragraph 2.

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SECTION FOUR PUBLIC ADMINISTRATION

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Article 93
Ministry

The Ministry

- a) manages and controls performance of state administration at district authorities in the region;
- b) submits in the review procedure its comments to the commission, concepts and draft land-use plans of regions in terms of their compliance with legal regulations and makes sure that they take into account the Overall plan for development of Slovakia;
- c) submits in the review procedure its comments to the report on the state of land-use plan of region, to the regulation on amendments and to amendments of the land-use plan of region in terms of their compliance with legal regulations and makes sure that they take into account the Overall plan for development of Slovakia;
- d) provides professional assistance to qualified persons for procurement of land-use planning documentation and land-planning reference documents and to the entities elaborating this documentation and determines them a binding method of procurement and elaboration of land-planning reference documents and land-use planning documentation;
- e) provides municipalities with state budget subsidies for procurement of land-use planning documentation;
- f) coordinates the activities of the ministries and other central government authorities in elaboration of sectoral plans, programmes and other documents that have influence on the territory and makes sure that they take into account the Overall plan for development of Slovakia and land-use plans of regions;
- g) assesses the commission and the draft land-use plan of region, the directive and amendments of the land-use plan of region in the review procedure prior to their approval;
- h) provides professional training for persons competent for procurement of land-use planning documentation, examines their professional competence, keeps the register of these persons and issues to them the certificate of registration,
- i) provides professional training for employees of building offices and ensures their further education;
- j) is information system manager and publishes data from this system on the website;
- k) keeps the register of interest groups of owners of advertising structures;
- l) after consultation with the competent central body decides on differences arising from discussion of plans and draft land-use planning documentation which could not be removed by agreement of the contracting authority and the affected body;
- m) determines the content of written part of authorisation examination required for issue of licence within the scope of reserved activities in construction and examination of professional competence required for the issue of the licence for energy certification, activities of site managers and building supervision.

Article 94
Building inspection

(1) Building inspection is a state authority specialized in state building supervision; it is a state budgetary organisation involved into budget of the ministry.

(2) Building inspection performs the state building supervision through inspections at request of the ministry, the district authority in the region, the state supervision authority, the state technical supervision authority, the professional supervision authority for dedicated technical equipment or on the basis of notice, proposal or petition; this provision does not apply if the building permit was issued by a special building office.

(3) The state building supervision is performed by the building inspectorate which is also the first-level administrative authority. The second-level administrative authority is the Directorate of Building Inspection in Bratislava.

(4) The Building Inspectorate:

- a) verifies whether a building or land modifications are implemented in accordance with this act, especially whether a building has all required permits and approvals and is implemented in accordance with conditions of these permits and verified project documentation;
- b) verifies whether buildings and land modifications are implemented by persons who have required qualifications and licences;
- c) verifies the compliance with general technical requirements for construction and special technical requirements for barrier-free use of buildings and orders and supervises the removal of detected defects,
- d) verifies the fulfilment of basic requirements for buildings, if supervision is not performed by other authority;
- e) is authorised to exclude from the implementation of construction works, other professional activities or from reserved activities any person who has not the required qualifications, medical fitness or required licence;
- f) is authorised to suspend the construction works if it finds out that they are carried out without the building permit or in gross contradiction with it; to order the site manager to close the building site and the building, to order the building contractor to leave the building and to order the owner of engineering networks to stop electricity and water supplies to the building;
- g) is authorised to impose a disciplinary fine up to EUR 2 000 on physical persons who do not cooperate during an inspection;
- h) is an administrative authority competent for handling of offences and imposition of fines for administrative offences
- i) exercises the decision ordering the demolition of unauthorised building;
- j) keeps building registers within the scope of exercise of state building supervision.

(5) The building inspection is headed by the director who is nominated and revoked by the Minister of Transport, Construction and Regional Development of the Slovak Republic. The building inspectorates are headed by chief clerks who are nominated and revoked by the director of building inspection.

(6) The details on the organisation of building inspection are stipulated by the statute that is approved by the Minister of Transport, Construction and Regional Development of the Slovak Republic.

Article 95

District authority in the region

(1) The district authority in the region

- a) submits in the review procedure its comments to the commission, the concept and the draft land-use plan of municipality, land-use plan of zone and draft built-up plan in terms of their compliance with this act and legal regulations;
- b) submits its comments to reports on the state of land-use plan of municipality and land-use plan of zone, to the direction and amendments of the land-use plan of municipality and land-use plan of zone,
- c) assesses the commission and the draft land-use plan of municipality, the draft land-use plan of zone and their amendments and as well as amendments of the built-up plan in the review procedure prior to their approval;
- d) at request of the municipality it submit registration forms of land-planning reference documents and their updates and of approved land-use planning documentation to the land-use planning registers in the information system
- e) provides professional assistance to persons competent for procurement of land-planning reference documents and land-use planning documentation
- f) manages and controls the performance of state administration by building offices,
- g) is an appeal authority in proceedings before building offices
- h) keeps the building registers within the scope of its competences.

(2) The district authority in the region is a building office in proceedings for the siting of a motorway, express way, railway, nuclear facility, structure related to nuclear facility and important investment.

(3) In case of a building or measure planned in two or more building districts the district authority in the region will determine which of the building offices will implement the proceedings or measure.

(4) In case of a building planned in a territory of two or more regions the ministry will determine which of the building offices will implement the proceedings.

(5) If the locally competent building office in a municipality, which is the seat of a building district and also proponent, developer or owner of the building or applicant for permit for land

modifications, is competent for the proceedings, the district authority in the region will designate another building office to implement the proceedings.

(6) In case of a complicated and extensive building involving a large number of participants, or for a similar reason the district authority in the region with approval of the Ministry may decide to implement the first-level proceedings itself.

Article 96 **Building office**

(1) The building office is a municipality. The activity of the building office is transferred performance of state administration.

(1) The functions of the building office are executed in building districts. Building district is the territory of one municipality or territories of several municipalities.

(2) The building office

- a) is the administrative authority in proceedings according to this act;
- b) is responsible for written agenda of the building office and elaborates written copies of decisions and building approvals;
- c) provides technical evidence and other documents required for decision-making activity according to this act;
- d) provides technical evidence and prepares measures concerning the fulfilment of common tasks in the area of construction;
- e) through authorised employees performs the state building supervision in the building district;
- f) cooperates with the local police in the search for unauthorised structures;
- k) handles offences and imposes fines for administrative offences according to this act
- l) keeps building registers within the scope of competences of the building office.

(3) The building office is headed by the chief clerk who is appointed on the basis of result of selection procedure by the mayor of the municipality, which is the seat of the building district. The chief clerk of the building office and other employees of the municipality represented in the building office must have special qualifications according to Article 95.

(4) The chief clerk of the building office

- a) Organises, manages and controls the activity of the building office;
- b) Performs the state building supervision in the building district;
- c) Initials building permits and other related decisions and building approvals according to this act before they are signed by the mayor of municipality;
- d) Signs preliminary and procedural decisions and other administrative acts in the proceedings.

(5) The mayor of the municipality which is the seat of a building district shall revoke a chief clerk of the building office who repeatedly or seriously neglects his obligations pursuant to paragraph 5, especially when inactivity or incorrect official procedure of the building office

- a) causes protraction of the proceedings

- b) causes that state building supervision is not performed sufficiently, consistently and effectively;
- c) causes inconsistent imposition of sanctions for detected offence and other administrative offences.

(6) Regulations on performance of work in public interest apply to the position and performance of work by employees of the municipality.

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Article 105
Municipality

- (1) The municipality
 - a) procures and approves the land-use plan of municipality and its amendments
 - b) may procure and approve the land-use plan of zone, where required, and its amendments
 - c) procures the built-up plan
 - d) procures the land-planning reference documents
 - e) ensures the compliance of the land-use plan of municipality with land-use plan of region and compliance of the land-use plan of zone and the built-up plan with the land-use plan of municipality
 - f) elaborates and reviews every four years the report on the state of land-use plan of municipality and on the state of land-use plan of zone
 - g) provides to the ministry through the district authority in the region registration forms of acquired land-planning reference documents and approved land-use planning documentation and its amendments and provides the land-use planning documentations to the land-use planning registers
 - h) through a generally binding regulation may a building enclosure for the period of preparation of the land-use plan of municipality
 - i) issues binding opinions in the proceedings for the siting of a building and binding opinions in the proceedings for the use of land on compliance of the development project with the land-use plan. If such opinion is not issued in 30 days of the date of delivery of application the development project is deemed to be compliant with the land-use plan
 - j) issues land-use planning information.

- (2) A binding opinion of a municipality is a measure against which the protest of the prosecutor may be applied.

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Title Two
State building supervision

Article 108
Basic provisions

(1) The state building supervision ensures the protection of public interests in the siting, implementation, use, demolition of buildings and their changes, facilities and ground modifications. In particular the state building supervision verifies whether

- a) the building and its changes, building modifications, maintenance works or land modifications are implemented in line with the building permit or other decision or in line with the building approval;
- b) conditions resulting from the building permit or other decision or building approval and from the building project verified by the building office are complied with during the implementation of the building;
- c) the built-up conditions are complied with during the implementation of the building
- d) the building documentation is available on the building site
- e) safety, hygienic and technical regulations and technical standards relating to construction works are respected during the implementation of the building and whether they are carried out by authorised physical persons and in accordance with the respective authorisation
- f) the basic conditions for buildings are complied with and whether construction products suitable for intended purpose are used during the implementation of the building
- g) the general technical requirements for construction and requirements for barrier-free access are fulfilled during the implementation of the building ,
- h) the building is used in accordance with the functional specification and the way of use determined in the official approval
- i) the building is maintained in a good technical condition and meets the basic requirements for buildings
- j) the conditions of ordered building modifications and immediate maintenance works are complied with,
- k) the demolition of the building does not threaten the neighbouring plots and neighbouring buildings
- l) the building has been demolished in accordance with the decision of the building office ordering its demolition.

(2) The contents of the performance of state building supervision and competences of employees in charge of its performance are not governed by the basic rules of control activity in state administration.

Performance of state building supervision

Article 109

(1) The state building supervision is performed by competent employees of the building office, the district authority in the region and the building inspection. The authorisation for performance of state building supervision is proved by a card issued by the chief clerk of the building office, the chief clerk of the district authority in the region, the chief clerk of the building inspectorate; in case of special building office this card must be issued by authorised person according to internal regulations.

(2) Persons according to paragraph 1 are authorised with previous notice to the owner to enter the land and with previous notice to the site manager to enter the building and the building site, if they fulfil tasks resulting from functions of state building supervision. Experts and other invited

persons required for the fulfilment of functions of state building supervision may enter the land, the building and the building site together with these persons.

(3) Summoned persons, in particular other parties to the proceedings, interested parties, representatives of the public and employees of affected authorities may also enter the land and the building in the presence of the owner or site manager and accompanied by an employee of the building office for the purpose of site visit. These persons prove their authorisation for Access by the summons.

(4) The owner of the building and the site managers are obliged to allow the persons set out in paragraphs 1 to 3 the access to the land, the building and the building site, to consult the verified building project and the implementing project and to create conditions for the fulfilment of the purpose of such access.

(5) If lives and health of humans or animals are threatened or the imminent threat of damage to the environment exists, the persons set out in paragraphs 1 and 2 may enter the land, the building or the building site also without giving prior notice to the owner or site manager within the scope required for rescue of people or animals or removal of imminent threat, on their own responsibility and for necessary time. They must later inform about it the owner and the site manager.

(6) The persons authorised for access to the land, the building or the building site must not threaten their life and health or lives and health of other persons or cause damage to the land or to the building by their conduct. If the land or the building is damaged the building office shall ensure the reinstatement of the land or the building and compensation for caused damage.

(7) The special building offices perform the state building supervision on building sites for which they fulfil functions of the building office.

Article 110

(1) If the a defect of the building is detected during performance of the state building supervision the employee in charge of state building supervision it shall invite according to the nature of the matter the owner of building, the developer, the site manager, the person authorised for performance of building supervision or other person to make repairs in the determined reasonable period or to suspend the construction works in the necessary extent, or address other administrative authority with the request to take appropriate measures. After expiration of the determined period this person shall verify the implementation of the measure imposed in the request.

(2) If the person requested to make repairs or take appropriate measures ignores the request the building office or the building inspectorate shall order the repair and, if it is necessary for protection of life and health or the environment, decide on discontinuation of the implementation of the building or on halting of some construction works and order the implementation of measures for the protection of the building and the building site. An appeal against such decision may be

deprived of delaying effect. The suspended works on the building or suspended implementation of the building may continue only with approval of the building office or the building inspectorate after the verification of performed repairs.

(3) In the decision according to paragraph 2 the building office or the building inspectorate may also impose the obligation to refrain from any activity which is damaging the environment to a degree exceeding the acceptable level or the obligation to implement measures which mitigate the negative environmental effects to the acceptable level.

(4) If a structural defect of the building, which cannot be removed and which is preventing further work on the building, is discovered during the performance of state building supervision the building office or the building inspectorate shall decide on suspension of the implementation of the building, determine measures for protection of the building and the building site and impose on the owner of building to submit a proposal for change of uncompleted building within a determined reasonable period. If a structural defect which cannot be removed prevents further implementation of the building and the change of uncompleted building cannot be authorised the building office shall revoke the building permit and order the demolition of the building.

(5) If the owner of building, in spite of enforceability of the decision under paragraph 4, does not halt the construction works the building office shall decide on closing of the building site and locking of its entrance and exit gates, retention and storage of building vehicles and other equipment situated on the building site and of building material deposited on the building site or in the building and on procurement of a security guard to prevent access of persons carrying out construction works until the entry into force of the decision on the change of building or decision on demolition of building. All these measures will be implemented at the expense of the owner of the building.

(6) If an unauthorised building is detected during the performance of the state building supervision the building office or the building inspectorate shall order the developer to immediately suspend implementation of the unauthorised building until the building office decides on the unauthorised building. An appeal against the decision on suspension of implementation of the building has not delaying effect. The building office shall communicate the decision on closing of the building to the building inspectorate, the labour inspection office and the trade licensing authority, in whose register the building contractor is entered.

(7) If the developer or the owner of building continues the implementation of unauthorised building in spite of the valid decision under paragraph 6 the building office shall inform the law enforcement authorities.

(8) If the suspicion of use of unsuitable construction products or implementation of construction works in contradiction with technical regulations, manuals of producers of construction products or established technological procedures arises during performance of state building supervision the building office or the building inspectorate may order sampling of these products

for the purposes of performance of tests or elaboration of expert opinion at the expense of the supplier of construction products or construction works.

(8) If the state building supervision of the building in use detects that project documentation has not been elaborated at all, has not been preserved or is not in good condition, the building office may order the owner of building to procure within determined reasonable period the documentation of actual implementation of the building or, if it is not necessary or in case of a simple building, to procure simplified documentation. One copy of this documentation shall be delivered to the register office of the building office and the other copy, verified by the building office, shall be kept by the owner of building.

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Title Three Proceedings

Article 114 Basic provision

(1) The general provisions on administrative proceedings⁸⁾ shall apply to the proceedings according to this act, unless this act provides otherwise.

(2) The general provisions on administrative proceedings shall not apply to:

- a) procurement of land-planning reference documents and land-use planning documentation and their amendments
- b) approval of land-use planning documentation, reports on the state of land-use planning documentation and directions for amendments of the land-use planning documentation
- c) reporting and issue of building approval
- d) issue of land-use information
- e) provision of data from documentation of the owners of transport infrastructure and the owners of engineering networks
- f) decision-making of the ministry and the district authority in the region on the change of jurisdiction of the building office,
- g) issue of opinions in the review of land-use planning documentation
- h) issue of binding opinions according to this act
- i) decision of a municipality on the proposal for procurement of draft built-up plan.

(3) If the proceedings is discontinued the periods according to this Act do not run.

(4) The local competence of the building office as administrative authority is governed by the place where the building is situated.

⁸⁾ Act No. 71/1967 Coll. on administrative proceedings (Administrative Procedure Code), as amended.

(5) The notice, the proposal initiating the proceedings and the oral appeal for the record cannot be submitted in proceedings according to this Act .

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B u i l d i n g p r o c e e d i n g s

Article 136

Participants

(1) The administrative authority means the building office, unless a special building office is competent.

(2) The following persons are participants of the building proceedings:

- a) the developer,
- b) the owner of building land or building who is not the developer
- c) persons who have the right corresponding to real burden to the building land, the neighbouring land or the neighbouring building, if his rights, interests protected by law or imposed obligations may be directly affected by the decision on the matter
- d) owners of neighbouring plots and neighbouring buildings if the content of the building permit may directly affect their rights, interests protected by law or the fulfilment of obligations imposed on them
- e) the project engineer in the part concerning the project documentation of building
- f) the person who is authorised for performance of the building supervision or the qualified person in case of a building that will be implemented by the developer itself.

(3) Participants of the building proceedings are not tenants of flat, non-flat premises and land, or owners of land, who are obliged by law to establish the real burden in favour of existing flat building or the right in rem in favour of the developer.

Article 137

Application for building permit

(1) The application for building permit is a proposal initiating the building proceedings. It contains:

- a) general particulars of submission
- b) data on the land where the building or change of building will be implemented
- c) data on the building, its type and purpose of use
- d) data on neighbouring lands and neighbouring buildings
- e) list of known participants
- f) estimated duration of construction works
- g) estimated costs for the purpose of determination of administrative charge
- h) duration and use of building in case of temporary construction works
- i) file number of the decision on the siting of a building, if the authorised building is subject to this decision.

- (2) The application for building permit shall be accompanied by
- a) project documentation of the building, of which two copies of the building project;
 - b) document proving the authorisation for implementation of the building; this provision does not apply when the authorisation for implementation of building results from the land register and the building office has electronic access to this register;
 - c) a copy of the cadastral map in case of a new building or addition to existing building; this provision does not apply if the building office has electronic access to the land register;
 - d) decision on the siting of a building if the building is subject to this decision and if the competent administrative authority is a special building office;
 - e) final opinion of the impact assessment authority if the authorised building has been subject to the assessment;
 - f) decisions and binding opinions of affected authorities and data on the fulfilment of conditions determined by affected authorities;
 - g) static assessment in case of a dedicated building or building for which the building office requires a static assessment.

- (3) The application for building permit is submitted for:
- a) the building or its change
 - b) a set of buildings, including the site installations
 - c) individual buildings of a set of buildings according to b), that will be fit for independent use
 - d) conditioning investments, in particular relaying of linear structures of transport infrastructure and engineering networks, protective structures and structures protecting habitats and enabling natural migration of wild animals.

(4) The building office may decide that the building proceedings would be initiated only after extension of the application to additional buildings of a set of buildings or to conditioning investments or to the whole set of buildings, including conditioning investments.

Article 138 **Suspension of the building proceedings**

- (1) The building office shall suspend the building proceedings and request the developer to complete the application within a determined period if
- a) project documentation does not provide a sufficient basis for assessment and decision,
 - b) project documentation does not respect the built-up conditions according to the built-up plan or the decision on the siting of a building
 - c) project documentation does not take into account the decisions and binding opinions of affected authorities and the final opinion from impact assessment or static assessment.

(2) The building office shall suspend the building proceedings until the termination of the succession proceedings if the developer dies before the termination of the building proceedings. If

a developer who is a legal person ceases to exist the building office shall suspend the proceedings until the date when the legal successor is known.

(3) The building office may suspend the building proceedings for a period not exceeding 30 days if the developer proposes it for a relevant reason. The suspension does not require the approvals of other participants.

Article 139 **Hearing**

(1) The building office shall order a hearing which is usually connected with a site visit of the building land or the building. The building office may obviate the visit if

- a) if the conditions of the site, the building and its surroundings are well known to it and the application for building permit and the project documentation of the building provide sufficient basis for decision;
- b) the site visit has taken place during the proceedings for the siting of the building or during assessment of the development project, or
- c) the participants propose it.

(2) The building office may obviate the hearing for the reason set out in paragraph 1 if the sole participants are the developer and the project engineer, or if the developer delivers to the building office written approvals of the other participants. If the building office has obviated the hearing it shall invite in writing the participants and affected authorities to submit their potential proposals, comments and objections within the determined period, which must not be shorter than seven working days of the date of delivery of the invitation, and inform them that proposals, comments and objections delivered after this deadline may not be taken into account.

(3) The building office shall invite to the hearing the developer, the other participants, concerned persons and, if appropriate, representatives of affected authorities and other persons, in particular those who have been informed about the opening of the proceedings.

(4) The invitation according to paragraph 3 must be delivered at least seven working days before the date of hearing. In the invitation the building office shall indicate that invited persons may submit objections and requirements not later than on the hearing and that any objections and requirements submitted at a later date may not be taken into account.

Article 140 **Halting of the proceedings**

The building office shall halt the proceedings if

- a) the building does not comply with the directions of the land-use plan or the built-up conditions
- b) the developer is not authorised for implementation of the building
- c) a decision on building enclosure has been issued to the land

- d) the land is excluded from the building up and the implementation of the building in question is inadmissible on this land
- e) the proceedings do not relate to a building
- f) the implementation of the building does not require a building permit
- g) the building has not been subject to the impact assessment, although it should have been subject to this assessment, or
- h) the construction works started before the entry into force of the building permit.

Article 141
Basis of decision

- (1) The basis of decision of the building office is
 - a) The application for building permit and its annexes
 - b) The decision on the siting of a building or the draft built-up conditions, if the decision on the siting of a building is not required
 - c) Binding opinions of affected authorities and valid decisions on preliminary issues
 - d) final opinion of the impact assessment authority in case of a building that has been subject to assessment
 - e) opinions of the other participants, concerned persons and interested public, if the public is not a participant
 - f) expert opinions and expert reports of persons with authorisation for performance of reserved activities, if these opinions and reports have been required or used in the proceedings
 - g) minutes of the meeting of inhabitants of a municipality or its part and result of local plebiscite, if it has been hold.

(2) If the affected authorities do not deliver their binding opinions and comments to the building office within the determined period they shall be deemed to have no objections against the authorisation of the building and the building office shall decide on the basis of available documents.

- (3) The building office shall examine in the building proceedings the basis of the decision to make sure that
 - a) the developer has the authorisation for implementation of the building
 - b) the authorised building complies with the directives of the land-use plan and with the built-up conditions
 - c) the authorised building corresponds to the content of the final opinion from impact assessment in case of a building that is subject to impact assessment
 - d) the project documentation of the building meets the general technical requirements for construction and requirements for barrier-free access, if the building is intended for use by these persons or if the building will be used by the public
 - e) the project documentation fulfils the basic requirements for buildings and takes into account the decisions and binding opinions of affected authorities

- f) the project documentation has been elaborated by the project engineer or a qualified person
- g) static assessment report has been enclosed in case of a dedicated building or a building for which the building office requires this report
- h) the project documentation of the building contains the project energy evaluation in case of a building which is subject to energy certification
- i) it is in accordance with the radon evaluation.

(4) The building office in the building proceedings shall ensure mutual compliance of documents that serve as the basis for the decision. In doing so, the building office shall not take into account any proposal or other requirement that

- a) has been or could have been handled in the proceedings for the siting of a building, in the assessment of the development project or in the final opinion from impact assessment
- b) has been decided by other administrative authority or court and the decision is valid
- c) has been submitted after the expiration of the determined period providing the participant of the proceedings and the concerned person have been notified in advance
- d) has been handled at the hearing or during the site visit
- e) would breach contrary if complied with, or
- f) is in contradiction with the land-use planning documentation, especially with its directives or with the built-up conditions, or with the final opinion of the impact assessment authority.

Article 142 **Building permit**

(1) If the building office does not find any reason for rejection of the application for building permit or halting of the proceedings, it shall authorise the building.

(2) In addition to general particulars of the decision, the building permit shall contain

- a) identification data of the developer
- b) identification data of the other participants
- c) type and purpose of authorised building or its change
- d) parcel numbers of building plots according to the land register on which the erection of the building is authorised.

(3) In case of building permit for a linear building or a building with a large number of participants the data according to paragraph 2 (b) shall not be indicated in the building permit.

(4) The building office shall determine in the building permit the conditions for implementation of the building and decide on objections raised by the participants. The conditions shall ensure the requirements made in the binding opinions of affected authorities, the comprehensiveness of the building, adherence to basic requirements for buildings and general technical requirements for construction, including special technical requirements for buildings used by persons with restricted mobility and orientation.

(5) The building office may determine in the building permit

- a) The obligation to notify certain stages of implementation of the building for the purpose of performance of site visit
- b) Period for completion of the building
- c) Land plots that will form the building site
- d) The obligation to elaborate and submit the implementing project before the start of construction works, if this project is required for the verification of conditions determined for implementation of the building
- e) The obligation to submit documents, expert reports and opinions, results of follow-up measurements and static assessments according to the opinion of the affected authority
- f) Requirements for marking of the building
- g) Details on authorised measures on the land outside the building site or on the building
- h) The obligation to notify the name and surname of the site manager or person authorised for performance of building supervision or business name of the building contractor, if it is determined as late as in the tendering procedure, in 15 days of its completion
- i) The built-up conditions, if the building proceedings includes the proceedings on the siting of a building and if the built-up conditions do not result from the built-up plan.

(6) The building permit shall be accompanied by the building project verified by the building office.

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Article 144

Refusal of application for building permit

The building office shall refuse the application for building permit if it finds that the building cannot be authorised for the following reasons:

- a) The project documentation of the building does not meet the basic requirements for buildings or general requirements for authorisation of buildings
- b) The siting of the building or its built-up parameters are not in compliance with directions of the land-use plan, the built-up conditions or the final opinion from impact assessment
- c) The project documentation of the building has not been elaborated by the project engineer or a qualified person;
- d) The overworked building project is not in compliance with the binding opinions of affected authorities and received opinions and comments of the participants and concerned persons;
- e) The project documentation of the building does not allow the implementation of the building and its deficiencies cannot be removed in the proceedings or in the additional period determined by the building office.

Article 145

Period for decision

(1) The period for decision-making is 30 days of the date of hearing and if the hearing did not take place, of the date of expiration of the period for submission of comments and suggestions. In

case of a building that is subject to the environmental impact assessment the period for decision is 60 days.

(2) The period under paragraph 1 does not comprise the time during which the public notice of the commencement of the proceedings is displayed or the time from the day when assembly of inhabitants of the municipality was convened or the plebiscite notice was published until the date of delivery of minutes of the assembly of inhabitants of the municipality and result of the plebiscite.

Article 146

Delivery of building permit

(1) The building office delivers the building permit together with verified building project to the developer. The owner of building other than the developer and the participants and affected authorities are delivered the building permit without annex. One copy of the building project shall be deposited at the building office as part of its registry.

(2) The building permit and the decisions on the extension of its validity are announced by a public notice providing these methods have been used for announcement of the commencement of the building proceedings.

(3) The provision of paragraph 1 does not apply to buildings serving for state defence and to the building project in parts containing classified information.

Article 147

Validity of building permit

(1) The building permit is valid two years of the date when it entered into force unless the building office determines a longer period for the commencement of construction works in its decision. The building permit does not lose its validity if the construction works have been started in this period in accordance with conditions of the building permit.

(2) The building office may extend the period of validity of the building permit at request of the developer submitted before its expiration. This period does not run from the date of submission of the application until the date when the decision on the application enters into force.

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Proceedings on the demolition of a building

Article 157

Proposal initiating the proceedings

(1) The person submitting the proposal is the owner of the building.

(2) The proposal initiating the proceedings contains

- a) general particulars of the proposal;
- b) data on the building and the building site;
- c) reason for demolition of the building;

- d) data on potential threat to the surroundings of the building, especially the neighbouring buildings;
- e) data on persons whose rights or interests protected by the law may be directly affected by the demolition of the building or who may be prevented from fulfilling of the imposed obligation; this provision does not apply to tenants of flats, non-flat premises and land;
- f) data on time and method of demolition of the building and on disposal of building waste;
- g) data whether the building will be demolished by an external contractor or by the developer himself
- h) data on the person who will perform the building supervision, if the building is demolished by the developer himself.

(3) The provisions of paragraph 2 shall reasonably apply to the proposal for removal of installations.

Article 158 **The proceedings**

(1) The building office shall communicate the proposal initiating the proceedings in seven days from the day of submission of a complete proposal initiating the proceedings:

- a) persons whose rights may be directly affected by the demolition of the building
- b) the municipality if it is not a building office
- c) the affected authorities.

(2) The building office shall publish the proposal initiating the proceedings on the official board and on its website at least for 15 days. If appropriate, it shall inform about the proposal initiating the proceedings the public in the proximity of the building to be demolished, together with the call for submission of suggestions, comments and objections and with indication of the place and period for their submission.

(3) After the expiration of the period for submission of comments and suggestions the building office shall order a hearing together with a site visit.

(4) If the proceedings demonstrate that the demolition of the building does not directly affect the rights of third parties or the environment and when the building site after demolition of the building complies with the directions of the land-use planning documentation, the building office shall authorise the demolition of the building. In the decision authorising the demolition of the building it shall determine conditions of demolition of the building, protection of neighbouring buildings, and disposal of building waste and method of adjustment of the building site after demolition of the building.

(5) If the reason for demolition of the building is the plan of the proposing person to erect a new building on the same place, the proposal for demolition of the building can be combined with the application for building permit. The building office shall decide on the demolition of the building in the building permit.

(6) The provision of paragraph 1 (a) also applies to the proceedings on removal of installations. The hearing shall only be held with persons who may be directly affected by the removal of the installations. In the other cases the building office shall decide only on the basis of the proposal initiating the proceedings.

Proceedings on measures in public interest

Article 159

Commencement of the proceedings

(1) The proceedings on measures ordered for the protection of public interest shall be initiated by the building office immediately after the notification of the result of performed state building supervision.

- (2) The participant is the owner of the building, if the ordered measure imposes the obligation
- a) to carry out at own expense maintenance works on the building, in particular repairs of façade, repairs and replacement of roof covering or rainwater pipes, repair of chimney or fencing
 - b) to procure at own expense the static inspection of load-bearing constructions of a building where suspicion of static instability exists or wear of load-bearing constructions is visible
 - c) to demolish the building.

(3) The participant is the owner of land, if the ordered measure imposes the obligation to carry out at own expense immediate works on the land, especially removal of building waste, land modifications to ensure the water discharge, or demolition of the building.

(4) If the ordered measures impose the demolition of a building the participants are the developer and the building contractor.

Article 160

The proceedings

(1) The building office shall summon the participant to the hearing, which is usually connected with a site visit, to discuss with him the results of state building supervision, hear his opinion and verify the objective, financial and technical feasibility of the implementation of measures in public interest. The building office may also summon to the hearing other persons, if it is required for the implementation of measures in public interest.

(2) The basis of the decision is acquired knowledge and findings of the state building supervision, opinion of the participant and opinions of other persons who have been invited to the proceedings by the building office or who have submitted their opinions out of the hearing.

(3) In its decision the building office shall determine, apart from general particulars of the decision, the scope of required modifications, the method of their removal and the period for their implementation. The period must be adequate to the severity of weaknesses or deficiencies that must be removed by the ordered measure.

SECTION FIVE FINAL PROVISIONS

Article 164 Provisions on Authorisation

- (1) The Ministry shall lay down in a generally binding legal regulation the following details:
- a) contents and form of the application for obtaining professional qualification for the elaboration of land-planning reference documents and land-planning documentation, and specimen of the card;
 - b) contents of the registration letter and data for land-planning registers and the way of keeping land-planning registers and building registers in the information system;
 - c) contents of land-planning reference documents and land-planning documentation and the procedure of their procurement and approval;
 - d) contents of technical requirements for activities within respective areas;
 - e) contents of basic requirements for buildings;
 - f) requirements for the different types of lodgings by parties to proceedings and decisions of the building office;
 - g) contents and form of project documentation;
 - h) general technical requirements for construction and requirements for a barrier-free access;
 - i) contents and form of ensuring professional competence for performance of work in the building office;
 - j) organisation of work of the building office and qualification requirements for work in the building office;
 - k) contents of building adjustments and maintenance works;
 - l) form and contents of marking and building at a building site;
 - m) contents and form of the site log, and records on construction, including the possibility of electronic records.

(2) The Government shall lay down by regulation:

- a) the list of building districts, seats of building offices, and municipalities pertaining to building districts;
- b) list of municipalities with urban concentration of marginalised groups of inhabitants.**

(3) The Geodesy, Cartography and Cadastre Authority of the Slovak Republic shall specify in a generally binding legal regulation the details of geodetic works in construction and geodetic documentation.

(4) The Ministry of Culture of the Slovak Republic upon consultations with the Ministry of Finance of the Slovak Republic shall issue a generally binding legal regulation specifying the types and forms of works of art in construction and the amount of investments from public budget that the developer is obliged to allocate for the purchase and placement of a work of art within a building.

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T r a n s i t i o n a l P r o v i s i o n s

Article 169

(1) Legal relations and related rights and obligations of persons under previous regulations shall remain unaffected.

(2) The periods commenced under previous regulations shall run until expired.

(3) Procedures commenced under previous regulations which have not been terminated by final decisions as of 30 June 2014

- a) shall be completed under previous regulations provided that a first-instance decision has already been issued and communicated; all other procedures already commenced shall be completed under this act;
- b) the building office shall suspend any procedure on protected part of landscape and building ban procedures.

(4) Land-planning documentation approved before 30 June 2014 means land planning documentation under this act. Procurers shall bring the contents thereof in compliance with this act no later than by 31 December 2018; it shall otherwise lose its binding character from 01 January 2019.

(5) Land-planning documentation procured but not approved by 30 June 2014 shall be modified and approved under this act. The procurement of land-planning documentation already in progress shall be completed under the regulation in force at the time of the commencement of the respective stage.

(6) Special qualification obtained by 30 June 2014 shall be deemed special qualification under this act. If more than eight years elapsed since the exam passed by 01 July 2014, special qualification shall be refreshed by additional special training and exam by 30 June 2016.

(7) Municipalities with over 1,000 inhabitants which do not dispose of a land-use plan, and municipalities with urban concentration of marginalised groups of inhabitants shall procure and approve a land-use plan of municipality by 31 December 2020. Municipalities with less than 1,000 and more than 500 inhabitants shall procure and approve a land-use plan of municipality by 31 December 2027. Municipalities with less than 500 inhabitants shall procure and approve a land-use plan of municipality by 31 December 2045. The number of inhabitants of municipality is based on the data published by the Statistics Office of the Slovak Republic as of 31 December of the previous year.

(8) Municipalities with over 1,000 inhabitants and municipalities with urban concentration of marginalised groups of inhabitants within their areas shall procure technical reference documents under this act by 31 December 2016, and higher territorial units by 31 December 2017.

(9) Municipalities with less than 1,000 and more than 500 inhabitants which do not dispose of a land-use plan of municipality shall procure the technical reference documents under this act by 31 December 2023; municipalities with less than 500 inhabitants which do not dispose of a land-use plan of municipality shall procure the technical reference documents under this act by 31 December 2030; otherwise, the procurement of land-planning documentation shall always include the procurement of technical reference documents.

(10) The specification of urban study, general building scheme and land prognosis commenced prior to 01 July 2014 shall be considered as specification of the land-planning study. Land-planning reference documents procured and commenced prior to 01 July 2014 shall be considered as land-planning study under this act.

(11) The competent state administration authority, owner of transport infrastructure, and owner of engineering networks shall provide to municipalities with over 1,000 inhabitants and municipalities with urban concentration of marginalised groups of inhabitants data on the area for the purposes of technical reference documents by 30 June 2015, and to higher territorial units by 31 December 2015.

(12) The competent state administration authority, owner of transport infrastructure, and owner of engineering networks shall provide to municipalities with less than 1,000 and more than 500 inhabitants data on the area for the purposes of technical reference documents by 30 June 2021, and to municipalities with less than 500 inhabitants by 30 June 2029. If a municipality procures technical reference documents prior to these dates, it shall be provided such data within three months following the delivery of the application.

(13) Until the launch of operation of the information system under this act, the information systems and information units under previous regulations shall be operated.

(14) The business licences of contractors under previous regulations shall be in force by 31 December 2014. Since 01 January 2015, only entities with business licences issued on the basis of a regulated trade licence can be contractors.

(15) The Slovak Building Inspection established under previous regulations shall be the Slovak Building Inspection under this act.

Article 170

(1) Developer of an unauthorised building the construction of which was launched or which was constructed before 01 July 2014 may submit an application for additional building permit procedure by 30 June 2015. In the case of municipalities with urban concentration of marginalised groups of inhabitants within their areas, the deadline under the first sentence shall commence on the first day of the year following the year in which the land-use plan of municipality was approved.

(2) Unless otherwise provided herein, the additional building permit procedure for unauthorised buildings shall be governed by the provisions on building procedure. This shall apply also in the case of buildings or building adjustments that only require a building consent.

(3) In the case of incomplete buildings, the building works shall be suspended during the additional building permit procedure, unless the building office decides otherwise. The building office may only allow the completion of unfinished parts of an unauthorised building which would otherwise cause unreasonable damage, or would prevent future completion of the building, or which would threaten safety in the building surroundings.

(4) The building office may permit an unauthorised building and unauthorised change of building only in case the developer proves that

- a) the building is situated on a building plot;
- b) the building is situated on land for which the developer disposes of an authorisation for the construction of structures;
- c) the building adjustments are made on a building for which the developer disposes of authorisation for the construction of structures;
- d) the building does not contradict the development conditions and the directions of the land-planning documentation;
- e) according to the building project, the building complies with the basic requirements for buildings and with general technical requirements for construction;
- f) the building can be connected to public roads and engineering networks with sufficient capacity without threatening the take-off by other users; this shall not apply to the construction of electronic communication networks and to buildings the use of which does not require access from public roads;
- g) the building complies with special requirements for buildings used by persons with limited capacity of movement and orientation, and if the building is at least partially designed for such persons, or if the building is accessible to the public;
- h) the binding opinions of competent authorities do not exclude additional permit;
- i) the building is admissible according to the final opinion of the impact assessment authority;
- j) the building, on the basis of the assessment of opinions by other parties, does not directly prevent, substantially complicates or limits beyond reasonable degree their public subjective rights, interests protected by law, and the fulfilment of imposed obligations.

(5) Owners of engineering networks may renew the supply of water and energy for construction purposes on the day the additional building permit entered into force. The copy of the operative part and set conditions of additional building permit with the date of entry into force forms part of the contract on water and energy supply to the building.

(6) If it is not possible to additionally permit an unauthorised building and the building office refuses the application for building permit, the provisions on demolition of unauthorised buildings shall apply.

(7) The building office shall also order the demolition of a building in case the developer fails to meet the conditions of the decision on additional building permit within the set deadline.