

Approval of Investment design

1. How you can get approval of the investment designs?

The Technical or Working investment designs for all parts shall be coordinated and approved by the Chief Architect of the Municipality and are used as a ground for issue of Construction permit. The preliminary investment design shall be subject to coordination with the chief architect of the municipality and is used as a ground for continuing the design in the following stages. The preliminary investment design can be basis for issuing of permission for construction, if for it has been implemented preliminary assessment of compliance with the provisions of the detailed development plan, with the rules and the norms for development of the territory, with the requirements to the constructions according to the normative acts for functionality, transport accessibility, protection of environment and the health protection, as well as for the mutual co-ordination between the separate parts of the design, and it is approved by the Chief Architect of the Municipality. The following phases of designing shall be approved in the progress of construction before implementing of the respective construction assembly works and shall be subject to assessment of their compliance according with the significant requirements for constructions.

The coordination and approval of investment designs shall be certified by writing out of the name, position, signature and date.

2. What kind of stamp is used for stamping the approved parts of the investment designs (all pages and drawings)?

All parts of the approved investment designs shall be stamped with the stamp of the Municipal Administration. The Law for Spatial Planning does not introduce any requirement for the type and content of the stamp.

3. What does the complex design for investment initiative (CDII) like?

This type of design allows the procedures for the spatial planning and for obtaining of construction permit to be carried out together. The investor has the opportunity on the ground of a motivated permission by the Mayor of the Municipality to prepare and submit to the Municipality a design for detailed development plan (including a working development plan if necessary) together with a working (or technical) investment design. The parts of CDII shall be approved together with the issue of a Construction permit. The approval of all parts of CDII shall be carried out by the authority that is competent for approval of the plan. The Construction permit can not be issued before the approval of CDII. The approval is simultaneous for the two parts (the development plan and construction permit) without waiting for their coming in force separately. CDII duration is two years from the date of construction permit issue.

4. In which cases DAIW shall be prepared and respectively - WDAIW?

The Part 'Design for arrangement and implementation of works' (DAIW) shall be prepared in case that specific requirements are available or it is specified in the contract for designing. With DAIW the conditions and the order for temporary use of sidewalks, free public areas as well as sections of roadways as construction site shall be specified. At the request of the constructor a working design for arrangement and implementation of works (WDAIW) shall be prepared which includes line or netlike complex schedule for the sequence of implementation of construction – assembly works (CAWs), the deadlines for completion of CAWs, the duration of basic items of works and the terms for delivery of machines and equipment.

5. What type of constructions does not require approval of design for issuing of construction permit?

Approval of investment designs shall not be required for the following constructions specified in art.147 from LSP, namely:

1. economic constructions with agricultural designation and the buildings of complementing construction of art. 44 and art. 46, para 1 unless with a decision of the municipal council other is provided;
2. mounting of installations, facilities and equipment, except the facilities with increased degree of danger, subject to technical supervision by Chief directorate "Inspectorate for state technical supervision";
3. greenhouses with area up to 200 sq m;
4. pools with volume up to 100 cubic m in fenced landed properties;
5. retaining walls with height up to 2 m above the level of the terrain adjacent to their basis when they are not an element of transport sites;
6. repair of the elements of the technical infrastructure;
7. fences, garden and park elements with height up to 2.20 m above the adjacent terrain;
8. diggings and dumps with depth or height up to 1 m and with area up to 30 sq m;
9. pneumatic (inflated) storehouses or covers with area up to 100 sq m;
10. the constructions of art. 55;

11. conservation – restoration works of the monuments of culture which are not of global or national importance;
12. glazing of balconies and loggias, except these exposed to the first class street network;

Statement by a civil engineer with instructions about implementing them shall be presented for the constructions of para 1, items 1, 3, 5, 7, 11 and 12.

6. What does the construction permit contain?

In the construction permit all factual and legal grounds for its issue, the conditions regarding the works implementation including utilization of the humus soil layer and removal of buildings without regime for building-up or their reservation for a specific time until completion of construction shall be entered. It is desirable the required documents for commencing of works to be specified also: contract for construction supervision, protocol for opening the construction site and determination of construction line and level, certification of the Order book for this construction.

7. What is the duration of the construction permit?

The permission for construction shall lose legal effect when the construction has not started for 3 years after issuing or when the rough construction, including the roof of the buildings has not been finished for 5 years after issuing. . This is ascertained in writing by the body issued the permission.

The constructions for which the permission for construction has lost its effect in the sense of para 2 can be implemented after re-certification of the permission for construction. The approved design shall lose its legal effect when the permission for construction has not been re-certified in one year term.

8. What type of constructions require estimation for compliance of the investment designs with the significant requirements for constructions?

For constructions from first to fifth category all parts of the investment designs, which are basis for issuing of permission for construction, shall be assessed for compliance with the essential requirements to the constructions.

I. The assessment shall comprise check of the compliance with:

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

II. The assessment for compliance shall be implemented:

1. with approval by the expert council of the approving administration;
2. as complex report, compiled by a licensed company – consultant, not connected with the designer – for sites of first and second category;
3. as coordination of Part „Structures” by a person with a full designer’ qualification different from the author of the design – for sites from third to fifth category;
4. as an official coordination of design parts by Municipal administration experts – for sites which have not been presented to the expert council and are not accompanied by a report from consultant.

9. What is the procedure for design preparation and implementation of constructions according designs prepared by foreign individuals?

I. The foreign individuals and legal entities who have full designer's competence, can implement independently investigation and designing for sites in the country only with won competition and when they have been determined as contractors under the conditions and by the order of the Law for the public procurement. In all other cases they can implement investigation and design only together with Bulgarian designers.

Full designer's competence shall be acknowledged to an individual from a country with which Republic of Bulgaria has a concluded international contract for mutual acknowledge of diplomas, certificates and other evidences for official 'architect' qualification, respectively – 'engineer', under the contracted conditions and prerequisites. In addition to this case full designer's competence can be acknowledged to a foreign person from a country – member of the European Union under the conditions of reciprocity.

II. In case at the request of the assignor a foreign design should be used prepared by foreign individuals and legal entities who do not possess full designer's competence according p. I it is necessary to:

1. The design shall be translated entirely in Bulgarian.

2. All parts of the investment design should be authorised by Bulgarian individuals who possess designer's competence in compliance with the Law for Chambers of architects and engineers in the investment designing. If necessary the Bulgarian individuals shall carry out the required changes in the design documentation for its equivalency with the Bulgarian standards in force.

3. The design documentation should be comply with the requirements of Ordinance No4 for the scope of investment designs (promulgated SG No51 dated 2001).

4. The individuals who has authorised the investment design and the assignor shall conclude all parts of the design documentation. The design is a subject of estimation for its compliance with the significant requirements for constructions. The individuals who has authorised the investment design bear the whole responsibility for the design suitability and quality

5. The obtaining of design approval and coordination, the permission of construction and the permission for use of the construction shall be carried out under the established method in compliance with the requirements of LSP.

III. For projects funded entirely or partially by programmes of the European Union - accession funds, PHARE programme and others, shall be applied the provisions of the Framework agreement between the government of the Republic of Bulgaria and the European Commission, as well as the provisions and the procedures of the annual financial memorandums for the corresponding programmes.

1. Procedure for approval of technical investment design by the chief architect of the Municipality

Procedure objective: The purpose of the administrative procedure for approval of technical investment design is, in the presence of observed provisions of detailed development plan (DDP) or under the conditions specified in LSP for temporary constructions in land properties, with the submitted design to the approving authority and with its approval, to give a prove that the needed normative requirements regarding the future construction have been observed in compliance with the purposes this construction is intended and the approved technical design is a ground for issue of construction permit. In cases a coordinated preliminary investment design is available the technical investment design shall be approved as investment design in the next stage of designing. The technical investment design shall not be submitted for approval by the expert council in case it is preceded by a coordinated preliminary design and it is not substantially deviated from the preliminary one. The preparation of technical investment design is the second stage of the investment designing, following the stage of preparation and approval of preliminary investment design.

Competent authority: Part 'Architecture' from the technical investment design shall be approved by the chief architect of the Municipality following the coordination of the rest design parts by competent specialists of the Municipal Administration. Technical investment designs of the technical infrastructure with scope of and significance for more than one municipality shall be approved by the regional governor, and sites with scope of and significance for more than one region and of national importance - by the Minister of Regional Development and Public Works.

Regulation: The procedure is regularized by the Law for Spatial Planning (LSP), The Law for Chambers of architects and engineers in the investment designing (LCAID), the Law for administrative service of individuals and legal entities (LASILE), the Law for local tolls and charges (LLTC), the Law for state charges (LSC), Ordinance No 4 dated 21.05.2001 for the scope and content of the investment designs.

Act which shall be issued at procedure completion approved technical investment design

The approved technical investment design shall be used as a ground of:

1. For construction permit issue;
2. For award of construction under the Law for Public Procurements;
3. For voluntary or legal partition of co-owned building, lodging or other separate part in the building;
4. For the following stage of the investment designing – preparation of working investment design in case it is required in the assignment for designing (design contract).

Authority which is responsible: The request (application) for approval of a technical investment design shall be prepared in written form and shall be addressed to the chief architect of the Municipality (the region). On the ground of the municipal (regional) expert council decision the chief architect of the Municipality (the region) where is the location of the land where the future works will be carried out approves the submitted technical investment design for all types of constructions excluding the following ones:

1. economic constructions with agricultural designation and the buildings of complementing construction of art. 44 and art. 46, para 1 unless with a decision of the municipal council other is provided;
2. mounting of installations, facilities and equipment, except the facilities with increased degree of danger, subject to technical supervision by Chief directorate "Inspectorate for state technical supervision";
3. greenhouses with area up to 200 sq m;
4. pools with volume up to 100 cubic m in fenced landed properties;
5. retaining walls with height up to 2 m above the level of the terrain adjacent to their basis when they are not an element of transport sites;
6. repair of the elements of the technical infrastructure;
7. fences, garden and park elements with height up to 2.20 m above the adjacent terrain;
8. diggings and dumps with depth or height up to 1 m and with area up to 30 sq m;
9. pneumatic (inflated) storehouses or covers with area up to 100 sq m;
10. the constructions of art. 55;
11. conservation – restoration works of the monuments of culture which are not of global or national importance;
12. glazing of balconies and loggias, except these exposed to the first class street network;

The request (application) for approval of the technical investment design shall be submitted by the investor to the records office of the Municipality/region accompanied with the following documents under art. 144, para. 1 from LSP:

- a) documents of ownership, and for buildings of condominiums also a decision of the general meeting for approval of the design that has entered into force;
- b) visa for designing in the cases:
 - Illegal construction erected in land properties located in agricultural, forest or protected territories;
 - Complementary building-up which is not contemplated in the detailed development plan in force;
 - Temporary constructions;
 - Building-up in unregulated territories which is not in compliance with the contemplations of the general or detailed development plan in force;

- Buildin-up in land properties whcih is not in compliance with the contemplations of the detailed development plan in force;
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 - Completed constructions, including superstruction and adding to existing buildings which location and configuration should be changed under the application of the detailed development plan in force.
- c) three copies of the investment design with scope and content, determined with the ordinance No 4 dated 21.05.2001 for the scope and content of investment designs
- r) decision for estimation of the influence over the environment issued under the order of the Law for Environment protection;
- д) assessment of compliance with the existing requirements for constructions prepared by the respective consultant or decision of the relevant expert council in cases when such an assessment has not been prepared, a positive statement by the fire safety authorities is missing for the constructions of first and second category and preliminary contracts with utilities companies for joining the networks of the technical infrastructure have not been concluded.

Procedure duration

The duration for approval (respectively for revision or refusal of approval) of a technical investment design can not exceed one month since the date of request registration. In this duration for approval (respectively for revision or refusal of approval) the time during which the design is returned to the assignor for making corrections for conformity with the law shall not be included. The approved technical investment design (respectively the approved design and the issued construction permit) shall be announced to the concerned people under the order of the Civil Procedure Code (CPC). In case that the assignor does not submit a request for obtaining a construction permit in one year term after the approval of the technical investment design it loses its legal action.

Refusal and objection

Refusal for approval can be given for conformity with the law and it should be well-grounded. The assignor shall be notified in written form under the order of CPC for the refusal for approval of the investment design. The approved technical investment design respectively the refusal for approval is subject to objection in front of the competent authority in 14-days term. In this case the addressees of the letter of complaint are the chiefs of the National construction control regional directorates and for the special sites, connected with the defence and the security of the country - the Minister of Defence, respectively by the Minister of Interior Affairs.

2. Procedure: Water supply and sewerage

Procedure objective: Provision of initial data for preparation of design, Part 'Water supply and sewerage'

Authority which is responsible: 'Water supply and sewerage' Ltd. – Vidin, Production – technical Department /PTD/.

Act which shall be issued at procedure completion: Initial data for preparation of design.

Regulation : 1. Law for spatial planning /LSP/, Ordinance No4 dated 14.09.2004 for the requirements and order for joining of consumers and for use of the water supply and sewerage systems, Ordinance No 2 dated 31.07.2003 for commissioning of constructions in Republic of Bulgaria and the minimal warranty periods for completed construction-assembly works, equipment and sites.

Internal acts regularizing the rocedure /procedure, instruction, order or other/: Calculation of the procedure value approved by the Manager of Water supply

Institution: Water supply and sewerage' Ltd. – Vidin

Address: Vidin, 18 Shiroka str. , tel: 094/601 078

FAX: 094/601 079

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3. Procedure for issue of Visa for designing

Regulation: The procedure is regularized by the Law for spatial planning (LSP), the Law for administrative service of individuals and legal entities (LASILE), the Law for local tolls and charges (LLTC), the Law for cadastre and the property register (LCPR), Ordinance No4 dated 21.05.2001 and Ordinance No7 dated 22.12.2003

Procedure Objective :

1. A document shall be created which shall certify the existence of a regularized land property (regularized property), for which, in compliance with the detailed development plan, the borders, dimensions, area, physical and other characteristics, access from street, road or alley, specific purpose and regime of establishment (specified manner and type of building-up) are specified;
2. A permit for designing shall be provided for the regularized property by specifying the manner and type of building-up with buildings of the main and complementary building-up in compliance with the contemplation of the detailed development plan in force and/or the possibility for its building-up in compliance with the construction rules and regulations for designing and constructing by specifying all precise measurements, elevations, admissible heights, density and intensity of building-up of the regularized property and in specific cases – in the neighbouring regularized property as well as the eventual deviations from the building-up rules and regulations shall be specified.

Terms:

1. "Regulated landed property" or "regulated property" is a landed property for which with a detailed development plan have been determined boundaries, access from a street, road or alley, concrete designation and development regime.
2. "Density of the construction" is the ratio of the sum of the built areas of the basic and the supplementing construction to the area of the regulated landed property expressed as percentage. Density of construction can be determined also generally for a quarter, development territory or zone as well as for parts thereof.
3. "Easement strip" is a part of a landed property around networks and facilities of the technical infrastructure, for which with a normative act restrictions have been introduced in the regime of construction and use of the landed property.

Competent authority

The visa shall be issued by the chief architect of the municipality or the region – the respective territorial unit for municipalities with territorial division established by law and in case of provided authorities.

Act which shall be issued at procedure completion "visa for designing"

The document shall be issued at the request of the assignor or a person, authorised by him or officially and it is needed in the following cases:

1. 1) For provision of initial data to the assignor (the owner, a person in whose favour a right for construction has been established or a person who has the right to erect in somebody else's property under special law) which shall be used by him for assignation to the designer at the stage of investigation and designing of the contemplated in the detailed development plan in force and/or of the structure networks and equipment and other elements of the technical infrastructure including the consideration of the designed building-up with the easement strips of the already completed underground and overground equipment, power lines and elements of the technical infrastructure and others which are not subject to replacement as a result of technical reasons;

2. 2) For provision of initial data for designing of buildings and constructions from the complementary building-up in case it is not contemplated in the detailed development plan in force in the presence of observation of use and building-up regime. In this hypothesis the issue of visa is compulsory;
3. 3) For provision of initial data in the cases of change of location and configuration of the buildings within the regulated properties when applying the plans in force but without changing the established manner of building-up (regarding the elongation of the building to the existing ones in the regulated property, to the building in the neighboring properties and across the street as well as to the regulating lines) and the establishes manner of building-up (small number of storey, medial number of storey, big number of storey) as well as without changing the rules and normative for the respective development zone. Issue of visa for designing is compulsory;
4. 4) For provision of initial data for designing of building-up in the landed property with structures which functions shall be conformable with the purpose of the property (land). In this case the assignor is obliged to ask for issue of visa;
5. 5) For obtaining of assessment for the influence over the environment issued by the order of the Law for protection of environment and for preparation of assessment for compliance with the significant requirements for constructions;
6. 6) For demonstrating in front of thirs parties what are the possibilities for building-up of the property with buildings and structures from the basic and the complementary building-up in compliance with the provisions of the detailed development plan in force;
7. 7) For establishemnt of other circumstances for development of territory connected with the provisions of the detailed plans for the manner and character of building-up established by them, the admissible activities and constructions, the density and the intensity of building-up, the limits and lines of building-up, the already existing buildings which shall be preserved and be included in the building-up system, including for availability of declared monuments of culture in the property and so on.
8. 8) For single permission for construction of temporary structures by the owners of the regulated landed property for which the detailed development plans provide the construction of sites – public state and municipal property, a new manner and character of building-up is established or a construction is prohibited. The obtaining of such permit is impossible without issue of visa for designing.
9. The visa for designing is an undivided part from the required documents submitted for implementation of procedure for coordination and approval of investment designs which are the grounds for issue of construction permit and other documents as well as a copy – an extract from the detailed development plan in force it is an undivided part from the required documents submitted for the procedure for construction of temporary road, providing of free access to someone else’s property through administrative channels and so on.

10. **Remark:** In case of hypotheses No 6, 7 and 8 the visa for designing shall be issued through official order at the request of administrative or legal authority for the needs of the respective administrative or legal procedure.

Authority that issues the document: The request for issue of visa for designing shall be submitted in the records-office to the relevant administration, addressed to the authority which is competent to carry out this:

- i) To the Minister of Internal Affairs or to the Minister of Defence – for special sites, connected with the defence and the security of the country ;
- ii) To the chief architect of the municipality or the respective territorial unit (region) in case of municipalities with established by law internal territorial division according the location of the landed property, respectively the landed property outside the urbanized territory, for all rest cases. Documents for ownership of the property, respectively for the building lease, documents for other limited real rights, powers of attorneys and other shall be attached to the request. The visa is valid for six months term after that it can be re-certified by the authority that has issued it and thus its validity is extended with another six months but until the date of the well-grounded order of the mayor of the Municipality for change of the development plan in force, respectively until the date of the imposed prohibition for construction. If meanwhile changes in the landed property have occured which change its characteristics under the sense of Low or a new plan has come in force (change of plan) a new visa for designing shall be issued. The service is not carried out in case of imposed

prohibition for construction, in case of admitted procedure for changing or preparation of a new detailed development plan, respectively until coming in force of the change or of the new plan, in view of the holded up validity of the detailed development plan.

The visa for designing is a copy from acting detailed development plan (detailed town development plan) and it contains information for the marked existing buildings and constructions in it or in the neighbouring properties and with plotted lines of construction and admissible heights, density and intensity of building up and other requirements, if there are such, as well as the admissible deviations from the rules and normatives for building-up.

Procedure duration

The term for issue of the visa for designing is as follows:

- 7 (seven) days, in case it is issued by the Minister of Defence or the Minister of Internal Affairs – for special sites, connected with the defence and the security of the country;
- 14 (fourteen) days, in case it is issued by the chief architect of the of the municipality or the respective territorial unit (region) in case of municipalities with established by law internal territorial division according the location of the landed property, respectively the landed property outside the urbanized territory, for all rest cases.

The time for submittal by the applicant of the requested obligatory evidences for ownership (limited real rights) of the property/plot which have not been provided at the request submittal shall not be included in this term. The visa shall be received by the applicant at the records-office of the respective administration of the authority which is competent to issue it against a signature of the applicant with marking of the date of receipt. In case the visa is needed for implementation of administrative or legal procedure it shall be send (delivered) by the municipal administration officially within the term specified by the respective authority.

Appeal

Explicit or tacit refusal for issue of visa can be appealed by administrative order according chapter four from the LASILE. The same order can be used for appealing also the content of the issued visa in case the applicant disagrees with it. The refusal of the competent authority can be appealed regarding its conformity with the law through the court under the rules of art. 37-39 from LASILE.

5. Procedure for establishment of building lease by tender

Legal grounds	Art. 58, para. 2 from the Law for state property, art.60 from Regulations for applying the Law for state property /RALSP/
Manner of approach	Set of tender documents
Required documents	Set of tender documents
Direct Contractor	State property
Duration	3 months
Value	According the tender documents which shall be bought from the pay office at the Regional Governor's Office.

Procedure progress

Explanations: The tender procedure shall be opened with an order issued by the Regional Governor which contains the conditions for its implementation, he confirms the tender documentation and appoints a commission for its implementation /art.56, para 1 and art.58, para 1 from the Law for state property/. The contenders submit all documents specified in the order for opening the tender procedure and the tender documentation.

The tender shall be carried out observing the procedures specified in chapter V from the Regulations for applying the Law for state property.

After the tender implementation the Regional Governor issues an order for establishment of building lease or right of superstructuring or adding to construction /art.55, para 1 from RALSP in connection with art.56, para 1 and art.58, para 1 from the Law for state property/.

After coming in force of the order and paying the amounts due in 14-days term from its delivery /art.57, para RALSP/, the Regional Governor shall conclude a contract for establishment of limited real right in seven days term from the payment of the value /art.48, para 2, art.56, para 4, art.58, para 3 and art.58, para 1 RALSP/.

The contract shall be a subject of registration by the person who acquires the real right in the registration office to the regional court according the location of the real property /art.60 Law for state property, art.58, para 3 RALSP, art.18 and art.112, 'b','a' from LSP, art.4, 'b','a' from the Regulations for registration/.

The specified terms are valid following the collection of all documents regarding the correspondence.

The explicit as well as the tacit refusal of the Regional Governor to carry out the establishment shall be subject to objection under the order of the Administrative Procedure Code in front the regional court.

Duration for implementation: Construction permit shall be issued together with the approval of the investment design in case it is requested in the application. The construction permit shall be issued in 7-days term from the date of the submittal of the written application if an approved investment design is available.

Price: Charge according Tariff 14 of MRDPW: 0.001 % from the construction value of the site but not less than 50 leva and not more than 250 leva.

Explanations: The refusal for implementation of the service can be appealed in front of the Supreme Administrative court in 14-days term.

6. Procedure for Construction permit issue

A permission for construction shall be issued by the chief architect of the municipality and for the towns with district division - upon decision of the municipal council - by the chief architect of the district. The permission for construction shall be issued on the basis of approved technical or working investment design.

In case of refusal to be issued such permission, the owner who in this case is considered as investor, shall be notified for this refusal in seven days term from taking the decision. The refusal shall be made only on the basis of lawfulness, pointing out the concrete motives for this.

The approved designs as well as the refusal for approval shall be subject to appeal in 14 days term. The appeal shall be carried out in front of the National Construction Control Directorate. The Chief of the Directorate or a person authorized by him has the right to cancel the construction papers issued irregularly. Permits for constructions which are already completed and permit for their exploitation is already issued can not be cancelled.

The permission for construction shall lose legal effect when the construction has not started for 3 years after issuing or when the rough construction, including the roof of the buildings has not been finished for 5 years after issuing. In the second case the construction can be finished after re-certification of the permission for construction or after issue of a new one.

Construction permit issue on the base of approved preliminary investment design

Procedure characteristic

The construction permit is a part of construction papers – it is a document which is obligatory for lawfull implementation of the site. Constructions can be implemented only if they are permitted in compliance with the Law for spatial planning, i.e. if a valid construction permit is issued for them. Constructions according §5, point 5 from LSP are: overground, semi-underground, underground and submarine buildings, structures, extensions,

superstructure, fences, networks and technical infrastructure equipment, public and sports equipment as well as their overhauls, reconstructions and reorganizations with and without change of their purpose.

According to LSP constructions commenced without issued construction papers shall be removed.

Procedure implementation

I. Competent authorities

The competent authority for issue of construction permit is the chief architect of the Municipality, respectively the region (by decision of the Municipal council in case of towns with regional division) where the construction is located.

A permission for construction of sites of the technical infrastructure, with a scope of and of significance for more than one municipality, shall be issued by the regional governor, and of sites with a scope of and of significance for more than one region and of objects of national importance, - by the Minister of Regional Development and Public Works.

II. Applicant

The construction permit shall be issued at the request of the assignor – owner of the property, the person, with established building lease in someone else’s property, and the person who has the right to build in someone else’s property by virtue of special law. The assignor can authorize another person to submit the application.

III. Requirements for construction permit issue on the base of approved preliminary investment design

The construction permit shall be issued if coordinated and approved preliminary investment design is available. Preliminary assessment of compliance with the provisions of the detailed development plan, with the rules and the norms for development of the territory, with the requirements to the constructions according to the normative acts for functionality, transport accessibility, protection of environment and the health protection, as well as for the mutual co-ordination between the separate part of the design are required.

The following phases of designing shall be approved in the progress of construction before implementing of the respective construction – mounting works and shall be subject to assessment according to the requirements of art.142, para 5 from LSP.

According to art.148, para 7 from LSP a permission for new site in an immovable property where there is unlawful construction shall not be issued to the person who has accomplished the unlawful construction until it is not removed or made legal.

IV. Required documents

The assignor shall submit written application to the competent authorities for issue of construction permit on the base of approved investment design.

The following documents shall be attached to the application:

1. documents of ownership or a document for established building lease in someone else’s property or document for the right to build in someone else’s property by virtue of special law. and for buildings of condominiums also a decision of the general meeting for approval of the design that has entered into force;
2. visa for designing in the cases of art. 12, para 3, art. 41, para 2, art. 50, 51, 59, art. 133, para 6 and art. 134, para 6 as well as for sites – real monuments of culture with world or national importance

3. three copies of the investment design with scope and content, determined with the ordinance of art. 139, para 5 LSP (Ordinance No4 dated 21 May 2001 for the scope and content of investment designs);
4. decision under the the assessment of the influence over the environment issued under the order of the Law for protection of the environment for constructions which require such decision;
5. assessment of compliance, prepared by the order of art. 142, para 6 from LSP
6. according to the specific character of the construction – specific permissions, required by special laws.

V. Procedure progress

The coordination of the preliminary investment designs consists of checking of their compliance with the provisions of the detailed development plan, with the rules and the norms for development of the territory. The approved investment design is an undivided part from the construction permit (art. 148, para. 8 LSP).

The permission for construction shall be issued simultaneously with the approval of the investment design when this is required in the application. The permission for construction shall be issued in 7 days term from the receiving of the written application when there is approved investment design.

The interested persons shall be notified about the issued permission for construction by the chief architect of the municipality (the district) or the refusal to be issued such permission, under the conditions and by the order of the Civil Procedure Code. The refusal shall be made only on the basis of lawfulness, pointing out the concrete motives for this. The refusal to be issued construction permission shall be issued in the same terms as for the issue of this permission.

The bodies, issued permissions for construction, shall notify in writing the corresponding regional directorates for national construction control about the issued permissions for construction and send copies of them in 7 days term after issuing them.

The permission for construction or the refusal of issuing can be appealed by before the chief of the regional directorate for national construction control according the location of the property.

The term for appeal of construction permit or the refusal to be issued is 14 days from the date of its promulgation. The Chief of NCCRD shall deliver his judgement in 15 days term from the date of registration of the letter of complaint. His motivated order can be appealed in front of the Regional court according the location of the property and for Sofia – in front of Sofia town court.

Following the court order enactment and coming in force the construction permit shall come in force, respectively the refusal to be issued. The construction permit shall come in force if it will not be cancelled in 7 days term for official check and if it will not be appealed in 14 days term. The construction permits which has come already in force can not be cancelled.

VI. Charges

According to § 3 from LSP for construction permit issue charges shall be paid according the law for state charges and according the law for local tolls and charges and the relevant tariff approved by the municipal council (in case the construction permit is issued by the chief architect of the Municipality/region). The constructions for which a construction permit has been issued shall not be subject to removal. Constructions for which a construction permit has been issued on the ground of approved preliminary investment design and during construction process the investment designs for the following stages of design have been approved can be commissioned by the specified legal order.

7. Opening the construction site and determination of construction line and level

The procedure is regularized in the Law for spatial planning (LSP), the Law for local tolls and charges (LLTC), the Law for administrative service of individuals and legal entities (LASILE), Ordinance N03 from 31.07.2003 for compiling of acts and protocols during the construction process (Ordinance No3).

The procedure has the objective to compile documents-protocols for opening the construction site and determination of construction line and level. They are used for certification the availability of conditions for preparation and opening the construction site and for starting the construction-assembly works according the construction line and level determined by the Municipality for construction which has the following documents:

an approved investment design, a construction permit; construction supervision (technical control) provided by the investor/owner.

Document purpose

The document is needed by the applicant for:

- Certification of the works commencement and occupation of the terrain where the construction-assembly works shall be carried out;
- Certification of the Order book for the construction;
- Evidence for conformity with the law of the construction.

Competent authority

The request for opening the construction site and determination of construction line and level shall be prepared as a request-application in written form. The application shall be submitted by the owner/assignor to the Mayor of the Municipality following the issue of construction permit for the construction in the records-office of the technical department of the Municipality.

Required documents

The following documents shall be attached to the application:

- Document for ownership and/or for established building lease;
- Construction permit;

Contract for provided construction supervision in case it is obligatory or it is concluded at the desire of the assignor even if it not required. Licenses shall be attached to the contract issued by the NCCD for exercising of construction control of the relevant types of constructions form the relevant building-up;

Tracing plan and plan for vertical planning;

- Date for the Contractor and the on-site manager for the site;

Permissions and other necessary documents depending on the specific type of the construction and in compliance with the paln for arrangement and implementation of construction:

- for occupation of sidewalks and/or parts of the roadway;
- for construction and other equipment passing through the central town area and other zones with limited regime for crossingзa;
- for assembly of temporary fence around the construction site;
- for transportation of humus;
- for transportation of soil;
- for transportation of construction debris;
- for uprooting and/or cutting of existing trees.

Procedure progressa

Opening of a construction site and determining of construction line and level shall be implemented by the person, exercising construction supervision for the site and for special sites, connected with the defence and the security of the country – by the Minister of Defence, respectively by the Minister of Interior or the persons, authorised by them. In the protocol shall be reflected the measures for ensuring safe and healthy labour conditions, safety of movement and preservation of the neighboring buildings, networks and facilities in the property, which are preserved during the construction and after it as well as the large size trees which is not subject to removal. The record for the opening of a construction site and determining of construction line and level shall be preserved forever in the archive of the administration that has issued the permission for construction. A copy of the record shall be preserved by the assignor or the person exercising construction supervision.

At reaching the design levels excavation, socle, cornice (eave) and ridge for buildings (respectively at level excavation before filing of newly constructed or reconstructed underground conduits and facilities and for surveying in the specialised maps and registers, design level with restored or fulfilled cover) the person, exercising construction supervision or the technical chief of the constructions of fifth category shall be obliged, before continuing the following construction and mounting works, to implement check and to establish the compliance of the construction with the approved investment designs, the permission for construction and the record for determining of construction line and level, at level excavation being compulsory the presence of the engineer – geologist and the designer of the construction part.

The person, exercising construction supervision or the technical chief of the constructions of fifth category

shall reflect the result of the implemented check at reaching of the controlled levels in the record for determining of construction line and level, including the note, that the underground conduits and facilities before filling up are reflected in the specialised maps and registers, and in three days term send certified copy of the record to the municipality (the region). In three days term after finishing the construction and mounting works for the foundations of the construction on request by the person, exercising construction supervision or the technical chief of the constructions of fifth category an official from the municipal (regional) administration shall implement check for establishing of the compliance of the construction with the issued construction papers and whether the detailed development plan has been applied with regard to the building up. In case at the check of the reached design level significant deviations from the construction papers are established, the person exercising construction supervision shall stop the construction with an order, entered in the order book of the construction, and compile record of established deviations, which shall be sent in three days term to the regional directorate for national construction control.

Terms

The Law for spatial planning does not provide any term in which the person exercising the construction control or the the technical chief of the constructions of fifth category are obliged to compile the protocols for opening the construction site and determining of construction line and level. In case these person does not fulfill their obligations for compiling the relevant protocols the constructor or any other concerned party – participant in the construction process has the right to ask for their compiling.

For compiling the protocols the person exercising the construction control or the the technical chief shall send written invitation to the persons who are supposed to attend. If they or their representative does not turn up in 24 hours period after the term specified in the invitation the protocols shall be concluded by the attended parties and the number and date of the invitation shall be registered. The lack of signature of the invited but not attended person shall not be a ground for declaration of the protocols as invalid.

8. Procedure for certification of buildings

Who has the right to implement the energy certification of buildings?

Certification of buildings shall be carried out by individuals or legal entities:

- Registered under the Trade law;
- Authorized by the National Body for Accreditation /NBA/;
- Have at their disposal the necessary technical equipment;
- Have at their disposal the needed staff;

Individuals who has: 1. Graduated Higher technical University and at least 3 years experience in this speciality or graduated secondary technical school and at least 6 years experience in this speciality. 2. Completed training course for certification of buildings

The training under art.16, para 4, point 4, 'b' from the Law for efficiency of energy shall be carried out according a uniform curriculum approved by the Executive Director of the Agency for efficiency of the energy (AEE).

What kind of buildings can be certified?

Certification shall be carried out for new buildings, in case of reconstruction, modernization, basic renovation and overhauls of existing ones. All buildings which are state or public property with extended built-up area over than 1000m² shall be subject to compulsory certification.

Process of certification: The process of certification includes:

Investigation, measurements, calculations, analyses of the elements of the energy characteristics of the buildings, assessment and comparison with the standard technical norms, suggestion for energy saving measures;

Issue of certificate: The issue of certificate is carried out following the implementation of detailed investigation of the energy efficiency corresponding to the requirements of instructions under art. 17, para 2 from the Law for efficiency of energy. Certifying of buildings shall be carried out following the their commissioning according to chapter eleven from the Law for spatial planning (LSP), in case of their selling or renting. It is important to be aware of the fact that the certificate shall not be received immediately after completion of construction as investigations should be carried out and the data for at least 3 winter periods should be compared.

Types of certificates:

- Certificate A category – for buildings completed until 1990. It shall be issued for 10 years term;
- Certificate B category – for buildings completed after 1990. It shall be issued for 5 years term.

Tax concessions

- Certificate A – 7 or 10 years /if a renewed power supply is being used/;

- Certificate B – 3 or 5 years / if a renewed power supply is being used/.

8.1. Building energy passport

What does the energy passport like ?

The new Law for energy efficiency introduces the concept of energy passport in parallel with the energy certificate. The energy passport shows the condition of specific building at the moment of its issue. It shall be a separate document as it is provided in the LEE but not a part from the technical passport of the building. Energy passport shall be issued for each building and the energy certificate – only for the ones which complies with a needed minimum of requirements. The energy passport shall certify the condition of the building, its specific energy consumption according to a scale from classes from A to G as is the classification of electrical devices, and class A shows the lowest energy consumption, G – the highest.

Who is responsible for issue of energy passport?

The energy passport shall be issued by independant consultant for construction supervision for new buildings following their commissioning and it certifies their conformity with the design. The passport of the new building shall be a subject to re-certification after every 3 years period and it shall be carried out by companies registered in the AEE for implementing of investigation and certification of buildings. For the existing buildings an energy passport shall be issued by the enrgy auditors, i.e. by the companies registered in AEE after their investigation.

8.2.ESCO Services

The services regarding the energy efficiency connected with investigation for energy efficiency, designing, constructing, assembly, modernization, maintenance and/or management and monitoring shall be carried out by individuals or legal entities registered under the Trade law or under the legislation of another country – member of European Union, or another country – a party of the Agreement for European economic area, with subject of activity, including implementation of services under contracts with guaranteed result (ESCO Services). Art.20 from LEE. The individuals and legal entities implementing services regarding the energy efficiency provide the service implementation entirely or partially with their own funds or they are engaged to provide the financing from third party. The investments and the remunerations for services regarding the energy efficiency shall be reimbursed, respectively paid, at the expense of the savings.

9. Permitition for landing of construction waste and grounding

Regulation: Regulation of the Council of Municipality

Required documents: Declaration under Regulation

Competent authority: Municipality administration

Terms: 30 days

Taxes: – landing of construction waste - 4,70 BGN/m³;
- grounding- 2,40 BGN/ m³.

Annex 1

VIDIN REGION: Contact details

/Municipality of VIDIN, KULA, DIMOVO, GRAMADA AND CHUPRENE/

Municipality	Mayor	Municipal property	Chief Architect
<p>VIDIN</p> <p>Contacts with Municipality: Address: Vidin 3700, 2 Bdintzi sqr. Telephone: +359 94 609 430 Fax: +359 94 601 132 E-mail: mayorvidin@vidin.net Internet site: http://www.vidin.bg</p>	Rumen Vidov	<p>Directorate FIB</p> <p>Director: Milen Milchev Tel.:+359 94 609 413</p> <p>'Property management' Department</p> <p>Chief of Department: Polina Ilieva Tel.+359 94 609 433</p> <p>e-mail: mayorvidin@vidin.net</p>	<p>Angel Nedyalkov</p> <p>Tel.:+359 94 609 411</p>
<p>KULA</p> <p>Contacts with Municipality: Address: Kula 3800, 38 Vazrajidane str. Telephone: 0938/ 2020 Fax: 0938/ 22 25 E-mail: kulacom@mail.orbitel.bg Internet site: http://www.kulamunicipality.com</p>	Marko Petrov	<p>'Specialized Administration' Directorate</p> <p>'Municipal Property' Department</p> <p>Plamen Velkov Tel.:0938/2020</p> <p>Katya Kamenova-resp. Municipal property</p>	<p>Adelina Trifonova</p> <p>Tel.:+359 938 2020</p>

		Tel.:+359 938 2020 e-mail: kulacom@mail.orbitel.bg	
DIMOVO Contacts with Municipality: Address: Dimovo 3750, 137 Georgi Dimitrov str. Telephone: +359 94 601272; +359 9341 260 Fax: +35994 601272 E-mail: obstina_dimovo@abv.bg Internet site: http://www.dimovo.net	Todor Iliev	'European rapprochement, economic management and local revenues' Directorate Director: Irina Georgieva Tel.:+359 9341 22 60 e-mail: obstina_dimovo@abv.bg	Mitko Slavchev Tel.:+359 9341 22 60
GRAMADA Contacts with Municipality: Address: Gramada 3830, 1 Miko Ninov sqr. Telephone: 09337/2258 Fax: 09337/2231 E-mail: Obstina_gramada@abv.bg Internet site: http://www.gramada-bg.com	Nikolai Gergov	'Specialized Administration' Directorate Director: Radoslav Rangelov Tel.+359 885 267 304 e-mail: obstina_gramada@abv.bg	Daniela Dimitrova Poriazova Tel.: +359 889 919 115
CHUPRENE Contacts with Municipality: Address: Chuprene village 3950,	Vanyo Kostin	'Municipal Administration' Directorate	Stefcho Kamenov Tel.: +359 9327 580

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