



# **CONSTRUCTION PERMITS IN CEE**

**COMPARISON AND PRACTICAL GUIDE**

**JANUARY 2025**

## INTRODUCTION

We present to you our Construction Permits Guide across four CEE countries: Czech Republic, Hungary, Romania, and Slovakia. This report not only interprets key legal provisions governing planning, construction, and related by-laws, but also serves as a functional, efficient, and user-friendly manual for those seeking insights into the construction permit systems in our regions.

Compiled by our Horizons Alliance Real Estate Practice Group, the guide draws from practical experience and firsthand knowledge of the challenges posed by local regulations on construction permits.

This manual is an essential resource for anyone looking to navigate the application process efficiently while adhering to the relevant legal requirements.



Czech Republic	Hungary	Romania	Slovakia
<p><b>Act no. 283/2021 Coll.</b> Building Act</p> <p>("Czech Building Act")</p>	<p><b>Act No. C of 2023</b> on Hungarian Architecture;</p> <p>("Hungarian Building Act")</p> <p><b>Government Decree 281/2024. (IX.30)</b> on the procedures and inspections of the construction authorities</p> <p>("Hungarian Government Decree")</p>	<p><b>Construction Works Authorization Law 50/1991</b></p> <p>("Romanian Construction Authorization Law")</p> <p><b>Quality in Construction Law 10/1995</b></p> <p>("Romanian Construction Law")</p> <p>Besides this mainstream legislation there is a vast set of implementation norms and technical guidelines that are also mandatory.</p>	<p><b>Act No. 25/2025</b> the Construction Act and on Amendments and Additions to Certain Acts (Construction Act), which will enter into force on 1 April 2025</p> <p>("Slovakian Construction Act")</p> <p><b>Act No. 200/2022</b> on spatial planning, which will enter into force in its entirety on 1 April 2025</p> <p>("Slovakian Spatial Planning Act")</p> <p>Note that until 1 April 2025, the old <b>Act No. 50/1976 Coll.</b> on Spatial Planning and Building Regulations (Construction Act) still applies. However, as this act will soon become obsolete, this overview already reflects the new legislation.</p>

<p><b>Building Office</b> (in Czech: <b>stavební úřad</b>) Building Offices for general construction works are municipalities, in case of Reserved Structures (Annex 3 of the Building Act) the Building office is Transport and Energy Building Authority (in Czech: <b>Dopravní a energetický stavební úřad DESÚ</b>)</p>	<p><b>The Departments of Construction and Heritage Protection of the Metropolitan and County Government Offices</b> ("Authority")</p> <p>(in Hungarian: <b>Fővárosi és Megyei Kormányhivatalok Építésügyi és Örökségvédelmi Főosztályai</b>).</p>	<p><b>The Mayor's Office for majority of the construction works and the Office of the District Council President</b> (Romanian: <b>Președintele Consiliului Județean</b>) usually for works exceeding the territorial limits of one city or commune (i.e. infrastructure works).</p> <p>In Bucharest, on <b>24 November 2024</b>, a <b>referendum was approved</b> regarding the issuance of <b>all construction permits by the General Mayor of Bucharest</b>, instead of being issued by District Mayors (Bucharest is organized under 6 administrative-independent, districts, each ruled by a District Mayor having also a General Major). As a consequence of this referendum, the General Mayor should issue all construction permits in Bucharest. There is still no legal provision regulating the outcome of the referendum and no deadline for its implementation into law has been approved so far.</p>	<p><b>Construction Office</b> (in Slovak: <b>stavebný úrad</b>). Construction offices for general construction projects are municipalities (in Slovak: <b>obec</b>), however the Slovakian Construction Act recognizes also Special Construction Offices (in Slovak: <b>špeciálne stavebné úrady</b>), Office for Spatial Planning and Construction of the Slovak Republic (in Slovak: <b>Úrad pre územné plánovanie a výstavbu Slovenskej republiky</b>) and Regional Office (in Slovak: <b>Regionálne úrady</b>).</p> <p>Special Construction Offices are relevant authorities for projects relating to the construction of airports, railways, highways, waterways, etc. Special Construction Offices are authorities performing state administration in the sector-specific area of administration.</p>
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## Subject of the construction permit

Czech Republic	Hungary	Romania	Slovakia
<p>All Building objects require building permit issued by the Building Office on the developer's application.</p> <p>Permit is not required in case of buildings listed in Annex no. 1 of the Building Act – Small Structures.</p>	<p>Except for the construction activities listed in 17 § of the Hungarian Government Decree and the construction activities subject to simple notification procedure under the Hungarian Building Act, a construction permit (in Hungarian: építési engedély) must be obtained from the Authority.</p>	<p>All civil and military construction is subject to authorization procedures, except for specific exclusions regulated under Article 11 of the Romanian Construction Authorization Law.</p> <p>For works at military objectives, the authorization procedure may not be public due to national defense restrictions.</p>	<p>All Building objects require decision on construction intent (in Slovak: <b>rozhodnutie o stavebnom zámere</b>) issued by the Building Office on the developer's application.</p> <p>Permit is not required in case of simple structures (in Slovak: <b>jednoduché stavby</b>) and minor structures (in Slovak: <b>drobné stavby</b>) where a simple notification will suffice. In some cases the minor structures can even be carried out without permit or notification.</p>

## Main exemptions

<ul style="list-style-type: none"> <li>▪ temporary structures without a basement or facilities that serve cultural, social or sporting purposes, portable sales facilities or stands whose facility does not exceed 30 consecutive days</li> <li>▪ advertising facility with a total area of up to 0.6 m<sup>2</sup></li> <li>▪ replacement of lines and networks of technical infrastructure</li> <li>▪ structures for the production of energy from renewable sources with a total installed capacity of up to 50 kW</li> <li>▪ etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ construction of new residential buildings not exceeding 300 square meters of net floor space (requires only a simple notification procedure)</li> <li>▪ conversion, renovation, restoration, modernization and alteration of the façade of a building, etc.</li> </ul>	<ul style="list-style-type: none"> <li>▪ only small-scale remedy</li> <li>▪ redecoration works</li> </ul> <p>(As long as they are performed with the same type of materials and do not vary the shape or technical characteristics of the initial building.)</p>	<ul style="list-style-type: none"> <li>▪ Maintenance works and minor building modifications,</li> <li>▪ Some minor structures such as simple fences,</li> <li>▪ replacement of built-in furnishing items,</li> <li>▪ short-term portable devices such as stalls, structures and equipment for the ceremonial decoration and lighting of buildings</li> <li>▪ electronic communication network wiring and antenna conductors, which are placed in enclosed areas of buildings,</li> </ul>
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	Czech Republic	Hungary	Romania	Slovakia
Who can apply?	<p><b>Investor</b> (natural person or legal person) that fulfils certain conditions.</p> <p>These conditions include in particular the necessity to submit a project permit documentation, statement by the owner of real property confirming that the investor has the right to use the real property for the development, statements of owners of infrastructure concerned, binding assessments of the respective authorities protecting the public priorities pursuant to special regulations and planning contract with municipality if concluded.</p>	<p><b>The contractor and the owner of the property</b> affected by the construction activity is considered as a client in the construction permit procedure.</p> <p>The Authority shall always examine the legal status of the person whose right to the property or building affected by the construction activity has been registered in the land registry ("<b>Client</b>").</p>	<p><b>Investor</b> (natural person or legal person) provided that they have a construction right over the property (i.e. most frequently in the form of ownership or superficies right).</p> <p>The law does not recognize the right of the tenants to directly apply for a construction permit, with the sole exception of authorization of temporary works (i.e. logos/totems).</p>	<p><b>Investor</b> (natural person or legal person).</p> <p>These conditions include, in particular, the necessity to submit a statement by the owner of real property confirming that the investor has the right to use the real property for the development, statements of owners of infrastructure concerned and binding assessments of the respective authorities protecting the public priorities pursuant to special regulations.</p>
Who can contest?	<p>Municipality; proprietary or other real rights owners of developed real property; persons whose proprietary or another real right to the neighboring structures or neighboring grounds or the structures built up on them may be directly affected by the construction.</p>	<p>The Client may initiate an administrative litigation against the final decision.</p> <p>The final decision of the Authority may be contested within fifteen days of the notification thereof.</p>	<p>The Prefecture Office, interested social entities (i.e. non-governmental organizations, trade unions, associations, foundations, which aim to protect citizens' rights), or any interested third party who can prove a loss or damage.</p>	<p>Municipality, persons who have ownership or other related rights to land and buildings on such land (including adjacent land and buildings), if their ownership or other rights to these lands and buildings may be directly affected by the decision of the Construction Office; other persons to whom this position results from a special regulation (i.e. generally concerned public – EIA legislation).</p>

Length of the procedure

Expiry

	Czech Republic	Hungary	Romania	Slovakia
Length of the procedure	<p><b>30 days</b></p> <p>(administrative procedure on building permit for Simple Structures)</p> <p>The period can be extended by up to 30 days.</p> <p><b>60 days</b></p> <p>(administrative procedure on project permit for other cases)</p> <p>The period can be extended by up to 60 days.</p> <p>These periods are <b>further extended by the time required to obtain the supporting documents</b> for the decision, but in particular by the possibility of appealing to a higher building authority.</p> <p>Deciding on an appeal can be time-consuming.</p>	<p><b>25 days</b></p> <p>(From the date of the initiation of the construction permit procedure.)</p> <p><b>35 days</b></p> <p>(If another competent authority (in Hungarian: szakhatóság) becomes necessary during the procedure.)</p>	<p><b>5-6 months</b></p> <p>In medium &amp; small size cities)</p> <p><b>12-15 months</b></p> <p>(It depends on the number of preliminary endorsements that need to be obtained by the investor and also on the complexity degree of the works to be authorized.)</p> <p>Special Note: in Bucharest given court suspension or annulment of various urbanism regulations, mainly in case of larger projects (office/residential), a timetable is extremely difficult to estimate, depending mainly on the technical characteristics of the envisaged project.</p>	<p><b>30 – 60 Days</b></p> <p>(From the commencement of the proceedings to the issuance of an administrative decision.</p> <p><b>Important Notes:</b></p> <p><u>Preliminary Binding Opinion:</u> Prior to filing the notification of building intent, the developer is encouraged to obtain a binding opinion from the relevant zoning planning authority regarding the building intent. <b>There is no legal deadline for delivering such a binding opinion.</b> In practice, this procedure can take a <b>few months.</b></p> <p><u>Binding Opinions from Public Authorities:</u> As part of the administrative procedure, the building authority will need to obtain (to the extent not already provided by the developer) binding opinions from all concerned public authorities, which have <b>30 – 60 days</b> to issue their opinions.</p> <p>It is worth noting that the aim of the new legislation is to significantly shorten the average time required to obtain a decision on the building intent <b>to approximately 100 days.</b> Only time will tell whether this goal will be achieved. <b>Currently, proceedings take an average of 250+ days. in complex cases).</b></p>
Expiry	<p><u>Building permit:</u></p> <p><b>2 to 5 years</b> depending on decision of the Building Office.</p> <p>(possibility of extension for another two years, even repeatedly)</p>	<p><u>Construction permit:</u></p> <p><b>4 years</b> from the date on which it becomes final</p> <p>(no extension)</p>	<p><u>Construction permit:</u></p> <p><b>24 months</b> from the issuance date, the investor is required to start the construction works.</p> <p><u>Construction permit (trans-European infrastructure projects):</u></p> <p><b>12 months</b> from the construction permit issuance date.</p> <p>Works should then be completed depending on the complexity of the construction works, between <b>12-36 months.</b></p>	<p><u>Decision on the Building Intent:</u></p> <p><b>1 to 3 years</b>, depending on the constructions (2 years for general type of constructions).</p> <p>(possibility of extension but only up to the maximum of 7 years).</p>

	Czech Republic	Hungary	Romania	Slovakia
Transferability	<p><b>Yes.</b></p> <p>All administrative decisions are transferrable as these decisions are rendered in rem for the real property.</p>	<p><b>Yes.</b></p> <p>Construction permit may be transferred by the resolution of the Authority through a succession acknowledgement procedure.</p>	<p><b>Yes.</b></p> <p>Construction permit may be transferred only at the transfer of the ownership right over the property to the purchaser, after the issuance of the construction permit and before the completion of the authorized works.</p>	<p><b>Yes.</b></p> <p>Decisions of the Construction Office are transferable and binding on legal successors. In practice, most building authorities accept that the decision transfers to the new owner of the property, even though this is not explicitly stated in the Slovak Construction Act.</p>
Cost	<p><u>Building permit:</u></p> <p><b>CZK 5 000</b> for Simple Structures</p> <p><b>CZK 20 000</b> for Reserved Structures</p> <p><b>CZK 10 000</b> for Others</p>	<p><u>Construction permit:</u></p> <p><b>Free</b></p>	<p><u>Construction permit issuance tax:</u></p> <p><b>0.5%</b> from the value of the construction works for residential buildings and <b>1%</b> for all other types of buildings.</p> <p>When applying for the building permit, the investor declares the estimated value of the construction works that is subsequently adjusted after the completion of the taking-over formalities with the authorities are performed, with the actual value of the performed works.</p>	<p><u>Zoning decision for natural persons:</u></p> <p><b>EUR 40</b></p> <p><u>Zoning decision for legal persons:</u></p> <p><b>EUR 100</b></p> <p><u>Building permit:</u></p> <p><b>EUR 50 to EUR 1 ,000</b></p> <p>(Depending on the type of the building).</p> <p>Note that these fees are applicable only until 1 April 2025. The new fees, based on the new Slovak Construction Act, have yet to be determined.</p>

Czech Republic	Hungary	Romania	Slovakia
<p>Depending on the type of the building, the investor might have to apply for the occupancy permit.</p> <p>A structure that requires a permit may be used only on the basis of an occupancy permit decision and only for the purpose defined in the decision.</p> <p>The Building Office confirms that the building was constructed in accordance with the project and allows the building to obtain a registration number.</p> <p>Simple structure shall not require an occupancy permit decision, with the exception of buildings referred to in Subsection (1)(a) to (c) and Subsection (2)(d) of Annex No. 2 to this Act.</p>	<p>In order to use a building or part thereof for which a construction permit was granted, one of the following procedures must be carried out as a result of which:</p> <ul style="list-style-type: none"> <li>▪ the contractor shall obtain an occupancy permit (in Hungarian: használatbavételi engedély) upon which an occupancy permit procedure shall be conducted; or</li> <li>▪ the contractor shall only notify the Authority about the completion of the building or a part thereof, upon which an occupancy acknowledgement procedure shall be conducted.</li> </ul>	<p>The termination of the construction works is attested by the documents below, issued following on-site inspection from authorities:</p> <ul style="list-style-type: none"> <li>▪ the taking-over minute at the completion of the construction works is signed by the representatives of the technical department of the municipality attesting the compliance of the executed works with the terms and conditions of the construction permit;</li> <li>▪ a certificate of construction completion is issued by the representatives of the construction inspection department of the municipality attesting the compliance and legality of the above-mentioned taking-over procedure. This certificate is required for the registration of the construction with the land book.</li> </ul>	<p>In most cases, the investor must obtain an occupancy permit (<i>in Slovak: kolaudačné osvedčenie</i>), which concludes the occupancy proceedings initiated by the investor after the completion of the building.</p> <p>During the occupancy proceedings, the building authority verifies that the building was constructed in accordance with the approved project.</p> <p>An occupancy permit is not required for most minor structures, simple structures, or structures where proceedings on building intent are generally not necessary.</p>



## CZECH REPUBLIC



### GENERAL OVERVIEW

**The relevant legislation:** Act no. 283/2021 Coll. Building Act, as amended, addresses matters pertaining to the design, development and maintenance of the building objects as well as the activity of the public administration authorities in these areas.

**The general principle:** An investor may commence the building works upon obtaining a building permit issued by the relevant construction administration authority. These requirements do not concern small-scale building works listed in the Annex no. 1 of the Building Act such as an advertising facility with a total area of up to 0.6 m<sup>2</sup>, replacement of lines and networks of technical infrastructure, structures for the production of energy from renewable sources with a total installed capacity of up to 50 kW, etc.

The new Building Act distinguishes four types of buildings: small structures, simple structures, reserved structures and others. Small structures listed in the Annex no. 1 require nothing at all, no permit issued by any administration authority. Simple structures are listed in Annex no. 2, whereas project permit is required. The 3<sup>rd</sup> type of buildings are reserved structures listed in Annex no. 3. These are typically constructions of highways, railways, civil aviation constructions, electricity and gas production plants, etc. An investor needs to obtain a building permit and usually fulfil obligations stated by environmental regulations. As for the fourth category of other buildings, the Act requires a building permit as well.

### CONSTRUCTION PERMIT – PROCEDURAL ASPECTS

The authority competent to issue a building permit: Building Office (in Czech: stavební úřad). Building Offices for general construction works are municipalities; specialized Building Office - the Transport and Energy Building Authority is an administrative authority with national competence in matters of reserved structures.

## CZECH REPUBLIC

The building permit is issued within the framework of the administrative proceedings initiated based on the investor's application.

The parties to the proceedings regarding building permit are the builder; municipality in whose territory the project shall be implemented; the owner of land or a building on which the project shall be implemented, or whoever has other rights in rem over that land plot or a structure; persons whose ownership or other rights in rem over neighboring structures or neighboring land plots may be directly affected by the building permit decision; persons pursuant to other legislation.

To the application for the building permit the following should be attached (among others):

- project permit documentation for the approval
- statement by the owner of real property confirming that the investor has the right to use the real property for the development
- the statement of the owners of public transport or technical infrastructure delimited on the digital technical map
- the statement, binding opinion or decision of the respective authority, pursuant to special regulations
- the planning contract, if concluded

If for the building works which are to be encompassed by the building permit obtaining the decision settling the environmental conditions are necessary (on the basis of the relevant environmental regulations) this environmental decision should be attached to the application for issuing of the building permit.

If all the conditions necessary to obtain the building permit by the investor are duly met, the authority should issue the decision.

### TIME LIMITATIONS PERTAINING TO THE CONSTRUCTION PERMIT

The building permit expires if the construction is not commenced within two years from the date when the construction permit becomes final unless prolonged by the Building Office.

### TRANSFER OF THE BUILDING PERMIT

A building permit may be transferred for the benefit of another entity as it pertains to the real property, not the investor.

### COMPLETION OF THE DEVELOPMENT

Depending on the type of the building, the investor might have to apply for an occupancy permit decision. The Building Office confirms that the building was constructed in accordance with the project and allows the building to obtain a registration number. The building might be used even prior to the issue of the occupancy permit upon a justified application of the investor. After the approvals are rendered, it is possible to register the building to the municipality evidence for an identification number.

# HUNGARY



## GENERAL OVERVIEW

### The relevant legislation:

- Act No. C of 2023 on the Hungarian Architecture; (hereinafter: the “Building Act”), which provides the general rules regarding building authority proceedings (in Hungarian: építésügyi hatósági eljárások), and
- Government Decree 281/2024. (iX.30.) on the procedures and inspections of the construction authorities (hereinafter: the “Government Decree”) which contains the detailed procedural rules for construction permit procedures.

The general principle: A constructor may commence the building works upon obtaining a construction permit from a statutory construction authority.

**Exceptions:** Construction activities not listed in Section 17 of the Government Decree and the construction activities subject to simple notification procedure under the Building Act are exempted from the obligation of obtaining a construction permit, e.g. construction of new residential buildings not exceeding 300 square meters of net floor space (shall only be notified in the simple notification procedure); conversion, renovation, restoration, modernization and alteration of the façade of a building; construction of a new building with less than 35 sqm gross area or with a height not exceeding 4,5 meters; change in the number of individual accommodation units in a building; etc.

## CONSTRUCTION PERMIT – PROCEDURAL ASPECTS

The authority competent to issue a construction permit: the Departments of Construction and Heritage Protection of Government Offices of the Capital City Budapest and the Counties (hereinafter: the “Authority”) (in Hungarian: Fővárosi és Megyei Kormányhivatalok Építésügyi és Örökségvédelmi Főosztályai).

## HUNGARY

The construction permit is issued within the framework of the administrative proceedings initiated based on the request of the Client.

A construction permit for a property shall be applied for in respect of the whole construction activity carried out at the same time, with the exception stated in the Government Decree.

The application for the construction permit should be initiated through an e-construction website or personally through an electronic medium, with the following content (among others):

- the address and the topographical lot number of the property concerned by the construction activity, and in the case of an agricultural property, the topographical lot number of all the properties belonging to it
- the type of the authorization procedure applied for
- the subject of the application and the brief description of that
- the list of the annexes attached to the application (attaching the architectural - technical documentation is obligatory)
- declaration of the contractor or its proxy as to whether and in how many copies he requests a certified paper copy of the technical documentation with enforcement clause accompanying the final permit, and
- the signature of the contractor.

If necessary, on the basis of the relevant regulations the final environmental protection permit or a unified environmental permit, the forest authority permit, in case of an agricultural property the final decision authorizing the permanent use of the property for other purposes and a permit from a nature conservation authority should be attached to the application or if it is not available for the Client, the Authority shall acquire them.

If all the conditions necessary to obtain the construction permit are duly met, the Authority should issue the decision.

### TIME LIMITATIONS PERTAINING TO THE CONSTRUCTION PERMIT

Unless a shorter period is set by the Authority, the construction permit shall be valid for four years from the date on which it becomes final, and it may not be extended. During the period of validity of the construction permit, if the construction activity has started, as evidenced by the opening of the construction log, the building must be ready for the granting of an occupancy permit or for the occupancy acknowledgement within six years of the start of the construction activity. The validity of the construction permit may not be extended.

### TRANSFER OF THE BUILDING PERMIT

A construction permit may be transferred by the resolution of the Authority through a succession acknowledgement procedure.

## HUNGARY

### COMPLETION OF THE DEVELOPMENT

In order to use a building or part of a building for which a construction permit was granted, one of the following procedures must be carried out:

- The contractor shall obtain an occupancy permit (in Hungarian: használatbavételi engedély) upon which an occupancy permit procedure shall be conducted; or
- The contractor shall only notify the Authority about the completion of the building or a part thereof, upon which an occupancy acknowledgement procedure (in Hungarian: használatbavétel tudomásulvételi eljárás) shall be conducted.

The occupancy permit shall be granted if the building or the part of the building has been constructed in accordance with the construction permit and it is in a manner suitable for proper and safe use.

## ROMANIA



### GENERAL OVERVIEW

**The relevant legislation:** The current quality in construction system is firmly regulated by Construction Works Authorization Law 50/1991 and by the Quality in Construction Law 10/1995 together with a vast set of implementation norms and technical guidelines, all of them regulating the design, authorization, performance, taking-over of construction works and maintenance upon completion.

**The general principle:** An investor may commence the construction works only upon obtaining a construction permit. However, the law does not recognize the right of the tenants to directly apply for a construction permit, with the sole exception of authorization of temporary works (i.e. totems). More generally the fit-out works are authorized directly by the landlord and the tenants are entrusted under the lease agreements with the responsibility to obtain on the landlord's behalf all required authorizations and to perform at their own liability and cost the construction works.

**Exceptions:** Small-scale remedy or redecoration works that do not require a construction permit, as long as they are performed with the same type of materials and do not vary the shape or technical characteristics of the initial building.

### CONSTRUCTION PERMIT – PROCEDURAL ASPECTS

The authority competent to issue a construction permit: The Mayor's Office for majority of the construction works and the Office of the District Council President (Romanian: Președintele Consiliului Județean) usually for infrastructure works exceeding the territorial limits of one city or commune (i.e. highways).

The construction permit is issued at the end of the 5-15-month administrative proceedings initiated based on the application of the investor. The parties to the proceedings regarding the construction permit are any investors (natural person or legal person) provided that they have a construction right over the property (i.e. more frequently in the form of ownership or superficies right).

## ROMANIA

Bucharest is organized into 6 administrative-independent districts having both district mayors and a general mayor of Bucharest. Building permits are issued either by the general mayor or by the district mayors, depending on the project's type and location. In 2024 a referendum confirmed that the majority of citizens support the idea that the general mayor issues all building permits in the city.

A new law is expected to be implemented by Parliament putting into effect the outcome of the referendum, but to date, no such law has been approved, and there is no timetable for its implementation either.

Structurally the authorization is a multi-layer process entailing various technical and administrative steps:

- **Preparing the Design:** The investor is preparing the design theme of the future investment with an authorized designer or design company that is further submitted to the Mayor's Office.
- **Issuance of the Urbanism Certificate:** After reviewing the design theme, the Mayor's Office is issuing an urbanism certificate attesting the list of preliminary endorsements that need to be procured by the investor in order to obtain the construction permit.
- **Obtaining Preliminary Endorsements:** This is the core-section of the authorization procedure, with the investor being required to obtain endorsements from the environmental, sanitary, construction and urbanism state authorities, utility companies. In specific cases, even the neighbors' consent is required, provided that the envisaged construction works are impacting the neighboring properties that in turn would require certain protection measures during the execution of the construction works.
- **Issuance of the Construction Permit:** based on the design theme and on the preliminary endorsements, the construction permit is issued by the Mayor's Office.

### TIME LIMITATIONS PERTAINING TO THE CONSTRUCTION PERMIT

The investor has the obligation to commence the construction works within 24 months as of the issuance date of the construction permit. There are specific exceptions, such as for trans-European infrastructure construction works where the works should commence within 12 months from the issuance of the construction permit. But for private investment the general term is 24 months.

If due to justifiable reasons the investor is not able to commence the works within the above-mentioned 24 months term, the validity of the permit may be extended, only once, with a 12-month period. The extension is not done automatically, as the investor needs to apply for an extension of the term to the construction permit issuing authority.

Failure to commence the works in the above-mentioned terms leads to the expiry of the construction permit.

The subsequent term for completion of the works is ranging between 12-36 months as of commencement date, depending on the complexity of the authorized works. The terms for completion of the works is expressly mentioned within the construction permit.

## TRANSFER OF THE BUILDING PERMIT

Construction permit may be transferred only at the transfer of the ownership right over the property to the purchaser, after the issuance of the construction permit and before the completion of the authorized works.

## COMPLETION OF THE DEVELOPMENT

Upon completion of the building works an investor should notify the relevant construction supervision authority of the completion. Depending on the type of the building works an investor may commence to use the completed building or structure if:

- a. following completion of the construction works and upon inspection from the representative of the Mayor's Office and of the state construction inspection authorities a taking-over minute and a certificate of completion attesting the completion of the works is issued by the authorities. Based on these documents, the construction is then registered with the Land Registry;
- b. for most office and logistics facilities, investors must obtain a fire safety permit after the completion of the construction work. The permit certifies the compliance of the facilities with fire prevention regulations and grants the investor the right to undertake activities within the premises (i.e., lease).



# SLOVAKIA



## GENERAL OVERVIEW

**The relevant legislation:** Slovak legislation is among the oldest in the region, which is why it is set to undergo changes with the introduction of Act No. 200/2022 Coll. on Spatial Planning and Act No. 25/2025 on the Construction Act and on amendments and additions to certain acts (Construction Act) that addresses matters pertaining to the design, development and maintenance of the building objects as well as the activity of the public administration authorities in these areas; and Act no. 145/1995 on administrative fees. Because these new Acts will come into effect in April 2025, we have amended this document to reflect this new legislation.

**The general principle:** The investor must firstly submit a notification of building intent to the competent Construction Office electronically using the form provided for this purpose. This procedure will result in a decision on the building intent (which serves as a permit to carry out the construction).

The decision on the building intent is required for all building objects, unless they fall within the exhaustive lists of exceptions within Section 18(3), Section 18(4) and Section 18(5) of the Construction Act. Thus, the building regime in Slovakia operates on 3 pillars:

1. Decision-based constructions – a decision on the building intent is required for building objects of any kind, regardless of their complexity, purpose and duration; a decision on the building intent is also required for alterations to buildings, especially for extensions – Section 18(2) of the Construction Act.
2. Notification-based constructions – sending prior notification to the Construction Office is required for example: in case of the ground-floor buildings, structures, equipment or products imported to the place of installation or products assembled from structural elements on the site of installation, firmly connected to the ground, if their built-up area does not exceed 50 m<sup>2</sup> and a height of 5 m, in particular sheds, laundries, summer kitchens, sheds, facilities for garbage containers, buildings for breeding small animals, saunas, bicycle and baby carriages, waiting rooms, buildings of sports facilities and garages etc. - Section 18(3) and Section 18(4) of the Construction Act.

## SLOVAKIA

3. Free regime constructions – free construction regime is stipulated in Section 18(5) of the Construction Act and does not require any decision on the building intent nor the sending of a notification to the Construction Office and applies for example to the: maintenance works, minor modifications of existing constructions, minor structures (e.g. simple fences), electronic communication network wiring and antenna conductors, which are placed in enclosed areas of buildings; short-term portable devices such as stalls, structures and equipment for the ceremonial decoration and lighting of buildings; construction of vineyards etc.

**Exceptions:** Essentially, the only exceptions from the default decision-based construction proceedings are constructions that fall under the free construction regime (stipulated in Section 18(5) of the Construction Act) and/or notification regime [Section 18(3) and Section 18(4) of the Construction Act].

### THE DECISION ON THE BUILDING INTENT– PROCEDURAL ASPECTS

The authority competent to issue a decision on the building intent: The decision on the building intent is issued by the competent Construction Office (i.e. municipality) within separate (specific) administrative procedures commenced by the investor.

The parties to the proceedings concerning the decision on the building intent are: the municipality; the investor; persons who have ownership or other related rights to land and buildings on such land (including adjacent land and buildings), if their ownership or other rights to these lands and buildings may be directly affected by the decision; other persons to whom this position results from a special regulation (i.e. generally concerned public – under EIA legislation).

#### **Attachments to the decision on the building intent application:**

- statement by the owner of the real property confirming that the investor has the right to use the real property for the development;
- project documentation relating to the intended construction (technical report, documentation indicating the original and proposed way of using the intended construction) prepared by an authorized person;
- report on the negotiation of the building plan, in which it evaluates all the opinions and statements made, the entity that made the objection, and the manner in which the objection was evaluated; and
- other documents required by the Construction Act, regulations or implementing regulatory standards.

The decision on the building intent application shall state that the construction works are in accordance with the decision of the authority assessing the impact of the construction on the environment, that the binding opinions of the authorities concerned and the binding statements of the legal entities concerned are applied according to the report on the discussion of the building plan, that the building plan has been drawn up by the project designer and the report on the negotiation of the building plan has been drawn up by the builder or the project designer authorized by him/her etc.

## TIME LIMITATIONS PERTAINING TO THE THE DECISION ON THE BUILDING PLAN

The decision on the building intent is generally valid for two years, for linear constructions and reserved constructions for three years, and for information construction and assembled product for one year from the date on which it became final, unless the administrative authority has set a longer period.

## TRANSFER OF THE DECISION ON THE BUILDING PLAN

A decision on the building intent may be transferred to third parties and is binding to legal successors.

## COMPLETION OF THE DEVELOPMENT (in Slovak: kolaudácia stavieb)

All constructions that have been subject of the decision-based regime have to be formally “approved” by the Construction Office that issued the decision on the building intent.

The participants in the construction approval procedure are the builder, the owner of the building (if he is not the builder), and the owner of the land on which the building is located. In the building approval procedure, the Construction Office examines, in particular, whether the building or part of the building is capable of independent use is structurally complete, including the completion of induced modifications, access and driveway to the building and capable of operation and safe use in accordance with the verified building project.

It further examines whether the deficiencies identified during the control inspections have been eliminated, whether the technical system of the building and other technical and operational equipment of the building is functional, whether the building is connected to the functional networks of technical equipment of the area, if they are in the municipality (this does not apply if it is a building that does not require a connection for its operation), whether rainwater is captured or diverted in such a way that it does not burden the building surroundings, whether the operation of dedicated technical equipment is smooth and safe or whether the building meets the required energy performance conditions.

The Construction Office, by issuing the „occupancy certificate“, authorizes the use of the building for the intended purpose and, if necessary, lays down the conditions for the use of the building, too.

Administrative fee for issuing of “occupancy certificate” for constructed building by the Construction Office ranges from EUR 20 to EUR 660 (depending on the type of the building). The fees however may change as of 1 April 2025.

## OUR REGIONAL REAL ESTATE PRACTICE GROUP

Our professional team members will be happy to assist you with any questions.



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