

LAW 4951/2022

# BUILDING PERMITS



# NEW PROVISIONS

Greek parliament enacted law 4951/2022 which amended articles 35(1) and 38(2) of law 4495/2017 ("Building Law"), further fine tuning and progressing with the automatic issuance of building permits, a process initiated back in 2020.

## Optional building permit pre-approval

New law 4951/2022 amended article 35(1) of the Building Law to provide that for all three building permit categories (and not only for category 3) a building permit pre-approval is no longer required and is now only optional, subject to the exceptions mentioned below.

A building permit pre-approval is required only in the following cases:

- ✓ For newly erected buildings with a built-up area of more than 3,000 sqm, and additions to existing buildings of a total built-up area of more than 3,000 sqm
- ✓ Where a building permit is required by a competent authority other than the Building Authority
- ✓ For the construction of permanent building facilities, projects of environmental and residential importance, or projects that are subject to special control in terms of building conditions, as well as in the case of buildings with an area of more than 3,000 sqm

## Topo diagram and building conditions review

Further, new law 4951/2022 now requires that for all three building permit categories, both (i) the relevant topographic diagram should be reviewed by the competent Building Authority, and (ii) the competent Building Authority should issue a written confirmation indicating the building conditions applicable in the location of the property, prior to the automatic issuance of the building permit.

For a summary description of the building permit and building permit pre-approval process, please see below.

## BUILDING PERMIT PRE-APPROVALS

Broadly, building permit pre-approvals certify the right of the applicant to construct a building under the requested terms, provided that the building permit will be issued within the time that the building permit pre-approval remains valid (i.e., 1 year for buildings of max 5,000 sqm and 2 years for building of more than 5,000 sqm).

The added value of issuing a building permit pre-approval is that the applicant can certify its right to issue a building permit and construct a building by submitting a rather limited number of supporting documentation at this stage.

Unlike building permits, though, building permit pre-approvals are not issued automatically. Once the mandated engineer files the necessary supporting

documents (Table 1), the competent Building Authority examines:

- ✓ The completeness of the documents submitted
- ✓ Titles of ownership
- ✓ The topographic diagram and the site plan.

If the Building Authority identifies errors in the documents submitted, it informs, via the 'e-Adeies' ('e-Licenses') system of the Technical Chamber of Greece, the engineer who has been mandated by the interested party, to make the necessary additions or corrections.

Once all above documents are duly submitted, the Building Authority issues the building permit pre-approval and determines the required studies,

approvals and other supporting documents that must be submitted for the issuance of the building permit.



# BUILDING PERMITS

Once the topographic diagram is reviewed and the written confirmation on the building conditions is issued by the Building Authority, the issuance of a building permit takes place automatically, following the electronic submission of the necessary supporting documents by the mandated engineer (Table 2).

Said supporting documents are submitted online via the electronic system 'e-Adeies' ('e-Licenses') of the Technical Chamber of Greece.

The building permit is issued automatically, in the sense that it is issued under the responsibility of the mandated engineer who ascertains that the requirements provided for by the law for the issuance

of the building permit are met, and without a prior check by the Building Authority.

The law requires each Building Authority to carry out sample checks on the legality of the information and studies submitted by applicants at a rate of at least 30% of the building permits issued. Mainly due to the understaffing of Building Authorities, such mandatory sample checks are not yet performed as required.



## TABLE 1 – DOCUMENTATION FOR BUILDING PERMIT PRE-APPROVALS

- |   |   |
|---|---|
| ✓ Application accompanied by the declarations of assignments of undertakings and supervision of studies | ✓ Title of ownership, recent certificate of ownership or cadastral sheet and extract of cadastral map for each property |
| ✓ Topographic diagram based on the state system for coordinates   | ✓ Proof of legality of existing buildings   |
| ✓ Coverage diagram  | ✓ Technical study describing works, sizes and uses  |

## TABLE 2 – DOCUMENTATION FOR BUILDING PERMITS

- |   |   |  |
|---|---|--|
| ✓ Application accompanied by the declarations of assignments of undertakings and supervision of studies | ✓ Study on the time-schedule for the execution of the project                                       | ✓ Notarial declaration of the envisaged parking spaces, and a certificate of its registration        |
| ✓ Approvals from other administrative bodies, where required (e.g., archaeological authorities)         | ✓ Study on plumbing and sewers  | ✓ Proof of payment of required contributions to the State, the e-EFKA and the municipality concerned |
|   | ✓ Active fire protection study, drawn up based on the passive fire protection study, where required |  |

- ✓ Title of ownership, recent certificate of ownership or cadastral sheet and extract of cadastral map for each property
- ✓ Proof of legality of existing buildings
- ✓ Architectural study, including a passive fire protection study and an accessibility study for disabled persons, where necessary
- ✓ Static study
- ✓ Electrical and mechanical installations studies
- ✓ Energy performance study Fuel gas study approved by the competent gas supply company
- ✓ Project safety and health plan, where necessary
- ✓ Certain information on waste management
- ✓ Explanatory memorandum of art. 3(1) of law 1577/1985
- ✓ Proof of payment of engineers' fee, as well as of applicable engineering income tax
- ✓ Topographical diagram based on the state system for coordinates
- ✓ Coverage diagram
- ✓ In case of acquisition, submission of the relevant contribution form is required

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