



New Construction Laws: A Step Forward for eGovernment or a Step back for autonomous territorial development of Towns and Municipalities

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Abstract

The new Construction Act became the object of interest of many lawyers and representatives of towns and municipalities. Despite many amendments, the original Construction Act is outdated, cumbersome and inflexible, and along with it, the Act on Spatial Planning and Amendments to certain Acts is changing. Thanks to the introduction of the Urbion information system, the issuance of construction permits will be speeded up and facilitated, and 13 of the 84 actions required to issue a building permit should remain. It interferes with the competences of municipalities, and even reduces their decision-making on their own spatial development. The contribution is devoted to the legislative changes in question and, in addition to the approximation of the functioning of the new Urbion information system, it also presents the opinions and attitudes of representatives of towns and municipalities in relation to spatial development and spatial planning.

Keywords: eGovernment, Slovakia, Czech Republic, territorial development, spatial planning

JEL: K10, K11

1. Introduction

The new Construction Act, which replaces the original Act No. 50/1976 Coll. from 1976 in Slovak legislation, has become an object of interest for many lawyers, but also and especially for stakeholders, specifically representatives of towns and municipalities. Despite many amendments, the original Construction Act is now outdated, inflexible and cumbersome, and the Act on Landscape Planning and amendments to certain other Acts is being amended along with it. Act No 201/2022 Coll., effective April 1, 2024, is intended to simplify processes not only for ordinary citizens but also for investors. Probably the most significant innovation is the introduction of the Urbion information system, which will speed up and facilitate the process of permitting new constructions, and 13 of the 84 actions required for issuing construction permits should remain. The legislative change in question may greatly affect the territorial development of towns and municipalities. They

believe that the amendment to the Construction Act impermissibly interferes with the competences of local governments and shortens, or even reduces the competences of municipalities to decide on their own territorial development. Because of a critical analysis of the legislative changes in question and a closer look at the functioning of the new Urbion information system in relation to the opinions and attitudes of municipal representatives in relation to spatial development and landscape planning, the study aims to identify the so-called "pain-points" of the new construction legislation. At the same time, this study identifies the most recent changes related to the new Program Statement of the Government and the related postponement of the forthcoming amendment of the law, precisely as a consequence of the significant shortcomings of the new construction legislation and their specific impacts on local governments. In comparison with the current setting of construction legislation in the Czech Republic, the study brings relevant recommendations. For the qualitative collection of relevant data, semi structured interviews with representatives of the Slovak local governments and also a member of the Chamber of Deputies of the Parliament of the Czech Republic were used in the preparation of the study.

2. New Construction Laws in the eGovernment Context

The issue of construction and landscape planning has been developing very dynamically in Slovakia¹ since the adoption of the Construction Act, which has undergone many amendments. By 2022, the Construction Act had been amended a total of 44 times. Despite this, its current concept and arrangement of legal relations are not sufficient. For example, it does not sufficiently cover the needs of contemporary society in the current period regarding the development of new technologies. The multiple amendments to the Act do not fulfil the purpose of regulating current legal relations. Now, after more than 40 years, the Act is about to undergo its most significant change. The aim of the recodification should be:

- complete digitalization of the construction procedure with gradual automation of services,
- strengthening the importance of landscape planning as a fundamental tool for the implementation of development strategies,
- the establishment of an independent central government body for landscape planning, construction, and a specialized government administration in the field of construction.

According to government officials, the new Construction Act reconciles the needs of municipalities, entrepreneurs, and citizens. Several separate and interconnected procedures and statements will be merged into one procedure. Thus, according to T. Gregor (2021), the law should support the creation of one central construction bureau and should also add the Urbion electronic construction register. The national electronic system will be supra-ministerial and should be a mandatory and necessary element as a

¹ Note: At the time of the adoption of the original law, it was the territory of the Czechoslovak Socialist Republic, note authors.

construction register and repository of project documentation. It should operate on the principle of a public-private partnership. Statements made by government officials responsible for the preparation and implementation of the construction legislation in question point to the fact that it was intended primarily to simplify, speed up and improve the construction processes as well as to make them more transparent. The newly established Authority for Spatial Planning and Construction of the Slovak Republic will be the guarantor of the interoperability of processes, quality, and availability of data on the territory and the electronic execution of public authority as a prerequisite for the efficiency and quality of construction processes. The introduction of a unified process for the acquisition, collection, processing, provision, transmission, storage, archiving and disposal of data should improve the execution of public authority in spatial planning, construction, and construction administration, with the prerequisite of information systems support (Explanatory Report to the Draft Construction Act, 2021). One of the principles of the information system architecture will then be "high-quality, open data". All input data will be organized by a single 'Building Information Modeling' (BIM) data model, in accordance with STN EN ISO 223387, covering the spatial information domains of spatial planning and construction, and also the transactional data associated with ensuring the performance of the agendas in these sections of the administration. The output will be reference data and processed data available in the form of public api, data sets, and also in the analytical part of the IS itself for OLAP² purposes and also for subsequent export. The data will be available based on roles and relevant permissions for registered, unregistered and authenticated users of the system. All data should also be recorded, processed, published, and archived in accordance with Act No 95/2019 Coll. (Act on Information Technology in Public Administration and on Amendments and Additions to certain Acts).

2.1 Municipalities and their position in the debate on the proposed legislation

Municipalities have been the spatial planning authorities since 1991. Their activities in the field of spatial planning represent the original competence of municipalities. The current legislation in force under Act No 50/1976 Coll. on spatial planning and construction regulations, as amended, is based on a concept proposed in the mid-1970s. After the Velvet Revolution in November 1989, several legislative changes took place. Various amendments were adopted in 1990, 1992, 1995, 1997, 2000 and 2007 that were pointed to the inconsistency of the Act with the new constitutional and social conditions, and some also focused on the existing social requirements (Hagara, Viechová, 2021). The construction legislation and its development so far, as well as the present and future in the legal system of Slovakia are dealt with in their scientific studies, for example, by Marišová et al. (2023), Škrobák (2015), and Slavík et al. (2010).

Construction regulations and spatial planning in Slovakia are ensured by construction authorities under the Act on Planning and Building Regulations. The second-instance authority for the purposes of decision-making by the construction authorities are the district offices of their respective regions. There are approximately 3,000 municipalities in Slovakia, the status and powers of which are determined by Act No 369/1990 Coll. on

² Online analytical processing (OLAP)

Municipal Establishment. According to the provisions of Section 20, municipalities may collaborate under a contract concluded for the purpose of carrying out a specific task or activity, based on a contract on the establishment of an association of municipalities, or by establishing or founding a legal person under a special act. The Ministry of the Interior of the Slovak Republic registers approximately 2,100 municipalities, which, based on a joint contract, have agreed to exercise their competences in the field of construction regulations through Joint Construction Offices. There are currently approximately 150 of these (Hagara, Viechová, 2021).

As stated above, the proposed new Act is to replace the current Act No. 50/1976 Coll. on spatial planning and construction regulations, as amended, with the exception of the institute of expropriation, which will be regulated by a separate Act with the same effect as proposed for the Construction Act. The draft law is conceived as a comprehensive legal regulation in the field of spatial planning and public construction law, which represents the substantive legal provisions, but also the processes of procurement and approval of spatial plans, placement, announcement and permitting of new constructions, including the approval, removal of buildings, special powers of the construction authority (regulations), state supervision and penalties.

As stated by the Association of Towns and Municipalities of Slovakia (ZMOS) (2023), the intention of the new construction legislation in the context of the status of towns and municipalities is a common agreement of all stakeholders to prevent 'wild' construction. After the change, spatial planning should be carried out in a broad discussion with the citizens of each town and municipality. The new Construction Act should create regional branches. There should be eight in total, one for each region. The power of these branches will have effect on the general area of construction, namely for constructions that do not fall within the power of the special construction authorities. Other constructions, such as highways or railways, will fall within the power of special construction authorities, which will not be affected by the office in question, except for methodological work and the setting up of processes. ZMOS also points out the importance of linking the new Information System with the creation of new branches. This should become the backbone of the reform of construction legislation in the field of digitization. The first phase from April 1, 2024 was to be linked to the deployment of System 1.0, with a view to introducing forms for applications, opinions and decisions, the introduction of a shared storage, delivery and signature functions within the Central Portal of Public Administration.

3. Methodology

In line with the focus of the paper and its objectives, the research instrument of semi-structured interview was included in the methodological framework. The case study methodology represents a qualitative study. Glaser and Corbinová (In Hend, 2008) defined qualitative research as any research whose outcome is not achieved by statistical methods or other means of quantification. Daisman (In Miovský, 2006) takes the same view, stating that qualitative approach is a numerical saving and interpretation of social reality. Štach (In Miovský, 2006) highlights the consistent use of the term qualitative approach. Gavora (2006, p. 18) adds that the qualitative approach uses qualitative methods to describe, analyze and interpret the phenomenon under study. *"Qualitative research most often generates new theories or asks new questions. Thus, it discovers new*

insights or changes existing views of certain phenomena." Interviewing, as Miovský (2005) points out, is considered to be the most effective but also the most challenging method of qualitative data collection. In terminological terms, it is an interview that is moderated and conducted with a specific aim and purpose of the research study. Gavora (2006) also states that an interview is a guided conversation between the researcher and the person(s) under study. In a semi-structured interview, the researcher has prepared the content framework, the lines of questioning, or the questions, which are adapted by the researcher as the interview unfolds.

In the context of the above legislative and procedural changes, representatives of local governments were asked to fulfil the objectives of the research. The selection was set to obtain and process their opinions and attitudes in relation to the new construction legislation. The intention was to not only identify the main changes relating to the local governments themselves, but also the changes and impacts in relation to the processes and digitization of public administration. Specifically, the representatives of municipalities were asked these four questions:

- Q1: What is the nature of the new construction legislation (Act No. 201/2022 Coll. on Construction, Act No. 519/2023 Coll. on Spatial Planning), especially in the context of the current changes?
- Q2: How will these changes affect municipalities in relation to their previously autonomous spatial development setting?
- Q3: What impacts do you expect from the new construction legislation in relation to the development of digital communication and in relation to new construction permits, which have been secured at construction offices, or joint construction offices?
- Q4: What impacts will the new construction legislation have on the citizens?

The case study involved the town of Hlohovec, Mayor of Ratkovce and Vice-President of ZMOS, Mr. Martin Červenka, Mayor of Horné Otrokovce and Member of the ZMO Council, the Jaslovské Bohunice Region, Mrs. Eva Kukučková, and Member of the Hlohovec City Council and Vice-President of the Trnava Region, Mr. Patrik Voltmann. The reason for selecting this sample of respondents is the fact that they are direct representatives of local governments that will be affected by the legislative change associated with the new way of decision-making on spatial development. The selection of municipalities was conditioned by their size as model municipalities in their size category and scale of development. The Vice-President of ZMOS was addressed as a representative of the status organization representing the majority of towns and municipalities in Slovakia and he also commented on the subject of the new construction legislation in connection with negotiations with the state Government representatives on the changes. The MP, Mr. Patrik Voltmann was contacted primarily because the town of Hlohovec is currently in the process of changing and approving a new zoning plan, which was the reason for addressing the town of Hlohovec itself. They answered the questions through the Department of Construction. At the same time, for the purpose of comparing the case study, the councilor for the Zlín Region in the Czech Republic, President of the Association of Local Authorities and Member of the Chamber of Parliament of the Czech Republic, Mrs. Eliška Olšáková, who is also the Mayor of the town of Valašské Klobouky, was contacted.

The questions were emailed on October 15, 2023, and individual answers were being accepted until November 11, 2023. The same questions were sent to the Czech representative of the local governments on January 30, 2024, and were answered on February 5, 2024. Subsequently, individual interviews were still carried out for the purpose of a comprehensive synthesis of knowledge in the field of the issue addressed. During November 2023, an additional interview was conducted with the employees of the Hlohovec City Construction Authority. In November 2023, in addition to the answers sent, the Report on the activities of the City of Hlohovec in the field of delegated state administration in administrative proceedings for the years 2020 – 2022 was requested, namely the number of all submissions for processing in the current year at the Construction Office. The Report in question was issued in accordance with Act No. 211/2000 Coll. on free access to information and on amendment and supplementation of certain Acts and used for triangulation of data in the issue under study.

4. Results

In the context of the local governments representatives' perception of the new construction legislation based on the synthesis of the results from the interviews, we have critically identified the following main shortcomings of the proposed change:

Q1: On April 1, 2024, the Act No.201/2022 Coll. on Construction will come into effect, the Authority for Spatial Planning and Construction of the Slovak Republic, and special construction authorities - the Ministry of Defense, the Ministry of the Interior, the Ministry of the Environment, etc., will become the state government authority. The legal relations and the rights and obligations arising therefrom under the previous regulations in the field of construction shall remain unchanged, unless otherwise provided for in this Act. (Section 65(1)). Act No 50/1976 Coll. on spatial planning and construction regulations (Construction Act), as amended, shall apply to proceedings initiated and not legally completed by March 31, 2024. (Section 65(2)). New constructions and alterations to constructions covered by a formal notification that have been reported by March 31, 2024 shall be completed in accordance with the previous regulations. (§ 65(6)). Proceedings commenced and not legally completed by March 31, 2024 shall be completed by the construction authority under the previous regulations in accordance with the regulations in force on March 31, 2024 by March 31, 2026 at the latest. (Section 65(7)) After March 31, 2026, the municipality shall delimit the pending files to the Planning and Construction Authority within one month. The municipality will be the construction authority until March 31, 2026 but only for pending proceedings. As of April 1, 2024, the construction authority will be a newly created specialized state administration under the Office for Planning and Construction, also for "old cases", i.e. pending files delimited by the municipality. The biggest change in the new construction legislation, i.e. Act No. 201/2022 Coll., from the point of view of local governments, is the removal of the competence to make decisions by towns and municipalities. The government is once again centralizing its power by creating a new authority, despite negative experience from abroad. According to the OECD, Slovakia has the potential for further decentralization of up to 10% of GDP, but we are moving in the opposite direction by changing legislation this way. Up to 60% of municipalities with up to 1,000 inhabitants do not have a spatial plan because it was not a legal requirement. These municipalities will be left 'at the mercy' of the new authority and their opinions will not be mandatory. It is not financially viable to

create all the spatial plans perfectly now, nor is it in the power of zoning planners in Slovakia to deal with spatial plans, which is a very complex task indeed, and there are not many planners dedicated to this subject. To talk about some figures, the government spent about €8 million a year on the delegated competence to municipalities and towns. Both ZMOS and the SAO point out that this competence is underfunded by about €1.5 million annually, which every government has so far refused to do, thus violating the Slovak Constitution (government orders must be paid for). In the first year alone, the budget of the newly created authority is more than €40 million, and this is still not considering the need to fund a new IT system. The new legislation still does not solve many of the problems raised by the former Construction Act, it merely re-preserves them and introduces new questions to its functionality. At the same time, the current perception of the construction permitting process is fundamentally changing. The administrative process should be simplified and unified, and the duplication of statements by all parties of the procedure should be eliminated. In particular, the administrative process should be sped up by time limits given to all parties of the procedure. If they fail to deliver their report within the given time limit, this should be considered as consent. The two-stage administrative procedure, i.e. planning permission and construction permits, is being abolished. It will be replaced by a construction plan decision. The new legislation excludes the authorization of construction 'post-hoc', which means that it will not be possible to legalize illegal constructions. The construction authority will have no choice but to order the removal of the construction. A professionally qualified person – the designer or architect – will be given a significant role. His or her role will be to discuss and comment on the draft construction plan, with the participation of all bodies concerned, and the designer or architect will represent the builder in the whole process. Pain-point in this context remains the real ability of Slovak planners capable of creating a project really in absolute compliance with the entire legislation, i.e. the statements of all necessary affected parties. The only correction option left are courts, which may ultimately pose a significant problem.

Q2: In the framework of the devolved state administration, this is the largest competence of towns and municipalities, and if we added the removal of competence in primary education, it would be a centralization of power that is unrivalled within the EU, as there is no other European country that is taking similar steps today. We consider the change in construction legislation to be necessary, but the removal of competence is a poorly thought-out decision and very harmful for the people. The same approach was taken in the past in the Czech Republic, where the municipalities also warned of this move, and part of the competences were returned to the municipalities. We are going down the same road, which will cost us tens of millions of euros. Municipalities will lose their majority position in decision-making and will be subordinated to central management. The legal relationships and the resulting rights and obligations of persons that have arisen under the existing regulations in spatial planning will remain, unless otherwise provided. (Section 40(1) of Act No 200/2022 Coll. on spatial planning). Municipalities that do not have a zoning code are obliged to prepare and approve a municipal spatial plan pursuant to this Act by March 31, 2032. If a municipality does not have a zoning plan, it issues a statement for the decision on the construction permits and for the permitted activity plan which is of a recommendatory nature, until the time of approval of the spatial plan. (Section 40(2) of Act on spatial planning). The spatial planning authority is obliged to prepare and approve the binding part of the Concept of Spatial Development of Slovakia

by March 31, 2027 and the binding part of the Concept of Spatial Development of the Region by March 31, 2028 (Section 40(6) of the Act on Spatial Planning). The spatial planning documentation approved by March 31, 2024 shall be replaced by the spatial planning authority with the spatial planning documentation in accordance with the procedure under this Act by March 31, 2032, otherwise it shall lose its validity on April 1, 2032. (Section 40(3) of the Act on Spatial Planning).

Q3: Digitization was the main point of the drafters of the law to make this change. According to the forthcoming law, by April 1, 2024, all construction procedures will be carried out in the URBION system – a fully digital data exchange, without a 3D model of the landscape. The construction plan drawn up by the planner will be delivered to the URBION system. The construction procedure will be electronically linked to the public administration offices. A natural person may also carry out any procedural act under this Act in writing until December 31, 2028. A formal notification under this Act may also be made in writing until March 31, 2028 (Section 65(14)). Unless special regulations provide otherwise, the owner or operator of technical infrastructures shall complete the initial data in the IT system by October 1, 2024. Data on structures demonstrably completed before April 1, 2024 which are in continuous use without structural, technical and operational deficiencies, shall be completed to the extent according to their own IT system. (§ 65(13)).

The Urbion system, which is supposed to bring this change, will be operational by 2030 at the earliest. The whole process will be piloted in some basic version, which was never mentioned in the law-making process. This means that by April 1, 2024, there will be 8 offices in a single region, aside from the digital communication using the web 'slovensko.sk', which causes real concerns about the extent to which the whole permitting system can handle this in time without any glitches. At the same time, we are getting to the stage where it will no longer be possible to carry out construction legislation even in the municipalities, because qualified people are leaving the construction offices. There is no periodic analysis of the number of proceedings at the Office for Spatial Planning and Construction, and at the same time there is no analysis of the critical path of the project processing process, which is hundreds of MB in size, within the 'slovensko.sk' database. Additionally, the law assumes that every municipality should have a Municipal Spatial Plan on which it wants to base its decisions, which is not true. The basic attributes necessary for decision-making are missing and therefore, according to the representatives of the municipalities, in the current state it is not possible to proceed in construction procedures in accordance with the amendment to the Construction Act. Another issue is the concern of how problematic situations that may arise in the process will be dealt with. It is questionable how many officers will be employed in the Office for Spatial Planning and Construction. Ironically, this raises the possibility of prolonging the procedure of issuing construction permits and may negatively affect the announced intention to shorten these procedures.

Q4: The construction plan will be prepared by the construction planner, who will also arrange the negotiation of the construction plan and prepare a report on the negotiation. The construction authority shall then evaluate the comments with which the builder disagrees. While shortening of the process, the impact on the citizen is significant in terms of the higher financial cost. The fact that the citizen will undoubtedly pay more for the

project documentation is problematic because the designer will have to devote more time to the project, and therefore, there will be situations where designers will not be able to cope with all enquiries, which is already happening today to some extent. Additionally, builders will pay hundreds, if not thousands of euros in fees depending on the size of the project. In the first year alone, there was a change in the budget for construction legislation from €8 million to €40 million. That is, if everything, including digitization, works. If it does not, it will be necessary to consider the increased costs of people travelling to regional cities for permits, not only for building houses, but also for repairs, demolition permits and simple construction work such as fences. As a positive impact from the point of view of municipalities and towns, illegal constructions will no longer be so common, since according to the new legislation, their builder will have to remove them.

According to the third paragraph of the new Act on spatial planning, systematic continuous creation of conditions for sustainable spatial development is the aim of the amendment. At the same time, however, municipal representatives point out that "a municipality that does not have a zoning plan is required to prepare and adopt one under this act by March 31, 2032. If the municipality does not have a zoning plan, it shall, until the approval of such plan, issue a statement for the decision on the permit for construction and for the permitted plan of activity, which shall be of a recommendatory nature." However, as this is a professionally and financially demanding process, the Office for Spatial Planning and Construction will provide municipalities and self-governing regions with subsidies from the government budget for the processing of spatial planning documentation. Only 35% of municipalities in the Slovak Republic have a zoning code, and small municipalities do not have sufficient financial resources or professional capacity to undertake zoning conceptually.

The Vice-President of the Trnava Region also perceives changes related to eGovernment in connection with the new construction legislation. He associates the positives mainly with the support of communication of public authorities, however, he seems unconvinced based on his previous experience with the performance of digital services. However, Mr. Voltmann also adds that according to the approved Program Statement of the Slovak Government (Government Office of the Slovak Republic, 2023) "The Construction Act enacted by the previous Government is unenforceable in its current rendition of institutional readiness as of the effective date. Its implementation would lead to considerable difficulties in the preparation and permitting of future constructions. The implementation of this legislation is unprepared, not only in technical and organizational terms, but also in terms of follow-up legislation. It is necessary to postpone the enforcement of this legislation and, in cooperation with the representatives of the authority, to draw a more extensive revision of the legislation in question, which will remedy its major shortcomings."

The Government intends to prepare an amendment to the currently effective Construction Act to ensure a significant acceleration of the processes of construction placement and permitting in the transitional period, using the institutes of the current construction legislation. In the area of issuing construction permits in relation to environmental impact assessment, the Government will push for harmonization of legislation and processes in the field of zoning and spatial planning. In the area of environmental impact assessment, steps to simplify EIA processes at national level while

maintaining consistency with the European legislation will be examined. The Government will put such mechanisms in place for sustainable alternative financing of municipal development beyond the resources from the government budget, the EU funds, and the Recovery and Resilience Plan. Consequently, it will postpone the entry into force of the current construction legislation until the new legislative framework is approved, albeit for a maximum period of two years.

The same questions were also sent to the Deputy of the Czech municipalities. The new construction legislation in the Czech Republic goes into effect on July 1, 2024. The answers declare rather positive impacts on the construction procedure:

- „The amendment does not mean a fundamental change for municipalities, as the existing mixed model will remain, and the network of building authorities will remain as well. A decree with the Construction Act is currently being prepared and will be published in an annex by all construction authorities. A new Authority for Transport and Energy Infrastructure has been created, that will work under the Ministry of Transport and will deal with transport infrastructure and energy infrastructure. This will make it easier for the authorities to carry out their work, as this is a specific and very demanding construction procedure.
- The amendment of the Construction Act concerning zoning is still under preparation. There are in fact pressures for full autonomy in spatial planning – i.e. to swim in independent competence. Under the new Construction Act, municipalities will have to unify zoning into one standard.
- According to the Minister of Regional Development, the digitization of construction management will be launched on July 1, 2024 when a ‘Builder's Portal’ is to be introduced. Thanks to the TMKA project, SMS CR is helping municipalities to fulfil their legal obligation to enter the transport and energy infrastructure data into the digital map of the regions as well as to edit this data.
- Shorter timeframes for issuing construction permits, management simplification – by introducing a unified environmental opinion.“

5. Czech Republic and Slovak Republic Comparison

Differences in the anchoring of construction legislation in the Czech Republic and the Slovak Republic can be already seen in the answers of the representative of the Czech municipalities.

The process of legislation development is described in his study where these answers are also strongly concurred with by F Korbelt (2020), who states that the discussion on the adoption of the new Construction Act was preceded by legislative changes to the Construction Act in the conditions of the Czech Republic. The main changes were brought about by the ‘Great Substantive Amendment’ to the already existing new Construction Act No. 283/2021 Coll. It was unanimously approved by the Chamber of Deputies on March 24, 2023, and was discussed and approved by the Senate on May 10, 2023. According to the amendment, the new Construction Act comes into effect on July 1, 2024, while for certain buildings it came into effect on January 1, 2024. At the same time, this author notes

that the preparation of the new Construction Act was guided by the basic principle of 'one authority – one procedure – one stamp', according to the substantive plan approved by the Government. The political, but also the marketing slogan in question was conceived thanks to the introduction of a unified system of state administration with the integration of all permitting procedures conducted by the currently concerned authorities and indeed reflected in the paragraph text of the draft circulated for comments on November 25, 2019. The then draft, prepared exclusively by an expert group without political and department influences, had 171 sections and represented a unique feat of real simplification of a very complicated legal area (Korbel, 2020).

In his further study, F. Korbel (2023) adds that the draft law also contained a high degree of integration of the assessment of public interests related to construction plans directly into the system of a unified state construction administration and the related waiver model of binding opinions. The result should be the authorization of the plan in a single procedure with an adequate level of detail in the project documentation, which should relate to the ability to assess the external impacts of the plan, not the internal details, and this should correspond to the planning decision. The equivalent of today's building procedure will thus disappear and there will be only a single permitting process. He also states however, that the comments procedure had led to a whole range of compromises, which was reflected in the scope of the law, which had almost doubled in size. In terms of content, concessions were made in the institutional, spatial planning and procedural areas, but also in substantive law. A number of reform changes have been largely abandoned, notably full integration into the new system of state construction administration, the fiction of permits in the first instance in the event of inaction by the construction authority, the change in the form of spatial planning documentation from measures of a general nature to a decree, or a more ambitious modernization of substantive law, focused on the quality of public space along the lines of the Prague Construction Regulations. Changes to the expert proposal at the time triggered by political and departmental influences were met with criticism from the professional community. Many experts agree that the current form of the Construction Act is a good one, despite several reservations. Indeed, it should simplify, improve, and speed up the planning, preparation and issuing of new construction permits. The new construction law was declared 'Law of the Year 2021' in a public vote (Korbel, 2023). However, the author also points out that the proposed law envisaged the creation of a new system of state construction administration, which proved to be ineffective. The competence of construction authorities will continue to be carried out by the authorities of local governments (towns and regions) in a delegated capacity. Initially, according to the amendment, as well as according to the current state of the new Construction Act, the number of construction authorities was to be reduced. This reduction was intended to solve the problem of ineffective construction offices with only one or two officers. There are approximately 700 construction offices in the Czech Republic.

A major benefit of the substantive amendment to the new Construction Act should be the new institute of a single environmental opinion (referred to as JES), in which the legislator has placed a great deal of trust in fully replacing the integrated assessment. The subject site is brought about by the draft law on single environmental permitting, which is included in the package of substantive amendments to the construction law. In reality, this is only a partial integration of environmental agendas in relation to the status quo

and, again, a disintegration in relation to the new construction law already approved and in force.

The JES should provide a unified interpretation for management under the Construction Act, namely to assess the impact of the project on environment and select environmental components. The JES should integrate the statement, binding opinion or decision issued under the component environmental legislation. However, the JES will not include actions under the Nature and Landscape Conservation Act for projects in a specially protected area, its buffer zone, a site of European importance or a bird area as well as in case of a project in a national park or its buffer zone where individual binding opinions will continue to be issued by the Nature and Landscape Conservation Agency and by the national park authorities instead of the 'JES authority' (Korbel, 2023).

An interesting difference from the upcoming Slovak legislation is the possibility of legalizing illegal structures under the current Construction Act (No. 183/2006 Coll.). This regulation was too broad, which was often abused by builders. The new Construction Act is aimed to limit this, but the new regulation was perhaps too strict and counterproductive. Such structures were thus able to be legalized only if the builder built it in 'good faith' that he had the relevant construction permit, or that he did not need one at all. The substantive amendment removed the 'good faith' requirement. Now illegal structures will be legalized if:

- The structure meets all the requirements for construction, but it does not meet one of the requirements for the placement of such structures,
- The builder pays a fine for the offense,
- The structure does not require an exemption decision from the prohibition under any other legislation (Korbel, Buryan, 2021).

According to the Ministry of Regional Development CZ (2024), thanks to the digitization of the construction procedure, instead of dozens of proposals, builders will only need to submit one. An intuitive form will guide them through the entire process. Construction authorities will have an IT system that covers all the tasks that are now fragmented in the preparatory phase, planning decision-making, and building procedures. Thanks to this, the Government will have all information, it will know exactly in which area the process is problematic, what the average length of the construction procedure is, and how many appeals there are. The builders, planners and other parties involved will see an instant summary of what stage the process is at. The digital administrative file will contain the complete construction documentation. In addition, its details will be available in standardized formats: pdf, dwg and BIM. The system will efficiently link planning and infrastructure data with construction and proceedings information. In contrast to the old Construction Act, the new Act represents a rather interesting improvement. First and foremost, the digitization is a major advancement which should enable administrative procedures to be sped up while the Government will have an overview of their status. The substantive amendment goes beyond the Government's Program Statement as it changes and cancels a wide array of benefits of the new Construction Act. As the RIA's evaluation displays, abandoning the full range of principles of the new Construction Act does not guarantee better results. However, what can be assessed positively is the fact that construction offices will remain in all municipalities and regions under delegated

competence, as before. We assume that the 'one stamp' rule will not be entirely unambiguous because there will continue to be a whole range of underlying binding opinions and statements that will be considered after the construction authority's decision. At least the amendments submitted to the House of Deputies have resulted in the integration of most of the underlying acts, including the ones by JES, into a coordinated binding opinion.

In contrast, the new Slovak Government has postponed the construction legislation. However, the Ministry of Transport has changed its plans and the amendment to the Act on Spatial Planning will come into force on 1 April 2024, while the amended Act on Construction will come into force later. The Ministry of Transport has prepared an amendment to Act No. 50/1976 Coll. on spatial planning and construction regulations (Construction Act), which postponed the entry into force of the Construction Act. The effectiveness is postponed for 12 months, until April 1, 2025. There is a whole spectrum of reasons for this move by the Government. One of them is the unpreparedness for construction permitting processes with EIA, the time lag of the forms, the digitization of the procedures in construction and in issuing decrees, and insufficient number of trained professional employees in the office.

January 10, 2024 marks the day when the Government decided to approve a law that will change construction legislation once again. The change covers areas beyond the Construction Act, such as more construction regulations. By April 1, 2024, a significant part of the new Act No 200/2022 Coll. on spatial planning is coming into force. In accordance with this law, the development of zoning codes and the declaration of a construction restriction will be carried out. More problematic, however, appears to be the modification of the URBION IT system. Its use aimed to be the most significant change. It was supposed to be a digital platform for issuing construction permits and amending zoning plans. A clause, that is being introduced into the Act, states that starting April 1, 2025 the IT system will not be used for new construction permits, as it is still ineffective.

6. Conclusion

Based on the analysis of the answers of local governments' representatives, we can conclude that the currently proposed construction legislative change in the Slovak Republic is not ready for its implementation in practice. In the Program Statement, the current Government states that the new construction legislation will be adapted to the requirements of local governments. However, representatives of municipalities primarily point to the unpreparedness of the legislative change in question, and in their opinion, digitization alone is not a sufficient argument, since even the IT system itself does not work properly, as of today. According to them, the legislative change will not facilitate the construction procedures for builders, on the contrary, it will make it more expensive. We agree with the statement that the construction law requires further changes to be considered an improvement, specifically it must reflect and address the current problems in the construction code, at the construction authorities and the current state of eGovernment. Based on the facts identified, we conclude that the current construction processes are very demanding, and the construction authorities' officers are unable to meet the demands of the citizens due to the complexity of said processes. It will be therefore necessary in the coming months to address the upcoming legislative changes

with an emphasis on the requirements of towns and municipalities, especially those that have not developed their own zoning codes.

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