

# Comparison of building permit procedures in European Union countries

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## **Abstract:**

Building regulations set minimum requirements for safe, healthy, energy-efficient and accessible buildings. To guarantee that these requirements are applied, a building control system is indispensable. The trend towards a common market for construction products and services justifies gaining a better insight into the building control systems in the European Union (EU). This paper presents a comparison of the building permit procedures adopted in the 27 EU countries. To collect the necessary information, a questionnaire on building regulatory systems was distributed to national experts in each country and the major legal documents were reviewed. The information was organized in thematic tables containing all the countries. The main conclusion is that the organization of a regular building permit procedure is similar in the EU countries. No major differences were found concerning the several steps it takes to get a building permit and to carry out a construction work: pre-consultation, possibility of phasing, submission demands, checks carried out and maximum procedure time for plan approval, possibility and moment to object to a building permit being issued, start of construction works, frequency and moment of site inspections, fees, and completion of construction works. The main differences concern detail aspects in several of these steps. There is one basic type of building permit procedure in countries from continental Europe. The United Kingdom countries are those presenting more deviations from the common pattern. These deviations aim to reduce the burden of administrative aspects, while ensuring good levels of compliance. In the last 10 to 15 years, the dominant trends identified in the building permit procedure were a decrease in the types of construction works submitted to building authorities' control during plan approval, and the reduction in the maximum building permit procedure times. Building authorities' control during the construction phase has remained unchanged. Altogether, there is a movement towards simpler and faster building permit procedures. For the near future, no major changes are expected in the building permit procedures.

## **Keywords:**

building control system, building permit procedure, comparative study, European Union

## **1 Introduction**

In every European country, there is a building regulatory system encompassing the building regulations and the building control system. Building regulations set minimum quality requirements to ensure that buildings are safe, healthy, energy-efficient and accessible to everyone who lives and works in and around them. Building control aims to guarantee the application and enforcement of these minimum requirements.

The general characteristics of the building control system in European countries are similar. Designs must be prepared and submitted to an authority that approves its compliance with zoning demands and building regulations. During construction, site inspections guarantee that the structure is built according to design and that it complies with the building regulations. Once construction is complete, a final check is conducted and a completion certificate or a use permit is issued.

However, there are many differences among countries regarding procedural aspects of building control. The purpose of this paper is to compare the building permit procedures in the European Union countries. The three research questions addressed are as follows: What are the main differences and similarities? What are the main types of building control systems? What are the main trends and developments?

Studying the building control systems adopted by EU countries is important for three main reasons. Differences among the building control systems of EU countries represent a barrier to the freedom of movement of services in the construction industry. In recent years, there has been a trend towards the gradual privatization of building control in the EU countries, but the extent and the way each country has implemented reforms varied. There are more specialized building regulations and less public resources available for their enforcement, and therefore, more efficient and effective building control systems are required.

The following section explains the research methodology and Section 3 presents the results of the comparative analysis. Section 4 describes and discusses the conclusions of the comparison.

## **2 Methodology**

The research presented in this paper was conducted as part of a European comparative research project currently underway at OTB Research Institute for Housing, Urban and Mobility Studies (Meijer and Visscher, 2008). The project aims to describe and compare the building regulation systems of 34 European countries. The main subjects addressed are as follows: organization and formulation of technical building regulations, tasks and responsibilities of agents involved in building control, technical and administrative aspects of the building permit procedure and quality demands imposed on building control bodies.

The analytical framework of the research project was based on a previous study about building regulations in Europe (Meijer, Visscher and Sheridan, 2002). The development of the research project was divided into two phases. In the first phase, the aim was to describe the building regulation systems of the European countries. Hence, to collect information, questionnaires were sent to national experts in each country. This information was complemented with the analysis of major legal documents. As a result, a draft of a monograph was written for each country. For some countries, the draft was revised by a second national expert. In the second phase of the project, the aim was to compare the building regulation systems of the various European countries in order to identify trends and developments. For this purpose, the information was organized in thematic tables that containing all the countries.

The questionnaire sent to national experts focused on three subjects:

- 1) The scope of technical building regulations that regulate the minimum quality level for buildings (e.g. subjects regulated, formulation of regulations, ministries responsible).
- 2) The building permit procedures: administrative procedures (e.g. categorization of construction works in relation to permit procedures, time limits, phasing of procedures, tasks and responsibilities of actors).
- 3) The quality demands on building control bodies (e.g. education of staff, working methods, traceability).

It is an elaborate questionnaire that addresses technical and procedural issues of the building regulatory system of each country. Therefore experts could skip questions if they were not able to answer them. But, in this case, questionnaires were sent to other experts that were able to provide

information for the unanswered questions, until all the required information was gathered. To date, about 50 national experts answered the questionnaire or revised country monographs.

This paper presents results from the second phase of the research project. It is focused on the technical building regulations. The analysis is restricted to the 27 European Union countries. Due to the federal structures of Austria, Germany and Belgium, analyses of each of these countries focuses on a single state, province or region. With regard to the United Kingdom, information was collected for England & Wales, Northern Ireland and Scotland.

Within the second phase of the research project, the tasks and responsibilities assigned to both public and private parties enforcing the building control systems in EU countries, as well as the organization and formulation of technical building regulations in EU countries have already been compared. The results were presented in previous papers (Pedro, Meijer and Visscher, 2009 & 2010).

The conclusions presented in this paper are not definitive, as the necessary information has not yet been gathered and validated for all countries.

### **3 Comparative analysis**

#### **3.1 Types of procedures**

According to their category, construction works can be exempted from or follow a building permit procedure, as described below:

- 1) Exemptions: construction works that have to meet the planning demands and the technical requirements but are exempt from the permit procedure.
- 2) Building notice: construction works that have to be notified to the building authority but can be carried out without a building permit.
- 3) Light procedure: construction works that require a building permit but compliance of building design with building regulations is only ensured for part of the technical requirements.
- 4) Regular procedure: construction works that require a building permit and compliance of building design with building regulations is ensured for all the technical requirements.
- 5) Regularization: construction works that have been built without the required building permit or contrary to the terms and conditions specified in the building permit, but may be legalised.

In all EU countries, there is a regular procedure and there are construction works exempt from permit procedure. Building notice and light procedure only exist in some countries. The following combinations of procedures were identified (Table 4):

- 1) Exemptions and regular procedure (e.g. Belgium, Cyprus, Hungary, Romania and Scotland).
- 2) Exemptions, building notice and regular procedure (e.g. Austria, Bulgaria, Czech Republic, France, Italy, Luxembourg, Malta, Portugal, Slovenia, Sweden, Northern Ireland and England & Wales).
- 3) Exemptions, light procedure and regular procedure (e.g. Germany, Lithuania, the Netherlands and Spain).
- 4) Exemptions, building notice, light procedure and regular procedure (e.g. Estonia, Ireland and Slovakia).

If we consider "building notice" and "light procedure" as an identical "simplified procedure", then the combination "exemptions", "simplified procedure" and "regular procedure" is the dominant approach in the EU countries. In some EU countries, there is a specific procedure for the regularization of construction works (e.g. Poland, Northern Ireland and England & Wales).

Table 4. Which types of permit procedures are defined?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales
<i>Exemptions</i>	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<i>Building notice</i>	■		■		■	■	■	■	■				■	■	■		■	■		■	■		■	■		■	■		■
<i>Light procedure</i>							■	■		■			■		■	■				■			■		■				
<i>Regular procedure</i>	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<i>Regularization</i>																				■						■		■	
<i>No information</i>											■																		

In Germany, a type approval may be asked for structures built according to the same design at different places (e.g. prefabricated houses). This implies testing the structural stability as well as sound-, thermal-, damp- and fire-proofing, among other tests. Type approval by one federal state is recognized by all the others, so local building authorities are exempt to check, as part of the permit procedure, whether the structure meets the requirements relating to the type approval functions.

In England & Wales, type approval can be granted for all types of construction features that are subject to Building Regulations. It applies to "building types", which is suitable for complete building designs and for standard building modules repeated in different areas, and to "building systems", which is suitable for systems capable of producing a variety of different buildings using standard components and construction details. Type approval covers compliance with the Building Regulations. A design can be submitted for type approval by local building authorities, in conjunction with either a building notice (if applicable) or the regular procedure. Type approval can also be awarded by approved inspectors. Once the application has been passed, the type approved design is registered with the Local Authorities National Type Approval Confederation (LANTAC). This register enables the local authority building control officers to look up and check design approvals. Having a building type or a building system approved means that it can be used without the plan approval happening repetitively all over the country at each site. Only site specific details such as foundation and drainage need local approval.

During the last 10 to 15 years, in the majority of the EU countries, there has been an increase in the number of construction works exempt from control and an increase in the number of construction works that shifted from a regular procedure to a light or building notice procedure (Table 5). In few countries, no developments were reported (e.g. Cyprus, Denmark, Estonia, Ireland and Romania) or developments were contrary to the general tendency (e.g. Bulgaria, France and Germany). For the near future, no changes are expected in this respect in the majority of the EU countries, but in some EU countries the previous developments are expected to continue.

Table 5. What were the developments regarding the categorization of construction works?  
What changes are expected in this respect?

	<i>Past 10/15 years</i>	<i>Near future</i>
<i>No developments</i>	<i>Cyprus, Denmark, Estonia, Ireland, Romania, Slovenia</i>	<i>Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Ireland, the Netherlands, Portugal, Romania, Sweden, Scotland, England &amp; Wales</i>
<i>Increasing number of construction works exempt from control</i>	<i>Belgium, Czech Republic, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Sweden, Northern Ireland, Scotland, England &amp; Wales</i>	<i>Czech Republic, Italy, Latvia, Lithuania, Slovakia, Northern Ireland</i>
<i>Decreasing number of construction works exempt from control</i>	<i>Bulgaria, France, Germany</i>	–
<i>Increasing number of construction works that shift from a regular procedure to a light or building notice procedure</i>	<i>Austria, Belgium, Czech Republic, Germany, Latvia, Lithuania, Portugal, Slovakia, Northern Ireland, England &amp; Wales</i>	<i>Austria, Czech Republic, Latvia, Lithuania, Slovakia, Northern Ireland</i>
<i>No information</i>	<i>Finland, Greece, Hungary, Luxembourg, Malta, Spain</i>	

### 3.2 Pre-consultation

During pre-consultation, an applicant for a building permit can address the building authority to discuss the intended construction work and ask for information about specific demands that should be taken into account when further developing the building design (e.g. possible use of the lot, allowable building lines, admissible heights, maximum building mass, admissible derogation from rules). Pre-consultation provides designers with thorough information to develop a building at a particular plot and may give developers the certainty that planning demands will remain unchanged during a certain period.

In almost all EU countries, pre-consultation is voluntarily (Table 6). It is regulated by law, takes place frequently, and the tasks and responsibilities of parties involved, the planning demands, as well as the aesthetics and technical requirements are usually discussed. Only in Bulgaria it is obligatory to ask for detailed planning information for certain types of construction works.

In some EU countries, local authorities are bound to agreements or information provided during pre-consultation (e.g. Belgium, Cyprus, Hungary, Italy, Latvia, Portugal and Sweden). In other EU countries, information provided during pre-consultation is accurate and objective. Although advice and opinions about the merits of a proposal are given in good faith, they are not binding to the local authority or the applicant (e.g. Austria, Denmark, France, Malta, the Netherlands and England & Wales).

Usually, pre-consultation is requested to the building authority by the owner of a land parcel or a person authorized by him. However, in some EU countries, someone other than the owner may request a pre-consultation (e.g. Portugal). In such cases, the building authority notifies the owner and other persons with legal rights over the land parcel.

Table 6. What is the status of pre-consultation?

	<i>Austria</i>	<i>Belgium</i>	<i>Bulgaria</i>	<i>Cyprus</i>	<i>Czech Republic</i>	<i>Denmark</i>	<i>Estonia</i>	<i>Finland</i>	<i>France</i>	<i>Germany</i>	<i>Greece</i>	<i>Hungary</i>	<i>Ireland</i>	<i>Italy</i>	<i>Larvia</i>	<i>Lithuania</i>	<i>Luxembourg</i>	<i>Malta</i>	<i>Netherlands</i>	<i>Poland</i>	<i>Portugal</i>	<i>Romania</i>	<i>Slovakia</i>	<i>Slovenia</i>	<i>Spain</i>	<i>Sweden</i>	<i>UK - Northern Ireland</i>	<i>UK - Scotland</i>	<i>UK - England &amp; Wales</i>	
<i>Voluntarily</i>	■	■	□	■	■	■	■		■	■		■	■	■		■	■	■	■	■	■	■	■	■	■		■	■	■	■
<i>Obligatory</i>			□																											
<i>No information</i>								■			■			■											■					

### 3.3 Planning permit procedure

Control of planning demands (i.e. aspects linked to the use and location of construction works) and technical requirements of the building and the plot may be done in separate or combined procedures. If there is a separate procedure, a distinction between the planning permit and the building permit is usually made.

In approximately half of the EU countries, there is a combined permit procedure for planning demands and technical requirements (Table 7). In these countries, a planning permit is not required before applying for a building permit. Pre-consultation and phasing the procedures can be used to get detailed planning information and reach informal agreements.

In the other half of the EU countries, there is a separate permit procedure for planning demands and technical requirements. A planning permit is the basis for the development of a design, but it does not bind the building authority to grant a building permit, since it only states that designs presented at this phase are in compliance with the planning demands. The planning permit does not authorise the beginning of construction works.

In several countries, some particular situations were found:

- 1) Both a planning permit and a building permit are required, but for certain type of construction works it is possible to combine the permits into one administrative procedure (e.g. Czech Republic).
- 2) A planning permit and a building permit are only required for certain types of construction works (e.g. Hungary and Luxembourg).
- 3) The applicant can voluntarily apply for a planning permit using pre-consultation (e.g. Bulgaria and France).

Table 7. Are there separate procedures for a planning permit and a building permit?

	<i>Austria</i>	<i>Belgium</i>	<i>Bulgaria</i>	<i>Cyprus</i>	<i>Czech Republic</i>	<i>Denmark</i>	<i>Estonia</i>	<i>Finland</i>	<i>France</i>	<i>Germany</i>	<i>Greece</i>	<i>Hungary</i>	<i>Ireland</i>	<i>Italy</i>	<i>Latvia</i>	<i>Lithuania</i>	<i>Luxembourg</i>	<i>Malta</i>	<i>Netherlands</i>	<i>Poland</i>	<i>Portugal</i>	<i>Romania</i>	<i>Slovakia</i>	<i>Slovenia</i>	<i>Spain</i>	<i>Sweden</i>	<i>UK - Northern Ireland</i>	<i>UK - Scotland</i>	<i>UK - England &amp; Wales</i>	
<i>Separate</i>				■	■				□			□	■		■	■	□			■		■	■		■	■	■	■	■	■
<i>Combined</i>	■	■	■		□	■	■	■	■	■		□		■			□	■	■		■				■					
<i>No information</i>											■																			

### 3.4 Phasing

Phasing the building permit means the possibility to divide the building permit application into phases. This possibility can be particularly useful for complex construction works, since it avoids developing a fully worked out design before the preliminary design has been checked and approved. In half of the EU countries, it is not possible to apply for a regular permit in several phases (Table 8). In these countries, the division between planning and building permit and a voluntary pre-consultation can be used to phase procedures. Another way to make up for the lack of phasing is the building authority requesting the applicant to send additional information or to carry out small modifications in the building design (e.g. France, Italy, Malta and Sweden). Additional documentation may be delivered within a certain period. This possibility avoids rejecting the application due to lack of documents or simple deficiencies in the design. In France, Romania, Slovenia and Sweden it is logical that phasing the building permit procedure is not foreseen since building authorities do not check technical requirements of a building permit application.

In the countries where phasing is possible, phases concern three different stages of design development:

- 1) Intended use of the lot, zoning aspects and layout of the building (preliminary design).
- 2) Technical requirements (technical design).
- 3) Detailed drawings to be used during construction (construction drawings).

Phase 1) does not apply to countries where there is a separate procedure for a planning permit and a building permit. Depending on the complexity of each particular building work, the building authority, the applicant, or both, can decide to combine phases.

Table 8. Is it possible to apply for a regular building permit in phases?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales
Yes	■	■	■	■	■	■	■	■					■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
No		■		■		■			■	■			■					■		■		■				■			
No information											■					■													

In almost all EU countries there have been no developments regarding the phasing of the regular building permit procedure during the last 10 to 15 years (Table 9). Only in Czech Republic, Latvia, the Netherlands, Slovakia, Scotland there was an increase in the number of phases. For the near future, no changes are expected changes in this respect in the EU countries.

Table 9. What were the developments regarding the phasing of the regular building permit?  
What changes are expected in this respect?

	Past 10/15 years	Near future
No developments	Belgium, Bulgaria, Cyprus, Denmark, France, Germany, Ireland, Italy, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Sweden, Northern Ireland, England & Wales	Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, France, Germany, Ireland, Italy, Latvia, Luxembourg, Malta, Poland, Romania, the Netherlands, Portugal, Slovenia, Sweden, Northern Ireland, Scotland, England & Wales
Increasing number of phases	Czech Republic, Latvia, the Netherlands, Slovakia, Scotland	Slovakia
No information		Greece, Spain

### 3.5 Submission

Submission demands determine the documentation that must be submitted when an application for a building permit is made. In detail, they describe the documents required to process the application and assess the building design (e.g. drawings, specifications, photographs of existing situation, photomontage of proposal, structural calculations and declarations).

In all EU countries, there are statutory submission demands to apply for a building permit (Table 10).



Table 10. Are there statutory submission demands when applying for a building permit?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales	
Yes	■	■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No																														
No information											■	■	■												■					

According to data collected in 2008, general information about building regulations and permit procedures is available through the Internet in all EU countries. Codes, brochures and paper forms can also be downloaded from the Internet. In one third of the countries, electronic intake of a building permit application is already possible by some or all building authorities. Full electronic case handling of the building permit is possible or being implemented in some countries (e.g. Malta, the Netherlands, Portugal, Northern Ireland, Scotland and England & Wales).

### 3.6 Plan approval

During plan approval, the competent building authority scrutinises the application and consults with other authorities, if the applicant has not already done so. A design auditor may conduct an audit to provide a substantiated opinion regarding the extent to which the design conforms to planning demands and technical requirements. If opinions from other authorities and design auditors are favourable, and if the competent building authority is satisfied, a building permit is granted.

In almost all EU countries, during plan approval it is checked the compliance of the building design with submission, planning and aesthetic demands, as well as with technical requirements (Table 11). The following are exceptions to the rule:

- 1) In Denmark, the technical requirements that the local building authority is required to check depend on the technical complexity of the construction work (e.g. for single family houses only planning demands are checked).
- 2) In France, the compliance with technical requirements is checked for buildings open to the public and very high buildings, and these checks are limited to fire safety and access for disabled people requirements.
- 3) In Portugal, only technical requirements regarding space standards are checked. The compliance of the building design with relevant building regulations is attested to by liability declarations of designers.
- 4) In Slovenia and Sweden, plan approval does not cover the technical requirements of the design.

In some EU countries, it is acknowledged that the level of control depends on several aspects, such as the complexity of construction and the reliability of private actors involved in the application (e.g. the Netherlands).

Table 11. What is checked during the plan approval phase?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales	
Submission demands		■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Zoning demands		■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Aesthetic demands			■	■	□	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■				■
Technical requirements		■	■	■	□	■	■	■	□	■				■	■	■	■	■	■	■	□	■	■		■					■
No information	■	■									■	■	■							■							■	■		

In several EU countries, it is explicit that building permit may contain conditions that must be carried out before or during the construction phase (e.g. Cyprus, Germany, Italy, Luxembourg, Malta, Slovakia, Scotland and England & Wales), such as:

- 1) Submitting some drawings and calculations at a later phase.
- 2) Notifying the local authority of the various stages of the construction work in order to ensure the opportunity to carry out site inspections as it sees fit.
- 3) Taking measurements in the completed building to demonstrate compliance with the building regulations.
- 4) Settling that the building must be connected to the services (i.e. water, drainage, electricity and gas) at the expense of the owner.

In some countries it is also stated that dispensation from the requirements of the building regulations may be granted (e.g. Cyprus, Denmark, Germany, Latvia, the Netherlands and Portugal). For instance, in cases of alteration, renovation or conversion of existing building, provisions on design and layout may be relaxed if the authorities are satisfied that the construction work cannot otherwise be carried out without extensive alterations to the building. This ability to grant dispensations is used for cases where the regulations for the construction of works (usually adapted to new buildings) are considered too severe. The exemptions have to be justified by economic, architectural or other reasons.

### 3.7 Beginning of construction works

In almost all EU countries, construction works can start after the building permit has been granted by the building authorities (Table 12). The following are exceptions to this rule:

- 1) In Bulgaria and Denmark, construction works may start after granting the building permit. Exceptionally, to allow an early start of the construction, the local authority may grant a partial building permit or special authorization. In this case, the following stages of design are approved as construction progresses, but always before implementing the respective construction work.

- 2) In Italy, Latvia and Portugal, the situation is identical to 1) but the only early construction works allowed are demolition or excavation and peripheral contention of the soil until the level of the lower floor.
- 3) In Finland, the piling of a building's foundations may be carried out before the construction work begins in accordance with the piling plans submitted to the local building authority. Construction works are considered to have commenced when the casting of foundations or the installation of the construction elements of the foundation begins.
- 4) In Northern Ireland and England & Wales, according to the procedure operated by local authorities, the construction work on site may start soon after application, but to receive the full benefit and protection from the regular procedure it is advisable to start the construction works after the notice of approval is received. If the applicant commences a construction work prior to plan approval, he proceeds entirely at his own risk.
- 5) In England & Wales, according to the procedure operated by approved inspectors, the work may start as soon as the initial notice is accepted by the local authority, subject to any arrangements agreed with the approved inspector.

Table 12. When may construction works start?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales	
After submission of the application								□																			■		■	
After granting of a partial permit		□			□								□	□							□									
After granting permit	■	■	■	■	■	■	■	■	■	■				■	■	■		■	■	■	■	■	■	■	■	■	■	□	■	□
No information	■										■	■	■				■	■							■					

In several EU countries, the applicant, the contractor or the building surveyor must notify the building authority of his intention to start the construction work (e.g. Denmark, Estonia, France, Germany, Ireland, Sweden and Northern Ireland). Usually, the notification must state who is responsible for the construction work (building surveyor) and who is executing it (contractor). In Malta a notification of start-up is only required for medium and large construction works. In Luxembourg, before the construction work begins the topographic services of the local authority must set the alignment of the construction. If the work is interrupted for a long period, a notification must also be presented.

In all EU countries, a building permit expires if construction work is not started within a certain period or is not completed within a certain time from the date the permit was granted. An application to extend the period to start or to complete the construction work can be submitted to the building authority. Beyond a certain limit, a new building permit must be applied for.

### **3.8 Site inspections**

To ensure that the construction work is carried out in compliance with the approved building plans, the building permit and the building regulations, inspections on the building site are conducted by public or private parties (or a combination).

In about half of the EU countries, a building surveyor, the designer or both carry out site inspections and decide on which phases they are required. Usually, a control plan is agreed with the developer. Building authorities carry out site random inspections to supervise construction works (e.g. Belgium, Cyprus, Estonia, France, Portugal and Romania) or choose key stages of construction works to control them (e.g. Bulgaria, Czech Republic, Denmark, Hungary, Italy, Lithuania and Malta).

In the other half of the EU countries, building authorities are responsible for controlling construction works and decide the level of inspection they intend to carry out. The extent and type of control by the building authorities usually depends on the difficulty of each construction work and on the expertise of private bodies that take part. The following possibilities were identified:

- 1) Building authorities assign the control of construction to private parties and agree on a control plan (e.g. Finland, Germany and Sweden).
- 2) Building authorities select key stages to inspect construction works and may undertake any other inspections as deemed necessary (e.g. the Netherlands, Northern Ireland and England & Wales).
- 3) Building authorities carry out random site inspections (e.g. Poland).

In all EU countries, public building inspectors, from building authorities, have right of access to building sites and are entitled to carry out inspections. They can examine construction works and can request explanations and documents. During site inspections, all parts of the construction work can be inspected. Usually, for each examination the public building inspector provides a report. If construction works take place without a building permit or do not comply with the approved design, they can be suspended until the relevant local authority takes a decision regarding demolition or continuation. Should this happen, the developer may be also sanctioned to pay an administrative fine and the relevant indemnities for damages caused.

In most EU countries, major and minor design changes are possible during construction work. Changes that do not concern zoning demands, prescriptions of the building permit or the building's use are minor and can be declared at the end of construction work. For substantial variations, a formal procedure is required before proceeding with construction work.

In several EU countries, a construction log-book to record daily progress of the construction work is maintained. This book must be accessible at the construction site to public building inspectors.

### **3.9 Completion**

Once the construction work has been completed, the building authorities are usually notified (i.e. completion notification). Several documents may be required for completion, such as, the building design with the works actually carried out; reports of site inspections; the construction log book; and liability declarations by the contractor, building surveyor or designer. In these declarations, signatories attest that the construction work has been carried out in accordance with the approved design and, where applicable, changes comply with the applicable legal and regulatory requirements.

In about half of the EU countries, a final site inspection, conducted by the building authorities and other authorities, is required (e.g. Bulgaria, Cyprus, Czech, Republic Finland, Hungary, Luxembourg, Romania and Spain) (Table 13). The purpose of the final site inspection is to verify whether construction works actually carried out comply with the building regulations, the approved building design and the building permit.

In the other half, the building authorities rely on declarations by the private bodies that conducted the building work or the site inspections and they do not perform a final site inspection (e.g. Austria, Denmark, Ireland, Portugal, Slovenia and Sweden). Even if not required, the building authorities

may decide to carry out a site inspection. It usually happens when there are deficiencies in the documentation delivered or doubts about the reliability of the agents involved in the construction work.

Table 13. Is a final site inspection conducted by building authorities required?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales
Required		■	■	■				■	□			■					■					■			■				
Not required		■				■			□				■								■				■		■		
No information		■					■			■	■			■	■	■		■	■	■			■				■	■	■

The exception to this division is France, where a final site inspection is only required for buildings open to the public (e.g. hotels, hospitals, housing for the elderly, theatres and shopping centres) and very high buildings (i.e. residential buildings higher than 50 m and all other buildings higher than 28 m).

If satisfied with the final site inspection or with the documentation, which attests that the construction work was carried out in accordance with the approved design, the building authorities may issue or approve a document certifying that the construction work was successfully completed (i.e. a completion certificate) or that it can be used for the intended purpose (i.e. a use permit). In almost all EU countries, it is mandatory to obtain a completion certificate or a use permit after the construction is completed (Table 14). The following are exceptions to this rule:

- 1) In Belgium, France, the Netherlands and Poland a use permit has to be issued before buildings open to the public can be taken into use.
- 2) In Ireland, contractors are responsible for issuing the completion certificate at request of the builder/owner.
- 3) In England & Wales there are two possibilities. In the procedure operated by local building authorities, the applicant may request a completion certificate, provided that the request is submitted with the initial application for plan approval. In the procedure operated by approved inspectors, when the work is completed, the approved inspector must issue a final certificate to the local authority that may reject it.

Table 14. Is a completion certificate or a use permit issued after the construction is completed?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Larvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales	
<i>Statutory obligatory</i>	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■			■	■	■	■	■	■	■	■	■	■	□
<i>For certain types of construction works</i>		■							■											■	■									
<i>Only at request of contractor or owner</i>													■																	□
<i>No information</i>					■					■				■				■												

In almost all EU countries, a building can be taken into use after a use permit or a completion certificate is granted (Table 15). There are some exceptions to this rule:

- 1) In Austria, the building may be taken into use after a notification of completion has been submitted to the municipal authority.
- 2) In Denmark, buildings may not be taken into use without a use permit, but small buildings (e.g. single-family houses) are exempt.
- 3) In France, buildings may be taken into use after notice of the contractor that the construction work is completed, but for buildings open to the public and very high buildings a use permit has to be issued before it can be taken into use.
- 4) In the Netherlands, a use permit is not required, but buildings open to the public may only be taken into use after a use permit is issued.
- 5) In Poland, buildings may be taken into use after the building authority is notified of the completion of the work, but in certain cases a use permit must be obtained.

Table 15. When can a building be taken into use?

	<i>Austria</i>	<i>Belgium</i>	<i>Bulgaria</i>	<i>Cyprus</i>	<i>Czech Republic</i>	<i>Denmark</i>	<i>Estonia</i>	<i>Finland</i>	<i>France</i>	<i>Germany</i>	<i>Greece</i>	<i>Hungary</i>	<i>Ireland</i>	<i>Italy</i>	<i>Larvia</i>	<i>Lithuania</i>	<i>Luxembourg</i>	<i>Malta</i>	<i>Netherlands</i>	<i>Poland</i>	<i>Portugal</i>	<i>Romania</i>	<i>Slovakia</i>	<i>Slovenia</i>	<i>Spain</i>	<i>Sweden</i>	<i>UK - Northern Ireland</i>	<i>UK - Scotland</i>	<i>UK - England &amp; Wales</i>
<i>After notification of contractor</i>									☐																				
<i>After notification to building authorities</i>	■																			☐									
<i>After use permit or completion cert.</i>		■	■	■	■	☐	■	■	☐	■		■	■						☐	☐	■	■	■	■	■	■	■	■	■
<i>No limitations</i>	■				☐														☐										
<i>No information</i>											■		■		■	■	■	■									■		■

### 3.10 Fees

In all EU countries, the applicant has to pay a fee to obtain a building permit. However, there is a wide range of variety concerning how the value of fee is determined (Table 16). The following combinations of criteria were identified:

- 1) Construction cost (e.g. Denmark, France, Italy, Romania, Slovenia and Spain).
- 2) Construction cost, floor area and type of construction (e.g. Latvia and Lithuania).
- 3) Cubic meters of construction (e.g. Luxembourg).
- 4) Floor area and building use (e.g. Austria and Bulgaria).
- 5) Fixed fee per building use (e.g. Czech Republic, Finland and Poland).
- 6) Fixed fee plus an additional per floor area (e.g. Estonia).
- 7) Fixed fee plus an additional per construction cost (e.g. the Netherlands).
- 8) Fixed fee or floor area, depending on building use (e.g. Ireland).
- 9) Fixed fee or construction cost, depending on floor area and building use (e.g. Northern Ireland).
- 10) Fixed fee plus an additional per duration of construction works and floor area, depending on building use (e.g. Portugal).

Beyond the building permit fee, other fees may be required. There is also a wide range of variety in the EU countries where fees are required for pre-consultation, submitting an application, site inspections or obtaining the use permits. Furthermore, in some EU countries, there is an additional fee if the building is located in an area without an approved land development plan or if construction works to provide urban services must be carried out (e.g. Portugal and Sweden).

One aspect is identical in almost all EU countries: no building permit is granted and no construction work can be carried out, unless and until the appropriate fee or contribution has been paid.

Table 16. How are fees determined?

	<i>Austria</i>	<i>Belgium</i>	<i>Bulgaria</i>	<i>Cyprus</i>	<i>Czech Republic</i>	<i>Denmark</i>	<i>Estonia</i>	<i>Finland</i>	<i>France</i>	<i>Germany</i>	<i>Greece</i>	<i>Hungary</i>	<i>Ireland</i>	<i>Italy</i>	<i>Larvia</i>	<i>Lithuania</i>	<i>Luxembourg</i>	<i>Malta</i>	<i>Netherlands</i>	<i>Poland</i>	<i>Portugal</i>	<i>Romania</i>	<i>Slovakia</i>	<i>Slovenia</i>	<i>Spain</i>	<i>Sweden</i>	<i>UK - Northern Ireland</i>	<i>UK - Scotland</i>	<i>UK - England &amp; Wales</i>	
<i>Construction cost</i>				■	■				■					■	■	■						■		■	■		■			
<i>Floor area</i>	■		■				■						■		■	■						■						■		■
<i>Building use</i>	■		■		■			■					■		■	■					■	■						■		■
<i>Fixed fee</i>					■		■	■					■							■	■							■		■
<i>Other criteria</i>				■													■	■												
<i>No information</i>		■								■	■	■																■		■

### 3.11 Procedure times

In the majority of the EU countries there are fixed procedure times in which the permit has to be issued (Table 17). The building authorities may extend the maximum procedure time for special situations (e.g. listed buildings, buildings located outside the development boundary of a local plan, complex buildings and major cities) in several countries (e.g. Czech Republic, France, Italy, France, Malta, Portugal and England & Wales). In other countries the maximum procedure time may be shorter if designs are certified by a design auditor (e.g. Bulgaria) or if the procedure is operated by approved inspectors (e.g. England & Wales).

For most of these countries, the maximum procedure time ranges from 8 to 12 weeks. Some countries are exceptions to this rule, as follows:

- 1) In Austria, maximum procedure times vary by state.
- 2) In Bulgaria, maximum procedure time is shorter if designs are certified by a design auditor.
- 3) In Estonia and Lithuania, maximum procedure times are short (due to phasing all times might not have been added).
- 4) In Italy and, particularly, in Portugal, maximum procedure times are long, which is a common reason for complaint (one should take into consideration that these are combined procedures) (vd. 3.3).
- 5) In Malta, maximum procedure time is extended if buildings are located outside the development boundary of a local plan.
- 6) In England & Wales, according to the procedure operated by local building authorities, the maximum procedure time is short, which is probably due to the separation between planning and building permit.
- 7) In England & Wales, according to the procedure operated by approved inspectors, the only statutory delays are created by the periods allowed for local authorities to reject the initial notice and the plan certificate.

In the remaining EU countries, no maximum times have been set. The justification for this option is that the time taken can vary considerably depending on the complexity of the construction work, the quality of the application and the use of design auditors.



Table 17. What are the maximum procedure times in which the permit has to be issued?

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales
Time is set (in weeks)	8 to 24	11 or 11	6 or 11	4 or 8	3 or 6	3 or 6	3 or 6	8 or 12	8	8	8	12	10 or 18	3	3	3	12 or 26	12	9	25 or 31	8	8	8	8	8	8	8	2 or 8	
Time is not set				■	■									■		■							■		■				
No information								■			■																	■	

There is not a pattern as to what happens if deadlines are not met (Table 18). The following approaches are adopted in different EU countries:

- 1) The building permit is automatically granted (e.g. Germany, Lithuania, Romania and Spain).
- 2) The building permit is automatically refused (e.g. Belgium, Italy, Northern Ireland and Scotland).
- 3) The applicant can appeal to a higher authority (e.g. Austria, Portugal and Slovenia).
- 4) The applicant has to wait for the decision (e.g. Czech Republic).
- 5) The applicant can claim the dispensation (e.g. Ireland).

Table 18. What happens when deadlines are not met?  
(maximum procedure time is not set in shaded countries – vd. Table 14)

	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK - Northern Ireland	UK - Scotland	UK - England & Wales
Permit granted									■	■						■					■				■				
Permit refused		■											■														■	■	
Other	■				■				□				■								■		■						
No information			■				■	■			■	■							■	■	■								■

In France, if the applicant does not receive a response within the maximum procedure time, then the application for the building permit has been approved (i.e. tacit approval). However, in some cases (e.g. building located in a conservation area or a natural park, building subjected to public survey) the applicant cannot assume a tacit approval.

During the last 10 to 15 years, the maximum procedure times have been shortened in several EU countries (e.g. Bulgaria, Czech Republic, France, Germany, Ireland, Lithuania, Portugal and

Slovenia). For the near future, no further changes are expected in this respect in most EU countries, with the exceptions of Czech Republic and Lithuania where the procedure times may be extended due to more complicated procedures. When compared with other EU countries, Czech Republic and Lithuania countries have shorter procedure times.

### **3.12 Objections**

In some EU countries, neighbours and other parties have the legal right to object to a building permit or to a planning permit being granted to a construction work. In other EU countries, third parties do not have an automatic right to object, but can provide the building authorities with information that they feel may have a material effect on the outcome of the application. Objections and information must be based on an objective impairment of legal rights or on an infringement of the planning instruments or building regulations. The building authorities take objections and information into consideration for the final deliberation.

In almost all EU countries, objections and information can be presented to the building authorities during the plan approval phase or before the final permit has been issued. In France the objections must be presented within 2 months after the day when the notice that the building permit was granted is displayed on the property.

To inform third parties, in some EU countries it is mandatory to inform neighbours about an intended construction work (e.g. Belgium and Finland) or to make public the application to a building permit by suitable means (e.g. Italy, Malta, Portugal). In England & Wales, neighbours must only be notified if the construction work is close to or directly affecting the boundary or party wall of a premise. Complementary, in some EU countries a copy of any application for a building permit is available for inspection by the public at the building authorities (e.g. Malta and Portugal) and major construction works may be subjected to a hearing period (e.g. Portugal).

## **4 Conclusions and discussion**

### **4.1 Main differences and similarities**

The organization of a regular building permit procedure is similar in EU countries. The usual procedure includes the following steps:

- 1) During a voluntary pre-consultation, applicants can discuss with the building authorities planning demands, aesthetics and technical requirements.
- 2) Phasing the building permit procedure is possible to avoid developing a fully worked out design before the preliminary design has been checked.
- 3) Statutory submission demands determine the documentation to submit with an application; information about building regulations and permit procedures is available through the Internet.
- 4) During plan approval, the compliance of the building design with submission, planning and aesthetic demands, as well as with technical requirements is checked; plan approval usually takes 8 to 12 weeks.
- 5) Neighbours and other parties can raise objections to a building permit being granted during the plan approval phase or before the final permit has been issued.
- 6) Construction works can begin after the building permit has been granted by the building authorities, but there are strategies to allow an early start of the construction; total or part of the building permit fees must be paid before construction works can be carried out.
- 7) Building authorities must be notified before construction works start; the building permit expires if construction work is not started within a certain period or is not completed within a certain period since the date it was granted.
- 8) Site inspections are carried out to ensure the compliance of construction works with the approved building design, the building permit and the building regulations.

- 9) During construction, minor design changes are possible and can be declared at the end of construction work; for substantial variations a formal procedure is required before proceeding with construction work.
- 10) Public building inspectors are entitled to carry out inspections and if construction works take place without a building permit or do not comply with the approved design, they can be suspended.
- 11) Once construction is complete, a final site inspection is conducted and documentation that attest the compliance with the building design is submitted to building authorities.
- 12) If satisfied, building authorities issue a completion certificate or a use permit; the building can be taken into use after a use permit or a completion certificate is granted.

However, there are several differences between countries concerning detail aspects of the building permit procedure. The following differences were identified:

- 1) Agreements and information provided during pre-consultation are only binding to building authorities in some countries.
- 2) There are different levels of implementation of electronic case handling of the building permit.
- 3) Permit procedures for planning demands and technical requirements may be separated or combined.
- 4) Phasing the permit procedure is only statutory available in some countries; different strategies are used to divide the building permit procedure in phases.
- 5) The right to object to a building permit being granted is only laid down by law in some countries.
- 6) Different criteria are used to allow an early start of construction works.
- 7) The value of the building permit fee is determined by different criteria.
- 8) In addition to the building permit fee, other fees may or may not be required.
- 9) When maximum procedure times are not met by the building authorities different consequences can result.
- 10) A completion certificate or a use permit issued may not be required when the construction is finished.

## **4.2 Main types**

As described above, the organization of the regular building permit procedure is similar in the different EU countries. No substantial differences were found in continental Europe countries.

The United Kingdom countries, and particularly England & Wales, are those that present more deviations from the common pattern. The following distinctive characteristics were identified:

- 1) There is a specific type approval procedure.
- 2) Planning permit and building permit are separated, and there is also the possibility to phase the building permit procedure.
- 3) Full electronic case handling of the building permit is already available.
- 4) The applicant can choose to have plan approval and site inspections conducted by either building authorities or approved inspectors.
- 5) Construction works may start soon after submission of the application, not having to wait for plan approval.
- 6) Maximum procedure times are shorter than the average.

All these characteristics have in common the aim of reducing the burden of administrative aspects, while ensuring good levels of compliance.

## **4.3 Trends and developments**

In the last 10 to 15 years, the dominant trends identified in the building permit procedure were a decrease in the types of construction works submitted to building authorities control during plan

approval, and a reduction of building permit maximum procedure times. Building authorities' control during the construction phase remains unchanged. Altogether, there is a movement towards simpler and faster building permit procedures.

For the near future, no major changes are expected in the building permit procedures.

#### **4.4 Lessons to be learned**

The analysis provided a global picture of the building permit procedure of the EU countries. The results can be useful for situating the procedure of each country within the EU panorama, assessing the main trends and developments and guiding strategic choices on possible improvements in each country.

A comparative analysis of the EU countries regarding organization and formulation of technical building regulations, tasks and responsibilities in the building control systems and building permit procedure has been accomplished. To complete this comparative study of the regulatory systems of EU countries, an analysis focusing on the quality demands of public and private building-control bodies is still required. Furthermore, the analysis of regulatory systems should proceed with studies about the performance of each type of system in terms of adequacy, efficiency and effectiveness.

In an overall analysis, many differences were identified in the building permit procedure of the EU countries. These differences constitute a barrier to the free circulation of people and services. Additional uniformity among building permit procedure would contribute to the establishment and functioning of a single market for services in the construction industry, in which designers, developers and builders are no longer limited to working in national markets.

## **5 Acknowledgements**

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