

PRIOR APPROVAL OF BUILDING PERMITTING – INCREASING THE ROLE OF THE NATIONAL ARCHITECTURAL DESIGN COUNCIL

On 16 August 2022, the Hungarian Government issued Government Decree No. 315/2022. (VIII. 16.) on the amendment (“**Amendment**”) of certain government decrees on building, heritage protection, property management and government administration amending the Government Decree No. 252/2006. (XII.7.) on town planning and architectural-technical design councils (“**Government Decree**”) affecting building permitting procedure.

I. WHAT WAS THE CHANGE IN THE GOVERNMENT DECREE?

According to the Amendment, the competence of the National Architectural Design Council (in Hungarian: “*Országos Építészeti Tervtanács*”; “**Design Council**”) has substantially increased by stipulating that it must give its opinion / approval to the architectural plans and technical specifications in case of **(i)** the State’s high-rise construction projects under the Act on the Implementation of State’s High-Rise Construction Projects; **(ii)** buildings with a total useable area exceeding 5,000 square metres; and **(iii)** newly constructed condominium residential buildings consisting at least six apartments on a plot with a total useable area of more than 1,500 square metres.

II. HOW HAS THE AMENDMENT CHANGED THE ROLE OF THE DESIGN COUNCIL?

The opinion of the Design Council was already required in certain specific cases, such as permitting procedures relating to national memorials or monuments, however as a result of the Amendment, the approval/recommendation of the Design Council is required on a much broader scale.

According to the Amendment, the approval/recommendation by the Design Council is a precondition of the building permitting procedure in the cases set out above and must precede the procedure of the Building Authority, the heritage authority and the heritage notification procedure as well.

III. CAN A BUILDING PERMIT BE OBTAINED IF THE SPECIFIC PROJECT/BUILDING UNDER THE SCOPE OF THE GOVERNMENT DECREE HAS NOT BEEN RECOMMENDED BY THE DESIGN COUNCIL?

No, in case of projects affected by the Government Decree the approval/recommendation of the Design Council is not obtained, the Building Authority must reject the application for a building permit of the constructions covered by the scope of the Government Decree.

IV. WHAT ARE THE CRITERIA FOR QUALIFICATION?

The criteria for qualification based on which the Design Council makes its decision are set out in the Government Decree and has a number of objective criteria (such as compliance with law, heritage protection aspects), however some of the criteria are relatively subjective, such as compliance with architectural quality, professional standards, integration into the townscape, having an aesthetic appearance and positive effects on townscape and urban structure, compliance with which will be assessed by the Design Council.

V. WHEN CAN A PROJECT BE EXEMPTED FROM THE APPROVAL OF THE DESIGN COUNCIL?

The approval of the Design Council is not required **(i)** in case of investments designated as strategic investments from Hungarian economy perspective if the government decree designating such investment as strategic investments from Hungarian economy perspective, specifically excludes the need for approval or **(ii)** for other architectural-technical plans under the scope of the government decree on rules of design contest procedure.

VI. FROM WHEN DOES IT APPLY?

The Government Decree is effective as of 17 August 2022 and **(i)** in case of State’s high-rise construction projects in progress, if building permit has not yet been issued, then it already requires the recommendation of the Design Council and **(ii)** in case of private projects, recommendation is required if the building permitting procedure starts after the entry into force of the Government Decree.

CREATIVE | COMMITTED | CLIENT FOCUSED

This newsletter does not constitute legal advice with respect to any matter or set of facts and may not be relied upon for such purposes. Readers are advised to seek appropriate legal advice before making any determination or taking any action related to matters discussed herein. No part of this newsletter may be copied or quoted without the prior written consent of Lakatos, Köves and Partners.



[Attila Ungár](#)
Partner, Head of Real Estate
attila.ungar@lakatoskoves.hu



[Zsuzsanna Ilyés](#)
Senior Real Estate Lawyer
zsuzsanna.ilyes@lakatoskoves.hu

Lakatos, Köves and Partners
1075 Budapest
Madách Imre út 14.
Tel: +36 (1) 429 1300
Fax: +36 (1) 429 1390