



OMBUDSMAN OF THE REPUBLIC OF BULGARIA

# Constitutional Case No. 11/2021

**LIMITATIONS TO THE RIGHT OF PROPERTY**

# SUCCESSFUL REFFERALS TO THE CONSTITUTIONAL COURT

**LIMITATIONS TO THE RIGHT OF PROPERTY** - prohibition for putting a construction site into operation when the measures for construction of streets, roads or alleys in the territories with medium- and high-rise development are not accomplished



- The provision of Article 148, paragraph 16 of the Spatial Development Act (SDA), disputed by the Ombudsman, introduces as a requirement for issuing a construction permit in a regulated land property the application of a detailed zoning plan regarding the regulation, including street regulation, connecting the site with the street or road network and providing access to the land property.
- According to the Ombudsman, these texts of the Spatial Development Act interfere excessively with the right to property and violate the constitutional guarantees for its protection and inviolability of private property (Article 17, paragraphs 1 and 3 of the Constitution), as obstacles are created for exercising the powers of the owner in terms of construction of the regulated land property and use of the completed building.
- The Ombudsman argues that the restriction of the right to property must be in accordance with the existence of a legitimate interest and the proportionality of the imposed legal and administrative measures, which is not envisaged in this case.
- **Constitutional case No.11/2021** was instituted on the request.
- **By Decision No.17 of 4 November 2021, the Constitutional Court found unconstitutional the challenged provisions.**