

# REFORMING CONSTRUCTION PERMITTING

Several months after the introduction of the new Construction Act, attention is shifting from legislative intent to practical implementation. While the reform promises faster, more transparent, and increasingly digital permitting processes, its long-term impact will depend on implementation. We asked Slavomíra Salajová and Ladislava Cengelová to assess the progress made so far and the challenges that remain.



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Slavomíra Salajová is an expert in legislation and methodology at the Office for Spatial Planning and Construction of the Slovak Republic. She was part of the reform team for spatial planning and construction under the Deputy Prime Minister between 2020 and 2022. She has extensive experience in public administration, legislative processes, and administrative proceedings. She is also active in analytical work related to the creative industries. Her work focuses on identifying systemic failures and developing solutions that enable processes to move forward more effectively.

**The new Construction Act aims to accelerate and digitalize permitting. What has been its most important practical impact so far, and how are the newly introduced mechanisms for delayed decisions working in practice?**

(SS): My experience with the implementation of the new Construction Act suggests that the process is generally perceived positively; a single administrative proceeding clearly has its advantages. However, it is essential to respond to practical implementation issues, whether through the continuous updating of the information system—which we are working on intensively at the Office for Spatial Planning and Construction of the Slovak Republic—or through fine-tuning the process itself and the roles of the various stakeholders involved.

One area of uncertainty concerns the level of detail required in project documentation for a construction intent decision. In other words, the question is what degree of detail remains necessary, from the perspective of both the state and the participants in the proceedings, to support a decision in an administrative process. It is also necessary to determine what aspects can be reviewed only at the occupancy permit stage, provided that such an approach is predictable in advance.

(LC): One of the most significant changes in the

permitting processes is the fusion of the two-part zoning and building permit proceedings into a single proceeding for a construction project. Within this framework, it is possible to decide not only on the “main” construction, but also on “associated” structures directly related to the main construction, thereby assessing and deciding on the construction as a whole in a single proceeding.



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At the same time, the scope of structures for which a building permit is not required has been expanded; a notification to the building authority is now sufficient. The application of the so-called “deemed consent”—a measure designed to

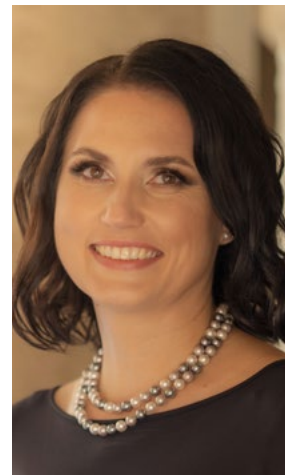
counter the passivity of the authorities and building offices concerned in the case of notified structures—has significantly contributed to accelerating the permitting processes.

Although the law creates conditions for faster and more efficient building permitting, whether this goal is achieved in practice will always depend primarily on the professionalism and capacity of the permitting authorities and on the quality of the projects prepared by builders. The gradual introduction of electronic public administration has the potential to significantly speed up proceedings.

**Despite the reform, where do you still see the biggest bottlenecks in permitting and construction processes, particularly at the municipal level?**

(SS): The role of municipalities as building authorities within the delegated exercise of state administration remains an unresolved issue. Given our institutional culture and the structure of local self-government, conflicts of interest inevitably arise.

Many projects also become stalled at the stage of obtaining binding opinions on compliance with spatial plans. This is often due to unresolved disputes over who should bear the costs of territorial development and in what form. Should it be future residents, or should it be the city or municipality?



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I also see a lack of decisiveness on the part of the state regarding how much it wants to control and at what cost to public administration. This subsequently affects the time required for the state to provide services within the permitting process.

The transformation process initiated by the reform is long-term in nature. The key is not to consider the reform complete, but rather to continue discussing and addressing its various aspects.

(LC): The practical implementation of the Building Act since its entry into force has placed increased demands on all affected entities, given that the changes introduced by the Act relate to institutional and organizational matters, procedural practices, as well as the introduction of electronic and digital systems for building administration. The greatest obstacles persist in the obsolescence or absence of zoning plans in many municipalities, which hinder construction.

Another problem, particularly in small municipalities that are not part of joint municipal offices, is securing a qualified professional to handle the construction agenda. Last but not least, in some cases, delays are also caused by subjective assessments and the blocking of projects by officials and mayors, despite the fact that the submitted project is properly designed.

**How prepared is Slovakia, from both a legislative and infrastructure perspective, to attract and deliver large-scale strategic and infrastructure investments?**

(SS): In my view, cooperation and direct communication are crucial for projects of this kind. It is important to address unsuitable legislative settings or other process bottlenecks in a timely and operational manner, involving the relevant stakeholders.



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The ability to respond effectively to problems should itself serve as an incentive for future projects. Today, the process is often very lengthy or poorly coordinated, and issues are frequently resolved through ad hoc legislative procedures, which is not the right approach.

I can see that networks and relationships are being developed across various sectors, and progress tends to occur when you have a counterpart in another ministry or department whom you can simply call. What is needed now is to standardize this type of cooperation.

(LC): The adoption of Act No. 142/2024 Coll. on Extraordinary Measures for Strategic Investments is the first step toward preparing major strategic investments. This Act regulates the conditions for the preparation, implementation, and completion of investment projects that the Slovak government has designated as strategic investments, as well as the rights and obligations of investors; it significantly accelerates permitting and expropriation processes and shortens public procurement procedures.

At the same time, Act No. 371/2021 Coll. on Significant Investments, as amended, has also been amended several times, and it likewise brings benefits to permitting processes.

Slovakia has built a network of industrial parks (e.g., strategic parks near Nitra, Košice, and Žilina) that are ready for large-scale manufacturing investments (automotive industry, battery systems). While western and parts of central Slovakia have good connections to the highway network and energy infrastructure, regions in the east and south of the country often suffer from a lack of highway

infrastructure, which reduces their attractiveness for large-scale logistics and manufacturing projects.



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**How can the new framework support more predictable and investment-friendly conditions while also contributing to regional development, housing, and infrastructure delivery?**

(SS): First and foremost, more favorable conditions depend on the successful implementation of the spatial planning reform. The goal is to create new digitally processed spatial plans which, through regulatory sheets, will provide a much clearer indication of what can be

developed within a given area.

Clear regulations should also lead to clear and consistent application. Investors should no longer face situations where they must wait up to a year for a binding opinion from a spatial planning authority simply because the authority is unable, for example, to assess a green-space coefficient.

Naturally, a more predictable environment will also be supported by further refinement of statutory procedures, the continued expansion of the Construction Portal, and clear rules governing the issuance of binding opinions by affected authorities and legal entities.

(LC): One of the fundamental objectives is to streamline and improve the efficiency of property rights settlements for land and buildings, primarily to facilitate the preparation of projects that are significant for the Slovak Republic in terms of transportation, the economy, healthcare, energy, defense, and security.

The timeliness and quality of land-use plans and transparent permitting processes are a challenge we are aiming to meet. The new legislation, which was the first systemic step, must be followed by high-quality methodologies from the Office for Spatial Planning and Construction of the Slovak Republic, expertise from lower-level permitting authorities, and the digitization of processes at all phases.