

Amendments to the Spatial Planning Act with Regard to Car Parking
Spaces

The amendments to the Spatial Planning Act (SPA) concerning the expected change of the status of car parking spaces were promulgated in The State Gazette, No 101 of 22 December 2015. Earlier, in May 2015, a bill was adopted at first reading to define car parking spaces as separate immovable property in cases they had the status of built structures within the meaning of the SPA or, in cases they did not have the status of built structures, car parking spaces were subject to a limited property right expounded in an easement.

After the second-reading vote in December 2015, only two new provisions concerning car parking spaces remained in the final version of the adopted law, as most of the amendments from the first version dropped out. The adopted amendment specifies that with regard to buildings with condominium status, the investment project provides for the relevant car parking spaces in: (i) a car parking lot with the status of a separate facility in the building, or (ii) a car parking lot with the status of an undivided part of the building, or (iii) separate car parking spaces accessory to the relevant separate facilities in the building. The second regulation of the new amendment to the Spatial Planning Act concerns assurance of car parking spaces in regulated property, depending on the status of the land. Hence the investment project may determine the status of car parking! spaces. Where the regulated property is an undivided part of the condominium, the relevant car parking spaces may be located in the unbuilt courtyard through allocation of their use at a decision of the owners' general meeting. Where the land on which the building is erected does not have the status of an undivided part, parking arrangement involve allocation of spaces in that part of the unbuilt courtyard which is not necessary for the use of the building for its purpose.