

New rules in the building construction field

The Law of Ukraine No. 1817-VIII "On Amendments to Certain Legislation of Ukraine Regarding Development of Urban Policy" of 17 January 2017 (hereinafter – Law) came into force on 10 June 2017 and introduced a whole number of changes to legislation of Ukraine in the building construction field.

Primarily, the Law cancelled the distinction of construction objects for the categories of complexity and introduced a classification of construction objects by classes of consequences (liability) which depend on level of possible danger for people health and life, material damage or social losses which are connected with termination of maintenance of buildings or its integrity loss, or number of storeys etc.

Depending on classes of consequences (liability) construction objects are divided into:

- 1) objects with a low consequences (CC1), among which are objects of I and II difficulty category (according to the classification which was in force before June 10, 2017);
- 2) objects with a medium consequences (CC2), among which are objects of III and IV difficulty category (according to the classification which was in force before June 10, 2017);
- 3) objects with a high consequences (CC3), among which are objects of V difficulty category (according to the classification which was in force before June 10, 2017).

Among other changes, a list of permission documentation in the building construction field was shortened; a declaration of the beginning of the construction was cancelled. From now, the real estate developer has a right to start construction after informing the State Architectural and Construction Supervision Authority by sending a notice on the beginning of the construction (for the CC1 objects) or after obtaining of relevant permission for the beginning of the construction (for the CC2 and CC3 objects).

At the same time, the Law extended the list of grounds for cancellation of permission for the beginning of the construction such as:

- abolishment of urban planning conditions and restrictions;
- systematic (two and more times at a run) resistance to conducting the inspection by the official of the State Architectural and Construction Supervision Authority.

It also should be mentioned, that from the date the Law came into force, CC2 and CC3 objects construction should be licensed. The abovementioned objects' construction projects should be evaluated by the expert necessarily.

Additionally, the Law prescribes carrying out of unscheduled inspections by the officials of the State Architectural and Construction Supervision Authority and strengthens responsibility for breaching legislation in the building construction field.

This Legal Alert is intended as a general overview of latest changes in legislation of Ukraine and does not constitute a legal advice.

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