

PLANNING AND BUILDING ACT

("Off. Herald of RS", Nos. 72/2009, 81/2009 - correction, 64/2010 - decision of the CC, 24/2011, 121/2012, 42/2013 - decision of the CC, 50/2013 - decision of the CC, 98/2013 - decision of the CC, 132/2014, 145/2014, 83/2018, 31/2019, 37/2019 - other act, 9/2020 and 52/2021)

I BASIC PROVISIONS

1. Scope

Article 1

The present Act governs the following: conditions and modalities of zoning, development and use of building land and building of facilities; carrying out supervision over the application of the provisions of this Act and inspection; other issues of significance for zoning, development and use of building land and building of facilities.

The provisions of this Act do not relate to planning and zoning, i.e. building and removal of facilities which are, in terms of the act governing defense, considered to be military complexes, i.e. military facilities, as well as to building of facilities which are, in terms of the act governing mining, considered to be mining facilities, installations and devices.

2. Definitions

Article 2

Certain expressions used in this Act have the following meaning:

Items 1) - 3) (*Deleted*)

- 4) "*Land use*" is the mode the land is used as determined by a planning document;
- 5) "*Predominant land use*" is the mode of using the land for multiple uses, of which one is prevalent;
- 6) "*Space for public purpose*" is a space determined by a planning document for development or building the facilities for public purposes or public surfaces for which establishment of public interest is prescribed, in compliance with a separate act (streets, squares, parks etc.);
- 7) "*The scope of a plan*" is spatially or administratively determined entity for which the drawing up of a spatial or urban plan is prescribed, in compliance with the law;
- 8) "*Urban renewal*" is a set of planning, building and other measures for renewing, developing or restructuring a built up part of a city or urban settlement;
- 9) "*Alignment*" is a line separating a surface of a specific public purpose from surfaces intended for other public and miscellaneous uses;
- 10) "*Building line*" is a line on, above and beneath the surface of ground or water up to which it is permitted to build the basic outline of a building;
- 11) "*Nomenclature of statistical territorial units*" is a set of notions, terms and symbols which describes groups of territorial units with levels of grouping, and which includes the criteria on which the grouping was carried out, and which is adopted by the Government, at the proposal of a republic authority competent for statistics;
- 12) "*Gross floor area*" is a sum of surfaces of all above ground floors of a building, measured at the level of the floors in all parts of the building - the outer measurements of perimeter walls (with cladding, parapets and railings);
- 13) "*Parcel coverage index*" is a ratio of the size of the horizontal projection of a built or planned building and the total area of the cadastral parcel, expressed as a percentage;
- 14) "*Floor area ratio*" is a ratio (quotient) of a gross floor area of a built or planned building and the total area of a cadastral parcel;
- 15) "*ESPON*" is a European network of institutions involved in the gathering of information and indices for spatial planning;

15a) "*Inspire Directive*" is a document setting out the basic rules aimed at establishing the Infrastructure for Spatial Information in the European Union, which is implemented in Serbia through the National Geospatial Data Infrastructure;

16) "*Settlement*" is a developed, functionally unified space in which conditions are provided for people to live and work and for satisfaction of the common needs of inhabitants;

17) "*City*" is a settlement which the law defines as such;

18) "*Village*" is a settlement whose population is predominantly involved in agriculture, and which is not the capital of the municipality;

19) "*Building radius*" is a developed and built-up part of a settlement, as well as the part which is not built-up but designated by the planning document for the protection, development or building of facilities;

20) "*Cadastral parcel*" is a part of building land with access to public traffic surface which has been developed or planned to be developed which is defined by coordinates of turning points in the state projection;

20a) "*Building complex*" is an entity consisting of a number of inter-connected independent functional entities, i.e. cadastral parcels which may have different purposes;

20b) "*Residential complex*" is a spatial unit consisting of several connected independent functional units, i.e. cadastral parcels with a predominant residential purpose (family or multi-family residence), and within which green and free areas are formed, on land for other purposes;

20c) "*Housing block*" is a rounded spatial unit in a construction area of a populated place, with proper geometric shape and a predominant residential purpose (as a rule is a multi-family homes), which is surrounded by public traffic surfaces, while within the block the internal roads, pedestrian and car paths, free and green areas are in public use. According to the construction method, blocks of flats can be edged and freely built, i.e. open, semi-open and closed. The open housing block consists of free-standing multi-family housing buildings on a land that is in public use. The semi-open housing block consists of buildings constructed in an interrupted array. Closed housing block consists of buildings built in an uninterrupted series from all sides of the block. Condominium is a special type and form of organization in a closed housing block, with common facilities in buildings and on building land (park, playground for children, etc.), which are jointly owned by all owners of separate parts in the buildings built in that complex. The right to register joint ownership of the building land around the building shall be acquired after the construction of all buildings in the complex, i.e. upon obtaining occupancy permits for all buildings in the condominium;

20d) "*Commercial-Industrial Complex*" is an entity consisting of several interconnected independent functional units, i.e. cadastral parcels, which may have different purpose in the function of production, non-production or other economic activities, i.e. energy production. The competence for issuing building documents in a commercial-industrial complex shall be determined individually, for each facility within the complex;

21) "*Investor*" is a person for whose needs the building is being built, and in whose name the building permit is made out to;

22) "*Facility*" is a building connected to the ground, derived from purposefully connected construction products, i.e. construction works, representing a physical, functional, technical-technological or biotechnical entity (buildings and engineering facilities, etc.) that may be underground or aboveground;

22a) "*Facilities for public purposes*" are facilities intended for public use and such facilities may be facilities for public purposes in public ownership on the basis of special acts (line infrastructure facilities, facilities for the needs of state authorities, authorities of territorial autonomy and local government, etc.) and other facilities for public purposes in all forms of ownership (hospitals, health centers, retirement homes, educational facilities, outdoor and indoor sports' and recreational facilities, cultural facilities, traffic terminals, post offices and other facilities);

22b) "*Class*" within the meaning of this Act is a group of buildings, i.e. construction works, grouped according to common characteristics in terms of structural and technological complexity, environmental impact and purpose, i.e. risk associated with their building, i.e. use;

23) "*Building*" is a facility with a roof and outer walls, built as an independent usable whole, which offers protection from weather and elements, and is intended for residing, pursuing a trade, or for storing and guarding animals, goods, equipment for various production and service activities, etc. Buildings are also deemed to be facilities which have a roof, but lack (all) walls (e.g. eaves), as well as facilities which are predominantly or entirely placed underground (shelters, underground garages, etc.);

23a) "*Engineering facilities*" are all other facilities other than buildings: railways, roads, bridges, airport runways, pipelines, communication and electric power lines, etc.

24) "*Auxiliary facility*" is a facility which serves the primary facility, and is built on the same parcel on which the primary residential, business, or public purpose facility is built, or may be built (garages, storages, septic tanks, wells, cisterns, etc.);

24a) "*Economic facilities*" are facilities for livestock rearing (horse stables, cattle stables, poultry, goat, sheep and pig sties, as well as the facilities for raising pigeons, rabbits, decorative poultry and birds); supporting facilities for raising domestic animals (drains for livestock, concrete runways for disposal of solid manure, facilities for storage of organic fertilizer); fodder storage facilities (haylofts, warehouses for storage of concentrated fodder, concrete lined silo pits and silo trenches); produce storage facilities (granaries, cribs), fishponds, lime and charcoal production facilities and other similar farm facilities (facilities for machines and vehicles, smoking, drying and similar);

24b) "*Ski slope*" is a developed and marked area of a public ski resort as a regulated public area which is determined on the basis of the law regulating public ski resorts. A building land is not be designated for a ski slope, and it may be located on all types of land (building, agricultural and forest), but for the development of a ski slope, the rules and regulations for the parterre landscaping with mandatory anti-erosion protection are applied, and it can be in all forms of ownership;

24c) "*Ski-lift*" is a cableway that pulls persons with appropriate equipment along the ground with a rope;

24d) "*Ski tow*" is a specific towing installation with specific technical and technological characteristics. Specific traction installations are: conveyor belt, zip-line and bob rails or other related equipment used for winter and/or summer activities and transporting passengers in a standing position or with the use of rope;

24e) "*Equipment*" means individual devices, machines, process installations and other products of which the plant consists of, which can be independently installed in the facility for the technological or other process for which the facility is built for;

24f) "*Basic requirements*" for facilities are the requirements that a facility must satisfy during an economically acceptable lifetime, determined by special regulations;

25) *Deleted*;

26) "*Line infrastructure facility*" is a public road, public railway infrastructure, metro, air traffic infrastructure (runway, taxiway, platform, and similar, as well as facilities in their function), operational coast in the port area, electric power transmission line, petroleum pipeline, product pipeline, gas pipeline, derivative pipeline, aerial transport facility, electronic communications line infrastructure, water and sewage infrastructure and the like, which may be aboveground or underground, and whose building is foreseen by the corresponding planning document, as well as the facilities that serve them;

26a) "*Tunnels*" (road, rail or for special purposes) are a special type of underground infrastructure facilities, the construction of which does not affect the land use on the surface with existing purpose, along with possible technical limitations as defined by the planning document;

26b) "*Underground parts of infrastructure and irrigation systems*" are a special type of underground infrastructure facilities built for agricultural purposes, whose construction on agricultural and forest land, as well as on building land used for agricultural purposes, does not disturb the use of land on the surface of the terrain of the existing purpose and the issuance of location conditions for the construction of these facilities cannot be conditioned by the existence, i.e. sufficient development of the planning documentation for the area on which the plots are located where the construction is planned;

27) "*Utility infrastructure*" represents all infrastructure facilities for which the decree for execution of works, i.e. building permit is issued by a local self-government unit, as well as facilities intended for public use publicly owned by a local self-government unit, autonomous province and the Republic of Serbia specified as facilities of special importance;

27c) "*Landslide*" is a form of land erosion arising from natural and seismological events whereby a part of rocky or loose mass is separated from the substrate, resulting in an uncontrolled slide across the sliding surface;

28) "*Preparatory works*" are the works which precede the construction and relate in particular to the following: demolition of existing facilities on the parcel, removal of existing infrastructure on the parcel, land clearance on the parcel, carrying away the used building materials (demolition residue) to a landfill, provision of space for delivery and storage of building material and equipment, construction and setting of facilities, installations and equipment of a provisional character for the needs of execution of works

(building site fencing, containers, etc.), earthworks, works ensuring the safety of neighboring facilities, i.e. safety and stability of terrain (piles, diaphragm walls, supporting walls, etc.), ensuring trouble-free traffic and use of surrounding space;

29) "*Technical documentation*" is a set of designs produced to: establish the concept of the facility, elaborate the conditions, the method of construction of the facility, and for the needs of maintenance of the facility;

30) "*Construction of the facility*" is a set of operations which include: preliminary works, the production and control of technical documentation, preparatory works for construction, the construction of the facility, and professional supervision during the construction of the facility;

31) "*Construction*" is the execution of building and building-craft works, installing building products, plants and equipment;

32) "*Reconstruction*" is the execution of construction and other works on an existing facility not changing the size and volume of the facility, affecting the fulfillment of basic requirement for the facility, changing the technological process; changing the outside appearance of the facility or increasing the number of functional units; replacing devices, plants, equipment and installations with increase in capacity;

32a) "*Reconstruction of line infrastructural facility*" is the execution of construction works in a protective zone, in accordance with a special act, which may result in a change of dimensions, volume, position or equipment of the existing facility; as well as the execution of works involving large scale works, replacement of elements on existing line objects, which do not change its overall functioning;

33) "*Addition*" is the execution of construction and other works for the purpose of creating new space beyond the existing dimensions of a facility, as well as adding extra floors, making with it a new structural, functional or technical entirety;

34) "*Adaption*" is the execution of construction and other works on an existing facility by which: the organization of space in the facility is changed, the replacement of appliances, plants, equipment and installations of the same capacity is carried out, whereby stability and security of the facility remain unaltered, the structural elements of the facility remain unaltered, the outside appearance of the facility remains unaltered and the safety of adjoining facilities, traffic, fire protection and environment remains unaffected;

35) "*Repairing*" is the execution of construction and other works on an existing facility by which the repair of appliances, plant and equipment is carried out, i.e. the replacement of structural elements of the facility, whereby the exterior look remains unaltered, the safety of adjoining facilities, traffic and environment remains unaffected, as well as the protection of natural and immovable cultural property, i.e. its protected surroundings, with the exception of restoration, conservation and revitalization works;

35a) "*Landslide Mitigation*" encompasses all works whereby the landslides which occurred on building land, forestland, agricultural, road or other type of land is remediated. Such works include clearing and removal of debris generated as a result of landslide, designing, provision of required technical documentation, required construction conditions and the execution of construction works needed for remediation and protection from the occurrence of future landslides;

36) "*Extraordinary maintenance*" is the execution of building and craft works, i.e. other works depending on the type of facility, aimed at improving the conditions of using the facility during exploitation;

36a) "*Ordinary (regular) maintenance of a facility*" is the execution of works for the purpose of preventing the damage caused by using the facility or for the purpose of repairing such damage, which includes the inspection, repair and undertaking of preventive and protective measures, i.e. all works that secure that the facility is kept at a satisfactory level of usability, such as whitewashing, painting, replacing of lining, replacing of sanitary equipment, radiators, replacement of interior and exterior joinery and door and window hardware, replacement of indoor installations and equipment without capacity increase and other similar works, if they do not change the outer appearance of the building and have no impact on the common areas of the building and their use;

37) "*Works on restoration, conservation and revitalization of cultural property*" are works carried out on immovable cultural property and their protected surroundings, in compliance with this and special acts;

38) "*Building site*" is a specially marked land or facility, where construction, repairs or removal of a facility are being carried out, i.e. where maintenance work is being done on a facility;

39) "*Removal of a facility or a part thereof*" is carrying out works on demolition of a facility or a part thereof;

40) "*Standards of accessibility*" are mandatory technical measures, standards and conditions of designing, planning and construction which ensure unhindered movement and access for persons with disabilities, children and the elderly;

41) "*Separate study of technical conditions for construction*" (hereinafter: Separate study) is a document issued by a holder of public authority within its competence in cases where a planning document does not contain the conditions, i.e. information for the preparation of technical documentation, which contains the appropriate conditions and information for the preparation of technical documentation, and in particular the capacities and the connection point to utility and other infrastructure according to classes of facilities and parts of the area for which such study is made;

42) "*Holders of public authority*" are state authorities, autonomous province and local government authorities, special organizations and other entities exercising public authority in accordance with the law;

42a) "*Conditions for designing, i.e. connection*" are conditions issued by holders of public authority in a unified procedure in the procedure of issuing the location conditions at the request of the competent authority, in accordance with the planning document, which are not issued in a form of a administrative decision, but they exclusively define the precise conditions under which the facility whose construction is foreseen by the planning document may be realized and constitute an integral part of the location conditions;

43) "*Financier*" is a person who, on the basis of a contract signed and duly notarized with the investor, finances, i.e. co-finances the construction, extension, reconstruction, adaption, remediation or execution of other construction, i.e. investment works as provided for in this Act, and that, on that basis of such contract, acquires specific rights and obligations as prescribed by this Act for an investor, in line with such contract, with the exception of acquisition of property rights on the facility being constructed;

44) "*Electro-energetic facilities*" are facilities for the production, transformation, distribution and transmission of electricity;

45) "*Strategic energy facilities*" are facilities designated as strategic in accordance with the regulations governing the energy sector;

46) "*Certificate of energy properties of buildings*" is a document that shows the energy properties of a building, has the prescribed content, appearance, conditions and method of issuing and is issued through the Central Register of Energy Passports (CREP);

47) "*Central Register of Energy Passports (CREP)*" is an information system through which the issuance of certificates on the energy properties of buildings is carried out and in which the following databases are kept: on authorized organizations that meet the prescribed conditions for issuing certificates, on responsible engineers for energy efficiency of buildings who are employed in such organizations, and on issued certificates on the energy properties of buildings;

48) "*Seveso plant and the Seveso complex*" are a plant and a complex that may have an environmental impact and are determined in accordance with the regulations governing the environment;

49) "*Technical error in the planning documents*" is an error that is found during the implementation of the adopted planning document in the textual or graphic part of the planning document, and refers to errors in the names, numbers, graphic symbols (dots, lines and surfaces), as well as other obvious inaccuracies and illogicalities that occur in the textual and graphic part of the planning document (published text and certified graphic representations);

50) "*Professional qualification*" is a qualification which, in accordance with special regulations, covers formal education and additional vocational training and improvement that is carried out during or after completion of formal education;

51) "*Professional title*" is a name that gives its holder the right to perform professional tasks established by this Act and regulations adopted pursuant to this Act, whose performance, i.e. manner of performance, is conditioned by the possession of certain professional qualifications.

All expressions in this Act used in masculine gender are also implied to be in feminine gender and vice versa.

3. Principles of Development and Use of Space

Article 3

The planning, development and use of space is based on the following principles:

- 1) Sustainable development through an integral approach to planning;
- 2) Balanced territorial development;
- 3) Rational land use by encouraging measures for urban and rural renewal and reconstruction;
- 4) Rational and sustainable use of non-renewable resources and optimal use of renewable resources;
- 5) Protection and sustainable use of natural resources and immovable cultural property;
- 6) Prevention of technical and technological accidents, protection from fire and explosions, protection from natural disasters, elimination of causes of climate change;
- 7) Planning and development of areas for defense purposes;
- 8) Harmonization with European regulations and standards in the area of planning and development of space;
- 9) Promotion and use of information technologies that contribute to improved efficiency and effectiveness of public administration in building operations;
- 10) Public participation;
- 11) Preservation of customs and traditions;
- 12) Preservation of landscape specificity;
- 13) Horizontal and vertical coordination.

The sustainable development referred to in paragraph 1, item 1) of this Article represents harmonization of economic, social and ecological aspects of development, rational use of non-renewable resources and provision of conditions for greater use of renewable resources, so as to meet the needs of present and future generations and improve the quality of life.

The horizontal coordination referred to in paragraph 1, item 13) of this Article implies linking with neighboring territories during planning, in order to resolve common functions and interests, as well as linking and participation of all those involved in spatial development of the public and civil sectors, and citizens.

The vertical coordination referred to in paragraph 1, item 13) of this Article implies the establishment of links between all levels of spatial and urban planning and spatial development, from the national towards the regional, and on to the local level, as well as providing information, cooperation and coordination between the local initiatives, plans and projects with regional and national plans and actions.

4. Improvement of Energy Efficiency

Energy Properties of Facilities

Article 4

Improvement of energy efficiency is the reduction of consumption of all types of energy, energy savings and the provision of sustainable construction by applying technical measures, standards, and conditions for planning, designing, construction and use of buildings and spaces.

A building whose operation involves the consumption of energy, shall be designed, constructed, used and maintained in a manner that provides the prescribed energy properties of buildings.

The energy properties of buildings are the amounts of energy actually consumed or calculated to meet the various needs related to standardized use, and in particular relate to energy used for heating, preparation of hot water, cooling, ventilation and lighting.

Energy properties are determined by the issuing of an energy certificate, issued by an authorized organization which fulfils the prescribed conditions for the issuing of energy certificates for buildings.

The Certificate of Energy Properties of Buildings is issued through the Central Register of Energy Passports (CREP), which is managed by the Ministry responsible for construction affairs.

The energy certificate for buildings is an integral part of the technical documentation submitted with the application for the issuance of occupancy permit.

The minister responsible for construction matters issues a separate decree to rule on fulfillment of the conditions from paragraph 4 of this Article.

The decree under paragraph 7 of this Article is not appealable, but administrative dispute may be initiated by a complaint.

The requirement from paragraph 2 of this Article does not relate to the buildings specified by a special regulation issued by the minister responsible for construction.

The Government, at the proposal of the ministry responsible for construction, shall adopt a Long-Term Strategy to encourage investment in the reconstruction of the national housing fund.

5. Unhindered Movement and Access for Persons with Disabilities, Children and the Elderly

Article 5

Buildings for public and commercial use, as well as other facilities for public use (streets, squares, parks, etc.) shall be designed, constructed and maintained so that all users, in particular persons with disability, children and the elderly, are provided with unhindered access, movement and stay, i.e. use in accordance with applicable technical regulations whose integral part are the standards that define the mandatory technical measures and conditions of design, planning and construction, whereby unhindered movement and access is ensured for persons with disability, children and the elderly.

Residential and mixed-use buildings with ten or more apartments shall be designed and constructed so that all users, especially the persons with disability, children and the elderly are provided with unhindered access, movement, stay and work.

6. Construction Products

Article 6

A construction product is any product or assembly that is manufactured and marketed for permanent installation into facilities or parts thereof and whose performance has an impact on the performance of facilities in relation to basic requirements for facilities.

Construction products must meet the requirements prescribed by this Act and special regulations, as well as technical requirements from the aspect of seismic, climatic and other peculiarities of the Republic of Serbia.

Article 7

(Deleted)

8. Unified Procedure in Proceedings for the Issuance of Decisions in the Exercise of the Right to Development and Use of Facilities

Article 8

The ministry competent for construction matters, the competent authority of the autonomous province or the competent authority of a local government unit (hereinafter: the competent authority) shall establish a separate organizational unit under their auspices, which implements the unified procedure for: issuance of site conditions; issuance of building permit; notice of works; issuance of occupancy permit; attainment of conditions for design, i.e. connection of a facility to the infrastructure network; obtaining legal instruments and other documents issued by the holders of public authorities required for the construction of facilities, i.e. for the issuance of site conditions, building permit and occupancy permit within their competence, as well as for the provision of conditions for connection to the infrastructure network and for the registration of title to the built facility and for designating a house number (hereinafter: unified procedure).

The competent authority implement the unified procedure also in the case of issuance of the decree referred to in Article 145 of this Act.

The modification of site conditions, i.e. decree on issuing the building permit is also conducted under the unified procedure.

The head of the competent service is responsible for the effective implementation of the unified procedure.

The minister competent for construction matters specifies in more detail the manner of implementation of the unified procedure.

9. Exchange of Documents and Submissions in the Unified Procedure and Their Form

Article 8a

The exchange of documents and submissions in the unified procedure is performed electronically except for documents and submissions containing classified information and which are marked with a degree of secrecy in accordance with the regulations governing confidentiality of data.

All decisions related to the unified procedure that are issued by the competent authorities and holders of public authorities, as well as submissions and documents that are filed under the unified procedure, including technical documentation, are submitted in the form of an electronic document.

If a decision or a document previously originally made in paper form, is provided in a unified procedure, a copy of that act, i.e. of a document that has been digitized and certified in accordance with the law governing electronic commerce, is provided.

Digitization of a document in accordance with paragraph 3 of this Article for the purpose of implementing the unified procedure, in addition to the persons determined by the law governing electronic commerce, can also be performed by a person holding the license of the responsible designer, registered in the appropriate professional register or a lawyer registered in the directory of lawyers, if this person uses his qualified electronic signature, at the same time, to sign a submission in the unified procedure attached to the submitted decision or document.

Verification that the submission referred to in paragraph 4 of this Article has been signed and validated by electronic signature, as well as the submissions and documents submitted in the joint procedure, including the technical documentation, shall be made automatically at the moment of submission of request, exchanging of documents and submissions through the central register of the integrated procedure.

Notwithstanding paragraph 2 of this Article, a person registered for the use of electronic administration may file a submission through the "e-Government Portal", in accordance with the law governing the electronic administration, in which case the identification of the applicant is carried out in accordance with that law.

Notwithstanding paras. 2 and 3 of this Article, a third party requesting that he be recognized in the unified procedure as a party in the procedure, i.e. if he submits legal remedies against the decisions made in that procedure, he is not obliged to use electronic documents or to contact the competent authority electronically.

If the competent authority in the case referred to in paragraph 6 of this Article receives a submission and a document in paper form, it is obliged to digitize it and to confirm the identicalness of that copy with the original, giving the copy the same property of evidence as the original during the implementation of that procedure.

The minister competent for construction matters specifies in more detail the manner of exchange of documents and submissions referred to in paragraph 1 of this Article and the form in which the technical documentation and the decisions referred to in paragraph 2 of this Article are to be submitted.

10. Compliance of Holders of Public Authority in the Unified Procedure

Article 8b

The competent authority is obliged to, within five working days from the day of receipt of the application for issuance of site conditions, submit the application for the issuance of such conditions to holders of public authorities who determine the conditions for designing, i.e. connection, in accordance with this Act and a special regulation, if such conditions may not be obtained by inspecting the planning document, i.e. separate study.

The holder of public authority is obliged to act upon the application referred to in paragraph 1 of this Article within 15 days from the day of receipt of the application, and in the case of facilities referred to in Article 133 of this Act, within 30 days from the day of receipt of the application, except where the holder of the public authority determines that it has no jurisdiction, when it has a time limit of three days to notify the competent authority.

If the construction of the missing infrastructure is a precondition for the construction of a facility, the holder of public authority is obliged to indicate such fact in the conditions for designing, i.e. connection and the

information on the planned manner of financing and the deadlines for the construction of the missing infrastructure.

The conditions for designing, i.e. connecting may not be in conflict with the planning document on the basis of which the site conditions have been issued, nor can they change the urbanistic parameters determined by the planning document, i.e. challenge the purposes specified by the planning document.

If the holder of public authority cannot act upon the application due to the deficiencies in the conceptual solution, it is obliged to state all the defects that need to be corrected in order to issue an act on the conditions for designing, i.e. connection in accordance with the application.

If the holder of public authority fails to act within the time limit and in the manner specified in paras. 2, 3 and 4 of this Article, the competent authority notifies the applicant thereof and files a request for instituting misdemeanor proceedings in accordance with Article 211a of this Act.

The holder of public authority is entitled to reimbursement of actual costs of issuing the requested conditions for designing, i.e. connecting, as well as for undertaking some other activities within its competence.

The conditions for designing, i.e. connecting of holders of public authority also contain the amount of the fee for connection to the infrastructure network, as well as the amount of other fees, i.e. taxes, in accordance with a special law.

If the holder of public authority submits a notice on the amount of the fee referred to in paragraph 7 of this Article within three working days from the day of receipt of the application for issuance of conditions for designing, i.e. connection, the obligation to pay the fee becomes due before the issuance of site conditions, otherwise it is considered that the holder of public authority has opted to issue such conditions free of charge, whereof the applicant is informed by the competent authority without delay.

The obligation to pay the fee referred to in paragraph 8 of this Article becomes due prior to the connection to the network, while the fees i.e. taxes not related to the connection to the infrastructure network become due prior to the issuance of the usage permit.

Notwithstanding paragraph 10 of this Article, the obligation to pay the fee referred to in paragraph 8 of this Article becomes due upon receipt of the final calculation of such fee, if the investor, in the application for connection of the facility to the infrastructure network, i.e. in the application for the issuance of the usage permit, stated that this fee shall be paid after receipt of the final calculation.

In the event that the facility is constructed in accordance with the conditions for connection, the holder of public authority is obliged to execute the connection of the facility to utility and other infrastructure and to notify the competent authority thereof within 15 days from the day of receipt of the application for connection, unless provided otherwise in the site conditions.

The provisions of paras. 6-10 of this Article do not apply to the connection of a facility to the electrical grid (above 110 kV).

11. Registry of Unified Procedures

Article 8c

The competent authority shall conduct the unified procedure by maintaining an electronic, publicly available database on the progress of each individual case, from submission of the application for the issuance of site conditions to the issuance of the occupancy permit, which also includes decisions acquired and issued during such procedure (hereinafter: Registry of Unified Procedures).

A person tasked with maintaining the Registry of Unified Procedures (hereinafter: Registrar) is designated within the competent authority.

The Registrar shall ensure the publication of site conditions, building and occupancy permits in electronic form via the Internet, within a term of three working days from the day of their issuance.

The Registrar is responsible for the legal, systematic and timely maintenance of the Registry of Unified Procedures, in accordance with this Act.

The Registrar shall file misdemeanor charges pursuant to Article 211a of this Act against the holders of public authorities and the responsible person of the holder of public authorities, if in the course of conducting the unified procedure such holder of public authorities has failed to act in the manner and within

the time limits prescribed by this Act, no later than within a term of three working days from the day of expiry of the term specified for compliance by the holder of public authorities.

The head of the competent service has the rights and responsibilities as prescribed by this Act for the Registrar, if the competent authority fails to designate the Registrar in accordance with paragraph 2 of this Article.

The minister competent for construction matters prescribes the maintenance and content of the Registry of Unified Procedures, the duties and authorities of the Registrar and the scope of public access to information and documents contained in the Registry.

12. Central Records of Unified Procedures

Article 8d

The Business Registers Agency maintains a unified, central, public, electronic database encompassing data from all registries of unified procedures in the territory of the Republic of Serbia, as well as decisions contained therein (hereinafter: Central Records), through the Registrar for Central Records and ensures the availability of such data and acts in accordance with the law, as well as access to the acts published by the competent authorities in accordance with Article 8c paragraph 3 of this Act.

The Registrar for Central Records constitutes the Central Records by taking over data and electronic documents from the registries of unified procedures referred to in Article 8c of this Act, and ensures the public availability of such records.

The minister competent for construction matters specifies in more detail the manner of maintaining the electronic records referred to in paragraph 1 of this Article.

The Registrar for Central Records is appointed by the Board of Directors of the Agency, with prior approval of the Government.

The Registrar for Central Records shall submit reports to the Government on the implementation of the unified procedure annually.

The Registrar for Central Records shall also submit to the Government and the ministry competent for construction matters any other reports and analyses in connection with the implementation of the unified procedure, in accordance with their request.

The Registrar for Central Records shall file misdemeanor charges without delay:

- 1) Against the responsible person of the competent authority for the misdemeanor referred to in Article 209, paragraph 1, item 2) of this Act;
- 2) Against the Registrar for the misdemeanor referred to in Article 211b of this Act, unless the charges are filed in accordance with Article 8c, paragraph 5 of this Act.

13. Implementation of Unified Procedure

Article 8e

The competent authority:

- 1) Upon submission of an application for the issuance of site conditions, issues such conditions no later than within a term of five working days from the day of obtaining of all conditions, legal instruments and other documents in accordance with Article 8b of this Act;
- 2) Upon submission of an application for the issuance of building permit, issues such permit no later than within a term of five working days from the day of submission of the application for the issuance of building permit;
- 3) Upon notice of works, confirms receipt without delay, unless the collateral referred to in Article 98 of this Act is submitted with such notice of works, in which case, after checking the validity of the collateral confirms the notice of works, i.e. issues a decree denying it, within a term of five working days;
- 3a) Upon notification of the completion of the foundation construction, confirms its receipt without delay, unless the prescribed documentation has been submitted with the notification, in which case, without delay, and no later than the next working day from the receipt of the request, informs the applicant;

3b) Upon notification of completion of construction of the facility in terms of construction, confirms its receipt without delay, unless the required documentation has been filed with the notification, in which case, without delay, and no later than the next working day from the receipt of the request, informs the applicant;

3c) Upon request for granting consent to the technical documentation regarding the fire protection measure, forwards this request to the authority in charge of fire protection without delay, and at the latest on the next working day from the day of receipt of the request, and within the same time limit it delivers the decision of the competent fire protection authority to the investor;

4) Upon submission of an application for the connection of the facility to infrastructure, refers such application to the holder of public authorities within a term of three working days from the day of receipt of the application;

5) Upon submission of an application for the issuance of occupancy permit, issues such permit no later than within a term of five working days from the day of submission of the application for the issuance of occupancy permit;

6) Upon submission of an application for the issuance of the decree referred to in Article 145 of this Act, issues such decree no later than within a term of five working days from the day of submission of the application.

The form and content of the application and notice referred to in paragraph 1 of this Article, as well as the documentation submitted with such application and notice is prescribed by the minister competent for construction matters.

Within the time limits laid down in paragraph 1 of this Article, the competent authority shall, ex officio, in the name and on behalf of the applicant, obtain all decisions, conditions and other documents issued by holders of public authorities, which are required for conducting the unified procedure.

The competent authority submits the decision on the issued building permit, the notice of works, the notice of foundations and the notification of completion of the facility in terms of construction without delay to the construction inspection, and forwards the site conditions to the holders of public authority for information purposes and to reserve the infrastructure capacities to which the facility needs to be connected, within three days from the day of issue.

In the event that this Act provides that, in special cases of building, i.e. execution of works, a special phase of the unified procedure is not implemented, or such phase is simplified, the time limits prescribed by paragraph 1 of this Article apply to the implementation of the simplified and remaining phases of the unified procedure, unless otherwise provided by law.

Notwithstanding paragraph 1, item 5) of this Article, in the event of nonconformity of technical documentation submitted for the purpose of issuing a occupancy permit with the study of geodetic works for the constructed facility and special parts of the facility, i.e. if such nonconformity is the reason for changing the occupancy permit in order to enter the facility in cadastre, the time limit for issuing the occupancy permit is calculated from the day of submission of the technical documentation which has been harmonized with the study of geodetic works.

14. Limits of Authorizations of a Competent Authority

Article 8f

During the implementation of the unified procedure, the competent authority only verifies compliance with the formal conditions for building and neither engages in assessment of the technical documentation, nor examines the authenticity of the documents obtained in such procedure, but issues the site conditions, the building and the occupancy permit, and confirms the notice of works, in accordance with the decisions and other documents referred to in Article 8b of this Act.

The competent authority, in accordance with paragraph 1 of this Article, only verifies the fulfillment of the following formal requirements:

- 1) Competence for acting on the application, or notice;
- 2) Whether the person who submitted the application, i.e. notice, is a person that, in accordance with this Act, is authorized to do so;
- 3) Whether the application, i.e. notice contains all of the required information;

4) Whether all of the documentation prescribed by this Act and the secondary regulations adopted under this Act are attached to the application, i.e. notice;

5) Whether an application includes the proof of payment of the prescribed compensation, i.e. fee.

6) *(Deleted)*

The competent authority acquires the data from official records, which are necessary for the implementation of the unified procedure, through the bus service of the authority in accordance with the regulations governing the electronic administration, without paying the fee.

The data obtained in the manner referred to in paragraph 3 of this Article are considered as reliable and have the same probative value as certified extracts from those records.

Upon the application for the issuance, i.e. amendment of the building permit and the occupancy permit, i.e. decree referred to in Article 145 of this Act, the competent authority renders a decree within the time limits specified in Article 8e, paragraph 1 of this Act.

If it rejects the application because the formal conditions for further processing of the application have not been fulfilled, the competent authority is obliged to specify all the deficiencies or grounds for rejection, after whose remedying it shall be able to act in accordance with the application.

If the applicant remedies the identified deficiencies and submits the modified application at the latest within 30 days from the day of publishing of the bylaw referred to in paragraph 6 of this Article, such applicant neither resubmits the documentation nor pays the administrative tax and other charges already submitted, i.e. paid in the procedure in which such bylaw has been adopted.

If it rejects the request for the issuance of site conditions due to the lack of a conceptual solution, the competent authority will not re-acquire in the procedure under the modified application the conditions of the holders of public authority acquired in the procedure in which the application was rejected, nor the holders of public authority may charge again the fee for issuing these conditions unless the elements that are essential for determining these conditions have been changed in the modified conceptual solution.

In the event of damage arising from the application of technical documentation, on the basis of which the building permit or the decree referred to in Article 145 of this Act had been issued, which was subsequently found to be non-compliant with the rules and regulations of the profession, the designer who prepared and signed the technical documentation, the person responsible for technical control and the investor are held jointly and severally liable for any such damage.

The minister competent for construction matters specifies in more detail the content of the design excerpt.

Article 9

(Deleted)

II SPATIAL AND URBAN PLANNING

1. Documents of Spatial and Urban Planning

Article 10

The documents of spatial and urban planning are:

- 1) Planning Documents;
- 2) Documents for the Implementation of Spatial Plans;
- 3) Urban Technical Plans;
- 4) Sustainable Urban Development Strategy of the Republic of Serbia;
- 5) National Architectural Strategy.

The documents of spatial and urban planning include measures for the development and preparation of the territory for the purposes of country defense, as well as data on areas and zones of facilities of special importance and interest to the defense of the country.

A special addendum relating to special measures for the development and preparation of the territory for the purposes of defense of the country is an integral part of the plan, unless otherwise decided by the ministry in charge of defense.

1.1. Planning Documents

Article 11

The planning documents are spatial and urban plans.

The spatial plans are:

- 1) Spatial plan of the Republic of Serbia;
- 2) Regional spatial plan;
- 3) Spatial plan of a local government unit;
- 4) Spatial plan of a special purpose region.

Urban plans are:

- 1) General urban plan;
- 2) General zoning plan;
- 3) Detailed zoning plan.

The drafting and passing of planning documents are of public interest to the Republic of Serbia.

Planning documents are drafted for a maximum time period of 25 years.

1.2. Documents for Implementation of Spatial Plans

Article 12

Documents for implementation of spatial plans are:

- 1) Program of implementation of the Spatial Plan of the Republic of Serbia;
- 2) Program of implementation of a regional spatial plan;
- 3) *(Deleted)*

1.3. Urban and Technical Documents

Article 13

Urban and technical documents for the implementation of planning documents are:

- 1) Urban design;
- 2) Design of re-parceling and parceling;
- 3) Study of surveying works for the correction of the boundaries of adjacent parcels and merging of two adjacent parcels of the same owner.

2. Spatial Plans

2.1. Spatial Plan of the Republic of Serbia

Article 14

The Spatial Plan of the Republic of Serbia is passed for the territory of the Republic of Serbia and is the basic planning document of spatial planning and development in the Republic.

Other planning documents shall comply with the Spatial Plan of the Republic of Serbia.

The Spatial Plan of the Republic of Serbia has a strategic-developmental and general regulatory role.

The Spatial Plan of the Republic of Serbia is passed for a period of at least 10 years, but not more than 25 years.

The Spatial Plan of the Republic of Serbia may be changed even prior to the expiration of the term for which it was drawn up.

Article 15

The Spatial Plan of the Republic of Serbia includes in particular:

- 1) Starting points for the preparation of the plan;
- 2) Assessment of existing state;
- 3) Goals and principles of spatial planning;
- 4) Principles and proposals for the protection, landscaping and development of nature and natural systems;
- 5) Spatial development and distribution of the population;
- 6) Networks of settlements and public services;
- 7) Spatial development of traffic and infrastructural systems of significance for the Republic of Serbia;
- 8) Concept and proposals for spatial development of industry;
- 9) Measures of protection, development and improvement of natural resources and immovable cultural property;
- 10) Measures of environmental protection;
- 11) (*Deleted*)
- 12) Definition of inter-regional and intra-regional functional networks;
- 13) Planned entities of common spatial and developmental characteristics, for which spatial plans of a lower order shall be drawn up;
- 14) Measures for implementation of the spatial plan;
- 15) Long-term developmental strategies of the Republic of Serbia.

The report on strategic assessment of environmental impacts constitutes an integral part of the documentation basis of the planning document.

Article 16

The decision for drawing up the National Spatial Plan of the Republic of Serbia is rendered by the Government at the recommendation of the ministry responsible for spatial planning.

The decision referred to in paragraph 1 of this Article includes the data on the purpose of its rendering, the drawing up deadline, sources of funds for drawing it up, place of its public scrutiny, etc.

The decision referred to in paragraph 1 of this Article is published in the "Official Herald of the Republic of Serbia".

2.2. Regional Spatial Plan

Article 17

A regional spatial plan is drawn up for larger spatial entities of an administrative, functional, geographic or statistical character, geared to common objectives and regional development projects.

A regional spatial plan is a planning document which elaborates the objectives of spatial organization and provides for the rational use of space, taking into account the specific needs arising from regional particularities and in accordance with adjacent regions and municipalities.

Article 18

A regional spatial plan includes in particular the following:

- 1) Starting bases for drawing up the plan;
- 2) Assessment of existing state;
- 3) Objectives and principles of regional spatial development;
- 4) Concept of regional spatial development;
- 5) Principles of and rules of protection, landscaping and development of nature and natural systems;
- 6) Concept and rules of spatial development and distribution of population, network of settlements and public services;
- 7) Functional linking of settlements;
- 8) Principles of and rules of spatial development of economy, distribution of activities and land usage;
- 9) Spatial development of traffic, regional infrastructure systems and linking with infrastructure systems of importance for the Republic of Serbia;
- 10) Measures of protection, landscaping and improvement of natural resources and immovable cultural property;
- 11) Definition of inter-regional and intra-regional functional links and trans-border cooperation;
- 12) Measures of environmental protection;
- 13) Incentive measures for regional development;
- 14) Measures for even territorial development of regions;
- 15) Measures and instruments for the implementation of regional spatial plan and priority plan-related solutions, i.e. strategic development projects for the first stage of implementation;
- 16) Measures for implementation of the regional spatial plan.

The report on strategic assessment of environmental impacts constitutes an integral part of the documentary basis of a planning document.

2.3. Spatial Plan of a Local Government Unit

Article 19

The spatial plan of a local government unit is adopted for the territory of the local government unit and it lays down the directives for industrial development and purpose of spaces, as well as the requirements for sustainable and even development in the territory of the local government unit.

Article 20

The spatial plan of a local government unit includes in particular the following:

- 1) Scope of the building area;
- 2) Planned purposes of the space;
- 3) Network of settlements and service and business distribution;
- 4) Spatial development of traffic and infrastructure systems;
- 5) Parts of the territory for which the urban plan or urban design are planned to be made;
- 6) Basis for development of villages;
- 7) Planned protection, landscaping, use and development of natural and cultural assets and the environment;
- 8) Rules of developing and rules of building for the parts of the territory for which urban plans are not planned to be made;
- 9) Measures and instruments for plan implementation;
- 10) Measures for even territorial development of the local government unit.

The report on strategic assessment of environmental impacts constitutes an integral part of the documentary basis of a planning document.

For the parts of the administrative area of the City of Belgrade, out of the reach of the general urban plan, spatial plans of city municipalities with elements and contents of the spatial plan of the local government unit are adopted, in conformity with this Act.

Article 20a

Developing basis for a village shall be drawn up for the villages which do not have an adopted planning document, with level of detail needed for the issuance of site conditions and is an integral part of the spatial plan of the local government unit, i.e. it is adopted for villages for which the drawing up of a planning document is not envisaged.

Where the village development basis is drawn up prior or subsequent to the adopted spatial plan, their preparation and adoption is carried out in accordance with the provisions of this Act that relate to the drawing up and adoption of the urban plan.

The village development basis is implemented by issuing site conditions directly, and it contains in particular:

- 1) Border of the spatial reach;
- 2) Detailed division of the area into spatial units in relation to their purpose;
- 3) Outline of the building area (cadastral parcels);
- 4) Outline of public use surfaces;
- 5) Zoning and leveling;
- 6) Rules of development and building according to spatial units;
- 7) Other detailed terms of use, development and protection of space and facilities.

The village development basis is prepared for the purposes of spatial development of a village and encouragement of its sustainable development while respecting the typological and morphological differences and in particular the following kinds of differences:

- 1) Geomorphologic (villages in plains, valleys, hills, mountains, etc.);
- 2) Regional and traditional (compact, broken up type of villages, periodically and permanently inhabited villages, abandoned villages), as well as
- 3) Other differences.

Exceptionally, until the adoption of the village development basis referred to in paragraph 1 of this Article, the site conditions may be issued under the general rules of development and construction for facilities which, according to their purpose, size and capacity, do not alter the purpose and appearance of the space and which do not have a negative impact on the surrounding area, and in particular for:

- 1) Construction of new facilities in the immediate vicinity of existing or demolished facilities,
- 2) Reconstruction of existing facilities or new construction on the same cadastral parcel.

2.4. Spatial Plan for Special-Purpose Areas

Article 21

The spatial plan of a special-purpose area is adopted for areas which require special regimen of organization, development, use and protection of space, for projects of importance to the Republic of Serbia or for areas designated by the Spatial Plan of the Republic of Serbia, or other spatial plan, and in particular for:

- 1) Area of natural, cultural-historical or landscape value;
- 2) Area that has possibilities for exploitation of mineral resources;
- 3) Area that has possibilities for using tourism potential;

- 4) Area that has possibilities for using hydroelectric potential;
- 5) For the realization of projects which are determined by the Government to constitute projects of importance to the Republic of Serbia;
- 6) For the construction of facilities which require a building permit issued by the ministry competent for construction matters, or the competent authority of the autonomous province.

The report on strategic assessment of environmental impact constitutes an integral part of the documentary basis of a planning document.

The construction of electric power transmission and distribution network and electronic communication network and devices, used for the purpose of construction of facilities or development of spaces envisaged by the spatial plan of a special-purpose area, but which are outside of the reach of such plan, may also be governed by the provisions of Art. 69 and 217 of this Act.

Article 22

The spatial plan of a special-purpose area includes in particular the following:

- 1) Starting bases for drawing up the plan;
- 2) Evaluation of the existing state (SWOT analysis);
- 3) Special marking of building area with boundaries of the area;
- 4) Parts of the territory for which the urban plan is envisaged to be made;
- 5) Objectives, principles and operative objectives of spatial development of the special- purpose area;
- 6) Concept of spatial development of the special-purpose area;
- 7) Concept of and rules of protection, landscaping and development of nature and natural systems;
- 8) Concept and rules in relation to any demographic-social problems;
- 9) Spatial development of the special-purpose function, distribution of activities and land usage;
- 10) Spatial development of traffic, infrastructure systems and linking with other networks;
- 11) Rules of development and construction and other elements of zoning for the parts of the territory covered by the reach of the plan, for which the drawing up of an urban plan is not envisaged;
- 12) Measures of protection, landscaping and upgrading of natural and cultural assets;
- 13) Environmental protection measures;
- 14) Measures and instruments for realization of the special-purpose area spatial plan and priority planning solutions;
- 15) Measures for implementation of the special-purpose spatial plan.

The strategic evaluation of the environmental impacts is an integral part of the plan.

Exceptionally for line infrastructure facilities, the special-purpose area spatial plan may be produced in parallel with the producing of a conceptual design that contains all the necessary technical information.

3. Urban Plans

3.1. General Urban Plan

Article 23

The General Urban Plan is drawn up as a strategic developmental plan, with general elements of spatial development.

The General Urban Plan is adopted for a settlement established as a city, i.e. the City of Belgrade in accordance with the Act on Territorial Organization of the Republic of Serbia ("Official Herald of RS", No. 129/07).

Article 24

The General Urban Plan includes in particular the following:

- 1) Boundaries of the plan and reach of the building area;
- 2) General urban solutions with purposes of the spaces that are dominantly planned in the building area;
- 3) General directions and corridors for traffic, energy, water utility, public utility and other infrastructure;
- 4) Division on entireties for further planning elaboration by general zoning plans for the whole building area;
- 5) Other elements of importance for further planning elaboration of the urban plan.

3.2. General Zoning Plan

Article 25

Rendering of a general zoning plan is mandatory for a settlement which is the seat of a local government unit, and may also be rendered for other settlements in the territory of a municipality, i.e. a city, i.e. the City of Belgrade, when this is provided for in the spatial plan of the unit of local government.

In case of local government units for which a general urban plan is rendered in keeping with this Act, the general zoning plans shall be rendered for the whole building area of the settlement, according to parts of the settlement.

The general zoning plan referred to in paragraph 2 of this Article may also be rendered for networks of facilities and surfaces of public use.

The general zoning plan is a basic regulation plan that is directly implemented using the rules of development and construction throughout the scope of the planning document.

Notwithstanding paragraph 1 of this Article, the implementation of a general zoning plan may be foreseen through the drafting of a detailed zoning plan in case when it is not possible to determine the zoning i.e. the rules of development and construction in the whole scope of the general zoning plan.

Exceptionally, the implementation of the general zoning plan can be foreseen through the drafting of the detailed zoning plan and when it is determined that for a specific area, due to its specificity, it is necessary to elaborate the planning solution of the general zoning plan in accordance with the general rules of zoning and construction contained in the general zoning plan, although its direct implementation has been prescribed.

Article 26

The general zoning plan includes in particular the following:

- 1) Boundaries of the plan and reach of the building area;
- 2) Division of space into separate entireties and zones;
- 3) Predominant purpose of land by zones and entireties;
- 4) Zoning and building lines;
- 5) Required baseline levels of crossroads and surfaces for public purposes;
- 5a) List of parcels and description of locations for public areas, contents and facilities;
- 6) Corridors and capacities for traffic, energy, utility and other infrastructure;
- 7) Measures for protection of cultural and historical monuments and protected natural entireties;
- 8) Zones for which a detailed zoning plan is passed with prescribed prohibition of building pending its adoption;
- 9) Locations which mandatory require rendering of an urban design, i.e. organizing of a competition;
- 10) Rules of development and rules of building for the whole scope of the planning document;
- 11) Other elements of importance for implementation of the plan.

3.3. Detailed Zoning Plan

Article 27

A detailed zoning plan is adopted for parts of a settlement, putting in order informal settlements, urban renewal zones, infrastructure corridors and facilities and districts for which the obligation of its drafting is prescribed by previously adopted planning document.

Detailed zoning plan may also be adopted in cases where the spatial, i.e. urban plan of the local self-government unit does not determine its drafting, on the basis of the decision of the competent authority.

Exceptionally for line infrastructure facilities, the detailed zoning plan may be drafted simultaneously with the drafting of the conceptual design which contains all the necessary technical information.

For zones of urban renewal, the detailed zoning plan also elaborates the compositional or shaping plan and plan of landscaping.

When the planning document of a wider area envisages the drafting of a detailed zoning plan, such planning document of a wider area shall contain the rules of zoning, parceling and building that shall apply when issuing the site conditions and implementing the procedures for parceling and re-parceling until the adoption of the detailed zoning plan.

The decision on drafting of the planning document referred to in paragraph 1 of this Article may determine a period of prohibition of construction within the scope of such planning document, for a period not exceeding 12 months from the day of rendering of that decision. If, within the prescribed period, the detailed zoning plan is not adopted, the site conditions shall be issued in accordance with Article 57, paragraph 5 of this Act.

Article 28

A detailed zoning plan includes in particular the following:

- 1) Boundaries of the plan and reach of the building area, division of space into separate entireties and zones;
- 2) Detailed purpose of land;
- 3) Zoning lines of streets and public surfaces, and building lines with elements for marking on the geodetic basis;
- 4) Baseline levels of streets and public surfaces (baseline plan);
- 5) List of parcels and description of locations for public surfaces, contents and facilities;
- 6) Corridors and capacities for traffic, energy, utility and other infrastructure;
- 7) Measures for protection of cultural and historical monuments and protected natural entireties;
- 8) Locations which require mandatory drafting of an urban design or competition announcement;
- 9) Rules of developing and building rules by entireties and zones;
- 10) Other elements of importance for the implementation of the detailed zoning plan.

In the case of zones of urban renewal, the detailed zoning plan also elaborates the compositional or shaping plan and the landscaping plan.

When the purpose of land is changed by an urban plan so that its new purpose demands a substantially different parceling, the detailed zoning plan may also include the parceling plan. The detailed zoning plan may stipulate special rules for parceling/re-parceling and for building parcels that are defined by the parceling plan, which is the integral part of the detailed zoning plan.

4. Integral Parts of Planning Documents

Article 29

The integral parts of a spatial plan for an area of special use, a spatial plan for a local government unit, and urban plans are:

- 1) Development rules;
- 2) Building rules;
- 3) Graphical part.

4.1. Developing Rules

Article 30

The developing rules included in the spatial plan of a special-purpose area, spatial plan of a local government unit and urban plans include the following in particular:

- 1) Concept of developing of distinctive building zones or distinctive entireties designated by the plan according to morphological, planning, historical and landscaping, shaping and other characteristics;
- 2) Urban and other conditions for developing and building of surfaces and facilities for public purposes and network of traffic and other infrastructure, as well as conditions for their connection;
- 3) Level of utility equipment on building land by entireties or zones laid down in the planning document, which is necessary for the issuance of the site and building permit;
- 4) Conditions and measures for the protection of natural resources and immovable cultural property and the protection of natural and cultural heritage, the environment and human life and health;
- 5) Conditions for making surfaces and facilities of public purpose accessible to persons with disabilities, in accordance with the accessibility standards;
- 6) Inventory of facilities for which, prior to remediation or reconstruction, conservation- related or other conditions shall be drawn up for the application of measures of technical protection and other works in conformity with a special law;
- 7) Measures of energy efficiency in construction;
- 8) Other elements of importance for implementation of the planning document.

The developing rules for the parts covered by planning documents for which further planning elaboration is prescribed have a guiding character for further planning elaboration.

4.2. Building Rules

Article 31

The building rules in the spatial plan of a special-purpose area, spatial plan of a local government unit and general and detailed zoning plans include the following in particular:

- 1) The type and purpose, i.e. compatible purposes of the facilities which may be built in individual zones under the conditions laid down in the planning document, i.e. the class and purpose of facilities whose building is prohibited in such zones;
- 2) Conditions for parceling, re-parceling and forming of a building parcel, as well as the minimum and maximum area of the cadastral parcel;
- 3) Position of the facility in relation to the zoning and in relation to the boundaries of the building parcel;
- 4) Largest permissible index of occupancy or floor area ratio of the building parcel;
- 5) Biggest permissible height or number of floors of the facility;
- 6) Conditions for the construction of other facilities on the same building parcel;
- 7) Conditions for and way of securing access to the parcel and vehicle parking space;

If the conditions for designing, i.e. connecting are not established in the planning document, the authority competent for issuing the building permit shall obtain them from the separate study.

The decision on adopting, i.e. amending and supplementing the separate study, is issued by the competent holder of public authorities, where necessary on its own initiative or at the initiative of the authority competent for issuing the building permit.

The separate study may establish for which classes and purposes of facilities, and for which parts of the area for which it is rendered, it is needed to acquire the conditions of holders of public authorities, in accordance with this Act.

The conditions contained in the planning document, i.e. obtained from the separate study or acquired by the holder of public authorities, have the same legal force and are binding for all participants in the procedure.

Depending on the kind of planning document, the building rules may also include other requirements for architectural shaping, materialization, finishing, coloring, and other.

4.3. Graphic Part of the Plan

Article 32

The graphic part of the planning document shows the solutions in accordance with contents of the plan.

The graphic part of the spatial plan is made on topographic maps, and depending on availability and the required detail level, the satellite photos, maps from the existing geographic information systems, updated georeferenced orthophotographic bases and notarized cadastral-topographic plans may be used.

The graphic part of an urban plan is made, as a rule, on a notarized cadastral-topographic, i.e. notarized topographic plan, i.e. notarized cadastral plan.

In addition to the detailed zoning plan, the graphic part of an urban plan may also be made on updated georeferenced orthophotographic bases, satellite photographs or maps from the existing geographic information systems.

The graphic part of a planning document is made in digital form, but for the public inspection purposes it is also be presented in the analogue form.

5. Harmonized Character of Planning Documents

Article 33

The spatial and urban planning documents shall be harmonized, so that the document regulating a smaller area shall be in accordance with the document regulating a larger area.

Planning documents shall be in accordance with the Spatial Plan of the Republic of Serbia.

Following public scrutiny, the regional spatial plan for the territory of the autonomous province, regional spatial plan for the territory of the City of Belgrade, spatial plan of a local government unit are subject to the consent of the minister responsible for tasks of spatial planning and urbanism, with regard to compliance of such plans with the planning documents of a larger area, this Act and regulations enacted on the basis of this Act, within a term that may not exceed 30 days from the day of receipt of the application for giving consent.

Following public scrutiny, the spatial plan of the local government unit is subject to the consent of the competent authority of the autonomous province, with regard to compliance of such plan with the planning documents of a larger importance, this Act and the regulations enacted on the basis of this Act, within a term that may not exceed 30 days from the day of receipt of the application for giving consent.

Following public scrutiny, the urban plan made in the scope of a plan of a special-purpose area within the boundaries of a proclaimed or protected natural asset, is be subject to the consent of the minister responsible for tasks of spatial planning and urbanism, i.e. the competent authority of the autonomous province, with regard to its compliance with the planning documents of a larger area, the present Act and the regulations enacted on the basis this Act, within a term that may not exceed 30 days from the day of receipt of the application for giving consent.

The control of compliance of the regional spatial plan for the territory of the autonomous region, the regional spatial plan for the territory of the City of Belgrade, the spatial plan of a local government unit, the general urban plan and the urban plan which is made up within the scope of the spatial plan for a special-purpose area within the boundaries of a protected area, with a bylaw on proclaiming the protected area, is performed, within a term of 15 days from the day of submission of the application for control of compliance of the planning document, by a committee formed by the minister competent for tasks of spatial planning and urbanism, i.e. for planning documents in the territory of the autonomous province, by a committee formed by a competent authority of the autonomous province.

The funds for operation of the committee formed by the minister competent for tasks of spatial planning and urbanism are provided for in the budget of the Republic of Serbia, and for the operation of committee established by the competent authority of the autonomous province, in the budget of the autonomous province.

After performing the control referred to in paragraph 6 of this Article, the committee draws up a report and, within a term of eight days from the day of performed control, submits it to the minister competent for construction matters, i.e. the competent authority of the autonomous province.

Should the minister responsible for spatial planning and urbanism finds that the requirements for giving consent to the plan have not been met, he shall instruct the planning document's maker to make a new draft of that planning document within a term of 90 days from the day of submission of the instruction.

If within the term referred to in paragraph 6 of this Article the control of compliance is not performed, it shall be deemed that the consent has been given.

The consents and opinions prescribed by this Act are obtained during the phase of drawing up and rendering of the planning document.

6. Obligatory Presentation of the Addendum of the Planning Document

Article 34

The addendum containing the solution for zoning and baseline leveling for streets and public surfaces with elements for marking on geodetic base is presented to the authority responsible for tasks of land surveying and cadastre.

7. Competence for Adoption of Planning Documents

Article 35

The Spatial Plan of the Republic of Serbia is passed by the National Assembly of the Republic of Serbia, at the proposal of the Government.

The spatial plan of an area of special purposes is passed by the Government, at the proposal of the ministry competent for spatial planning, and for regions which are entirely located in the territory of the autonomous province, by the assembly of the autonomous province.

The regional spatial plan, with the exception of the regional spatial plan of the autonomous province and the regional spatial plan of the territory of the City of Belgrade, is passed by the Government, at the proposal of the ministry competent for tasks of spatial planning.

The regional spatial plan for the territory of the autonomous province is passed by the assembly of the autonomous province.

The regional spatial plan for the territory of the City of Belgrade is passed by the Assembly of the City of Belgrade.

The spatial plan for a local government unit is passed by the assembly of the local government unit.

The urban plan is passed by the assembly of the local government unit.

8. Production of Planning Documents

Article 36

The planning documents may be produced by a public enterprise, i.e. another organization established by the Republic of Serbia, autonomous province or a local self-government unit, for the purpose of conducting the tasks of spatial and urban planning, as well as by other legal persons established in compliance with law, which:

1) Have employees, i.e. licensed spatial planners and licensed urbanists hired for work, i.e. licensed architects urbanists registered in the register of licensed engineers, architects and spatial planners in accordance with this Act and the regulations adopted pursuant to this Act;

2) Have been entered in the register of legal persons and sole traders for performing the tasks of drawing up spatial and urbanistic plans maintained by the ministry responsible for planning and construction in accordance with this Act.

A licensed architect urbanist organized as a sole trader and entered into the register of licensed engineers, architects and spatial planners may produce urbanistic plans if he fulfills the requirements stipulated by this Act and regulations adopted on the basis of this Act.

The Minister in charge of planning and construction shall prescribe in more detail the requirements which must be met by the legal persons and sole traders referred to in paras. 1 and 2 of this Article.

The Minister in charge of planning and construction shall establish a commission for determining the fulfillment of requirements for the performance of expert tasks of producing spatial and/or urbanistic planning documents.

At the suggestion of the commission referred to in paragraph 4 of this Article the minister in charge of planning and construction issues a decree on the fulfillment of the requirements for expert tasks of production of spatial and/or urbanistic plans and entry in the register referred to in paragraph 1 of this Article.

The decree on the fulfillment of the requirements for production of planning documents referred to in paragraph 5 of this Article shall be final on the day of serving. The decree on the fulfillment of requirements for the production of planning documents shall be valid for two years, from the day of issue.

If he determines that the legal person or sole trader does not meet the requirements for the production of spatial documents or if he determines that the decree has been issued on the basis of incorrect or false data, the minister in charge of spatial planning and urbanism shall issue a decree whereby the decree from paragraph 5 of this Article shall be cancelled, i.e. annulled.

The costs of determining the fulfillment of requirements for the production of planning documents shall be borne by the applicant. The amount of costs for determining the fulfillment of requirements for the production of planning documents shall be an integral part of the decree referred to in paragraph 5 of this Article.

The production of spatial, i.e. urbanistic plans shall be managed by the responsible spatial planner, i.e. responsible urbanist, i.e. licensed architect urbanist.

The persons to whom, in accordance with the regulations that were applicable until the entry into force of this Act, a license of the responsible planner, i.e. responsible urbanist for managing the production of spatial, i.e. urbanistic plans for roads, infrastructure and other special fields, i.e. parts of the planning documentation in these fields of expertise, has been issued, shall also participate in the production of planning documents, i.e. management of their production.

9. Responsible Spatial Planner

Article 37

Expert tasks of managing the production of spatial plans with the status of a responsible spatial planner may be performed by a licensed spatial planner who is registered in the register of licensed engineers, architects and spatial planners in accordance with this Act and the regulation governing the professional examination, licensing and registration.

The licensed responsible planner may be a person with an acquired higher education in the appropriate field of expertise at the level equivalent to academic studies i.e. vocational studies of the volume of at least 300 ECTS or equivalent level set by other special regulations, with a passed professional examination in the field of expertise of spatial planning, appropriate professional experience of at least three years, and expert results (references) in the professional field of spatial planning.

It shall be considered that the professional experience referred to in paragraph 2 of this Article is the experience gathered in production i.e. cooperation in production of a spatial plan, i.e. part of the spatial plan.

The responsible planner shall issue statement that the spatial plan has been harmonized with this Act and the regulations adopted pursuant to this Act.

10. Responsible Urbanist

Article 38

The expert tasks of managing and producing the urbanistic plans with the status of a responsible urbanist may be conducted by a licensed urbanist, i.e. a person with a professional title of licensed architect urbanist who is entered in the register of licensed engineers, architects, and spatial planners in accordance with the present Act and the regulation which governs taking of professional exam, licensing and registration.

A licensed urbanist may be a person with acquired higher education in the appropriate field of expertise at the level of academic i.e. vocational studies of the volume of at least 300 ECTS, or the equivalent level set by other special regulations, with a passed professional examination in the more narrow field of expertise - urbanism, appropriate professional experience of at least three years, and expert results (references) in the more narrow field of expertise - urbanism.

A licensed architect urbanist may be a person with acquired higher education in the profession of architecture, i.e. more narrow field of expertise - urbanism, of the volume of at least 300 ECTS, or the equivalent level set by other special regulations, with a passed professional examination in the more narrow field of expertise - urbanism, appropriate professional experience of at least three years, and expert results (references) in the more narrow field of expertise - urbanism.

The professional experience referred to in paras. 2 and 3 of this Article shall be deemed to be the experience achieved in production, i.e. cooperation in the production of an urbanistic plan, i.e. part of an urbanistic plan.

The responsible urbanist shall issue a statement that the planning document has been harmonized with the present Act and the regulations adopted on the basis of this Act.

The right to use the professional title of a licensed architect urbanist shall be granted to a person who fulfills the conditions referred to in paragraph 3 of this Article, i.e. a person who has been licensed as a responsible urbanist for management of production of urbanistic plans and urbanistic projects in accordance with the regulations that were applicable until the entry into force of this Act and who has been entered in the register of licensed engineers, architects and spatial planners, in accordance with this Law and the regulations adopted on the basis of this Act.

11. Funding for Production of Planning Documents

Article 39

Funding for the production of planning documents is provided in the budget, or from other sources, in compliance with the law.

The ministry competent for spatial planning may, at the request of a local government unit, co/finance the preparation of particular planning documents.

The ministry competent for urbanism matter may, with the aim of inclusion of the Republic of Serbia in the integration process, finance the production of national programs which regulate the policy of urban development, architectural policy, urban renewal, etc.

12. Ceding of Documents

Article 40

For purposes of production, i.e. modification of a planning document, at the request of the ministry competent for spatial planning and urbanism, autonomous province or a local government unit, the competent authority, i.e. organization cedes the existing copies of the topographic and cadastral plans, i.e. digital records, i.e. cadastre of underground installations, i.e. orthophotographic recordings, without compensation.

All substrates are ceded within a time limit of 15 days.

Notwithstanding paragraph 2 of this Article, the substrates may be ceded within a time limit of 30 days with the explanation of the competent authority, i.e. organization for the non-compliance with the time limit referred to in paragraph 2 of this Article.

13. Availability and Publishing of Planning Documents

Article 41

Planning documents with their addendums must be available for public inspection at the seat of the issuer, with the exception of the special addendum relating to the special measures for the development and preparation of the territory for the purposes of defense of the country.

Upon the adoption of planning documents, the textual part of all planning documents is published in the official bulletin of the issuer of planning documents, i.e. in the official gazette of the Republic of Serbia, the official gazette of the autonomous province or the official gazette of the local self-government unit, except for a special addendum relating to specific measures for arranging and preparing the territory for the purposes of defense of the country.

The planning document referred to in paragraph 2 of this Article is published in electronic form and is available on the Internet, except for a separate addendum relating to specific measures for the organization and preparation of the territory for the needs of the defense of the country.

Planning documents are publicly available in the Central Registry of Planning Documents.

Article 42

(Deleted)

15. Central Registry of Planning Documents

Article 43

All planning documents passed in compliance with this Act are registered in the Central Registry of Planning Documents (hereinafter: Registry).

The Registry is maintained by the authority responsible for land surveying and cadastre.

Following the entry into force of the planning document, the issuer of the plan is obliged to submit that document to the authority referred to in paragraph 2 of this Article within a time limit of ten days from the day of entry into force of that planning document, in the format prescribed by the minister competent for matters of spatial planning, i.e. urbanism.

All planning documents recorded in the Registry are available to interested parties in electronic form too, via Internet, without compensation.

For the purpose of monitoring the spatial situation, the ministry responsible for spatial planning establishes a national information system of planning documents and the spatial situation, in accordance with the principles of the INSPIRE Directive, whose integral part is the Registry of Planning Documents, within the digital platform of the National Geospatial Data Infrastructure, in accordance with the law which regulates the field of national geo-spatial data infrastructure.

For the purpose of monitoring the spatial situation, the Register of Investment Sites shall be established as a subsystem of National Geospatial Data Infrastructure, and shall be established in accordance with the regulations governing the area of national infrastructure of geospatial data.

The authority responsible for land survey and cadaster affairs shall establish and maintain a technical infrastructure for accessing and using data from the Register of Investment Sites.

All planning documents, recorded in the national information system of planning documents, are publicly available in electronic form on the Internet free of charge, with the exception of a separate addendum that relates to specific measures for arranging and preparing the territory for the needs of the country's defense.

Article 44

(Deleted)

Article 45

For the purposes of tracking spatial conditions, the competent authority of a local government unit forms a local information system of planning documents and spatial conditions, pursuant to the principles of the INSPIRE Directive.

The competent authority of the unit of local self-government shall submit all data from the local information system and available data on investment sites to the authority competent for land survey and cadaster affairs in accordance with the Law on National Infrastructure of Geospatial Data.

All planning documents recorded in the local information system are available to interested parties in electronic form too, on the Internet, with the exception of the special addendum related to the special measures for development and preparation of the territory for the purposes of defense of the country.

16. Procedure for Rendering of Planning Documents

16a. Early Public Inspection

Article 45a

Following the adoption of the decision on the preparation of the spatial, i.e. urban plan, the holder of the plan preparation organizes the informing of the public (legal and natural persons) about the general objectives and purposes of plan preparation, possible solutions for the development of a spatial entity, possible solutions for urban renewal, as well as the effects of planning.

Advertising of the early public inspection is done in the public media and in electronic form on the internet page of the local government unit and on the internet page of the plan issuer and lasts for 15 days. Early public inspection starts on the day of advertising.

During the early public inspection conditions and other important data for the preparation of the planning document are obtained from the authorities, special organizations, holders of public authority and other institutions. The authorities, special organizations, holders of public authority and other institutions are obliged to submit, at the request of the holders of the planning document preparation, the conditions and all available data during the early public inspection and the latest within 15 days from the day of receipt of the request. Exceptionally, conditions and all available data can be given within 30 days with the explanation of the competent authority, i.e. organization for the failure to act within the stated time limit.

All comments and suggestions of legal and natural persons are recorded by the holder of the planning document preparation, and the recorded comments and suggestions may influence the planning solutions.

The public must have the possibility to provide an opinion, and the recorded comments may affect the planning solutions.

Early public inspection and public inspection is performed by a planning commission of a local government unit for the planning documents from the competence of the local government unit, i.e. a commission for public inspection for the spatial plans under the competence of the Republic of Serbia which is established by the ministry competent for tasks of spatial planning and urbanism, and for spatial plans within the competence of the autonomous province, by a commission for public inspection formed by an authority of the autonomous province competent of tasks of spatial planning and urbanism.

The funds for the performance of early public inspection are provided in the budget of the Republic of Serbia, the budget of the autonomous province, i.e. the budget of the unit of local self-government.

16.1. Decision on Preparation of Planning Documents

Article 46

The decision on preparation a planning document is rendered by the authority competent for its issuance, upon securing the prior opinion of the authority responsible for professional control, i.e. the committee for plans.

The decision from paragraph 1 of this Article includes in particular the following:

- 1) Name of the planning document;
- 2) Approximate boundaries of the scope of the planning document with a description;
- 3) Conditions and guidelines of higher-order planning documents and development strategies;
- 4) Principles of planning, use, development and protection of space;
- 5) Vision and objectives of planning, use, development and protection of the planning area;

- 6) Conceptual framework of planning, use, development and protection of the planning area with the structure of main space uses and land use;
- 7) Deadline for drawing up of the planning document;
- 8) Manner of funding the drawing up of the planning document;
- 9) Place and manner of conducting the public inspection;
- 10) Decision to prepare or to abort preparation of the strategic impact assessment.

The decision on preparation is published in the appropriate official journal and the Central Registry of Planning Documents.

With the aim of producing, i.e. amending the spatial and urbanistic plan, at the request of the authority in charge of producing the plan, the competent body for land survey and cadaster shall lend the existing copies of cadastral bases, cadaster of underground lines, as well as orthophoto recordings free of charge.

A decision amending or supplementing the planning document defines a part of the scope of the planning document which is amended.

Prior to rendering of a decision on drawing up a planning document, the holder of the plan preparation obtains an opinion of the authority competent for tasks of environmental protection on the need for preparation of the strategic assessment of environment impact.

16.2. Production and Outsourcing of Production of Planning Documents

Article 47

The holder of production of planning documents is the authority competent for spatial and urban planning in the Republic of Serbia, the autonomous province, municipality, city, and the City of Belgrade.

The authority from paragraph 1 of this Article may outsource the production of the spatial and urban planning documents to a company, i.e. other legal person which, in compliance with provisions of this Act, fulfils the prescribed requirements for production of planning documents.

The outsourcing of production of planning documents is done in compliance with the act which governs the public procurement.

16.2.1. Procedure in the Proceedings of Preparing and Monitoring of the Drafting of Planning Documents

Article 47a

A holder of the drafting of the planning document is obliged to determine which of its organizational units would implement the procedure that includes the following: preparation, consideration, adoption and publication of the decision on the drafting of the planning document; drafting and delegating the drafting of the planning document; expert control of the planning document; early public inspection and public inspection of the planning document; preparation, consideration, adoption and publication of the planning document, as well as the introduction of planning documents into the Central Registry of Planning Documents (hereinafter: the procedure in the proceedings of preparation and monitoring of the drafting of planning documents).

The holder of the drafting of the planning document implements the procedure in the proceedings of preparation and monitoring of the drafting of planning documents also in the cases of amendments and supplements to the planning documents.

Within the procedure in the proceedings of preparation and monitoring of the drafting of planning documents, the correction of technical errors in the planning documents is also carried out. The correction of a technical error produces legal effect from the same time as the planning document in which the technical error is corrected.

The head of the organizational unit referred to in paragraph 1 of this Article is responsible for the implementation of the procedure in the proceedings for preparing and monitoring of the drafting of planning documents.

The minister in charge of spatial planning and urbanism prescribes in more detail the manner and procedure for the implementation of the procedure for preparation and monitoring of the drafting of planning documents.

16.2.2. Conduct of Authorities, Special Organizations, Holders of Public Authority, and Other Institutions in the Procedures for Preparing and Monitoring of the Drafting of Planning Documents

Article 47b

A holder of the drafting of a planning document during the early public inspection submits to the competent authorities, special organizations and holders of public authorizations, which in accordance with this Act and special regulations determine the conditions for planning and spatial development, the requests for issuing these conditions.

The competent authority, a special organization, i.e. holder of public authority, is obliged to act upon the request referred to in paragraph 1 of this Article, within 15 days from the day of receipt of the request. Exceptionally, it can also act within 30 days from the day of receipt of the request, with an explanation of the competent authority, i.e. organization for failure to act within the stated time limit.

If the authority, special organization, i.e. holder of public authority does not act within the time limit referred to in paragraph 2 of this Article, it shall be deemed that it has declared that there are no special conditions for planning and spatial development.

The authority, special organization, i.e. the holder of public authority, issues the conditions and data for the preparation of the planning document, free of charge and fees, except for the reimbursement of actual costs (material costs).

16.2.3. Exchange of Submissions and Documents in the Procedures of Preparing and Monitoring of Drafting of Planning Documents

Article 47c

The exchange of documents and submissions in the procedures of preparing and monitoring of drafting of planning documents is done electronically, except for documents and submissions for which a degree of secrecy is determined in accordance with the regulations governing the confidentiality of data.

All documents related to the determination of the conditions for planning and spatial development adopted by the competent authorities, special organizations and holders of public authority, as well as submissions and documents submitted in the procedure in the proceedings of preparing and monitoring of the drafting of planning documents, are submitted in the form of an electronic document, other than submissions and documents for which the degree of secrecy is determined in accordance with the regulations governing the confidentiality of the data.

16.3. Draft of a Planning Document

Article 48

Upon publication of the decision on production of a planning document, the holder of production sets out to produce the draft planning document.

For the purposes of draft preparation, the holder of production gathers the data, in particular about: the existing planning documentation, underlays, special conditions for protection and development of space, other documentation relevant for production of the plan, the condition and capacities of infrastructure, other data necessary for preparation of the plan, as well as data from the report on comments of the public obtained during the phase of early public inspection.

The draft plan includes a graphical part and textual explanation with required numeric indices.

The draft plan is subject to professional control in compliance with this Act.

Depending on purpose, the draft for amending and supplementing a planning document may include only a textual attachment.

16.4. Expert Control of Planning Documents

Article 49

Prior to presentation for public scrutiny, the draft planning document is subject to expert control.

The expert control encompasses examination whether the planning document is harmonized with the planning documents of the wider region, with the decision on preparation, this Act, standards and norms, and it includes the examination whether the planned solution is justified.

The expert control of the Spatial Plan of the Republic of Serbia, spatial plan of the area of special purpose, and regional spatial plan, is performed by the commission established by the ministry competent for tasks of spatial planning.

The expert control of the spatial plan of an area of special purpose and regional spatial plan of the areas which are located entirely within the territory of the autonomous province is performed by a committee formed by the competent authority of the autonomous province. One third of the committee's members are appointed at the proposal of the minister competent for tasks of spatial planning.

The expert control of planning documents of local government units is performed by a committee for plans, within a term of 15 days from the day of submission of the request for performing expert control.

Upon completion of expert control, within a term of eight days a report is drawn up which contains data on the performed control, with all remarks and opinions of the competent authority, i.e. committee for plans, for each remark.

The report from paragraph 6 of this Article is a mandatory and integral part of the explanation of the planning document.

The funds for expert control are provided in the budget of the Republic of Serbia, the budget of the autonomous province, i.e. the budget of the local self-government unit.

16.5. Public Scrutiny

Article 50

The presentation of the planning document for public scrutiny is carried out after completion of expert control. The presentation of the planning document for public scrutiny is announced in a daily and local newspaper, and lasts for 30 days from the day of announcement. A ministry competent for tasks of spatial planning, i.e. an authority of the local government unit competent for tasks of spatial and urban planning are in charge of the presentation of the planning document for public scrutiny.

In the event that the competent authority issues a decision on repeating the public scrutiny for a part of the draft planning document, the public scrutiny may not last shorter than 15 days from the day of announcement.

The competent authority, i.e. committee for plans draws up a report on the completed public scrutiny of the planning document, which contains data on the completed public scrutiny, with all remarks and decisions upon each remark.

The report from paragraph 3 of this Article is submitted to the holder of the production of the planning document, who shall implement the decisions included in paragraph 3 of this Article within a term of 30 days from the day of delivery of the report.

Funds for performing public inspection are provided in the budget of the Republic of Serbia, the budget of the autonomous province, i.e. in the budget of the local self-government unit.

Article 51

In the event that, following public scrutiny of the draft planning document, the competent authority, i.e. the committee for plans determines that the adopted remarks essentially change the planning document, it issues a decision instructing the holder of the production to prepare a new draft of the planning document, within a deadline which may not exceed 60 days from the day of issuance of the decision.

The draft of the planning document referred to in paragraph 1 of this Article is subject to expert control.

16.5a Chief Urbanist

Article 51a

The Chief Urbanist coordinates the drawing up of planning documents and coordinates operations between the authority competent for urbanism and public enterprises and other institutions involved in the procedures of drafting and adopting planning documents.

The Chief Urbanist holds the position of the chairman of the committee for plans.

The Chief Urbanist is appointed by the assembly of a municipality, i.e. city, i.e. the City of Belgrade, for a period of four years.

The Chief Urbanist may be a licensed architect, i.e. architect urbanist who has at least ten years of work experience in the professional field - architecture, i.e. more narrow professional field - urbanism.

The assembly of a municipality, i.e. city, i.e. the Belgrade City Assembly, regulates in more detail the position, authorities, as well as the rights and duties of the Chief Urbanist. A bylaw on the internal organization of a local self-government unit may provide for the establishment of an organizational unit of the main urbanist, determine the scope of this organizational unit, as well as regulate other issues important for work.

16.5b Amendments and Supplements to Planning Documents

Article 51b

Amendments and supplements to the planning document are made according to the procedure for the drafting of the planning document prescribed by this Act and the regulations adopted on the basis of this Act.

In case of minor amendments and supplements to the planning document, the shortened procedure for amending and supplementing the planning document is applied.

In the shortened procedure of amending and supplementing the planning document, it is assumed that the procedure of early public inspection is not implemented, in the manner that a draft of amendments and supplements to the planning document is made, as well as that a public inspection procedure is conducted for at least 15 days.

The shortened procedure for amending and supplementing the planning document is regulated by the bylaw on amendments and supplements of the planning document in accordance with Article 46 of this Act. The bylaw on amendments and supplements to the planning document prescribes the procedure for making amendments and supplements to the planning document as well as the duration of the public inspection.

The subject of amendments and supplements to the planning document in shortened procedure is only the part of the planning document that is being changed, and not the planning document as a whole.

The shortened procedure is also applied in cases where amendments and supplements of the plan are made in order to align with the plan of the higher order, i.e. when only the textual modification of the plan is made for the needs of construction of infrastructure facilities or facilities for public purposes in the sense of this Act, namely in the event when the construction is not possible without changing the planning document by which these facilities have been planned.

16.6. Committee for Plans

Article 52

For the purposes of expertise in the process of preparing and implementing planning documents, expert control of harmonization of urban design with the planning document and this Act, as well as provision of expert opinion at the request of competent administration authorities, the assembly of a local government unit forms a committee for plans (hereinafter: Committee).

The president and members of the Committee are nominated from the ranks of experts in the field of spatial planning and urbanism, and other fields relevant for the expertise in the field of planning, developing and construction, with appropriate license, in compliance with this Act.

One third of the members are nominated at the proposal of the minister competent for spatial planning and urbanism.

For plans adopted in the territory of the autonomous province, one third of members are nominated at the proposal of the authority of the autonomous province competent for tasks in the field of urbanism and construction.

The term of office of the president and members of the Committee is four years.

The operation of the Committee is financed from the budget of the local government unit.

The number of members, method of work, composition and other issues of importance for the work of the Committee are determined by secondary legislation issued by the minister competent for tasks of spatial planning and urbanism and by a bylaw on the establishment of the Committee.

For the purposes of carrying out particular expertise for the needs of the Committee, the authority competent for establishment of the Committee may hire other legal and natural persons.

17. Site Information

Article 53

Site information includes data on possibilities and limitations of building on the cadastral parcel, i.e. on several cadastral parcels, based on the planning document.

Site information is issued by the authority competent for issuing site conditions within a term of eight days from the day of filing of the application, with payment of compensation for the actual costs of issuance of this information.

17a. Site Conditions

Article 53a

Site conditions contain all urbanism, technical and other requirements and data necessary for drafting of the conceptual design, design for the purposes of the building permit, and designs for execution of construction, in accordance with this Act, and are issued for the cadastral parcel that meets the requirements for a building parcel.

Notwithstanding paragraph 1 of this Article, site conditions may also be issued for multiple cadastral parcels, provided that the investor, prior to the issuance of the occupancy permit, merges such parcels in accordance with this Act.

Notwithstanding paragraph 1 of this Article, for the construction of line infrastructure facilities and utility infrastructure facilities, site conditions may be issued for multiple cadastral parcels, i.e. parts of cadastral parcels, provided that the investor, prior to the issuance of the occupancy permit, merges such cadastral parcels in accordance with this Act.

Site conditions for facilities referred to in Article 133 of this Act are issued by the ministry competent for urbanism, i.e. by the competent authority of the autonomous province for facilities referred to in Article 134 of this Act.

Site conditions for facilities that are not specified in Art. 133 and 134 of this Act are issued by the competent authority of a local government unit.

The application for the issuance of site conditions includes the submission of the conceptual design of the future facility, i.e. part thereof (sketch, drawing, graphical presentation, etc.), made in accordance with the rulebook that regulates more closely the content of technical documentation.

Site conditions may also envisage construction in phases i.e. stages.

The investor is not obliged to acquire site conditions in case when he performs works on investment maintenance of the facility and removal of obstacles for persons with disabilities, works that do not change the appearance, do not increase the number of functional units and capacity of installations, when performing adaptation, rehabilitation, building of wall fences, as well as in all other cases of executing works that do not include connecting to the utility infrastructure, i.e. do not change the capacities and functionality of the existing connections to the infrastructure network, unless otherwise prescribed by this Act or regulation regulating the site conditions.

Article 54

If the planning document, i.e. separate study, does not contain possibilities, limitations and conditions for the construction of facilities, i.e. all the requirements for connection to the utility, traffic and other infrastructure, the competent authority obtains such conditions ex officio, at the applicant's expense with payment of compensation for actual costs of issuance. Holders of public authority shall submit such conditions at the request of the competent authority within a term of 15 days from the day of receipt of the request.

Until the adoption of the urban plan in accordance with this Act, site conditions for upgrading the existing utility infrastructure are issued in accordance with the actual situation in the regulation of existing road or other public surface.

Article 55

Site conditions include all urban planning, technical and other requirements and data needed for the preparation of the conceptual design, i.e. design for the building permit and the design for execution of works, as well as data on:

- 1) Number and area of the cadastral parcel, except for the line infrastructure facilities and antenna pylons;
- 2) Name of the planning document, i.e. the planning document or urban design on the basis of which the site conditions and rules of construction are issued for the zone or entirety in which the parcel involved is situated;
- 3) Conditions for connection to public utility, traffic and other infrastructure;
- 4) Data about existing facilities on that parcel which need to be removed prior to construction;
- 4a) About whether in connection with the construction of the facility or the execution of works in accordance with the issued site conditions it is needed to initiate the procedure for obtaining the consent to the environmental impact assessment study, i.e. the decision that it is not necessary to prepare that study, which are obtained by the competent authority through a unified procedure from the ministry responsible for environment;
- 5) Other requirements in accordance with a separate law.

Article 56

The competent authority shall issue the site conditions within a term of five working days from the day of obtaining of all of the necessary conditions and other data from the holder of public authority.

An objection may be filed against the issued site conditions to the competent municipal, i.e. city council, through the first instance organ, within a term of three days from the day of delivery of site conditions, but if the site conditions were issued by the competent ministry or the competent authority of the autonomous province, such objection is filed to the Government, through the competent ministry.

If the objection also relates to the conditions of the holders of public authority prior to submission to the competent authority referred to in paragraph 2 of this Article, the organ that issued the site conditions is obliged to, without delay, submit the objection to the holders of public authority in order that they provide an explanation.

In the case referred to in paragraph 3 of this Article, the holder of public authority is obliged to answer to the allegations contained in the objection, at the latest within 15 days, i.e. 30 days for the facilities referred to in Article 133 of this Act, if they are unfounded or to change the conditions in accordance with the request, i.e. objection.

If the holder of public authority fails to act within the time limit and in the manner prescribed by paragraph 4 of this Article, it shall be deemed that it has agreed with the statements from the objection and the competent authority referred to in paragraph 2 of this Article will alter the site conditions in accordance with the request, i.e. objection, unless such an act is clearly opposed to the compulsory regulations.

The organ referred to in paragraph 2 of this Article is obliged to make a decision on the objection within no later than 60 days from the day of submission of the objection, unless in the case of facilities referred to in Article 133 of this Act, when the time limit is 90 days from the day of submission of the objection.

Against the final administrative decision referred to in paragraph 2 of this Article, an administrative dispute may be initiated.

Article 57

Site conditions are issued on the basis of the spatial plan of a special-purpose area and the spatial plan of a local government unit, for parts of the territory within the scope of the plan for which the preparation of an urban plan is not envisaged.

Site conditions are issued on the basis of the General Zoning Plan for the parts of the territory for which the preparation of a Detailed Zoning Plan is not envisaged.

Site conditions are issued on the basis of the Detailed Zoning Plan.

If the planning document envisages the preparation of an urban design, or the urban design was made at the investor's request, the site conditions are issued on the basis of that planning document and the urban design.

If further elaboration of planning is prescribed as an obligation for the area where the cadastral parcel is located, for which the application for the issuance of site conditions was submitted, and if such planning document has not been adopted within the period specified in Article 27, paragraph 6 of this Act, the site conditions are issued on the basis of the secondary legislation which governs the general rules of parceling, developing and building, and on the basis of the existing planning document which contains the zoning elements.

The site conditions referred to paragraph 5 of this Article shall include: class and purpose of the facility, the position of the facility in relation to the zoning boundary, allowed occupancy index of the parcel, the permitted height of the facility, gross developed building area (GBA), the conditions and manner of providing access to the parcel and space for the parking of vehicles.

Site conditions are valid for two years from the day of issue or until the expiry of validity of the building permit issued in accordance with those conditions, for the cadastral parcel for which the application had been submitted.

In case of phase construction, the site conditions are valid until the expiry of the last phase building permit, issued in accordance with those conditions.

The applicant may apply for a modification of one or more of the design requirements, i.e. for the connection of the facility to the infrastructure network, in which case the site conditions are amended.

The conditions provided by the holders of public authority may not be in conflict with the conditions from the planning document on the basis of which the site conditions are issued, nor change the established urbanistic parameters.

If the holder of public authority acts contrary to the provisions of paragraph 10 of this Article, the competent authority issues the site conditions exclusively in accordance with the urbanism and other parameters from the valid planning document.

If after the issuance of site conditions, some of the holders of public authority change the conditions that are an integral part of the issued site conditions, it is responsible for the damage that the investor suffered due to undertaking activities based on the originally issued site conditions.

19. Documents for Implementing Spatial Plans

The Program of Implementation

Article 58

The program for implementation of the Spatial Plan of the Republic of Serbia determines the measures and activities for the implementation of the Spatial Plan of the Republic of Serbia for a period of five years.

The program for implementation of the Spatial Plan of the Republic of Serbia is passed by the Government, at the proposal of the ministry competent for spatial planning, within a term of one year from the day of entry into force of the Spatial Plan of the Republic of Serbia.

The program for implementation of a regional spatial plan determines the measures and activities for the implementation of the regional spatial plan for a period of five years.

The program for implementation of a regional spatial plan is passed by the authority competent for adoption of the plan, within a term of one year from the day of entry into force of the regional spatial plan.

The authority competent for tasks of spatial planning shall submit biannual reports on the implementation of the spatial plan to the authority that adopted the Program.

Amendments and supplements of the program referred to in paras. 1 and 3 of this Article, based on the analysis of effects of implemented measures and conditions in the space may be completed even before the expiration of five year deadline, at the proposal of the authority competent for affairs of spatial planning.

Article 59

(Deleted)

20. Urbanistic-Technical Documents

20.1. Urban Design

Article 60

The urban design is prepared when specified by the planning document or at the investor's request, for the purposes of urbanistic-architectural shaping of public purpose surfaces and urbanistic-architectural elaboration of locations.

The urban design can also be drafted for the construction of public facilities for the purposes of determining the public interest, without amending the planning document, except for the determination of the public interest for projects in protected areas.

The urban design can also be made for the construction of a facility that is in the function of performing a farm activity, i.e. activities of a rural tourist household, nautical tourism and/or hunting tourism (e.g. facilities for processing and storage of agricultural products, facilities for tourist accommodation and eating, facilities for production of energy from biomass as a renewable energy source, in the function of agricultural production, etc.), for an area that is not within the scope of a planning document that can be applied directly.

The degree of communal resources and other infrastructure, as well as the conditions for forming of a building parcel for the facilities referred to in paragraph 2 of this Article, shall be more closely regulated by secondary legislation issued by the minister in charge of urbanism.

Urban design may exceptionally, in case of alignment with the valid planning document of that or wider area, apply the urbanistic parameters, in the manner as to use either the highest permissible index of occupancy or the maximum allowed index of development of the building parcel, i.e. the maximum allowed height or maximum permissible number of floors in the building, depending on the characteristics of the location and the architectural and urban context. The urban design may also prescribe the height equalization of wreaths or ridges of buildings built in the block to the maximum anticipated height of the building constructed in accordance with the law in that block.

The planning commission of a local self-government unit, i.e. of a city, shall adopt a conclusion about the possibility of drawing an urban design that plans height equalization of wreaths or ridges of the facilities constructed in a block, in the immediate vicinity of the intervention zone of the block in question, up to the maximum predicted height of the facility constructed in accordance with this Act in that block, before commencement of the drawing of the urban design, with an excerpt from the planning document and an overview of the wider surroundings of the site.

Article 61

The urban design is produced for one or more cadastral parcels on a notarized cadastral-topographic plan.

The urban design for urbanistic-architectural elaboration of the location may determine a modification or a precise definition of the planned purposes in the scope of the plan-defined compatibilities, in accordance with the capacities of the infrastructure within the capacities specified in the planning document, according to the procedure for confirmation of an urban design established by this Act.

The modification and precise definition of the planned purposes, within the meaning of paragraph 2 of this Article, is permitted when the plan envisages any of the compatible purposes.

Article 62

The urban design may be prepared by a company, i.e. other legal person or a sole trader, which are registered in the appropriate registry as eligible for preparation of urban plans and production of technical documentation.

The preparation of urban design is managed by a responsible urbanist-architect by profession, holding an appropriate license.

Article 63

An authority of a local government unit competent for tasks of urbanism confirms that the urban design does not contradict the valid planning document and this Act and the secondary legislation enacted on the basis of this Act.

Prior to confirmation of the urban design, the authority competent for tasks of urbanism organizes a public presentation of the urban design in the duration of seven days.

In the case when an urban design is drafted for a facility intended for public use when there is a need to determine the public interest, a competent authority for the confirmation of the urban design must inform all the owners, i.e. users of immovable property in the scope of the urban project, i.e. owners i.e. users of immovable property in the immediate neighborhood, as well as holder of public authority about the drafting of the urban design and about the public presentation.

All remarks and suggestions made by interested parties at the public presentation are recorded.

After the expiry of the period for public presentation, the competent authority, within a term of three days, delivers the urban design with all remarks and suggestions to the committee for plans.

The committee for plans shall, within a term of eight days from the day of receipt, consider all of the remarks and suggestions gathered at the public presentation, perform expert control and determine whether the urban design contradicts the plan of a wider region, whereof it prepares a written report with a proposal to confirm or reject the urban design.

The authority competent for urbanism affairs is obliged to, within a time limit of five days from the day of receipt of the proposal from the committee referred to in paragraph 6 of this Article, confirm or reject the confirmation of the urban design and to notify thereof the applicant in writing without delay.

The notification referred to in paragraph 7 of this Article is subject to objection which may be filed within three days to the municipal, i.e. city council, i.e. to the Government or to the competent authority of the autonomous province when it is the case of confirming the urban design within the competence of the ministry responsible for urbanism affairs, i.e. from the competence of an organ of the autonomous province in charge of urbanism affairs.

The authority which has confirmed the urban design shall publish that design on its internet page within a term of five days from the day of confirmation of the design.

Article 63a

The urban design drafted for the construction of buildings for which a building permit is issued by the ministry in charge of civil engineering affairs, i.e. the competent authority of the autonomous province, is confirmed by the ministry responsible for urbanism affairs, that is, the organ of the autonomous province responsible for urbanism.

The minister responsible for urbanism affairs, i.e. the competent authority of the autonomous province for urban planning affairs prior to the confirmation of the urban design referred to in paragraph 1 of this Article, establishes a commission for professional control of the urban design, which confirms that the urban design is not in conflict with the valid planning document and this Act and the secondary legislation enacted on the basis of this Act.

The funds for the work of the commission referred to in paragraph 2 of this Article are provided in the budget of the Republic of Serbia, i.e. the budget of the autonomous province.

The Minister in charge of urbanism prescribes more closely the manner and procedure for confirmation of the urban design for the purpose of constructing the facilities referred to in Article 133 of this Act and the scope of the commission referred to in paragraph 2 of this Article.

Article 64

General Zoning Plan and Detailed Zoning Plans may prescribe an obligation to organize an urbanistic-architectural competition for site solutions which are of importance to the local government unit.

20.2. Design of Re-Parceling and Parceling

Article 65

One or more building parcels may be formed on a larger number of cadastral parcels on the basis of a re-parceling design, in the manner and under the conditions which are determined by the planning document, and in the event that the planning document has not been adopted, they shall be formed on the basis of secondary legislation that governs the general rules for parceling, zoning and construction.

A number of building parcels may be formed on a single cadastral parcel which may be divided by parceling up to the minimum established by application of rules on parceling, or merged by re-parceling, according to the planned or existing built up state, i.e. planned or existing purpose of the building parcel, on the basis of the parceling design, under the conditions and in the manner specified in paragraph 1 of this Article.

The design of re-parceling, i.e. parceling is prepared by an authorized company, i.e. other legal person or sole trader registered with the appropriate registry. The integral part of the parceling, i.e. re-parceling design is a design of geodetic marking. The preparation of the parceling i.e. re-parceling design is managed by a responsible urbanist-architect by profession.

The design mentioned in paragraph 3 of this Article is confirmed by the authority of the local government unit competent for urbanism affairs, within a term of 10 days.

If the competent authority determines that the re-parceling i.e. parceling design is not prepared in accordance with the valid planning document, i.e. secondary legislation that sets out general rules of parceling, zoning and construction, it shall notify the applicant thereof.

The applicant may file an objection against the notification referred to in paragraph 5 of this Article to the municipal or city council, within a term of 3 days from the day of delivery.

Article 66

The authority competent for land surveying and cadastre implements the re-parceling, i.e. parceling.

Proof of settled property and legal relations for all cadastral parcels and the re-parceling i.e. parceling design confirmed by the authority competent for urbanism affairs of a local government unit, whose integral part is the design of geodetic marking, is submitted with the request for implementing re-parceling, i.e. parceling.

When a part of a cadastral parcel that is publicly owned needs to be merged with the neighboring cadastral parcel, in order to form a building parcel, a special cadastral parcel that can be alienated in accordance with the provisions of a special law is formed during the process of the re-parceling.

Upon the request for implementation of re-parceling, i.e. parceling, the authority competent land surveying and cadastre issues a decree on formation of cadastral parcel/s.

A copy of the decree is also delivered to the competent authority which confirmed the re-parceling, i.e. parceling design.

An appeal against the decree mentioned in paragraph 4 of this Article may be filed within a time limit of eight days from the day of delivery of the decree.

The authority competent for land surveying and cadastre delivers the final decree mentioned in paragraph 4 of this Article also to the tax administration in the territory where the actual real estate is located.

Article 67

In cases where the re-parceling design is prepared for the purposes of expropriation, as well as for building parcels for public purposes determined on the basis of a parceling plan included in the planning document, the re-parceling design confirmed by the authority competent for tasks of urbanism is filed with the request for implementation of re-parceling.

The authority competent for land survey and cadastre affairs issues a decree on the formation of cadastral parcels, on the basis of the re-parceling design, i.e. parceling plan for public-purpose building parcels contained in the planning document and/or the design of geodetic marking.

An appeal may be filed against the decree referred to in paragraph 2 of this Article within a term of eight days from the day of delivery of the decree.

The decree referred to in paragraph 2 of this Article does not change the owner on the newly-formed cadastral parcels.

A copy of the decree referred to in paragraph 2 of this Article is delivered to the owners of building land and to the applicant.

20.3 Geodetic Study of the Correction of Boundaries of Adjacent Parcels and the Merging of Adjacent Parcels Owned by the Same Person

Article 68

The correction of boundaries of adjacent parcels, merging of adjacent cadastral parcels owned by the same person, merging of adjacent parcels on which the same person is the owner or long-term tenant based on earlier regulations, as well as forming of a large number of building parcels according to the planned or existing construction i.e. planned or existing purpose of the building parcel, shall be performed on the basis of a study of geodetic works.

The study of geodetic works referred to in paragraph 1 of this Article is prepared in accordance with the regulations governing land surveying and cadastre.

Prior to the preparation of the study of geodetic works, the owner of the cadastral parcel resolves any property disputes.

If the adjacent cadastral parcel is in public ownership, the consent regarding the correction of boundary is provided by the competent Public Attorney.

The owner of the parcel, after the preparation of the study of geodetic works, submits the application for correction of parcel boundaries to the competent authority for land surveying and cadastre.

With the application referred to in paragraph 5 of this Article, the owner also submits the proof all property issues are resolved.

When correcting the boundaries of adjacent parcels, the rule shall be respected according to which the publicly-owned cadastral parcel which is merged with an adjacent parcel does not fulfill the requirements for a separate building parcel, as well as that its area is smaller than the parcel with which it is merged.

The costs of correcting parcel boundaries are borne by the owner, i.e. lessee of the cadastral parcel.

The provisions of this Article shall also apply to persons whose position is regulated by the law governing the conversion of the right of use into ownership of construction land with a compensation, in such a way that upon the formation of the parcels referred to in paragraph 1 of this Article, the right of use on the newly formed parcels shall be registered in accordance with the law governing the conversion of the right of use into ownership of construction land with a compensation.

20.3a Urbanistic-Architectural Competition

Article 68a

The urbanistic-architectural competition singles out a program, urban, compositional or landscaping solution for a specific location or a conceptual architectural design for one or more facilities, as well as hard or soft landscaping of parts of the location or the entire location in question.

The competition represents a set of activities on collecting and evaluating the authors' solutions for locations of importance to the local government unit.

The manner and procedure for announcing and conducting the urbanistic-architectural competition is specified in more detail by the minister competent for urbanism affairs.

20.4 Separate Cases of Building Parcel Formation

Article 69

For the construction, i.e. installation of facilities referred to in Article 2, items 20d), 26), 26b), 27), and 44) of this Act, electrical facilities or communication networks and appliances, a building parcel may be formed which deviates from the area or position prescribed by the planning document for that zone, provided that access to the facility, i.e. appliances is provided for the purpose of maintenance and removal of malfunctions or reaction to accidents. A registered right of easement on the parcels of the servient estate, i.e. contract establishing the right of easement with the owner of the servient estate, i.e. consent of the owner of the servient estate, i.e. expropriation order dealing with establishment of such easement right that

is final in administrative proceedings, i.e. final order of a non-contentious court establishing such easement right, i.e. other proof of establishment of easement right on the parcels representing the servient estate and are located between a public traffic surface and the dominant estate are also recognized as proof of resolved access to a public traffic surface.

For the installation of transformer stations 10/0,4 kV, 20/0,4 kV 35/0,4 kV and 35/10 kV, gas metering and regulating stations at consumers, electro-distributive, electric power transmission, anemometric and meteorological poles, as well as pillars of electronic communications, no special building parcel is formed.

For facilities referred to in paragraph 1 of this Article, consisting of underground and aboveground parts, the building parcel is formed only for the parts of such facilities which are tied to the land surface (main facility, entrance and exit spots, manholes, etc.), while no separate building parcel is formed for the underground parts of those facilities in the corridor route.

For aboveground electric power transmission lines and wind turbine blades no separate building parcel is formed.

The competent authority allows the construction of facilities from paras. 2 and 4 of this Article, as well as the underground parts of the facilities referred to in paragraph 1 of this Article in the route of the corridor, on the existing parcels, without the obligation of re-parceling, i.e. preparation for the purpose of constructing these facilities, i.e. does not require the parceling design, i.e. re-parceling design drafted in accordance with this Act, as special evidence in the procedure.

If an aboveground parts of the line infrastructure facilities, with the exception of aboveground electro-energy lines, extend over the territory of two or more cadastral municipalities, prior to the issuance of the occupancy permit, one or more building parcels is formed, so that one building parcel represents the sum of parts of individual cadastral parcels within the boundaries of the cadastral municipality, except in the case where a contract on the right of easement was submitted as proof of resolved legal and property relations in the process of issuance of the building permit, in accordance with this Act.

The facilities referred to in paras. 1 and 2 of this Article may be built on the agricultural land, regardless of the cadastral class of the agricultural land, as well as on the forest land, without the need for providing consent of the ministry competent for agriculture. For the purpose of construction of stated facilities on agricultural and forest land, the provisions of this Act relating to re-parceling, parceling, and correction of boundaries of adjacent parcels may be applied, as well as provisions relating to deviation from the area or the position envisaged by a planning document in accordance with paragraph 1 of this Article, as well as the provisions on non-existence of the parceling i.e. re-parceling obligation under paras. 2, 3, 4, and 5 of this Article, provided they are applicable depending on the type of the facility.

The land above an underground line infrastructure facility or below the aboveground line infrastructure facility does not need to represent a surface of public purpose. Exceptionally, other facilities may be constructed in accordance with this Act above the underground infrastructure facility or below the aboveground infrastructure facility, provided that technical requirements are obtained in accordance with a special act, depending on the type of infrastructure facility.

Apart from the evidence prescribed by the Article 135 of this Act, the following documents may also be submitted as proof of resolved ownership and legal relations on the land, for facilities referred to in paras. 1 and 2 of this Article: a contract establishing the right of easement, i.e. contract on the lease of land in private ownership concluded with the owner of the land in accordance with special regulations, as well as a contract on establishment of the right of easement concluded with the owner, i.e. the user of the land who is the holder of public authorities, for a period determined by the owner, i.e. user of land, as well as a decree on establishment of the easement right by expropriation on that land for that purpose, final in the administrative proceedings, as well as the final decree of a non-contentious court on establishment of the easement right on that land for that purpose. For the construction, upgrading or reconstruction of public utility infrastructure and line infrastructure or electric power facilities, a list of cadastral parcels with attached consents of the owners, i.e. users of land, i.e. statements of the investor that he shall resolve the ownership and legal relations concerning the real estate prior to the issuance of the occupancy permit, may also be submitted as proof of resolved property and legal relations on land, instead of proofs specified by this Article and other proofs specified by this Act. When a contract on establishment of the right of easement, a land lease contract or consent of the owner or user of the land, i.e. decree on establishment of the easement right by expropriation or the final decree of a non-contentious court on establishment of the easement right are submitted as proof of resolved property and legal relations on the land, the authority competent for land surveying and cadastre registers the right of ownership only for the facility, while the contract, i.e. consent of the owner, i.e. the decree on establishment of the easement, is entered into the real estate records.

Where the Republic of Serbia is the owner of building land for which no right of use has been registered in favor of some other person, the Property Directorate of the Republic of Serbia, on behalf of the Republic of Serbia, gives consent which is recorded as a note or concludes a contract on the establishment of easement right on that land, at the latest within 30 days from the day a proper application has been filed.

On the land above the underground parts of the facility referred to in paragraph 1 of this Article and on the land below aboveground electric power transmission lines and wind turbine blades, the investor is entitled to the right to pass below or fly over the land, and the proprietor, i.e. holder of that land has the obligation not to interfere with the construction, maintenance and use of that facility.

In the case referred to in paragraph 11 of this Article, the proof of resolved property and legal relations in terms paragraph 9 of this Article is not submitted, and the building parcel for the land in question is not formed, regardless of the intended use of land.

New cadastral parcels may be formed above or below the engineering facilities that represent the public line infrastructure or on the constructed parts of that facility, on which the planning document envisages construction, in accordance with the rules governing the parceling i.e. re-parceling.

The ownership right on the newly formed cadastral parcels referred to in paragraph 13 of this Article shall be registered in favor of the owner of the engineering facility.

The investor for construction of the facilities referred to in paras. 1 and 2 of this Article is entitled to the right of pass or drive over the adjacent or surrounding land owned by other owners, in order to execute works during construction, when so required by the technological procedure and in the manner consistent with such technological procedure.

All owners and holders of the adjacent and surrounding land are obliged to allow unhindered access to the building site and tolerate the execution of works done for the purposes of construction of the facility or appliances referred to in paragraph 1 of this Article.

The investor is obliged to indemnify the owners or holders of the land referred to in paragraph 12 of this Article, as well as the adjacent and surrounding land referred to in paragraph 13 of this Article, for the damage caused by the execution of works, passage and transit, i.e. to restore the land to its original condition. If an agreement cannot be reached on the amount of indemnity, a competent court decides on the indemnification.

20.5 Determination of Land for Regular Use by the Facility in Special Cases

Article 70

A land for regular use is the land under the facility and around the facility, which meets the requirements for a building parcel and which upon completion of the procedure, in accordance with this Act, becomes a cadastral parcel.

A land for regular use of the facility built in an open residential block and a residential complex is the land under the facility, and at the request of the applicant in the legalization procedure, i.e. legalization, a competent authority may designate the building land under the facility as the land for regular use, and the applicant has the obligation to initiate the procedure for designating the land for regular use in conformity with this Act, within five years from the day of finality of the legalization decree.

The list of cadastral parcels from the procedure of legalization referred to in paragraph 2 of this Article is kept by the authority that issued the decree on legalization, with the obligation to submit every decree referred to in paragraph 2 of this Article also to the organ competent for property and legal affairs. When the facility is built on publicly owned land of the Republic of Serbia, a copy of the decree is submitted to the Republic Property Directorate of the Republic of Serbia.

If the object of acquisition is only the land below the facility referred to in paragraph 2 of this Article in the open housing block or residential complex, i.e. building with multiple entrances, the competent authority also determines the area of that land, on the basis of the parcel plan copy with the drawn base of the existing facility, which represents the building parcel on which the competent authority may determine the right to build an object by a decree. The investor of the construction of the building on this building parcel has the obligation to form a cadastral parcel prior to issuing a decree on the occupancy permit.

In a condominium, the investor i.e. owner or tenant of the land on which the constructed facilities are located, shall manage the land around the facilities, in such a way as to organize the maintenance of the land, until the completion of the construction of all facilities and obtaining of occupancy permits. Upon completion of the construction of all facilities and obtaining of occupancy permits, the investor i.e. the

owner or tenant of the land, shall transfer the land around the facilities into a joint ownership of the owners of the separate parts, free of charge, and the transferees shall further take over the management and maintenance tasks.

Owners of special parts of a facility built in an open housing block or residential complex have the right to register a share on the building land below the building upon finality of the decree on occupancy permit for the facility in question.

If the object of acquisition is only the land below the facility referred to in paragraph 2 of this Article for the purpose of legalization, the competent authority, by the decree suspending the legalization procedure until the settlement of property-legal relations on the land on which the illegally built object is located, also determines the area of that land, based on a copy of the parcel plan with the drawn base of the existing facility. The owner of the facility subject to legalization on that building parcel has the obligation to form a cadastral parcel prior the issuing of a decree on the legalization of the facility.

In the case referred to in paragraph 6 of this Article, if the land below the facility is in the public property of the Republic of Serbia, the competent authority in the procedure of legalization obtains the consent of the Republic Directorate for Property of the Republic of Serbia for the determined area of land.

The act referred to in paragraph 7 of this Article represents a document appropriate for forming of a cadastral parcel. After the forming of a cadastral parcel, the Republic Property Directorate of the Republic of Serbia alienates the newly formed cadastral parcel to the owner of the facility from paragraph 6 of this Article, in accordance with this and a special law.

The application for designating the land for the regular use of a facility and formation of a building parcel is filed with the local government authority competent for property and legal relations (hereinafter: the competent authority) if:

- 1) The existing cadastral parcel on which the facility has been constructed only represents the land under the facility, except in the case specified by this Act;
- 2) For the facility in question an application for legalization has been filed and the competent authority has determined that legalization is possible in terms of fulfillment of preliminary requirements and has issued a conclusion to suspend the legalization procedure in order to solve the property-legal relations on land or facility which is entered into the records of real estate and property rights in accordance with the previously applicable laws governing the legalization of facilities or on the basis of the Legalization of Facilities Act ("Official Herald of RS", Nos. 95/13 and 117/14), when such a facility has been constructed on the building land whose registered holder of usage right, i.e. owner is the Republic of Serbia, autonomous province, local self-government unit, or a legal person whose founders are the Republic of Serbia, autonomous province, local self-government unit, or some other legal, i.e. natural person;
- 3) It is about a facility entered into the records of real estate and property rights in accordance with the Act on Specific Conditions for Registration of Title on Facilities Constructed without a Building Permit ("Official Herald of RS", No. 25/13), when such facility has been built on building land the registered holder of usage right, i.e. the owner of which is the Republic of Serbia, autonomous province, local self-government unit, or a legal person established by the Republic of Serbia, autonomous province, local self-government unit, or some other legal, i.e. natural person.

With the application referred to in paragraph 9 of this Article, the facility owner submits the following documents: proof of title and the manner the title was acquired, i.e. proof that in response to the application for legalization the authority competent for legalization has established that the legalization is possible, i.e. has issued a legalization decree for the facility, copy of the parcel plan and the certificate of the authority competent for the tasks of land surveying and cadastre showing whether the marking, i.e. forming of the cadastral parcel has been executed and on what grounds.

Upon receiving the application referred to in paragraph 9 of this Article, the competent authority obtains ex officio from the organ responsible for urbanism a report showing whether the existing cadastral parcel meets the requirements to be determined as land for regular use of the facility and requirements for the building parcel, i.e. whether it is necessary, for the purpose of determining land as being for regular use of the facility, to make a re-parceling i.e. parceling design, whether urban planning conditions exist for drafting these designs, i.e. obtains an opinion, provided that the marking or forming of the cadastral parcel has already been carried out, that there is no need for drawing up the design of parceling, i.e. re-parceling. If the organ responsible for urbanism determines that it is necessary to draw up a design for re-parceling i.e. parceling, the report also includes a proposal for forming of the building parcel.

The report referred to in paragraph 11 of this Article, as well as the re-parceling, i.e. parceling design, is drawn up in accordance with the requirements contained in the applicable planning document, and

especially the requirements which relate to the position of the existing facility in relation to the zoning and boundaries of the cadastral parcel, requirements for and manner of accessing the cadastral parcel, the general minimum in view of the area which the parcel must fulfill in relation to the purpose and area of the existing facility or in accordance with the general rules for formation of a building parcel laid down in a regulation which governs the general rules of parceling, zoning and construction.

If the report referred to in paragraph 11 of this Article contains the obligation to draw up a re-parceling, i.e. parceling design, the competent authority notifies the applicant of the need to draw up the design, together with the proposal to form a cadastral parcel.

If it is established on the basis of the report referred to in paragraph 11 of this Article that there are no urbanistic conditions to draw up of a re-parceling, i.e. parceling design, the competent authority notifies the applicant thereof, who is entitled to file an objection to the municipal, i.e. city council, within a time limit of three days from the day of receipt of the notification.

Prior to deciding on the conveyance of land, i.e. prior to the adoption of a decision on the legalization of the building, i.e. prior to the registration of the owner's title on separate parts of the facility, there is an obligation to form a special cadastral parcel below the facility and to register a newly formed parcel in the records on real estate and associated rights.

The decree on designating the land for the regular use and on formation of a building parcel, upon completion of the procedure, is issued by the competent authority.

The decree referred to in paragraph 16 of this Article determines all the elements necessary for forming of the cadastral parcel, i.e. determines whether the existing cadastral parcel is at the same time also a building parcel, and an integral part of the decree is the confirmed re-parceling, i.e. parceling design which contains the design of geodetic marking, i.e. the statement that the cadastral parcel has already been marked, i.e. formed.

The decree referred to in paragraph 16 of this Article determines the termination of the right of use, i.e. ownership right of the hitherto user, i.e. owner of the building land and the right of the facility owner to acquire at market price, by direct agreement, in conformity with this Act, the ownership of the building land that has been marked as the land for regular use of the facility.

An appeal may be filed against the decree referred to in paragraph 16 of this Article to the ministry competent for civil-engineering affairs, within eight days from the day of delivery of the decree.

The final decree referred to in paragraph 16 of this Article serves as the basis for implementing the modifications at the authority responsible for land surveying and cadastre.

If a building parcel has been formed up to 11 September 2009 in conformity with the law, the competent authority accepts that fact as an acquired right in the procedure for determining the land for regular use of a facility, i.e. such a cadastral parcel is considered to be a parcel which, in the determined area, serves for the regular use of the building, and the ownership right on that parcel will be registered in accordance with the law.

The procedure referred to in paragraph 21 of this Article is carried out by an organ in charge of land surveying and cadastre, on the basis of evidence that the building parcel has been formed, i.e. marked before 11 September 2009.

The right to permanently use parking spaces in an open housing block and residential complex, legally transferred by the investor to a third party, can be further conveyed and disposed of in the scope of acquired rights. This legal transaction does not acquire the conditions for the registration of property rights in the register of immovable property and the rights thereon, but the legal transaction conferring this right may be entered as a note in the register of immovable property and rights thereon.

Art. 71-81

(Deleted)

IV BUILDING LAND

1. Notion of Building Land

Article 82

Building land is land designated by law or planning document for construction and use of facilities, as well as land on which facilities were constructed in accordance with the law.

2. Use of Building Land

Article 83

Building land is used according to the purpose specified by the planning document, in a manner that ensures its rational use, in accordance with the law.

By entry into force of the planning document whereby land purpose was changed to building land, the owners of such land acquire the rights and obligations specified by this Act and the secondary legislation adopted pursuant to the Act, irrespective of the fact that the authority competent for the registration of real estate and rights related to real estate has not implemented the change in the public book of records of real estate and related rights.

Building land the purpose of which has changed in accordance with paragraph 2 of this Article may also be used for other purposes, until the conversion of such land to the planned purpose.

For change of land purpose into a building land a compensation is payable, if specified by a separate act.

3. Ownership Regime

Article 84

Building land may be held in all forms of ownership.

The Republic of Serbia, autonomous province, i.e. unit of local government owns the building land in public ownership.

Article 85

Building land is marketable.

Building land in public ownership is marketable, under the conditions set out in this Act and other regulations.

3.1. Right to Lease Building Land in Public Ownership

Article 86

The owner of building land in public ownership may lease building land for the purpose of construction of a facility for which a temporary building permit is issued in accordance with Article 147 of this Act, in the event of realization of projects of importance for the Republic of Serbia, as well as in the cases provided for by Article 100, paras. 2 and 3 of this Act.

When building land is leased for the purpose of construction of facilities for which the issuance of a temporary building permit is provided by law, the lease contract is concluded for a fixed term not exceeding five years.

4. Types of Building Land

Article 87

Building land may be:

- 1) Built and unbuilt;
- 2) Developed and undeveloped.

4.1. Change of Purpose from Agricultural Land and Forestland to Building Land

Article 88

When the purpose of agricultural land and forestland is changed to building land by way of a planning document, the authority competent for the adoption of the planning document is obliged to deliver to the authority competent for land surveying and cadastre, within a time limit of 15 days from the day such

document entered into force, a planning document that contains a list of cadastral parcels the use of which has been changed or the description of the border of the planning document with the list of cadastral parcels with appropriate graphic representation.

Within a time limit of 15 days upon receiving the document referred to in paragraph 1 of this Article, the authority competent for tasks of land surveying and cadastre issues a decree to implement the resulting change and enters a note about the obligation to pay compensation for the change of purpose of agricultural land and forestland in the database of the cadastre of real estate from which real estate folio is issued.

Agricultural land the purpose of which was changed to building land in the planning document may be used for agricultural production until its new purpose is put into effect.

The decree referred to in paragraph 2 of this Article is delivered to the land owner, the ministry competent for agricultural affairs, and the competent tax authority within a time limit of 15 days from the day of issuance of the decree.

The owner of the cadastral parcel whose purpose was changed from agricultural land and forestland to building land is obliged to pay a compensation for the change of purpose of land prior to the issuance of the building permit, in compliance with the law governing agricultural land or the law governing the forestland.

If the change of purpose, i.e. type of land from agricultural to building was executed on the basis of a law, planning document, decision of the competent authority, or if a facility has been built in compliance with the law until 15 July 1992, i.e. by the day of entry into force of the Agricultural Land Act ("Official Herald of RS", No. 49/92), no compensation is payable for changing the purpose of land, irrespective of the fact that ploughed field, vineyard, orchard, meadow, pasture, reed swamp or infertile land is registered as culture of such specific land class.

The compensation for the change of land purpose from agricultural land and forestland to building land is not payable for the construction of facilities of importance to the Republic of Serbia, as well as for the construction of facilities for public purpose in accordance with the program for development of building land when the payer is the Republic of Serbia, autonomous province, i.e. local self-government unit, as well as public enterprises whose founders are the Republic of Serbia, autonomous province, i.e. unit of local self-government.

The change of purpose from the forestland into the building land contained in the planning document is considered to be of general interest in accordance with Article 10 of the Law on Forests ("Official Herald of RS", No. 30/10, 93/12 and 89/15).

From the day of the entry into force of the planning document whereby change of purpose of agricultural and forestland to the building land has been executed, the owner of such land exercises all the rights of the owner on the construction land, in accordance with this Act.

The Government, upon the proposal of the ministry competent for construction matters, determines the designs for the construction of facilities of importance to the Republic of Serbia.

Article 89

(Deleted)

4.3. Built and Unbuilt Land

Article 90

Building land may be built and unbuilt.

Built building land is land on which facilities intended for permanent use were built, in accordance with the law.

Unbuilt building land is land on which facilities were not built, as well as land on which facilities without a building permit and temporary facilities were built.

4.4. Developed and Undeveloped Building Land

Article 91

Building land may be developed and undeveloped.

Developed building land is land which is outfitted in terms of utilities for construction and use, in compliance with the planning document (constructed access road, electric power grid, provided with water supply, and provided with other conditions).

4.5. Preparing and Outfitting of Land Funded by Natural or Legal Persons

Article 92

Building land that is undeveloped in terms of this Act, and which is located within the scope of the planning document on the basis of which site conditions, i.e. building permit may be issued, may also be prepared, i.e. outfitted using resources of natural or legal persons.

The person referred to in paragraph 1 of this Article submits to the competent authority of the local government unit, i.e. the person referred to in Article 94 of this Act, a proposal regarding the financing of preparation, i.e. outfitting of building land which the competent authority shall act upon within a term of 15 days from the day of receipt of the proposal.

The competent authority, i.e. person referred to in Article 94 of this Act may conclude with the person referred to in paragraph 1 of this Article a contract on joint preparation, i.e. outfitting of building land, which is includes, in particular:

- 1) Information about the site, i.e. the zone in which the outfitting of building land is planned;
- 2) Information from the planning document and the technical conditions for construction;
- 3) Information from the program of building land development;
- 4) Boundaries of the site being prepared, i.e. equipment with a list of cadastral parcels;
- 5) Schedule and deadline for construction;
- 6) Obligation of the local government unit in role of the investor to provide professional supervision during execution of works;
- 7) Determination of participation of each contractual party in the provision, i.e. financing of drawing up of technical documentation and expert control of technical documentation, execution of works and selection of contractors, as well as other costs related to outfitting of building land, including the amounts and deadlines for providing financial and other resources;
- 8) Determination of the facilities being constructed which shall become the property of the local government unit;
- 9) Determination of the size of participation of the persons referred to in paragraph 1 of this Article in the financing of preparation, i.e. outfitting of building land, which shall be reduced by the amount of contribution payable for developing of building land;
- 10) Security instruments for fulfillment of obligations by contractual parties.

5. Building Land Development

Article 93

Building land development encompasses its preparation and outfitting.

Preparation of land encompasses exploratory work, drawing up geodetic, geological and other underlays, preparation of planning and technical documentation, program for land development, dislocation, and demolition of facilities, terrain remediation, and other works.

In addition to the works from paragraph 2 of this Article, in areas which were exposed to war activity, examination is be made of the existence of left behind explosive devices, in compliance with the Law.

Outfitting of land encompasses the construction of utility infrastructure facilities and the construction and development of public purpose surfaces.

Article 94

Building land development is performed in accordance with the valid planning document, according to medium-term and annual programs of development adopted by a local government unit, while ensuring the protection, rational and sustainable land use.

For the securing of conditions for development, use, upgrading and protection of building land, the Republic of Serbia, the autonomous province and the local government unit may establish a company, public enterprise, i.e. some other organization, or provide for the carrying out of such activities in some other manner, in compliance with the law or by-law.

6. Sources of Financing of Building Land Development

Article 95

The financing of development of building land is provided from the funds obtained from:

- 1) Contribution for the development of building land;
- 2) Lease of building land;
- 3) Conveyance or exchange of building land;
- 4) Conversion of lease right to ownership, in accordance with this Act;
- 5) Other sources, in accordance with the law.

6.1. Contribution for the Landscaping of Building Land

Article 96

Contribution for the development of building land is payable to a local government unit in whose territory the construction of the facility is planned.

Funds raised from contribution for the development of building land is used for development (preparing and outfitting) of building land, the acquisition of building land to public ownership, and the construction and maintenance of utility infrastructure facilities.

Article 97

The contribution for the development of building land is paid by the investor.

The amount of contribution is determined by the decree on the issuance of the building permit by multiplying the base consisting of the average price per square meter of apartments in newly-constructed buildings in the local government unit, i.e. city municipality, according to the latest data published by the authority competent for tasks of statistics, with the total net floor area of the facility being constructed, expressed in square meters, and with the zone coefficient and the purpose coefficient of the facility as determined by the local government unit.

The zone coefficient referred to in paragraph 2 of this Article may not be larger than 0.1, and the purpose coefficient may not be larger than 1.5.

The amount of the contribution for development of building land is reduced by the costs of infrastructure outfitting of building land incurred by the investor from his funds, on the basis of a contract concluded in accordance with Article 92 of this Act, as well as for the value of land ceded by the investor to the local government unit for the construction of infrastructure facilities.

A local government unit, by no later than 30 November of the current year, determines the coefficients referred to in paragraph 2 of this Article.

The investor who submits an appropriate security instrument is entitled to pay the amount of contribution for the development of building land in no fewer than 36 monthly installments, and the investor who pays such contribution in a one-time payment, prior to the submission of the notice of works, is entitled to a reduction in the amount of at least 30%, in compliance with the decision of the local government unit.

The assembly of a local government unit adopts a by-law that regulates the zones and types of purposes of the facility referred to in paragraph 2 of this Article, the amounts of zone coefficients and purpose coefficients, the criteria, amount and procedure of reduction of the contribution for the development of building land, special reductions of the amount of contribution for the missing infrastructure, as well as the conditions and the method of calculating the reduction referred to in paragraph 5 of this Article, and other benefits for investors, the method of valorization in the case of payment in installments, as well as other issues of importance for the calculation and charging of contribution for development of building land, in accordance with this Act, and may, in an individual decision, provide additional benefits for the payment of contribution for facilities of particular importance to the development of the local government unit.

Reductions of the amount of contribution for housing facilities may not be envisaged, with the exception of grounds specified in paragraph 5 of this Article, as well as for facilities for social housing the investor of which is the Republic of Serbia, autonomous province or local government unit.

The contribution for development of building land is not calculated for the public purpose facilities in public ownership, utility facilities and other infrastructure, production and storage facilities in the function of production facilities, underground floors of high-rise facilities (space intended for garaging of vehicles, substations, power stations and distribution facilities, storage rooms, laundry rooms, and the like) except for the parts of underground floors used for commercial activities. The contribution is also not calculated for open parking lots, internal roads, open children's playgrounds, outdoor sports fields, and athletic tracks.

The contribution for the development of building land is paid when the purpose of the facility, i.e. part thereof, changes from one purpose into another for which a larger amount of contribution is specified.

An investor who removes an existing facility which was built in accordance with the law, i.e. legalized or complied with the law in order to construct a new facility on the same site, pays the contribution for the development of building land only for the difference in the number of square meters of usable area between the facility whose construction is planned and the facility to be removed.

When calculating the area of an existing facility, gross developed building area is determined by insight into the issued occupancy permit or technical documentation on the basis of which the occupancy permit was issued, i.e. by insight into the final decision on legalization, i.e. compliance of the facility with law and the technical documentation on the basis of which these decrees have been issued.

If data on the average price per square meter of newly-constructed housing have not been published for the local government unit in question, the contribution referred to in paragraph 1 shall be determined on the basis of the mean amount of average prices per square meter of newly-constructed housing in all local government units with the same level of development, in accordance with the law governing regional development, for which such data were published.

At the request of a local government unit, in order to realize a design of importance to local economic development, the Government of the Republic of Serbia may approve an amount of contribution that is different from amount specified by paragraph 2 of this Article.

Article 98

The amount, manner of payment of the contribution for development of building land and the security instrument in the event of payment in installments constitute an integral part of the decree on building permit.

When the competent authority, upon the request of an investor, issues the building permit during changes in the course of construction, the new calculation of contribution constitute an integral part of such decree.

The final calculation of the contribution constitutes an integral part of the decree on occupancy permit.

By the moment of filing of notice of works at the latest, the investor shall pay the contribution for the development of building land in its entirety, i.e. in case of payment in installments, pay the first installment and submit the payment collateral.

As collateral for the payment of contribution, the investor shall:

- 1) Submit, by the moment of filing a notice of works, an irrevocable bank guarantee, payable on first call, without the right to objection, for the total amount of outstanding installments and issued for a term which must exceed the due date of the last installment by at least three months, or
- 2) Place a mortgage on a facility which is worth at least 30% of the total amount of outstanding installments, in favor of the local government unit.

An investor constructing a facility whose total gross floor area does not exceed 200 m² and which contains no more than two residential units shall not be required to submit a security instrument in case of payment in installments of the contribution for the development of building land.

6.2. Conveyance, Exchange and Leasing and Acquisition of Publicly Owned Building Land

Article 99

Conveyance of unbuilt building land in public ownership is carried out by public tender or by solicitation of bids via public call, under market conditions, in compliance with this Act.

Conveyance of building land referred to in paragraph 1 of this Article, when the owner of building land in public ownership is the Republic of Serbia, is carried out by the Republic Directorate for the Assets of the Republic of Serbia, i.e. by the competent authority of the autonomous province, when the owner of building land in public ownership is the autonomous province. The conveyance of building land, when the owner of the building land in public ownership is a local government unit, is carried out by the local government unit, i.e. the person referred to in Article 94, paragraph 2 of this Act.

Exchange of real estate is also considered to be conveyance of building land. In the case of exchange between the owners of building land in public, cooperative and private ownership, the procedure of public tender and solicitation of bids via public call is not carried out, taking into consideration the legal nature of the institution of exchange. Both built and unbuilt building land may be subject to exchange.

The conditions, manner and procedure of exchange of real estate are determined by the Government.

The procedure, conditions, manner and program of conveyance of building land in public ownership of the autonomous province, i.e. local government unit is determined by the autonomous province, i.e. local government unit.

The existing and planned surfaces for public purpose may not be conveyed from public ownership.

The building land in public ownership may not be conveyed or leased, unless a planning document is adopted on the basis of which the site conditions, i.e. building permit is issued.

The deadline for the submission of bids for public tender, i.e. for the solicitation of bids referred to in paragraph 1 of this Article, may not be shorter than 30 days from the day of public announcement.

The building land in public ownership is conveyed to a person who offers the highest price for such land, which may not be subsequently reduced. A discount given by the owner of building land in public ownership for one-time payment of a certain price, in keeping with secondary legislation or by-law of the land owner which governs conveyance of building land is not considered to be the reduction of the highest price.

Notwithstanding the provision of paragraph 9 of this Article, a local government unit may convey unbuilt building land at a price which is lower than the market price, or convey the building land without compensation, with prior consent of the Government, in the case of implementation of an investment project which promotes local economic development.

The more detailed conditions and the manner of conveyance of the building land referred to in paragraph 10 of this Article are prescribed by the Government, in accordance with the regulations governing control of state aid.

Notwithstanding the provisions of paragraph 9 of this Article, the Republic of Serbia, the autonomous province or a local government unit, may convey the building land at a price that is lower than the market price or convey without compensation in the case of performance of contractual obligations created prior to the day this Act entered into force, on the basis of a contract to which the Republic of Serbia is one of the contractual parties, i.e. convey or lease it at a price, i.e. rent that is lower than the market price or convey or lease without compensation in the case of implementation of projects for the construction facilities of importance for the Republic of Serbia, as well as in the case of mutual disposal between the owners of building land in public ownership. The conditions, method and procedure of conveyance of building land are specified in more detail by the Government.

Upon completion of the public tender procedure, solicitation of bids or direct deal, the competent authority issues a decision on conveyance or exchange of building land in public ownership which is delivered to all participants in the public tender procedure, i.e. solicitation of bids.

An owner of building land in public ownership and a person, to whom such building land is conveyed, conclude a contract within a term of 30 days from the day of issuance of the decision referred to in paragraph 13 of this Article.

The building land in public ownership may be leased in the case referred to in Article 86 of this Act.

The contract on lease of building land in public ownership includes in particular: data on the cadastral parcel, purpose and size of the future facility, the amount of lease, term of the lease, the deadline and method of payment of contribution for the development of land, conditions for development if undeveloped building land is being leased, deadline in which the land shall be converted to intended use, rights and obligations in the event of default, manner of dispute resolution, as well as the procedure and conditions for modifying or terminating the contract, as well as the conditions under which the lessee may acquire the title to the land in question. When the lease contract provides for payment in multiple installments, specification

of the method for adjusting the amount of the lease with the consumer price index in the Republic of Serbia is mandatory, in line with the data released by the organization competent for keeping statistics.

The owner of building land in public ownership specifies in more detail the conditions, procedure, method and content of contracts on conveyance or lease.

The participant of public tender, i.e. participant in the procedure of solicitation of bids, who believes that building land has been conveyed or leased contrary to the provisions of this Act, thereby violating his rights, may file a complaint with the competent court for the annulment of such contract within a term of eight days from learning of such contract, and no later than within a term of 30 days from the day of conclusion of the contract.

The building land is acquired to public ownership in accordance with the provisions of the Public Property Act relating to the acquisition of other real estate to public ownership.

The unbuilt building land is acquired to public ownership for the purpose of development of public purpose surfaces, may, in addition to the procedure specified in the law governing expropriation, also be carried out pursuant to an agreement with the owner of the building land, according to the manner and following the procedure specified in a by-law of a local government unit.

Exchange of real estate is also considered to be acquisition of building land to public ownership.

Article 100

Building land in public ownership may be conveyed or leased through a direct deal in the case of:

- 1) Construction of facilities for the purpose of carrying out activities within the competence of state authorities and organizations, authorities of units of territorial autonomy and local government, as well as other facilities in public ownership;
- 2) Correction of boundaries of adjoining cadastral parcels;
- 3) Forming of a building parcel in compliance with Article 70 of this Act;
- 4) Conveyance referred to in Article 99, paragraphs 10 and 12 of this Act, i.e. lease referred to in Article 86;
- 5) Consensual return of land to the previous owner of the real estate which was the subject of expropriation, in accordance with regulations on expropriation;
- 6) Conveyance of unbuilt building land in the procedure of restitution of seized property and compensation in accordance with the special act;
- 6a) Exchange of construction land in the case of the displacement of a family housing building located on an unstable terrain with an active geodynamic process that causes the soil to move;
- 6b) Conveyance of building land to another co-owner of the same real estate, under the preemptive right, in accordance with the law governing the fundamentals of property relations and the transfer of immovable property;
- 7) Building land exchange.

In the case of concession granting or entrusting of public utility activity in accordance with special laws, the building land may be leased for free, i.e. for a compensation that is lower than the market price, for a period stipulated in the concession contract, which may not be longer than the period for which it has been concluded, i.e. for a period for which the performance of public utility activity has been entrusted.

For the purpose of establishing a private-public partnership, unbuilt publicly owned building land may be leased without compensation, i.e. with a compensation that is lower than the market price, to a private partner for a period for which the public contract has been concluded in accordance with the law that governs public-private partnership and concessions, which may not be longer than the period for which it has been concluded, i.e. may be invested as founder's share in companies, while the owner of publicly owned building land may conclude a contract on joint construction of one or more facilities with a natural or legal person.

Publicly owned unbuilt building land may be invested as founder's share into a public enterprise.

The Government prescribes in greater detail the manner and requirements for the investment referred to in paragraphs 3 and 4 of this Article.

The Government, in accordance with the provisions of this Act and other special laws, decides on the conveyance, exchange, leasing and acquisition of building land in the public property of the Republic of Serbia referred to in Article 99 of this Act.

7. Modification of the Building Land Lease Contract

Article 101

In the case of change of the owner of a facility, i.e. of a separate physical part of a facility which has been built or is being built on the publicly owned building land which is used on the basis of a lease contract concluded in conformity with law, the lessor shall, at the request of the lessee, i.e. owner of the facility, modify the lease contract in a way that the new owner of the facility, i.e. part of the facility, shall replace i.e. join the hitherto lessee.

The request for modification of the lease contract is submitted along with the contract on purchase of the facility or purchase of the facility under construction, i.e. other legal basis by which the right of ownership of the facility or the facility under construction is gained, which is notarized in accordance with law, together with a receipt from the tax authority confirming the payment of tax on such legal basis, or with a certificate of the tax authority on tax exemption, i.e. a final inheritance decree.

The lessor concludes a contract modifying the lease contract with the new owner of the facility, which, upon signing, represents the basis for changing of the entry of the lessee in the public book of records of real estate and rights related to them. The rights and liabilities for the new lessee arise as of the day of entering the right of lease into the public book of records of real estate and rights therein.

Upon registration of ownership right to the facility which is built or for which a building and occupancy permit is subsequently issued in the procedure of legalization of the building land that is used under the lease contract concluded in accordance with this Act, at the request of the lessee, the lessor and lessee conclude a contract terminating the lease contract and possibly another contract in conformity with applicable regulations, which shall regulate the manner and conditions for satisfaction, i.e. fulfillment of the contractual obligations laid down in the lease contract.

The conditions, manner and procedure for modifying the contract referred to in paragraph 4 of this Article (manner of transferring the remaining debt, exemption from paying the contracted rent if the market value of the building land has been paid, giving consent to the conversion of the right of lease into the right of ownership without remuneration and the like) are prescribed by the owner of the publicly owned land.

8. Conversion of Right of Use into Right of Ownership of Building Land without Compensation

Article 102

The right of use of building land is converted into the right of ownership without compensation.

The right of ownership referred to in paragraph 1 of this Article is acquired as of the day of entry into force of this Act, and registration of the right of ownership is performed by the authority competent for land surveying and cadastre.

The right of ownership of cadastral parcel is registered in favor of the person that is registered as the owner of the facility, i.e. facilities located on such parcel, i.e. owned by the person registered as the holder of the right of use of the cadastral parcel on unbuilt building land, except for persons whose status is regulated by the law governing the conversion with compensation of the right to use into ownership right on building land.

In case of the Republic of Serbia, autonomous province, i.e. local government unit, which are registered as the holders of the right of use of the unbuilt and built land in state ownership in the public book of records of real estate and rights related to them, as of the 11 September 2009, the day of entry into force of the Planning and Building Act ("Official Herald of RS", No. 72/09), their right of use of such real estate ceases and is converted into the right of public ownership, in favor of the Republic of Serbia, the autonomous province, i.e. the local government unit, without compensation.

In case of the legal person established by the Republic of Serbia, the autonomous province, i.e. local government unit, which are registered as holders of the right of use of the unbuilt and built land in state ownership in the public book of records of real estate and related rights, as of the 11 September 2009, the day of entry into force of the Planning and Building Act, their right of use of such real estate ceases and is converted into the right of public ownership of the founder, without compensation.

A member of a single-member company or a sole shareholder in a company is also considered to be the founder referred to in paragraph 5 of this Article.

The right of ownership acquired in accordance with paras. 3 and 4 of this Article has legal effect from 11 September 2009, the day of entry into force of the Planning and Building Act, while the registration of the right of ownership into the public book of records of real estate and related rights in favor of the Republic of Serbia, the autonomous province, i.e. the local government unit, has a declaratory character.

In case of foreign states, for the purposes of their diplomatic and consular missions the right of use of the built and unbuilt building land in public ownership is converted into the right of ownership on the basis of prior consent of the ministry competent for justice, on the basis of reciprocity.

The provisions of paragraph 1 of this Article do not apply to persons whose office, rights and obligations are regulated by the law governing the conversion of the right of use into ownership on building land with compensation.

At the request of a person who has the registered right of use on the building land and who is subject to payment of the compensation for conversion of the right of use into ownership on building land, a decree may be issued to determine the cessation of the right of use on the building land.

In case of legal persons which are registered as holders of rights of use on building land but which have ceased to exist, a decree referred to in paragraph 10 of this Article is issued to determine the cessation of the right of use on building land and the right of public property is registered in favor of the registered title holder of public ownership on that real estate.

The cessation of the right of use is determined in the procedure conducted by the competent authority of the unit of local self-government in charge of property and legal affairs.

The procedure referred to in paragraph 12 of this Article is initiated by the request of the competent public attorney's office, and when the Republic of Serbia is a registered title holder the procedure is initiated by the State Attorney's Office or the Republic Property Directorate of the Republic of Serbia.

In addition to the request referred to in paragraph 13 of this Article, the following is submitted: proof that the company, i.e. other form of organization has not been entered in the register of economic entities and has no legal successor; a decision on deletion from the register of economic entities, as well as other evidence on the basis of which the cessation of the company, i.e. other form of organization can be reliably determined.

Upon finality of the decree establishing the cessation of the right of use of the hitherto holder of the right of use on building land, that decree represents the basis for deletion of the right of use on building land.

In the case referred to in paragraph 15 of this Article the right of public ownership remains registered in favor of the hitherto title holder of public property.

Article 103

In case of the owners of the facilities built on the building land in public ownership for which a lease contract has been concluded for construction purposes, for the duration of at least 50 years, in accordance with the previously applicable planning and building acts, at the request of the lessee - owner of the facility or part of the facility, a right of ownership of building land is instituted, without compensation, if the full amount of lease for the period of the lease contract has been paid.

In case of the lessees of the building land in public ownership, for which a lease contract has been concluded for construction purposes, for the duration of at least 50 years, in accordance with the previously applicable planning and building acts, at the request of the lessee, a right of ownership of building land is instituted, without compensation, if the full amount of lease for the period of the lease contract has been paid, unless the lessor, within a term of one year from the day of entry into force of this Act, initiates a court proceeding for the termination of the lease contract, and such dispute ends with a final decision in his favor.

In case of the lessees of the building land in public ownership, for which a lease contract has been concluded without compensation in accordance with the provisions of this Act, at the request of the lessee, the right of lease is converted into the right of ownership of the building land without compensation, when a decree on occupancy permit for the facility built on such land becomes final, if that is stipulated by the lease contract.

In addition to the request for registration of the right of ownership for persons referred to in paragraphs 1 and 2 of this Article, the authority competent for registration of the right of ownership is provided with a proof that the full amount of lease has been paid.

The conditions and procedure for conversion of the right of lease into the right of ownership is regulated by the owner of the land in public ownership.

The provisions of paragraph 1 of this Article do not apply to persons whose status is regulated by the law governing the conversion with compensation of the right to use into ownership right on building land.

Registration of the right of ownership in favor of persons referred to in paras. 1 and 2 of this Article is carried out by the authority competent for keeping records of real estate and related rights, at the request of those persons.

Article 104

If a cadastral parcel contains a facility, i.e. facilities co-owned by different persons or the facility is composed of separate parts owned by different persons, whose shares on the land are undetermined, at the request of the person acquiring ownership of the construction land in accordance with Article 102 of this Law, the authority competent for state survey and cadastre affairs shall register in real estate records and rights thereon that the cadastral parcel is co-owned by those persons, and that the share of those persons is in proportion to the area they hold in relation to the total area of the facility, i.e. facilities located in that parcel, regardless of whether the registration of the ownership right in accordance with Article 102 of this Law has already been registered in those records.

If in the records of real estate and related rights an existing facility on a cadastral parcel has not been entered, a request for registration of the right of ownership of building land - cadastral parcel on which the facility is built may be submitted only after the entry of such new facility was executed in the records of real estate and related rights, or based on a final court decision ordering such registration.

9. Land for Regular Use of Facility

Article 105

The owner of a facility, i.e. a separate physical part of a facility who is not registered as the holder of the right of use on the building land on which such facility, i.e. a part of facility is built, acquires the right of ownership on the cadastral parcel on which such facility is built, in order to establish unity of real estate referred to in Article 106 of this Act

When the right of ownership on a facility is acquired on the basis of legalization of the facility, i.e. compliance with the law, i.e. on the basis on the Act on Special Conditions for Registration of the Right of Ownership on the Facilities Built without Building Permit ("Official Herald of RS", No. 25/13), the owner of that facility has the obligation to determine the land for regular use of the facility, in accordance with Article 70 of this Act.

Registration of the right of ownership on building land from paragraph paras. 1 and 2 of this Article is conducted on the basis of the decree referred to in Article 70 of this Act. The authority in charge of property and legal affairs, upon finality, submits this decree ex officio to the organ in charge of land surveying and cadastre affairs.

The request for registration of the right of ownership referred to in paragraph 1 of this Article is submitted to the authority competent for land surveying and cadastre affairs.

A person whose position is regulated by the law regulating the conversion of the right of use into ownership right on building land for a compensation, and who is the owner of the facility or part of the facility located on building land on which no holder of the right of use has been registered, acquires the title on that land in accordance with the law regulating the conversion of the right of use the ownership right on building land with compensation.

If in the procedure for determining the land for regular use of facility prescribed by Article 70 of this Act is determined that the area of the cadastral parcel also simultaneously represents the land for regular use of facility in accordance with this Act, the owner of the existing facility acquires the right of ownership of such building land, at market price, by direct arrangement.

If in the procedure for determining the land for regular use of a facility prescribed by Article 70 of this Act is determined that land for regular use of a facility is smaller than the cadastral parcel on which the facility is built, the owner of the land may, if a separate cadastral parcel may not be formed from the remainder of the land, convey such remaining part of the land to the owner of the facility at market price, by direct arrangement.

If in the procedure for determining the land for regular use of facility prescribed by Article 70 of this Act is determined that land for regular use of facility is smaller than the cadastral parcel on which the facility is built, the owner of the land, if a separate cadastral parcel may be formed from the remainder of the land, disposes with such land in accordance with this Act.

In the case referred to in paragraph 6 of this Article, the authority competent for property and legal affairs of the local government unit in the territory of which the relevant land is located issues a single decree to determine the land for regular use and the right to convert the right of use into the right of ownership, in accordance with this Act.

Upon finality of the decree referred to in paragraph 9 of this Article, the facility owner in accordance with this Act acquires the right to register ownership of building land in the public book of records of real estate and related rights.

10. Establishment of Unity of Real Estate

Article 106

Upon completion of the procedure of conversion of the right of use into the right of ownership of building land, in accordance with this Act, a cadastral parcel of built building land together with facilities built on it becomes a unified subject of the right of ownership (unity of real estate), so that all the existing rights and encumbrances that existed connected to the facility, i.e. to a separate part of the facility, from the moment of registration of the right of ownership are also transferred to that cadastral parcel, i.e. a part of the cadastral parcel of the owner of that separate part, unless a long-term lease is established on such land in accordance with this Act.

In the case where several facilities of various owners are built on a single cadastral parcel, the unity of real estate referred to in paragraph 1 of this Article is established upon conducted procedure of parceling, so that a separate cadastral parcel is formed for each facility after parceling.

In the case when several joint users, i.e. joint owners, are registered on a single parcel, and only one of them is the owner of the facility built on such parcel, the unity of real estate referred to in paragraph 1 of this Article is established upon conducted procedure of parceling of the cadastral parcel on which the facility is built, whereas the other parcels are formed as cadastral parcels of undeveloped building land.

Parceling referred to in paragraphs 2 and 3 of this Article is conducted on the basis of consent of the owners of the existing facilities or land.

In the event that the consent referred to in paragraph 4 of this Article is not reached, an interested person may institute a proceeding for dissolution of joint property ownership before the competent court. Based on the final court decision, parceling referred to in paragraphs 2 and 3 of this Article is conducted before the authority competent for land surveying and cadastre.

While drafting a parceling design for the purpose of dissolution of joint property ownership in a court proceeding, the provisions on minimum area of a building parcel, on access to public transport area, height and distance of facilities, which are prescribed by the planning document for this zone, do not have to be applied.

The provisions of this Article relating to the dissolution of joint property ownership also apply to the persons whose status is regulated by the law governing the conversion with compensation of the right to use into ownership right on building land, with a view to dissolve joint property ownership and form new cadastral parcels in accordance with this Act. The right of use is registered on the newly formed cadastral parcels.

Article 106a

(Deleted)

11. Urban Land Consolidation

Article 107

Urban land consolidation (hereinafter: land consolidation) is a procedure whereby the existing cadastral parcel in the area for which a plan of general or a plan of detailed zoning is adopted (hereinafter: land consolidation area) are converted into building parcels, in accordance with the applicable planning document, and on the basis of the confirmed design of urban land consolidation, with a view to rational use

and development of building land, while simultaneously resolving property and legal relations that arise in such procedure.

Land consolidation represents public interest for the Republic of Serbia.

Land consolidation is conducted if in a particular area there are cadastral parcels which due to their area, shape, position or inability to access public purpose surface do not fulfill the requirements for a building parcel, or if there are other aggravating circumstances for efficient and economical implementation of planning documents and rational use of construction land. The procedure of land consolidation is carried out in compliance with the principle of inviolability of the real estate rights of the owners of cadastral parcels, principle of equal value and principle of allocation of new cadastral parcels along with fulfillment of public interest.

All cadastral parcels in land consolidation area that constitute land consolidation mass are subject to land consolidation, except for the following cadastral parcels:

- 1) Whereon facilities are built and cadastral parcels are formed in accordance with the applicable planning document;
- 2) Parcels of unbuilt building land that fulfills the requirements for a building parcel in accordance with the applicable planning document along with the request for exclusion from the land consolidation mass of all real estate right holders on the cadastral parcel;
- 3) Parcels of public purpose that are developed or built in accordance with the applicable planning document;

Land consolidation mass is building land within the land consolidation area, which consists of segregated areas intended for building of surfaces or facilities for public purpose which are allocated to the property of the holders of the right of public ownership in accordance with law, and segregated surfaces for redistribution which are allocated to other holders of the real rights.

Separated surfaces for public purpose referred to in paragraph 5 of this Article are determined prior to formation of building parcels for redistribution to other holders of real estate rights.

In the land consolidation procedure, the right of ownership is transferred to the newly formed cadastral parcels, as well as any encumbrances if they have been registered for the cadastral parcel which is entered into the land consolidation mass.

Parties to the land consolidation procedure are owners and holders of other real estate rights on the building land which is subject to land consolidation, persons who have a legal basis for registration of the right of ownership on a real estate, but such right has not been entered into the public register of real estate and related rights until the day of entry into force of a decision on land consolidation, as well as the local self-government unit in whose territory the land consolidation procedure is conducted. In order to protect and realize the interests of the Republic of Serbia or the autonomous province, persons with legal interest in the procedure of land consolidation, within the meaning of the provisions of this Act, are also the authorized representatives of the Republic of Serbia or the autonomous province.

Land consolidation procedure is conducted by an urban land consolidation commission (hereinafter: the commission) formed by the assembly of the local self-government unit in the territory of which land consolidation procedure is conducted. The procedure of land consolidation is also carried out by a commission formed by the minister in charge of urbanism, in case when the land consolidation area includes building land located in the territory of two or more units of local self-government.

The Government, at the proposal of the ministry competent for urbanism, forms the republic commission for urban land consolidation.

Article 108

Prior to adoption of the decision on land consolidation, the commission, at the request of the owners, i.e. other holders of the real estate rights on the cadastral parcels whose area represents at least 51% of the area of the region for which a plan of general or detailed zoning has been adopted, determines the merits of the request, within a term of ten days from the day of submission of the request. The ministry competent for urban planning or the assembly of the local self-government unit may initiate the process of urban land consolidation for the purposes of the construction of publicly-owned public purpose facilities, in which case the commission proposes to the ministry responsible for urbanism, i.e. to the assembly of the local self-government unit, the render a decision on the land consolidation.

If the commission determines fulfillment of the conditions referred to in paragraph 1 of this Article, during the further procedure it proceeds with determination of the boundaries of land consolidation area and determines the parties to the procedure. The land consolidation commission drafts a report on the established facts, which is publicly available to all interested persons and which is published with a defined border on the digital platform of the National Geospatial Data Infrastructure.

Upon determining the fulfillment of all conditions for land consolidation, the land consolidation commission proposes to the assembly of the local government unit to adopt a decision on land consolidation. Upon adoption, the decision is published in the public gazette of the local government unit and at least in one local and one daily newspaper in the Republic of Serbia as well as on the digital platform of the National Geospatial Data Infrastructure and is the basis for entering the note into the public book of records of real estate and related rights on conducting of land consolidation. Upon registration of the note, changes in land consolidation area are possible only with the consent and decision of the commission. Prohibition of changes without the consent of the commission lasts until the completion of the land consolidation procedure, i.e. until the moment of deletion of the note in the public book of records of real estate and related rights.

After adoption of the decision of the competent authority on land consolidation, at the proposal of the land consolidation commission, the authority competent for urbanism issues a public call for application and determination of the required information for conducting land consolidation, within a term of eight days from the day of entry into force of the decision on land consolidation, which is published in the "Official Herald of the Republic of Serbia", i.e. in a public gazette of a local self-government unit and at least in one local and one daily newspaper in the Republic of Serbia, as well as on the digital platform of the National Geospatial Data Infrastructure.

The decision on the land consolidation is the basis for inscription of a note in the public register of real estate and the rights thereon, which records the implementation of the consolidation. After the inscription of the note, changes in the land consolidation region are possible only with the consent and decision of the commission. Prohibition of changes without the consent of the commission lasts until the completion of the process of land consolidation, i.e. until the moment of deletion of the note from the public register of real estate and rights thereon.

The time limit for the application referred to in paragraph 4 of this Article is 30 days from the day of announcing the public call, within which time limit the commission is obliged to carry out public presentation and inform the interested persons in greater detail with the principles of land consolidation and the principles of redistribution of building land, and it makes a report on that. Upon completion of the public presentation, the land consolidation commission proceeds with drafting of a land consolidation design.

A land consolidation design is produced in accordance with the rules of parceling and re-parceling contained in the applicable planning document and the rules of land consolidation, with clearly shown existing and newly planned state, with all the factual, spatial and legal changes that are about to occur in the land consolidation area. Upon drafting, the land consolidation commission organizes public scrutiny of the land consolidation design for the duration of 30 days.

Parties to the land consolidation procedure are entitled to object the proposed solutions referred to in the land consolidation design within a term of 30 days from the day of expiration of the time limit for public scrutiny.

The commission decides on the objection within a term of eight days from the day of receipt of the objection, and the report containing the information on public scrutiny, with all the remarks and objections, with the decisions on objections, is submitted to the land consolidation design developer who is obliged to amend and supplement the land consolidation design within a term of eight days, in accordance with the adopted decisions of the commission. The land consolidation design is submitted for confirmation to the commission, organ of the local self-government unit competent for urbanism and to the Republic Geodetic Authority.

Upon confirmation by the organs referred to in paragraph 9 of this Article, the land consolidation design is published in the "Official Herald of the Republic of Serbia", i.e. in the official gazette of the local self-government unit, and on the digital platform of the National Geospatial Data Infrastructure.

Upon entry into legal force, the land consolidation project is submitted to the authority of the local government unit competent for property and legal affairs, which, upon completion of the procedure, adopts a decree on land consolidation.

An appeal may be filed against the decree on urban land consolidation to the ministry competent for urbanism within a term of 15 days from the day of receipt of the decree.

A final decision on land consolidation, with a proof of payment of contributions in the land consolidation procedure is the grounds for registration of a newly formed cadastral parcel in the public book of records of real estate and related rights.

Article 108a

Redistribution of building parcels is performed so that, whenever possible, the owner is allocated with building land that has a position which is the same or similar to the land entered into land consolidation mass, based on area criterion or based on value criterion.

Based on the area criterion, each owner is entitled to building land in the area of the parcel entered into land consolidation mass, reduced by the share in the area which shall be used for public purposes and which is determined by the land consolidation commission.

Based on the land value criterion, each owner is entitled to one or several building parcels, the market value of which after conducted land consolidation (post land consolidation value) corresponds at least to the value of the building land entered into the land consolidation mass (pre land consolidation value).

In the case of occurrence of difference in area between the allocated and entered area, and after deduction of the part of the area for public purposes (according to the criterion of entered area and entered land value) such difference is compensated in cash.

Cash compensation is determined by the land consolidation commission.

Costs of preparation of the land consolidation procedure (land consolidation design production, surveying works etc.) are borne by a local government unit in whose territory the land consolidation procedure is conducted.

In cases when the urban land consolidation procedure was initiated by the ministry responsible for urbanism or the autonomous province authority responsible for urbanism, the costs of the land consolidation procedure are financed from the budget of the Republic of Serbia, i.e. the budget of the autonomous province.

Upon completion of the land consolidation procedure, the land consolidation commission issues a separate decision to determine the amount of participation of each of the parties in actual costs.

Land consolidation costs are borne by the participants of land consolidation, if the procedure is instituted on their initiative (at least 51% of area). The procedure is conducted by the local government at the expense of the land owners. The commission shall, prior to adoption of the decision on land consolidation, deliver to each participant a pro forma invoice for costs to be borne until the finalization of the procedure. Calculation of actual cost is carried out while drafting separate decrees on land consolidation, and actual costs may exceed pro forma invoice for costs by no more than 20%.

Article 108b

On the day of finality of the decree on land consolidation:

- 1) All real estate rights and encumbrances which existed for cadastral parcels entered into land consolidation mass are transferred to the newly formed cadastral parcel which is by means of redistribution allocated to a new holder of the right of ownership;
- 2) All payments from land consolidation mass and to land consolidation mass become due, unless otherwise stipulated in the decree on land consolidation;
- 3) Upon recording of the note on land consolidation, the authority competent for land surveying and cadastre may make changes in the real estate registry solely at the request of the commission, in the territory that is covered by land consolidation.

Article 108c

All documents issued in the procedure of urban land consolidation by the competent authorities, participants in the procedure and holders of public authorities, including technical documentation, are submitted in the form of an electronic document, and the exchange and communication is done electronically.

Art. 109-109c

(Deleted)

V CONSTRUCTION OF FACILITIES

Article 110

The construction of facilities is carried out on the basis of a building permit and technical documentation, under the conditions and in the manner prescribed by this Act.

1. Content and Types of Technical Documentation

1.1. Preliminary Works

Article 111

Before starting preparation of the technical documentation for the construction of a facility referred to in Article 133 of this Act, for which a building permit is issued by the competent ministry, i.e. the autonomous province, and which are financed by the budget resources, preliminary works are performed on the basis of whose results a preliminary study on feasibility and feasibility study are prepared.

For the construction of facilities referred to in Article 133 of this Act, for which the site conditions may be issued based on the planning document, the preliminary study of feasibility with the general design is not produced.

Article 112

Preliminary works, depending on the class and characteristics of the facility, comprise: investigations and drafting of analyses and designs and other expert materials; procurement of information whereby geological engineering-geological, geotechnical, geodesic, hydrological, meteorological, urbanistic, technical, technological, economic, energetic, seismic, water supply and traffic conditions are analyzed and elaborated; conditions for fire protection and protection of the environment, as well as other conditions which affect the construction and use of a certain facility.

1.2 Preliminary Study of Feasibility

Article 113

The preliminary study of feasibility especially determines the spatial, ecological, social, financial, market and economic justification of the investment for the various solutions defined by the general design, based on which the planning document adopted, as well as the decision on feasibility of investing into preliminary works regarding the conceptual design and drafting of the feasibility study.

The preliminary study of feasibility contains the general design referred to in Article 117 of this Act.

1.3 Feasibility Study

Article 114

The feasibility study determines in particular the spatial, ecological, social, financial, market and economic justification of the investment for the chosen solution, elaborated by the conceptual design, based on which a decision on feasibility of the investment is adopted, for the projects in the financing of which the users of public funds participate, irrespective of the fact whether the investor is the user of public funds.

The feasibility study contains the conceptual design referred to in Article 118 of this Act.

Preparation of the Preliminary Study of Feasibility, i.e. Feasibility Study

Article 115

The preparation of the preliminary study of feasibility and feasibility study may be carried out by a company, i.e. other legal person entered into the appropriate register as the performer of designing and engineering activities which fulfils the conditions concerning the presence of experts in the staff.

Article 116

The technical documentation is drafted as:

- 1) A general design;
- 2) A conceptual solution;
- 3) A conceptual design;
- 4) A design for a building permit;
- 5) A project execution plan;
- 6) As-built design of a constructed facility.

1.4 The General Design

Article 117

The general design contains in particular the data about: the macro location of the facility; general disposition of the facility; technical and technological concept of the facility; the method of providing the infrastructure; the possible options for the spatial and technical solutions from the point of view of fitting into space; the natural conditions; the assessment of the environment impact; engineering-geological-geotechnical characteristics of the terrain from the aspect of determining the general concept and feasibility of construction of the facility; exploratory works done for the preparation of the conceptual design, the protection of natural and immovable cultural property, the functionality and rationality of the solution.

1.4a Conceptual Solution

Article 117a

The conceptual solution represents a display of the planned concept of a facility made for the purpose of obtaining the site conditions, and it can also be a part of the urban planning design for the purposes of urban planning and architectural elaboration of a location in accordance with the regulation that regulates in more detail the content of the technical documentation.

The conceptual solution must only display the data necessary for the issuance of site conditions, i.e. the data necessary for determining compliance with the planning document, without the elaboration of technical solutions.

1.5 Conceptual Design

Article 118

The conceptual design is produced for the purposes of construction of facilities and execution of works referred to in Article 145 of this Act.

The conceptual design is also be produced for the purposes of constructing facilities and carrying out works for the facilities referred to in Article 133 of this Act, in which case it is subject to expert control by the audit committee.

The conceptual design referred to in paragraph 1 of this Article, prepared for the needs of carrying out the works referred to in Article 2, item 32a) of this Act, is subject to technical control, in accordance with the provisions of this Act, except in the case of reconstruction of the electricity distribution and electronic communications network.

The conceptual design is made in accordance with the regulation that regulates in more detail the content of technical documentation.

1.6 Design Intended for Building Permit

Article 118a

The design intended for building permit is drawn up for the purposes of obtaining a decree on building permit in accordance with the secondary legislation that regulates in more detail the content of technical documentation.

The design for the building permit elaborates the planned concept of the facility determined by the conceptual solution on the basis of which the site conditions have been issued, and its deviations from that

conceptual solution are possible in accordance with the regulation that regulates in more detail the content of the technical documentation.

The design referred to in paragraph 1 of this Article shall also contain the statement by the head designer, responsible designer and technical control supervisor, whereby it is confirmed that the design was produced in accordance with the site conditions, regulations and the rules of the profession.

For facilities for which the law that regulates fire protection prescribes the obligation to develop the Main Fire Protection Design and obtain consent to the design for execution, a Fire Protection Study must accompany the design for the building permit.

The study on fire protection is drafted by a person holding an appropriate license issued in accordance with the regulations governing fire protection.

Art. 119-122

(Deleted)

1.7. Project Execution Plan

Article 123

The project execution plan is drafted for the purposes of construction and execution of works, if that is prescribed by secondary legislation that regulates in more detail the content of technical documentation.

The project execution plan is a set of mutually harmonized designs which determines construction-technical, technological and exploitation characteristics of a facility with equipment and installations, technical-technological and organizational solutions for construction of a facility, the investment value of a facility and facility maintenance requirements.

The design referred to in paragraph 1 of this Article shall also contain the statement of the head designer and statements of responsible designers which confirm that the design was produced in accordance with the site conditions, building permit, design intended for building permit, regulations and rules of the profession.

The project execution plan may also be drafted in phases, in which case the works are executed only for the phase for which the project execution plan was confirmed in accordance with paragraph 3 of this Article.

Consent to the project execution plan is obtained prior to issuance of the occupancy permit for the facilities for which, in accordance with the act governing fire protection, consent to technical document is obtained.

The consent referred to in paragraph 5 of this Article is obtained in the process of unified procedure, within a term of 15 days from the day of application, i.e. within a term of 30 days in the event that it is obtained for the facilities referred to in Article 133 of this Act.

1.8. As-Built Design

Article 124

The as-built design is prepared for the purposes of obtaining the occupancy permit, use and maintenance of the facility.

The as-built design is prepared for all facilities for which, according to this Act, it is necessary to obtain the building permit.

The as-built design equals the project execution plan with changes which have been done during construction of the facility.

The as-built design is not subject to technical control, except when it is prepared for the needs of legalization of facilities.

In the event when, during construction of the facility, no changes have been made compared to the project execution plan, the investor, the person who carries out professional supervision and the contractor who executes the works confirm and certify on the project execution plan that the existing conditions are the same as the designed conditions.

Article 125

(Deleted)

2. Preparation of the Technical Documentation

Article 126

Technical documentation for the construction of facilities, i.e. execution of works may be produced by a legal person or sole trader founded in accordance with the law, and which:

1) Has employees, i.e. hired licensed engineers, i.e. licensed architects registered in the register of licensed engineers, architects and spatial planners in accordance with this Act and regulations adopted on the basis of this Act with appropriate professional results;

2) In accordance with the conditions prescribed by this Law and regulations adopted pursuant to this Law, is entered in the register for the preparation of technical documentation kept by the ministry responsible for planning and construction in accordance with this Act.

A person has professional results in terms of paragraph 1 of this Article if such a person produced or participated in production of appropriate type of technical documentation, i.e. in performing of technical control of that type of technical documentation, in accordance with the regulation adopted on the basis of this Act.

The minister in charge of civil engineering shall prescribe in more detail the conditions that should be fulfilled by the legal persons and sole traders from paragraph 1 of this Article.

The minister in charge of civil engineering shall form a commission that shall determine the fulfillment of requirements for performing the tasks of technical documentation production.

At the proposal of the commission referred to in paragraph 4 of this Article, the minister competent for civil engineering affairs shall issue a decree on the fulfillment of requirements for performing the tasks of drafting technical documentation and entry in the register referred to in paragraph 1 of this Article.

The decree from paragraph 5 of this Article shall be final as of the day of its serving and shall be valid for two years.

The minister in charge of civil engineering shall render a decree to cancel the decree on fulfillment of requirements for production of technical documentation if it is determined that the legal person or sole trader does not fulfill the requirements from paragraph 1 of this Article, as well as when he determines that the decree has been issued on the basis of inaccurate or false data.

The costs of determining the fulfillment of requirements for production of technical documentation from paragraph 1 of this Article shall be borne by the applicant.

The amount of costs for determining the fulfillment of requirements for production of technical documentation referred to in paragraph 8 of this Article, shall be an integral part of the decree from paragraph 5 of this Article.

Article 126a

A legal person or sole trader that fulfills the requirements referred to in Article 126, paragraph 1 and Article 150, paragraph 1 of this Act, shall inform the ministry responsible for civil engineering affairs in writing about any change in the conditions determined by the civil engineering minister's decree and within 30 days submit a request for the issuance of a new decree and submit evidence of the fulfillment of the conditions for inscription in the appropriate register for the production of appropriate type of technical documentation, i.e. building of facilities or executing works.

The Ministry in charge of civil engineering affairs shall, ex officio or at the initiative of inspection and other state bodies, legal and natural persons, control the fulfillment of conditions established in the procedure for determining the fulfillment of conditions for the production of technical documentation, i.e. construction of facilities or execution of works.

If the ministry in charge of civil engineering affairs determines that the conditions referred to in paragraph 2 of this Article have not been fulfilled, it shall cancel the decree issued to a legal person or sole trader within 30 days from the day of detection of irregularities.

In the case referred to in paragraph 3 of this Article, a new decree may not be issued to that person within the next six months from the day of finality of the decree referred to in paragraph 3 of this Article.

The decree cancelling the decree referred to in paragraph 3 of this Article shall become final in administrative procedure on the day of its serving on a legal person or sole trader to which it refers and against the decree no appeal may be filed, but an administrative dispute can be initiated.

Article 127

A person employed in a company, other legal person or a sole trader's shop who is authorized to determine any of the conditions on the basis of which the technical documentation is prepared may not participate in the preparation of technical documentation.

A person who carries out supervision over the application of the provisions of this Act may not participate in the preparation of technical documentation.

A legal person who performs communal activities, i.e. activities of general interest may prepare the technical documentation for the construction of facilities to be used for the performance of its activity, under the conditions set by this Act.

An organization which performs the activity of protection of cultural property may prepare technical documentation needed for undertaking measures of technical protection on an immoveable cultural property.

2.1. Responsible Designer

Article 128

Professional tasks of drafting technical documentation in the capacity of responsible designer may be performed by a person with the professional title of a licensed engineer, licensed architect and licensed landscape architect, who is registered in the register of licensed engineers, architects and spatial planners in accordance with this Act and the regulation governing the professional examination, licensing and registration.

The professional title of a licensed engineer is obtained by issuing licenses in the professional, i.e. more narrow professional fields of civil engineering, electro-technical, mechanical, traffic, geodetic, technological, metallurgical and geological engineering, forestry and agriculture.

The professional title of licensed architect is obtained by issuing a license in the professional field of architecture.

The professional title of licensed landscape architect is obtained by issuing a license in the professional field of landscape architecture.

The licensed engineer, licensed architect, i.e. licensed landscape architect may be a person with acquired higher education of appropriate profession field referred to in paras. 2-4, at academic studies i.e. vocational studies of the volume of at least 300 ECTS or of equivalent level stipulated by other special regulations, with a passed professional exam, at least three years of professional experience, and professional results (references) in the relevant professional field, i.e. more narrow professional field.

Professional experience within the meaning of paragraph 5 of this Article shall be considered the experience gained in the preparation i.e. cooperation in the preparation of a project in the relevant professional i.e. more narrow professional field for which a professional exam is passed in accordance with this Act and the regulation governing the professional examination, licensing, and registration.

The responsible designer shall sign a part of the technical documentation, i.e. the design in accordance with the regulation that regulates in more detail the preparation of technical documentation, for the preparation of which he has the appropriate license in accordance with the Act and regulations adopted pursuant to this Act.

The right to use the professional title of a licensed engineer, licensed architect and licensed landscape architect shall be granted to persons who have acquired this title under the provisions of this Act and who are entered in the register of licensed engineers, architects and spatial planners in accordance with this law and regulations issued pursuant to this law.

Article 128a

The investor appoints a head designer who is responsible for compliance of the extract from design with the information from the design intended for the building permit, and who also confirms, with his signature, that all individual parts of the design are harmonized.

The head designer shall fulfill the requirements for a responsible designer prescribed by this Act.

3. Technical Control

Article 129

The design intended for a building permit is subject to technical control.

The technical control of the design for a building permit may be performed by a company, i.e. other legal person or sole trader (or several of them for separate expert fields), which are inscribed in the relevant register of companies or that possess a decree on fulfillment of conditions for designing that type of facilities, i.e. parts of facilities, in accordance with this Act, determined by the investor.

The technical control of the design intended for a building permit may not be performed by the responsible designer who produced such design, i.e. who is employed in the company which produced such design, or in the company which serves as the investor.

The technical control of the design intended for a building permit in particular encompasses the checking of: compliance with all the conditions and rules contained in the site conditions, in the act and other regulations, with the technical norms, standards and quality norms, as well as mutual compliance of all parts of the technical documentation; compatibility of the design with the results of the preliminary studies (preliminary works); assessment of the appropriate underlays for facility foundations; checking of the validity and accuracy of the technical-technological solutions of the facility and the solutions of construction of the facility; stability and safety; rationality of the building products specified in the design; environmental impact, and the influence on adjacent facilities.

The technical control of the design intended for a building permit for the construction of the facilities for which the building permit is issued by the authorized ministry, i.e. autonomous province also comprises the control of compliance with the measures contained in the report of the review commission.

A report is drafted on the completed technical inspection which is signed by the designers holding relevant licenses who have performed technical control of the separate parts of the design, and the final report is signed by a responsible representative of the legal entity, i.e. sole trader referred to in paragraph 2 of this Article.

The investor bears the costs of technical control.

The design intended for a building permit, prepared in accordance with the regulations of other countries, is subject to the technical control by which the compliance of this documentation with the act and other regulations, standards, technical and quality norms is checked.

The design intended for a building permit referred in paragraph 8 of this Article shall be translated into the Serbian language.

The conceptual design for the reconstruction of the linear infrastructure facilities referred to in Article 118, paragraph 2 of this Act is subject to technical control under the same conditions as a design for a building permit.

Article 129a

A legal person or sole trader which carries out the activities of preparation of planning documents, i.e. which is executing works, carries out the professional supervision or technical control, shall be insured against liability for damage they may be caused to the other party, i.e. to a third party (professional liability insurance).

Licensed spatial planner, licensed urbanist, licensed architect urbanist, licensed engineer, licensed architect, licensed landscape architect and licensed contractor must be insured against liability for damage he may cause to the other party, i.e. to a third party (professional liability insurance).

The Serbian Chamber of Engineers may assume the basic professional liability insurance of its members - licensed spatial planners, licensed urbanists, licensed architects-urbanists, licensed engineers, licensed architects, licensed landscape architects and licensed construction contractors. Professional liability

insurance of a member of the Serbian Chamber of Engineers shall not preclude the possibility of his additional individual or other collective professional liability insurance.

More detailed conditions of compulsory insurance referred to in paragraph 1 of this Article shall be prescribed by the minister in charge of civil engineering.

4. Storing Technical Documentation

Article 130

The authority competent for issuance of building permit shall permanently store one original set of documents on the basis of which the building permit has been issued, i.e. a copy of the technical documentation for the construction of such facility.

The investor shall permanently store one original, or in the prescribed way completed copy of the technical documentation on the basis on which the building permit has been issued, along with all the amendments and supplements carried out during construction and all the details for execution of works.

5. Review of the Design

Article 131

The general design and the conceptual design, the preliminary study of feasibility and the feasibility study for facilities referred to in Article 133 of this Act are subject to review (professional control) by a commission formed by the minister in charge of construction matters (hereinafter: review commission).

In the case of construction of facilities that is performed in phases i.e. stages, the minister responsible for civil engineering may set up a review commission in permanent convening for all phases i.e. stages of the project.

Where a project subject to expert control is a project implemented in accordance with the provisions of the law governing public-private partnerships, the obligatory member of the review commission shall also be the representative of the concession grantor.

The review commission referred to in paragraph 1 of this Article for the professional control of the facilities referred to in Article 133 of this Act, which are completely built in the territory of the autonomous province, is formed by the minister in charge of construction matters, at the proposal of the authority of the autonomous province in charge of construction matters.

Notwithstanding paragraph 1 of this Article, instead of the conceptual design, with the feasibility study, the investor may submit the design for building permit, prepared in accordance with secondary legislation that regulates the contents of the technical documentation, which in that case is subject to expert control.

Submission of requests and exchanges of documents and submissions referred to in paragraph 1 of this Article shall be carried out electronically, except for documents and submissions containing classified information and which are marked with a degree of secrecy in accordance with the regulations governing confidentiality of data.

Until the system of electronic delivery of documents and submissions is in place, documentation can also be submitted on a compact disc (CD).

Article 132

The professional control the concept of the facility is checked, particularly from the aspect of: adequacy of the location in view of the type and use of the facility; the conditions for construction of the facility in view of the application of measures for the protection of the environment; the seismic, geo-technical, traffic and other conditions; the provision of energy conditions in relation to the type of planned energy resources; the technical-technological properties of the facility; the technical-technological and organizational solutions for construction of the facility; up-to-dateness of the technical solutions and compatibility with the development programs in that field, as well as other prescribed conditions for the construction of the facility.

The review commission drafts a report with measures which are mandatorily applied during production of the design for building permit.

The deadline for delivery of the report referred to in paragraph 2 of this Article may not be longer than 30 days from the day of submission of the proper application.

If the review commission fails to deliver the report referred to in paragraph 2 of this Article within the prescribed deadline, it shall be deemed that the commission has no objections.

The investor bears the cost of the design review.

The amount of the costs referred to in paragraph 4 of this Article is determined by the minister in charge of construction matters.

VI BUILDING PERMIT

1. Competence for Issuing Building Permit

Article 133

The building permit for the construction of facilities is issued by the ministry in charge of construction matters (hereinafter: the Ministry), unless stipulated otherwise by this Act.

The Ministry issues the building permit for construction of the following facilities:

- 1) High dams and reservoirs filled with water, waste and ashes for which technical surveillance is prescribed;
- 2) Nuclear and other facilities which are used for the production of nuclear fuel, radio isotopes, radiation, storage of radioactive raw materials and waste for scientific-research purposes;
- 3) Facilities for processing of petroleum and natural gas which are constructed beyond fields of exploitation upon previously obtained consent of the ministry in charge of exploitation of mineral raw materials, production of biofuels and bioliquids at facilities with capacity exceeding 100 t per year, petroleum pipelines and product pipelines, natural gas pipelines with nominal operating over-pressure exceeding 16 bars, stationary bunkers and floating stations bunkers for the supply of ships and technical vessels with liquid fuel over 500 m² capacity, storage facilities for petroleum, liquefied petroleum gas and petroleum derivatives with capacities exceeding 500 t constructed beyond fields of exploitation defined by the law that regulates mining and geological research and primary heating pipelines;
- 4) Facilities of basic and processing chemical industry, ferrous and non-ferrous metallurgy, facilities for processing of skin and fur, facilities for processing caoutchouc, facilities for production of cellulose and paper and facilities for processing non-metallic mineral raw materials which are constructed beyond fields of exploitation defined by the act that regulates mining and geological research, except for facilities for primary processing of ornamental and other stone;
- 4a) Seveso plants and Seveso complexes;
- 5) Stadiums for 20 000 and more spectators, facilities with structural span over 50 m, facilities with height over 50 m, silos with capacity over 20 000 m³, institutions for implementation of penal sanctions, facilities for official needs of diplomatic-consular representative offices of foreign states, i.e. offices of international organizations at the Republic of Serbia, if prescribed so by a bilateral agreement, as well as residential complexes for multi-family dwelling where the Republic of Serbia is the investor;
- 6) Thermal power plant with power of 10 MW and more, thermal power plant-heating plant with electric power of 10 MW and more, and other facilities for production of electric energy with power of 10MW and more, as well as electric energy lines and transformer stations with voltage of 110 kV and more kV;
- 7) Inter-regional and regional water supply and sewerage facilities, facilities for preparation of drinking water with capacity exceeding 200 l/s and facilities for treatment of waste water with capacity exceeding 200 l/s;
- 8) Regulation works for the protection from floods of urban and rural areas greater than 300 ha
- 9) Facilities within the boundaries of immovable cultural assets of exceptional importance and cultural assets entered in the List of World Cultural and Natural Heritage, facilities in the protected surroundings of cultural assets of exceptional importance with determined boundaries of cadastral parcels and facilities in the protected surroundings of the cultural assets entered in the List of World Cultural and Natural Heritage, as well as facilities in the protected areas in keeping with a by-law on the protection of cultural assets (other than conversion of common areas into an apartment, i.e. office premises in the protected surroundings of cultural assets of exceptional importance and cultural assets entered in the List of World Cultural Heritage), in conformity with law;

- 9a) Facilities within the boundaries of a national park and facilities within the limits of protection of a protected natural asset of exceptional importance (except family residential facilities, agricultural and industrial facilities and infrastructure facilities required for them, which are built in villages) in conformity with law;
- 10) Plants for the treatment of non-dangerous waste by burning or chemical procedures with capacity of more than 70 t a day;
- 11) Plants for the treatment of dangerous waste by burning, thermal and/or physical, physical-chemical and chemical procedures, as well as the central storages and/or dumps for the storage of dangerous waste;
- 12) Airports for public air traffic;
- 13) Passenger ports, harbors, landing places and marinas;
- 14) State owned roads of the first and second class, travelling facilities and traffic connections to these roads and border crossings;
- 15) Public railroad infrastructure with connections and the underground railway;
- 16) Facilities for electronic communication, i.e. networks, systems or resources of international and primary relevance and those constructed in the territory of two or more units of local government;
- 17) Hydro construction facilities on waterways;
- 18) Waterway canals and ship locks which are not part of the hydro energy system;
- 19) Regional dumps, i.e. dumps for storage of non-dangerous waste for an area inhabited by over 200,000 people;
- 20) Facilities for production of energy from renewable energy sources with power of 10 MW and more;
- 21) Facilities intended for the production of weapons and military equipment in the sense of the law regulating the field of production of weapons and military equipment, as well as facilities for the production and storage of explosive materials;
- 22) Facilities for health care that have accommodation capacities of over 500 beds;
- 23) Facilities built on the territory of two or more units of local self-government.
- 24) *(Deleted)*

2. Entrusting Issuance of Building Permit

Article 134

The issue of a building permit is entrusted to the autonomous province for the construction of facilities determined by Article 133 of this Act, which are completely built in the territory of the autonomous province.

The issue of building permits is entrusted to the local government units for the construction of facilities which are not listed in Article 133 of this Act.

3. Issuance of the Building Permit

Article 135

The building permit is issued to the investor who has submitted next to the building permit application, the design for building permit and the extract from the design for building permit, produced in accordance with the regulation that regulates in more detail the content of technical documentation; who has the appropriate right on the land or facility, and who has submitted the evidence which confirm that he has paid the relevant charges and fees and other evidence prescribed by the regulation that regulates in more detail the process of implementation of unified procedure.

The right of ownership, the right of lease of the building land in public ownership, as well as other rights regulated by this Act, is considered to be the appropriate rights on the land.

For the construction of underground infrastructure facilities built within the framework of planned traffic or infrastructure corridors, by using the method of sub-drilling, as the first phase of realization a proof of

adequate right or proof of removal of a facility in terms of this Act is not submitted, but the mentioned evidence are submitted in the second phase of realization of construction.

A final or enforceable expropriation decree, concluded contract on the right of easement in accordance with this Act, concluded lease contract for privately owned land, as well as other evidence prescribed by Article 69 of this Act, are deemed to be the evidence on the appropriate right for the construction of line infrastructure facilities.

For the construction of line infrastructure facilities and public utility facilities, a building permit can be issued for several cadastral parcels, i.e. parts of cadastral parcels with the obligation of the investor to make a merger of these cadastral parcels before the issuance of the occupancy permit, based on the project of re-parceling.

For the construction of utility infrastructure, as well as the reconstruction, rehabilitation and adaptation of public traffic and other public areas in the regulation of the existing road, in accordance with the actual state on the terrain, no evidence on the appropriate right on land, i.e. on facility is submitted.

For the construction of a transformer substation within a facility, the consent of the investor, i.e. owner of the building, is considered as proof of the appropriate right. After the construction of the building, the part of the building in which the transformer substation was built becomes an independent part of the building in accordance with the regulations governing the maintenance of buildings.

For the construction or execution of works on building land or facility owned by several persons, notarized consent of such persons is enclosed as evidence of appropriate right, and if works on adding floors are executed, the contract concluded in accordance with the separate law is enclosed.

For the construction or execution of works on the construction of facilities for official needs of diplomatic-consular representative offices of foreign states, i.e. offices of international organizations in the Republic of Serbia, if prescribed so by a bilateral agreement, the investor is not obliged to pay a contribution for development of building land if there is reciprocity with that foreign state, whereof a certificate is issued by the ministry in charge of foreign affairs.

For the construction of power related facilities, before issuing a building permit, the investor obtains an energy permit, in accordance with a separate act.

If the building permit application envisages connecting the facility to the utility or other infrastructure that has not been built at the time of issuing site conditions, which has been stipulated in site conditions, an agreement between the investor and the appropriate holder of public authorities is submitted with the building permit application determining liabilities of contracting parties to build infrastructure needed to connect that facility to the utility or other infrastructure, i.e. other evidence of providing the missing infrastructure, not later than until the expiration of deadline for completion of works on the facility for which the building permit has been requested.

After receiving the building permit application, the authority in charge of issuing the building permit performs a check of the submitted documentation in accordance with Article 8f of this Act.

The building permit is issued based on the current site conditions regardless of whose request has been the basis for issuing site conditions.

The authority responsible for issuing the building permit issues at the risk of the investor a building permit also for a real estate where the note of a litigation i.e. administrative dispute is entered in the register of the cadastre.

For the facilities where building permit is issued by the ministry, i.e. the competent authority of the autonomous province, report of the review commission needs to be obtained prior to issuance of the building permit.

Article 135a

The building permit shall be issued to the name of the investor and financier if, enclosed with the application for issuance thereof, is the agreement between the investor and the financier, notarized in accordance with the act regulating verification of signatures, whereby the investor has agreed to also have the financier as the holder of rights and obligations from the building permit.

The financier is liable for all liabilities towards third parties, which are the result of actions undertaken in accordance with authorizations transferred to him under the agreement from paragraph 1 of this Article.

By concluding the agreement referred to in paragraph 1 of this Article and by issuing a building permit both in favor of the financier, it is considered that the financier has the right to access the land on which the actual facility is built, i.e. where the works are performed, as well as that such right can be transferred to the contractor who carries out the works in order to build the facility i.e. to execute the works.

Upon entry of the built real estate in the real estate records, the financier shall transfer the real estate into the possession, use and management of the person who owns the real estate, i.e. the person designated as the manager.

4. Contents of the Building Permit

Article 136

The building permit in particular contains the information on:

- 1) The investor, i.e. investor and financier;
- 2) The facility construction of which is permitted along with the information on gross developed building dimensions, height, total area, and estimated value of the facility;
- 3) The cadastral parcel, i.e. cadastral parcels, i.e. parts of cadastral parcels on which the facility is to be constructed;
- 4) The existing facility to be removed or reconstructed;
- 5) The validity period of the building permit;
- 6) The documentation based on which it is issued.

An integral part of the building permit is also an extract from the design for a building permit, with the specification of all specific parts of the facility.

The building permit is issued by a decree within a term of five business days from the day of filing the application. Site conditions, the amount of contribution from Article 97, paragraph 2 of this Act, the extract from the design, and the design intended for the building permit are integral parts of the decree.

An appeal may be filed against the decree from paragraph 3 of this Article within a term of eight days from the day of serving.

The decree from paragraph 3 of this Article passed by the competent ministry, i.e. competent autonomous province authority is not appealable, but the administrative dispute may be initiated by filing of a complaint.

Article 137

The building permit is issued for the whole facility, i.e. a part of it, if that part represents a technical and functional unit, i.e. for several cadastral parcels or parts of cadastral parcels for the construction of line infrastructure facilities.

Preparatory works are done on the basis of the building permit referred to in paragraph 1 of this Article.

Preparatory works for the facilities referred to in Article 133 of this Act, as well as for facilities that have gross developed construction area of over 800 m², may also be carried out on the basis of a special building permit.

A special building permit is issued for the construction of temporary public parking spaces in public ownership.

With the request for issuing the building permit referred to in paragraph 4 of this Article, the evidence referred to in Article 145 of this Act are enclosed, and the validity period, the right to appeal, the possibility of extending the validity period of the decree and the procedure for removing the temporary public parking lot are governed by the provisions of Article 147, paras. 5, 6, 7, and 8 of this Act.

With the request for issuance of the building permit referred to in paragraph 3 of this Article, the location conditions, the design of preparatory works, and proof of the appropriate right on the land or facility are attached.

The decree referred to in paras. 3 and 4 of this Article is passed by the authority in charge of issuing the building permit, within eight days from the day of submission of the proper documentation.

An appeal may be filed against the decree referred to in paras. 3 and 4 of this Article within eight days from the day of delivery, and if the decree is issued by the ministry in charge of civil engineering affairs, i.e. the competent authority of the autonomous province, no appeal is allowed, but an administrative dispute can be initiated by filing a complaint.

If preparatory works relate to the removal of a facility located on the parcel, the investor's obligation is to submit the geodetic report on the demolition to the competent real estate cadastre for the purpose of implementation of the change. The decree referred to in paragraph 3 of this Article specifically contains the obligation of the investor to notify the competent inspector about the removal of the facility from the parcel; the inspector prepares the minutes and submits it to the competent cadastre of the real estate administration, for the purpose of implementing the change in the cadastral register.

5. Serving of the Building Permit Decree

Article 138

The competent authority serves the building permit decree on the inspection which performs supervision over the construction of the facility, and if the decree has been issued by the ministry, i.e. autonomous province, the decree is delivered to the local government unit in whose territory the facility is constructed, for information purposes.

The building permit decree is delivered to the holders of public authority competent for determining requirements for designing, i.e. connecting the facility to the infrastructure network, for information purposes.

Article 138a

Construction may be commenced with on the basis of a final building permit decree and notification of works referred to in Article 148 of this Act.

The investor may commence with construction also on the basis of a final building permit decree and notice of works referred to in Article 148 of this Act, at his own risk and responsibility.

If a party has instituted an administrative dispute, and the developer fails for that reason to start building the facility until the finality of the decree, the investor is entitled to claim damages and lost profits in conformity with the law, if it is found that the claim is unfounded.

6. Ruling on Appeal

Article 139***

Appeal against the building permit decree of the local government unit, as well as against the first-instance decree on the permit for execution of works under Article 145 of this Act issued by the local government unit, is ruled on by the ministry responsible for construction.

The autonomous province is entrusted with ruling on the appeal against the first-instance building permit decree issued by the local government unit for the construction of facilities which are built in the territory of the autonomous province, as well as on the appeal against the first-instance decree permitting the execution of works as referred to in Article 145 of this Act rendered by the local government unit for the works to be executed in the territory of the autonomous province.

The City of Belgrade is entrusted with ruling on the appeal against the first-instance building permit decree issued by the city municipalities, as well as for appeals against first-instance decree permitting the execution of the works referred to in Article 145 of this Act, in the territory of the City of Belgrade.

7. Term of Validity of the Building Permit

Article 140

The building permit ceases to be valid if the execution of the works is not reported within three years from the day of finality of the decree whereby the building permit has been issued.

Notwithstanding paragraph 1 of this Article, when the execution of works has been reported pursuant to Article 148, paragraph 5 of this Act, the building permit is valid until the reporting of the execution of works for all parts of the building.

The decree which determines the lapsing of the building permit referred to in paras. 1 and 2 of this Article is rendered by the authority competent for the issuance of the building permit.

The building permit lapses if the occupancy permit is not issued within a term of five years from the day of finality of the decree on issuing the building permit, except in the case of the facilities referred to in Article 133 of this Act, utility infrastructure facilities that are built in phases and the family residential buildings built by the investor for the purpose of satisfying his own housing needs.

At the investor's request, the competent authority may render a decree approving the final building permit to remain in force for two years after the time limit set in paragraph 4 of this Article, if in the procedure initiated within the time limit from paragraph 4 of this Article it is established that the facility has been completed in constructional sense on the basis of the minutes of the competent building inspector.

Following the expiration of the deadline referred to in paragraph 4 of this Article, the investor pays to the account of the Tax Authority a contribution in the equivalent of the property tax which would have been payable for the whole facility in keeping with the law dealing with property tax, had the facility been built in accordance with the building permit, up until a new building permit is issued for that location.

The decree determining the lapse of the building permit referred to in paragraph 3 and 4 of this Article is rendered by the authority responsible competent for the issuance of the building permit, and upon its finality, that authority submits that decree to the Tax Authority in whose territory such facility is located.

Provisions of paras. 3, 4, 5 and 6 of this Article also relate to building permit decrees, i.e. the construction approval decrees issued in accordance with previously applicable laws regulating the construction of facilities, before September 11, 2009.

8. Amendments to the Building Permit Decree due to Change of the Investor

Article 141

If, after finality of the building permit decree, the investor is changed, the new investor shall, within a term of 30 days of the day of occurrence of such change, submit to the authority that issued the building permit an application to modify the building permit decree.

Attached to the application referred to in paragraph 1 of this Article is to be the proof of ownership, i.e. other right on the land for the purpose of construction of the facility, i.e. proof of ownership of the facility for the purpose of reconstruction of the facility, subsequent mortgage agreement, mortgage statement, contract for the sale of the facility under construction in the form of a publicly certified (solemnized) document or notary public record, as well as other legal grounds whereby the real rights to the facility under construction are transferred, and other legal basis for acquisition of ownership rights on the facility under construction.

If the facility for which a building permit decree has been issued is located on a privately owned land, the contract on purchasing of building land, i.e. facility under construction, concluded in the form of the notary record, i.e. other legal basis for acquisition of the right of ownership on the building land, i.e. on the facility under construction, with the proof on paid corresponding tax in accordance with the law regulating property taxes, i.e. the proof that conveyance of building land, i.e. facility under construction is not subject to taxation in accordance with the law regulating property taxes, is submitted with the application from paragraph 2 of this Article.

If the facility for which a building permit decree has been issued is located on building land in public ownership, and the holder of the issued building permit is the lessee on that land, an extract from the records of real estate and related rights that shows the inscribed right of lease in favor of the new owner of the facility in the encumbrance sheet is submitted with the application from paragraph 2 of this Article. The contract on purchase of the facility under construction, concluded in the form of the notary record, i.e. other legal basis for acquisition of the right of ownership on the facility under construction, with the proof of paid corresponding tax in accordance with the law regulating property taxes, i.e. the proof that conveyance of the facility under construction is not subject to taxation in accordance with the law regulating property taxes, and the contract with the owner of building land in public ownership on the modification of the lease agreement, in accordance with this Act, are submitted with the application for inscription of the right of lease on the building land in favor of the new owner of the facility under construction.

If the subject of the issued building permit is the addition of floors, i.e. conversion of common premises into an apartment or business premises, the contract on the purchase of the facility under construction, i.e. other legal basis for acquisition of ownership right on the facility under construction, which is certified in court and contains proof of payment of the appropriate tax in accordance with the act that regulates property taxes, i.e. proof that conveyance of the facility under construction is not subject to taxation in

accordance with the act that regulates property taxes, and the contract concluded with the tenants' assembly, i.e. tenants' council, in accordance with a special act, are submitted as proof referred to in paragraph 2 of this Article.

If the subject of the issued building permit is the reconstruction of an existing facility, the extract from the public records of real estate and related rights, with the recorded right of ownership on the facility for which the building permit for reconstruction was issued, is submitted as proof referred to in paragraph 2 of this Article.

As proof referred to in paragraph 2 of this Article a final inheritance decree may be submitted, as well as the decree on a status change of a company, from which it is possible to determine unequivocally the legal continuity of the applicant.

The application for the modification of the building permit decree due to the replacement of the investor may be submitted up to the filing of the occupancy permit application.

The decree that modifies the building permit decree is to be issued within a term of eight days from the day of filing the application and is to contain information about the change in personal name, i.e. company name of the investor, while it is to remain unchanged in other parts.

The decree referred to in paragraph 9 of this Article is to be delivered to the previous and new investor and to the construction inspection.

An appeal may be filed against the decree referred to in paragraph 9 of this Article within a term of eight days from the day of its delivery, and if the decision is rendered by the Ministry, i.e. the competent authority of the autonomous province, an administrative dispute may be instituted by a complaint.

The provision of this Article which relates to the modification of the decrees on the building permits, due to the change of investor applies mutatis mutandis to the modification the permit for construction and the main design confirmed in accordance with the provisions of the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06), as well as to the modification of the decree on the building permit issued in accordance with the provisions of previously applicable acts which regulated construction of facilities, when the construction of the facility has been initiated in keeping with that decree.

9. Modification of the Building Permit Decree

Article 142

Upon issuing of the building permit decree until the filing of the occupancy permit application, the investor, in accordance with the newly appeared financial, urbanism-planning and other circumstances, changes of the planning document, changes in availability of utility and other infrastructure, in order to harmonize with the execution plan and for other reasons, may file a request for modification of the building permit. If, during construction, i.e. executions of works changes occur in respect to the issued building permit, the design for the building permit, the investor is obliged to suspend the construction and file a request for modification of the building permit. If during the construction of the facility there is a change in the planning document on the basis of which the building permit has been issued, at the request of the investor the competent authority may change the building permit in accordance with the new planning document, while retaining the acquired rights from the building permit that is being changed.

Any deviation from position, dimensions, purpose and form of the facility, as well as other parameters and conditions determined in the building permit, i.e. extract from the design, is deemed to be a modification in terms of paragraph 1 of this Article.

In case the changes from paragraph 2 of this Article are not in accordance with the issued energy permit for a specific type of facility, i.e. that the data on location and the installed power of the energy facility are being changed, the competent authority instructs the applicant to obtain a new energy permit.

Attached to the request referred to in paragraph 1 of this Article shall be a new design intended for the building permit, i.e. extract from the design intended for the building permit which is to be modified.

If modifications referred to in paragraph 2 of this Article are not in compliance with the issued site conditions, the competent authority instructs the applicant to obtain new site conditions, in unified procedure, that relate to the actual modification.

If the authority competent for issuance of the building permit determines that arisen changes are in accordance with issued site conditions, it shall issue a decree to modify the building permit within a term of five working days from the day of receipt of proper documentation.

If during the construction, i.e. reconstruction of a line infrastructure facility, a natural disaster takes place or other unforeseen occurrence, i.e. circumstance which endangers the security and health of people, facility or traffic, in order to prevent them or mitigate the harmful effect, eliminate the harmful consequences of those disasters, occurrences, i.e. circumstances that requires modification of existing technical solutions, i.e. increased volume of works, the investor may execute works without previously obtained decree on modifying the building permit decree, i.e. decree on approval for the execution of works for that facility, in accordance with the Article 143 of this Act.

The provision of this Article relating to modification of the building permit decree due to changes in the course of building shall apply mutatis mutandis also to the modification of the building approval and the main design confirmed in accordance with the provisions of the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06), as well as to modifications to the building permit decree issued in keeping with the provisions of the formerly applicable acts which regulated construction of facilities, when construction of the facility has been commenced in accordance with such decree.

The provisions of this Article shall apply mutatis mutandis to the modification of the decree on the approval from Article 145 of this Act.

10. Special Cases of Construction, i.e. Execution of Works without Obtained Building Permit

Article 143

Construction of a facility, i.e. execution of certain works may be started even without previously obtaining the building permit if the facility is being built immediately before, or during natural disasters, as well as to eliminate the damaging consequences of such disasters, immediately after their occurrence, in case of breakdown of energy facilities or telecommunication systems, as well as in case of war or imminent war danger.

In the event of breakdown of energy facilities and telecommunication systems, the owner of the facility, i.e. system shall immediately inform the authority competent for construction inspection tasks about the occurred breakdown.

The facility referred to in paragraph 1 of this Article may remain as permanent if the investor obtains the building permit, i.e. decree referred to in Article 145 of this Act within a term of one year from the day of ceasing of dangers which caused its construction, i.e. execution of works.

If the investor fails to obtain the building permit for the facility referred to in paragraph 1 of this Article within the prescribed term, he shall remove such a facility within a term determined by the authority competent for construction inspection tasks, which may not be longer than 30 days.

11. Construction of Facilities and Execution of Works for which the Building Permit is not issued

Article 144

A special type of facilities may be built, i.e. certain works carried out even without obtaining the decision of the competent authority, in accordance with the special regulation referred to in Article 201, paragraph 7, item 13a) of this Act.

Article 145

Upon the request of the investor for the construction of certain types of facilities, i.e. the execution of certain works that are more precisely determined by the regulation referred to in Article 201, paragraph 7, item 13a) of this Act, the authority in charge of issuing the building permit issues a decree to approve the execution of works.

The decree on approval to execute works is issued to the investor who has the appropriate right on land or on the facility and who has provided the necessary technical documentation, evidence of payment of the appropriate charges and fees and other evidence in accordance with the regulation that more closely regulates the procedure for the implementation of the unified procedure.

The requests for issuing a decree on approval to execute works on the facilities, i.e. areas referred to in Article 2, items 24), 24a), 24c and 24d) of this Act, public drinking fountains and fountains, as well as for the investment maintenance and adaptation of facilities within the boundaries of the national park and facilities within the boundaries of protection of protected natural assets of exceptional importance, as well

as for carrying out works on investment maintenance and adaptation in the protected environment of cultural assets of exceptional significance and cultural assets registered in the List of World Cultural Heritage, are decided by the competent authority of the local self-government unit in whose territory the actual facility is located.

The competent authority shall issue a decree to reject the request within five working days from the submission of the request, if issuing of a building permit is needed for the works specified in the request.

The competent authority renders a decree upon the request referred to in paragraph 1 of this Article within five working days from the day of submission of the request.

Appeal may be filed against the decree referred to in paras. 3, 4 and 5 of this Article to the competent authority within eight days from the day of serving of the decree.

Upon completion of construction, i.e. execution of works, the competent authority may issue the occupancy permit for the facilities referred to in paragraph 1 of this Article, at the request of the investor.

The final decree referred to in paragraph 5 of this Article, for the facilities which may be inscribed in the public records in keeping with the provisions of the law that regulates the inscription into the public records of real estate and related rights, as well as for changing of the purpose of the facility, i.e. of a part of the facility without executing works, serves as the basis for entry in the public records of real estate and related rights, and if the occupancy permit has been issued for the facility involved, i.e. for execution of works, at the request of the investor, the basis for entry in the public records is the final decree referred to in paragraph 3 of this Article and the final decree on the occupancy permit.

The provisions on the term of validity and modification of the decree on the building permit shall apply *mutatis mutandis* to the term of validity and modification of the decree on approval referred to in this Article.

Article 146

Setting up and removing smaller prefabricated temporary facilities on public and other surfaces, air domes for sports purposes, eaves for sheltering people using public transportation, facilities for storing and separation of river aggregates and floating facilities on river banks, is provided and organized by a local self-government unit.

Smaller prefabricated temporary facilities referred to in paragraph 1 of this Article are: facilities of a mountable-demountable type, namely exclusively kiosks up to 10.5 m², sidewalk cafes, stands and other mobile street furniture that is mounted or demounted on the basis of a program passed by the unit of local self-government for a period not longer than ten years.

If the facility from paragraph 2 of this Article is located in the protected natural or cultural asset, consent of the manager or that public asset and of the ministry in charge of spatial planning and urbanism affairs is obtained before the program referred to in paragraph 2 of this Article is passed.

Construction and setting up of monuments and memorials on surfaces for public use is provided and organized by the local self-government unit, with previously obtained consent of the ministry in charge of culture. Construction of monuments and memorials outside of surfaces for public use is prohibited.

12. Temporary Building Permit

Article 147

The temporary building permit is issued for the construction of: asphalt plants, temporary toll stations with associated facilities, aggregate separators, concrete factories; independent anchored meteorological anemometry poles, as well as poles for other purposes; temporary roads and connections, construction camp, connections to utility network for the purpose of construction or exploitation of facilities, as well as for performance of exploration works on the site, for the purpose of determining special conditions for the preparation of the project execution plan and for the removal of existing installations as well as of a trial apartment within a residential complex under construction.

Provisions related to issuing decrees under Article 145 of this Act are applied to the procedure for issuing the temporary building permit and its content.

Apart from construction of facilities from paragraph 1 of this Article, the temporary building permit may also be issued for the execution of works on production facilities or facilities used by production facilities, for which a request for legalization has been filed, for the purpose of bringing the facility to a functional state, in order to continue production or renew production process. Upon completion of works on extraordinary

maintenance, adaption, restructuring or repair, the investor shall submit to the authority in charge of legalization the technical description and the list of works included in extraordinary maintenance, the conceptual design, i.e. project execution plan, depending on the works being executed.

The temporary building permit may be issued for works from paragraph 3 of this Article if the investor is registered as the owner of the building land where this facility has been built.

Depending on the type of facility, i.e. works, the temporary building permit is be issued for the precisely determined period in which the facility may be used, i.e. the works carried out, and it may not be longer than three years from the day of rendering of the temporary building permit.

In case the investor himself fails to remove the temporary facility in the determined term, the authority which rendered the temporary building permit, ex officio serves a request for removal to the construction inspection.

Appeal against the decree of the construction inspector does not delay enforcement of the decree.

At the investor's request, the decree on temporary building permit may be extended once for another three years. After expiration of the additional term, provisions of this Article on removal of temporary facility are applied.

VII CONSTRUCTION

1. Notice of Works

Article 148

The investor submits a notice of works to the authority that issued the building permit before the start of execution of works.

The proof of paid obligations in relation to contribution for development of building land in accordance with this Act, the decree on a house number, the proof of paid administrative fee, as well as other evidence prescribed by the regulation which more closely regulates the process of implementation of the unified procedure, are submitted with the notice of works.

Immediately after receipt of proper application, the organ which issued the building permit, ex officio forwards to the organ competent for land surveying and cadastre the following documents: final building permit decree, certificate confirming that notice of works has been filed, and extract from the design with graphic appendices and specification of separate parts, for the purpose of inscription of pre-note concerning the facility under construction.

For line infrastructure facilities, apart from the proof from paragraph 2 of this Article, when the decree on building permit has been rendered based on the final decree on expropriation, the decision of the ministry in charge of financial affairs on giving possession of real estate in accordance with the special act, i.e. a concluded contract on the right of easement in accordance with this Act, is also submitted.

The investor submits the notice of works for the whole facility, i.e. part of the facility.

The investor shall, prior to issuing of the occupancy permit for the facility, submit the notice of works for all parts of that facility.

In the event that the building permit is issued on the basis of a statement from the investor referred to in Article 69, paragraph 9 of this Act, the report on the execution of works may be submitted only for a part of the facility for which the investor has provided proof of the resolved property and legal relations in accordance with this Act.

When a building permit i.e. a decree on approval to execute works referred to in Article 145 of this Act is issued for several cadastral parcels, i.e. parts of cadastral parcels, a proof of the settled property and legal relations is submitted as evidence of the appropriate right in accordance with this Act, for the cadastral parcels covered by the design of re-parceling, which is an integral part of the design for the building permit, i.e. the conceptual design, with the obligation of the investor prior to the issuance of the occupancy permit to obtain the approval for the design of re-parceling i.e. parceling, and to carry out the implementation of that re-parceling i.e. parceling design.

In the notice under paragraph 1 of this Article the investor states the date of commencement and the deadline for completion of construction, i.e. execution of works.

The competent authority informs the building inspection of the submitted notice.

The deadline for completion of works starts from the day of submission of the notice from paragraph 1 of this Article.

2. Preparation for Building

Article 149

Before the start of building the investor provides the following: marking of a building parcel, marking of zoning, leveling and building lines, in accordance with the regulations that govern the execution of geodetic works; marking of the construction site with a proper board which contains: data about the facility which is being constructed, the investor, the authorized designer, the number of the building permit, the contractor, start of construction and deadline for completion of construction.

3. Execution of Works

Article 150

The construction of the facility, i.e. execution of works may be carried out by a legal person or sole trader (hereinafter: contractor), which is established in accordance with the law, and which:

- 1) Has employees i.e. hired licensed contractors registered in the register of licensed contractors in accordance with this Act and regulations adopted pursuant to this Act, with professional results;
- 2) Has appropriate professional results;
- 3) Possesses a decree on the fulfillment of conditions for construction of the appropriate type of facilities, i.e. execution of the appropriate type of works on those facilities;
- 4) Is entered in the appropriate register for construction of the appropriate type of facilities, i.e. the execution of appropriate works on those facilities, kept by the ministry responsible for planning and construction in accordance with this Act.

If the contractor hires another legal person or other sole trader (hereinafter: subcontractor) for certain works, the subcontractor must meet the conditions prescribed by this Act and the regulations adopted pursuant to this Act for the performance of that type of work for which he is hired.

Relevant professional results, in terms of paragraph 1 of this Article, has a licensed contractor, i.e. legal person or sole trader that built or participated in the building of a certain type of facilities, i.e. execution of certain works on that type of facilities.

The Minister in charge of planning and construction affairs shall prescribe in more detail the conditions to be fulfilled by legal persons and sole traders referred to in paragraph 1 of this Article.

The Minister in charge of planning and construction shall set up a commission to determine whether the conditions for performing professional tasks of building facilities, i.e. execution of works are fulfilled.

At the proposal of the commission referred to in paragraph 5 of this Article, the minister competent for civil engineering shall issue a decree on the fulfillment of the conditions for performing the tasks of building facilities, i.e. execution of works and entry in the register referred to in paragraph 1 of this Article.

The decree referred to in paragraph 6 of this Article shall be final on the day of serving and shall have the term of validity of two years.

The costs of determining the fulfillment of the conditions referred to in paragraph 4 of this Article shall be borne by the applicant who seeks such determination.

The amount of costs referred to in paragraph 8 of this Article shall be determined by the minister responsible for civil engineering.

4. Responsible Contractor

Article 151

The contractor shall appoint a responsible contractor who shall manage the construction of the facility, i.e. execution of works within the appropriate professional field.

The professional tasks of managing the construction of the facilities, i.e. execution of works in the capacity of a responsible contractor, may be undertaken by a person who has been licensed, in accordance with

this Act and regulations adopted pursuant to this Act, to execute works - licensed contractor and who has been entered in the register of licensed contractors in accordance with this Act and the regulation that governs the professional examination, licensing and registration.

The license for execution of works is issued for professional, i.e. more specialized professional fields of architecture, landscape architecture, civil engineering, electro-technical, mechanical, traffic, technological, metallurgical and geological engineering, forestry and agriculture.

A licensed contractor may be a person with acquired higher education in the appropriate professional field referred to in paragraph 3 of this Article, in academic, i.e. vocational studies of the volume of at least 300 ECTS or equivalent level determined by other special regulations, passed professional examination, professional experience of at least three years, and professional results (references) in the relevant professional field, i.e. more specialized professional field.

A licensed contractor may also be a person with acquired higher education in the relevant professional field referred to in paragraph 3 of this Article, in academic, i.e. vocational studies in the volume of at least 180 ECTS, passed professional examination, professional experience in the duration of at least five years and professional results (references) in the relevant professional field, i.e. more specialized professional field in the construction of facilities, i.e. execution of works for which a unit of local self-government issues a building permit and which has the following number of floors Bsmt+G+4+Attc whose total area is not larger than 2000 m² of gross area, facilities of less complex construction structures up to 12 m in length, local and uncategorized roads and streets, internal plumbing and sewage installations, heating and air-conditioning and electrical installations, internal gas installations, as well as the execution of certain construction, craft and installation works and works on interior design of facilities and landscaping.

Professional experience in terms of paras. 4 and 5 of this Article shall be considered the experience gained on the construction of facilities, i.e. the execution of works in the relevant professional, i.e. specialized professional field for which the professional exam shall be taken in accordance with this Act and the regulation governing the examination, licensing and registration.

A person who has been licensed as a responsible contractor in accordance with the regulations that were in force until the entry into force of this Act in the professional fields of architecture, landscape architecture, civil engineering, electro-technical, mechanical, traffic, geodetic, technological, metallurgical and geological engineering, forestry and agriculture, shall have the right to perform professional activities that may be performed by a licensed contractor in accordance with this Act, within the professional field for which he has received appropriate education and is accordingly entered in the register of licensed contractors.

5. Obligations of the Contractor and Responsible Contractor

Article 152

The contractor shall:

- 1) Sign the project execution plan before starting works;
- 2) Issue a decree to appoint the responsible contractor for building site;
- 3) Provide the responsible contractor with the building contract and the documentation based on which the facility is being constructed;
- 4) Secure preventive measures for safe and healthy work in accordance with the law.

The contractor submits to the authority which issued the building permit a statement about the completion of construction of the foundation and about the completion of the facility construction-wise.

With the statement about the completion of the foundation, the contractor submits the geodetic record of the constructed foundation, and with the statement about the completion of the facility in construction sense the geodetic record of the facility, in accordance with the regulations which govern execution of geodetic works.

Notwithstanding paragraph 3, the statement about the completion of the foundation shall not be submitted for the facilities referred to in Article 2, item 26 of this Act.

The competent authority, within three days from the day of receipt of the statement referred to in paragraph 2 of this Article, notifies the competent construction inspection about the completion of construction of the foundation, i.e. facility in a construction sense. Within ten days the competent construction inspection has the obligation to carry out the inspection and notify the competent authority thereof.

During regular inspection control when visiting the construction site, the construction inspector controls whether the foundations have been built in accordance with the building permit. If the competent authority, at the occasion of receipt of the notice of completion of foundations, i.e. of the facility in construction sense, notices that there is a deviation in the geodetic record in relation to the building permit, it informs the construction inspector without delay for the purpose of undertaking measures from his competence.

The contractor warns the investor in writing and also, if necessary, the authority which is supervising the application of the provisions of this Act about deficiencies in the technical documentation and onset of unforeseen circumstances which affect execution of works and the application of the technical documentation (change in technical regulations, standards and norms of quality after completed technical control, appearance of archaeological sites, activation of landslides, appearance of groundwater etc.)

The responsible contractor shall:

- 1) Carry out works according to the documentation on the basis of which the building permit was issued, i.e. project execution plan, in accordance with the regulations, standards, including standards of accessibility to technical norms and quality standards which apply for certain types of work, installations and equipment;
- 2) Organize the building site in such a way to provide access to the location, provision of undisturbed flow of traffic, protection of the surroundings during construction;
- 3) Provide safety of the facility, of the people who are on the building site and the surroundings (surrounding facilities and roads);
- 3a) Provide for execution of works in a manner that the fundamental requirements are met for the facility, as well as the requirements prescribed in terms of energy properties of the facility and other requirements and conditions for the facility;
- 3b) Provide for evidence on performance of installed building products in relation to their essential characteristics, evidence on compliance of installed equipment and/or plants in accordance with a special regulation, legal instruments on compliance of certain parts of the facility with the basic requirements for a facility, as well as proofs of quality (test results, recordings about carried out quality control procedures, and other), whose obligation to collect during performance of construction and other works for all built parts of the facility and works currently in operation has been stipulated by this Act, separate regulation or technical documentation;
- 3c) Manage the construction waste generated during building on the construction site in conformity with the regulations governing waste management;
- 3d) Use and/or store the construction waste generated during building on the construction site in conformity with the regulations governing waste management;
- 4) Provide proof about the quality of completed works, i.e. used material, installations and equipment;
- 5) Keep a site diary, construction register and insures the inspection book;
- 6) Provide measurements and geodetic surveying of the behavior of the terrain and the facility during construction;
- 7) Secure the facilities and surroundings in case the work is stopped;
- 8) Provide the presence of the following documentation in the building site: building contract, decree on appointing the responsible contractor at the building site, and the project execution plan, i.e. documentation on the basis of which the facility is being constructed.

6. Expert Supervision

Article 153

The investor provides expert supervision during construction of the facility, i.e. execution of works for the building permit has been issued.

The expert supervision entails: control whether the construction is carried out in accordance with the building permit, i.e. according to the technical documentation based on which the building permit has been issued; control and verification of the quality of execution of all types of work and application of regulations, standards and technical norms, including standards of accessibility; control and certification of the quantities of executed works; verification whether there are proofs about the quality of the building

products, equipment and plants which are installed; providing guidance to the contractor; cooperation with the designer in order to provide details of technological and organizational solutions for performance of works and solving of other matters which arise during execution of works.

The expert supervision may be carried out by a person who fulfils the conditions prescribed by this Act for the responsible designer or responsible contractor.

Expert supervision for construction of facilities may be conducted by a person who fulfils the conditions from paragraph 3 of this Article and who is employed by a company, i.e. other legal person or sole trader that possesses the decree on fulfillment of requirements for production of technical documentation or execution of works on that type of a facility, in accordance with this Act.

Persons employed by the company, i.e. other legal person or sole trader agency which is the contractor for such facility, persons who carry out inspection, as well as persons working on the tasks of issuing building permits in the authority competent for issuing building permit may not participate in performance of expert supervision in the facility.

Article 153a

The minister in charge of construction matters shall single out the facilities to which the provisions of this Act governing the contractor, the responsible contractor, the obligation of instructing expert supervision and technical inspection of the facility, do not apply.

VIII OCCUPANCY PERMIT

1. Technical Inspection of the Facility

Article 154

The suitability of the facility for use is determined by technical inspection.

The technical inspection of the facility is carried out after completion of the construction of the facility, i.e. part of the facility which represents technical and technological entirety and as such may be used independently in accordance with this Act.

Technical inspection may be carried out for line infrastructure facilities that are built in phases and consequently the occupancy permit may be issued even when individual phases do not represent a technical-technological entirety.

The technical inspection may also be performed concurrently with the execution of works.

The technical inspection includes the inspection of the compatibility of carried out works with the building permit and the technical documentation based on which the facility has been constructed, as well as with the technical regulations and standards which relate to certain types of work, i.e. building products, equipment and plants.

Notwithstanding paragraph 2 of this Article, when carrying out the technical inspection of a line infrastructure facility, each individual phase that is not considered to be a technical-technological entirety as such may be independently used.

1.1 Commission for Technical Inspection of the Facility

Article 155

The technical inspection of the facility is performed by a commission, formed by the investor, or a commission formed by a company, other legal person, i.e. a sole trader to whom the investor entrusts the performance of such operations and which has been registered in the appropriate registry of commercial entities, in accordance with this Act and a regulation that governs the contents of technical inspection minutes, the composition of the commission for technical inspection, as well as the method for performing technical inspection.

When the subject of the technical inspection is a facility for which special fire protection measures have been prescribed, a fire protection engineer holding the appropriate license is also the member of the technical inspection commission.

The technical inspection of the facility is provided by the investor, in accordance with this Act.

The costs of the technical inspection are borne by the investor.

Notwithstanding the provisions of paragraph 3 of this Article, the technical inspection of the facility or a part of the facility that represents a whole and may be used as such independently, may also be provided by another person who has interest to do so, in which case such person bears the costs of technical inspection.

The person referred to in paragraph 5 of this Article, after obtaining positive opinion of the commission for technical inspection of the facility, is entitled to apply for the occupancy permit to be issued.

Article 156

A person who fulfils the conditions prescribed by this Act for a responsible designer, i.e. responsible contractor for that type of a facility may participate in the technical inspection.

In performing the technical inspection, for facilities for which a study is made about the environment impact, a person who is an expert in the field which is the subject matter of the study shall participate, also who has acquired the college diploma in the appropriate profession, i.e. major, in the second degree studies - master, in the specialized academic studies, i.e. in basic studies in the duration of at least five years.

Ineligible for performing the technical inspection are the persons who are employed by the company, i.e. other legal person which has prepared the technical documentation, or has been the contractor hired by the investor, persons who have participated in the preparation of the technical documentation and the study about the environment impact, or in execution of the works hired by the investor, persons who performed the expert supervision, persons who perform inspection supervision, as well as persons who work on the jobs of issuing building permits at the authority responsible for issuing of a building permit.

The technical inspection of a facility or its part may neither be performed, nor its usage approved, if the facility, i.e. its part, is constructed without a building permit.

1.2. Trial

Article 157

If, for the purpose of determining the suitability of the facility for use, it is necessary to carry out previous examinations and inspection of wiring, appliances, devices, stability and safety of the facility, appliances and devices for the protection of the environment, appliances for protection against fire, or other examinations, or if that has been prescribed by technical documentation, the commission for the technical examination, i.e. a company, or other legal person which has been entrusted with carrying out the technical inspection may allow the trial of the facility, provided it determines that conditions have been fulfilled to proceed with the trial, and notify without delay the competent authority of it.

Trial may not last longer than one year. It is the duty of the investor to keep track of the results of the trial.

The commission for technical inspection, i.e. the company or other legal person which has been entrusted with carrying out technical inspection, during trial of the facility checks the fulfillment of conditions for the issuance of the occupancy permit and submits a report thereof to the investor.

2. Issuing Occupancy Permit

Article 158

The facility for which the issuing of building permit is envisaged in accordance with this Act may be used with the previously obtained occupancy permit.

The authority that has issued the building permit issues the occupancy permit decree within five working days from the day of filing of the application for the issuance of the occupancy permit.

The occupancy permit shall be issued on the basis of the final decree on the building permit and the notice of works referred to in Article 148 of this Act.

The occupancy permit may also be issued on the basis of the final decree on the building permit and the notice of works referred to in Article 148 of this Act, at the risk and responsibility of the investor.

The report of the commission for technical inspection determining that the facility is suitable for exploitation along with a proposal for issuance of the occupancy permit, the design of a constructed facility produced in accordance with the rulebook that regulates in more detail the content of technical documentation, i.e.

project execution plan and a statement of expert supervision, building contractor or investor that there were no deviations from the project execution plan, and for the facilities under Article 145 of this Act for which no drafting of the project execution plan is prescribed, a statement of the investor, person conducting the expert supervision and responsible building contractor, that no deviations from the conceptual design have been made, specification of separate parts, decree on determining the house number, study of geodetic works for the built facility and separate parts of the facility, and the study of geodetic works for underground installations, certificate of energy properties of the facility, as well as other evidence in accordance with the regulation that prescribes in more detail the process of implementation of the unified procedure, are enclosed with the application for issuance of the occupancy permit.

The competent authority shall not issue the occupancy permit for a facility for which, in accordance with the law, no statements on completion of foundations and completion of the facility in construction sense have been provided, until provision of proper documentation.

The occupancy permit is issued at the request of the investor named in the building permit, i.e. at the request of the financier or a person in favor of who the pre-note of acquisition of a facility under construction has been inscribed, i.e. a person in favor of who the pre-note of acquisition of a separate part of the facility under construction has been inscribed.

Notwithstanding paragraph 7 of this Article, in the case that, in accordance with the law governing housing, a housing community for residential, i.e. residential and commercial buildings, or an association has been formed, the housing community i.e. association may apply for the occupancy permit.

The occupancy permit is issued for the entire facility or for a part of the facility that represents technical-technological whole and as such may be used independently, except in the case under Article 81, paragraph 5 of this Act.

The occupancy permit also contains the warranty period for the facility and individual types of works determined by a separate regulation.

The occupancy permit is served on the investor and the competent construction inspector.

If the facility is subject to the obligation of obtaining the integrated permit, it may be used only with the obtained permit referred to in paragraph 1 of this Article and the integrated permit prescribed by a separate law.

An appeal may be filed against the decree referred to in paragraph 2 of this Article within a time limit of eight days from the day of serving.

No appeal may be filed against the decree referred to in paragraph 2 of this Article where the issuer of the decree is the ministry in charge of civil engineering, i.e. a competent authority of the autonomous province, but the administrative dispute may be initiated within 30 days from the day of serving.

Exceptionally, the facility may be used even without the issued occupancy permit, if, within five working days from the day of filing of the application for issuance of the occupancy permit which contains the findings of the commission for technical inspection determining the facility as suitable for exploitation, and proposal that the occupancy permit may be issued, the competent authority neither issued the occupancy permit, nor denied by decree the issuance of the occupancy permit.

Within five working days upon finality of the issued occupancy permit, the competent authority, ex officio, serves the occupancy permit on the authority competent for affairs of land surveying and cadastre, the study of geodetic works for the built facility and separate parts of the facility, as well as the study of geodetic works for underground installations.

The authority in charge of affairs of land surveying and cadaster executes registration of the right of ownership of the facility, i.e. separate parts of the facility, and notifies thereof the investor and the competent organ of administration within seven days from the delivery of the occupancy permit, and within 30 days executes the appropriate registration in the utility cadastre.

The study of geodetic works shall be submitted for inspection to the authority competent for state survey and cadaster before issuing the occupancy permit.

During the inspection of the study referred to in paragraph 18 of this Article, the deadlines prescribed for the issuance of the occupancy permit shall not run.

Article 158a

If upon issuing of the decree on the occupancy permit, the authority in charge of state survey and cadaster determines that there is a discrepancy of between the data in the issued decree on the occupancy permit and the data in the study of geodetic works, it shall order the harmonization of these data before the ownership on the facility and separate parts of the facility is registered. The authority competent for state survey and cadaster shall, immediately upon the moment when such discrepancy of data has been determined, inform about that fact the authority in charge of issuing of the decree on the occupancy permit, which shall, ex officio, initiate a procedure and conduct the harmonization of data based on the fact from the study of geodetic works, which is submitted by the investor, and issue a new decree on the occupancy permit.

If after issuing the decision on the occupancy permit and registration of the ownership right on the facility and separate parts of the facility, it is subsequently determined that the issued decree on the occupancy permit violates some legal provision or contains some other obvious mistake (wrongly calculated contribution amount, error in the numbering of separate parts, miscalculation of areas, etc.), the competent authority shall, at the request of the investor, amend the decree on the occupancy permit.

The decree referred to in paragraph 2 of this Article shall, ex officio, be submitted to the authority competent for state survey and cadaster affairs and shall represent a legal instrument eligible for the registration of change.

If the competent authority for issuing the occupancy permit establishes that the request for modification of the occupancy permit referred to in paragraph 2 of this Article is founded, it shall issue a decreeto modify the occupancy permit within five working days from the day of receipt of proper documentation.

3. Maintenance of the Facility

Article 159

The owner of the facility for which the occupancy permit has been issued provides execution of works on extraordinary and ordinary maintenance of the facility, as well as the regular, exceptional and specialized examinations of the facility, in accordance with special regulations.

Article 160

The facility which is being constructed, i.e. the construction of which is completed without the building permit, may not be connected to the electrical, natural gas, telecommunication, heating, water supply or sewage networks.

IX PROFESSIONAL EXAM AND LICENSES FOR THE RESPONSIBLE PLANNER, URBANIST, DESIGNER AND CONTRACTOR

1. Professional Examination

Article 161

The professional exam shall be taken by a person who has acquired education in the relevant professional field in academic i.e. vocational studies in the volume of at least 300 ECTS or equivalent level determined by other special regulations and who has acquired at least three years of relevant professional experience and has achieved professional results in that professional or more specialized professional field in accordance with the regulation governing the requirements for passing the professional examination, licensing and entry in the register.

Notwithstanding paragraph 1 of this Article, the professional exam may also be taken by a person who has received education in the relevant professional field in basic academic or vocational studies in the volume of at least 180 ECTS and who has acquired at least five years of relevant professional experience in that professional, i.e. more specialized professional field and achieved professional results in the construction of facilities, i.e. e execution of works referred to in Article 151, paragraph 5 of this Law.

In the case where a person has acquired relevant professional experience after completing basic academic i.e. vocational studies or during a higher level of academic or vocational education (master), that professional experience shall be recognized when calculating the total required experience referred to in paragraph 1 of this Article, up to a maximum of one year.

The professional exam shall be taken before the commission in charge of professional examination and licensing of spatial planners, urbanists, architects urbanists, engineers, architects, landscape architects and

contractors, which is formed by a decree of the minister responsible for civil engineering, spatial planning and urbanism for each professional field in accordance with a regulation adopted on the basis of this Act.

The professional exam shall be taken according to the program for a specific professional, i.e. specialized professional field whose scope and content corresponds to the type of jobs that are to be performed in accordance with the law and for which the relevant professional experience and the appropriate level and type of education should be proven.

The program for a particular professional, i.e. specialized professional field shall be prescribed in more detail by the minister in charge of planning and construction.

The costs of passing the professional exam and issuing the license referred to in Article 162 of this Act shall be borne by the person referred to in paras. 1 and 2 of this Article, and may also be borne by the legal person or sole trader where that person is employed or hired to work.

The ministry responsible for planning and construction may entrust the administrative and professional and technical tasks related to the receiving and processing of applications for the professional examination and organization of the professional examination, to the Serbian Chamber of Engineers, i.e. to a professional organization or association based on a contract concluded by the competent ministry with that organization, i.e. association.

Article 161a

Licensed spatial planner, licensed urbanist, licensed architect urbanist, licensed engineer, licensed architect, licensed landscape architect and licensed contractor, shall continuously improve their knowledge and skills during the performance of the activities for which they have been licensed and registered (hereinafter referred to as: professional development) in order to obtain the conditions for the extension of the right to perform professional activities.

Licensed persons referred to in paragraph 1 of this Article shall submit to the competent ministry a certificate i.e. other proof of completed professional development issued by the organizer of professional development for the purpose of keeping records on professional development in the register of licensed engineers, architects and spatial planners and the register of licensed contractors.

Professional development shall be organized and conducted by the Serbian Chamber of Engineers or another legal person, professional organization or association, which fulfills the conditions for organizing the professional development (hereinafter: accreditation).

Accreditation includes verification of compliance with administrative and technical requirements and adequacy of professional development programs.

The fulfillment of the conditions referred to in paragraph 3 of this Article shall be verified by a commission formed by a decree of the minister responsible for planning and construction.

On the basis of the proposal of the commission referred to in paragraph 5 of this Article, the minister in charge of planning and construction shall issue a decree on the issue of the accreditation, i.e. a decree on extension of the accreditation every two years.

The Minister in charge of planning and construction shall prescribe in more detail the conditions and criteria on the basis of which accreditation is issued, the criteria for establishing professional development programs for particular professional fields, the conditions and the manner of conducting professional development of licensed and other interested persons who wish to complete or improve their knowledge in the purpose of continuous monitoring of the development of the profession, as well as other issues of importance for the implementation of professional development.

2. Issuance, Revocation and Extension of Licenses and Register of Licensed Engineers, Architects and Spatial Planners and Register of Licensed Contractors

Article 162

To the person who has passed the relevant professional examination in accordance with Article 161 of this Act, upon the proposal of the commission referred to in Article 161, paragraph 4 of this Act, the Minister competent for planning and construction shall issue a decree with the license for a spatial planner, urbanist, architect urbanist, engineer, architect, landscape architect and contractor, on the basis of which the registration is made in the register referred to in paragraph 4 of this Article ex officio.

An appeal may be lodged with the Government against the decree referred to in paragraph 1 of this Article within five days from the day of serving of the decree. The appeal shall not delay the enforcement of the decree.

An administrative dispute may be initiated against the decree of the Government.

The Ministry responsible for construction, spatial planning and urbanism maintains a register of licensed engineers, architects and spatial planners, a register of licensed contractors and a record of foreign persons performing professional activities, which shall in particular contain the following information:

- 1) Data on the licensed person, namely: name and surname and unique identification number of citizens, i.e. other personal identification number if the licensed person is a foreign citizen;
- 2) Data on education obtained;
- 3) Information on the license held by the person (license number, date of issue, etc.), with a description of the professional activities for which the license was issued;
- 4) Status information (active or inactive);
- 5) Information on concluded professional liability insurance in connection with Article 129a of this Act;
- 6) Information on procedures for determining professional responsibility, suspension or revocation of a license;
- 7) Information which is prescribed more closely by the minister responsible for construction, spatial planning and urbanism;
- 8) Other information.

The right to use a professional title, i.e. the right to perform professional activities established by this Act and regulations adopted pursuant to this Act, shall be acquired by entering an active status in the register referred to in paragraph 4 of this Article on the basis of a valid professional liability insurance policy referred to in Article 129a of this Act.

In the register referred to in paragraph 4 of this Article the status "inactive" shall be entered:

- 1) Upon personal request;
- 2) By failure to submit a valid insurance policy against professional indemnity;
- 3) By failure to fulfill the conditions for license extension in accordance with this Act;
- 4) By suspending the license in accordance with this Act;
- 5) On other grounds prescribed by law.

The ministry in charge of construction, spatial planning and urbanism may entrust the keeping of the registers and records referred to in paragraph 4 of this Article to the Serbian Chamber of Engineers.

Information not contained in the decree on the license issuance shall be entered in the register referred to in paragraph 4 of this Article upon personal request or at the request of the competent authority.

The minister responsible for construction, spatial planning and urbanism shall issue a decree to form a commission to determine the violation of professional standards and norms (professional responsibility), i.e. whether the licensed spatial planner, licensed urbanist, licensed architect urbanist, licensed engineer, licensed architect, licensed landscape architect and licensed contractor not in good faith, unlawfully, i.e. unprofessionally performs the activities for which his license was granted or whether his license was issued based on incorrect or false information.

At the proposal of the commission referred to in paragraph 9 of this Article, if the professional responsibility of the licensed persons is determined, the minister competent for construction, spatial planning and urban planning shall issue a decree to suspend or revoke the license referred to in paragraph 1 of this Article, on the basis of which the change in the registers shall be carried out, i.e. in the records referred to in paragraph 4 of this Article.

An appeal may be filed against the decree referred to in paragraph 10 of this Article to the Government within five days from the day of delivery of the decree, and an administrative dispute may be instituted against the decree of the Government.

The final decree referred to in paragraph 10 of this Article shall be the basis for deletion from the registers, i.e. records referred to in paragraph 4 of this Article, i.e. for the entry of the status "inactive" in accordance with paragraph 6, item 4) of this Article.

The law governing the general administrative procedure shall apply *mutatis mutandis* to the procedure for determining the professional liability of licensed persons.

The person who is entered in the registers and records referred to in paragraph 4 of this Article shall be issued a certificate on the data entered in the register, i.e. records in accordance with the regulation governing the keeping of the register and records.

The Minister responsible for construction, spatial planning and urbanism, in accordance with the regulations adopted pursuant to this Act, shall check every three years from the day of the issuance of the decree referred to in paragraph 1 of this Article, the fulfillment of conditions for the extension of licenses referred to in paragraph 1 of this Article, which have an entered active status in registers referred to in paragraph 4 of this Article.

In case it is determined that a person does not meet the conditions for the license extension, the minister in charge of construction, spatial planning and urbanism shall issue a decree establishing this fact and on the basis of which the change in registers referred to in paragraph 4 of this Article shall be made.

3. Foreign Persons performing Professional Activities in the field of Spatial and Urban Planning, drafting of Technical Documentation, Construction and Energy Efficiency

Article 162a

A natural person to whom a license or other authorization has been issued, i.e. a person registered in the relevant register of a competent authority or body under the regulations of another country (hereinafter: foreign authorized natural person), for performing professional activities that correspond to the professional activities established by this Act, shall have the right in the Republic of Serbia to perform such professional activities as a responsible person under the conditions of reciprocity and if it fulfills the conditions laid down in this Act, the regulations adopted pursuant to this Act and a special law governing the recognition of foreign professional qualifications.

A foreign authorized natural person must meet the requirements laid down by the law governing the employment and work of foreigners.

The procedure for determining the fulfillment of the conditions referred to in paragraph 1 of this Article shall be carried out by the ministry competent for planning and construction in accordance with this Act and regulations adopted pursuant to this Act, special law governing the recognition of professional qualifications and other special regulations.

At the proposal of the commission referred to in Article 161, paragraph 4 of this Law, the minister competent for planning and construction activities shall issue a decree on the fulfillment of the conditions referred to in paragraph 1 of this Article, on the basis of which the entry in the records referred to in Article 162, paragraph 4 of this Article shall be made *ex officio*.

An appeal may be lodged against the decree referred to in paragraph 4 of this Article to the Government within five days from the day of serving of the decree. The appeal shall not delay the enforcement of the decree.

An administrative dispute may be initiated against the decree of the Government.

Article 162b

A foreign legal person, i.e. sole trader whose seat is located in another country shall have the right in the Republic of Serbia to perform professional activities determined by this Act, under the same conditions which a legal person, i.e. sole trader must meet whose seat is located in the Republic of Serbia, in accordance with this Act and the regulations adopted on the basis of this Act.

The provision of paragraph 1 of this Article shall not apply to legal persons, i.e. sole traders whose seat is located in the signatory country of the European Economic Area (hereinafter: EEA) after the accession of the Republic of Serbia to the European Union.

The procedure for determining the fulfillment of the conditions referred to in paragraph 1 of this Article shall be carried out by the ministry competent for planning and construction in accordance with this Act and the regulations adopted on the basis of this Act.

At the proposal of the commissions referred to in Art. 36, 126 and 150 of this Act, the minister competent for planning and construction shall issue a decree on the fulfillment of the conditions referred to in paragraph 1 of this Article.

An appeal may be lodged against the decree referred to in paragraph 4 of this Article to the Government within five days from the day of serving of the decree. The appeal shall not delay the enforcement of the decree.

An administrative dispute may be initiated against the decree of the Government.

Article 162c

A foreign authorized natural person shall be recognized as having concluded a contract of professional indemnity insurance in the other country in which he is domiciled with his business, if the insured is covered by a guarantee which is of equivalent or comparable value to the purpose or subject of insurance, where the amount of insurance cannot be less than the amount which is defined by the regulations governing professional liability insurance for performing business activities in the field of spatial planning and construction in the Republic of Serbia.

Article 162d

In performing professional activities determined by this Act in the capacity of the responsible person in the Republic of Serbia, a foreign authorized natural person shall apply the regulations of the Republic of Serbia, be familiar with and use the Serbian language to the extent that is sufficient to perform tasks in the relevant professional field for which he is responsible, in accordance with this Act.

A foreign authorized person who in the performance of professional activities in the capacity of the responsible person, uses a translation service, does so at his own risk and expense.

4. Recognition of Professional Qualifications in the Field of Spatial and Urban Planning, Drafting of Technical Documentation and Construction for Foreign Persons EEA Signatory State Nationals

Article 162e

A foreign authorized natural person who is a national of a state that is a party to the EEA shall have the right in the Republic of Serbia to carry out permanently the professional tasks for which he is authorized, and which correspond to the professional tasks determined by this Act, in the capacity of a responsible person, and under a professional title held by a licensed person for performance of such tasks in the Republic of Serbia, provided that he has been entered in the records of foreign persons kept by the ministry responsible for planning and construction in accordance with this Act and the regulations adopted pursuant to this Act.

The provisions on automatic recognition of professional qualifications in accordance with special regulations shall apply to the persons of the architectural profession - architects - foreign authorized persons who intend to perform the tasks of urbanistic planning, designing and/or professional supervision, construction or execution of works in the Republic of Serbia.

Article 162f

A foreign authorized natural person who is a national of a state that is a party to the EEA shall have the right in the Republic of Serbia to perform, temporarily or occasionally, the professional activities for which he is authorized, which correspond to the professional activities determined by this Act, in the capacity of a responsible person, and under a professional title held by a licensed person for performing these activities in the Republic of Serbia, provided that, before commencing the first job, by a written or electronic statement, he notifies the ministry responsible for planning and construction about that, and with a condition that:

- 1) He possesses the professional qualifications necessary for performing the professional tasks defined by this Act and a special law governing the recognition of professional qualifications and other special regulations;
- 2) He is insured against professional liability for the damage that he could inflict on the investor or other persons by performing professional activities determined by this Act in the capacity of the responsible person;

3) He has not been convicted of a crime against the Republic of Serbia, for crimes against the constitutional order and security of the Republic of Serbia, or for crimes committed out of self-interest.

Temporary performance of professional activities of a foreign authorized natural person shall be considered to be the performance of activities determined by this Act for a fixed period of time, up to one year, with the possibility of extending that period.

Occasional performance of professional tasks of a foreign authorized natural person shall be considered to be the performance of tasks determined by this Act, in particular for a specific job (preparation of technical documentation, execution of works, etc.).

Article 162g

In addition to the statement referred to in Article 162f of this Act, the applicant shall enclose:

- 1) Proof of citizenship;
- 2) Authorization that enables him to perform professional tasks of a responsible person in the country of origin that correspond to the tasks established by this Act;
- 3) Certificate confirming that he performs professional activities in the capacity of an authorized person in the a state that is a party to the EEA, which correspond to the professional activities performed by a licensed person in accordance with this Act;
- 4) Evidence that he is insured against professional liability for the damage which, by performing professional tasks determined by this Act as a responsible person, he could do inflict upon the investor or other persons;
- 5) Certificate/proof of lack of criminal sanctions, i.e. that he was not imposed with a measure of temporary or permanent revocation of the right to perform activities in the professional field for which he possess the authorization of another state.

If, in the country from which the foreign authorized natural person comes, professional activities corresponding to the tasks specified in this Act are performed without special authorization, instead of the proof referred to in paragraph 1 item 2) of this Article, the application shall be accompanied by proof that the applicant has performed the professional tasks in the capacity of authorized person full-time or part-time, for a total duration of at least one year in the last ten years in a member state in which that vocation, i.e. profession is not governed by special laws.

Article 162h

The statement referred to in Article 162f of this Act shall be submitted for each year in which the applicant intends to temporarily or occasionally perform professional activities in the Republic of Serbia.

The ministry in charge of planning and construction shall assess on a case-by-case basis whether it is a temporary or occasional performance of activities within the meaning of Article 162f of this Act.

Article 162i

In the case of submission of the statement referred to in Article 162f of this Act, the ministry competent for planning and construction, in accordance with the provisions of this Act and the special law governing the recognition of foreign professional qualifications, shall verify whether the applicant fulfills the prescribed conditions for temporary i.e. occasional performance of professional activities determined by this by Act and shall issue a certificate about that within 30 days of receipt of the application.

A person may start performing professional activities upon submission of the statement, and before the certificate referred to in paragraph 1 of this Article is issued.

When submitting the first statement referred to in Article 162f of this Act, the ministry in charge of planning and construction shall carry out the procedure of verification of the foreign professional qualifications in accordance with the provisions of this Act and the special law governing the recognition of foreign professional qualifications.

Article 162j

The request for each subsequent issue of the certificate referred to in Article 162i, paragraph 1 of this Act shall be accompanied by proof that the applicant is insured against professional liability for the damage which, by performing professional activities in the capacity of a responsible person, he could inflict upon the

investor or other persons. If there are significant changes in circumstances confirmed by previously submitted documents, documents having an impact on the evaluation of that change shall also be submitted.

The decision on re-issuing the certificate referred to in paragraph 1 of this Article, i.e. the decree on rejection of the request of foreign authorized natural persons for temporary or occasional carrying out of professional activities determined by this Act, shall be entered in the records of submitted and approved requests for temporary and occasional performance of tasks kept by the competent authority, i.e. body.

Article 162k

A foreign legal person, i.e. sole trader whose seat is located in the signatory state of the EEA, shall have the right in the Republic of Serbia to perform, temporarily and occasionally, professional activities for which it has approval under the regulations of the state in which it has its seat, and which correspond to the professional activities established by this Act, after it inform thereof the competent authority, i.e. body by means of a statement in written or electronic form.

In addition to the statement referred to in paragraph 1 of this Article, a person must attach documents proving:

- 1) The right to carry out professional activities in the state where the seat of the foreign legal person, i.e. sole trader is located;
- 2) That it is insured from liability for damage that it could inflict upon the investor or other persons by performing professional activities.

Article 162l

Certificate for the unhindered performance of professional activities in the territory of the state signatory to the EEA (hereinafter: EU Certificate) shall be issued by the ministry responsible for planning and construction, in accordance with the regulation that governs in more detail the appearance and content of the EU certificate, to a legal or natural person, i.e. sole trader whose corporate domicile is in the Republic of Serbia and who intends to perform in the state signatory to the EEA the professional activities established by this Act in the capacity of responsible person on provisional and occasional basis.

Article 162m

For exercising the right to perform professional tasks in the field of spatial and urbanistic planning, drafting technical documentation and construction in the capacity of an authorized person in the territory of a signatory state of EEA, for a natural or legal person, i.e. sole trader whose corporate residence is in the Republic of Serbia and who intends to perform in another EEA signatory state those tasks on a permanent or temporary and occasional basis, the relevant competent authority for issuing a European Professional Card (hereinafter: the EPC Card) shall carry out the processing/preparation of the Internal Market Information System (hereinafter: the IMI System), in accordance with a special regulation governing recognition of foreign professional qualifications."

X SERBIAN CHAMBER OF ENGINEERS

Article 163

The Serbian Chamber of Engineers (hereinafter: the Chamber) is a legal person with a seat in Belgrade, established by the Planning and Construction Act for the purpose of improving conditions for performing professional tasks in the field of spatial and urban planning, designing, construction of facilities and other fields important for planning and construction, protection of common and individual interest in performing tasks within these fields, as well as for the realization of other goals.

Operation of the Chamber is public.

Articles of association and other bylaws of the Chamber are published by the Chamber in the "Official Herald of the Republic of Serbia" and on its official internet presentation, within three days from the day of adoption.

Article 164

The Chamber shall perform the following tasks:

- 1) Determine the professional rights and duties and ethical norms of conduct of members when performing the tasks of drafting the planning documents, designing and execution of works;
- 2) Improve and provide professional training of licensed persons from Article 161a of this Act;
- 3) Propose technical foundations for drafting of regulations in the field of planning and construction;
- 4) Set the amount of Chamber's membership fee;
- 5) Protect and represent the members of the Chamber in the country and abroad;
- 6) Establish, maintain, and improve the collaboration with competent professional associations from other states;
- 7) Set minimal prices for drafting of planning and technical documentation, technical control, technical inspection, and supervision for apartment buildings and engineering facilities;
- 8) Carry out other tasks too, in accordance with law.

The organization and method of performing tasks referred to in paragraph 1 of this Article shall be more closely regulated by the articles of association and by-laws of the Chamber.

The ministry in charge of civil engineering, spatial planning and urbanism shall give consent to the articles of association and by-laws of the Chamber, after obtaining the opinion of the provincial department competent for civil engineering, spatial planning and urbanism.

Article 165

Bodies of the Chamber are the assembly, board of directors, supervisory board and the president of the Chamber.

The Chamber is organized in six major sections, namely: Section of Architects, Section of Civil Engineering Engineers, Section of Engineers of Electric Engineering, Section of Engineers of Machine Engineering, Section of Engineers of Other Technical Professions, and Section of Spatial Planners.

The operations of a section are managed by the executive board of the section.

The assembly of the Chamber consists of 60 members.

The Chamber's Assembly is made of representatives of the major sections. Each major section delegates an equal number of its representatives.

The Board of Directors has twelve members, whereof six members are appointed by the competent ministry, and six members are the presidents of the executive boards of each of the major sections who are the members of the Board of Directors by virtue of their office.

The Board of Directors has a president and a vice-president. The president is elected by the Board of Directors from among the members of the Board of Directors appointed by the competent ministry, while the vice-president from among the presidents of the executive boards of each of the major sections.

The term of office of the president, vice president, and the members of the Board of Directors is two years and they may be elected twice.

The supervisory board consists of the president and a member appointed by the competent ministry, and a member elected by the Chamber's Assembly.

The term of office of the president and members of the Supervisory Board is five years and they may be elected once.

The Chamber's President is appointed by the Chamber's Assembly.

Composition, scope of work and manner of election of bodies are determined by the Articles of Association of the Chamber.

Article 166

The Chamber obtains funds for its work from the membership fee and other sources in accordance with law and the Chamber's bylaws.

The Chamber determines the amount of the membership fee, after obtaining prior consent of the minister in charge of civil engineering, spatial planning, and urbanism affairs.

Supervision over the legality of operation of the Chamber is conducted by the ministry competent for affairs of urbanism and construction.

XI REMOVAL OF FACILITIES

Article 167

A body of the local government unit competent for construction affairs shall approve, by a decree, ex officio or at the request of an interested party, the removal of a facility, i.e. its part, for which it determines that due to deterioration or larger damages its stability is endangered and that this represents imminent threat to life and health of people, to nearby facilities and traffic safety.

The decree referred to in paragraph 1 of this Article may be issued if the competent construction inspector has previously passed a decree on prohibition of use, i.e. utilization of the facility.

The decree referred to in paragraph 1 of this Article may be enforced if all the matters regarding accommodation of the users of the facility have been settled, except in case when the removal of the facility is approved at the request of the owner who is using that facility. Provision of necessary accommodation is considered to be a settled matter regarding accommodation of the users of the facility.

Appeal against the decree on the removal of a facility or part of the facility does not stay the enforcement of the decision.

The assembly of the local government unit regulates and provides conditions and measures which are to be undertaken and secured during the removal of the facility which represents imminent threat to life and health of people, nearby facilities and traffic safety.

Article 168

Removal of a facility, i.e. part thereof, except in the case of enforcement of a decree rendered by an inspection, may be undertaken only on the basis of the permission to remove the facility, i.e. part thereof.

The following documents are submitted together with the request for issuing a permit on removal of the facility, i.e. part thereof:

- 1) Demolition plan with technical control;
- 2) Proof of ownership of the facility;
- 3) Conditions, in case of a facility whose removal would endanger the public interest (protection of existing utility and other infrastructure, protection of cultural heritage, protection of the environment etc.).

The permit for the removal of the facility, i.e. a part thereof, is issued in a decree within a term of 8 days from day of serving of appropriate documentation.

An appeal may be filed against the decree referred to in paragraph 3 of this Article within a term of 15 days from the day of serving of the decree.

When the decree is issued by the ministry competent for construction affairs, i.e. the competent authority of the autonomous province, an appeal may not be filed against the decree referred to in paragraph 3 of this Article, but the administrative dispute may be initiated by filing a complaint within a term of 30 days from the day of delivery of the decree.

The decree referred to in paragraph 3 of this Article, i.e. a building permit containing data on the facility to be removed, shall also be served by the competent authority to the ministry competent for environmental affairs.

Article 169

If the competent body of the local government unit determines that the immediate threat to life and health of people, neighboring facilities and traffic safety may be resolved also by reconstruction of the facility, i.e. part thereof, it shall notify the owner of the facility about it, so that adequate measures may be undertaken in accordance with the law.

The decree which allows reconstruction of the facility in terms of paragraph 1 of this Article determines the deadline in which the reconstruction works shall be completed.

In the event that the reconstruction is not completed within the determined deadline, the competent authority shall instruct, i.e. approve by a decree, ex officio, or at the request of an interested party, the removal of the facility, i.e. part thereof.

Article 170

Removal of the facility, i.e. part thereof, may be carried out by a company, i.e. other legal person or sole trader which has been recorded in the appropriate registry for building of facilities, i.e. execution of works.

The removal of the facility referred to in paragraph 1 of this Article is managed by the responsible contractor.

After completion of removal of the facility, i.e. part thereof, landscaping and construction waste removal shall be executed, in compliance with special regulations.

1. Enforcement of the Decree on the Removal of a Facility, i.e. Part thereof

Article 171

The decree on the removal of a facility, i.e. part thereof, which is adopted based on this Act, is enforced by a body of the republic, autonomous province, i.e. local government unit which is competent for affairs of construction inspection.

The authority competent for tasks of construction inspection keeps a register of issued demolition decrees and inscribes in that register, without delay, how many decrees are enforceable, i.e. how many decrees have been enforced.

The authority from paragraph 2 of this Article is obliged to update the register every seven days.

The expenses of enforcement of the inspection decree are borne by the enforcer.

If the enforcer fails to voluntarily implement the decree on removal of the facility, i.e. part thereof, the decree shall be enforced by a company, i.e. other legal person or sole trader, in compliance with this Act, at the expense of the enforcer.

The expenses of enforcement of the inspection decree are borne by the budget of the competent authority, until refunded by the enforcer.

If the competent authority has no necessary funds for the enforcement of the inspection decree, an interested party may provide the funds for enforcement, until satisfaction by the enforcer.

At the request of the authority competent for construction inspection affairs, the territorially competent organizational unit of police shall, in accordance with the law, supply police assistance in order to enable enforcement of the decree on removal of a facility, i.e. part thereof.

The construction inspector, after executed removal of the facility, i.e. part thereof, draws up the minutes on the removal of the facility, i.e. part thereof, which are also delivered to the authority competent for cadastre of real estate.

Demolition, i.e. removal of the facility in accordance with the provisions of this Act may also be performed by a company, i.e. other legal person that fulfills the requirements prescribed by the Article 150 of this Act, whose founder is the Republic of Serbia, autonomous province, i.e. local self-government unit.

XII SUPERVISION

1. Inspection

Article 172***

Supervision over the implementation of the provisions of this Act and regulations enacted on the basis of this Act is carried out by the ministry competent for matters of urbanism and civil engineering.

The competent ministry carries out the inspection through inspectors within the scope determined by law.

The autonomous province is entrusted with the inspection in the field of spatial planning and urbanism in the territory of the autonomous province and over construction of facilities for which the building permit is issued on the basis of this Act, as well as supervision over operation of city and municipal construction inspectors in the territory of the autonomous province.

The municipality, city and the City of Belgrade are entrusted with the inspection over construction of facilities for which they issue building permits on the basis of this Act.

The City of Belgrade is entrusted with the inspection in the field of spatial planning and urbanism, in the territory of the City of Belgrade, for the construction and reconstruction of facilities up to 800 m² of gross developed construction area.

The tasks of urban inspector may be performed by a graduated engineer of architecture - master, i.e. graduated engineer of architecture or graduated civil engineer - master, i.e. graduated civil engineer having at least three years of working experience in the profession and a passed professional exam and who fulfills other conditions prescribed by law.

The construction inspector's tasks may be performed by a person with a completed higher education or the appropriate profession i.e. major in studies of second degree of civil engineering (master academic studies, master vocational studies, specialist academic studies, specialist vocational studies), i.e. graduated civil engineer, or a person with completed higher education of appropriate profession, i.e. major in the second degree studies of architecture (master academic studies, master vocational studies, specialist academic studies, specialist vocational studies), i.e. graduated engineer of architecture who has at least three years of work experience in the profession and a passed professional exam, and who fulfills other conditions prescribed by law.

The tasks of inspection which are by this Act entrusted to a municipality may also be performed by a person having a higher education in the first degree studies of civil engineering or architecture, i.e. person having bachelor's degree in architecture or civil engineering, at least three years of working experience in the profession, passed professional exam, and who fulfills other conditions prescribed by law.

In the inspection proceedings, when serving the decree, the party to the serving is also the owner of the parcel who is at the same time a party in the proceedings.

At the occasion of enforcement of the construction inspector's decree, the competent organizational unit of police is obliged to provide official assistance to the acting inspector without submitting proof that serving of the decree has been previously tried without provision of police assistance.

2. Rights and Duties of Urban Inspector

Article 173

Urban inspector, while performing inspection, is entitled to and has a duty to verify if:

- 1) A company, i.e. other legal person or sole trader who prepares spatial and urban plans or performs other affairs determined by this Act, has fulfilled the prescribed requirements;
- 2) A planning document has been prepared and adopted in accordance with law and regulation passed in accordance with law;
- 3) Site conditions and urban design have been issued in compliance with the planning document;
- 4) Changes of spatial conditions have been performed in accordance with this Act and regulations passed in accordance with law;
- 5) A company, i.e. other legal entity, i.e. public enterprise or other organization determining requirements for construction of facilities and spatial development, as well as technical information for connection to the infrastructure, has submitted the necessary information and conditions for preparation of the planning document, i.e. site conditions, and published the separate on technical requirements for construction of facilities within the prescribed deadlines.

A company, i.e. other legal person who prepares spatial and urban plans or performs other affairs specified by this Act, a company, i.e. other legal or natural person performing spatial changes, as well as the competent municipal, i.e. city, i.e. administration of the City of Belgrade, shall enable full and unhindered inspection of the available documentation to the urban inspector.

3. Powers of Urban Inspector

Article 174

While carrying out the inspection, the urban inspector is authorized to undertake the following measures:

- 1) Issue a decree forbidding further preparation of the planning document, if he determines that the company, i.e. other legal entity which prepares the planning document does not fulfill the conditions prescribed by law.
- 2) File an objection to the competent authority for issued site conditions, i.e. urban design, within a term that may not exceed 30 days from the day of issuance of site conditions, i.e. confirmation of the urban design, if he determines that such documents are not in accordance with law, i.e. with the planning document and notify the investor of it;

Items 3) - 5) (*Deleted*)

- 6) Inform the authority competent for adoption of the planning document or part of the planning document and to propose to the minister competent for matters of spatial planning and urbanism to initiate proceedings for the assessment of the legality of the planning document or part of the planning document, if he determines that the planning document or a certain part of the planning document has not been adopted in compliance with the law, or if the procedure in which it has been adopted has not been carried out in a manner prescribed by law;
- 7) Inform, without delay, the minister competent for matters of space development and urbanism, if he determines that the authority competent for adoption of the planning document has not adopted the planning document within the prescribed time limit;
- 8) Undertake measures against the company or other legal person if they, within the prescribed time limit, fail to publish the separate, i.e. fail to serve the information necessary for connection to the technical and other infrastructure;
- 9) Undertake other measures as well, in accordance with the law.

In the case referred to in paragraph 1, item 1 of this Article the company, i.e. other legal person or sole trader may continue preparation of the planning document after removing the determined irregularities and notifying of it in writing the inspector who has adopted the decree on prohibition of drawing up that planning document, and the inspector determines that the irregularities have been removed.

When the urban inspector determines that the planning document or part of the planning document has been adopted contrary to the provisions of this Act, he shall make a proposition to the minister competent for matters of space planning and urbanism to issue a decree forbidding the application of the planning document until it is harmonized with law and notify thereof the authority competent for its adoption.

The minister competent for space planning and urbanism affairs shall issue a decree referred to in paragraph 3 of this Article within a term of 15 days from the day when the urban inspector made his proposal.

4. Rights and Duties of the Construction Inspector

Article 175

In carrying out the inspection, the construction inspector is entitled to and has a duty to check the following:

- 1) Whether the company, i.e. other legal person or sole trader which is building the facility, i.e. a person who performs expert supervision, i.e. persons who perform certain tasks in building of the facility, are fulfilling the prescribed conditions;
- 2) Whether for the facility which is under construction, i.e. for the execution of works, a building permit has been issued and a notice of works confirmed, i.e. decision issued as referred to in Article 145 of this Act and if that is not the case, to file a criminal complaint with the competent authority against the contractor, i.e. investor for committing a crime of construction without building permit;
- 3) Whether the investor has concluded the building contract, in accordance with this Act;
- 4) Whether the facility is being constructed according to the issued building permit and the project execution plan, i.e. technical documentation on the basis of which the decree under Article 145 of this Act has been issued;

- 4a) Whether the works are carried out in accordance with the technical documentation, i.e. description of works submitted with the notice of works in case of building from Article 144 of this Act and whether that technical documentation, i.e. description of works, as well as the works themselves satisfy the technical standards;
- 5) Whether the building site is marked in the prescribed manner;
- 6) Whether the executed works, i.e. the installed material, equipment and wirings are in compliance with the law and the prescribed standards, technical norms and quality norms;
- 7) Whether the contractor has undertaken the measures for the safety of the facility, the surrounding facilities, traffic, surroundings and environmental protection;
- 8) Whether there are any defects on the facility which is under construction, or which has been completed, which endangers its safe use and surroundings;
- 8a) Whether the contractor has reported the completion of construction of foundation and the facility in construction sense and whether those works have been carried out in accordance with issue site conditions;
- 9) Whether the contractor keeps a construction diary, construction book, and provides the inspection book in the prescribed manner;
- 10) Whether during construction and use of the facility appropriate surveys and maintenance of the facility are being performed;
- 11) Whether the technical inspection is performed in accordance with law and regulations adopted based on the law;
- 12) Whether the occupancy permit has been issued for the facility in use;
- 13) Whether the facility is used for the purpose for which the building, i.e. occupancy permit has been issued;
- 14) Performs other tasks as well prescribed by the act, or by a regulation adopted based on the law.

The construction inspector is authorized to supervise the use of the facility and to undertake measures if he determines that use of the facility endangers the life and health of people, the safety of surroundings, endangers the environment, and if inappropriate use affects the stability and safety of the facility.

During performance of inspection the construction inspector shall perform two inspections, at the occasion of receiving notification from the competent authority about the notice of foundation, and upon completion of the facility in structural respect.

During inspection, the construction inspector is authorized to enter the building site and the facilities under construction, to ask for legal instruments which identify the persons, to take statements from responsible persons, take photographs or make a video recording of the building site or the facility, and to take other actions as well related to inspection in order to determine the facts.

During performance of inspection the construction inspector is authorized to enter without a court order and without previous notice into the construction site and into a separate physical part of the building where works are being executed for which inspection has been envisaged by this Act, when there are reasons to act without delay or there is justifiable concern that notification would impede the realization of goals of inspection or when such conduct is dictated by protection of public interest, i.e. removal of danger to life and health of people, property, rights and interests of employees and other persons engaged to work, economy, environment, plant and animal life, municipal order or security, as well as when there is reasonable doubt that the execution of works represents committing of a crime of illegal building, provided the reasons for omitting to notify are stated in the inspection warrant.

The construction inspector shall provide expert assistance in performing of entrusted operations in the field of inspection and provide expert explanations, undertake preventive measures, including informing the inspected subject about his legal obligations, indicating to the inspected subject the potential prohibited, i.e. harmful consequences of his actions, warn the inspected subject about the need for removal of causes of illegalities which may arise in future, and as well to participate directly in performance of inspection when necessary.

5. Powers of a Construction Inspector

Article 176

While performing the inspection, the construction inspector is authorized to:

- 1) Issue a decree ordering the suspension of works and removal of a facility, or its part, if the facility is under construction or its building is completed without a building permit, i.e. if the facility is being built contrary to the site conditions, i.e. building permit, i.e. certificate of notice of works;
 - 1a) Issue a decree ordering the removal of a facility, i.e. its restoring into original state, if the facility is being built, i.e. works executed without the decree referred to in Article 145 of this Act;
- 2) Issue a decree ordering suspension of works and determining a time limit not longer than 30 days from proper serving to the investor - for filing the application with proper documentation for obtaining, i.e. modifying the building permit, if the facility is not being built in accordance with the issued building permit, i.e. the project execution plan, and if the investor, within a given deadline, fails to obtain, i.e. modify the building permit, to issue a decree ordering the removal of the facility, i.e. its part;
- 3) Issue a decree ordering suspension of the works if the investor failed to conclude a building contract, i.e. failed to file a notice of works, in accordance with this Act;
- 4) Issue a decree instructing suspension of works and determining a deadline not longer than 30 days for obtaining the building permit, if he determines that, for works performed on the basis of the decree referred to in Article 145 of this Act, it is necessary to obtain a building permit, and if the investor fails to obtain the building permit in the given deadline, to issue a decree instructing the removal of the facility, i.e. its part;
- 5) Issue a decree instructing suspension of works and determining a deadline not longer than 30 days for obtaining, i.e. modifying the building permit, if the constructed foundations are not in accordance with the building permit and the project execution plan, and if the investor fails to obtain the building permit within the given deadline, to issue a decree instructing the removal of built foundations and restoring of the terrain into its original state;
- 6) Issue a decree instructing removal of a facility, i.e. its part, if building has been continued even after the rendering of the decree on suspension of works;
- 7) Issue a decree instructing removal of a temporary facility in accordance with Article 147 of this Act after the expiry of the prescribed term;
- 8) Issue a decree prohibiting the investor, i.e. owner of the facility to carry out further removal of the facility, i.e. its part, if the facility or its part is being removed without a decree on permitting the remove the facility, i.e. its part;
- 9) Issue a decree instructing the suspension of works, if the investor failed to issue a decree determining expert supervision, in accordance with this Act;
- 9a) Issue a decree to suspend the works, if the contractor carries out the works from Article 133 without being inscribed in the appropriate register for the construction of that type of facilities;
- 10) Order implementation of other measures in accordance with this Act.

The decree on removal of the facility i.e. its part, also relate to parts of the facility which were not described in the demolition decree, but generated after the note has been made, and form one structural whole.

When the construction inspector determines that the actions of a person holding the appropriate license are contrary to regulations, i.e. rules of profession, he shall inform thereof the competent authority and organization that issued the license for the purpose of determining liability.

When the construction inspector determines that the contractor, i.e. responsible contractor carries out the works without the issued building permit, i.e. builds the facility contrary to the issued building permit and technical documentation on the basis of which the building permit has been issued, he files the criminal complaint and initiates the procedure for revoking the license against the responsible contractor, i.e. files a commercial offence complaint against the contractor.

The construction inspector files a criminal complaint and initiates the procedure for revoking the license of the head designer, i.e. responsible designer who signed the technical document or verified such document, if he determines during the supervision procedure that such document has not been in accordance with this Act and secondary legislation passed in accordance with this Act.

The competent authority and organization referred to in paragraph 3 of this Article shall notify the provider of information of undertaken measures within a term of 30 days from submission of information, as well as

to serve on him a copy of the decision rendered in the process initiated by such information, for informative purposes.

Information referred to in paragraph 3 of this Article, report referred to in paragraph 4 of this Article, and the final decision referred to in paragraph 5 of this Article are registered in the register of unified procedure.

The construction inspector is obliged to, immediately, and no later than within three days, upon finding out himself or on the basis of a report, carry out the inspection over the reported facility and draw up the minutes. Using the made minutes the inspector is obliged to draft a decision within five working days.

Article 177

Where the construction inspector during inspection determines that:

- 1) During construction, measures are not undertaken for the safety of the facility, traffic, surroundings and for protection of environment, he shall issue a decree ordering the investor, i.e. contractor the measures for removal of spotted deficiencies, deadline for their execution, as well as suspending further execution of works until these measures are carried out, under threat of enforcement costs of which to be borne by the investor, i.e. contractor;
- 2) Executed works, i.e. building products, equipment and plants installed do not correspond to law and prescribed standards, technical and quality norms, he shall issue a decree suspending further execution of works, until removal of determined deficiencies;
- 3) The building site has not been marked in the prescribed manner, he shall issue a decree instructing suspension of works and determining the deadline for removal of deficiencies, which may not exceed three days.

The decree referred to in paragraph 1 of this Article may also be issued by verbal rendering in the site, with the obligation of the inspector to follow it up in writing within a term not longer than five days. The deadline for fulfillment and the appeal deadline begin from the day of rendering of the verbal decree.

A written copy of the decree referred to in paragraph 1, item 1) is served by attaching it to the facility that is under construction.

Article 178

If the construction inspector during inspection determines that:

- 1) The company, i.e. other legal person or sole trader, i.e. person to whom the expert supervision over the construction of the facility is entrusted, i.e. over the execution of works, does not fulfill the prescribed conditions, he shall issue a decree forbidding further execution of works until fulfillment of conditions;
- 2) There are defects on the facility which under construction, or is already built, which represent an immediate threat to its stability, i.e. safety of the facility and its surroundings, or to the life and health of people, he shall issue a decree forbidding the use of the facility, or its part, until the determined defects are removed;
- 3) The facility for which a building permit has been issued is being used without the occupancy permit, he shall order the investor to obtain the occupancy permit within a term that may neither be shorter than 30, nor longer than 90 days, and if the investor fails to obtain it within the set term, he shall issue a decree banning the use of the facility;
- 4) The facility for which the building and occupancy permits have been issued, is being used for a purpose which has not been determined by the decree approving the execution of works, building i.e. occupancy permit, he shall instruct the obtaining of the building permit, i.e. decree referred to in Article 145 of this Act, within a term of 30 days, and if the investor fails to obtain the building permit, i.e. decree referred to in Article 145 of this Act within the given deadline, he shall issue a decree banning the use of the facility;
- 5) Use of the facility represents a threat for the life and health of people, safety of neighboring facilities, or to the surroundings, or is a threat to the environment, he shall instruct the execution of necessary works, i.e. forbid the use of the facility, i.e. part of the facility;
- 6) The facility for which the building permit has been issued, and which has not been completed within the deadline stipulated in the application for commencement of construction of the facility, i.e. notice of works, he shall issue a decree ordering the investor to complete the construction of the facility, i.e. execution of works, within a term which may neither be shorter than 30, nor longer than 90 days, and if the investor fails

to complete the facility within the given deadline, he shall report a committed misdemeanor, i.e. economic offence.

Article 179

Where a construction inspector, during inspection determines that in the course of construction, i.e. use of the facility, the prescribed observation, i.e. maintenance of the facility are not done, he shall issue a decree ordering the investor and the contractor, i.e. user of the facility, to correct the determined irregularities.

Article 180

(Deleted)

Article 181

Where the construction inspector, during performance of inspection, determines that a facility is being constructed, i.e. that preparatory works are being executed without or contrary to the site conditions, i.e. building permit and technical documentation on the basis of which the building permit has been issued, as well as contrary to the certificate on the notice of works, in addition to the measures prescribed by this Act, he shall issue a decree to also order the closing of the building site, without delay.

The decree referred to in paragraph 1 of this Article is enforceable as of the day of issue.

The measure referred to in paragraph 1 of this Article is carried out by placing the official label "closed building site", sealing of the construction machinery and attaching a copy of the decree referred to in paragraph 1 of this Article, in a visible position.

One copy of the enforceable decree which orders the closing of the building site is delivered by the construction inspector to the territorially competent organizational unit of police, where police assistance shall be supplied if needed, for the purpose of enabling enforcement of that decree.

Article 182

When the construction inspector, while carrying out the inspection, determines that the investor is unknown, the writ of execution is served by attaching it to the information board of the competent authority and attaching it onto the facility which is being constructed, i.e. used, which is recorded by the inspector's note on the writ of execution, conclusion on allowing the enforcement, about the time and place of serving.

The note referred to in paragraph 1 of this Article contains all relevant data concerning the date, place and type of facility, as well as the name of the investor or contractor if it is known, and if it is not known the proceeding shall be conducted against an unknown person. Subsequent identification of the investor or contractor, or change of the investor or contractor does not serve as grounds for suspending the proceeding referred to in paragraph 1 of this Article, or for extending the deadlines set in such proceeding.

The writ referred to in paragraph 1 of this Article, is deemed properly served as of the day of pinning it to the notice board of the competent authority and attaching it to the facility under construction, i.e. in use.

Article 183

The decree on removal of the facility, i.e. its part, is rendered by the construction inspector in cases which are prescribed by this Act.

The decree referred to in paragraph 1 of this Article determines the term in which the investor must remove the facility or its part.

The construction inspector determines in the decree referred to in paragraph 1 of this Article, whether before the removal of the facility, i.e. part of the facility, it is necessary to prepare a demolition plan, as well as the method of enforcement using other person, in the event that the investor fails to do so on his own, within the term stipulated in the removal decree.

Exceptionally, the construction inspector, in cases referred to in paragraph 1 of this Article, shall not issue the decree on removal of the facility, i.e. its part (supporting walls, conversion of garret into living space, opening of portals on the facade etc.), if this removal would create danger to life and health of people or to neighboring facilities or the facility itself, and instead he shall issue a decree ordering the investor to restore to original state, in accordance with this Act.

Article 184***

An appeal may be filed against the decree of the republic construction inspector within a term of 15 days from the day of serving of the decree.

The appeal against the decree referred to in paragraph 1 of this Article is filed to the Government, through the ministry in charge of urbanism and construction affairs.

An objection may be lodged against the decree of the urbanism inspector within a term of eight days from the day of serving.

The objection against the decree of the urbanism inspector is filed to the competent executive authority of the city of Belgrade, autonomous province, i.e. the Government, through the authority in charge of urbanism affairs of the autonomous province.

An appeal may be filed with the ministry in charge of construction affairs against the decree of the local government unit rendered in the procedure of inspection in the field of construction of facilities.

Ruling on the appeal against the first instance decree issued in the procedure of inspection in the field of construction of facilities in the territory of the autonomous province is entrusted to the autonomous province.

The appeal filed against the decree referred to in this Article does not delay the enforcement of the decree.

Art. 185-200**

(Repealed by a Decision of the CC)

XIV AUTHORISATION FOR ENACTING SECONDARY LEGISLATION

Article 201

The Government, as per the class and purpose of the facility, prescribes:

- 1) The conditions for designing and connecting that shall be obtained from holders of public authority in the procedure of issuing site conditions;
- 2) Mandatory content, procedure and method of issuing conditions referred to in item 1) of this Article;
- 3) Mandatory content, procedure and method of issuing site conditions by the competent authority.

The Government regulates in more detail the conditions, method and procedure for conveyance and exchange of real estate in public ownership (Article 99);

The Government prescribes in more detail the method, conditions and procedure for investing unbuilt building land in public ownership for the purpose of realizing public-private partnership, i.e. entering it as a founding share into public enterprises and companies and concluding contracts on joint construction of one or more facilities with a natural or legal person (Article 100).

The Government prescribes in more detail the composition, scope and responsibility of the republic commission for land consolidation, the procedure of carrying out land consolidation, content of the decision on land consolidation, content, conditions and method of issuing the decree on land consolidation, procedure of drafting and the content of the land consolidation design, method for land value assessment in the procedure of urban land consolidation, costs and payees of costs, as well as the request for exemption from the land consolidation mass, of all holders of real estate rights on the cadastral parcel.

The Government more precisely prescribes the criteria for the preparation of spatial and urbanistic planning documents, types of licenses for legal entities, as well as the method and procedure for issuing and revoking licenses and the amount of issuing costs.

The Government more closely regulates the manner and deadlines for the exchange of documents and submissions in the procedures for preparing and monitoring the preparation of planning documents, as well as the format in which the conditions are submitted.

The minister prescribes in more detail:

- 1) The energy properties of buildings and method for calculation of energy properties of buildings, energy requirements for the new and existing buildings, conditions, content, and method of issuing certificates, as well as the content and manner of managing the Central Register of Energy Passports;

- 1a) Technical regulations specifying in more detail the technical requirements for facilities in order to fulfill basic requirements for facilities;
- 1b) Technical regulations that determine the requirements for the use, installation and performances that building products installed in the facility must have in relation to their essential characteristics and other technical requirements related to the facilities and their construction;
- 2) The technical regulations the integral part of which are standards defining mandatory technical measures and terms of designing, planning and construction, that ensure undisturbed movement and access for persons with disabilities, children and the elderly (Article 5);
- 3) The subject and procedure of carrying out unified procedure, keeping and contents of the register of unified procedures and central records, as well as authorizations and liabilities of the registrar (Art. 8, 8a, 8e, 8c and 8d);
- 4) The contents, method, procedure and deadlines for preparation and publication of the separate (Art. 31a, 34, 41, 46, 48, 49, 50, 58 and 61);
- 5) The contents, method and procedure for preparation of spatial and urban planning documents (Art. 10-68);
- 6) The conditions and criteria for co/financing of production of planning documents (Article 39);
- 7) The manner and procedure of election of the members of the commission for expert control of planning documents, commission for control of compliance of planning documents, commission for plans of a local self-government unit, and commission for expert control of the urban planning design, the right and the amount of compensation to the members of the commissions, as well as the conditions and the manner of operation of the commissions (Arts. 33, 49, 52, and 63a);
- 8) The contents and method of keeping and maintaining central register of planning documents, information system on the spatial condition and local information system for planning documents, as well as digital format for serving of planning documents (Art. 43 and 45);
- 9) The contents, procedure and method for adopting the program of developing building land (Article 94);
- 10) The classification of facilities according to their purpose, functional and structural properties and the degree of impact to the surroundings, having in mind risks connected to the construction and exploitation (Article 2);
- 11) The contents, method and procedure for drafting and method for performing control of technical documentation according to the facility's class and purpose (Art. 117-124, 129, 131 and 168);
- 12) The conditions of compulsory professional liability insurance for legal persons and sole traders engaged in spatial and urbanistic planning, drafting technical documentation and construction (Article 129a);
- 13) The conditions and method of election of members of the commission, the right and the amount of compensation for the work in the commissions (Article 131), conditions, methodology, manner of operation and decision making in the review and the content of the report on expert control (Article 132);
- 13a) A special type of facilities and a special type of works for which it is not necessary to obtain a decision of the competent authority, as well as the type of facilities being built, i.e. the type of work being carried out, based on the decision on the approval, as well as the scope and content and control of the technical documentation enclosed with the request and the procedure carried out by the competent authority (Arts. 144 and 145);
- 14) The content and method for issuing building permit (Art. 135-138);
- 15) The conditions to be fulfilled by legal persons and sole traders in order to perform the activities of preparation of technical documentation, i.e. construction of facilities, the contents of the application for establishing the fulfillment of those conditions, procedure for issuing decrees, i.e. cancelling decrees on fulfillment of conditions and entering into the register for drafting of technical documentation, i.e. construction of facilities, as well as the procedure for election of members of the commission and their manner of operation, the right and the amount of compensation for work in the commissions (Arts. 126 and 150);
- 16) The appearance, content and place for posting building site board (Article 149);
- 17) The contents and method of keeping the inspection book, site diary and construction book (Article 152);

- 18) The contents and method for carrying out expert supervision (Article 153);
- 19) The contents and method for performing technical inspection, issuing occupancy permit, surveying of land and facilities during construction and exploitation and minimum warranty periods for individual types of facilities, i.e. works, as well as composition of the commission for technical inspection of the facility, according to the facility's class and purpose; conditions for determining that the facility is suitable for exploitation; form and content of the proposal of the technical inspection commission on determining suitability of the facility or a part of the facility for use, as well as other issues relevant for performing technical inspection (Art. 154 and 158);
- 20) The conditions, program and manner of taking the professional exam in the field of spatial and urban planning, preparation of technical documentation for construction and energy efficiency, keeping records on the passed professional exam, conditions for election and method of work of the members of the commission (Article 161);
- 20a) The conditions and criteria on the basis of which accreditation is issued, criteria for establishing vocational training programs for specific professional fields, conditions and manner of conducting professional training of licensed and other interested persons who wish to complete or improve their knowledge in order to continuously follow the development of the profession, as and other issues relevant to the implementation of professional training (Article 161a);
- 20b) The professional tasks of spatial and urban planning, preparation of technical documentation, construction and energy efficiency performed by licensed persons within the professional i.e. more specialized professional fields (tasks of the profession) (Articles 37, 38, 128, 129, 151 and 153);
- 21) The conditions, manner, and procedure for issuing and extending the license of a spatial planner, urbanist, architect urbanist, engineer, architect and contractor, conditions and procedure of license issuing for carrying out professional tasks by foreign persons, conditions and procedure for establishing professional liability of licensed persons (suspending or revoking a license), amount of the processing fee for application to issue the license and to produce the solemn form of the license, as well as the appearance and the contents of the solemn form of the license (Article 162);
- 22) The form and content of official identification document of the urbanistic and construction inspector, as well as the type of equipment used by the inspector;
- 23) The procedure for passing and content of the program for removal of facilities (Article 171);
- 24) The appearance and contents of official sign, as well as procedure for closing down the building site (Article 181);
- 25) The general rules for parceling, regulation and construction (Art. 31 and 57);
- 26) The method and procedure for announcing and performing urban-architectural competition (Article 68a);
- 27) The facilities which are excluded from application of the provisions regulating the contractor, responsible contractor and obligation to instruct expert supervision during construction and technical inspection of the facility, according to the facility's class and purpose (Article 153a);
- 28) The manner of publishing data from the register of licensed engineers, architects and spatial planners, the register of licensed contractors and the records of foreign persons performing professional activities (Article 162);
- 29) The classification of land purpose and planning symbols (Article 32);
- 30) The subject and procedure of maintaining and managing the safety of high dams and accumulations filled with water, tailings or ash;
- 31) The contents, method and procedure for amending and supplementing the planning documents, as well as the shortened procedure (Article 51b);
- 32) The content and manner of keeping of the register of licensed engineers, architects and spatial planners, the register of licensed contractors and records of foreign persons who perform professional activities, conditions to be met by persons in order to be entered in the register, i.e. records, the manner and procedure for entering into the register, i.e. records, manner of modifying and deleting data entered in the register, i.e. records, as well as the issuing and appearance of the certificate of the professional title, status and other data entered into the register, i.e. records (Article 162);

33) The conditions for election, manner and procedure of election of commission members, the right and the amount of remuneration for work in the professional examination and license issuing commission, as well as the commission for determining the professional liability of licensed persons (Art. 161 and 162);

34) The arrangement, management, disposal and depositing of construction waste during the execution of works.

XV PENAL PROVISIONS

1. Economic Offences

Article 202

A company or other legal person which is an investor shall be penalized for economic offence with a fine of 1,500,000 up to 3,000,000 dinars if:

1) It assigns the preparation of technical documentation to a company, i.e. other legal person which does not fulfill the prescribed conditions (Article 126);

2) It assigns the control of technical documentation to a company, i.e. other legal person which does not fulfill the prescribed conditions (Article 129);

2a) It fails to submit a request for changing the building permit decree within the prescribed deadline (Article 141);

3) It does not provide expert supervision over the construction of a facility (Article 153);

4) It continues to perform the works even after issuing of a decree on their cessation (Article 176);

5) It does not complete the construction of the facility, i.e. execution of works in the given deadline (Article 178).

The fine ranging from 100,000 to 200,000 dinars shall also be imposed for the economic offence referred to in paragraph 1 of this Article upon the responsible person in a company or other legal person which is the investor.

Reporting the economic offence, referred to in paragraph 1 of this Article, is carried out by the competent construction inspector.

Article 202a

A company or other legal person preparing technical documentation and/or executing works shall be imposed with a fine ranging from 1,500,000 to 3,000,000 dinars for economic offence if it does not fulfill the requirements for performing such activity prescribed by this Act (Art. 126 and 150) i.e. in written form, without delay, fails to inform the ministry in charge of civil engineering affairs about any change of the previously determined conditions and within 30 days does not submit proof of fulfillment of conditions for enrollment in the appropriate register for the preparation of technical documentation for this type of facilities (Article 126a).

A company or other legal person, which is the owner i.e. user of dams and accumulations filled with water, a landfills with dangerous substances (tailings, ash, etc.) shall be fined for an economic offense in the amount of 1,500,000 to 3,000,000 dinars, if they do not act in accordance with the rules prescribed by the laws and bylaws that regulate these fields more closely.

The responsible person at the company or other legal person shall also be imposed with a fine ranging from 100,000 to 200,000 dinars for economic offence referred to in paras. 1 and 2 of this Article.

Reporting the economic offence referred to in paras. 1, 2 and 3 of this Article is carried out by the competent construction inspector.

Article 203

A company, or other legal person, which is building a facility shall be penalized for economic offence with a fine ranging from 1,500,000 to 3,000,000 dinars if:

1) It builds a facility without a building permit, i.e. execute works contrary to the technical documentation based on which the facility is being built (Article 110);

- 2) It acts contrary to the provisions of Article 152 of this Act;
- 3) It continues building the facility after issuing of the decree on cessation of construction (Art. 176 and 177).

The responsible person in the company, or other legal person that is building, i.e. executing works, shall also be penalized for economic offence referred to in paragraph 1 of this Article with a fine ranging from 100,000 to 200,000 dinars.

Reporting the economic offence, referred to in paragraph 1 of this Article, is carried out by the authorized construction inspector.

Article 204

A company or other legal person authorized to determine conditions for construction of facilities and spatial development, as well as technical information for connection to the infrastructure, i.e. to connect the facility to the infrastructure, shall be imposed with a fine ranging from 1,500,000 to 3,000,000 dinars for economic offence if it fails to publish, within the prescribed deadline, the separate study, and/or serve necessary information and conditions for preparation of the planning document, and/or site conditions and/or consent to the design, i.e. other document envisaged by this Act, as well as if it fails to connect the facility to the infrastructure (Art. 8b and 46, paragraph 4).

The responsible person at the company or other legal person shall also be imposed with a fine ranging from 100,000 to 200,000 dinars for economic offence referred to in paragraph 1 of this Article.

The authority in charge of issuing site conditions, i.e. in charge of drafting of the plan, shall report the economic offence referred to in paragraphs 1 and 2 of this Article.

Article 204a

A company or other legal person shall be imposed with a fine ranging from 1,500,000 to 3,000,000 dinars for economic offence if it seeks consent for technical documentation contrary to the provisions of this Act.

The responsible person in the company or other legal person shall also be fined from 50,000 to 100,000 dinars for the economic offence referred to in paragraph 1 of this Article.

Reporting the economic offence referred to in paras. 1 and 2 of this Article is carried out by the authority competent for issuing of building permit.

2. Misdemeanors

Article 205

A company, i.e. other legal person shall be imposed with a fine ranging from 500,000 to 1,000,000 dinars if it fails to enable the urbanistic or construction inspector to perform the supervision in compliance with this Act (Art. 173 and 175).

The responsible person in the company, or other legal person, shall also be imposed with a fine from 50,000 to 100,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

A sole trader shall be fined from 100,000 to 300,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

A natural person who is not a sole trader shall be fined from 50,000 to 100,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

The request for initiation of misdemeanor proceeding referred to in paras. 1-4 of this Article is submitted by the competent construction, i.e. urbanistic inspector.

Article 206

A company, or other legal person that is the investor of the facility, shall be imposed with a fine of 300,000 dinars if it fails to provide access to the facility for persons with disability, in compliance with accessibility standards (Article 5).

A responsible person in the company, or other legal person, shall also be fined from 10,000 to 50,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

A natural person who is the investor of the facility shall be fined from 20,000 to 100,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

The request for initiation of misdemeanor proceedings referred to in paras. 1, 2 and 3 of this Article, is submitted by the authorized construction inspector.

Article 207

A company, or other legal person that drafts the space and urban planning documents, or performs other tasks determined by this Act, shall be imposed with a fine ranging from 100,000 to 500,000 dinars if it fails to enable urbanistic inspector complete and unhindered access to the available documentation (Art. 173 and 175).

The responsible person in the company or other legal person shall also be imposed with a fine ranging from 10,000 to 50,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

The request for initiation of misdemeanor proceeding referred to in paras. 1 and 2 of this Article is submitted by the competent urbanistic inspector.

Article 208

A company, i.e. other organization, i.e. other legal person, which is building the facility shall be imposed with a fine ranging from 500,000 to 1,000,000 dinars if:

- 1) It fails to appoint the person who manages the construction of the facility, i.e. the execution of works, or if it appoints a person who does not fulfill the prescribed conditions for that position (Art. 151 and 152);
- 2) It fails to inform the competent authority about the completion of the construction of the foundations, i.e. completion of construction of a facility in a construction sense (Article 152, paragraph 2);
- 3) It fails to warn in writing the investor, or the person who performs the supervision over the implementation of the provisions of this Act, about defects in the imperfections in the technical documentation (Article 152, paragraph 6)
- 4) It fails to keep the site diary and construction register, or it fails to provide the inspection register (Article 152, paragraph 7, item 5)

A responsible person in the company, or other legal person that is building the facility shall be imposed with a fine ranging from 10,000 to 50,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

A responsible contractor shall be imposed with a fine ranging from 50,000 to 150,000 dinars for the misdemeanor if he acts contrary to the provisions of Article 152, paragraph 7 of this Act.

The request for initiating misdemeanor proceeding referred to in paras. 1-3 of this Article is submitted by the competent construction inspector.

Article 208

A fine ranging from 300,000 to 500,000 dinars shall be imposed on a sole trader who:

- 1) Builds a facility without a building permit, i.e. executes works contrary to technical documentation based on which the facility is being built (Article 110);
- 2) Acts contrary to the provisions of Article 152 of this Act;
- 3) Fails to notify the competent authority on the completion of foundation construction, i.e. completion of construction of a facility in a construction sense (Article 152, paragraph 2);
- 4) Continues with construction of the facility after issuance of the decree on suspending the construction (Art. 176 and 177).

A natural person - investor shall be imposed with a fine ranging from 100,000 to 150,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

The request for initiation of the misdemeanor proceeding referred to in paragraphs 1 and 2 of this Article is submitted by the competent building inspector.

Article 208b

A fine from 300,000 to 500,000 dinars shall be imposed for a misdemeanor on a sole trader who prepares technical documentation and/or executes works without fulfilling conditions for performing such activity prescribed by this Act (Art. 126 and 150).

A natural person - investor shall be imposed with a fine ranging from 50,000 to 150,000 dinars for the misdemeanor referred to in paragraph 1 of this Article.

A competent building inspector submits the request for initiation of misdemeanor proceeding referred to in paras. 1 and 2 of this Article.

Article 208c

A fine ranging from 100,000 to 150,000 dinars or imprisonment of up to 30 days shall be imposed for the misdemeanor on the responsible designer who has prepared and signed the technical document or verified such document in the procedure of technical control, contrary to provisions of this Act and secondary legislation passed on the basis of this Act.

The competent building inspector shall file the request for initiation of misdemeanor proceeding referred to in paragraph 1 of this Article.

Article 209

A responsible person in the competent administrative authority shall be fined from 25,000 to 50,000 dinars or with a prison sentence of up to 30 days if:

- 1) *(Deleted)*;
- 2) He fails to issue site conditions, building permit, i.e. occupancy permit within the prescribed deadline (Art. 8e, 56, 136 and 158);
- 3) He fails to organize public presentation of the urbanistic design (Article 63);
- 4) He fails to serve the request to the construction inspection for the removal of the facility for which a temporary building permit has been issued (Article 147);
- 5) He fails to prepare a program, and carry out the enforced removal of the facility (Article 171);
- 6) He fails to enable the urbanistic, i.e. construction inspector complete and unhindered access to the available documentation (Art. 173 and 175);
- 7) He fails to undertake prescribed measures in performing the inspection (Art. 173 and 175);
- 8) *(Deleted)*;
- 9) He fails to acknowledge the exemption from payment of contributions in accordance with Article 97, paragraph 8 of this Act.

For a repeated misdemeanor referred to in paragraph 1 of this Article, the perpetrator shall be imposed with a fine and imprisonment of up to 30 days.

The request for initiation of misdemeanor proceeding referred to in paragraph 1, item 2) of this Article is submitted by the registrar of central records, in item 3) the competent urbanistic inspector, in item 4) the competent construction inspector, in items 5) and 7) the organ in charge of issuing the building permit for that type of the facility, in item 6) the competent urbanistic, i.e. construction inspector, and in item 9) the competent authority of the ministry.

Article 209a

A fine of 100,000 to 500,000 dinars shall be imposed on a body, a special organization, a holder of public authority and another institution, except for a state body, an organ of the autonomous province and the local self-government unit, if it fails to submit the conditions for the preparation of the planning document (Article 47b).

For the misdemeanor referred to in paragraph 1 of this Article, a responsible person in a body, a special organization, a holder of public authority and other institutions referred to in paragraph 1 of this Article shall also be fined from 25,000 to 50,000 dinars.

A responsible person in a state body, an autonomous province body and a local self-government unit shall be penalized for a misdemeanor referred to in paragraph 1 of this Article if he fails to submit the conditions for drafting of a planning document with a fine ranging from 25,000 to 50,000 dinars.

The request for the initiation of the misdemeanor proceedings from paras. 1-3 of this Article is submitted by the competent urbanism inspector.

Article 210

A responsible person in the competent administrative authority shall be imposed with a fine ranging from 50,000 to 100,000 dinars, or imprisonment up to 30 days if:

- 1) He issues site conditions contrary to this Act and the regulations adopted on the basis of this Act (Article 53);
- 2) He issues a building permit contrary to this Act and regulations introduced on the basis of this Act (Art. 135 and 136);
- 3) He issues the occupancy permit contrary to regulations (Article 158).

For the repeated misdemeanor referred to in paragraph 1 of this Article, the perpetrator shall be fined and sentenced to prison for up to 30 days.

The request for initiation of misdemeanor proceeding referred to in paragraph 1 of this Article is submitted by the registrar, i.e. the authority competent for conducting unified procedure if the registrar has not been appointed in accordance with Article 8c of this Act.

Article 211

A competent inspector shall be fined for a misdemeanor from 25,000 to 50,000 dinars if, in cases referred to in Art. 174, 176, 177, 178, 179, 180, 181, 182 and 198 of this Act, he fails to issue a decree, i.e. issue an order within the appropriate deadline, which may not be longer than seven days from the day of finding out about the committed misdemeanor.

For repeated misdemeanor, referred to in paragraph 1 of this Article, the perpetrator shall be imposed with a fine and sentenced to prison for up to 30 days.

Article 211a

A fine ranging from 10,000 to 50,000 dinars shall be imposed for the misdemeanor on the responsible person of the holder of public authority, if the holder of public authority during implementation of the unified procedure fails to act in the manner and within the time limits prescribed by this Act (Article 8b).

The request for initiation of the misdemeanor proceeding referred to in paragraph 1 of this Article is submitted by the registrar, i.e. authority competent for conducting the unified procedure if the registrar has not been appointed in accordance with Article 8c of this Act.

Article 211b

A fine ranging from 10,000 to 50,000 dinars shall be imposed for the misdemeanor on the registrar, i.e. the responsible person of the authority competent for conducting the unified procedure if the registrar has not been appointed, if he fails to submit the request for initiation of misdemeanor proceeding in accordance with Article 8c, paragraph 5 of this Act.

The request for initiation of misdemeanor proceeding referred to in paragraph 1 of this Article is submitted by the Registrar of the Central Records.

Article 212

A fine ranging from 500,000 to 2,000,000 dinars shall be imposed for the misdemeanor on a company or other legal person that performs tasks of preparation and control of technical documentation, i.e. which is a contractor, an entity conducting expert supervision or technical inspection, if it is not insured against liability for damage (Article 129a).

A fine ranging from 20,000 to 100,000 dinars shall also be imposed for the misdemeanor referred to in paragraph 1 of this Article on the responsible person in a company or other legal person.

A fine ranging from 100,000 to 500,000 dinars shall be imposed for the misdemeanor referred to in paragraph 1 of this Article on a sole trader.

The request for initiation of misdemeanor proceeding referred to in paragraph 1 of this Article shall be submitted by the competent construction inspector.

XVI TRANSITIONAL AND CONCLUDING PROVISIONS

Article 213

On the day of entry into force of this Act the Serbian Chamber of Engineers founded by the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06) continues with its operation, in accordance with this Act.

Commissions for plans formed based on the Planning and Construction Act may continue performing activities until expiry of the term of office determined in the memorandum of association.

Article 214

Companies and other legal persons which carry out activities for which this Act prescribes special conditions, shall harmonize their activities with the provisions of this Act within a term of one year from its day of entry into force.

Persons who, until the day of entry into force of this Act, have passed the professional exam by which a test of professional competence for performing tasks determined by this Act has been carried out, in accordance with the regulations which have been in force at the time of their examination, as well as persons whose right to perform those tasks has been acknowledged by these regulations, fulfill the conditions to perform such tasks in accordance with the provisions of this Act as well, if they fulfill other prescribed conditions.

Article 215

The municipality, i.e. city shall adopt the spatial plan within a term of 18 months from the day of entry into force of this Act.

The municipality, city and the City of Belgrade, shall adopt the general zoning plan, i.e. general zoning plans for the seats of local government units within a term of two years from the day of entry into force of this Act.

The municipality, city and the City of Belgrade shall adopt the general zoning plans for other settlements, which are envisaged to be adopted by the spatial plan of the local government unit, within a term of three years from the day of entry into force of this Act.

Until the entry into force of the planning documents referred to in paras. 1, 2 and 3 of this Article, the existing spatial and urban plans shall be applicable.

Information on the location and the location permit shall be issued based on the existing spatial and urban plans until the day of entry into force of the planning documents referred to in paras. 1, 2 and 3 of this Article.

The procedure for preparation and adoption of the spatial, i.e. urban plan initiated prior to entry into force of this Act, shall be continued in accordance with the provisions of this Act, except for the spatial, i.e. urban plans for which a public inspection has already been performed, and which shall be finalized in accordance with the regulations based on which they have been initiated.

Article 216

The local government units which have not adopted the spatial plan of the municipality until the day of entry into force of this Act shall adopt a decision on preparation of the spatial plan of the local government unit within a term of three months from the day of entry into force of this Act.

The spatial plan of the municipality, which has been adopted prior to the day of entry into force of this Act, shall be harmonized with the provisions of this Act within a term of 18 months from the day of entry into force of this Act, and the local government unit shall adopt a decision on harmonization of the spatial plan with the provisions of this Act within a term of three months from the day of entry into force of this Act.

The City of Belgrade shall adopt a decision on the preparation of the plans, referred to in Article 20, paragraph 3 of this Act, within a term of three months from the day of entry into force of this Act, and within a term of 18 months from the day of entry into force of this Act it shall adopt, in accordance with this Act, the spatial plans with elements of the spatial plan of the local government unit.

Local government unit, the settlement in which its seat is situated has less than 30,000 inhabitants, shall adopt a decision on preparation of the general zoning plan for the settlement which is the seat of the local government unit, within a term of three months from the day of entry into force of this Act. Upon entry into force of the general zoning plan, the general plans, detailed zoning plans, the revised zoning plans and revised detailed urban plans, adopted in accordance with previously applicable planning acts, which are contrary to the general zoning plan, are repealed.

The local government units, whose seat is situated in the settlement that has more than 30,000 inhabitants, shall adopt, within a term of three months from the day of entry into force of this Act, a decision on harmonization of the general plan with the provisions of this Act which relate to the general urban plan, and a decision on the preparation of general zoning plans in accordance with this Act, for the whole construction area of the settlement. Upon entry into force of the general zoning plans, the provisions of the general plan, the detailed zoning plans, the revised zoning plans and revised detailed urban plans, adopted in accordance with the previously applicable planning acts, which are contrary to the general zoning plan, are repealed.

Detailed zoning plans, i.e. general zoning plans for individual settlements which are not seats of the local government unit, shall remain in force, if they are not contrary to the provisions of this Act which relate to the general zoning plan.

The general development plans, adopted in accordance with the Planning and Construction Act, are harmonized with those provisions of this Act which relate to the schematic view of the development of settlements, for the parts of territory for which the preparation of the urban plan is envisaged. Upon adoption of the spatial plan of the local government unit, the harmonized plan of general development becomes an integral part of the spatial plan of the local government unit, as the schematic view of the development of the settlement.

Article 217

Until the entry into force of the planning documents envisaged by this Act, for the construction of telecommunication facilities, for which building permit is issued in accordance with this Act, in the area for which the urban plan has not been adopted, or in which the construction of such facilities has not been envisaged by the urban plan, the location permit is issued in accordance with the conditions of authorities, i.e. organizations competent for tasks of telecommunications, on the basis of the annual plans for developing telecommunication networks in the territory of the Republic of Serbia, in accordance with the law.

Article 218

Deciding on requests for issuance of a permit for construction, occupancy permit and other requests for deciding on individual rights and duties, which have been submitted prior to the day of entry into force of this Act, shall be continued in accordance with the regulations which have been applicable prior to the day of entry into force of this Act.

Article 219

(Deleted)

Article 220

The fee for usage of building land is paid in accordance with the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06) until the stated fee is integrated into the property tax.

Article 221

(Deleted)

Article 222

On the day of entry into force this Act, the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06) is repealed.

Until adoption of the secondary legislation on the basis of authorizations referred to in this Act, the secondary legislation adopted based on the act that ceases to be applicable on the day of entry into force of this Act, shall apply, if they do not contravene this Act.

Article 223

This Act enters into force on the eighth day from the day of its publication in the "Official Herald of the Republic of Serbia".

INDEPENDENT ARTICLES OF THE ACT ON AMENDMENTS AND SUPPLEMENTS OF THE PLANNING AND CONSTRUCTION ACT

("Official herald of RS", No. 24/11)

Article 88

Deciding on requests for issuance of a permit for construction, occupancy permit and other requests for deciding on individual rights and duties, which have been submitted prior to the entry into force of this Act, shall continue in accordance with the regulations which have been applicable until the day of entry into force of this Act.

The procedures for termination of the right of use on unbuilt state-owned building land initiated in accordance with the provisions of the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06), which have not been finalized prior to 11 September 2009, shall be continued under the regulations which have been applicable until the day of entry into force of that Act.

At the request of the investor, a final decree approving the construction, which has been issued in keeping with the provisions of the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06), may be rescinded, if, upon finality of such decree, the planning document has been modified on the basis of which a building permit may be issued for constructing a facility the area of which is greater than that of the facility the construction of which has been permitted by the decree the rescission of which is requested.

The decree which rescinds the decree referred to in paragraph 3 of this Article is adopted by the authority competent for issuance of the building permit.

Article 89

The fee for the use of building land is payable in accordance with the Planning and Construction Act ("Official Herald of RS", Nos. 47/03 and 34/06), until integration of such fee in the property tax, at the latest by 31 December 2013.

Until expiry of the deadline referred to in paragraph 1 of this Article, the local government unit prescribes more detailed criteria, standards, amounts, mode and deadlines for payment of the fee for the use of building land, and it may prescribe them taking into account the purpose of use of the facility as well.

The persons possessing unlawfully built facilities for which the legalization request has not been filed in accordance with the provisions of this Act, the persons whose legalization procedure has been completed and final by adoption of a decision rejecting or refusing the request for legalization, as well as the persons who have not concluded the contract referred to in Article 185 of the Planning and Construction Act ("Official Herald of RS", Nos. 72/09, 81/09 - Corrigendum and 64/10 - CC) shall pay the fee for the use of building land set by the local government unit in triple amount, until demolition of the unlawfully built facility.

Article 90

This Act enters into force on the day that follows the day of publication in the "Official Herald of the Republic of Serbia".

INDEPENDENT ARTICLES OF THE ACT ON AMENDMENTS AND SUPPLEMENTS OF THE PLANNING AND CONSTRUCTION ACT

("Official Herald of RS", No. 121/2012)

Article 2

The holder of usage rights referred to in Article 103, paragraph 1 of this Act may exercise the right to build new facilities, i.e. upgrade and reconstruct the existing facilities in accordance with land purpose determined by the applicable planning document within a term of 12 months from the day of entry into force of this Act, without providing evidence of the performed conversion of land in accordance with the law.

Article 3

This Act enters into force on the day that follows the day of publication in the "Official Herald of the Republic of Serbia".

INDEPENDENT ARTICLES OF THE ACT ON AMENDMENTS AND SUPPLEMENTS OF THE PLANNING AND CONSTRUCTION ACT

("Official Herald of RS", No. 132/2014)

Article 129

As of the day of entry into force of this Act, the Republic Agency for Spatial Planning (hereinafter: the Agency), established by the Planning and Construction Law ("Official Herald of RS", Nos. 47/03 and 34/06), ceases to operate.

As of the day the Agency ceases to operate, the activities within the scope of competence of the Agency are assumed by the ministry responsible for spatial planning.

The Ministry referred to in paragraph 2 of this Article, as of the day the Agency ceases to operate, takes over the employees, funds, property, documentation and archives of the Agency.

The rights and obligations of the Agency are assumed by the Republic of Serbia.

The rights and obligations referred to in paragraph 4 of this Article are exercised by the Government on behalf of the Republic of Serbia.

Execution of the obligations of the Agency, assumed in accordance with law, shall be the responsibility of the Ministry of Construction, Traffic and Infrastructure within the competence determined by the Act on Ministries ("Official Herald of RS", No. 44/14).

Article 130

Planning documents adopted until the day of entry into force of this Act remain in force.

The procedure of preparing and adoption of the spatial, i.e. urban plan initiated prior to entry into force of this Act, shall continue under the provisions of this Act, except for the spatial, i.e. urban plans for which a decision on preparation has been adopted, and which may be finalized under the provisions of the act under which they have been initiated.

Entities adopting the planning documents shall, when modifying and supplementing the planning document after entry into force of this Act, harmonize the content and the procedure of adoption of the planning document with the provisions of this Act.

The applicable planning documents, as well as the planning documents whose preparation and adoption procedure is conducted according to the provisions of the Planning and Construction Act, are submitted to the central register of planning documents in accordance with the provisions of this Act, within a term of 12 months from the day of entry into force of this Act.

The obligation to submit plans in digital form, in accordance with the provisions of Article 43 of this Act, applies to the plans referred to in paragraph 2 of this paragraph.

Until the entry into force of the planning documents envisaged by this Act, for construction of telecommunication and facilities of power transmission and power distribution network, for which according to this Act a building permit is issued, i.e. the decree referred to in Article 145 of this Act in the area for which a planning document has not been issued or construction of such type of a facility is not envisaged by the applicable planning document, the site conditions are issued in accordance with the conditions of the authorities, i.e. organizations competent for telecommunication affairs, i.e. energy on the basis of the annual development plans of such networks in the territory of the Republic of Serbia, in accordance with the law.

The assembly of the local government unit in whose territory is located the land the purpose of which has been changed from agricultural to building land, shall submit to the authority competent for land surveying

and cadastre, within a term of 12 months from the day of entry into force of this Act, a document containing a list of cadastral parcels the purpose of which has been changed until 15 July 1992.

Article 131

The initiated procedures for resolution of the requests for issuance of a permit for construction, location permit, building permit, occupancy permit and other requests for deciding on individual rights and obligations, which have been submitted prior to entry into force of this Act, shall be finalized under the regulations under which they have been initiated.

The location permit issued in accordance with the Planning and Construction Act, upon finality represent the grounds for issuing building permit, in accordance with this Act.

Contracts on lease of building land in public ownership concluded until the day of entry into force of this Act represent the grounds for determining active capacity of the lessee in the procedure of issuing a building permit, in accordance with this Act.

Article 132

The provisions of Article 8, Article 8b, Article 8e, Article 8f, Art. 97, 98 and Article 211a of this Act apply as of 1 March 2015.

The provisions of Article 8a, Article 8c, Article 8d, Article 176, paragraph 6, Article 211b and Article 212 of this Act apply as of 1 January 2016.

Until 1 January 2016 exchange of documents and submissions between the competent authority and the holder of public authority in the implementation of the unified procedure may be performed in paper form as well.

Secondary legislation adopted in accordance with the provisions of this Act shall be passed no later than 15 February 2015, except for the secondary legislation referred to in Article 8a, paragraph 3, Article 8c, paragraph 7 and Article 8d, paragraph 3 of this Act which shall be passed no later than 15 November 2015.

Until adoption of the secondary legislation on the basis of authorizations referred to in this Act, the secondary legislation adopted on the basis of the Planning and Construction Act shall apply, provided that they are not contrary to this Act.

The right and conditions of converting right of use of building land into the right of ownership for the persons referred to in Article 102, paragraph 9, are to be regulated by a separate act within a time limit that does not exceed six months from the entry into force of this Act.

Article 133

Local government units shall, within a term of 30 days from the day of entry into force of this Act, specify the coefficients referred to in Article 97, paragraph 2 of this Act and adopt the bylaw referred to in Article 97, paragraph 7 of this Act.

For contracts laying down payment of compensation for development of building land, concluded prior to entry into force of this Act, according to which the compensation has not been paid entirely, the local government unit may use a bylaw to prescribe the criteria for pre-agreeing the amount and method of payment of the compensation for development of building land in accordance with the provisions of this Act governing the payment of contribution for development of building land.

Article 134

The provisions of other acts governing in a different manner matters which fall within the scope of this Act shall not apply, except for the acts and regulations governing environmental protection.

Article 135

This Act enters into force on the eighth day from the day of publication in the "Official Herald of the Republic of Serbia".

Independent Article of the Act on Amendments of the Planning and Building Act

("Official Herald of RS", No. 145/2014)

Article 2

This Act enters into force on the day that follows the day of publication in the "Official Herald of the Republic of Serbia".

Independent Articles of the Amendments and Supplements to the Planning and Building Act

("Official Herald of RS", No. 83/2018)

Article 105

Owners of separate physical parts on facilities built in some of the envisaged phases of construction and who have registered on those basis the right of co-ownership on land intended for the realization of all phases, until the day of entry into force of this Act, are not considered to be co-investors in the realization of the remaining construction phases within the housing complex, i.e. they are neither the parties in the procedure for issuing and modification of the building permit, nor are they parties in the procedure before the organ competent for land surveying and cadastre.

Article 106

Begun procedures for resolving the application for issuing construction approvals, site permits, site conditions, building permits, occupancy permits and other requests for resolving individual rights and obligations submitted by the day of entry into force of this Act, will be completed according to the regulations under which they have been initiated.

It is prohibited to convey all facilities or parts of facilities, built after the entry into force of the law which regulates the legalization of buildings, without the issued building permit or decree referred to in Article 145 of this Act.

For the facilities referred to in paragraph 2 of this Article, the competent construction inspector, after performing the inspection, issues a decree on the removal of the facility or separate part of the facility, in accordance with the provisions of this law, and forward this decree ex officio to the cadastre of real estate on whose territory the subject immovable property is located, in order to enter a note on the ban of conveyance of that facility.

For the facilities referred to in paragraph 2 for which the decree on the removal of a facility or a separate part of the facility has been issued before the entry into force of this Act, the competent construction inspector submits the issued decree to the real estate cadastre on whose territory the real estate concerned is located, in order enter a note on the prohibition of conveyance of that facility within 60 days from the day of entry into force of this Act.

Article 107

Secondary legislation for the implementation of this Act will be passed within 60 days from the day this Act enters into force.

Until the adoption of secondary legislation prescribed by this Act, the secondary legislation adopted on the basis of the Planning and Construction Act ("Official Herald of the Republic of Serbia", No. 72/09, 81/09 - correction, 64/10 - CC, 24/11, 121/12, 42/13 - CC, 50/13 - CC, 98/13 - CC, 132/14 and 145/14) shall be applied, if they are not in contravention of the provisions of this Act.

Article 108

On the day this Act enters into force, the Serbian Chamber of Engineers continues to perform the tasks in accordance with the scope determined by this Act.

The Serbian Chamber of Engineers is obliged to harmonize the articles of association and other bylaws with the provisions of this Act within 60 days from the day this Act enters into force.

The Serbian Chamber of Engineers is obliged to obtain the consent from Article 85 of this Act within 60 days from the day this Act enters into force.

The Serbian Chamber of Engineers is obliged to announce new elections for the Assembly of the Serbian Chamber of Engineers within 30 days from the day of publishing of the articles of association and other bylaws referred to in paragraph 2 of this Article.

The Serbian Chamber of Engineers is obliged, within 30 days from the day of entry into force of this Act, to submit to the ministry responsible for civil engineering the data on responsible planners, responsible urban planners, responsible designers and responsible contractors, as well as information on initiated procedures for determining liability or other important data in accordance with the bylaw issued by the minister in charge of civil engineering, spatial planning and urbanism.

If the Serbian Chamber of Engineers does not act within the time limit referred to in paragraph 2 of this Article, the bylaws referred to in paragraph 2 of this Article shall be issued by the ministry in charge of civil engineering, urbanism and spatial planning.

Companies, other legal persons and sole traders who perform activities for which this Act and secondary legislation that will be adopted on the basis of this Act prescribe additional special conditions for the performance of those tasks, are obliged to harmonize their operations with the provisions of this Act and such secondary legislation within one year from the day of entry into force of this Act, i.e. that secondary legislation.

It shall be considered that persons who, by the date of entry into force of this Act, passed the professional examination by which the professional competence for work in the activities stipulated by this Act has been checked, as well as the persons to whom the right to perform such duties has been acknowledged, meet the conditions for performing these tasks and in accordance with the provisions of this Act, unless conditions for the revocation of licenses have been met, i.e. if they cease to fulfill the conditions prescribed by this Act for carrying out these tasks.

Personal and other licenses issued in accordance with the law in force up to now remain in force, unless the conditions for their revocation arise in accordance with this Act and secondary legislation issued pursuant to this Act.

On the day this Act enters into force, it shall be considered that all persons having valid licenses issued by the Chamber by the day of entry into force of this Act, are registered in the register referred to in Article 84 of this Act in accordance with those licenses.

Article 109

The provisions of other laws that in a different manner regulate the issues which are the subject of regulation of this Act shall not be applied, except for the laws and regulations governing environmental protection.

The applicable planning documents that were adopted before 1 January 1993 cease to be valid after the expiration of 12 months from the day of entry into force of this Act, and the authorities responsible for their adoption are obliged to issue a new planning document within that time limit.

The time limits prescribed for the construction of strategic energy facilities determined by this Act shall be regulated by a separate law.

Article 110

This Act enters into force on the eighth day from the day of its publication in the "Official Herald of the Republic of Serbia", except for the provisions of Art. 72 and 73 of this Act, which enter into force on 1 January 2019 and Article 26 of this Act, which enters into force on 1 January 2020.

Independent Articles of the Amendments and Supplements to the Planning and Building Act

("Official Herald of RS", No. 31/2019)

Article 18

Secondary legislation for the implementation of this Act shall be passed within 60 days from the date of entry into force of this Act.

Until the adoption of secondary legislation referred to in this Act, the secondary legislation adopted on the basis of the Planning and Construction Act ("Official Herald of RS", No. 72/09, 81/09 - correction, 64/10 - CC, 24/11, 121/12, 42/13 - CC, 50/13 - CC, 98/13 - CC, 132/14, 145/14 and 83/18), shall apply if they are not contrary to the provisions of this Act.

On the day of the entry into force of this Act, all bodies of the Chamber cease to operate without the possibility of exercising their functions until the election of new bodies, in accordance with this Act.

Within three days from the day of entry into force of this Act, a provisional body, established by the minister in charge of civil engineering affairs, adopts and publishes in the "Official Herald of the Republic of Serbia" the Statute of the Chamber.

Until the election of new bodies, the work of the Chamber is managed by an interim management consisting of six representatives of the ministry in charge of civil engineering, at the choice of the minister in charge of civil engineering.

Within 30 days from the publication of the Statute of the Chamber in the "Official Herald of the Republic of Serbia", the interim management:

1. Forms 10 regional centers: Regional Center Subotica, Regional Center Novi Sad, Regional Center Belgrade, Regional Center Pozarevac, Regional Center Valjevo, Regional Center Cacak, Regional Center Kragujevac, Regional Center Kraljevo, Regional Center Bor and Regional Center Nis;
2. Appoints provisional regional committees of all regional centers;
3. Announces elections for representatives of the Assembly and representatives of the executive boards of the major sections and
4. Distributes all registered members of the Chamber into major sections of all regional centers.

The body competent for the protection of cultural property is obliged, within 30 days from the day of entry into force of this Act, to submit to the body responsible for issuing building permits the records of immovable goods that enjoy the primary protection, with the indicated date of the establishment of the primary protection.

In the event that the legal time limit for establishing a certain type of protection on the basis of determined primary protection has expired, the authority competent for issuing the building permits is under no obligation, in the process of issuing location conditions, to obtain conditions from the body competent for the protection of cultural property.

Article 19

Begun procedures under applications for issuing a permit for construction, location permits, location conditions, building permits, occupancy permits and other requests for ruling on individual rights and obligations filed by the date of entry into force of this Act shall be finalized according to the regulations under which they have been initiated.

Notwithstanding paragraph 1 of this Article, procedures related to projects for the construction of facilities of importance for the Republic of Serbia, commenced according to the provisions of the Planning and Construction Act ("Official Herald of RS", No. 72/09, 81/09 - correction, 64/10 - CC, 24/11, 121/12, 42/13 - CC, 50/13 - CC, 98/13 - CC, 132/14, 145/14 and 83/18), shall be finalized according to the provisions of this Act.

Article 20

The applicable planning documents that were adopted before 1 January 1993 are repealed after the expiration of 24 months from the day of entry into force of this Act, and the authorities responsible for their adoption are obliged to adopt a new planning document within that time limit.

Article 21

This Act enters into force on the day following the day of its publication in the "Official Herald of the Republic of Serbia".

Independent Articles of the Amendments and Supplements to the Planning and Building Act

("Official Herald of RS", No. 9/2020)

Article 50

Secondary legislation for implementation of this Act shall be passed within 60 days from the day of entry into force of this Act.

Until the adoption of secondary legislation referred to in this Act the secondary legislation adopted based on the Planning and Construction Act ("Official Herald of RS", No. 72/09, 81/09 - correction, 64/10 - CC,

24/11, 121/12, 42/13 - CC, 50/13 - CC, 98/13 - CC, 132/14, 145/14, 83/18, 31/19 and 37/19 - other law) shall apply unless they are contrary to the provisions of this Act.

Article 51

Persons who have passed the professional exam for a particular professional, i.e. more specialized professional field by the day this Act enters into force, shall be issued a license according to the conditions for issuing a license for engineers, architects and spatial planners that were applicable until the day this Act entered into force.

Foreign and domestic natural persons who have obtained appropriate higher education at higher education institutions in the FPRY, SFRY, Federal Republic of Yugoslavia, and the State Union of Serbia and Montenegro, shall have the same rights with regard to the validity of higher education certificates as persons who have obtained adequate higher education at higher education institutions in the Republic of Serbia.

Persons licensed in accordance with the regulations in force until the day this Act entered into force shall submit a valid professional liability insurance policy for the purpose of entry of active status in the register of licensed engineers, architects and spatial planners in the register of licensed contractors in accordance with Article 43, paragraph 5 of this Act.

Verification of validity of the license issued to persons in accordance with the regulations that were in force prior to the day of entry into force of this Act shall be carried out after the expiry of three years from the day of entry into force of the regulation governing professional improvement and conditions for issuing, extending and revoking the license, except in the case when the status "inactive" has been entered the register of licensed engineers, architects and spatial planners and the register of licensed contractors and the records of foreign persons performing professional activities.

Persons who have been licensed as responsible planners in accordance with the regulations that were in force until the entry into force of this Act, shall be entitled to perform professional tasks as licensed spatial planners within the professional fields for which, in accordance with this Act, they have acquired appropriate education and which have been entered in the register of licensed engineers, architects and space planners.

Persons who have been licensed as responsible urbanists in accordance with the regulations in force until the entry into force of this Act, shall have the right to perform professional tasks as licensed urbanists within the professional fields for which, in accordance with this Act, they have acquired appropriate education and which have been entered in the register of licensed engineers, architects and space planners.

The right to use the professional names referred to in Article 26 of this Act when carrying out appropriate professional activities within the professional field for which they have acquired appropriate education in accordance with this Act and which have been entered in the register of licensed engineers, architects and spatial planners, shall also be granted to persons who have been licensed as responsible designers in accordance with the regulations that were in force until the entry into force of this Act.

Article 52

A tenant for an indefinite period of an apartment owned by citizens, endowments and foundations, who has acquired this right in accordance with the law, i.e. by operation of law, and uses the apartment on a legal basis, which may be: an apartment tenancy agreement and/or a decision of a competent authority, i.e. a final court decision replacing the tenancy agreement (hereinafter: the tenancy agreement), shall continue to use that apartment for an indefinite period of time until the eviction or resettlement decision is rendered.

For the use of the apartment, the person referred to in paragraph 1 of this Article shall pay a monthly rent to the owner of the apartment which shall be set depending on the area of the apartment, the quality of the apartment and the building where the apartment is located, and shall be expressed by the number of points for the quality of the apartment and the building, the area of the apartment and the coefficient and according to the following formula: $MR = NP \times AA \times CO$, where (MR - monthly rent, NP - number of points of the apartment in question, AA - area of the apartment in m², CO - Coefficient).

The coefficient as an element of this formula referred to in paragraph 2 of this Article shall be obtained by dividing the amount of 15% of the average monthly salary without taxes and contributions in the Republic of Serbia in the previous accounting period by the number of points of an averagely equipped apartment (600 points) and average area of the apartment of 56 m² and shall be calculated according to the following formula: $CO = AM : (NP \times AA)$, where: Coefficient, AM - amount of 15% of average monthly salary excluding taxes and contributions in the Republic of Serbia in the previous calculation period, NP - number

of points of the averagely equipped apartment (600 points), AA - average usable area of the apartment (56 m²).

Determination, calculation and charging of the rent shall be carried out by the owner of the apartment, i.e. the holder of the right of disposal or the housing services company or other legal person entrusted with these activities.

The amount of monthly rent referred to in paragraph 2 of this Article shall be determined for six-month accounting periods: January-June and July-December and shall be adjusted to the increase of retail prices.

The minister responsible for housing shall determine the coefficient for calculating the monthly rent of an apartment.

The person referred to in paragraph 1 of this Article shall participate in the management and costs of the ongoing maintenance and emergency interventions in the building in which the apartment is located, in accordance with this Act.

In the event that during the period of tenancy the person referred to in paragraph 1 of this Article fails to pay three consecutive monthly rents, it shall be considered that the tenancy agreement has been terminated, i.e. that the legal basis for the use of the apartment has ceased.

If the person referred to in paragraph 1 of this Article sub-leases the apartment to a third party, uses it for a business activity, or if his actions lead to its collapse or destruction, the tenancy agreement shall be considered terminated, i.e. that the legal basis for the use of the apartment has ceased.

The person referred to in paragraph 1 of this Article shall allow the owner of the apartment to enter the apartment once a year to inspect how the apartment is used.

In case the conditions for termination of the agreement referred to in paras. 8 and 9 of this Article arise the owner of the apartment shall submit a request for termination of the tenancy agreement to the competent body of the municipal i.e. city administration in whose territory the apartment is located.

The competent authority referred to in paragraph 11 of this Article upon receipt of a request from the owner of the apartment for termination of the tenancy agreement shall, in an emergency procedure, check the fulfillment of the conditions for termination of the agreement, with a mandatory hearing of the tenant, and if it determines that conditions exist, it shall inform that person that the contract has been terminated, while simultaneously issuing an eviction order with a 90-day eviction term.

In the event that a termination is sought for failure to pay three consecutive monthly rents, the tenancy agreement shall remain in force if the tenant pays the amount of the lease debt before the termination of the agreement has been communicated to him.

The tenant of the apartment may appeal against the eviction order to the municipal or city council within eight days from the day of receiving the order.

Article 53

On the day this Act enters into force, the Article 140 of the Law on Housing and Maintenance of Buildings ("Official Herald of RS", No. 104/16) shall be repealed.

Article 54

Initiated procedures for ruling on applications for issuance of a building approval, location permit, location conditions, building permit, occupancy permit, issuing licenses for engineers, architects and spatial planners and other requests for ruling on individual rights and obligations filed by the day this Act enters into force, shall be finalized in accordance with the regulations by which they were initiated.

Notwithstanding paragraph 1 of this Article, the procedures related to the projects for construction of structures of importance for the Republic of Serbia initiated under the provisions of previous laws, shall be finalized under the provisions of this Act.

Article 55

The amount of expenses referred to in Art. 9, 24, 36 and 41 of this Act, determined by the minister in charge of construction in accordance with the provisions of this Act, shall be applied until the establishment of republic administrative fees for the procedures referred to in Art. 9, 24, 36 and 41 of this Act.

Article 56

This Act shall enter into force on the eighth day from the day of its publication in the "Official Herald of the Republic of Serbia", with the exception of the provision of Article 3 of this Act, which shall enter into force on 1 June 2020 and the provisions of Article 43 of this Act (in the part relating to Art. 162e, 162f, 162g, 162h, 162i, 162j, 162k, 162l and 162m), which shall enter into force on the day of accession of the Republic of Serbia to the European Union.

Independent Articles of the Planning and Building Amendments Act

("Official Herald of RS", No. 52/2021)

Article 2

Deadline for obtaining a usage permit for facilities referred to in Article 140 of the Planning and Building Act for which decisions on building permits, i.e. decisions on building approvals issued in accordance with previously applicable laws governing the construction of facilities, prior to September 11, 2009, shall amount to four years from the day of entry into force of the present Act.

Article 3

Authorities in charge of adoption of planning documents enacted before January 1, 1993 which did not adopt new planning documents within the prescribed legal deadline, shall adopt new planning documents within 24 months from the day this Act enters into force.

A fine of 50,000 to 150,000 dinars shall be imposed on the responsible officer of the local self-government unit who has not acted in accordance with paragraph 1 of this Article.

Article 4

This Act shall enter into force on the day that follows the day of publishing in the "Official Herald of the Republic of Serbia".