

**LAW**  
**ON PLANNING AND CONSTRUCTION**

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**I BASIC PROVISIONS**

**1. Subject of Regulation**

**Article 1**

This Law regulates: the conditions and modalities of spatial planning and development, the development and use of buildable land and the construction of facilities; carrying out supervision over the application of this Law and supervisory inspections; other issues of significance in the development of space, landscaping and use of buildable land, and the construction of facilities.

The provisions of this Law do not apply to the construction of facilities which in terms of the Law governing affairs of defense are considered military facilities.

**2. Notions**

**Article 2**

The meaning of certain expressions used in this Law is as follows:

- 1) improvement of energy efficiency is the reduction of consumption of all types of energy, saving of energy, and the securing of sustainable construction by applying technical measures, standards and conditions in planning, designing, construction and use of the facility;
- 2) energy properties of a facility are the quantity of energy dispensed or estimated quantity of energy which fulfill the various needs related to the standardized use of the building (including heating, preparation of hot water, cooling, ventilation and lighting);
- 3) building products are building materials and building elements made of them, as well as other products and semi-products intended for durable fitting into buildings;
- 4) use of land is the mode of using the land as determined by a planning document;

5) predominant use of the land is the mode of using the land for multiple uses, of which one is prevalent;

6) an area of public use is space determined by a planning document for landscaping or the construction of public buildings or public areas for which general interest is established, in compliance with a separate Law (streets, squares, parks etc.);

7) the scope of a plan is a spatially or administratively determined whole for which the preparation of a spatial or urban plan is provided for in compliance with the Law;

8) urban renewal is a set of planning and other measures by which the use of a building is changed, the renewal, reconstruction and rehabilitation of ruined or deserted parts of an inhabited place are undertaken, in compliance with principles of sustainable development;

9) a regulation line is the line separating the area of a particular public use from areas foreseen for other public and miscellaneous uses;

10) a construction line is the line on, above and beneath the ground surface and water up to which it is permitted to build the basic footprint of a building;

11) a 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 the Statistics Institute of the Republic;

12) a gross unfolded building floor area is the sum of floor areas of all floors of the building above ground, 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) an occupancy index of a lot is the ratio of the footprint of the horizontal projection of constructed or planned building and the total area of the buildable lot, expressed as a percentage;

14) a construction index of a lot is the ratio (quotient) of the gross unfolded building floor area of constructed or planned building and the total area of the buildable lot;

15) ESPON (European Spatial Planning Observation Network) is the European network of institutions

involved in the gathering of information and indices for spatial planning;

16) an inhabited location is a developed, functionally unified space in which conditions are provided for people to live and work in, and the fulfillment of communal needs of the population, with urban elements, within the territory of a unit of local government;

17) a city is a settlement which is defined as a city by Law;

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

19) a buildable area is an area determined by a planning document, and represents the developed and orderly part of a settled location, as well as the undeveloped part of an area planned for protection, landscaping, or the construction of buildings;

20) a buildable lot is a part of buildable land, with access to its roadway surface, which is developed or foreseen for development in plans;

21) an investor is the person/entity for whose needs the building is being built, and in whose name the building permit is made out to;

22) a facility is a structure connected to the ground, which represents a physical, functional, technical-technological or bio-technical whole with all necessary installations, plant and equipment, i.e. the very installations, plant and equipment which are being fitted in the building or are being constructed independently (all types of facilities, transport, water industry and power facilities, inner and outer grid and installations, utility infrastructure facilities, industrial, agricultural and other facilities in the economy, public green surfaces, sports and recreation facilities, cemeteries, shelters, etc.);

23) a building is a facility with a roof and external walls, built as a independent usable whole, which offers protection from weather and external influence, and is intended for residential use, pursuing a trade, or for storing and guarding animals, goods, equipment for various production and service trades, etc. Buildings are also deemed to be facilities which have a roof, but not (all) walls (e.g. eaves), as well as facilities which are predominantly or entirely underground (shelters, underground garage parking, etc.);

24) an auxiliary facility is a facility which is linked to the primary facility, and is built on the same lot as the primary residential, business, or facility of public use (garage parking, storage, septic tank, wells, cisterns, etc.);

25) a special type of facility for which building permits are not issued are anti-hail facilities; type encasements of basic stations on appropriate supports, aerial supports with antennas, except parabolic antennas of radio stations whose diameter is not larger than 2.5 m (except aerial systems of ground antenna stations), containers holding telecommunication equipment and devices, typical lockers for interior and exterior fitting for holding telecommunication equipment, micro-ditches for optical and other cables, etc.; single electric power distribution on transmission poles, part of the low voltage grid which includes a 10 kV or 20 kV line, typical 10/04 kV or 20/04 kV transformer stations and the part of the electric power distribution grid from the 10/04 kV or 20/04 kV transformer station to the connection point on the facility of the client (1 kV); connections to a completed gas distribution grid; typical hot water connections; fitting of interior installations (gas, electric power, water, heating, etc.) in an existing facility; fences;

26) a linear infrastructure facility is a public road, public railway infrastructure, long-distance power transmission line, petroleum pipeline, product pipeline, gas pipeline, etc., which may be over-ground or under-ground, for the construction of which it is necessary to establish public interest, in compliance with a separate;

27) utility infrastructure are all infrastructure facilities for which the building permit is issued by the unit of local administration;

28) preparatory works are works which precede the construction of a facility, and particularly relate to: construction and placement of facilities and installations of a temporary nature for the needs of carrying out the works; provision of space for the supply and storage of building materials, and other works which provide safety of adjacent facilities, repairing of the terrain, and the provision of unhindered movement of traffic and the use of surrounding space;

29) technical documents is a set of design projects produced to: establish the concept of the facility, develop conditions, the method of construction of

the facility, and for the needs of maintenance of the facility;

30) construction of the facility is the sum of operations which include: preliminary works, the production and control of the technical documents, preparatory works for construction, the construction of the facility, and professional supervision during the construction of the facility;

31) construction is the execution of construction and building trade works, the installation of services, plant and equipment;

32) reconstruction is the execution of construction and other works on an existing facility, by which the stability and safety of the facility are affected; structural elements are replaced or the technological process changed; the exterior elevation of the facility is altered; the number of functional units is increased; influence is exerted on the safety of adjacent facilities, traffic fire fighting and environmental protection; the regime of waters is changed; the protection of natural or immobile cultural property is affected, along with its protected surroundings;

33) addition is the execution of construction and other works by which new space is being constructed, next to, beneath or above (building onto) an existing facility, and with it forms a structural, functional or technical whole;

34) adaptation is the execution of construction and other works on an existing facility, by which the change of organization of space is carried out, the replacement of appliances, plant, equipment, installations of the same capacity, but which do not affect the stability and safety of the facility, do not involve the replacement of structural elements, the alteration of the exterior elevation, and does not affect the safety of adjoining facilities, transport, fire and environmental protection;

35) rehabilitation 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 elevation remains unaltered, the safety of adjoining facilities, traffic and environment remain unaffected, and the protection of natural and immobile cultural property, registered real estate which is covered by the aforementioned protection, its protected surroundings, except for conservation and restoration works;

36) capital maintenance is the execution of construction and building trade works, i.e. other works depending on the type of facility, aimed at improving the conditions of using the facility during exploitation;

37) restoration, conservation and revitalization works on cultural property are works carried out on immobile cultural property and their protected surrounding, in compliance with this and special laws;

38) building site is specially marked land, i.e. facility, where construction, repairs or removal are being carried out, i.e. where maintenance work is being done on the facility;

39) removal of a facility or part thereof is carrying out works of demolition of the facility or part thereof;

40) standards of accessibility are mandatory technical measures, standards and conditions of design, planning and construction which ensure unhindered movement and access for persons with disabilities, children and the elderly.

### 3. Principles of Development and Use of Space

#### Article 3

The development and use of space is based of the following principles: sustainable development; the encouragement of even regional development; reconciliation of social development, economic and energy efficiency and the protection and revitalization of the environment and building heritage, natural, cultural and historic values; the realization of developmental priorities and the securing of conditions for rational use of non-renewable natural resources and renewable sources of energy; prevention and protection from natural and technical/technological accidents; planning and development of space for the defense needs of the country and the construction of facilities of particular significance in the defense of the country; the participation of the public; cooperation between government agencies, autonomous territorial communities, units of local administration, business associations, establishments, NGOs citizens and other participants in spatial development; reconciliation with European standards and norms in the area of planning and development of space with the aim of creating conditions for international cooperation which transcends borders, and the

inclusion of the Republic of Serbia in the processes of European integration.

Development of space is based on horizontal and vertical coordination.

Horizontal coordination implies linking with adjacent territories during planning, in order to resolve common functions and interests, as well as the networking and participation of all those involved in spatial development of the public and civil sectors, and citizens.

Vertical coordination implies the establishment of links between all levels of spatial planning and the development of space, from the national towards the regional, and on to the local level.

The principles also include the instruments for implementation.

#### 4. Improvement of energy efficiency

Energy properties of facilities

##### Article 4

A facility which is in terms of a separate regulation considered a high-rise facility (in further text: high-rise facilities), depending on the type and use, must be designed, built and used and maintained in such a way which provides the prescribed energy properties.

Prescribed energy properties are determined by the issuing of certificates of the facility energy properties, issued by an authorized organization which fulfills the prescribed conditions for issuing of certificates of the facility energy properties.

The certificate of the facility energy properties forms an integral part of the technical documents submitted with the request for the issuance of the usage permit.

The fulfillment of the conditions of Paragraph 2 of this Article is determined by a special resolution issued by the minister responsible for building construction affairs.

An appeal cannot be made against the resolution from Paragraph 4 of this Article, but an administrative suit may be initiated by bringing charges against it.

The requirement from Paragraph 1 of this Article does not apply to high-rise facilities which are by special regulation determined by the minister responsible for building construction affairs.

#### 5. Unhindered movement and access for persons with disabilities, children and the elderly

##### Article 5

High-rise facilities of public and commercial use must be designed and constructed so that persons with disability, children and the elderly are provided with unhindered access, movement, stay and work. Residential and mixed-use buildings with ten or more units must be designed and constructed so that persons with disability, children and the elderly are provided with unhindered access, movement, stay and work.

#### 6. Building construction products

##### Article 6

Building construction products used in the construction of facilities or the execution of works, must fulfill the requirements prescribed by this Law and special regulations.

#### 7. Certificates of foreign countries

##### Article 7

For the fitting of typical devices, equipment and installations, which are deemed facilities in terms of this Law, a notarized translation into the Serbian language is recognized of certificates issued by international certification bodies or certificates of a country of the European Union, if they are not in opposition to the Law and other regulations, standards, technical norms and quality norms.

#### 8. Registry of Investors

##### Article 8

The Registry of Investors represents a public record of all available data on a physical person or legal entity as an investor, and is available at the head offices of the unit of local administration, as well as in electronic form over the Internet.

The Register of Investors is maintained by units of local administration.

#### 9. Conditions of Environmental Protection

## Article 9

All planning documents include mandatory measures of environmental protection prescribed following an assessment of effects on the environment, i.e. protective measures determined by the authorized agency, in compliance with special laws.

## II SPATIAL AND URBAN PLANNING

### 1. Documents of Spatial and Urban Planning

#### Article 10

Documents of spatial and urban planning are as follow:

- 1) Planning Documents;
- 2) Documents for the Implementation of Spatial Plans;
- 3) Urban Technical Plans.

#### 1.1. Planning Documents

#### Article 11

Planning documents are Spatial and Urban Plans.

Spatial plans are as follow:

- 1) Spatial Plan of the Republic of Serbia;
- 2) Regional Spatial Plan;
- 3) Spatial Plan of the unit of local administration;
- 4) Spatial Plan of the region of special use.

Urban plans are as follow:

- 1) General Urban Plan;
- 2) General Regulation Plan;
- 3) Detailed Regulation Plan.

#### 1.2. Documents for the Implementation of Spatial Plans

#### Article 12

Implementation programs of spatial plans are as follow:

- 1) Implementation program for the Spatial Plan of the Republic of Serbia;

- 2) Implementation program for the Regional Spatial Plan;

- 3) Implementation program for the Spatial Plan of the region of special use.

#### 1.3. Urban and technical documents

#### Article 13

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

- 1) urban design project;
- 2) design project of re-allotment and allotment;
- 3) design project of correction of borders of adjoining lots.

#### 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 constitutes the basic planning document of spatial planning and development in the Republic.

Other planning documents must 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 function.

The Spatial Plan of the Republic of Serbia is passed for a period of at least 10 years, and a maximum of 25 years.

The Spatial Plan of the Republic of Serbia can be changed even before the expiration of the deadline for which it was drawn up.

#### Article 15

The Spatial Plan of the Republic of Serbia particularly includes the following:

- 1) starting points for the production of the plan;
- 2) assessment of the existing situation (SWOT - Strengths, Weaknesses, Opportunities and Threats - analysis);

- 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, landscaping and improving natural and cultural property;
- 10) measures of environmental protection;
- 11) measures of landscaping and preparation of territory for defense needs of the country;
- 12) definition of regional and inter-regional functional networks;
- 13) planned entities of common spatial and developmental characteristics, for which spatial plans of a lower order will be drawn up;
- 14) measures for implementation of the spatial plan;
- 15) long-term developmental strategies of the Republic of Serbia

The strategic evaluation of effects on the environment are integral parts of the plan.

### 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 drawn up for a populated settlement which is the seat of a unit of local administration, and has a population of over 30,000 inhabitants.

##### Article 24

The General Urban Plan particularly includes the following:

- 1) the border of the plan and the catchment area of the buildable land;
- 2) borders of the catchment areas of General Regulation Plans for the entire buildable land;
- 3) the general use of surfaces which are predominantly planned on buildable land, at the level of urban zones;
- 4) general directions and corridors for traffic, energy, water industry, utility and other infrastructure;

#### 3.2. General Regulation Plan

##### Article 25

The General Regulation Plan is mandatory for a populated settlement which is the seat of a unit of local administration, and can also be drawn up for other populated 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 administration.

It is mandatory for units of local administration for which a General Urban Plan is being drawn up following this Law, that the General Regulation Plans are drawn up for the whole buildable area of the inhabited settlement, by parts of the inhabited settlement.

##### Article 26

The General Regulation Plan particularly includes the following:

- 1) the border of the plan and the catchment area of the buildable land;
- 2) division of the space into separate wholes and zones;
- 3) predominant use of land by zones and wholes;
- 4) street regulation lines, areas of public use, and construction lines with elements for markings on land survey underlays for zones for which no Detailed Regulation Plan is foreseen;
- 5) peak elevations of leveling of street junctions and areas of public use (Leveling Plan) for zones for which no Detailed Regulation Plan is foreseen;

- 6) routes, corridors and capacities for traffic, energy, utility and other infrastructure;
- 7) vertical regulation;
- 8) rules of landscaping and rules of construction by zones and wholes;
- 9) zones for which the drawing up of a Detailed Regulation Plan is mandatory;
- 10) locations for which an Urban Design Project is in progress;
- 11) deadlines for the production of detailed regulation with mandatory prohibition of building new facilities and reconstruction of existing facilities (construction of facilities or execution of works which alter the state in the space), until the adoption of the plan;
- 12) measures of protection of cultural and historic monuments, and protected natural wholes;
- 13) engineering and geological conditions;
- 14) measures of energy efficiency in construction;
- 15) graphic part.

### 3.3. Detailed Regulation Plan

#### Article 27

A Detailed Regulation Plan is drawn up for undeveloped parts of a populated locality, bringing in order of informal settlements, zones of urban renewal, infrastructural corridors and facilities, construction of facilities or populated localities on buildable land outside of populated localities, as well as in protected surroundings of immobile cultural property.

#### Article 28

A Detailed Regulation Olan particularly includes the following:

- 1) the border of the plan and the catchment area of the buildable land;
- 2) division of the space into separate wholes and zones;
- 3) use of the land;

4) street regulation lines, areas of public use, and construction lines with elements for markings on land survey under-lays;

5) peak elevations of leveling of streets and public surfaces (Leveling Plan);

6) routes, corridors and capacities for traffic, energy, utility and other infrastructure;

7) rules of landscaping and rules of construction by wholes and zones;

8) economic analysis and estimates of investments from the public sector;

9) locations for which the drawing up of an Urban Design Project is foreseen;

10) graphic part.

For routes, corridors and tracts of roadways, grids of infrastructure and technical regulation of waterways, borders of lots of public or utility surfaces are particularly more closely worked out with coordinates and regulation and leveling of for routes, corridors and tracts of roadways, grids of infrastructure and technical regulation of waterways.

For zones of urban renewal, revitalization and rehabilitation. the Detailed Regulation Plan particularly works out the compositional and massing plan, and the landscape design project.

### 4. Constituent parts of planning documents

#### Article 29

Constituent parts of a spatial plan for an area of special use, a spatial plan for a unit of local administration, and of Urban Plans are as follow:

- 1) rules of regulating;
- 2) rules of construction;
- 3) graphic part.

#### 4.1. Rules of regulating

#### Article 30

Depending on the type of planning document, rules of regulating particularly include the following:

- 1) entreties and zones determined by the planning document;

2) urban and other conditions for the regulating and construction of surfaces and facilities for public use and grids of roadway and other infrastructure;

3) list of facilities for which conservation or other conditions must be made before renewal or reconstruction;

4) strategic estimate of the effects of the planning document on the environment;

5) general and special conditions and measures for the protection of the lives and health of people, and protection against fire, natural disasters, technical and technological accidents and the effects of war;

6) special conditions by which surfaces and facilities for public use are made accessible to persons with disabilities, in compliance with accessibility standards.

#### 4.2. Rules of construction

##### Article 31

Rules of construction particularly include the following:

1) type and use of the facilities which can be built under the conditions set out in the planning document, i.e. the type and use of the facilities the construction of which is prohibited in certain zones;

2) conditions for forming a buildable lot;

3) position of facility in relation to the regulation, and in relation to the borders of the buildable lot;

4) largest allowable indices of occupancy and construction of the buildable lot;

5) greatest allowable number of floors and building height;

6) smallest allowable distance between buildings, and of buildings from the borders of lots;

7) conditions for the construction of other facilities on the same buildable lot;

8) conditions and method of securing access to the lot and to car parking space.

#### 4.3. Graphic part of the plan

##### Article 32

The graphic part of the Spatial Plan shows the following: use of the space; the network of settlements, functions, public services and infrastructural systems; natural resources, protection of the environment and of natural and cultural goods.

The graphic part of the Urban Plan shows the following: the planned use; regulation and leveling; infrastructural systems; protection of the environment and of natural and cultural goods.

The graphic part of the plan is done on a notarized land registry/topography, i.e. notarized topography plan, i.e. notarized land registry plan. Except for the detailed regulation plan, the graphic part of the plan can also be done on updated geo-referenced ortho-photographic under-lays.

#### 5. Reconciliation of Planning Documents

##### Article 33

Documents of spatial and urban planning must be reconciled, so that documents of a narrow region are in compliance with documents of the wider region.

Planning documents must be in compliance with the Spatial Plan of the Republic of Serbia.

Urban plans must be in compliance with spatial plans.

Before referral to public scrutiny, a prior approval must be obtained for the regional spatial plan for the territory of the autonomous region, the regional spatial plan for the territory of the the City of Belgrade, the spatial plan for a unit of local administration, and the General Urban Plan, as well as an approval for those plans before publishing, in terms of the reconciliation of these plans with planning documents for the wider region, this Law, and regulations based on this Law, from the minister with jurisdiction over affairs of spatial planning and urbanism, within a deadline not longer than 30 days.

Before referral to public scrutiny, a prior approval must be obtained for the spatial plans of a unit of local administration, and general urban plans for the territory of the autonomous region, as well as an approval for those plans before publishing, from the authorized agency of the autonomous region, within a deadline not longer than 30 days.

An approval must be obtained before publishing for the detailed regulation plan for the catchment area of



the Spatial Plan of a region of special purpose drawn up for a national park or a protected natural good, in terms of the reconciliation of these plans with planning documents for the wider region, this Law, and regulations based on this Law, from the minister with jurisdiction over affairs of spatial planning and urbanism, or from the authorized agency of the autonomous region, within a deadline not longer than 30 days.

If the minister with jurisdiction over affairs of spatial planning and urbanism, i.e. from the authorized agency of the autonomous region does not respond to the request for issuing an approval on the General Regulation Plan within 30 days, the agreement will be deemed approved.

In case the minister with jurisdiction over affairs of spatial planning and urbanism determines that conditions do not exist for issuing the prior approval, i.e. the approval for the planning documents from Paragraphs 4, 5 and 6 of this Article, he instructs the project leader of the planning document production to draw up a new concept, i.e. draft of the planning document within 90 days.

## 6. Mandatory Contents of Planning Documents

### Article 34

Planning documents include a textual and graphic part, and mandatory supplements, and are produced in both analogue and digital form.

## 7. Jurisdiction over drawing up Planning Documents

### Article 35

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

The Spatial Plan of regions of special purposes is passed by the Government, at the proposal of the Ministry with jurisdiction over affairs of spatial planning, and for regions which are entirely located in the territory of the autonomous region it is passed by the Assembly of the Autonomous Region.

The regional spatial plan is passed for the region of spatial units of Levels 2 and 3, according to the nomenclature of statistical territorial units.

The regional spatial plan for the region of spatial units of Levels 2, according to the nomenclature of statistical territorial units, except for the regional

spatial plan of the autonomous region and the regional spatial plan of the territory of the City of Belgrade, is passed by the Government, at the proposal of the Ministry with jurisdiction over affairs of spatial planning.

The regional spatial plan for the territory of the autonomous region is passed by the Assembly of the Autonomous Region.

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

The regional spatial plan – the area spatial plan for territories of Level 3 spatial units, according to the nomenclature of statistical territorial units, is passed by the government, at the proposal of the Ministry with jurisdiction over affairs of spatial planning.

The regional spatial plan for territories of Level 3 spatial units, according to the nomenclature of statistical territorial units, for regions which are entirely located in the territory of the autonomous region, is passed by the Assembly of the Autonomous Region.

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

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

## 8. Production of planning documents

### Article 36

Under the conditions of this Law, the planning documents can be drawn up by a public company, i.e. another organization established by a unit of local administration for carrying out work of spatial and urban planning, as well as business associations, i.e. other legal entities, which are registered in an appropriate registry for carrying out work of spatial and urban planning, and the production of planning documents.

The production of spatial, i.e. urban plans is managed by the executive planner, i.e. executive urban planner.

## 9. Executive planner

### Article 37

The Executive Planner can be a person with high education acquired at academic studies of second degree (academic Diploma studies – Master Degree, specialized academic studies), i.e. a person with high professional qualifications and a minimum of 5 years of work experience, has professional results in the preparation of spatial planning documents and an appropriate license issues in compliance with this Law.

Professional results from Paragraph 1 of this Article are deemed results achieved in the management, preparation, or cooperation in the preparation of at least two spatial planning documents.

#### 10. Executive urban planner

##### Article 38

The Executive Urban Planner can be a person with high education acquired at academic studies of second degree (academic Diploma studies – Master Degree, specialized academic studies), i.e. person with high academic qualifications in an appropriate profession and at least five years of appropriate work experience, has professional results in the preparation of urban planning documents and an appropriate license issues in compliance with this Law.

Professional results from Paragraph 1 of this Article are deemed results achieved in the management, preparation, or cooperation in the preparation of at least two urban planning documents.

#### 11. Funding for the preparation of planning documents

##### Article 39

Funding for the preparation of planning documents are provided from the budget, or from other sources, in compliance with the Law.

The Ministry with jurisdiction over affairs of spatial planning can, at the request of a unit of local administration, co-finance the preparation of particular planning documents.

#### 12. Ceding of under-lays

##### Article 40

For purposes of preparation, or modification of a planning document, and at the request of he Ministry with jurisdiction over affairs of spatial and

urban planning, the autonomous region or a unit of local administration, the authorized agency, i.e. organization must cede existing copies of the topography plan and land registry plan, i.e. digital records, i.e. land registry of underground installations, i.e. ortho-photographic under-lays, without compensation.

All under-lays must be ceded within 30 days of the request.

#### 13. Accessibility of planning documents

##### Article 41

Planning documents with their supplements must be accessible for public scrutiny during the period of validity of the documents, at the premises of the entity which passed them, except for supplements which relate to special measures, conditions and requests for adaptations to the needs of defense of the country, or data in territories and zones of facilities of special significance and interest for the defense of the country.

#### 14. Publishing of planning documents

##### Article 42

Upon passing, all planning documents are published in the official newspapers of the Republic of Serbia, the autonomous region or units of local administration, depending on the type of document, and are also made available in electronic form, and made available on the Internet.

#### 15. Central Registry of planning documents

##### Article 43

All planning documents passed in compliance with this Law are recorded in the Central Registry of planning documents (in further text: Registry).

The Registry is maintained by the Ministry with jurisdiction over affairs of spatial and urban planning through the Land Survey Institute of the Republic, within the national network of geo-spatial data.

The deadline for establishing the Registry is one year from the day of enactment of this Law.

All planning documents recorded in the Registry are also available to interested parties in electronic form, over the Internet.

#### Article 44

Planning documents are submitted to the Land Surveying Institute of the Republic within 15 days of publishing a planning document in an official newspaper.

#### Article 45

For the purposes of tracking spatial conditions, the authorized agency of the unit of local administration forms a local information system of planning documents and spatial conditions.

The deadline for establishing the local information system from Paragraph 1 of this Article is one year from the day of enactment of this Law.

All planning documents recorded in the local information system are also accessible to interested parties in electronic form, via the Internet.

### 16. Procedure for passing planning documents

#### 16.1. Decision on drawing up planning documents

#### Article 46

The decision on drawing up a planning document is brought by the agency authorized to pass it, upon prior securing of the opinion of the agency responsible for professional control, i.e. the committee for plans.

The decision from Paragraph 1 of this Article particularly includes the following:

- 1) name of the document;
- 2) the purpose of passing it;
- 3) the borders of the planning territory;
- 4) the content of the plan;
- 5) deadline for completion;
- 6) method of funding;
- 7) obligation, or absence thereof, to complete a strategic assessment of effects on the environment;
- 8) place of holding public inspection.

The decision to go forward is announced in the appropriate official newspaper.

Agencies, organizations and public companies which are licensed to determine special conditions for the protection and regulation of space and the construction of facilities in the stage of drawing up or modifying planning documents are obliged, upon request from the bearer of the of the plan production, to submit all requested data within 30 days, without compensation.

The catchment area of the planning document being changed is defined by a resolution on the modifications and supplements of the planning document.

### 16.2. Production and outsourcing of production of planning documents

#### Article 47

The bearer of the production of planning documents is the licensed agency for the affairs of spatial and urban planning in the Republic of Serbia, the autonomous region, municipality, city, and the City of Belgrade.

The agency from Paragraph 1 of this Article may outsource the production of the spatial and urban planning documents to a business association, i.e. another legal entity which, in compliance with provisions of this Law, fulfills the prescribed conditions for producing planning documents.

The outsourcing of the production of planning documents is done in compliance with the Law governing public procurement.

### 16.3. Concept of planning document

#### Article 48

Upon announcing the decision to draw up a planning document, the bearer of the endeavor sets out to produce the concept of the plan.

For the purposes of producing the concept of the plan, the bearer of the preparation gathers data, particularly on: existing planning documents, underlays, special conditions for the protection and regulation of the space, other documents significant for the production of the plan, the condition and capacity of the infrastructure, as well as other data necessary in the preparation of the plan.

The concept of the plan includes: an assessment of existing conditions, concepts and proposals of development, protection and regulation of the space,

as well as other issues of significance in the preparation of the planning document.

The concept of a plan, for the purposes of drawing up an urban plan, particularly includes the following:

- 1) anticipated buildable area with a proposal for determining surfaces of public purposes;
- 2) division into urban entities and zones following urban indicators and features;
- 3) planned routes, corridors, regulation of surfaces of public purpose, and the grid of public utility infrastructure;

The concept of the plan includes a graphic supplement and a textual explanation with required numeric indices.

The concept of the plan is subject to professional verification in compliance with this Law.

#### 16.4. Professional control of planning documents

##### Article 49

Before presenting for public scrutiny, the draft planning document is subject to professional verification. The professional verification includes examining the reconciliation of the planning document with planning documents of the wider region, the decision to proceed, this Law, standards and norms, as well as examining the justification of the planned proposal.

The professional verification of the Spatial Plan of the Republic of Serbia, the program of implementation of the Spatial Plan of the Republic of Serbia, spatial plans of areas of special purposes, programs of implementation of spatial plans of areas of special purposes, regional spatial plans and plans of implementation of regional spatial plans, is performed by the Ministry with jurisdiction over affairs of spatial planning.

The professional verification of spatial plans for areas of special purposes, and regional spatial plans – the spatial plan of a dominion in compliance with the nomenclature of statistical territorial units at level 3, for areas which are entirely within the territory of the autonomous region, is performed by a committee formed by the authorized agency of the autonomous region. One third of the committee members are nominated at the recommendation of

the Minister responsible for affairs of spatial planning and urbanism.

The professional verification of planning documents of units of local administration is performed by the plans committee.

Upon completion of professional verification, a report is written, which includes data on the verification carried out, with all remarks and opinions of the responsible agency, i.e. the plans committee, for each remark.

The report from Paragraph 6 of this Article is a composite part of the justification of the planning document.

#### 16.5. Public insight

##### Article 50

The presentation of the planning document for public insight is made after the professional verification is completed. The presentation of the planning document for public insight is announced in a daily and local newspaper, and lasts 30 days from the day of announcement. The presentation of the planning document for public insight is overseen by the Agency of the Republic for spatial planning, i.e. the agency of the unit of local administration with jurisdiction over affairs of spatial and urban planning.

The responsible agency, i.e. the committee for plans, writes a report on the completed public insight into the planning document, which includes data on the completed public insight, with all remarks and decisions for each remark.

The report from Paragraph 2 of this Article is submitted to the bearer of the preparation of the of the planning document, who is obliged to act on the decisions included in Paragraph 2 of this Article within 30 days from the day of delivery of the report.

##### Article 51

In the event that, following the public insight into the draft planning document, the responsible agency, i.e. the Plans Committee establishes that the adopted remarks essentially change the planning document, it brings a decision instructing the bearer of the preparation to prepare a new draft, or concept of the planning document, within a deadline which cannot exceed 60 days from the day of bringing the decision.

## 16.6. Plans Committee

### Article 52

For the purposes of carrying out professional work in the process of preparing and implementing planning documents, as well as providing professional opinions at the request of responsible agencies of the administration, the assembly of the unit of local administration forms a plans committee (in further text; 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 which are important in the performance of professional jobs in the field of planning, the regulation of space and construction, with appropriate licensure, in compliance with this Law.

One third of the members are nominated at the recommendation of the Minister with jurisdiction over affairs of spatial planning and urbanism.

For plans brought in the territory of the autonomous region, one third of the members are nominated at the recommendation of the agency of the autonomous region with jurisdiction over affairs of urbanism and building construction.

The mandate of the president and members of the Committee is four years of duration, provided that the same person cannot be nominated in more than two mandates.

The number of members, method of work, composition and other issues of importance for the work of the Committee, are determined by in the decree on the establishment of the Committee.

For the purposes of carrying out particular professional work for the needs of the Committee, the agency responsible for establishing the Committee may engage other legal entities and persons.

## 17. Information on the location

### Article 53

Information on a location includes data on possibilities and limitations of building on the land registry lot, based on the planning document.

Information about a location is mandatory for the building of auxiliary facilities, garages and 10/04 kV or 20/04 kV transformer stations.

A copy of the lot plan must be submitted with a request for issuing information on a location.

Information on a location is issued by the agency responsible for issuing location permits within eight days from the day of filing a request, on payment of compensation for true costs of issuing this information.

## 18. Location Permit

### Article 54

Location permits are issued by resolution, for facilities for which building permits are issued by this Law, and which have all the conditions and data required for preparing the technical documents, in compliance with the valid planning document.

A location permit can also anticipate building in stages.

The location permit for facilities from Article 133 of this Law is issued by the Ministry with jurisdiction over affairs of urbanism, i.e. the autonomous region.

The location permit for facilities not determined in Article 133 of this Law is issued by the authorized agency of the unit of local administration.

The following must be submitted with the request for issuing a location permit:

1) a copy of the lot plan; 2) excerpt from the land registry of underground installations; 3) proof of right of ownership in compliance with Article 135 of this Law;

The request for issuing a location permit must contain data on the facility to be built, and especially: the planned layout, type and purpose of facility, technical characteristics, etc.

As proof from Paragraph 5, Item 3 of this Law for linear infrastructural facilities, a decree must be submitted from the responsible agency which demonstrates the the public interest for expropriation, in compliance with a separate Law, i.e. a contract on establishing the right of officiating with the owner of the service property.

If the agency responsible for issuing location permits determines that prescribed documents were not submitted with the request for issuing a location permit, it will inform the applicant about it within eight days from the day of submitting the application.

If the planning documents do not include all the conditions and data for the preparation of the technical documents, the responsible agency will acquire them in the line of duty, at the expense of the Investor. Agencies, i.e. organizations authorized to issue such conditions and data are obliged to act within 30 days following the request of the responsible agency.

Before submitting a request for the issuing of a location permit, a buildable lot is formed, in compliance with this Law, except in cases anticipated in Article 69, Paragraph 1, 3, 5 and 6 of this Law.

#### Article 55

The location permit includes all conditions and data necessary for the preparation of the construction documents, and particularly:

- 1) data on the Investor;
- 2) number and surface area of the land registry lot;
- 3) rules of building construction;
- 4) conditions for connecting to a roadway, utility or other infrastructure;
- 5) data on existing facilities which need to be removed;
- 6) other conditions in compliance with special Laws.

#### Article 56

The responsible agency is obliged to issue a location permit within 15 days from the day of submission of a regular application, i.e. from the gathering of conditions and data which it gathers in the line of duty.

An appeal can be filed against the resolution on the location permit issued by the unit of local administration, within eight days.

An administrative dispute can be filed against the resolution on the location permit issued by the

Ministry with jurisdiction over affairs of urbanism, i.e. the responsible agency of the autonomous region.

The Ministry with jurisdiction over the affairs of urbanism decides on appeals against the resolution on the location permit of a unit of local administration.

The autonomous region is entrusted with resolving appeals against resolutions on location permits in original jurisdictions of local units of administration, brought for the construction of facilities being built in the territory of the autonomous region.

The agency responsible for issuing location permits maintains an official record of location permits issued, and a list of issued location permits is also announced in electronic form, and may be accessed over the Internet.

The validity of the resolution on the location permit expires if the Investor fails to submit a request for the issuing of a building permit within two years from the commencement day of validity of the location permit.

#### Article 57

The location permit is issued on the basis of the spatial plan of an area of special purposes, and the spatial plan of a unit of local administration, for parts of the territory within the catchment area of the plan for which no preparation of an urban plan is anticipated..

The location permit is issued on the basis of the general regulation plan, for parts of the territory within the catchment area of the plan for which no preparation of a detailed regulation plan is anticipated.

The location permit is issued on the basis of the detailed regulation plan.

If the planning documents anticipate the preparation of an urban plan, the location permit is issued on the basis of that planning document and the urban design project.

#### 19. Documents for implementing spatial plans

##### Program of implementation

#### Article 58

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

The program of implementation of the Spatial Plan of the Republic of Serbia is brought by the government, at the proposal of the Ministry with jurisdiction over affairs of spatial planning, within one year from the day of enactment of the Spatial Plan of the Republic of Serbia.

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

The program of implementation of a regional spatial plan is brought by the agency with jurisdiction over the preparation of the plan, within one year from the day of enactment of the regional spatial plan.

The program of implementation of a spatial plan of an area of special purposes determines measures and activities for the implementation of the spatial plan of special purposes for a period of five years.

The program of implementation of the spatial plan of an area of special purposes is brought by the government, i.e. the responsible agency of the autonomous region, within one year from the day of enactment of the spatial plan for the area of special purposes.

The agency with jurisdiction over affairs of spatial planning is obliged to submit annual reports to the agency which brought the Program, on the implementation of the Program.

Modifications and supplements from Paragraphs 1, 3 and 6 of this Article, based on the analysis of effects of implemented measures and conditions in the space, may be completed before the expiration of deadlines, at the recommendation of the agency with jurisdiction over affairs of spatial planning.

#### Article 59

The Program from Article 58, Paragraphs 1, 3 and 5 of this Law particularly includes the following:

- 1) priority projects for the fulfillment of spatial regulation;
- 2) schedule of regulating particular spatial entities and priority projects;

3) amounts and sources of funds for the financing of projects;

4) deadlines for the completion of projects;

5) responsibility for the completion of projects;

6) criteria for tracking changes of conditions in space.

## 20. Urban – technical documents

### 20.1. Urban projects

#### Article 60

The urban project is prepared when this is prescribed by the urban plan, spatial plan of the local government unit, or the spatial plan of a special purpose area, for the requirements of urban – architectural shaping of public purpose areas and for the urban – architectural elaboration of locations.

#### Article 61

The urban project is prepared for a formed construction lot on the certified land registry topographic plan and contains:

- 1) the conditions for construction on the construction lot, with all the special conditions;
- 2) feasibility study and bulk display of communal infrastructure with connections to the outside network;
- 3) the description, technical description and explanations about the solution in the urban project;
- 4) preliminary architectural and urban solutions of buildings and landscape development;

#### Article 62

The urban project can be prepared by a company or other legal entity, which are entered into the appropriate register for the preparation of urban plans and the technical documentation.

The preparation of the urban project is managed by the authorized urban planner, architect with the appropriate license.

#### Article 63

The agency of the local government unit authorized for tasks in urban planning, confirms that the urban project is prepared in accordance with the urban

plan, spatial plan of the local government unit and the spatial plan for special purposes and this Law.

Before confirmation of the urban project, the agency authorized for tasks in urban planning organizes a public presentation of the urban project, for a period of seven days.

After expiry of the period referred to in paragraph 2 of this Article, the authorized agency is obliged to deliver the urban project to the planning commission within three days with all the remarks and suggestions noted during the public presentation.

The planning commission is obliged to check compliance of the urban project with the planning document and this Law, consider all the remarks and suggestions from the public presentation within 30 days, and deliver the report with their opinion to the authorized agency.

If the authorized agency determines that the urban project is not prepared in accordance with the planning document and this Law, it will advise the applicant about it.

An objection to the advice referred to in paragraph 5 of this Article can be made to the authorized municipal, or city council within three days.

#### Article 64

An obligation can be determined through the general and detailed regulation plans of publishing an urban – architectural competition for the development of the locations which are of importance to the local government unit.

#### 20.2 The project of re-allotment and allotment

##### Article 65

On a larger number of registry lots can be formed one or more construction lots in the way and under the conditions which are determined by the planning document on the basis on the project of re-allotment.

On one registry lot can be formed a larger number of construction lots in the way and under the conditions determined by the planning document based on the project of allotment.

The project of previous division in lots and division in lots prepared by the authorized company or other legal entity or contractor which is registered in the appropriate register.

The integral part of the project of previous division in lots and division in lots is also the project of geodetic marking. The architect, authorized urban planner manages the preparation of the project of previous division in lots and division in lots.

The project mentioned in paragraph 3 of this article is confirmed by the agency of the local government unit authorized for urban tasks within 10 days.

If the authorized agency determines that the project of previous division in lots and division in lots is not prepared in accordance with the valid planning document it will advise the applicant about this fact.

The applicant can appeal about the information mentioned in paragraph 5 of this article to the municipal or city council within 3 days from the date of delivery.

##### Article 66

The agency authorized for the tasks of state survey and land registry carries out the previous division in lots and division in lots.

With the request for carrying out the previous division in lots and division in lots it is also necessary to submit proof about settled property and legal relations for all land registry lots and the project of previous division in lots and division in lots which is confirmed by the agency authorized for tasks in urban planning of the local government unit and the integral part of it is the geodetic marking.

Upon the request for carrying out the redistribution of lots and the forming lots, the agency authorized for tasks of state surveying and land registry makes the decision about the forming of land registry lots.

A copy of the decision is delivered to the authorized agency which has confirmed the project of previous division in lots and of division in lots.

An appeal to the decision mentioned in paragraph 3 of this article can be made within 15 days from the date of the delivery of the decision.

The valid decision mentioned in paragraph 3 of this article is delivered by the agency authorized for tasks of state survey and land registry to the tax administration on territory of which is the real estate.

##### Article 67



When the project of previous division in lots is made for the requirements of expropriation together with the request for previous division in lots, it is also necessary to submit the project of previous division in lots certified by the agency authorized for tasks in urban planning and the decision by which is determined the public interest for the expropriation.

The agency authorized for the tasks of state survey and land registry decides about forming the land registry lots.

Appeal can be made to the decision mentioned in paragraph 2 of this article within 15 days from the date when the decision is delivered.

By the decision mentioned in paragraph 2 of this article the owner of the newly formed land registry lots is not changed.

One copy of the decision mentioned in paragraph 2 of this article is delivered to the owners of the construction land and to the applicant.

20.3 The project for the correction of borders of adjoining lots

Article 68

On suggestion of the owner or the renter of the existing land registry lot and with the agreement of the owner of the adjoining land registry lot the correction of the borders of adjoining lots is made, for the purpose of forming construction lot/s as well as for the determining the borders of areas for public purposes on condition that such a change is in accordance with the valid urban plan.

The owner, or the renter of the land registry lot to which the construction land is adjoined, bears the costs of correcting the borders of adjoining lots.

The agency authorized for tasks in urban planning of the local government unit, on request by the owner or renter of the land registry lot issues the conditions for the correction of the borders of the adjoining lots.

With the request mentioned in paragraph 3 of this article is submitted proof about ownership or rental of the land registry lot and the copy of the plan of the lot.

The conditions for correction of borders of adjoining lots are issued in accordance with the valid conditions in the urban plan within 10 days from the date of submitting the request.

When determining the conditions for the correction of borders of the lot the rule that the land registry lot which is added to the adjoining lot does not fulfill the conditions for a separate construction lot and also that it should have the smaller area than the adjoining lot must be obeyed.

If the authorized agency determines that there are no conditions for the correction of borders of the adjoining land registry lot it is obliged to advise the applicant within 8 days.

The owner or renter mentioned in paragraph 1 of this article can appeal within 5 days to the municipal or city council of the local government unit.

After receiving the conditions for the correction of borders from the authorized agency the owner or renter submits a request to the agency authorized for tasks in state survey and land registry for execution.

With the request for the execution for the correction of borders of the adjoining lots to the authorized agency for state survey and land registry, proof is submitted about resolved ownership and legal relations, the project about the correction of the borders of adjoining lots prepared by a company, other legal entity or contractor which are entered in appropriate register.

The authorized architect urban planner manages the preparation of the project of previous division into lots and division into lots. With the request is also submitted the project of geodetic marking.

After the receipt of the request the agency authorized for tasks in state survey and land registry decides about formation of land registry lots.

A copy of the decision is sent to the agency which prepared the conditions for the correction of borders.

Appeal can be made to the decision in paragraph 11 of this article within 15 days from the date of delivery of the decision.

The valid decision is delivered by the agency authorized for state survey and land registry to the tax administration on whose territory is the subject real estate.

The decision mentioned in paragraph 11 of this article is the basis for rental of construction land in accordance with article 96 item 9 point 3 of this Law.

20.4 Separate cases of construction lot formation

## Article 69

For construction or building of electro-energy and telecommunication facilities or appliances a construction lot of smaller area than the one prescribed by the planning document for this zone can be formed on condition that there is access to the facility or appliances for the purpose of maintenance and removal of defects or damage.

In cases referred to paragraph 1 of this article as proof about resolved access to the public traffic area is accepted the contract about the right of usage with the owner of the property in use.

When provisions about formation of construction lots prescribed by this Law do not apply for construction of pole transformer stations 10/04 kV and 20/04 kV.

As proof of resolved ownership and legal relations on the land for facilities referred to in paragraph 1 of this article can be accepted the contract about rental of land in private ownership with the owner of the land concluded in accordance with separate regulations.

For the construction of overland line infrastructural facilities, wind power stations of 10 and more MW and facilities of small hydro-electric power stations, the construction lot is represented by the part of land with incomplete expropriation of part of the land registry lots through which the facility is placed and the separate lots on which are placed the appertaining overland facilities as proof of resolved ownership and legal relations for the construction of line facilities apart from the incomplete or complete expropriation are also accepted contracts concerned with the determination of usage rights concluded with owners of land registry lots.

If the overland line infrastructural facility covers the territories before issue of the usage permit one or more construction lots are formed so that one construction lot represents the sum of parts of separate land registry lots within the borders of the land registry municipality except in the case when as proof of resolved ownership and legal relations during the procedure of issue of location and building permits was used the contract about the right of usage in accordance with this Law.

If the underground line infrastructural facility covers the territory of two or more land registry municipalities the construction lot is formed only at

places of entrance and exit. The land above the underground line infrastructural facility does not represent public purpose area. Above the underground infrastructural facility other facilities can be built in accordance with this Law after previously obtaining the technical conditions in accordance with a separate Law, depending on the type of infrastructural facility.

For the construction of small hydro-electric stations which are constructed on land registry lots bordering with water and forest lots the construction lot is formed within the land registry lot on which the main facility is being built, while for the setting of installations through water and forest land as proof of resolved ownership and legal relations is accepted the contract about the determination of usage rights with a public company or other organization which manages the water or forest land in accordance with the separate Law.

Wind power station and small hydro power stations can also be built on agricultural land after previously obtaining the agreement of the ministry authorized for tasks in agriculture.

### 20.5 Determination of the land for the regular use of the facilities in special cases

## Article 70

The land for the regular use of facilities is the land under and around the facility with an area which is determined as minimum for the formation of new lots for this zone in accordance with the valid planning document for this facility.

Upon request by the owner of the facility the agency of the local government unit authorized for real estate and legal tasks decides about determining the land for the regular use of a facility and formation of the construction lot.

The decision about determination of land for the regular use of a facility and the formation of the construction lot is made when:

- 1) The existing land registry lot on which the facility is built represents the land under the facility itself;
- 2) A facility is in question for which is made a request for legalization and for which the authorized agency determined that there is a possibility of legalization or that there is a decision about legalization in accordance with a previously valid Law;

3) During the procedure of conversion of usage right it is necessary to determine the land for the regular use of the existing facility, when the owner of the facility is physical or legal entity and the owner of the usage rights of the construction land on which this facility is constructed is the unit of local government, the autonomous province or the Republic of Serbia, or any other legal entity whose founder is the unit of local government, the autonomous province or the Republic of Serbia.

With the request for the decision about determination of land for the regular use of the existing facility and the formation of the construction lot, the owner of the facility submits proof about ownership of the facility or proof that upon the request for legalization the authorized agency determined the possibility of legalization or the decision about legalization and copy of the lot plan.

The decision mentioned in paragraph 2 of this article contains all the necessary elements for the formation of the construction lot in accordance with the valid planning document which the authorized agency obtains ex officio.

Appeal can be made to the decision referred to in paragraph 2 of this article within 15 days from the date of the delivery of the decision to the ministry authorized for tasks in financing.

The valid decision mentioned in paragraph 3 of this article is the basis for carrying out changes in the land registry operate of the agency authorized for tasks in state surveying and land registry.

### III SPATIAL PLANNING AGENCY OF THE REPUBLIC

#### Article 71

The Agency for spatial planning (hereinafter: Agency) , founded based on the Law on planning and construction is an autonomous organization, which carries out public authority in accordance with this Law, and regulations introduced based on this Law, for the purpose of providing conditions for the more efficient enforcement and promotion of the spatial planning and development policy in the Republic of Serbia.

The Agency is responsible for its work to the Government.

#### 1. Legal status

#### Article 72

The Agency has a status of legal entity with rights, obligations and authority determined by this Law and the Statute of the Agency. The Agency does business in accordance with the regulations concerning public agencies.

The Agency has its own account.

#### 2. Seat and territorial organization

#### Article 73

The seat of the Agency is in Belgrade.

The Agency has an organizational unit in the seat of the autonomous province, and it can also have units in other places, in accordance with the Statute.

#### Article 74

The Agency introduces general acts.

The basic general act introduced by the Agency is the statute, which is brought by the agency managing board, with the opinion from the executive board of the autonomous province, and with the agreement of the Government.

The statute contains provisions about: the following:

- 1) activity of the agency;
- 2) the method of performing the tasks;
- 3) internal and territorial organization
- 4) bodies and their authority; 5) representation;
- 6) rights, obligations and responsibilities of the employees and
- 7) other questions important for the activity of the Agency.

#### 4. Authority

#### Article 75

The Agency is authorized to:

- 1) prepare, coordinate and follow up the preparation of the Spatial plan of the Republic of Serbia and the program for its implementation;

2) prepare, coordinate and follow up the preparation of the regional spatial plan and program of its implementation;

3) prepare, coordinate and follow up the preparation of the spatial plan for regions with special use and its implementation;

4) prepare decisions about completion of all the planning documents proposed by the authorized ministry;

5) realize the international cooperation in the field of spatial planning;

6) supply expert assistance during preparation of the plans;

7) establishes a unified system of indexes for spatial planning in accordance with the EPSON system;

8) manage the register of spatial plans on the territory of the Republic of Serbia;

9) prepares and realizes education programs for the requirements of preparation of space planning documents;

10) carries out other jobs in accordance with the Law and the Statute.

## 5. Bodies of the Agency

### Article 76

The bodies of the Agency are the managing board and the director.

## 6. Managing board

### Article 77

The managing board:

1) introduces the Statute;

2) adopts the year program of tasks / the business plan;

3) adopts the annual financial statement;

4) determines fees for the members of the managing board and the director,

5) carries out other tasks in accordance with the Law and the Statute,

The authority, tasks and salaries of the members of the managing board and the director, and other questions related to the tasks of the managing board, are determined in more detail in the Statute.

## 7. The director

### Article 78

The director

1) represents the Agency;

2) organizes work and manages the Agency

3) proposes acts which are to be adopted by the managing board

4) introduces acts about the internal organization and job classification

5) carries out the decisions of the managing board and takes actions for their implementation

6) looks after the legitimacy of work and is responsible for the use and handling of the Agency property

7) carries out other jobs determined by the Law and Statute.

The Agency gives the agreement with the act determining the salaries of the employees and their number to the government.

## 8. Expert tasks

### Article 79

In order to carry out certain expert tasks within its scope, the Agency can engage other legal entities and persons, in accordance with the law.

## 9. Funding

### Article 80

Funds for the work of the Agency are provided: 1) from the budget of the Republic of Serbia

2) from proceeds realized through job within its scope

3) donations, supplements and sponsorship from legal entities and persons;

4) other sources in accordance with the Law.

## 9. Supervision over the work of the agency

### Article 81

The ministry authorized for tasks in spatial planning carries out the supervision over the work of the Agency.

The Agency send the reports about its work to the Government, through the ministry authorized for spatial planning in accordance with the provisions of a separate law. IV BUILDABLE LAND

### 1. The Notion of Buildable Land

#### Article 82

Buildable land is land designated by Law and planning documents as buildable, intended for the construction and regular use of buildings, as well as land on which buildings were erected in compliance with the law, and land serving the regular use of these buildings.

Buildable land is used for the purpose determined in the planning document, in a way which provides for it's rational use, according to the Law.

#### Article 83

Buildable land can be held in all forms of ownership.

Buildable land is marketable.

The right of ownership of buildable land in public ownership can be held by the Republic of Serbia, the autonomous region, i.e. a unit of local administration.

Buildable land in public ownership is marketable, under conditions set out in this and other Laws.

### 2. Types of Buildable Land

#### Article 84

Buildable land can be:

- 1) urban buildable land;
- 2) buildable land outside the perimeter or urban buildable land.

#### 2.1. Urban buildable land

##### Article 85

Urban buildable land is land within a buildable area of an inhabited settlement which is determined as such in a planning document prepared for a municipality, a city, or the city of Belgrade, in compliance with this law.

The planning document by which urban buildable land is determined does not alter the type of ownership of the land which is determined as urban buildable land.

#### 2.2. Buildable Land outside the Perimeter or Urban Buildable Land

##### Article 86

Buildable land outside the perimeter of urban buildable land is land within a buildable area of an inhabited settlement which is determined as such in a planning document prepared for a municipality, a city, and the city of Belgrade, in compliance with this law.

The planning document by which urban buildable land outside the perimeter of urban buildable land is determined does not alter the type of ownership on that land.

#### 2.3. Change of Purpose of Agricultural Land

##### Article 87

When the use of agricultural land is changed to buildable land through a planning document, the agency responsible for producing the plan is obliged to deliver a document to the agency responsible for state land surveying affairs and land-registry, containing a list of land-registry lots whose use has been changed, within 15 days from the day of enactment of the planning document.

The agency responsible for state land surveying affairs and land-registry implements the arisen changes through a resolution, and enters a record of the obligation of payment of compensation for the change of use of agricultural land into the database of the land-registry of real estate from which a list is issued of real estate with compensation due for the change of use.

The resolution from Paragraph 2 of this Article is delivered to the land owner, the Ministry responsible for agricultural affairs, an the appropriate tax agency within 15 day of the day of issuing of the resolution.

The owner of the land-registry lot for which the use is changed is obliged to pay compensation for the change of use of agricultural land before the issuing of a location permit, in compliance with the Law governing agricultural land.

#### 2.4. Developed and undeveloped buildable land

##### Article 88

Buildable land can be developed or undeveloped.

Developed buildable land is land on which buildings were built in compliance with the Law, intended for permanent use.

Undeveloped buildable land is land on which no buildings were built, where no buildings were built against the Law, and land on which only buildings of temporary nature were built.

#### 2.5. Prepared and unprepared buildable land

##### Article 89

Buildable land can be prepared or unprepared.

Prepared buildable land is land which is outfitted in term of utilities for construction, in compliance with valid planning documents (constructed approach road, electric power grid, provided with water supply, and provided with other special conditions).

### 3. Landscaping of buildable land

##### Article 90

Landscaping of buildable land includes its clearing and outfitting.

Landscaping of land includes exploratory work, drawing up land surveys, geological and other under lays, preparation of planning and technical documents, the program of land preparation, dislocation, building demolition, sanitizing of terrain, and other works.

Beside works from Paragraph 2 of this Article, in areas which were exposed to war activity assessments are made of the existence of explosive devices left behind, in compliance with the Law.

The landscaping of land includes the construction of buildings of utility infrastructure and the construction and landscaping of surfaces for public use.

The landscaping of buildable land is done according to mid-term and annual programs of landscaping, drawn up by the unit of local administration.

##### Article 91

In order to secure conditions for the landscaping, use, development and protection of buildable land, The Republic of Serbia, the autonomous region, municipality, city, i.e. the city of Belgrade, can found a business association, public company, i.e. some other organization, or to provide the carrying out of these affairs in some other way, in compliance with the Law, i.e. statute.

The securing of conditions for the landscaping, use, development and protection of buildable land includes the preparation of mid-term and annual programs of landscaping of buildable land, the landscaping of buildable land, caretaking of the protection, rational and sustainable use of buildable land, as well as carrying out other work in compliance with the Law and other regulations.

#### 4. Compensation for the landscaping of buildable land

##### Article 92

Compensation is paid for the landscaping of buildable land.

The unit of local administration prepares the buildable land and oversees its rational use according to the intended use of the land provided for in the planning document, in compliance with the Law.

Funds raised from compensation for the landscaping of buildable land are used for the landscaping of buildable land, the acquisition of buildable land, and the maintenance of utility infrastructure buildings.

##### Article 93

The compensation for the landscaping of buildable land is paid for by the developer.

The amount of compensation for the landscaping of buildable land is determined on the basis of the following criteria: degree of utility outfitting, annual programs for the landscaping of buildable land, the urban one, the use and floor area of the building.

The use of buildable land can be: residential, commercial activity, production activity, and other uses.

The unit of local administration prescribes criteria for the assessment of the amount of compensation for the landscaping of buildable land on the basis of criteria from Paragraph 2 of this Article.

The developer and the unit of local administration, i.e. the public company or other organization from Article 91 of this Law, conclude a contract which regulates mutual relationships in terms of the landscaping of buildable land, the schedule of payment, the scope, structure and deadlines for the execution of works on landscaping of the buildable land, as well as the procedure and conditions of changing the contract (change of use, floor area of building etc.).

#### Article 94

Undeveloped buildable land which is not outfitted in compliance with this Law, and is included in the catchment area of the General Plan of Regulation, i.e. the Detailed Plan of Regulation, may also be outfitted in terms of utility infrastructure with funding from individuals and legal entities.

A person or entity from Paragraph 1 of this Article submits a proposal to the authorized agency of the unit of local administration, i.e. business association, public company or other organization from Article 91 of this Law, on the funding of construction of utility infrastructure.

If the agency, i.e. organization from Paragraph 2 of this Article establishes that the zone in question is within the catchment area of the General Plan of Regulation, i.e. the Detailed Plan of Regulation, and that the petitioner is the owner of the buildable land, it will put together the conditions for the funding of the utility infrastructure, which will in particular include: data on the location, i.e. zone, data from the Urban Plan and technical conditions for the construction of utility infrastructure, data from the program of landscaping of buildable land, boundaries of the locality being outfitted with a list of land-registry lots, deadlines for construction, the obligation of the unit of local administration, as the developer, to procure location, building and usage permits, as well as the obligation to provide and finance expert supervision during the execution of works, the obligation of the land owner to finance the production of technical documents, professional

control over technical documents, the execution of works, the obligation of the owner of the buildable land to select the contractor, the obligation of handing over completed buildings of the utility infrastructure and other buildings for public use to the ownership of the unit of local administration, the real costs of construction of the utility infrastructure, as well as the amount of reduced compensation for the landscaping of of buildable land for the developer of the building to be built at that location, i.e. zone.

For buildings which will be built at the location, i.e. zone for which utility infrastructure is being prepared with funding from the owner, the compensation for landscaping of buildable land is being reduced by the real costs of utility outfitting, and at most 60% of the amount of compensation assesses according to criteria for assessment for that location, i.e. zone.

If the owner of the buildable land accepts the conditions from Paragraph 3 of this Article, the competent agency will submit the proposal for the funding of the utility infrastructure construction, with the proposed contract, to the assembly of the unit of local administration for decision making.

The decision by the assembly of the unit of local administration on accepting the proposal on the funding of utility infrastructure construction with the funds of the owner of the buildable land includes the authorization of the unit of local administration, the business association, the public company, i.e. of other organizations from Article 91 if this Law for concluding contracts which more closely define the relationships arising from the acceptance of the proposal on the funding of utility infrastructure construction with funds of the owner.

The appropriate agency, i.e. the legal entity from Paragraph 6 of this Article, who was authorized by a decision of the assembly of the municipality to conclude a contract with the owner of the buildable land which regulate relationships linked to the funding of utility infrastructure construction, concludes a contract within 30 days of the day of making the decision from Paragraph 6 of this Article.

#### 5. Financing of the landscaping of buildable land

##### Article 95

Financing of the landscaping of buildable land is secured from funds raised from:

- 1) compensation for the landscaping of buildable land;
- 2) leasing of buildable land;
- 3) forfeiture of buildable land;
- 4) conversion of rights of use, i.e. rights of leasing in compliance with this Law;
- 5) other sources in compliance with the Law.

#### 6. Forfeiture and leasing of buildable land in public ownership

##### Article 96

Forfeiture or leasing of buildable land in public ownership for the purpose of development is carried out by public competition or gathering of offers through public advertizing, following market conditions, in compliance with the Law.

Existing and planned areas for public use cannot be forfeited from the public ownership.

Buildable land in public ownership cannot be forfeited nor leased without the provision of a planning document on the basis of which a location permit is issued.

The deadline for submitting entries for the public competition, i.e. gathering offers from Paragraph 1 of this Article, cannot be less than 30 days from the day of making the public announcement.

The buildable land in public ownership is forfeited or leased to the person who offers the highest price or the largest amount of rent for that land, which cannot subsequently be reduced.

Exceptionally to Paragraph 5 of this Article, the unit of local administration may forfeit or lease the buildable land for a price or rent which is lower than the market price or rent, or forfeit or lease the buildable land without compensation, along with a previously secured agreement from the Government.

Conditions and the method of forfeiture or leasing of the buildable land from Paragraph 6 of this Article are more closely prescribed by the Government.

Undeveloped buildable land in public ownership can be entered as founding investment in business associations or public companies, in compliance with the law governing public ownership.

Buildable land in public ownership may be forfeited or leased by direct agreement in the following events:

- 1) construction of buildings for the purposes of carrying out work in the jurisdiction of state agencies and organizations, agencies of units of territorial autonomy and local administration, as well as other buildings in public ownership;
- 2) the issuing of a building permit to the owner of an illegally constructed building, who submitted a request within deadlines prescribed by this Law, if the construction of the building complies with conditions provided for in this Law;
- 3) correction of boundaries of adjoining land registry lots;
- 4) forming of buildable lots in compliance with Article 102 of this Law;
- 5) forfeiture or leasing from Paragraph 6 of this Article;
- 6) consensual giving of land to the previous owner of the real estate subjected to expropriation, in compliance with regulations on expropriation.

##### Article 97

Buildable land in public ownership can be forfeited or leased in compliance with this Law.

Buildable land in public ownership is leased as undeveloped and prepared.

Buildable land in public ownership can also be given up for leasing as undeveloped land which has not been prepared, if the participant in the public competition, i.e. the gathering of offers through a public announcement, accepts the prescribed conditions for preparing the land described in the public announcement, and undertakes by contract the obligation to carry out utility outfitting of the buildable land at his expense.

Concerning the forfeiture or placing on lease of the buildable land in public ownership, upon completion of the procedure of public competition, gathering of offers or direct agreement, the authorized agency issues a resolution on forfeiture of buildable land or the placing of the buildable land on lease, which is delivered to all participants of the procedure of public competition, i.e. gathering of offers.



A participant of the public competition, i.e. gathering of offers who considers that the procedure of public competition or gathering of offers violate his/her rights, may initiate an administrative dispute against the resolution from Paragraph 4 of this Article, within 30 days of from the day of delivery of the resolution.

The resolution on forfeiture or placing on lease of buildable land from Paragraph 4 of this Article is also delivered to the appropriate complaints commissioner, i.e. another agency representing the unit of local administration, the autonomous region, or the Republic of Serbia.

The agency from Paragraph 6 of this Article has the right, if it considers that the resolution was issued contrary to the provisions of this Law and the special conditions included in the public announcement for land preparation, to raise a suite in the appropriate court within 30 days of the day of delivery of the resolution.

Upon legal validation of the resolution from Paragraph 4 of this Article a contract is concluded between the unit of local administration, the autonomous region, i.e. the Republic of Serbia, and the business association, public company or other organization from Article 91 of this Law, and the person whose land is forfeited or placed on lease, within 30 days from the day of legal validation of the resolution on forfeiture or placement on lease of the buildable land.

The contract on leasing buildable land in public ownership includes in particular: data on the land-registry lot, the use and size of the future building, the amount of the lease, the expiration date of the lease, the deadline and method of payment of compensation for the preparation of land, special conditions of outfitting if unmanaged buildable land is being leased, the deadline in which the land must be brought to the intended use, rights and obligations in the case of unfulfilled obligations, method of resolution of conflicts, as well as the procedure and conditions for modifying the contract. When the contract on leasing provides for payment in multiple installments, it is mandatory to prescribe the method of adjusting the amount of the lease to comply with increases of retail prices in the Republic of Serbia, according to data released by the competent organization for the affairs of tracking statistics.

#### 7. Modification of the leasing contract

#### Article 98

If the owner of the building built on buildable land in public ownership used on the basis of a leasing contract drawn up in compliance with the Law changes, the provider of the lease will, at the request of the new owner, change the leasing contract, so that the new owner of the building will replace the previous lease holder.

The request for the modification of the leasing contract is submitted along with the contract of purchase of the building or the purchase of the building under construction, i.e. another legal basis by which rights of ownership are gained on the building or the building under construction, which is notarized in court with a receipt from the tax authority confirming the payment of taxes on that basis, or with a waiver from the tax authorities confirming that taxes were waived, i.e. a legally valid resolution on inheritance.

The provider of the lease draws up a leasing contract with the new owner of the building, which, upon signing, represents the basis for changing the record of the lease holder in the Public Book of Records of real estate and rights therein.

#### Article 99

At the request of the previous owner, i.e. his/her legal heir, the legally valid resolution on the exclusion of urban buildable land from his/her possession will be voided, if the land was excluded by May 13 2003, and the user of the urban buildable land has not carried the same over to the designated use by May 13 2004..

The request from Paragraph 1 of this Article is to be submitted within six months from the day of enactment of this Law.

The resolution from Paragraph 1 of this Article is to be issued by the agency of the unit of local administration with jurisdiction over property and legal affairs on the territory of which the relevant land is located.

An appeal may be made against the resolution from Paragraph 3 of this Article to the ministry with jurisdiction over financial affairs, within 15 days from the day of issue of the resolution.

Once the resolution from Paragraph 3 of this Article becomes legally valid, the authorized agency, in a special procedure, assesses the amount of money the

previous owner must return on account of compensation received for excluded rights of use.

If an agreement is not reached in the procedure on the amount of money from Paragraph 5 of this Article, the authorized agency must pass on the case documents related to the assessment of compensation to the appropriate court.

#### 8. Conversion of rights of use to rights of ownership on buildable land without compensation

##### Article 100

On the day of enactment of this Law, the rights of use on real estate of the Republic of Serbia, the autonomous region, i.e. the unit of local administration registered as the bearer of rights of use on undeveloped and developed land in state ownership in the Public Book of Records of real estate and rights therein, cease and transform into rights of ownership on that real estate, in favor of the Republic of Serbia, the autonomous region, i.e. the unit of local administration, without compensation.

On the day of enactment of this Law, the rights of use on real estate of legal entities founded by the Republic of Serbia, the autonomous region, i.e. the unit of local administration, registered as the bearer of rights of use on undeveloped and developed land in state ownership in the Public Book of Records of real estate and rights therein, the rights of use of the real estate cease and transform into rights of ownership on that real estate, in favor of the Republic of Serbia, the autonomous region, i.e. the unit of local administration, without compensation.

The registration of the rights of public ownership is made on the basis of an excerpt from the Public Book of Records of real estate and rights therein.

The request for the registration of the rights from Paragraphs 1 and 2 of this Article in the Public Book of Records of real estate and rights therein is made by the public complaints commissioner, i.e. another person representing the Republic of Serbia, the autonomous region, i.e. the unit of local administration, within one year from the day of enactment of this law.

The request for the registration of the rights from Paragraphs 4 of this Article for buildable land at the disposal of the Ministry with jurisdiction over affairs

of defense may be submitted within two years from the day of enactment of this law.

If the request for the registration of rights of public ownership is not made within the deadline set out in Paragraphs 4 and 5 of this Article, the authorized agency will, in the course of official duty, carry out the registration of the rights of public ownership on real estate for which rights were recorded on the day of enactment of this Law for use on undeveloped or undeveloped buildable land in favor of the Republic of Serbia, the autonomous region, i.e. the unit of local administration.

##### Article 101

For person who are registered as bearers of rights of use on developed buildable land in state ownership in the Public Book of Records of real estate and rights therein, these rights of use on buildable land are terminated and transformed to rights of ownership, without compensation.

For owners of particular physical parts of residential buildings, office and mixed use buildings built on buildable land in state ownership, these rights of use on buildable land are terminated and transformed into rights of ownership, in proportion to the floor area of the particular physical parts of which they are the owners, without compensation.

For owners of buildings or owners of particular physical parts of buildings built on buildable land for which contracts were drawn up for leasing for a period of more than 50 years for the purpose of building, the right of ownership is determined on the buildable land, i.e. the right of ownership on buildable land in proportion to the floor area of the particular physical parts of which they are the owners, without compensation.

Persons who have gained leasing rights on the remaining undeveloped buildable land in public ownership, in compliance with provisions of the previously valid law, and have sold particular physical parts of the building to third parties upon completion of construction, remain obliged payers of the lease according to the currently valid contract on the lease.

The provision of Paragraph 2 of this Article does not apply to persons who, according to this Law, may gain the right to convert the rights of use to rights of ownership with compensation.

The registration of rights of ownership in favor of persons from Paragraphs 1, 2 and 3 of this Article is carried out by the agency with jurisdiction over the affairs of tracking records of real estate and rights therein, on the basis of excerpts from the Public Book of Records of real estate and rights therein.

Persons from Paragraph 1 of this Article submit an excerpt from the Public Book of Records of real estate and rights therein, from which it is determined that they are owners of the building and bearers of the rights of use on the buildable land, and persons from Paragraph 2 of this Article submit an excerpt from the Public Book of Records of real estate and rights therein, from which it is determined that they are owners of particular physical parts of the building.

Persons from Paragraph 1 of this Article submit an excerpt from the Public Book of Records of real estate and rights therein, from which it is determined that they are owners of the building, i.e. owners of particular physical parts of the building.

#### Article 102

If the owner of the building, i.e. a particular physical part of the building from Article 101, Paragraphs 1 and 2 of this Law, is not registered as the bearer of use on the buildable land on which the building is built, but instead a unit of local administration, the autonomous region, or the Republic of Serbia, or a legal entity founded by a unit of local administration, the autonomous region, or the Republic of Serbia is recorded as the bearer of rights of use on the buildable land, the land for regular use of the building must be established according to Article 70 of this Law before the right of ownership is gained.

Should it be determined, in the procedure of designating land for regular use of a building, that the area of the land-registry lot also represents land for the regular use of the building in compliance with this Law, the owner of the existing building gains the right of ownership over that buildable land, without compensation.

Should it be determined, in the procedure of designating land for regular use of a building, that the land for the regular use of the building is smaller than the land-registry lot on which the building is built, the owner may, if a separate buildable lot may be formed from the remaining part of the land, lease that remaining land to the owner of the building, in

compliance with Article 96, Paragraph 9, Item 4 of this Law, or disown it in favor of the building owner at the market price, by direct agreement.

Should it be determined, in the procedure of designating land for regular use of a building, that the land for the regular use of the building is smaller than the land-registry lot on which the building is built, and a separate buildable lot may be formed from the remaining part of the land, the owner of the remaining part of the land disposes with this land in compliance with this law.

Upon legal validation of the decision by which land is designated for regular use of the building, i.e. upon completion of the procedure set out in paragraphs 3 and 4 of this Article, the owner of the building gains the right, in accordance with the law, to register the property on the buildable land, i.e. to lease it, in the public book of records of real estate, and rights to it.

Conversion of a right to use into the right of ownership, with compensation

#### Article 103

Buildable land in state, i.e. public ownership, where the bearer of rights of use were or are business associations and other legal entities onto which provisions of the law were applied with regard to the regulation of privatization, bankruptcy and enforcement procedures, as well as their legal followers, the right of use can be converted to the right of ownership, along with the compensation of the market value of such buildable land at the time of conversion of rights, reduced by the expenses of gaining the right of use on that buildable land.

The conversion of rights of use from Paragraph 1 of this Article is realized on particular landregistry lots.

Upon a request for conversion from Paragraph 1 of this Article, a resolution is made by the agency of the unit of local with jurisdiction over property law affairs, on whose territory the relevant buildable land is located.

An appeal can be filed against the resolution from Paragraph 3 of this Article, to the ministry with jurisdiction over financial affairs, within 15 days of receiving the resolution.

The bearer of rights of use from Paragraph 1 of this Article may realize the right to build new buildings, i.e. renovate existing buildings in compliance with

purpose of the land established in the planning document, in order to carry out the primary activities, within 18 months from the day of this Law coming into force, except if purpose of that land was changed through a modification of the planning document before the expiration of that deadline.

#### Article 104

In compliance with laws valid earlier which regulated buildable land until May 13 2003, or based on a decision made by an authorized agency, the right of use on undeveloped buildable land in state ownership which was gained for the purpose of building can be converted into the right of ownership, along with compensation for the market value at the time of conversion of rights, reduced by the amount of real costs of gaining the right of use, with reassessment calculated up until the moment of payment made on this basis. In establishing the real costs of gaining the property, the compensation paid for landscaping of the buildable land is not included.

Upon request for the conversion of rights from Paragraph 1 of this Article a resolution is brought by the agency with jurisdiction over property and legal affairs of the unit of local administration on the territory of which the relevant land is located.

An appeal can be filed against the resolution from Paragraph 2 of this Article, to the ministry with jurisdiction over financial affairs, within 15 days of receiving the resolution.

A resolution which establishes the termination of the right of use is announced in the official publication of the authorized unit of local administration and represents the basis for changing the record in the Public Book of Records of real estate and rights therein.

If the right of use has not been converted into the right of ownership within one year upon the enactment of this law, the authorized agency will in the course of its official duties determine the termination of rights of use in compliance with provisions of this Law, and determine the right of ownership in favor of the unit of local administration on the territory of which the relevant land is located.

#### Article 105

Entities whose position is determined by the law governing sport, as well as citizen associations, as bearers of rights of use of buildable land, remain the

bearers of rights of use, unless other provisions of this Law can be applied which relate to the termination of rights of use or the voiding of the resolution on the exclusion of land, until the completion of the privatization procedure. Upon payment of the buying/selling price after privatization, and based on confirmation from the Privatization Agency, rights of use may be converted to rights of ownership of the land in favor of the privatized entity, in compliance with this Law.

#### Article 106

Public companies as bearers of rights of use on buildable land remain the bearers of right of use, unless other provisions of this Law can be applied which relate to the termination of rights of use or the voiding of the resolution on the exclusion of land, until the completion of the privatization procedure. Upon payment of the buying/selling price after privatization, and based on confirmation from the Privatization Agency, rights of use may be converted to rights of ownership of the land in favor of the privatized company, in compliance with this Law.

#### Article 107

Payments realized on the basis of conversion of rights of use to rights of ownership in accordance with this Law are made into a special fund for restitution in the amount of 50%, and into the budget of the unit of local administration in the amount of 50%.

Payments made into the budget of the unit of local administration are used in compliance with Article 92, Paragraph 3, of this Law.

Payments made into the Restitution Fund may not be used until the enactment of the law governing restitution.

The Restitution Fund is to be established as a budgetary fund, in compliance with the Law.

#### Article 108

The government more closely regulates the criteria and procedure for determining the amount of compensation on the basis of the conversion of rights for entities which are eligible to conversion with compensation according to this Law.

Termination of right of use

#### Article 109

Persons to whom the use of state-owned buildable land was granted for building purposes prior to the enactment of the Law on Planning and Construction (“RS Official Gazette” Nos. 47/03 and 34/06), and who have not registered such rights of use in the Public Book of Records of real estate and rights therein, forfeit the right of use.

The procedure of establishing the termination of the right of use is initiated by the public prosecutor in line with official duty, or another agency representing the unit of local administration on the territory in which the relevant land is located.

The resolution which establishes the termination of the right of use is brought by the agency with jurisdiction over property and legal affairs of the unit of local administration on the territory on which the relevant land is located.

An appeal can be filed against the resolution from Paragraph 3 of this Article, to the Ministry with jurisdiction over financial affairs, within 15 days of receiving the resolution.

A valid resolution which establishes the termination of the right of use is announced in the official publication of the authorized unit of local administration and represents the basis for changing the record in the Public Book of Records of real estate and rights therein.

## V CONSTRUCTION OF FACILITIES

### Article 110

The construction of facilities is carried out based on the building permit and technical documentation, under the conditions and in the way which is determined by this Law.

#### 1. Content and type of technical documentation

##### 1.1. Preliminary work

Before starting preparation of the technical documentation necessary for the construction of a facility, referred to in Article 133 of this law, for which the building permit is issued by the authorized ministry, or the autonomous province, previous feasibility studies and feasibility studies are made, based on the results of preliminary work.

For the construction of facilities referred to in Article 133 of this Law, for which the location permit can be issued based on the planning document, it is not

necessary to prepare the previous feasibility study with the general project.

### Article 112

Previous work, depending on the type and characteristics of the facility, comprises investigation and preparation of analyses and projects, and other expert material; procurement of information which analyze and elaborate geological engineering, technical, hydrological, meteorological, urban, technical, technological, economic, energy, seismic, water supply and traffic conditions; conditions for fire protection and the protection of the environment, as well as other conditions which effect the construction and use of a certain facility.

#### 1.2 Previous feasibility study

### Article 113

The previous feasibility study enables the determination especially of the spatial, ecological, social financial, market and economic justification of the investment for the various solutions defined by the general project, based on which the planning document is prepared, and the decision made on the feasibility of investing into previous work for the preliminary design and the feasibility study.

The previous feasibility study contains the general project referred to in Article 117 of this Law.

#### 1.3 Feasibility study

### Article 114

The feasibility study particularly determines the spatial, ecological, social, financial, market and economic justification of the investment into the chosen solution, elaborated by the preliminary design, based on which it is decided about the feasibility of the investment.

The feasibility study contains the preliminary design referred to in Article 118 of this Law.

Preparation of the previous feasibility study and feasibility study

### Article 115

The preparation of the previous feasibility study and feasibility study can be done by a company or other legal entity entered into the appropriate register for

performing activities of design and engineering and which fulfill conditions concerning the expert staff.

#### Article 116

The technical documentation for construction and reconstruction of a facility is made as a general project, preliminary project, main project, performing project and the project of the constructed facility.

#### 1.4 The general project

#### Article 117

The general project contains particularly 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 fitting into the space, the natural conditions, the effect on the environment, geological engineering and technical characteristics of the land from the aspect of determining the general concept and justifiability of construction of the facility, investigation work made for the preparation of the preliminary project, the protection of natural and immovable cultural property, the functionality and rationality of the project.

#### 1.5 The preliminary project

#### Article 118

The preliminary project contains the situational solution and the data about the micro location of the facility, the functional, construction and representational properties of the facility, the

technical and technological and exploitation characteristics of the facility, the geological engineering and technical properties of the terrain and soil with preliminary calculations of stability and safety of the facility, the decision about the founding of the facility, the technical, technological and organizational elements of construction of the facility, the measures for the prevention or reduction of negative influences on the environment, the preliminary project of the infrastructure, comparative analysis of alternative technical solutions in view of the properties of the soil, functionality, stability, and estimate of the influence on the environment, natural and immovable cultural property, rationality of the construction, costs of

construction, transport, maintenance, energy provision and other costs.

The situation solution, depending on the type of facility, contains:

- 1) the length of each side of the construction plot;
- 2) elevation heights of the existing terrain and leveling;
- 3) regulation and construction lines with the view of the existing and the planned facilities, with outer measurements, the number of floors of the planned facility showing the finished floor or roof construction with flat slopes;
- 4) the position and numbers of adjacent land registry lots and buildings, as well as the names of the streets.

The main project is prepared for the requirements of construction of the facility and procurement of the building permit.

The main project specifically contains:

- 1) the situation solution;
- 2) detailed geology engineering and technical conditions for construction of the facility;
- 3) geodetic base;
- 4) data about the functional, constructive and shape properties of the facility;
- 5) the elaboration of the technical and technological properties of the facility with the equipment and installations.
- 6) the calculation of the building structures, stability and safety of the facility;
- 7) the founding solution of the facility;
- 8) the data of the necessary geodetic work during construction;
- 9) the technical solution of the infrastructure with the method of connection and regulation of the free surfaces;
- 10) the conditions for the protection of facilities and adjacent facilities;
- 11) the technical, technological and organizational solutions for the construction of the facility;

12) elaboration of the measures for prevention or reduction of negative influences on the environment through the appropriate technological process;

13) the costs of construction and maintenance of the facility;

14) other projects, studies and data depending on the use of the facility.

The main project must contain the statement by the authorized designer and technical control supervisor, in which it is confirmed that the main project is prepared in accordance with the location permit and the rules of the profession.

The investor is obliged to obtain the approval of the main project from agencies or organizations, when this is stipulated by the conditions contained in the location permit.

#### 1.6.1 Particular types of main projects

##### Article 120

The main project for construction, or reconstruction of residential and auxiliary facilities of family households whose total gross developed construction area is not over 400 m<sup>2</sup>, or economic facilities in the country of up to 600 m<sup>2</sup>, for which the construction permit is issued by the local government unit, specifically contain:

- 1) the project task;
- 2) the technical description of the work;
- 3) the subject and estimate of the cost of the job;
- 4) situation solution;
- 5) the base of the foundation, the base of the typical and all non typical floors, and the base of the roof or roof terrace in the ratio 1: 100;
- 6) the characteristic longitudinal and transverse sections of the facility in the ratio 1:100;
- 7) the necessary appearances of the facility, details etc.;
- 8) the proof of the load bearing capacity and stability of the facility;
- 9) installation block diagram with the calculated capacities and the drawing of the connection places to the public infrastructure.

##### Article 121

The main construction, or reconstruction project of high-rise facilities, for which the building permit is issued by the local government unit, specifically contain:

- 1) the project task;
- 2) the technical description of the work;
- 3) the subject and estimate of the cost of the job;
- 4) scheme of carpentry and hardware and the specification of the equipment;
- 5) the calculation in the field of construction physics ( the calculation for thermal and sound protection);
- 6) situation solution;
- 7) synchronization plan – junctions of installation lines
- 8) basis of the foundation, bases of all floors in the ratio 1:50
- 9) the characteristic longitudinal and transverse sections of the facility in the ratio 1:50;
- 10) the necessary appearances of the facility in the ration 1:50;
- 11) architectural details of all the essential positions;
- 12) the technical report about the structure of the facility, with the conditions for the design and realization;
- 13) the calculation of the structure with the specification of the material;
- 14) graphic documentation about the structure of the facility;
- 15) the main project of the electrical installations;
- 16) the main project of the mechanical installations;
- 17) the main project of the water supply and sewage installations.

The main project referred in paragraph 1 of this Article also contains, depending on the type or use of the facility, the fire protection project and the lift or escalator project.

The content of the main project mentioned in paragraph 1 of this Article does not refer to the main project mentioned in Article 120 of this Law.

#### Article 122

The main project for the construction of low rise facilities, for which the construction permit is issued by the local government unit, specifically contains:

- 1) ) the project task;
- 2) the technical description of the work;
- 3) the subject and estimate of the cost of the job;
- 4) synchronization plan;
- 5) situation solution;
- 6) longitudinal and transverse profiles;
- 7) the calculation of the structure;

#### 1.7. Realization project

#### Article 123

The realization project is prepared for the requirements of carrying out the work on construction, if the main project does not contain the elaboration of the details necessary for the realization of the work.

#### 1.8. The project of the constructed facility

#### Article 124

The project of the constructed facility is prepared for the requirements of obtaining the usage permit, for the use and maintenance of the facility.

The project of the constructed facility is prepared for all facilities for which it is necessary to obtain the building permit, in accordance with this Law.

The project of the constructed facility is the main project, with changes which were done during construction of the facility.

The project of the constructed facility is not subject to technical control, except when it is prepared for the requirements of legalization of facilities. In the event when, during construction of the facility, no changes were made compared to the main project, the investor, the person who carries out professional supervision and the contractor confirm and certify on the main project that the constructed state is the

same as the designed state. 1.9 The preliminary project for the construction and completion of work for which the building permit is not issued

#### Article 125

The preliminary project for the construction and completion of facilities for which the decision about the building permit is not issued in accordance with this Law, specifically contains: the situation solution, drawings which determine the facility in space ( bases, typical sections, appearances); use of the facility; the technical description and the planned investment value of the facility.

#### 2. Preparation of the technical documentation

#### Article 126

The technical documentation for the construction of a facility can be prepared by a company or other legal entity, or a contractor which are entered into the appropriate register for the preparation of technical documentation.

The technical documentation for the construction of a facility, for which the construction permission is issued by the Ministry, or the autonomous province, can be prepared by a company or other legal entity, or a contractor which are entered into the appropriate register for the preparation of technical documentation for this type of facility and which have employees holding the license of authorized designer, who have appropriate professional results in the preparation of technical documentation for this type and use of facility.

The professional results, in the sense of paragraph 2 of this Article, have persons who have prepared, or participated in preparing the technical documentation, or who have participated in the technical inspection of the technical documentation, on the basis of which were constructed the facilities of this type or use.

Fulfillment of the conditions referred to in paragraph 2 of this Article is determined by decision on the part of the minister authorized for the tasks in construction.

The decision referred to in paragraph 4 of this Article is considered definite on the date of delivery.

The minister authorized for tasks in construction will decide about revoking the decision about the fulfillment of conditions (license) if it is determined



that the company or other legal entity does not fulfill the prescribed conditions referred to in paragraph 2 of this Article as well as in the case when it is determined that the license was issued based on incorrect and false information

The person submitting the request for determining the conditions bears the cost of determining fulfillment of conditions referred to in paragraph 4 of this Article

The Minister authorized for tasks in construction determines the cost referred to in paragraph 7 of this Article.

A foreigner can prepare the technical documentation under conditions of reciprocity and other conditions prescribed by this Law.

The person referred to in paragraph 9 of this Article can prepare the technical documentation if he obtained the right to complete competition work in the Republic of Serbia on an international competition and if he is member of the engineering chamber in his own country.

The engineering chamber of Serbia determines the fulfillment of conditions referred to in paragraphs 9 and 10 of this Article.

#### Article 127

The person employed in a company, other legal entity or contractor firm who is authorized to determine any of the conditions on the basis of which the technical documentation is prepared cannot participate in the preparation of the technical documentation.

The person who carries out the supervision over the application of the provisions of this Law cannot participate in the preparation in the technical documentation.

The legal entity performing communal activities or activities of general interest can prepare the technical documentation for the construction of facilities which it will use for the performance of its activity under the conditions prescribed by this Law.

The organization which performs the activity of protection of cultural property can prepare the technical documentation necessary for taking measures of technical protection on immoveable cultural property.

#### 2.1. Authorized designer

The authorized designer can be a person with a high degree diploma of the appropriate profession, on the second degree of academic studies (graduate academic studies –master, specialist academic studies) or on the basic academic studies lasting at least five years and holding the design license.

A person can obtain the license for the authorized designer by acquiring the high degree diploma of the appropriate profession, passing the professional exam and having at least three years of experience with professional results in preparing technical documentation and with references from at least two authorized designers or the engineering chamber.

Professional results for the designers in the sense of paragraph 2 of this Article are considered the results achieved in the management and preparation, or cooperation in the preparation, of at least two projects.

The authorized designer signs the technical documentation.

#### 3. Technical inspection

##### Article 129

The main project is subject to technical inspection.

The technical inspection of the main project can be performed by a company, other legal entity or contractor which fulfills the conditions for the preparation of technical documentation prescribed by the law and determined by the investor.

The technical inspection of the main project cannot be performed by the authorized designer who prepared the project, or who is employed in the company which prepared the project, or in the company which is the investor.

The technical inspection of the main project specially comprises the control of compatibility: with all the conditions and regulations contained in the location permit, with the Law and other regulations, with the technical norms, standards and quality norms, as well as with all parts of the technical documentation; compatibility of the project with the results of the previous studies; assessment of the appropriate soil for founding of the facility; check of the validity and accuracy of the technical and technological solutions and the construction solution of the facility; stability and safety; rationality of the

project materials; effect on the environment and the adjacent facilities.

The technical inspection of the main project for the construction of the facilities for which the building permit is issued by the authorized ministry, or autonomous province comprises also the control of compatibility with the measures contained in the report of the review commission.

The investor bears the costs of technical inspection.

The report of completed technical inspection is prepared and signed by the authorized designer employed in the company which performed the technical inspection and the validity of the main project is certified on the project itself.

The main project prepared in accordance with the regulations with other country is subject to the technical inspection by which the compatibility of this documentation with the Law and other regulations, standards, technical and quality norms is checked.

The main project referred in paragraph 8 of this article must be translated into the Serbian language.

#### 4. Keeping the technical documentation

##### Article 130

The agency authorized to issue building permits is obliged to keep permanently one original set of documents on the basis of which the building permit is issued, and a copy of the technical documentation for the construction of the facility.

The investor is obliged to permanently keep one original, or in the prescribed way completed copy, of the technical documentation on the basis on which is issued the building permit with all the changes and additions carried out during construction and all the details for completion of the work.

#### 5. Review of the project

##### Article 131

The general project and the preliminary project, the previous feasibility study and the feasibility study for facilities referred to in Article 133 of this Law is subject to review (professional inspection) by a commission formed by the minister authorized for tasks in construction (hereinafter: review commission).

The review commission referred, to in paragraph 1 of this Article for the professional inspection of the facilities mentioned in Article 133 of this Law, which are completely built on the territory of the autonomous province, is formed by the minister authorized for tasks in construction, on suggestion from the agency of the autonomous province authorized for tasks in construction.

##### Article 132

The professional inspection is concerned with the concept of the facility, 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, geological and technical, traffic and other conditions; the provision of energy conditions in comparison with the type of planned energy sources; the technical and technological properties of the facility; the technical, technological and organizational solutions for construction of the facility; up-datedness of the technical solutions and compatibility with the development programs in this field, as well as other prescribed conditions for the construction of the facility.

The review commission delivers the report to the investor with measures which must be applied when preparing the main project.

The term for delivering the report referred to in paragraph 2 of this Article cannot be longer than 60 days from the date of the request.

The investor bears the cost of the project review.

The amount of the costs referred to in paragraph 4 of this Article is determined by the minister authorized for the tasks in construction.

## VI BUILDING PERMIT

### 1. The authority to issue building permits

##### Article 133

The building permit for the construction of a facility is issued by the ministry authorized for the tasks in construction (hereinafter: Ministry), if it is not otherwise determined by this Law.

The Ministry issues the building permit for facilities, as follows:

- 1) high dams and accumulations filled with water, waste and ashes for which is prescribed technical surveillance;
- 2) nuclear and other facilities which are used for the production of nuclear power, radio isotopes, radiation, storage of radioactive waste materials for scientific research purposes;
- 3) facilities for processing crude oil and gas, international and pole delivery lines, gas and crude oil pipelines for transport, gas pipelines of nominal working pressure of over 16 bar, if they cross over at least two municipalities, storage of crude oil, gas and crude oil derivatives with capacity over 500 tons, pole and regional heating lines, facilities for the production of bio diesel;
- 4) facilities for the basic chemical and manufacturing industries, black and non-ferrous metallurgy, facilities for the treatment of hide and peltry, facilities for the treatment of rubber, facilities for the production of cellulose and paper, and facilities for the processing of non metal mineral raw materials, except facilities for the primary processing of decorative and precious stones, in accordance with the capacities defined by the Bylaw determining the list of projects for which is necessary the impact assessment and the list of projects for which the assessment of the impact on the environment can be requested;
- 5) stadiums for 10.000 or more viewers, facilities of construction range of 50 m or more, facilities of height of 50 m or more, silos with capacity over 10.000 m<sup>3</sup>, facilities of penal and correctional institutions;
- 6) hydroelectric power stations and hydroelectric power stations with the appertaining dams of power 10 and more MW, thermoelectric power stations of power 10 and more MW and thermoelectric power stations and heating stations of power 10 and more MW and power lines and transformer stations of 110 and more kV;
- 7) inter -regional and regional facilities for water supply and sewage, drinking water production plants of capacity over 40 l/s and plants for the purification of waste water in settlements of over 15.000 inhabitants or of capacity 40 l/s;
- 8) regulation jobs for the protection of city and rural areas greater than 300 ha from floods;
- 9) cultural property of exceptional importance and their protected surroundings with clearly determined borders of land registry lot, cultural property entered in the Word list of cultural and natural heritage and facilities in protected areas in accordance with the act on protection of cultural property (except the transformation of common premises into a flat, or business premise in the protected surroundings of cultural property of exceptional importance and cultural property entered into the World list of cultural heritage) as well as facilities within national parks and facilities within a protected natural property of exceptional importance (except residential facilities, agricultural and economic facilities and infrastructure facilities which are important for them and which are built in villages), in accordance with the law;
- 10) plants for the treatment of non dangerous waste by burning, thermal and/or physical and chemical procedures, as well as the central storages and/or dumps for the storage of dangerous waste;
- 12) airports;
- 13) passenger ports, harbors, landing places and marines;
- 14) state owned roads of the first and second class, traveling facilities and traffic connections to these roads and border crossings;
- 15) public railroad infrastructure with connections and the underground railway;
- 16) telecommunication facilities and network, systems or resources which are of international or trunk importance and those which are being constructed on the territory of two or more municipalities;
- 17) hydro construction facilities on waterways;
- 18) waterway canals and ship locks which are not part of the hydro energy system;
- 19) regional dumps, and dumps for the storage of non dangerous waste for zones with over 200.000 inhabitants;
- 20) facilities for the production of energy out of renewable sources with power of 10 or more MW, as well as for electric power stations with combined production.

2. Accreditation for the issue of the building permit

#### Article 134

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

The issue of the building permit is entrusted to the local government units for the construction of facilities which are not determined in Article 133 of this Law.

#### 3. The request for the issue of the building permit

#### Article 135

With the request for the issue of the building permit it is necessary to submit the following:

- 1) the location permit;
- 2) the main project in three copies, with the report about the performed technical inspection;
- 3) proof of ownership, or right of lease of the construction land;
- 4) proof of settlement of relations concerning the payment of the construction land development fee;
- 5) the proof of effected payment of the administrative tax.

For the construction of line infrastructural facilities, as proof in the sense of paragraph 1., item 3 of this Article, serves the final decision about expropriation and proof that the end user of the expropriation has reserved the funds in the amount of the market value of the property, or a contract on the establishment of rights of usage with the owner of the property in use.

For the construction or performance of work on construction land or facility owned by more than one person, with the request from paragraph 1 of this Article, it is also necessary to enclose the certified agreement of these persons, and if the work implies annexation or conversion of common space into a flat, or business premise in residential buildings, or of adding floors to a residential building, it is also necessary to enclose the contract concluded in accordance with a separate Law.

For the construction of energy facilities, with the request from paragraph 1 of this Article it is also

necessary to enclose the energy permit in accordance with a separate Law.

The agency authorized to issue building permits, after receipt of the request, checks whether the request includes all the prescribed proofs and whether the main project is prepared in accordance with the construction regulations contained in the location permit.

If the authorized agency determines that the main project is not prepared in accordance with the construction regulations contained in the location permit, it will inform the investor about the noted deficiency within eight days from the date of the receipt of the request, and will order that the main project is changed, within 30 days, so that it complies with the construction regulations contained in the location permit.

If the investor does not deliver, within the prescribed term, the main project which complies with the construction regulations contained in the location permit, the authorized agency will reject the request.

The authorized agency is obliged, when it determines that the main project does not comply with the construction regulations contained in the location permit, to advise about this the Engineering Chamber of Serbia, for the purpose of starting a procedure before the court of honor.

For facilities for which the building permit is issued by the Ministry, or the autonomous province, with the request from paragraph 1 of this Article, it is also necessary to submit the report of the review commission.

#### 4 The content of the building permit

#### Article 136

The building permit contains, specifically, information about:

- 1) the investor;
- 2) the facility whose construction is being permitted, with data about the dimensions, number of floors, total area and estimate of the value of the facility;
- 3) land register lot on which the facility is being built;
- 4) the existing facility which is being demolished, or is being reconstructed;

5) the validity date of the building permit and term in which the construction has to be completed;

6) the documentation on the basis of which it is issued;

If before construction of the facility it is necessary to remove the existing facility or part of it, the removal is ordered in the building permit.

The building permit is issued by decision, within eight days from submission of the proper request. The integral part of the decision is the main project.

Appeal can be made to the decision referred to in paragraph 3 of this Article, within eight days from the date of delivery.

Appeal cannot be made to the decision referred to in paragraph 3 of this Article which is made by the authorized ministry or the authorized agency of the autonomous province, but a lawsuit can be started.

Article 137

The building permit is issued for the whole facility, or a part of it, if this part represents a technical and functional unit.

Preparation work is done on the basis of the building permit referred to in paragraph 1 of this Article.

The preparation work for facilities mentioned in Article 133 of this Article, as well as for facilities of the gross developed area of over 800 m<sup>2</sup> can be done on the basis of a separate building permit.

With the request for the issue of the building permit referred to in paragraph 3 of this Article it is necessary to submit the decision about the location permit and the main project for carrying out preparation work.

The decision mentioned in paragraph 3 of this Article is issued by the agency authorized to issue the building permit, within eight days from the date when the appropriate documentation is submitted.

Appeal can be made to the decision from paragraph 3 of this Article, within eight days from the date of delivery, and if the decision is issued by the ministry authorized for tasks in construction, or the authorized agency of the autonomous province, a lawsuit can be started.

5. Delivery of the decision about the construction permit

Article 138

The authorized agency delivers one copy of the decision about the building permit to the inspection which carries out the supervision over the construction of the facility, and if the decision is made by the Ministry, or autonomous province, a copy of the decision is delivered to the local government unit on whose territory the facility is constructed.

6. Decision about the appeal

Article 139

Appeals on the decision about the building permit issued by the local government unit are solved by the ministry authorized for tasks in construction.

The autonomous province is entrusted with the solution of appeals against the first degree decision about the building permit issued by the local government unit, made for the construction of facilities which are built on the territory of the autonomous province.

The City of Belgrade is entrusted with the solution of appeals against the first degree decision for the building permit issued for construction or reconstruction of facilities up to 800 m<sup>2</sup> of gross developed construction area and the transformation of common premises into residential or business space, on the territory of the City of Belgrade.

7. The validity term of the building permit

Article 140

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The building permit shall lapse if the construction of the facility, or execution of the work, is not started within two years from the validity date of the decision by which the building permit was issued.

8. Amendment of the decision about the location and building permits due to the change of the investor

Article 141

If during construction of the facility, or execution of the work, the investor is changed, the new investor is obliged to submit a request for the amendment of the decision about the location and building permits to

the authority which issued the building permit, within 15 days from the occurrence of the change.

With the request mentioned in paragraph 1 of this Article is also submitted the proof about ownership, or any other right on the land for the construction of the facility, or proof of ownership on the facility, for reconstruction of the facility, and other legal bases for acquisition of ownership rights on the facility in construction.

If the facility which is being constructed is on construction land which is privately owned, the investor, together with the request for the registration of the ownership right into the public real estate register and rights on them, submits the contract about the purchase of the construction land and facility in construction, or any other legal basis for acquisition of ownership of the construction land and facility in construction, which is certified in court, and contains proof of payment of the appropriate tax in accordance with the Law concerned with taxes on property, or proof that purchase of the facility in construction is not subject of tax payment, in accordance with the Law concerned with taxes on property.

If the facility in construction is on construction land which is in public ownership and the holder of the issued license is renter of this land, as proof, together with the request for registration of the right in the public real estate register and rights on them, it is also necessary to submit the contract about the purchase of the facility in construction, or any other legal basis for acquisition of the ownership right on the facility in construction, which is certified in court and contains proof of payment of the appropriate tax in accordance with the Law concerned with taxes on property, or proof that purchase of the facility in construction is not subject of tax payment, in accordance with the Law concerned with taxes on property, and the contract with the local government unit or company referred to in Article 91 of this Law about amendments in the contract about rental, and as proof referred to in paragraph 2 of this Article the investor submits the excerpt from the public real estate register and rights on them in which is entered the rental right in his name in the register.

If the subject of the issued building permit is the addition of floors, or conversion of common premises into an apartment or business space, as proof mentioned in paragraph 2 of this Article is submitted the contract about the purchase of the

facility in construction, or other legal basis for acquisition of ownership of the facility in construction, which is certified in court and contains proof of payment of the appropriate tax in accordance with the Law concerned with taxes on property, or proof that purchase of the facility in construction is not subject of tax payment, in accordance with the Law concerned with taxes on property, and the contract concluded with the tenants' assembly in accordance with a separate Law.

If the subject of the issued building license is the reconstruction of an existing facility, as proof mentioned in paragraph 2 of this Article is submitted the excerpt from the public real estate register and rights on them, with the entered right of ownership on the facility for which the building permit for facility in construction is issued.

As proof mentioned in paragraph 2 of this Article can be submitted the certified decision about inheritance, as well as the decision about status change of a company, from which it is possible to determine unequivocally the legal continuity of the applicant.

The request for the amendment of the location and building permits can be submitted while the construction of the facility is carried out.

The decision about the amendment of the decision about the location and building permit is issued within eight days from the date when the proper request is submitted and it contains information about the change in name of the investor, while it is unchanged in the remaining parts.

Based on the decision mentioned in paragraph 9 of this Article the authorized agency is obliged to enter the amendment into the main project and certify it with a seal.

The decision mentioned in paragraph 9 of this Article is delivered to the previous and new investor and to the construction inspection.

9. Amendment of the decision about the building permit due to changes during construction

Article 142

If during construction of the facility, or execution of the work, arise changes with reference to the issued building permit and main project, the investor is obliged to submit a request for the amendment of the building permit.

Amendment in the sense of paragraph 1 of this Article is considered every change from the position, dimensions, purpose and shape of the facility determined in the building permit and main project.

With the request referred to in paragraph 1 of this Article is submitted the main project with the changes made during construction.

If the agency authorized to issue the building permit determines that arisen changes are in accordance with the valid planning document, it will decide about the amendment of the building permit within 15 days from receipt of the proper documentation.

10. Special cases for construction and execution of work without an obtained building permit

#### Article 143

Construction of a facility and execution of certain work can be started even without previously obtaining the construction license if the facility is being built immediately before, or during natural disasters, and also when eliminating the consequences of damage caused by these disasters, immediately after their occurrence, in case of break down of energy facilities or telecommunication systems, as well as in case of war or immediate war danger.

In the event of break down of energy facilities and telecommunication systems, the owner of the facility, or system is obliged to advise immediately the agency authorized for the task of construction inspection about the damage.

The facility referred to in paragraph 1 of this Article can become permanent if the investor obtains the building permit, or decision mentioned in Article 145 of this Law within one year from the date when the danger, which caused its construction and execution of work, stopped.

If the investor does not obtain the building permit for the facility referred to in paragraph 1 of this Article within the prescribed term, he is obliged to remove such a facility within the term which is stipulated by the agency authorized for tasks in construction inspection, and which cannot be longer than 30 days.

11. Construction of facilities and execution of work for which it the building permit is not issued

#### Article 144

Simple facilities which are built on the same land registry lot on which the main facility is constructed (garden shadows with base up to 15 m<sup>2</sup>, paths, terraces, garden pools and fish ponds up to 12 m<sup>2</sup> and depth up to 1m, shelters with base up to 10 m<sup>2</sup>, children playfields, courtyard fireplaces of area up to 1,5 m and height up to 3m, car accesses to facilities of width 2,5 - 3 m, solar collectors etc.), which are made so that they do not obstruct the appearance of the buildings, adjoining facilities and pedestrian paths, cattle pits up to 20 m<sup>2</sup> n base; graves and monuments on the cemetery; pedestrian paths, information boards up to 6 m<sup>2</sup> and other equipment in protected natural property ( in accordance with the decision of public companies which manage these properties); telecommunication devices which are placed or installed on telecommunication cables and networks, antenna pillars and supports (except the antenna systems of earth satellite stations and parabolic antennas of radio stations for all purposes whose diameter is greater than 2,5 m) and on existing buildings, roads, rooms, telecommunication infrastructure and containers, standard base station cabinets on appropriate beams, containers for the stowage of telecommunication equipment and devices, standard cabinets for internal and external installation for the stowage of telecommunication equipment, etc; pillars for cathode protection of steel pipelines and cathode protection stations, mileage tags, turning marks and protection pipes on crossings with roads and railroads on line infrastructural facilities like gas pipelines, crude oil pipelines and product pipelines are not considered as facilities or auxiliary facilities in the sense of this Law, and the provisions of this Law do not apply to them.

#### Article 145

The construction of facilities referred to in Article 2, paragraph 1, items 24 and 25 of this Law, execution of works on capital maintenance of facilities and removal of obstruction for persons with invalidity, adaptation, repair and change of the purpose of facilities are made based on the decision which approves execution of this work, or change of purpose of these facilities, which is issued by the agency authorized for issuing building permits.

With the request for the issue of the decision referred to in paragraph 1 of this Article is submitted:

1) proof about ownership in accordance with Article 135 of this Law;

2) the preliminary project, and main project for work on repair and adaptation of a facility;

3) information about the location for construction of auxiliary facilities, garages and transformers 10/04 kV or 20/04 kV;

4) the proof about settlement of relations concerning payment of the tax for development of construction land for the construction of standard transformer stations of 10/04 kV and 20/04 kV (except for column transformer stations), garages, store-rooms and other similar facilities, as well as for the change of purpose of a facility without performing works.

For the works mentioned in paragraph 1 of this Article on facilities of cultural and historic importance and facilities for which before renewal (restoration, conservation, revitalization) or adaptation must be issued conservation conditions, the agreement of the agency or organization authorized for tasks of protection of cultural property about the preliminary or main project must be submitted.

Exceptionally, in reference to the provisions of paragraph 1 of this Article, requests for the issue of decisions for approval of execution of works on construction, or execution of works on construction of a facilities mentioned in Article 2, item 24 of this Law, as well as for the adaptation and repair of facilities within boundaries of national parks and facilities within boundaries of protection of cultural property of exceptional importance, as well as for execution of work on capital maintenance, adaptation and repair in the protected surroundings of cultural property of exceptional importance entered in the World list of cultural heritage are solved by the authorized agency of the local government unit on whose territory are the subject facilities.

The authorized agency will refuse by a decision the request as incomplete, if the investor does not fulfill the request for additional proofs within the prescribed term of three days. An appeal can be made against this decision within three days from the date of delivery.

The authorized agency will refuse, by decision, within eight days from date of submission, a request if execution of work, or change in the purpose of the facility referred to paragraph 1 of this Articles, are contrary to the planning document or if it is

necessary to issue a building permit for the work mentioned in the request.

The authorized agency will decide about the approval of execution of works within eight days from the date of the valid request.

An appeal can be made to the decision referred to in paragraphs 6 and 7 within eight days from the date of delivery of the decision.

After completion of the construction, or execution of the works on the construction of internal installations for gas, energy and telecommunication facilities referred to in Article 2, item 25 of this law, the usage permit can be issued in accordance with this Law, upon request by the investor,

The valid decision mentioned in paragraph 7 of this Article, by which is approved the construction of a garage, transformer 10/04 or 20/04 kV, the change of purpose of a facility, or part of a facility, without execution of construction works, represents a basis for entering in the registry about real estate and rights on them, and if the usage permit was issued for the facility, the basis for entering into the register of real estate and rights on them is the valid decision referred to in paragraph 7 of this Article and the valid decision about the usage permit.

#### Article 146

The setting up and removal of smaller temporary prefabricated facilities on public purpose areas (booths, summer and winter gardens, stalls and other moveable furniture), monuments and memorials on public purpose areas, bubble halls for sport, shelters for people in public transport and floating plants on wetlands, is provided by and managed by the local government unit.

#### 9. Temporary building permit

##### Article 147

The temporary building permit is issued for the construction of: asphalt plants, aggregate separators, concrete factories; Independent anchored meteorological anemometric poles up to 60 meters, of diameter up to 300 m with the accompanying measuring equipment; temporary roads, as well as for performance of exploration work on the location, for the purpose of determining special conditions for the preparation of the main project and for the removal of existing installations.



The provision of Articles 121, 135 and 136 apply for the procedure of issuing of a temporary building permit and its content .

Depending on the type of facility, and works, the temporary building permit is issued for the precisely determined period in which the facility can be used, or the works carried out, and it cannot be longer than three years from the date of the decision about the temporary building permit.

In case the investor himself does not remove the temporary facility in the determined term, the authority which made the decision about the temporary building permit, will ex officio, submit a request to the construction inspection for the removal.

The appeal to the decision of the construction inspector does not delay execution of the decision.

## VII CONSTRUCTION

### 1. Notification about the works

#### Article 148

The investor is obliged to notify the agency which issued the building permit and the authorized construction inspector of the start of construction of the facility, eight days before starting execution of the work.

If the building permit is issued by the Ministry, or autonomous province, the notification is delivered to the construction inspection on whose territory is the facility to which refers the notification about start of execution of works.

The notification contains also the term for the completion of construction or execution of works.

For line infrastructural facilities, together with the proof mentioned in paragraph 3 of this Article is also delivered the act of the ministry authorized for tasks in financing, about entering into possession, in accordance with a separate law, or a contract concluded about the right of usage in accordance with this Law.

The deadline for completion of construction starts from the date of delivery of the notification referred to in paragraph 1 of this Article.

### 2. Preparations for construction

#### Article 149

Before the start of construction the investor prepares: marking of the building lot, regulation, leveling and construction lines, in accordance with the regulations concerned with execution of geodetic work; marking of the construction site with a proper board, which contains: data about the facility which is constructed, the investor, the authorized designer, the number of the building permit, the contractor, start of construction and deadline for completion of construction.

### 3. The contractor

#### Article 150

The construction of the facility, or execution of works can be carried out by a company or other legal entity, or contractor, which are entered into the appropriate register for construction of facilities, or completion of work ( hereinafter: contractor).

The construction of the facility and execution of work referred to in Article 133, paragraph 2 of this Law, can be carried out by a company, or other legal entity entered into the appropriate register for the construction of this type of facility, and for execution of this type of work, which has employees with the license for the authorized contractor and appropriate professional results.

The appropriate professional results, in the sense of paragraph 2 of this Article has a company or other legal entity which has constructed, or participated in constructing this type of facility, and for this purpose, and for execution of this type of work.

The fulfillment of conditions, referred to in paragraph 2 of this Article, is determined by the minister authorized for tasks in construction, on suggestion by the expert commission which he forms.

The applicant requesting the determination of conditions bears the costs of determining the fulfillment of conditions.

The amount of the cost, referred to in paragraph 5 of this Article, is determined by the minister authorized for tasks in construction.

### 4. The authorized contractor

#### Article 151

The contractor determines the authorized contractor who will manage the construction of the facility and execution of the work.

The license for the authorized contractor can be obtained by a person having an academic diploma of the appropriate profession, achieved on the second degree studies, or having an academic diploma achieved on the first degree studies of the appropriate profession, who has passed the professional examination and has at least three years of working experience with the second degree graduate studies diploma, or five years of working experience with the first degree graduate studies diploma, and with professional results on construction of facilities.

The professional results on construction of facilities in the sense of paragraph 3 of this Article are considered results achieved while managing the construction or cooperation on the construction of at least two facilities.

The construction of facilities, for which the building permit is issued by the local government unit, for a basement, ground floor, 4 floors and a penthouse, whose total area is not greater than 2.000 m<sup>2</sup> gross area, facilities with less complex constructions spreading over 12 meters, local and non categorized roads and streets, internal water and sewage installations, heating and air condition, the electrical installations, the internal gas installations, as well as execution of certain craft and installation work and work on the internal development of the facilities, and terrain development, can be managed by a person having high education with the first degree academic diploma of the appropriate profession, has passed the professional examination, and has at least five years of working experience and a valid license.

The construction of residential and auxiliary facilities for himself or for the requirements of members of his family household, as well as execution of certain construction craft and installation work and work on the internal development of facilities and development of the terrain, can be managed by a person having high education with the first degree academic diploma of the appropriate profession and has passed the professional examination, or secondary education in the appropriate profession and has passed the professional examination.

5. The obligations of the contractor and authorized contractor

Article 152

The constructor is obliged to:

- 1) Sign the main project before starting work;
- 2) By decision determine the authorized contractor for work on the building site;
- 3) Provide the authorized contractor with the building contract and the documentation based on which the facility is being constructed;
- 4) Provide preventive measures for safe and healthy work in accordance with the Law.

The contractor submits a statement about the completed construction of the foundation to the agency which issued the building permit, as well as to the municipal administration on whose territory the facility is being built.

With the statement about the completion of the foundation, the contractor submits the land survey report of the constructed foundation in accordance with the regulations concerned with the execution of geodetic work.

The authorized agency, within 3 days from the date of receipt of the statement mentioned in paragraph 2 of this article, carries out the inspection of compliance of the constructed foundation and issues a written confirmation about it.

If the authorized agency, after completed inspection, determines that there are discrepancies between the land survey report of the constructed foundation in comparison with the main project it will immediately inform the construction inspector about this fact with instructions that work which has begun is stopped until the construction of the foundation is brought in accordance with the main project.

The contractor warns the investor in writing and also, if necessary, the agency which is supervising the application of the provisions of this Law about deficiencies in the technical documentation and onset of unforeseen circumstances which affect execution of work and the application of the technical documentation (change in technical regulations, standards and norms of quality after completed technical control, appearance of archeological sites, activation of land slides, appearance of groundwater etc.)

The authorized contractor is obliged to:

- 1) Carry out work in accordance with the documentation on the basis of which was issued the building permit, the main project, the regulations, standards, including standards of accessibility to technical norms and quality standards which apply for certain types of work, installations and equipment;
- 2) Organizes the building site in such a way to provide access to the location, the undisturbed flow of traffic, protection of the surroundings during construction;
- 3) Provides safety of the facility, of the people who are on the building site and the surroundings (surrounding facilities and roads);
- 4) Provides proof about the quality of completed work and used material, installations and equipment;
- 5) Conducts a construction diary, construction register and insures the inspection book;
- 6) Enables measurements and geodetic exploration of the behavior of the ground and the facility during construction;
- 7) Insures the facilities and surroundings in case the work is stopped;
- 8) ensures on the building site the contract, the decision about determination of the authorized contractor on the building site and the main project and the documentation on the basis of which the facility is being constructed.

#### 6. Professional supervision

##### Article 153

The investor provides professional supervision during construction of the facility and execution of the work for which was issued the building permit.

The professional supervision comprises: checking whether the construction is carried out in accordance with the building permit, and the technical documentation based on which the building permit was issued; control and check 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 quantity of carried out work; control whether there are proofs about the quality of the materials, equipment and installations which are

built in; giving instructions to the contractor; cooperation with the designer in order to provide technological details and organizational solutions for execution of work and the solutions of other matters which arise during execution of work.

The professional supervision can be carried out by a person who fulfills the conditions prescribed by this Law for the authorized designer or authorized contractor.

Professional supervision on the facility cannot be carried out by persons employed in the company or other legal entity or the contractor firm which is executor of work on this facility, persons who carry out inspection supervision, as well as persons working on the tasks of issuing building permits in the agency authorized for the issue of building permits.

#### VIII USAGE PERMIT

##### 1. Technical inspection of the facility

##### Article 154

The suitability of the building for use is determined by the technical inspection.

The technical inspection of the facility is carried out after completion of the construction of the facility, completion of all the work prescribed by the building permit and main project, or after completion of part of the facility for which the usage permit can be issued in accordance with this law, within 30 days from the date of receipt of the request for performance of the technical inspection of the facility. The technical inspection can also be performed at the same time with the execution of work, upon request by the investor, if the performance of the technical inspection would not be possible after completion of the construction of the facility.

The technical inspection includes the inspection of the compatibility of carried out work with the building permit and the technical documentation based on which the facility was constructed, as well as with the technical regulations and standards which apply to certain types of work and material, equipment and installations.

##### 1.1 Commission for the technical inspection of the facility

##### Article 155

The technical inspection of the facilities for which the building permit was issued by the Ministry is carried out by a commission which is appointed by the minister authorized for tasks in construction or the company, or other legal entity to which execution of these tasks is entrusted, and which is entered into the appropriate register for execution of these jobs.

The technical inspection of facilities for which the building permit is issued by the authorized agency of the autonomous province, is carried out by a commission which is formed by this agency or the company, or other legal entity to which execution of these tasks is entrusted, and which is entered into the appropriate register for execution of these jobs.

The technical inspection of the facility for which the building permit was issued by the local government unit, is carried out by a commission which is formed by the agency authorized for tasks in construction of the local government unit, or the company, or other legal entity to which execution of these tasks is entrusted, and which is entered into the appropriate register for execution of these jobs.

The investor ensures the technical inspection of facility in accordance with this Law.

#### Article 156

In the technical inspection can participate a person which fulfills the conditions prescribed by this law for authorized designer or authorized contractor for this type of facility.

In performing the technical inspection, for facilities for which a study was made about the effect on the environment, must participate the person which is expert in the field which is the subject of the study, and who has acquired the academic diploma of master in the appropriate profession, on the second degree studies, on the specialized academic studies, or on the basic studies in the duration of at least five years.

In performing the technical inspection cannot participate persons who are employed in the company or other legal entity who has prepared the technical documentation, or was the contractor with the investor, persons who have participated in the preparation of the technical documentation and the study about the effect on the environment, or in execution of the work with the investor, persons who performed the professional supervision, persons who are performing inspection supervision, as well

as persons who work on the job of issuing building permits in the agency authorized for issuing building permits.

The technical inspection of a facility, or part of it, can not be performed, and the usage of it permitted, if the facility, or part of it, is constructed without building permit and main project.

#### 1.2 . Trial operation

##### 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 the installations, appliances, plants, stability and safety of the facility, appliances and plants for the protection of the environment, appliances for protection against fire, or other examinations, or if it is prescribed by the technical documentation, the commission for the technical examination, a company or other legal entity which is entrusted to carry out the technical examination can propose to the authorized agency to allow the trial operation of the facility, if they determine that conditions are fulfilled for it.

The decision about allowing trial operation of the facility determines the duration of trial operation, which cannot be longer than one year, as well as the obligation of the investor to follow the results of trial operation and after the trial operation ends submits the results to the authorized agency.

#### 2. Issue of the usage permit

##### Article 158

The facility can be used after previously obtaining the usage permit.

The agency authorized for issuing the building permit issues, by decision, the usage permit, within seven days from the date of the findings of the commission for the technical examination, by which it is determined that the facility is suitable for use. The usage permit is issued for the whole facility, or part of a facility which represents a technical and technological unity and can, as such, be used independently, or if, for that part of the facility was obtained a separate building permit.

The usage permit is issued when it is determined that the facility, or part of it, is suitable for use. Before issuing the usage permit, the authorized

agency checks whether the investor has settled all payments.

The usage permit contains also the warranty period for the facility and for certain types of work which are determined by a separate law.

The authority mentioned in paragraph 2 of this Article will refuse by decision the request for the issue of the usage permit if the investor did not remove facilities which were constructed as part of preparation work.

The usage permit is delivered to the investor and the authorized construction inspector.

An appeal can be made to the decision mentioned in paragraph 2 of this Article within 15 days from the date of delivery.

When the decision is made by the ministry authorized for tasks in construction, or the agency of the autonomous province, then appeal cannot be made to the decision mentioned in paragraph 2 of this Article, but it is possible to start a lawsuit within 30 days from delivery date.

### 3. Maintenance of the facility

#### Article 159

The owner of the facility for which is issued the usage permit enables execution of work on capital and current maintenance of the facility, as well as the regular, exceptional and specialized examinations of the facility, in accordance with separate regulations.

#### Article 160

The facility which is constructed, or the construction is completed without the building permit, cannot be connected to the electrical, gas, telecommunication, heating, water supply or sewage networks.

## IX THE PROFESSIONAL EXAM AND LICENSES FOR THE RESPONSIBLE PLANNER, THE URBAN PLANNER, THE DESIGNER AND THE CONTRACTOR

### 1. The Government examination

#### Article 161

The professional examination, which is necessary for carrying out certain jobs, and which is prescribed by this law, is taken before a committee formed by the

minister with jurisdiction over affairs of town planning and building construction.

Costs of the examination are paid by the candidate himself or by the company or other legal entity in which the candidate is employed.

### 2. Granting and revoking of a license

#### Article 162

The Engineering Chamber of Serbia is authorized to issue licenses for the authorized urban planner, designer and contractor, in compliance with the Law.

The costs of issuing the license referred to in Paragraph 1 of this Article are charged to the person requesting the license.

The Engineering Chamber of Serbia can, by resolution, revoke an issued license if it determines that the authorized person carries out work, for which the license has been issued, unconscientiously and unprofessionally.

Appeals against the resolution referred to in Paragraphs 1 and 3 of this Article can be submitted to the minister with jurisdiction over affairs of town planning and building construction.

## X ENGINEERING CHAMBER OF SERBIA

#### Article 163

The Engineering Chamber of Serbia (hereinafter: Chamber) is a legal entity seated in Belgrade, established in accordance with the Law on planning and construction for the purpose of improving conditions for performing professional tasks in the field of spatial and urban planning, designing, construction and other fields important for planning and construction, the protection of general and specific interests in performing tasks within these fields, for the organizing and extending services in these fields, as well as for the realization of other goals.

Members of the Chamber are engineers of the architectural, construction, mechanical, electrical, transport, technological and other technical professions, as well as graduate space planners holding the license referred to in Article 162 of this Law.

#### Article 164

The Chamber performs the following tasks:

- 1) determines the professional rights and duties and ethical standards of conduct of members in preparing planning documents, designing and construction;
- 2) determines fulfillment of conditions for the issue of licenses for the authorized planner, the authorized urban planner, the authorized designer and authorized contractor, in accordance with the provisions of this Law;
- 3) checks compliance of licenses with regulations in other countries;
- 4) keeps records of persons mentioned in Item 2 of this Article;
- 5) organizes courts of honor for determining violations of professional standards and norms (professional responsibility), and for pronouncing measures for these violations;
- 6) carries out other jobs in accordance with the law and the statute.

The organization and method of performing tasks referred to in paragraph 1 of this article are more closely regulated by the statute and general acts of the Chamber.

The ministry responsible for town planning and construction is authorized to approve the statute and the general acts of the Chamber, after obtaining the opinion from the provincial administration office responsible for town planning and construction.

#### Article 165

Organs of the Chamber are the assembly, management board, supervisory board and president.

The Chamber is organized into sections for authorized space planners, town planners, designers and authorized contractors.

The executive board of each section manages its work.

The president, vice president, three representatives from the ministry responsible for town planning and construction and presidents of the executive boards of each section constitute the managing board.

Composition, scope of work and manner of election of bodies mentioned in paragraphs 1, 2, 3 and 4 of this Article are determined in the statute of the Chamber.

#### Article 166

The Chamber obtains funds for its work from the membership fees, from charges made when determining the compliance of conditions for the authorized town planners, designers, authorized contractors and authorized planners, and also from donations, sponsorships, gifts and other sources which are in accordance with the law.

The Chamber determines the amount of the membership fee and the charge for issuing the license referred to in paragraph 1 of this Article, after obtaining the approval from the minister authorized for jobs in construction.

Supervision over the legality of the work done by the Chamber is in charge of the ministry responsible for town planning and construction.

#### XI REMOVAL OF FACILITIES

##### Article 167

A body of the local government unit responsible for construction will approve, by decision, ex officio, or upon request by an interested party, the removal of a facility, or a part thereof, when it is determined that its stability is endangered due to deterioration or major damage and that it represents imminent threat to the life and health of people, nearby facilities and safety in traffic.

The decision referred to in paragraph 1 of this article can be executed after solving the matter of accommodation of the users of the facility, except when the removal is carried out upon request by the owner who is using the facility.

Complaint concerning the decision about the removal of a facility does not stop execution of the decision.

The assembly of the local government unit regulates and provides conditions and measures which are to be undertaken and provided during the removal of the facility which represents imminent threat to the life and health of people, nearby facilities and safety in traffic.

##### Article 168

Removal of a facility, or part thereof, except in the case of execution of a decision by the inspection, can be carried out only based on the permission for the removal of the facility or part thereof.

Together with the request for permission for the removal of the facility, or part thereof, it is also necessary to submit:

- 1) the main project for the removal in three copies;
- 2) proof of ownership of the facility;
- 3) special conditions, in case of a facility whose removal would endanger the public interest (protection of existing and other infrastructure, protection of cultural goods, protection of the environment etc.).

The permission for the removal of the facility, or part thereof, is issued within 15 days from submission of adequate documentation.

An appeal can be submitted against the resolution referred to in Paragraph 3 of this Article within 15 days from delivery of the resolution.

When the resolution is issued by the ministry responsible for construction, or the appropriate body of the autonomous region, an appeal cannot be submitted, but an administrative dispute can be started by filing a lawsuit within 30 days from delivery of the resolution.

A Party in the process of issuing a permission for the removal of a facility, or part thereof, apart from the owner of the facility, is also the owner of the facility of the adjoining facility, when this facility is directly bordering the facility for which the permission for removal is being issued.

#### Article 169

If the authorized agency of the local government unit determines that the immediate threat to the lives and health of people, neighboring facilities and traffic can be resolved by reconstruction of the facility, or part thereof, they will advise the owner of the facility about it, so that adequate measures can be undertaken in accordance with the Law.

In the decision which allows reconstruction of the facility as referred to in Paragraph 1 of this Article is also stated the date by which the reconstruction job must be completed.

In the event that the reconstruction is not completed within the determined deadline, the relevant body will instruct, or issue a decision, ex officio, or by request from interested parties, to remove the facility, or part thereof.

#### Article 170

Removal of the facility, or part thereof, can be carried out by a company, any other legal entity or contractor which are recorded in the appropriate registry for building construction, i.e. carrying out works.

The removal of the facility referred to in Paragraph 1 of this Article is managed by the authorized contractor.

After completion of removal of the facility, or part thereof, the land must be landscaped and the waste removed, in compliance with special regulations.

1. Enforcement of the decision on the removal of a facility, or part thereof

#### Article 171

The decision on the removal of a facility, or part thereof, which is made based on this Law is executed by the agency of the Republic, autonomous region, or local government unit which is authorized for affairs of building inspection.

The agency referred to in Paragraph 1 of this Article is obliged to form a separate organizational unit for the execution of the decision concerning the removal of the facility, i.e. part thereof.

The authorized building inspector delivers the resolution on the removal of the facility, or part thereof, which contains the permission to execute the removal to the organizational unit referred to in Paragraph 2 of this Article, with the purpose of executing the order.

The agency authorized for building inspection, by suggestion from the organizational unit referred to in Paragraph 2 of this Article, prepares a schedule for the removal of the facility and is responsible for its execution.

The cost of the execution of the order by the inspection is charged to the perpetrator.

If the perpetrator himself does not carry out the removal of the facility, or part thereof, the order will

be carried out by by a business association or other legal entity, or contractor, in compliance with this Law, and will be charged to the perpetrator.

The cost of carrying out the inspection order will be borne by the budget of the authorized agency, until refund from the perpetrator.

Upon request by the organizational unit referred to in Paragraph 2 of this Article, the relevant police station will, in accordance with the Law, supply police assistance in order to enable execution of the order to remove a facility, or part thereof.

An official employed in the organizational unit referred to in paragraph 2 of this article, after removal of the facility, or part thereof, makes up a minutes which is also delivered to the agency authorized for real estate registry affairs.

## XII SUPERVISION

### 1. Inspection Supervision

#### Article 172

Supervision over the execution of the provisions of this Law and regulations which are based on this Law, is carried out by the ministry authorized for urban planning and construction.

The authorized ministry carries out the inspection by means of inspectors within the scope determined by the Law.

The autonomous region is entrusted with the inspection in the field of space and town planning on the territory of the autonomous region and in the field of construction licenses, on the basis of this Law.

The municipality, town and the city of Belgrade are entrusted with the inspection over construction of facilities, for which they issue licenses based on this Law.

The city of Belgrade is entrusted with the inspection of space and town planning on its territory, for the construction and reconstruction of facilities up to 800 m<sup>2</sup> gross of the developed construction areas.

The tasks of urban inspector can be performed by a master of architecture, graduate architect or master of civil engineering, or graduate civil engineer, having at least three years of working experience in

the profession, passed the professional examination and fulfils other conditions prescribed by law.

The tasks of building inspector can be performed by master of civil engineering, graduate civil engineer or master architect, or graduate architect having at least three years of working experience in the profession, passed the professional examination and fulfils other conditions prescribed by law.

The tasks of inspection supervision which are by this Law entrusted to the municipality can be performed by persons having first degree diplomas in civil engineering or architecture, or having higher education diplomas in architecture or civil engineering, at least three years working experience in the profession, passed professional examination and other conditions prescribed by Law.

### 2. Rights and duties of urban inspectors

#### Article 173

The urban inspector, while performing the inspection, has the right and duty to check the following:

- 1) Whether the company, other legal entity or contractor preparing space and urban plans, or carrying out any other jobs determined by this law, fulfils the prescribed conditions;
- 2) Whether the planning document which refers to the organization, the planning and space development is made up in accordance with the Law and regulations which are based on this Law;
- 3) Whether the location permit and urban project are made up and issued in accordance with this Law;
- 4) Whether the main project, based on which the construction permit is issued, is made up in accordance with the location permit and planning document;
- 5) Whether changes in the state of the space are made in accordance with the Law and regulations introduced based on the Law and whether the changes in the state of the space are made in accordance with the rules and standards of the profession;
- 6) Whether the company, or other legal entity, public enterprise or any other legal organization which determines special conditions for the construction and space development, as well as the technical data



for the connection to the infrastructure, has submitted the necessary data and conditions for the development planning document

The company or other legal entity which makes out space and urban plans, or carries out other jobs determined by this Law, a company, other legal entity, or person which is making space changes, as well as the municipal or town administration, or the city of Belgrade administration, are obliged to allow the urban inspector full and unimpeded access to all available documentation.

### 3. Authority of the Urban Inspector

#### Article 174

While carrying out the inspection, the urban inspector is authorized to take the following action:

- 1) Forbid further completion of planning document if he determines that the company or other legal entity which is preparing the planning document does not fulfill the conditions prescribed by Law.
- 2) To order to the agency of the local government unit authorized to carry out urban planning, cancellation of a location permit and urban project to the within a term which cannot be longer than 15 days, if he determines that these acts are not in accordance with the Law or the planning document;
- 3) To order to the Ministry authorized to carry out space planning or to the body of the autonomous region authorized for space planning cancellation of the location permit within a term which cannot be longer than 15 days, if he determines that the location permit is not issued in accordance with the law or the planning document;
- 4) To take initiative before an appellate institution for the annulment of the building permit;
- 5) To inform the authorized agency or authorized inspector, and undertake other measures within his authority, if he finds that changes in the state of the space are not being made in accordance with this Law and regulations based on this Law;
- 6) To inform the agency authorized to prepare the planning document, and to propose to the Minister with jurisdiction over for spatial and urban planning, proceedings for the assessment of the legality of a planning document, if he determines that the planning document is not prepared in compliance with the Law, or if the procedure by which it is made

out is not carried out in the manner prescribed by the Law;

7) To inform, without delay, the Minister authorized for space and town planning if he determines that the agency authorized for preparing the planning document did not prepare the planning document within the prescribed term;

8) To undertake measures against the company, or other legal entity, if they do not submit within the prescribed term the necessary data for connection to the technical and other infrastructure;

9) To undertake other measures in accordance with the Law.

In the case of paragraph 1, item 1 of this article the company, other legal entity or contractor can continue preparation of the planning document after removing the irregularities and advising the inspector about it in writing, and after the inspector determines that the irregularities are removed.

When the urban inspector determines that the planning document is made out contrary to the provisions of this Law he will propose to the Minister authorized for space and urban planning to issue an order forbidding the application of the planning document until it is harmonized with the Law and will advise the authorized agency.

The Minister authorized for space and urban planning will issue the order, referred to in paragraph 3 of this article, within 15 days from the date when the urban inspector submitted his proposal.

### 4. Rights and duties of the building inspector

#### Article 175

In carrying out the inspection, the building inspector has the right and duty to check the following:

- 1) Whether the company, any other legal entity or contractor which is constructing a facility, or the person who performs professional supervision, or persons who perform certain jobs in designing or building the facility, fulfil the prescribed conditions;
- 2) whether the building permit has been issued and a report made about the start of construction for the facility which is being constructed;

3) whether the investor has concluded the contract about the construction in accordance with this Law;

4) whether the facility is being constructed in accordance with the technical documentation on the basis of which the construction permit had been issued, or in accordance with the technical documentation on the basis of which has been issued the decision on the report about the start of construction, in accordance with article 145 of this Law;

5) whether the building site is marked in the prescribed way;

6) whether the completed work, the used material and installations are in accordance with the Law and the prescribed standards, technical norms and quality standards ;

7) whether the contractor has undertaken the necessary measures for the safety of the facility , the surrounding facilities, traffic and the environment;

8) whether there are any defects on the facility which is being built, or has already been constructed, which may endanger the safety of its use and the surroundings;

9) whether the contractor has a construction diary, and a construction book, and whether secures the safety of the inspection book in the prescribed way;

10) whether during construction and use of the facility appropriate surveys and maintenance of the facility are being performed;

11) whether the technical survey is performed in accordance with the Law and regulations which are based on the Law;

12) whether the inspection certificate has been issued for the facility;

13) whether the facility is used for the purpose for which the construction and inspection certificates have been issued;

14) performs other jobs prescribed by the Law and regulations which are introduced based on the Law.

The building inspector is authorized to supervise the use of the facility and to take action if he determines that use of the facility endangers the life and health of people, the safety of the surroundings, the

environment, and if inappropriate use affects the stability and safety of the facility.

It is the duty of the building inspector to provide expert assistance in fulfilling the entrusted jobs in the field of inspection and to give expert explanations and opinions, as well as to participate in the inspection when necessary.

## 5. Authority of building inspectors

### Article 176

While performing the inspection, the building inspector is authorized as follows:

1) to order the removal of the facility, or part thereof, if it is being built or the construction is completed without construction permit;

2) to order suspension of work and determine a term not longer than 30 days for obtaining the permit for construction, or changes, if the facility is not being built in accordance with the construction permit or the main project, and if the investor does not obtain or change the construction permit within the stated term, he can order removal of the facility, or part thereof;

3) to order suspension of the work if the investor has not concluded a building contract in accordance with this Law;

4) to order suspension of work and determine a term, not longer than 30 days, for obtaining the construction permit if he finds that, for work performed in accordance with article 145 of this Law, it is necessary to obtain a construction permit, and if the investor does not obtain the construction permit in the allowed term, he can order removal of the facility, or part thereof;

5) to order suspension of work and determine a term, not longer than 30 days, in which a construction permit, or a change in the construction permit, is obtained, in the case when the constructed foundation is not in accordance with the main project and if the investor does not obtain the construction permit in the allowed term, he can order removal of the foundation;

6) to order removal of a facility, or part thereof, if construction work was continued, even after the delivery of the order for suspension of work; 7) to order the removal of a temporary facility in

accordance with article 147 of the Law after expiry of the prescribed term;

8) to forbid that the investor, or owner of the facility carry out further removal of the facility, or part thereof, if the facility or part thereof are being removed without the appropriate permit to remove the facility, or part thereof;

9) to order suspension of work if the investor did not stipulate professional supervision, in accordance with this Law;

10) to order implementation of other measures in accordance with this law.

The decision about the removal of a facility, or part thereof, refers also to parts of the facility which are not described in the order to demolish, if they were developed after the note was made, and they form a structural whole.

#### Article 177

When the building inspector during inspection determines that:

1) during construction, measures were not taken for the safety of the facility, the traffic, the surroundings and for the protection of the environment, he will order the investor, or contractor to remove noted deficiencies, set the term for compliance, as well as suspend further work until these measures are performed, under threat of forced execution which will be charged to the investor, or contractor;

2) completed work, material, equipment and installations used do not correspond to the Law and prescribed standards, technical and quality norms, he will suspend the work, until removal of determined deficiencies;

3) the building site is not marked in the prescribed way and there is no written confirmation that the foundations are in accordance with the main project, he will order suspension of work and determine the date, which cannot be more than three days, for removal of the deficiencies;

the resolution referred to in Paragraph 1 of this Article can also be pronounced verbally on the spot, with the obligation of the inspector to follow it up in writing within five days at the latest. The deadline for fulfillment, and the deadline for the appeal start from the date when the decision was verbally pronounced.

#### Article 178

If the building inspector during inspection determines that:

1) the company, other legal entity or contractor, or person assigned to perform professional supervision over the construction of the facility, does not fulfill the prescribed conditions, he will forbid further work until conditions are fulfilled;

2) on a facility which is being constructed, or is already built, there are defects which represent an immediate threat to its stability or its safety, as well as to the safety of the surroundings, or the health of people, he will forbid the use of the facility, or a part thereof, until the determined defects are removed;

3) the facility for which a construction permit has been issued is being used without the inspection certificate, he will order the investor to obtain inspection certificates within a term which cannot be shorter than 30 days or longer than 90 days, and if the investor does not comply within the stated term, he will forbid the use of the facility;

4) the facility for which have been issued construction and usage permits, is being used for a purpose which is not determined by these certificates, he will order that the construction permit, and decisions in accordance with article 145 of this Law are obtained within 30 days, and if the investor does not obtain the construction permit and decisions in accordance with article 145 of this Law in the stipulated term, he will forbid the use of the facility, or part thereof;

5) use of the facility represents a threat for the life and health of people, the safety of neighboring facilities, or to the surroundings, or is a threat to the environment, he will order that necessary work is done, or he will forbid the use of the facility, or part thereof;

6) the facility for which the construction permit has been issued, and which has not been completed within the time stipulated in the application for the start of construction and execution of the work, he will order the investor to complete the construction, or execution of work, within a term which cannot be shorter than 30, or longer than 90 days, and if the investor does not complete the facility within the allowed time, he will make a report about this offense.

#### Article 179

When a building inspector, during inspection supervision, determines that during construction, or use of the facility, the prescribed observation or maintenance of the facility are not done properly, he will issue an order to the investor and contractor, or the user of the facility, to correct the determined irregularities.

#### Article 180

The construction inspector, or the urban inspector, is obliged by the Engineering Chamber of Serbia to submit to them the certificate which they issue during inspection supervision made on the basis of this Law.

#### Article 181

After the construction inspector, during inspection supervision, determines that a facility is being constructed, or that preparation work is being done, without the construction permit, in addition to the measures described by this Law, he will order, by decision, closing of the building site, without delay.

The decision issued according to the paragraph 1 of this article is subject to execution with the date of issue.

The measure from paragraph 1 of this article is executed by placing the official label "closed building site", sealing the construction machines and attaching a copy of the decision, referred to in paragraph 1 of this article, in a visible position.

The construction inspector delivers one copy of this decision, which dictates the closing of the building site, to the authorized police station, and they will, if required, supply police assistance for the implementation of the order.

#### Article 182

When the construction inspector, while carrying out the inspection supervision, determines that the investor is unknown, the decision, or conclusion about permission to execute, is delivered by attaching it to the information board of the authorized body and attaching it onto the facility which is being constructed, or used.

The decision and conclusion, referred to in paragraph 1 of this article, is considered to be delivered on the day when it is attached to the

information board, and onto the facility which is being constructed, or used, and an official note about this is made on the original copy, with special mention of the time and place of delivery.

#### Article 183

The construction inspector decides about removal of a facility, or part thereof, in cases which are prescribed by this Law.

In the decision, referred to in paragraph 1 of this article, is stated the term in which the investor is obliged to remove the facility or part thereof.

In the decision, referred to in paragraph 1 of this article, the construction inspector determines whether, before removal of the facility, or part thereof, it is necessary to prepare a project for the removal, as well as the method of execution by other persons, in the event that the investor does not do it himself, within the term stipulated in the decision for removal.

Exceptionally, the construction inspector, in cases referred to in paragraph 1 of this article, will not order the removal of the facility, or part thereof, (supporting walls, conversion of garret space into living space, opening of portals on the façade etc) if this removal would endanger the life and health of people or surrounding facilities, or the facility itself, and instead, he will order return to the original state, in accordance with this Law.

#### Article 184

An appeal can be made against the decision of the urban or construction inspector within 15 days from the date of the decision.

The appeal against the decision of the urban, or construction inspector, is addressed to the Government, through the ministry authorized for the task of urban planning.

The appeal against the decision of the urban inspector of the autonomous region is addressed to the authorized executive agency of the autonomous region, through the body authorized for urban planning in the autonomous region. The appeal against the decision of the urban inspector of the City of Belgrade is addressed to the authorized executive body of the City of Belgrade.

The decision about the appeal against the first degree order made during the procedure of inspection supervision in the field of construction of facilities on

the territory of the autonomous region, is entrusted to the autonomous region.

The decision about the appeal against the first degree order made during the procedure of inspection supervision in the field of construction of facilities on the territory of the City of Belgrade are entrusted to the City of Belgrade, in accordance with this Law.

The appeal against the decision, referred to in paragraph 1 of this article, does not delay execution of the decision.

### XIII LEGALIZATION OF FACILITIES

#### Article 185

Legalization, in the meaning of this Law, is the later date issue of construction and usage licenses for a facility, or parts of a facility, which is constructed, or reconstructed without the construction permit.

The construction permit, referred to in paragraph 1 of this article, will be issued for all constructed, reconstructed or enlarged facilities without construction permit up to the date when this Law became effective.

The construction permit can be issued, in the sense of this article, also for facilities constructed on the basis of the construction license or permission for construction and the confirmed main project for which changes to the issued construction permit or confirmed main project have been made during construction work.

Usage permit will be issued also for facilities constructed on the basis of the construction permit and confirmed main project for which there is a deviation from the technical documentation on the basis of which the construction permit and confirmed main project was issued, if other conditions for use are fulfilled and the facility is in use without permission.

When the body authorized for issuing the construction permit determines that the facility which is in use, or whose construction is completed, without construction permit and confirmed main project, fulfills the prescribed conditions for construction and use, they can issue both the construction and usage permissions in one document.

Criteria for the determination of the fee for the development of a building area in the process of legalization, for family facilities up to 100 m<sup>2</sup>, for facilities constructed with the help of funds from the budget of the Republic of Serbia, the autonomous region, or local government units, or from funds by legal entities whose founder is the Republic of Serbia, autonomous region, or the local government unit, will be determined by the minister authorized for construction within 30 days from the date when this law comes to effect.

#### Article 186

The legalization procedure is initiated upon request, by the owner of the illegally constructed facility, or part thereof.

The request for legalization should be submitted within 6 months from the date when this law comes to effect.

The owners of the illegally constructed facilities, or parts of facilities, who submitted the application for legalization in accordance with the previously valid law, within prescribed terms, are not required to submit a request in the sense of paragraph 1 of this article, since this application is considered a request in the sense of this law.

#### Article 187

The construction permit cannot be issued later for facilities which are constructed, or reconstructed, or enlarged, without construction permit, if the facility:

- 1) is constructed, or reconstructed, on land which is not favorable for construction (landslides, marshy ground or similar);
- 2) has been constructed, or reconstructed, with material which does not provide durability and safety to the facility;
- 3) has been built on areas for public uses, or areas planned for development, or construction of public facilities, or public areas, for which a general interest is determined in accordance with a separate law;
- 4) has been constructed, or reconstructed, in the zone of protection of natural and cultural goods;
- 5) has been constructed, or reconstructed, for use which is contrary to the predominant use in this zone;

6) has been constructed, or reconstructed, at a distance from the adjoining facility, which is less than the distance prescribed by the provisions of the Rulebook on general conditions of division into lots, and construction, and the content, conditions and procedure for the issue of acts on urban conditions for facilities for which the permission for construction is issued by municipal or city administration ( Official Gazette of the Republic of Serbia, No. 75/03 ) which is concerned with mutual distance between facilities.

7) has been constructed, or reconstructed so that the height of the facility is greater than the height prescribed by the provisions of the Rulebook on general regulation about general conditions of division into lots and construction and the content, conditions and procedure for the issue of acts on urban conditions for facilities for which the permission for construction is issued by municipal or city administration ( Official Gazette of the Republic of Serbia, No. 75/03 ) which is concerned with the height of facilities.

To the exception of the provision of paragraph 1, item 3 of this article, the authorized body will issue construction and usage permit for a constructed or reconstructed facility for public use, if such facility is in function of public use.

To the exception of the provision of the paragraph 1, items 6 and 7 of this article, the authorized body will issue the construction and usage permit if the applicant for legalization attaches certified consent of the owner of the adjoining facility.

For facilities referred to in paragraph 1, items 6 and 7 of this article, the construction permit can be issued later, if the local government unit decides, within 90 days from the date when this law comes into effect, that the conditions for the distance from the adjoining facility, and height of the facility, can be determined in a different way.

If the local government unit does not come to a decision, referred to in paragraph 4 of this article, within the prescribed term, then provisions from paragraph 1, items 6 and 7 of this article, should be applied.

#### Article 188

When submitting the request for the construction permit for family residential facilities up to 100 m<sup>2</sup>, and residential facilities over 100 m<sup>2</sup>, with one

apartment, it is necessary to submit proof of ownership, or rental of construction land, or ownership of the facility, photographs of the facility and the technical report about the state of the facility, the installations, infrastructural network and outer development which contains the land survey report of the facility on the copy of the plan of the lot, and with the stated gross developed construction area at the base of the facility, and the proof that the administrative tax is paid.

#### Article 189

Together with the request for the issue of a construction permit for residential facilities with several flats, residential and business facilities, business and production facilities, it is necessary to submit proof of ownership, or rental, of construction land, or ownership of the facility, photographs of the facility and report about the completed expertise concerning the fulfillment of conditions for the use of the facility, with a specification of the separate physical parts, and which contains the land survey report of the facility on the copy of the plan of the lot, with the stated gross developed construction area, prepared by a company, or other legal entity entered in the appropriate register for these tasks, and proof that the administrative tax is paid.

The request, referred to in paragraph 1 of this article, can be submitted by every owner of the separate physical part of the facility.

The decision, referred to in paragraph 1 of this article, is issued for the facility with an obligatory specification of separate physical parts of that facility.

Owners of the separate physical parts of the facility, for which was issued the decision referred to in paragraph 1 of this article, exercise the right of registration of these separate physical parts in the public book of real estate records.

Provisions of this article do not apply to facilities referred to in article 133, items 1, 2, 3, 4, 10 and 11 of this Law.

Together with the request for the later issue of the construction permit for facilities, referred to in paragraph 5 of this article, it is necessary to submit proof of ownership, or lease of construction land, or proof of ownership of the facility, the project of the constructed facility made out in accordance with this law, and proof that the administrative tax is paid.

#### Article 190

Together with the request for the later decision about the start of construction work for auxiliary facilities, it is necessary to submit proof of ownership, or lease of construction land, or proof of ownership of the facility, and photographs of the auxiliary facility.

#### Article 191

Together with the request for the later issue of the construction permit for facilities constructed by means of funds from the budget of The Republic of Serbia, autonomous region, or local government unit, or of legal entities whose founder is the Republic of Serbia, autonomous region, or local government unit, it is necessary to submit a report about the completed expertise concerning the fulfillment of conditions for the use of the facility, with the specification of separate physical parts, and which contains the land survey report of the facility on the copy of the plan of the lot, and with the stated gross developed construction prepared by a company or other legal entity entered in the appropriate register for these tasks.

The construction permit, referred to in the paragraph 1 of this article, is issued by the body authorized for issuing of the construction permits. The issued construction permit is published on the information board of the appropriate body.

An appeal can be made against the decision for the issue of the construction permit, referred to in the paragraph 2 of this article, within 7 days from the public announcement, and, in the case when the decision is issued by the authorized ministry or authorized body of the autonomous region, a lawsuit can be started.

#### Article 192

Together with the request for the later issue of the construction permit for work on the construction of a facility, for which there has already been issued a construction permit in accordance with the regulations which were valid up to the date when this Law came into effect, and which differs from the issued construction permit and confirmed main project, it is necessary to submit proof about ownership, or rental of the construction land, or proof of ownership of the facility, the project of the constructed facility in accordance with this Law, and proof that the administrative tax is paid.

#### Article 193

Apart from the proofs, which are prescribed in article 188 and 189 of this Law, as proof of resolved property and legal relations concerning the construction land will also be considered the following:

- 1) for facilities built on construction land owned by other persons – the court decision by which the ownership of the land is determined, and which is obtained by the owner in accordance with regulations treating property relations;
- 2) for the facility built on construction land – the contract about the transfer of ownership, or purchase of the land, which was concluded before 13th May, 2003 between the previous user of the land and the person making the request, and which is certified by the competent court;
- 3) the contract, concerning purchase of the facility, or the facility in the construction, between the owner, or user of the land, and the person making the request, which is certified by a competent court; the contract about joint investment in the construction of the facility, concluded between the owner, or the user, of the land and the person making the request, which is certified by a competent court; court order about inheritance; court order about the status change of a company from which the legal continuity of the applicant can be undoubtedly determined.

#### Article 194

The body authorized to issue the later construction permit, determines whether all the prescribed documentation, or all proofs are submitted in accordance with this law.

The owners of illegally constructed facilities, who submitted applications for legalization in accordance with the previously valid law, should submit proofs prescribed by this law within 60 days from the date when this law came to effect. If during this procedure the project of the constructed facility was submitted, then it is not necessary to submit the technical report referred to in article 188 of this Law, or the report referred to in articles 189 and 191 of this Law.

If with this request for legalization were not submitted all proofs prescribed, the authorized body

is obliged to request additional documentation, within a term not longer than 60 days.

If the applicant does not supply the additional documentation within the given deadline, the administration agency will reject the request in writing.

It is allowed to appeal against the rejection, referred to in paragraph 4 of this article, and if the ministry, or the autonomous region, was involved in the process, then it is possible to start a lawsuit.

A valid court conclusion, referred to in paragraph 4 of this article, will be delivered to the authorized construction inspector.

#### Article 195

When the authorized body determines that all the prescribed documentation and proofs were submitted with the request, it starts deciding about the possibilities of legalization in accordance with this law.

If the authorized body determines that there are no possibilities for legalization, they will reject it by decision.

It is possible to appeal to the decision, referred to in paragraph 2 of this article, within 15 days from the delivery date, and in the case when the decision was made by the authorized ministry or body of the autonomous region, it is possible to appeal by starting a lawsuit.

When the decision, referred to in paragraph 2 of this article, comes into force, it is delivered to the authorized construction inspection.

If the authorized body determines that there is a possibility of legalization, it will inform the applicant, within 60 days, to supply proof about settlement of mutual relations with the agency, or organization, which is developing the construction land.

After the proof, referred to in paragraph 5 of this article, is submitted, the authorized body will issue, within 15 days, the construction permit and permission for use in one document.

When the decision, referred to in paragraph 6 of this article, comes into force, it represents the basis for the registration of property rights in the public real estate register.

When registering the facility, the body authorized for registration of property rights in the public real estate register, makes a note that ownership of the facility was determined on the basis of the construction permit and the permission for use which were issued during the legalization procedure, and that in view of the minimum technical documentation prescribed, The Republic of Serbia does not guarantee the stability and safety of the facility.

If the applicant does not submit, within the prescribed term, proof about settlement of mutual relations with the body, or organization which is developing the construction land, the authorized body will decide about rejecting the request.

It is allowed to appeal against the conclusion, referred to in paragraph 9 of this article, and in the case when the decision was made by the authorized ministry or body of the autonomous region, it is possible to appeal by starting a lawsuit.

When the decision, referred to in paragraph 9 of this article, comes into force, it is delivered to the authorized construction inspection.

#### Article 196

The minister, authorized for tasks in construction, prescribes more detailed criteria mentioned in article 187 of this law, the method of preparation and content of technical documentation prescribed for the legalization procedure, the project of the constructed facility as-is, as well as the content and the procedure for issuing of the building permit and usage permit of the facilities which are the subject of legalization.

#### Article 197

Demolition of facilities which are constructed, or reconstructed, or enlarged, without construction permit up to the date when this law came into effect, will not be executed, and for these facilities there will be no decision about removal, until completion of the legalization procedure.

The construction inspector will decide, without delay, about removal of the facility if the decision about demolition is not reached, and if he determines that the facility is being constructed or completed without construction permit, after this law came into effect.

#### Article 198



After completion, and coming into force, of the procedure by which the request for legalization is turned down or rejected, the conditions are fulfilled for the removal of the facility, or part thereof.

The authorized body must deliver, without delay the valid decision, referred to in paragraph 1 of this article, to the construction inspection.

The construction inspector is obliged to decide, immediately after receiving the act, referred to in paragraph 1 of this article, about the removal of the facility, or part thereof, in accordance with the provisions of this law.

#### Article 199

The facility which is being used as residence, except facilities referred to in article 187 of this law, and for which a request is submitted for legalization in accordance with this law, can be temporarily connected to the electric, gas, telecommunication, heating, water supply and sewerage networks, until the completed legalization procedure comes into effect.

#### Article 200

The local government units are obliged, within 90 days from the date when this law comes into force, to submit to the ministry authorized for construction tasks, the list of all facilities constructed, reconstructed or enlarged without construction permit and confirmed main project up to the date when the new law came into force, and which were not demolished in accordance with the law which stopped being valid when this law came into force.

The list of the facilities, referred to in paragraph 1 of this article, contains: the date of construction, reconstruction, or enlargement of the facility, the area, the name of the owner of the facility, as well as information about the decision for demolition.

### XIV AUTHORIZATION FOR INTRODUCING BY-LAWS

#### Article 201

The minister prescribes in more detail:

1) the energy properties and method of calculation of thermal properties for high-rising facilities, energy requirements for new and existing facilities, as well as conditions, content and method of issuing of the certificates (Article 4);

2) the technical standards of accessibility (Article 5);

3) the technical regulations about the quality of construction materials (Article 6);

4) the conditions, method of conducting and access, as well as the content of the register of investors (Article 8);

5) the content, method and procedure for the preparation of planning documents (Articles 34, 46, 49 and 50);

6) the conditions and criteria for joint financing of the preparation of planning documents (Article 39);

7) the content and method of management and maintenance of the Central register of planning documents and the local information system of planning documents (Articles 43 and 45);

8) the content of the information about locations and location permits (Articles 53 and 55);

9) the method of public presentation of the urban project (Article 63);

10) the content and method of adoption of the program for development of construction land, as well as criteria for determining the fees for developing of construction land (Articles 90 and 93);

11) the content and method of issuing construction permits (articles 136 and 137);

12) the method, procedure and content of information required for determining fulfillment of conditions for the issuing of licenses for the preparation of technical documentation, and licenses for construction of facilities for which the construction permit was issued by the ministry or autonomous region, as well as conditions for taking away these licenses (articles 126 and 150);

13) the content and method of carrying out of the inspection of technical documentation (article 129 and 131);

14) the content and scope of previous works, previous feasibility studies and feasibility studies, contents and method of preparation of the technical documentation (Articles 111 and 116);

15) the methodology and procedure for the realization of projects which are important for the Republic of Serbia (Articles 111-115);

16) the appearance, content and place at which the building site board should be positioned (article 149);

17) the content and method of administering the inspection register, construction diary and construction register (Article 152);

18) contents and method of conducting professional supervision (Article 153);

19) content and method of performing the technical review, the issue of usage permit, observation of the terrain and facility during construction and use, and the minimum warranty term for certain types of facilities or works (Articles 154 and 158);

20) the conditions, the program and the method of taking the professional examination in the field of space and urban planning, preparation of technical documents and construction (Article 161);

21) the conditions and procedure for issuing and taking away of licenses for the authorized urban planner, designer and contractor, and for the authorized planner (Article 161);

22) the contents of the demolition projects (Article 168);

23) the form and contents of the identity card of the urban and construction inspector, as well as the type of equipment used by the inspector;

24) the procedure for the introduction, and content of the program of the removal of facilities( Article 171);

25) the appearance and content of the hallmark, and the procedure for closing of the construction site (Article 181).

## XV PENALTY PROVISIONS

### 1. Economic offences

#### Article 202

The company, or other legal entity which is the investor, will be penalized for economic offence with a fine of 1.500.000 up to 3.000.000 dinars if:

1) they assign the preparation of technical documentation to a company, or other legal entity, which does not fulfill the prescribed conditions (article 126);

2) they assign the inspection of the technical documentation to a company, or other legal entity,

which does not fulfill the prescribed conditions (Article 129);

3) does not enable expert supervision over the construction of a facility (article 153);

4) continues to perform the work even after it is decided that they should be stopped (article 176);

5) does not complete construction of the facility, or does not perform the work in the stipulated time (Article 178)

For the economic offence, referred to in paragraph 1 of this article, will also be penalized the person responsible in the company, or other legal entity, which is the investor, with a fine of 100.000 up to 200.000 dinars.

The report for the economic offence, referred to in paragraph 1 of this article, is made by the authorized construction inspector.

#### Article 203

The company, or other legal entity, which is building a facility, will be penalized for economic offence, with a fine with 1.500.000 up to 3.000.000 dinars if:

1) They build a facility without construction permit, or perform work contrary to the technical documentation based on which the facility is being built (Article 110);

2) Act contrary to the provisions of Article 152 of this Law;

3) Continue building the facility after the decision is made to stop the construction (Article 176).

The person responsible in the company, or other legal entity, which is building, or performing works, will be penalized for economic offence, referred to in Paragraph 1 of this Article, with a fine of 100.000 up to 200.000 dinars.

The reporting for the economic offence, referred to in Paragraph 1 of this article, is made by the authorized construction inspector

#### Article 204

The company, or other legal entity, authorized to determine special conditions for construction of facilities or space development, as well as the technical data for connection to the infrastructure, will be penalized for economic offence, with a fine of

1.500.000 up to 3.000.000 dinars if they do not deliver the necessary data and conditions for the preparation of the planning document, or the location permit, within the prescribed time (Articles 46 and 54).

The person responsible in the company, or other legal entity, who is authorized to determine special conditions for the construction of the facility and space development, as well as the technical data for the connection to the infrastructure, will be penalized for the economic offence, with a fine of 50.000 up to 100.000 dinars if he does not deliver the necessary data and conditions for the preparation of the planning document, or the location permit within the prescribed time (Articles 46 and 54).

The reporting for economic offence, referred to in Paragraphs 1 and 2 of this Article, is made by the body authorized for issuing location permits, or the development plan holder, and if the founder of this legal entity is the local government unit the autonomous region, or the Republic of Serbia, he will advise the founder about the denunciation made for economic offence.

## 2. Offences

### Article 205

The company, or other legal entity, will be penalized with a fine of 500.000 up to 1.000.000 dinars if they do not enable the urban or construction inspector to perform the supervision in compliance with this Law (Articles 173 and 175).

The person responsible in the company, or other legal entity, will be penalized for the offence, referred to in Paragraph 1 of this Article, with a fine of 50.000 up to 100.000 dinars.

The request for initiation of the legal procedure, referred to in Paragraphs 1 and 2 of this Article, is submitted by the body authorized for issuing location permits, or the development plan holder, and if the founder of this legal entity is the local administration unit, the autonomous region, or the Republic of Serbia, he will advise the founder about the report made for this offence.

### Article 206

The company, or other legal entity, which is the investor of the facility, will be penalized with the fine of 300.000 if it does not enable access to the facility for persons with disability, in compliance with accessibility standards (Article 5).

The person responsible in the company, or other legal entity, will be penalized for the offence, referred to in paragraph 1 of this article, with a fine of 10.000 up to 50.000 dinars .

The request for the start of the legal procedure, referred to in paragraphs 1 and 2 of this article, is submitted by the authorized urban inspector.

### Article 207

The company, or other legal entity, which prepares the space and urban planning documents, or performs other jobs determined by this Law, will be penalized with a fine of 100.000 to 500.000 dinars if it does not enable urban or construction inspectors complete and unhindered access of the available documentation (Articles 173 and 175).

The person responsible in company, or other legal entity, will be penalized for the offence referred to in paragraph 1 of this article, with a fine of 50.000 up to 100.000 dinars.

The request for the start of the legal procedure, referred to in paragraphs 1 and 2 of this article, is submitted by the authorized urban, or construction inspector.

### Article 208

The company, other organization, or other legal entity, which is building the facility, will be penalized with a fine of 500.000 up to 1.000.000 dinars if:

- 1) It does not appoint the person which will manage the building of the facility, or performance of the work, or if it appoints for this job a person who does not fulfill the prescribed conditions for it (Articles 151 and 152);
- 2) Does not inform the authorized body about completion of the construction of the foundation (Article 152 paragraph 3);
- 3) Does not warn in writing the investor, or the person performing supervision over the implementation of the provisions of this law, about defects in the technical documentation (article 152 paragraph 6)
- 4) It does not have a construction diary and construction register, or does not provide the inspection register (Articles 152 paragraph 7 item 5)

The person responsible in the company, or other legal entity, which is building the facility will be penalized for the offence, referred to in paragraph 1 of this article, with a fine of 500 up to 50.000 dinars.

The request for the start of the legal procedure, referred to in paragraphs 1 and 2 of this article, is submitted by the authorized construction inspector.  
Article 209

The person responsible in the authorized administration agency will be penalized with a fine of 25.000 up to 50.000 dinars, or with prison up to 30 days if:

- 1) he does not provide, within the prescribed time, the necessary conditions for the preparation of the planning document ( Article 46);
- 2) he does not inform about the location permit, construction permit or usage permit within the prescribed time ( Articles 53, 56,136 and 158);
- 3) he does not organize the public presentation of the urban project ( Article 63);
- 4) he does not deliver the request to the construction inspection for the removal of the facility for which a temporary construction permit has been issued (Article 147);
- 5) he does not prepare a program, and does not effect, the removal of the facility (Article 171);
- 6) he does not enable the urban or construction inspector complete and undisturbed view of available documentation (Articles 173 and 175);
- 7) he does not undertake prescribed measures in effecting the inspection supervisions (articles 173 and 175);
- 8) he does not provide, within the prescribed time, information about facilities constructed without construction permit (article 200);

For the repeated offences, referred to in paragraph 1 of this article, the perpetrator will be penalized with a fine and sentenced to prison, up to 30 days.

#### Article 210

The responsible official of the administration agency will be penalized with a fine of 50.000 up to 100.000 dinars, or imprisonment up to 30 days if:

1) He issues a location permit contrary to this Law and the regulations introduced on the basis on this Law (article 54);

2) Issues a construction permit contrary to this Law and regulations introduced on the basis of this Law (articles 135 and 136)

3) Issues the usage permit contrary to regulations (Article 158);

For repeated offences, referred to in paragraph 1 of this article, the perpetrator will be penalized with a fine and imprisonment up to 30 days.

#### Article 211

The authorized inspector will be penalized with a fine of 25.000 up to 50.000 dinars if, in cases referred to in Articles 174, 176, 177, 178, 179, 180, 181, 182 and 198 of this Law, he does not decide, or issue an order in the appropriate term, which cannot be longer than 7 days after receiving knowledge of an offence.

For repeated offences, referred to in paragraph 1 of this article, the perpetrator will be penalized with a fine and imprisonment up to 30 days.

#### Article 212

A person who founded a shop, and also performs the job of preparing technical documentation and execution of construction work contrary to the provisions of this Law, will be penalized with a fine of 10.000 up to 50.000 dinars (Article 126).

A person who is the investor will be penalized with a fine of 10.000 up to 50.000 dinars if he does not complete construction of the facility, or the work within the prescribed deadline (Article 178).

### XVI TRANSITIONAL AND FINAL PROVISIONS

#### Article 213

On the day when this Law comes into force the Republican Agency for spatial planning which was founded based on the Law on planning and construction (Official Gazettes of the Republic of Serbia Nos. 47/03 and 34/06) continues with its work, in accordance with this Law.

On the day when this Law comes into force the Engineering Chamber of Serbia, which was founded based on the Law on planning and construction (Official Gazette of the Republic of Serbia Nos. 47/03

and 34/06) continues with its work, in accordance with this Law.

Commissions for planning formed based on the Law on planning and construction can continue work until expiry of the mandate, determined in the founding act.

#### Article 214

Companies, and other legal entities, which carry out work for which this Law prescribes special conditions, are obliged to harmonize their business with the provisions of this Law within one year from the date when it comes into force.

Persons who passed the professional examination by which was tested their capability to fulfill the jobs determined by this law, in accordance with the regulations which were in force at the time of their examination, as well as persons which were admitted the right to perform certain jobs by these regulations, fulfill the conditions to perform these jobs also in accordance with the provisions of this Law, if they comply with the other prescribed conditions.

#### Article 215

The municipality, or city, will prepare the spatial plan within 18 months from the date when this Law comes into force.

The municipality, the city or the City of Belgrade, will prepare the general regulation plan, or general regulation plans for the seats of local government units within two years from the date when this Law comes into force.

The municipality, the city and the City of Belgrade will prepare the general regulation plans for other settlements, which are stipulated in the spatial plans of the local government units, within three years from the date when this Law comes into force.

Until the planning documents referred to in paragraphs 1, 2 and 3 of this article come into force, the existing spatial and urban plans will be applied.

Information about the location, and the location permit, will be issued based on the existing spatial and urban plans, until the date when the planning documents referred to in paragraphs 1, 2 and 3 of this article come into force.

The procedure for preparation and introduction of the spatial and urban plans which was started before this Law comes into force, will be continued in accordance with the provisions of this Law, except for spatial and urban plans for which public viewing was already performed, and which will be completed in accordance with the regulations valid when it was started.

#### Article 216

The local government units which did not introduce the spatial plan of the municipality up to the date when this Law comes into force, will decide about preparation of the spatial plan of the local government unit within three months from the date when this Law comes into force.

The spatial plan of the municipality, which is introduced before the date when this Law comes into force, will be harmonized with the provisions of this Law within 18 months from the date when this Law comes into force, and the local government unit will come to a decision about harmonization of the spatial plan with the provisions of this Law within three months from the date when this Law comes into force.

The city of Belgrade will come to a decision about the preparation of the plans, referred to in article 20, item 3 of this Law, within 3 months from the date when this Law comes into force, and within 18 months from the date when this Law comes into force they will decide, in accordance with this Law, about the spatial plans, with elements of the spatial plans of local government units.

Local government units whose seat of settlement has less than 30.000 inhabitants will decide about preparation of the general regulation plan for the settlement within three months from the date when this Law comes into force. After the general regulation plan comes into force, the general plans, detailed regulation plans, the revised regulation plans and revised detailed urban plans which were prepared in accordance with previously valid planning Laws, and which are contrary to the general regulation plan, will not be valid.

The local government unit, whose seat of settlement has more than 30.000 inhabitants will decide, within three months from the date when this Law comes into force, about harmonization of the general plan with the provisions of this Law which refer to the general urban plan, and about the preparation of

general regulation plans in accordance with this Law, for the whole construction area of the settlement. When the general regulation plans come into force, the provisions of the general plan, the detailed regulation plans, the revised regulation plans and revised detailed urban plans which were prepared in accordance with the previously valid planning laws, and which are contrary to the general regulation plan, will not be valid.

Detailed regulation plans and general regulation plans for separate settlements which are not seats of local government units remain in force if they are not contrary to the provisions of this Law which refer to the general regulation plan.

The general development plans which were prepared in accordance with the Law on planning and construction will be harmonized with those provisions of this Law which refer to the schematic view of the development of settlements, for the parts of territory for which the preparation of the urban plan is not stipulated. After preparation of the spatial plan of the local government units, the harmonized plan of general development becomes integral part of the spatial plan of the local government units, as the schematic view of the development of the settlement.

#### Article 217

For the construction of telecommunication facilities, for which it is necessary to issue the construction permit in accordance with this Law, in the region for which the urban plan is not prepared, or in which the construction of such facilities is not stipulated in the urban plan, until the planning documents stipulated by this Law come into force, the location permit should be issued in accordance with the conditions of agencies or organizations authorized for jobs in telecommunications, on the basis of the year plan of development of the telecommunication network on the territory of the Republic of Serbia in accordance with the Law.

#### Article 218

Request for the issue of construction permits, usage permits and other requests concerning separate rights and obligations which were made before this Law comes into force, will be solved in accordance with the regulations which were valid up to the date when this Law comes into force.

#### Article 219

Previous owner, legal heir, as well as persons to whom the previous owner passed the usage right, in accordance with the Law, and to whom, before the date this Law comes into force, was determined the usage right on remaining construction land owned by the state, remain holders of usage rights on this land in accordance with the provisions of the Law on planning and constructions (Official Gazettes of the Republic of Serbia Nos. 47/03 and 34/06), until the Law through which the return of confiscated land is introduced.

The decision determining usage rights, referred to in paragraph 1 of this article, represents the basis for submitting the request for the issue of the construction permit in accordance with this law.

The usage right, referred to in paragraph 1 in this article, remains active .

#### Article 220

The fee for usage of construction land is paid in accordance with the Law on planning and construction (Official Gazettes of the Republic of Serbia Nos. 47/03 and 34/06) until the stated fee is integrated into the property tax

#### Article 221

The provision of Article 4, Paragraph 2 of this Law will apply starting from the date when the regulations, which are introduced by the Minister with jurisdiction over the affairs of building construction, come into force, and through which are prescribed in more detail the conditions, content and method of issuing of the certificate about energy properties of a facility, in compliance with this Law.

#### Article 222

On the day when this Law comes into force, the validity of the Law on planning and construction (Official Gazettes of the Republic of Serbia Nos. 47/03 and 34/06) expires.

By laws which were brought based on the Law with expired validity on the date when this Law came into force, will continue to apply if they are not contrary to this law, until by laws are introduced based on the authority of this Law.

#### Article 223

This law comes into force on the 8th day from the date it is published in the Official Gazette of the Republic of Serbia.