Ministry of construction, transport and infrastructure

DRAFT LAW

On Amendments to the Law on Planning and Construction

Belgrade, June 2014

Article 1

In the Law on Planning and Construction (“Official Gazette RS”, No 72/2009, 81/2009 – correction 64/2010 – decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 - decision of the Constitutional Court, 50/2013 - decision of the Constitutional Court and 98/2013 - decision of the Constitutional Court) in the Article 2 paragraph 1 item 1, 2 and 3 are deleted.

In Paragraph 1 after the Item 15 is added the new following Item:

“15a) the directive INSPIRE is the document which sets out the basic rules aimed at establishing an Infrastructure for spatial information in European Union and in Serbia is carried out through National infrastructure of geospatial data.”

In Paragraph 1 in the Item 20(a), the word “spatial” is to be deleted.

In Paragraph 1 after the Item 22) is added the new following Item:

“22a) public facilities are facilities designed for public use and may be the public facilities which are mandatory in public ownership on the bases of special laws (line infrastructure facilities, facilities for the state authorities, authorities of territorial autonomy and local – self-government etc.) and other public facilities which can be in all forms of ownership (hospitals, health centers, homes for the elderly, education facilities, outdoor and indoor sports and recreation facilities, cultural facilities, transport terminals, posts and other facilities)”.

In Paragraph 1 is added the new following Item:

“22(b) facilities class is the facilities characteristic arising from its use, or its functional specificity which make a big difference between facilities of different purposes,

In Paragraph 1 in the Item 24), after the word “constructed” are added the words “or can be constructed”.

In Paragraph 1 after the Item 40)are added the new following Items:

“41)*offprint on technical conditions* of construction is the document which, for the area on the planning document on the bases of which can be issued the construction permit, makes the holder of public authorizations within their jurisdiction and includes opportunities, limitations and conditions for facilities construction, capacities, conditions and the method of connection utilities, transport, energy and other infrastructure and according to the facilities type and individual parts of planning area.

42) *Holders of public authorizations* are state authorities, special organizations and legal entities which perform public authorizations in accordance with the law.

43) Financier is the person whose funds may finance the performance of Detail Regulation Plan, construction, extension, reconstruction, renovation, rehabilitation and performance of other construction works or investment works envisaged by this Law on the bases of Contract with the investor as a holder of the corresponding rights on the land or facility.”

Article 2

In the Article 4 Paragraph 1 is changed as follow:

“The improvement of energy efficiency is to reduce the consumption of all types of energy, energy savings and providing of sustainable construction by applying the technical measures, standard and conditions of planning, design, construction and use of the facility.”

After the Paragraph 1 are added two new following paragraphs:

“Buildings (hereinafter: facility) which in its operation involves energy consumption, it must be designed, constructed, used and maintained in a manner that provides prescribed energy performance in order to reduce energy consumption.

The energy performances of the facility are actually consumed or estimated amount of energy that satisfies different needs that are related to the standardized use of the facilities (heating, water heating, cooling, ventilation and lighting)”.

In Paragraph 2 which becomes the Paragraph 4 is deleted the word “prescribed”.

In Paragraph 4 which becomes the Paragraph 6 the words “from the Paragraph 2” are changed by the words “from the Paragraph 4”

In the Paragraph 5 which becomes the Paragraph 7, the words “from the Paragraph 4” are changed by the words “from the Paragraph 6”

In the Paragraph 6 which becomes the Paragraph 8, the words “from the Paragraph 1” are changed by the words “from the Paragraph 2”.

After the Paragraph 6 is added:

“In order to improve energy efficiency in building construction in order to record funds intended for financing energy efficiency improvement is established the budgetary fund in accordance with the Law which regulates the budget system.

Budgetary fund is managed by the Ministry competent for construction.

Funds for financing the budgetary fund are provided from:

1. Appropriations in the budget of the Republic of Serbia for current year
2. Donations
3. Loans.

The program of financing the activities and measures to improve energy efficiency is issued by the Government.

The Minister in charge for construction prescribes the requirements for distribution and use of resources of budgetary fund, the manner and conditions for resource allocation, the method of monitoring the appropriate use of funds, as well as the fulfillment the contractual rights and obligations.

Article 3

In the Article 5 Paragraph 1 is amended as follow:

“The buildings of public and commercial purpose, as well as other facilities for public use (streets, squares, parks etc.) shall be designed and constructed in manner that allows to individuals with disabilities, children and the elderly the unrestricted access, movement and residence and work in accordance with the prescribed technical standards of accessibility.”

Article 4

In the Article 6 before the Paragraph 1 is added a new following Paragraph:

“Construction products are construction materials and construction elements made from construction materials, as well as other products or semi – products which are intended for permanent installation in facilities.”

Paragraph 1 of this Article becomes the Paragraph 2.

Article 5

The Article 7 is changed as follow:

“The recognition of foreign certificates of conformity of products from Paragraph 1 is regulated by the Law which regulates the technical requirements for products and conformity assessment and by the special Regulation which regulates recognition of foreign certificates of products conformity.

It is recognized the validity of foreign certificate of construction product conformity issued by the Conformity Assessment Body reported to the European Commission by the signatory countries “EA MLA” Agreement of European organization for accreditation and other products conformity assessment bodies which carry out conformity assessment procedures in accordance with the current EU regulations.”

Article 6

The Article 8 is changed as follow:

“Ministry competent for construction, autonomous province and local self-government (hereinafter in this chapter the common name is: competent authority) should determine the authority or department within its composition, which will implement the unified procedure for issuing the location conditions, construction permit, work announcement and issuing the use permit, as well as for acquisition of special conditions, papers and other documents which are issued by the holders of public authorizations and represents the condition for facility construction, respectively for issuing of location conditions, construction permit and use permit within their competence (hereinafter: unified procedure).

The competent authority carries out the unified procedure and also in the cases of issuance the certificate from the Article 145 of this Law.

Article 7

After the Article 8 are added the Articles 8a, 8b, 8v, 8g, 8d, 8dj as follow:

**8a The exchange of documents and submissions in unified procedure**

Article 8a

The exchange of documents and submissions between the competent authority and holder of public authorization in the implementation of unified procedure is performed electronically in accordance with the regulation which regulates electronic office operation of state administration.

**8b Conduct of holders of public authorization in the unified procedure**

Article 8b

Within 5 days of receipt the request for issuing the location conditions, the competent authority has the obligation to deliver, to the holders of public authorization which in accordance to this Law and special Regulation determine the conditions for facilities construction, the request for issuing of that conditions, if they cannot be obtained by an insight into the planning document or offprint.

The holder of public authorization must deliver to the competent authority the special conditions and/or document and/or other document within its competence, which is the condition for performance of unified procedure, within 15 days of receipt the request.

If the holder of public authorization does not deliver special conditions to the competitive authority, which is the condition for implementation of unified procedure, within the period from the Paragraph 1 of this Article, the competitive authority will stop the job and call the investor to obtain this conditions from the company, other legal entity or entrepreneur with relevant valid license, issued in accordance with this Law.

The Government determines closely the conditions, the method and procedure of issuance of special conditions in accordance with the Paragraph 2 of this Article.

The special conditions issued in accordance with the Paragraph 2 of this Article have the same legal force as the special conditions issued by the holder of public authorization.

**8v Register of unified procedures**

Article 8v

The competitive authority has to implement the unified procedure by keeping the electronic public accessible database on every individual subject, from the submission of the request for issuing the location conditions to the issuance of use permit, which contains scanned acts issued in this procedure (hereinafter: Register of the unified procedures).

The director of the competitive authority appoints the person who keeps the Register of unified procedures (hereinafter: Register).

Register is responsible for legal, systematic and effective keeping of the Register of unified procedures in accordance with this Law and bylaw from the Paragraph 3 of this Article.

Register has to submit promptly the report of offense from the Article 211a of this Law, against the holder of public authorization and responsible entity of the holder of public authorization, if during the implementation of unified procedure this holder of public authorization does not act in the manner within the time limits prescribed by the Law.

**8g The central records of the unified procedures**

Article 8g

The Business Register Agency keeps the unified, central, public, electronic database in which are integrated the data from all Registers of unified procedures on the territory of the Republic of Serbia, as well as scanned acts contained in these registers (hereinafter: The central records) through the Registrar of central records.

The registrar of central records forms the Central records by downloading data and scanned documents from the Register of unified procedures form the Article 8v of this Law.

The board of directors of the Agency appoints the registrar of central records with prior consent of the Government of the Republic of Serbia.

The registrar of central records has to deliver, to the Government each three months, reports on efficiency of implementation of unified procedure, to the level of competent authorities and each of holders of public authorization.

The registrar of central records has to deliver, to the Government and the Ministry competent for construction, other reports and analyzes related to implementation of unified procedure, in accordance to its request.

The registrar of central records has to submit promptly the report of offense:

1. Against the responsible official within the competent authority of administration because of offence from the Article 209 Paragraph 1 Item 2 of this Law.
2. Against registrar, because of offence from the Article 211b of this Law, if he does not submit the report of offence in accordance with the Article 8v Paragraph 5 of this Law.

**8d Phases and deadlines of implementation of unified procedure**

Article 8d

The competent authority implements the unified procedure in the phases which begin at the request of investor, as follow:

* After request for issuance of location conditions for cadastral plots suitable for construction, it has to issue these conditions within three work days from obtaining all special conditions and other documents in accordance with the Article 8b of this Law.
* After request for issuance the construction permit it has to issue this permit within three work days from the submission of request.
* After the works announcement, it issue the certificate on receipt of application without delay, unless with the work announcement is not submitted complete documentation, and in that case it does not issue the certificate, but issue the notification that the announcement is not complete.
* After the application for the use permit, it issue the permit within three work days from the application, except for the technical inspection of the facility from the Article 133 of the Law, when the deadline may be extended for an additional 20 work days.

The form and content of the application from the Paragraph 1 of this Article and the attached documents prescribe the minister competent for construction.

Within the deadlines prescribed in Paragraph 1 of this Article, the entity that implements the unified procedure had to, ex officio, on behalf and on the account of the investor, obtain all acts, conditions and other documents, which are issued by the holders of public authorization and represents the condition for termination of some phase of unified procedure.

If this Law states that in special cases of construction and work performance, does not implement certain phase of the unified procedure or this phase is simplified, for implementation of this simplified phase and other phases of the unified procedure are applicable the time limits prescribed in Paragraph 1 of this Article if the Law does not prescribe something different.

**8dj Authorization limits**

Article 8dj

During the implementation of the unified procedure the competent authority performs just verification of compliance of formal conditions for construction and does not assess technical documentation, and does not verify the validity of documents obtained during the procedure and issues the location conditions and construction permit and confirm the works announcement in accordance with the acts and other documents obtained in accordance with Article 8b of this Law.

The technical documentation can be controlled by the competent inspection that starts offence proceedings and initiate the procedure of revocation of license to the competent designer who issued and signed the technical document or confirmed that document in the technical control if that document is not in accordance with that Law.

Article 8

In the Article 13 after Item 2 is added Item 3 as follows:

“3) A study of correction the borders of adjoining lots and merge two adjoining lots of the same owner.”

Article 9

In Article 19 after Paragraph 1 is added new Paragraph as follow:

“For parts of administrative area of the city of Belgrade, outside covers of General Urban Plan, shall be adopted Spatial Plans of city municipalities with elements and content of Spatial Plan of Local – self Government in accordance with this Law.”

Article 10

Article 20is deleted.

Article 11

Article 21 is changed as follow:

“Spatial plan of the region of special use shall be made for areas that require a special mode of organization, development, utilization and protection of space, projects of importance for the Republic of Serbia or for areas determined by Spatial Plan of the Republic of Serbia or by other Spatial Plan, especially for:

1. Area with natural, cultural historical or ambient values
2. Area with the possibility of exploitation of mineral resources
3. Area with the possibility of utilization of tourist resources
4. Area with the possibility of utilization of hydropower potential
5. For the realization of projects for which the Government determines that are projects of importance for the Republic of Serbia
6. For construction of the facilities for which the constructions permit issues the Ministry competent for construction or the competent authority of the autonomous province.

The strategic assessment of the impact on the environment is the integral part of documentation base of the planning document.

On the construction of the electric power transmission and distribution network and electronic communication network and devices which are in the function of facilities construction or development of spaces provided by the Spatial Plan of the region of special use and are beyond the scope of this plan, may be applied the provisions of Article 69 and 217 of this Law.”

Article 12

Article 22 is deleted.

Article 13

Within the Article 23 the Paragraph 2 is deleted.

After the Paragraph 2 is added new Paragraph as follow:

“General Urban Plan is adopted for the town which is in accordance with the Law on Territorial Organization of the Republic of Serbia (“Official Gazette RS” No 129/2007), determined as city, as the city of Belgrade.

Article 14

Article 24 is deleted.

Article 15

In the Article 25 after the Paragraph 2 is added new Paragraph as follow:

“General Regulation Plan from Paragraph 2 can be adopted for facilities networks and public areas.”

Article 16

Article 26 is deleted.

Article 17

In Article 27 In Paragraph 2 the words “for construction of communal and energy infrastructure” and the word “exceptionally” are deleted.

In Article 27 in Paragraph 2 after word “spatial” are added the words “respectively by Urban Plan” and after the word “determined” are added the words “on the bases of decision of the competent authority or the request of the person who has the contract on financing of issuing that plan document with the Local – self-government.”

After the Paragraph 2 are added four new Paragraphs as follow:

“For line infrastructural facilities, the Detailed Regulation Plan can be made on the bases of Preliminary Design.”

For the areas of urban reconstruction by the Detailed Regulation Plan are elaborated the Compensation Plan and Landscaping Plan.

When the Planning Document of broader area envisaged preparation of Detailed Regulation Plan this Planning Document of broader area contains the rules of regulation, parceling, and construction, which will be implemented in the procedure of issuing the location conditions to the adoption of Detailed Regulation Plan.

By the Decision on issuing the Planning Document from Paragraph 1 of this Article may be determined the period of prohibition the construction within its planning document, the largest period of 12 months from the day of the adoption of this Decision. If the Detailed Regulation Plan is not adopted in the prescribed period, the location conditions will be issued in accordance with the Article 57 Paragraph 5 of this Law.”

Article 18

Article 28 is deleted.

Article 19

In the Article 31 the Paragraphs 2 and 3 are deleted.

After the Paragraph 4 are added new Paragraphs as follow:

“Offprint on technical conditions of construction (hereinafter: offprint) is document which is issued by the holder of public authorization within its competence, for facilities construction in determined area and contains possibilities, limitations and conditions for facilities construction and connection to communal, transport, energetic and other infrastructure and according to facilities types and parts of planes area on which refers.

By offprint can be determined for which types of facilities and in which parts of areas for which refers to is necessary obtain the special conditions of holders of public authorization and public enterprises in accordance with the Law and act from the Paragraph 2 of this Law.”

Article 20

In Article 33 Paragraph 2 after the word “self – government” are deleted the words “General Urban Plan and General Regulation Plans of head office of local self – government.”

In Article 33 Paragraph 3 the words “Spatial plans of unites” are changed by the words “Spatial plan of the unit.”

In Article 33 Paragraph 3 after the words “self – government” are deleted the words “General Urban Plans and General Regulation Plans of head offices of unites of local self – government on the territory of autonomous province.”

In Article 33 after Paragraph 6 are added new Paragraphs as follow:

“The control of harmonization of Regional Spatial Plan for region of autonomous province, Regional Spatial Plan for the city of Belgrade, Spatial Plan of local self – government, General Urban Plan and General Regulation Plan of head office of local self – government and Urban Plan which is issued within the Spatial Plan of the region of special use inside the borders of natural resource, performs the Commission formed by the Minister in charge of spatial planning and urbanism and for planning documents on the territory of autonomous province the Commission organized by the competent authority of the autonomous province.

It is necessary to make the report on control of harmonization with the proposal to the minister.

The funds for the Commission will be taken from the budget.”

Article 21

In the Article 43 in the Paragraph 2 the words “ministry competent for spatial planning and urbanism” are changed by the words “Republic Geodetic Authority.”

Article 22

After the Article 45 is added the title above the Article and the new Article 45a as follow:

*“16 al Early public review*

Article 45a

Before taking the decision on issuing of spatial, respectively urban plan, the holder of plan issuance inform the public (legal entities and persons) about the aim and the purpose of issuing the plan, possibilities for space development and urban reconstruction and effects of planning.

Authorities, organizations and public enterprises, which are authorized to determine the special conditions for protection and development of space and construction of the facilities are informed and invited to give their opinion on special conditions and necessary scope and level of assessment of impact to environment.

Exposure of possible planning solutions from the Draft decision on issuance of spatial, respectively urban plan is published in the media and in the electronic form on web page of local self – government and on the web page of plan maker and lasts for 15 days from the date of publication.

The authority competent for spatial planning and urbanism issues the record of all remarks of individuals and legal entities and gives that remarks to the decision maker on issuance of plan and to the holder of plan issuance.

The public must have the opportunity to declare and recorded remarks may have the influence on planning solutions.”

Article 23

In Article 46 Paragraph 2 is deleted.

Article 24

The name above the Article and the Article 48 are changed as follow:

“16.3. Draft on planning document”

The name above the Article and the Article 48 are changed as follow:

“After publishing the Decision on issuance of planning document, the holder of issuance makes Draft on planning document.

For issuance of DRAFT plan, the holder of plan issuance recollect the information on: existing planning documentation, groundwork, special conditions for protection and development of space, other documentation important for plan issuance, state and capacities of infrastructure, as on other information important for plan issuance.

Draft plan contains graphical part and written explication with necessary numeric indicators.

Draft plan must be professionally controlled in accordance with this Law.

Draft for amendments of plan document may contain just written annex, depending on needs.”

Article 25

In Article 49 Paragraph 3 is changed as follow:

“The professional control of Spatial Plan of the Republic of Serbia, Spatial Plan of the region of special use, and Regional Spatial Plan issues the Ministry competent for spatial planning.”

After the Paragraph 7 is added new Paragraph as follow:

“Funds for professional control are taken from the budget.”

Article 26

In Article 50 after the Paragraph 1 is added new Paragraph as follow:

“If the competent authority makes the decision on repeating the public review for part of Draft planning document, the public review cannot be shorter than 15 days from the day of publishing.”

In Paragraph 4 the words “Paragraph 2” are changed by the words “Paragraph 4” and the words “to the paragraph 2” are changed by the words “to the paragraph 4”.

After Paragraph 5 is added new Paragraph as follow:

“Funds for professional control are taken from the budget”.

Article 27

In Article 51 in Paragraph 1 the words “or concept” are deleted. After the Paragraph 1 is added new Paragraph as follows:

“Draft plan document from the Paragraph 1 of this Article had to be professionally controlled.”

Article28

After Article 51 is added the name above the Article and the new Article as follow:

“”16.5.a.The main city planner

Article 51a

The main city planner coordinates the issuance of planning documents and coordinates the work between the authority competent for urbanism and public enterprises and other institutions included in procedures of issuance and adoption of planning documents.

The main city planner has the function of president of the Commission for plans.

The main city planner is set to a period of four years.

The main city planner is the person with the university education in the area of architecture which has the appropriate license in accordance with this Law and minimum ten years of work experience in the area of urban planning and architecture.

The city, respectively the city of Belgrade by its act closely determines the competitiveness of the of the Main city planner.”

Article 29

In the Article 52 Paragraph 1 after the word “planning documents” are added the words “professional check of harmonization of urban design with the planning document and this Law.”

In Paragraph 6 after the word “years” instead of dot is the comma and are added the words “and the same persons can be nominated maximum of two consecutive.”

After Paragraph 6 are added two new Paragraphs as follow:

“The president of the Commission in the cities and in the city of Belgrade is the main city planner according to the function.

The funds for the Commission are taken from the budget of the local self – government.”

Article 30

The name above the Article and the Article 53 are changed as follow:

 17. Location conditions

 Article 53

Location conditions include information on the possibilities and limitations of building on cadastral plot, and contain all the requirements for technical documentation.

Location conditions for facilities referred to in Article 133 of this Law issued by the ministry responsible for urban planning, or the competent authority of the autonomous province.

Location conditions for objects that are not defined in Article 133 of this Law are issued by the competent authority of the local government.

Location conditions for the construction and upgrading of facilities, support buildings, garages, economic structures, masonry fence, antenna towers, reconstruction and repair of buildings, construction of substation 10/04 kV or 20/04 kV and secondary, or distribution parts of electronic communications networks . "

 Article 31

Name above the Article 54 is deleted and Article 54 is amended as follows:

'' The application for the location conditions shall be submitted to the conceptual design of the future building, part of the building (sketches, drawings, graphics, etcetera).

If the planning document, or monograph on technical terms, does not contain features, limitations and conditions for the construction of buildings, and all the conditions for connection to utility, transportation and other infrastructure, the competent authority shall obtain them ex officio, at the expense of investors for a consideration of real costs of issuing . Bodies or organizations authorized to issue such conditions and data are required to be at the request of the competent authority within a period of 15 days from the date of receipt of the request.

Location conditions are issued for cadastral plot that meets the requirements for the plot, as determined by the authority responsible for location conditions, and can be issued for several cadastral plot that make up the building complex, in accordance with the plan document.

By a urban( regulatory) plan in accordance with this law, locational requirements for upgrading existing municipal infrastructures issued in accordance with the factual situation in the regulation of existing roads.''

 Article 32

Article 55 is amended as follows:

'Location conditions include all urban, technical and other special conditions and data necessary for the preliminary, main project, and the project for a building permit, as well as information on:

1) the number and area of the cadastral plots, except for line infrastructure facilities and antenna towers;

3) the name of the planning document, or planning document and the urban project on the basis of which require location conditions and rules of construction for the zone or unit in which the subject plot;

4) the conditions for connection to utility, transportation and other infrastructure;

6) other conditions in accordance with the law.

Article 33

In Article 56. paragraph 1 is amended as follows:

'' The competent authority is in obligation, within three days of obtaining all necessary conditions and other data of the holder of public authority to issue Permit.

Paragraphs 2-7 are deleted.

In Article 56, the following new paragraphs:

'' At the issued building permits may file a complaint to the municipal or city council, within three days from the date of issue. "

 Article 34

Article 57 is amended as follows:

'' Location conditions are issued based on the Spatial Plan for the Special Purpose Spatial Plan and local self-governments, to parts of the territory in the coverage plan.

Location conditions are issued on the basis of general regulation, to parts of the territory which is not anticipated urban development plan.

Location conditions are issued on the basis of the plan of detailed regulation.

If the plan document envisages development of urban design, or urban project developed at the request of the investor, location conditions are issued on the basis of the planning document and urban design.

If in the area, where is a cadastral plot for which the request was made for location conditions, the establishment is required to continue the planned development, a planning document that is not adopted within the prescribed art. 27 of this Law, the location conditions will be issued on the basis of the act, which defines the general design and construction, and based on current planning document if it contains a regulatory line.

Locational requirements of paragraph 5 of this Article obligatory include: the type and purpose of the object, the position of the object relative to the control lines, allowed construction index and the availability of land, gross building area (GBA), permitted building height, conditions and manner of providing access to land and space for parking. "

Article 35

Article 59 is deleted.

 Article 36

Article 60 is amended as follows:

Urban design is made as provided in the planning document, or at the request of the investor, for urban and architectural design of public purpose and urban and architectural development locations. "

 Article 37

Article 61 is amended as follows:

"Urban design is made for one or more cadastral plots on the certified   cadaster topographic plan. Urban project for urban and architectural development of the site can be determined precisely define changes and the planned purposes within defined-compatibility with the legal framework. "

 Article 38

Article 63 is amended as follows:

'' The authority of the local government in charge of urban planning confirms that urban design is not inconsistent with the applicable plan document and this law.

Prior to approving an urban project, the authority in charge of urban planning urban organizes a public presentation of the project for a period of seven days.

At the public presentation record all comments and suggestions of interested parties.

After the period for public presentation, urban project with all the objections and suggestions are submitted to the Planning Commission.

Planning Commission is obliged, within eight days of receipt, finds that urban design is not inconsistent with the plan of wider areas, considering all objections and suggestions from the public presentations and performing expert review of urban design, which consists of a written report with the proposal of acceptance or rejection of an urban project.

The proposal of the Planning Committee is binding.

If the proposal of the Commission referred to in paragraph 5 of this article shows that the urban project in accordance with the plan document and this Law, the competent authority shall notify the applicant.

On the notification referred to in paragraph 7 of this Article may be filed a complaint to the municipal or city council, within three days. "

 Article 39

Name above of the Article 68 and Article 68 are amended as follows:

'' 20.3. Study fixes the boundaries of adjacent plots and merges two adjacent plots of the same owner.

 Article 68

Correction boundaries of adjacent cadastral plots, the merger of two adjoining cadastral plots of the same owner, and connect adjacent plots where the same person is the owner or lessee of a long term on the basis of previous regulations, are based on a study of geodesic works.

Study of geodetic works is made by a company or other legal entity or entrepreneur geodesy entered in the appropriate register.

Before making geodetic study, cadastral plot owner solves property relations.

If the adjoining land parcels in public ownership, approval for the revision of borders is given by competent public attorney.

Owner of the land after the making of geodetic study, submits, a request for correction of plot boundaries to the competent authority for state survey and cadaster.

With the application of paragraph 5 of this Article, the owner submits a proof of settled property and legal relations.

When corrections boundaries of adjacent plots must be adhered to rule that the cadastral plots of public property which is merged to the neighboring land is not eligible for special construction plot, and the smaller the area of the plot which was merged.

The costs of corrections plot boundaries are charged to the owner or charterer of the cadastral parcel.''

 Article 40

After Article 68 are added the name of the article and a new Article which states:

'' 19.3. Urban and Architectural Competition

 Article 68a

Urban and architectural competition selecting program, urban, or landscape composition, the solution to a particular location or architectural design for one or more objects and the parterre or landscaping or completeness of the location.

A vacancy is a set of activities aimed at collecting and evaluating copyright solution for locations that are important for the local self-government.

The process of publication and implementation of competition and choice competition decisions governing local self-government units.

General Regulation Plan and Detailed Regulation Plan can be established obligations announcement urban and architectural competition for the locations that are important for the local self-government.''

 Article 41

For construction or installation of infrastructure, power and electronic facilities or communications networks and devices can be formed building plot which deviates from the surface or the position envisaged in the planning document for the area, providing access to the facility or equipment, for maintenance and repair or accidents. As a determined approach to public traffic area is recognized the Treaty of establishing the rights of usage with the owner of the servant good''.

Paragraph 2 is deleted.

Paragraph 4 is amended as follows:

'' As a proof of settled property relations on the land, the buildings of the century. 1 and 2 of this Article may be granted a contract for the lease of land to private property with the owner of the land, entered into in accordance with special regulations, as well as the agreement on the establishment of rights concluded with owner or user of the land that holders of public authority. For the construction, extension or reconstruction of existing utility infrastructure and line infrastructure, as proof of settled property relations on the land can be, instead of the prescribed evidence of this Article and other evidence prescribed by this Law and a list of cadastral plots with the accompanying consent of the owner, or land users. "

In paragraph 5, the words’’ Article 54, paragraph 5, point 3)’’ are replaced with the words:'' Article 135 of this Law)''.

In paragraph 6, the word "location" is deleted.

In paragraph 8 of the words'' with the application for issuance of building permits,’ is deleted and the following words:'' other proofs provided by this law,'' added particle'' and''.

Paragraphs . 9 and 10 are amended to read as follows:

'' Facilities from paragraph 1 of this Article can be built on agricultural land, with the prior approval of the Ministry of Agriculture. For the construction of these facilities on agricultural land can be implemented provisions of this Law relating to parcels, land division, and the correction of borders adjacent plots.

Investor for the construction from paragraph 1 of this Article has the right of transit passage and through the adjacent and surrounding land owned by the other owners to carry out works during construction, as required by the technological process in a way that is consistent with such a technological process .''

In paragraph 12, after the word'' transportation'' and adding the words'' and return the land to its original shape.''

 Article 42

In Article 70, paragraph 3, item 3) is amended as follows:

2) is a facility that is submitted request or object that is registered in the register of official real estate registers and rights in accordance with the special conditions for registration of title to buildings constructed without building permits (" Official Gazette of the Republic of Serbia'', No. 25 / 2013) for legalization and for which the competent authority is determined that a possibility of legalization, or that the decision about legalization in accordance with the previous law, when such a facility is built on a building plot on which a right of use, or the owner entered local self-government, the autonomous province of The Republic of Serbia. ".

In Article 70, paragraph 3, item 3) is amended as follows:

“3.Is in the process of conversion right necessary to determine land use for regular use of the existing facility, in accordance with the procedure laid down in Article 104 of this Law“.

In article 70. Paragraph 4. After the word “cadaster” is deleted particle “that”.

 In article 70. Paragraph 4. After the word “on what basis” deletes numbers „103,105,106 I 106a „ add „as well as documents on the basis of which it can be determined whether the applicant is the person referred to in Article 104.“

In Article 70. Paragraph 11 after word “to dispose of land „is delete words „or lease „

Article 43

 In Article 73 Paragraph 2 is deleted as follow:

„ The Agency has regional offices in accordance with the regulations of the agency.”

Article 44

In Article 74 Paragraph 2 after word „Agency “are deleted words „ with the opinion of executive organ of the autonomous province and „

Article 45

Section „ IV construction land, Articles from 82 to 109 are deleted and new Article are:

„ 1. The concept of construction land

Article 82

Construction land is land determined by the Law or by planning document for construction and facilities use, as well as the land on which were constructed facilities in accordance with the Law.

„ 2. using of construction land

Article 83.

Construction land is used for the purpose specified in the planning document, in a manner that provide its rational use, in accordance with the Law.

With the entry into force of the planning document that has been changed land into construction land, the owners of the land acquire rights and obligations stipulated in this Law and regulations adopted pursuant to the law, regardless of the fact that, the authority competent for the registration of the immovable property and rights to the month force changes in the public register of record of real estate and rights.

Construction land which is changed land purpose in accordance with paragraph 2 of this Article, can also be used for other purposes, to bringing the land up to planned purposes.

For the change of purpose of land to construction land, the fee is paid if that is determined by special law „.

„3. Ownership regime

Article 84

Construction land can be in all forms of property.

The title to the construction land in public ownership has the Republic of Serbia, autonomous province or local self-government. “

Article 85

Construction land is in traffic.

Construction land in public ownership is in traffic, under the conditions prescribed by this Law or other law.

„ 3.1. The right to lease on construction land in public ownership

Article 86

Owner of construction land in public ownership can provide construction land lease for the construction of the facility for which it is issued temporary building permit in accordance with Article 147 of this Law and of cases in accordance with Article 99 Paragraph 2 and 3 of this Law.

When building land lease for the construction of facilities for which the law provides a temporary building permit issuance, lease agreement is concluded for a definite period of time, no longer than five years.

„4. Kinds of construction land

Article 87.

Construction land may be:

1. Built and unbuilt
2. Developed and undeveloped

 „4. Change of purpose of agricultural land to building land

Article 88

When planning document the change in use of agricultural land in building land, the body competent for the adoption of the plan shall, within 15 days from the date of entry into force of the planning document, the body responsible for the affairs of state surveying and cadastral deliver document which contains a list of land plots which was changed purpose.

The authority for the nationalserveyingandcadastraldecisionimplementedresultingchageandputs a note about obligation to pay compensation for the change in use of agricultural land in the cadastral database from which the certificate is issued.

Agricultural land that is became building land by planning act, until start of construction or of restoration can be used for agricultural production.

The decision referred to in Paragraph 2 of this Article shall be sent to the owner of land, the ministry responsible for agriculture and the competent tax authority within 15 days of the issuance of the decision.

Owner of the land plot wichhasbeenchangedpurposefromagriculturallandintobuildingland is obliged to paycompesation for the change in usebeforeissuingurban-tehnicalandlocation , orbuildingpermit in accordancewithlawwichregulatesagriculturalland.

If the change of purposeortypes of landfromeagricultural to buildingland made under the law, the planning documentordecision of the competentauthorityuntil the 15th of July in 1992 orutil the date of enrtyintoforce of the Law on AgriculturalLand (OfficalGazette of RS „No. 49/92),doesnotpay the fee for change of landuse no matterwhaas t it is as way of usingentered: fields, fast, vineyards, orchards, meadows, pastures, wetlandstrstil-orunproductiveland.

Assemblelocalself-goverment in whoseterritoty the subjectland is,hasobligationfor the bodyresponsibile for the affairs of statesurveyingandcadastral , within 30 daysfrom the date of entryintoforce of thisact , submit a documentcontaining list of cadastralplotswichpurposearechanged to 15th July 1992.

The authorityresponsible for the nationalsurveyingandlandis obliged ,uponreceipt of anactreferred to in paragraph 6. of thisArticle ,within 60 days , enrollnotificationabout the obligation to paycompesation for the change in use , the landwhere the purpose is changedfromagricultural to buildinglandafter the deadline set out in paragraph 5. of thisartical.

The fee for a change of use of agriculturallandintoconstructionland is notpaidduring the construction of buildings of interest for the Republicof Serbia, in which the payer is the Republic of Serbia, autonomousprovinceorlocalself-government. The Government, on the recommendation of the ministry in charge of construction, determinesprojects for the construction of importance for the Republic.''

4.2''. Change of use of forestlandintobuildingland

Article 89

When planning documentchanges the purpose of forestlandintoconstructionland, the authorityresponsible for the adoption of the plan hasobligation, within 15 days of the effective date of the planning document, to the Ministryresponsible for forestryand the bodyresponsible for the affairs of statesurveyandcadastresubmit a documentcontaining list of cadastralplotswhicharechanged.

The bodyresponsible for the affairs of statesurveyandcadastresolutionimplementedresultingchangeandmakes a note on the obligation to paycompensation for the change of use of forestland-owners, in on the database of the cadastre of immovablepropertyfromwhichpublishes list of realestate.

The owner of the cadastral plotwhichischangedfromforestlandintoconstructionland is obliged to paycompensation for the change of use of landprior to the issuance oflocationconditions, andbuildingpermits, in accordancewith the lawwhichgoverning the forest.

Change of use of forestlandintoconstructionlandincluded in the plan document is consideredby the publicinterest in accordancewithArticle 10 of the Law on Forests ('' OfficialGazette of RS'', no. 30/2010 and 93/2012).

From the effective date of the planning documentwhichchangeswere made to useforestlandintoconstructionland, the owner of suchlandexercisesall the rights of the owner of the constructionland, in accordancewith the law. "

``4.3 Built and unbuilt construction land

Article 90.

Construction land can be built and unbuilt.

Built construction land is land on which are built buildings for the purposes of permanent use according to the Law.

Unbuilt construction land is land on which are not built buildings, on which are built objects without a building permit and temporary facilities.”

``4.4 Developed and undeveloped construction land

Article 91.

Construction land can be developed and undeveloped.

Developed construction land is land which is in the line with planning document with necessary utility infrastructure for building and use (built access road, electric power grid, water supply secured and provided other special conditions).“

``4.5. Equipment of construction land in public property funded by individual or legal entities

Article 92.

Construction land which is not equiped according to this Low, but it is covered by planning document from where there can be issued location conditions, or building permit, can be equiped by necessary utility infrastructure by using resources of individual or legal entities.

Entity from Paragraph 1. of this Article submits to the competent authority of the local government, or entity from Article 94 of this Law, the proposal for the funding of construction of the infrastructure, on which the competent authority is obbligated to respond within 15 days of receipt of the proposal.

The competent authority or entity from the Article 94 of this Law can make an agreement on joint infrastructure construction land with the entity from the Paragraph 1 of this Article, which in particular includes:

1) information about the location or the area where the municipal development is planned to be done;

2) data from the planning document and the technical requirements for construction;

3) data from the program of developing construction land;

4) the boundaries of the location planned to be equiped by utility infrastructure with the list of cadastral parcels;

5) frequency and period of construction;

6) the obligation of the local government as an investor to provide location conditions, building and use permits;

7) the obligation of the local government as an investor to provide supervision during construction works;

8) determination of the share of contract parties in providing, or financing of making technical documentation and expert control of technical documentation, execution of works and selection of contractors, as well as other costs related to providing infrastructure of construction land, including the amount and time for providing financial and other resources;

9) mapping the facilities planned to be built and which will be connverted to the local government property;

10) determination of the participation of the persons from the Paragraph 1. of this Article in financing of infrastructure equipment of construction land, for which the amount of the land development will be reduced;

11) resources of fulfillment of the obligations of the contract parties. "

`` 5. Developing of construction land

Article 93.

Developing of the construction land includes its preparation and equipment.

Preparation of construction land includes research activities, development of geodetic, geological and other bases, making planning and technical documentation, programs of land development, displacement, removal of buildings, terrain repair works and other activities.

Besides the works from the Paragraph 2 of this Article, on the areas that were exposed to war operations, must be made ​​control of the existence of residual explosives, in accordance with the Law.

Developing of the land includes the construction of utility infrastructure objects and construction and development of public areas. "

Article 94

Developing of the construction land is performing in accordance with the applicable plan document which is in the line with medium and annual regulation issued by local governments, simultaneously making attention of the protection, rational and sustainable use of land.

In order to provide the conditions for editing, using, promoting and protecting of construction land, the Republic of Serbia, autonomous province and local self government may establish a company, public company, or other organization or to carry out these duties in some other way, in accordance with the Law, or Statute.

'' 6. Financing development of construction land

Article 95

Financing of development of construction land shall be provided from funds ensured from:

1) contribution for the development of construction land;

2) leasing for construction land;

3) transfer or exchange of contraction land;

4) conversion of rights of use; respectively, conversion of the right of using to property right, according to this Law;

5) part of the property tax;

6) other sources in accordance with the Law. "

''6.1 The contribution of the development of construction land

Article 96

For development of construction land is paying the contribution to the local authority on whose territory where is planned the construction of facility.

Funds received from contributions for the development of land is used for developing (preparing and equipping) of construction land, acquisition of building land in public property and the construction and maintenance of utility infrastructure. "

"Article 97

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

The amount of the contribution is determined by the Decision multiplying the base which is the average price per square meter of new dwellings in the local government, according to the latest data of the authority responsible for the statistics, by the net surface of ​​the object in the process of construction, expressed in square meters, and the zone coefficient and use coefficient of the facility determined by the local self government unit.

Zone coefficient from the Paragraph 2 of this Article is not higher than 0.1, and the coefficient of purpose is not higher than 1.5, and should be taken into account that the amount of the most expensive purpose in the most expensive area is maximum 6 times higher than the amount of the cheapest purpose of the cheapest areas.

The amount of the contribution for the development of construction land is reduced by the costs of infrastructural equipment of construction land done by investors` fund, according to the contract concluded in accordance with Article 92 of this Law, as well as by the land value the investor concides to the local government for construction of infrastructure objects.

Units of local self government not later than 30 November of the current year are to determine the odds from Paragraph 2 of this Article.

The investor who submit appropriate funds` verification for the payments has right to pay the amount of the land development in at least 60 monthly installments, and the one who pays the fee only once, before the registration of the construction works is entitled to reduction the amount for at least 30%, according to the Decision of the local self government.

The government determines the class of the object and its purpose, the allowed number of zones, the amount of the deduction for the missing infrastructure, and the conditions and method of calculation of deduction under Paragraph 5 of this Article, the method of valuation in the case of payment in installments, the amount of reduction of contributions for development of construction land for specific purposes and classes of objects and parts of objects, as well as other issues of importance for the calculation and payment of contributions for construction land development.

The assembly of local self government unit by the General Act determines the amount of coefficients and location coefficients, criteria, the amount and the procedures for reducing the contributions for the construction land and other conveniences for investors as well as other issues of importance for the calculation and payment of contributions for land development according to this Law and the Act from Paragraph 7 of this Article, and by its special Act may provide additional benefits for the payment of contributions to areas of special importance within development of local self-government. It is not allowed to introduce the deductions of contribution amount for housing facilities, except for facilities for social housing whose investor is the Republic, autonomous province or local self government.

The contribution for the development of construction land is not valid for facilities of public use in public property, infrastructural, manufacturing and storage facilities, underground floors of building construction facilities (space intended for garaging vehicles, substations, transformer stations, pantries, laundry rooms, etc..), except for the vehicles of underground floors used for commercial activity, open playgrounds, outdoor sports fields, running tracks, production facilities, utility and infrastructure line objects.

The contribution of the development of construction land is paid when the use of a building, or its part, is changed from use defined in Paragraph 11 of this Article into some other purpose.

The investor who demolishes the existing facility built in accordance with the Law in order to build new one at the same location, is paying the contribution for construction land development in the amount of difference of square meters number of floor space between the facility planned to build and the facility which is being demolished.

Article 98

The local self government unit is to perform the calculation according to the Law, within five days from the date of application for the calculation of the contribution of the construction land, and to deliver it together with information about possible ways of payment to the investor for the responce.

The investor submits statement on the method and conditions of payment within three days of receipt of the notice from the Paragraph 1 of this Article.

The investor has the right to submit complaint on the calculation of the contribution of construction area, bigger unit of local self government, within five days of receipt of calculation.

After receipt of a complaint from the Paragraph 3 of this Article, the bigger local self governments are to determine the basis of the complaint, and within 8 days of receipt, make the decision which is binding for the entities from the Paragraph 1 of this Article.

The calculation from the Paragraph 1 of this Article is valid one year from the date of delivery to the applicant, or one year from the date of receipt of the Decision from the Paragraph 4 of this Article.

The local self government is obbligated, within three days of the expiry of the opposition and declaration of investors, or within three days from the date of the Decision from the Paragraph 4 of this Article, to adopt the Decision which establishes the Decision on the payment of contributions.

The decision from the Paragraph 6 of this Article is final from the passing day and it could not be appealed, but by lawsuit there can be initiated the administrative procedure.

No later than the submission of the application papers, the investor is required to make the payment of contributions for construction land development as a whole, or if the investor pays in installments, for the first installment he shoud submit payment confirmation.

As way of the contributions payment, the investor is obliged to:

1) until the time of the works application, submit an irrevocable bank guarantee payable on first demand without protest, which provides the total amount of outstanding installments and is issued for a term which shall not exceed three months from the date of maturity of the last installment, or

2) establish a mortgage on the house of the worth at least 30% of the total amount of outstanding installment in favor of the persons from the Paragraph 2 of this Article.

If for the local authority were not published the data of the average price per square meter of new dwellings, the contribution from the Paragraph 2 shall be determined on the basis of the data of the authority responsible for the statistics set out for the local self government of the same or simillar development level.

Investor who builds the facility with a total gross floor area which do not exceed 400 m² is not required to submit the collaterals in the case of contribution payment for construction land development in the rates.''

"6.2. Subtraction, exchange and lease of construction land in public property

Article 99

The subtraction of construction land in public property is implemented by public auction or by collecting offers from public advertisement, according to the market conditions, in accordance with the Law.

When the owner of construction land in public property is the Republic of Serbia, the subtraction of construction land from the Paragraph 1 of this Article is carried by Property Directorate of the Republic of Serbia, or the competent authority of the autonomous province, when the owner of construction land in public property is autonomous province.

By the subtraction of the construction land is also considered the exchange of immobilities. In case of exchange between the owners of the construction land in the public and private property, it is not provided the public bidding process or collecting offers by public advertisement, taking into account the legal nature of the institute exchange. The subject of the exchange can be built and unbuilt construction land.

Conditions, manner and procedure of the exchange of immobilities are determined by the Government.

The procedure, conditions, methods and subtraction program of construction land in public property of local self goverment establishes local self government unit.

Existing and planned areas for public use can not be subtracted from public property.

The construction land in public property can not be subtracted or leased, if there is not passed the planning document on which base is issuing the locational conditions, and building permits.

The deadline for submission of applications for the tender, or for collecting the offers referred to in Paragraph 1 of this Article shall not be less than 30 days from the date of public advertisement.

The construction land in public property is subtractioning to the entity that offers the highest price for the land, which can subsequently be reduced, or to the entity that offers the best terms. By reducing the highest price is not considered the discount approved by the owner of construction land in public property for a one-time payment of a certain price, in accordance with the bylaw or general act of the land owner by which is developing the construction land.

Notwithstanding the provisions of paragraph 9 of this Article, the unit of local self government may subtract the unbuilt construction land at a price that is lower than the market price or subtract the construction land without compensation, with the previously provided approval of the Government, if there is a question of realization of the investment project which promotes local economic development.

Detailed conditions for the subtract of construction land from the Paragraph 9 of this Article are prescribed by the Government.

Notwithstanding the provisions of paragraph 9 of this Article, the Republic of Serbia, autonomous province or local self government may subtract the land by lower price than the market price or expropriate it without compensation, in the case of fulfilling contractual obligations made by the date of entrance into force of this Law, based on the contract in which Serbia is one of the contract parties, when it comes to the implementation of construction projects of importance for the Republic of Serbia or in the case of mutual availability between the owners of construction land in public property. Conditions, manner and procedure for subtraction of construction land is prescribed by the Government.

About subtraction or exchange of construction land in public property, after the completion of the public tender process, collecting offers or direct negotiations, the competent authority is to take the decision, which is distributed to all participants at the public auction, or tender.

The owner of construction land in public property and the entity from which the construction land is subtracting sign the contract within 30 days from the date of the Decision from the Paragraph 15 of this Article.

The construction land in public property can be leased as it is provided in Article 86 of this Law.

The contract of leasing of construction land in public property contains: information about cadastral parcels, purpose and size of the future building, the amount of rent, the term of the leasing, time and manner of payment of compensation for land development, specific requirements for landscaping if the leasing gives the undeveloped construction land, time within land must be used according to its original purpose, rights and obligations in the case of non compliance of obbligations, method of dispute resolution, as well as the procedure and conditions for modification or termination of the contract, and the conditions under which the land can be given in the property to the leaseholder. When the leasing contract is providing the payment in installments, it is obbligated to prescribe the method of harmonizing of the amount of the leasing with the increase in retail prices in Serbia, according to published data of relevant organizations responsable for the statistics maintaining.

The owner of construction land in public property specifies conditions, procedure, manner and content of the contract of subtracting or leasing.

The participant of the auction, respectively the participant in the offer collecting process, who considers that the construction land is subtracted or leased contrary of the Act, and consecvetly by that is injured his legal right, may submit the complaint for the annulment of the contract to the competent court within a period of eight days from cognition about contract conclusion, but not later than 30 days from the date of the contract conclusion.

The construction land is acquired for public property in a manner and under conditions prescribed by the appropriate Law on public property and regulation of the Government of the Republic of Serbia. The exchange of real estate is also consedered convertion of the construction land to private property. "

'' Article 100

Construction land in public property can be subtracted or leased by direct negotiation in the case of:

1) construction of facilities intended for performing of state authorities and organizations, bodies of territorial autonomy units and local self governments, as well as other buildings in public property;

2) obtaining a building permit, to the owner of the illegally built facility, who submited request within the time limits prescribed by the Law which regulates the legalization of buildings, if the construction of the facility is in accordance with the conditions provided by the Law;

3) bounderies corrections of contiguous land parcels;

4) forming ofconstruction lots in accordance with Article 70 of this Law;

5) subtraction from Article 98, Paragrapf 10 and 12 of this Law, or leasing from Article 86 of this Law;

6) consensual giving land to the previous owner of the property that was expropriated in accordance with the regulations on expropriation;

7) subtraction of unbuilt construction land in the process of restitution and compensation in accordance with the Law;

8) exchange of the construction lands.

In the case of concessions or delegations of communal activities in accordance with special Laws, construction land can be leased without reimbursement, for the time stipulated in the concession agreement in duration of the concession, respectively for the period in which was entrusted the performance of utilities activities.

In order to achieve the public-private partnership, unbuilt construction land in public property can be leased without reimbursement to the private partner for the period in which the public contract was concluded according to the Law which regulates public-private partnerships and concessions, or enter as an initial capital in companies, and the owner of construction land in public property can conclude a contract with individual or legal entity about joint construction of one or more objects.

Unbuilt construction land in public property may be administered as an initial capital of a public company.

The Government prescribes the manner and conditions for investment from the Paragraph 3 and 4 of this Article. "

Article 100

Construction land in public ownership can be alienated or leased by the direct agreement in following cases:

1. Construction of the facilities for works in competence of state authorities and organizations, authorities of territorial autonomous units and local self – governments, such as other facilities in public ownership.
2. Obtaining the building permit to the owner of illegally constructed building, who has submitted the request in the deadlines prescribed by the Law which determines the facility legalization, if the construction of that facility in accordance with the conditions prescribed by this Law.
3. Corrections of borders of adjacent plots.
4. Forming the construction plots in accordance with the Article 70 of this Law.
5. Alienations from the Article 98 pages 10 and 12 of this Law, respectively leasing from the Article 86 of this Law.
6. Giving the land to the previous owner by mutual agreement which was the subject of expropriation, in accordance with the Regulations on expropriation.
7. Alienation of none developed construction land in procedure of restitution and compensation in accordance with the current Law.
8. Exchanges of the construction land.

In the case of giving concession or delegation of utility services in accordance with the special Laws, the construction land can be leased without compensation, on the period prescribed by the Contract on concession in the duration of the concession, respectively on the time period that is entrusted with communal activities.

To achieve the public – private partnership, undeveloped construction land in public ownership could be leased without compensation to the private partner on the time on that was concluded public contract in accordance with the Law which prescribes the public – private partnership and concessions and it can be the funding capital in companies, and the owner of construction land in public ownership can make with individual or legal entity the contract on joint construction of one or more facilities.

Undeveloped construction land in public ownership can be introduced as funding capital in public company.

The Government determines closely method and conditions for investment from the Paragraph 3 and 4 of this Article.”

“7. Amendment of the lease contract of building land

Article 101

If it is changed the owner of the building or of the separate physical part of the building that was built or being built on building land in public ownership, which is used under the lease contract concluded in accordance with the Law, at the request of the lessee, the lessor shall modify the lease contract so that on the place i.e. besides the earlier tenant come the new owner of the building or part thereof.

Besides the request for the amendment of the lease contract, it shall be submitted the contract on the purchase of the building or purchase of the building under construction, i.e. other legal basis entitling property right of the building or building under construction, which is certified by the court, with the certificate of tax administration on tax settlement by the legal basis or with the certificate of tax administration on tax holiday or court order about inheritance.

The lessor concludes the lease contract with the new owner of the building, which after the signing is the basis for the change of tenant registration in the public register of real estate records and rights on them.

Upon the registration of property rights on the building that was built or for which is subsequently issued building and use permit in the process of legalization on the building land that is used under the lease contract concluded in accordance with this Law, at the request of the lessee, the lessor and lessee will sign the contract on termination of the lease contract and of any other contract in accordance with applicable regulations, which will regulate the manner and terms of settlement or the contractual obligations of the lease contract.

Conditions, manner and procedure for amendment i.e. termination of the contract from paragraph 4 of this article (mode of transmission of the remaining debt, relief from payment of contractual rent if the market value of building land was paid, approval to convert a tenancy right to the right of property without compensation and similar) governs the owner of the building land in public ownership."

''8. Conversion of rights of use into the property right of building land without compensation

Article 102

The right to use building land turns into the property right without compensation.

Property right referred to in paragraph 1 of this Article shall be acquired on the date of entry into force of this Law and the registration of property rights shall be performed by the authority in charge of keeping records of immovable property and rights thereof (hereinafter referred to as records), ex officio.

In the record shall be written that the cadastral parcel is in the property of the person who is registered as the owner of the building i.e. of the buildings that are on that parcel i.e. in the property of the person who is registered as the holder of the right to use on cadastral parcel on the undeveloped building land, except for persons which in accordance with this Law shall entitled the right to convert the rights to use into the property right with compensation.

For the Republic of Serbia, autonomous province and local self-government units, which are registered as holders of rights to use the undeveloped and developed land owned by the state in public book of records of real estates and rights of them, on 11th September 2009 as the date of entry into force of the Law on Planning and Construction ("Official Gazette of RS", 72/09) was terminated the right to use that property and was converted into the right of public property, on behalf of the Republic of Serbia, autonomous province or local self-government, without compensation.

For the legal entities established by the Republic of Serbia, autonomous province or local self-government, which are registered as holders of rights to use the undeveloped and developed land owned by the state in public book of records of real estates and rights of them, on 11th September 2009 as the date of entry into force of the Law on Planning and Construction ("Official Gazette of RS", 72/09) was terminated the right to use that property and was converted into the right of public property, on behalf of the Republic of Serbia, autonomous province or local self-government, without compensation.

The property right acquired in accordance with paragraph 3 and 4 of this Article shall have effect from 11th September 2009, as the date of entry into force of the Law on Planning and Construction ("Official Gazette of RS", 72/09), and the registration of property right in the public register of real estate and the rights thereof in favor of the Republic of Serbia, autonomous province or local self-government has declarative character."

“Article 103

Owners of buildings constructed on building land in public ownership for which it has been concluded the lease contract for construction, in accordance with previous laws on planning and construction, at the request of the tenant - the owner of the facility or part of the facility, shall be entitled the property right of building land without compensation, if the full amount of rent was paid for the period mark in the lease contract.

Tenants of building land in public ownership for which it was signed the lease contract for construction, in accordance with previous laws on planning and construction, at the request of the tenant shall be entitled the property right of building land without compensation, if the full amount of rent was paid for the period mark in the lease contract.

Beside the application for the registration of property right for persons referred to in paragraph 1 and 2 of this Article, to the authority responsible for the registration of property right, it shall be submitted the evidence that the amount of rent was paid in full.

The conditions and procedure for converting the right of tenancy into the property right regulates the owners of land in public ownership.

The provision of paragraph 1 of this Article shall not be applied to persons who under this Law may exercise the right to convert the rights to use into the property right with compensation.

Registration of property rights in favor of the persons referred to in paragraph 1 and 2 of this Article shall perform the authority in charge of keeping records of immovable property and rights thereof, at the request of those persons."

“Article 104

If on the cadastral parcel was constructed more buildings owned by different persons, the competent authority in the records entered that the cadastral parcel is in co-ownership of these people, with a share that is in proportion with the owned area in relation to the total area of buildings that are on that parcel.

If on the cadastral parcel is located building i.e. buildings in co-ownership of various persons or the building is composed of separate parts that are owned by different persons, the competent authority in the records entered that the cadastral parcel is in co-ownership of this persons in proportion with the owned area in relation to the total area of ​​the building or buildings that are on that parcel.

At the request of the person who acquires the property right in accordance with paragraph 1 and 2 of this Article, the competent authority shall enter in the register that person as the owner of the cadastral parcels i.e. as co-owners of the share on that parcel.

If in the records on cadastral parcel is not registered the existing building and / or is registered previously existing building that was removed, and the existing building was constructed on the basis of the building permit, but it has not yet issued a use permit and / or is in the process of legalization, property rights in accordance with paragraph 3 of this Article shall acquire the owner or co-owners of the new facility, i.e. of the separate parts of the facility, and request for registration of property rights on cadastral parcel may be submitted only after the registration of this new facility to the record or pursuant to the final court decision that requires such registration."

''9. Land for regular use of the building

Article 105

Land for regular use of the building is the land within the boundaries of the cadastral parcel.

The owner of the building or of the separate physical part of the building that is not registered as the holder of rights to use the building land on which the building is i.e. the part of the building constructed, acquire property right on cadastral parcel on which the facility is built, so as the land for the regular use of the building, with the aim to establish the unity of real property referred to in Article 107 of this Law, unless the property right of the building was acquired under the legalization of the building, or on the basis of the Law on Special Requirements for the Registration of Property Rights of the Buildings Constructed without Building Permits (''Official Gazette of the Republic of Serbia'' 'No. 25/2013).

Request for registration of property rights referred to in paragraph 2 of this Article shall be submitted to the authority responsible for the affairs of the state survey and cadaster.

The provision of paragraph 2 of this Article shall not be applied to the persons who under this Law may exercise the right to convert the rights to use into the property right with compensation.

If in the process of determining the land for the regular use of the building prescribed in the Article 70 of this Law was established that the area of the cadastral parcel is at the same time the land for the regular use of the building in accordance with this law, the owner of the existing building acquired property right of the building land, without compensation.

If in the process of determining the land for the regular use of the building prescribed in the Article 70 of this Law was established that the land for the regular use of the building is the lesser that the cadastral parcel on which the building was built, if the rest of the land can not form the separate building parcel, the property owner may alienate that remaining part of the land from the object owner at the market price with direct negotiation.

 If in the process of determining the land for the regular use of the building prescribed in the Article 70 of this Law was established that the land for the regular use of the building is lesser that the cadastral parcel on which the building was built, if the rest of the land may form the separate building parcel, the property owner dispose of land in accordance with this Law.

Upon the completion of the procedure, the authority responsible for property legal administration of the local self-government unit on which territory is the subject land, with one decision determines land for regular use and the right to convert the rights to use, in accordance with this Law.

After the decision referred to in paragraph 5 of this Article, the owner in accordance with this Law shall acquire the right to register the property on construction land in the public register of real estate records and rights on them."

"10. Conversion of rights of use into the property right with compensation

Article 106

Building land on which the holders of rights to use are:

1. Companies in restructuring;
2. Sport societies and societies of citizens;
3. Persons who have acquired the building land which was part of the property on which the holders of the right of use is or are companies and other legal entities to which was applied the provisions of the law regulating privatization;
4. Persons who have acquired the right to use the undeveloped building land owned by the state for the construction, in accordance with previous laws that were regulated building land until 13th May 2003 or upon the decision of the competent authority, and that was without function, and during the statutory deadline have applied for conversion, it is the land in public ownership of the Republic of Serbia.

Building land referred to in paragraph 1 of this Article may be the subject of conversion rights to use into the property right with compensation. The compensation represents the market value of the building land at the time of submission the application calculated based on the average price of the square meter of land in the appropriate zone, in accordance with the regulations governing the property tax.

Persons referred to in paragraph 1 of this Article, as the holders of rights to use on developed building land acquires the property right without compensation on the building land under the building, which was registered in the public records of immovable property and rights thereof. Building land under the building becomes cadastral parcels, which shall be registered in the cadaster record of real estate as a property owner. At the request of the person referred to in paragraph 1 of this Article shall be determined the land for the regular use that as the part of the same parcel exceed to the property owner, without compensation, under the procedure provided in Article 104 of this Law.

If the ratio of the horizontal projection of the building and the maximum allowed percentage of parcel availability, which is determined by the applicable plan document and applies to the subject land, equal to or greater than the area of ​​the cadastral parcels, shall not be determined the land for the regular use of the building in accordance with paragraph 3 of this Article, but it is registered the property right to the existing cadastral parcel, without compensation.

Beside the request for the forming of cadastral parcels and registration of the property right to the newly formed cadastral parcels referred to in paragraph 3 of this Article, the building owner shall submit the copy of the parcel plan and the extract from the public records of immovable property and rights thereof.

The compensation referred to in paragraph 2 of this Article shall be paid in 120 equal monthly installments, and if the payment is a one-time, discounts the compensation is 50% of the determined value.

The authority of local self-government unit responsible for legal property affairs of the territory on which the subject property is, shall issue the decision approving the conversion rights to use into the property right, which upon the finality is the basis for registration of property rights in the public register of immovable property and rights of them.

The provisions of paragraph 2 of this Article shall not apply to the persons who in the process of public announcements, by the market conditions, acquired property right on the building with the corresponding right to use the developed building land in accordance with the special Law, and before the conclusion of the contract on the purchase of property or part of the company property or of the other legal entity in accordance with the provisions of the law regulating privatization, until the day of the entry into force of the Law on Planning and Construction ("Official Gazette of RS" No. 72/09), as well as persons who after the procedure of privatization cargo legal business from the subject of privatization until the day of entry into force of the Law on Planning and Construction ("Official Gazette of RS" No. 72/09), acquired the property right of the building and the right to use building land, which persons shall have the right to convert the rights to use into the property right without compensation, in accordance with the provisions of this Law. Conversion of rights to use into the property right referred to in paragraph 1 of this Article, shall be achieved on separate cadastral parcels or on more determined cadastral parcels.

To the decision referred to in paragraph 6 of this Article it may be appealed to the ministry responsible for finance, within 15 days of submission the decision.

The subject of conversion rights from paragraph 1 of this Article shall not be the land that is determined with the special law as the land that can not be alienated from the public (state) property or the land on which it was envisaged the construction of buildings of public interest and areas of public use.

The persons referred to in paragraph 1 of this Article before conversion the right to use into the property right in accordance with this law, may exercise the right to build in accordance with the applicable plan document and as the proof of the settled property and legal relations in the process of issuing building and use permits are recognized the right to use registered in the public records of immovable property and rights of them in favor of that person.

The right to build in accordance with paragraph 11 of this Article may be exercised until the 31st December 2016.

“Article 107

Cash assets provided on the basis of conversion the rights to use into the property right of building land in accordance with this Law, shall be paid in the amount of 50% in the special fund for restitution and in the amount of 50% of the budget of the local self-government unit.

Funds paid into the budget of the local self-government unit shall be used for land development.

Funds paid into the restitution fund are used to pay cash compensation in accordance with the provisions of the law governing restitution.”

11. Establishment of unity property

Article 108

After the completion of the procedure of conversion rights to use into the property right in accordance with this Law, cadastral parcel of the constructed building land together with the buildings constructed on it becomes a unique subject of property rights (the unity property), so that all existing rights and encumbrances that existed on the building, or on the separate part of the building, from the time of registration of property right shall be transferred to that cadastral parcel or on the part of the cadastral parcel of the owners of this separate part, unless it is on the land where was established the long-term lease in accordance with this Law.

In the case when more buildings of different owners was built on one cadastral parcel, unity of property referred to in paragraph 1 of this Article shall be established after the procedure of allotment, so that for each building after the allotment shall be formed separate cadastral parcel.

In the case when on the one parcel was registered more of the co-users or co-owners, and only one of them is the owner of the building constructed on that parcel, the unity of property referred to in paragraph 1 of this Article shall be established after the procedure of allotment of cadastral parcel on which the building was built, while the rest of the parcels, if there are conditions, shall form cadastral parcels of the undeveloped building land.

Allotment referred to in the paragraph 2 and 3 of this Article shall be performed based on the consent of the owners of the existing buildings or land.

In the case when the consent referred to in paragraph 4 of this Article is not achieved, the person may initiate proceedings for the dissolution of co-ownership community to the competent court. On the basis of the final court decision it shall be implemented allotment referred to in paragraph 2 and 3 of this Article to the authority in charge of the Real Estate Cadastre.

In the case referred to in paragraph 2 of this Article in the court procedure shall be submitted the geodetic study, and in the case referred to in paragraph 3 of this Article shall be submitted the allotment project, in accordance with the Law.

During the drafting the geodetic study or allotment project for the dissolution of co-owner community, it may not be applied the provisions of the minimum lot area of building parcel, height and removal of the building prescribed with the planning document for that area.

Article 46

Title above the article and article 109 shall be deleted.

Article 47

In the Article 111 in paragraph 2, words: “location permit” shall be replaced with the words: “location conditions”.

Article 48

In the Article 114 in paragraph 1, after word: “investments” shall be deleted the point, added comma and words: “for the projects that should be financed from the budget funds”.

Article 49

Article 116 shall be replaced and amounted:

“Technical documentation shall be drafted as:

1. General Design;
2. Preliminary Design;
3. Project for Issuing Building Permits;
4. Main Design;
5. Detailed Design and
6. Project of Constructed Facility.”

Article 50

Article 118 shall be replaced and amounted:

“Preliminary Design is drafted upon the issuance of location conditions, as part of the required documentation in the process of obtaining building permit for the construction of Article 133 of this Law.

Upon the drafting, preliminary design shall be subject to professional control of the Audit Commission.

Upon receiving the positive report from the Audit Commission, it can be accessed to the developing of the project for the issuing building permit.''

Article 51

Article 119 shall be replaced and amounted:

''Main Design is a set of mutually harmonized projects which determines the construction- technical, technological and exploitation characteristics of the facility with equipment and installations, technical-technological and organizational solutions for the building construction, the investment value of the building and maintenance conditions.

The project referred to in paragraph 1 of this Article obligatory shall include a statement of the responsible designer and technical control performer, confirming that the main project is not made ​​contrary to the location conditions, to the project for the building permit and profession rules.

The investor shall obtain the approval of the technical documentation only from the authority in charge of fire protection when it is prescribed by the special Law.

When the location conditions provide that the competent authority for fire protection shall approve the Preliminary Design, this authority shall, at the request of investors, issue the required approval within 15 days of the day of request. If the competent authority fails to act within the prescribed period, the investor approval for the Main Design obtained from the fire protection engineer with the appropriate license.

Exceptionally, in the case of projects referred to in the Article 133, the Main Design may be drafted in stages.

The project referred to in paragraph 5 shall be subject to professional control.

Authorities or organization referred to in paragraph 4 of this Article need to include the building on the infrastructure, if it is determined that the facility is suitable for use in accordance with this Law and with the Law governing the energy. "

Article 52

The Article 120 shall be replaced and amounted:

'' Special types of the Main Design are:

1) Project for the issuing of building permit;

2) Project for the construction or reconstruction of housing and ancillary facilities of family households whose a total gross floor area not exceeding 400 m² i.e. of the economic facilities in rural areas up to 600 m²;

3) Project for the construction or reconstruction of buildings;

4) Project for the civil engineering;

5) Demolition project.

Projects from the paragraph 1 of this Article shall be professionally controlled.”

Article 53

The Article 121 shall be deleted.

Article 54

The Article 122 shall be deleted.

Article 55

Title above the Article 125 and the Article 125 shall be replaced and amounted:

“1.9. Preliminary Solution and Preliminary Design for the building construction and execution of works for which it shall not be issued the building permit

Article 125

Preliminary Solution shall be submitted with the request for issuing the location conditions.

Preliminary Design for the building construction and execution of works for which it shall not be issued the building permit, shall be drafted for the purpose of issuing the solution referred to in Article 145 of this Law.”

Article 56

In the Article 129, after the paragraph 5, shall be added two new paragraphs that amounts:

''About the performed technical control shall be submitted the report signed by the responsible designers who performed the technical control of the individual parts of the project and final report shall be signed by the responsible person referred to in paragraph 1 of this Article.

The correctness of the Main Design or of the project for the building permit shall be certified on the project.''

Paragraph 7 shall be deleted.

Article 57

After the Article 129 shall be added the new Article that amounts:

“Article 129a.

The company or other legal entity or entrepreneur, who performs manufacturing and control of the technical documentation, must have professional indemnity insurance.''

Article 58

In the Article 132, paragraph 3, number: “60” shall be replaced with the number: “30”.

Article 59

In the Article 133, item 2) after the words: “radioactive”, it shall be added the words: “raw material and”.

Item 3) shall be replaced and amounts:

"3) facilities for the exploitation and processing of oil and gas, production of biodiesel, international and main petroleum pipeline and product pipeline with a diameter greater than Ø508mm, nominal working overpressure over 50 bars, warehouses, oil, gas and petroleum products with capacity of over 2000 tons, main heating system;''

In the item 4) shall be deleted the words "in accordance with the capacities defined in the Regulation on Determine of the Project List which require environmental impact assessment and a list of projects that may require assessment of environmental impact" and replaced with the words "wood processing, food industry".

Item 5) shall be replaced and amounts:

"5) stadium for 20 000 or more spectators, facilities with construction range of over 50, buildings over 50m in height, silo with capacity exceeding 20 000m³ of facilities correctional institutions, facilities for official use of diplomatic consular representative offices of foreign countries, or offices of international organizations in the Republic of Serbia, if it is prescribed by the bilateral agreement, as well as multi-family residential complexes housing when the investor is the Republic of Serbia "

Item 7) shall be replaced and amounts:

"7) Inter-regional and regional water supply in facilities and sewage, treatment plants for drinking water with capacity exceeding 200 l/s and installation of wastewater treatment capacity exceeding 200 l/s"

Item 12) shall be replaced and amounts:

“12) Airports for public air transport”

Item 16) shall be replaced and amounts:

''16) electronic communications facilities, or networks, systems and resources that are international and main significance and those that are built on the territory of two or more units of local self-government;''

Item 20) shall be replaced and amounts:

''20) facilities for the production of energy from renewable energy power of 10MW and more, as well as power plants with combined power production of 10MW and more.''

Article 60

Article 135 shall be replaced and amounts:

''The building permit shall be issued to the investor who submits the project for issuing the building permit, has the proper rights on land or building, who has arranged relations with local self-government units in terms of the contribution of the building land development and provided proof of payment of the administrative fee.

As appropriate right on building land it is considered to be the property right, the right to lease the building land in public ownership, right to use, as well as other rights under this Law.

For the construction of linear infrastructure facilities, as proof of the appropriate right is considered the act of the ministry in charge of finance on the introduction in possession of the property, in accordance with the special law, concluded contract on the right of easement in accordance with this law, signed the lease contract on the land in private property, as well as other evidence prescribed in Article 69 of this Law.

For construction or execution of works on the building land or on the building that is owned by several persons, along with the request referred to in paragraph 1 of this Article shall be submitted the notarized consent of those persons, and if it works on superstructures, shall be attached the contract concluded in accordance with the special Law.

For construction or execution of works on the building land on which the holder of the right to use was registered person referred to in Article 106 of this Law, along the request referred to in paragraph 1 of this Article, it shall be submitted the extract from the property list with the registered right to use in favor of the applicant.

For construction or execution of works on construction building for official use of diplomatic consular representatives of foreign countries, or offices of international organizations in the Republic of Serbia, if it is prescribed by the bilateral agreement, the investor has no obligation to provide the evidence on the regulation of relations in terms of the contribution of building land development, if there is reciprocity with the foreign country, of which the certificate shall be issued by the ministry in charge of foreign affairs.

For the construction of energy facilities, before the issuance of the building permit, the investor shall obtain energy permit, in accordance with the special Law.

Energy permit is issued by the class and type of energy facility which is determined by the law governing the energy sector.

The authority responsible for issuing building permits, after receiving the request for the issuance of building permit shall verify the submitted documentation in accordance with the Article 8d of this Law.

For the facilities that the building permit shall issue the Ministry or the competent authority of the autonomous province, before the issuance of building permit it is necessary to obtain the report of the review committee.

Article 61

Article 136 shall be replaced and amounts:

'' If before the start of building construction should be removed the existing building or part of it, removing shall be ordered with the building permit.

The building permit shall be issued with the decision within three days of submission of duly completed request. An integral part of the solution is the project for issuing the building permit.

The decision referred to in paragraph 2 of this Article may be appealed within eight days from the date of delivery.

The decision referred to in paragraph 2 of this Article that shall be issued by the Ministry or the competent authority of the autonomous province, cannot be appealed, but the complainant may initiate administrative proceedings. "

Article 62

In the Article 137, paragraphs 3, 4, 5 and 6 shall be deleted.

Article 63

In the Article 140, paragraphs 4, 5, 6, 7 and 8 shall be deleted.

Article 64

In the title above the Article 141 words: “location and” shall be deleted.

In the Article 141, paragraph 1, words: “during the building construction or execution of works” shall be deleted and replaced with words: “after the issuance of the building permit”.

In the Article 141, paragraph 1, words: “location and” shall be deleted.

In the Article 141, paragraph 1, words: “location and” shall be deleted.

In the Article 141, paragraph 3, word: “certified by court” shall be deleted and replaced with words “concluded and certified on with Law regulated way”.

In the Article 141, paragraph 4, number: “91” shall be replaced with the number: “95”.

In the paragraph 8 words: “location and” shall be deleted.

In the paragraph 9 words: “location and” shall be deleted.

Article 65

In the Article 145, paragraph 2 shall be replaced and amounts:

"Decision on the approval of the works execution shall be issued to the investor who has the appropriate property right in accordance with Article 135 of this Law, who submit preliminary or main design, or technical description and list of the works on capital maintenance, and who has regulated the relations with the local self-government unit in terms of the contribution of the building land development and was paid the appropriate administrative fee”

In the Article 145, paragraph 3 shall be deleted.

In Article 145, paragraph 4 shall be deleted.

In Article 145, paragraph 8, the word "eight" shall be replaced with the word "three”.

Article 66

In the Article 146, paragraph 1, the words'' monuments and memorials in the areas of public use,'' shall be deleted.

After paragraph 1 shall be added the new paragraph that amounts:

'' The construction and installation of monuments and memorials in the areas of public use, provide and regulate local self-government units, with the prior approval of the Ministry of Culture. The construction of monuments and memorials outside the area for public use is prohibited.''

Article 67

In the Article 147, paragraph 1, words: “with the associated measuring equipment” shall be deleted.

In the Article 147, paragraph 2 shall be replaced and amounts:

''On the process of issuing temporary building permit and its contents shall be applied the provisions relating to the issuance of the decision referred to in Article 145 of this Law.''

After paragraph 5 shall be added the new paragraph that amounts:

''At the request of the investor, the decision on temporary building permit can be extended for an additional 3 years. With the expiration of the period specified, it shall be applied the provisions of this article on the removal of the temporary facility.''

Article 68

After the Article 147 the title above the Article and new Article shall be added and amounts:

“a1. Preparatory works

Article 147a

Based on the issued building permit and the project for a building permit issuance, the investor can access to the preparatory works contained in the building permit and in the project and to draft the main design."

Article 69

Article 148 shall be replaced and amounts:

"Upon the development of the main design, and before the start of building construction or execution of works, the investor need announce the commencement of construction to the authority that issued the building permit, eight days before the commencement of works.

With the work application it shall submit proof of having no obligations to local self-governments units, or person referred to in article 97 of this Law on the payment of contributions for building land development.

Registration includes a commencement date and deadline for completion of construction or execution of works.

The competent authority informs the building inspection about the report.

The deadline for completion of construction shall begin from the date of submission of the application referred to in paragraph 1 of this Article."

Article 70

In the Article 152, paragraph 4, at the end of the paragraph shall be added the words “that shall be submitted to the competent building inspector.”

In the Article 152, paragraph 7, word: “standard” shall be replaced with the word: “standards”.

Article 71

In the Article 154, paragraph 2, after the words "building construction", it shall be added the words "or part of the building which is technical and technological unit and can be used independently as such''.

In the Article 154, paragraph 2, the words ''within 30 days of submission the request for the execution of technical inspection.'' shall be deleted.

In the Article 154, paragraph 3, after the words "at the request of investors" shall be added the words "or in accordance with the act that determines contain and manner of performing technical inspections.''.

In Article 154, paragraph 3, the words "if, upon the completion of the building construction would not be able to perform control of executed works." shall be deleted.

Article 72

Article 155 is changed as follow:

“Technical inspection of the facility issues the Commission or company, respectively other legal entity to which the investor entrusts this work and which is inscribed in appropriate register for issuing this kind of works.

Technical inspection of the facility provides the investor in accordance with this Law.

The costs of technical inspection pay the investor.”

Article 73

In Article 157 in Paragraph 1 the words “propose to the competent authority” are deleted.

The Paragraph 2 is changed as follow: “Probationary period cannot last longer than one year. The investor has the obligation to follow the results of the probationary period.”

In the Paragraph 3 the words “to the authority competent for issuing the use permit” are deleted and changed by the words “to investor”.

Article 74

Article 158 is changed as follow:

“The facility can be used with the prior use permit.

The authority competent for issuing building permits issues by the decision the use permit, within three days of submitting the application for the use permit.

The application for the use permit shall be accompanied by findings of the Commission for technical inspection by which is determined that the facility is suitable for use with proposal for issuance of use permit, Main Design.

The use permit is issued for the whole facility or for the part of the facility that represent technical – technological unit and can be used independently.

The use permit contains the warranty period for the facility and some type of works determined by the special regulation.

The use permit is delivered to the investor and to the competent construction inspector.

The Decision from the Paragraph 2 of this Article may be appealed within 15 days from submission.

The Decision from the Paragraph 2, when the Decision maker is the Ministry competent for the construction, or the competent authority of the autonomous province, cannot be appealed, but it could be initiated the administrative proceedings within 30 days from the submission.”

Article 75

In Article 164 in Paragraph 1 in Item 2) after the word “contractor” are added the words: “and responsible engineer of energy efficiency.”

Article 76

In Article 167 after the Paragraph 1 is added a new Paragraph as follow:

“The Decision from the Paragraph 1 of this Article can be issued if the competent construction inspector had issued prior the Decision on prohibition of use of the facility.”

In Paragraph 2 after the point at the end of the sentences is added a new sentences as follow: “Resolved issue of accommodation of the facility user is provided necessary accommodation.”

Article 77

In Article 168 in Paragraph 3 number 15 is changed by the number 8.

Article 78

Article 171 is changed as follow:

“The Decision on facility removal or the part of the facility, covered under this Law, performs the republic authority or the authority of autonomous province or local self – government competent for construction inspection.

The authority competent for construction inspection makes the program on facility removal and is responsible for the performance.

The costs of the performance of the inspection had to pay the judgment debtor.

On the request of the authority competent for construction inspection, the competent police administration will bring the police help, in the purpose of facilitating the implementation of the Decision on removal of facility or the part of the facility in accordance with the Law.

After the removal of the facility or the part of the facility, the construction inspector makes the minutes on removal of the facility or the part of the facility which had to be submitted to the authority competent for the cadastre.”

Article 79

In Article 172 after Paragraph 5 is added a new Paragraph as follow:

“If during the inspection of the work of construction inspector of the city municipality of the city of Belgrade determines that the municipality construction inspector does not take the required measures during the inspection, the city construction inspector has the right to take in the particular case to perform the inspection and terminate the proceedings.

Against the municipality construction inspector, unless the penalties prescribed by the Article 209 Paragraph 1 Item 7), starts the disciplinary proceedings because of serious breaches of duties of the work.

In the case from the Paragraph 6 of this Article, the Ministry competent for construction decides on the appeal against the Decision rendered in this case.

Article 80

Article 173 is changed as follow:

“Urban inspector, during the inspection has the right and duty to check if:

1. Company or other legal entity or entrepreneur which makes Spatial and Urban Plans or performs other works prescribed by this Law.
2. The planning document issued and adopted in accordance with the Law and Regulation adopted in accordance with the Law.
3. The location conditions and urban design issued in accordance with this Law, within six months from the day of issuance of location conditions or ratification of urban design.
4. Project for issuing the construction permit, on the bases of which was issued the construction permit, is issued in accordance with location conditions or planning documents within six months from the day of issuance of construction permit.
5. The changes in space are in accordance with this Law and Regulations adopted on the bases of the Law.
6. Company or other legal entity or public enterprise or other organization which determines the special conditions for construction of the facilities and space development and also technical data for connection on infrastructure, has submitted necessary data and conditions for issuing of planning document, respectively location conditions and has published the offprint on technical conditions for facility construction within prescribed time limits.

Company or other legal entity which makes Spatial and Urban Plans or performs other duties prescribed by this Law, the company or other legal entity or individual which makes changes in the space, as competent municipality or city or the administration of the city of Belgrade have the obligation submit all necessary documentation to the construction inspector.”

Article 81

In Article 174 in Paragraph 1 in Item 2) the words “location permits” are changed by the words “location conditions.”

In Paragraph 1 in Item 4) after the word “permits” are added the words: “If the authority responsible for urbanism invalidate the location conditions or urban project.”

In Paragraph 1 the Item 5) is deleted.

In Paragraph 1 the Item 6) is changed as follow:

“6) to inform the authority competent for issuance of planning document and to propose to the minister competent for spatial planning and urbanism initiation of procedure for assessment of legality of the planning document or the part of planning document, if determines that the planning document or some part of the planning document is not in accordance with the Law or that the procedure of issuance of the document were not in accordance with the Law.”

In Paragraph 1 in Item 8) after the word: “in prescribed deadline” are added the words: “do not publish the offprint on technical conditions for construction of the facility, respectively.”

In Paragraph 3 after the word: “planning document” are added the words “or part of the planning document.”

Article 82

In Article 175 in Paragraph 1 Item 1) the words “designing or” are deleted.

In Article 175 in Paragraph 1 Item 2) after the word “construction” is added “respectively issued the Decision from the Article 145 of this Law.”

In Article 175 in Paragraph 1 after the Item 2) is added a new Item 2a) as follow:

“2a) for the facility in the construction is submitted the Declaration on termination of issuing of the foundation and done the control of constructed foundations.

Article 83

In Article 184 are changed the Paragraphs 1 and 2 as follow:

“The Decision of Republican urban and construction inspector can be appealed within 15 days from the reception of the Decision.

An appeal against the Decision referred to the Paragraph 1 is submitted to the Government through the Ministry responsible for urbanism and construction.

Article 84

Chapter title above the Article 185 and Articles 185 – 200 are deleted.

Article 85

In Article 201 after Item 4) are added new Items as follow:

4a) the procedure of implementation of unified procedure and arranges the system for electronic process of unified procedure.

4b) keeping and the content of record of unified procedure and also authorizations and obligations of the record. Keeping and content of central record (Articles 8v and 8g)

4v) the content of the Spatial Plan of the Republic of Serbia, Regional Spatial Plan, Spatial Plan of the local self – government, Spatial Plan of the region of special use, General Urban Plan, General Regulation Plan, Detailed Regulation Plan, (Articles 14, 17, 19, 21, 23, 25 and 27)

4g) content, deadlines of issuance according with facilities types and technical conditions and the method of publishing of offprint (Article 31a)

4d) format for preparation, deadline and method of delivering of submitted planning documents to the Register.

In Item 5 in parentheses are added the text from Items 46, 48, 58 and 61.

After Item 5 are added new Items as follow:

5a) content, method and procedure of issuance of documents for implementation of Spatial Plans (Article 12).

5b) content, method and procedure of issuance of urban – technical documents (Article 13)

5v) method, procedure and evaluation for eligibility for issuing of license for making the Spatial Plans and General Urban Plan of the city (Article36)

After the Item 6 is added a new Item as follow:

“6a) Format of Planning document with attachments and the publishing method (Article 41)

Item 8 is changed as follow:

“8) Content, method and procedure of issuance of location permits and the manner of organization and work of authorities competent for location permits (Articles 53 and 55).”

Item 10 is changed as follow:

“10) Content, method and procedure of issuance of program for development of construction land and the criteria for determining the contribution for development of construction land (Article 90 and 93).”

After Item 10 are added new Items as follow:

“10a) will by its act, until October 31st of this year determines the maximum permissible amount of contributions for development of construction land for next year, according to square meter of the facility which is the subject of the construction, according to facility purpose, zone and type of local self – government unit (Article 100).

10b) Content, method and procedure of issuance of Preliminary Design and technical documentation (Article 125a).

10v) conditions of insurance of professional responsibility (Article 129a)

10g) conditions and the method of work of Revision Commission and content of report on professional control (Article 132),

In Item 11 after the word “technical documentation” are added the words “as content, method and procedure of issuance and control of technical documentation according to the facility class and purpose (Article 111 and 116).”

After Item 15) is added new Item as follow:

“15a) content, procedure, conditions and method of issuance of construction permit depending on the class and purpose of the facility (Article 136)”

After Item 19 is added a new Item as follow:

“19a) the composition of the Commission for technical inspection of the facility, according to the type and the purpose of the facility, conditions on the bases of which is determined that the facility is suitable for use, form, components and content of Commission proposal as another questions of importance for the technical inspection (Article 158)”

Items 20 and 21 are changed as follow:

“20) Conditions, program and the manner of professional examination in area of spatial and urban planning, issuing of technical documentation, construction and energy efficiency (Article 161)

21) Conditions and the procedure of issuing and revoking of license for responsible planners, responsible designer, responsible contractor, responsible planer, and responsible energy efficiency engineer (Article 162).

In Item 27 after the word “and flats” are added comma and words “production, sport, energy and other facilities (Article 120).”

After Item 28 is added new Item as follow:

“29) Minister competent for construction determines facilities that do not apply provisions on contractor, responsible contractor and obligation to determine professional supervision during the construction according to the class and purpose of the facility.”

Article 86

In Article 204 are changed the Paragraphs 1 and 2 as follow:

“By mulct from 1.500.000 to 3.000.000 dinars will be punished for economic offence the company or other legal entity which is authorized to determine the special conditions for facilities construction and space development as technical data for connection on infrastructure, if does not publish the offprint on technical conditions for construction within prescribed deadline and does not deliver necessary data and conditions for issuing the planning document, respectively the location permit (Article 46).

For economic offence from the Paragraph 1 of this Article will be punished the responsible person within the company or other legal entity, who is authorized to determine to determine the special conditions for facilities construction and space development as technical data for connection on infrastructure, if does not publish the offprint on technical conditions for construction within prescribed deadline and does not deliver necessary data and conditions for issuing the planning document, with mulct from 50.000 to 100.000 dinars (Article 31a, 46).”

Article 87

In Article 209 in Paragraph 1 are changed Items 1) and 2) as follow:

1. Does not deliver within prescribed deadline the necessary data and conditions for issuance of planning document, respectively do not deliver the offprint on technical conditions of facility construction (Article 13, 31a, 46).
2. Does not issue the location conditions construction and use permit within the prescribed deadline (Article 53, 56, 136 and 158).

Article 88

In Article 210 in Paragraph 1 Item 1) is changed as follow:

“1) issue location conditions contrary to the Law and Regulations adopted in accordance with this Law (Article 53).”

Article 89

After Article 211 are added two new articles as follow:

“Article 211a

By mulct from 100.000,00 to 500.000,00 dinars will be punished for offence the holder of public authorization if during the implementation of unified procedure do not work in manner and within deadlines prescribed by this Law (Article 8b)

For the offence from the Paragraph 1 of this Article will be also punished the responsible person, by mulct from 10.000,00 to 50.000,00 dinars.

The offence procedure will not be implemented if the special conditions, which are the condition for implementation of unified procedure, could be obtained in accordance with the Article 8b Paragraph 2 of this Law.

The request for initiating the offence proceedings from the Paragraph 1 and 2 of this Article submits registrar, respectively the authority competent for implementation of unified procedure if it has not nominated the registrar.

7.1 Registrar offence

Article 211b

By mulct from 25.000,00 to 50.000,00 dinars will be punished for the offence the registrar if he does not submit the request for offence proceedings in accordance with the Article 8a Paragraph 5 of this Law.

The request for initiation of offence proceedings from the Paragraph 1 of this Article submits the registrar of central record.”

Article 90

Article 215 is changed as follow:

“Before the entry into force of planning documents for which is necessary the harmonization with provisions from this Law, will be implemented current Spatial and Urban Plans.

The location conditions will be issued on the bases of current Spatial and Urban Plans until its harmonization with the provisions of this Law.

The local self – government units have the obligation that the content of current planning documents harmonize with the content of bylaw issued in accordance with this Law within 12 months from the day of entering into force of this Law.

The procedure of issuance and adoption of Spatial or Urban Plan which had begun before entering into force of this Law, will be continued according to the provisions of this Law, except Spatial or Urban Plans for which was done public review and will be terminated under the provisions under which were begun.”

Article 91

Article 216 is changed as follow:

“Spatial Plan of the municipality which was adopted until the day of entering into force of this Law and the decision on harmonization of Spatial Plan with the provisions of this Law will be adopted the local self – government within three months from the day of entering into force of this Law.

Detailed Regulation Plans or General Regulation Plans for individual settlements which are not head offices of local self – government, remain in force, if they are not in contrary with the provisions of this Law which refers to the General Regulation Plan.

General Development Plans, adopted in accordance with the Law on Planning and Construction, will be harmonized with the provisions of this Law which refers to scheme of settlement development for parts of territory for which is not planned issuance of Urban Plan. By adopting of Spatial Plan of local self – government the harmonized General Development Plan begins the part of Spatial Plan of the local self – government as scheme of settlement development.

The holders of public authorization who determine the special conditions for facility construction will bring offprint on technical conditions of construction within two years from the day of entering into force of this Law.”

Article 92

Article 217 is changed as follow:

“Until entering into force of planning documents prescribed by this Law, for construction of telecommunication facilities and facilities of power transmission and electro distribution networks for which is necessary the issuance of construction permit by this Law, for area for which is not adopted planning document or by current planning document is not envisaged the construction of this type of facilities, location conditions will be issued in accordance with the conditions of the authority, or organizations competent for telecommunication or energy, on the bases of annual development plans of this networks in the Republic of Serbia, in accordance with the Law.”

Article 93

Article 218 is changed as follow:

“Resolving of requests for issuance of construction permits, location permit, use permit and other requests on individual rights and obligations, submitted until day of entering into force of this Law, will be continued under provisions which were valid until day of entering into force of this Law.

Lease contracts on construction land, concluded until day of entering into force of this Law, are the base for determining the active party legitimacy of lessee in the procedure of issuance of construction permit in accordance with this Law.

Article 94

Article 220 is changed as follow:

“Restitution fund, established in accordance with the Law on Planning and Construction (“Official Gazette RS” No 72/2009, 81/2009 – correction, 64/2010 – Decision of Constitutional Court, 24/2011 and 121/2012) continue working.”

Article 95

After Article 220 is added new Article as follow:

“Article 220a

Provisions of Article 8 of this Law are implemented no later than October 1st 2014.

Provisions of Article 8v, 8g and 211b of this Law will be implemented no later than January 1st 2016 and provisions of Article 8a of this Law will be implemented no later than June 1st 2016.

Until establishment of electronic office work in accordance with Article 8a, the exchange of documents and submissions between the competent authority and the holder of public authorization in implementation of unified procedure is performed in written way.

Until January 1st 2016 the deadline from the Article 8b Paragraph 1 of this Law is 15 days from appeal to the holder of public authorization, the deadline from Article 8d Paragraph 1 Item 1 of this Law is 5 days from the day of obtaining of all necessary conditions and other documents in accordance with Article 8b of this Law, and deadline from Article 8d Paragraph 1 Item 2 of this Law is 8 days from the request submission. The Government will adopt the act from the Article 8b Paragraph 3 of this Law, no later than September 1st 2014.

Minister competent for construction will adopt acts from Article 8 Paragraph 4 and 8d Paragraph 2 of this Law no later than September 1st 2014 and acts from Article 8v Paragraph 3 and 8g Paragraph 7 of this Law no later than September 1st 2015.”

Article 96

This Law will enter into force the day following publication in “Official Gazette of the Republic of Serbia.”

EXPLANATION

1. THE CONSTITUTIONAL BASIS FOR PASSING OF THE LAW

The constitutional basis for the passing of the Law on Modifications and Amendments to the Law on Planning and Construction is contained in Article 97, item 12 of the Constitution of the Republic of Serbia ("RS Official Gazette", No. 89/06), which states that the Republic of Serbia, among other things, regulate organization and use of space.

1. REASONS FOR PASSING

The reasons for proposing of passing of the Law on Modifications and Amendments to the Law on Planning and Construction are reflected in the increasing need to improve the transparency of planning and construction, to introduce the certainty in the procedures reaffirming the principles of legal security, to introduce the simplified and more efficient procedures, as well as for the further harmonization of Serbian legislation with the EU.

It is necessary to establish clear rules in the system of issuing building permits. The proposed solutions aim, among other things, at introducing cost predictability and equality of economic conditions.

The proposed legislation introduces terms such as:

• facility class,

• offprint on the technical requirements of construction,

• financier,

• unified procedure for the issuance of location conditions and construction and use permit

• early participation,

• the main municipal planner,

• locational conditions,

• contribution for construction land development,

• project for issuing of the construction permit,

• unity of immobility.

Compared to existing system, by the proposed solutions the investors would be disburdened of obtaining all the evidence which possess some state or other authority, because the evidence would be acquired by the authority responsible for issuing building permits, by official duty, through the unified procedure. Also, introducing of the unified procedur saves time, offers the possibility to monitor all procedure phases of the object, and all the costs that occur in the process are the real costs.

The number of procedures is reduced. It was suggested to issue locational terms as a public document instead of location permit as an administrative act.

By this law is proposed the reform of compensation for construction land development, which is, from the type of parafiscal taxes, grown to the real cost of location equipment.

The process of establishing the ownership rights of construction land is continued and introduced the principle of unity of immobility. Institute of construction land leasing for the long period of time has been retained, but its use is limited to three specified cases.

It is increased responsibility of all participants in the process of issuing the necessary documents for construction, and in particular the responsibility of the responsible architects, professional controllers, the responsible contractors, professional supervisors, and members of the committee for technical inspection of facilities. It is suggested the introduction of professional responsibility insurance.

III. EXPLANATION OF FUNDAMENTAL LEGAL INSTITUTIONS AND SOME SOLUTIONS

**In Article 1 by which is amending Article 2** of the Law, are defined the new terms: the INSPIRE directive, facility class, offprint on the technical requirements and financier, appearing hereinafter the Law, and it was necessary to determine it in the glossary of the Law, in order to better understanding and proper application.

**In Article 2 by which is amending Article 4** of the Law, are added the paragraphs that previously were in the glossary of the Law, because it is more comprehensive to have explained these terms in one Article.

**In Article 3 by which is amending Article 5** of the Law, are specified the types of facilities that must be designed and constructed in order to provide unrestricted access, movement, residence and work to persons with disabilities, children and older persons in accordance with the prescribed technical standards of accessibility in order to protect the rights of these persons in proper way.

**In Article 4 by which is amending Article 6** of the Law, is defined the term of the construction products at one place, for reasons of expediency.

**In Article 5 by which is amending Article 7** of the Law, is specified when and in which cases is recognizing the validity of foreign documents of harmonization of construction products.

**In Article 6 by which is amending Article 8** of the Law and in Article 7, where are added new Articles from 8a to 8đ of the Law, are defined unified procedure, participants` role in the unified procedure; is established founding of the Registry of unified procedures; are prescribed deadlines for the implementation of procedures and defined the limitations of authorization of the competent authorities.

**In Article 8 by which is amending Article 13** of the Law, is envisaged the Elaborate on boundaries corrections of contiguous parcels and on merging two contiguous parcels of the same owner, as the new urban-technical document.

**In Article 9 by which is amending Article 19** of the Law, is defined the type of planning document which is adopting for the parts of the administrative area of ​​the city of Belgrade, outside the scope of general urban plan and it is set its content, in order to regulate these relations in the city of Belgrade, as the unit of local self government with different internal structure from other cities, according to the Law.

**In Article 10 is deleted the Article 20** of the Law because in Article 201 of the Law is prescribed the authority for the adoption of the bylaw, which will closely regulate the content of this planning document.

**In Article 11 by which is amending Article 21** of the Law more precisely is defined Spatial Plan of a special land-use area, and in Article 12 is deleted Article 22 of the Law, because in Article 201 of the Law is prescribed the authority for the adoption of the bylaw, which will closely regulate the content of this planning document.

**In Article 13 by which is amending Article 23** of the Law, is made the refinement of local self government units, in accordance with the provisions of the special Law, which are obliged to bring master plan, and in Article 14 is deleted Article 24 of the Law, because in the Article 201 of the Law is prescribed the authority for the adoption of the bylaw, which will closely regulate the content of this planning document.

**In Article 15 by which is amending Article 25** of the Law, is envisaged that the general regulation plan may be adopted also for network facilities and areas in public use, and in Article 16 is deleted Article 26 of the Law, because in the Article 201 of the Law is prescribed the authority for the adoption of the bylaw, which will closely regulate the content of this planning document.

**In Article 17 by which is amending the Article 27** of the Law, is precisely defined the plan of detailed regulation and created the possibility of financing the plan from other sources and accurately regulated other matters that will enable smooth implementation of these provisions, in Article 18 is deleted Article 28 of the Act, because in Article 201 of the Law is prescribed the authority for the adoption of the bylaw, which will closely regulate the content of this planning document.

**In Article 19 by which is amending Article 31** of the Law, are specified the provisions relating to requirements of construction and there is closely regulated the offprint on the technical requirements of construction.

**In Article 20 by which is amending Article 33** of the Law, is envisaged that the minister responsible for spatial planning and urban design does not provide the agreement for the master plan and the General Regulation plan of the seat of local self-government, by which is reduced the number of plans that are subject of verification of harmonization by the responsible Ministry.

**In Article 21 by which is amending Article 43** of the Law, is prescribed that the maintenance of the Central register of planning documents is under the jurisdiction of the Republic Geodetic Authority instead of the Ministry responsible for spatial planning and urbanism, concerning the technical equipment of the Institute, and the fact that the line ministry did not form the register in 2009, when was established this obligation due to lack of funds.

**In Article 22, after Article 45, is added new Article 45a** by which is prescribed the institute early public partcipation, and by which is stipulated that before the decision of making space ie urban plan, the maker of the plan is obliged to organize public informing (for individual and legal entities) about general objectives and purpose of the development of the plan, possible solutions for the development of spatial areas, possible solutions for urban renewal or development of spatial unity, as well as the effects of planning in order to create opportunities for interested citizens to influence planning decisions at this phase of the drafting process.

**In Article 23 by which is amending Article 46** of the Law, is prescribed the deletion of the content, concerning that it will closely developed and prescribed in bylaw issued by the Minister.

**In Article 24 by which is amending Article 48** of the Law, instead of planning document concept it is envisaged to make the Draft of the planning document. According to the proposed method, the procedure of making the planning document will be shorter.

**In Article 25 by which is amending Article 49** of the Law, are specified kinds of the planning documents for which is prescribed the expert control of the ministry in charge of urban planning, respectively by this proposal is deleted expert control for programs of specified planning documents implementation.

**In Article 26 by which is amending Article 50** of the Law, is specified that public access in the case, in case when the competent authority makes the decision to reopen public access for the part of planning document, must not last more than 15 days from the date of announcement, which ensures participation of interested citizens in the retrial.

**In Article 27 by which is amending Article 50** of the Law, is prescribed the obligation that the new draft of planning document is subject of professional control, concerning the regulation of Paragraph 1 of the same Article which predicted the development of new draft in case that after public review remarks would be adopted which substantially change that plan document.

**In Article 28**, which, after Article 51, envisages adding the new Article 51a, is prescribed the new institute in this Law - the main municipal urban planner. By specified Article is regulated responsibility and performance requirements of the main urban planners.

**In Article 29 by which is amending Article 52** of the Law, are specified the duties and are prescribed the performance requirements of the Planning Committee, which provide their smooth operation.

**In Articles 30, 31, 32, 33 and 34 by which are changing Articles 54, 55, 56 and 57 of the Law**, is prescribed the new institute – Location requirements, which contains all the requirements for making technical documentation. Different to previous legislation - building permits, location conditions are public documents and investor besides the conceptual design of the future facility, or part of facility, do not have the obligation to submit any other evidence to responsible authority. All the evidence necessary for issuing location requirements provides the competent authority due to professional duty. Procedure of issuing location requirements of the system is unified procedure prescribed by this Law. By these articles precisely are defined the documentation based on which is issuing these requirements, and procedures for their issuance.

**In Article 35 is envisaged the deletion of Article 59** of the Law according to the Article 201 of this Law which stipulates the obligation of the Minister to closely prescribe the contents of the implementation program.

**In Articles 36, 37 and 38 by which is amending Article 60, 61 and 63** of the Law, is prescribed the issue of urban project by specifying current regulations in order to facilitate their effective implementation.

**In Article 39 by which is amending Article 68** of the Law, is prescribed the new Institute of the Law - the Elaborate on boundaries corrections of contiguous parcels and on merging two contiguous parcels of the same owner. The reason for the introduction of this mechanism is that in practice there are a lot of these situations that have been resolve by applying the general provisions of Law on parcelization. By this institute is envisaged shortened and simplified procedures for the establishment of construction parcel of the same owner.

**In Article 40, after Article 68, is added new Article 68a.** of the Law, by which is developed procedure of implementation of urban architectural competition and it is provided that proceedings of publication and implementation, as well as the selection competition decisions regulate local self-government units.

**In Article 41 by which is amending Article 69** of the Law, are specified the existing provisions related to earlier elimination of the institute of location permits, and also are specified the rights of investors who build on agricultural land as well as the obligations of the investor in case of the damaged occured during performance of these tasks, with the obligation to return the land to its original condition.

**In Article 42 by which is amending Article 70** of the Law, are specified the provisions about entities who have the right to determine land for regular use and also to determine the procedure for the determination of that right.

**In Articles 43 and 44 by which is amending Article 73 and 74** of the Law, are specified the provisions of the regional offices established by the Republic Agency for Spatial Planning and is deleted the provision on giving opinions of executive body of an autonomous province on the Statute of the Republic Agency for Spatial Planning.

**Article 45 by which is amending Articles from 82 to 109** of the Law, regulates the area of construction land. In this part of the Law are specified the provisions of term and types of construction land, and abolished the previous division into urban construction land and construction land outside of urban construction land. In relation to the provisions in change, the law also prescribed precisely specified situations in which is performing change of use of agricultural and forest land into construction land.

This proposal retains some of the institutes from the existing Law, which are confirmed by the implementation of the Law from 2009. As one of such solutions is retained possibility of equipping the construction land in public property by funds of the natural or legal entities.

By proposed amendments is made the fundamental reform of compensation for construction land development which is passed from parafiscal impost into the contribution of construction land development. The provisions on the contribution of the construction land development are contained in Articles 96, 97 and 98 of the current Law.

The conversion as the way of establishing the ownership rights of construction land is also retained in this Law, but instead of term "conversion" in this Law is used the term "conversion of the rights of use into the right of ownership of construction land." As it is in the current Law, it is retained the division, respectively the possibility of acquiring the rights without compensation and with compensation. By this Law is also expanded the scope of persons who can realize this right without compensation, while is precisely defined scope of persons who that right realize with compensation.

In current implementation of the Law on Planning and Construction, since 2009. the provisions on conversion of rights of use into the right of ownership of construction land has been carried out without any major problems. One of the most contentious institutes from the existing law is precisely the conversion with compensation, on which is made ​​the decision by the Constitutional Court of the Republic of Serbia, by which is prejudged solution of this issue in the present law.

Forasmuch the explanation of the Decision of the Constitutional Court, the proponent took the legal position that the conversion of the rights of use into the rights of ownership for specified range of entities is possible, with compensation of market price of construction land, which according to the Constitution of the Republic of Serbia can be reduced if there are elements of the public interest. The right of the owner of construction land in public property, in this case the Republic of Serbia, is to suggest the reduction of market value of the construction parcel based on the economic analysis.

Based on the implemented analyzes, it is determined that in this case, without respecting the urban purpose of the land, the owner of construction land in public property, from the municipality to the Republic of Serbia, suffers the material damage, ie, do not generate income that would have earned if the user of construction land builds the facility in accordance with the plan document. The reduction of public revenue is reflected in the inability to collect all taxes and fees, which are predicted in the process of facility construction, as well as lack of payment of property taxes for the land and facilities which would be built on that land. Foreasmuch that fees for the use of construction land are abolished from 01 January 2014 the owners of construction land, by the municipality to the Republic of Serbia, do not have the increase of public revenues neither on this basis. Interests of the state is to bring this land to the urban purpose by constructing the facilities according to applicable plan documents, and that reflects the elements of public interest which justify reducing the amount of compensation for the conversion of the right of use into the right of ownership of construction land. By the proposed solution for the conversion of these rights with compensation, are complying with the requirements of efficient and transparent procedure for the realization of this right, because each investor, even before applying for conversion of this right, can determine exactly what is the amount of compensation. The procedure in the prescribed manner may be completed within 30 days from the date of application for conversion rights.

By proposed provisions is envisaged to continue the work of budgetary fund established by the Law on Planning and Construction on 11 February 2009, so that all the funds generated on this basis will still go into this fund, amounting to 50% of a special fund for restitution, and the remaining 50% to the budget of the local government.

This law provides the possibility that entities who have the right to convert the rights of use into the property right with compensation in the built construction land acquire property right without compensation to the land under the facility and the land for regularly use of the facility, in the procedure prescribed by this law. This provision will enable the undertakings from privatization, which continued with their activities, pay the small compensations for converting rights of use into the right of ownership of construction land.

In the section of the law referring to construction land development, was also established and standardized the principle of unity property.

  In Article 46 is deleting the Article 109, concerning that the Constitutional Court made decision that paragraph 1 of this Article is unconstitutional, and according to proponent’s opinion the provision is exhausted, concerning that in the same form exists from 2003, so that the relates provided by this provision are solved so far.

**In Article 47. which amends Article 111 of Law,** name of document is amended considering change in Article 54.of current Law.

**In Article 48. which changes Article 114. of Law** It is specified that feasibility study prepares for project which is financed from the budget .

**In Article 49. Which changes Article 116. Of Law** it is specified type of technical documentation that prepares for the purposes of construction facility.

**In Article 50. which changes Article 118. of Law** it is specified that preliminary design prepers in the procedure for obtaining a building permit for the construction of the facility referred to in Article 133. of the Law.

**In Article 51. Which amends Article 119. Of Law** it is specified what main project must contain and it is prescribed obligation for authority responsible for fire protection consent to a major project within 15 days from the from the date of the request for approval. It was also found that, if the competent authority fails to act within the prescribed period, the investor approval of main project obtains from engineer of firefighting with appropriate licence.This article is also expected that major project can be developed in phases, this creating the conditions for the implementation of projects that are implemented on the basis of international agreements (FIDIC contracting).

**In Article 52, which amends Article 120 of the Law** there are named the specific types of major project .

**In Article 53. I 54. are deleted Articles 121. 122. Of law** given that the closer regulation of the content of these projects provided for in Article 201 of this law.

**In Article 55, which amends Article 125 of the Law** so as to define the conceptual design and preliminary design for the construction of buildings and works that are not issued building permit, which was necessary consider in that the preliminary design provided as evidence to be To be submitted with the application local conditions.

**In Article 56, which amends Article 129 of the Law** so as to specify the form and manner of reports on the completed technical control.

**In Article 57, after Article 129 of the Law,** added new Article 129a. which stipulates the obligation of a company or other legal entity or entrepreneur which performs job and control of technical documentation of professional liability insurance.

**In Article 58, which amends section 132 of the Law** shortened the period from 60 to 30 days for the submission of the report of the review committee, because proponent believes that the proposed limit is appropriate.

**In Article 59, which amends article 133 of the Law** is made necessary refinements to the capacity, and the type of facilities in accordance with established competencies.

**In Article 60, which amends article 135 of the Law** provides the conditions and manner of issuance of the building permit stating the property relations that have to be

**In Article 61, which amends artical 136 of the Law** provides that a building permit is issued within three days of submission of duly completed application and provided legal protection.

**In Article 62, which amends article 137 of the Law** are deleted provisions that were in force when the execution of works prescribed by the possibility of issuing special building permit.

**In Article 63, which amends Article 140 of the Law** are deleted provisions of the possibility of the extension of a building permit because they never implemented in practice, and it was expedient to propose their deletion .

**In Article 64, which amends Article 141 of the Law** was done by a terminological harmonization of the term "location permit" replaced the term "location conditions."

**In Article 65, which amends Article 145 of the Law** made the terminological harmonization analogous terminology harmonization in the Articles relating to the issuance of .building permit. Also, this article has been deleted provisions relating to obtaining approvals, since this procedure is otherwise provided by this law.

**In Article 66, which amends Aticle 146 of the Law** stipulates that the construction and installation of monuments and memorials in the areas of public use local self- government, with the prior approval of the ministry responsible for cultural affairs. This Article stipulates the obligation to obtain the prior approval of the relevant ministry,

**In Article 67, which amends Article 147 of the Law** made more precise provisions with respect to the proposed changes in the law, in order for their system and terminology alignment.

**In Article 68, after Article 147, the following new Article 147a**. The law governing the procedure for issuing construction permits, which refers to the possibility of carrying out preparatory work

**In Article 69, which amends Article 148 of the Law** stipulates the types of documentation that must be submitted with the Submission of papers as well as information about the time of commencement and completion of construction.

**In Article 70, which amends Article 152 of Law** is going to be terminological harmonization of existing regulations and the obligation to adopt competent building inspector.

**In Article 71, which amends Article 154 of Law** specifies existing provisions in terms of their proper application.

**In Article 72, which amends Article 155 of Law** specifies the provisions relating to the Commission for inspection facility.

In Article 73, which amends section 157 of the Law with respect to the modified procedure preceding the issuance of the occupancy permit stipulates that the probation report delivered to the investor, instead of the competent authority.

**In Article 74, which amends Article 158 of the Law** prescribes the period within which the competent authority issues the occupancy permit, and the evidence to be submitted in support of the request for issuance of use permits.

**In Article 75, which amends Article 164 of the Law** is a supplement which provides for the possibility of issuing licenses and engineers responsible for energy efficiency, which is in accordance with currently enacted provisions on energy efficiency contained in the Law of planning and construction and bylaws based on that law.

**In Article 76, which amends Article 167 of Law** is done by filling the legal gap in the layer changes, and provides that the removal of the object can be made ​​only after the decision on prohibition of use. It also stipulated that the issue solved lodging facility users considered providing the necessary accommodation.

**In Article 77, which amends Article 168 of Law** reduces the period from 15 to 8 days for issuance of the permit to remove the object.

**In Article 78, which amends Article 171 of Law** defines the authorities to remove the object, as well as the obligation to make a program for removal facilities. This article lays down the procedure, the removal of buildings, as well as commitment to the completion of the removal of the facility, the building inspector record of the removal of the facility to the authority in charge of the real estate cadaster, which creates the possibility to update the data in the Land Registry.

**In Article 79, which amends section 173 of the Law** specifies the provisions on the rights and duties of urban inspectors

**In Article 80, which amends section 174 of Law** specified the powers of urban inspectors and provides an opportunity for assessment of legality of the planning document or part of a planning document that has not been passed in accordance with the law.

**In Article 81, which amends section 175 of the Law** specifies the provisions on the rights and duties of the building inspector and obligations prescribed checks whether the object that is being constructed filed a statement of completion of the foundation and carried out control built foundations.

**In Article 82, amending the Article 184 of Law** specifies the provision of legal care in the inspection procedure.

**With Article 83 are deleted members from 185 to 200 of the Law** with regard to this matter specially made ​​adoption of the legalization ("Off. Gazette" ....) which was preceded by a decision of the Constitutional Court of Serbia determining that the provisions of art. 185 to 200 of the Law on planning and construction are in accordance with the Constitution of RS.

**In Article 84, which amends 201** **Article of the Law** specifies the existing and add new provisions which define precise editing of specific relations by adopting a bylaw.

**In Article 85 amending the Article 204 of Law** adding provisions relating to sentences for economic offenses for holders of public authority that the time limit prescribed by law do not submit the required information, or not published monograph on the technical requirements of construction.

**Article 86 which amends Article209 of Law** was made more precise by adding the existing norms of the provisions on liability in the event of failure to pass the separate technical terms and terminology harmonization, given the changes envisaged by this law, which abolished the location permit.

**In Article 87, which amends Article 210 of the Law** made ​​the terminological harmonization because of this law was abolished location permit.

**In Article 88, after Article 211 of Law, added two new Articles 211a and 211b**., which are punishable by a fine and a penalty for a holder of public authority and the Registrar for violation of the provisions set forth in Article 8 of this Act.

**Article 89 amending the Article 215 of the Law** stipulates the procedure and deadlines for compliance contents of current planning documents with the provisions of this Act.

**In Article 90, which amends the Article 216 of Law** prescribes the obligation of decision-planning documents that the content of planning documents comply with the provisions of this law, as well as the obligations of the holders of public authority to separate the technical requirements of construction brought within two years from the date of effective date of this Act.

**In Article 91, which amends the Article 217 of the Law** in addition to telecommunication facilities, and facilities were added power transmission and electricity distribution networks in the applicable special provisions laid down in this Article.

**In article 92, which amends the Article 218 of Law,** specifies the method of resolving claims filed in accordance with the regulations that were in force before the entry into force of this Act and specifies that the lease contracts lands, which were concluded to the date of enactment of this law, be the basis for determining the legitimacy of the parties active in the process of issuing building permits.

**In section 93 which amends the Article 220 of Law** provides that the restitution fund continues to operate, given that the present law stipulates payment of conversion rights to use the property right in certain prescribed circumstances.

**In Article 94, after Article 220, the following new Article 220a.** Law which provides for the validity of the provisions of Art. 8 to 8DJ. this Act.

**Article 95** stipulates that the Law enters into force on the day following its publication in the Official Gazette, and the reasons for the entry into force of this law before the eighth days after the publication lies in the reasons cited for the adoption of this law.

**IV. EVALUATION OF FINANCIAL RESOURCES NECESSARY FOR THE IMPLEMENTATION OF THIS LAW**

**For the implementation of this law does not require additional funding from the budget.**

V. ANALYSIS OF THE EFFECTS

Before drafting the Law on Amendments to the Law on Planning and Construction analyzed the effects of the current Law on Planning and Construction and effects of the problems that have appeared in practice since the beginning of the implementation of the Law. In drafting the Law, have been used and analyzed legal decisions and experiences of countries in the region and other international experiences and the experiences of experts in the field governed by law (relevant ministries, lawyers, entrepreneurs, investors, relevant professions) who implemented in previous years Law on Planning and Construction.

The Working Group started its work by analyzing existing systems and procedures governing the applicable law. Some of the solutions are the result of further intensive consultations and focus groups, and some are the result of the public hearing.

In the first part of the report on the analysis examines the context of the analysis, and then give the answers to the issues identified by the Rules of the Government.

**Aspect of need instruments envisaged by the Draft law**

Increased demands for faster and simpler procedures for issuing building permits and a higher degree of legal certainty in the planning and construction contributed to the possibilities of unifying and simplifying the rules of procedure. Is seen the need to immediately established the necessary legal and economic mechanisms to attract private investment, which includes the construction of buildings.

The current law has its weaknesses, because he could not solve, so the problems that have arisen in the implementation of investment projects, nor to provide security to private capital in terms of certainty of procedures and time required for their completion.

**1 Determination of the problems that the law needs to solve**

Clearly defined rules

The new law should provide a clear definition of the scope / boundaries of its application, the definition of a unified procedure through one window system and others. Clearly defined relationship to other laws.

The second laws, in the purpose of this analysis include:

the Law on Public Property

the Law on Privatization

the Energy Law

the Environmental Protection Low

 the Low of Wather

the other laws governing the specific requirements for the construction of certain types of objects and others.

The problem for the practice of law is that currently there are some existing laws that complicate the issue of all construction permits, considering their non-transparent implementation, which often leads to bad treatment of investors. This leads to confusion, with the ability that state authority opportune and discretion to decide on the requests of investors.

The fee for construction land (NU) is one of the biggest administrative costs of construction investment. Introduced the local self-government, and so far the law has not existed limit of the amount of any fees. The amount of NU is by far the most elements that contribute to a very bad position of Serbia regarding the issuance of building permits in the ranking of global economies World Bank. Although it should be the fee that investors pay for the missing infrastructure that will provide local governments, NU is essentially typical steam-fiscal rate , or tax on construction. Moreover, NU, according to research

NALED and is currently the largest single stem-fiscal rates on the economy.

The current practice of local self-government in the manner of calculating fees for land development from the standpoint of:

• economic feasibility irrational, because typically the highest amount paid by investors in commercial buildings, and the lowest investors in housing, although typical commercial facility (such as a shopping center or office building) requires much less infrastructure investment by the local self-government units of housing objects (each settlement is preferable to equip schools, kindergartens, parks, sidewalks, public transportation, etc..).

• Financial sustainability is harmful, because it significantly more expensive construction and thus adversely affect the volume of investment, thus affecting the decline in economic activity and potentially lose significant income from other sources that monitor construction investment (property tax, value added tax, income tax, profit tax ...).

• Urban Development counterproductive, because of the fee of the central urban area, and much lower in the periphery, leading to irrational expansion of urban areas, increasing infrastructure costs and increases the negative impact on the environment. In addition, the size of the fee, because of the complicated and lengthy process of issuing building permits are one of the largest generators of illegal construction, with all its negative consequences.

• legal security and predictability transparent, not only because of the complicated formula, but also because of the radically different practices among local self-governments and discretion of local governments to preferred investors can pay less amount of the payment.

Development fee has long been identified as unnecessary, even harmful, rate on investors' land development fee represents only one part of what is nominally - the cost of infrastructure - and other one-time payment of capitalized rents and land prices. Moreover, it can be argued that the role of compensation is unnecessary and represents a residue of old times, when it should justify its collection by the state a favor done, and is fabricated compensation for past and future costs of infrastructure, although it is clear that the amount of compensation does not depend on of them but have some of the other criteria. "

Revenue NU importance of municipal budgets before the beginning of the economic crisis was almost 50% higher than it is today. This all suggests that it is now time to NU fundamental reform.

During the drafting process, discussed the various reform options NU:

• Payment for the missing of infrastructure. It would be a bonded relationship between local self-governments and investors. Most investors would have no obligation of any payment. This option is because it raised questions about the justification of such a significant impact on the budgets of certain local self-governments, including the city of Belgrade.

• In terms of NU stay the way they are in the current law, but that the government authorizes its act limits the amount of NU. This option was rejected because of the lack of legal security that would be provided to investors.

• The amount of fees should be regulated in the same amount for the entire territory of the Republic. This option was rejected because it does not take into account the different needs for investments in infrastructure in various local municipalities.

• To determine the amount of NU starting from the average price of building land determined by zones for the purposes of property taxation. This option was rejected because it would allow the lowest amount paid for the zone that requires the most investment in municipal infrastructure.

After considering all the options suggested, it was estimated that at this point the most rational retain the obligation to pay compensation, but limit the amount and range of local self- government may apply. By limiting the amount of compensation to 10% (15% for certain purposes) the average price per square meter of new dwellings in the local government according to the latest data of the authority responsible for the statistics, reduce the maximum load for the investors. In the case of Belgrade, in which the average price per square meter of new dwellings and the highest, the amount of NU may now be over 47,000 per square meter of constructed facility, while the maximum amount in accordance with the proposed provisions amounted to slightly less than 25,000 dinars, a decrease of about 48%. In addition to reducing the amount of the highest amount of compensation, will reduce the spread between the highest and lowest NU per square meter within a unit of local government from the current 1:6 to 1:40. Finally, the provision under which the NU does not pay for infrastructure facilities, production and storage facilities, will especially stimulate the development of production capacity, which has special significance for reducing unemployment.

Also, the assessment of administrative costs of building towards global competitiveness rankings of the World Bank will be only on this basis reduced by as much as 85%, from 1.433% to 216% of national income.

During the drafting process, the next obvious positive effects on the economy, or

Investors are particularly analyzed the expected effects of the abolition of the obligation to pay for the NU production facilities budgets of local governments. In a sample of 34 local government units, the conclusions are as follows:

• Average total income from fees for editing in the income of the 34 cities and municipalities is only 1.43%.

• When exclude the Čajetina, in which the sum is enormous (31%), the average is much smaller: just 0.52%.

• When looking only at income from fees for development of production facilities, they

average account for only 0.06% of total municipal revenues.

Since the city of Belgrade, who was not part of this sample, income from fees for development of production facilities to rough estimates account for less than 1% of the fees, and that in any municipality revenues from fees for development of production facilities does not constitute more than half of one percent of total revenues, it is evident that the abolition of fees for production facilities painless measures from the perspective of local government budgets, with potentially large positive effect on encouraging productive activities.

In connection with the losses that local government will have, it should be noted that the enhancement of economic activity and reducing illegal construction due to the reform of the licensing process in the medium term to significantly increase the revenues of municipalities.

Unburdening investors will contribute to more clearly regulate the procedure and time limits for the calculation and payment of contributions for land development.

**2 Goals to be achieved by the adoption of the Law**

The objectives of legislative activity on the development of a modern legal framework for the planning and construction

• Encourage construction;

• Providing quality services to the public sector;

• Establishing an effective mechanism that would allow state and local authorities to facilitate the implementation of various activities on the basis of clear rules;

• Attracting local and foreign investors;

• Providing a legal framework for and fair licensing procedure;

• Compliance with EU regulations;

• Compliance with international standards and international best practices.

Achieving these goals will create a legal framework that encourages orderly and controlled building.

**3 Other options for solving problems**

 During the analysis has been discussed several relevant options:

1) status quo - not changing the current law, and

2) the adoption of the Law on Amendments to the Law on planning and construction that would enable correction works identified problems,

3) the adoption of the new law.

**During the analysis of individual decisions** in the draft were considered in two steps:

- First discussed the need to amend the provisions of the applicable law,

- In the second, if changes were necessary, were considered relevant options and determined the most desirable in terms of merit.

The reason why we do not chose the new law is that the procedures are slow when the state authorities observe all the new solutions of the Act.

**4 Why is the adoption the best for solving the problem**

The adoption of the Law would be solved the problems that have arisen in practice, applicable law and other laws. Also there was a need to change the existing system, as well as the need to regulate issues that are the legal gap.

**5 To whom and how will affect the suggested solutions**

By its nature, the provisions of law have effect on all domestic and foreign companies and entrepreneurs, and the public authorities, as well as banks and other financial institutions. The proposed solutions will have a direct effect on:

*- Companies*

*- Entrepreneurs*

*- State organs of the Republic of Serbia, autonomous province and local self-government.*

*- A number of other interested parties*

**The costs of implementation of the law have on citizens and economy, especially small and medium enterprises.**

Application of law will reduce transaction costs.

**6 Do the positive effects justify the costs**

Due to the extreme complexity of the law, in this segment will illustrate some of the key benefits of the proposed method of regulation in this area.

1) Reducing the cost of proceeding;

2) Reducing the time required to obtain permits;

3) The effective functioning of state institutions;

4) Reduction in prices of constructed facilities.

**7 Does the act stimulates the emergence of new companies in the market and market competition**

It is expected that a large number of domestic and foreign business entities that will be formed in order to implement new construction and other projects.

**8 Are the interested parties had the opportunity to express their views**

The Ministry submitted the draft law for the purposes of professional consultation the City of Belgrade, the Standing Conference of Towns and Municipalities, NALED in, USAID, the European Commission Delegation in Belgrade for comments, suggestions and complaints. A large number of participants in the public hearing were provided by their remarks and suggestions. The working group reviewed all comments received on the Draft Law, insight into the possibility of their integration in order to improve the draft law and a large part of the proposal incorporated into the draft law, which provided legal solutions are significantly improved.

**VI. REASONS FOR URGENT ADOPTION LAW**

In order to be started as soon as possible with a one-stop integrated collection system requirements for construction and to promptly commenced preparatory work of state bodies for the implementation of this Act, it is necessary to bring the law on an expedited basis and in accordance with the Rules of Procedure of the National Assembly Republic of Serbia, to prevent the occurrence of adverse effects on the economy due to lack of a regulated system of issuing building permits.