**LAW**

**on the Registration Procedure with the Cadastre of Real Estate and Utilities**

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**I. GENERAL PROVISIONS**

**Subject matter**

Article 1

This law shall govern the rules of registration procedure with the cadastre of real estate and the cadastre of utilities maintained, the subject and types of registration in such procedure and the rules of the procedure for issuing excerpts from the stated registers, and other issues of importance for maintaining real estate cadastre and utilities cadastre. The provisions of this law regulating the subject and types of registration shall also apply to the procedure for cadastral renewal, unless otherwise provided by law.

**Purpose of the Law and definitions**

Article 2

The purpose of this law is to establish and maintain accurate and complete records of real estate for the safety of legal transactions, which is achieved by updating the complete and accurate data on real estate and associated rights in the cadastre of real estate and cadastre of utilities.

Terms used in this law shall have the following meanings:

1) ’’Geodetic cadastral information system’’ (hereinafter: GCIS) is a centralized electronic database maintained by the Republic Geodetic Authority (hereinafter: the Authority), which contains spatial and descriptive data of the cadastre of real estate and cadastre of utilities, data on basic geodetic works, real estate survey, national borders, geodetic works for special needs, values ​​of real estate, as well as topographic maps, spatial unit registry, address register and price register;

2) ’’real estate cadastre” is the basic and public register containing spatial and descriptive data on real estate, data on thir propriatory interests, as well as other rights and facts whose registration in the cadastre is provided by law;

3) ’’utilities cadastre” is a basic and public register including spatial and descriptive data on utilities, data propriatory rights, as well as other rights and facts whose registration in the cadastre is provided by law;

4) ’’cadastre” is a real estate cadastre and utilities cadastre;

5) ’’maintaining the cadastre” is modifying the cadastre in terms of spatial and descriptive data on real estate, or unitilities and their associated rights;

6) ’’real estate sheet” is a basic document on real estate and associated rights with the real estate cadastre;

7) ’’utilities sheet” is a basic document on the utilities and associated rights registered in the utilities cadastre;

8) ’’unique real estate code” is a unique code for identification of real estate on the territory of the Republic of Serbia;

9) ’’e-service desk” is an information system comprised of technical equipment (servers and other hardware devices, communication equipment, etc), networks, databases and software programs, as a unique central system for connecting entities, through which, as official tasks, documents for cadastral registration are submitted, requests for registration with the cadastre, as well as requests for issuing electronic certificates and other acts from the cadastre and through which the data and acts in these procedures are exchanged (hereinafter: e-service desk);

10) ’’ electronic document” is a document created in accordance with the regulation governing the electronic document;

11) ’’document” means a contract, decision or other act or document on the basis of which the registration of data or the amendment of data in the cadastre is carried out;

12) ’’suitable document” is a document issued or compiled, certified or authenticated by the competent authority or other sumbitting entity, which implies the need to enter or amend the data entered in the real estate cadastre and which contains the prescribed data necessary for such entry, corresponding to the state of the cadastre ;

13) ’’submitting entity” is a person or body required under this law to submit ex officio to the Office for the registration ex officio the documents which he/she adopts, compiles, certifies or authenticates, and which represent the legal basis for the registration of data or amending the data in the cadastre;

14) ’’electronic request” is the act on the basis of which a party through the e-service desk initiates the procedure of registration, amendment of registred data or deletion of registered rights in the cadastre, or the act by which the cadastral excerpt is requested;

15) ’’professional user” is a person or entity to whom the Office has granted, under this Law, the user right to inspect the cadastre documents in connection to his/her operation, i.e to be delivered the data from the cadastre, through the e-service desk, or to submit and be delivered the data regarding the registration with the cadastre through e - service desk, should it not be listed for mandatory delivery;

16) ’’Department” is an internal unit of the Authority, established for the territory of a municipality, town, or city municipality - the real estate cadastre department, or the utilities cadastre department, established for the territories of several municipalities or city municipalities or towns.

Other terms used in this law, which are not more closely defined in this law shall have the meaning as stated in the Law on State Survey and Cadastre ("Official Gazette of RS" nos. 72/09, 18/10, 65/13, 15/15 - CC, 96/15, 47/17 - authentic interpretation and 113/17 - other law).

Terms within this laws denoting positions, professions, or occupations, expressed in grammatical male or female gender are understood to imply the natural masculine and feminine gender of the persons they relate to.

**Priniciples of cadastre maintenance**

Artilce 3

The cadastre shall be maintained under the following principles:

1) **the principle of registration,**which implies that property and other propriatory rights on real estate and utilities shall be acquired, transferred and restricted by registration in the cadastre, and that they shall cease by deleting such registration, and that only in cases stupulated by law, property and other propriatory rights on real estate and utilities can be acquired before cadastre registration, but even then they shall only be legally effective in respect of conscientious third parties;

2) **principle of officiality,** which implies that the procedure of cadastre registration is initiated and conducted ex officio, and after the submission of the document by submitting entity who adopted or compiled, certified or authenticated the document which is the legal basis for registering with the cadastre, and also if it is prescribed that registration with the cadastre is conducted by enforcing the law, but this principle shall not exclude the possibility for the procedure to be initiated on the same legal basis and conducted also at the request of the party, unless excluded by law;

3) **principle of publicity,**which implies that the cadastre data are public and that anyone may request to inspect these data under the conditions defined by this law, and that no one may refer to the fact that the data registered wih the cadastre were not or could not have been known to him/her, without the possibility for such statement to be proved;

4) **principle of trust**, which implies that the data registered with the cadastre is trustworthy and complete and that a conscientious person cannot bear any detrimental consequences due to such trust;

5) **principle of priority**, which implies that registering with the cadastre and determining the pripority of rights in respect to a particular real estate or utility shall be carried out according to the timing of the receipt of the document submitted for the purpose of registering ex officio or receiving the request for registration, unless otherwise provided by this law;

6) **principle of legality,** which implies that the Authority, when deciding on registering with the cadastre, shall verify that the requirements for registration prescribed by this Law and other regulations have been met, unless the change is registered based on a court judgment, public notary and other public deed, in which case it shall not check the legality of this change, since the legality of the change is taken into account during the process of issuing, drawing up or verifying(solemnization) of this document;

7) the principle of **determination**, which implies that the contents of each cadastre registration shall be completely defined in relation to the real estate or utility the registration relates to, the type of registration, right, or other fact being registered, as well as with regard to the subject of registration, the sequence of registration priorities and documents on the basis of which the registration was carried out.

TYPES OF REGISTRATION WITH THE REAL ESTATE CADASTRE

Article 4

Types of registration with the real estate cadastre shall include:

1) Real estate registration;

2) Registration of rights;

3) Prenotation;

4) Note.

**1. Real estate registration**

*Real estate registration*

Article 5

Real estate registration implies the registration of data on the lot, facility or a special part of a building.

For each real estate, a unique real estate code for that real estate shall be defined and entered individually.

The manner of determining a unique real estate code of real estate property referred to in paragraph 2 of this Article shall be prescribed by a by-law governing the manner of operation in the procedure of registration with the real estate cadastre.

Lot data shall be registered on the basis of geodetic works study and registration documents when required by law.

Data on the facility and special parts of facility for which a usage permit has been issued in a consolidated procedure, in accordance with the law governing planning and construction, shall be registered on the basis of usage permit and the geodetic works study.

Data on facilities not covered by paragraph 5 of this Article shall be registered on the basis of geodetic works study and certificates of the competent authority issued on the basis of technical documentation upon which the building permit or usage permit were issued and if the competent authority is not able to issue such a certificate, on the basis of on the findings and opinions of the permanent court expert in the field of construction. If no permit has been issued for the facility, the data on the faciity shall be registered on the basis of the geodetic works study.

Data on the special parts of facility for which no usage permit has been issued in a consolidated procedure, under the law governing planning and construction, shall be registered as follows:

1) in the case of real estate property for which a usage permit or building permit has been issued, the data on the special part shall be registered on the basis of this license, if it contains such data, and if it does not contain such data, on the basis of the certificate of the competent authority issued on the basis of the technical documentation upon which a building permit or a usage permit has been issued, and if the competent authority is not able to issue such a certificate, the data on a special part shall be registered on the basis of the findings and opinions of the permanent court expert in the field of construction on the circumstances of the data on a special part of the facility ocurring according to building or usage permit;

2) in case of a real estate built before the entry into force of the General Regulation on Construction ("Official Gazette of the FPRY", no. 46/48), the Law on Conditions for the Construction of Residential Buildings in the Country ("Official Gazette of PRS" no. 7/61) or the Law on the Construction of Investment Facilities ("Official Gazette of SRS" no. 25/73), depending on the type of facility, the data on a special part of such a facility shall be registered on the basis of the certificate of the competent authority or findings and opinions of the permanent court expert in the field of construction;

3) in case of real estate for which a permit has not been issued and which was not built before the entry into force of the construction regulations referred to in item 2) of this paragraph, the data on a separate part of the facility shall be registered on the basis of the geodetic works study.

When a construction or usage permit has not been issued for a facility, when the facility is built by exceeding the authorization from the building permit or is a temporary facility, a relevant note is entered as well at the same time.

**2. Registration of rights**

*Registration of rights*

Article 6

 Propriatory and other real estate rights shall be registered with the real estate cadastre under the law.

Personal data of the rights holder shall be registered with the cadastre as prescribed by the law governing the state survey and cadastre.

Ownership and other propriatory rights on real estate shall be acquired, transfered, or terminated by registration with the cadastre, unless otherwise prescribed by law in certain cases of acquisition of rights.

*Registration of ownership*

Article 7

Ownership right for the real estate shall be registered as:

1) Ownership;

2) Co-ownership;

3) Common ownership.

Ownership shall be registered in favor of the sole owner of the whole real estate.

Co-ownership shall be registered in the favour of co-owners with certain shares within the total real estate or under the law governing acquisition of rights to a construction land.

Common ownership on a real estate shall be registered as owned by all the common property owners.

The common property acquired upon acquisition during marriage shall be registered in the cadastre on the total real estate or on the co-ownership share in the real estate, based on the marriage certificate. If the registration is carried out according to the submission made pursuant to Article 22, paragraph 1, item 2 by a notary public or a court in accordance with paragraph 4 of that Article, such property shall not be registered as common property to the favour of another spouse provided the cadastre is submitted a statement from both spouses that in the specific case it shall not be a common property, but a special property of one of the spouses, or if the spouses on the basis of the document according to which the registration is carried out acquire co-ownership, with certain shares. If the real estate has already been registered with the cadastre on only one of the spouses, the common ownership shall be subsequently registered in the cadastre on the basis of the statement of both spouses that it is a common property in such specific case.

Statements referred to in paragraph 5 of this Article shall be submitted in the form of a notary public deed or statements certified (solemnised) by notary public, and they may also be an integral part of the document by which the real estate the statement refers to is acquired, or by the solemnization clause recognising such document.

*Registration of other propriatory rights to real estate*

Article 8

Right to use the real estate, that is, the property of the user in cases provided for by law, the right to officiality, mortgage and other propriatory real estate rights as prescribed by law shall be registered with the real estate cadastre.

For the purpose of obtaining identical registration data with the registration data of special register of real estate for military purposes, maintained by a body in charge of defense matters, the ministry responsible for defense matters shall be registered as a user of the state-owned real estate, or user of public property of the Republic of Serbia.

*Mortgage*

Article 9

Mortgage shall be registered with the information on the creditor and the debtor, the amount of secured claim, currency, interest rate, basis for the registration and the validity period.

The data on the maximum amount of secured claim, which includes the basic amount of secured claim increased by the interest and the costs of collection of receivables, shall be registered with the real estate cadastre provided the document, which is the basis for mortgage registration, contains this information.

The sequence of priorities in respect of the registered mortgages may be amended in accordance with the law governing mortgage issues.

*Registration of obligation rights*

Article 10

Obligatory rights can also be registered with the real estate cadastre, as follows: pre-emptive contractual rights, lease and other obligatory rights associated with the real estate whose registration is stipulated by law.

**3. Prenotation**

*Prenotation*

Article 11

Prenotation is registration by which propriatory rights of real estate property are acquired, transferred, restricted or terminated.

Prenotation shall be carried out on the basis of a registration document failing to meet the requirements for final registration of propriatory rights, as follows:

1) If a condition or a deferred deadline for acquiring rights is set forth in the document, and the condition or the deadline is not met;

2) If the decision of the executor of public authorizations requires the registration of the prenotation.

If the time limit for justification of the prenotation is not specified in the document referred to in paragraph 2 of this Article, such period shall mean three months. The deadline for justifying the prenotation shall be an integral part of the prenotation.

Prenotation is applied even if in case of registration of a facility, or special parts of the facility under construction, and also the transfer of rights to the facility under construction or a special part of the faciity under construction.

Prenotation referred to in paragraph 4 of this Article shall be performed on the basis of a final building permit, technical documentation on the basis of which building permit has been issued and certificate on registration of works under this permit, or on the basis of the contract on the use of the facility, or special parts of the facility under construction suitable for registration.

Prenotation from paragraph 4 of this Article shall be registered without the indication of the validity period of such prenotation.

*Justification and deletion of prenotation*

Article 12

Prenotation shall be justified by removing the obstacles for the registration of propriatory rights which existed at the moment of registration of the prenotation, i.e. by subsequent submission of evidence on the fulfillment of the conditions or by the appearance of the deadline for acquisition or registration of propriatory rights.

Prenotation shall become the registration of real rights by justification, on which a decision is passed, effective from the moment of registration of the prenotation.

Unless justified within the deadline, the prenotation referred to in Article 11, paragraph 2 of this Law shall be deleted by decision upon the request of the party, and ex officio by expiry of the deadline referred to in Article 11, paragraph 3 of this law.

By registration of a facility or special parts of the facility with the real estate cadastre on the basis of a final usage permit, prenotations of the property of the investor of the facility under construction, or the buyer of such facility or special parts of that building, registered in accordance with Article 11, paragraph 4 of this Law, shall be transferred into ownership rights provided all other conditions for acquiring ownership rights prescribed by the law are met, and the registered mortgages shall be transferred to the facility, or a special part of the facility, taking into account the sequence of such registrations.

*Disposal of prenotation rights*

Article 13

Upon the registration of a prenotation, registrations against the registered prenotation rights holder are allowed, although such registrations are conditioned by justification or by deletion of the prenotation, and they shall also be recorded as prenotations.

Prenotations shall be reinforced by justification and all registrations against the prenotation rights holder shall become unconditional, provided all the prescribed conditions are fulfilled.

If not justified in the time, prenotifications shall be deleted, as any subsequent prenotations against the prenotation rights holder.

**4. Note**

*Note*

Article 14

A note is the registration of facts important for the establishment, modification, termination or transfer of propriatory rights to real estate, relating to the person of rights holder, real estate itself or to legal relations regarding the real estate.

Registration of a note from the paragraph 1 of this Article shall not prevent further registrations of the real estate the registration refers to, unless the opposite is explicitly prescribed by the law, but as of the note registration, all the disposals of the rights holder and entries in the real estate cadastre which are contrary to the purpose of the recorded note, shall be regarded as conditional and shall depend on the outcome of settling propriatory rights of the real which the note was registered for.

Notwithstanding paragraph 2 of this Article, the registration of a note on the prohibition of alienation and burdening of real estate shall prevent further registrations relating to the prohibited alienation and burdening of the real estate of the holder of the registered right.

*Types of notes*

Article 15

The following notes shall be registered with the real estate cadastre:

1) Note that the document for the registration has been submitted ex officio under Article 23 of this law, that is, that the request for registration in the real estate cadastre has been submitted in accordance with Article 25 of this Law;

2) Note that the first-instance decision is not final, unless it is a decision in an administrative matter whose subject is the note of the dispute;

3) Note on the administrative dispute against a second instance decision on registration in the real estate cadastre, unless it is a decision on an administrative matter whose subject is the note of the dispute;

4) Note on the personal states of holders of rights;

5) Note on a dispute pursuant to a lawsuit filed by a previously registered rights holder of real estate against the current registered rights holder in order to delete the registered right and establish the previous state of registration, dispute pursuant to a lawsuit of a third party for the purpose of determining the right of ownership due to the maintainance; dispute pursuant to the lawsuit of the creditor in order to defeat legal actions of the debtor in accordance with the law governing obligations, as well as the dispute initiated by the claimant as it was so referred by a court with jurisdiction over non-contentious matters or other competent authority, as well as any other procedure in connection to that real estate taking place before the court or executor of public authorities, and which may result in change of registration of rights of real estate;

6) Note on the prohibition of alienation and burdening of real estate;

7) Note the existence of a life-long supporting contract;

8) Note on the existence of marrige agreement;

9) Note on the existence of a concession agreement;

10) Note on initiation of the expropriation procedure;

11) Note that during the reparcelling procedure the committee established the change of the right holder of a lot;

12) Note on being a cultural property;

13) Not on final building permit;

14) Note that the document upon which the cadastre registration was carried out was submitted to the authority competent to ex officio initiate procedure for its cancellation, i.e termination, as well as to the public prosecutor;

15) Note of the existence of lien on a movable property, which is registered with a register for registration of lien on movable property and rights, and which may affect subsequent acquisition of rights in relation to the immovable property in which it is installed, or whose appurtenance is in accordance with the law governing the mortgage;

16) Note that the registration was executed on the basis of a contract certified by the court more than 20 years ago;

17) Other notes as prescribed by the law.

Notes referred to in paragraph 1 items 3 and 5 of this Article shall be registered upon the request of a party, and on the basis of a lawsuit filed with the competent court, or on the basis of other evidence that a procedure whose note is carried out has been initiated.

Note referred to in paragraph 1, item 11 of this Article shall be registered ex officio on the basis of the minutes of the reparcelling committee, which is obliged to submit it to the competent service within 24 hours from the date when the change of the rights holder on the lot was registered in the minutes.

Note referred to in paragraph 1 item 14 of this Article shall be registered ex officio in the case referred to in Article 32, paragraph 3 and Article 33, paragraph 7 of this law, and it shall be deleted ex officio if the body referred to in paragraph 1, item 14) of this Artice, that is, the public prosecutor, within one year of the registration of the note, does not inform the Department that the procedure for canceling the document based on which the registering with cadastre was initiated.

Note referred to in paragraph 1, item 16 of this Article shall be deleted if a court certificate is submitted that the contract on the basis of which the registration was carried out is certified under the appropriate certification number or if a court decision determining the right acquired by the contract or otherwise confirms the effect of the respective contract.

Notes from paragraph 1 items 1, 2 and 3 of this Article shall be registered and deleted from the real estate cadastre without issuing a decision.

III. COMPETENCES FOR REGISTRATION WITH THE REAL ESTATE CADASTRE

**Competences for registration with real estate cadastre**

Article 16

Department shall make decisions in the process of registration with the real estate cadastre in the first instance, while in the second instance the Authority shall decides upon the appeal.

**Parties in the registration procedure**

Article 17

Parties in the registration procedure include:

1) Person to whose favour the decision on the registration is made;

2) Registered predecessor;

3) Third party whose rights, obligations or legal interests may be affected by the outcome of the registration procedure.

**Mandatory submission via e-service desk**

Article 18

Application, evidence and acts shall be submitted in the form of an electronic document, through an e-service desk, in the process of registration with the real estate cadastre.

Notwithstanding paragraph 1 of this Article, the appeal and other legal remedies, as well as the evidence attached thereto, may be submitted in the form of a paper document.

**Publicity of cadastral data and access to GCIS**

**(Geodetic cadastral information system) data**

Article 19

The Authority shall provide through its website, continuously and free of charge, in a manner that which does not violate personal data protection, public availability of:

- General real estate cadastre data relating to real estate;

- General data on holders of real estate rights, for natural persons including name, surname and place of residence, and for legal entities business name, address of the seat and company registration number;

- Information on the receipt of the document submitted for registration ex officio under Article 23 of this Law, or the receipt of the application for registration filed under Article 25 of this Law.

Notwithstanding paragraph 1 of this Article, interested persons may inspect other GCIS data as well as the cadastre documentation that has not been transferred into electronic form, directly in the premises of the Authority, in the presence of an authorized person of the Authority.

The Authority shall provide through its website continuous access to complete GCIS data, including cadastre data, to sumbitting entites and professional users, under the conditions prescribed by this law and by-laws issued pursuant to this Law.

Availability of real estate data from paragraphs 1 and 2 of this Article, as well as the conditions and manner of ensuring the availability of complete GCIS data referred to in paragraph 3 of this Article, shall be prescribed more closely by the Government.

The right to access information of public importance available at the Authority shall be implemented in accordance with the law governing free access to information of public importance.

**Proper application of regulations**

Article 20

Law governing general administrative procedure shall be applied to all issues related to the registration procedure with the real estate cadastre which are not covered by this law.

IV. THE PROCEDURE OF REGISTRATION WITH THE REAL ESTATE CADASTRE

*Initiating the procedure for registering with the cadastre, the time of receipt and records on the receipt for documents and requests*

Article 21

The procedure for registration with the real estate cadastre is initiated by the Department ex officio:

1) immediately upon receipt of the document submitted by the submitting entity, ex officio, in accordance with Article 23 of this Law;

2) upon entry into force of the law, or within the deadline prescribed by law, if the registration with the real estate cadastre is performed by enforcement of law.

The procedure for registration with the real estate cadastre may also be initiated at the request of a party, under Article 25 of this Law.

The Authority shall ensure that the GCIS records the year, month, day, time, minute and second of the receipt (hereinafter: the time of receipt) of the document supplied by the submitting entity or the request for registration provided by a party,while the Department at the same time in the cadastre in respect of the real estate shall register the note referred to in Article 15, paragraph 1, item 1 of this law, which shall contain the time of receipt, the number of case under which such delivery or request is recorded in the GCIS and the type of the respective registration.

The time of receipt referred to in paragraph 3 of this Article shall be determined according to the moment of receipt of the document or request by the Authority.

The Authority shall keep records on the deliveries referred to in paragraph 1 item 1) of this Article and the requirements referred to in paragraph 2 of this Article, which shall, inter alia, contain the following information on the applicant or the person in whose favor the registration is made in accordance with ex officio delivery: name, parent`s first and last name, the address of the place of residence or the place of temporary residence and the personal identification number, and for a foreigner instead of the personal identification number, the identification number of the valid travel document issued by the competent authority, or for a legal entity, business name, adress with seat and company identification number, or the company identification number with the registry or, if there is no identification number and for foreign legal entity, instead of company identification number, number of registration with the state where the seat of the company is located and the name of such register.

The records referred to in paragraph 5 of this Article shall include, for the Republic of Serbia, instead a personal identification number, a unique identification number, which shall be determined by by-laws of the Government.

Immediately upon receipt of the document, i.e. the request, the Department shall issue an electronic confirmation of the receipt of the delivery to the submitting entity or to the Applicant with the data referred to in paragraph 3 and 5 of this Article.

Other data containing the records referred to in paragraph 5 of this Article, other than personal data, shall be prescribed by the Minister in charge of construction affairs (hereinafter: the Minister).

**1. Initiating ex officio procedure**

*Ex officio submitting entity*

Article 22

Persons or bodies obliged to ex officio submit to the Department via the e-service desk, for the purpose of registration with the cadastre of immovable property, the documents which they issue, compile, certify or authorise shall include:

1) courts submitting executive decisions made in the proceedings in which they act in the capacity of the first instance court, and which represent a suitable legal ground for registration with the real estate cadastre;

2) public notaries submitting notary public documents which they compile, certify or authorise, or executive decisions they make, within the framework of the legally entrusted public authorities, and which represent a suitable legal ground for registration with the real estate cadastre;

3) Public enforcement officers submitting executive decisions in the cases and in the manner proscribed by the law governing the enforcement procedure, and which represents a suitable legal ground for registration with the real estate cadastre;

4) public administration bodies and other bodies and organizations which while exercising their public authorities make decisions which represent the ground for registration with the real estate cadastre, submit executive decisions and other acts which represent a suitable legal ground for registering with the real estate cadastre.

In addition to the documents referred to in paragraph 1, item 2) of this Article, the notary public shall also submit to the Department a document he has acknowledged or issued in connection with the transfer of property rights to real estate, and which does not represent a suitable legal ground for registration of changes in the real estate cadastre, namely:

1) Contract conveying the ownership right to real estate property which has been acknowledged (solemnized), which does not contain unconditional consent for registration of the rights with the real estate cadastre, and for the purpose of registration of the prenotation referred to in Article 11, paragraph 2, item 1) of this Law;

2) Document conveying the ownership right of a facility, or a special part of the facility under construction, for the purpose of registration of the appropriate prenotation referred to in Article 11, paragraph 4 of this Law;

3) Document relating to the disposal of real estate not registered in the real estate cadastre, and for the purpose of rregistering, in which case it shall be stated so.

Notwithstanding paragraph 1, item 1 of this Article, the court shall not be obliged to submit the decisions it has made in the execution procedure, if it is the obligation of the public enforcement officer, prescribed by the law governing the enforcement procedure.

Courts shall also submit the documents referred to in paragraph 1, item 1 of this Article, which they shall compile or acknowledge in lieu of notary public in accordance with the law.

Notwithstanding paragraph 1, item 4 of this Article, there shall be no obligation to submit documents relating to facilities considered as military complexes or military facilities under the law governing the defense.

*Ex officio submission and deadline for delivery*

Article 23

Submitting entity from Article 22 of this law shall submit to the Department through the e-service desk as follows:

1) Document, which acts as legal basis for registering the change with the real estate cadastre;

2) Other documents prescribed by law.

If the document referred to in paragraph 1, item 1 of this Article fails to prove the continuity of the change with the registration in the real estate cadastre, the submitting entity shall also submit to the Department the documents proving such continuity.

If notary public performs the submission in accordance with Article 22, paragraph 2 of this Law, he shall state the reason for the submission prescribed by this provision.

The manner of submission of documents referred to in paragraph 1 of this Article shall be more closely regulated by the Government.

Submitting entity shall perform the submission in accordance with paragraph 1 of this Article within the following deadlines:

1) Notary public, within 24 hours from the moment of composing, acknowledging or certifying the notary public deed, i.e. from the date of enforcement of the decision he has taken in the assigned business, about which he issues certificates to the parties;

2) Court, within three working days from the enforcement of the decision it made in the case in which the first instance procedure is conducted;

3) Public enforcement officer, within the deadline prescribed by the law governing execution and security;

4) State body, a local self-government unit and other entities, within 24 hours from the date of enforcement of the decision which serves as basis for registration.

If a notary public submits a document, it shall also submit to the Department a tax application for establishing the amount of the tax on the transfer of absolute rights, that is, the inheritance tax and the gift and tax application for the purpose of establishing the amount of property tax in connection with the transfer carried out by that document, unless the submitting entity refused for such documents to be delivered by notary public, in which case the notary public submits a note he made on it.

*Inititating the procedure after submission via e-service desk*

Article 24

Immediately upon submission referred to in Article 23 of this Law, the Department shall without delay:

1) Initiate the registration procedure with the real estate cadastre;

2) Forward the document for transfer of real estate absolute rights, through the e-service desk, to the tax authority in order to establish the amount of tax for the transfer of absolute rights, i.e. inheritance or gift, to the local self-government unit responsible for calculating, collecting and controlling the original revenues of the local self-government unit , in order to estabish the amount of property tax, as well as to the company responsible for the unified collection of utility services.

If the Department also receives tax applications and/or a note in accordance with Article 23, paragraph 6 of this Law, the Department shall send them to the tax authority, i.e. the body of the local self-government unit responsible for determining, collecting and controlling the original revenues of the local self-government unit.

**2. Initiating registration procedure with the real estate cadastre upon a party`s request**

*Initiating a procedure upon a party`s request*

Article 25

As exception of the rule that the procedure for registering with the real estate cadastre shall be initiated ex officio in accordance with Art. 22-24 of this law, a party may submit a request for registration in the real estate cadastre via e-service desk, unless this is explicitly excluded by law.

The request, on behalf of the party, may be submitted by a legal representative or an authorized representative of a party, as well as a natural person or a legal entity or an entrepreneur according to a provided power of attorney.

The following shall also be submitted together with the request:

1) Document serving as legal basis for registering in the real estate cadastre;

 2) Other documents as proscribed by the law;

3) Power of attorney, if the request is submitted by a proxy, which is not certified in case the proxy is a professional user;

4) Proof of payment of the republic administrative fee, if payment is not settled electronically, through the application provided by the e-service desk.

If the document referred to in paragraph 3, item 1) of this Article fails to prove the continuity of the change in the registration with the real estate cadastre, the documents proving such continuity shall be submitted with such a request.

If the request is submitted by a person in whose favour decision on such a request is not made, and such person is not even a registered predecessor, the request shall be accompanied by a document proving the legal interest for submission of such request.

The finding and the opinion of the permanent court expert of the relevant profession can be attached to the request, if this finding shall establish the facts of relevance for the registration.

In its request, a party may require that the decision is delivered to it by registered mail at the requested address or directly in the premises of the department, in which case a transcript of the decision made in electronic form is submitted in accordance with the special regulations governing e-business in the state administration bodies. Otherwise, the decision shall be delivered in the form of an electronic document, to the electronic address stated in the request as the address for receiving mail.

Any of the common property owners may require registration of common rights in favour of all the common property owners.

In case of registration of rights which could be divided proportionally in respect to the whole scope, any rights holder may require registration of an appropriate part to his favour, whereas the registration to the favour of other right holders shall be carried out ex officio.

Immediately upon receipt of the request referred to in paragraph 1 of this Article, the Department shall without delay:

1) Initiate the procedure for registration in the real estate cadastre;

2) Forwarded the document for transfer of real estate property rights through the e-service desk to the tax authority and the body of the local self-government unit responsible for determining, collecting and controlling the original revenues of the local self-government unit, in order to establish the amount of tax on the transfer of absolute rights or property tax, as well as to the company responsible for the unified collection payment for utility services.

*Mandatory content of request form*

Article 26

The request referred to in Article 25 of this law shall be submitted on the prescribed form and shall include:

1) information on the person in whose favor the registration is carried out: name, a parent`s first and last name, address of the place of residence or the place of temporary residence and the personal identification number of citizens, and for a foreigner instead of the personal identification number, the identification number from the valid travel document issued by the competent authority, or, for a legal entity, business name, the address of the company seat and the company identification number, or the number of the entry in the register or records if there is no company registration number, and for a foreign legal entity instead of the company registration number the number of registration in the register of the country of the company seat and the name of such register;

2) the name of the cadastral municipality and the real estate code in relation to which the request is submitted, according to the data of the real estate cadastre;

3) Code of the change in the cadastre that is the subject of the request;

4) General information referred to in item 1) of this paragraph on the applicant, if the request is in favor of another person.

The electronic version of the form referred to in paragraph 1 of this Article shall be more closely regulated by the Minister.

**3. Form of documents submitted via e-service desk**

*Form of documents submitted via e-service desk*

Article 27

Documents to be submitted via an e-service desk in accordance with Article 23 paragraphs 1 and 2 and Article 25 paragraphs 3-6 of this Law shall be submitted in the form of an electronic document, as follows:

1) Electronic document originally generated in electronic form; or

2) Electronic transcript of the document originally generated in paper form, which the issuer also created in the form of an electronic document; or

3) Digitized document issued in paper form, the identity of which is certified by the notary public in the exercise of his public authority by his/her qualified electronic seal, or by a qualified electronic signature; or

4) Digitized document issued in paper form, the identity of which, by its qualified electronic signature, or by qualified electronic seal:

- Has been acknowledged by a person, or authorized person of the body referred to in Article 22 of this Law, who is submitting this document ex officio, in accordance with that provision;

- Has been acknowledged by a lawyer, provided that he/she has concluded an agreement with the Authority on access to the e-service desk (that he/she has the status of a professional user) and submits the document along with a request submitted on behalf of the client, based on the power of attorney;

- Has been acknowledged by the entrepreneur, that is, legal representative or authorized person of the legal entity registered in the register of geodetic organizations, in accordance with the law governing geodetic activity, provided that he/she has concluded an agreement with the Authority on access to the e-service desk (that he/she has the status of a professional user) and the document is submited for registration of the change he/she composed while exercising his/her public authorities along with a request submitted on behalf of the client, based on the power of attorney;

The authorized body, that is, the person who carried out the digitization and acknowledged that the document is identical with the original in paper form, in accordance with paragraph 1, items 3) and 4) of this Article, shall keep the original document in paper form in accordance with the law.

Notwithstanding paragraph 1 of this Article, if the payment is not made electronically, through the application provided by the e-service desk, proof of fee payment may also be submitted in electronically, without a qualified electronic signature.

**4. Possibility for a party to amend or to waive registration request**

*Amending the request for registration*

Article 28

A party may, once during the procedure, until the decision of the first instance is passed, amend the request submitted in accordance with Article 25 of this law, provided it is founded on the same legal basis and unless in the meantime another person has submitted a request for registration of an amendment to which such an amendment to the request could leave adverse effect (observance of the principle of priority).

A party may submit new documents and evidence during the procedure and together with the appeal, but such documents and evidence on the basis of which the merits of the request are assessed can be submitted subsequently only if they were produced up to the moment of submitting the request.

In the cases as referred to in paragraphs 1 and 2 of this Article, time period for passing a decision shall begin from the date of the extension, amendment or making the request more precise, i.e. from the date of submission of new documents and evidence.

*Waiving registration request*

Article 29

A party may waive registration request until the first instance decision on the request is passed, or until the second instance decision is passed, if an appeal is filed against the first instance decision.

In the case referred to in paragraph 1 of this Article, the Department or the Authority shall issue a decision on the suspension of the procedure.

**5. Fee payment**

*Fee payment*

Article 30

The person in whose favour the registration is being performed shall pay the fee for registering with the real estate cadastre ex officio, while in case of registration with the real estate cadastre upon a party`s request the applicant shall be the person obliged to pay the fee.

Proof of payment of a republic administrative fee, if payment is not made electronically, can be submitted through the application provided through the e-service desk.

**6. Sequence of decision-making**

*Sequence of decision-making on registration*

Article 31

If several documents for registration have been submitted ex officio, or if several requests for registration on the same real estate have been submitted, i.e. the same part of the real estate, the procedure will be carried out according to the order of submissions, starting from the first submitted, or upon the request which was first received.

In the final version of the decision made in the procedure according to the previously submitted document or request, the later submitted documents or requests shall be taken into the procedure in the order of reception.

Nothwithstanding paragraphs 1 and 2 of this Article, the Department shall consider as egistration priority a note on the decision on execution made based on a mortgage contract or a pledge statement, provided the registration of the mortgage with the real estate cadastre according to such agreement, i.e. pledge statement, was previously carried out, expect for unresolved cases of registration upon final court decisions and requests preceding the registeration of that mortgage.

Sequence of decision-making cannot be violated by a special law.

When several documents for ex-officio registration, i.e. requests for registration on the same real estate have been submitted, and a special law prescribes the urgency of a particular registration, all procedures conducted according to previous submission or requests shall gain the status of urgency.

**7. Deciding on the registration**

*Deciding in the procedure initiated according to the document submitted by the submitting entity*

Article 32

Upon the submission referred to in Article 23 of this law, the Department shall check the fulfillment of the formal requirements for registration with the real estate cadastre, and whether:

1) it is responsible for handling the submitted document, whether the delivery of the document has been performed by the submitting entity referred to in Article 22 of this Law, and whether the document which is the basis for the registration of the change has been adopted, compiled, certified or authorised under the actual responsibilities as defined by law;

2) Document representing the legal basis for registration with the cadastre of real estate has been submitted ex officio, as well as other documentation prescribed by law;

3) Facts about real estate and parties, listed in the documents which are the basis for registration, are in accordance with the state of the real estate cadastre at the time of deciding on the registration.

Notwithstanding paragraph 1 item 1 of this Article, if the court, notary public or public enforcement officer submits the document which is the basis for registration of the amendment with the real estate cadastre, the Department shall not check whether this document has been issued, compiled, acknowledged or certified within legal competences of the court, i.e. notary public or the public enforcement officer.

If the formal requirements for registration referred to in paragraph 1 of this Article are met, the Department shall not be checking the legality of the amendment carried out in accordance with the submitted document, because it was taken care of by submitting entity in the process of issuing, composing, certifing or authorising of that document, and the very act of its submission in accordance with Article 23 of this Law also acknowledged it, but it shall issue a decision by which it shall register such amendment with the real estate cadastre, unless the law prescribes the prohibition of registration in such cases. If it is estabished that disposal of the real estate in the document which is the basis for registration is clearly contrary to the compulsory regulations, the Department shall register it on the basis of this document in the cadastre and immediately inform the authority competent to ex officio initiate the appropriate procedure for the cancellation, or the annulment of such a document, as well as the public prosecutor, and at the same time register the note referred to in Article 15, paragraph 1, item 14) of this Law.

If the notary public has submitted the document in accordance with Article 22, paragraph 2, item 1) of this law, or if he has not submitted the document containing the unconditional consent for registration (clausula intabulandi), as well as when he has delivered the document in accordance with Article 22, paragraph 2, item 2) of this law, the Department shall register the prenotation of that amendment with the real estate cadastre, and if the notary public has performed the submission in accordance with item 3) of the same paragraph, he shall record that change.

If, during the registration procedure referred to in paragraph 1 of this Article, the Department finds that there is no room for further procedure, it shall issue a decision on suspension of the procedure.

If the submitting entity has submitted the document according to which it has already been decided in the procedure initiated at the request of a party, the procedure shall be suspended by a decision.

The Department shall deliver the decisions from paragraphs 3 and 4 of this Article to the persons whom the registration refers to, while the decisions from paragraphs 5 and 6 of this Article shall be delivered to the persons referred to in the document which the registration could have referred to if the proceeding was continued.

If it is obvious from the document provided that there is no room for the initiation of the procedure, the official will make a respective official note about this, and the persons mentioned in the document to whom the registration could have referred if the procedure was initiated and conducted shall be notified, and they may within 15 days from the date of receipt of the notice submit a request for registration. In this case, the priority sequence is determined according to the time of delivery of the document to the Department.

The decision from paragraphs 3-6 of this Article and the notification from paragraph 8 of this Article shall also be delivered to the submitting entity who submitted the document to the Department.

*Deciding on registration request*

Article 33

Upon receipt of the request for registration referred to in Article 25 of this Law, the Department shall check the fulfillment of formal requirements for registration with the real estate cadastre, and whether:

1) it is competent for handling the request, whether the request is submitted by a person which can be a party to the procedure, or a legal representative, a duly authorized representative or proxy of that person, and whether the document which is the basis for the registration of the amendment has been made, compiled, acknowledged or certified within the framework of the actual competences established by law;

2) There is legal interest in submitting a request, if the request is submitted by a person under Article 17, item 3) of this Law;

3) The request contains all the prescribed data;

4) The request is accompanied by a document, which is the legal basis for registration with the real estate cadastre, as well as all other documents prescribed by law;

5) Facts about the real estate and persons, which are stated in the request and in the documents on the basis of which the registration is made, are in accordance with the state of the real estate cadastre at the time of deciding on the registration.

Notwithstanding paragraph 1 item 1of this Article, if the document submitted is the decision of the court, public enforcement officer or a notary public document, the Department shall not check whether such document has been issued, compiled, certified or authorised within the legal competences of the court, public enforcement officer or notary public.

If the formal conditions for registration of the requested amendment from paragraph 1 of this Article are not fulfilled, the Department shall issue a decision rejecting the request.

In the decision referred to in paragraph 3 of this Article, all reasons for rejection of the request shall be enumerated.

If the formal requirements referred to in paragraph 1 of this Article are met, the Department shall check whether the request is submitted on the basis of a document which is submitted ex officio in accordance with Article 23 of this Law, and if this is the case, it shall:

1) suspended the procedure by a decision, if the amendment required by the request has already been carried out ex officio in accordance with Article 32 of this Law; or

2) terminate the procedure on the request, if the submission of the document has not been performed in accordance with Article 23 of this Law, and after such submission the procedure continues upon the request, the procedure shall be merged with the procedure initiated ex officio and brings a single decision; or

3) merge the procedure upon the request with the procedure referred to in Article 32 of this law, if the submission is performed before the submission of the request, but the decision in the procedure under Article 32 of this Law has not yet been made and it makes a single decision; or

If the submission in the case referred to in paragraph 5, item 2) of this Article is not carried out even after 30 days from the termination of the procedure, the Department shall notify the body supervising the work of that submitting entity for the purpose of conducting supervision in accordance with Article 56 of this Law and continue the procedure upon the request.

If the formal requirements for registration referred to in paragraph 1 of this Article are met, in the event of continuing the procedure in accordance with paragraph 5 position 2, i.e. paragraph 6 of this Article, the Department shall not be checking the legality of the amendment carried out in accordance with the document submitted with the request, because it was taken care the process of issuing, composing, acknowledging or certifing that document, but it shall issue a decision by which it shall register such amendment with the real estate cadastre, unless the law prescribes the prohibition of registration in such cases. If it is estabished that disposal of the real estate in the document which is the basis for registration is clearly contrary to the compulsory regulations, the Department shall register it on the basis of this document in the cadastre and immediately inform the authority competent to ex officio initiate the appropriate procedure for the cancellation, or the annulment of such a document, as well as the public prosecutor, and at the same time register the note referred to in Article 15, paragraph 1, item 14) of this Law.

If the applicant submits new request within eight days from the date of receipt of the decision referred to in paragraph 3 of this Article, by which its request was rejected on account of formal deficiencies, and in which all the formal deficiencies specified in the decision are remedied, he shall not be obliged to pay the fee for submitting the request.

*Decision-making limits*

Article 34

Registration in the real estate cadastre shall be performed on the basis of the submitted documents, and if it is carried out upon the request of the client, it shall be performed in accordance with such a request.

If it follows from the document, which is the legal basis for registering with the real estate cadastre, that, in addition to the registration required, there are restrictions for that registration in terms of the encumbrances, obligations or rights of other persons, and which to be registered by law in the real estate cadastre, the decisions shall be made to register these restrictions as well.

*Merging procedures*

Article 35

Several procedures can be combined in one procedure, if they are based on the same or similar factual status and the same legal basis.

If at the same time the procedure is conducted ex officio under Article 24 of this Law and the procedure upon the request of the party referred to in Article 25 of this Law, and according to the same document that is the legal basis for registering with the real estate cadastre, the later procedure shall be merged with the previously initiated one.

If the procedure for registering with the cadastre is initiated ex officio or upon a request of a party, and another procedure or procedures are carried out regarding the same real estate and based on the same or different factual status, or the same or different legal basis, with the same or different parties in these procedures, the Department may, if it assesses that simultaneous decision-making in all these cases will contribute to a more efficient and cost-effective conclusion of all these procedures, merge them and decide upon all these grounds or requirements in a single decision.

In this case, the decision shall be made by application of the principle of priority, which means that earlier submission will first be settled, i.e. the request, and then the next, having in mind the state of registration in the cadastre at the time of the decision making, as well as the previously resolved issues in that procedure.

*Deadlines for issuing decisions*

Article 36

Upon the submission of the registration document referred to Article 23 of this law, the Department is obliged to issue a decision within five working days, unless otherwise provided.

Upon receipt of the request for registration referred to in Article 25 of this law, which can be processed in the order of priority, the Department shall decide within 15 days, except in the case of registration of a mortgage, registration of mortgage sales, and less complicated administrative matters, when the deadline for rendering the decision shall be five working days from the date of receipt of the request, with the appropriate application of Article 33, paragraph 5 of this law.

The notion of less complicated administrative matters shall be defined by a bylaw issued by the Minister.

*Exclusion of oral hearing and investigation*

Article 37

Oral hearing shall be excluded from the process of registration with the cadastre.

Notwithstanding paragraph 1 of this Article, where errors, shortcomings and omissions in the real estate data and registered proprieory and other rights are corrected in the procedure of maintaining the cadastre, in accordance with Article 51 of this law, an oral hearing may be held, if necessary in order to determine the decisive facts and circumstances relevant for the clarification of the matter.

The facts of relevance for registration can be determined in special cases by on-the-spot investigation, of which the parties shall be informed at least a day in advance.

**8. Mandatory content of decisions**

*Mandatory content and form of the decisions*

Article 38

 Decision on registration with the real estate cadastre shall, inter alia, include: information on the type of registration, type of right, marking of the real estate, the information on the person in whose favor the registration is made, the data on the registered predecessor, basis of registration and data on the fee amount.

The decision on refusal or rejection of the request, inter alia, shall include: information on the required type of registration, type of right, marking of the real estate, the information on the person whose request is refused, i.e. rejected with the expressly stated reasons for refusal or rejection and information on the amount of the fee.

Personal data from paragraphs 1 and 2 of this Article entered into the decision shall include: name, a parent’s name and family name, address of permanent residence or temporary residence and personal identification number of citizens, and for foreigners instead of personal identification number, identification number from valid travel document, for legal entity its business name, the seat address and the company identification number, and for a foreign legal entity instead of the company identification number the number of registration with the register of the country of the seat and the name of such register.

The decision shall be made in the form of an electronic document.

**9. Delivery of decisions**

*Ways of delivery*

Article 39

The decisions made by the Department ex officio upon submissions referred to in Article 23 of this Law shall be delivered to the persons to whom the registration refers to by registered mail in the form of a printed copy of an electronic document certified in accordance with the law governing e-business, unless the electronic delivery is required, and as for the the submitting entity which submitted the document on the basis of which the registration was carried out to the cadastre, the delivery shall be carried out in form of electronic document, via e-service desk, for information purposes.

The decision made by the Department upon the request referred to in Article 25 of this Law shall be submitted to the Applicant in the form of an electronic document, via an e- service desk, and to the other persons to whom the registration refers to a printed copy of this electronic document shall be delivered by registered mail, certified in accordance with the law governing e-business, unless it is required that delivery of the electronic document is executed electronically.

The decision shall be delivered by public announcement on the website of the Office and at the same time it shall be posted on the notice board of the competent Department, if the address of the place of permanent or temporary residence is unknown or if the delivery to the address stated in the request could not have been performed.

In the case referred to in paragraph 3 of this Article, the decision shall be deemed to have been delivered by the expiry of a period of eight days from the date of posting on the website of the Office and the notice board of the competent Department.

The Minister shall more closely regulate the manner of delivery from paragraphs 1-3 of this Article.

*Confirmation of delivery*

Article 40

When the decision is delivered electronically, proper delivery is proven by an electronic confirmation of the receipt of the document (delivery note).

**10. Performing the registration with the real estate cadastre**

*Performing the registration with the real estate cadastre*

Article 41

 Registration with the real estate cadastre is performed without delay after the decison allowing the registration of becomes final.

Registration with the real estate cadastre is also performed according to:

1) Second-instance decision allowing the registration; or

2) Court decision after an administrative procedure (n an administrative procedure of full jurisdiction).

Registraton in cases referred to in para. 1 and 2 of this Article imply the deletion of the existing registration.

If the second instance decision from paragraph 2, item 1) of this Article is annulled, the registration made on the basis of that decision is deleted.

**11. Preceedings involving appeal**

*Right to appeal, waiving and withdrawing the appeal*

Article 42

Against the decision made in the first instance, regardless of whether it was made ex officio or at the request of a party, a party may appeal to the the Authority through the competent Department within eight days from the date of delivery of the decision.

A party may waive the right to appeal, and until the adoption of the second instance decision, it can withdraw the appeal, by statements which cannot be revoked.

*Acting of first-instance body upon appeal*

Article 43

The Department shall, within seven days from the date of receipt:

1) Reject the appeal, if it finds that it is not timely, not allowed, it was filed by an unauthorized person or that it was not submitted within the period of eight days; or

2) Adopt the appeal, and annul the appealed decision and issue a new decision if it finds that the appeal has been grounded.

If it finds that there is no room for proceeding pursuant to paragraph 1 of this Article, the Department shall, within the same deadline, submit the appeal with the case files to the Authority for further proceedings.

Against the decision referred to in paragraph 1, items 1) and 2) of this Article, an appeal may be filed to the Authority within eight days from the date of delivery of the decision.

The Authority shall decide upon the appeal referred to in paragraph 3 of this Article, which, if it finds that the appeal is justified, shall decide on the appeal which was rejected at the same time.

Nothwithstanding paragraphs 1 and 2 of this Article, if the adoption of an appeal could adversely affect the rights and interests of the person in whose favor the registration is approved, or persons registered in the cadastre for that real estate, the appeal shall be delivered to such person for the reply, who shall then submit the reply to appeal to the Department within eight days, and the deadline for proceeding referred to in paragraph 1 of this Article shall be calculated from the expiry of the deadline for submitting the response to the appeal.

*Acting of second-instance body upon appeal*

Article 44

The Authority shall decide upon the appeal within 60 days from the date of the submission of a proper appeal.

The Authority shall reject the appeal which is illegal or untimely.

Provided the appeal is not rejected, the Authority may refuse the appeal, annul the decision in whole or in part, and decide on the administrative matter itself, annul the decision and return the case to the first instance body for a re-trial, or amend it.

The Authority shall refuse the appeal if it established as follows:

1) Department correctly conducted the first instance procedure and the contested decision was based on the law;
 2) first-instance procedure was conducted with faults, but that these faults did not affect the lawfulness of the contested decision;

3) Contested decision is based on the law, but for other reasons than those listed in the explanation of the decision.

If in the appeal proceedings the Authority finds that in the first instance procedure the Department made wrong conclusion regarding the facts established by the document, or if it concludes that the contested decision was made by the misapplication of substantive law or that there were some other faults in the first instance procedure which affected the lawfulness of the contested decision, the Authority shall remedy such faults, annul the first instance decision and decide itself on the administrative matter.

 If the Authority finds that the faults of the first instance procedure will be remedied more quickly and economically by the Department, it shall annul the first instance decision by its decision and return the case to the Department for reconsideration and decision-making, in which case it is obliged to instruct the Department in which regard the procedure should be supplemented in its decision, and the Department is under obligation to act in accordance with the second instance decision and, without delay, and no later than within five working days from the date of receipt of the case, issue a new decision. The party is entitled to appeal against the new decision of the Department.

If the Department fails to act according to the order from the second instance decision, such deed shall be the ground for instituting disciplinary proceedings against the responsible civil servant.

The Authority may return the case to the Department for reconsideration and decision-making only once, regardless of the reasons or omissions in the first instance procedure.

When the Authority acts on an appeal against a decision rendered in the case returned to the Department for reconsideration and decision-making, it shall render a decision on merits on the administrative matter.

**12. Acting until the effectiveness of the decision**

*Acting until the effectiveness of the decision*

Article 45

Until the effectiveness of the first instance decision, no new registrations shall be made for the same real estate, that is, for the same share of the real estate.

Notwithstanding paragraph 1 of this Article, before the final decision on the note registration, new registrations may be decided upon, unless this decision refers to such a notice which, according to the law, prevents further registrations.

Once the final decision is enacted, registration shall be performed according to such decision, along with the simultaneous registration of the note that the decision upon which the entry was made is not effective.

*Note on the initiation of administrative dispute and efectiveness*

Article 46

The note on the administrative procedure shall be registered on the basis of evidence of the initiated administrative procedure.

A party which has initiated administrative procedure as referred to in paragraph 1 of this Article shall, without delay, supply evidence to the Department on the initiation of an administrative procedure, in order to register a note of the initiation of an administrative procedure, about which act the parties in the proceedings shall be notified.

Note that the decision is not effective shall be deleted ex officio, as follows:

1) When registering a note on initiating administrative procedure;

2) If within 40 days from the date of delivery of the decision referred to in Article 47 of this law, the Department has not been provided with evidence that an administrative procedure has been initiated.

The notice of the initiation of administrative procedure shall be deleted ex officio after the delivery of the decision of the Administrative Court.

V. JUDICIAL PROTECTION

**Administrative procedure**

Artile 47

Administrative procedure may be conducted against the second instance decision rendered in accordance with the provisions of this law, as well as if it has not been decided on the appeal filed against the first instance decision within the legal deadline.

VI. REGISTRATION IN THE UTILITIES CADASTRE

**Registration in the utilities cadastre**

Article 48

The Department shall decide issuing a decision about the registration with the utilities cadastre.

Registration of utilities in the cadaster shall be performed by the Department upon the request of the investor and another legally authorized person, and ex officio, in case the geodetic works report is submitted by the competent authority in accordance with the law governing the construction of facilities.

An appeal against the decision referred to in paragraph 2 of this Article may be filed to the Authority within eight days from the date of delivery of the decision.

Regarding the obligation to deliver the documents which present the legal basis for the registry of data or changes of data in the utilities cadaster, as well as in respect of notes, prenotations, and competences for registration, registration procedure and court protection, the provisions of this law governing the registration in the real estate cadastre shall be applied.

Notes on the existence of a lien registered in the register for registration of liens on real estate and rights, on devices built on the utilities, which are considered mobile facilities, shall be registered with the utilities cadastre.

VII. OTHER RULES OF MAINTAINING CADASTRE

**Updating data registered with the cadastre**

Article 50

For the purpose of establishing updated cadastre, amendments to the data on holders of real estate rights registered in the cadastre, namely the data on name, surname, addresses of permanent residence or temporary residence for a natural person, or business name and address of the seat for a legal entity, shall be automatically taken from the central system of the electronic register of stud-books, established by the Ministry in charge of local self-government, or registries managed by the agency in charge of keeping a register of business entities and records on the permanent residence or temporary residence, managed by the authority in charge of internal affairs.

Competent authorities referred to in paragraph 1 of this Article and the Authority shall establish technical conditions for linking the registries referred to in paragraph 1 of this Article with the cadastre and to enable the updated transfer of data from these registries. Immediately after the establishment of a central register of the population, the authority in charge of keeping this registry shall be obliged to establish technical conditions for connection with the real estate cadastre and enable the prompt transfer of the aforementioned data from that registry.

**Deleting expired entries**

Article 50

Timed entries and expired entries shall be deleted upon request of a party or ex officio.

**Correction of errors in maintaining real estate cadastre**

Article 51

In the process of maintaining real estate cadastre, the Department ex officio or upon the request of a party corrects all identified errors, deficiencies and omissions in the real estate data and registered proprietary rights on real estate.

Errors shall also be corrected on the basis of the corrections in the document according to which the registration was carried out, and which was submitted to the cadastre for the correction of registration.

The Service shall issue a decision on the correction referred to in paragraph 1 of this Article, against which an appeal may be filed within eight days from the date of delivery of the decision.

Errors, deficiencies and omissions about the registered propriatory rights of the real estate cannot be corrected without the consent of the person who, after the incorrect registration, registered his/her right considering the data of the real estate cadastre to be true and complete, in accordance with the principle of trust.

Pursuant to paragraph 1 of this Article, correction of obvious errors in the data on holders of rights to real estate and the surface a facility, i.e. a special part of the building, created during the registration in the land books, may be allowed, provided that the evaluated evidence confirms such errors and that this method does not imply registration to the detriment of other persons.

If it is established that the error was created during the registration in land books, and the case is different from as referred to in paragraph 5 of this Article, the Department shall refuse the request for correction of the error and refer the applicant to initiation of an appropriate court or out-of-court procedure, in order to obtain the act which is the basis for correction of such error and to instruct him/her on the right to request the note on this procedure in accordance with Article 15, paragraph 1, item 5) of this law.

VIII. ISSUING DATA FROM THE CADASTER

**Issuing data from GCIS**

Article 52

Electronic data, certificates, reports and documents shall be issued from GCIS and documentation in an analogous form and, upon the request of the party, they can be issued in paper.

Excerpts from real estate sheets and utilities sheets shall also be issued to any interested person.

Transcripts and copies of original data of a valid survey may be issued to courts and other state bodies, territorial autonomy and local self-government bodies, geodetic organizations, as well as court experts of the geodetic profession if they are appointed by a court or other competent authority to provide expert opionions for a particular case.

Transcripts and copies of original data of expired surveys may be issued to the courts as well as to court experts of the geodetic profession if they are appointed by court or other competent body to provide expert opinions in that specific case, as well as to the ministry responsible for defense matters for the establishment and maintenance of a military cadastre.

Data and acts from paragraphs 2, 3 and 4 of this Article shall be issued within five working days from the date of receipt of the request, and if a larger volume of data is requested no later than 30 days from the date of receipt of the request, directly in the premises of the Authority, by mail or e-mail or otherwise electronically, in accordance with the request.

**Issuing data from GCIS by notaries public**

Article 53

Notaries public, as well as entrepreneurs and legal entities registered in the register of geodetic organizations, may issue excerpts from Article 52, paragraph 2 of this Law.

The excerpts referred to in paragraph 1 of this Article shall have the same validity as if it were issued by the Authority.

The conditions for issuing excerpts in accordance with paragraph 1 of this Article shall be regulated more closely by a bylaw issued by the Government.

IX. AUTHORITIES FOR PASSING BYLAWS

**Competences**

Article 54

The Government shall prescribe in more detail:

1) The manner of submitting the documents to the Authority by the submitting entity ex officio as referred to in Article 22 of this Law;

2) The scope of data availability referred to in Article 19, paragraph 1 and 2 of this Law, as well as the conditions and manner of providing complete data to the GCIS referred to in Article 19, paragraph 3 of this Law.

3) The manner of data acquisition in accordance with Article 49, paragraph 1 of this Law.

The Minister shall prescribe more precisely the manner of work in the procedure of registration with the real estate and utilities cadastre.

The Director of the Authority shall prescribe more precisely the manner of access, distribution, issuance, use, storage and protection of GCIS data.

X. PENALTY PROVISIONS AND SUPERVISION ON THE IMPLEMENTATION OF THE OBLIGATION OF DELIVERY

**Offense**

Article 55

A civil servant who manages the Depatment and a responsible civil servant in an internal unit of the Department responsible for case resolution shall be penalised for an offense with a fine ranging from RSD 10,000 to 50,000 in case he/she fails to decide upon the request for registration, which in the sequence of priority can be resolved, within the deadline prescribed by this Law (Article 36 of this Law).

A misdemeanor charges for the deed referred to in paragraph 1 of this Article may be filed by an interested person and the Director of the Authority.

**Supervision over the obligation of delivery**

Article 56

If the submittin entity fails to make the submission within the deadline referred to in Article 23 of this Law, and the Authority obtains information on this pursuant to the submitted requests of the parties in accordance with Article 25 of this Law, it shall inform the body which supervises the work of the submitting entity, in order to take measures to act in accordance with this obligation.

XI. TRANSITIONAL AND FINAL PROVISIONS

*Closure of initiated procedures and conducting procedures according to previously provided documents*

Article 57

Procedures for maintaining real estate cadastre and utilities cadastre which were not completed before the date of entry into force of this law shall be concluded according to the provisions of the law which was effective until the date of entry into force of this Law.

Procedures initiated upon the requests of parties submitted after entry into force of this Law and requiring registration based on the decisions of the court and other competent authorities and holders of public authorizations awarded before entry into force of this law, as well as according to private documents which have not been acknowledged by notaries, shall be conducted and concluded pursuant to the provisions of the law referred to in paragraph 1 of this Article.

The procedures initiated by the date of entry into force of this Law shall end at the latest by 31 December 2020.

 Registration shall be carried out according to the provisions of this law on the basis of decisions of courts and other competent authorities and the executor of public authorities issued after this Law entered into force, as well as on the basis of documents drawn up or acknowledged by notaries public or courts which have prepared these documents or acknowledged them in lieu of notaries public, from the date of entry into force of the Law on Notaries Public ("Official Gazette of RS", no. 31/11).

**Deleting holders and possessions**

Article 58

If by no later than 1 May 2028 no legal conditions are created for the registration of ownership rights to real estate in case a person is registered as a holder in accordance with the Law on State Survey and Cadastre ("Official Gazette of the RS" nos. 72/09, 18/10, 65/13, 15/15 - CC, 96/15, 47/17 - authentic interpretation and 113/17 - other law), the Department shall ex officio delete the holding capacity for such a person and the possession of the real estate.

The provision of paragraph 1 of this Article shall also apply to persons who acquire the possession as referred to in the stated paragraph by legal transaction, inheritance, decision of court or other competent authority or on another legally prescribed basis.

**Possibility of submitting a request in the form of a paper document**

Article 59

Notwithstanding Article 18 paragraph 1 of this law, the request for registration with the real estate cadastre, i.e. utilities cadastre, can be submitted in the form of a paper document until 31 December 2020.

In addition to the request referred to in paragraph 1 of this Article, original documents for registration, certified transcripts or certified copies containing the statement that the transcript or copy is identical to the original of the transcribed or copied document, together with the proof of fee payment, shall be submitted as well.

The Department shall digitize requests for registration and documents submitted in paper form in accordance with paragraphs 1 and 2 of this Article, and to acknowledge that the electronic copy is identical to the original by the electronic qualified signature of the authorized person, whereby such copy gains the same value of evidence as the original in the procedure of registration with the cadastre, and the original documents in paper form are stored in accordance with law.

The time of receipt of the application for registration is determined by the moment of receiving the request in the reception office, regardless of when and how the request has been sent.

Decisions and other acts issued in the procedure initiated by the request in paper form shall be made and delivered in accordance with the provisions of this law.

Notwithstanding Article 22, paragraph 2, item 1) of this law, if the contract representing the basis for registration is concluded before entry into force of this Law, and the agreement is conditional upon the acknowledgement or other document of the bank on the transfer of funds of the purchase price, such acknowledgement i.e. the other contracted document of the bank may serve instead of the consent referred to in Article 22, paragraph 2, item 1) of this law.

**Connecting through e-service desks**

Article 60

Notaries public are obliged to connect via the e-service desks to the Authority no later than 1 July 2018.

Courts are obliged to connect via the e-service desks to the Authority no later than 1 January 2020.

The other submitting entities are obliged to connect via e-service desks to the Authority no later than 1 November 2018.

The Authority shall provide submitting entities and professional users with full insight into updated information of GCIS and their acquisition no later than 31 December 2020, under the conditions which will be regulated more closely by a bylaw enacted in accordance with this law.

Until the establishment of complete insight and acquisition of data from GCIS in accordance with paragraph 4 of this Article, the Authority shall also issue to the submitting entities and professional users of Authority services a real estate property sheet and a copy of the plan through the e-service desk, within 24 hours from the submission of the request.

**Deadlines for the beginning of the application of certain provisions of the law**

Article 61

Notaries public shall begin to deliver the documents in accordance with Article 23 of this law, which they compile, acknowledge or certify starting from 1 July 2018, as well as the decisions they will make and which will become effective starting from that date.

Courts are obliged to start submitting the documents referred to in paragraph 1 of this Article, which they compile, acknowledge or certify instead of notaries public starting from 1 January 2020, as well as court decisions in accordance with Article 23 of this Law, which they will adopt and will will become effective starting from that date.

Public enforcement officers and other submitting entities shall submit decisions in accordance with Article 23 of this law, which willl become effective starting from 1 November 2018.

Until the dates as stated in paragraphs 1-3 of this Article, registrations according to the documents specified in these provisions shall be made upon the request of a party in accordance with Article 33, paragraph 1-4, 7 and 8 of this law.

The Institute shall,by 31 December 2020 at the latest, provide for issuing decisions in the form of an electronic document in accordance with Article 38, paragraph 4 of this law, originally generated in electronic form in accordance with Article 27, paragraph 1, item 1 ) of this law, and by that time such decision can be issued as paper documents, while the Department is obliged to digitize such decision for the purpose of entering it into GKIS and its electronic delivery and to acknowledge that the electronic copy is identical to the original by the electronic qualified signature of the authorized person, whereby such electrnic copy shall have the same validity as original, and the original decision in paper form shall be storein in accordance with law.

The Authority shall, by 31 December 2020 at the latest, provide for the registration of amendments with the cadastre in accordance with Article 41, paragraph 1 and Article 45, paragraph 3 of this law, when the decision on registration becomes final, and until the conditions are secured for such a registration, the registration of amendment to the cadastre shall be carried out immediately after issuing the decision on registration, with the note that the decision on the registration of such amendment is not final, nor effective. Deleting a note that the decision on registration is not final is carried out after the decision becomes final, while the deletion of the note that the decision on registration is not valid is carried out if, within a further period of 40 days from the date the decision becomes final, the Department is not provided with proof that an administrative procedure has been initiated.

The Authority shall enable issuing certificates in accordance with Article 53, paragraph 1 of this law to notaries, entrepreneurs and legal entities registered in the register of geodetic organizations not later than 31 December 2020.

The Authority shall provide for the submission of requests through the e-service desk also to persons who do not have the status of professional users by 31 December 2020 at the latest, and by that time, these persons shall submit their requests in the form of paper documents.

The provision of Article 40 of this Law shall apply when the conditions prescribed by the law governing the electronic document are met.

**Adopting bylaws**

Article 62

Bylaws required for the implementation of this law shall be passed within three months from the date this law enters into force.

**Termination of certain provisions of the applicable law**

Article 63

On the day this law enters into force, the provisions of Art. 59-61, 65, 66, 73-82b, 121-137, 145, 173, and Article 185, paras. 2-4 Law on State Survey and Cadastre ("Official Gazette of RS" nos. 72/09, 18/10, 65/13, 15/15 - CC, 96/15, 47/17 - authentic interpretation and 113/17 - other law) shall cease to be applied.

Article 64

This law shall enter into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia".