**LAW**

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

’’Official Gazette of RS’’, number 41 of 31 May 2018, 95 of 8 December 2018, 31 of 29 April 2019

**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 units 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 their rights *in rem*, 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 on their rights *in rem*, 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 utilities and their associated rights;

6) ’’real estate sheet” is a basic document on real estate and associated rights registered 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 data 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 an *ex officio* submission is carried out of documents for cadastral registration, requests for registration with the cadastre, and the 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 submitting 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 status of the cadastre;

13) ’’submitting entity” is a person or body required under this law to submit to the Authority *ex officio* and for the purpose of registration, such documents they adopt, compile, certify or authenticate, 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, via e-service desk, initiates the procedure of registration, amendment of registered 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 Authority has granted, under this Law, the user right to inspect the cadastre or to receive data from the cadastre in connection with their activity, or to submit and receive documents, via e-service desk, regarding the registration with the cadastre, should they not be one of the submitting entities for mandatory distribution;

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" no’s 72/09, 18/10, 65/13, 15/15 - CC, 96/15, 47/17 - authentic interpretation and 113/17 - other law).

Terms within this law 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.

**Principles of cadastre maintenance**

Article 3

The cadastre shall be maintained under the following principles:

1) **the principle of registration,**which implies that property and other rights *in rem* associated with 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 set forth in the law, property and other rights *in rem* associated with real estate and utilities may be acquired before cadastre registration, but even then they shall only be legally effective in respect of conscientious third parties once they are registered;

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 such 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 a 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 in this law, and that no one may refer to the fact that the data registered with 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 reliability**, which implies that data registered with the cadastre are trustworthy and complete and that a conscientious person cannot suffer any detrimental consequences due to such trust;

5) **principle of priority**, which implies that registering with the cadastre and determining the priority of rights with 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 in 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 ruling, 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) **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 regarding the lot, construction or a special part of a construction.

For each real estate, a unique real estate code for that particular 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 set forth in a bylaw governing the manner of operation in the procedure of registration with the real estate cadastre.

Data regarding lots shall be registered on the basis of geodetic works study and registration documents when required by law.

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

Data regarding constructions 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 documents upon which the construction permit or exploitation 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-accredited expert permanently accredited court expert in the field of construction. If no permit has been issued for the particular construction, the data regarding the construction shall be registered on the basis of the geodetic works study.

Data regarding the special parts of constructions for which no exploitation 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 an exploitation permit or at least a building permit has been issued, the data regarding 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 documents upon which a building permit or an exploitation permit has been issued, and if the competent authority is not able to issue such a certificate, the data regarding a special part shall be registered on the basis of the findings and opinions of the permanently accredited court expert in the field of construction on the circumstances of the data on a special part of the construction occurring according to building or exploitation 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 construction, the data regarding a special part of such a construction shall be registered on the basis of the certificate of the competent authority or findings and opinions of the permanently accredited 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 regarding a separate part of the construction shall be registered on the basis of the geodetic works study.

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

**2. Registration of rights**

*Registration of rights*

Article 6

The rights *in rem* and other rights associated with real estate shall be registered with the real estate cadastre under the law.

The **following data** on the rights holder shall be registered with the cadastre: **first name and last name, first name of one parent, permanent residence address or the temporary residence address, and the unique master citizen number, and for a foreigner in lieu of the unique master citizen number, the identification number of the valid travel document issued by the competent authority or for a legal entity, business name, address of the seat and company identification number, or the company registration number or entry number in a register or records, if there is no company identification number, and for the foreign legal entity, instead of company identification number, company registration number with the state where the seat of the company is located and the name of such register.**

Ownership and other rights *in rem* associated with real estate shall be acquired, transferred, or terminated by registration with the cadastre, unless otherwise prescribed by law in certain cases of acquisition of rights.

\*’’Official Gazette of RS’’, number 95/2018

*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 favour 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 of 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 for the total real estate or for the co-ownership share in the real estate, **if the marriage existed at the time when document for registration was created, and on the basis of the information on that fact entered in the document which the submitting entity shall submit to the authority competent for state survey and cadastre affairs for registration in the cadastre**. 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 in favour of another spouse **if** **there is no information on the existence of marriage or a spouse entered in the document to be submitted for the registry, or** if a statement by both spouses is submitted to the cadastre saying that in the specific case it shall not be a common property, but a separate 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 to only one of the spouses, the common ownership shall be subsequently registered in the cadastre based on the statement by both spouses that it is a common property in that particular case.

**In accordance with paragraph 5, of this Article, data regarding the existence of a marriage shall be obtained by the submitting entity from the registry of marriages, through the Authority Service Bus, in accordance with the legislation regulating eGovernment or in another manner prescribed by law or from the document they have been provided by the parties to prove that at the time of the creation of the document for the registration of the real estate or the co-ownership share in the real estate, the status is different from the one entered in the registry of marriages.**

**Notwithstanding paragraph 5, of this Article, the common property acquired on the basis of marriage shall not be entered into the cadastre in case of inheritance and unencumbered legal transaction, or if the spouses have otherwise regulated the issue of acquiring common or separate property by the marriage contract.**

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 that statement refers to is acquired, or by the solemnization clause recognising such document.

\*’’Official Gazette of RS’’, number 95/2018

*Registration of other rights in rem associated with real estate*

Article 8

The exploitation right for the real estate, that is, the property of the user in cases provided for by law, the right to officiality, mortgage and other rights *in rem* associated with real estate, 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 defence matters, the ministry responsible for defence affairs shall be registered as a user of the state-owned real estate, or as 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 rights *in rem* associated with real estate property are conditionally 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 rights *in rem*, 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 in case of registration of a structure or special parts of structure under construction, and also the transfer of rights associated with the structure or a special part of the structure under construction.

Prenotation referred to in paragraph 4 of this Article shall be performed on the basis of a final building permit, technical documents 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 exploitation of the structure, or special parts of the structure 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 rights *in rem* which existed at the moment of registration of the prenotation, that is, by subsequent submission of evidence on the fulfilment of the conditions or by the reaching the deadline for acquisition or registration of rights *in rem*.

Prenotation shall become the registration of rights *in rem* by justification, on which a decision is made, 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 structure or special parts of the structure with the real estate cadastre on the basis of a final exploitation permit, prenotations of the property of the investor of the structure under construction, or the buyer of such structure or special parts of that structure, 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 structure, or a special part of the structure, 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 duly justified on time, prenotations shall be deleted, same as any subsequent prenotations against the prenotation rights holder.

**4. Note**

*Note*

Article 14

A note is the registration of facts with the real estate cadastre, which are important for the establishment, modification, termination or transfer of rights *in rem* associated with real estate, relating personally to the rights holder, to 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 rights *in rem* associated with the real estate that the note was registered for.

Notwithstanding paragraph 2, of this Article, the registration of a note on the prohibition of disposal of and encumbrance of real estate shall prevent further registrations relating to the prohibited disposal of and encumbrance of the real estate for 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 statuses 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 status of registration, dispute pursuant to a lawsuit of a third party for the purpose of determining the right of ownership due to the maintenance; dispute pursuant to the lawsuit filed by the creditor in order to challenge legal actions of the debtor in accordance with the law governing obligations, as well as the dispute initiated by the claimant as they were so referred by a court with jurisdiction over non-contentious matters or other competent authority, as well as any other procedure in connection with that real estate taking place before the court or executor of public authorities, and which may result in change of registration of rights associated with a real estate;

6) Note on the prohibition of disposal of and encumbrance of real estate;

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

8) Note on the existence of marriage 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) Note 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 entered into 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 before**1 September 2014**;

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 the note on which is to be registered 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 Department within 24 hours from the date when the change of the rights holder of 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* in case the body referred to in paragraph 1, item 14), of this Article, that is, the Public Prosecutor, within one year of the registration of the note, does not inform the Department that the procedure for cancelling the document, based on which the registering with the cadastre was executed, was initiated.

Note referred to in paragraph 1, item 16), of this Article, **is registered *ex officio,* and it** 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 is provided, or the effect of the respective contract is confirmed otherwise.

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.

**Notwithstanding, for real estate where the property right has been registered on the basis of a final decision on the expropriation of real estate or on the basis of a final decision on the administrative transfer of real estate, it is not permitted to enter the notes referred to in paragraph 1, items 3), 5), 6), and 17), of this Article.**

\*’’Official Gazette of RS’’, number 95/2018

\*\*’’Official Gazette of RS’’, number 31/2019

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 decide upon the appeal.

**Parties in the registration procedure**

Article 17

Parties in the registration procedure include:

1) person in 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 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 first name, last name and permanent residence address, and for legal entities business name, address of the seat and company identification 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 submitting entities and professional users, under the terms prescribed by this Law and bylaws 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 further prescribed in more detail 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 of 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 *ex officio* by the submitting entity, 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, pursuant to Article 25, of this Law.

The Authority shall ensure that the GCIS shall record 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 following: 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 favour the registration is made in accordance with *ex officio* delivery: first name and last name, first name of one parent, permanent residence address or the temporary residence address, and the unique master citizen number, and for a foreigner in lieu of the unique master citizen number, the identification number of the valid travel document issued by the competent authority or for a legal entity, business name, address of the 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 of the identification number, a unique identification number, which shall be determined by bylaws brought by 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 contained in 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 submit *ex officio* to the Department, via the e-service desk, the documents which they issue, compile, certify or authorise for the purpose of registration with the cadastre of immovable property, 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 authenticate, or executive decisions they make, within the framework of the legally entrusted public authority, 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 they have certified 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 certified (solemnized), which does not contain unconditional consent for registration of the rights with the real estate cadastre, 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 structure, or a special part of the structure 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, for the purpose of registering, 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 certify 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 constructions considered as military complexes or military facilities under the law governing the defence.

**The submitting entity referred to in paragraph 1, of this Article, shall be obliged, in the document they compile, certify or authenticate, or by decision issued by it, which is submitted to the Department for the purpose of registering in the cadastre in accordance with this Article, to provide the following data on persons in relation to which the document is the basis for registration: first name and last name, the name of one parent, permanent residence address or temporary residence address, and the unique** master citizen number**,** and for a foreigner in lieu of the unique master citizen number, the identification number of the valid travel document issued by the competent authority or for a legal entity, business name, address of the seat and company identification number, or the company registration number or entry number in a register or records, if there is no company 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.

\*’’Official Gazette of RS’’, number 95/2018

*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 the following:

1) Document, which is a 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, they 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 further regulated in more detail by the Government.

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

1) Notary public, within 24 hours from the moment of compiling, certifying or authenticating the notary public deed, i.e. from the date of enforcement of the decision they have taken in the assigned business, about which they issue 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, they 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 or the gift taxes, 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.

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

Article 24

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

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 establish the amount of property tax, as well as to the company with territorial competence for the unified collection of payments for 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 forward 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

Notwithstanding the rule that the procedure for registering with the real estate cadastre shall be initiated *ex officio* in accordance with Articles 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 proscribed 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 in conjunction with the request:

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

2) Other documents as prescribed by the law;

3) Power of attorney, if the request is submitted by a proxy, who 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 permanently appointed court expert of the relevant profession may 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 them 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 delivered to the former, in accordance with the special regulations governing e-business in the public administration bodies. Otherwise, the decision shall be delivered to the party 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 one of the rights holders may require registration of an appropriate part to his/her favour, whereas the registration in 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, without undue delay, the Department shall:

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

2) Forwarded the document for transfer of real estate property rights, via e-service desk, to both 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 with territorial competence for the unified collection of payments for utility services.

*Mandatory content of request form*

Article 26

The request referred to in Article 25, of this Law, shall be submitted by filling out a prescribed form and shall include:

1) information on the person in whose favour the registration is carried out: first name and last name, first name of one parent, permanent residence address or the temporary residence address, and the unique master citizen number, and for a foreigner *in lieu* of the unique master citizen number, the identification number of the valid travel document issued by the competent authority or for a legal entity, business name, address of the seat and company identification number, or the company registration number, that is, entry number in a register or records, if there is no company identification number, and for the foreign legal entity, *in lieu* of company identification number, company registration number with the state where the seat of the company is located 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 on the applicant, as referred to in item 1), of this paragraph, if the request is in favour of another person.

The electronic version of the form referred to in paragraph 1 of this Article shall be further regulated in more detail 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 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, which is certified as identical to the original by the notary public in the exercise of their public authority by their qualified electronic seal, or by a qualified electronic signature; or

4) Digitized document issued in paper form, which is certified as identical to the original by a qualified electronic signature or by qualified electronic seal of such person(s) as follows:

- certified 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;

- certified by a lawyer, provided they have concluded an agreement with the Authority on access to the e-service desk (thus having a status of a professional user), delivering the document along with a request submitted on behalf of the client, based on the power of attorney;

- certified 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 they have concluded an agreement with the Authority on access to the e-service desk (thus having a status of a professional user), delivering the document for registration of the change they have compiled while exercising their public authority 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 certified that the document is identical to 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, via application provided by the e-service desk, proof of fee payment may also be submitted in electronic form, 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 only 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 the aforementioned 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 may 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 the Republic administrative fee, if payment is not settled electronically, may be submitted through the application provided by 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 associated with 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 one 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 documents or requests submitted later shall be taken into the procedure in the order of reception.

**Notwithstanding paragraphs 1 and 2, of this Article, the Department shall make priority decisions on registrations performed based on regulations governing expropriation, and on registration of a note on the decision on execution made on the basis of a mortgage contract or a pledge statement, provided the registration of the mortgage with the real estate cadastre, according to such agreement or pledge statement, was previously carried out, save in unresolved cases of registration according to final court decisions and requests preceding the registration 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 associated with 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.

\*’’Official Gazette of RS’’, number 31/2019

**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 fulfilment of the formal requirements for registration with the real estate cadastre, and whether:

1) it has competence 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 documents 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 status 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, certified or authenticated within legal competences of the court, 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, compiling, certifying or authenticating that document, and the very act of its submission in accordance with Article 23, of this Law, also certifies 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 established 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 initiate *ex officio* 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 they have not submitted the document containing the unconditional consent for registration (clausula intabulandi), as well as when they have 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, it 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 procedure had continued.

If it is obvious from the document provided that there is no room for the initiation of the procedure, the official shall make a respective official note about this, and the persons mentioned in the document to whom the registration could have referred, had the procedure been 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 fulfilment of formal requirements for registration with the real estate cadastre, and whether:

1) it has competence for handling the request, whether the request is submitted by a person that may 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, certified or authenticated 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 referred to in 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 status of the real estate cadastre at the time of deciding on the registration.

Notwithstanding paragraph 1, item 1), of 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 authenticated 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 duly specified.

If the formal requirements, referred to in paragraph 1, of this Article, are duly 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) suspend the procedure by a decision, if the amendment required in the request has already been carried out *ex officio* in accordance with Article 32, of this Law; or

2) terminate the procedure based 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 regarding this request continues, and the procedure shall be merged with the procedure initiated *ex officio*, bringing a single decision; or

3) merge the procedure based on the request with the procedure referred to in Article 32, of this Law, if the submission took place 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.

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 based on 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 of in the process of issuing, composing, certifying or authenticating that document, but it shall issue a decision by which it shall register such amendment with the real estate cadastre, unless the law proscribes the registration in such cases. If it is established 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 their request was rejected on account of formal deficiencies, and in which all the formal deficiencies duly specified in the decision are remedied, they shall not be obliged to pay the fee once again 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 at 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 are to be registered by law in the real estate cadastre, the decisions shall be made on registering 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 the procedure is conducted *ex officio* under Article 24, of this Law, while at the same time the procedure is conducted at 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 latter procedure shall be merged with the previously initiated one.

If the procedure for registering with the cadastre is initiated *ex officio* or at 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.

*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 making 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, deficiencies, and omissions in the real estate data and registered rights *in rem* and other associated 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 one 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, coding of the real estate, the information on the person in whose favour 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: first name and last name, first name of one parent, permanent residence address or the temporary residence address, and the unique master citizen number, and for a foreigner in lieu of the unique master citizen number, the identification number of the valid travel document issued by the competent authority or for a legal entity, business name, address of the seat and company 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 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 based on 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 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 delivered to the Applicant in the form of an electronic document, via e-service desk, while to 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 Authority and at the same time it shall be posted on the notice board of the competent Department, if permanent residence address or temporary residence address is unknown, or if the delivery to the address stated in the request could not have been executed.

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 Authority and the notice board of the competent Department.

The Minister shall further regulate in more detail the method of delivery from paragraphs 1-3, of this Article.

*Confirmation of delivery*

Article 40

When the decision is delivered electronically, proper delivery is proved 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 shall be performed without undue delay after the decision allowing the registration becomes final.

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

1) Second-instance decision allowing the registration; or

2) Court decision following an administrative procedure (in an administrative procedure of full jurisdiction).

Registration in cases referred to in para. 1 and 2, of this Article, shall be construed as to include 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. Procedure following an 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 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, they may withdraw the appeal, by statements that may not be revoked.

*Acting of first-instance body upon appeal*

Article 43

Within seven days from the date of receipt, the Department shall:

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 is grounded.

If it finds that there is no room for procedure 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, and if it finds that the appeal is justified, it shall decide on the appeal which was rejected at the same time.

Notwithstanding paragraphs 1 and 2, of this Article, if the adoption of an appeal might adversely affect the rights and interests of the person in whose favour 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 acting upon referred to in paragraph 1, of this Article, shall be calculated from the expiry of the deadline for submitting the response to the appeal.

*The second-instance body acting upon appeal*

Article 44

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

The Authority shall reject the appeal which is illegal in contravention with the law non-compliant 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 retrial, or amend it.

The Authority shall refuse the appeal if it established that:

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 rationale of the decision.

If in the appeal procedure 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 errors in the first instance procedure which affected the lawfulness of the contested decision, the Authority shall remedy such errors, annul the first instance decision and decide itself on the administrative matter.

If the Authority finds that the errors of the first instance procedure will be remedied more quickly and cost-effectively 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 in all detail and, without undue 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 conduct shall constitute the ground for instituting disciplinary procedure 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 made in the case returned to the Department for reconsideration and decision-making, it shall make a decision on the administrative matter with respect to the merits of the case.

**12. Acting until the decision goes into effect**

*Acting until the decision is final*

Article 45

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

Notwithstanding paragraph 1, of this Article, before the decision on the note registration is final, new registrations may be decided upon, unless this decision refers to such a notice for which it is proscribed by law to make further registrations.

Once the decision is final, 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 has not gone into effect.

*Note on the initiation of administrative dispute and going into effect*

Article 46

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

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

Note that the decision has not gone into effect shall be deleted *ex officio*, as follows:

1) when registering a note on initiating administrative dispute;

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 dispute has been initiated.

The note of the initiation of administrative dispute shall be deleted *ex officio* after the delivery of the decision of the Administrative Court.

V. JUDICIAL PROTECTION

**Administrative dispute**

Article 47

Administrative dispute may be filed 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

Registration of utilities in the cadastre 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 study is submitted by the competent authority in accordance with the law governing the construction of structures.

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

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

Regarding the obligation to deliver the documents which represent the legal basis for the registry of data or changes of data in the utilities cadastre, **mandatory data which are entered into such documents,** 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 duly applied.

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

\*’’Official Gazette of RS’’, number 95/2018

VII. OTHER RULES OF MAINTAINING CADASTRE

**Updating data registered with the cadastre**

Article 49

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 first name, last name, permanent residence addresses or temporary residence addresses 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 registry 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 bodies referred to in paragraph 1, of this Article, and the Authority shall establish technical conditions for linking the registers referred to in paragraph 1, of this Article, with the cadastre and to enable the updated transfer of data from these registers. Immediately after the establishment of a central register of the population, the body in charge of keeping this registry shall be obliged to establish technical conditions for connecting with the real estate cadastre and enable the prompt transfer of the aforementioned data from that register.

**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 shall ex officio or upon the request of a party correct all identified errors, deficiencies and omissions in the real estate data and registered rights *in rem* 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 Department 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 rights *in rem* to the real estate may not be corrected without the consent of the person who, after the incorrect registration, registered their right considering the data of the real estate cadastre to be true and complete, in accordance with the principle of reliability.

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 construction, or a special part of the construction, created during the registration in the land registry, 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 the land registry, 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 litigation or non-contentious proceeding, in order to obtain the act which is the basis for correction of such error and to instruct them 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 CADASTRE

**Issuing data from GCIS**

Article 52

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

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 public administration 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 opinions in a particular case.

Transcripts and copies of original data of obsolete 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 a particular case, as well as to the ministry responsible for defence affairs 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 in case 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 further regulated in more detail by a bylaw issued by the Government.

IX. AUTHORITY FOR PASSING BYLAWS

**Competences of bodies**

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, paragraphs 1 and 2, of this Law, as well as the conditions and manner of providing complete data of 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 further prescribe in more detail the method of work in the procedure of registration with the real estate and utilities cadastre.

The Director of the Authority shall further prescribe in more detail 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 Department 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 they fail to decide on 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 misdemeanour charges for the conduct 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 submitting 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 of 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 authority 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 bodies and the executors of public authority issued after this Law entered into force, as well as on the basis of documents compiled or certified by notaries public or courts which have compiled or certified these documents *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).

**Notwithstanding paragraph 1, of this Article, the provisions of Article 15, paragraph 1, item 16), and Article 35, paragraph 3, of this Law, shall apply to proceedings initiated before the entry into force of this Law.**

\*’’Official Gazette of RS’’, number 95/2018

**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, or the utilities cadastre, may 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 certify that the electronic copy is identical to the original by the electronic qualified signature of the authorized person, whereby such copy gains the same probative valueas 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 according to the contract the registration is contingent upon the bank slip or other document of the bank on the transfer of funds of the purchase price, such bank slip or 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 and Authority service bus**

\*’’Official Gazette of RS’’, number 95/2018

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.

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 shall be further regulated in more detail 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 via e-service desk, within 24 hours from the submission of the request.

**The Authority shall be obliged to enable the submitting entities to download data from the cadastre, which are necessary in the process of compiling, confirming or certifying the documents, or making decisions that they submit to the Department in accordance with this Law, with the notification of the date of updating these data, through the Authority's Service Bus in accordance with the regulations governing the electronic administration, without paying the fee.**

**The data obtained in the manner referred to in paragraph 6, of this Article, shall be considered reliable and have the same probative value as a certified copy from the cadastre.**

\*’’Official Gazette of RS’’, number 95/2018

**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, certify or authenticate 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, certify or authenticate, instead of notaries public, starting from 1 January 2020, as well as court decisions in accordance with Article 23, of this Law, which they shall render and which shall 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 shall become enforceable 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 at the request of a party in accordance with Article 33, paragraph 1-4, 7, and 8, of this Law.

The Authority 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 decisions may be issued as paper documents, but at the same the Department is obliged to digitize such decisions for the purpose of entering them into GCIS and its electronic delivery and to certify that the electronic copy is identical to the original by the electronic qualified signature of the authorized person, whereby such electronic copy shall have the same probative value as the original, and the original decision in paper form shall be stored in 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 neither final nor has gone into effect. 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 has not gone into effect is carried out if, within a subsequent 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 provide for the issuance of certificates in accordance with Article 53, paragraph 1, of this Law, to notaries, entrepreneurs, and legal entities registered in the register of geodetic organizations, no later than 31 December 2020.

The Authority shall provide for the submission of requests via 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 enacted 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, of the Law on State Survey and Cadastre ("Official Gazette of RS" no’s. 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".

**PROVISIONS THAT ARE NOT INCLUDED IN THE "REFINED TEXT" OF THE LAW**

*Law on Amending and Supplementing the Law on Registration Procedure with the Real Estate Cadastre and the Utilities Cadastre: "Official Gazette of RS", number 31 / 2019-15*

**Article 3**

**Upon the request of the expropriation beneficiary from the expropriation decision, ie the decision on administrative transfer, the notes referred to in Article 1, of this Law, registered until the date of entry into force of this Law, the notes referring to the mortgage entered on an expropriated object shall be deleted from the expropriated real estate and transfer to real estate which is given as a property or co-ownership in the name of compensation for expropriated real estate, or to some other personal property of the corresponding value.**

**Article 4**

**Initiated procedures until the date of entry into force of this Law shall be finalized according to the regulations for their commencement.**

**Article 5**

**This Law shall enter into force on the day following its publication in the "Official Gazette of the Republic of Serbia".**