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Dragana Čukić
Dušan Vasiljević

**The Guide to Construction Permits:
FROM IDEA
TO USAGE**



USAID BUSINESS
ENABLING PROJECT

THE GUIDE TO CONSTRUCTION PERMITS:

FROM IDEA TO USAGE

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From Idea to Usage

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The guide is informative, and this edition takes into account the regulations valid and applicable as at 31 August 2017. Within the project “Capacity building for efficient issuance of construction permits”, which NALED implemented with the support of USAID BEP, the updated version of the Guide was made based on the experience gained in the process of implementing the integrated procedures, training and mentoring visits, work of the Call Center, and processing numerous proposals for amending and improving regulations.

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The use of the guide shall not relieve the user of the obligation to get acquainted with the regulations and act accordingly, and in this respect the publisher and the authors cannot be held responsible for the damages that might arise from its use.

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The Guide does not address the technical issues of using the System for Electronic Application for Construction, given that the detailed instructions for using the system are provided in the special materials to which this Guide also refers.

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Стална конференција
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NALED

NATIONAL ALLIANCE FOR LOCAL ECONOMIC DEVELOPMENT

FOREWORD

PROF. ZORANA MIHAJLOVIĆ, PHD

Deputy Prime Minister of Serbia, and the Minister of Construction, Transport and Infrastructure

Dear investors, colleagues in municipalities and cities, territorial autonomies, state bodies and public companies,

Almost two years ago, we started with one of the biggest reforms in our country and state administration – electronic issuing of construction permits. After two years, I am very happy to say that we have succeeded together, and that this reform has been recognized around the world. I can proudly say that, thanks to our common effort, issuing electronic construction permits has become the best service our country can offer to investors. In the past, those who wanted to invest their money in our country, had to wait more than eight months for their construction permits, and today the permits are issued “at one click”, within five business days on average.

But we want to be even better, more efficient and faster, we want to be even more at the service of all companies and investors, but also citizens, territorial and local self-governments. Therefore, we give you the revised edition of “A Guide through Construction Permits”, which summarizes all the doubts and questions that have arisen so far during the practical implementation of this system. With this Guide we are showing our wish to be more functional and efficient, but also simpler, when issuing documents within the construction permit system, so that as many investors and citizens as possible could obtain the necessary building documents.

Guide summarizes not only the interpretation of fundamental legal provisions of the Law on Planning and Construction and accompanying by-laws, but also provides all the instructions that further accustom the users to this system. The revised edition of the Guide was prepared by the same colleagues who have been working on electronic issuance of construction permits since the beginning, the ones who encountered in practice all potential issues brought by the most thorough reform of this kind ever made in our country. In the Guide, all practical knowledge and experience is made available to anyone who wishes to access the system for issuing electronic construction permits efficiently, and in accordance with the applicable regulations.

The Guide is yet another step towards the main goal of making new investments easier and faster, being closer to investors, but also showing through the implementation of the system for issuing electronic construction permits, that it is possible to have a faster and more organized local administration throughout our country. The reform goes on and it shall continue to develop according to the needs of our users. We will adapt the system of issuing electronic construction permits to evolving needs of investors, in order to create a better and more efficient business environment in Serbia.

DRAGANA STANOJEVIĆ

Director, USAID BEP

A guide to a better understanding of administration and investors

The Law on Planning and Construction, adopted in December 2014, introduced a unified procedures system into the legal and business environment, i.e. a one-stop system for issuing construction permits, through which the public administration bodies started to exchange documents, thus taking the burden from citizens and investors of collecting them individually, from one counter to another. In addition, the ePermits system has been introduced, enabling the entire process – from the first application to the issuance of permit, to be done electronically, through a centralized “e-counter”. The ePermits system has enabled greater transparency, clearer roles and division of responsibilities between public administration and local self-governments, and also demonstrated that full transition to digitized state administration services, without the need for “ink and paper”, is both possible and fruitful.

After almost two years of introducing the electronic system – January 2016 – permitting is much easier and faster, and the number of investments in the construction sector increased, thereby increasing the income of local governments in Serbia. The value of works in construction was also increased by one third in the first five months of 2017, as compared to the same period in the previous year, and the growth of the share of the construction industry in GDP was also recorded. In May 2017, the number of issued construction permits was 74 percent higher than in May 2007, a year with a record number of issued construction permits prior to the implementation of this reform.

The reform was carried out on the initiative of the Government of the Republic of Serbia, the Ministry of Construction, Transport and Infrastructure, and with the support of the US Agency for International Development and its Business Enabling Project (USAID BEP). The second, expanded edition of the Guide to Construction Permits, is another in a series of activities supported by USAID BEP, with the aim of helping the economy and the state improve the business environment, develop a partnership relationship and encourage further development of the Serbian economy, leading to an increase of employment and better choices for both economy and citizens.

Furthermore, the Guide gives a practical and understandable view of basic regulatory and procedural changes, as well as all the steps that need to be taken, from the moment the decision on construction is made to the obtaining of all necessary certificates and permits. We hope that further application of these regulations and the ePermits system will continue to encourage the growth of the construction industry, and we believe that the readers will find the Guide a useful and understandable roadmap through the rules and procedures.

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LIST OF ABBREVIATIONS USED IN THE GUIDE TO CONSTRUCTION PERMITS

1. Law on Planning and Construction – **LPC**
2. Law on Fire Protection – **LFP**
3. Energy Law – **EL**
4. Law on State Geodetic Survey and Cadaster – **LGSC**
5. Law on Environmental Impact Assessment – **LEIA**
6. Regulation on Location Conditions – **RLC**
7. Rulebook on the process of electronic implementation of the integrated procedure – **REP.**
8. Rulebook on Classification of Structures – **RCC**
9. Rulebook on Content, Method and Manner of Development and Performing Review of the Technical Documentation According to Class and Intended Use of the Structure – **RTD**
10. Rulebook on the manner, procedure and content of data for determining the fulfillment of the conditions for issuing license for elaboration of technical documentation and building licenses for buildings for which the construction permit is issued by the ministry or autonomous province, as well as the conditions for revoking such licenses – **RL**
11. Rulebook on construction to which individual provisions of the law on planning and construction are not applied – **RCNA**
12. Rulebook on the format, content and location of the construction site board – **RCB**
13. Rulebook on the content and method of keeping the inspection book, the construction logbook and the construction book – **RKB**
14. Rulebook on content and manner of technical inspection of structures, composition of the commission, content of proposed decision of the commission regarding the usability of the structure, surveillance of soil and the structure during construction and use, and minimum guarantee periods for different types of structures – **RTI**
15. Rulebook on the content and method of conducting the site supervision – **RSS**
16. Rulebook on general rules of land lot allocation, regulation and construction – **RLA**
17. General Design – **GD**
18. Conceptual Design – **COD**
19. Preliminary Design – **PD**
20. Construction Permit Design – **CPD**
21. Construction Design – **CD**
22. As-built Design – **ABD**
23. General Regulation Plan – **GRP**
24. Detailed Regulation Plan – **DRP**
25. Urban Planning Design – **UPD**
26. Central records of integrated procedures – **CRIP**
27. Central information system for electronic conduct under the integrated procedure in the process of issuing documents for obtaining the right to construct and use facilities – **CIS**
28. Ministry of Construction, Transport and Infrastructure – **MCTI**

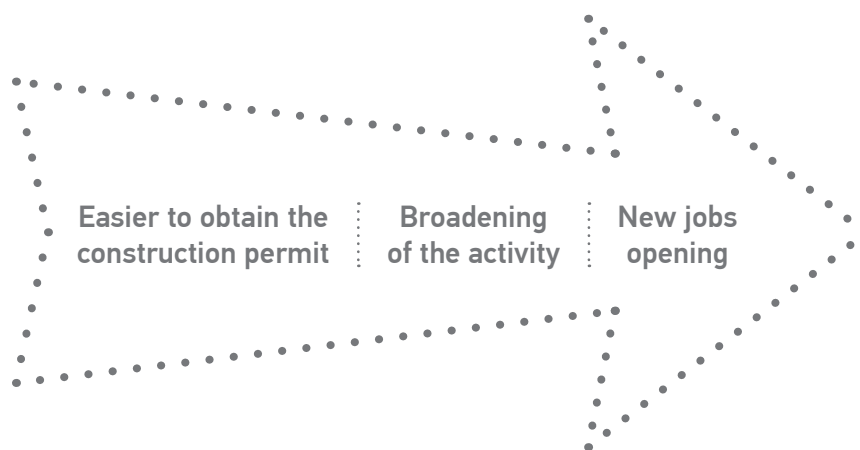
1. Ministry of Interior – **MOI**
2. Competent Authority – **CA**
3. Holder of public authorizations – **HPA**

I INTRODUCTION

In 2014, the share of the construction industry in the gross domestic product in Serbia was one third lower than in the member countries of the Organization for Economic Co-operation and Development (OECD). The number of construction permits issued in 2014 was 27% below the 2008 level, and only 2% higher than in 2013. The USAID Business Enabling Project research from 2014 shows that about half of businessmen would have more easily decided to expand their activities, or open new jobs, if it were easier to get a construction permit. This data was largely due to the lack of functionality of the construction permitting system and related administrative acts.

According to the World Bank “Doing Business” list, in 2014 Serbia was ranked 186 out of 189 countries under the criteria “Dealing with Construction Permits”. It took 289 days and 18 procedures for the investor to get all the necessary permits and to register ownership for a fairly simple facility. The investor had to go through processes of obtaining different conditions, approvals and consents from 20 different public institutions, each of which represented a separate administrative procedure.

Amendments to the Law on Planning and Construction bring many novelties that open the possibility for improving our business environment, but which at the same time present a challenge for those who apply the law.



What is demonstrated by the previous law application analysis?

Key reasons for the system inefficiency:

- Ownership and legal status not regulated;
- Insufficient scope of planning documents and their quality;

- Fragmentation of authorities and responsibilities – state, local self-government, public companies, institutes, directorates, etc.;
- Absence of assessment of the effectiveness of public sector procedures, and sanctions for missing the deadlines;
- Para-fiscal character of fees for construction land development.

What are the goals of the reform?

- Increasing competitiveness and facilitating investments by providing a suitable business environment in construction industry;
- Harmonization with contemporary international standards and practices, from the aspect of more efficient realization of construction projects, and application of professional and ethical standards;
- Providing a transparency mechanism by establishing clear and unambiguous procedures, i.e. through integrated procedures;
- Reducing the time and the costs of issuing administrative acts;
- Enabling the application of FIDIC and other modern contract modeling in the field of facilities construction;
- Introducing electronic administration in the field of facilities construction;
- Redefining the information flow process, from obtaining initial conditions for the design, through design drafting, and obtaining construction permits, to obtaining the usage permit;
- Precise classification of constructions for the purpose of adjusting the scope of control to the risk level associated to such constructions;
- Clear distribution of responsibilities between administration and professionals;
- Introducing mandatory professional liability insurance, in order to emphasize the responsibility of all participants in the construction process.

Results of the application of the amended Law on Planning and Construction

- The number of licenses in 2015 is 36% higher than in 2014 (the last year before the reform).
- In 2016, compared to 2015, we further increased the number of construction permits by 21%, surpassing even the record year 2007 by 16%.
- In 2017, the positive trend continues, and in March 2017, 1491 permits were issued, which is the highest monthly score in the last 11 years since this record is being kept.
- The value of construction works in 2015 shows an increase of 18.3% compared to 2014, and in 2016, in relation to 2015, a further increase of 5.3%.
- Value of contracted works in 2016 is 34% higher than in 2015. This indicates a significant possibility of further growth in this sector.
- The share of the construction industry in GDP growth increased from 4.3% before the reform to 6.5% in the last quarter of 2016.
- Serbia has moved up for 150 places on the World Bank “Doing Business” list, under the criteria “Dealing with Construction Permits”, from #186 to #36 in the report for the year 2017.

Key amendments to the Law on Planning and Construction (LPC)

1. The Law with a Mission

The mission of the Law on Planning and Construction (hereinafter: LPC) is to establish a new principle in the relation between the citizen (in this case the investor) and the public administration: in the proceedings conducted before a governmental authority, the evidence held by another authority shall not be obtained by the citizen, but the documents are to be exchanged between the authorities, ex officio. In international practice, this concept is called one-stop shop, and our regulations refer to it as the integrated procedure. In this concept, applicants are not couriers for the public sector.

Amendments to the LPC postulate another principle: *deadlines are law, and ensuring their compliance is the obligation of the competent administration authorities, with threatened sanctions*. All other changes, some of which will significantly facilitate the investors' position or modify public administration conduct, contribute to these two "small revolutions".

Last, but not the least revolution was carried out on 1 January 2016. Since that day, the entire *exchange of documents* between the applicants and the public administration, as well as within the public administration, is carried out only *electronically*. This system is based on a model developed in Singapore, which has a top-level access to e-Government, and it is also confirmed in Macedonian practice. Thanks to the electronic construction permits system, Macedonia has one of the best results in the wider region in this category on the World Bank Doing Business list.

2. Redefining the competences of stakeholders

Another important conceptual novelty brought by the new LPC relates to public interest protection model. The amendments to the LPC have been intentionally designed to facilitate and accelerate investments, but the protection of public interest remained a priority. The new approach brought by the amendments to the LPC consists of redefined division of authority between the institutions in the public and private sectors, based on the principle that the **control function is given only to those who have the appropriate competences**. In practice, this means that we do not rely on the administration authority to review the technical documentation, given that these designs are made by engineers with different licenses, and that employees in administration authorities have neither the appropriate licenses nor can they be expected to have such a wide range of necessary knowledge that would enable them to review the various types of designs. The protection of public interest, in terms of ensuring the validity of technical documentation, is the responsibility of private sector institutions – designers and technical design reviewers.

The role of the administration authority in protecting the public interest is threefold:

- a) Direct control of the compliance with the planning document, i.e. control of urban parameters, to ensure that the construction of a certain type of facility is permitted on the lot in question, that dimensions of the facility and the distances are within the allowed limits, etc. The obligation of making abstract from the design is stipulated, in order to assist administration authorities in performing this critical control.
- b) Control of compliance with formal conditions proving that there is an appropriate legal basis, that the technical documentation has been prepared and certified by a person with appropriate authority, etc.
- c) Performing technical control during construction. For the first time, two mandatory supervisory inspection have been defined: after the completion of the foundation, and after the completion of the facility, in structural terms. Thus, the amendments to the LPC allow the redistribution of tasks within the administration authorities, whereby the employees will spend more time in the field control, and less reviewing the technical documentation.

3. Predictability and Transparency

Instead of discovering some important conditions for the project only after the issuance of a construction permit (such as the conditions and costs of connecting to the electricity supply network), the amendments to the LPC provide that all information and conditions necessary for the investor to build the facility are included in location conditions.

Further, all the documents generated in these processes – the conditions of the public authority holders, location conditions, construction and usage permits, etc., must be posted on the website of the issuing authority, in order to make them available. This allows each interested person to compare the content of these documents, thus stimulating the equal conduct of the administration authorities in same or similar situations. This measure also have a large anti-corruption potential. In addition, the obligation to publish all these documents will enable timely notification of all interested parties about the facilities planned for construction, which will also enhance the protection of neighboring rights.

Other important innovations brought by the amendments to the LPC

- It is no longer possible to prevent construction in entire urban zones for unlimited time by adopting the general regulation plan (hereinafter: GRP), which stipulates a ban on construction up to the adoption of the detailed regulation plan (hereinafter: DRP). If the DRP not adopted within 12 months from the adoption of GRP, there is an obligation to issue a building permit on the basis of the GRP, if a particular location is regulated by the plan.
- A detailed classification of facilities was introduced, in order to ensure that the complexity of

the procedure corresponds to the complexity of the facility. Classes of facilities are grouped into categories according to the risk associated with their construction and use; This allows for more detailed regulation of the technical documentation contents in accordance with the risks associated with certain classes of constructions, so for example, for the simplest facilities in category “A”, there is no obligation to make the construction design, as well as many other obligations in the construction process that apply to more complex facilities.

- Location permit was previously issued to an investor who had an appropriate property title, while the current location conditions are issued to any legal or natural person willing to pay for them. This innovation will stimulate the real estate market. Location conditions can also be issued for several cadastral lots, in some cases also for parts of a cadastral lot. This means that location conditions can be issued for a lot, which an investor envisages that he/she will have purchased or owned by the time of filing application for the construction permit.
- Main Design was discarded as a concept, and the Construction Permit Design was introduced. The content of the construction permit design is substantially simplified compared to the contents of the former main design. This significantly lowers the investments needed to obtain the construction permit.
- Contribution for development of the construction land was introduced instead of the construction land development fee. Instead of the fee contract, which was previously concluded with the land development authorities, all essential elements of the contribution are determined in the decision on the construction permit (the need to conclude contracts with authorities or other holders of public authority will exist only in cases when it is necessary to build additional infrastructure for the needs of the facility under construction). For production and some other facilities, the contribution is no longer charged, and for the rest, the amount is limited; payment in installments is now also legally possible, with the guaranteed right to a discount for one-off payments.
- Connection of the facility to infrastructure is also included in the integrated procedure (save for a small number of exceptions), and the deadlines are precisely set for the compliance of the public authority holders, as well as the sanctions for non-compliance.
- Technical inspection is now the responsibility of the investor, and not the administration authority. Technical inspection committee is composed of engineers with appropriate licenses, appointed by the investor. Participation of the representatives of the Ministry of Interior (hereinafter: MOI) in technical inspection, and making of the report on the technical inspection, is stipulated only for the facilities with the greatest risk level in terms of the fire protection.
- Registration of the property title is also conducted in the integrated procedure, meaning that the cadaster office will register these rights *ex officio*, at the request of the administration authority, after the usage permit has been issued. In order to ensure that the cadaster of the underground ducts is up-to-date, it is now obligatory to include the study of geodetic works for underground installations in the application for the usage permit.

II PROCEDURES RELATED TO CONSTRUCTION OF THE FACILITY: RELATION BETWEEN LPC AND OTHER REGULATIONS

The amendments to the Law on Planning and Construction of December 2014, introduced innovations in the relation between this law and other laws and regulations governing the issues related to the construction of facilities. Specifically, the independent provisions of the Law on Amendments to the Law on Planning and Construction, now provide for the following: “The provisions of other laws governing in a different manner matters which fall within the scope of this Law shall not apply, except for the laws and regulations governing environmental protection.” The aim of this provision is to resolve the dilemma that existed in the past regarding which laws are general and which special, i.e. what law is applied in the event of conflicts (which were many) between the LPC and the laws regulating, for example, water, energy, public roads etc.

- **An important source of information for application of the integrated procedure for both the public sector and investors, are compulsory instructions of the competent ministries. Three such instructions have been issued so far:**
 - **Joint instructions of the Ministry of Construction, Transport and Infrastructure and the Ministry of the Interior with regard to fire protection measures**
 - **Instructions on the conduct of the competent authorities and holders of public authority that implement the integrated procedure regarding connection to the public road;**
 - **The joint instructions of the Ministry of Construction, Transport and Infrastructure and the Ministry of Agriculture and Environmental Protection related to water management acts.**

Following the amendments to the LPC in December 2014, several sectorial laws were amended, which largely eliminated the conflict of laws that existed before. The first was the new Energy Law (hereinafter: EL), followed by the amendments to the Law on Fire Protection (hereinafter: LFP), and the Law on State Geodetic Survey and Cadaster (hereinafter: LGSC). The content of the laws in these fields that regulate the construction can be considered harmonized, so the provisions of all four laws are applied. Thus, by adopting the new EL, the process of connection to the electricity and transmission network was harmonized, the amendments to the LFP harmonized the procedure for determining the safety of facilities for use from the aspect of fire protection, and the amendments to

the LSGSC harmonized the deadlines for acting under the integrated procedure regarding the registration of title on the facility, and instituted the liability of the cadaster civil servants in the event the cases in the integrated procedure are not completed within the prescribed deadlines.

Also, in December 2016, with the delayed application as of 01 June 2017, the amended Law on Waters was adopted, which incorporated all the changes previously defined by the Joint Instructions of the Ministry of Construction, Transport and Infrastructure, and the Ministry of Agriculture and Environmental Protection in relation to water management acts, the most important of which is that the water consent is no longer obtained for most of the facilities (this obligation remained only in the process of drawing up plans, for some special works, and for facilities for which a building permit is issued by the ministry). In addition, obtaining water consent and water permit is no longer the condition for issuing the construction, i.e. usage permit. Similar harmonization of regulations is expected in the field of environment, public roads, railways, and agricultural land. Until then, as noted above, in case of conflict, the provisions of the LPC will apply, except when it comes to the regulations governing the environmental protection, which are applied same as before the amendments to the LPC.

The Law on Planning and Construction envisages the enactment of a special law that will regulate the conversion of the right of use to the right of ownership of the construction land with compensation, while the right of conversion of the right of use to the right of ownership without compensation is regulated by the provisions of the LPC. In July 2015, the National Assembly adopted the Law on Conversion of the Right of Use to Ownership Right over the Construction Land with Compensation.

Investors with the right of use that cannot be converted to ownership rights without compensation, pursuant to the LPC, can execute a lease agreement with the owner of the construction land, which will provide appropriate rights over the construction land in terms of applying for the construction permit; alternatively, such investors may exercise the right to build facilities based on the right of use over the land until 28 July 2016.

A large number of bylaws were adopted as a result of the amendments to the LPC from December 2014. The list of the new bylaws is provided in Appendix XI-A. In accordance with the independent provisions of the Law on Amendments to the Law on Planning and Construction, until adoption of the bylaws on the basis of authorizations referred to in this law, the bylaws adopted on the basis of the previous Planning and Construction Law, which are not contrary to the amendments made in December 2014, shall apply. The list of earlier bylaws that are still applied is also provided in Appendix XI-A.

III INTEGRATED PROCEDURE – “ONE-STOP SHOP” FOR INVESTORS IN CONSTRUCTION INDUSTRY

REF: Law on Planning and Construction (LPC), Art. 8-8f.
Rulebook on the process of electronic implementation of the integrated procedure – REP

The point of the so-called “one-stop shop” systems is to transfer part of the burden of the complex administrative procedures with a large number of participants to the public administration (administrative authorities, local self-governments and organizations with public authorizations). One-stop shop systems are mechanisms for achieving a more functional distribution of responsibilities in the implementation of administrative procedures between citizens and administration.

What is Integrated Procedure?

In its essence, the integrated procedure is the exchange of documents owned by holders of public authorities, without citizens, i.e. investors acting as intermediaries.

The one-stop shop is not a counter in the usual sense of the word, with a sliding window through which the clerk communicates with the client, but a “communication hub” through which the authority competent for issuing a construction permit acquires and distributes documents within the competence of the public authority holders, on behalf and for the account of investors.

What is not included in Integrated Procedure?

- Issuing location information;
- Issuing conditions for design and connection to electricity distribution or transmission system, as well as to natural gas distribution or transport system, for particular facilities, in accordance with the law regulating energy.

What is included in Integrated Procedure?

- Obtaining conditions for design, i.e. connection of the facilities to the infrastructure network;
- Issuing location conditions;
- Issuing construction permit;
- Amendments to the location conditions and construction permit;
- Notification of work;
- Obtaining consents for the construction design in terms of fire protection measures;
- Notification of the completion of the foundation, and the completion of the facility, in structural terms;

3. Increased legal security.

Limitation of powers for less discretionary authorities.

Integrated procedure implies the ultimate formalization of the procedure and the minimization of discretionary authorities.

This is particularly established in Article 8f of the LPC, which stipulates that *the competent authority shall only verify compliance with the formal requirements* for construction, without the assessment of the technical documentation, or verification of the credibility of documents obtained in this procedure.

the competent authority shall only verify compliance with the formal requirements for construction, without the assessment of the technical documentation, or verification of the credibility of documents obtained in this procedure.

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competent authority shall be responsible for its implementation in accordance with the law.

Holder of the public authority - every public administration entity that performs public authorizations related to the construction of facilities, except the competent authority.

Posting all relevant documents on the internet. The emphasis is also on the transparency of the integrated procedure, which is limited only to the extent dictated by the regulations governing the protection of personal information, i.e. the regulations on protection of copyright and related rights. The registrar shall be obliged to ensure the publication of location conditions, construction and usage permits in electronic form via the Internet, within three working days from the date of issuance.

Exchange of documents between competent authorities and holders of public authorities, and record keeping: Hardcopy – is it necessary and to what extent?

The procedures relating to the exercise of the right to construction are very sensitive, and the documents that are generated in these processes are of great significance – primarily for the applicants, but also for various public authorities and public services. Does this indicate that the storage of these documents in electronic form is not an optimal solution, and that it is necessary to resort to keeping records in printed – hardcopy form? In relation to the implementation of the integrated procedure electronically, the answer is no. All documents submitted through the CRIP are permanently stored and can be accessed if needed. This method of keeping is safer than keeping paper records – especially if we remember cases when large portions of paper documents disappeared in floods, fires or otherwise, due to inadequate storage.

This was expressly confirmed by the opinion of the Ministry of State Administration and Local Self-Government of 17 November 2011, as well as in subsequent amendments to the Regulation on Electronic Office Operations of the Public Administration Authority (“Official Gazette of the RS”, Nos. 40/2010 and 42/2017). Namely, this regulation determines that the submissions, acts, and attachments received or made in the form of an electronic document are stored in the information system, as well as electronic copies of submissions, acts, and attachments for which digitization has been carried out (Article 4, paragraphs 2 and 3

Not only is it not necessary to archive paper documents, but it is no longer necessary to form a file folder in electronic form, since its content is an integral part of the CRIP: “For a case file with documents in the form of an electronic document, the file folder shall be formed and kept in electronic form in the information system, unless the information system in which the procedure is conducted by the administration authority provides for examination or search of the data that, according to the regulations governing office operations of the state administration, are entered into the file folder, when the file folder is not formed as a separate document.” (Article 4, paragraph 4).

Exchange of documents between competent authorities and holders of public authorities: Who is competent for sending documents?

In the implementation of the integrated procedure, a question was raised about who can sign submissions sent by the competent authority to holders of public authority – for example, with a request for issuing conditions for design and connection. Can this be only the minister and a person authorized by the minister (i.e. in the territorial autonomy unit and local self-government – the person authorized to sign individual acts), or can it be other person? According to the opinion of the Ministry of State Administration and Local Self-Government dated 17 November 2011, the competence for signing and exchange of this documentation is not reserved for the person authorized to represent the competent authority, since it is not the act of representing the competent body, but undertaking within the scope of regular operations of the competent authority. It is deemed that a person is given the appropriate authorization for signing submissions and exchanging documents under the integrated procedure when such person is given a particular role by the head of the competent authority, with the corresponding rights of access to the information system.

IV CLASSIFICATION OF TYPES OF CONSTRUCTIONS

Classification of types of constructions has a very important purpose – to ensure that the complexity of the permitting procedure and the type of control therein, corresponds to the risks immanent with the construction, i.e. usage of the facility.

REF: Law on Planning and Construction (LPC), Art. 2, paragraph 1, point 22b
Rulebook on Classification of Constructions – RCC

What are the classes of facilities and what is the basis of the adopted classification?

Classification of constructions relies on the Classification of types of constructions of the Republic Institute for Statistics (hereinafter: RIS), which, for its part, is based on Classification of Types of Construction – CC, final version, Eurostat, 1997.

The basic division of constructions in these documents is to buildings and engineering (other) constructions.

The RIS document takes over the structure and content of all levels of the European Community classification, but some of the lowest levels (classes) are additionally elaborated. For the purpose of the RCC, some parts of the RIS document is further elaborated, with the introduction of additional criteria pertaining to the surface, number of floors, and height of the facilities, in order to differentiate the degree of risk related to particular facilities, which are grouped in the same class in the documents of the European Community and the RIS.

For example, in the RIS Classification, residential buildings are divided into only 4 classes (residential buildings with one, two, three and more apartments, as well as buildings for collective residence), while the RCC introduces both surface and floor number criteria, and distinguishes 17 classes of residential buildings. This was necessary in order to avoid the possibility of abuse by declaring buildings with significant surface or number of floors as building with one apartment, and hence with a low degree of risk. Hence the special class for a separate single-family houses with an area of over 2,000m², which in itself may seem pointless.

Thanks to the classification of structures, it is possible to:

- Regulate the obtaining of different conditions for design and connection for different classes of constructions (Regulation on Location Conditions);
- Abolish certain obligations for certain classes of constructions, i.e. simpler facilities, due to the lower level of risk, such as: the obligations of the contractor, the appointment of the responsible contractors engineer, performing expert supervision and technical inspection, etc. (Rulebook on constructions to which individual provisions of the Law on planning and construction are not applied).

What are the categories of facilities and what is the basis of the adopted categorization?

The categories of facilities are groups of facilities in different classes, formed according to the degree of complexity and other characteristics. Facilities are grouped in four categories:

- A buildings – simple facilities;
- B buildings – less complex facilities;
- C buildings – complex facilities;
- D Civil engineering constructions;

Facilities are grouped into categories according to the degree of risk associated with their construction and use, and not by the similarity of the facilities. Thus, in the same category (A) are family houses with surfaces up to 400m² and garages and hangars up to 600m², but residential buildings with more than three apartments with ground floor + 4 floors + Attic (PS) are in a different category (B), as well as the same such a building with six floors – category (C).

Categorization of facilities allows prescribing different contents of technical documentation for different categories (Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Structure). For example, for a less complex facilities in category (A), design contains only architecture design, and production design is not obligatory.

How is the classification and categorization of complex facilities performed?

In practice, often one facility consists of parts that fall into different classes of facilities. When this is the case, the class is determined for each part and expressed by percentage of the total surface of the facility.

For buildings consisting of several parts with different categories, the category is determined for the building as a whole, according to the category of the most complex part.

For facilities that consist of a building and an engineering construction, or part a part thereof, a separate category is determined for each construction, i.e. part thereof.

Who determines the class and category of the facility?

When submitting an application, the applicant enters the class(es) and the category(ies) of the facility(ies) to which the request relates. In the process of issuing [location conditions](#), the competent authority is obliged to determine the final classification and categorization, i.e. categorization, on the basis of the information provided by the designer in the main volume of the conceptual design, and state them in the location conditions, i.e. another appropriate act. In the event that the applicant entered the wrong class or category, the competent authority shall enter the correct class or category, and this will not be the basis for rejection, i.e. refusal of the submitted application.

V TECHNICAL DOCUMENTS

Amendments to the Law on Planning and Construction regarding the preparation and control of the technical documentation have been introduced to simplify and speed up the process of review by the competent offices of all relevant data concerning the facilities or works under construction, harmonization of the contents of the technical documentation with its purpose, as well as clear division of responsibilities among the participants in the preparation of technical documentation.

REF: Law on Planning and Construction (LPC), Art. 111-132
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD)

What is the technical documentation and what is its content?

Technical Documentation is a regulated set of designs, consisting of textual, numerical and graphic annexes, which ensure compliance with the location conditions, applicable regulations, standards and norms, and which are designed to:

- Determine location, functional, technical and formation features of the facility;
- Define method of construction of the facility and execution of work.
- The content of the technical documentation, as defined by the RTD, in this Guide is presented as follows:
- General content of the technical documents is presented in this Section, on page 30 hereof;
- Detail contents, according to the types of technical documents is presented in the following Sections of this Guide.

What are the main innovations introduced by the amendments to the LPC, with regard to technical documentation?

1. ***The content of the technical documentation is adapted to the purpose for which it is being prepared, and accordingly there are six types of technical documentation***
 - The aim and purpose of specific types of technical documentation are shown in the picture on page 29.

2. ***The greatest novelty is the introduction of the construction permit design (hereinafter: “CPD”) and the construction design (hereinafter: “CD”), thus abolishing the main design and executive design***
 - The content of the CPD is tailored to its basic purpose – obtaining the permit, and therefore it includes only those elements that need to be defined in order to demonstrate compliance with the location conditions and measures to meet the basic requirements for the facility, which is the basic difference compared to the main design that also specified all the details that are not relevant to the administrative procedure itself;
 - The content of the CD is tailored to its main purpose – construction / execution of work. It represents further development of the CPD, through defining details, which are only necessary in the construction phase.
3. ***The term “basic requirements for the construction” was introduced***
 - This innovation, introduced through RTD, is a harmonization with European regulations relating to construction works and construction products, CRP 305/2011/EU;
 - Overview of the basic requirements for the construction is given in this Section, on page 28.
4. ***Mandatory preparation of studies is introduced.***
 - Studies are attached to the technical documentation, but they are not the integral part thereof.
 - Their basic purpose is to provide measures for ensuring the basic requirements for the construction;
 - Mandatory preparation of studies is prescribed for the construction permit design and for the preliminary design, for works having an impact on the basic requirements for the construction.
5. ***Mandatory preparation of the main volume is introduced.***
 - The main volume contains information on the design and construction participants, as well as other data and documents relevant to the issuance of location conditions, determining compliance of the design solutions with the location conditions, and fulfilment of the basic requirements for the construction;
 - [The general contents of the main volume](#), as defined in Annex 1 of the RTD, are shown in this section on page 30;
 - The main volume, depending on the type of technical documentation, also contains various statements of responsible persons, participants in the process of making and controlling the designs, whose forms with the instructions for filling are specified in the annexes of the RTD;
 - Contents of the main volume, according to the types of technical documents is presented in the following sections of this Guide.
6. ***Technical design review is performed only for the Construction Permit Design***
 - The aim is that this design, which defines all the essential elements of the facility, is used for verifying the compliance with the location conditions, relevant regulations, and rules of the

profession, as well as for controlling the implementation of measures for fulfilment of the basic requirements for the construction;

- The responsibility for further elaboration in the construction design is vested in designers (head designer and responsible designer).

Who are the responsible participants in the process of preparing the technical documentation, and how will the responsibilities be distributed among them?

The responsible participants in the process of preparing technical documentation are:

- Responsible designers;
- Head designer;
- Authorized persons (who make the studies);
- Technical design review supervisor.

Responsible participants' statements confirm the compliance and compliance and conformity of technical documentation within the scope of their responsibility. The form and content of statement is provided in annex of the RTD.

Who appoints the head designer and how?

The main designer and responsible designers do not have to be employed in the same legal entity, nor must the main designer be employed by the legal entity hired to prepare the technical documentation.

The head designer is selected by the investor and appointed by the decision, so it can be one of the responsible designers who make the individual parts of the design, or another person employed by a legal entity who is preparing the technical documentation, as well as a person employed by the investor or any other person specially hired by the investor, provided that he/she meets the conditions prescribed by law.

Responsible designers of individual parts of the design related to specific fields, confirm in their statements:

- Conformity of the part of the construction permit design with the issued location conditions;
- Conformity of the part of the construction design with the issued construction permit and corresponding part of the construction permit design;
- Conformity of the part of the design with the LPC, regulations, standards and norms from the relevant field of the facility construction and rules of profession;
- Conformity of the part of the design with stipulated and determined measures and recommendations for fulfilment of the basic requirements for the construction.

Head Designer of the technical documentation confirms in the statement:

- Compatibility between individual parts of the design;
- Conformity of the data in the main volume with the design contents;
- That the design includes all appropriate studies;
- Conformity of the data in the Design Abstract with the contents of the construction permit design.

Authorized persons confirm in their statement:

- Conformity of the studies with the LPC, laws, regulations, standards and norms from the relevant field and rules of profession;
- That the studies include stipulated and determined measures and recommendations for fulfilment of the relevant basic requirements for the construction.

Person responsible for the technical review of the construction permit design, confirms in the statement:

- That the construction permit design is made in accordance with the issued location conditions, laws and other regulations, technical regulations, standards and norms relating to the design and construction of that type and class of facility;
- That the Construction Permit Design has all necessary parts, as defined by provisions of the RTD;
- That the results of all preliminary and investigative works carried out for the construction permit design, were correctly applied in the construction permit design, as well as that all general and special technical, technological and other bases (plans) and data were included in the design;
- That the building permit design provides technical measures for fulfilling the basic requirements for the construction.

What is the form for preparing and certifying technical documentation?

Technical documentation, or parts thereof, for the purposes of the integrated procedure, is made in electronic form, in such way as to prevent the change of their contents, as an electronic document signed by a qualified electronic signature, i.e. signatures.

The technical documentation, or parts thereof, regardless of the type and class of the facility, must be completed according to the contents, in line with the RTD. Technical documentation is produced in Serbian language, and if it is produced in a foreign language, it must be translated into Serbian.

For the purpose of construction and inspection during the construction of the facility, a printed copy is provided of the technical documentation, pursuant to which the works are executed, i.e. parts of the documentation being the basis for the construction in that phase of construction, which must be identical to the original electronic document.

BASIC REQUIREMENTS FOR THE CONSTRUCTION

STRUCTURAL BEARING AND STABILITY

Measures for fulfilling this basic requirement should ensure that the effects to which the facility will be exposed during construction and use do not cause:

- demolition of entire facility or any part thereof
- deformation over the permitted limit
- damage to other parts of the facility, installation or installed equipment, due to significant deformations of the supporting structure
- damage caused by the event, to the extent that is disproportionately higher in relation to the cause

FIRE PROTECTION

Measures for fulfilling this basic requirement should ensure that in the case of fire:

- the structural bearing capacity is preserved for a certain period of time
- spreading of fire and smoke within the facility is prevented
- spreading of fire to adjacent facilities is prevented
- secure and safe evacuation of people, i.e. their rescue, is provided

HYGIENE, HEALTH AND ENVIRONMENT

Measures for fulfilling this basic requirement should ensure that during the construction, use or removal of the facility, hygiene or health and safety of workers, users or neighbors is not in danger, and to prevent the exceedance of the permitted environmental and climate impacts that arise:

- by release of toxic gases
- by emission of hazardous substances, volatile organic compounds, greenhouse gases or hazardous particles in the air inside the facility or the environment
- by emission of hazardous radiation
- by release of hazardous substances into underground waters, surface waters or soil
- by discharging hazardous substances in drinking water, or substances having any other negative impact on the drinking water
- by incorrect discharge of waste water, flue gas emission, or improper disposal of solid or liquid waste

USAGE SAFETY AND ACCESSIBILITY

Measures for fulfilment of this basic requirement should ensure that, during the use of the facility, there is no risk of accidents, or damages during the work or use, such as slipping, falling, collision, burns, electric shock, explosion injuries and burglary incidents, and in particular to ensure accessibility and usability to persons with disabilities, children and the elderly.

NOISE PROTECTION

Measures for fulfilling this basic requirement should ensure that the noise exposure of users or neighbors is at a level that does not endanger their health and that allows them to sleep, rest and work in appropriate conditions.

COST-EFFICIENT USE OF ENERGY AND CONSERVATION OF HEAT

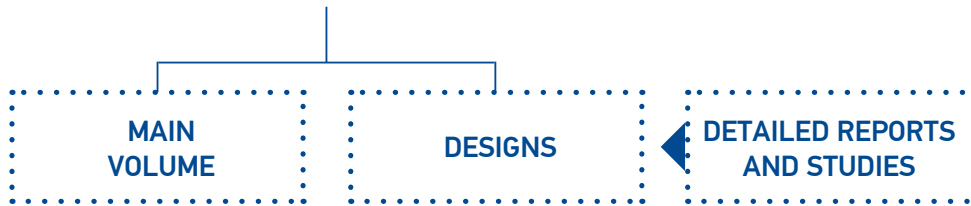
Measures for fulfilling this basic requirement should ensure the lowest possible level of energy consumption, taking into account the users and the climate conditions of the location, through an appropriate choice of thermal protection, heating, ventilation, lighting installations and hot water production.

Measures for facility's energy efficiency should ensure the lowest possible level of energy consumption during construction, use, maintenance and removal.

TYPES OF TECHNICAL DOCUMENTS

GD	<ul style="list-style-type: none"> for preparation of the pre-feasibility study (Art. 113 of the LPC) - subject to design revision (expert control) (Art. 131 of the LPC) Purpose of the GENERAL DESIGN is to contemplate the resource and spatial possibilities and restrictions of the facility construction, in order to adopt, through evaluation procedures, the general concept, macro-location and spatial disposition of the facility, to determine the basic functional, technological and technical characteristics of the facility, construction phases, conditions of exploitation, bearing on space and environment, as well as the basics for economic analysis In the event that several variant solutions were analyzed during the making of the general design, the optimal variant is selected based on natural, technical, technological, economic, functional, environmental and other conditions.
CD	<ul style="list-style-type: none"> for obtaining the location conditions (Article 53a of the LPC) as a part of the urban design for the purpose of urban - architectural elaboration of the location (Article 117a of the LPC) CONCEPTUAL DESIGN is an overview of the planned facility conception, showing and listing all the data necessary to determine the location conditions.
PD	<ul style="list-style-type: none"> for preparation of the feasibility study (Art. 114 of the LPC) - subject to design revision (expert control) (Art. 131 of the LPC) for obtaining Approval of Works (Article 145 of the LPC) PRELIMINARY DESIGN is a set of mutually harmonized designs that determine: the purpose, position, shape, capacity, technical-technological and functional features and appearance of the facility and provide provisional evidence of the fulfillment of the basic requirements for the construction.
CPD	<ul style="list-style-type: none"> for obtaining the construction permit (Article 118a of the LPC) CONSTRUCTION PERMIT DESIGN is a set of mutually harmonized designs defining the position and capacity of the facility on location, functionality from the aspect of technological and other requirements, spatial shaping, selection of the construction system, dimensioning of the main elements of construction, general selection of construction materials, installations and equipment, thus ensuring the fulfillment of location conditions and basic requirements for the construction, etc.
CD	<ul style="list-style-type: none"> for the purpose of construction of the facility and execution of work CONSTRUCTION DESIGN is a set of mutually harmonized designs necessary for execution of construction, building trade, installation and other works, which determine the construction, technical, technological and exploitation characteristics of the facility with equipment and installations, technical, technological and organizational solutions for construction of the facility, the investment value of the facility, as well as its maintenance conditions. Construction design further elaborates particulars and technological solutions determined by the construction permit design, and the preliminary design for reconstruction of the facility. The preparation of a CD is mandatory for construction of facilities for which a construction permit has been obtained also for reconstruction, which is carried out on the basis of approval of works (Article 145 of the LPC), except for category "A" facilities, as well as in cases for which it is envisaged to obtain consent on the CD in accordance with the regulations governing fire protection.
ABD	<ul style="list-style-type: none"> for the purpose of obtaining usage permit, use and maintenance of the facility AS-BUILT DESIGN is a set of mutually harmonized designs presenting all particulars of the constructed facility necessary to determine its suitability for use.

GENERAL CONTENT OF THE TECHNICAL DOCUMENTS



MAIN VOLUME	<ul style="list-style-type: none"> • mandatory content of the main volume is form that needs to be completed with the design data, Annex 1 RTD • for different types of technical documents, RTD also specifies other mandatory annexes of the main volume • in addition to stipulated mandatory content, other data and document may be attached the main volume that are not considered mandatory (terms of reference, copy of the location conditions, copy of the plan, certified cadastral and topography plan, etc.) • the main volume in the technical documentation is marked with "0"
DESIGNS	<ul style="list-style-type: none"> • designs are made in segments according to fields and content • which field-specific designs will be included in the technical documentation is determined by the head designer determines, depending on the type of technical documentation, class and use of the facility. • designs in technical documentation are marked by ordinal number and must be compiled in volumes, in the following order: <ol style="list-style-type: none"> 1 - ARCHITECTURE 2 - CONSTRUCTION AND OTHER CIVIL ENGINEERING DESIGNS 3 - HYDROTECHNICAL INSTALLATIONS 4 - ELECTROMANGETIC INSTALLATIONS 5 - TELECOMMUNICATIONS AND SIGNAL INSTALLATIONS 6 - MACHINE INSTALLATIONS 7 - TECHNOLOGY 8 - TRAFFIC AND TRAFFIC SIGNALIZATION 9 - EXTERIOR DEVELOPMENT, LANDSCAPING ARCHITECTURE AND HORTICULTURE 10 - PREPARATION WORKS
STUDIES	<ul style="list-style-type: none"> • contain measures for fulfilling the basic requirements for the construction, other technical instructions and data relevant for the construction of the facility, or the execution of works, when necessary, due to the particularity of certain type of facility or location on which the facility is built or, if determined by special regulations • contain textual, numerical and graphic annexes, and must be signed and certified by an authorized person

GENERAL CONTENT OF THE DESIGN SEGMENTS BY FIELDS

- design of the connection to public utility infrastructure is the segment of the corresponding installations design
- in the technical documentation for engineering constructions, number “1” designates the design that defines the facility in the space, i.e. the design that determines the location, disposition and functional features of the facility (e.g. route design of the road, gas pipeline, railroad; structural design of the bridge, antenna tower, chimney, etc.)
- in case technical documents does not contain all designs, attached designs shall keep their ordinal numbers according to the specific field
- the responsible designer shall be liable for the content of the respective design
- in the case of reconstruction, adaptation, remediation or extension of the existing facility, or in case of change of intended use, separation or merging of business or residential space, the technical documentation shall also include an archive project, or a current state survey if the archive project does not exist, i.e. presentation of the state established on the basis of the archive project, with the obligatory reference to such archive project
- designs consist of the following segments:

<p>GENERAL DOCUMENTS</p>	<ul style="list-style-type: none"> • front page stating: <ul style="list-style-type: none"> • name of the facility with location, number of cadaster lot, and cadaster municipality • (business) name of the investor • type of technical documentation (e.g. construction permit design – CPD) • title and mark of the design segment (e.g. 1 – architecture design) • name of the entrepreneur, i.e. legal entity that made the respective design segment • full name and the license number of the responsible designer • identification mark of the design segment from the records of the entrepreneur, i.e. legal entity that made the respective design segment • place and date of making the design segment • design contents • other annexes, depending of the type of documentation
<p>TEXTUAL DOCUMENTS</p>	<ul style="list-style-type: none"> • depending on the type of technical documentation, contain technical description, technical conditions for execution of works, the data on the fulfillment of the basic requirements for the construction, results of previous research, empirical data, as well as other textual attachments important to the construction of the facility, i.e. the execution of works
<p>NUMERICAL DOCUMENTS</p>	<ul style="list-style-type: none"> • depending on the type of technical documentation, contain corresponding calculations, results of analysis and calculations, schemes, material specification, bill of quantities, etc.
<p>GRAPHIC DOCUMENTS</p>	<ul style="list-style-type: none"> • contain corresponding drawings and other graphic presentations, depending on the type of technical documentation • the scale in which graphic documents are presented shall be in accordance with the type of technical documentation, i.e. with the intended level of detail, in a manner that is clear, concise and easy to read • drawings and graphic attachments of the same type must be made on the same scale • each drawing, i.e. graphic presentation, shall include a table in the lower right corner, maximum 18 cm wide, that shows: <ul style="list-style-type: none"> • name of the investor • name of the facility • name of the entrepreneur, i.e. company that made the respective design • designation of the type of technical documentation (CD, PD, CPD, CD, ABD) • designation and title of the design segment (e.g. 1 – architecture design) • title of the drawing or graphic presentation (e.g. ground floor base, cross-section 1-1, etc.) • scale • full name and the license number of the responsible designer • drawing number • drawing creation date • Each drawing of the base, which shows the position of the facility in the space, must have the North mark.

VI PLANNING DOCUMENTS AND ESTABLISHING THE CONSTRUCTION RIGHTS

REF: Law on Planning and Construction (LPC), Art. 10-28, 57, and 60-63
Rulebook on general rules of land lot allocation, regulation and construction (RLA)

The deadlines for the adoption of spatial plans of the local self-government units, and the general regulation plans determined by the Law on Planning and Construction of 2009, have long since expired, but in a significant number of cases these plans have not been adopted. The other kind of challenge in this area pertains to the contents of these plans. Although the content was prescribed so that location permits can be issued instantly, in practice, plans are, where available, still such that they require further planning elaboration in order to obtain appropriate approvals (for example, the adoption of detailed regulation plans – DRP), i.e. obtaining of special conditions for holders of public authorizations, even if the DRP is adopted.

The main planning document for establishing the construction rights is the general regulation plan (hereinafter: GRP). However, as we will see below, its existence is sometimes unnecessary, and sometimes it is not enough.

Construction in the area for which further planning elaboration is envisaged

The key change in the regulation of the planning basis for issuing construction permits is the limitation of the construction prohibition period in the area for which further planning elaboration is envisaged, until the adoption of this more detailed plan. For example, the broader area plan – GRP envisages the adoption of a more detailed plan – the detailed regulation plan (hereinafter: DRP), and until such time, it is not possible to build. While in the previous period duration of this prohibition was unlimited, its duration is now determined in the decision on making of the detailed plan (in our case, in the decision on making the DRP), but no longer than 12 months from the adoption of this decision. After this period, the competent authority shall be obliged to issue location conditions on the basis of the Rulebook on general rules of land lot allocation, regulation and construction (RLA), and on

- ⋮ For wider area plans adopted before 16 December 2014, which envisage prohibition on construction in the area foreseen for further planning elaboration, as well as for decisions on drafting of the urban plan made before that deadline, a 12-month prohibition of construction pending the adoption of a planning document for further planning elaboration, expired on 16 December 2015.

the basis of the existing planning document, if it contains a regulation line (regulation). Also, if the planning document of the wider area envisages the adoption of a more detailed plan, the prohibition of construction in that area that may be included in the wider area plan cannot be applied unless a decision is made to make a more detailed plan.

When making of the DRP is foreseen in the wider area planning document, this wider area planning document must contain the rules of regulation, land lot allocation, and construction that will be applied when issuing the location conditions and implementing the procedures for land lot re-allocation until the adoption of the detailed regulation plan.

Construction in rural areas

For rural areas, for which the making of urban plans is not envisaged, it is possible to make basis for development with the level of details necessary to issue location conditions. Basis for development of rural areas can be adopted before, during, or after the adoption of the local self-government unit spatial plan. Unless adopted within the local self-government unit spatial plan, they shall be adopted according to the procedure determined for the adoption of the urban plan.

Planning base for issuing location conditions

A. GRP available

- a) GRP for particular land lot does not envisage adoption of the DRP or UP: location conditions are issued based on GRP.
- b) GRP for particular land lot envisages adoption of the DRP and does not institute prohibition of construction in that area:
 - a. GRP for particular land lot contains a regulation line (regulation): location conditions are issued based on the GRP and the RLS.
 - b. GRP for particular land lot does not contain a regulation line (regulation): location conditions cannot be issued.
- c) GRP for particular land lot envisages adoption of the DRP and institutes prohibition of construction in that area:
 - a. DRP is adopted and does not envisage further elaboration in the Urban Design (hereinafter: UD): location conditions are issued based on the DRP;
 - b. DRP is adopted and envisages further elaboration in the UD: location conditions can be issued after verification of the UD;
 - c. DRP not available:
 - i. If less than 12 months have elapsed since deciding to make the DRP: it is not possible to issue location conditions.
 - ii. If more than 12 months have elapsed since deciding to make the DRP:

VII BASIC STEPS – FROM IDEA TO USAGE

Determining conditions for construction and execution of work

- A. Location information
- B. Conceptual design
- C. Location conditions

Obtaining approval for construction and execution of work

I Obtaining Construction Permit

- A. General design and pre-feasibility study
- B. Preliminary design and feasibility study
- C. Construction Permit Design
- D. Technical review of the Construction Permit Design
- E. Abstract from the Construction Permit Design
- F. Property and legal relations, and establishing the construction rights
- G. Construction on undeveloped locations: what if the lot lacks certain infrastructure?
- H. Contribution for development of the construction land
- I. Construction permit
- J. Amendment to the construction permit and approval

II Obtaining Approval of Works

- A. Preliminary design for works performed based on the approval
- B. Approval of Works

III Special cases

- A. Facilities and works that can be performed without permits or approvals
- B. Placement and removal of prefabricated temporary constructions
- C. Construction based on Temporary Construction Permit
- D. Removal of facility

Execution of Works

- A. Construction Design
- B. Obtaining approval
- C. Notification of works
- D. Execution of works
- E. Site Supervision

Final steps

- A. Connection of the facility
- B. As-built design
- C. Technical inspection
- D. Usage permit and registration of (property) title

MODE	TYPE OF CONSTRUCTIONS/WORKS	ARTICLE 144 LPC	ARTICLE 145 LPC	CONSTRUCTION PERMIT ISSUED BY LOCAL SELF-GOVERNMENT				CONSTRUCTION PERMIT ISSUED BY THE MINISTRY OR AUTONOMOUS PROVINCE
				A	B	C	D	
CATEGORY	/	/	/	A	B	C	D	A, B, C, D
Location Conditions	X	✓ ¹	✓	✓	✓	✓	✓	✓
Preliminary Design	X	✓	✓	X	X	X	X	✓
Revision Committee	X	X	X	X	X	X	X	✓
Approval of Works	X	✓	✓	X	X	X	X	X
Construction Permit Design	X	X	X	✓	✓	✓	✓	✓
Technical Control	X	X	X	✓	✓	✓	✓	✓
Contribution for Development	X	X	X	✓	✓	✓	✓	✓
Construction Permit	X	X	X	✓	✓	✓	✓	✓
Notification of Works	X	✓	✓	✓	✓	✓	✓	✓
Construction Design	X	mandatory only for reconstruction and when obtaining the fire protection consent	mandatory only for reconstruction and when obtaining the fire protection consent	X	✓	✓	✓	✓
Contractor	X	✓	✓	X ³	✓	✓	✓	✓
“Grand License”	X	mandatory only for reconstruction, if the state has the competence	mandatory only for reconstruction, if the state has the competence	X	X	X	X	✓
Responsible Contractor’s Engineer	X	✓	✓	X ⁴	✓	✓	✓	✓
Site Supervision	X	mandatory only for reconstruction	mandatory only for reconstruction	X	✓	✓	✓	✓
Number of mandatory inspections	0	0	0	2	2	2	2	2
Technical inspection	X	option	option	X ⁶	✓	✓	✓	✓
Usage Permit	X	option	option	✓	✓	✓	✓	✓

¹ Except as defined by Regulation on location conditions.

² See the LPC for exemptions from the rules specified in the table

³ See the RCNA for exemptions

⁴ See the RCNA for exemptions

⁵ See the RCNA for exemptions

⁶ Only the certificate of the authorized person that the facility has been executed in accordance with the construction permit is mandatory, as well as that it is connected or suitable for connection to infrastructure network, in line with the RCNA

VIII DETERMINING CONDITIONS FOR CONSTRUCTION AND EXECUTION OF WORK

VIII–A LOCATION INFORMATION

REF: Law on Planning and Construction (LPC), Article 53

What is the location information and what is its purpose?

The location information is informative document that an interested person may obtain for a prior review of the data on the possibilities and constraints of construction on a cadastral lot or several cadastral lots.

As a rule, the location information contains information on whether the respective lot, i.e. lots comply with the construction lot requirements, data on basic urbanistic parameters (maximum construction and occupancy indices, minimum percent of green areas, maximum height or number of floors, position of regulation and construction lines, etc.), data on existing or planned infrastructure and connection possibilities, data on the manner of implementation (need for drafting a lower order plan or urban plan), etc., i.e. all data that can be determined by reviewing the planning document.

Is it necessary to obtain location information?

No.

Who is the competent authority, and what are the deadline for issuing the location information?

The competent authority is the same authority that issues the location conditions, i.e.:

- For facilities referred to in Article 133 of the LPC, the Ministry in charge of urban planning affairs;
- For facilities referred to in Article 134 of the LPC, the competent authority of the autonomous province;
- For facilities not included in Articles 133 and 134 of the LPC, local self-government unit.

The location information is issued within eight days from application, subject to payment of actual issuing costs.

Who can be issued the location information, and based on what documentation?

The location information may be issued to any interested natural or legal person who filed the application, without the obligation to submit additional documentation. It is not necessary that such person is owner of the lot or lots for which the applications is filed, or to have a contract with the lot owner with respect to use, ownership or any other right over the lot.

On what basis is the location information issued?

The location information is issued on the basis of the review of the available planning document.

VIII–B CONCEPTUAL DESIGN

REF: Law on Planning and Construction (LPC), Article 117a
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Articles 15, 35-41

What is the purpose of the Conceptual Design and what is presented in it?

The Conceptual design is made:

- For obtaining the location conditions (Article 53a of the LPC)
- As a part of the urban design for the purpose of urban – architectural elaboration of the location (Article 117a of the LPC)

Conceptual design gives an overview of the planned facility conception, showing and listing all the data necessary to determine the location conditions, depending on the class and intended use of the facility.

On what basis is the location information issued?

The conceptual design is made on the basis of data obtained from the location information, obtaining of which is not mandatory, or on the basis of the planning document and an excerpt, where available.

Is the conceptual design an integral part of the location conditions?

Yes, but only in terms of the essential elements on which the locational conditions are laid down, while the other presented details are non-binding in the further elaboration of technical documentation, which is an integral part of the construction permit design, i.e. preliminary design. This means

that if the designed concept is to be changed in the course of further realization of the project, and if these changes cause changes in the data defined by the location conditions (depending on the type of the facility, i.e. works e.g.: intended use, gross building area (GBA), dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.), it is necessary to change the location conditions, and produce a new – modified conceptual design. In the case of deviations from the conceptual design, which may occur during preparation of the construction permit design, but which does not cause a change in the provided data, or the changes are not relevant to the content of the location conditions, it is not necessary to make amendments to the location conditions.

Is it mandatory to appoint the head and the responsible designer of the conceptual design?

The Head/Responsible designer (may be the same person) must certify the conceptual design, but there is no obligation to submit the decision on appointment of the head/responsible designer with the application.

Are the studies enclosed to the conceptual design, as attachments?

Studies are not attached to the conceptual design, except for the hydrological study, when it is required to obtain the opinion of the Republic Hydrometeorological Service of Serbia for the purpose of obtaining the water management conditions, and which is obtained by the competent authority on behalf and for the account of the investor in the integrated procedure.

Is it mandatory to make the conceptual design on certified cadastral-topographic plans?

No. The conceptual design is made on geodetic plan, which need not be certified, and which contains topographic view of the terrain, with charted lot boundaries.

CONTENTS OF THE CONCEPTUAL DESIGN

MAIN VOLUME	<ul style="list-style-type: none"> • general contents - completed Form from Annex 1 of the RTD
DESIGNS	<ul style="list-style-type: none"> • architecture segment is the only mandatory part of the conceptual design for buildings • the conceptual design for engineering constructions contains the parts required for issuing the location conditions, according to the rules of the profession, at the level corresponding to the conceptual design for the buildings • special contents are defined for connection to the main road, for obtaining water management conditions, and for facilities with flammable and combustible liquids, gasses and explosive substances, according to Annexes 10 and 11 of the RTD • each segment of the conceptual design contains: <ul style="list-style-type: none"> GENERAL DOCUMENTS <ul style="list-style-type: none"> • general data from Article 28 of the RTD – in the form provided in Annex 9 TEXTUAL DOCUMENTS <ul style="list-style-type: none"> • technical description of the designed facility, specifying the necessary utilities capacity • in the event that for the needs of the planned construction it is necessary to remove the existing facility on the location, the technical description of the conceptual design includes a description of the current situation NUMERICAL DOCUMENTS <ul style="list-style-type: none"> • overview of the facility surfaces, with intended use • number of functional units • for engineering constructions, contains overview of other numerical data relevant for establishing the location conditions (km point, levels, coordinates, etc.) GRAPHIC DOCUMENTS <ul style="list-style-type: none"> for buildings, contains: <ul style="list-style-type: none"> • site plan, showing the position of the facility on the location, size, dimensions, characteristic levels, distance from adjacent lots and adjacent facilities (1:1000–1:200); • bases, characteristic cross-sections and the elevation of the facility (1:500–1:100). for line infrastructure facility, contains: <ul style="list-style-type: none"> • site plan and longitudinal profile of the route, showing characteristic breakpoints (1:25000–1:2500) • general disposition of larger constructions • characteristic transversal profile (1:100–1:25)

The graphic attachments to the CD are made in the scale shown in parentheses, or in another appropriate scale that allows a clear view, depending on the class and intended use of the facility

The graphic attachments to the CD are made on geodetic map, which need not be certified, and which contains topographic view of the terrain, with charted lot boundaries.

VIII – C LOCATION CONDITIONS

REF: Law on Planning and Construction (LPC), Art. 53a – 57
 Regulation on Location Conditions (RLC)
 Rulebook on the process of electronic implementation of the integrated procedure (REP),
 Art. 6-15

What are the location conditions and what is their purpose?

The location conditions are a legal document obtained for the purpose of determining all urban planning, technical, and other conditions for preparation of the technical documentation, which define the possibilities and limitations of the subject location for construction, i.e. upgrading of the facility, or execution of work envisaged in the conceptual design. By specifying that the location conditions represent a legal document, it is emphasized that it is not an administrative act.

When is it mandatory to obtain the location conditions?

It is mandatory to obtain the location conditions for preparation of the technical documentation based on which the construction of the facility is performed, i.e. works are executed, except in the following cases:

- Execution of capital maintenance works;
- Removal of obstructions to persons with disabilities;
- Works not affecting the exterior elevation, the number of functional units, and the installation capacity;
- Adaptation;
- Restoration;
- Construction of masonry fences;
- Execution of all other works that are not aimed at connection to the utility infrastructure, i.e. that do not change the capacities and functionality of the existing connections to the infrastructure network, except when the obligation to obtain the conditions is prescribed by law or the planning document.

Also, if the holder of the public authority is also the investor of works on connection to utility or other network subject to approval of works (Article 145 of the LPC), than it shall not be obliged to obtain the location conditions, if such connection should require only design conditions and connection within the scope of its competence.

In addition, when the holder of the public authority is also the investor of the works on reconstruction, restoration, and adaptation of the existing infrastructure, or construction of the connection

to the existing water, sewage, gas, and similar network, typical hot water connections, electronic communication feed, and part of the electric distribution network from the transformer substation to the connection point in the buyer's facility, for which the approval of works is issued (Article 145 of the LPC), than the holder of the public authority is not required to obtain the location conditions, in which case the application for issuing the approval must include also the conditions for intersection and parallel running from all installation managing entities on the route in question, which can be obtained outside the integrated procedure.

Another special case is construction of the connection to utility and other infrastructure, which is executed based on the approval of works (Article 145 of the LPC), for the facility that is being built based on the issued construction permit, and for which the location conditions are already issued. If such location conditions for the facility include also the conditions for execution of the respective connection, in this case it is not necessary to obtain special conditions for the connection itself, but the approval of works on the construction of the connection may be issued on the basis of the location conditions issued for the facility that is being connected.

What conditions for design and connection are obtained?

The competent authority issues, or acquires from the holder of public authority, only those conditions which, according to the class and intended use of the building, are relevant for the construction, i.e. execution of works, in accordance with the LPC and the RLC.

If the applicant for the location conditions is also the holder of public authority, design and connection conditions from the scope of its competency are not obtained in the process of preparing the location conditions.

In case of reconstruction of the existing infrastructure network with flammable and combustible liquids, as well as flammable gasses, i.e. the construction of a connection to these networks, the holder of public authority, who is also the investor, can obtain the conditions regarding the fire and explosion protection, outside the integrated procedure. The same possibility is provided to the applicant who is also the holder of public authority with respect to the conditions for taking measures of technical protection and other works for immovable cultural property and property under previous protection, for which the decision referred to in Article 145 is issued.

Who is the competent authority, and what is the deadline for issuing the location conditions?

The competent authority for issuing location conditions is:

- For facilities referred to in Article 133 of the LPC, the Ministry in charge of urban planning affairs;

- For facilities referred to in Article 134 of the LPC, the competent authority of the autonomous province;
- For facilities not included in Articles 133 and 134 of the LPC, local self-government unit.

The competent authority is obliged to issue location conditions within five working days from the submission of the application, i.e. from the date of obtaining all necessary conditions and other data from the holder of public authority.

What conditions must be fulfilled by the cadastral lots in order to obtain the location conditions?

The location conditions are issued for one or several cadaster lots that aggregately fulfil the conditions for buildable (construction) lot, but that need not be connected into one lot at the time of issuance of the location conditions, subject to investor's obligation to merge them prior to the issuance of the usage permit.

In case of line infrastructure facilities and utility infrastructure facilities, the location conditions can be issued for one or several cadaster lots, and any part thereof, which need not be connected into one lot at the time of issuance of the location conditions, subject to investor's obligation to merge them prior to the issuance of the usage permit.

If the planning document requires re-allocation of the subject land lots, in order to separate the land for construction of public facility or for public area, the competent authority shall issue the location conditions, stipulating the re-allocation requirement pursuant to the LPC, prior to applying for the construction permit, i.e. approval of works.

Who is eligible to obtain the location conditions? To whom are they made out?

The location conditions can be issued to any interested natural person or a legal entity that submitted the application and required documentation, and paid applicable taxes and fees. Such person need not be the owner of the lot or lots for which the applications is filed, nor to have a contract with the lot owner with respect to use, ownership or any other right over the lot.

For one lot, for several conceptual designs, several different location conditions may be issued, i.e. conditions for connection and design.

The location conditions are issued for a particular location and construction, i.e. works envisaged by the conceptual design, they are not made out in the name of the applicant, so afterwards, in the process of obtaining the construction permit, they can be used by another person that fulfils the conditions for the issuance of the construction permit.

On what basis are the location conditions issued?

The location conditions issued are issued on the basis of:

- Spatial Plan of the Region of Special Use and the local self-government unit spatial plan, for the parts of the territory for which the making of the urban plan is not envisaged;
- General regulation plan, for the parts of the territory for which the making of the Detailed regulation plan is not envisaged;
- Detailed regulation plan;
- Planning document and urban design, if the making of the urban design is envisaged by the planning document, or if the urban design is made at the request of the investor;
- Planning document that includes the regulative line (regulation), and the by-laws that regulate the general land lot allocation rules (LSA), if the subject area is envisaged for further planning elaboration by making of the lower order planning document, if such document was not made within the deadlines set out by the law (Article 27 of the LPC);
- Planning document and the excerpt from the technical conditions for construction adopted by the holders of public authority, when the planning document does not include the conditions and data for preparation of the technical documentation, and in particular the capacities and points of connection to the utility or other infrastructure according to the classes of facilities, but which are included in the study;
- The factual state in the regulation line of existing road or other public area, until the adoption of the urban plan in accordance with the LPC, in the case of upgrading the existing utility infrastructure.

More detailed explanation of the planning base for issuing the location conditions is presented in Section VI hereof.

If neither the planning document nor the excerpt contain all conditions for connection to utility, traffic or other infrastructure, as well as for the classes of facilities, i.e. areas for which the study identified the need to obtain the conditions from the holders of public authority, the competent body shall obtain the conditions from the holder of public authority *ex officio*, at the expense of the investor.

Is it possible to issue “negative” location conditions?

If at the time of issue of the location requirements there are no factual conditions for the requested construction of the facility, or works, i.e. if the conditions for the design and connection issued by the holder of public authority stipulate that the requested construction cannot be realized without the construction or upgrading the utility or other infrastructure, i.e. without additional preparation or outfitting of the construction land, the location conditions are issued with the following information:

- That there are no factual conditions for the required construction;
- That the conclusion of a contract on the construction of lacking infrastructure with the appropriate holder of public authority is a precondition for issuing the construction permit.

If the required construction, i.e. works are not in line with the applicable planning document, i.e. excerpt, as well as if the holders of public authority issue the conditions for design and connection, which stipulate that the requested construction, i.e. works are not possible, the location conditions are issued with the following information:

- That the construction, i.e. works are not possible, in line with the submitted application;
- The reasons, i.e. discrepancies, prohibitions and restrictions due to which the planned construction, i.e. works are not possible.

What is the validity period of the location conditions?

The Location Conditions are valid 12 months from the issuing date, and if within 12 months, the construction permit, or approval of works are issued on the basis of those location conditions, then they are valid until the expiry of these documents.

Is it possible to change the location conditions?

After the location conditions are issued, it is possible to change one or more conditions contained therein, under the integrated procedure, by submitting the application to the competent authority in the same procedure as for the original location conditions.

Who are the recipients of the location conditions beside the applicant? Are the capacities determined in the location conditions “reserved” for the location conditions validity period?

The Competent Authority is required to publish the location conditions by CIS, in electronic form, and to deliver it to the holders of public authority, for the purpose of information and reservation of capacities.

When the competent authority may reject the application for the location conditions, and what is the subsequent procedure?

The competent authority may reject the application if the formal conditions have not been fulfilled, i.e. if:

- The authority to which the application was filed is not competent for issuing the requested location conditions;

- The application was not filed in the required form and/or does not contain all required information;
- The conceptual design was not attached to the application;
- The evidence of payment of the applicable tax or fee was not submitted.

The competent authority may reject the application also if the location conditions are not required for the subject construction or execution of work, or if the location conditions cannot be issued because the conceptual design does not include all the data necessary for the issuance of the location conditions, without assessment of the technical documentation (within the limits of authorization provided in Article 8f of the LPC).

The competent authority shall reject the application in a conclusion, stating all deficiencies due to which the application was rejected.

Is it possible to appeal against the conclusion on rejection of the application or the issued location conditions?

The appeal can be filed against the conclusion on rejection or the issued location conditions, through a competent authority, within 3 days from the date of delivery, as follows:

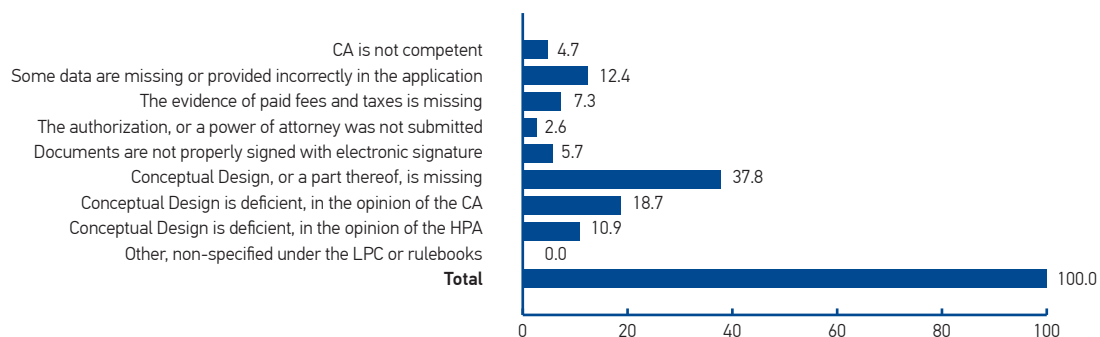
- If the conclusion was made by the local self-government unit, to the competent municipal or city council;
- If the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province, to the Serbian Government.

If within 10 days from the receipt of the conclusion on rejection, and not later than 30 days after its publication on the website of the competent authority, the applicant eliminates any identified deficiencies and submits a compliant application, there is no obligation to re-submit the documentation submitted with the rejected application, nor to pay again the taxes and fees. The applicant may exercise this right only once. If, with a compliant application, the applicant submits an amended document in relation to a document that has already been submitted with the rejected application, the competent authority will act upon the amended document, and if, for this reason, there is an additional formal deficiency, which is the ground for rejecting the request, the applicant cannot exercise the above right once again.

If the compliant application includes the conceptual design that is altered in line with the reasons stated in the conclusion on rejection of the initial application, the competent authority shall obtain again only those design and connection conditions for which the material elements for determination have been changed due to the amendments to the conceptual design. In this case, the holder of the public authority requested to issue these conditions again shall have the right to collect again the fee for

the making thereof, only if the material elements for determining such conditions have been actually changed by the amendments to the conceptual design.

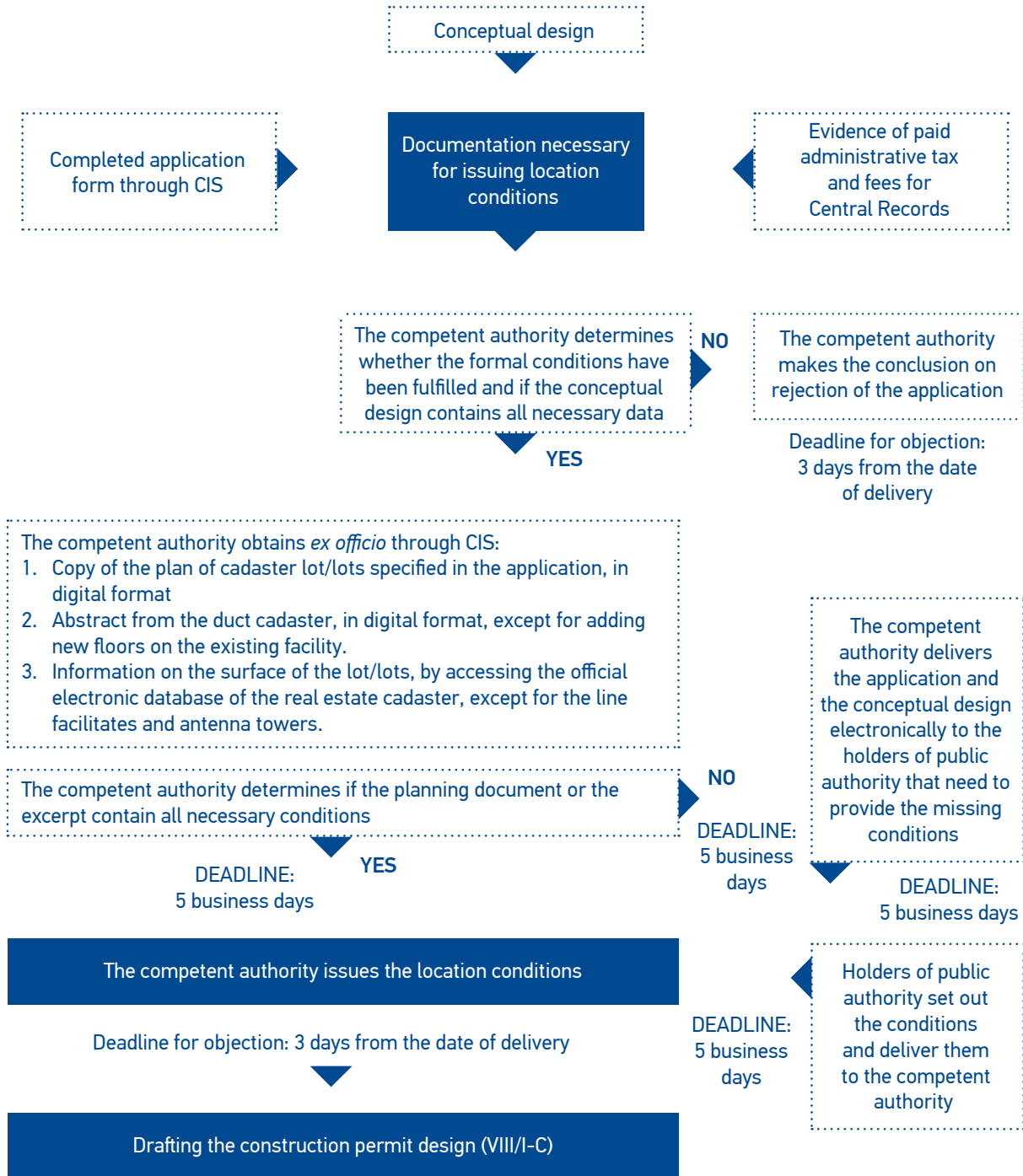
THE MOST COMMON REASONS FOR REJECTING THE LOCATION CONDITIONS APPLICATION %



**The results were obtained based on the sample analysis of 128 conclusions on rejection issued through CIS in the period September-December 2016.*

***Analyzed CA – MCTI, Belgrade, Nis, Novi Sad, Leskovac, Novi Pazar, Zajecar*

PROCEDURE Issuing the location conditions



IX OBTAINING APPROVAL FOR CONSTRUCTION AND EXECUTION OF WORK

IX/I OBTAINING THE CONSTRUCTION PERMIT

IX/I-A GENERAL DESIGN AND PRE-FEASIBILITY STUDY

REF: Law on Planning and Construction (LPC), Art. 111-115, 117, 131, 132.
 Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Articles 14 and 34.
 Rulebook on the content and extent of the preliminary work, pre-feasibility study and feasibility study

When and for what needs are the general design and the pre-feasibility study made?

The general design is made:

- For the purpose of making the planning document;
- For facilities referred to in Article 133 of the LPC;

Pre-feasibility study, the integral part of which is the general design, is made mandatory only for the facilities financed from the budget.

For construction of the facilities referred to in Article 133 of the LPC, for which the location conditions cannot be issued based on the planning document, the pre-feasibility study, with the general design, is not made

The pre-feasibility study with the general design (or the feasibility study with the conceptual design) are also made for the purpose of obtain the energy permit, for the facilities for which it is stipulated by the Energy Law.

What is the base for making the general design and pre-feasibility study?

The general design and pre-feasibility study are made based on the results of preliminary work, which depending on the class and characteristics of the facility, include:

- Researches, analysis, designs and other expert material;
- Obtaining data for analysis and development of engineering, geological, geotechnical, geodesic, hydrological, meteorological, urban planning, technical, technological, economy, energy, seismic, water management, and traffic conditions;
- Obtaining conditions for environmental and fire protection;
- Obtaining other conditions that affect the construction and use of a particular facility;

Are the general design and pre-feasibility study subject to revision and what does it entail?

Yes, the general design and pre-feasibility study are subject to revision, which is an expert control procedure implemented by a committee formed by the minister in charge of construction affairs. The costs of the revision is borne by the investor.

The revision verifies the concept of the facility, especially with respect to:

- Suitability of the location with regard to the type and intended use of the facility;
- Facility construction conditions with respect to application of the environmental protection measures;
- Seismic, geotechnical, traffic, and other conditions;
- Providing energy conditions in relation to the type of planned fuels;
- Technical and technological features of the facility;
- Technical, technological and organizational solutions for construction of the facility;
- Modernity of technical solutions and compliance with development programs in this area;
- Other stipulated conditions for the facility construction.

What is the goal of making the general design?

The goal of the general design is:

- Considering resources and spatial possibilities and limitations of the facility construction;
- Adopting general conceptions, macro locations and spatial dispositions of the facility, through assessment procedures;
- Establishing basic functional, technological and technical features of the facility;
- Defining the stages of construction;
- Establishing exploitation terms and relations with surrounding area and environment;
- Selecting optimal corridors for the line infrastructural facilities;
- Establishing the base for economic analysis.

In the event that several variant solutions were analyzed during the making of the general design, the optimal variant is selected based on natural, technical, technological, economic, functional, environmental and other conditions.

What is the content of the general design?

The general design includes in particular the data on:

- Macro location of the facility;
- General disposition of the facility;
- Technical and technological concept of the facility;
- Method of providing the infrastructure;
- Possible variants of the spatial and technical solutions, from the aspect of fitting into the area;
- Natural conditions;
- Environmental impact assessment;
- Geological engineering and technical characteristics of the land from the aspect of determining the general concept and feasibility of construction of the facility;
- Investigation works for making of the preliminary design;
- Protection of natural and immovable cultural property;
- Functionality and rationality of the design.

General design graphic documentation is made in a scale that enables the quality presentation and view of the relevant data for a particular facility, which for the line infrastructure facilities normally means 1:25000-1:100000, and for other facilities the appropriate scale determined by the designers, according to the rules of the profession.

What is determined by the pre-feasibility study?

The pre-feasibility study determines in particular:

- The spatial, ecological, social, financial, market and economic justification of the investment for the various solutions defined by the general design, based on which the planning document is prepared;
- The decision made on the feasibility of investing into preliminary works for the preliminary design and the feasibility study.

IX/I-B PRELIMINARY DESIGN AND FEASIBILITY STUDY

REF: Law on Planning and Construction (LPC), Art. 111-115, 118, 131, 132.
 Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Articles 16 and 42.
 Rulebook on the content and extent of the preliminary work, pre-feasibility study and feasibility study

When and for what needs are the preliminary design and the feasibility study made?

The preliminary design is made for the construction of the facilities stipulated in Article 133 of the LPC, and it is the base for making the construction permit design and the construction design.

Making of the feasibility study, which is a part of the preliminary design, is mandatory only for the facilities financed from the budget.

The feasibility study, with the preliminary design (or the pre-feasibility study with the general design), is also made for the purpose of obtaining the energy permit, for the facilities for which this is a requirement under the Energy Law.

On what basis is the preliminary design made?

The preliminary design is made based on the general design and the location conditions, and is used to elaborate the concept of the facility determined in the general design, i.e. location conditions.

Are the preliminary design and the feasibility study subject to revision and what does it entail?

Yes, the preliminary design and the feasibility study are subject to revision, which is an expert control procedure implemented by a committee formed by the minister in charge of construction affairs. The costs of the revision is borne by investor.

The revision verifies the concept of the facility, especially with respect to:

- Suitability of the location with regard to the type and intended use of the facility;
- Facility construction conditions with respect to application of the environmental protection measures;
- Seismic, geotechnical, traffic, and other conditions;
- Providing energy conditions in relation to the type of planned fuels;
- Technical and technological features of the facility;
- Technical, technological and organizational solutions for construction of the facility;
- Modernity of technical solutions and compliance with development programs in this area;
- Other stipulated conditions for the facility construction.

What is determined by the preliminary design?

Preliminary design is a set of mutually harmonized designs that determine:

- Intended use;

- Position, shape, and appearance;
- Capacity, technical-technological and functional features;
- Optimal routes, under specific conditions and limitations, with all supporting facilities, for the line infrastructure facilities;
- Provisional evidence of the fulfillment of the basic requirements for construction of the facility.

How is the content of the preliminary design determined?

The preliminary design made for the purposes of the feasibility study and/or revision (expert control) for the facilities stipulated in Article 133 of the LPC, contains:

- The design that spatially defines the facility (architecture or other);
- Other field-specific designs, which are, depending on the type and class of the facility, necessary or required by special regulations.

The head designer determines which field-specific designs will be included in the preliminary design, depending on the class and intended use of the facility.

What is determined by the feasibility study?

The feasibility study determines in particular the spatial, ecological, social, financial, market and economic justification of the investment for the selected solutions, elaborated in the preliminary design, which is its integral part;

For the designs financed from the state budget, the decision on feasibility of the investment is made based on the feasibility study.

Are the studies enclosed to the preliminary design, as attachments?

No. The preliminary design made for the purposes of the feasibility study and/or revision (expert control) for the facilities stipulated in Article 133 of the LPC, does not include studies.

Can the preliminary design deviate from the conceptual design that is an integral part of the location conditions?

The preliminary design for facilities for which the location conditions have been issued, is the elaboration of the planned concept of the facility determined by the conceptual design, based on which the location conditions were obtained, and its compliance with this conceptual design is mandatory only in respect of the essential elements being the base for determining these location conditions, i.e. conditions for design and connection (depending on the type of the facility, i.e. works, e.g.: intended

use, GBA, dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.).

The preliminary design can deviate from the conceptual design also in terms of the essential elements that present or state data necessary to determine the location conditions, if the modification is made during the elaboration of the technical documentation, as well as for the purpose of harmonizing the design with the conditions for design and connection, whereas such deviations cannot be in collision with the planning document, or other conditions for design and connection issued for the particular facility.

CONTENTS OF THE PRELIMINARY DESIGN for facilities referred to in Article 133 of the LPC

MAIN VOLUME	<ul style="list-style-type: none"> • General contents - completed Form from Annex 1 of the RTD • Decision on appointment of the head designer, signed by the investor, Annex 8 of the RTD • Statement of the head designer, confirming the conformity of the design segments, Annex 3 of the RTD • Summarized technical description of the existing and planned state, facilities, installations and equipment, signed and certified by the head designer
DESIGNS	<ul style="list-style-type: none"> • contains all designs that are, depending on the works, necessary, and as the mandatory segment - the design that spatially defines the facility (architecture or other)
GENERAL DOCUMENTS	<ul style="list-style-type: none"> • general data from Article 28 of the RTD – in the form provided in Annex 9 • decision on the appointment of the responsible designer for the respective segment of the design – Annex 8 of the RTD • the statement of the responsible designer on compliance with the location conditions, regulations, measures for fulfilling the basic requirements – Annex 4 of the RTD
TEXTUAL DOCUMENTS	<ul style="list-style-type: none"> • technical description with general data on the facility, type of works, selection and description of the planned materials, installations, and equipment, list of planned works, etc.
NUMERICAL DOCUMENTS	<ul style="list-style-type: none"> • tabular view of the facility surfaces by areas and floors, general calculations for construction, installations, and equipment, consumption estimates, etc.
GRAPHIC DOCUMENTS	<ul style="list-style-type: none"> • in architecture design: site plan (1:500-1:200) on the geodetic map, foundation base, floor plans with dimensions and relative levels, roof plan, two characteristic, perpendicular cross-sections, and the appearance of the facility (1:200, 1:100); • in the structural design, and other civil engineering designs: disposition, structural system, position plan, and dimensions of the key structural elements, base plans, characteristic cross-sections. • in installation designs: basic layout schemes for installations, equipment and plants, showing their interconnection, as well as their connection to the infrastructure. <p>For the line infrastructure facilities, graphic attachments are, as a rule, made in the scale 1:2500 – 1:1000</p>

The graphic attachments to the PD are made in the scale shown in parentheses, or in another appropriate scale that allows a clear view, depending on the class and intended use of the facility

Geodetic plan of the PD is the topographic survey of the subject location integrated with the cadastral plan and abstract from the duct cadaster, made by the registered geodetic organization with the appropriate license

IX/I-C CONSTRUCTION PERMIT DESIGN

.....

REF: Law on Planning and Construction (LPC), Article 118a
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Art. 17, 50-59.

What is the Construction Permit Design?

The Construction Permit Design is a set of mutually harmonized designs that determine:

- The situation and capacity of the facility on the location;
- Functionality from the aspect of technological and other requirements;
- Spatial shaping;
- Selection of the structural system and dimensioning of the main structural elements;
- General selection of construction materials, installations and equipment;
- Other elements essential for compliance with the location conditions and basic requirements for the construction.

In addition, for the line infrastructure facilities, the construction permit design unambiguously defines the route of the facility, with all necessary elements, allowing only micro-shifts in relation to the route specified in the preliminary design (if made), for the purpose of work optimization.

What is the purpose and the basis of the construction permit design?

The Construction Permit Design is made for the purpose of obtaining the construction permit.

The Construction Permit Design is drafted based on the issued location conditions, relevant regulations, measures for fulfilment of the basic requirements for the facility determined in the studies (if made), and rules of profession.

For the facilities referred to in Article 133, paragraph 2 of the LPC, the construction permit design further elaborates the solutions determined in the preliminary design.

What does the content of the construction permit design depend on?

The content of the construction permit design depends primarily on the degree of complexity of the facility, i.e. on the category of the facility determined by the Rulebook on Classification of Constructions (RCC), and depending on the specified category, it contains:

- For category A facilities: architecture design with the statement of the responsible designer that the facility has adequate structural bearing and stability;
- For category B facilities: architecture design and structural design of the facility, as well as technical description of installations;
- For category C facilities: architecture design and structural design, installations design, as well as every field-specific design relevant for the subject facility and fulfilment of the basic requirements for the facility;
- For category D facilities: field-specific designs relevant for the subject facility and fulfilment of the basic requirements for the facility;

Are all segments specified in the RTD obligatory for the construction permit design for facilities in categories C and D?

Within the construction permit design, only necessary segments of the design are made, i.e. the field-specific designs covering the works that will be executed.

For example, preparatory work design is only made if needed, namely in case of securing the foundation pit, the air-conditioning design, or fixed fire extinguishing installations (sprinkler) design will be made only if such installations are envisaged in the facility, etc.

The head designer determines which designs will be made within the construction permit design, and specifies the content of the design in the main volume of the construction permit design.

Is the construction permit design subject to the technical design review?

Yes, technical design review is performed for all field-specific segments of the Construction Permit Design. For category B facilities, the technical descriptions of installations, which are attached to the textual documentation of the architecture design, are not subject to the technical design review.

There is no technical review of the studies enclosed with the construction permit design, only the verification whether the measures for fulfilment of the basic requirements determined in these studies, were implemented in the construction permit design.

Is the main volume of the construction permit design also enclosed with the abstract from the construction permit design?

Yes. The construction permit design contains one, unified main volume, which is always enclosed with the abstract from the construction permit design for a particular facility.

How to determine the scope and content of the construction permit design for engineering constructions?

In the case of engineering constructions (category D), the scope and content of the construction permit design, or parts thereof, is determined according to the rules of the profession, ensuring that the level corresponding to the construction permit design is achieved.

Is the Construction Permit Design subject to special approvals?

No approval is required for the construction permit design.

Can the construction permit design deviate from the conceptual design that is an integral part of the location conditions?

The construction permit design is the elaboration of the planned concept of the facility determined by the conceptual design based on which the location conditions were obtained, and its compliance with this conceptual design is mandatory only in respect of the essential elements being the base for determining these location conditions, i.e. conditions for design and connection (depending on the type of the facility, i.e. works e.g.: intended use, GBA, dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.).

The construction permit design can deviate from the conceptual design also in relation to the essential elements that present or state data necessary to determine the location conditions, if the modification is made during the elaboration of the technical documentation, as well as for the purpose of harmonizing the design with the conditions for design and connection, whereas such deviations cannot be in collision with the planning document, or other conditions for design and connection issued for the particular facility.

CONTENTS OF THE CONSTRUCTION PERMIT DESIGN

<p>MAIN VOLUME</p>	<ul style="list-style-type: none"> • General contents - completed Form from Annex 1 of the RTD • Decision on appointment of the head designer, signed by the investor, Annex 8 of the RTD • Statement of the head designer, confirming the conformity of the design segments, Annex 3 of the RTD • Statements of authorized persons, if the studies are made, Annex 6 of the RTD; • Summarized technical description of the existing and planned state, facilities, installations and equipment, signed and certified by the head designer
.....	
<p>DESIGNS</p>	<ul style="list-style-type: none"> • each field-specific segment of the CPD contains:
.....	
<p>GENERAL DOCUMENTS</p>	<ul style="list-style-type: none"> • General data from Article 28 of the RTD In the form provided in Annex 9 • Decision on the appointment of the responsible designer for the respective segment of the design – Annex 8 of the RTD • The statement of the responsible designer of the subject design, confirming compliance with the location conditions, regulations, rules of profession, and measures for fulfilling the basic requirements for the facility provided by the studies, Annex 4 of the RTD • For drafting technical descriptions of installations in the construction permit design for category B facilities, a decision on the appointment of a responsible designer of installations is issued, which is, together with the statement of the responsible designer, enclosed to the general documentation of the architecture design.
.....	
<p>TEXTUAL DOCUMENTS</p>	<ul style="list-style-type: none"> • Technical description with: general data on the facility location, description of climatic conditions and seismic zones, and other conditions of the facility location, description of the previously conducted researches, description of compliance with location conditions, formation, program and functional features of the facility, information on the facility structure, foundation engineering conditions, and selection of the structural system, description of envisaged materials, data on designed interior and exterior installations and equipment, as well as definition of the total consumption, description of construction stages and phases, description of the measures for fulfilment of basic requirements for the facility, etc. • In case of upgrading the facility (including adding new floors), the technical description shall also contain the assessment of structural bearing and stability of the existing facility structure, which determines the possibility of executing the designed works • For category B facilities, technical description is enclosed with the textual documentation of the Architecture Design. • For facilities in Category A, technical description of the Architecture Design must include description of the method for connecting to the utility infrastructure, or if the facility is not connected to the utility infrastructure, the method for water supply, waste water disposal, and power supply.

NUMERICAL DOCUMENTS

- Tabular view of the facility surfaces by areas and floors, with their intended uses
- General structural calculations, and calculations for supporting structure elements and foundations, with dimensions
- Calculations regarding the type of installations and equipment, in order to determine the needs of the facility and estimate consumption,
- Evaluation of the designed works, etc.

GRAPHIC DOCUMENTS

- Architecture: site plan (1:500-1:200) on the geodetic map, foundation base, floor plans with dimensions and relative levels, roof plan, two characteristic, perpendicular cross-sections, and other characteristic cross-sections, the appearance of the facility (1:200-1:100)
- Structural design, and other civil engineering designs: disposition, structural system, position plan, and dimensions of the key structural elements, base plans, characteristic cross-sections, characteristic details and schemes.
- installations: basic layout schemes for installations, equipment and plants, showing their interconnection, as well as their connection to the infrastructure, with connection point in the facility, and connection point to the existing infrastructure, within the land lot
- Technology: disposition views with elements that affect the fulfillment of the basic requirements for the facility
- Exterior development: site plan and levelling plan (1:500–1:200), land development base, and two characteristic, perpendicular cross-sections, when the terrain is sloped
- For the line infrastructure facilities, graphic attachments are, as a rule, made in the scale 1:1000 – 1:250

The graphic attachments to the CPD are made in the scale shown in parentheses, or in another appropriate scale that allows a clear view, depending on the class and intended use of the facility
Geodetic plan of the CPD is the topographic survey of the subject location integrated with the cadastral plan and abstract from the duct cadaster, made by the registered geodetic organization with the appropriate license

STUDIES

- Study of the geotechnical conditions for construction, made in accordance with the regulations governing geological research
- Fire protection study, defining the fire protection measures, the content of which is specified in Annex 11 of the RTD, which is drafted if, in accordance with the LFP, it is mandatory for the respective building to make the main design for fire protection and obtain approval for the construction design
- Energy efficiency study - for buildings for which the determination of energy properties is required - made according to the regulations on energy efficiency of buildings
- Environmental impact assessment study, if the need for environmental impact assessment is established, in accordance with the regulations governing this area (Rulebook on Energy Efficiency of Buildings)
- Depending on the type and class of the facility, other studies prepared in accordance with the regulations in the relevant field, are enclosed with the construction permit design, as needed, to prove the fulfillment of the basic requirements for the facility

IX/I-D TECHNICAL DESIGN REVIEW OF THE CONSTRUCTION PERMIT DESIGN

REF: Law on Planning and Construction (LPC), Article 129 and 129a
 Rulebook on Content, Method and Manner of Development and Performing Control of
 Technical Documentation According to Class and Intended Use of the Constructions (RTD),
 Article 4, Art. 76-83

Which designs are subject to technical design review?

Technical design review is performed only for the Construction Permit Design, i.e. for its field-specific segments.

The construction permit design prepared in accordance with the regulations of other countries, shall be subject to the technical review in order to determine the compatibility of this documentation with the LPC and other regulations, standards, technical and quality norms applicable in the Republic of Serbia. Technical design review is conducted on the copy of the design that is translated into Serbian language.

The following is not subject to technical design review:

- Technical description of installations, enclosed with the textual documentation of the Architecture Design for category B facilities;
- Studies determining the measures for fulfilling the basic requirements for the facility, which are enclosed with the construction permit design.

Who appoints the technical design reviewer and who can perform the technical design review?

Technical design reviewers are appointed by the investor.

Technical design review may be performed by a company, and/or other legal entity and entrepreneur which fulfils the conditions for the preparation of technical documentation prescribed by the law.

Technical design review may not be performed by a responsible designer that drafted the subject design, i.e. which is employed in the company that drafted the design, or a company that is the investor.

What is the scope of the technical design review?

Technical design review comprises in particular the review of:

- Compatibility of the construction permit design with the location conditions;

- Conformity of the construction permit design with law and other regulations, and with the technical norms, standards and requirements applicable to the design and construction of the respective type and class of facility;
- Whether the Construction Permit Design has all necessary segments, as defined by provisions of the RTD;
- Whether the results of all preliminary and investigative works carried out for the construction permit design, were correctly applied in the construction permit design, as well as whether all general and special technical, technological and other bases (plans) and data were included in the design;
- Whether the construction permit design provides technical measures for fulfilling the basic requirements for the respective facility.

For facilities referred to in Article 133 of the LPC, Technical Control includes also verification of compliance with the requirements of the committee performing the expert control of the general and preliminary design (revision committee).

If the revision committee, whose report on performed expert control of the Preliminary Design is enclosed with the construction permit design, pointed out certain deficiencies in the preliminary design, and determined the requirements that the designer must fulfil in the construction permit design, in the report delivered to the investor, the technical control supervisor will note in particular whether the requirements of the committee were fulfilled.

What is the procedure if the technical design review establishes that there are irregularities in the design?

In case of discovering irregularities in the construction permit design, the technical design reviewers will submit the report with conclusion, stating the measures to be taken by the investor in order to eliminate them.

How to confirm that the design has no irregularities?

After eliminating all comments made by the technical design reviewers, the following actions are taken to confirm that the design has no irregularities:

- Representative of a legal entity that performed the technical design review, i.e. entrepreneur, will produce the final report on performed control, stating that there are no objections to the construction permit design, i.e. that all established deficiencies have been eliminated from the separate segments thereof;
- The final report on the performed technical design review is signed by the technical design reviewers of the separate design segments, as well as the representative of the legal entity

- that performed the technical design review, i.e. entrepreneur;
- Certified final report is delivered to the investor;
 - Summary of the report on the technical design review, with confirmation of the technical validity of the project documents, is enclosed to the abstract from the construction permit design, as integral part of the technical design reviewer's statement, the form of which is provided in Annex 5 of the RTD;
 - The technical design review of a separate segment of the construction permit design confirms the validity of that segment by giving the statement, on a separate page that is in the electronic document shown immediately after the front page of the respective design segment, with the following text: "Design is accepted", along with the details on the legal entity, i.e. entrepreneur that performed the technical control of that segment, and date of the technical control. This statement must be certified and signed as provided in Annex 12 of the RTD.

IX/I-E ABSTRACT FROM THE CONSTRUCTION PERMIT DESIGN

REF: Law on Planning and Construction, Articles 8f and 135
 Rulebook on the process of electronic implementation of the integrated procedure (POP), Articles 16 and 22
 Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Article 33

For what needs is the abstract from the design made?

Abstract from the design (or Design Abstract) is made for the purpose of obtaining the construction permit, in order to enable the competent authority to efficiently and thoroughly verify the compliance with the formal requirements for construction, and issue the construction permit, without the assessment of the technical documentation.

What is included in the Design Abstract?

Abstract from the design contains basic information about the facility and participants in the construction, location data, and other documents presenting the compliance of the designed facility with the issued location conditions, fulfillment of the basic requirements for the facility, and other data of importance for decision making in the administrative procedure, as shown in this Section, on page 63.

Who is responsible for the conformity of the data in the Design Abstract with the contents of the construction permit design?

Head designer is responsible for the compliance of the data provided in the Design Abstract with the

contents of the construction permit design, and he/she certifies it with signature and license seal, in the main volume statement, and on the design abstract front page.

- *The graphic attachments to the Design Abstract are made in the scale that allows a clear view, depending on the class and intended use of the facility*
- *The graphic attachments to the Engineering Constructions Design Abstract are made according to the rules of the profession, at the level corresponding to the graphic attachments to the building design abstract, in appropriate scale depending on the class and intended use of the facility*
- *The graphic attachments that are integral part of the design abstract are made on geodetic plans from the construction permit design, which can be used in electronic form. They are not certified by the Competent authority for State Geodetic Survey and Cadaster, nor should they be drawn on copies that contain certification, but their authenticity, i.e. compliance with the data from the construction permit design, is confirmed the head designer*

CONTENT OF THE ABSTRACT FROM THE CONSTRUCTION PERMIT DESIGN

FRONT PAGE	<ul style="list-style-type: none"> The form of the Abstract front page is provided in Annex 2 to the RTD contains signature and seal of the head designer, confirming the compliance of the Design Abstract with the data from the CPD
TECHNICAL CONTROL	<ul style="list-style-type: none"> Statement of the technical control supervisor, with technical control summary, is enclosed with the Abstract the form of the statement is provided in Annex 5 to the RTD
CPD MAIN VOLUME	<p>Contains the following Annexes:</p> <ul style="list-style-type: none"> completed form of the Main Volume mandatory content, Annex 1 to the RTD decision on appointment of the head designer, signed by the investor, Annex 8 of the RTD statement of the head designer, Annex 3 of the RTD statements of authorized persons, Annex 6 of the RTD; summarized technical description of the existing and planned state, facilities, installations and equipment, signed and certified by the head designer
GRAPHICAL APPENDICES	<p>Depending on the type and class of the facility, they contain site plan, showing the position of the facility on the location, its outline, with numbers of cadastral lots where the facility is located, and the number of adjacent cadastral lots, construction lines or construction boundaries, determination lines, outline dimensions of the facility, distance from adjacent lots and constructions, absolute and relative levels, in the form of the following presentation (for buildings):</p>
SITE PLAN WITH THE ROOF VIEW	<ul style="list-style-type: none"> roof entering point: information on the number of floors and height of the facility absolute and relative level of the public road used to access the facility (both pedestrian and vehicle) absolute and relative levels defining the height of the building determined by location conditions
SITE-LEVELLING PLAN WITH THE GROUND FLOOR BASE	<ul style="list-style-type: none"> connection between the facility and terrain (ramps, staircases, etc.) projections of overground and underground parts of the facility view of the green areas and other free surfaces absolute and relative level of the public road used to access the facility (both pedestrian and vehicle), absolute and relative levelling points absolute and relative levels of the ground floor, entrance and access to the facility entrance
SITE-LEVELLING PLAN WITH THE TRAFFIC SOLUTION	<ul style="list-style-type: none"> view of the way and flow of access traffic to public road view of the areas for parking and emergency access absolute and relative level of the public road used to access the facility (for vehicles) absolute and relative level of the car garage entrance (if any)
SITE PLAN WITH DRAWING OF UTILITY INSTALLATIONS ON THE LOT	<ul style="list-style-type: none"> view of connections to public utilities and other infrastructure, specifying the capacity, i.e. the connection dimensions
BASE PLAN OF THE FLOOR WITH THE ACCESS TO THE LIGHT WELL	<ul style="list-style-type: none"> only if the access is not provided from the ground floor common area

The contents of these views can be combined and displayed on a small number of graphics attachments, solely in a way that allows a clear view of and consideration of all of the above content.

IX/I-F PROPERTY AND LEGAL RELATIONS, AND ESTABLISHING THE CONSTRUCTION RIGHTS

REF: Law on Planning and Construction (LPC), Art. 53, 69, 135 and 145
Rulebook on the process of electronic implementation of the integrated procedure (POP),
Articles 16 and 19

Amendments to the LPC from December 2014, made several crucial changes with respect to property and legal relations:

- Before the amendments to the LPC, it was necessary to obtain appropriate rights over the land, i.e. facility, prior to applying for the location permit. Now, the location conditions for any lot can be issued to any applicant, and the obligation of resolving the proprietary relations is moved to the construction permit application phase.
- The right of use of the construction land qualifies the investor for obtaining the construction permit, but the Law on conversion of the right of use to ownership right over the construction land with compensation, limited this to the period until 28 July 2016;
- The principle of unity of immovable property is introduced to unify property rights on land and on the construction.

Forming the cadastral and the construction lot

Location Conditions are issued for the cadastral lot that complies with the requirements for the construction lot. The applicant may apply for location conditions for several cadastral lots (for construction of line infrastructure facilities and utility infrastructure facilities, as well as when the subject land lots, in line with the planning document, require re-allocation for the purpose of separation of land for construction of public use facilities or public areas, the location conditions can be obtained for specific parts of cadastral lots). Regardless, the obligation remains to merge these lots (or the parts thereof) in one single lot, if they are used for construction of the facility.

An important difference in relation to the previous law is that this obligation to merge cadastral lots is effective prior to applying for the usage permit. Also, the applicant for the location conditions need not have any right over the respective lots, which may be owned by different persons, but when submitting the building permit application, the applicant must have appropriate right over all lots covered by the application.

Special cases of construction lot formation are elaborated in article 69 of the LPC, as follows:

- The facilities for which the separate construction lot is not formed (paragraphs 2, 4, and 10);
- Facilities for which the construction lot deviates from the prescribed surface area or position (paragraphs 1 and 6);

- Forming the construction lot for tunnels and other constructions consisting of aboveground and underground parts (paragraph 3);
- Construction of facilities on agricultural land (paragraph 6).

What rights are recognized for submitting the application for the construction permit?

- The right over the construction land:
 - (Property) Title;
 - Right to lease construction land in public ownership;
 - Right to lease acquired in line with the Law on conversion of the right of use to ownership right over the buildable land with compensation;
 - Registered right of use of construction land not eligible for conversion of the right of use to ownership right without compensation, until 28 July 2016;
- Evidence of resolved proprietary relations that are recognized for the constructions referred to in Article 69, paragraphs 1 and 2 of the LPC, as follows:
 - for constructions in paragraph 1, i.e. for line infrastructure facilities referred to in Article 2, point 26) of the LPC, utility infrastructure from Article 2, point 27) of the LPC, electric power facility (facilities for production, transmission, transformation or distribution of electricity) electronic facilities or communication networks and devices, as well as
 - for the facilities from paragraph 2, i.e. for the pole transformer stations 10/04 kV and 20/04 kV, gas metering and regulation consumer stations, power distribution and transmission posts, anemometer and meteorological posts, as well as electronic communication posts:
 - The agreement on creating easement for such purposes, or the lease agreement on private land, concluded with the owner of the land, in accordance with special regulations,
 - The agreement on creating easement for such purposes on the land in public ownership, concluded with the land owner, i.e. user who is the holder of public authority,
 - List of cadastral lots, with enclosed consent of owners, i.e. users, for construction, upgrade or reconstruction of utility infrastructure and line infrastructure and electric power facilities,
 - Decision on creating easement by expropriation of the land for specific use, non-appealable in administrative procedure,
 - Final court decision in the non-contentious proceedings on creating easement of the land for specific use,
- Other rights: for construction or execution of work on the construction land or facility with several owners, the evidence of entitlement can be provided in form of certified consent of the owners, and in case of construction of additional floors or converting common areas into residential, i.e. business premises, the evidence of regulating mutual relations with the owner(s) of separate parts of the facility is also submitted, in line with the law regulating maintenance of buildings.

- **Special cases when the evidence of resolved proprietary relations IS NOT SUBMITTED**
 - Construction of utility infrastructure within the regulation line of existing road, in line with the factual situation on the site;
 - Realization of the passage rights under or above the land, namely on the land above the underground parts of utility infrastructure and line infrastructure, electric power and electronic facilities, communication networks and devices, i.e. facilities referred to in Article 69, paragraph 1 of the LPC, as well as on the land under high voltage transmission lines and wind generator blades, since this right is established by the law.

Evidencing existence of proprietary and legal base

If the corresponding right on land or facility is entered in the public register, or established by law, no proof of such right is filed with the construction permit application.

For construction or execution of works on construction land where the right to lease was established in line with the Law on conversion of the right of use to ownership right over the construction land with compensation, the construction permit application shall include the lease agreement as provided in Article 18 of that Law.

Exceptionally, when the holder of the right of use is a person who is not entitled to convert this right in the ownership right without compensation, until 28 July 2016 it is possible to enclose with the construction permit application the excerpt from the real estate folio showing the registration of the right of use in favor of the applicant, given that in this period, the right of use of the land is a valid base for issuing the construction permit.

Notes

- The rights on the land or facility, being the condition for issuing the Approval of Works under Article 145 of the LPC, are the same rights provided under the title **What rights are recognized for submitting the application for the construction permit?**, i.e. the rights stipulated in Article 135 of the LPC;
- The right to lease is no longer the typical proprietary/legal base for construction on the public land. Prior to construction, the land in ownership, as a rule, is appropriated from private owners, rather than being given under long-term lease. Exceptionally, the owner of the construction land in public ownership may lease the construction land in the following cases:
 - For construction of a facility for which the temporary construction permit is issued,
 - For realization of projects of importance to the Republic of Serbia,

- For granting concessions, or assigning the utility activities, and establishing public-private partnership;
- When the agreement on creating the easement, or the consent of owner/user of the land is provided as evidence on resolved proprietary and legal relations on the land, the competent authority for State Geodetic Survey and Cadaster registers the right on the facility only, and the agreement, i.e. the owner's consent is entered into the real estate folio kept by the competent authority for State Geodetic Survey and Cadaster.

Competent Authority's activities in the integrated procedure relating to evidence of resolved proprietary relations on the land for the constructions referred to in Article 69, paragraphs 1 and 69 of the LPC

For avoiding any doubts in application, the Ministry of Construction, Traffic and Infrastructure issued the Opinion on Application of the Provisions of Article 69 of the LPC dated 28 April 2016, providing a precise interpretation with respect to the following issues:

- To which facilities the Article 69 of the LPC applies?
- When is the forming of the construction lot mandatory and for which facilities?
- What is recognized as evidence on resolved proprietary and legal relations on the land, and in which cases it is not mandatory to submit such evidence?
- What are the obligations and rights of the owner and possessor of the adjacent and surrounding land?

Bearing in mind the above provisions, it has been established that the competent authorities are obliged to implement the integrated procedure by taking into account that:

- there is an obligation to provide evidence of regulated proprietary and legal relations with the owner of the lot for the facilities referred to in Article 69, paragraph 2 of the LPC, as well as for aboveground parts of the facilities referred to in Article 69, paragraph 1 of the LPC (main facility, entrance and exit points, manholes, etc.), and the competent authority shall obtain the extract from the real estate folio for these lots;
- there is an obligation to provide evidence of regulated proprietary and legal relations with the owners and possessors of the land used for access to the facility, i.e. equipment, for maintenance and repair of malfunction or breakdown, only if the access is used for facilities for which the formation of the construction lot is mandatory;
- there is no obligation to provide evidence of regulated proprietary and legal relations with the owner of the lot for the underground parts of the facilities referred to in Article 69, paragraph 1 of the LPC, as well as for the land under high voltage transmission lines and wind generator blades, since the right of construction without the obligation of prior regulation of property-legal relations with the owner of the lot is established by law, and the

- competent authority does not obtain the excerpt from the real estate folio for these lots;
- there is no obligation to provide evidence of regulated proprietary and legal relations with the owners and possessors of adjacent and surrounding land for passage and transport for execution of works during the construction, since this right is established by the law;

IX/I-G CONSTRUCTION ON UNDEVELOPED LOCATIONS: WHAT IF THE LOT LACKS CERTAIN INFRASTRUCTURE?

REF: Law on Planning and Construction (LPC), Art. 2, paragraph 1, point 43, Art. 92, 135, and 135a
Regulation on Location Conditions (RLC) Art. 2 and 26.
Rulebook on the process of electronic implementation of the integrated procedure (POP), Articles 16, 22, 28, 31, and 33.

The procedure in case of the construction on underdeveloped locations is best illustrated by a case scenario, where a certain infrastructure is missing for the construction and connection of the facility, envisaged by the concept design, and the investor is willing to invest in its construction.

The content of the location conditions with respect to the missing infrastructure

Example: For the future facility, in the conceptual design the investor envisaged access to public road, and connection to the remote heating system and electricity distribution system. The competent authority delivers the conditions for design and connection to the holders of public authority. Since the public road, to which the lot has access in accordance with the conceptual design, has not been executed, it is to be assumed that the municipal construction directorate will issue the design and connection conditions related both to access to the public road and the connection to the remote heating system. Regional electricity distribution enterprise will issue conditions for connection to the electricity network. We will also assume that the road to which the subject lot has access is provided in the planning document, but in the construction land development program it is not planned to be executed until the deadline for completion of the works on the facility for which the construction permit is requested; the same applies to the connection to the heating system (heat substation is missing) and the electricity network (part of the distribution network is missing).

In this case, with respect to the conditions pertaining to access to public road, in conditions for design and connections the directorate will:

- Ascertain that the lot in question has access to the road that has not been executed, and that at the moment of issuing the location conditions there are no factual conditions for the construction of the facility in accordance with the submitted conceptual design, i.e. that the conclusion of a contract on the construction of missing infrastructure with the appropriate holder

of public authority is the precondition for issuing the construction permit.

- Indicate the reasons why the facility for which the application was submitted cannot be realized without the construction or upgrade of the utility or other infrastructure, i.e. additional preparation or development of the construction land, as well as the anticipated schedule for construction of the missing infrastructure, in accordance with the construction land development program;
- Provide provisional conditions for execution on contract on joint preparation, i.e. development of the construction land, in order to bring the existing infrastructure to the level necessary for connection of the facility envisaged in the conceptual design;
- Specify alternative ways of securing the missing conditions, if any;

The same elements will be included in the requirements for design and connection that relate to the remote heating system, issued by the directorate, as well as the requirements for design and connection drafted by the electricity distribution company.

: **In the part related to the provisional conditions for concluding a contract for**
 : **joint preparation, i.e. development of the construction land, holder of public**
 : **authority may provide an estimate of the necessary funds, as well as an**
 : **estimate of the investor's participation in the financing of such works, and**
 : **the ability of the investor to obtain the status of the financier. This applies**
 : **only if these elements can be identified in the requirements for design and**
 : **connection, for example based on the acts of the local self-government unit**
 : **relating to the preparation and development of the construction land, speci-**
 : **fying that in case of priority realization of public traffic areas at the request**
 : **of natural persons or legal entities, it is required that their participation is at**
 : **least 50%. Holder of public authority is not obliged to provide the estimate**
 : **of the necessary works, or the necessary investor's share in the financing**
 : **thereof, if this obligation is not determined by an appropriate act.**

All above stated elements of the requirements for design and connection will be integral part of the location conditions.

Scenario A – missing infrastructure within the competence of the local self-government

With respect to alternative ways to provide the missing conditions within the competence of the local self-government, there is an important difference between ensuring the access to the public road, and other conditions provided by holders of public authority, including the connection to the remote heating system. Namely, the investor cannot obtain the construction permit if he did not enter into agreement with the holder of public authority for the construction of the road, which will provide access from the lot to the public road. On the other hand, the investor has more options when it comes

to the remote heating system. After obtaining the location conditions and any consultations with the directorate, the investor may decide that it is more cost-effective to plan another heating method, that to invest into a heating sub-station. In this case, it is possible to obtain the amended location conditions, i.e. to submit the application to the competent body for obtaining new conditions from one or more holders of public authority. These may be the conditions of the company that provides natural gas supplies, which were not required the first time, or the conditions of the electricity distribution company, if the amended conceptual design envisages electrical heating, which changes the capacities that need to be provided for that purpose.

In the event of executing the contract on joint development of the construction land, and that this agreement provides for co-financing of works by the investor, the investor is entitled to a reduction of the amount payable for the construction land development contribution in the amount of his share in financing the development of the construction land.

Competent authority and time limits for taking action

In case he is interested in the joint development of the construction land, the investor shall submit to the competent body a proposal for financing the development of the construction land. The competent authority in this case is either the authority responsible for issuing the construction permit or the organization responsible for development of the construction land (usually the local construction directorate).

The competent authority is required to respond to the proposal within 15 days from the receipt thereof. The respond may be in the form of counter-proposal, which practically opens negotiations between the local self-government unit and the investor. The competent authority, i.e. directorate, is not obliged to execute contract on providing the missing infrastructure with the investor, and in particular not under the conditions that it considers to be unfavorable to local self-government. On the other hand, the competent authority may conclude this contract without any significant co-financing by the investor, in cases where the investment is important for local self-government and when expediting the construction land development has economic or other justification.

Scenario B – missing infrastructure within the competence of the Republic or Autonomous Province

The investor needs to build a missing part of the infrastructure that is not within the competence of local self-government (e.g. the electricity distribution network) to connect his facility. In this case, the investor is not directed solely to the local self-government unit. If the municipality does not have sufficient funds to start the investment at a given moment, the investor can propose to the competent electricity distribution company to co-finance the construction of one part of the distribution network. In this case, the Article 92 of the LPC (preparing and developing the construction land

concluded between two private legal entities. The institute of financing authority was introduced by the amendments to the LPC to allow financial institutions, i.e. donor organizations, to obtain acquire certain rights related to the construction of facility, which were previously reserved for the investor, as well as to facilitate the conclusion of the construction contract in accordance with the internationally recognized standards (for example, FIDIC Yellow Book).

IX/I-H CONSTRUCTION LAND DEVELOPMENT CONTRIBUTION

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REF: Law on Planning and Construction (LPC), Art. 96-98
Regulation on the establishment of a single list of regional and local self-government units development for 2014 (Official Gazette of the RS, no. 104/2014)
Rulebook on the process of electronic implementation of the integrated procedure (REP), Art. 16, 22, 28, 31-33

What is the contribution for development of the construction land?

The contribution for development of construction land (hereinafter: contribution) is best viewed as a tax paid for exercising the right to construction, in order to avoid confusion as to what payment of the contribution actually means. Consequently, the payment of contribution **does not compel the local self-government to provide the investor with any missing infrastructure** (for this case, see the title: *Construction on undeveloped locations: what if the lot lacks certain infrastructure?*) The contribution is paid so that municipalities and cities provide one part of the funds necessary for covering the costs of previously built municipal infrastructure, as well as utility infrastructure that will be built in the future.

Who pays the contribution and when?

The contribution is paid by the investor. In line with the financing contract, if any, the obligation to pay contribution can be assigned to the financing entity.

The contribution is paid on a one-time basis, prior to the notification of works, or in installments, in which case the first installment is paid before the notification of the works, and at the time of the notification of the works, the security instrument is delivered.

When the contribution is not paid?

The compensation shall not be paid for the facilities for public use in public ownership, utility facilities and other infrastructures, production and storage facilities, underground levels of high-rise facilities (space intended for garaging vehicles, substations, power stations, storage rooms, laundry rooms, etc.), except for the parts of underground levels used for commercial activities, open playgrounds for children, outdoor sports fields and athletic tracks.

Who determines the amount of the contribution and how?

In cases where the payment of contributions is required, an integral part of the construction permit application is also the investor's statement on the contribution payment method. If the investor decides to pay the contribution in installments, for facilities with the total gross floor area exceeding 200 m², or containing more than two residential units, the integral part of the construction permit application is the statement on the type of security to be delivered.

The amount of the contribution is determined by the authority competent for issuing construction permits, in its decision on the construction permit. The payment method is also determined in the construction permit (one-time basis or installments, number of installments and the means of security, as well as right to reduction based on the contract with the holders of public authority on investing into construction land development). The calculation of the amount will be presented on the basis of the following formula, and the specific amounts of the average prices and coefficients used below are taken from a city in Western Serbia:

$$D = ((P_o - P_r) * P_c * K_z * K_n * K_o) - U_i$$

Where:

D: the amount of the contribution determined in the decision on the construction permit;

P_o: total net surface of the building under construction – we shall assume that it is 180m²;

P_r: surface of a previous facility on the same location that is being removed. It is important to note two things – it is necessary to work on a legally removable facility, and it is not necessary that the horizontal projection of the facility to be removed coincides with the horizontal projection of the future facility, but it is necessary that both facilities are located on the same lot. In our case, we will assume that the surface of the facility being removed is 80m², so that the effective surface for which the contribution is paid is 100m².

P_c: average price per square meter of newly-built apartments in the local self-government unit, i.e. city municipality, according to the latest published data of the statistical office. In case there is no published data for the given local self-government unit, P_c is the average price per square meter of a newly-built apartment in all of local self-government units with the same development level. These data are published by the Statistical Office of the Republic of Serbia, according to the local self-government groups. In our example, P_c is 82,088 RSD. If the data on the average price per square meter of newly-built apartments were not published for the city used as example, we would use data for the second development group in which the city is classified, and according to which, at this moment, the average price in this group is 78,194 RSD.

K: zone coefficient – determined by the local self-government unit according to the zones also determined by it. Cannot be greater than 0.1 and represents the key limitation of the contribution amount. In our example, the facility is in the third zone, for which the city determined the coefficient 0.054.

Kn: purpose coefficient – is the base for determining different amounts of the contribution for facilities with different intended use (primarily residential, business, production, etc.) Cannot be greater than 1.5. In our example, the facility is residential, for which the city determined the coefficient 1.2.

Ko: development coefficient pertains to the right of the local self-government unit to allow reduction of the contribution for construction on lots that are not fully developed in terms of necessary utilities. In our example, in case it is not possible to connect to sewerage network, the city provided for a 15% reduction of the contribution, which corresponds to missing sewerage development coefficient 0.85. This coefficient cannot be greater than 1.

Ui: infrastructure investments – represents the amount invested by the investor in the preparation and development of the construction land from his own funds, as determined by the contract with the local self-government unit, in accordance with Article 92 of the LPC, as well as the value of the land that the investor assigns to the local self-government unit for construction of infrastructure facilities. We will assume that, in line with the contract with the local self-government unit, the investor will invest 100,000 RSD for extension of the sewerage network, in order to enable connection of his facility to this network. Please note that it is not possible to reduce the amount of the contribution on two basis for the same missing infrastructure – both according to the development coefficient and on the basis of investments the construction land development. The investor investing in the missing infrastructure is entitled to decide on grounds for the reduction that will be calculated. Since in this case the amount of the contribution without reduction amounts to 531,930, the reduction based on the missing sewage network coefficient of 15% would amount to 79,790 RSD. This means that it is better for the investor to reduce the contribution for the amount of his investment (100,000 RSD).

With this reduction, the amount of contribution in this case is 431,930 RSD.

Calculation of the contribution for the construction land development on the example of a city	
Po	180 m ²
Pr	80 m ²
Pc	82,088 RSD
Kz (Zone 3)	0.054

Kn (residential)	1.2
Contribution before reduction	531,930 RSD
The amount of investment into sewerage network	100,000 RSD
Amount of reduction based on the missing sewerage investment coefficient (-15%)	79,790 RSD
The amount of contribution with the reduction for missing sewerage	431,930 RSD
One-time payment within 15 days from the issue of the construction permit (-40%)	259,158 RSD
One time payments prior to notification of works (-30%)	302,351 RSD
The amount of the installment in case of 36 installments	11,998 RSD

What reliefs are available to investors?

The investor who pays the contribution on a one-time basis, before notification of works, is entitled to a 30% reduction, hence the payable amount is 302,351 RSD. In case the investor decided to pay in installments, the minimum number of installments defined by the law is 36, so the amount of the monthly installment would be 11,998 RSD. In addition to these reliefs guaranteed by the law, the local self-government unit may also stipulate additional reliefs for investors. Thus, the city from our example envisaged a greater reduction (40%) for payment of the contribution within 15 days from the issuance of the construction permit, in which case the amount of the contribution would be 259,158 RSD.

Security instrument for payment of the contribution in installments

Must be submitted until the notification of works. There is no obligation to deliver a security instrument for facilities with a total gross building area not exceeding 200 m², and which does not contain more than two residential units. Acceptable security instruments:

- Irrevocable first-demand bank guarantee, without objections, in the total amount of outstanding installments, issued for a period that must be three months after the due date of the last installment;
- Mortgage on the facility worth at least 30% more than the total amount of outstanding installments, in favor of the local self-government unit.

Contribution and Notification of Works

Together with the notification of the works, the investor also submits a proof of payment of the contribution, if the decision on the construction permit provides for a one-time payment of this obligation, i.e. proof of the paid first installment and the security instrument for the payment of the contribution, if the decision on the construction permit foresees payment of that obligation in installments.

In case of payment in installments, after the notification of works, the competent authority shall promptly verify whether the application includes appropriate security instrument for payment of the contribution, and the evidence of paid first installment. If the applicant failed to submit the appropriate security instrument for payment of the contribution, and the evidence of payment for the first installment, the competent authority shall, without delay, inform the applicant of non-compliance with the requirements for the notification of works, i.e. execution of works.

Subsequent and final calculation of the contribution

Because of the possibility that the surface of the constructed facility differs from the one used as a base for calculation of the contribution, the integral part of the decision on the usage permit is the final calculation of the contribution. For that reason, when upon the investor's request the competent authority issues the decision on the amendments to the construction permit due to the changes during the construction, the integral part of that decision is the new calculation of the contribution. In addition, the subsequent contribution is also payable when the intended use of the facility, or a part thereof, is changed to a purpose for which a higher amount of contribution is prescribed.

REP envisages the possibility to apply for the amendments to the construction permit due to change in the contribution payment method – for example, in case the investor initially opted to pay the full amount, and later decided to pay the contribution in installments.

Payment of the contribution in case of execution of works based on the Approval of Works

In case of execution of works from Article 145 of the LPC, for which it is mandatory to pay contribution, as well as for the construction permit, the integral part of the application for execution of works is the statement of the applicant with respect to the payment method of the contribution for development of the construction land, as well as the security instruments, in case of payment in installments. In the approval of works, the competent authority will determine the amount and method of payment of the contribution, the security instrument in case of payment in installments, as well as the obligation of the investor to make payment of the contribution in full before the work starts, i.e. in case of payment in installments, to submit the security instrument and to pay the first installment.

IX/I-I CONSTRUCTION PERMIT

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REF: Law on Planning and Construction (LPC), Art. 69, 135-142
 Rulebook on the process of electronic implementation of the integrated procedure (REP),
 Art. 16 through 27

What is the competent authority for issuing the construction permit?

The competent authority for issuing the construction permit is:

- For facilities referred to in Article 133 of the LPC, the Ministry in charge of urban planning affairs; LPC;
- For facilities referred to in Article 134 of the LPC, the competent authority of the autonomous province (Facilities from Article 133 entirely located in the territory of autonomous province);
- For facilities not included in Articles 133 and 134 of the LPC, local self-government unit. LPC

Is it necessary to perform re-allocation and forming of the construction lot in order to issue a construction permit?

No. Construction permit is issued for the facility located on one or more cadastral lots for which the location conditions were issued, and which jointly fulfill the conditions for the construction lot, and investor is required to form the construction lot prior to the issuance of the usage permit, by way of land lot allocation design, i.e. re-allocation design.

Exceptionally, in cases when the location conditions are issued for the land lots that need to be allocated (whether all, or some of them) for the purpose of allotment of the land for construction of public facility or for public area, in line with the planning document, the land lot re-allocation must be conducted prior to the submission of application for the construction permit, i.e. the approval of works, but in any case the obligation to form the construction lot becomes due prior to the issuance of the usage permit.

In whose name is the construction permit issued?

The construction permit is issued in the name of the investor (or co-investors), but also in the name of investor and the financing entity, if the agreement between the investor and the financing entity, verified in accordance with the law regulating verification of signatures, by which the investor has agreed to have the financing entity as the holder of rights and obligations from the construction permit, has been enclosed to the application.

Does the person applying for the construction permit must be the same person who was issued the location conditions for the subject cadastral lots?

No. This can be any person that files an application and encloses appropriate documents, required under the LPC and REP, where the planned construction must be fully in accordance with the issued location conditions and conceptual design, making its integral part.

What documentation is submitted along with the application for the construction permit?

The application for construction permit filed by investor through CIS, must include the following documents:

- Abstract from the Construction Permit Design, made in line with the rulebook regulating the contents of the technical documentation (RTD);
- Construction Permit Design, made in line with the RTD, in electronic form;
- Evidence of paid administrative tax for application and issuance of the decision on construction permit, and fees for Central Records;
- Evidence of the appropriate right over the land or facility, within the meaning of the LPC, unless such right is registered in public records or established under the law, i.e. if the LPC provides that this evidence need not be submitted.

In special cases, the following documentation must also be submitted:

- The contract between the investor and the financing entity, if concluded;
- The contract between the investor and the holder of public authority, i.e. other evidence on providing the missing infrastructure, if this is a condition for issuing the construction permit specified in the location conditions;
- The report of the revision committee, for facilities for which a construction permit is issued by the ministry, i.e. competent authority of the autonomous province, unless the revision committee fails to prepare and deliver the report to the investor within 30 days from the date of application (in line with the Article 132, paragraph 4 of the LPC), in which case the evidence on the filed application is submitted, together with the applicant's statement that the revision committee failed to deliver the report within the prescribed period;
- Energy permit, issued in line with the special law, for construction of power related facilities for which obtaining of the energy permit is obligatory;
- Co-owner's consent, certified in line with the law, in case of construction or execution of works on the construction land or facility with more than one owner;
- Evidence of regulating mutual relations with the owner of the facility, i.e. owners of separate parts of the facility, in line with the law regulating maintenance of buildings, i.e. adding additional floors, i.e. conversion of common areas into residential or business premises, if this type of work is carried out;

- Conditions for design and connection to electricity distribution, or transmission system, as well as to natural gas distribution or transport system, obtained in accordance with the law regulating energy, and not included in the location conditions;
- Evidence that a fee has been paid for changing the land use from agricultural or forest land to construction land, in the case of the land for which the payment of this fee before the issuance of the construction permit is prescribed;
- Geodetic survey of the existing situation on the cadastral map, made by an authorized entity registered with the relevant registry in line with the law, in case of construction of the utility infrastructure in the regulation line of the existing road;
- Statement of the applicant with respect to the payment method of the contribution for development of the construction land, as well as the security instruments, in case of payment in installments, to be delivered with the notification of works.
- Evidence of conducted land lot allocation, i.e. re-allocation in line with the issued location conditions, i.e. evidence on change of the lot number (decision, i.e. certificate issued by the competent authority for state geodetic survey and cadaster on conducted re-allocation, i.e. change of the lot number(s)), if such change was implemented in the cadaster before the application for the construction permit was filed.

On what basis is the construction permit issued?

The construction permit is issued based on the data on the planned construction from the construction permit design, provided in the abstract from the construction permit design, which must be in line with the previously issued location conditions.

Does the competent authority verify the contents of the submitted construction permit design?

No.

What is verified by the competent authority?

Competent authority only verifies the compliance with formal condition for issuing the construction permit, i.e. verifies:

- The competence for acting upon the application;
- Whether the investor, i.e. co-investor or financing entity, is identified as applicant;
- Whether the application is filed in the required form and whether it contain all required information;
- Whether all documentation required by the LPC and the by-laws enacted based on the LCP, is enclosed with the application;
- Whether the evidence of paid taxes and fees is enclosed with the application;

- Whether the data provided in the design abstract, which is the integral part of the construction permit application, in compliance with the issued location conditions, verifying the compliance with the conceptual design only in respect of the essential elements being the base for determining the location conditions, i.e. conditions for design and connection (depending on the type of the facility, i.e. works e.g.: intended use, GBA, dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.). Land lot allocation, i.e. re-allocation, conducted in line with the location conditions, i.e. change of the lot number, or numbers, shall not be deemed deviation from the location conditions, and the construction permit is issued in line with this change, without the obligation to change the location conditions.

If the competent authority establishes that the formal conditions have been met, it shall continue to establish the existence of appropriate right on the land, i.e. facility, in line with the LPC, by obtaining and reviewing without delay the extract from the real estate folio from the authority in charge of survey and cadaster. If it is established that there are no appropriate rights on the land, the competent authority shall pass the decision on refusing the application for the construction permit.

Establishing the existence of an appropriate right is conducted for the cadastral lots that are the subject of the application. Exceptionally, establishing the existence of an appropriate right is not conducted for lots for which under the LPC this right is not required (see Section IX/I-F), namely for:

- Land lots under which the underground parts of the utility infrastructure and line infrastructure facilities are being built, i.e. underground sections of electric power and electronic facilities, communication networks and devices, i.e. facilities referred to in Article 69, paragraph 1 of the LPC;
- The land over which the high voltage transmission lines or wind generator blades are installed;
- The land lots on which the utility infrastructure is constructed, if within the regulation line of existing road, in line with the factual situation on the site;

Who controls and confirms the compliance of the data in the design abstract with the construction permit design, and compliance with the regulations and issued location conditions?

The control is carried out and confirmed by the statements, provided in the Annexes to the RTD, of the responsible participants in the process of designing the construction permit design (head designer, technical control supervisor, responsible designer, authorized persons), in accordance with the division of responsibilities defined in Section V of this Guide.

Deadline for issuing the construction permit

Construction Permit is issued by decision, within 5 business days from submitting the application.

What is the validity period of the construction permit?

The construction permit is valid for 2 years from the date on which the decision on the issued construction permit became final.

Who are the recipients of the issued construction permit beside the applicant?

Construction permit shall also be delivered to:

- The inspection that performs supervision of the facility construction;
- Local self-government unit in whose territory the facility is being constructed, if the permit was issued by the Ministry or Autonomous Province, for information purposes;
- Holders of public authority who issued the conditions for designing, i.e. connection to the infrastructure, for information purposes;

Is it possible to change the construction permit?

After the construction permit is issued, it is possible to change it, within the integrated procedure, by submitting the application to the competent authority in the same procedure as for the original decision. The construction permit can be amended due to:

- Change of the investor;
- Change due to deviation from the issued construction permit.

When the competent authority may reject the application for the construction permit, and what is the procedure in case of rejection?

In case the formal conditions have not been met, the competent authority shall reject the filed application in a conclusion, stating all deficiencies due to which the application was rejected.

If within 10 days from the receipt of the conclusion on rejection, and not later than 30 days after its publication on the website of the competent authority, the applicant can exercise its one-time right to eliminate any identified deficiencies and submit a compliant application, with no obligation to re-submit the documentation submitted with the rejected application, or to pay again the taxes and fees. If, with a compliant application, the applicant submits an amended document in relation to a document that has already been submitted with the rejected application, the competent authority will act upon the amended document, and if, for this reason, there is an additional formal deficiency, which is the ground for rejecting the request, the applicant cannot exercise the above right once again.

If the competent authority in acting upon the application does not approve the construction of the

facility, the applicant shall be entitled to reimbursement of the republic administrative tax for the issue of decision, referred to in Article 16, paragraph 2, point 3) of the RTD, i.e. to use the tax in the repeated proceedings.

Is it possible to appeal against the conclusion on rejection of the application?

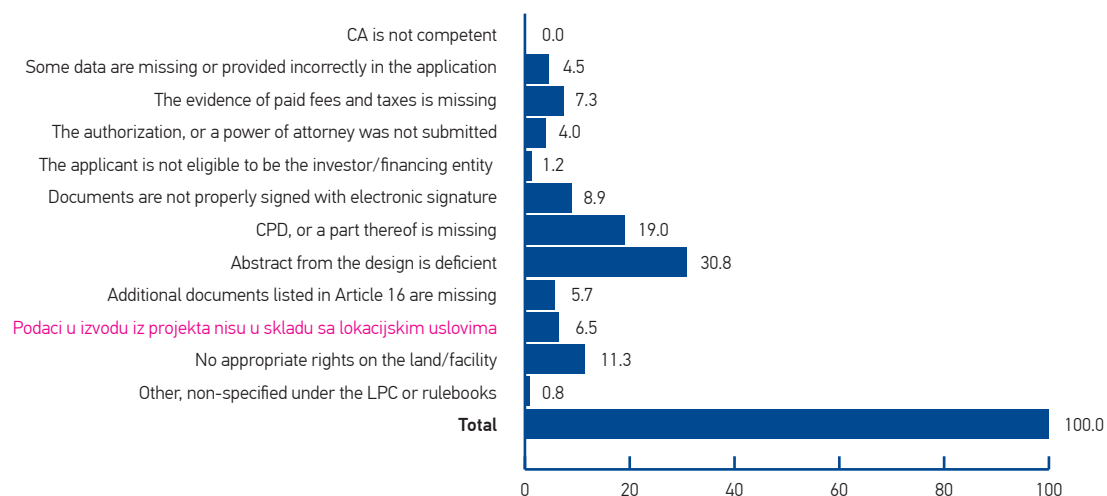
It is possible to appeal against the conclusion on rejection of the application by:

- Filing objection to the competent municipal, or city council, through a competent authority, within 3 days from the date of delivery;
- Filing objection to the Serbian Government, i.e. executive body of the autonomous province, if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province.

Is it possible to appeal against the issued construction permit?

Appeal can be filed against the issued decision on the construction permit within 8 days from the delivery date, except when the construction permit was issued by the competent ministry, i.e. competent authority of the autonomous province, when it is not possible to file an appeal, but only to initiate the administrative dispute by filing claim within 30 days from the decision delivery date.

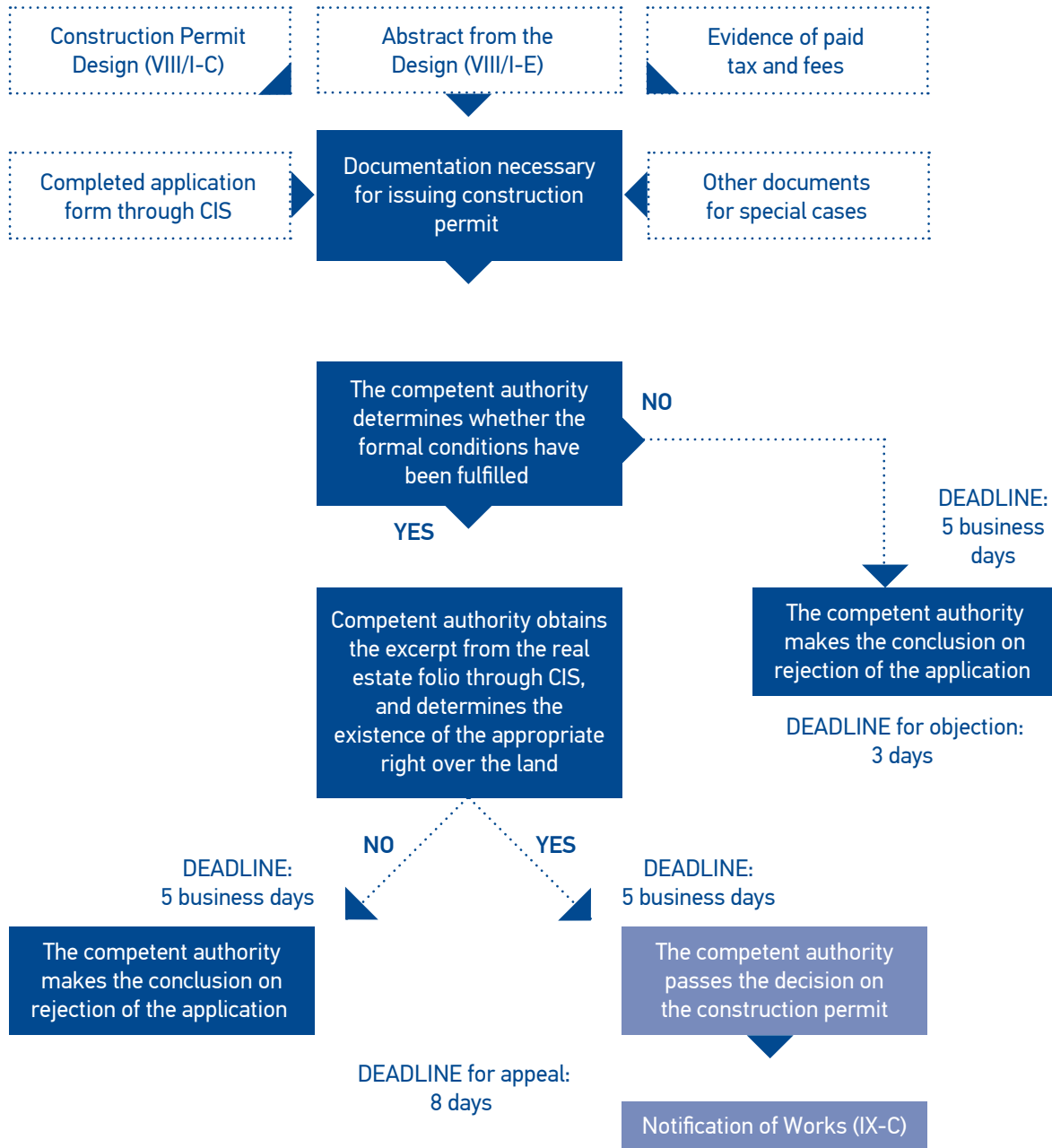
THE MOST COMMON REASONS FOR REFUSING THE CONSTRUCTION PERMIT APPLICATION %



**The results were obtained based on the sample analysis of 104 conclusions on rejection issued through CIS in the period September-December 2016.*

***Analyzed CA – MCTI, Belgrade, Nis, Novi Sad, Leskovac, Novi Pazar, Zajecar*

PROCEDURE Issuing the construction permit



IX/I–J AMENDMENT TO THE CONSTRUCTION PERMIT

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REF: Law on Planning and Construction (LPC), Art. 141 and 142
Rulebook on the process of electronic implementation of the integrated procedure (REP), Art.24-27
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Article 59

In which cases and when it is allowed to amend the construction permit?

The construction permit can be amended due to:

- Change of the investor;
- Deviation from the issued construction permit, in terms of position, dimensions, intended use and shape of the facility, as well as other parameters and conditions determined in the construction permit and the abstract from the construction permit design.

In case of change of the investor, the new investor is required to file application for the amendment to the competent authority within 15 days from the occurrence of change. Exceeding this deadline shall not be the ground for rejection, but the fact of exceeding the deadline will be noted in the decision on amendment to the construction permit.

In other cases, the amendments to the construction permit can be made at any time after the issuance thereof, and if the deviation from the design occurred during the execution of works, the investor is required to stop the works and file the application for amendments.

What documentation is submitted along with the application for the amendments to the construction permit?

In case of amendments due to change of investor, in addition to the application for amendments, the investor must enclose the evidence of property title, i.e. other rights on the land for the purposes of construction, i.e. evidence of the property title over the facility for the purposes of its reconstruction, and other legal grounds for acquiring the title on the facility under construction, in line with provisions of Article 141 of the LPC.

In case of amendments due to deviation from the issued construction permit, investor shall enclose the new construction permit design, or an excerpt from the amendments to the construction permit design.

What is the procedure for amending the construction permit?

In such cases, the provisions of the REP related to the issuance of the construction permit are applied accordingly.

What is the procedure if the envisaged amendments are not in line with the issued location conditions?

If the changes, i.e. the data provided in the design abstract that is the integral part of the application for amendments to the construction permit, are not in line with the applicable location conditions, the competent authority will reject the application, and instruct the investor to obtain new location conditions, but only those conditions for design and connection that are not compliant with the requested amendment.

What is the content of the technical documentation in case of construction permit amendments?

In the event that after the construction permit was issued, changes have been made to the design due to which it is necessary to amend the construction permit:

- a new – amended Construction Permit Design is made, or
- the planned changes are presented in the excerpt from the amendments to the construction permit design

The main volume of the excerpt from the amendments to the construction permit design, in addition to the contents stipulated for the construction permit, shall also include description of planned changes, as well as the specification of the separate segments of the construction permit design to be amended.

Excerpt from the amendments to the construction permit design includes textual, numerical, and graphic documentation, in line with the provisions of the RTD pertaining to the construction permit design, but only with respect to the planned amendments to the construction permit design.

Both in case of the excerpt from the amendments to the construction permit design, and modified construction permit design:

- Electronic signature and certification is implemented in line with the Annex 12 of the RTD;
- Design Abstract is made in line with the provisions of the RTD.

IX/II OBTAINING APPROVAL OF WORKS

IX/II–A PRELIMINARY DESIGN FOR WORKS PERFORMED BASED ON THE APPROVAL

REF: Law on Planning and Construction (LPC), Article 118
Regulation on Location Conditions (RLC), Article 2
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Art. 16, 42-49.

What are the contents of the preliminary design for works performed based on the approval?

Preliminary design is a set of mutually harmonized designs that determine: the purpose, position, shape, capacity, technical-technological and functional features and appearance of the facility, and provide provisional evidence of fulfillment of the basic requirements for the construction.

In case of reconstruction, adaptation, or remediation of the existing facility, or in case of separation or merging of business or residential space, as well as change of the intended use, preliminary design shall also include a view of the situation established on the basis of the archive design, or the archive design, or a current situation survey, if the archive design is not available.

The content and scope of the preliminary design, i.e. segments of the preliminary design for engineering constructions, is in accordance with the rules of the profession, at the level corresponding to the preliminary design for the buildings.

For line infrastructure facilities, in addition to the above mentioned, the preliminary design shows the selected optimal route.

In case of capital maintenance or removal of obstacles for persons with disabilities, instead of the preliminary design, only a technical description and a list of planned works are made.

What is the basis for making the preliminary design for works performed based on the approval?

The preliminary design is made based on previously obtained location conditions (if required for the respective works), regulations and rules of profession, as well as the designs or survey of the current situation.

In which cases the preliminary design can be made without the location conditions?

In specific cases, in line with the Regulation on location conditions (RLC), as specified in Section VII/C hereof.

Is the preliminary design for works performed based on the approval subject to the technical control?

No, technical control is performed only for the construction permit design.

Can the preliminary design deviate from the conceptual design that is an integral part of the location conditions?

The preliminary design for facilities for which the location conditions have been issued is the elaboration of the planned concept of the facility determined by the conceptual design based on which the location conditions were obtained, and its compliance with this conceptual design is mandatory only in respect of the essential elements being the base for determining these location conditions, i.e. conditions for design and connection (depending on the type of the facility, i.e. works e.g.: intended use, GBA, dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.).

The preliminary design can deviate from the conceptual design also in relation to the essential elements that present or state data necessary to determine the location conditions, if the modification is made during the elaboration of the technical documentation, as well as for the purpose of harmonizing the design with the conditions for design and connection, whereas such deviations cannot be in collision with the planning document, or other conditions for design and connection issued for the particular facility.

CONTENTS OF THE PRELIMINARY DESIGN for works performed based on the approval

MAIN VOLUME

- General contents - completed Form from Annex 1 of the RTD
- Decision on appointment of the head designer, signed by the investor, Annex 8 of the RTD
- Statement of the head designer, confirming the conformity of the design segments, Annex 3 of the RTD
- Statements of authorized persons, if the studies are made, Annex 6 of the RTD
- Summarized technical description of the existing and planned state, facilities, installations and equipment, signed and certified by the head designer

DESIGNS

- contains all designs that are, depending on the works, necessary, and as the mandatory segment - the design that spatially defines the facility (architecture or other)

GENERAL DOCUMENTS

- general data from Article 28 of the In the form provided in Annex 9
- decision on the appointment of the responsible designer for the respective segment of the design – Annex 8 of the RTD
- the statement of the responsible designer on compliance with the location conditions, regulations, measures for fulfilling the basic requirements – Annex 4 of the RTD

TEXTUAL DOCUMENTS

- technical description with general data on the facility, type of works, selection and description of the planned materials, installations, and equipment, list of planned works, etc.
- in case of reconstruction, i.e. remediation of the facility, contains also the assessment of structural bearing and stability of the existing facility structure, which determines the possibility of executing the designed works

NUMERICAL DOCUMENTS

- tabular view of the facility surfaces by areas and floors, general calculations for construction, installations, and equipment, consumption estimates, etc.

GRAPHIC DOCUMENTS

- in architecture design: site plan (1:500-1:200) on the geodetic map, foundation base, floor plans with dimensions and relative levels, roof plan, two characteristic, perpendicular cross-sections, and the appearance of the facility (1:200, 1:100);
- in the structural design, and other civil engineering designs: disposition, structural system, position plan, and dimensions of the key structural elements, base plans, characteristic cross-sections.
- in installation designs: basic layout schemes for installations, equipment and plants, showing their interconnection, as well as their connection to the infrastructure.
- in case of reconstruction, i.e. remediation, contains drawings with parallel view of the changes in the existing facility and the newly designed situation (for removal - for construction)

For the line infrastructure facilities, graphic attachments are, as a rule, made in the scale 1:2500 – 1:1000

The graphic attachments to the PD are made in the scale shown in parentheses, or in another appropriate scale that allows a clear view, depending on the class and intended use of the facility

Geodetic plan of the PD is the topographic survey of the subject location integrated with the cadastral plan and abstract from the duct cadaster, made by the registered geodetic organization with the appropriate license

STUDIES

- In the case of works on the facility having impact on the basic requirements for the facility, corresponding studies are made and enclosed with the preliminary design, specifying the measures for fulfilling the basic requirements (e.g. in case of energy remediation, when it is necessary to make the energy efficiency study, or in case of reconstruction that affects the main requirement for fire protection, when it is necessary to make the fire protection study, etc.).

IX/II–B APPROVAL OF WORKS

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REF: Law on Planning and Construction (LPC), Art. 135 and 145
Rulebook on the process of electronic implementation of the integrated procedure (POP),
Articles 28 and 29.

What is the Approval of Works and what is its purpose?

The decision on approval of works (hereinafter: Approval of Works) is passed to approve the execution of works defined in Article 145 of the LPC, as shown in the diagram on page 93 of this Guide.

What is the competent authority for issuing the Approval of Works?

The competent authority for issuing the Approval of Works is the same as for issuing the construction permit:

- For facilities referred to in Article 133 of the LPC, the Ministry in charge of urban planning affairs, (e.g. in case of reconstruction of such facility).
- For facilities referred to in Article 134 of the LPC, the competent authority of the autonomous province (E.g. in case of reconstruction of such facility).
- For facilities not included in Articles 133 and 134 of the LPC, local self-government unit. LPC.

Exceptionally, local self-government unit is the competent authority in the following cases:

- Execution of works on the construction of supporting and industrial facilities, works on reconstruction, adaptation and remediation of facilities within the boundaries of national parks and facilities within the limits of protection of natural assets of exceptional importance;
- Execution of capital maintenance works, adaptation and remediation in the protected surroundings of cultural assets of exceptional importance, and the cultural assets entered in the List of World Cultural Heritage.

On what basis is the Approval of Works issued?

Approval of Works is issued based on the preliminary design that presents the planned works, which must comply with the previously issued location conditions (if there was an obligation to obtain location conditions), as confirmed by responsible designers.

In case of capital maintenance, or removal of obstacles for persons with disabilities, the approval of works is issued based on the technical description and a list of planned works.

In case of execution of works for which it is required to obtain the conditions for design and connection from the holders of public authority, before filing the application for approval of works, the investor shall file with the competent authority the application for the location conditions. The exception is when the application for the approval of works relates to the connection of facility to the infrastructure, and the location conditions issued for the facility being connected contain conditions for designing this connection.

Is it possible to change the Approval of Works?

After the Approval of Works is issued, it is possible to change it, within the integrated procedure, by submitting the application to the competent authority in the same procedure as for the original approval.

What documentation is submitted along with the application for the Approval of Works?

The application for the Approval of Works filed by investor through CIS, must include the following documents:

- Preliminary design, made in line with the RTD, in electronic form, i.e. technical description and the list of works for capital maintenance, i.e. removal of obstacles for persons with disabilities;
- Evidence of paid administrative tax for application and issuance of the approval, and fees for Central Records;
- Evidence of the appropriate right over the land or facility, within the meaning of the LPC, unless such right is registered in public records or established under the law, i.e. if the LPC provides that this evidence need not be submitted.

In special cases, the following documentation must also be submitted:

- The contract between the investor and the financing entity, if concluded;
- The contract between the investor and the holder of public authority, i.e. other evidence on providing the missing infrastructure, if this is a condition specified in the location conditions;
- Co-owner's consent, certified in line with the law, in case of construction or execution of works on the construction land or facility with more than one owner;
- Evidence of regulating mutual relations with the owner of the facility, i.e. owners of separate parts of the facility, in line with the law regulating maintenance of buildings, in case of conversion or merging of common areas into residential or business premises;
- Conditions for design and connection to electricity distribution, or transmission system, as well as to natural gas distribution or transport system, obtained in accordance with the law regulating energy, and not included in the location conditions;
- Conditions for intersection and parallel running, if in line with the Article 2, paragraph 3 of the

RLC, they were not obtained within the integral procedure, but directly from the duct installations controller on the route of the subject facility (works on reconstruction, restoration, and adaptation of the existing infrastructure, or construction of the connection to existing water, sewage, gas, and similar network typical hot water connections, electronic communication feed, and part of the electric distribution network from the transformer substation to the connection point in the buyer's facility, for which the approval of works is issued);

- Conditions for intersection and parallel running from the duct installation controllers on the route of the new facility in question, if they are the subject of design, as well as the evidence of the route compliance with all other holders of public authority that would be competent for issuing conditions for design and connection, in case of construction or extension of the secondary, i.e. distribution network, and utility or other infrastructure in the regulation line of existing road, as well as in case of construction of the connection to such infrastructure;
- Conditions relating to the fire and explosion protection measures, if in line with Article 2, paragraph 4 of the RLC, they were not obtained within the integral procedure, but directly from the competent authority for fire protection, in line with Article 16 of the Regulation (reconstruction of the existing infrastructure network with flammable and combustible fluids, as well as with flammable gases, i.e. construction of the connection to these networks for which the approval of works is issued).
- Statement of the applicant with respect to the payment method of the contribution for development of the construction land, as well as the security instruments, in case of payment in installments, to be delivered with the notification of works, in case of execution of works for which the payment of contribution for development of the construction land is mandatory.

Does the competent authority verify the contents of the submitted preliminary design?

Yes, unlike the construction permit design, the competent body verifies the preliminary design.

What is verified by the competent authority?

Competent authority verifies the compliance with formal condition for issuing the approval of works, i.e. verifies:

- The competence for acting upon the application;
- Whether the investor, i.e. co-investor or financing entity, is identified as applicant;
- Whether the application is filed in the required form, and whether the application, i.e. the preliminary design submitted therewith, contains all required information;
- Whether it is necessary to obtain location conditions for execution of works in question, and if so, whether the location conditions have been previously obtained, i.e. whether the conditions for intersection and parallel running were provided in accordance with Article 28, paragraph 3, points 7), 8) and 9), i.e. conditions relating to fire protection measures, if obtained otherwise

(not within integrated procedure);

- Whether all documentation required by the LPC and the by-laws enacted based on the LCP, is enclosed with the application;
- Whether the evidence of paid taxes and fees is enclosed with the application;

When required by the law, the competent authority determines the existence of an appropriate right on the land or the facility.

The competent authority also verifies:

- Compliance of the application with the planning document, i.e. excerpt;
- Compliance of the application with the location conditions, in case of execution of works for which it is required to obtain the conditions for design and connection from the holders of public authority.

What is the deadline for issuing the Approval of Works?

Competent authority shall issue the Approval of Works within 5 business days from submitting the application, if all the above requirements are met.

When the competent authority may reject the application for the approval of works, and what is the procedure in case of rejection?

In case the formal conditions have not been met, i.e. if the application is not in line with the planning document, excerpt, or location conditions, the competent authority shall reject the filed application in a conclusion, stating all deficiencies due to which the application was rejected.

If within 10 days from the receipt of the conclusion on rejection, and not later than 30 days after its publication on the website of the competent authority, the applicant can exercise its one-time right to eliminate any identified deficiencies and submit a compliant application, with no obligation to re-submit the documentation submitted with the rejected application, or to pay again the taxes and fees. If, with a compliant application, the applicant submits an amended document in relation to a document that has already been submitted with the rejected application, the competent authority will act upon the amended document, and if, for this reason, there is an additional formal deficiency, which is the ground for rejecting the request, the applicant cannot exercise the above right once again.

If the competent authority in acting upon the application does not approve the construction of the facility, the applicant shall be entitled to reimbursement of the republic administrative tax for the issue of decision, referred to in Article 28, paragraph 2, point 2) of the RTD, i.e. to use the tax in the repeated proceedings.

Is it possible to appeal against the conclusion on rejection of the application?

It is possible to appeal against the conclusion on rejection of the application by:

- Filing objection to the competent municipal, or city council, through a competent authority, within 3 days from the date of delivery;
- Filing objection to the Serbian Government, i.e. executive body of the autonomous province, if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province.

When the competent authority may refuse the application for the approval of works, and what is the procedure in case of refusal?

Competent authority will adopt a conclusion to refuse the application, if the works specified in application require construction permit or if it establishes that there is no appropriate right on the land, i.e. facility.

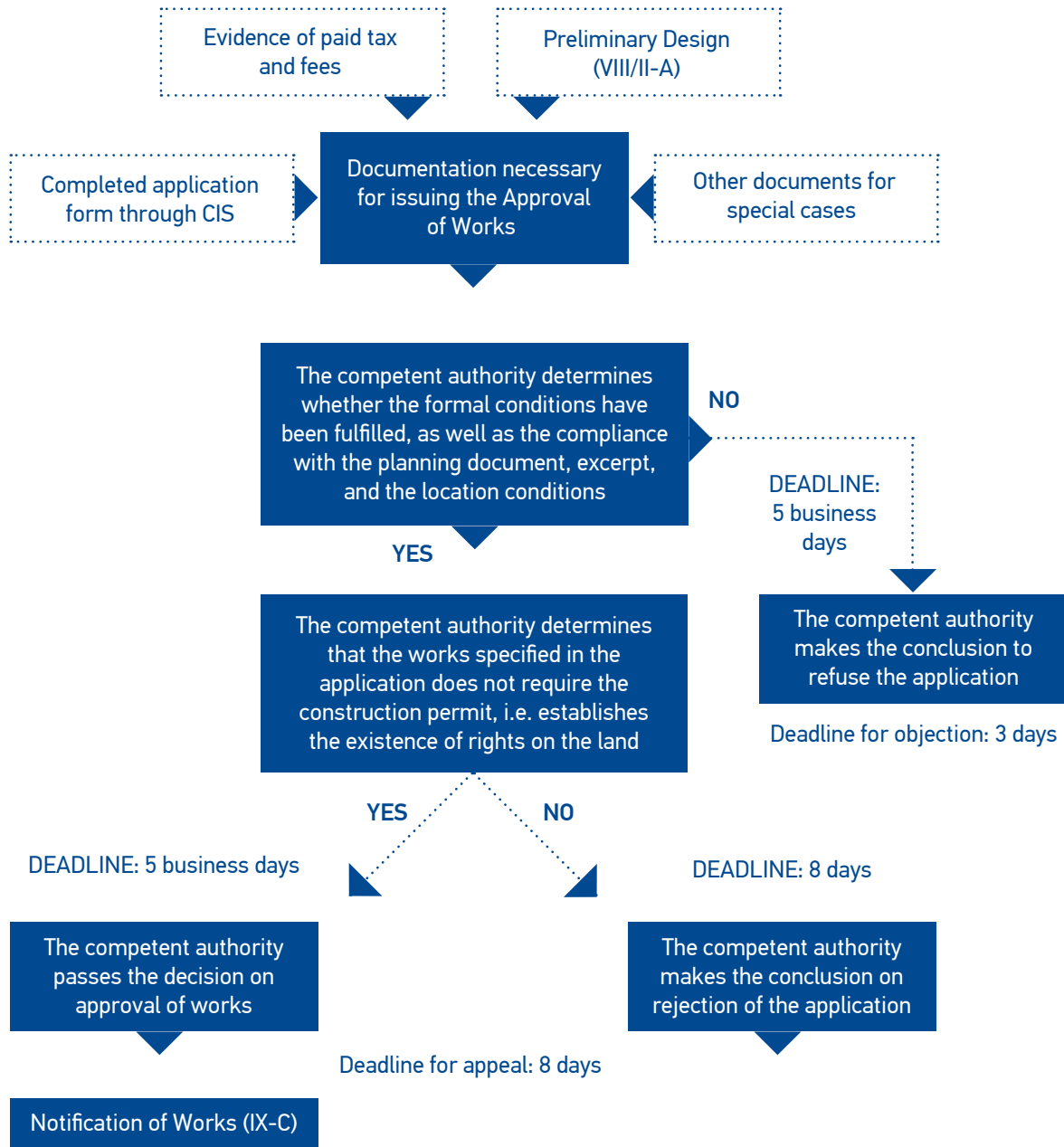
Is it possible to appeal against the issued approval of works, or the conclusion on refusal of the application?

Appeal can be filed against the issued approvals within 8 days from the delivery date, except when it was issued by the competent ministry, i.e. competent authority of the autonomous province, when it is not possible to file an appeal, but only to initiate the administrative dispute by filing claim.

WORKS PERFORMED BASED ON THE APPROVAL

SUPPORTING FACILITIES	Facility which is used for the purposes of the main facility, and is built or may be built on the same lot as the primary residential, business, or public facility (garage parking, storage, septic tank, wells, water tanks, etc.);
FARMING FACILITIES	buildings for livestock and their supporting facilities (drains for livestock, concrete runways for solid and liquid manure, etc.); fodder and feed storage facilities, produce storage facilities and other similar farm facilities (facilities for implements and vehicles, smoking, drying and other facilities);
RECONSTRUCTION	Execution of works on an existing facility in unchanged size and volume affecting the stability and safety of the facility and fire protection; changing the structural members or technological process; changing the exterior elevation of the facility or increasing the number of functional units; replacing devices, plant, equipment and installation with increased capacity, relating to the reconstruction of line infrastructure facilities in a protective zone, which may result in a change of dimensions, volume, position or equipment
ADAPTATION	Execution of construction and other works on an existing facility, by which: the organization of space in the facility is changed, the replacement of appliances, plant and equipment of the same capacity is carried out, whereby stability and security of the facility remain unaltered, the structural elements of the facility remain unaltered, the exterior elevation of the facility remains unaltered and the safety of adjoining facilities, traffic, fire protection and environment remains unaffected;
RESTORATION	Execution of construction and other works on an existing facility by which the repair of appliances, plant and equipment is carried out, i.e. the replacement of structural elements of the facility, not affecting the exterior elevation, the safety of adjoining facilities, traffic and environment, as well as the protection of natural and immovable cultural property, and/or its protected surroundings, with the exception of restoration, conservation and revitalization works, and relates to landslide remediation, i.e. all works aimed at remediation of a landslide that occurred on construction, forest, agricultural, road or other type of land, including clearing and removal of debris generated as a result of the landslide
CAPITAL MAINTENANCE	Execution of construction and building trade works, i.e. other works depending on the type of facility, aimed at improving the conditions of using the facility during exploitation;
<ul style="list-style-type: none"> • Works for separation or merging of business or residential space • Change of intended use with or without execution of construction work • Installation of inside services (gas, electricity, water, heating, etc.) in an existing facility • Removal of obstructions to persons with disabilities • Construction of masonry fences 	
<ul style="list-style-type: none"> • Power plants using renewable energy sources with installed power of 50 kW, • Installation of antenna towers • Construction of secondary, and/or distributing parts of the electronic communication network • Small pump stations • Small ski lifts • Compressor units for gas • Gas supply devices 	<ul style="list-style-type: none"> • Construction of secondary, and/or distribution networks of utility infrastructure in the scope of the existing street regulation • Development of communication lines in the scope of the existing street regulation • Connections to water supply, sewer, gas, etc. networks • Standard connections to heating systems <hr/> <ul style="list-style-type: none"> • Individual power distribution and transmission towers • part of the medium voltage power distribution network (10 kV or 20 kV) • standard 10/04 kV, 20/04 kV and 35 kV transformer stations • parts of the power distribution network from the 10/04 kV, 20/04 kV, 35/10 (20) kV and 35/04 kV transformer stations to the point of connection in the buyer's facility (1 kV), • 10 kV and 20 kV switchyards

PROCEDURE ISSUING THE APPROVAL OF WORKS



IX/III SPECIAL CASES

IX/III-A WORKS THAT CAN BE PERFORMED WITHOUT PERMITS OR APPROVALS

REF: Law on Planning and Construction (LPC), Article 144

In which cases the works can be executed without permit/approval?

For the construction of simple facilities, mainly supporting, or execution of particular types of works related to regular maintenance or installation of equipment, which are presented in this Section, on page 96, it is not required to obtain construction permit, i.e. approval of works, and works can be executed without obtaining any permit/approval and without mandatory drafting of the technical documentation.

It is important to note that, regardless of the fact that it is not necessary to obtain any act for execution of works, they must not be in contradiction with the planning document (for example, if a fence is set up, it should not be prohibited by the plan). Also, it goes without saying that these works may only be performed in accordance with the regulations, technical norms, and rules of the profession.

IX/III-B PLACEMENT AND REMOVAL OF PREFABRICATED TEMPORARY CONSTRUCTIONS

REF: Law on Planning and Construction (LPC), Article 146

Which facilities/constructions fall in this category and who is competent to organize their placement and removal?

Prefabricated temporary facilities are:

- smaller pre-fabricated temporary facilities on public and other areas (booths, gardens of hospitality facilities, stands and other mobile street furniture);
- balloon halls for sports use,
- eaves for sheltering people using public transportation;
- facilities for storing and separation of river aggregates and floating facilities on the water land.

Their placement and removal is provided and organized by the local self-government unit, and if these facilities are located in the spatial cultural-historical unit or protected environment of immovable cultural property, their setting up shall be performed as per conditions of the competent institute for protection of cultural monuments.

Construction and setting up of monuments and memorials on areas for public use shall be provided

and organized by the local self-government unit, with previously obtained consent of the ministry in charge of cultural affairs. Construction of monuments and memorials is prohibited outside of surface areas for public use.

IX/III-C CONSTRUCTION BASED ON TEMPORARY CONSTRUCTION PERMIT

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REF: Law on Planning and Construction (LPC), Article 147
Regulation on Location Conditions (RLC), Article 2

For which facilities is issued the temporary construction permit?

Temporary construction permit is issued for construction of:

- asphalt plants;
- aggregate separators;
- concrete factories;
- independent anchored meteorological anemometric poles, as well as poles for other purposes;
- temporary roads and connections,
- connections to utility network for construction or exploitation of facilities,
- performance of exploration work on the site, for the purpose of determining special conditions for the preparation of the construction design and for moving of existing installations.

What is the procedure for issuing the temporary construction permit?

The procedure for issuing temporary construction permit and its content are regulated by provisions relating to issuing of the approval of works referred to in Article 145 of the LPC.

Is it necessary to obtain the location conditions for issuing temporary construction permit?

Yes, except for the works exempt is line with the RLC.

Can the temporary construction permit be issued for execution of work on facilities in the process of legalization?

Yes, if the investor is registered as the owner of the construction land on which the facility is built, and in particular for execution of work on production facilities or facilities used for the production facilities, for which the legalization application was submitted, for the purpose of bringing the facility to a functional state, in order to continue production or renew production process.

Upon completion of works on capital maintenance, adaption, reconstruction or remediation, the

investor shall be obliged to submit the technical description and the list of works on capital maintenance, the preliminary design, i.e. the construction design (if required), depending on the works being executed, to the authority in charge of legalization process.

What is the validity period of the temporary construction permit?

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

At the investor's request, the decision on temporary construction permit may be extended once for another three years.

After expiration of the additional deadline, the investor is obliged to remove the temporary facility, and if he fails to do so, the authority that made the decision on the temporary construction permit, shall ex officio, submit a request to the construction inspection for the removal.

The appeal against the decision of the construction inspector shall not delay execution of the decision.

IX/III-D REMOVAL OF FACILITIES

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REF: Law on Planning and Construction (LPC), Art. 167 – 171
Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Article 60

In which cases can the facility be removed?

Facilities are removed:

- For the future construction, for which the construction permit is obtained;
- Ex officio, or upon request by an interested party, the removal of a facility, and/or a part thereof, when it is determined that its stability is endangered due to deterioration or major damage and that it represents imminent threat to the life and health of people, nearby facilities and safety in traffic.

What is the procedure for approval to remove the facility?

When the facility is removed for future construction, the planned demolition of the facility on the lot is presented in the construction permit design, within the framework of the preparation work design, and is performed on the basis of the issued construction permit.

When the facility, or a part thereof, is removed ex officio due to deterioration or damage, it is performed on the basis of the decision on removal of the facility, issued by the competent authority, if:

- the construction inspector has previously passed the decision on prohibition of use, i.e. utilization of the facility;
- the issues regarding the accommodation of the users of the facility have been solved, except when the removal is carried out upon request by the owner who is using the facility.

When the facility, or a part thereof, is removed at the request of the owner of the facility, the removal is performed based on the permission for removal of the facility, which is issued within 8 days from submitting the application, supported with the following documents:

- Demolition design with technical controls;
- Proof of ownership of the facility;
- Conditions, in case of a facility whose removal would endanger the public interest (protection of existing utility and other infrastructure, protection of cultural goods, protection of the environment, etc.).

Is it possible to appeal against the issued decision on removal of the facility, or the permission for removal of the facility?

Appeal may be filed against the decision on removal of the facility, when issued ex officio, however it shall not stay execution thereof.

Appeal can be filed against the issued permission for removal of the facility within 15 days from the delivery date, except when the permission was issued by the competent ministry, i.e. competent authority of the autonomous province, when it is not possible to file an appeal, but only to initiate the administrative dispute by filing claim within 30 days from the decision delivery date.

What is the procedure for enforcement of the decision on removal of the facility?

The decision on removal of the facility, i.e. any part thereof, which is adopted based on the LPC, shall be conducted by the competent body of the Republic, autonomous province, i.e. local self-government unit, in charge of construction inspection, in the following procedure:

- The authority competent for construction inspection, shall prepare a program for the removal of the facilities and shall be responsible for its execution;
- The cost of the execution of the inspection decision shall be charged to the enforcee;
- If the enforcee does not carry out the execution of the decision on removal of the facility, i.e. any part thereof, the decision shall be executed and the expenses charged to the enforcee.

The expenses shall be borne by the budget of the competent authority, until refund from the enforcee.

- If the competent authority does not have the necessary funds for the execution of inspection decision, the interested party may provide the funds until the payment by the enforcee.
- Upon request by the authority competent for construction inspection, the competent police authority shall provide police assistance in order to enable enforcement of the decision on removal of the facility;
- After removal of the facility, the construction inspector shall draft minutes, which are also delivered to the authority competent for cadastral issues.

Can the competent authority also order the reconstruction of the facility instead of the demolition?

The competent authority can make the decision on reconstruction of the facility, if it determines that the immediate threat to the lives and health of people, adjacent facilities, and traffic, may be eliminated by reconstruction of the facility, i.e. any part thereof.

The decisions shall define deadline by which the reconstruction works must be completed. In the event that the reconstruction is not completed within the determined deadline, the competent authority shall pass the decision on removal of the facility, ex officio, or at the request of the interested parties.

Who can perform the removal of the facility?

Company, i.e. other legal entity or entrepreneur executing the removal of facility, as well as the person managing the works, must fulfill the same conditions as the contractor, i.e. responsible contractor, as provided by the LPC.

What is the content of the demolition design?

The content of the demolition design is defined in Article 60 of the RTD. Demolition design does not include the main volume, and it is not necessary to prepare the abstract thereof.

X EXECUTION OF WORK

X-A CONSTRUCTION DESIGN

REF: Law on Planning and Construction (LPC), Article 123
 Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Art. 18, 61-69.

What is the Construction Design?

The Construction Design is a set of mutually harmonized designs that determines:

- Construction and technical, technological and exploitation characteristics of a facility with equipment and installations;
- Technical, technological and organizational solutions for construction of the facility;
- Facility investment value and maintenance requirements.

The construction project is made for the purpose of execution of building, craft, installation and other works, i.e. for the purpose of facility construction.

When is the preparation of the construction design mandatory?

Drafting of the construction design is mandatory for:

- Construction of facilities for which the construction permit has been obtained, except for category A facilities;
- Execution of works for the reconstruction of facilities, for which the approval of works was obtained, except for category A facilities, as well as in cases for which it is envisaged to obtain consent on the construction design, in accordance with the regulations governing fire protection.

On what basis is the construction design made?

Construction Design is made on the basis of the construction permit design, i.e. preliminary design for the reconstruction of the facility, as well as the relevant regulations and rules of profession.

What is the content of the construction design?

Construction Design contains detailed technical solutions elaborating the construction permit design, i.e. the preliminary design for reconstruction of the facility.

Depending on the type and class of the facility, the construction design also contains other segments that were not included in the construction permit design, but are necessary for execution of works.

For line infrastructure facilities, in addition to the above, the construction design elaborates details and technical solutions within the boundaries of the construction area, specified by the construction permit design.

In the designs, i.e. field-specific segments of the construction design, the elements of the construction permit design, i.e. preliminary design for reconstruction of the facility, such as drawings, calculations, analysis, etc., are either used or referred to, in which case their location in the design is marked.

Construction Design may also contain technology schemes, catalogue or workshop drawings, etc., if needed for the execution of works, but they must be certified (signed and sealed) by the responsible designer of the respective design segment.

Is it possible to draft the construction design in phases?

Construction Design can be drafted in phases, i.e. by segments, in line with the schedule of construction, i.e. execution of works.

If the work is executed in phases, only the works for the phase for which the construction design has been drafted and certified by the head designer and the responsible designer can be executed. During the execution of works for a particular phase, it is mandatory to have a copy of the subject phase construction design present on the site.

For example, while the work on the facility's structure is being carried out, it is necessary to have architecture designs and structural design, while the drafting of the installation design must be completed prior to the fitting of these installations. Or if the facility consists of several bays, or sections, it is possible to draft the respective designs successively, in line with the construction schedule.

Is it necessary to submit the construction design to the competent administrative authority when notifying the works?

No. Construction Design is made for the purpose of execution of works, but it is not necessary to

submit it to the competent authority when notifying the works, nor to obtain a special certificate from the competent authority regarding the construction design.

Inspection of the construction design, as well as the control of the compliance of works executed thereunder with the construction permit, i.e. construction permit design, is performed by on-site construction inspector in the course of planned and unplanned site visits.

Is the Construction Design subject to special approvals?

For the facilities for which the approval of the technical documentation is required under the law regulating the fire protection (LFP), prior to issuance of the usage permit it is necessary to obtain the approval of the construction design, which must comply with the main fire protection design, the content of which is determined in LFP.

Is the construction design subject to the technical control?

No, technical control is performed only for the construction permit design.

WORKS THAT CAN BE PERFORMED WITHOUT PERMITS OR APPROVALS

Regular maintenance of the facility or apartment

the execution of works for the purpose of preventing the damage caused by using the facility or for the purpose of repairing such damage, including inspection, repair and application of preventive and protective measures, i.e. all work necessary for keeping the facility on a satisfactory level of usability, and the work on regular maintenance includes whitewashing, painting, replacing of lining, replacing of sanitary facilities and radiators and other similar work

Construction of simple facilities on the same cadastral lot as the main facility, without obstructing the regular use of adjacent facilities, such as:

- garden shades of up to 15 m²,
- paths, plateaus,
- garden pools and fish ponds of up to 12 m² surface area and up to 1 m deep,
- up to 10 m² eaves,
- playgrounds,
- outdoor fireplaces of up to 2 m² surface area and up to 3 m high,
- facility car access roads 2.5-3 m wide,
- solar collectors which are not connected to the power distribution network

Setting up wire or wooden fencing

facilities for defense against hail

up to 20 m² livestock pits;

tombs and monuments in graveyards

information boards of up to 6 m² surface area, and other equipment in protected natural assets (according to the decision of the company, public enterprise, i.e. other legal entity managing that natural asset)

- containers for electronic communication and electric power equipment and devices,
- micro ducts for optical and other cables,
- standard inside and outside mounted cabinets for electronic communication equipment, etc.
- maintenance works, repairs and replacement of equipment at the facilities of wind power plants that are executed without construction works (replacement of blades, replacement of gondolas, replacement of certain appliances and parts thereof)
- aerial mounting devices with aerials on existing buildings, roads, infrastructure and electronic communication containers,
- standard base station cabinets on suitable supports
- means of electronic communications fitted or installed on electronic communications cables and networks
- electronic communication cables fitted or installed in the existing electronic communications line infrastructure – cable ducts
- cathode protection supports for steel pipelines and cathode station protection
- mileage signs, turn signs and protective pipes at road and railway intersections on line infrastructural facilities of the gas, oil and product pipelines.

X–B OBTAINING APPROVALS

REF: Law on Planning and Construction (LPC), Article 123
 Rulebook on the process of electronic implementation of the integrated procedure (REP),
 Art. 31, 32, 37-39
 Law on Fire Protection (LFP), Art. 31-35
 Law on Environmental Impact Assessment (LEIA)

What approvals need to be obtained and of which documentation?

In the stage following the construction permit, it is necessary to obtain the following approvals:

- Before the notification of works – approval of the environmental impact study, if required by the legislation regulating the issue of environmental impact, i.e. decision that the study is not required for cases when the regulations specify that the study may be required;
- Before obtaining the usage permit, i.e. until the technical inspection of the facility – consents for the construction design in terms of fire protection measures, if required by the law regulating the fire protection;

There is no obligation to obtain approval in respect of the protection measure of cultural property, but in case of facilities referred to in Article 133, paragraph 2, item 9) of the LPC for which measures of protection of cultural property are envisaged, in accordance with the law regulating the protection of immovable cultural property, the investor shall be obliged to submit the construction design to the competent authority before the commencement of the works, in electronic form, and the competent authority shall deliver it without delay to the body or organization responsible for the protection of immovable cultural property.

Also, in line with the amendments to the Law on Waters made in December 2016, with the delayed application as of June 1, 2017, the water consent is no longer obtained for most of the facilities (this obligation remained only in the process of drawing up plans, for some special works, and for facilities for which the construction permit is issued by the ministry). In addition, obtaining water consent and water permit is no longer the condition for issuing of the construction, i.e. usage permit.

Also, regarding connection to the public road, MCTI issued the instruction specifying that for obtaining the construction and usage permit, it is not necessary to obtain the approval of the technical documentation from the holder of the public authority.

Is the approval of the environmental impact assessment study obtained through the integrated procedure?

No, the approval procedure is defined by the law regulating these issues (LEIA).

Is the approval of the construction design in terms of fire protection measures obtained in the integrated procedure?

Yes. When, in accordance with the law governing fire protection, it is required to obtain approval of the technical documentation regarding the fire protection measures, the investor submits through the CIS to the competent authority:

- Main design for fire protection, drafted in accordance with the law governing fire protection (LFP);
- Construction Design, made in line with the PTD, in electronic form.

Upon receiving the documentation, the competent authority shall, without delay, on behalf and for the account of the investor, submit to the competent authority for fire protection the application for approval of the construction design.

15 days after the investor submits the application to the competent authority, i.e. within 30 days, in case of the facilities from Article 133 of the LPC, the competent authority for fire protection shall pass the decision and deliver it in writing to the competent authority, specifying the costs for issuing the approval, and the competent authority shall forward it to the investor upon receiving the evidence of payment.

X-C NOTIFICATION OF WORKS
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REF: Law on Planning and Construction (LPC), Art. 135 and 145
Rulebook on the process of electronic implementation of the integrated procedure (REP), Articles 31-33.

What is the notification of works, when it is submitted and to whom?

By Notification of works, the investor informs the competent authority, through CIS, on the commencement and the deadline for completion of the execution of works, not more than 8 days before the commencement thereof.

Notification of Works is mandatory for all works for which the following is issued:

- construction permit;
- Approval of Works

- Temporary Construction Permit.

Notification of Works is submitted to the competent authority that previously issued the construction permit, i.e. approval of works, i.e. temporary construction permit. The competent body shall inform the construction inspection of the submitted notification of works. Deadline for completion shall start from the date of submission of the notification of works.

What documentation is submitted along with the application for the notification of works?

The following documents are submitted with the application for the notification of works:

- Evidence of paid administrative tax for application and fees for Central Records
- Evidence of payment of the contribution for construction land development, if the decision on the construction permit provides for a one-time payment of this obligation, i.e. security instrument for the payment of the contribution for construction land development in line with the law, and evidence of the paid first installment, if the decision on the construction permit foresees payment of that obligation in installments;
- Approval of the environmental impact assessment study, if required by the legislation regulating the issue of environmental impact, i.e. decision that the study is not required for facilities for which the study may be required in line with the said legislation;
- Act of the ministry in charge of finances on vesting into immovable property, in accordance with a special law, i.e. concluded easement contract in accordance with the LPC, in case the decision on the construction permit for the line infrastructure facilities was issued on the basis of the final expropriation decision.

If the law regulating the labor safety and health requires that a site development study is submitted for the type of works that are being notified, this study and the report on commencement of works can be submitted together with the notification of works, in which case the competent authority, on behalf and for the account of the employer, shall forward the study and the report to the competent labor inspection, without delay.

What is verified by the competent authority in the process of notification of works?

Competent authority verifies the compliance with formal condition for issuing the confirmation of the notification of works, i.e. verifies:

- The competence for acting upon the application;
- Whether the applicant is qualified under the LPC to notify the respective works;
- Whether the application is filed in the required form and whether it contain all required information;

- Whether the application was filed based on issued construction permit, i.e. approval of works, or the temporary construction permit;
- Whether all documentation required by the LPC and the by-laws enacted based on the LCP, is enclosed with the application;
- Whether the evidence of paid taxes and fees is enclosed with the application.

In case it is established that the formal conditions have not been met, the competent authority shall, without delay, inform the applicant of non-compliance with the requirements for the notification of works.

Competent authority verifies whether the application includes appropriate security instrument for the payment of the contribution for development of the construction land and evidence of payment of the first installment, in case of payment on installments, and if it does, it shall confirm the notification of works within five business days after the date of application. Otherwise, the competent authority shall inform the applicant that the conditions for the notification of works, i.e. execution of works have not been met.

The following is deemed the appropriate security for the payment of the construction land development contribution:

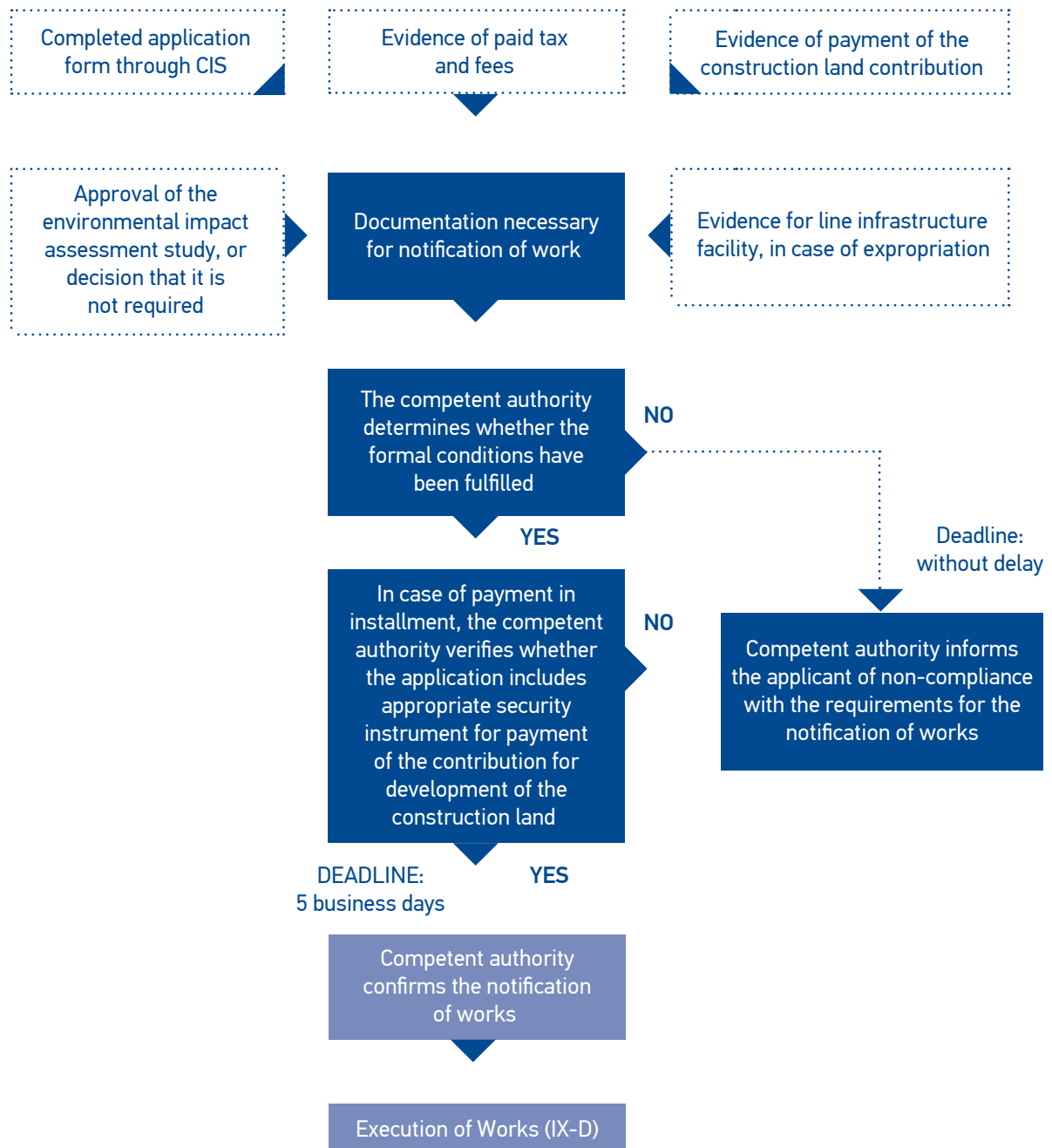
1. Irrevocable first-demand bank guarantee, without objections, in the total amount of outstanding installments, issued for a period that must be three months after the due date of the last installment, or
2. Decision on registration of the mortgage on the facility owned by the investor or a third party, in the total amount of outstanding installments, together with the assessment of the market value of the facility made by court appointed expert, or a decision establishing the property tax for that facility for the current or the previous calendar year, in which the estimated / stated value of the facility is at least 30% higher than the total amount of outstanding installments.

If the competent authority is the Ministry, i.e. autonomous province, together with the notification of works the applicant must submit the statement that the security instrument is appropriate, within the meaning of paragraph 3 of this Article.

Which competent body shall forward the information on the submitted notification of works?

The competent body shall inform the construction inspection of the submitted notification of works, and in case the notification of works relates to the works for which it is required to obtain consent to the technical documentation with respect to the fire protection measures, the competent authority shall also inform the authority competent for fire protection, within three business days from the date of application.

PROCEDURE FOR NOTIFICATION OF WORKS



X–D EXECUTION OF WORK

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- REF:** Law on Planning and Construction (LPC), Art. 149 and 152
Rulebook on the process of electronic implementation of the integrated procedure (REP), Art. 34.-36.
Rulebook on the manner, procedure and content of data for determining the fulfillment of the conditions for issuing license for elaboration of technical documentation and building licenses for buildings for which the construction permit is issued by the ministry or autonomous province, as well as the conditions for revoking such licenses (PL)
Rulebook on Classification of Constructions (RCC)
Rulebook on structures to which individual provisions of the law on planning and construction are not applied (RCNA)
Rulebook on the format, content and location of the construction site board (RCB)
Rulebook on the content and method of keeping the inspection book, the construction logbook and the construction book (RIB)
Rulebook on content and manner of technical inspection of structures, composition of the commission, content of proposed decision of the commission regarding the usability of the structure, surveillance of soil and the structure during construction and use, and minimum guarantee periods for different types of structures (RTI), Art. 21-30

On what basis and when can the execution of works start?

Execution of Works is carried out based on:

- Construction permit, i.e. approval of works, or the temporary construction permit, i.e. decision or permission for removal of the facility;
- Construction permit design, i.e. preliminary design, i.e. demolition design;
- Construction design– mandatory for facilities constructed on the basis of the construction permit, and for reconstruction works carried out based on approval of works, except for category A.

The execution of work can start after the notification of works.

What is the mandatory preparation for construction?

Before starting the construction, the investor provides for:

- marking of the construction lot, regulation, levelling and building lines, in accordance with the regulations governing the execution of geodetic work;
- marking of the construction site with a proper board, the content of which is stipulated in RCB.

Who can be the contractor?

For facilities, i.e. execution of works from Article 133, paragraph 2 of the LPC a contractor can be a company, and/or other legal entity that is:

- entered into the appropriate register for the construction of this type of facility, i.e. for execution of this type of work;
- has employees licensed as responsible contractor's engineer, and relevant professional results, in line with the PL.

In any other case, a contractor can be a company, and/or other legal entity, or an entrepreneur.

In special cases of the simplest facilities and works listed in Article 2 of the RCNA, the contractor can be a natural person, i.e. the investor. This applies in the following cases:

- Classes 111011, 112111, 112211, only for facilities up to 200 m²;
- Class 124220;
- Classes 127111, 127121, 127141, only for facilities up to 200 m²;
- Class 127230;
- Construction of facilities and execution of works for which the construction permit and/or approval of works is not issued, as provided in Articles 144 and 146 of the LPC;
- Construction of facilities and execution of works on supporting and farming facilities (Article 2, points 24) and 24a) of the LPC);
- Works on capital maintenance and removal of obstructions to persons with disabilities, adaptation, change of the intended use without execution of construction work, change of the intended use with execution of construction work, and construction of masonry fences.

What are the obligations of the Contractor?

Contractor shall:

- Sign the construction design before starting work;
- Pass a decision to appoint the responsible contractor's engineer at the construction site that manages the construction, i.e. execution of work;
- Provide the responsible contractor's engineer with the building contract and the documentation based on which the facility is being constructed;
- Provide preventive measures for safe and healthy work in accordance with the legislation regulating this area;
- File to the competent authority the notification of the completion of the foundation, and the completion of the facility, in structural terms;

- The contractor shall warn the investor in writing, and also, if necessary, the authority which is supervising the application of the provisions of the LPC about deficiencies in the technical documentation and onset of unforeseen circumstances that affect execution of work and implementation of the technical documentation (change in technical regulations, standards and norms of quality after completed technical control, discovery of archaeological sites, activation of landslides, appearance of groundwater etc.)

In special cases of the simplest facilities and works listed in Article 2 of the RCNA, if the investor is performing the tasks of the contractor, the provisions of the LPC do not apply to in terms of the conditions and obligations that the contractor must fulfill, except the obligation to provide preventive measures for safe and healthy work, in accordance with the law, and to submit the notification of the completion of the foundation, and the completion of the facility, in structural terms, to the authority that issued the construction permit.

What stage of the works is the contractor obliged to report to the competent authority?

The contractor, through CIS, must file to the authority that issued the construction permit:

- Statement on the completion of the foundation, immediately after the completion thereof, with the geodetic survey of the constructed foundation, in accordance with the regulations governing the execution of geodetic work;
- Statement on the completion of the facility in structural terms, immediately after the completion of the respective construction stage;

The competent authority shall notify, within three days from the date of receipt of these statements, the competent construction inspection who shall have the obligation, within three business days, to carry out inspection supervision of the constructed foundation, i.e. constructed facility in structural terms, and notify the competent authority of the inspection results.

If the contractor fails to submit all documentation with the application, or if the data in application are not in accordance with the construction permit or the approval of works, the application shall be deemed invalid, and the competent authority shall notify the inspection thereof.

Who can be the responsible contractor's engineer?

The authorized contractor can be any person who has acquired higher education in the appropriate profession, and/or course, in second degree studies (master academic studies, master of vocational studies, specialist academic studies), i.e. in basic studies in the duration of at least five years, or with higher education acquired in the first degree studies (basic academic studies, basic vocational studies), i.e. studies in the duration of up to three years, for the facilities referred to in paragraph 5 of this

Article, in the appropriate profession, and/or course, and with appropriate license for the execution of works.

The construction of a facility for which the construction permit was issued by a local self-government unit may also be managed by a person who has completed the specialist vocational studies in the appropriate profession, i.e. course, passed the professional exam, and has at least five years of experience, and a valid license.

The construction of a simple facility for which the construction permit was issued by a local self-government unit, as well as execution of a certain type of works may also be managed by a person with the higher education in the first degree studies in the appropriate profession, i.e. course, who passed the professional exam, has at least five years of experience, and a valid license, in the following cases:

- facilities with basement, ground floor, 4 floors and an attic, whose total area is not greater than 2.000 m² gross area;
- facilities with less complex structures spreading over 12 meters;
- local and non-categorized roads and streets;
- internal water and sewage installations, heating and air condition, the electrical installations, the internal gas installations;
- execution of certain craft and installation work, and work on the interior decoration of the facilities, and landscaping.

Responsible contractor's engineer can be a person holding a license issued by another country, but it must be validated in the Republic of Serbia. The competent authority for validation is the Serbian Chamber of Engineers. The conditions for recognition of the license are provided in the Decision on Amendments to the Decision on the conditions and procedure for determining the conformity of the license issued by other countries with the rules of the Serbian Chamber of Engineers.

In case of the simplest facilities and works listed in Article 3 of the RCNA, which include: all facilities in category A; construction of facilities and execution of works referred to in Article 2 points 24) and 24a) and Art. 144 and 146 of the LPC; works on capital maintenance and removal of obstructions to persons with disabilities, adaptation, change of the intended use without execution of construction work, change of the intended use with execution of construction work, and construction of masonry fences, the responsible contractor's engineer does not have to fulfill previously listed conditions. For the simplest facilities and works (listed in Article 2 of the RCNA), the responsible contractor's engineer need not be appointed, and in that case the obligations of the responsible contractor's engineer shall be taken by the responsible person of the contractor, or the investor, if the contractor was not appointed.

What are the obligations of the Responsible contractor's engineer?

Responsible Contractor's Engineer is obliged to:

- Execute work in accordance with the construction permit design, i.e. construction design, in line with the regulations, standards, including standards of accessibility, technical norms and quality standards, which apply for certain types of work, installations and equipment;
- Organize the construction site in such a way as to provide access to the location, undisturbed flow of traffic, protection of the surroundings during construction;
- Provide safety of the facility, the people who are on the construction site, and the surroundings (adjacent facilities and roads);
- Provide evidence of the quality of completed works, and/or used material, installations, and equipment;
- Secure the facilities and surroundings in case the work is stopped;
- Ensure that the following is available at the construction site: construction contract, decision on appointment of the responsible contractor's engineer at the construction site, and the construction design, i.e. the documentation on the basis of which the facility is being constructed.

In case of the simplest facilities and works listed in Article 3 of the RCNA, the responsible contractor's engineer, i.e. the person that takes over the obligations thereof, is not obliged to ensure the availability of the construction contract and the decision on appointment of the responsible contractor's engineer at the construction site.

Which documentation must be kept by the responsible contractor's engineer at the construction site?

Responsible Contractor's Engineer is required to provide and keep inspection book and construction log, in line with the RIB.

The inspection book and construction log are kept at the construction sites where the works are being executed for which it is required to draft the construction permit design and the construction design, i.e. where:

- the facilities that require the construction permit are being constructed;
- the reconstruction works that require the approval of works are being executed.

The inspection book and construction log are kept from the day the execution of work started, until the day of completion of the construction of the facility, i.e. the works, and the handover of the facility to the investor.

Keeping of the inspection book and construction log is concluded on the day of handover of all facilities and works between the contractor and the investor.

Engineering book is kept only if provided for by the contract on execution of works, i.e. if the envisaged method of calculation uses the actual quantities of works determined on the basis of the engineering book.

In case of the simplest facilities and works listed in Article 3 of the RCNA, the responsible contractor's engineer, i.e. the person that has taken its role, is not obliged to keep the inspection book and construction log.

What type of monitoring must be ensured by the responsible contractor's engineer?

The contractor must provide for the monitoring of the structural behavior, soil on which the facility is located, and the soil in interaction with the facility, during the construction, in line with the provisions of the RTI.

Mandatory monitoring of the soil begins before or during the preparatory work, and mandatory monitoring of the structure (facility) during the construction of the foundation, with simultaneous monitoring of climate, hydrological, geological and other factors in the zone of the facility, in line with the provided methods and monitoring program.

The responsible contractor's engineer determines monitoring subject and concept, program and methods, as well as the scope of the monitoring of the soil and facility.

For facilities in categories C and D, as well as in case when stipulated by the technical documentation, the responsible contractor's engineer provides for the drafting of the soil and facility behavior monitoring design, by a properly licensed person for design, i.e. execution of geodetic work, in line with the RTI.

Responsible Contractor's Engineer is obliged to keep records of the results of the stipulated geodetic monitoring, and compile a report which, upon completion of the construction of the facility, or any part thereof which makes the technical and technological unit, is submitted to the Technical Inspection Committee.

Together with the report, the responsible contractor's engineer submits a statement that the geodetic monitoring of the soil and structure behavior during the construction, were conducted in line with the provisions of the RTI, regulations, and the rules of profession, as well as that the results of the performed monitoring are within the allowed threshold limits determined by the technical documentation used for construction of the facility.

In case of the simplest facilities and works listed in Article 3 of the RCNA, the responsible contractor's engineer, i.e. the person that has taken its role, is not obliged to provide for the measuring and geodetic monitoring of the soil behavior.

Is there a prescribed minimum warranty period that the contractor provides to the investor?

Yes, depending on the type of facility, the minimum warranty periods are provided in line with the RTI, from 2 to 5 years, which does not exclude the 10-year warranty for the soundness of the construction, under the law regulating contract and torts.

X–E SITE SUPERVISION
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REF: Law on Planning and Construction (LPC), Art. 149 and 152
Rulebook on Content and Method of Conducting Site Supervision (RSS)
Rulebook on Classification of Constructions (RCC)
Rulebook on structures to which individual provisions of the law on planning and construction are not applied (RCNA)

When is the site supervision mandatory?

Site supervision is mandatory from the beginning of construction, i.e. execution of works, until their completion, for the facilities for which the construction permit is issued, i.e. execution of works on reconstruction, for which the approval of works is issued.

In line with the RCNA, certain facilities are excluded from the obligation to conduct the site supervision, in accordance with Article 4 of the RCNA, i.e. facilities in category "A" and facilities in the following classes:

- Class 122011: office buildings up to 400 m², with ground floor and 2 floors;
- Class 123001: retail and wholesale buildings up to 400 m², with ground floor and 1 floor;
- Class 125101: workshops up to 400 m²;
- Class 125221: specialized warehouses, with at least three sides closed by walls or partitions, up to 1,500 m², with ground floor and 1 floor;
- Masonry fences and supporting facilities not specified in RCC.

Who provides for the site supervision?

The investor provides for the site supervision.

Who is qualified to conduct the site supervision?

Site supervision may be carried out by a person who fulfils the conditions prescribed by the LPC for the responsible designer or responsible contractor's engineer, depending on the type of works that are subject to the site supervision.

Site supervision on the facility cannot be carried out by:

- persons employed in the company, and/or other legal entity or entrepreneur, which is the contractor on such facility;
- persons who carry out inspection supervision,
- persons in charge of issuing construction permits in the competent authority for issuing construction permits.

What does the site supervision involve?

The site supervision involves in particular:

- checking whether the construction is carried out in accordance with the construction permit, or the approval of works for reconstruction, i.e. according to the construction permit design or the preliminary design for reconstruction, as well as the construction design, and taking appropriate measures in case the execution of work deviates from these designs ;
- control and check of the quality of execution of all types of work and application of regulations, standards and technical norms, including the standards of accessibility that define the mandatory technical measures and conditions to ensure unrestricted movement of persons with disabilities, children, and elderly;
- control and certification of the quantity of executed work (certification of engineering books, interim and final payment certificates, bills for executed works, etc.), or degree of completion of works, if provided for by the site supervision contract with the investor;
- control whether there are proofs about the quality of the materials, equipment and installations which are built in or fitted in the facility, and whether the documents that evidence the quality thereof is available (certificate, test report, etc.);
- control and test the quality of executed work that due to nature and time schedule of the construction cannot be verified in later phases of the construction (execution of foundation, reinforcement, casing, insulation, etc.);
- provide necessary instructions to contractor, especially in case of deviation of the construction from the construction permit design or the preliminary design for reconstruction, i.e. construction design, as well as in case of change in construction conditions (change of the soil type or other parameters set out in geo-mechanical study, etc.);
- regular monitoring of the construction schedule and compliance with the agreed deadlines, if

- provided for by the site supervision contract with the investor;
- cooperate with designer in order to ensure correct realization of the design concept of the facility, as well as cooperate with contractor in selecting technical and organizational solution details for execution of work;
- cooperate with contractor and designer in preparation of as-built design;
- resolving other issues that arise during the construction, i.e. execution of work.

What are the obligations of the site supervisor?

Site supervisor is obliged to:

- Monitor and control the execution of work at the construction site, as well as on the places where other works are being executed for the purpose of facility construction;
- To enter all observations made during the site supervision into the construction log, and to sign and stamp it, in line with the by-laws regulating the content and method of keeping the construction log.

What is the site supervision procedure in case of discrepancy with the issued approval of works or technical documentation?

Site supervisor is obliged to promptly inform the investor and the contractor, if during the site supervision it was established that the contractor:

- Departs from the issued construction permit, i.e. approval of works, the construction permit design, i.e. preliminary design, as well as the construction design;
- Departs from the stipulated quality of material and equipment installed in the facility;
- Departs from other elements that may influence the quality of works, determined value of the facility, or extension of the construction deadlines.

Site supervisor is obliged to promptly inform the investor, in order to undertake appropriate measures, if circumstances arise during the construction, due to which it is necessary to depart from the construction permit design, i.e. the preliminary design, as well as the construction design.

If circumstances arise during the construction that cannot be delayed, the site supervisor is obliged to promptly inform the competent construction inspector, in order to undertake appropriate measures, such as:

- Issuing orders to the contractor for undertaking necessary measures to stop and eliminate harmful consequences;
- Suspension of works in all cases when it is concluded that the execution of works deviates

from the technical documentation, and when the specific deviations can affect the structural bearing, durability, and design conception of the facility, or may lead to material damages, i.e. endanger lives and health of the people, etc.

XI FINAL STEPS

XI-A CONNECTION OF THE FACILITY

REF: n (8, 8b, 8d, 160) Law on Planning and Construction (LPC), Articles (8, 8b, 8d, 160)
Rulebook on the process of electronic implementation of the integrated procedure (REP),
Art.40-41

How to initiate the procedure for connection of the facility?

The procedure for connection of the facility to utility and other infrastructures is initiated by filing application to the competent authority through CIS.

The application shall include the excerpt from the as-built design, i.e. the construction design, if the construction adhered to the construction design, with technical description and graphic attachments, showing the subject connection and the utility installation drawings of all connections, as well as the evidence of payment of the fee for connecting the facility to the appropriate infrastructure, if such fee was paid in the amount specified in the location conditions.

In addition to the above attachments, the application for connection to the electricity distribution system shall also include:

- Usage Permit or statement by the contractor that the devices and installations meet the technical and other prescribed requirements, with a report on proper operation of this installation, made by the authorized entity (authorized economic entity) in accordance with the act regulating the technical conditions for low voltage electrical installations, or usage permit for the facility being connected to a voltage level above 1 kv;
- Electricity supply contract for the facility, with deleted commercial information, and in case of several handover points, the contract is delivered for each point;
- Evidence that the handover point is assigned the balance responsibility and access to the system (Balance Responsibility Contract), unless these obligations are transferred to the supplier under the contract referred to in point 2 of this paragraph;

If connection of the transformer station and/or overhead or underground lines is required for connecting the facility to voltage level above 1 kv, other evidence are also submitted, as specified in the conditions for design and connection, obtained in the procedure for issuing the location conditions.

If the investor wants to pay the connection fee after the receipt of the final calculation, in accordance with the excerpt from the as-built design, it is necessary to specifically indicate so in the application.

Within three business days from the date of application, the competent authority shall forward the application to the holder of public authority to perform connection.

What is the procedure for holders of the public authority to act upon the application for connection to infrastructure?

If the facility was constructed in line with the construction permit, and the construction design, and if the evidence of connection fee paid in the amount specified in the location conditions was submitted with the application, the holder of public authority is obliged to connect the facility to utility or other infrastructure, and to inform the competent authority thereof, within 15 days from the receipt of the connection application, and to deliver the invoice in line with the final calculation of the connection fee.

If the amount of the fee for connection of the facility to infrastructure is not specified in the conditions for design and connection of that facility, the holder of public authority shall connect the facility to infrastructure within 15 days from the receipt of the application, regardless of whether the final calculation of the connection fee was in the meantime delivered to the investor, and whether the payment was made according to that calculation.

If the investor indicated in the request that payment of the fee will be made after the final calculation of the fee for connection of the facility to the appropriate infrastructure has been made, the 15-days deadline for the connection begins on the day following the submission of proof of payment of that fee through the CIS.

If the location conditions provide for additional conditions for connection of the facility to infrastructure, the connection will be made if those conditions are fulfilled.

For example, if the location conditions stipulated the obligation to construct the missing infrastructure or to relocate the existing, such as to build a public road with sewerage, waterworks and water heating network, to which the facility will be connected according to the urban plan, the investor was required to conclude a contract relating to additional preparation and development of the land, as a condition for issuing the construction permit.

In order to connect the subject facility, it is necessary that the infrastructure is completed before the connection, in all respect in line with the LPC, i.e. the overall process of designing, permitting and building must be implemented, including the obtaining of the usage permit, which can be realized simultaneously with designing, permitting, and building of the facility being connected.

XI-B AS-BUILT DESIGN

REF: Law on Planning and Construction (LPC), Article 124
 Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Constructions (RTD), Art. 19, 70-74

What is As-Built Design?

As-built design is a set of mutually harmonized designs made for establishing the suitability of the facility for use, i.e. for obtaining the usage permit, use and utilization of the facility, and it represents the construction design with changes made during the construction.

When is the preparation of the as-built design mandatory?

Drafting of the as-built design is mandatory:

- for all facilities constructed based on the previously issued construction permit, except for the category A facilities, for which a geodetic survey of the constructed facility on the lot, on a certified cadastral-topographic plan, can be enclosed instead of the as-built design;
- in case of works executed based on the approval of works, if the investor wants to obtain the usage permit.

What does the as-built design contain in case of NO DEVIATION from the construction design?

In case there were no deviations from the construction design during the construction of the facility, i.e. execution of works, the investor, site supervisor, and the contractor certify by stamp and signature of an authorized person, the front pages of the construction design segments, thus confirming that as-built situation is identical to the designed situation, and the construction design is deemed to be the as-built design.

In this case, the main volume of the as-built design is not prepared, but a statement of the investor, site supervisor and the contractor is enclosed to the main volume of the construction design, confirming that as-built situation is identical to the designed situation, as provided in Annex 7 of the RTD.

What does the as-built design contain in case of DEVIATIONS from the construction design?

In case that during the construction of the facility, i.e. execution of work, there were deviations from the construction design that are not contrary to the location conditions and the construction permit,

the designs, i.e. segments of the as-built design are drafted as new or amended construction design, containing alterations or additions that occurred during the construction.

Any deviation of the executed work from the construction design must be clearly visible in the as-built design.

In this case, the main volume of the as-built design is prepared, which in addition to the contents of the construction design main volume also include a detailed description of all changes that were made during the construction.

The main volume of the as-built design must also include:

- Explanation of the constructed facility's compliance with the issued construction permit;
- Description of any deviation of the constructed facility from the construction permit design, with specification of the pages in separate segments of the design where these changes are visible, if these deviations do not represent changes that require modification of the construction permit.

Is it possible to draft the as-built design in phases?

As-built design can be drafted in phases, i.e. by segments, that correspond to the phases, i.e. segments of the facility that in line with the technical documents, or according to the opinion of the technical inspection committee, represent technical-technological units, and as such can be used independently, for which the suitability for use is determined, i.e. for which the usage permit is issued.

Is the As-built Design subject to special approvals?

No. If modifications in the course of construction affect the fire protection measures, and if they occurred after obtaining approval of the construction design in terms of the fire protection measures, first it is necessary to obtain consent to the amendments to the construction design, and then complete the as-built design.

Is the as-built design subject to the technical control?

No, technical control is performed only for the construction permit design.

XI-C TECHNICAL INSPECTION

REF: Law on Planning and Construction (LPC), Article 124
 Rulebook on content and manner of technical inspection of structures, composition of the commission, content of proposed decision of the commission regarding the usability of the structure, surveillance of soil and the structure during construction and use, and minimum guarantee periods for different types of structures (RTI)
 Rulebook on structures to which individual provisions of the law on planning and construction are not applied (RCNA)

What is the technical inspection of the facility?

Technical inspection is used to determine the suitability of the building for use, i.e. to determine the compliance of executed works with the construction permit and technical documentation based on which the facility was constructed, i.e. works were executed, as well as with technical regulations and standards applicable to certain types of work, i.e. material, equipment and installations.

When is the technical inspection of the facility mandatory?

Technical inspection is mandatory in the process of obtaining the usage permit for:

- all facilities constructed based on the previously issued construction permit, except for the category A facilities;
- works executed based on the approval of works, if the investor wants to obtain the usage permit.

In case of category A facilities, when the technical inspection is not mandatory, in line with Article 5 of the RCNA, instead of the technical inspection report confirming the suitability of the facility for use, the investor shall obtain a certificate issued by the person that meets the requirements prescribed by the LPC for the responsible designer, i.e. the responsible contractor's engineer for this type of facility, stating that:

- The construction was completed and the facility executed in line with the technical documentation, based on which the construction permit was issued;
- The facility is connected or suitable for connection to infrastructure network, for connections provided by the construction permit.

Is it possible to perform technical inspection in phases, or for parts of the facility?

The technical inspection of the facility shall be carried out after completion of the construction of the facility, a phase, or part of the facility, for facility for which the construction permit, i.e. approval of

works was issued, and for which the investor intends to file the application for usage permit to the competent authority.

Technical inspection is carried out in parallel with the execution of works, and can be performed for:

- Entire facility;
- Each phase of facility construction, where the construction permit provides for the construction to be carried out in phases;
- Parts of the facility that were not specified in the construction permit as separate phases, but in line with the technical documentation, or according to the opinion of the technical inspection committee, represent technical-technological units, and as such can be used independently.

What does the technical inspection of the facility involve?

The technical inspection of the facility involves:

- Verification of completeness of the technical and other documentation for construction of the facility, i.e. execution of works;
- Control of the compliance of executed works with the construction permit, i.e. approval of works, and technical documentation based on which the facility was constructed, i.e. works were executed, as well as with technical regulations and standards applicable to certain types of work, i.e. material, equipment and installations.

Who can perform the technical inspection of the facility?

The technical inspection of the facility is performed by the committee, or the company, i.e. other legal entity appointed by the investor, which is registered in the appropriate registry for performance of such operations.

A participant in the technical inspection can also be a person that meets the requirements prescribed by the LPC for the responsible designer, i.e. the responsible contractor's engineer for the respective type of facility, that:

- May, but need not be employed in the company, i.e. other legal entity engaged for the technical inspection by the investor;
- Is not employed in the company, and/or other legal entity that prepared the technical documentation, or was the contractor;
- Did not participate in preparing of the technical documentation and the environmental impact assessment study, or in execution of works;
- Did not conduct site supervision;

- Does not perform inspection supervision, i.e. is not engaged in the procedure for issuing the construction permit.

How is the composition of the technical inspection committee determined?

The composition of the technical inspection committee is determined in such way as to appoint as members the persons with licenses corresponding to the field-specific segments of the technical documentation based on which the works were executed.

When special fire protection measures are determined for the facility, or any part thereof, the member of the committee that determines the suitability for use in terms of implementation of the fire protection measures is a person appointed in line with the provisions of the law regulating the fire protection (LFP), namely:

- A person with appropriate license in line with the fire protection regulations, for all facilities listed in Article 33 of the LFP, except for the facilities listed in Article 36 of the LFP;
- Licensed person employed in the state administration body in charge of the fire protection, which is authorized to render decisions within the scope of work, for all facilities listed in Articles 34 and 36 of the LFP.

When it is required to make environmental impact assessment for the facility, the member of the committee that determines the suitability for use in terms of implementation of the measures provided in the environmental impact assessment study is a person with expertise in the relevant field, in line with the law regulating the environmental impact assessment (LEIA).

How is the technical inspection committee appointed?

Members of the committee, as well as its chairperson, is appointed by decision of:

- The authorized person of a company, i.e. other legal entity engaged for the technical inspection by the investor;
- The investor, in case the members and the chairperson of the committee are natural persons.

The investor concludes a contract with the members of the committee, i.e. a company or other legal entity, the integral part of which is the decision on appointment.

Appointment of the member of the committee that determines the suitability for use in terms of implementation of the measures provided in the environmental impact assessment study is made in line with the law regulating the environmental impact assessment.

Appointment of the committee member that determines the suitability for use in terms of implementation of fire protection measures, if employed in the administrative authority in charge of the fire protection, is made based on the act on appointment adopted by this competent authority.

When can the trial operation be performed?

If, for the purpose of determining the suitability of the facility for use, it is necessary to carry out previous examinations and inspection of the installations, appliances, plants, stability or safety of the facility, appliances and plants for the protection of the environment, fire protection appliances, or other examinations, or if it is prescribed by the technical documentation, i.e. the construction permit or the approval of works, the technical inspection committee may allow the trial operation of the facility.

Trial operation can also be applied to phases, i.e. parts of the facility representing technical-technological units, and as such can be used independently.

Trial operation cannot last longer than one year.

What are the minutes and the report on the technical inspection?

The committee shall take minutes of the technical inspection, and determine if the facility, phase or a part of the facility is suitable or not for use. If there are deficiencies and irregularities in the facility, or if there is doubt about the quality, or if during the trial operations the conditions for issuing the usage permit are not fulfilled, the committee can:

- give the opinion that the use of the facility can be allowed only after removing these defects and irregularities, or considering the type and nature of the defects and irregularities, before their removal, while taking the necessary security measures in carrying out subsequent works to eliminate the observed deficiencies and irregularities;
- Motion for demolition or removal of the facility if it was established that the defects and irregularities on the facility cannot be eliminated, or that there is an unavoidable danger to the stability of the facility, i.e. to the life or health of people, traffic or adjacent facilities;
- Propose quality testing of the material, installations and equipment;

If significant defects and irregularities are identified on the constructed facility, the chairperson of the technical inspection committee is obliged to submit to the Serbian Chamber of Engineers a list of identified irregularities and defects, with the data on the responsible contractor's engineer.

On the basis of determined suitability for use, the Committee proposes to allow or not to allow the issuance of the usage permit, in line with the Annex 2 of the RTI.

The minutes of the technical inspection and the proposal regarding the suitability for use are signed by all members of the committee and the chairperson.

If the member of the committee that determines the suitability for use in terms of implementation of the fire protection measures is employed in the administrative authority in charge of the fire protection, this person shall not sign the minutes of the technical inspection, and the proposal regarding the suitability for use, but issue a decision, in line with the provisions of the law regulating the fire protection, which shall be enclosed to the minutes of the technical inspection, making its integral part.

The minutes of the technical inspection, and the proposal regarding the suitability for use, together make the Report of the Committee, representing the integral part of the documentation submitted to the competent authority with the application for the usage permit.

If the technical inspection is carried out in parallel with the execution of work, i.e. in phases or for the parts of the facility that in line with the technical documentation, or according to the opinion of the committee, represent technical-technological units, and as such can be used independently, the committee may issue:

- A partial report for the relevant phase, i.e. part of the facility, and upon completion of the facility, the Final Report, for the entire facility, if a single usage permit shall be issued for the entire facility.
- The final report upon completed technical inspection for each phase, i.e. part of the facility, in case a separate usage permit is issued for each of them.

DOCUMENTS FOR THE TECHNICAL INSPECTION

- Construction Permit, i.e. Approval of Works
- Construction Permit Design, i.e. Preliminary Design, if the Approval of Works was issued for the facility or for execution of works
- As-built Design or Construction Design certified by the investor, site supervisor and contractor confirming that the as-built situation is identical to the designed situation
- Individual certificates evidencing the quality of the installed material and equipment (manufacturers' declarations), i.e. executed works (test cubes, quality testing of mounded covers, installation and equipment test reports, etc.).
- Special certificates issued by specialized authorized institutions relating to validity of the relevant installations and equipment systems (elevators, earthing installations, noise emissions, etc.)
- Report on geodetic monitoring, with the statement of the responsible contractor's engineer, in line with the RTI.
- Approval of the construction design issued by the competent authority for fire protection, in case of the facilities for which the special fire protection measures are determined in accordance with the law governing fire protection
- Approval of the environmental impact assessment study by issued by the competent authority, if obtaining the approval of the environmental impact assessment is provided for in accordance with the regulations governing the environmental impact assessment
- The study of geodetic works for the constructed facility, and separate segments thereof
- The study of geodetic works for the underground installations
- Certificate on the energy properties of the facility, if this certificate is required by the law
- Construction log and other construction site documents that is, in some cases, stipulated by the construction contract, as well as the inspection book

If the technical inspection is carried out in parallel with the execution of work, i.e. in phases or for the parts of the facility that in line with the technical documentation, or according to the opinion of the technical inspection committee, represent technical-technological units, and as such can be used independently, the documentation necessary for the technical inspection is delivered to the committee in phases, for the relevant phase, or part of the facility.

CONTENTS OF THE TECHNICAL INSPECTION MINUTES

- Date of setting up the committee
- Names of the members and chairperson, as well as the decision on their appointment
- Names of the investor and the contractor, and their representatives that participated in the work of the committee, as well as the names of other persons that participated in or attended the committee sessions
- Place, time and method of work of the committee
- Subject of the technical inspection
- List of the documents made available to the committee
- Description of the changes that occurred during the execution of work, i.e. construction of the facility, if any, in comparison to the construction permit, i.e. construction design
- Basic information on the connections of the facility to infrastructure
- Information on the specification of separate parts of the facility, if any (their marking, position in the facility, and the surface)
- Final calculation of the value of executed works
- Acknowledgement that the facility was built in line with the construction permit, i.e. approval of works, according to the construction design, i.e. as-built design, or any of the part thereof if the technical inspection is carried out in phases, or for a part of the facility representing technical-technological unit, and as such can be used independently
- Acknowledgement that the facility, phase or any of the part thereof representing technical-technological unit, and as such can be used independently, is suitable for use in terms of implementation of fire protection measures, if special fire protection measures were provided for the facility
- Acknowledgement that the facility, phase or any of the part thereof representing technical-technological unit, and as such can be used independently, is suitable for use in terms of implementation of measures provided by the environmental impact assessment study, if the environmental impact assessment study is required for the facility
- Opinions and proposals of the committee, as well as separate opinions of individual members, if any
- Certificate of approval for trial operation, if the committee established for determining the suitability of the facility, phase or part of the facility, it is necessary to carry out trial operations

**TECHNICAL
INSPECTION
MINUTES**

+

**CERTIFICATE
OF USABILITY**

=

**TECHNICAL
INSPECTION
REPORT**

XI-D THE CROWN OF YOUR EFFORTS: USAGE PERMIT AND REGISTRATION OF (PROPERTY) TITLE

- REF:** Law on Planning and Construction (LPC), Article 158
Law on State Geodetic Survey and Cadaster, Art. 97 and 98
Rulebook on the process of electronic implementation of the integrated procedure (REP), Art. 42-49
Rulebook on content and manner of technical inspection of structures, composition of the commission, content of proposed decision of the commission regarding the usability of the structure, surveillance of soil and the structure during construction and use, and minimum guarantee periods for different types of structures (RTI)
Rulebook on structures to which individual provisions of the law on planning and construction are not applied (RCNA)

For which facilities and when it is necessary to obtain the usage permit?

Usage permit must be obtained before using the facility, and in particular:

- For facilities constructed based on the construction permit;
- At the request of the investor, for facilities for which the Approval of Works was issued (Article 145 of the LPC).

What documentation is submitted with the application for the usage permit?

Application for the usage permit, which filed through CIS, must include the following documents:

- Report of the technical inspection committee determining the suitability of the facility for use, with the proposal for issuing of the usage permit, in line with the RTI, except for category A facilities, for which the certificate referred to in Article 5 of the RCNA is issued;
- Construction design certified and stamped by the investor, site supervisor, and the contractor, confirming that the as-built situation is identical to the designed situation, in line with the RTD, except for the category A facilities, for which a geodetic survey of the constructed facility on the lot, on a certified cadastral-topographic plan, can be enclosed instead of the as-built design;
- The study of the geodetic works for the constructed facility, and separate segments thereof
- The study of the geodetic works for the underground installations
- Certificate on the energy properties of the facility, if this certificate is required by the law

The above listed documents are submitted by the investor to the competent authority that issued the construction permit, since the state authorities are not in the possession of these documents.

What is verified by the competent authority?

Competent authority verifies the compliance with formal condition for issuing the usage permit, i.e. verifies:

- The competence for acting upon the application;
- Whether the applicant is qualified under the LPC to file the application;
- Whether the application is filed in the required form and whether it contains all required information;
- Whether all documentation required by the LPC and the by-laws enacted based on the LCP, is enclosed with the application;
- Whether the evidence of paid taxes and fees is enclosed with the application;

Notices regarding the issue of the usage permit

- Usage Permit can be issued also for a part of the facility that can be used independently.
- Usage Permit shall include in particular:
 - information on the investor, i.e. owner of the facility,
 - basic information on the facility, with the information on the connections to the infrastructure, as well as specification of the separate parts of the facility, if any, that are integrated based on the study of the geodetic works for the constructed facility, and separate segments thereof, and the detailed report of geodetic works for underground installations,
 - information on the cadastral lot, i.e. lots on which the facility is constructed,
 - information on the documents based on which the usage permit is being issued,
 - stipulated warranty periods for the facility, i.e. particular types of work, when required by a special regulation,
 - final calculation of the contribution;
- the facility may be used without the issued usage permit, if the competent authority, within five business days from the application that contains the results of the technical inspection committee determining that the facility is suitable for use, the competent authority did not adopt a conclusion rejecting the issue of the usage permit;
- Competent authority that issued the usage permit shall deliver, ex officio, to the investor and the financing entity (if named as the holder of the construction permit), as well as to the competent construction inspection, and for the information purposes to the holders of public authority.

If the construction permit is issued for several cadastral lots, or parts of cadastral lots, with the obligation of the investor to merge these lots prior to the issuance of the usage permit in accordance with the law, the competent authority shall verify with the competent authority for state geodetic survey and cadaster, ex officio, before issuing the usage permit, whether the merging of these cadastral lots was made.

If the competent authority establishes that the formal conditions have been met, it shall pass the decision on the usage permit, and if the formal conditions have not been met, it shall reject the application in a conclusion, in both cases within five business days from the date of application.

If within 10 days from the receipt of the conclusion on rejection, and not later than 30 days after its publication on the website of the competent authority, the applicant can exercise its one-time right to eliminate any identified deficiencies and submit a compliant application, with no obligation to re-submit the documentation submitted with the rejected application, or to pay again the administrative taxes, i.e. fees.

Is it possible to appeal against the conclusion on rejection of the application?

It is possible to appeal against the conclusion on rejection of the application by:

- Filing objection to the competent municipal, or city council, through a competent authority, within 3 days from the date of delivery;
- Filing objection to the Serbian Government, i.e. executive council of the autonomous province, if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province.

Who can file application for registration of the property title?

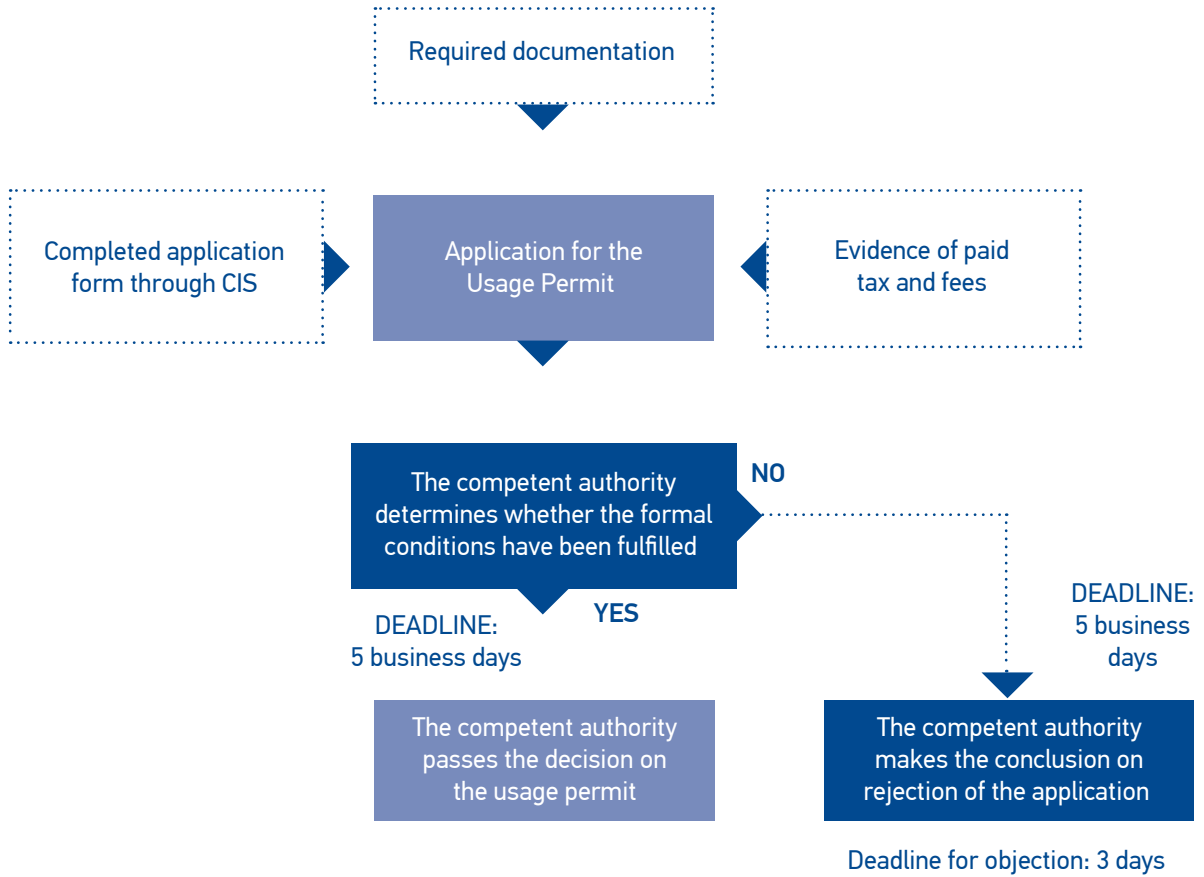
The authority that issued usage permit. Within five business days upon finality of the issued usage permit, the competent authority shall, ex officio, deliver to the authority in charge of state surveying and cadaster, through CIS:

- Usage permit;
- The study of the geodetic works for the constructed facility, and separate segments thereof
- The study of the geodetic works for the underground installations.

After delivery of the usage permit, the cadastral office shall, ex officio:

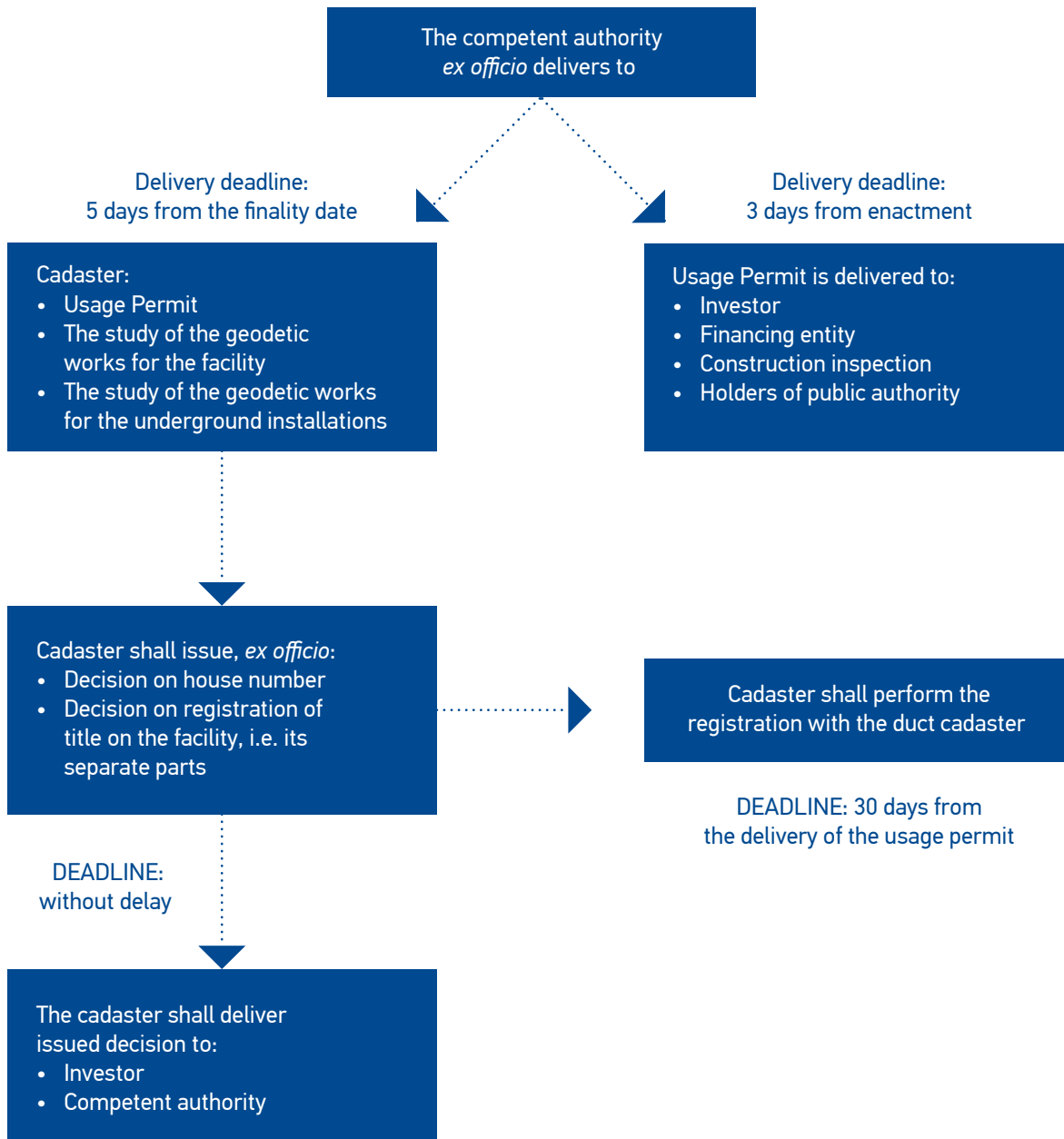
- render decision on the house number (if the usage permit relates to a newly built facility) and the decision on registration of the title on the facility, i.e. separate parts thereof, within seven

PROCEDURE issuing the usage permit



PROCEDURE

registration of the (property) title after obtaining the usage permit



XII APPENDICES

XII-A LIST OF RELEVANT REGULATIONS

2016

Rulebook on cadastral survey and the real estate cadaster (*Official Gazette of the RS, No. 7/2016 and 88/2016*)

2015

Law on Planning and Construction (*Official Gazette of the RS, No., 72/2009, 81/2009 – corr., 64/2010 – CC, 24/2011, 121/2012, 42/2013 – CC, 50/2013 – CC, 98/2013 – CC, 132/2014 and 145/2014*), *Decision of the Serbian Constitutional Court- 65/2017*.

3. Rulebook on the process of electronic implementation of the integrated procedure (Official Gazette of the RS, No. 113/2015 and 96/2016)
4. Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Structure (Official Gazette of the RS, No. 23/2015, 77/2015, 58/2016 and 96/2016)
5. Rulebook on the format, content and location of the construction site board (Official Gazette of the RS, No. 22/2015)
6. Rulebook on Classification of Structures (Official Gazette of the RS, No. 22/2015)
7. Rulebook on official credentials and equipment of the urban and construction inspector (Official Gazette of the RS, No. 30/2015)
8. Rulebook on the procedure for the electronic exchange of documents and submissions and the format in which acts related to the integrated procedure are submitted (Official Gazette of the RS, No. 113/2015)
9. Rulebook on Closing and Marking of Closed Construction Site (Official Gazette of the RS, No. 22/2015)
10. Rulebook on the Manner and Procedure for Calling and Implementing an Urban-Architectural Public Competition (Official Gazette of the RS, No. 31/2015)
11. Rulebook on the manner, procedure and content of data for determining the fulfillment of the conditions for issuing license for elaboration of technical documentation and building licenses for buildings for which the construction permit is issued by the ministry or autonomous province, as well as the conditions for revoking such licenses (Official Gazette of the RS, No. 24/2015)
12. Rulebook on structures to which individual provisions of the law on planning and construction are not applied (Official Gazette of the RS, No. 85/2015)
13. Rulebook on general rules of land lot allocation, regulation and construction (Official Gazette of the RS, No. 22/2015)

14. Rulebook on licensing exams in the field of spatial and urban planning, development of technical documentation, construction and energy efficiency, and the issuing and revocation of licenses for the responsible urban planner, designer, contractor and responsible planner (Official Gazette of the RS, No. 27/2015 and 92/2015)
15. Rulebook on the procedure of adoption and the content of the facilities removal program (Official Gazette of the RS, No. 27/2015)
16. Rulebook on the content and method of disclosure of the Serbian Chamber of Engineers registry data (Official Gazette of the RS, No. 35/2015)
17. Rulebook on Content and Method of Keeping and Maintaining the Central Registry of Planning Documents, Information System of Spatial Conditions and Local Information System, and Digital Format for Delivery of Planning Documents (Official Gazette of the RS, No. 33/2015)
18. Rulebook on Content and Method of Keeping the inspection book, construction diary, and construction register (Official Gazette of the RS, No. 22/2015)
19. Rulebook on Content and Method of Conducting Site Supervision (Official Gazette of the RS, No. 22/2015 and 24/2017)
20. Rulebook on content and manner of technical inspection of structures, composition of the commission, content of proposed decision of the commission regarding the usability of the structure, surveillance of soil and the structure during construction and use, and minimum guarantee periods for different types of structures (Official Gazette of the RS, No. 27/2015 and 29/2016)
21. Rulebook on Content, Method and Procedure of Development of Spatial and Urban Planning Documents (Official Gazette of the RS, No. 64/2015)
22. Rulebook on Content, Method and Procedure of Developing and Controlling Technical Documentation according to the Class and Intended Use of the Constructions (Official Gazette of the RS, No. 23/2015, and 77/2015)
23. Rulebook on Content, Method, Procedure, and deadlines for Developing and Publishing the Excerpt (Official Gazette of the RS, No. 33/2015)
24. Rulebook on Content and Method of adopting the Construction Land Development Program (Official Gazette of the RS, No. 27/2015)
25. Rulebook on Technical Standards for Planning, Designing and Constructing Facilities to Ensure Unrestricted Movement and Access to Disabled Persons, Children and Older Persons (Official Gazette of the RS, No. 22/2015)
26. Rulebook on conditions and criteria for co-financing the drafting of planning documents (Official Gazette of the RS, No. 48/2015)
27. Rulebook on conditions and method of work of the committee for expert control of planning documents, the planning documents compliance control committee, and the local self-government units plans committee (Official Gazette of the RS, No. 55/2015)
28. Rulebook on Conditions and Standards for the Design of Residential Buildings and Apartments (Official Gazette of the RS, No. 58/2012, 74/2015, and 82/2015)
29. Rulebook on Professional Liability Insurance Terms (Official Gazette of the RS, No. 40/2015)
30. Rulebook on the Conditions for Setting Up Temporary Pre-fabricated Facilities on Public Use

Areas (Official Gazette of the City of Pancevo, No. 18/2015)

31. Regulation on the Location Conditions (Official Gazette of the RS, No. 35/2015 and 114/2015)
32. Regulation on technical and other requirements for structural cold-formed welded hollow profiles of non-alloy fine-grained steel (Official Gazette of the RS, No. 93/2015)
33. Decree on technical and other requirements for ash, as building material intended for use in the construction, reconstruction, repair and maintenance of public use infrastructure facility (Official Gazette of the RS, No. 56/2015)
34. Regulation on technical and other requirements for concrete reinforcement steel (Official Gazette of the RS, No. 35/2015 and 44/2016)
35. Regulation on the conditions, manner and procedure for disposal or lease of the construction land in public ownership at a price less than the market price, i.e. rent, or free of charge, as well as the conditions, method and procedure of exchanging the real estate (Official Gazette of the RS, No. 61/2015, 88/2015, and 46/2017)

2014

1. Rulebook on Cement Quality (Official Gazette of the RS, No. 34/2013 and 44/2014)
2. Rulebook on technical norms for ventilation or air conditioning systems (Official Gazette of the SFRY, No. 38/89, and Official Gazette of the RS, No. 118/2014)
3. Rulebook on determining the costs of the technical documentation expert control (Official Gazette of the RS, No. 137/2014)

2013

1. Rulebook on Content and Method of issuing the Construction Permit (Official Gazette of the RS, No. 93/2011 and 103/2013 – CC)

2012

1. Rulebook on methodology and procedure for realization of projects of importance to the Republic of Serbia (Official Gazette of the RS, No. 1/2012)
2. Rulebook on the manner of work, procedure, composition, manner of election and acquittal of the Serbian Chamber of Engineers Court of Honor judges (Official Gazette of the RS, No. 16/2012)
3. Rulebook on the content and extent of the preliminary work, pre-feasibility study and feasibility study (Official Gazette of the RS, No. 1/2012)
4. Rulebook on conditions, contents and method of issuing certificate on the energy properties of the facility (Official Gazette of the RS, No. 69/2012)

2011

1. Rulebook on Energy Efficiency of Buildings (Official Gazette of the RS, No. 61/2011)
2. Regulation on Establishing the Program of Implementation of the Spatial Plan of the Republic of Serbia from 2010 to 2020, for the period from 2011 to 2015 (Official Gazette of the RS, No. 102/2011)

2010

1. Rulebook on Content of the Location Information and the Contents of the Location Permit (Official Gazette of the RS, No. 3/2010)
2. Rulebook on conditions, manner of keeping and accessing, as well as the contents of the register of investors (Official Gazette of the RS, No. 55/2010)

2009

- Regulation on Establishing the Spatial Plan for the Territory of Infrastructure Corridor Niš – Bulgarian border (Official Gazette of the RS, No. 86/2009)
- Regulation on Establishing the Spatial Plan for the Region of Special Use in the National Park Kopaonik (Official Gazette of the RS, No. 95/2009 and 89/2016)

Law on conversion of the right of use to ownership right over the buildable land with compensation (Official Gazette of the RS, No. 64/2015)

Energy Law (Official Gazette of the RS, No. 145/2014)

- Rulebook on Energy Permit (Official Gazette of the RS, No. 15/2015)
- Regulation on the on Conditions of Supply and Procurement of Electricity (Official Gazette of the RS, No. 63/2013)

Law on Strategic Environmental Impact Assessment (Official Gazette of the RS, No. 135/2004 and 88/2010)

- Regulation on the determination of the List of projects for which impact assessment is mandatory, and the List of projects for which the environmental impact assessment may be required (Official Gazette of the RS, No. 114/2008)

Law on Fire Protection (Official Gazette of the RS, No. 111/2009 and 20/2015)

- Rulebook on the method of preparation and content of the Fire Protection Plan of autonomous

provinces, local self-governments and entities classified in the first and the second category (Official Gazette of the RS, No. 73/2010)

- Regulation on Classification of Facilities, Activities and Land in Fire Risk Categories (Official Gazette of the RS, No. 76/2010)
- Law on Organizing Fire Protection According to the Fire Risk Categories (Official Gazette of the RS, No. 92/2011)
- Fire Protection Strategy for the period 2012-2017. (Official Gazette of the RS, No. 21/2012)

Law on Environmental Protection (Official Gazette of the RS, No. 135/2004, 36/2009, 36/2009 – as amended, 72/2009 – as amended and 43/2011 – RS CC Decision 14/2016)

- Regulation on Determining the Activities Having Impact on the Environment (Official Gazette of the RS, No. 109/2009 and 8/2010)
- Regulation on the procedure for informing or exchanging data on the Seveso plant, i.e. complex, which activities may lead to chemical accident with cross-border effects (Official Gazette of the RS, No. 26/2013)

Law on Public Roads (Official Gazette of the RS, No. 101/2005, 123/2007, 101/2011, 93/2012, and 104/2013)

- Regulation on the Categorization of State Roads (Official Gazette of the RS, No. 105/2013, 119/2013 and 93/2015)
- Rulebook on the basic conditions that the tunnel on the public road must meet from the aspect of traffic safety and suitability of the road for traffic (Official Gazette of the RS, No. 121/2012)

Law on Waters (Official Gazette of the RS, No. 30/2010, 93/2012, and 101/2016)

Law on Forests (Official Gazette of the RS, No. 30/2010, 93/2012, and 89/2015)

Law on Agricultural Land (Official Gazette of the RS, No. 62/2006, 65/2008 – other law, 41/2009, and 112/2015)

Law on Railway (Official Gazette of the RS, No. 45/2013, and 91/2015)

- Regulation on railway tracks classification (Official Gazette of the RS, No. 115/2013, and 57/2017)
- Rulebook on the licenses for railway infrastructure management (Official Gazette of the RS, No. 9/2014)
- Rulebook on the elements of railway infrastructure (Official Gazette of the RS, No. 10/2014)

Law on Maintenance of Residential Buildings (Official Gazette of the RS, No. 44/95, 46/98, 1/2001 – RS CC Decision, 101/2005 – other law, and 27/2011 – RS CC Decision, and 88/2011)

Law on Housing and Maintenance of Residential Buildings (Official Gazette of the RS, No. 104/2016)

Law on Housing (Official Gazette of the RS, No. 50/92, 76/92, 84/92 – corr., 33/93, 53/93, 67/93, 46/94, 47/94 – corr., 48/94, 44/95 – other law, 49/95, 16/97, 46/98, 26/2001, 101/2005 – other law, and 99/2011, See: CC Decision – 102/2012. Ceased to be valid as of 31 December 2016, except for the provisions in Art. 16. through 28, Art. 34. through 38, Art. 45a and 45b, as well as provisions of Art. 32, which will cease to be valid two years from the date of entry into force of the Law on housing and maintenance of buildings – see: Art. 157 of the Law – 104/2016.)

Law on technical requirements for products and conformity assessment (Official Gazette of the RS, No. 36/2009)

Law on State Geodetic Survey and Cadaster (Official Gazette of the RS, No. 72/2009, 18/2010, 65/2013, 15/2015 – CC Decision, and 96/2015), See: Authentic interpretation – 47/2017.

Law on Public Property (Official Gazette of the RS, No. 72/2011, 88/2013 and 105/2014, 104/2016 – other law, and 108/2016.)

Law on Expropriation (Official Gazette of the RS, No. 53/95, Official Gazette of the FRY, No. , br. 16/2001 – FCC Decision, and Official Gazette of the RS, No. 20/2009 and 55/2013 – CC Decision, see: Authentic interpretation -106/2016.

The Law on the Fundamentals of Ownership Relations (“The Law was published in the Official Gazette of SFRY, No. 6/80 and 36/90, and Official Gazette of the FRY, No. 29/96. See: Art. 64.Of the Constitution Charter – Official Gazette of the Serbia and Montenegro, 1/2003-1. See: Art. 43.Of the Law – Republic of Montenegro, 52/2004-2. See: Art. 63.Of the Law – RS, 115/2005-10.

Law on Obligations (“The Law was published in the Official Gazette of SFRY, No.29/78, 39/85, 45/89 – YCC Decision, 57/89 and Official Gazette of the FRY, No. 31/93.)

Law on Sale of Real Estate (Official Gazette of the RS, No. , 93/2014, 121/2014 and 6/2015)

Law on Property Restitution and Compensation (Official Gazette of the RS, No. 72/2011, 108/2013, and 142/201488/2015- RS CC Decision)

Law on Property Tax (Official Gazette of the RS, , No. 26/2001, Official Gazette of the FRY, No.42/2002 – FCC Decision, and Official Gazette of the RS, No. 80/2002, 80/2002 -other law, 135/2004, 61/2007,

5/2009, 101/2010, 24/2011, 78/2011, 57/2012 – CC Decision, 47/2013 and 68/2014 – other law)

Law on Public-Private partnership and Concessions (Official Gazette of the RS, No. 88/2011, 15/2016 and 104/2016.)

Law on Inspection (Official Gazette of the RS, No.36/2015)

Law on the Spatial Plan of the Republic of Serbia from 2010 to 2020 (Official Gazette of the RS, No. 88/2010)

Law on General Administrative Procedure (Official Gazette of the RS, No. 33/97, and 31/2001, and (Official Gazette of the RS, No. 30/2010)

Law on General Administrative Procedure (Official Gazette of the RS, No. 18/2016)

Law on State Administration (Official Gazette of the RS, No. 79/2005, 101/2007, 95/2010, and 99/2014)

Law on Economic Offenses(Official Gazette of SFRY, No. 4/77, 36/77 – corr., 14/85, 10/86 (final text), 74/87, 57/89 and 3/90 and Official Gazette of FRY, No. 27/92, 16/93, 31/93, 41/93, 50/93, 24/94, 28/96, and 64/2001, and Official Gazette of the RS, No.101/2005 – other law)

Law on Misdemeanors (Official Gazette of the RS, No. 65/2013, 13/2016, and 98/2016 – RS CC Decision.)

Penal Code (Official Gazette of the RS, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012 (see also Art. 45), 104/2013, 108/2014 and 94/2016)

Law on Legalization of Constructions (Official Gazette of the RS, No. 96/2015)

Law on State Administrative Taxes (Official Gazette of the RS, No. 43/2003, 51/2003 – corr., 61/2005, 101/2005 – other law, 5/2009, 54/2009, 50/2011, 70/2011 – adjusted RSD amounts, 55/2012 – adjusted RSD amounts, 93/2012, 47/2013 – adjusted RSD amounts, 65/2013 – other law, 57/2014 -adjusted RSD amounts, 45/2015 – adjusted RSD amounts, 83/2015 and 112/2015, 50/2016, 61/2017)

Law on Local Self-Government (Official Gazette of the RS, No.br.129/2007. See: Art. 145, point 2) of the Law – 83/2014-22 and 101/2016)

XII-B TIME IS MONEY: OVERVIEW OF DEADLINES

Activity	Competent authority	Deadline
Issuing the location conditions	Administrative authority	5 business days from the receipt of the application for the location conditions
Rejection of the application by rendering the conclusion stating all deficiencies, if the formal conditions for acting upon the application have not been met.	Administrative authority	5 business days from submitting the application
Delivery to the competent authority of the conditions for design and connection, which are the prerequisite for issuing the location conditions and connection to the infrastructure facilities	Holder of public authority	15 days from the receipt of the application for conditions for design and connection
Delivery to the competent authority of the conditions for design and connection for facilities referred to in Article 133 of the Law	Holder of public authority	30 days from the receipt of the application
Notice to the applicant as to the amount of actual costs for receiving the conditions from the holders of public authority, if the amount of such actual costs is known on the basis of the notices that have been properly disclosed ⁷	Administrative authority	5 business days from the receipt of the application
Forwarding the application for conditions for design and connection to the relevant holders of public authority ⁸	Administrative authority	5 business days from the receipt of the application
Delivery of the notice on actual costs of issuing the conditions for design and connection to the competent authority	Holder of public authority	3 business days from the receipt of the application from the administrative authority
Delivery of the notice to the applicant regarding the conditions for design and connection that will be issued free of charge, in case the holder of public authorities failed to deliver the notice on the amount of actual costs within the specified time-frame	Competent authority	Without delay
Delivery of the conditions for design and connection	Holder of public authority	30 days from the receipt of the application for facilities referred to in Article 133
		15 days from the receipt of the application for other facilities

Activity	Competent authority	Deadline
Publishing the documents that regulate the amount of the taxes, i.e. fees	Competent authority and Holder of public authority	30 days after the entry into force of the Regulation on the Location Conditions (Official Gazette of the RS, Nos. 35/2015 and 114/2015)
Application to the holder of public authority to perform connection	Administrative authority	3 business days from the receipt of the application for connection of the facility
Connection of the facility to utility and other infrastructures	Holder of public authority	15 days from the receipt of the application
Publication of location conditions, construction and usage permits in electronic form	Registrar	3 business days from the date of issue thereof
Submitting the request for instituting misdemeanor proceedings referred to in Article 211a of the Law, against the holder of public authority and the responsible person of the holder of public authority	Registrar	3 days from the expiry of the set deadline for the holder of public authority to undertake the relevant activities
Issuing the location conditions	Administrative authority	5 business days from obtaining all conditions and documents in line with Article 8b of the Law
Issuing the construction permit	Administrative authority	5 business days from submitting the application for the construction permit
Delivery of the decision on refusing the construction permit application	Administrative authority	Without delay, and not later than 3 days from enactment
Notification of works receipt confirmation	Administrative authority	Without delay 5 business days, if the means of security as per Article 98 of the Law is submitted together with the notification of works
Submitting the application for connection to the holder of public authority	Administrative authority	3 business days from submitting the application
Issuing the usage permit	Administrative authority	5 business days from submitting the application for the usage permit
Decision on the usage permit is submitted to the applicant	Administrative authority	3 days from enactment
Issuing decision from Article 145 of the LPC;	Administrative authority	5 business days from submitting the application

Activity	Competent authority	Deadline
Decision to refuse the application, if the competent authority, after the review of the submitted documents, establishes that the works specified in the application for issuing of the resolution referred to in Article 145 of the Law require a construction permit.	Administrative authority	8 days from submitting the application
Location information	Administrative authority	8 days from submitting the application
Conditions for connecting to utility, traffic, and other infrastructure	Holders of public authority	15 days from the receipt of the application
Filing objection to the location conditions	Applicant	3 days from delivery of the location conditions
Filing objection with the competent municipal authority, i.e. city council, through the competent authority, against the decision on rejection (location conditions)	Investor	3 days from the delivery of conclusion
Delivery of the urban design with all remarks and suggestions to the planning committee	Administrative authority	3 days
Establishing whether the urban design conforms with the wider area plan	Planning committee	8 days from the receipt
Verification or refusal to verify the urban design	Administrative authority	5 days from the receipt of the proposal from the committee
Publishing of the verified urban design on the website	Administrative authority	5 days from the verification of the design
Land lot allocation, i.e. re-allocation design	Local self-government unit authority competent for urban planning	10 days
Delivery of the act of changing the use of agricultural land into construction land	Authority competent for adopting the planning document	15 days from the date of entry into force of the planning document
Annotation of the obligation to pay the fee for changing the intended use of the land	Competent authority for State Geodetic Survey and Cadaster	60 days
Delivery of the act containing the list of cadastral land lots that have changed the intended use	Authority competent for adopting the planning document	15 days
Determining the merits of the application for land consolidation	Land consolidation committee	10 days from submitting the application

Activity	Competent authority	Deadline
Public invitation for applying and determining necessary data for land consolidation	Authority competent for urban planning	8 days from the date of entry into force of the land consolidation decision
Public presentation of the construction land redistribution	Land consolidation committee	30 days from announcement of the public invitation
Decision on the filed objection	Land consolidation committee	8 days from the receipt of the objection
Delivery of the revision committee report	Revision Committee	Maximum 30 days from submitting the application
Decision on amendment to the construction permit decision	Administrative authority	8 days from submitting the application
Passing the decision on amendment to the construction permit	Administrative authority	5 business days from the receipt of the required documentation
Notice to the competent body for fire protection on the completed notification of works, in case the notification of works relates to the works for which it is required to obtain consent to the technical documentation with respect to the fire protection measures	Administrative authority	3 days from the notification of works
Notification of works confirmation, if the development fee is paid in installments	Administrative authority	5 business days from submitting the application
Decision on refusal of the application for execution of works	Administrative authority	8 business days from submitting the application
Decision on approval of the application for execution of works	Administrative authority	5 days from submitting the application
Notice to the construction inspection on the completion of the foundation	Administrative authority	3 days from the receipt of the statement
Site supervision of the constructed facility	Construction inspection	3 days after the receipt of the contractor's statement on the completion of the facility in structural terms.
Approval of the technical documentation with the notice of the amount of the approval issuing fee	Authority competent for fire protection	15 days after the investor submits the application to the competent authority, i.e. within 30 days, in case of the facilities from Article 133 of the Law
Issuing the usage permit	Administrative authority	5 business days from submitting the application for the usage permit

Activity	Competent authority	Deadline
Competent authority delivers to the authority in charge of state survey and cadaster the usage permit, study of the geodetic works for the constructed facility, and separate segments thereof, as well as the study of the geodetic works for underground installations	Administrative authority	5 business days from the finality of the issued usage permit
Decision on house number, if the usage permit is delivered for a newly built facility	Competent authority for State Geodetic Survey and Cadaster	7 days from the delivery of the usage permit
Decision on registration of title on the facility, i.e. its separate parts, in line with the issued usage permit	Competent authority for State Geodetic Survey and Cadaster	7 days from the delivery of the usage permit
Registration with the duct cadaster	Competent authority for State Geodetic Survey and Cadaster	30 days from the delivery of the usage permit
Application to the holder of public authority to perform connection in line with the application for connection of the facility to utility and other infrastructures	Administrative authority	3 business days from the receipt of the application for connection of the facility to utility and other infrastructures
Decision on the removal of facility	Local self-government unit	8 days from delivery of the required documents
Filing objection to the competent authority against issued location conditions, i.e. urban design	Urban inspector	Maximum 30 days from issuing the location conditions, i.e. verification of the urban design
Obtaining, i.e. amending the construction permit, if the facility is not constructed in line with the construction permit; after passing the decision on suspension of works	Construction inspection	60 days

Activity	Competent authority	Deadline
Obtaining the usage permit, if the facility, for which the construction permit was issued, is used without the usage permit	Construction inspection	From 30 to 90 days
Obtaining the construction permit, i.e. decision referred to in Article 145, if the facility, if the facility, for which the construction and the usage permit were issued, is used for purposes other than stated in the construction and the usage permit	Construction inspection	30 days
Adoption of the spatial plan	Municipality/City	18 months from the date of entry into force of the Law
Decision on developing the local self-government unit spatial plan	Local self-government unit	3 months from the date of entry into force of the Law
Delivery of saved electronic documents	Central records of integrated procedures	2 business days
Publication of location conditions, construction and usage permit, and the decision referred to in Article 145 of the Law, through the Central information system	Registrar of the integrated procedure register	3 business days from the date of issue

XII-C WHEN THERE IS NO OTHER REMEDY LEGAL REMEDIES

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
1	The decision on the fulfillment of conditions for issuing the certificate on the energy properties of the facility	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 4, paragraph 7
2	Location Conditions	Objection	Authorized municipal or city council;	3 days from the delivery of location conditions	Article 56, paragraph 2
3	The location conditions – when the location conditions were issued by the competent ministry or autonomous province competent authority	Objection	The Government of the Republic of Serbia	3 days from the delivery of location conditions	Article 56, paragraph 2
4	Notice on approval, i.e. rejection of the urban design confirmation	Objection	Municipal, i.e. city council	3 days from the date of delivery of notice	Article 63, paragraph 7
5	Notice that the land lot allocation, i.e. re-allocation design is not prepared in accordance with the valid planning document, or a bylaw setting out the general rules of land division, regulation and construction	Objection	Municipal, i.e. city council	3 days from the date of delivery of notice	Article 65, paragraph 6
6	Decision on formation of the cadastral lot	Appeal	Ministry in charge of construction affairs;	15 days from the date of delivery of decision	Article 66, paragraph 5, and Article 67, paragraph 3
7	Notice that there are no urban planning conditions for the land lot allocation, i.e. re-allocation design	Objection	Municipal, i.e. city council	3 days from the date of delivery of notice	Article 70, paragraph 8

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
8	The decision designating the land for the regular use by the facility and on forming the construction lot	Appeal	Ministry in charge of construction affairs;	15 days from the date of delivery of decision	Article 70, paragraph 12
9	Proposed solutions from the land consolidation design	Objection	Land consolidation committee	30 days from expiry of the period for public review	Article 108, paragraph 7
10	Decision on urban land consolidation	Appeal	Ministry in charge of urban planning	15 days from the date of delivery of decision	Article 108, paragraph 11
11	Decision on the construction permit	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 136, paragraph 3
12	Decision on the construction permit – for facilities for which the construction permit is issued by the Ministry in charge of construction affairs	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 136, paragraph 4
13	Decision on amendment to the construction permit decision	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 141, paragraph 12
14	Decision on amendment to the construction permit decision – if the decision was issued by the ministry, i.e. the competent authority of the autonomous province	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 141, paragraph 12
15	Approval of Works on the constructions referred to in Article 2, points 24) and 24a)	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 145, paragraph 6
16	Decision on the usage permit	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 158, paragraph 8

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
17	Decision on usage permit – if the decision was issued by the ministry in charge of construction affairs, i.e. the competent authority of the autonomous province	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 158, paragraph 9
18	The permission for the removal of the facility – when issued by the local self-government unit	Appeal	Ministry in charge of construction affairs;	15 days from the date of delivery of decision	Article 168, paragraph 4
19	The permission for the removal of the facility – when issued by the ministry, i.e. the competent authority of the autonomous province	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 168, paragraph 5
20	Decision of the republic construction inspector	Appeal	The Government of the Republic of Serbia	15 days from the date of delivery of decision	Article 184, paragraph 1
21	Decision of the urban inspector	Objection	Competent executive authority of the City of Belgrade, autonomous province, i.e. the Government of the RS	8 days from the delivery of decision	Article 184, paragraph 3
22	Decision of the local self-government unit rendered in the inspection supervision procedure in the field of facilities construction	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 184, paragraph 5

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
23	Decision rendered in the inspection supervision procedure in the field of facilities construction in the territory of the autonomous province	Appeal	Autonomous Province	8 days from the delivery of decision	Article 184, paragraph 6
24	Decision of the city administration rendered in the inspection supervision procedure in the field of facilities construction in the territory of the City of Belgrade	Appeal	City of Belgrade	8 days from the delivery of decision	Article 184, paragraph 6
25	Conclusion on rejection of the application for issuing the location conditions	– Objection	Authorized municipal or city council	3 days from the delivery of conclusion	Article 8, paragraph 4
26	Conclusion on rejection of the application for issuing the location conditions – if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province	Objection	Government, i.e. executive authority of the autonomous province	3 days from the delivery of conclusion	Article 8, paragraph 5
27	Conclusion on rejection of the application for the construction permit due to non-compliance with formal requirements	Objection	Authorized municipal or city council	3 days from the delivery of conclusion	Article 18, paragraph 2

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
28	Conclusion on rejection of the application for the construction permit due to non-compliance with formal requirements – if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province	Objection	Government, i.e. executive authority of the autonomous province	3 days from the delivery of conclusion	Article 18, paragraph 3
29	Approval of Works (Article 145 of the Law)	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 29, paragraph 8
30	Approval of Works (Article 145 of the Law) – if the decision was issued by the ministry, i.e. the competent authority of the autonomous province	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 29, paragraph 8
31	Rejection of the application for Approval of Works (Article 145 of the Law)	Appeal	Ministry in charge of construction affairs;	8 days from the delivery of decision	Article 29, paragraph 8
32	Decision on refusal of the application for Approval of Works (Article 145 of the Law) – if the decision was issued by the ministry, i.e. the competent authority of the autonomous province	Lawsuit – Administrative proceedings	Administrative Court	30 days from the date of delivery of decision	Article 29, paragraph 8
33	Conclusion on the rejection of the application for Approval of Works (Article 145 of the Law)	Objection	Authorized municipal or city council	3 days from the delivery of conclusion	Article 29, paragraph 10

no.	Act	Legal remedy	The authority responsible for deciding	Deadline	Article of the LPC
34	Conclusion on rejection of the application for Approval of Works (Article 145 of the Law) – if the conclusion was issued by the ministry, i.e. the competent authority of the autonomous province	Objection	Government, i.e. executive authority of the autonomous province	3 days from the delivery of conclusion	Article 29, paragraph 11
35	Conclusion on rejection of the application for the usage permit due to non-compliance with formal requirements	Objection	Authorized municipal or city council	3 days from the delivery of conclusion	Article 44, paragraph 2
36	Conclusion on rejection of the application for the usage permit due to non-compliance with formal requirements – if the conclusion was made by the ministry in charge of urban planning and construction, i.e. the competent authority of the autonomous province	Objection	Government, i.e. executive authority of the autonomous province	3 days from the delivery of conclusion	Article 44, paragraph 3

XII-D USEFUL SOURCES

Central Registry of Planning Documents

<http://planskidokumenti.gov.rs/mapserver2015/cityGis/>

Portal for electronic submission of the construction applications

<https://ceop.apr.gov.rs/eregistrationportal/>

Webpage for implementation of the Law on Planning and Construction:

<http://gradjevinskedozvole.rs/>

Ministry of Construction, Transport and Infrastructure:

<http://mgsi.gov.rs/cir>

Republic Geodetic Authority:

<http://www.rgz.gov.rs/>

Business Register Agency:

<http://www.apr.gov.rs/>

Statistical Office of the Republic of Serbia:

<http://webrzs.stat.gov.rs/WebSite/>

For more information, please visit the official website of the local self-government unit where the lot is located, which often have their own guides or special sections dedicated to the issuance of construction permits, with useful information: addresses and phone numbers, amounts of taxes and fees, bank account numbers, etc.

XII-E FREQUENTLY ASKED QUESTIONS

1. Is it possible to build on the agricultural land without changing the intended use of the land, and if yes, what types of facilities? What is the procedure for changing the intended use of the agricultural land to construction land?

Answer:

No, it is not possible to build on the agricultural land, it is necessary first to convert the agricultural land into construction land.

In case of agricultural land in the construction area of the village in the first, second, third, fourth and fifth cadastral classes, and in case of a supporting facility in the function of primary agricultural production, this is the land referred to in Art. 3 of the Law on Agricultural Land, and therefore it is necessary to initiate a procedure for changing the intended use of the arable agricultural land before the municipal administration body responsible for agriculture, and at the same time to apply for exemption from payment of the conversion fee, given that for this type of the facility the fee is not payable in line with Article 26, paragraph 1, point 2 of the Law on Agricultural Land.

The facilities in function of the primary agricultural production, pursuant to Article 26, paragraph 2 of the Law on Agricultural Land, are: facilities for housing mechanics, raw materials, storage and preservation of finished agricultural products, livestock breeding facilities, facilities for the cultivation and display of old autochthonous varieties of plant cultures and breeds of domestic animals, facilities used for growing mushrooms, snails and fish.

With the application for exemption from payment of the conversion fee, it is necessary to submit: the evidence of title over the agricultural land, copy of the plan, and information on the surface which is intended for conversion, and the preliminary design for the construction of the supporting facility.

Exemptions are the facilities referred to in Article 69, paragraph 1 of the Law on Planning and Construction (line infrastructure facilities, utilities infrastructure, electric power facilities and electronic facilities, or communication networks and devices). They can be constructed on the agricultural land, with previously obtained approval of the ministry in charge of agriculture.

2. What documents are needed for the construction of the new facility / execution of works on adaptation (and other works from Art. 145)?

Answer:

For construction of the facility, first it is necessary to obtain the location conditions, and then the

construction permit. Also, before obtaining the location conditions, for the purposes of drafting the conceptual design, it is possible to obtain the location information from the authority competent for issuing the construction permit, containing information on the possibilities and limitations for construction on one or more cadastral lots, based on the planning document.

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Filing application for the location conditions is made in line with Article 6, while filing application for the construction permit is made in line with Article 16 of the Rulebook on the process of electronic implementation of the integrated procedure.

In case of execution of works from Article 145 of the Law on Planning and Construction, it is necessary to obtain the Approval of Works, issued by the authority competent for issuing the construction permit. Filing application for the Approval of Works for execution of works from Article 145 of the Law, is made in line with the Article 28 of the Rulebook on the process of electronic implementation of the integrated procedure.

For execution of works from Article 145 of the Law, it is necessary first to obtain the location conditions containing all urban planning, technical, and other conditions and data necessary for drafting the preliminary design, except in cases referred to in Article 2, paragraph 2 of the Regulation on Location Conditions: In line with Article 2, paragraph 2 of the Regulation on Location Conditions, the location conditions are not issued for execution on capital maintenance works, and removal of obstacles for the persons with disabilities, for works that are not affecting the exterior elevation, increasing the number of functional units, and capacity of the installations, adaptation, remediation, construction of masonry fences, as well as for execution of all other works that are not aimed at connection to the utility infrastructure, i.e. that do not change the capacities and functionality of the existing connections to the infrastructure network, except when the obligation to obtain the conditions is prescribed by law or the planning document. Filing application for the location conditions is made in line with Article 6 of the Rulebook on the process of electronic implementation of the integrated procedure.

3. What is the price of the construction permit for a new facility?

Answer:

There is no set "price" for the construction permit.

As for the costs of the application for the construction permit, this issue is regulated by Article 16 of the Rulebook on the process of electronic implementation of the integrated procedure. The said Article stipulates that the application shall include the evidence of paid administrative tax for application and issuance of the approval (the amount of which is determined by the competent authority

receiving the application), and fees for Central Records.

For facilities for which it is required to pay the construction land development contribution, the amount of the contribution is determined in the construction permit, and paid before notification of works (in case of payment in installments, evidence of payment of the first installment and security instrument shall be delivered), so the mandatory part of the application for the construction permit is the statement of the applicant with respect to the payment method of the construction land development contribution, as well as the security instruments, in case of payment in installments.

4. Is it possible to build a new facility on the holiday house land lot, and if yes, how far from the neighboring lot / boundaries?

Answer:

The construction conditions are set by construction rules provided for in the planning document.

These conditions can be determined from the planning document adopted for the subject area where the lot is located, or by filing application to the competent authority for issuing location information, containing the data on possibilities and limitations of the construction on a particular land lot, in line with the applicable planning document.

5. Is it necessary to obtain the consent from all tenants in the building before execution of works (facade whitewashing, laying thermal insulation, etc.)?

Answer:

No, the activities pertaining to the common areas in the building are decided by the residential building assembly, by majority vote determined in line with Article 44, paragraph 1 of the Law on Maintenance of Residential Buildings.

For decision-making within the competence of the residential building assembly, including the decision to undertake works on common parts of the building, i.e. on improvement of the common parts of the building (Article 42, paragraph 1, under items 8) and 14)), a simple majority of the votes of the present members with the right to vote on a particular issue is needed, where the quorum is formed by ordinary majority of the total number of votes of the members with the right to vote on a particular matter.

A majority of 2/3 of the total number of votes is required only for decisions about the use of common parts of the building (e.g. renting, building additional floors, etc.), conferring the management to a professional manager, and loan borrowing.

The residential building is entitled to enact the owner's rules, in line with Article 17 of the said law, which otherwise determine the majority needed to render decisions from the scope of its competency.

Article 135, paragraph 1 of the Law on Planning and Construction, stipulates that the Construction Permit, i.e. Approval of Works from Article 145 of the Law, is issued to the investor with the appropriate right over the land or the facility. In line with Article 135, paragraph 2 of the law, the right of ownership, the right of lease on the buildable land in public ownership, as well as other rights regulated by this Law, shall be deemed as the appropriate right on the land. Article 135, paragraph 6 of the Law on Planning and Construction specifies that construction, or execution of work on the construction land or facility with several owners, the evidence of entitlement can be provided in form of certified consent of the owners, and in case of building additional floors, the contract executed in line with the special law is also submitted.

Article 9, paragraph 2 of the Law on Housing and Maintenance of the Buildings, stipulates that owners of separate parts decide on the use of the common parts of the building in line with the provisions of this law regulating the operations and decision-making in the residential building.

In line with Article 44, paragraph 2 of this law, a majority of 2/3 of the total number of votes is required for decisions about the use of common parts of the building, conferring the management to a professional manager, and loan borrowing.

6. The neighbor started the construction of the facility without construction permit, which obscures the view and threatens the house on the neighboring lot. Who can be addressed in this respect, and what measures can be imposed against the neighbor?

Answer:

In case a facility is being constructed, which in your opinion is not in accordance with the provisions of the Law on Planning and Construction, i.e. in accordance with the planning document, it is possible to contact the construction inspector, whose rights and duties prescribed by Article 175 of the Law in Planning and Construction, available on the website www.gradjevinskedomozvole.rs, under section Regulations.

Article 176 of the Law on Planning and Construction provides for the authorities of the construction inspector in performing supervisory inspection.

Pursuant to Article 176, paragraph 1, point 1), while performing the inspection, the construction inspector shall be authorized to order by a decision the suspension of works and removal of a facility, or any part thereof, if it is being built, or the construction was completed without construction permit, and/or if the facility is being built contrary to the location conditions, and/or construction permit,

and/or notification of works certificate.

Article 176, paragraph 1, point 1a) stipulates that while performing the inspection, the construction inspector shall be authorized to order, by a decision, the removal of a facility, and/or its restoration, if the facility is being built, and/or works are being executed without the decision referred to in Article 145 of the Law.

Furthermore, refer to the penalty provisions of the Law on Planning and Construction, which may apply to your situation:

In line with Article 211, paragraph 1 of the Law on Planning and Construction, competent inspector shall be fined from 25,000 to 50,000 dinars if, in cases referred to in Articles 174, 176, 177, 178, 179, 180, 181, 182 and 198 of this Law, fail to render decision, i.e. issue an order within the appropriate time limit, which cannot be longer than seven days after becoming aware of the committed offense. Pursuant to paragraph 2 of this Article, for repeated offenses, referred to in paragraph 1 of this Article, the offender shall be fined and sentenced to prison for up to 30 days.

Article 210, paragraph 1, point 2 of the Law on Planning and Construction, stipulates that the responsible official of the administration authority shall be fined from 50,000 to 100,000 dinars, or imprisonment up to 30 days if it issues construction permit contrary to this Law and the regulations adopted on the basis thereof (Articles 135 and 136). For repeated offenses, referred to in paragraph 1 of this Article, the offender shall be fined and sentenced to prison for up to 30 days. Pursuant to Article 210, paragraph 3 of this Law, the request for instituting misdemeanor proceedings referred to in paragraph 1 of this Article shall be submitted by the registrar, i.e. the authority competent for conducting the integrated procedure, if the registrar has not been appointed in accordance with Article 8c of this Law.

Article 2, paragraph 1, point 28) of the Law on Planning and Construction, stipulates that the preparatory works are the works which precede the construction of a facility relating to the following in particular: demolition of existing facilities on the lot, re-arrangement of existing facilities on the lot, land clearance on the lot, provision of space for delivery and storage of building material and equipment, construction and setting of facilities, installations and equipment of a provisional character for work execution purposes (building site fencing, containers, etc.), earthwork, work ensuring the safety of neighboring facilities and safety and stability of ground (piles, diaphragm walls, supporting walls, etc.), ensuring trouble-free traffic, and use of surrounding area;

Preparatory work design (demolition, earthworks, securing foundation pit, etc.) is one of the designs within the construction permit design, in line with Article 26, paragraph 2 of the Rulebook on Content, Method and Manner of Development and Performing Control of Technical Documentation According to Class and Intended Use of the Structure.

Law on Planning and Construction stipulates obligations of the contractor and the responsible contractor's engineer:

Article 152, paragraph 7, point 3) of the Law on Planning and Construction, stipulates that the responsible contractor's engineer is required to ensure the safety of the facility, the people who are on the construction site, and the surroundings (adjacent facilities and roads).

The Law on Planning and Construction provides for the rights and obligations, i.e. the authorities of the construction inspector in performing supervisory inspection.

Article 175, paragraph 1, point 7) of the Law on Planning and Construction stipulates that during the supervisory inspection, the construction inspector shall have the right and duty to check whether the contractor has undertaken the necessary measures for the safety of the facility, the surrounding facilities, traffic, surroundings and environmental protection. Paragraph 2 of the same Article specifies that the construction inspector shall be authorized to supervise the use of the facility and to take action if it is determined that use of the facility endangers the life and health of people, the safety of the surroundings, the environment, and if inappropriate use affects the stability and safety of the facility.

Article 177, paragraph 1, point 1) of the Law on Planning and Construction stipulates that in case the supervisory inspection determines that the measures are not taken during construction for the safety of the facility, the traffic, the surroundings and for the protection of the environment, the construction inspector shall order the investor, i.e. contractor, by a decision, to eliminate noted deficiencies, set the term for compliance, as well as suspend further execution of works until these measures are performed, under threat of forced execution which shall be charged to the investor, i.e. contractor; In line with Article 177, paragraph 2 of the Law on Planning and Construction, the decision referred to in paragraph 1 hereof may also be pronounced verbally on the spot, with the obligation of the inspector to dispatch the written decision within five days at the latest. The deadline for fulfilment and the deadline for the appeal shall begin from the date when the decision is verbally pronounced. A written copy of the decision referred to in paragraph 1, point 1) shall be delivered by placing it on the facility that is being built, pursuant to Article 177, paragraph 3 of the Law.

Article 178, paragraph 1, point 2) of the Law on Planning and Construction, stipulates that if the inspection determines defects on a facility which is being constructed, or is already built, which represent an immediate threat to its stability, i.e. its safety, as well as to the safety of the surroundings, and the health of people, the construction inspector shall render a decision to prohibit the use of the facility, or a part thereof, until the determined defects are eliminated;

Article 179 of the Law on Planning and Construction stipulates that where a construction inspector, during supervisory inspection determines that the prescribed monitoring, i.e. maintenance of the facility

are not done properly during construction, i.e. use of the facility, he/she shall render a decision ordering the investor and contractor, i.e. the user of the facility, to eliminate the determined irregularities.

Furthermore, the Law on Planning and Construction provides for penalties if the construction inspector fails to act in line with the provisions of the Law:

Article 209, paragraph 1, point 7) of the Law on Planning and Construction, stipulates the responsible person in the competent administration authority shall be fined from 25,000 to 50,000 dinars, or with prison sentence of up to 30 days, in case of failing to undertake prescribed measures in effecting the supervisory inspection (Articles 173 and 175); Paragraph 2 of the same Article stipulates that for repeated offenses, referred to in paragraph 1 of this Article, the offender shall be fined and sentenced to prison for up to 30 days. The request for instituting misdemeanor proceedings referred to in paragraph 1, point 7) shall be submitted by the authority competent for issuing construction permits.

If you believe that the competent body is not acting in compliance with the provisions of the Law on Planning and Construction, it is necessary to contact the Ministry of Construction, Traffic and Infrastructure, which supervises the application of the provisions of this law and bylaws adopted on the base thereof, pursuant to Article 172, paragraph 1 of the Law.

7. When building a cabin / supporting facility / executing works from Article 145 of the Law, can the contractor be a natural person?

Answer:

The contractor can be a natural person – investor, if in this particular case the facility is listed in Article 2 of the Rulebook on structures to which individual provisions of the law on planning and construction are not applied (Official Gazette of the RS, No. 22/2015).

Pursuant to Article 2, paragraph 1 of the Rulebook on structures to which individual provisions of the law on planning and construction are not applied, the provisions of the Law on the Contractor shall not apply to the following classes:

- 1) Class 111011, only for facilities up to 200 m²;
- 2) Class 112111, only for facilities up to 200 m²;
- 3) Class 112211, only for facilities up to 200 m²;
- 4) Class 124220;
- 5) Class 127111, only for facilities up to 200 m²;
- 6) Class 127121, only for facilities up to 200 m²;
- 7) Class 127141, only for facilities up to 200 m²;
- 8) Class 127230;

The same applies to construction of facilities and execution of works referred to in Article 2 points 24) and 24a) and Art. 144 and 146 of the Law, as well as works on capital maintenance and removal of obstructions to persons with disabilities, adaptation, change of the intended use without execution of construction work, change of the intended use with execution of construction work, and construction of masonry fences.

The provisions of the law relating to the contractor not apply to the cases specified above, except the obligation to provide preventive measures for safe and healthy work, in accordance with the law, and to submit the notification of the completion of the foundation, and the completion of the facility, in structural terms, to the authority that issued the construction permit.

If in specified cases, the investor fails to appoint the contractor, the investor, who can be a natural person, shall take over these responsibilities and perform the contractor's tasks.

Also, the investor in this case takes over the role of the responsive contractor's engineer, but is not required to fulfil the conditions determined in Article 151 of the Law for the responsible contractor's engineer (with respect to education and license), and shall not be obliged to: keep construction log, engineering book and inspection book, provide for the measuring and geodetic monitoring of the soil and facility behavior during the construction, and to make available the construction contract and decision on appointment of the responsible contractor's engineer on the construction site, but has all other obligations of the responsible contractor's engineer as provided by Article 152 of the Law.

8. Can the construction permit design deviate from the conceptual design based on which the location conditions were obtained?

Answer:

Yes.

Pursuant to Article 17, paragraph 2 of the Rulebook, the construction permit design is the elaboration of the planned concept of the facility determined by the conceptual design based on which the location conditions were obtained, and its compliance with this conceptual design is mandatory only in respect of the essential elements being the base for determining these location conditions, i.e. conditions for design and connection (depending on the type of the facility, i.e. works e.g.: intended use, GBA, dimensions, horizontal and vertical regulation, position on the lot, access to the lot, number of functional units, capacity and method of connection to communal and other infrastructure, etc.).

However, the paragraph 3 of the same Article stipulates that the construction permit design can deviate from the conceptual design also in relation to the essential elements that present or state data necessary to determine the location conditions, if the modification is made during the elaboration

of the technical documentation, as well as for the purpose of harmonizing the design with the conditions for design and connection, whereas such deviations cannot be in collision with the planning document, or other conditions for design and connection issued for the particular facility.

9. Which documents are necessary for obtaining usage permit for the facility built in 1970, 1980, 1990, etc.?

Answer:

Documentation submitted with the application for usage permit is specified in Article 43 of the Rulebook on the process of electronic implementation of the integrated procedure.

10. Is it necessary to obtain the location conditions in case of execution of capital maintenance works (facade renovation) on the facility under protection?

Answer:

For execution of capital maintenance works, it is not necessary to obtain the location conditions, except in case of facilities for which the obligation to obtain these conditions is provided by the law (e.g. Law on Cultural Property, Nature Protection Law), or a planning document.

In line with Article 2, paragraph 2 of the Regulation on Location Conditions, the location conditions are not issued for execution on capital maintenance works, and removal of obstacles for the persons with disabilities, for works that are not affecting the exterior elevation, increasing the number of functional units, and capacity of the installations, adaptation, remediation, construction of masonry fences, as well as for execution of all other works that are not aimed at connection to the utility infrastructure, i.e. that do not change the capacities and functionality of the existing connections to the infrastructure network, except when the obligation to obtain the conditions is prescribed by law or the planning document.

11. Who can initiate enforcement procedure if the applicant fails to pay the actual costs for issuing the location conditions by the holders of public authority, if the conditions for design and connection were issued within the stipulated time frame?

Answer:

In this case, the holder of the public authority shall initiate the enforcement procedure.

List of all questions and answers is available at:

<http://gradjevinskedozvole.rs/pitanja-i-odgovori.php>

