The Law on Amendments on Law on Planning and Construction

One of the major novelties stipulated by the Law is **unification of the procedure for issuing acts in regard to construction and usage of facilities**. Accordingly, the Ministry in charge of construction, the competent authority of the autonomous province i.e. competent authority of local governments are obliged to appoint a separate organizational entity within its structure, which shall implement unified procedure for issuing of site conditions, issuing of the construction permit, for the notification of works, issuing usage permit, obtaining conditions for design, i.e. for connection facilities to infrastructure network, obtaining documents and other acts issued by the public authority, and which are a requirement for construction of facilities i.e. for issuing site conditions, construction permits and usage permits within their competence, as well as providing conditions for connection to infrastructure network and for registration of property rights on the constructed facility. Special organizational units that implement unified procedure shall keep a registers of unified procedure, where the Agency for Business Registers shall keep a central register in which will be incorporated data from all registers of unified procedures on the territory of the Republic of Serbia, as well as acts contained in these registers. The provisions on unified procedures shall be applicable from 01.03.2015. and shall be fully implemented until 01.01.2016. The process of implementation of these procedures and the manner of submission of documents shall be closely regulated by a decree enacted by the minister in charge of construction business.

The advantage of this procedure is that the investor does not have any longer an obligation to collect evidence from the competent authorities required for the issuance of permits because such evidence shall now ex officio obtain the competent authority conducting the proceedings.

The main objective of unified procedure for issuing acts in regard to construction and usage of facilities is to accelerate the procedure for obtaining permits, and in achieving that goal significantly contributes fact that the Law set short deadlines for acting upon submitted requests of parties and issuing permits.

Article 102 of the Law stipulates that the right of usage shall be converted into the property right, free of charge, on the date of effectiveness of this Law, and the registration of property rights shall perform ex officio authority competent for state survey and cadastre. The property right on the cadastral lot shall be entered in favor of a person who is registered as owner of the facility, i.e. in a property of a person who is registered as a holder of the usage right on the cadastral lot on vacant land.

If on one cadastral plot is constructed few buildings, owned by different persons, authority in charge of state survey and cadastre, shall enter an information in the records of immovable property and rights to it, that the cadastral parcel is co-owned by such persons, and that the share of such persons is in proportion with the surface which they possess in respect to the total surface of buildings that are located on that parcel.

Following the procedure of converting of rights, cadastral parcel of constructed construction land together with the buildings built on it becomes a unique item of property rights, so that all existing rights and burdens registered on particular building or separate part of the building, are transmitted on particular cadastral lot (i.e. part of cadastral lot), unless long-term lease is established on particular lot.
The Law also stipulates to which persons the Law does not apply in regard to transformation of the usage rights into property rights, without compensation, as follows:

1) holders of the right of usage on the construction land, which were or are companies (as well as their legal successors) to which have been applied provisions of the law governing privatization, bankruptcy and enforcement proceedings;

2) holders of right of usage of vacant construction land state owned, which was acquired for purpose of construction in accordance with previously applicable laws which regulated construction land until 13 May 2013, or upon the decision of the competent authority

3) holders of the right of usage on the construction land, whose position is determined by the law governing the sport, as well as associations;

4) state owned enterprises, holders of the right of usage on the construction land;

5) holders of the right of usage on the construction land, on which apply the provisions of the laws of the Republic of Serbia and bilateral international agreements governing the implementation of Annex G of the Agreement on Succession Issues ("Official Gazette of the FRY - International Treaties", No. 6/02).

These persons may apply for obtaining construction permit on the basis of the right of usage, until a special regulation regulating the right and manner of acquisition of property rights on construction land does not be enacted.

The Law introduces the possibility of construction on the basis of separate report on technical conditions of construction. Separate report of technical construction conditions is a document issued by the holder of public authority within its jurisdiction when planning document does not contain requirements or data to develop technical documentation, which contains appropriate terms and details for the preparation of technical documentation, and particularly capacities and connection point to the utility and other infrastructure according to classes of objects and parts of the area for which it is issued.

For contractors, designers, persons who perform control of technical documentation, who are executors of expert supervision or technical examination, the Law introduces compulsory insurance of liability for damage that may be caused during the construction to other party, or a third party.