

Law on Amendments to the Law on Planning and Construction ("Official Gazette of the Republic of Serbia", No. 62/2023)

In the Official Gazette of the Republic of Serbia No. 62 as of 28 July 2023, the Law on Amendments to the Law on Planning and Construction (hereinafter: the "**Law**") was published, and entered into force on the eighth day from the date of its publication, i.e. on 5 August 2023, with the exception of the provisions of Article 153 paragraphs 6 and 7 of the Law (professional and conservation supervision), the application of which begins 12 months from the day of entry into force of the Law, while the provisions of Article 166g paragraph 1 point 10 of the Law (issuance of green building certificates), shall become applicable from 1 January 2026.

Since the amendments to the Law are very extensive, this Newsletter will cover some of the most important novelties.

In first place, the Law envisages the establishment of the **Agency for Spatial Planning and Urbanism of the Republic of Serbia** (hereinafter: "**Agency**"), whose main goal is to ensure the conditions for effective implementation and improvement of planning and spatial planning policy in the Republic of Serbia. With the establishment of the Agency, part of the competence of certain state bodies shall be transferred to the Agency. Specifically, all planning documents adopted in accordance with this Law are registered in the Central Register of Planning Documents, and the Republic Geodetic Institute is obliged to provide the Agency with data, software and all available documentation regarding the Central Register of Planning Documents within 30 days from the day of the establishment of

the Agency. Simultaneously, the Agency is obliged to establish the Central Register of Planning Documents and make it publicly available within 60 days from receiving the data, software and available documentation.

Also, the Law introduces a large number of new terms and institutes, including **brownfield locations**. On the one hand, local government units are obliged to submit data on brownfield locations in their territory within six months from the day of the establishment of the Agency. On the other hand, the Agency needs to create a register of data on brownfield locations and make it publicly available within six months from the submission of data on brownfield locations. Brownfield locations are locations of industrial and commercial content, which have not been used for a long period of time, and have the potential for urban renewal.

The Law prescribes **the obligation to connect all construction objects' owners to the existing infrastructure**, especially to the infrastructure of water supply, sewage, gas and district heating. The owner of the unconnected object does not have the obligation to pay the fee for connection to the mentioned infrastructure, but it is the obligation of the company whose founder is the Republic of Serbia, an autonomous province, that is, a unit of local government. The goal of these provisions is to ensure that all users in units of local government are connected to the existing infrastructure.

Furthermore, the Law provides certain **savings for investors**. In particular, an investor who obtains a green building certificate upon completion of the object has the right to a reduction of the calculated contribution for the development of construction land in the amount of 10% in relation to the total amount of the contribution. The above represents a stimulating measure for the

construction of buildings that meet the conditions for obtaining a green building certificate.

In addition, the Law stipulates that all new buildings must have a **certificate on the energy properties of the building**. Also, it is provided that the owners of special parts of the building of public purpose are obliged to obtain a certificate on the energy properties of the building within three years from the date of entry into force of this Law. On the other hand, the owners of existing commercial buildings are obliged to obtain a certificate on the energy properties of the building, or its special part, within five years from the date of entry into force of this Law.

Also, a **mandatory energy passport** is being introduced for all buildings. The energy passport contains data on the energy class in which the building is classified according to energy consumption, and there are eight such classes. The most energy-efficient buildings save the most energy for heating and cooling and have the A+ mark, while the lowest grade is G. This document is part of the technical documentation that investors need to provide. The penalty for not having an energy passport shall be up to 50,000 dinars.

One of the most important consequences of the entry into force of the Law is certainly the repeal of the **Law on converting the right of use into the right of ownership on construction land with compensation** ("Official Gazette of RS", no. 64/2015 and 9/2020). Namely, the Law provides, among other things, the abolition of conversion with a fee for certain categories of persons, while the position of other categories that were obliged to pay conversion with a fee under the previous regulations (sports clubs and associations, housing and agricultural cooperatives, as well as persons to whom applies Annex G on succession), to be governed by special regulations, and until

these persons exercise the right prescribed by special laws, it will be necessary to regulate their legal status.

Among the novelties is the introduction of **the chief Republic's urban planner** and the prescription of its responsibilities, with the aim of increased supervision in the field of spatial and urban planning on the territory of the Republic of Serbia, both at the local and national level.

In order to protect national parks and protected immovable cultural assets of exceptional importance and cultural assets registered in the list of world cultural and natural heritage, it is prescribed that the Government adopts a **Spatial Plan of Special Purpose Areas**, as one of the key planning instruments for the protection and control of these protected assets. Also, in order to further protect this area through provisions related to the "green agenda", the study of the protection of immovable cultural assets is being introduced.

Furthermore, the Law stipulates that outdoor air conditioning units shall be installed in such a way that they have no impact on the environment. In particular, the owners of buildings of public purpose located within the boundaries of immovable cultural assets and their protected environment are obliged to remove (or make invisible) all external units of air conditioning devices from the street facades within two years from the date of entry into force of this Law. Owners of special parts of buildings within the boundaries of immovable cultural assets and their protected environment, are obliged to remove them within five years.

On the other hand, owners of buildings outside the boundaries of immovable cultural assets and their protected environment are obliged to remove outdoor air conditioning units within ten years. Fines are prescribed both for the

09/08/23

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owners in case of failure to act within the prescribed deadlines, and for units of local government, if they do not pass an act within the prescribed period, which regulates more closely the method of removing the external units of the air conditioning device.

For any additional consultation or legal assistance, you can contact the Tasić & Partners team by email at office@tasiclaw.com or by phone at +381116302233.