

Pursuant to Article 82 para.1 item 2 of the Constitution of Montenegro and Amendment 4 para.1 to the Constitution of Montenegro, the Parliament of Montenegro of the 26<sup>th</sup> convocation, at the sitting of the third extraordinary session in 2017, on 30 September 2017, adopted the following

## **LAW**

### **ON SPATIAL PLANNING AND CONSTRUCTION OF STRUCTURES**

#### **I BASIC PROVISIONS**

##### **Subject-matter**

###### **Article 1**

The present Law governs the system of spatial planning, manner and requirements for construction of structures, legalization of illegal structures, as well as other matters of importance to spatial planning and construction of structures (hereinafter referred to as the "planning and construction").

##### **Objectives of Planning and Construction**

###### **Article 2**

The objectives of planning and construction shall be:

- 1) uniform and regionally balanced spatial development adjusted to the needs of society, economy and spatial capacities;
- 2) rational and efficient use and conservation of spatial potentials and resources on land, at sea and in the undersea and protection of natural resources;
- 3) developing regional spatial characteristics and preserving the identity and recognisability of the terrain;
- 4) mutually aligned distribution of various human activities and activities in space, while protecting the integral values of space;
- 5) protection and promotion of cultural property and protected environment while preserving the integrity and authenticity of cultural values, creating conditions for sustainable use of cultural property and creating a highly-valuable built environment with respect for and development of specific characteristics, integrity and values of both the natural and urban terrain and the environment;
- 6) building land development and a quality and human development of urban and rural settlements, as well as safe and healthy living and working conditions;
- 7) encouraging the investment environment focused on the development and increasing the quality of space, with simultaneous economic development;
- 8) application of best practices in developing urban wholes and improving quality in the field of urban planning and architectural design, as well as improving the quality of structures;
- 9) protection against earthquakes, landslides and other natural disasters;
- 10) stability and durability of structures;
- 11) protection against technical, technological and other accidents;

- 12) rational use of natural resources, energy and increased energy efficiency, and
- 13) creating conditions for access, movement and stay of persons with reduced mobility and persons with disabilities.

## Principles

### Article 3

Planning and construction shall be based on the principles of:

- 1) **integrated approach to the planning process**, according to which spatial planning, as a continuous process, is based on a comprehensive analysis of the use and protection of space, by planning the taking of all interventions in space, regardless of their location, designated use or type;
- 2) **spatial sustainability of development and quality of planning and construction**, according to which economic and social development of society and sustainable development are encouraged;
- 3) **alignment** of planning documents with ratified international treaties, statements and conventions;
- 4) **horizontal integration**, according to which, when developing, adopting and implementing development documents (strategies, plans, programmes, etc.), regulations and other general acts which affect the spatial development and space utilisation, and which are adopted on the basis of separate regulations, the principles of planning must be respected, especially in terms of ensuring spatial sustainability in processes that affect the planning of settlements, use of natural resources, environmental protection, development of activities, infrastructure and their distribution in space;
- 5) **vertical integration**, according to which, when adopting planning and development documents (strategies, plans, programmes, etc.) which are adopted on the basis of separate regulations, and which affect spatial planning and spatial development, all entities developing such documents are bound to cooperate with each other and respect the objectives and interests expressed in the documents of a higher level;
- 6) **prevention or mitigation of climate change impact**, according to which measures are planned to mitigate climate change and adapt to climate change;
- 7) **exercise and protection of the public and private interest**, according to which public interest and individual interests which must be respected in the performance of spatial planning and construction activities are assessed and mutually coordinated, whereat individual interests must not prejudice the public interest;
- 8) **reduction of seismic risk**, according to which measures are taken in planning and construction to mitigate the effects of earthquakes whose occurrence is foreseen;
- 9) **public nature of work**, according to which the public is entitled to participate in the processes of planning documents development and adoption, as well as to inform and encourage public participation in planning and construction affairs, and
- 10) **prohibition of discrimination** in accordance with separate regulations.

With a view to achieving the principles set out in para.1 of this Article, state administration bodies, local government authorities, local administrative bodies, organisations and other legal entities shall mutually cooperate in planning and construction affairs.

## Electronic Communication

### Article 4

Communication in the fields of planning, construction, licensing and illegal structures legalisation shall be carried out electronically, in accordance with the law governing electronic business and the present Law.

Electronic communication set out in para.1 of this Article shall be provided in the procedure of planning documents development and adoption, adoption of administrative and other acts, as well as through mutual communication with the competent state administration bodies, local government authorities, local administrative bodies, bodies in charge of technical specifications, legal entities reviewing engineering documents and performing engineering supervision over the building, legal and natural persons and other entities involved in planning and construction affairs.

Where the client so requests, the application to issue an administrative act, notification of building work, notification of structure use and legalisation application shall be submitted and issued in analogue, i.e. written form as well.

The manner and procedure of communication set out in paras. 1, 2 and 3 of this Article shall be prescribed by the state administration body competent for planning and construction affairs (hereinafter referred as the "Ministry").

## Definitions of Terms

### Article 5

Certain terms used in the present Law shall have the following meanings:

- 1) **remodelling** means the execution of works on the existing structure, which: changes the organisation of space in the structure, performs replacement of appliances, plants, equipment and installations which does not affect structure stability and safety, does not change the structural elements, does not change the external appearance and does not affect the safety of adjacent structures, traffic, fire protection and the environment;
- 2) **baseline studies** means studies that are developed for areas that have not been explored in a way that ensures the research, analytical and information baseline for planning document development;
- 3) **block** means a complex unit of building land that comprises one or several building lots or one or several cadastral parcels or parts thereof, and whose boundary, as a rule, matches the boundary lines and boundaries of building lots;
- 4) **centre of a local self-government unit** means a settlement of urban character defined in accordance with the law governing the territorial organisation of Montenegro;
- 5) **detailed urban scheme** means a scheme based on long-term strategy and concept of spatial planning that contains the basis of the concept and parameters for the construction of structures according to their types and designated use;
- 6) **building site** means the area in which building works are executed, a structure removed or situation in space changed, and the area required to implement the building technology;
- 7) **building line** means a line on, above and below the Earth's surface and water surface, defined both graphically and numerically, which represents the boundary up to which it is possible to construct a structure;
- 8) **floor area ratio** means the quotient of the gross construction area of structures and the total surface area of a building land unit (plot, site, block, zone);

- 9) **lot coverage ratio** means the quotient of built surface area under structures and the total surface area of the building land unit (plot, site, block, zone);
- 10) **infrastructure** means utility, transport, energy, electronic communications and other communications which ensure joint supply, services and other forms of increasing the quality of life in a settlement or for space occupants in a particular area;
- 11) **engineering structures** are: engineering constructions, plants, chimneys, highways, fast roads, roads, streets, bridges, viaducts, tunnels, underground and overground passages, rail and tram tracks, manoeuvring surfaces and platforms, antenna poles, harbours, wharves, marinas, dams and reservoirs filled with tailings or ashes which require technical monitoring, waterways and other hydraulic structures, embankments, long distance transmission lines, oil pipelines, gas pipelines, hot water distribution systems, steam distribution lines, water supply systems, structures intaking and treating drinking water and water for other needs, power plants, thermal power plants, liquefied natural gas storage and transfer plants, liquefied petroleum gas storage and transfer plants, oil and oil derivatives storage and transfer plants, stations for the supply of motor vehicles with oil derivatives and gas, structures producing and storing hazardous substances and similar structures and plants whose operations might expose environment to danger, structures producing heat for district heating, substations and switchgears, underground cable installations, sewerage network, wastewater collection and treatment structures, complex industrial buildings, buildings and plants for chemical and heavy industry, landfills, waste-to-energy plants, anaerobic digestion plants, sports grounds and other structures for sport and recreation and other structures that are not buildings;
- 12) **designated use of surfaces** means the purpose for which space can be developed, constructed or used in a manner designated by the planning document;
- 13) **settlement** means an area defined in accordance with the law governing the territorial organisation of Montenegro;
- 14) **structure** means spatial, functional, structural, architectural, aesthetic, technical and technological or biotechnical whole with or without installations, plants and equipment being incorporated into the structure (buildings, engineering structures, public green areas, cemeteries, and others);
- 15) **structure maintenance** means technical monitoring of the structure during its use and provision of adequate use of the structure during its use, as well as regular maintenance of buildings, road and railway infrastructure structures, electric power, water supply, sewerage, telecommunications and other engineering structures;
- 16) **body in charge of technical specifications** is a state administration body, a local administrative authority and a legal entity responsible for: environmental protection, transport, energy, water supply and sewerage, water, regional water supply, electrical installations, cultural property protection, electronic communications and postal activity, occupational safety and health, cadastre, protection and rescue, state property management, etc. which, in the process of planning document and engineering documents development, delivers the necessary technical specifications, base maps, opinions, approvals and other evidence necessary for planning and construction;
- 17) **development plan** means a plan of a state administrative body, body in charge of technical specifications, organisations and legal entities foreseeing activities during a specific period of time;
- 18) **land allotment rules** means the elements defined in the planning document for determining the size, form and surface area of a buildable plot;
- 19) **terrain** means an area the characteristics of which resulted from interactions of natural

- and/or human factors;
- 20) **preliminary works** means works to prepare the building site, that is, works related to fencing the building site; works on removal of existing structures, etc.; building and erection of temporary structures and installations for the needs of works execution; building, or erection of a structure for demonstration purposes of the future structure; providing space for delivery and storage of construction material and other works which enable safety of adjacent structures and provision of unimpeded traffic and use of the surrounding space;
  - 21) **space** means the composition of physical structures above and under the Earth's surface, which are within the reach of direct impacts of human activity;
  - 22) **spatial development** means transformation of space by human activity aimed at its protection, enhancement, use and management;
  - 23) **boundary line** means the line which separates public surface from surfaces intended for other designated uses;
  - 24) **reconstruction** means execution of works on the existing structure, which are used to perform: extensions and additions; repair damaged structures; reinforce the construction; replace installations, appliances, plant and equipment, change the existing process of production and other works impacting structure stability and safety; change structural elements; alter external appearance of the building as compared to the final design; impact the environment and safety of adjacent structures and traffic; change the water regime; change the conditions for protection of natural and immovable cultural heritage, goods under preliminary protection and protection of their protected environment;
  - 25) **village** is a settlement whose population is primarily engaged in agriculture;
  - 26) **urban remediation** is a set of planning measures and requirements that improve the character of the built part of the construction area and public areas devastated by illegal construction, as well as undertake measures of urban remediation in order to remediate partially executed investments;
  - 27) **protective zones** means land surfaces, water surfaces or air space which are defined in a planning document and intended for the protection of life and health of people, environmental protection, safety and functions of buildings, surfaces or space, in accordance with separate regulations;
  - 28) **green infrastructure** means a strategically planned network of natural and semi-natural areas with other ecological forms, designed to provide a broad spectrum of ecosystem services such as water purification, air quality, recreation areas and climate change mitigation and adaptation;
  - 29) **building** means a permanent structure that has a roof and exterior walls, constructed as an independent occupancy unit, which offers protection against weather and other external influences, and is intended for housing, performing activity or for placing and keeping of animals, goods, equipment for production and service activities, etc.; and
  - 30) **zone** is a spatial whole of the same or similar functional and town-planning characteristics.

### **Use of Gender-Sensitive Language**

#### Article 6

The terms used in the present Law for natural persons in the masculine gender shall relate to the same terms in the feminine gender.

## **II SPATIAL PLANNING**

### **1. Coverage**

#### **Contents of Planning**

##### Article 7

Spatial planning shall be deemed to be monitoring the status of space, development and adoption of planning documents and the implementation of planning documents.

#### **Concept of a Planning Document**

##### Article 8

Planning document shall lay down the organisation, utilisation and designated space use, as well as the manner and terms and conditions for implementing planning arrangements.

Planning documents shall be mutually consistent.

Planning documents shall be public documents.

The planning document shall define public interest in expropriation of immovable property in view of constructing planned structures.

#### **Planning in the Construction Area**

##### Article 9

Planning document shall stipulate the construction area in order to delineate the constructed parts of settlements and the areas designated for their development from the other areas intended for development of agriculture and forestry, exploitation of mineral resources, energy, as well as other activities that, in view of their designated use, can be planned outside of the construction area.

Settlements may be planned only in the construction area.

Construction area shall be an area stipulated by a planning document in which settlements are constructed and the area planned for planning, development and expansion of settlements, and it shall consist of the settlement construction area, designated part of the settlement construction area and designated construction area outside of the settlement.

Outside the construction area, planning document may concern the construction of:

- 1) infrastructure and complex engineering structures;
- 2) structures of special importance for defence, protection and rescue;
- 3) structures intended for agricultural production;
- 4) structures used for mineral resources processing;
- 5) energy generating structures;
- 6) camps and other outdoor sports and recreational playgrounds; and
- 7) housing and ancillary structures in agricultural holdings for their own needs and for rural tourism purposes.

Exploration and exploitation of mineral resources may be carried out outside the construction area in accordance with the guidelines specified in the planning document.

## **Planning the Sea Area**

### Article 10

For the purposes of achieving economic, ecological and social goals, sea area planning shall also be established during spatial planning.

In order to ensure alignment and coordination, cooperation with neighbouring countries shall be ensured when planning the sea area.

The method of cooperation set out in para. 2 of this Article shall be stipulated in the process of developing the planning document.

## **Registry of Planning Documents**

### Article 11

Planning documents shall be recorded and published in the Registry of Planning Documents (hereinafter referred to as the "Registry").

The Registry shall be kept by the Ministry.

The Registry may be examined freely and free of charge.

More detailed contents and method of keeping the Registry shall be prescribed by the Ministry.

## **2. Observing the Status of Space (Monitoring)**

### **Contents**

### Article 12

Monitoring the status of space shall be deemed to be drawing up and keeping of the spatial documentary basis paper and the spatial information system and development and adoption of spatial organisation status reports.

## **Spatial Documentary Basis Paper and Information System**

### Article 13

For the needs of development, adoption and implementation of planning documents, conducting supervision, continuous monitoring of the status of space and producing a spatial organisation status report, the Ministry shall establish and keep a single spatial documentary basis paper and the information system on space.

The spatial documentary basis paper set out in para.1 of this Article shall consist of a set of data and documents on space in textual, graphical, numerical and tabular forms.

State administration bodies, local government authorities and other bodies shall deliver to the Ministry, within five days of issuance, every act that constitutes a spatial documentary basis paper.

The body in charge of technical specifications shall, within the time limits set out in para. 3 of this Article submit to the Ministry any act that constitutes the spatial documentary basis paper.

The information system on space (hereinafter referred to as the "information system")

shall be an integrated set of components for collecting, recording, storing, processing and disseminating information on the space of Montenegro.

An integral part of the information system shall be the spatial documentary basis paper, including indicators for monitoring the implementation of planning documents.

The contents and method of keeping the spatial documentary basis paper and information system and indicators for monitoring the implementation of planning documents shall be prescribed by the Government of Montenegro (hereinafter referred to as the "Government").

### **Spatial Organisation Status Report**

#### Article 14

The Ministry shall submit an annual spatial organisation status report for adoption to the Government.

The spatial organisation status report shall specifically contain: analysis of planning documents implementation; evaluation of undertaken measures and their impact on the management of space; impact of sectorial policies on the area of planning; activities in the exercise of delegated and devolved affairs; activities of other legal entities related to planning duties; monitoring the state of the construction area; information on the building land development level; information on notifications of building work or of structure erection; information on issued building permits for complex engineering structures; structures built and erected; as well as other elements of importance for space for which the report is being developed.

The spatial organisation status report shall be published in the Official Gazette of Montenegro.

The Ministry shall publish the spatial organisation status report on the website within seven days following that of its publication in the Official Gazette of Montenegro.

### **3. Development and Adoption of Planning Documents**

#### **Types of Planning Documents**

#### Article 15

The planning documents are:

- 1) Spatial Plan of Montenegro;
- 2) General Regulation Plan of Montenegro.

Adoption of the Spatial Plan of Montenegro and the General Regulation Plan of Montenegro shall be mandatory.

The Spatial Plan of Montenegro and the General Regulation Plan of Montenegro shall be adopted by the Parliament of Montenegro (hereinafter referred to as the "Parliament").

#### **Spatial Plan of Montenegro**

#### Article 16

The Spatial Plan of Montenegro is a strategic document and a general basis for the spatial organisation and planning of Montenegro which defines national goals and measures of



spatial development, in line with the overall economic, social, ecological and cultural and historic development of Montenegro.

The Spatial Plan of Montenegro shall specifically define: space use policy and development of functions and activities in Montenegro; position and directions of spatial development of Montenegro in relation to its surroundings; programme projections of long-term development and spatial organisation; fundamentals of long-term planning policy; concept of organisation of spatial planning and space utilisation with a network of settlements; concept of sea area planning; infrastructure systems and the manner in which to connect them to infrastructure systems in the surroundings.

The Spatial Plan of Montenegro shall specifically contain: guidelines for developing the General Regulation Plan of Montenegro; guidelines for environmental protection; guidelines for terrain protection, management and planning; guidelines for cultural heritage protection; bases of protection of interest to the defence of the country and protection and rescue; guidelines for the prevention and protection against natural disasters, technical and technological and other accidents; guidelines for reducing seismic risk; guidelines for adapting the General Regulation Plan of Montenegro to climate change; guidelines for improving energy efficiency and using renewable energy sources; guidelines for concession areas; and other guidelines for the implementation of the plan.

## **General Regulation Plan of Montenegro**

### Article 17

The General Regulation Plan of Montenegro is a planning document that governs in more detail the goals and measures of spatial and urban development of Montenegro, while respecting specific needs arising from regional particularities, elaborating the objectives of spatial planning and regulating rational space utilisation and sea area, in accordance with economic, social, environmental and cultural and historic development.

The General Regulation Plan of Montenegro shall cover the northern, central and coastal regions, as well as the area of national parks and the area under protection of the United Nations Organization for Education, Science and Culture (hereinafter referred to as the "UNESCO").

The coverage of regions shall be stipulated in accordance with the law governing regional development, with the exception of areas of national parks and territories under UNESCO protection.

The coastal region, in addition to the coverage in accordance with the law governing regional development, shall include the territorial sea and the exclusive economic zone, in accordance with the law governing sea.

The General Regulation Plan of Montenegro shall define, in particular: designated use of surfaces; conditions of space planning, construction and space use; corridors and capacities for infrastructure; boundaries of settlement construction areas; boundaries of designated construction areas outside of settlements; boundaries of designated parts of settlement construction areas; boundaries of coverage for which detailed urban schemes are elaborated; boundaries of urban remediation zones; space intended to be covered by urban development designs; boundaries of protected areas up to category II following the classification of the International Union for Conservation of Nature (IUCN), internationally protected areas and areas of ecological network.

The General Regulation Plan of Montenegro shall include, in particular: the rules of planning and rules of building by zones; land allotment rules; urban remediation guidelines;

development guidelines for urban development designs; landscape architecture guidelines; cultural heritage protection guidelines; nature and environment improvement and protection guidelines; prevention and protection guidelines against natural disasters, technical and technological and other accidents; climate change adaptation guidelines; guidelines for reducing seismic risk; guidelines for improving energy efficiency and using renewable energy sources; guidelines for concession areas; economic and market projection; other guidelines for the implementation of the plan.

For centres of local self-government units, the General Regulation Plan of Montenegro shall contain the detailed urban scheme.

In view of spatial development of rural areas and encouraging their sustainable development and taking into account geomorphological diversities (hilly, mountainous, coastal, etc.), as well as regional and traditional characteristics (compacted, dispersed type, periodically and continuously inhabited), the General Regulation Plan of Montenegro shall contain the basis for planning rural areas.

### **Adoption Period**

#### Article 18

The Spatial Plan of Montenegro shall be adopted for a period of 20 years.

The General Regulation Plan of Montenegro shall be adopted for a period of ten years.

### **Contents of the Planning Document**

#### Article 19

The planning document set out in Article 15 of the present Law shall contain a textual and a graphical part.

The textual part of the planning document shall include guidelines for the implementation of the planning document.

Guidelines for the implementation of the General Regulation Plan of Montenegro shall comprise planning and building rules.

The General Regulation Plan of Montenegro shall contain zoning and technical specifications.

The graphical part, depending on the type of the planning document, shall consist of maps and graphs showing, within the scale laid down by law, the current status and planned interventions in space.

More detailed contents and form of the planning document shall be prescribed by the Ministry.

### **Scales of Production**

#### Article 20

The Spatial Plan of Montenegro shall be produced on topographic maps at 1:100.000, 1:50.000, 1:25.000 and 1:5.000 scales and satellite images and orthophotos may also be used.

The General Regulation Plan of Montenegro shall be produced on topographic maps at 1:50.000, 1:25.000 and 1:5.000 scales and topographic-cadastral maps at 1:2.500 scale

and 1:1.000 for zones in which a detailed urban scheme is developed.

Planning documents shall be produced on maps, topographic-cadastral maps and cable duct cadastral maps in digital form and geo-referenced orthophoto base layers and these shall be presented on maps and topographic-cadastral maps in analogue form produced on a paper base and shall be identical in contents.

Stamped digital form of maps, cadastral maps and cable duct cadastral maps shall be provided by the administrative body competent for cadastral matters (hereinafter referred to as the "Cadastre").

If the Cadastre does not have a digital form of maps, cadastral maps and cable duct cadastral maps, it shall provide an analogue form that must be stamped, scanned and geo-referenced.

## **Planning Document Development and Adoption Affairs**

### **Article 21**

The affairs related to the development and adoption of the planning document shall be performed by the Ministry.

The affairs set out in para.1 of this Article, shall, in particular be deemed to be: preparing decisions to develop the planning document and design brief; provision of baseline studies, base maps and other documents necessary to develop the planning document; obtaining guidelines and specifications in accordance with the law governing environmental protection; organization of the planning document's development; drafting the planning document concept; implementation of the previous public participation process; planning document development; conducting public debates; preparing decisions on the planning document adoption; other affairs concerning the planning document's development and adoption.

The concept of the planning document shall be prepared by the Ministry after obtaining the opinion of the planning document reviewer.

The methodology for drafting the planning document shall be prescribed by the Ministry.

## **Planning Document Development Manager**

### **Article 22**

The development of the planning document shall be managed by the planning document development manager.

The planning document development manager shall be designated by the Government at the proposal of the minister in charge of planning matters.

A spatial planner who possesses at least qualification of the VII 1 qualifications framework sub-level with at least 15 years of work experience in spatial planning work may be designated development manager of the Spatial Plan of Montenegro.

Bachelor of Science of Architectural Engineering or a spatial planner who possesses at least qualification of the VII 1 qualifications framework sub-level with at least 15 years of work experience in spatial or urban planning may be designated development manager of the General Regulation Plan of Montenegro.

The planning document development manager shall be accountable for the alignment of the planning document with the present Law.

The planning document development manager shall designate an expert team for the

planning document development, with approval of the Ministry.

A person who possesses at least qualification of the VII 1 qualifications framework sub-level with at least five years of work experience in spatial or urban planning work may be appointed member of the expert team set out in para. 6 of this Article.

At least one representative of the local self-government unit for whose territory the planning document is developed, appointed by the executive body of the local self-government unit, shall be designated member of the expert team set out in para. 6 of this Article.

The planning document development manager and the expert team shall be entitled to compensation in the amount specified in the act set out in para. 2 of this Article.

## **Surrendering Base Maps**

### **Article 23**

For the purpose of developing planning documents, state administration bodies, body in charge of technical specifications, organisations and legal entities shall surrender to the Ministry, in digital form, copies of topographic and cadastral map, cable duct cadastre, orthophoto images, geological base maps, including base maps for granting concessions for exploration and exploitation of mineral resources (hereinafter referred to as the "base maps"), as well as development plans, within ten days as of the date of application submission.

At the request of the Ministry the Cadastre shall provide all information on overhead and underground lines with accessory facilities and plants (water supply, sewerage, hot water distribution system, oil and gas pipelines, power lines, electronic communication structures, drains, industrial and other lines), within ten days of as of the date of application submission.

The accessory facilities of lines set out in para. 2 of this Article shall be deemed to be the facilities that were constructed or are constructed on the lines, and that enable the functioning and effective use of lines (shafts, poles, installations, etc.).

Base maps, development plans and data on lines set out in paras. 2 and 3 of this Article shall be surrendered to the Ministry free of charge.

## **Decision to Develop a Planning Document**

### **Article 24**

Development of the spatial document shall be initiated on the basis of a decision to develop a planning document (hereinafter referred to as the "decision to develop") adopted by the Government.

The decision to develop shall specifically contain: legal basis for the development; territory or area for which the plan is being developed; time limit for development; manner of funding, manner of cooperation with neighbouring countries with regard to spatial and sea area planning, etc.

The Ministry shall submit to the local self-government unit the draft decision to develop the General Regulation Plan of Montenegro for the purpose of giving proposed guidelines for the design brief development.

The proposed guidelines for the design brief development shall be submitted by the local self-government unit to the Ministry within 30 days of the receipt of the draft decision set out in para. 3 of this Article.

If the local self-government unit fails to submit the proposed guidelines for the design brief development within the time limit set out in para. 4 of this Article, it shall be considered

that there is no request regarding the supplement to the draft decision to develop.

The proposed guidelines set out in para. 4 of this Article shall contain references to the provisions of laws, separate regulations, sectorial strategies, plans, studies and other documents prescribed by separate laws on which the proposed guidelines are based.

The proposed guidelines set out in para. 4 of this Article cannot impose conditions that change the goals, programme starting points and guidelines for the planning document development laid down by the Spatial Plan of Montenegro.

In parallel to the adoption of the decision to develop, a decision on the development of a strategic environmental impact assessment shall be issued in accordance with a separate regulation.

The decision to develop shall be published in the Official Gazette of Montenegro.

The Ministry shall publish the decision to develop on the website within seven days following that of its publication in the Official Gazette of Montenegro.

### **Design Brief**

#### Article 25

An integral part of the decision to develop shall be the design brief which shall contain in particular: coverage and boundaries of the planning document; requirements and guidelines from the higher order planning document and development strategies; principles, vision and objectives of planning, using, and protecting space; conceptual framework of planning, using, and protecting the planning area with the structure of the underlying designated land uses and land utilisation.

### **Building Prohibition**

#### Article 26

The decision to develop shall also contain, where appropriate, a provision on the prohibition of building in an area or part of an area for which such plan is being developed, as well as the type of structures to which the building prohibition relates.

The building prohibition set out in para.1 of this Article shall not apply to structures subject to acquired rights.

Acquired right shall be deemed to be the right to build a structure on the basis of a notification of building work and documents set out in Article 91 of the present Law or a right acquired on the basis of a valid building permit.

The building prohibition decision may also be issued upon the adoption of the decision to develop.

Building prohibition shall be applied until the time limit set forth by the decision set out in paras. 1 and 4 of this Article.

### **Prior Public Participation**

#### Article 27

After the decision to develop has been issued and planning document concept developed, the Ministry shall organise information provision to the interested public regarding the objectives and purpose of developing the planning document, possible planning document

designed solutions and effects of planning (hereinafter referred to as the "prior public participation").

The Ministry shall publish the notification on prior public participation on the website and in one daily print media outlet which is issued and distributed in the territory of Montenegro.

The Ministry shall notify the local self-government unit and the body in charge of technical specifications about prior public participation, within two days following that of publication of the notification set out in para.2 of this Article.

The Ministry shall define the manner of organising prior public participation, provided that public participation may not be shorter than 30 days.

The Ministry shall, within 30 days as of the date of expiry of the time limit set out in para. 4 of this Article draw up a report on the opinions and proposals of the interested public, as well as a report on the opinions and proposals of the local self-government unit and body in charge of technical specifications.

The Ministry shall publish the report on the opinions and proposals of the interested public and the report on opinions and proposals of the local self-government unit and the body in charge of technical specifications on the website within seven days as of the date of expiry of the time limit set out in para. 5 of this Article.

More detailed manner of organisation of prior public participation shall be prescribed by the Ministry.

### **Draft Planning Document Submission to the Local Self-Government Unit and the Body in Charge of Technical Specifications**

#### Article 28

Before review, the Ministry shall submit draft planning document to the local self-government unit and the body in charge of technical specifications, for the purpose of obtaining their opinions.

The local self-government unit and the body in charge of technical specifications shall submit the opinion on the draft planning document to the Ministry within 30 days of the receipt of the draft.

If the opinion on the draft planning document is not submitted within the time limit set out in para. 2 of this Article, it shall be deemed that there are no objections.

If the body in charge of technical specifications states in the opinion that it does not approve of the proposed technical specifications, it shall submit a new proposal regarding the technical specifications whose issuance is under its competence, within 60 days of the receipt of the draft planning document.

The technical specifications set out in para. 4 of this Article shall be considered to be the requirements for connection to the infrastructure.

### **Review of the Planning Document**

#### Article 29

In the process of planning document development, review shall be mandatory.

Review of the planning document shall be considered to be: checking compliance of the planning document with the decision to develop; checking mutual compliance within the meaning of Article 8 of the present Law; checking compliance of the planning design with the

rules of profession; checking compliance with the prescribed standards and norms; checking the feasibility of the planning design and checking compliance with the present Law.

Review of the planning document may be positive or negative.

A report shall be drawn up on the performed review of the planning document.

The report set out in para. 4 of this Article shall be signed by all members of the entity performing the review.

### **Review Council**

#### **Article 30**

Review of the planning document shall be carried out by the Review Council (hereinafter referred to as the "Council").

The Council shall be appointed by the Government.

A person who possesses at least qualification of the VII 1 qualifications framework sub-level and who has at least 15 years of work experience in spatial or urban planning work may be appointed member of the Council.

Representative of the local self-government unit whose territory is subject to review of the planning document shall be mandatorily appointed member of the Council.

A person employed in the Ministry may not be appointed to the Council, or a person performing inspection control over the implementation of the present Law.

### **Review of the Draft Planning Document**

#### **Article 31**

The Ministry shall submit the draft planning document for review to the Council.

The Council shall carry out a review of the draft planning document within 60 days as of the date of submission of the draft planning document.

The Council shall submit the report on the review of the draft planning document to the Ministry within seven days as of the date of expiry of the time limit set out in para. 2 of this Article.

The Ministry shall publish the review report on the draft planning document on the website within seven days as of the date of its delivery.

### **Planning Document Submission to the Government in View of Draft Adoption**

#### **Article 32**

The Ministry shall submit the draft planning document with opinions set out in Articles 27 and 28 of the present Law and the report set out in Article 31 of the present Law to the Government in order to adopt the draft and put it up for public debate.

A public debate timetable shall be submitted along with the draft planning document.

The Ministry shall publish the draft planning document on the website within seven days as of the date of draft adoption.

### **Public Debate**

### Article 33

The public debate set out in Article 32 of the present Law shall be announced in one daily print media outlet published and distributed in the territory of Montenegro and on the website of the Ministry and it shall last for a minimum term of 30 working days as of the date of announcement.

The Ministry shall submit a separate notification about the public debate to the local self-government unit and body in charge of technical specifications, within two days as of the date of announcing the public debate in one daily print media outlet published and distributed in the territory of Montenegro.

The public debate shall be conducted by organising round tables, panel discussions, presentations, and by submission of proposals, suggestions and comments.

### **Public Debate Report**

#### Article 34

Within 30 days as of the completion of the public debate, the Ministry shall draw up a report on the public debate.

The public debate report shall specifically include:

- a list of all of the public debate participants;
- proposals, objections and suggestions which have been accepted, with names of participants;
- an explanation of the proposals, objections and suggestions which have not been accepted or which have been partially accepted, with names of participants;
- a list of public debate participants whose proposals and objections were submitted after the time limit set, and
- a reference to the proposals and opinions set out in Article 27 of the present Law.

The Council shall issue an opinion on the public debate report within 15 days as of the date of submission by the Ministry.

The Ministry shall publish the public debate report with Council opinion on the website, within seven days as of the date of delivery of the Council opinion.

### **Repeated Public Debate**

#### Article 35

Repeated public debate shall be organised if the planning document differs significantly after the public debate from the draft public document which has been examined during the public debate.

The significant difference set out in para.1 of this Article shall be established by the Ministry, in the public debate report.

Repeated public debate shall be organised in the manner stipulated in Articles 33 and 34 of the present Law and it shall last for a minimum term of 15 working days as of the date of announcement.

### **Preparation of the Proposed Planning Document**



## Article 36

The Ministry shall prepare a proposed planning document on the basis of the public debate report.

### **Submission of the Proposed Planning Document to the Body in Charge of Technical Specifications**

## Article 37

The Ministry shall submit proposed planning document set out in Article 36 of the present Law to the body in charge of technical specifications for approval of the proposed technical specifications.

The body in charge of technical specifications shall provide its approval set out in para.1 of this Article within 30 days as of submission of the planning document.

If the body in charge of technical specifications does not deliver its approval within the time limit set out in para. 2 of this Article, it shall be deemed to have agreed with the provisions from the planning document which concern technical specifications.

### **Submission of the Proposed Planning Document to the Government**

## Article 38

Upon obtaining the approval set out in Article 37 of the present Law, the Ministry shall submit the proposed planning document to the Government for the purpose of adoption.

With the proposed planning document, the Ministry shall submit the report set out in Article 36 of the present Law.

The Ministry shall publish the proposed planning document on the website within seven days as of the date of its adoption.

### **Adoption Decision**

## Article 39

The Spatial Plan of Montenegro and the General Regulation Plan of Montenegro shall be adopted by means of a decision.

### **Contents of the Decision**

## Article 40

The planning document adoption decision shall contain, in particular: boundaries of the area covered by the planning document; provisions on the planning document implementation; provisions on termination of validity of the planning document which was in force until the adoption of the new planning document, etc.

### **Publication of the Adoption Decision**

#### Article 41

The planning document adoption decision and the planning document shall be published in the Official Gazette of Montenegro.

### **Amendments to the Planning Document**

#### Article 42

Amendments to the planning document shall be made in the manner and following the procedure defined by the present Law for the planning document development and adoption, provided that the public debate shall last for a minimum term of 15 working days as of the date of announcement.

Amendments to the planning document set out in para.1 of this Article may only be made in the coverage of the entire planning document or coverage of regions or of a national park and area under UNESCO protection.

The procedure of amendments to the planning document may also be initiated by the executive body of the local self-government unit.

### **Mode of Proceeding**

#### Article 43

The manner of signing, certifying, delivering, archiving and keeping the planning document shall be prescribed by the Ministry.

### **Funds for Development**

#### Article 44

Funds for developing the planning document shall be provided from the budget of Montenegro.

## **4. Implementation of the General Regulation Plan of Montenegro Urban Development Design**

#### Article 45

With the objective of implementing the General Regulation Plan of Montenegro, the assembly of the local self-government unit shall adopt the urban development design, at the proposal of the executive body of the local self-government unit.

The urban development design shall be developed by a business organisation set out in Article 122 of the present Law.

The urban development design shall be developed for the space defined in the General Regulation Plan of Montenegro, as follows: space on which there is significant and complex construction, i.e., which constitutes a particularly characteristic whole, space devastated by

illegal construction, as well as settlements and parts of settlements which are immovable cultural property of international and national significance.

Urban development design shall include an urban development scheme that defines the spatial distribution of structures, dimensions of structures, landscaping and basic infrastructure, in accordance with the guidelines defined by the General Regulation Plan of Montenegro, as well as visualisation of structures, i.e., settlements.

Adoption of an urban development design for settlements and parts of settlements which constitute immovable cultural property of international and national significance shall be mandatory.

In the event of the development of the urban development design set out in para. 5 of this Article, the law governing cultural property shall apply accordingly.

The urban development design shall be made on topographic-cadastral maps in scales of 1: 1.000 and 1:500 or 1:250.

If the initiative to develop an urban development design was launched by a concerned space occupant, the costs of developing the urban development design shall be borne by the concerned space occupant.

The urban development design shall be published in the Official Gazette of Montenegro.

More detailed contents and requirements for development of the urban development design shall be prescribed by the Ministry.

### **Design Briefs for Urban Development Designs**

#### Article 46

The development of the urban development design shall be done on the basis of a design brief.

The design brief set out in para.1 of this Article shall be drawn up by the chief city architect on the basis of guidelines from the General Regulation Plan of Montenegro, upon obtaining the opinion of the chief state architect and the administrative body responsible for the cultural property protection.

The chief state architect and the administrative body responsible for the cultural property protection shall submit their opinion on the design brief to the chief city architect within ten days of the receipt of the design brief.

If the opinion on the design brief is not submitted by the chief state architect and the administrative authority responsible for the cultural property protection within the time limit set out in para. 3 of this Article, it shall be deemed that they have no objections.

### **Review of the Urban Development Design**

#### Article 47

In the process of urban development design development, review shall be mandatory.

Urban development design review shall be deemed to be a check of compliance with the design brief and the General Regulation Plan of Montenegro.

The review set out in para.1 of this Article shall be carried out by the urban development design review commission (hereinafter referred to as the "Commission") appointed by the executive body of the local self-government unit.

The Commission shall carry out the review within 15 days as of the date of submission of the urban development design and to draw up a report thereon.

The report set out in para. 4 of the present Law shall be signed by all members of the Commission.

The Commission shall submit the report on urban development design review to the executive body of the local self-government unit within seven days as of the date of expiry of the time limit set out in para. 4 of this Article.

The local self-government unit shall publish the report on urban development design review on the website within seven days as of the date of receipt.

## **Approval of Urban Development Design**

### Article 48

Prior to review, the executive body of the local self-government unit shall submit the urban development design to the chief state architect and the administrative body responsible for cultural property protection in order to get their approvals.

The chief state architect and the administrative body responsible for the cultural property protection shall submit the approval of the urban development design to the executive body of the local self-government unit within 15 days as of the date of delivery.

If the chief state architect and the administrative body responsible for the cultural property protection do not submit their approval of the urban development design within the time limit set out in para. 2 of this Article, they shall be deemed to approve of it.

## **Land Allotment Study**

### Article 49

The land allotment study shall be developed in order to align cadastral parcels with land allotment rules defined by the General Regulation Plan of Montenegro.

The land allotment study shall be developed only for the unit of building land at the block level.

The land allotment study shall define building lots.

Land allotment study, transposed onto geodetic and cadastral base maps, shall contain a graphical and tabulated summary of building lots, with data and surface areas of cadastral parcels or parts thereof forming part of the building lot.

Within six months as of the date of adoption of the General Regulation Plan of Montenegro, cadastral parcel owners may provide for the development of the land allotment study and submit it into the Cadastre.

If the cadastral parcel owner fails to act in accordance with para. 5 of this Article, the development of the land allotment study may be provided for by the Cadastre ex officio.

The land allotment study set out in para.6 of this Article may not be changed until the General Regulation Plan of Montenegro has been changed.

The land allotment study shall be developed by the business organisation set out in Article 122 of the present Law.

The land allotment study shall be made on topographic and cadastral maps in 1: 1000 and 1:500 scales. In the case set out in para.5 of this Article, funds for developing the land allotment study shall be provided by the cadastral parcel owner.

More detailed contents and requirements for the land allotment study development shall be prescribed by the Ministry.

## **Land Allotment Study Implementation**

### **Article 50**

The Cadastre shall conduct land allotment at the request of the cadastral parcel owner set out in Article 49 para.5 of the present Law, or ex officio.

In order for land allotment to be carried out, the land allotment study shall be delivered to the Cadastre by the cadastral parcel owner set out in Article 49 para. 5 of the present Law, within seven days as of the date of its development.

In addition to the land allotment study, the owner set out in para.1 of this Article shall deliver to the Cadastre, together with the request to conduct land allotment, assent of owners of other cadastral parcels to do the land allotment, covering the validity period of the planning document.

The Cadastre shall carry out land allotment within 30 days of receipt of the request.

In the process of conducting land allotment, the Cadastre shall issue a decision on the formation of cadastral parcels that make up the building lot within eight days as of the date of request submission.

The Cadastre shall publish the decision set out in para.5 of this Article on the website within three days as of the date of issuance.

## **Building Lots**

### **Article 51**

Building lot is a single part of space whose surface and form are compliant to the rules of land allotment specified in the planning document, which includes one or more cadastral parcels or parts thereof, and satisfies the requirements for construction prescribed by the planning document.

Building lots shall have a secured vehicular approach from an urban road or public road.

Notwithstanding para. 2 of this Article, in old town cores in which there is no possibility to provide vehicular approach, building lots may be ensured only pedestrian approach from the urban road or public road.

## **Completing a Building Lot**

### **Article 52**

Cadastral parcel owners shall tolerate changes to the boundaries of cadastral parcels according to the land allotment study.

If a building lot includes a number of cadastral parcels of different owners, the owner to whom most of the building lot belongs may submit an offer for the purchase of land to owners of other parts of the building lot, in view of completing the building lot, within 15 days as of the date of land allotment study implementation.

If the owner who owns the largest part of the building lot does not offer purchase of the remaining part of the building lot to the owners of other parts of the building lot within the time limit set out in para. 2 of this Article, purchase of the remaining part of the building lot may also be offered by any owner of a part of the building lot.

Valuation of the land set out in para. 2 of this Article at the request of the owner, who offered the purchase of the remaining part of the building lot to the owners of other parts of the building lot, shall be done by the Cadastre or an authorized appraiser.

If the owners do not reach an agreement on how to complete the building lot in accordance with paras. 1 to 4 of this Article, the law regulating expropriation shall apply.

If the owner set out in para. 5 of this Article is not the expropriation beneficiary set forth by law, the space may be conformed to designated use in accordance with Article 53 of the present Law.

### **Building Location**

#### Article 53

A location for building (hereinafter referred to as the "location") shall be space that is being conformed to its designated use, pursuant to the zoning and technical specifications or guidelines laid down in the planning document.

A location may be one or several cadastral parcels, one or several building lots, part of one or parts of several building lots specified by the land allotment study.

The location shall satisfy the land allotment rules defined in the planning document.

Construction requirements on the location shall be defined further to the zoning and technical specifications and guidelines laid down by the planning document and to the location surface area.

The location is conformed to its designated use within the meaning of para.1 of this Article, when the structure is constructed in accordance with the zoning and technical specifications and guidelines defined by the planning document.

### **Open Competition for a Conceptual Architectural Design**

#### Article 54

An open competition shall have to be called for conceptual architectural design development based on which engineering documents are to be developed for structures for the needs of state bodies, local government bodies, health care, educational, scientific, cultural, sports and social welfare structures that are state-owned.

The open competition set out in para.1 of this Article shall be called for and held by the Ministry.

The manner and procedure of calling for and holding the open competition set out in para.1 of this Article shall be prescribed by the Ministry.

### **Contents of Zoning and Technical Specifications**

#### Article 55

The zoning and technical specifications shall contain in particular:

- 1) location plan with boundaries of the parcel or location and relations to adjacent parcels, that is, corridor of the planned structure;
- 2) designated use of the parcel or location;
- 3) land allotment rules;
- 4) building line and boundary line;

- 5) recommendations for reducing earthquake impacts and protection against earthquakes, as well as other specifications for protection against natural disasters, technical and technological and other accidents;
- 6) specifications and measures for environmental protection;
- 7) specifications for landscape design;
- 8) specifications and protection measures of immovable cultural property and their protected surroundings;
- 9) specifications for persons with reduced mobility and persons with disabilities;
- 10) specifications for installing and constructing ancillary structures;
- 11) specifications for structures which might impact the safety of air traffic;
- 12) possibility to build the structure in stages;
- 13) specifications for connection to the infrastructure;
- 14) specifications for structures that may cause a change in the water regime;
- 15) the need to develop geodetic, geological, (geotechnical, engineering-geological, hydrogeological, geomechanical and seismic) base maps, as well as performing geotechnical investigations and other tests;
- 16) the need to develop an urban development design.

Zoning and technical specifications for buildings, apart from the specifications set out in para.1 of this Article, shall also contain:

- 1) maximum number of floors and maximum height level;
- 2) maximum permitted capacity (gross building area, floor area ratio, lot coverage ratio);
- 3) design and materialization guidelines, particularly with respect to ambient attributes of the area;
- 4) parameters for parking and garaging of vehicles;
- 5) specifications for improving energy efficiency.

### **National Architecture Development Guidelines**

#### Article 56

National architecture development guidelines shall be adopted in order to improve the quality and culture of spatial and architectural design and create high-quality built environment, as well as to create conditions for improving the quality of built environment, identity and recognisability preserving of natural and cultural terrain and encouraging sustainable development.

National architecture development guidelines shall contain, in particular: recommendations for designing and materialising structures, in respect of the ambient properties of the area.

National architecture development guidelines shall be developed by the Ministry in cooperation with professional associations, academic institutions, non-governmental organizations and the administrative body responsible for cultural property protection.

National architecture development guidelines shall be adopted by the Government, for a period of ten years.

### **III BUILDING LAND DEVELOPMENT**

## **Concept of Building Land**

### Article 57

Building land is land on which structures have been constructed and land intended for regular utilisation of structures, as well as land intended for building and utilisation of structures in accordance with the planning document.

Building land may be built-up and non-built-up.

Built-up building land is land on which structures have been constructed in accordance with the planning document.

Non-built-up building land is land on which structures have not been constructed in accordance with the planning document or on which structures constructed are not in accordance with the planning document.

## **Obligation to Develop Building Land**

### Article 58

Building land development shall be ensured by local self-government units.

Building land may be developed and undeveloped.

Developed building land is land that has been provided with utility infrastructure by having an approach road, street lighting, storm water drainage and connections to water supply and foul water system.

Undeveloped building land is land that has not been provided with utility infrastructure in the manner set out in para. 3 of this Article.

Building land development, within the meaning of para.3 of this Article, shall be ensured by the local self-government unit in accordance with the utility infrastructure provision plan.

The utility infrastructure provision plan set out in para. 5 of this Article shall be adopted by the local self-government unit.

Building land development shall include preparation of building land for connection to utilities and the connection to utilities itself.

## **Preparation of Building Land for Connection to Utilities**

### Article 59

Preparation of building land for connection to utilities shall include in particular:

- 1) resolving property law relations, development of engineering and other documents;
- 2) taking measures to protect cultural property and monuments of nature that could be threatened by land preparation works;
- 3) demolition of existing structures and facilities and material removal, relocation of the existing overhead and underground installations, as well as taking measures to protect the existing infrastructure that could be threatened by land preparation works.

## **Connection of Building Land to Utilities**



## Article 60

Connection of building land to utilities shall include the building of utility infrastructure structures and facilities, as follows:

- 1) approach roads and streets in a settlement, street lighting, structures and facilities for water supply and management of municipal wastewater and storm water, up to the connection to the plot, connection itself included;
- 2) overpasses, underpasses, bridges, pedestrian crossings, sidewalks, piazzas, squares and public parking lots in a settlement;
- 3) public green areas in a settlement, greenery blocks in public spaces, recreation grounds, playgrounds, parks, pedestrian paths and lawns, bicycle paths;
- 4) structures for the disposal and treatment of municipal and non-hazardous construction waste;
- 5) shelters for abandoned and lost animals;
- 6) public toilets;
- 7) other utility structures and installations set forth by law and regulation of the local self-government unit regulating public services and utilities, which include public services and utilities of joint utility consumption, and
- 8) utility installations connections which might be important in cases of emergencies or natural disasters.

Municipal wastewater management structures set out in item 1 of this Article shall not include septic tanks.

### **Joint Connection to Utilities**

## Article 61

Connection to utilities for structures set out in Article 60 para.1 items 2 to 8 of the present Law shall be deemed to be joint connection to utilities.

Joint connection to utilities shall also include preparation for connection to utilities set out in Article 59 of the present Law, in terms of the connection to utilities set out in Article 60 para.1 items 2 to 8 of the present Law.

Joint connection to utilities shall be ensured by the local self-government unit.

### **Land Development Fee**

## Article 62

A land development fee shall be paid for undeveloped building land.

The land development fee shall be paid for provision of building land utility infrastructure and for preparation of building land for structures set out in Article 60 para.1 items 1 to 8 of the present Law.

The competent local administrative authority shall prescribe the requirements, contribution fee amount, manner, time limits and procedure of paying the land development fee further to the economic and market projection from the General Regulation Plan of Montenegro, participation of concerned space occupant in connection to utilities, level of utility infrastructure provision etc., with prior approval of the Government.

## **Land Development Fee Payment**

### Article 63

Building land development fee shall be paid by the owner of undeveloped building land which has been projected for building according to the planning document.

Building land development fee shall be fixed by the competent local administrative authority by means of a decision.

The contribution fee set out in para.1 of this Article shall be paid in equal monthly instalments for the validity period of the General Regulation Plan of Montenegro, except where the owner set out in para.1 of this Article and the local self-government unit agree otherwise.

## **City Rent**

### Article 64

City rent shall be paid for developed building land.

The city rent shall be paid by the owner of developed building land which was intended for building a building according to the planning document.

The city rent shall be fixed by the local administrative authority by means of a decision.

The city rent shall be fixed on an annual basis, and paid in equal monthly instalments.

The funds obtained from the city rent shall be used for the joint connection to utilities for developed building land.

Local self-government unit shall prescribe the requirements, manner, time limits and procedure of paying the city rent, depending on the degree of construction of structures and facilities of utility infrastructure, joint connection to utilities, with prior approval of the Government.

## **Connection of Building Land to Utilities by the Concerned Space Occupant**

### Article 65

Connection of building land to utilities set out in Article 60 of the present Law may also be done by concerned space occupants.

Mutual relations between the concerned space occupant and the local self-government unit in case set out in para.1 of this Article shall be governed by an agreement.

## **Funds for Building Land Development**

### Article 66

Funds for building land development shall be provided by local self-government units from:

- 1) land development fee;
- 2) city rent;
- 3) funds of public-private partnerships;
- 4) other sources in accordance with law.

The funds set out in para.1 items 1 and 2 of this Article shall be paid into separate budget accounts of local self-government units.

#### **IV CONSTRUCTION OF STRUCTURES**

##### **1. Common Provisions**

##### **Construction and Building**

###### **Article 67**

Construction of structures means a set of actions that include engineering documents development, engineering documents review, building of structures, performance of engineering supervision over the building of structures and creation of conditions for utilisation of structures.

Structure building means execution of works (preliminary works, works on building structures, fitting works, works on installation of construction products, installation of plant and equipment and other works) for the purpose of building a new structure, structure reconstruction or with a view to changing the status of space.

##### **Basic Requirements for Structures**

###### **Article 68**

The basic requirements for structures are the requirements that the structure, depending on its designated use, must fulfil during building and utilisation, and which ensure its overall safety and the safety of each of its separate parts.

The basic requirements for structures set out in para.1 of this Article shall be:

- 1) mechanical resistance and stability, which imply that the structure must be designed and built in such a way that the loads that are liable to act on them during their building and utilisation will not lead to any of the following:
  - a) collapse of the whole or part of the constructed structure;
  - b) major deformations to an inadmissible degree;
  - c) damage to other parts of the structure or to installations or installed equipment which may arise as a result of major deformation of the load-bearing construction;
  - d) damage whose consequence is disproportionate to its cause;
- 2) safety in case of fire which implies that the structure must be designed and built in such a way that in the event of an outbreak of fire:
  - a) the load-bearing capacity of the construction can be assumed for a specific period of time;
  - b) the outbreak and spread of fire and smoke within the structure are limited;
  - c) the spread of fire to adjacent structures is limited;
  - d) occupants can leave the structure or be rescued by other means;
  - e) the safety of rescue teams is ensured;
- 3) hygiene, human health and environmental protection which imply that the structure must be designed and built in such a way that it will not be a threat to hygiene or health and safety of workers, occupants or neighbours, nor cause the allowed environmental or climate impact limit values to be exceeded during their

construction, use and demolition, or during their service time, in particular as a result of any of the following:

- a) the giving-off of toxic gas;
  - b) emissions of dangerous substances, volatile organic compounds (VOC), greenhouse gases or dangerous particles into indoor or outdoor air;
  - c) emission of dangerous radiation;
  - d) the release of dangerous substances into ground water, marine waters, surface waters or soil;
  - e) release of dangerous substances into drinking water or substances which have an otherwise negative impact on drinking water;
  - f) faulty discharge of waste water, emission of flue gases or faulty disposal of solid or liquid waste;
  - g) dampness in parts of the structure or on surfaces within the structure;
  - h) presence of radioactive gas radon within the structure;
- 4) safety and accessibility in use, which imply that structures must be designed and built in such a way that they do not pose unacceptable risks of accidents or damage in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion and burglaries; in particular, in such a way that accessibility and use by persons with reduced mobility and persons with disabilities are taken into account;
  - 5) protection against noise, which implies that structures must be designed and built in such a way that noise perceived by the occupants or neighbours is kept to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions;
  - 6) energy economy and heat retention, which imply that heating, cooling and ventilation installations and lightning must be designed and built in such a way that improved energy efficiency is achieved, taking account of the occupants and of the climatic conditions of the location and that structure is also energy-efficient (using minimum quantities of energy during its construction or dismantling);
  - 7) sustainable use of natural resources, which implies that structures must be designed, built and demolished in such a way that the use of natural resources is sustainable and in particular ensuring the following:
    - a) reuse or recyclability of the structure, materials and parts used for its construction after demolition;
    - b) durability of the structure;
    - c) use of environmentally compatible raw and secondary materials from the structure.

### **Derogations from the Basic Requirements for Structures**

#### Article 69

Some of the basic requirements for structures set out in Article 68 of the present Law may be derogated from on the basis of a separate law, due to the specific nature of the structure and the activity to be performed in the structure.

### **Construction Product**

## Article 70

Construction and other products that are incorporated into structures shall fulfil the requirements prescribed by law.

### **Access and Movement Requirements for Persons with Reduced Mobility**

## Article 71

Structures used by the public shall be constructed in a manner which provides unimpeded access, movement, stay and work to persons with reduced mobility and persons with disabilities.

Structures used by the public set out in para.1 of this Article shall be structures intended for public use (structures of state bodies and of the local self-government, health care, education, culture, indoor and outdoor sports and recreational structures, traffic terminals, post offices).

Residential, residential-commercial and commercial structures shall be constructed in a manner which provides unimpeded access and movement in common premises to persons set out in para.1 of this Article.

Residential and residential-commercial structures with ten or more flats shall be constructed in such a way which ensures simple adjustment of the structure, of at least one housing unit per each ten apartments for unimpeded access, movement, stay and work of persons with reduced mobility and persons with disabilities.

Owner of the structure used by the public shall ensure access, movement and stay to persons with reduced mobility and persons with disabilities.

More detailed conditions and the manner of adjusting structures set out in paras.1, 3 and 4 of this Article shall be prescribed by the Ministry.

### **Technical Regulations**

## Article 72

Technical regulations in the field of construction of structures shall elaborate the basic requirements for structures, specifications for engineering documents development, mandatory essential characteristics of construction products, manner of executing construction works and other technical requirements in connection with the structure and its building.

Technical regulations set out in para.1 of this Article shall be adopted by the Ministry or another competent body in accordance with law.

## **2. Engineering Documents**

### **Concept and Development Requirements**

## Article 73

Engineering documents means a set of written, numeric and graphical documents which establishes the concept, requirements and manner of building structures.

Engineering documents shall be developed in accordance with the zoning and technical specifications, the present Law, separate regulations and rules of profession regarding such matters not governed by the present Law.

Engineering documents shall be mutually consistent in respect of their types and contents.

### **Zoning and Technical Specifications Issuance**

#### Article 74

Zoning and technical specifications for engineering documents development shall be issued by the Ministry within 20 days of the submission of interested party's application.

The application set out in para.1 of this Article, in addition to information prescribed by the law governing administrative procedure, shall also include data regarding cadastral parcel's identification.

Notwithstanding para.1 of this Article, for transmission lines, cable cars, ski lifts, roads, railways, waterworks, sewage lines, telecommunication lines, optical cables, gas lines, hot water and oil pipelines, as well as all other lines, information on the horizontal alignment may be provided instead of data on cadastral parcel identification.

The Ministry shall issue zoning and technical specifications in accordance with the planning document.

The specifications needed to develop engineering documents, which are issued by the body in charge of technical specifications under separate regulations, and the property deed and a cadastral map copy shall be obtained by the Ministry.

The employer or designer engineer may apply to the Ministry to amend or supplement the technical specifications with a proposed different solution in terms of service connections.

The Ministry shall submit the application set out in para. 6 of this Article to the competent body in charge of technical specifications for approval.

If the body in charge of technical specifications does not deliver the specifications set out in paras. 5 and 7 of this Article within 15 days of receiving the application, it shall be deemed to have provided its approval to the zoning and technical specifications set out in the planning document or to the proposed different solution in terms of service connections, respectively.

The Ministry shall deliver the zoning and technical specifications issued to the competent inspection authority within three days as of issuance thereof.

The Ministry shall publish zoning and technical specifications on the website within one working day as of issuance thereof.

A fee shall be paid for the issuance of specifications set out in paras.1 and 5 of this Article, the amount of which shall be fixed by the Government.

No fee, tariff or other issuance costs shall be paid for the purpose of granting the approval set out in para. 7 of this Article, nor for the property deed and a copy of the plan.

Zoning and technical specifications shall be issued on the form prescribed by the Ministry.

### **Types of Engineering Documents**

#### Article 75

Engineering documents shall be developed in the forms of:

- 1) conceptual design;

- 2) preliminary design;
- 3) final design; and
- 4) as-built design.

The manner of development and contents of engineering documents set out in para.1 of this Article shall be prescribed by the Ministry.

### **Conceptual Design**

#### Article 76

The conceptual design shall set forth the general conception for a structure construction, in particular: structure integration into space; structure position within the location and in relation to adjacent structures; 3D visualization of the structure; specifications and designs for connecting the structure to transport, installation and other infrastructure and location landscaping.

The conceptual design may also determine a structure's staged building (technical and technological and functional unit).

The conceptual design, depending on the type and designated use of the structure, may comprise:

- 1) architectural design,
- 2) construction design,
- 3) electrotechnical design, and
- 4) mechanical design.

### **Preliminary Design**

#### Article 77

The preliminary design shall set forth: position, capacity, architectural, technical, technological and functional characteristics of the structure; organizational elements of building the structure; elements of the structure maintenance and estimated value of structure building works.

The preliminary design shall contain in particular information on: the micro location of the structure; technical-technological and exploitation characteristics of the structure; tentative calculation of stability and safety of the structure; technical-technological and organizational elements of building the structure; analysis of the variant energy systems of buildings with an assessment of the energy efficiency of buildings; infrastructure design and the tentative value of structure building works.

The preliminary design shall be developed for the needs of employers.

The preliminary design shall develop the conceptual design in more detail.

The preliminary design, depending on the type and designated use of the structure, may comprise:

- 1) architectural design,
- 2) construction design,
- 3) electrotechnical design, and
- 4) mechanical design.

## **Final Design**

### Article 78

The final design shall set forth architectural-construction, technological, technical and operational characteristics of the structure with equipment and installations, including an elaboration of all necessary details for building a structure and the value of structure building works.

The final design shall elaborate the conceptual design or the preliminary design.

The final design, depending on the type and designated use of the structure, may comprise:

- 1) architectural design,
- 2) construction design,
- 3) electrotechnical design and
- 4) mechanical design.

The final design for structures used by the public shall mandatorily contain designs for unimpeded access, movement, stay and work of persons with reduced mobility and persons with disabilities, and for structures set out in Article 71 para.3 of the present Law it shall contain designs for unimpeded access and movement in the common areas.

A mandatory part of the final design for a building shall be the 3D visualization.

If the final design for the building of a structure foresees incorporation of factory-produced parts, elements and equipment, the final design shall not need to contain the engineering documents based on which such parts, elements and equipment have been manufactured.

The final design shall be developed for the needs of building a structure.

## **As-Built Design**

### Article 79

The as-built design shall be the final design with modifications made during the structure building, due to circumstances set out in Articles 97 and 98 of the present Law.

As-built designs shall also be developed for the purpose of structure maintenance.

## **Other Designs, Studies and Base Maps**

### Article 80

The development of designs set out in Article 77 para.5 and Article 78 para.3 of the present Law, depending on the type and designated use of the structure, shall be preceded by development of designs, studies and base maps: geodetics, soil mechanics, technology, etc.

Designs and studies of cultural property protection, landscape architecture, environmental impact assessment, fire protection, thermal and sound insulation of the structure, energy efficiency, interior design, etc., shall be developed during the development of designs set out in Article 77 para.5 and Article 78 para.3 of the present Law or after their development, in accordance with the present Law and separate regulations.



## **Final Design Review**

### Article 81

Review of the final design shall be mandatory for all structures.

The review of the final design shall include verification of: design compliance with zoning and technical specifications, the present Law, separate regulations and rules of profession in relation to matters not regulated by the present Law, as well as specifications of design and materialization, especially in relation to the ambient properties of the area; fulfilment of the basic requirements for the structure; mutual compliance of all parts of engineering documents, as well as extended bill of quantities of all structure building works.

Final design review shall also include a verification of fulfilment of specifications for the structure adaptation to persons with reduced mobility and persons with disabilities.

A report shall be drawn of review conducted, signed by the responsible reviewer.

The review report set out in para. 4 of this Article may be positive or negative.

The employer shall appoint the responsible reviewer.

Review costs shall be borne by the employer.

The manner of performing the review of the final design shall be prescribed by the Ministry.

## **Obtaining Approval**

### Article 82

In the process of final design review, the responsible reviewer shall obtain from the body in charge of technical specifications a copy of the plan and a property deed, approvals, opinions and other evidence set forth by law.

The body in charge of technical specifications shall respond and deliver the requested evidence, electronically signed, within 15 days of the receipt of application from the responsible reviewer.

If the body in charge of technical specifications does not deliver evidence set out in para.1 of this Article within the prescribed time limit, it shall be deemed to have provided its approval to the reviewed final design.

There shall be no fee, tariff or other issuance costs charged for the issuance of evidence set out in para.1 of this Article.

## **Repeated Review**

### Article 83

In the event of amendments to technical regulations after the final design review and prior to submission of the notification of building work, the final design shall be brought into line with such amendments and shall be subject to a repeated review.

## **Review of Engineering Documents Developed Pursuant to Regulations of Other Countries**

### Article 84

Engineering documents developed pursuant to regulations of other countries shall be subject to review with the purpose of verifying their compliance with the present Law and rules of profession.

Engineering documents developed pursuant to regulations of other countries shall be deemed to be developed pursuant to the present Law if the final review report is positive.

Engineering documents developed pursuant to regulations of other countries set out in para.1 of this Article shall be translated into the Montenegrin language.

### **Positive Review Report**

#### Article 85

In the positive report of final design review, the responsible reviewer shall indicate true statements of compliance within the meaning of Article 81 para. 2 of the present Law.

Apart from the statements set out in para.1 of this Article, the final design responsible reviewer shall also indicate in the final design positive review report, accurate statements of compliance within the meaning of Article 81, para. 3 of the present Law and make a written statement that a structure may be built on the basis of the final design.

The responsible reviewer shall submit the report set out in para.1 of this Article to the employer and design engineer that has developed the final design.

### **Negative Review Report**

#### Article 86

In the negative report of final design review, the responsible reviewer shall indicate non-compliance of engineering documents within the meaning of Article 81 para. 2 of the present Law.

Apart from the non-compliance set out in para.1 of this Article, the final design responsible reviewer shall indicate in the negative report of final design review, the non-compliance of the final design within the meaning of Article 81 para. 3 of the present Law.

The responsible reviewer shall submit the report set out in para.1 of this Article to the employer and design engineer that has developed the final design.

### **Chief State Architect**

#### Article 87

In order to implement National Architecture Development Guidelines in relation to the protection of authenticity of space and identity of settlements, providing quality architectural designs, improving the visual quality of structures and settlements, as well as ensuring and promoting best practices in the field of urban planning and architecture, the Ministry shall appoint the chief state architect.

The chief state architect shall be appointed by the Government, at the proposal of the Minister in charge of construction affairs.

The chief state architect may be a Bachelor of Science in Architectural Engineering in possession of at least qualification VII 1 of the sub-level of the qualification framework, with at least ten years of work experience in urban planning and architectural practice.

The chief state architect may have a professional support service. The chief state architect shall:

- 1) give his approval to the conceptual design of the building, square and other public spaces in settlements;
- 2) check the compliance of the conceptual design with the urban development design set out in Article 45 of the present Law;
- 3) prescribe guidelines for harmonization of the external appearance of structures set out in Article 154 of the present Law,
- 4) provide his approval with regard to the external appearance of the temporary structure;
- 5) provide his approval to the urban development design;
- 6) develop design briefs for urban development designs.

The approval set out in para. 5 of this Article shall be given by means of a decision, upon an application filed by the employer, within 15 days as of the date of submission of the application.

The Ministry shall publish on the website the employer's approval application and the approval set out in para. 5 of this Article, within one day as of the date of submission of the application or approval-granting.

The act of appointment set out in para. 2 of this Article also determine the salary of the chief state architect.

### **Devolving of Affairs**

#### Article 88

The tasks of the chief state architect set out in Article 87 para. 5 items 1, 2, 3, 4 and 6 of this Article shall be devolved to the local self-government unit.

For the performance of affairs set out in para.1 of this Article, the executive body of a local self-government unit shall appoint the chief city architect who must meet the requirements set out in Article 87, para. 3 of the present Law.

The chief city architect may have a professional support service.

The Ministry shall decide upon complaints to the decisions of the chief city architect.

Several local self-government units may appoint one chief city architect.

The act of appointment set out in para. 2 of this Article shall also determine the salary of the chief state architect.

The chief city architect shall submit the conceptual design, the approval application submitted by the employer and the approval set out in Article 87 of the present Law to the chief state architect within one day as of the date of submitting the application or approval-giving.

### **Informing the Local Public of the Building Activity**

#### Article 89

As of the date of notification of building work, the employer shall erect an information board at the place of building, with information related to: the employer, design engineer, responsible reviewer, contractor, engineering supervisor, chartered engineer who managed the engineering documents development, reviewer who managed the engineering documents review, chartered engineer who is managing the building and the reviewer who is managing engineering supervision, 3D structure visualisation i.e. cable run layout etc..

Notwithstanding para.1 of this Article, the employer reconstructing a specific part of the residential building shall inform the tenants association about the intended works by posting a notification thereon on the entrance noticeboard, within the time limit set out in para.1 of this Article.

The notification set out in para. 2 of this Article shall contain all the information set out in para.1 of this Article.

In the event of change of information set out in para.1 of this Article, the employer shall replace the board within 15 days from the date the change has occurred.

The form and appearance of the board set out in para.1 of this Article shall be prescribed by the Ministry.

### **Notification of Remodelling Works**

#### Article 90

In the event of remodelling works on an existing structure or part of structure, the owner or holder of another right over the structure, shall file a notification of remodelling works to the competent inspection authority.

The person set out in para.1 of this Article shall submit a description of intended works along with the application.

In the event that the authority set out in para.1 of this Article identifies that the works specified in the notification are deemed to be reconstruction of the structure, it shall caution the person set out in para.1 of this Article about the necessity of complying with Articles 89, 91 and 92 of the present Law, within seven days of the receipt of the notification.

The notification of remodelling works set out in para.1 of this Article shall be published on the website by the competent inspection authority within one day as of the date of filing the notification.

### **3. Building of Structures and Engineering Supervision**

#### **Building Requirement**

#### Article 91

The employer shall build the structure on the basis of a notification of building work and documents stipulated by the present Law.

Employer means the person submitting the notification and documents for a structure's building or erection, prescribed by the present Law.

The documents set out in para.1 of this Article shall contain in particular:

- 1) final design stamped pursuant to the present Law;
- 2) positive review report of the final design;
- 3) evidence of liability insurance of the design engineer that has developed the final design or of the responsible reviewer that has reviewed the final design, in accordance with the present Law;
- 4) contractor agreement;
- 5) engineering supervision agreement

- 6) evidence of ownership right over land or another right to build on the land or evidence of ownership right over the structure or another right to build, in cases of structure reconstruction.

In the event of structure building set out in Article 87 para.5 items 1, 3, and 4 of the present Law, the documents set out in para. 3 of this Article shall also be deemed to be the approval of the chief state architect or the chief city architect given to the conceptual design.

In case of filing a notification of building work for a structure reconstruction in which the sale of parts of the structure is allowed pursuant to tourism regulations, the evidence set out in para.3, item 6 of this Article shall be submitted by the legal entity that manages the structure.

### **Submission of the Notification**

#### Article 92

The employer shall file the notification of building work and the documents set out in Article 91 of the present Law to the competent inspection authority within 15 days prior to the commencement of building.

The notification of building work may also include the notification of removal of the existing structure in compliance with the zoning and technical specifications.

The notification of building work shall be published on the website of the competent inspection authority within one day as of the date of filing the notification.

### **Obligations of the Employer**

#### Article 93

Prior to the commencement of structure building, the employer shall submit to the contractor the stamped and reviewed final design in electronic and analogue forms respectively.

The employer shall finalise the building of structure within five years as of the date of submitting the notification of building work.

The provision of para. 2 of this Article shall not apply to complex engineering structures.

### **Change of the Employer**

#### Article 94

If the employer changes during the structure building, the new employer shall notify the competent inspection authority of the change occurred, within 30 days from the date the change has occurred.

The new employer shall submit, together with the notification set out in para.1 of this Article, evidence of ownership right over land or another right to build on the land or evidence of ownership right over the structure or another right to build, in cases of structure reconstruction.

The change of employer set out in para.1 of this Article may be made until the date of putting the structure into service.

## **Obligations while Executing Works**

### Article 95

During the execution of works, engineering supervisor shall make sure that the contractor:

- 1) is executing works in accordance with the reviewed final design;
- 2) is marking boundary and building lines, elevation points of the structure and terrain alignment, in compliance with the reviewed final design;
- 3) has a copy of the final design at the building site, in analogue form, stamped by the design engineer and responsible reviewer, bearing a stamp including the number, date and signature and a seal on each sheet of the final design;
- 4) is organising the building site in a manner which ensures access to the location, unimpeded traffic and protection of the environment during the building;
- 5) is protecting trees, hedges and other plants, which must be preserved and protected during building work pursuant to separate regulations;
- 6) is ensuring the safety of the structure, health and safety at work of employed persons and protection of the environment (adjacent structures and infrastructure);
- 7) is providing for a evidence of the quality of executed works, i.e. built-in construction products, installations and equipment, issued by an authorized person;
- 8) is keeping a construction log and a measurement book;
- 9) is ensuring measurements and geodetic monitoring of soil and structure behaviour during the building;
- 10) is treating construction waste created during building at the building site in compliance with the construction waste management plan, drawn up in compliance with separate regulations; and
- 11) is removing temporary structures that served for the execution of works at the building site within 30 days as of the date of works finalisation.

The Ministry shall lay down the manner of keeping and the contents of the construction log and the measurement book set out in item 8 of this Article.

## **Building Site Documents**

### Article 96

The contractor shall keep the following at the building site:

- 1) licence of the contractor for the performance of activity set out in Article 122 of the present Law;
- 2) decision appointing the chartered engineer managing the building of the structure in its entirety;
- 3) licence of the chartered engineer managing the building of the structure in its entirety;
- 4) licence of the engineering supervision for the performance of activity set out in Article 124 of the present Law;
- 5) decision appointing the reviewer who is managing the engineering supervision over the building of the structure in its entirety;
- 6) licence of the reviewer who is managing the engineering supervision over the building of the structure in its entirety;

- 7) evidence of liability insurance of the contractor and the engineering supervisor;
- 8) construction log and a measurement book;
- 9) notification of building work;
- 10) stamped reviewed final design in electronic and analogue form;
- 11) site establishment study;
- 12) structure setting out/pegging out study;
- 13) written records of competent inspection authorities; and
- 14) other documents which the contractor has to collect and keep during building.

If the engineering documents envisage, for the purpose of structure building, the installation of factory produced parts, elements and equipment, the contractor shall also have at the building site, together with the documents set out in para.1 of this Article, supporting documents in compliance with law.

### **Modification of the Reviewed Final Design due to Deficiencies and Contingent Circumstances**

#### Article 97

Should the contractor notice deficiencies in the reviewed final design, which do not affect the change of horizontal and vertical dimensions of the structure, nor change in the façade of the structure, it caution warn in writing the engineering supervisor thereof, within one day as of the date of noticing the deficiencies.

If the engineering supervisor finds that the contractor's remarks set out in para.1 of this Article are justified, he shall order the employer to change the final design and to review it, as well as to notify the competent inspection authority thereof.

The employer or the design engineer that has developed the final design shall eliminate, without any delay, the deficiencies set out in paras. 1 and 2 of this Article, of which he was cautioned about.

If the employer or design engineer who has developed the final design fails to act pursuant to para.3 of this Article, the engineering supervisor shall notify the competent inspection authority thereof within seven days of the receipt of the caution

The deficiencies set out in para.1 of this Article shall also be deemed to be the failure to fulfil the requirements set out in Article 71 of the present Law.

Should the deficiencies set out in para.1 of this Article pose a threat to the lives and health of people, safety of the structure, environment, traffic and/or adjacent structures, the contractor shall suspend the execution of works as per the order of the engineering supervisor.

In the event set out in para.6 of this Article, engineering supervisor shall inform the employer and the competent inspection authority and issue an order to the contractor to execute works in accordance with Article 111 of the present Law. Should the contractor, due to the deficiencies caused by contingent circumstances (insufficient bearing capacity of stratum, high level of ground waters, replacement of factory produced parts, components and equipment, and installations and the like), be unable to execute the works in line with the reviewed final design, it shall notify the engineering supervisor thereof, which shall inform the competent inspection authority thereof.

Final design modification set out in para.8 of this Article shall be done by the employer or the design engineer that developed the final design, upon receipt of the written record from the competent inspection authority, confirming the existence of contingent circumstances.

The design review set out in para.9 of this Article shall be mandatory.

The contractor shall inform the competent inspection authority in the event of encountering archaeological findings, fossils, active landslides, ground waters and the like, and discontinue works that may put them at risk.

### **Modification of the Reviewed Final Design due to other Circumstances**

#### Article 98

After the notification of building work is filed, the reviewed final design may be modified only provided that the modification is compliant to the zoning and technical specifications. The final design may be modified, within the meaning of para.1 of this Article, also for the purposes of improving the functionality of the structure, better organization of space, and the like.

The modification set out in para.1 of this Article may be made no later than until the filing of the application for registering the structure into the Real Estate Cadastre set out in Article 104 of the present Law.

In the event set out in para.1 of this Article, the employer shall file the notification to the inspection authority along with the reviewed and modified final design.

In the event that the modification set out in para.1 of this Article refers to the modification of the conceptual design elements based on which the approval set out in Article 87 of the present Law was granted, the employer shall obtain a new approval of the chief state architect or the chief city architect for the new conceptual design.

In the case set out in para. 5 of this Article, the employer shall submit to the inspection authority, apart from documents set out in para. 4 of this Article, the approval of the chief state architect or the chief city architect.

Competent inspection authority shall publish on the website the notification set out in paras. 4 and 6 of this Article, within one day of the receipt of the notification.

### **Obligation to Secure the Building Site**

#### Article 99

Should the employer fail to complete the building of structure within the time limit set out in Article 93 para. 2 of the present Law or suspend works for more than 30 days, the employer shall shut down and secure the building site in a manner which ensures unimpeded traffic, safety of persons, adjacent structures and the surrounding and place non-transparent guardrails around the building site.

At the building site set out in para.1 of this Article, in urban areas defined by a decision of the local self-government unit, the employer shall place a non-transparent cover onto the built structure of a building, covering the façade of the structure in the scale 1:1.

In the event of a new building being built or an existing building being reconstructed in urban areas defined by a decision of the local self-government unit, the employer shall act pursuant to para. 2 of this Article.

### **Obligation to Perform Engineering Supervision**

#### Article 100

During the structure building, the employer shall provide for the performance of engineering supervision.



The supervision set out in para.1 of this Article shall be performed as of the date of execution of preliminary works on the structure until the completion of all works and putting the structure into service and it shall include all building stages.

The supervision set out in para.1 of this Article shall include, in particular: control of execution of works as per the reviewed final design, the present Law and separate regulations; control of compliance of works; control of quality of works execution; control of quality of materials, installations and devices which are built in; verification if the materials, installations and devices which are built in have the prescribed documents necessary for putting them into service; regular monitoring of the pace of execution of works and adherence to contracted time limits; control of undertaking of measures he ordered to the contractor in order to eliminate deficiencies in the execution of works; control of works which cannot be controlled after closing or covering; control of undertaking of environmental protection measures; identifying stages for which a report needs to be developed; providing technological and organisational instructions to the contractor and resolving other matters with regard to the structure building; cooperation with the design engineer in order to ensure details for unimpeded execution of works and resolving other issues with regard to the structure building.

Supervision over structures funded in full or partially from donations or loans granted by international finance institutions or from the funds of other countries through interstate cooperation and assistance projects, shall be performed as over complex engineering structures.

### **Performance of Engineering Supervision**

#### Article 101

The engineering supervisor shall enter the observations made during the engineering supervision into the construction log.

The engineering supervisor shall immediately notify the employer in writing if works are not executed in compliance with the reviewed final design, the present Law and separate regulations and/or order the contractor to eliminate the identified deficiencies within the time limit specified by the engineering supervisor.

Should the contractor fail to eliminate the identified deficiencies within the time limit set out in para. 2 of this Article, the engineering supervisor shall immediately report the building of the structure that is contrary to the reviewed final design, the present Law and separate regulations to the competent inspection authority.

### **Engineering Supervision Report**

#### Article 102

The engineering supervisor shall draw up a report on the engineering supervision performed.

The report set out in para.1 of this Article shall be drawn up as per the structure building stages and as a final report.

Prior to the completion of a specific building stage, the engineering supervisor shall notify the competent inspection authority three working days prior to the commencement of acceptance of works of a specific building stage.

The competent inspection authority may attend the acceptance of individual stages of building the structure.

The engineering supervisor shall submit the reports per stages to the competent inspection authority within three days as of the date of acceptance of works of a specific building stage.

Prior to drawing up the final report, the engineering supervisor shall notify the administrative authority competent for cultural property protection in case of building on or in the immediate environment of a structure which is a protected cultural property, which shall in turn determine if the structure has been constructed in compliance with the reviewed final design, i.e., the as-built design.

The engineering supervisor shall simultaneously submit the final engineering supervision report along with the written record of the authorities set out in para. 6 of this Article stating that the structure was built in compliance with the reviewed final design, i.e., the as-built design. to the employer, the contractor, the Ministry and the administrative authority in charge of cultural property protection, and in case of building on or in the immediate surroundings of a structure which is a protected cultural property, to the competent inspection authority as well.

The manner of performing engineering supervision, obligatory stages during the building for which the report is developed and the method of development and more detailed contents of the engineering supervision report shall be laid down by the Ministry.

### **Final Engineering Supervision Report**

#### Article 103

The engineering supervisor shall indicate accurate statements on the works executed on the building of the structure in the final engineering supervision report and make a written statement that the structure was built in accordance with the reviewed final design, i.e., constructed in accordance with the reviewed as-built design, law and other regulations or a statement that the structure is fit for occupancy and that it can be used in the designated manner.

The report set out in para. 2 of this Article shall also contain the study of original as-built field data, stamped by a licenced surveying organisation.

### **4. Utilization of Structure**

#### **Requirements for Utilization of Structure**

#### Article 104

Use of the structure shall not be allowed prior to registering the structure into the Real Estate Cadastre.

The employer shall file an application for registration into the Real Estate Cadastre within 15 days of the receipt of the final engineering supervision report

Enclosed to the application set out in para. 2 of this Article, along with the evidence laid down by the law governing the registration of rights to real estate, the employer shall submit the final engineering supervision report.

### **Trial Run and Functional Testing**

## Article 105

In case of structures with built-in installations, equipment and plants, which serve for the production process of the employer's business activity, not for the structure itself, the employer shall organize a trial run and functional testing (hereinafter referred to as the "trial run") upon completion of installation.

The inspector competent for the field to which the trial run relates shall issue a decision on the trial run.

The trial run shall serve to examine the functioning of built-in installations, equipment and plants, determine the quality of executed works, materials built-in and the fulfilment of technical process parameters envisaged by the design.

The requirements and the duration of the trial run shall be determined in the final design.

### **Special Obligations of Employers**

## Article 106

Depending on the soil and structure features, the final engineering supervision report may include an obligation of the employer to carry out adequate observations of the soil and structure behaviour and of the impact of the structure on the environment within the specified time limit, and to inform the competent inspection authority of the results of such observations and measures undertaken.

The manner and procedure of observing soil and structure behaviour during building and utilization shall be laid down by the Ministry.

### **Taking-over the Constructed Structure**

## Article 107

The employer and the contractor which built the structure i.e. executed specific works thereon, shall take-over the structure and make a statement of final account showing the value of the works executed, within 60 days of the receipt of the final engineering supervision report, unless otherwise provided by the contract.

The employer and the contractor shall perform the final taking-over of the structure within 30 days from the expiry of the finishing works defects liability period, unless otherwise provided by the contract.

If the employer puts the structure into service or a part of the structure prior to the taking-over, the taking-over shall be deemed to be performed.

### **Obligation to Maintain the Structure**

## Article 108

Structure owner shall maintain the structure in condition which ensures the fulfilment of basic requirements for the structure set out in Article 68 of the present Law over its service time, in accordance with the final design.

Structure maintenance shall be conducted based on a structure maintenance study.

## **Contents of the Structure Maintenance Study**

### Article 109

The structure maintenance study shall specifically determine the taking of measures necessary for preservation of structure stability, environmental protection, fire protection, energy efficiency of the structure as well as other measures necessary for the use of the structure.

The structure maintenance study shall contain: instructions for use and maintenance of the structure; mandatory regular inspections and scope of these inspections; time limits and scope of extraordinary inspections; type and scope of necessary maintenance works in order to ensure that during its use the structure meets the basic requirements for the structure set out in Article 68 of the present Law; method, methodology and time-schedule of soil and structure observation during exploitation, as well as the method of processing measurements, presenting results and forming documents on observations, criteria for comparing measurement results with allowed values and the manner of monitoring and interpreting observation results; documents accompanying built-in construction products, devices and equipment purchased on the market (connection diagram, schematic diagram, catalogue of equipment, guarantees); reports of controls performed during the execution of works and trial run (geological and geotechnical investigations, determination of quality of materials and equipment built-in, trial loadings, control levelling, etc.) and corresponding photo documents.

## **Central Registry of Construction**

### Article 110

Building of structures shall be entered into the Central Registry of Construction which shall encompass:

- 1) conceptual designs which received the approvals of the chief state architect or chief city architect;
- 2) documents set out in Articles 91, 117 and 120 of the present Law;
- 3) modified reviewed final designs set out in Article 98 of the present Law;
- 4) review reports;
- 5) final engineering supervision reports and
- 6) as-built designs.

The Central Registry set out in para.1 of this Article shall be kept by the Ministry.

More detailed contents and the manner of keeping the Registry set out in para.1 of this Article shall be prescribed by the Ministry.

## **5. Restriction with Regard to Implementation of Law**

### **Contents of Restrictions**

#### Article 111

Provisions of the present Law that are related to construction shall not apply in the case where the structure is built in view of preventing the threatening natural or other disasters or the extraordinary or state of war, or if the building of structure jeopardizes the lives and health of persons, the safety of surrounding structures, traffic or the adjacent structures, with the

purpose to prevent their negative effects or to ensure the protection and the rehabilitation of their direct detrimental consequences.

If the events set out in para.1 of this Article have damaged the structure, the structure may be restored to its original state in compliance with the engineering documents based on which it was built and the notification of building work to the competent inspection authority.

In the case set out in para. 2 of this Article, it is necessary to obtain preliminary approval of the administrative authority competent for the protection of cultural property for damaged cultural property structure under protection.

## **V REMOVAL OF STRUCTURES**

### **Removal of Dilapidated Structures**

#### **Article 112**

The competent inspection authority shall order ex officio or at the application of an interested entity, the removal of the structure whose stability is found to be threatened due to dilapidation, deficiencies or major damage, which as such poses an immediate threat to lives and health of people, to the adjacent structures and the safety of traffic.

The decision to remove a structure set out in para.1 of this Article shall be issued by the competent inspection authority within 15 days as of the date of submitting the application.

The removal of structure shall be conducted on the basis of the study of removal.

The structure owner shall bear the structure removal costs set out in para.1 of this Article.

### **Removal of a Structure at Owner's Request**

#### **Article 113**

The owner of the structure may remove the structure on the basis of an application filed with the competent inspection authority.

In the case set out in para.1 of this Article, the owner shall enclose the evidence of ownership over the structure and the study of its removal.

The owner shall bear costs for the removal of the structure within the meaning of para.1 of this Article and the business organization meeting the requirements set out in Article 112 of the present Law shall remove the structure.

### **Structure Removal Study**

#### **Article 114**

The study of structure removal or part of structure removal shall serve to technically elaborate the designed solutions, that is, the procedure and manner of removal of structure and items in the structure, to resolve in advance the disconnection of the structure from the energy and/or other infrastructure and safety measures.

The study of structure removal or part of structure removal shall include:

- 1) drawings, estimates and/or other engineering evidence that the removal will not lead to the loss of stability of the structure which would pose a threat to the lives and health of people or the environment;
- 2) technical description of the removal of structure or its part and the manner of managing the construction material and construction waste, that is, spatial coverage of intervention upon the removal of the structure or its part;
- 3) estimate of stability of the surrounding and other land and/or the adjacent and other structures if the removal of the structure or the manner of its removal affects the stability of the land thereof and/or fulfilment of the key requirements for the structure. The study of removal of the structure or its part shall be subject to review.

The study of removal of the structure or its part may be developed by a business organization which meets the requirements set out in the present Law.

The owner of the structure shall bear the costs of the structure removal study development.

## **VI TEMPORARY AND AUXILIARY STRUCTURES**

### **1. Temporary Structures**

#### **Concept**

##### Article 115

Temporary structures shall be structures whose erection or building is not defined by a planning document.

Temporary structures may not be erected or built if their erection or building impairs utility operations, poses a threat to the traffic and green areas, impairs the integrity of cultural property with protected environment, threatens the environment, and at the locations in the immediate vicinity of primary hospitality facilities set forth in the Temporary Structures Programme (hereinafter referred to as the "Programme"), regardless of the structure category, unless they operate as primary hospitality facilities.

More detailed requirements for the type of structures, devices and equipment set out in para.1 of this Article shall be prescribed by the Ministry.

#### **The Programme**

##### Article 116

Temporary structures shall be erected or built in accordance with the Programme.

The programme set out in para.1 of this Article shall contain in particular: zones and guidelines with the zoning specifications for erecting temporary structures, and the types, form and dimensions of temporary structures.

The Programme shall be adopted by the local self-government unit for a five year period, based on the previously obtained approval of the Ministry and the state administration body competent for cultural property protection and environmental protection.

Notwithstanding para.3 of this Article, for maritime domain areas or national park, the Programme shall be adopted by the Ministry, after obtaining the opinion of the local self-government unit, state administration bodies responsible for cultural property protection and

environmental protection.

The Programme shall be published on the website of the Ministry or local self-government unit within three days as of the date of its adoption.

Zoning specifications for temporary structures shall be issued by the Ministry or local self-government unit, and technical specifications shall be issued by the body in charge of technical specifications.

Provisions of Article 74 of the present Law shall apply accordingly to the issuance of zoning and technical specifications.

For the issuance of specifications set out in para. 6 of this Article, a fee shall be paid, the amount of which shall be fixed by the Government.

## **Requirements for Erecting and Building Temporary Structures**

### **Article 117**

The employer may erect or build a temporary structure on the basis of the notification of building work and the documents stipulated by the present Law.

The documents set out in para.1 of this Article shall contain:

- 1) evidence of right to ownership or another right over the land;
- 2) engineering documents developed in compliance with zoning specifications from the Programme and technical specifications obtained from the body in charge of technical specifications and
- 3) approval of the chief state architect with regard to the external appearance of the temporary structure.

Documents set out in para. 2 of this Article may be a standard design or other kind of design, depending on the type and designated use of the temporary structure.

The employer shall file the application set out in para.1 of this Article and the documents set out in Article 2 of this Article to the competent inspection authority within 15 days prior to the commencement of erection or building.

The approval set out in para. 2 item 3 of this Article shall not relate to devices and equipment, such as fixed stations which are part of the state network used to monitor air quality, antennae of mobile telephony, and the like.

## **2. Auxiliary Structures**

### **Concept**

#### **Article 118**

Auxiliary structures shall be deemed to be structures that form a functional unit with residential, commercial and residential and commercial structures, and structures used for performing agricultural activity.

The specifications for erecting or building auxiliary structures shall be defined by the planning document.

### **Types of Auxiliary Structures**

#### **Article 119**

Auxiliary structures shall be deemed to be:

- 1) auxiliary structures that serve for the use of residential or business structures (garages which are not part of the main structure, swimming pools, store rooms, septic tanks, wells, fences, boundary walls, underpinnings, retaining walls and the like);
- 2) access ramps, elevators and similar structures for access and movement of persons with reduced mobility and persons with disabilities, and
- 3) economic structures on an agricultural holding (structures for breeding animals, ancillary structures for breeding animals, structures for storing animal feeding stuffs, structures for storing agricultural machinery, tools and implements, structures for storing agricultural products and other similar structures).

### **Requirements for Erection or Building of Auxiliary Structures**

#### Article 120

The employer may erect or build an auxiliary structure on the basis of the notification of building work and documents stipulated by the present Law.

The documents set out in para.1 of this Article shall contain:

- 1) evidence of ownership or another right over land and
- 2) engineering documents developed in compliance with the zoning and technical specifications.

Documents set out in para. 2 item 2 of this Article may be a standard design or another kind of design, depending on the type and designated use of the auxiliary structure.

The employer shall file the application set out in para.1 of this Article and the documents set out in para. 2 of this Article to the competent inspection authority within 15 days prior to the commencement of erection or building.

## **VII ENGAGING IN ACTIVITIES**

### **Entities Engaging in Activities**

#### Article 121

Business organization, legal entity or entrepreneur (hereinafter referred to as the "business organisation") that fulfils the requirements defined by the present Law may engage in activities of engineering documents development, engineering documents review, building of structures or execution of specific structure building works and engineering supervision.

A foreign business organisation may also engage in activities of engineering documents development, building of structures or execution of specific structure building works, if it fulfils the requirements laid down in the present Law.

### **Requirements for Engaging in Engineering Documents Development and Building**

#### Article 122

Business organization developing engineering documents (design engineer) or business organisation building the structure (contractor) shall have, for the needs of developing



engineering documents, part of engineering documents and building and execution of certain types of structure building works, at least one employed chartered engineer per types of designs developed, as follows: architectural, construction, electrotechnical and mechanical, i.e., per types of works executed on the basis of such designs.

The performance of certain tasks set out in para.1 of this Article may be provided by the designer engineer or contractor on the basis of a contract concluded with another business organisation having an employed chartered engineer for a particular type of design or works.

Business organisation set out in para.1 of this Article shall develop engineering documents in compliance with zoning and technical specifications, the present Law and separate regulations and rules of profession related to matters not governed by the present Law or execute works in compliance with the reviewed final design, the present Law and separate regulations and rules of profession.

Business organization set out in para.1 of this Article shall appoint a chartered engineer managing the development of the entire engineering documents and a chartered engineer managing the building of structure in its entirety.

Business organisation set out in paras. 1 and 2 of this Article shall appoint a chartered engineer for each type of the design set out in para.1 of this Article, i.e., a chartered engineer for each type of work executed on the basis of those designs.

### **Requirements for Chartered Engineers**

#### Article 123

A chartered engineer may be a natural person performing the tasks of engineering documents development or structure building, of appropriate profession, holding a higher education degree or at least VII 1 sub-level of the qualification framework, with at least three years of work experience in the professional tasks of engineering documents development and/or structure building.

The person set out in para.1 of this Article shall be responsible for the development of engineering documents in accordance with zoning and technical specifications, the present Law, separate regulations and rules of profession related to matters not governed by the present Law and for managing some types of works on the structure and for execution of such works in compliance with the reviewed final design, the present Law, separate regulations and rules of profession.

The chartered engineer managing the development of the entire engineering documents shall be responsible for the compliance of all stages of engineering documents, i.e. the chartered engineer managing the building of structure in its entirety shall be responsible for the mutual compliance and coordination of works performed on the structure.

The chartered engineer developing a part of engineering documents shall be responsible for the part developed by him, i.e. the chartered engineer managing specific types of works on the structure shall be responsible for the execution of those works.

The chartered engineer managing the development of the entire engineering documents may simultaneously act as the chartered engineer for the part of engineering documents, i.e., the chartered engineer managing the building of structure in its entirety may simultaneously act as the chartered engineer for specific structure building works.

### **Requirements for Engaging in the Activity of Engineering Documents Review and Engineering Supervision**

## Article 124

The business organisation performing engineering documents review (responsible reviewer) or the business organisation performing engineering supervision over the building of the structure (engineering supervision) shall have at least one employed reviewer for the performance of the activity of engineering documents review and engineering supervision for: architectural, construction, electrotechnical and mechanical design.

The responsible reviewer and the engineering supervisor shall be responsible for compliance of engineering documents with the zoning and technical specifications, the present Law and separate regulations, and for the compliance of the structure built with the reviewed final design, as well as for the damage that might occur to the employers or third persons.

The responsible reviewer and the engineering supervisor shall appoint a reviewer to manage the review of the entire engineering documents and a reviewer for each separate part of engineering documents, as well as a reviewer managing engineering supervision over the construction of structure in its entirety and a reviewer for specific structure building works.

### **Requirements for Reviewers**

## Article 125

A reviewer may be a natural person who is performing the tasks of engineering documents review or engineering supervision of building, who is a Montenegrin national with at least four years of work experience on the development of engineering documents and/or the building of structures in the capacity of a chartered engineer.

The reviewer set out in para.1 of this Article shall check the compliance of engineering documents with zoning and technical specifications, the present Law, separate regulations and he shall be responsible for accuracy of the report on compliance, i.e., for conducting engineering supervision over the building of the structure and he shall be responsible for executing those works in compliance with the reviewed final design, the present Law, separate regulations and rules of profession.

The reviewer set out in para.1 of this Article managing the review of the entire engineering documents or the engineering supervision over the building of structure in its entirety shall be responsible for the verification of mutual compliance of all parts of engineering documents, or for the verification of mutual compliance of all works on the building of structure.

The reviewer set out in para.1 of this Article managing the review of a part of engineering documents or engineering supervision over the execution of specific types of works on the structure shall be responsible for the review of a part of engineering documents that was reviewed by him i.e. that the specific works thereof are executed in accordance with the reviewed final design, the present Law and separate regulations and rules of profession.

The reviewer set out in para.1 of this Article managing the review of the entire engineering documents may simultaneously act as a reviewer of a part of engineering documents, i.e., a reviewer managing the engineering supervision over the building of structure in its entirety may simultaneously act as a reviewer of the execution of specific structure building works.

### **Activity of a Foreign Entity not in Possession of an Authorisation for Engaging in an Activity**

## Article 126

A foreign business organisation or a natural person not in possession of an authorisation for engaging in an activity issued by the competent authority of the state of foreign entity's seat or residence (hereinafter referred to as the "authorisation") may perform the activity provided that it meets the requirements laid down in the present Law for national persons, and a foreign natural person shall also meet the requirements defined by the law governing the employment and work of foreigners.

### **Activity of a Foreign Entity from an EEA Member State**

#### Article 127

A foreign business organisation from a country signatory to the Agreement on European Economic Area (hereinafter referred to as the "EEA") who is in possession of the Authorisation for engaging in an activity set out in Article 122 of the present Law, may perform the activity provided that the authorisation concerns the activity governed by the present Law.

A foreign natural person, national of a country signatory to the EEA that is in possession of the authorisation for performing the activity set out in Article 123 of the present Law may perform the activity provided that the authorisation is related to the activity governed by the present Law.

A business organisation or a natural person set out in paras. 1 and 2 of this Article shall submit the authorisation to the Ministry and the competent inspection authority prior to the commencement of the first activity.

### **Activity of a Foreign Entity from a non-EEA Member State**

#### Article 128

A foreign business organization from a country that is not a member of the EEA and that is in possession of the authorisation may perform activities set out in Article 122 of the present Law, under the conditions defined in the present Law.

A foreign natural person, national of a country that is not a member of EEA, that is in possession of the authorisation may perform the activity if he is in the possession of a recognized foreign qualification for the performance of activities thereof, in compliance with the law governing the recognition of foreign qualifications and regulated professions and the law governing the employment and work of foreigners, under the principle of reciprocity,.

A foreign business organisation and natural person set out in paras.1 and 2 of this Article shall submit the authorisation to the Ministry and the competent inspection authority prior to the commencement of the first activity.

### **Temporary and Occasional Performance of Activities by a Foreign Entity**

#### Article 129

A foreign business organisation in possession of the authorisation, may temporarily or occasionally perform the activity provided that it submits to the Ministry and the competent

inspection authority, prior to the commencement of the first activity, a written statement of the intention to perform activity temporarily or occasionally and the authorisation related to the activity governed by the present Law.

A foreign natural person that is in possession of the authorisation may perform activities temporarily or occasionally.

Temporary performance of activities shall be deemed to be the performance of activities of a foreign person for a certain period of time not exceeding one year, with the possibility to extend that period.

Occasional performance of activities shall be deemed to be the performance of activities of a foreign person for a specific job (engineering documents development, execution of works etc.).

In the case set out in para. 2 of this Article, a foreign natural person shall submit to the Ministry, prior to the commencement of the first activity, a written statement of performance of temporary or occasional tasks and the evidence of professional qualifications necessary for performing the activity thereof, in accordance with the law governing the recognition of foreign qualifications and regulated professions.

### **Electronic Signature**

#### Article 130

A business organisation and a responsible person in a business organisation set out in Article 122 of the present Law who has developed an urban development design or engineering documents shall sign with an advanced electronic signature (hereinafter referred to as the "electronic signature") each part of the urban development design or engineering documents.

A business organisation and the responsible person in a business organisation set out in Article 124 of the present Law who has revised the engineering documents shall sign with an electronic signature each part of the engineering documents.

A business organisation and the responsible person in a business organisation set out in Article 124 of the present Law who has conducted engineering supervision shall sign with an electronic signature the final engineering supervision report, as well as the statement set out in Article 103 para.1 of the present Law.

Responsible person in the business organization set out in paras. 1, 2 and 3 of this Article, other than the person authorised to act on behalf of the business organization, shall be deemed to be also:

- 1) chartered engineer managing the development of the entire urban development design who shall sign with electronic signature each specific part of the urban development design or engineering documents the development of which he is managing;
- 2) chartered engineer developing part of the urban development design or engineering documents, who shall sign with electronic signature that part of the urban development design or engineering documents;
- 3) reviewer of engineering documents managing the review of the entire engineering documents, who shall sign with electronic signature each specific part of the engineering documents the development of which he is managing;
- 4) reviewer of the part of engineering documents who is reviewing a part of the engineering documents and who shall sign with electronic signature that part of the engineering documents;
- 5) chartered engineer managing the building of the structure in its entirety, who shall sign with electronic signature the statement that the structure was built in compliance with

the reviewed final design, the present Law, separate regulations and rules of profession, i.e. that the structure is suitable for use;

- 6) chartered engineer managing the execution of specific types of structure building works who shall sign with electronic signature the statement that specific types of works on the structure were executed in compliance with the reviewed final design, the present Law, separate regulations and rules of profession and that the structure is suitable for use, and he shall submit the statement to the chartered engineer managing the building of structure in its entirety within five days as of the date of the completion of specific types of works;
- 7) reviewer managing the engineering supervision over the building of structure in its entirety, who shall sign with electronic signature the final report on engineering supervision over the building of the structure per building stages and the final report on engineering supervision over the building of structure, and
- 8) reviewer managing the engineering supervision over specific types of works on the structure, who shall sign with electronic signature the engineering supervision report over the building of the structure as per building stages, and the final engineering supervision report of the building of structure.

### **Liability for Damage and Professional Liability Insurance**

#### Article 131

A business organization engaged in the activity set out in Article 112 of the present Law shall conclude an agreement on professional liability insurance for the damage that may be inflicted upon employers or third persons, prior to the commencement of performing their activities.

The insurance set out in para.1 of this Article shall cover the risk of liability for damage inflicted upon entities, damage to structures and for the financial loss.

The minimum insurance amount set out in para. 2 of this Article shall be laid down by the Government.

Professional liability insurance contracted in the country in which the foreign entity from an EEA country has its seat shall be recognized if the insurance thereof covers the damage that may be caused in Montenegro.

### **Prohibition of Conflicts of Interest**

#### Article 132

Activities in the capacity of a chartered engineer, engineering documents reviewer and structure building reviewer may not be performed by a person employed in the Ministry, competent local administrative authority or body in charge of technical specifications, or a person performing inspection control in accordance with the present Law.

Review of engineering documents may not be performed by employer, business organization that developed the engineering documents or that participated in the development of engineering documents or part of the engineering documents, natural person employed in the business organization that developed the engineering documents or part of engineering documents or that participated in its development, and the natural person employed with the employer.

Engineering supervision over the building of structure may not be performed by employer, natural person employed with the employer, business organisation which is executing works on that structure and person employed in the business organization which is executing works on that structure.

Planning document review, review of engineering documents i.e. engineering supervision over the building of structure may not be performed by a Council member or a reviewer who has the following relation to the manager of planning document development, chartered engineer who developed the engineering documents or who is building the structure:

- 1) direct relative and collateral relative onto the second degree of kinship;
- 2) spouse and common-law-marriage partner;
- 3) adoptive parent and adopted child;
- 4) member of a joint household.

### **Obligation to Notify**

#### Article 133

Business organization set out in Article 121 of the present Law shall submit to the Ministry a notification on the appointment of a chartered engineer for the development of engineering documents, reviewer of engineering documents, chartered engineer for the building of structure and the structure building reviewer.

### **Forms**

#### Article 134

Forms of applications set out in Article 50 para.1, Article 52 para. 4, Article 74 paras. 1 and 6, Article 87 para.7, Article 104 para.2, Article 112 para.1, Article 136 para.1, Article 138 para.1, Article 156 para.1 and Article 163 para.1, of notifications set out in Article 90 para.1, Article 91 para.1, Article 94 para.1, Article 98 para.4, Article 101 para.3, Article 113 para. 1, Article 117 para. 1, Article 120 para. 1 and Article 185 para. 5; of notifications set out in Article 89 para. 2, Article 97 paras.7 and 8 and Article 133 and the statements set out in Article 85 para.2, Article 103 para. 1, Article 129 paras. 1 and 5, Article 130 para.4 items 5 and 6, Article 158 para.1 items 7 and 8 and para.4 of the present Law shall be prescribed by the Ministry.

## **VIII LICENCES**

### **Competence for Issuance of Licences**

#### Article 135

A licence is an act confirming fulfilment of requirements for performing the activities set out in Articles 122, 123, 124 and 125 of the present Law.

Licences shall be issued by the Ministry by means of a decision.

### **Issuance of Licences**

#### Article 136

The Ministry shall decide upon the application for issuing a licence within eight days of the receipt of the application.

The licence for performance of activities may be issued to only one business organization on the basis of the licence of natural person.

The licence may not be issued to a business organization on the basis of additional work of a natural person.

Holder of the licence shall notify the Ministry of all changes of requirements based on which the licence for performing the activities was issued, within 15 days from the date the change has occurred.

A fee shall not be paid for the issuance of licences.

The Ministry shall publish the issued licence on their website within three days as of the date of issuing the licence.

### **Period for which the Licence is Issued**

#### Article 137

Licences for natural persons shall be issued for an indefinite period of time.

Licences for business organizations shall be issued for a five year period.

### **Licence Dormancy**

#### Article 138

At the request of the licence holder, the Ministry may order dormancy of rights and obligations arising from the licence in the event of circumstances due to which the natural person is unable to perform the activity for a certain period of time.

Licence dormancy shall be ordered by means of a decision.

### **Revocation of Licence**

#### Article 139

The Ministry shall revoke the licence if:

- 1) the holder of the licence engages in activity contrary to Articles 122, 123, 124 and 125 of the present Law;
- 2) it is found that the licence was issued on the basis of inaccurate data;
- 3) the holder of the licence ceases to fulfil requirements for performing activities laid down by the present Law;
- 4) licence holder is stripped of the right to legal capacity;
- 5) licence holder ceases to exist by force of law; and
- 6) licence holder becomes permanently disabled to perform tasks.

The licence revocation procedure may be initiated by any interested entity.

If the Ministry finds out that the conditions set out in para.1 of this Article are fulfilled, the Ministry shall begin the licence revocation procedure ex officio.

If the responsible reviewer, engineering supervisor, the reviewer, the competent local administrative authority, the body in charge of technical specifications, or the competent inspection authority find out that the conditions for license revocation have been met, it shall file a motion for revocation of the license.

The revocation of licence, in case set out in para.1 item 1 of this Article, shall be performed for the period from three months to five years or permanently.

The license shall be permanently withdrawn from the responsible reviewer, or engineering supervisor and reviewer who performs the activity contrary to Article 124, paras. 1 and 2 and Article 125, para.2 of the present Law.

Adoption of an enforceable decision revoking the licence shall terminate all rights arising from the licence issued.

The Ministry shall notify the competent inspection authority about the revocation of licence within three days as of the date of issuance of the decision to revoke the licence.

The licence shall be revoked in the manner and according to the procedure applied for its issuance.

Upon the expiry of the period for which the licence has been revoked, an application for the issuance of a new licence may be filed.

The Ministry shall publish on the website the decision revoking the licence within three days as of the date of its issuance.

### **Registry of Licences**

#### Article 140

Issued and revoked licences shall be entered into the registry of licences kept by the Ministry.

The data from the registry set out in para.1 of this Article shall be public and shall be published on the Ministry's website.

### **By-law Governing Licences**

#### Article 141

The Ministry shall prescribe more detailed manner and procedure of issuance, dormancy and revocation of licences and the manner of keeping the registry of licences.

## **IX CHAMBER OF ENGINEERS OF MONTENEGRO**

#### Article 142

The Chamber of Engineers of Montenegro (hereinafter referred to as the "Chamber") shall attend to the improvement of expertise and the protection of interests of its members, protection of public interest in the area of construction, enhancement of conditions for the performance of activities in the field of construction and exercise public authorities stipulated by the present Law.

### **Membership in the Chamber**

#### Article 143

A natural person performing the activity governed by the present Law may be a Chamber member.



Member of the Chamber may also be a foreign natural person.

### **Legal Status**

#### Article 144

The Chamber shall have the capacity of a legal entity.  
The seat of the Chamber shall be in Podgorica.  
The Chamber shall be liable for its obligations by its property.

### **Articles of Association**

#### Article 145

The Chamber shall have its Articles of Association.

The Articles of Association of the Chamber shall regulate in more details: the organisation of the Chamber; competence and manner of election and authorizations of the Chamber's bodies; rights, obligations and accountability of the Chamber's members; manner of decision-making and implementation of decisions; procedure of adoption of Articles of Association and other acts; funding and other matters of significance for work of the Chamber.

Supervision over the legality of work of the Chamber shall be conducted by the Ministry in accordance with law.

### **Competences**

#### Article 146

The Chamber shall perform the following tasks:

- 1) improve and ensure vocational training of its members;
- 2) keep the registry of the Chamber members;
- 3) keep the registry of members with suspended membership in the Chamber;
- 4) propose technical base maps for the development of regulations set out in Article 72 of the present Law;
- 5) fix the amount of membership fee of its members;
- 6) protect, coordinate and represent interests of its members;
- 7) adopt the code of ethics and ensure its implementation and
- 8) govern disciplinary accountability, conduct disciplinary procedures against its members and impose disciplinary measures.

The tasks set out in para.1 items 1 and 4 of this Article shall be performed by the Chamber as a public authority.

Supervision over the performance of tasks set out in para. 2 of this Article shall be conducted by the Ministry.

### **Representation and Agency**

#### Article 147

The Chamber shall serve as a representative and an agent to its members in the country and abroad and it shall establish, maintain and improve cooperation with professional associations of other countries in the field of construction.

### **Disciplinary Accountability**

#### Article 148

Chamber members shall act in accordance with the present Law, Chamber's Articles of Association, code of ethics and other acts of the Chamber.

In the event of breach of obligations set out in para.1 of this Article, Chamber members shall be accountable in accordance with the Articles of Association of the Chamber.

Articles of Association shall determine serious and minor breaches of duty.

### **Funding**

#### Article 149

Work of the Chamber shall be funded from:

- 1) membership fees;
- 2) other sources in accordance with law and general acts of the Chamber.

### **Dormancy of Chamber Membership**

#### Article 150

Membership in the Chamber shall be dormant under the conditions prescribed in the Chamber's Articles of Association.

Chamber membership dormancy shall be decided in the manner and following the procedure for the entry into the registry set out in Article 146 para.1 item 3 of the present Law.

During membership dormancy, all rights and obligations of a Chamber's member arising from membership in the Chamber shall be dormant.

### **Openness of Work to the Public**

#### Article 151

The work of the Chamber shall be public.

The Articles of Association and other general acts of the Chamber shall be published in the Official Gazette of Montenegro and on the website of the Chamber, within three days of adoption thereof.

## **X LEGALIZATION OF ILLEGAL STRUCTURES**

### **Concept of Illegal Structure**

#### Article 152

Illegal structure shall be deemed to be a building constructed contrary to regulations which were, during the construction period, setting forth the obligation to obtain a building permit.

Illegal structure shall not be deemed to be a building for which a building permit did not need to be obtained during construction and which is not registered in the Real Estate Cadastre or other appropriate real estate records.

Evidence of the time of construction of the building set out in paras.1 and 2 of this Article shall be determined on the basis of data from the property deed.

Notwithstanding para. 3 of this Article, evidence of the time of construction of the structure shall be submitted by the owner, co-owner or holder of the illegal structure or part of the illegal structure (hereinafter referred to as the "illegal structure owner").

Evidence set out in para. 4 of this Article may be: evidence of connection of the structure to the electricity grid, evidence of payment of the invoice or bill for consumed electricity, evidence of connection of the structure to water supply or sewerage network, invoice or evidence of payment of the water bill, evidence or decision fixing real estate tax for the structure or evidence of payment of taxes.

The illegal structure set out in para.1 of this Article shall be a residential, commercial and commercial-residential building on which rough structural civil works of at least one floor were carried out, constructed without a building permit or contrary to the building permit.

Illegal structure shall also be a part of the building constructed without a building permit or contrary to the building permit, and the auxiliary structure serving as a building.

Rough structural civil works set out in para.6 of this Article shall be executed foundations, columns with beams, walls and slab above the walls or a roof structure.

Commercial buildings or parts of commercial-residential buildings set out in para.6 of this Article shall be: commercial and shopping centres, exhibition centres, fairgrounds, office buildings, administrative buildings, industrial facilities, facilities for production craft, warehouses and depots and facilities for performing tourist and hospitality activities.

### **Illegal Structure Serving as Primary Residence**

#### Article 153

Illegal structure serving as primary residence shall be deemed to be a structure with net construction area of up to 200m<sup>2</sup> which is occupied by the illegal structure owner and the members of his family household whose permanent residence is in place where the structure was constructed, if the owner and the members of his family household are not owners of another residential structure in the territory of Montenegro.

Members of family household set out in para.1 of this Article shall be deemed to be the following persons who live with the illegal structure owner in a joint household:

- spouse or person who lives with the illegal structure owner in a common-law marriage;
- children born in or out of wedlock, adopted or stepchildren and
- other persons who have to be maintained under law by the illegal structure owner or his spouse and who reside with him in the same dwelling or family residential building.

If the owner of a structure serving as primary residence or a member of his family household owns a second residential structure in the territory of Montenegro that is not suitable for housing purposes, he shall submit with the legalisation application, a statement of structure's unsuitability, including identification information.

In the case set out in para. 3 of this Article, the competent local administrative authority shall obtain ex officio an opinion of a court expert of construction background about the eligibility of the structure for housing purposes, at the expense of the applicant.

## **Legalization Procedure**

### **Article 154**

Legalisation procedure of illegal structures shall be conducted by the competent local administrative authority.

Illegal structure owners shall obtain a legalization decision.

Legalization decisions shall be issued by the competent local administrative authority.

The legalization decision set out in para.3 of this Article may be issued for an illegal structure which was constructed in accordance with the basic zoning parameters from the applicable planning document adopted prior to the entry into force of the present Law or within the time limit set out in Articles 217 and 218 of the present Law.

The legalization decision for an illegal structure which was not constructed in accordance with the basic zoning parameters from the applicable planning document adopted prior to the entry into force of the present Law or within the time limit set out in Articles 217 and 218 of the present Law, may be issued for a structure found in the orthophoto set out in Article 155 of the present Law and which was constructed in accordance with the General Regulation Plan of Montenegro.

The basic zoning parameters set out in paras. 4 and 5 of this Article shall be the structure's designated use, floor area ratio, lot coverage ratio, number of floors or height of the structure and its relation to the building line.

Legalization decision of an illegal structure shall include guidelines for adjustment of external appearance of the structure from the planning document, including the time limit for adjustment of three years as of the date when the decision becomes enforceable.

If the planning document does not include the guidelines for adjustment of external appearance of the illegal structure set out in para.7 of this Article, the competent local administrative authority shall obtain ex officio the guidelines from the chief city architect.

Within eight days as of the date of enforceability, the competent local administrative authority shall submit the legalization decision to the competent inspection authority and the Cadastre in order to enter data from the legalization decision of an illegal structure into the Real Estate Cadastre.

The costs of legalization of an illegal structure shall be borne by the owner of the structure.

The tasks set out in para.1 of this Article shall be funded by the local self-government unit from funds collected during the legalization process, pursuant to Article 169 of the present Law.

## **Orthophoto**

### **Article 155**

The creation of an orthophoto shall be ensured by the Ministry.

Within 60 days as of the date of receiving the orthophoto data, the Cadastre shall overlap the orthophoto of the territory of Montenegro with valid digital base maps and make it

accessible through the website - Geoportal to local self-government units, competent local administrative authorities and the Ministry, including the data derived therefrom.

Within eight days of the receipt of the application submitted by the competent local administrative authority, the Cadastre shall issue a certificate identifying the illegal structure on the orthophoto.

The certificate set out in para. 3 of this Article shall contain the cadastral parcel number, name of the cadastral municipality on which the structure was constructed, name of the settlement and the street square in which the structure is located and the house number if one has been assigned.

### **Initiation of Legalization Procedure**

#### **Article 156**

The legalization procedure of an illegal structure shall be initiated by filing a legalization application.

Attached to the application set out in para.1 of this Article, a construction as-built survey developed by a licensed surveying organisation, stamped by the Cadastre and evidence of entry of the structure existence in cadastral records or extracts from the Real Estate Cadastre or other appropriate real estate records, shall be submitted.

The application set out in para.1 of this Article may be submitted by:

- 1) illegal structure owner, and
- 2) condominium unit owner or condominium unit owners' association of the illegal structure.

The application set out in para.1 of this Article shall be published on the website of the competent local administrative authority.

### **Acting upon the Application**

#### **Article 157**

Within 15 days of the receipt of the legalisation application for an illegal structure whose property law relations over the land on which it was constructed have not been resolved, the competent local administrative authority shall submit a notification of legalization procedure initiation to the state administration body in charge of property in case of land owned by Montenegro or to the local administrative authority in charge of managing property in case of land managed by a local self-government unit.

The competent local administrative authority shall, within 15 days of the receipt of a legalization application of an illegal structure constructed in accordance with the basic zoning parameters from the valid planning document adopted until the entry into force of the present Law, inform the competent inspection authority of the filing of the legalisation procedure initiation application, in view of terminating the structure removal procedure.

For an illegal structure that was not constructed in accordance with the basic zoning parameters from the valid planning document adopted until the entry into force of the present Law, the competent local administrative authority shall, within 15 days of the receipt of both the application and the documents set out in Article 156 of the present Law, issue a decision terminating the legalization procedure until the entry into force of planning documents set out in Articles 217 and 218 of the present Law, i.e., entry into force of the decision to adopt the

General Regulation Plan of Montenegro and it shall inform the competent inspection authority in view of terminating the structure removal procedure.

Notwithstanding para.2 of this Article, where an illegal structure was constructed in an area which was envisaged, according to the valid planning document adopted prior to the entry into force of the present Law, for the construction of infrastructure, complex engineering structures and structures used by the public, notification to the competent inspection authority in view of terminating the structure removal procedure shall not be delivered.

## **Documents**

### **Article 158**

In order to legalize a structure that was constructed in accordance with the valid planning document adopted until the entry into force of the present Law or within the time limit set out in Articles 217 and 218 of the present Law, the competent local administrative authority shall, within 15 days of the receipt of the documents set out in Article 156 of the present Law, invite the submitter of the documents set out in Article 156 of the present Law, to submit within 120 days as of the date of receiving the invitation:

- 1) evidence of resolved property law relations over the land on which the illegal structure was constructed;
- 2) evidence of resolved relations with regard to the payment of a fee for building land connection to utilities;
- 3) evidence of resolved relations with regard to the payment of a specific fee for investments in accordance with the law governing the regional water supply of the Montenegrin coastal zone (hereinafter referred to as the "special fee");
- 4) as-built drawing of the illegal structure whose net surface area exceeds 200m<sup>2</sup>, developed by the business organisation set out in Article 122 of the present Law;
- 5) positive review report of the as-built drawing of the illegal structure whose net surface area exceeds 200m<sup>2</sup>;
- 6) statement of the responsible reviewer that the structure was constructed in accordance with the reviewed as-built drawing of the illegal structure the net surface area of which exceeds 200m<sup>2</sup>;
- 7) analysis of the business organisation set out in Article 122 of the present Law that examined the static and seismic stability of the illegal structure whose net surface area is up to 500m<sup>2</sup> in accordance with the regulation set out in Article 160 of the present Law and a statement that the building is stable and safe for use;
- 8) analysis of the business organisation set out in Article 122 of the present Law that examined the static and seismic stability of the illegal structure the net surface area of which exceeds 500 m<sup>2</sup> and a statement by the responsible reviewer that the structure is stable and safe for occupancy.

For the purpose of legalization of a structure that is included in the General Regulation Plan of Montenegro, for which the documents set out in Article 156 of the present Law have been submitted, the competent local administrative authority shall invite the applicant, within 20 days as of entry into force of the decision adopting the General Regulation Plan of Montenegro, to submit the evidence referred to in paras. 1 and 5 of this Article within 120 days as of the date of receiving the invitation.

The competent local administrative authority, in view of legalization of structure that was constructed in accordance with the General Regulation Plan of Montenegro, shall obtain ex

officio the certificate identifying the illegal structure on the orthophoto set out in Article 155 of the present Law.

For structures serving as primary residences in which there is no activity performed, instead of evidence set out in para.1 item 7 of this Article, a statement of the structure owner may be submitted, stamped by an authorised person, indicating that he is accountable for damage inflicted upon third persons arising from the structure use.

For a structure set out in Article 153 of the present Law, in addition to the evidence set out in Article 158 of the present Law, the illegal structure owner shall also submit the following documents:

- concerning the number of members of the family household;
- concerning the place of residence in the place where the illegal structure was constructed, and
- the owner and members of the family household in the territory of Montenegro do not own another residential building or a housing unit that is suitable for use.

### **Termination of Procedure due to Determining the Ownership Right over Land**

#### Article 159

If the applicant for an illegal structure legalization is not in possession of evidence set out in Article 158, para.1, item 1 of the present Law, he shall submit evidence that a procedure for determining the ownership right over land has been initiated before a court or another competent authority.

The structure legalization application procedure shall be terminated until the completion of the procedure set out in para.1 of this Article by a final decision of the court or by an enforceable decision of the competent authority.

The competent local administrative authority shall, within 15 days as of the date of enforceability, submit the act terminating the legalization procedure of the structure set out in para. 2 of this Article which was constructed on land on which the state exercises ownership powers, and which is managed by a local self-government unit, to the local administrative authority in charge of property, that is, to the state administration body in charge of property in case of land managed by the Government.

The competent local administrative authority shall keep records of evidence set out in para.1 of this Article.

### **Examination of Static and Seismic Stability of an Illegal Structure**

#### Article 160

Examination and analysis of static and seismic stability of an illegal structure shall be carried out by the business organisation set out in Article 122 of the present Law.

The method of examining and the manner of developing the analysis and contents of the analysis of the illegal structure of a net surface area of up to 500m<sup>2</sup> from the viewpoint of static and seismic stability of the structure shall be prescribed by the Ministry.

Examination of static and seismic stability of illegal structures of a net surface exceeding 500 m<sup>2</sup> shall be carried out by the business organisation set out in Article 122 of the present Law on the basis of rules of profession.

The illegal structure which the business organisation set out in Article 122 of the present Law finds to be safe from the point of view of static and seismic stability while executing reconstruction works, may be reconstructed in accordance with the present Law.

### **The As-Built Drawing of an Illegal Structure**

#### **Article 161**

The as-built drawing of an illegal structure, depending on the surface area, type and designated use of the structure, shall contain:

- 1) zoning and technical specifications and design brief;
- 2) designs, studies and base maps set out in Article 78 para. 3 and Article 80 of the present Law;
- 3) evidence of liability insurance of the business organisation which reviewed the engineering documents, in accordance with the present Law, and
- 4) analysis and statement of the business organisation that examined the static and seismic stability of the illegal structure, set out in Article 158, para.1, items 7 and 8 of the present Law.

The provisions of the present Law relating to the development and review of engineering documents shall apply accordingly to the development and review of the as-built drawing of the illegal structure.

### **Legalization of a Structure Consisting of Several Separate Parts**

#### **Article 162**

For an illegal structure consisting of several separate parts, on which ownership right of different owners was identified, the evidence set out in Article 158, para.1, item 1, and items 4 to 8 of the present Law, in accordance with the size of the structure, shall be submitted for the entire structure, and the evidence set out in Article 158, para.1, items 2 and 3 of the present Law only for the separate part.

For each of the separate parts of the structure set out in para.1 of this Article, an individual legalization decision shall be issued.

The decision set out in para. 2 of this Article shall in particular contain the proprietary and technical specification of particular parts of the structure.

For the structure set out in para.1 of this Article, the fee for connection of building land to utilities set out in Article 164 of the present Law and the special fee set out in Article 165 of the present Law shall be calculated and charged individually for separate parts of the building (apartments, commercial premises, garage, etc.) and for common parts of the structure in proportion to the ownership share.

### **Payment of Land**

#### **Article 163**

The transfer of ownership right over the land on which an illegal structure was built, over which ownership powers are exercised by the state, and which is managed by the Government or the local self-government unit, shall be done by direct agreement, in accordance



with law, based on the application of the illegal structure owner that filed the legalization application - the land buyer.

The owner of the illegal structure that has submitted the legalization application - the buyer of the land, shall submit the application set out in para.1 of this Article to the state administration body in charge of property in cases of land ownership powers over which are exercised by the state and which is managed by the Government or to the local administration authority in charge of property in cases of land managed by the local self-government unit.

The value of the land determined in the direct agreement procedure set out in para.1 of this Article may be repaid through a maximum of 240 equal monthly instalments for illegal structures serving as primary residences, and for other illegal structures, through a maximum of 120 equal monthly instalments, in accordance with the contract, with a security of claims.

After accepting the contract set out in para. 3 of this Article, the cadastre shall make a pre-registration indicating that the buyer is the land owner, subject to fulfilment of the conditions from the pre-registration, and with a statement approving registration after the repayment of the total land value, in case the buyer is repaying the land in instalments.

In the event that the buyer repays the price of the land in its entirety, the Cadastre shall, upon receipt of the contract set out in para. 3 of this Article, make the registration of the buyer as the land owner.

### **Fee for Connection of Building Land to Utilities**

#### Article 164

Illegal structure owners shall pay the fee for the connection of building land to utilities.

The fee set out in para.1 of this Article shall be paid for all illegal structures.

The amount of the fee set out in para.1 of this Article may not exceed the amount of the fee for the connection of building land to utilities fixed by a regulation of the local self-government unit that is applied at the time of entry into force of the present Law.

The amount of the fee shall be calculated per m<sup>2</sup> of the net surface area of the structure on the basis of the construction as-built survey, stamped by a licensed surveying organisation.

The fee set out in para.1 of this Article for structures serving as primary residences shall be paid in equal monthly instalments, stated in the application of the illegal structure owner, and at the most in 240 monthly instalments.

For other illegal structures, the fee set out in para.1 of this Article shall be paid in equal monthly instalments, stated in the application of the illegal structure owner, and at the most in 120 monthly instalments.

A claim for the fee payment set out in para.1 of this Article in instalments set out in paras. 5 and 6 of this Article shall be secured for the structure for which a fee is being calculated.

For illegal structures the fee set out in para.1 of this Article, shall be increased by the amount of 5%, if the increased amount is paid one-off, or by 20% if the illegal structure owner requires to also pay the increased amount under the conditions set out in para. 5 of this Article.

The conditions, manner, time limits and procedure for payment of the fee for connection of building land to utilities for illegal structures shall be prescribed by the competent local self-government authority, with prior approval of the Ministry.

Notwithstanding para.8 of this Article, for illegal structures serving as primary residences, the fee set out in para.1 of this Article shall be increased by the amount of 2.5%, which is paid on a one-time basis or under the conditions set out in para. 5 of this Article, in accordance with the application of the illegal structure owner.

## **Special Fee**

### Article 165

In order to legalize illegal structures in the territory of local self-government units on the Montenegrin coast, a special fee shall be calculated and charged, in accordance with the law governing the regional water supply of the Montenegrin coast.

A special fee shall be paid in a maximum of 36 equal monthly instalments, stated in the application of the illegal structure owner.

## **Registration of the Legalization Decision**

### Article 166

Within 20 days as of receipt of the legalisation decision, the Cadastre shall write an entry, including:

- 1) name of the submitting entity, decision number and the date of decision issuance;
- 2) information that, for an illegal structure serving as a primary residence, a statement of the illegal structure owner was submitted, indicating that he shall be accountable for the damage incurred to third persons by the use of the structure and stamped by the competent authority i.e. authorised person;
- 3) information on the method of paying the fee for building land connection to utilities and special fee, and
- 4) information on the compliance of the structure with the guidelines from the planning document or the guidelines of the chief city architect.

## **Adjusting the External Appearance of an Illegal Structure**

### Article 167

Owner of illegal structure shall adjust the external appearance of the illegal structure with the requirements determined by the planning document guidelines on external appearance adjustment or the guidelines of the chief city architect set out in Article 154 paras.7 and 8 of the present Law.

The decision on the compliance of the structure with the planning document guidelines on external appearance adjustment, or the guidelines of the chief city architect, shall be issued by the chief city architect.

The chief city architect shall submit the decision set out in para. 2 of this Article to the Cadastre within eight days as of the date of its enforceability.

After the receipt of the decision set out in para. 3 of this Article, the Cadastre shall:

- 1) register the ownership right over the structure in the Real Estate Cadastre, in case of structures for which evidence of structure registration in cadastral records set out in Article 156 of the present Law has been submitted;
- 2) delete the entry in the "G" sheet of the property deed, which refers to the fact that the structure was constructed without a building permit, that is, contrary to the building permit, and

- 3) delete the entry in the "G" sheet of the property deed, which refers to the fact that the structure does not comply with the planning document guidelines on external appearance adjustment or the guidelines of the chief city architect.

### **Space Utilization Fee**

#### Article 168

Owner of an illegal structure recorded in the orthophoto for which a legalisation application has not been submitted within the time limit set out in Article 234 of the present Law and owner of an illegal structure for which a decision rejecting the legalisation application has been issued shall pay the annual space utilization fee to the local self-government unit until the structure removal.

The competent local administrative authority shall systematize, within 60 days as of the expiry of the time limit set out in Article 234 of the present Law, the data acquired by overlapping the data from the orthophoto and the received legalisation applications and illegal structure records set out in Article 155 of the present Law and adopt a list of illegal structures for which a legalisation application has not been filed or which have not met legalization requirements in accordance with the present Law.

The annual space utilization fee per m<sup>2</sup> of illegal structure may amount from 0.5% to 2.0% of the average price of building a m<sup>2</sup> of a newly built residential facility in Montenegro, published by the administrative authority responsible for statistical affairs, for the year preceding the year for which the fee is being fixed.

The amount, manner and payment criteria of the annual fee set out in para.3 of this Article shall be fixed by the local self-government authority, with prior approval by the Ministry.

The annual fee set out in para. 3 of this Article shall be fixed by the competent local administrative authority by means a decision.

The owner of an illegal structure, which is recorded in an orthophoto, and which was built in accordance with the valid planning document adopted until the entry into force of the present Law or within the time limit set out in Article 217 of the present Law, for which a legalization application has not been submitted within the time limit specified in Article 234 of the present Law, shall pay the annual space utilization fee to the local self-government unit in a double amount of the amount set out in para. 3 of this Article.

The local administrative authority shall submit to the urban development and building inspector a list of illegal structures set out in para. 2 of this Article within 15 days as of the date of its adoption, for the purpose of issuing structure removal decisions, as well as to the local administrative authority responsible for issuing a decision on alternative accommodation provision set out in Article 171 of the present Law, in cases of illegal structures serving as primary residences.

### **Designated Use and Utilisation of Funds**

#### Article 169

Local self-government units shall use the funds generated from the fee for connection of building land to utilities for illegal structures and space utilisation fee set out in Article 168 of

the present Law for connection of building land to utilities and for alternative accommodation provision, in accordance with the present Law.

### **Removal of Illegal Structures**

#### Article 170

Illegal structures that fail to be legalised in accordance with the present Law shall be removed in accordance with law.

The decision to remove a structure serving as a primary residence may be executed upon alternative accommodation provision set out in Article 171 of the present Law.

### **Alternative Accommodation**

#### Article 171

In the case of removal of an illegal structure serving as a primary residence, in accordance with the present Law, local self-government unit shall provide alternative accommodation to the owner of the illegal structure serving as primary residence and the members of his family household.

Alternative accommodation set out in para.1 of this Article shall be provided by renting out an apartment, granting a rental fee remuneration, and in other manners, pursuant to the regulation of the local self-government unit.

Manner of providing alternative accommodation and its type shall be determined in a decision issued by the local administrative authority which is competent to provide alternative accommodation.

The competent local administrative authority shall submit the decision set out in para.3 of this Article within 30 days as of its enforceability to the competent inspection authority, in view of its enforcement.

More detailed requirements, manner, procedure and criteria for accommodation provision set out in para.1 of this Article shall be set forth by the competent local self-government authority, with prior approval of the Ministry.

## **XI COMPLEX ENGINEERING STRUCTURES**

### **Types**

#### Article 172

Complex engineering structures, within the meaning of the present Law, shall be: highways, fast roads, main roads, regional roads, tunnels longer than 200 m, bridges with a span exceeding 30m, railway lines, airports, long distance transmission lines and substations of voltage level of 10kV and more, cable underground installations of a voltage level of 10 kV and above, power plants of 1 MVA and above (hydropower plants, thermal power plants, wind power plants, solar power plants, etc.), ports, oil pipelines, gas pipelines, dams and reservoirs filled with tailings or ashes which require technical monitoring, liquefied natural gas storage and transfer plants, liquefied petroleum gas storage and transfer plants, oil and oil derivatives storage and transfer plants, stations for the supply of motor vehicles with oil derivatives and

gas, structures for the production, transport and distribution of heat energy for district heating and/or cooling, structures for the production, transport and distribution of heat energy for industrial use and stable pressure vessels, structures producing and storing hazardous substances and similar structures and plants whose operations might expose environment to danger, buildings and plants for chemical and heavy industry, landfills, waste-to-energy plants, anaerobic digestion plants, water treatment plants.

### **Construction of a Complex Engineering Structure**

#### Article 173

In addition to the activities set out in Article 67 of the present Law, construction of a complex engineering structure shall include the execution of investigative actions, installation and testing of built-in equipment, testing and commissioning of the structure.

### **Contents of Engineering Documents for a Complex Engineering Structure**

#### Article 174

The method of development and more detailed contents of engineering documents for a complex engineering structure shall be prescribed by the state administration body competent for the activity carried out in the complex engineering structure.

### **Conceptual Design for a Complex Engineering Structure**

#### Article 175

The conceptual design for a complex engineering structure shall be a design that, depending on the type of the complex engineering structure, sets forth the general concept for the construction of the structure; technical-technological and economic characteristics of the structure; possible variants of spatial and technical designed solutions; functionality and rationality of designed solutions; specifications and designed solutions for connecting the structure to the traffic, installation and other infrastructure and location landscaping.

The conceptual design set out in para.1 of this Article, depending on the type and designated use of the structure, may comprise:

- 1) architectural design,
- 2) construction design,
- 3) electrotechnical design and
- 4) mechanical design.

The conceptual design for a complex engineering structure may narrow down the width of the infrastructure corridor set forth in the planning document.

In the event set out in para.3 of this Article, the Ministry and the state administration body competent for infrastructure affairs to which the corridor relates shall provide their approval of the reviewed conceptual design.

### **Preliminary Design for a Complex Engineering Structure**

#### Article 176

The preliminary design for a complex engineering structure shall contain in particular data on: the micro location of the structure; technical-technological and exploitation characteristics of the structure; provisional calculation of structure stability and safety; technical-technological and organizational elements of structure construction; analysis of structure's energy systems with an assessment of energy efficiency; infrastructure designed solution; analysis of structural and building designed solutions; equipment of the structure; provisional value of structure construction.

The preliminary design set out in para.1 of this Article shall elaborate the conceptual design of a complex engineering structure.

The preliminary design set out in para.1 of this Article shall be developed for the needs of building permit issuance.

### **Final Design for a Complex Engineering Structure**

#### **Article 177**

The final design for a complex engineering structure shall elaborate the preliminary design set out in Article 176 of the present Law.

In addition to the documents set out in Article 78 of the present Law, the final design set out in para.1 of this Article shall also contain documents on the installation and functional testing of installed equipment.

The final design set out in para.1 of this Article may contain the obligation to observe and test the structure after putting it into service.

### **Other Designs, Studies and Base Maps for Complex Engineering Structures**

#### **Article 178**

Other designs, studies and base maps set out in Article 80 of the present Law shall, where appropriate, be made for the development, during the development or after the development of the conceptual design, preliminary design and final design of a complex engineering structure.

### **Review of the Conceptual Design, Preliminary Design and Final Design for a Complex Engineering Structure**

#### **Article 179**

Review of the conceptual design, preliminary design and final design for a complex engineering structure shall be mandatory.

The review of the conceptual design set out in para.1 of this Article shall include a verification of: design compliance with the zoning and technical specifications; compliance with separate regulations and rules of profession in relation to matters not regulated by the present Law and compliance with the present Law.

Review of the preliminary design set out in para.1 of this Article shall include: verification of design compliance with the zoning and technical specifications and adopted conceptual design; verification of the correctness and accuracy of technical and technological

structure designed solutions; architectural structure designed solutions; stability and safety verification; rationality of designed solutions; compliance with separate regulations and rules of profession in relation to matters not regulated by the present Law and compliance with the present Law; mutual alignment of all parts of the engineering documents, as well as checking the extended bill of quantities of all works on the structure construction.

Review of the final design set out in para.1 of this Article shall include verification of: design compliance with the zoning and technical specifications and the preliminary design, the present Law, separate regulations and rules of profession in relation to matters not regulated by the present Law, as well as design and materialization specifications, especially in relation to the ambient properties of the area; fulfilment of basic requirements for the structure; mutual compliance of all parts of the engineering documents, as well as of the extended bill of quantities of all structure building works.

The reviewer shall draw up and sign a final report on the performed review set out in para.1 of this Article.

The review report set out in paras.2, 3 and 4 of this Article may be positive or negative.

The responsible reviewer shall be appointed by the state administration body competent for the activity carried out in the complex engineering structure at the proposal of the employer.

Review costs shall be borne by the Employer.

The method of reviewing a complex engineering structure shall be prescribed by the state administration body competent for the activity carried out in the complex engineering structure.

Where technical regulations are amended after the review of the preliminary design, or the final design of a complex engineering structure, and before submitting a building permit application, the preliminary design or the final design shall have to comply with those amendments and they shall be subject to a repeated review.

## **Engineering Documents Developed Pursuant to Regulations of Other Countries**

### Article 180

Engineering documents for a complex engineering structure developed pursuant to regulations of other countries shall be subject to review aimed at checking its compliance with the present Law and rules of profession.

The compliance check shall be performed by reviewing engineering documents set out in Article 179 of the present Law.

Engineering documents developed pursuant to regulations of other countries shall be deemed developed pursuant to the present Law if the final report on engineering documents review is a positive one and if it contains a statement of the responsible reviewer that the design has been developed in compliance with the present Law.

Engineering documents developed pursuant to regulations of other countries set out in para.1 of this Article shall be translated into the Montenegrin language.

## **Building Permit for a Complex Engineering Structure**

### Article 181

A building permit for the building of a complex engineering structure shall be issued by the Ministry.

The application for a building permit shall be submitted by the employer.

Building permits shall be issued by means of a decision based on:

- 1) the preliminary design, i.e., the final design, stamped in accordance with the present Law;
- 2) positive review reports of the preliminary design, i.e., the final design;
- 3) evidence of ownership right or another right over building land (property deed, concession contract, decision identifying public interest, etc.) or evidence of the right to build, or another right over the structure;
- 4) approvals, opinions and other evidence set forth in separate regulations if the building permit is issued on the basis of the final design; and
- 5) evidence of liability insurance of the business organisation that developed and reviewed the conceptual or the final design.

Evidence, approvals and opinions set out in para. 3, items 3 and 4 of this Article shall be obtained by the Ministry ex officio.

There shall be no fee, tariff or other issuance costs charged for the issuance of evidence, approvals and opinions set out in para. 3 items 3 and 4 of this Article.

If the bodies in charge of technical specifications do not submit evidence, approvals and opinions set out in para. 3, items 3 and 4 of this Article, within 15 days of the receipt of the request for their submission, they shall be deemed to approve of the reviewed preliminary or final design.

A building permit shall be issued within 30 days as of the date of submission of the application.

Notwithstanding para. 7 of this Article, building permit for a complex engineering structure for which an environmental impact assessment study is required shall be issued within 60 days from the date of submission of the application.

The building permit set out in para.1 of this Article shall contain, in particular: the basic information about the applicant, chartered engineer managing the development of engineering documents in its entirety and the reviewer managing the review of the engineering documents in its entirety; location; type and designated use of the structure; staged building of the structure; obligation to develop the final design, if the building permit is issued on the basis of a preliminary design.

The Ministry shall publish the building permit on the website within seven days as of the date of its issuance.

### **Informing the Local Public about the Building of a Complex Engineering Structure**

#### Article 182

For complex engineering structures, on the date of building permit issuance, the employer shall post an information board at the place of structure construction, containing information on: the employer, design engineer, contractor, engineering supervisor, chartered engineer who managed the engineering documents development, chartered engineer who is managing the building and the reviewer managing engineering documents review, 3D structure visualisation, i.e. cable run layout, etc.

### **Requirement for Building a Complex Engineering Structure**

#### Article 183



The employer shall build a complex engineering structure on the basis of a building permit and documents stipulated by the present Law.

The documents set out in para.1 of this Article shall contain:

- 1) final design stamped in accordance with the present Law;
- 2) positive review report of the final design;
- 3) evidence of liability insurance of the business organisation which developed or reviewed the final design, which is building the structure, which is carrying out engineering supervision, in accordance with the present Law;
- 4) contractor agreement;
- 5) engineering supervision agreement, and
- 6) evidence of ownership right over land or another right to build on land (property deed, concession contract, decision identifying public interest, etc.), or evidence of ownership right over the structure or another right to build, in cases of structure reconstruction.

Change of the employer set out in para.1 of this Article may be done until the date of putting the structure into service.

### **Obligations of the Employer of a Complex Engineering Structure**

#### Article 184

Prior to commencing the building of a complex engineering structure, the employer shall submit to the contractor stamped and reviewed final design in electronic and analogue form and the building permit.

### **Preliminary Works for Building a Complex Engineering Structure**

#### Article 185

An employer may start preliminary works for building of a complex engineering structure after the issuance of a building permit.

Notwithstanding para.1 of this Article, preliminary works on the building of a complex engineering structure may also be initiated on the basis of the approval of the Government, provided that the employer provided the evidence set out in Article 183, para. 2, item 6 of the present Law, as well as evidence of acceptability of building in terms of environmental impact (conducted decision-making process on the need to assess impact, i.e., approval granting procedure for the impact assessment study, in accordance with separate regulations).

Preliminary works shall be carried out on the basis of a study which includes the building site layout, type of fence, building site structures, building site roads, location for cranes, location for the delivery of materials, building site connections (electrical, traffic, water supply) and others, as well as on the basis of the occupational safety study and construction waste management plan, developed in accordance with separate regulations.

Commencement of preliminary works shall be reported by the employer to the competent inspection authority seven days prior to the commencement of such works.

The competent inspection authority shall publish the notification of preliminary works on the website within three days of the receipt of the notification of building work.

More detailed contents of the study set out in para. 3 of this Article shall be prescribed by the state administration body competent for the activity that is performed in the complex engineering structure.

## **Building Site Documents in Cases of Complex Engineering Structures**

### **Article 186**

The contractor shall have at the building site the documents set out in Article 96 of the present Law, provided that instead of the notification of building work, he shall have the building permit set out in Article 181 of the present Law and the stamped final design in electronic and analogue form.

## **Manner of Performing Engineering Supervision in Cases of Complex Engineering Structures**

### **Article 187**

The manner of performing engineering supervision, obligatory stages during building for which the report is being prepared and the manner of drafting and more detailed contents of the engineering supervision report in cases of complex engineering structures shall be prescribed by the state administration body competent for activities performed in complex engineering structures.

## **Technical Inspection of Complex Engineering Structures**

### **Article 188**

Fitness for occupancy of a complex engineering structure shall be determined by technical inspection.

Technical inspection of a complex engineering structure shall include the control of compliance of executed works with the reviewed final design, as well as with the regulations, standards, technical norms and quality standards applicable to certain types of works, materials, equipment and installations.

Technical inspection of a complex engineering structure or part of the structure may be carried out, that is, use may be approved only if the structure or part of the structure is built in accordance with the building permit and the reviewed final design.

Technical inspection of a complex engineering structure shall be carried out in the presence of the competent inspection authority.

The technical inspector shall be appointed by the state administration body competent for the activity carried out in the complex engineering structure.

The costs of the technical inspection of the structure shall be borne by the employer.

The technical inspector shall submit a report on the technical inspection to the Ministry and the employer, within seven days from the completion of technical inspection.

The technical inspector shall present in the report on the performed technical inspection: the use of the structure or the elimination of the identified deficiencies or the prohibition of the use of the structure.

Upon receipt of the report on technical inspection the ministry shall:

- 1) issue an occupancy permit;
- 2) instruct the employer to eliminate the identified deficiencies within a specified time limit.

If the Ministry instructs the employer to remove the identified deficiencies within a specified time limit, the employer shall, after their removal, request a repeated technical inspection.

In the case of repeated technical inspection, only those works that had to be repaired or subsequently executed shall be controlled.

If the technical inspector proposed in the technical inspection report the use of the structure, he shall declare that the structure was built in accordance with the reviewed final design, as well as with the regulations, standards, technical norms and quality standards applicable to certain types of works or materials, equipment and installations.

Technical inspection of a complex engineering structure may also be done in parallel with the structure building.

In the case set out in para.13 of this Article, the technical inspector shall be determined by a building permit.

Provisions of paras.1 to 11 of this Article shall apply accordingly to the technical inspection carried out in parallel with the structure building.

The manner of carrying out technical inspection shall be prescribed by the state administration body competent for the activities performed in complex engineering structures.

### **Requirement for Using a Complex Engineering Structure**

#### Article 189

The use of a complex engineering structure shall not be permitted before obtaining an occupancy permit, except in cases of trial run or functional testing of installed equipment.

### **Occupancy Permit for Complex Engineering Structures**

#### Article 190

The occupancy permit for complex engineering structures shall be issued by the Ministry by means of a decision.

The occupancy permit set out in para.1 of this Article shall be issued for a structure or part of a structure for which the building permit set forth staged building, i.e., which represents a technical and technological whole and can be used independently as such.

The employer shall, before commencing to utilise the structure, submit an application for the issuance of an occupancy permit, at the latest within seven days of the receipt of the statement set out in para. 4, item 3 of this Article.

With the application for the issuance of an occupancy permit, the employer shall enclose:

- 1) statement of the contractor that the structure was built in accordance with the building permit and the reviewed final design;
- 2) statement of the supervisor that the structure was built in accordance with the building permit and the reviewed final design;
- 3) statement of the technical inspector that works were executed in accordance with the reviewed final design, as well as with regulations, standards, technical norms and quality standards applicable to certain types of works, materials, equipment and installations;
- 4) evidence of fulfilled obligations, in accordance with separate regulations;
- 5) reviewed final design, in case the building permit was issued for the preliminary design, and

6) as-built design, in the event of changes during construction.

The application for the issuance of an occupancy permit shall be published on the Ministry's website within seven days as of the date of submission of the application.

The occupancy permit shall be issued within seven days of the receipt of complete documents set out in para. 4 of this Article.

The Ministry shall publish the occupancy permit on the website within seven days as of the date of its issuance.

### **Take-Over of a Complex Engineering Structure**

#### Article 191

The employer and the contractor that has constructed the complex engineering structure i.e. that has executed specific works thereof shall conduct a take-over of the structure and make a statement of final account showing the value of the works executed, within 60 days from the date of receipt of the occupancy permit, unless otherwise provided by the contract.

### **Entities Engaged in Activities**

#### Article 192

Other than the entities set out in Article 124 of the present Law, the activity of engineering documents review, performance of engineering supervision and of technical inspection for a complex engineering structure, may also be performed by a commission made of natural persons who fulfil the requirements set out in Article 194 of the present Law.

The commission set out in para.1 of this Article shall be designated by the state administration body competent for the activity that is performed in the complex engineering structure.

For complex engineering structures, engineering supervision over the structure building may also be carried out by the employer directly or through a business organisation that has developed the engineering documents.

### **Chartered Engineer for a Complex Engineering Structure**

#### Article 193

The duties of a chartered engineer for a complex engineering structure may be carried out by a chartered engineer set out in Article 123 of the present Law who has at least three years of work experience in expert duties on the development of engineering documents and/or building a complex engineering structure.

The fulfilment of requirements set out in para.1 of this Article shall be determined by the decision of the state administration body competent for the activity that is performed in the complex engineering structure.

The registry of persons set out in para.1 of this Article shall be kept by the state administration body competent for the activity that is performed in the complex engineering structure.

### **Reviewer and Technical Inspector for a Complex Engineering Structure**

## Article 194

The reviewer's work for a complex engineering structure or technical inspection tasks for a complex engineering structure may be performed by the reviewer set out in Article 125 of the present Law if he has four years of experience in the development of engineering documents and/or the building of complex engineering structures in the capacity of a chartered engineer.

The activities set out in para.1 of this Article may also be performed by a foreign natural person, if he meets the requirements set forth in this Article.

The fulfilment of requirements set out in paras. 1 and 2 of this Article shall be determined by the decision of the state administration body competent for the activity that is performed in the complex engineering structure.

The registry of persons set out in paras. 1 and 2 of this Article shall be kept by the state administration body competent for the activity that is performed in the complex engineering structure.

## **Electronic Signature**

### Article 195

The technical inspector set out in Article 192 of the present Law who carried out technical inspection of a complex engineering structure shall sign with an electronic signature the statement set out in Article 190, para.4, item 3 of the present Law.

The technical inspector shall sign a report on the technical inspection of a complex engineering structure with an electronic signature.

The reviewer set out in Article 192 of the present Law shall sign with electronic signature every part of the engineering documents reviewed by him.

The contractor and the supervisor set out in Article 192 of the present Law shall sign with an electronic signature the statement set out in Article 190 of the present Law, indicating that the structure was constructed in accordance with the building permit and the reviewed final design.

## **XII SUPERVISION**

### **Exercising Supervision**

#### Article 196

Supervision over the implementation of the present Law and other regulations adopted on the basis of the present Law shall be exercised by the Ministry.

### **Inspection Control**

#### Article 197

Inspection control affairs in the area of planning and construction shall be conducted by the administrative authority competent for the inspection control affairs.

Inspection control affairs in the area of construction of structures shall be conducted also by other inspections in accordance with the present Law and separate regulations.

Inspection control affairs in the area of construction of structures shall also be performed by other inspections in accordance with the present Law and separate regulations.

Inspection authorities set out in paras. 1 and 2 of this Article shall notify each other on administrative measures and actions undertaken within the limits of prescribed competencies.

### **Records**

#### **Article 198**

Inspectors shall keep records of inspection controls performed and measures undertaken.

The contents of forms used for keeping records set out in para.1 of this Article shall be prescribed by the Ministry.

### **Complaint**

#### **Article 199**

A complaint may be lodged to the Ministry against the decision of the urban development and building inspector within eight days as of the date of decision delivery.

### **Authorisations of Urban Development and Building Inspectors**

#### **Article 200**

Urban development and building inspectors shall check, in particular if:

- 1) a notification of building work and the documents set out in Article 91 of the present Law have been filed for the needs of the structure's building;
- 2) the zoning and technical specifications were issued in accordance with the planning document;
- 3) the final design was developed and reviewed in accordance with the zoning and technical specifications in terms of the basic zoning parameters (floor area ratio, lot coverage index, number of floors, that is, structure height and its relation towards the building line);
- 4) the final design was developed in accordance with the conceptual design which received the approval of the chief state and chief city architect;
- 5) the employer possesses evidence of ownership right or another right over building land or evidence of the right to build or another right over the structure, in cases of a structure reconstruction;
- 6) the building requirements prescribed by Article 183 of the present Law are fulfilled for the needs of building a complex engineering structures;
- 7) the employer has started preliminary works for building a complex engineering structure in accordance with Article 185 of the present Law;
- 8) the building of structure is performed or if it was performed in accordance with the reviewed final design;
- 9) the reviewed final design for a complex engineering structure was developed in accordance with the revised preliminary design for which a building permit has been issued;

- 10) the owner of a structure used by the public has ensured access, movement and stay to persons with reduced mobility and persons with disabilities;
- 11) the employer has posted a board at the place of structure construction as of the date of submitting a notification of building work, including information on: the employer, design engineer, responsible reviewer, contractor, engineering supervisor, chartered engineer who managed the engineering documents development, reviewer who managed the engineering documents review, chartered engineer managing the building process and the reviewer managing engineering supervision, 3D structure visualisation i.e. cable run layout etc., i.e., where information contained on the information board are changed, if the employer has replaced the board within 15 days as of date of change occurrence;
- 12) the employer has posted an information board at the place of structure construction as of the date of receiving a building permit of a complex engineering structure, including information on: the employer, design engineer, contractor, engineering supervisor, chartered engineer who managed the engineering documents development, chartered engineer managing the building process and the reviewer who managed the engineering documents review, 3D structure visualisation, i.e. cable run layout, etc.
- 13) the employer reconstructing a specific part of a residential building has informed the tenants association about the intended works by posting a notification at the entrance noticeboard, as of the date of filing the notification of building work;
- 14) the owner or holder of another right over the existing structure or part of structure has filed a notification of remodelling works on the existing structure or part of structure to the competent inspection authority;
- 15) a change of employer was reported during the building of the structure, pursuant to Article 94 of the present Law;
- 16) the engineering supervisor acted pursuant to Article 95 of the present Law;
- 17) all the documents are placed at the building site in accordance with Articles 96 and 186 of the present Law;
- 18) the contractor and engineering supervisor are acting pursuant to Article 97 of the present Law in the event of deficiencies in the final design and contingent circumstances;
- 19) the building site for a structure whose building was commenced but is not completed within the term set out in Article 93 of the present Law or where works have been discontinued for more than 30 days, was closed in a manner ensuring unimpeded traffic, safety of persons, adjacent structures and the surrounding area;
- 20) a non-transparent cover in the 1:1 scale was placed on the façade of an unfinished building which was not completed within the term set out in Article 93 of the present Law at the building site in urban areas laid down in a decision of a local self-government unit;
- 21) in cases of a new building being built or an existing building being reconstructed, a non-transparent cover in the 1:1 scale was placed on the façade of the structure, in urban areas laid down in a decision of local self-government unit;
- 22) the engineering supervisor is performing engineering supervision and acting pursuant to Articles 100, 101, 102 and/or 103 of the present Law;
- 23) the employer has put the structure into service prior its entry into the Real Estate Cadastre;
- 24) the employer has put the complex engineering structure into service before an occupancy permit has been issued;

- 25) the stability of an existing structure is threatened within the meaning of Article 112 of the present Law, due to which it poses an immediate threat to lives and health of persons, adjacent structures and traffic safety;
- 26) the notification of building work and the documents set out in Article 117 of the present Law have been filed for the erection or building of a temporary structure;
- 27) the engineering documents for structures set out in Articles 116 and 117 of the present Law were developed in compliance with the zoning and technical specifications from the Programme and/or if the temporary structure is erected or built in accordance with the engineering documents;
- 28) the notification of building work and the documents set out in Article 120 of the present Law have been filed for the erection or building of an auxiliary structure;
- 29) engineering documents for structures set out in Article 120 of the present Law were developed in accordance with the zoning and technical specifications and/or if the auxiliary structure is erected or built in accordance with engineering documents;
- 30) the design engineer or contractor meets the requirements set out in Articles 122 and 193 of the present Law, to develop engineering documents or to build a structure;
- 31) the responsible reviewer of engineering supervisor meets the requirements set out in Articles 124 and 194 of the present Law, to review engineering documents or perform engineering supervision over the building of a structure;
- 32) engineering documents review, engineering supervision and technical inspection for complex engineering structures are performed in accordance with Article 192 of the present Law;
- 33) the business organisation is developing the engineering documents or building the structure or reviewing engineering documents or performing engineering supervision over the building of a structure in accordance with Articles 122 and 124 of the present Law;
- 34) the business organisation or Commission are performing technical inspection of complex engineering structures in accordance with Article 188 of the present Law;
- 35) the chartered engineer is developing the engineering documents or building the structure in accordance with Article 123 of the present Law;
- 36) the engineering documents reviewer or structure building reviewer are reviewing engineering documents and performing engineering supervision in accordance with Article 125 of the present Law;
- 37) a foreign entity meets the requirements for engaging in the activity prescribed by Articles 126 to 129 of the present Law;
- 38) the business organization engaged in the activity governed by the present Law has concluded, prior to engaging in the activity, an agreement on professional liability insurance for the damage set out in Article 131 para.1 of the present Law that may be inflicted upon employers or third persons in relation to engaging in their activity;
- 39) the business organization engaged in the activity governed by the present Law, covered the liability risk for the damage set out in Article 131 paras. 2 and 3 of the present Law, inflicted upon persons, and for the damage inflicted upon structures and the financial loss with professional liability insurance.
- 40) the illegal structure owner obtained the legalization decision of an illegal structure set out in Article 154 para. 2 of the present Law;
- 41) the illegal structure owner has adjusted the external appearance of the illegal structure with the requirements specified in the planning document guidelines, or the guidelines of the chief city architect set out in Article 154, paras. 8 and 9 of the



present Law, within three years as of the date of enforceability of the legalization decision set out in Article 167 para.1 of the present Law.

Urban development and building inspector shall make the checks set out in para.1 items 1, 2, 3, 4, 5, 11 and 13 of this Article within 15 days as of the date of submission of the notification of work and after he completes the checks, he shall state the status found in a written record and deliver it to the employer.

### **Administrative Measures and Actions of Urban Development and Building Inspectors**

#### Article 201

Where urban development and building inspectors find within the inspection control procedure that a law or another regulation was breached, they shall:

- 1) prohibit the building of a structure if the structure is built without the notification of building work and/or documents set out in Article 91 of the present Law;
- 2) prohibit the use of zoning and technical specifications issued contrary to the planning document as well as the development and review of engineering documents based on such zoning and technical specifications;
- 3) prohibit the building of a structure if they find that the final design was developed or reviewed contrary to the zoning and technical specifications regarding the basic zoning parameters (floor area ratio, lot coverage ratio, number of floors, that is, structure height and relation towards the building line);
- 4) prohibit the building of a structure if the final design is not in compliance with the conceptual design which received the approval of the chief state architect, i.e., chief city architect;
- 5) prohibit the building of a structure if the approval of the chief state architect, i.e., chief city architect has not been given to the conceptual design;
- 6) prohibit the building of a structure in the event that the employer does not possess evidence of ownership right or another right over building land or evidence of the right to build or another right over the structure, in cases of a structure reconstruction;
- 7) prohibit the building of a structure or part of the structure if the building is not being conducted or if it was not conducted further to the reviewed final design;
- 8) prohibit the building of a complex engineering structure if the building requirements set out in Article 183 of the present Law are not fulfilled;
- 9) order to the employer to shut the building site of a complex engineering structure down, where preliminary works are not executed in accordance with Article 185 of the present Law;
- 10) prohibit the building of a complex engineering structure if the reviewed final design is not in accordance with the reviewed preliminary design on the basis of which the building permit was issued;
- 11) order the demolition of the structure and/or restoring the space back to its original state if the structure is built or if it was built despite the prohibition set out in items 1, 2, 3, 4, 5, 6, 7, 8 and 10 of this Article;
- 12) order the employer, structure owner, or owner of the plot on which the structure was built to demolish the structure constructed contrary to the valid planning document;
- 13) order the employer to remove the identified deficiencies set out in items 2, 3, 4, 5, 6 and 7, 8 and 10 of this Article, within a specified time limit;

- 14) order the employer to demolish the structure if the identified deficiencies are not remedied within the time limit set out in item 13 of this Article;
- 15) order the employer to demolish the structure, or part thereof, or to restore it back to its original state, if the structure was built contrary to the reviewed final design;
- 16) order the employer to rehabilitate the terrain in the event of a landslide caused by the building of the structure;
- 17) order the owner of a structure used by the public, to ensure access, movement and stay to persons with reduced mobility and persons with disabilities, within a time limit set by them;
- 18) order the employer, to erect at the place of building the structure, on the date of submitting the notification of building work, the information board set out in Article 89, para.1 of the present Law, or to place the notification set out in Article 89, para.2 of the present Law at the building entrance noticeboard;
- 19) order the employer on a complex engineering structure to erect, on the day of obtaining a building permit, the information board set out in Article 182 of the present Law;
- 20) prohibit the execution of remodelling works if the owner or holder of another right over the existing structure or part of structure has acted contrary to Article 90 of the present Law;
- 21) prohibit the execution of works on the building of a structure and order, within a time limit set by them, to mark the regulation and building lines, elevation points of the structure and terrain alignment, in accordance with the reviewed final design;
- 22) order the contractor to organize the building site in accordance with Article 95, para.1, item 4 of the present Law, within a time limit set by them;
- 23) prohibit further execution of works on the building of a structure and order the undertaking of measures in accordance with Article 95, para.1, item 6 of the present Law;
- 24) prohibit the execution of structure building works until evidence are provided about the quality of works executed, i.e., built-in construction products, installations and equipment in accordance with Article 95, para.1, item 7 of the present Law;
- 25) prohibit the execution of structure building works until they have ensured measurements and geodetic monitoring of soil and structure behaviour during the building, in accordance with Article 95, para.1, item 9 of the present Law;
- 26) order the contractor to remove structures of temporary character that were used for executing works on the building site, if the contractor did not remove them within 30 days as of the date of completion of works in accordance with Article 95, para.1, item 11 of the present Law;
- 27) prohibit the building of a structure if they find that all documents in accordance with Article 96 of the present Law are not present at the building site;
- 28) prohibit the building of a structure if they find that in the event of deficiencies in the final design and contingent circumstances, the contractor is not complying with Article 97 of the present Law;
- 29) order the owner of the structure to demolish, or remove the structure or part of the structure and/or restore the land back to its original state, if they find deficiencies in the structure building that pose a threat to the structure stability, safety of people's lives and the like, and where those cannot be removed;
- 30) prohibit further building of the structure and order a part of the structure to be restored back to its original state when reconstructing parts of the structure, when it

- is not possible to demolish a part of the structure due to putting the entire structure at risk and/or putting the safety of the adjacent structure at risk;
- 31) prohibit further execution of works and/or order a part of the structure to be restored back to its original state when reconstructing parts of the structure, when it is not possible to demolish it and reconstruction is done by changing the external appearance of the structure;
  - 32) order the employer to restore the land back to its original state in case of land excavation works not envisaged by the reviewed final design being executed;
  - 33) order the employer to shut the building site down and secure the building site in a way which ensures unhindered traffic, safety of persons, adjacent structures and the surrounding area and to install a non-transparent guardrail around the building site, if the employer failed to act in accordance with Article 99 of the present Law;
  - 34) prohibit the utilisation of a structure not registered in the Real Estate Cadastre;
  - 35) prohibit the use of a complex engineering structure for which an occupancy permit was not issued;
  - 36) order the structure owner to undertake measures on the structure whose dilapidation or major damages are putting at risk its stability, the lives and health of people, structure safety, its surrounding, traffic or adjacent structures, in order to prevent their negative effects or to protect and counteract their immediate harmful consequences;
  - 37) prohibit the erection or building of a temporary structure that is erected or built without a notification and documents set out in Article 117 of the present Law;
  - 38) prohibit the erection or building of a temporary structure that is erected or built contrary to engineering documents and/or zoning and technical specifications set out in Article 117 of the present Law;
  - 39) order the employer to demolish or remove a temporary structure and/or restore the space back to its original state if being erected or built, or if it was erected or built despite the prohibition set out in items 37 and 38 of this Article;
  - 40) order demolition or removal of a temporary structure and/or restoration of the space back to its original state, which was erected or built contrary to the engineering documents and/or zoning and technical specifications set out in Articles 116 and 117 of the present Law;
  - 41) prohibit the erection or building of an auxiliary structure that is erected or built without a notification and documents set out in Article 120 of the present Law;
  - 42) prohibit the erection or building of an auxiliary structure that is erected or built contrary to engineering documents and/or zoning and technical specifications set out in Article 120 of the present Law;
  - 43) order demolition or removal of an auxiliary structure and/or restoration of the space back to its original state, which was erected or built contrary to engineering documents and/or zoning and technical specifications set out in Article 120 of the present Law;
  - 44) order the employer or structure owner to demolish or remove an auxiliary structure and/or restore the space back to its original state if it is being erected or built or if it was erected or build despite the prohibition set out in items 40 and 41 of this Article;
  - 45) prohibit a business organisation from engaging in activities if it does not fulfil the requirements set out in Articles 122 and 124 of the present Law;
  - 46) prohibit a business organisation from engaging in activities if it acts contrary to Article 188 of the present Law;

- 47) initiate the procedure of licence revocation from a business organisation and/or a chartered engineer and/or reviewer, if they perform the activity contrary to Articles 122, 123, 124, 125, 126, 192, 193 and 194 of the present Law;
- 48) prohibit a foreign person from engaging in activities if it does not fulfil the requirements to engage in activities prescribed by Articles 126 to 129 of the present Law;
- 49) prohibit a foreign person from engaging in activities if it engages in activities contrary to Articles 122 to 129 of the present Law;
- 50) prohibit a business organisation from engaging in activities if it did not conclude a professional liability insurance contract prior to the commencement of activity, covering the period of business operations, for the damage that may be inflicted upon employers or third persons in connection with engaging in their activities;
- 51) prohibit a business organisation from engaging in activities if the professional liability insurance did not cover the risk of liability for damage inflicted upon persons and for damage to structures and for financial loss;
- 52) order the structure owner of the owner of the plot on which the structure was built to demolish/remove the illegal structure for which the legalization decision set out in Article 170, para.1 of the present Law was not obtained;
- 53) order alignment of the external appearance of the illegal structure with the requirements specified in the planning document guidelines, or the guidelines of the city architect set out in Article 154 paras. 8 and 9 of the present Law, if the owner has not performed the adjustment within three years as of the date of enforceability of the legalization decision set out in Article 167 para.1 of the present Law.

The administrative measure set out in para.1 items 1, 2, 3, 4, 5, 6, 7, 8, 10, 21, 23, 24, 25, 27, 28, 33, 34, 35, 37 and 38 of this Article shall be carried out by sealing off the site, by erecting the following notice on a visible place on the building site: "Shut down on the order of the urban development and building inspector".

### **Measures of Execution Ordered by Urban Development and Building Inspectors**

#### **Article 202**

Under a structure demolition or removal decision set out in Article 201 of the present Law, the urban development and building inspector shall determine whether it is necessary to develop a demolition or removal study of the structure prior to the structure demolition or removal.

Supervised entity that was ordered to demolish or remove the structure shall remove items from the structure which is a subject to execution, within the time limit specified in the decision thereof.

If the supervised entity fails to act within the meaning of para. 2 of this Article, it shall be deemed to have abandoned the items which it has not removed and it shall not be entitled to compensation of damages.

The obligation set out in para.2 of this Article shall be indicated to the supervised entity by the urban development and building inspector in the demolition decision.

### **XIII PENAL PROVISIONS**

#### **Article 203**

Legal entities shall be punished for a misdemeanour with a fine ranging from €5,000 to €40,000, if they:

- 1) fail to submit to the Ministry each act that constitutes a spatial documentary basis paper, within five days as of issuance thereof (Article 13 para.3);
- 2) fail to deliver to the Ministry each act that constitutes a spatial documentary basis paper, within the time limit set out in Article 13 para.3 of the present Law (Article 13 para.4);
- 3) fail to surrender to the Ministry, in digital form, copies of topographic and cadastral map, cable duct cadastre, orthophotos, geological base maps, including base maps for granting exploration and exploitation of mineral resources concessions, as well as development plans, within ten days as of the date of application submission (Article 23 para.1);
- 4) fail to submit to the Ministry an opinion about the draft planning document, within 30 days of the receipt of the draft planning document (Article 28 para.2);
- 5) fail to submit, within 60 days of the receipt of draft planning document, a new proposal concerning the technical specifications whose issuance is under their competence, if they stated in their opinion disagreement with the proposed technical specifications (Article 28 para.4);
- 6) fail to provide its approval set out in Article 37 para.1 of the present Law within 30 days as of the date of planning document delivery (Article 37 para.2);
- 7) fail to deliver to the Cadastre, within seven days as of the date of development, the land allotment study, in view of conducting the land allotment (Article 50 para.2);
- 8) fail to respond to an application submitted by the responsible reviewer or to deliver electronically signed evidence, within 15 days of the receipt of the application (Article 82 para.2).

Responsible persons in legal entities shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para.1 of this Article.

Responsible persons in a state administration body shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para.1 of this Article.

Responsible persons in the local self-government body shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para.1 item 4 of this Article.

Natural persons shall also be punished for the misdemeanour set out in para.1 item 7 of this Article with a fine ranging from €500.00 to €4,000.

#### Article 204

Legal entities shall be punished for a misdemeanour with a fine ranging from €5,000 to €40,000, if they:

- 1) fail to provide for access, movement and stay of persons with reduced mobility and persons with disabilities in a structure used by the public (Article 71 para.5);
- 2) fail to appoint the responsible reviewer (Article 81 para.6);
- 3) on the day of submitting the notification of building work, they do not erect an information board at the place of structure construction, with information related to: the employer, design engineer, responsible reviewer, contractor, technical supervisor, chartered engineer who managed the engineering documents development, reviewer who managed the engineering documents review, chartered engineer managing the building process and the reviewer managing technical supervision, 3D structure visualisation, i.e. layout of the cable run, etc. (Article 89, para. 1);

- 4) fail to inform the tenants association about the intended works by posting a notification at the entrance noticeboard, within the time limit set out in Article 89 para.1 of the present Law (Article 89 para.2);
- 5) fail to replace the information board within 15 days as of the date of change to information placed on the information board set out in Article 89 para. 1 of the present Law (Article 89 para.4);
- 6) fail to notify the competent inspection authority of remodelling work on the existing structure or part of structure (Article 90 para.1);
- 7) fail to file a notification of building work and the documents set out in Article 91 of the present Law to the competent inspection authority, within 15 days prior to the commencement of building (Article 92 para.1);
- 8) prior to commencing the building of the structure, fail to submit to the contractor stamped and reviewed final design in electronic and analogue forms (Article 93 para.1);
- 9) fail to finalise the building of the structure within five years from the date of submitting the notification of structure building work (Article 93 para.2);
- 10) within 30 days from the date the change has occurred, fail to notify the competent inspection authority of the change of employer during the structure's building (Article 94 para.1);
- 11) fail to submit to the competent inspection authority, together with the notification set out in Article 94 para.1 of the present Law, proof of ownership right over land or another right to build on land or proof of ownership right over the structure or another right to build, in cases of reconstruction of the structure (Article 94 para.2);
- 12) fail to eliminate, without delay, the deficiencies set out in Article 97 paras. 1 and 2 of the present Law of which they have been cautioned (Article 97 para.3);
- 13) fail to submit a notification with the reviewed and modified final design to the inspection authority in cases set out in Article 98 para.1 of the present Law (Article 98 para.4);
- 14) fail to obtain a new approval for the new conceptual design from the chief state architect, i.e., from the chief city architect (Article 98 para.5);
- 15) fail to submit to the inspection authority, apart from documents referred to in Article 98 para. 4 of this Law, the approval of the chief state architect or the chief city architect (Article 98 para.6);
- 16) in cases of failing to complete the building of structure within the time limit set out in Article 93 para. 2 of the present Law or of discontinuing works for more than 30 days, fail to shut down the building site and to ensure unimpeded traffic, safety of persons, adjacent structures and the surrounding and place non-transparent guardrails around the building site (Article 99 para.1);
- 17) at the building site set out in Article 99 para.1 of this Article, in urban areas defined by a decision of the local self-government unit, fail to place a non-transparent cover onto the built structure of a building, covering the façade of the structure in the scale 1:1 (Article 99 para.2);
- 18) in the event of a new building being built or an existing building being reconstructed in urban areas defined by a decision of the local self-government unit, fail to act pursuant to Article 99 para. 2 of this Article (Article 99 para.3);
- 19) fail to provide for the performance of engineering supervision during the building of the structure (Article 100 para.1);
- 20) allow structure utilisation prior to registering the structure in the Real Estate Cadastre (Article 104 para.1);
- 21) fail to submit an application for registration into the Real Estate Cadastre, within 15 days of the receipt of the final engineering supervision report (Article 104 para.2);

- 22) fail to submit the final engineering supervision report enclosed to the application set out in Article 104 para. 2 of this Article, along with the evidence laid down by the law governing the registration of rights to real estate (Article 104 para.3);
- 23) in case of structures with built-in installations, equipment and plants, which serve for the production process of the employer's business activity, not for the structure itself, fail to organize a trial run and functional testing after installation (Article 105 para.1);
- 24) fail to hand-over the structure and make a statement of final account showing the value of the works executed, within 60 days of the receipt of the final engineering supervision report, unless otherwise provided by the contract (Article 107 para.1);
- 25) fail to perform the final structure hand-over within 30 days from the expiry of the defects liability period, unless otherwise provided by the contract (Article 107 para.2);
- 26) fail to maintain the structure in a condition which ensures the fulfilment of basic requirements for the structure referred to in Article 68 of the present Law during their service time, in accordance with the final design (Article 108 para.1);
- 27) fail to file the notification set out in Article 117 para.1 of the present Article and the documents set out in Article 117 para.2 of this Law to the competent inspection authority, within 15 days prior to the commencement of erection or building (Article 117 para.4);
- 28) fail to file the notification set out in Article 120 para.1 of the present Law and the documents set out in Article 120 para.2 of the present Law to the competent inspection authority, within 15 days prior to the commencement of erection or building (Article 120 para.4);
- 29) fail to obtain a legalisation decision (Article 154 para.2);
- 30) within three years as of the date of enforceability of the legalization decision, fail to adjust the external appearance of the illegal structure with the requirements set forth in the planning document guidelines on external appearance adjustment or the guidelines of the chief city architect set out in Article 154 paras.7 and 8 of the present Law (Article 167 para.1);
- 31) in cases of complex engineering structures, on the date of building permit issuance, fail to erect an information board at the place of structure construction, containing information on: the employer, design engineer, contractor, technical supervisor, chartered engineer who managed the engineering documents development, chartered engineer managing the building process and the reviewer who managed the engineering documents review, 3D structure visualisation, i.e. the layout of the cable run, etc. (Article 182);
- 32) prior to commencing the building of a complex engineering structure, fail to submit to the contractor stamped and reviewed final design in electronic and analogue forms and the building permit (Article 184);
- 33) fail to report commencement of preliminary works to the competent inspection authority seven days prior to the commencement of such works (Article 185 para.4);
- 34) do not request a repeated technical inspection after removal of deficiencies found on the constructed structure, if the Ministry orders the removal of deficiencies found within a certain time limit (Article 188 para.10);
- 35) use a complex engineering structure before obtaining an occupancy permit, except in cases of trial run or functional testing of equipment (Article 189);
- 36) before commencing to utilise the structure, fail to submit an application for the issuance of an occupancy permit, at the latest within seven days of the date of receipt of the statement set out in Article 190 para. 4, item 3 of the present Law (Article 190 para.3).

Responsible persons in legal entities shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para. 1 of this Article.

Responsible persons in state administration bodies shall be punished with a fine ranging from €1,000 to €12,000 for misdemeanours set out in para.1 of this Article.

Responsible persons in local administrative authorities and local self-government bodies shall be punished with a fine ranging from €1,000 to €12,000 for misdemeanours set out in para.1 of this Article.

Entrepreneurs shall be punished for the misdemeanour set out in para. 1 of this Article with a fine ranging from €1,000 to €12,000.

Natural persons shall be punished for the misdemeanour set out in para. 1 of this Article with a fine ranging from €500.00 to €4,000.

#### Article 205

Legal entities shall be punished for a misdemeanour with a fine ranging from €5,000 to €40,000, if they:

- 1) fail to keep at the building site the prescribed building site documents set out in Article 96 para.1 of the present Law;
- 2) fail to keep at the building site, together with the documents set out in Article 96 para.1 of the present Law, the supporting documents in accordance with law (Article 96 para.2);
- 3) fail to caution in writing the engineering supervisor within one day as of the date of noticing deficiencies in the reviewed final design which do not have an impact on the change of structure's horizontal and vertical dimensions, nor on the change in the structure's façade, if the structure being built is a building (Article 97 para.1);
- 4) where the deficiencies set out in Article 97 para.1 of this Article pose a threat to the lives and health of people, safety of the structure, its surroundings, traffic and/or adjacent structures, fail to discontinue the execution of works under an order of the engineering supervisor (Article 97 para.6);
- 5) fail to notify the engineering supervisor where, due to the deficiencies caused by contingent circumstances (insufficient bearing capacity of stratum, high level of ground waters, replacement of factory produced parts, components and equipment, and installations and the like), the contractor is not able to execute the works in line with the reviewed final design (Article 97 para.8);
- 6) fail to inform the competent inspection authority in the event of encountering archaeological findings, fossils, active landslides, ground waters and the like, and fail to discontinue works that may put them at risk (Article 97 para.11);
- 7) do not have at least one employed chartered engineer to perform activities, per types of designs developed respectively: architectural, construction, electrotechnical and mechanical designs, i.e., per type of works executed on the basis of such designs (Article 122 para.1);
- 8) fail to appoint a chartered engineer managing the development of the entire engineering documents and a chartered engineer managing the structure's building in its entirety (Article 122 para.4);
- 9) fail to appoint a chartered engineer for each type of the design set out in Article 122 para.4 of this Law, i.e., a chartered engineer for each type of work executed on the basis of those designs (Article 122, para.5);
- 10) prior to engaging in their activities, fail to conclude an agreement on professional liability insurance for the damage that may be inflicted upon employers or third



persons, if they engage in activities set out in Article 121 of the present Law (Article 131 para.1);

- 11) fail to have at the building site the documents set out in Article 96 of the present Law, the building permit set out in Article 181 of the present Law and the stamped final design in electronic and analogue form (Article 186);
- 12) fail to hand-over the structure and make a statement of final account showing the value of the works executed, within 60 days as of the day of obtaining the occupancy permit, unless otherwise stipulated in the agreement (Article 191).

Responsible persons in legal entities shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para. 1 of this Article.

Entrepreneurs shall be punished for the misdemeanour set out in para. 1 of this Article by a fine ranging from €1,000 to €12,000.

#### Article 206

Legal entities shall be punished for a misdemeanour with a fine ranging from €5.000 to €40.000, if they:

- 1) in the process of final design review, fail to obtain from the body in charge of technical specifications a copy of the plan and a property deed, approvals, opinions and other evidence set forth by law (Article 82 para.1);
- 2) in the positive report of final design review, fail to indicate true statements of compliance within the meaning of Article 81 para. 2 of the present Law (Article 85 para.1);
- 3) apart from the statements set out in Article 85 para.1 of this Law, fail to also indicate in the final design positive review report, accurate statements of compliance within the meaning of Article 81, para.3 of the present Law and make a written statement that a structure may be built on the basis of the final design (Article 85 para.2);
- 4) fail to submit to the employer and design engineer who developed the final design the report set out in Article 85 para.1 of the present Law (Article 85 para.3);
- 5) in the negative report of final design review, fail to indicate non-compliance of engineering documents within the meaning of Article 81 para. 2 of the present Law (Article 86 para.1);
- 6) apart from the non-compliance set out in Article 86 para.1 of the present Law, fail to indicate in the negative report of final design review, the non-compliance of the final design within the meaning of Article 81 para. 3 of the present Law (Article 86 para.2);
- 7) fail to submit to the employer and design engineer who developed the final design the report set out in Article 86 para.1 of the present Law (Article 86 para.3);
- 8) fail to order to the employer to modify the final design and review it and fail to inform the competent inspection authority if they find that the remarks of the contractor set out in Article 97 para.1 of the present Law are justified (Article 97 para.2);
- 9) fail to inform the competent inspection authority, within seven days of the receipt of the caution, that the employer or the design engineer who developed the final design are acting contrary to Article 97 para.3 of the present Law (Article 97 para.4);
- 10) in the event set out in Article 97 para.6 of the present Law, fail to inform the employer and the competent inspection authority and issue an order to the contractor to execute works in accordance with Article 111 of the present Law (Article 97 para.7);

- 11) fail to immediately notify the employer in writing if works are not executed in compliance with the reviewed final design, the present Law and separate regulations and/or fail to order to the contractor to eliminate the identified deficiencies within the time limit specified by them (Article 101 para.2);
- 12) fail to report to the competent inspection authority without delay, that the structure is being built contrary to the reviewed final design, the present Law and separate regulations (Article 101 para.3);
- 13) prior to the completion of a specific building stage, fail to notify the competent inspection authority three working days prior to the commencement of acceptance of works of a specific building stage (Article 102, para.3);
- 14) fail to submit reports per stages to the competent inspection authority within three days as of the date of acceptance of works of a specific building stage (Article 102 para.5);
- 15) prior to drawing up the final report, fail to notify the administrative authority competent for cultural property protection in case of building on or in the immediate environment of a structure which is a protected cultural property, which shall in turn determine if the structure has been constructed in compliance with the reviewed final design, i.e., the as-built design (Article 102 para.6);
- 16) fail to submit the final engineering supervision report along with the written record of the administrative authority set out in Article 102 para. 6 of the present Law, stating that the structure was built in compliance with the reviewed final design or the as-built design, simultaneously to the employer, the contractor, the Ministry and the administrative authority in charge of cultural property protection, and in case of building on or in the immediate surroundings of a structure which is a protected cultural property, to the competent inspection authority as well (Article 102 para.7);
- 17) make untrue statements in the final engineering supervision report concerning the executed structure building works and fail to provide a written statement indicating that the structure was built in accordance with the reviewed final design, i.e., constructed in accordance with the reviewed as built drawings, law and other regulations, or fail to make a statement that the structure is suitable for use and that it may be used in accordance with its designated use (Article 103 para.1);
- 18) do not have at least one employed reviewer for engineering documents review and engineering supervision, for: architectural, construction, electrotechnical and mechanical designs, respectively (Article 124 para.1);
- 19) fail to appoint a reviewer to manage the review of the entire engineering documents and a reviewer for each separate part of engineering documents, as well as a reviewer managing the engineering supervision over the building of the entire structure and a reviewer for specific structure building works (Article 124, para.3);
- 20) fail to draw up and to sign the final review report set out in Article 179 para.1 of the present Law (Article 179 para.5);
- 21) fail to submit to the Ministry and to the employer the technical inspection report within seven days as of finalisation of the technical inspection (Article 188 para.7);
- 22) fail to propose structure utilisation or removal of deficiencies found or structure utilisation ban in the technical inspection report (Article 188 para.8);
- 23) proposed structure utilisation in the technical inspection report, but failed to provide a statement that the structure was constructed in accordance with the reviewed final design, as well as with the regulations, standards, technical norms and quality standards applicable to certain types of works or materials, equipment and installations (Article 188 para.12).

Responsible persons in legal entities shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para. 1 of this Article.

Entrepreneurs shall be punished for the misdemeanour set out in para. 1 of this Article by a fine ranging from €1,000 to €12,000.

#### Article 207

Legal entities shall be punished for a misdemeanour with a fine ranging from €5.000 to €40.000, if they:

- 1) fail to deliver the authorisation to the Ministry and the competent inspection authority prior to commencing the first activity (Article 127 para.3);
- 2) fail to deliver the authorisation to the Ministry and the competent inspection authority prior to commencing the first activity (Article 128 para.3);
- 3) fail to sign, with electronic signature, each part of the urban development design or engineering documents developed by them (Article 130 para.1);
- 4) fail to sign, with electronic signature, each part of engineering documents reviewed by them (Article 130 para.2);
- 5) fail to sign, with electronic signature, the final engineering supervision report, as well as a statement set out in Article 103 para.1 of the present Law (Article 130 para.3);
- 6) fail to submit to the Ministry a notification on the appointment of a chartered engineer for engineering documents development, reviewer of engineering documents, a chartered engineer for the structure's building and the structure building reviewer (Article 133);
- 7) fail to publish the Articles of Association and other general acts of the Chamber in the Official Gazette of Montenegro and on the website of the Chamber, within three days as of the adoption date (Article 152 para.2);
- 8) fail to sign, with an electronic signature, the statement set out in Article 190 para.4 item 3 of the present Law (Article 195 para.1);
- 9) fail to sign, with an electronic signature, the report on technical inspection of a complex engineering structure (Article 195 para.2);
- 10) fail to sign, with electronic signature, each part of engineering documents reviewed by them (Article 195 para.3);
- 11) fail to sign, with an electronic signature, the statement set out in Article 190 of the present Law, that the structure was constructed in accordance with the building permit and the reviewed final design (Article 195 para.4).

Responsible persons in legal entities shall also be punished with a fine ranging from €500.00 to €4,000 for misdemeanours set out in para. 1 of this Article.

Entrepreneurs shall be punished for the misdemeanour set out in para. 1 items 6, 8, 9, 10 and 11 of this Article with a fine ranging from €1,000 to €12,000.

Natural persons shall be punished for a misdemeanour set out in para.1 items 1, 2, 4, 5, 6, 8, 9, 10 and 11 of this Article in the amount from €500.00 to €4,000.

#### Article 208

Responsible persons in state administration bodies shall be punished for a misdemeanour with a fine ranging from €500.00 to €4,000, if they:

- 1) fail to publish the spatial organisation status report on the website within seven days following that of its publication in the Official Gazette of Montenegro (Article 14 para.4);

- 2) fail to publish the decision to develop on the website within seven days following that of its publication in the Official Gazette of Montenegro (Article 24 para.10);
- 3) after the decision to develop has been issued and planning document concept developed, fail to organise information provision to the interested public regarding the objectives and purpose of developing the planning document, possible planning document designed solutions and effects of planning (Article 27 para.1);
- 4) fail to inform the local self-government unit and the body in charge of technical specifications of prior public participation, within two days as of the date of publication of the notification set out in Article 27 para.2 of the present Law (Article 27 para.3);
- 5) within 30 days as of the date of expiry of the time limit set out in Article 27 para. 4 of the present Law, fail to draw up a report on the opinions and proposals of the interested public, as well as a report on the opinions and proposals of the local self-government unit and body in charge of technical specifications (Article 27 para.5);
- 6) within seven days as of the date of expiry of the time limit set out in Article 27 para. 5 of the present Law, fail to publish on the website a report on the opinions and proposals of the interested public, as well as a report on the opinions and proposals of the local self-government unit and body in charge of technical specifications (Article 27 para.6);
- 7) fail to publish on the website the draft planning document review report within seven days as of the date of delivery (Article 31 para.4);
- 8) fail to publish on the website the draft planning document within seven days as of the date of adoption (Article 32 para.3);
- 9) fail to submit a separate notification about the public debate to the local self-government unit and body in charge of technical specifications, within two days as of the date of announcing the public debate in one daily print media outlet published and distributed in the territory of Montenegro (Article 33 para.2);
- 10) fail to draw up a public debate report within 30 days as of the date of public debate completion (Article 34 para.1);
- 11) fail to publish the public debate report with Council opinion on the website, within seven days as of the date of delivery of Council opinion (Article 34 para.4);
- 12) fail to publish on the website the proposed planning document within seven days as of the date of adoption (Article 38 para.3);
- 13) fail to issue zoning and technical specifications in accordance with the planning document (Article 74 para.4);
- 14) fail to deliver the zoning and technical specifications issued to the competent inspection authority within three days as of issuance thereof (Article 74 para.9);
- 15) fail to publish zoning and technical specifications on the website within one working day as of issuance thereof (Article 74 para.10);
- 16) fail to provide the approval set out in Article 87 para. 5 items 1, 3 and 4 of the present Law at the request of the employer, within 15 days as of the date of submission of the application (Article 87 para.6);
- 17) fail to publish on the webpage the approval application submitted by the employer and the approval set out in Article 87 para.5 of the present Law, within one day as of the date of submitting the application or approval-giving (Article 87 para.7);
- 18) fail to decide on the licence application within eight days of receipt of the application (Article 136 para.1);
- 19) fail to publish the issued licence on the website within three days as of the date of licence issuance (Article 136 para.6);

- 20) fail to institute, ex officio, the licence revocation procedure where they find out that requirements set out in Article 139 para.1 of the present Law have been fulfilled (Article 139 para.3);
- 21) fail to publish on the website the decision revoking the licence within three days as of the date of its issuance (Article 139 para.11);
- 22) fail to issue a building permit within 30 days as of the date of application submission (Article 181 para.7);
- 23) fail to publish a building permit within seven days as if the issuance date (Article 181 para.10);
- 24) fail to issue an occupancy permit within seven days of the receipt of complete documents set out in Article 190 para.4 of the present Law (Article 190 para.6);
- 25) fail to publish on the website the occupancy permit for a complex engineering structure, within seven days as if the issuance date (Article 190 para.7).

#### Article 209

Responsible persons in state administration bodies shall be punished for a misdemeanour with a fine ranging from €500.00 to €4,000, if:

- 1) they fail to provide an analogue form that must be stamped, scanned and georeferenced, if they do not have a digital form of maps, cadastral maps and cable duct cadastres (Article 20 para.5);
- 2) they fail to provide all information on overhead and underground lines with accessory facilities and plants (water supply, sewerage, hot water distribution system, oil pipeline, gas pipelines, power lines, electronic communication structures, drains, industrial and other lines), within ten days of as of the date of application submission (Article 23 para.2);
- 3) they fail to deliver their opinion about the design brief, within ten days of the receipt of the design brief, to the chief city architect (Article 36, para.3);
- 4) within 15 days of the date of submission, they fail to deliver approval of the urban development design to the executive body of a local self-government unit (Article 48 para.2);
- 5) they fail to do the land allotment within 30 days of the receipt of the application (Article 50 para.4);
- 6) they fail to publish on the website the decision set out in Article 50 para.5 of the present Law within three days as of the issuance date (Article 50 para.6);
- 7) they fail to publish on the website the approval application submitted by the employer and the approval set out in Article 87 para.5 of the present Law, within one day as of the date of submitting the application or approval-giving (Article 87 para.7);
- 8) they fail to submit the conceptual design, the approval application submitted by the employer and the approval set out in Article 87 of the present Law to the chief state architect, within one day as of the date of submitting the application or approval-giving (Article 88 para.7);
- 9) they fail to publish on the website the notification of remodelling works set out in Article 90 para.1 of the present Law within one day as of the notification submission date (Article 90 para.4);
- 10) within 60 days as of the date of receiving the orthophoto data, they fail to overlap the orthophoto of the territory of Montenegro with valid digital base maps and fail to make it accessible through the website - Geoportal to local self-government units,

competent local administrative authorities and the Ministry, including the data derived therefrom (Article 155 para.2);

- 11) within eight days of the receipt of the application submitted by the competent local administrative authority, they fail to issue a certificate identifying the illegal structure on the orthophoto (Article 155 para.3);
- 12) after receiving the contract set out in Article 163 para. 3 of this Article, they fail to make a pre-registration indicating that the buyer is the land owner, subject to fulfilment of the conditions from the pre-registration, and with a statement approving registration after the repayment of the total land value, in case the buyer is repaying the land in instalments (Article 163 para.4);
- 13) they fail to, upon receipt of the contract set out in Article 163 para. 3 of this Article, make the registration of the buyer as the land owner, in the event that the buyer repays the price of the land in its entirety (Article 163 para.5);
- 14) they fail to make an annotation including data set out in Article 166 para.1 of the present Law, within 20 days as of the date of receiving the legalisation decision;
- 15) they fail to act in accordance with Article 167 para.4 of the present Law after receipt of the decision set out in Article 167 para.3 of the present Law.

Responsible persons in local administrative authorities shall also be punished for the misdemeanour set out in para.1 item 3 of this Article with a fine ranging from €500.00 to €4,000.

Responsible persons in local self-government bodies shall also be punished for the misdemeanour set out in para.1 item 4 of this Article with a fine ranging from €500.00 to €4,000.

#### Article 210

Responsible persons in local administrative authorities shall be punished for a misdemeanour with a fine ranging from €500.00 to €4,000, if:

- 1) do not obtain ex officio the guidelines provided by the chief city architect if the planning document does not contain the guidelines for adjustment of external appearance of the illegal structure set out in Article 154 para.7 of the present Law (Article 154 para.8);
- 2) within eight days as of the date of enforceability, do not submit the legalization decision to the competent inspection authority and the Cadastre in order to enter data from the legalization decision of an illegal structure into the Real Estate Cadastre (Article 154 para.9);
- 3) within 15 days of the receipt of the legalisation application for an illegal structure whose property law relations over the land on which it was constructed have not been resolved, they fail to submit a notification of legalization procedure initiation to the state administration body in charge of property in case of land owned by Montenegro, or to the authority in charge of managing property in case of land managed by a local self-government unit (Article 157 para.1);
- 4) within 15 days of the receipt of a legalization application of an illegal structure constructed in accordance with the basic zoning parameters from the valid planning document adopted until the entry into force of the present Law, they fail to inform the competent inspection authority of the filing of the legalisation procedure initiation application, in view of terminating the structure removal procedure (Article 157 para.2);
- 5) within 15 days of the receipt of the documents set out in Article 156 of the present Law, in view of legalisation of a structure constructed in accordance with the valid planning document adopted prior to entry into force of the present Law, i.e., within the time limit

set out in Articles 217 and 218 of the present Law, they fail to invite the submitter of the documents set out in Article 156 of the present Law, to submit within 120 days as of the date of receiving the invitation the documents set out in Article 158 para.1 of the present Law;

- 6) within 20 days as of entry into force of the decision adopting the General Regulation Plan of Montenegro, in view of legalization of a structure that is included in the General Regulation Plan of Montenegro, for which the documents set out in Article 156 of the present Law have been submitted, they fail to invite the applicant to submit the evidence set out in Article 158 paras. 1 and 5 of this Article within 120 days as of the date of receiving the invitation;
- 7) they fail to obtain ex officio the certificate identifying the illegal structure on the orthophoto set out in Article 155 of the present Law, in view of legalisation of a structure constructed in accordance with the General Regulation Plan of Montenegro (Article 158 para.3);
- 8) within 15 days as of the date of enforceability, fails to submit the act terminating the legalization procedure of the structure set out in Article 159 para. 2 of the present Law, which was constructed on land on which the state exercises ownership powers, and which is managed by a local self-government unit, to the local administrative authority in charge of property, that is, to the state administration body in charge of property in case of land managed by the Government (Article 159 para.3);
- 9) fails to submit to the Cadastre the decision set out in Article 167 para.2 of the present Law, within eight days as of the date of its enforceability (Article 167 para.3);
- 10) within 60 days as of the expiry of the time limit set out in Article 234 of the present Law, they fail to systematise the data acquired by overlapping the data from the orthophoto and received legalisation applications and illegal structure records set out in Article 155 of the present Law and they fail to adopt a list of illegal structures for which a legalisation application has not been filed or which have not met legalization requirements in accordance with the present Law (Article 168 para.2);
- 11) they fail to submit to the urban development and building inspector a list of illegal structures set out in para. 2 of this Article within 15 days as of the date of its adoption, for the purpose of issuing structure removal decisions, as well as to the local administrative authority responsible for issuing decisions on alternative accommodation provision set out in Article 171 of the present Law, in cases of illegal structures serving as primary residences (Article 168 para. 7);
- 12) they fail to deliver the decision set out in Article 171 para.3 of the present Law to the competent inspection authority, in view of decision execution, within 30 days as of the day of enforceability (Article 171 para.4). Responsible persons in a local self-government body shall be punished for a misdemeanour with a fine ranging from €500.00 to €4,000, if:
  - 1) they fail to publish on the website the urban development design review report within seven days as of the date of receipt (Article 47 para.7);
  - 2) they fail to use the funds generated from the fee for connection of building land to utilities for illegal structures and space utilisation fee set out in Article 168 of the present Law for connection of building land to utilities and for alternative accommodation provision, in accordance with the present Law (Article 169);
  - 3) they fail to submit the conceptual design, the approval application submitted by the employer and the approval set out in Article 87 of the present Law to the chief state architect, within one day as of the date of submitting the application or approval-giving (Article 88 para.7).

## Article 211

A fine of EUR 500.00 to 4,000 shall be imposed for a misdemeanour on a natural person who:

- 1) fails to sign the report set out in Article 29 para.4 of the present Law (Article 29 para.5);
- 2) fails to sign the report set out in Article 47 para.4 of the present Law (Article 47 para.5);
- 3) fails to check the compliance of engineering documents with zoning and technical specifications, the present Law, separate regulations or does not perform engineering supervision over the structure's building (Article 125 para.2);
- 4) fails to notify the Ministry of all changes of requirements based on which the licence for performing the activities was issued, within 15 days from the date the change has occurred (Article 136 para.4);
- 5) fails to sign, with electronic signature, each part of engineering documents reviewed by him (Article 195 para.3).

## **XIV TRANSITIONAL AND FINAL PROVISIONS**

### **Adoption of Regulations**

#### Article 212

Regulations referred to Article 4, para. 4, Article 11 para. 4, Article 13 para. 7, Article 19 para.6, Article 21 para.4, Article 27 para. 7, Article 43, Article 45 para. 10, Article 49 para. 11, Article 54 para. 3, Article 71 para. 6, Article 74 paras.11 and 13, Article 75 para. 2, Article 81 para.8, Article 95 para. 2, Article 102 para. 8, Article 106 para. 2, Article 110 para. 3, Article 116 para. 8, Article 174, Article 179 para.9, Article 185 para.6, Article 187, Article 188 para.16 of the present Law shall be adopted within 12 months as of the date of entry into force of the present Law.

The regulation set out in Article 115 para.3 of the present Act shall be adopted within six months as of the date of entry into force of the present Act.

Regulations referred to Article 131 para.3, Article 141 and Article 160 para.2 of the present Law shall be adopted within 60 days as of the date of entry into force of the present Law.

The regulations adopted pursuant to the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14) shall be applied until the adoption of regulations set out in paras.1 and 2 of this Article.

Notwithstanding para. 3 of this Article, the Rulebook on more detailed contents and form of the planning document, criteria for designated use of surfaces, elements of urban regulation and unique graphic symbols (Official Gazette of Montenegro 24/10 and 33/14) shall apply until the adoption of the General Regulation Plan of Montenegro.

### **Adoption of Regulations of Local Self-Government Units**

#### Article 213

Local self-government units shall adopt the regulation set out in Article 62, para. 3 and Article 64 para.6 of the present Law within 60 days following the date of entry into force of the present Law.

Local self-government units shall adopt the regulation set out in Article 164 para. 9 of the present Law within 60 days as of the date of entry into force of the present Law.



Local self-government units shall adopt the regulation set out in Article 168 para.4 and Article 171 para. 5 of the present Law within six months as of the date of entry into force of the present Law.

### **Adoption of the Connection to Utilities Plan**

#### Article 214

Local self-government units shall adopt the building land connection to utilities plan within three months as of the date of adoption of the General Regulation Plan of Montenegro.

### **Adoption of National Guidelines of Architectural Development**

#### Article 215

The national guidelines of architectural development shall be adopted within 12 months as of the date of entry into force of the present Law.

The requirements from the planning document pertaining to the design and materialization of structures shall be applied until the adoption of national guidelines of architectural development.

### **Time limit for Adoption of the Planning Document**

#### Article 216

The General Regulation Plan of Montenegro shall be adopted within 36 months as of the date of entry into force of the present Law.

Upon the adoption of the General Regulation Plan of Montenegro, all national and local planning documents except for the Spatial Plan of Montenegro shall be repealed (Official Gazette of Montenegro 24/08, 44/12, 8/16).

The plan set out in para.1 of this Article shall also contain the specifications for integration of illegal structures.

### **Development and Adoption of Initiated Planning Documents**

#### Article 217

The planning documents whose development and adoption was commenced by the date of entry into force of the present Law shall be adopted within nine months as of the date of entry into force of the present Law, in accordance with the law under which the procedure was initiated.

Planning documents set out in para.1 of this Article that were not sent to public debate until the date of entry into force of the present Law shall be subject to planning document review in accordance with Articles 29, 30 and 31 of the present Law.

The development of planning documents that are not adopted within the time limit set out in para.1 of this Article shall be discontinued.

### **Planning Documents Implemented until the Adoption of the General Regulation Plan of Montenegro**

## Article 218

Valid planning documents adopted until the entry into force of the present Law or by the time limit set out in Article 217 of the present Law shall be applied until the adoption of the General Regulation Plan of Montenegro.

National and local planning documents stipulated by the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14) may be developed and modified in accordance with the procedure stipulated by the present Law until the adoption of the General Regulation Plan of Montenegro.

The national planning documents set out in para.2 of this Article shall be adopted by the Parliament and the local planning documents shall be adopted by the Government.

### **Special Procedure**

## Article 219

Planning documents adopted until the entry into force of the present Law, whose period of implementation has expired, may be, pending adoption of the General Regulation Plan of Montenegro, be developed and adopted following the special procedure prescribed by Article 162c of the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14).

### **Validity of the Competition Entry Design**

## Article 220

Organisation of a public competition for an urban development design or an urban development and -architectural design initiated by the date of entry into force of the present Law shall be continued in accordance with the regulation under which it was initiated.

### **Time limit to Adopt an Urban Development Design**

## Article 221

The urban development design shall be adopted within 18 months as of the date of adoption of the General Regulation Plan of Montenegro.

If the urban development design is not passed within the time limit set out in para.1 of this Article, the urban development design may be adopted by the Government upon a proposal of the Ministry.

In the case set out in para. 2 of this Article, the provisions of the present Law relating to the urban development design shall be applied accordingly.

### **Time limit for Adoption of the Temporary Structures Programme**

## Article 222

The temporary structures programme shall be adopted within 12 months from the day the present Law enters into force.

Pending adoption of the programme set out in para.1 of this Article, the regulations of the local self-government unit on temporary structures adopted by the date of entry into force of the present Law, or the regulations of local self-government units on temporary structures adopted by 31 December 2017, as well as the provisions of Articles 115 and 116 of the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14) shall apply.

### **Application of Regulations for Auxiliary Structures and Local Structures of General Interest**

#### Article 223

The regulations of a local self-government unit governing auxiliary structures shall be applied until the adoption of the General Regulation Plan of Montenegro.

The regulations of a local self-government unit governing local structures of general interest shall apply until the adoption of the General Regulation Plan of Montenegro with reference to: water-supply, telecommunications and sewerage infrastructure, hot water distribution systems; municipal roads (local and unclassified) and associate structures; streets in settlements and squares; parking spaces, markets; city cemeteries; underground and overground passages; public garages; structures of distribution network of voltage level up to 35 kV, public lighting; public and green areas and city parks, ski lifts, cable cars built in the territory of a local self-government and rural development structures (agriculture, livestock breeding, grape growing, fruit-growing structures).

### **Establishing Electronic Communication**

#### Article 224

Electronic communication in accordance with the present Law shall be established within 12 months as of the date of entry into force of the present Law.

Pending the establishment of electronic communication set out in para.1 of this Article, communication shall be conducted in the analogue form within the time limits stipulated by the present Law, except for submitting of documents which serve as the requirement for the structure building or utilization, which shall be submitted in protected electronic form.

### **Keeping of Documents**

#### Article 225

The Ministry or the local administrative authority shall permanently keep a copy of the engineering documents on the basis of which the building permit or the occupancy permit has been issued until the entry into force of the present Law.

### **Delivery of Evidence**

#### Article 226

Along with the notification of building work set out in Article 91 of the present Law, which is submitted until the adoption of the General Regulation Plan of Montenegro, employers

shall also submit evidence of resolved relations with regard to the payment of the fee for the connection of building land to utilities.

Employers on the Montenegrin coast shall submit, together with the notification of building work set out in Article 91 of the present Law, which is submitted by 1 January 2028, evidence of payment of the special fee.

### **Obtaining an Occupancy Permit**

#### Article 227

Provisions of the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14) or of the law which was in force at the time of the building permit issuance shall be applied for the structure being built or that was constructed on the basis of the building permit issued prior to the entry into force of the present Law.

Notwithstanding para.1 of this Article, an occupancy permit for structures built before 29 August 2008 shall be issued on the basis of a statement of the responsible reviewer set out in Article 124 of the present Law that the family residential building was constructed in compliance with the building permit and the final design.

For structures whose building permit was issued under regulations which were in force in the period from 29 August 2008 until 29 July 2010, evidence of resolved relations with regard to the payment of a fee for connection of building land to utilities shall also be submitted with the occupancy permit application, along with the evidence set out in Article 104 para.3 of the present Law.

For structures on the Montenegrin coast whose building permit was issued under regulations which were in force in the period from 29 August 2008 until 20 July 2011, evidence of resolved relations with regard to the payment of the special fee shall also be submitted with the occupancy permit application, along with evidence set out in Article 104 para.3 of the present Law.

### **Alignment of Operations**

#### Article 228

Business organizations that perform the activities governed by the present Law shall align their operations and activity with the provisions of the present Law within 6 months as of the date of entry into force of the present Law.

Business organisations that acquired a licence, authorisation, or a stamped approval to develop engineering documents until the entry into force of the present Law, may perform development and review of engineering documents until the expiry of the time limit set out in para.1 of this Article, except for the review of engineering documents in the development of which that entity has participated.

Business organizations that obtained a licence, authorisation, or a stamped approval to perform engineering supervision over a structure building until the entry into force of the present Law, may perform engineering supervision until the expiry of the time limit set out in para.1 of this Article.

## **Adjustment of Licences**

### Article 229

A business organization or a natural person that acquired the licence, authorization or a stamped approval in the field of building of structures until the entry into force of the present Law, shall obtain the licence in accordance with the present Law, within six months as of the date of entry into force of the present Law.

Work experience in the capacity of a chartered engineer set out in Article 125 para.1 of the present Law and a chartered engineer for a complex engineering structure set out in Article 193 of the present Law shall also be deemed to be work experience acquired by the chief engineer and responsible engineer, i.e., the lead design engineer and responsible design engineer, in accordance with the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14).

Where business organizations or natural persons fail to acquire the licence in compliance with the present Law within the time limit set out in para.1 of this Article, licences and authorizations issued pursuant to regulations that were applicable until the entry into force of the present Law shall cease to exist.

Foreign entities shall perform the activity in compliance with the requirements stipulated by the present Law for national entities until the accession of Montenegro to the European Union.

Notwithstanding para.1 of this Article, licenses, authorizations or stamped approvals for the purposes of the contract concluded until 27 September 2017 by the business organisation or a natural person set out in para.1 of this Article on the performance of tasks from activities regulated by the present Law, shall be valid until the expiry of the concluded contract.

The contracts set out in para. 5 of this Article shall be an integral part of engineering documents, or engineering supervision reports.

## **Erection and Building of Access Ramps, Lifts and Similar Structures for Access and Movement of Persons with Reduced Mobility and Persons with Disabilities**

### Article 230

Until the adoption of the General Regulation Plan of Montenegro, the competent local self-government authority shall issue an approval for the erection or building of access ramps, elevators and similar structures for access and movement of persons with reduced mobility and persons with disabilities, in accordance with the regulation of the local self-government unit adopted by the date of entry into force of the present Law for the erection or building of access ramps, elevators and similar structures for access and movement of persons with reduced mobility and persons with disabilities.

There shall not be a fee, compensation, or other issuance costs, nor a land development fee paid for erecting structures set out in para.1 of this Article.

## **Adjustment of Inspection Control Organisation**

### Article 231

Inspection control shall be organised in accordance with the present Law within 120 days as of the date of entry into force of the present Law.

Civil servants appointed to the positions of urban development inspectors, spatial protection inspectors and civil engineering inspectors shall perform tasks pertaining to the urban development and building inspector until the expiry of the time limit set out in para.1 of this Article.

### **Organization and Work of the Chamber**

#### Article 232

The organisation and work of the Chamber shall be aligned to the present Law within 30 days as of the date of entry into force of the present Law.

The handover of documents created in accordance with the regulation delegating affairs to the Chamber shall be done between the Ministry and the Chamber within 30 days as of the date of entry into force of the present Law.

### **Obligation of the Cadastre**

#### Article 233

The Cadastre shall transfer the cadastral map developed in the analogue form into the digital form, within six months as of the date of entry into force of the present Law.

### **Orthophoto**

#### Article 234

The orthophoto set out in Article 155 para. 1 of the present Law shall be created within six months as of the date of entry into force of the present Law.

### **Time limit for Submission of Legalisation Applications**

#### Article 235

The legalisation application of an illegal structure may be submitted to the competent local administrative authority within nine months as of the date of entry into force of the present Law.

### **Appointment of the Chief Architect**

#### Article 236

The chief state architect or the chief city architect shall be appointed within 90 days as of the date of entry into force of the present Law.

Pending the appointment of the chief state architect, or the chief city architect, the tasks set out in Articles 87 and 88 of the present Law shall be performed by a person appointed by the Ministry.

### **Building on a Part of the Building Lot**

#### Article 237

Pending the adoption of the General Regulation Plan of Montenegro, building shall be possible on a part of the building lot, if the missing part of the building lot does not affect the functionality and access to the structure and provided that the lot coverage ratio and the floor area ratio determined for the building lot are reduced by the missing part of the building lot.

### **Initiated Procedures**

#### Article 238

Procedures initiated until the date of entry into force of the present Law in which a final decision has not been rendered shall be finalized pursuant to the law that was in force at the time of initiating the procedure.

Notwithstanding para.1 of this Article, the procedures for issuing or revoking licenses in which no first instance decision has been rendered shall be continued according to the present Law.

The procedure of inspection control set out in para.1 of this Article shall be continued pursuant to Article 231 of the present Law.

### **Fee for Connection of Building Land to Utilities**

#### Article 239

Pending the adoption of the General Regulation Plan of Montenegro, the employer shall pay the fee for the connection of building land to utilities or be exempted of fee payment, in accordance with the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14).

The fee set out in para.1 of this Article shall be fixed by the competent local administrative authority by means of a decision.

A complaint may be lodged to the Ministry against the decision set out in para.2 of this Article.

Local self-government unit shall align the existing decision on the connection of building land to utilities, with prior approval of the Government, with the provisions of paras. 1 to 3 of this Article within 60 days as of the date of entry into force of the present Law.

Pending alignment of the decision set out in para. 4 of this Article, valid decisions on the connection of building land to utilities shall apply.

For the fee payment exemption set out in para.1 of this Article, the responsible reviewer shall make a statement on the fulfilment of requirements for fee payment exemption, which shall be attached to the documents for the notification of building work.

For primary hospitality facilities, the fee payment exemption set out in para.1 of this Article shall be based on the verification of the fulfilment of requirements of the required categorization performed by the responsible reviewer in the procedure of engineering documents review.

### **Payment of Fees**

#### Article 240

The employer that paid the fee for connection of building land to utilities in accordance with law shall not pay the land development fee in accordance with the present Law.

The owner of a location that was not conformed to its designated use and which is part of developed building land shall pay the fee for connection of building land to utilities in accordance with the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14).

The obligation to pay the fee set out in para. 2 of this Article shall be valid until the expiry of three years from the adoption of the General Regulation Plan of Montenegro.

### **Delayed Application of Provisions**

#### Article 241

Provisions of Articles 57 to 66 of the present Law shall apply as of the date of adoption of the General Regulation Plan of Montenegro.

### **Delayed Implementation for Foreign Entities**

#### Article 242

Provisions of Articles 126, 127, 128 and 129 of the present Law shall apply as of the date of the accession of Montenegro to the European Union.

### **Alignment of Separate Laws**

#### Article 243

The provisions of separate laws and separate regulations regulating certain planning and construction matters shall be brought into line with the present Law within 120 days as of the date of entry into force of the present Law.

### **Repealing of Law**

#### Article 244

As of the day of entry into force of the present Law, the Law on Regularisation of Informal Structures (Official Gazette of Montenegro 56/16, 13/17 and 47/17) and the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14) shall be repealed, except for the provisions of Articles 7, 16, 63, 64, 65, 67,67a and 162c which shall apply until the adoption of the General Regulation Plan of Montenegro.

### **Entry into Force**

#### Article 245

The present Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

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PARLIAMENT OF MONTENEGRO OF THE 26<sup>th</sup> CONVOCATION

S P E A K E R

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