

LAW
ON CONSTRUCTION OF STRUCTURES
(OJ 19/2025, 92/2025, 160/2025 and 114/26)

I. BASIC PROVISIONS

Subject matter

Article 1

The present Law shall regulate the manner and requirements for construction of structures, performance of activities of construction of structures and other matters of importance for the construction of structures.

Construction of structures

Article 2

The construction of structures is a set of actions that include field surveys, tests and preliminary research, project management, preparation of technical documentation, approval of the chief state architect or chief city architect, review of technical documentation, issuance of a building permit, construction of the structure, professional construction oversight of the structure, technical inspection and issuance of an occupancy permit.

Principles

Article 3

The construction of structures shall be based on the principles of:

- 1) protection of the public and individual interests, whereby individual interests may not harm the public interest;
- 2) preservation of landscape identity and character;
- 3) stability and durability of structures;
- 4) aseismic design and construction of structures to ensure protection against the consequences of earthquakes;
- 5) protection from natural and other disasters (landslides, floods, lightning strikes, induced seismicity, effects of ground and underground waters, moisture, aggressive soil, water and air, harmful chemicals, steam, climate change and other adverse effects);
- 6) protection of real estates and property;
- 7) protection of cultural property;
- 8) sustainable use of infrastructure;
- 9) harmonisation with the European legislation in the area of construction of structures;
- 10) protection from fires, explosions and industrial accidents, protection and health at work, protection of the environment and space, natural disasters, technical and technological accidents, heat protection, sustainable utilisation of natural resources, energy, energy efficiency, protection from noise and vibration;
- 11) creating conditions for access, movement and staying of people with reduced mobility and persons with disabilities;
- 12) public participation;
- 13) compliance with the moral and ethical code.

In order to achieve the principles referred to in paragraph 1 of this Article, state administration authorities, local government authorities and other legal entities in the process of construction of structures shall cooperate with each other.

Electronic communication

Article 4

Communication in the area of construction of structures and licensing shall take place electronically, in accordance with the law governing e-government, electronic identification, electronic signature and electronic document and the present Law.

Where the client so requests, the request to issue an administrative act (approvals of the chief state architect or the chief city architect, building permit, occupancy permit and licence) shall be issued, and administrative acts shall be issued in analogue or written form.

Structures of general interest

Article 5

Structures of general interest shall be national structures of general interest and local structures of general interest.

National structures of general interest shall be considered to be: highways, expressways, main and regional roads; tunnels and bridges; airports; ports, breakwaters, as well as land and sea border crossings; infrastructure structures in the maritime property zone, including promenades, squares, public areas, roads, piers, swimming areas, and other infrastructure structures in accordance with the law governing maritime property; gas pipelines with a flow rate greater than 300 m³/h; dams and reservoirs; railway infrastructure or railway tracks and facilities in the function of the railway; other infrastructure facilities of importance for Montenegro; electronic communication infrastructure and related equipment and/or electronic communication network; structures intended for security services; broadcasting facilities; international and regional water supply facilities; international and regional sewage systems; distribution and transmission power facilities (overhead and underground power lines, switchgear and substations) with a voltage level of 35 kV and above with the fitting of substations on both sides of the transformation; power generation facilities with a power of 5 MW and above (hydroelectric power plants, thermal power plants, wind power plants, solar power plants, etc.); cable cars; facilities for education, science, health, sports, social protection; structures of immovable cultural heritage; production and/or processing facilities that employ 50 and more employees and structures for the production of weapons and military equipment.

Local structures of general interest shall be considered to be: water supply and sewage infrastructure; heat pipes; municipal roads (local roads and streets in settlements); squares; parking spaces; markets; cemeteries; underground and aboveground passages; public garages; distribution network structures with a voltage level of up to 35 kV; public lighting; public and green areas and city parks; ski lifts; cable cars that are built on the territory of one local self-government; rural development structures (agricultural, rural housing and tourism, animal husbandry, viticulture, fruit growing, etc.) and structures for production or processing having at least 20 employees.

Use of gender sensitive language

Article 6

The expressions used in the present Law for natural persons in the masculine gender shall imply the same expressions in the feminine gender.

Definitions

Article 7

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

- 1) **remodelling or rehabilitation** means the execution of works on the existing structure, which: changes the organisation of space in the structure, performs replacement of devices, plants, equipment and installations which does not affect stability and safety of the structure, does not change the structural elements, power up to 15% of capacity, designed capacity and main characteristics, does not change the external appearance and does not affect the safety of adjacent structures, traffic, fire protection and the environment;

- 2) **extension or upgrading** means the execution of construction and other works to build a new space outside the existing dimensions of the structure, which together with it forms a construction, functional or technical unit;
- 3) **construction site** means the area in which a structure is erected, a structure is removed or a spatial situation is changed, or works are executed to maintain the structures, as well as the area required for the implementation of the construction technology;
- 4) **infrastructure** means traffic, energy, electronic communication, utility and other structures that ensure joint supply, services and other forms of increasing the quality of life in a settlement or in a specific area;
- 5) **investor** means the person for whose needs the structure is being built or in whose name the building permit is issued;
- 6) **engineering structures** means highways, expressways, roads, streets, bridges, viaducts, tunnels and underground structures, special purpose underground structures (shelters, warehouses, reservoirs and the like), underground and aboveground passages, embankments and support structures, structures for preventing instability of terrain – landslides and other natural disasters, rail and tram tracks, manoeuvring surfaces and platforms, electronic communication network and related equipment; ports, piers, marinas, structures for landscaping and protection of coasts, dams and reservoirs filled with water or tailings and/or ashes for which technical monitoring is provided for, waterways and other hydraulic structures, water towers and water tanks, power transmission lines, oil pipelines, gas pipeline, heat pipes, steam pipelines, water supply systems, structures for catchment and treatment of drinking water and other purposes, industrial plants and chimneys, all types of towers and antenna poles, power plants (hydroelectric power plants, thermal power plants, wind power plants, solar power plants, etc.), cable cars, 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, gas and electricity, structures producing and storing hazardous substances and similar structures and plants whose operation might expose environment to danger, structures producing and storing liquid atmospheric gases and liquid carbon dioxide, structures for production of heat for district heating, substations and switchgears, underground cable installations, sewerage network, wastewater collection and treatment structures, complex industrial buildings, hangars and industrial halls, buildings and plants for chemical and heavy industry, landfills, waste-to-energy plants, waste anaerobic digestion plants, sports grounds and other structures for sport and recreation and other structures that are not buildings;
- 7) **public structures** mean structures for healthcare, education, science, social protection, culture, sport, structures for state authorities and local self-government bodies, structures of public services, cemeteries, public garages, green farmers market, and others;
- 8) **structure** means spatial, functional, structural, architectural, technical and technological, aesthetic or biotechnical whole with or without installations, plants and equipment being incorporated into the structure and connected to the ground (buildings, engineering structures, public green areas, cemeteries, and others);
- 9) **family residential building** means a building of up to 300 m² net area intended for housing of the investor and members of his household;
- 10) **structure maintenance** means technical monitoring of the structure during its use and provision of adequate use of the structure during its use, including replacement of worn out equipment or replacement of equipment for energy and other efficiencies of the structure, as well as ongoing maintenance of buildings, electrical, water supply, sewerage, electronic communication networks and/or electronic communication infrastructures and related equipment and other engineering structures, as well as ongoing and investment maintenance of road and railway infrastructure, in accordance with separate regulations;

- 11) **equipment** means individual devices, machines, processing installations and other products composing a plant or individually integrated into the structure for the purpose of a technological or another process that the structure is intended for;
- 12) **authority in charge of technical requirements** means the state administration authority, administrative authority, local government authority and the legal entity in charge of: environmental protection, traffic, tourism, economy, energy, water supply and sewerage, waters, regional water supply, power installations, geological surveys and exploration and exploitation and mineral resources, protection of cultural property, electronic communication infrastructure, health and safety at work, land register, emergencies, state property management and other authorities;
- 13) **plant** means a set of purposefully connected equipment for performing a technological, production, distribution, transmission or another process that the structure is intended for;
- 14) **auxiliary structure** means the structure that serves the function of the main structure or the function of performing auxiliary activities of the investor, and it is being built on the same or adjacent urban plot or site;
- 15) **due professional care** means good positive practice in design and construction not regulated by regulations, and are a result of many years of experience in certain areas of construction of structures, the application of which ensures the fulfilment of the basic requirements for the structure;
- 16) **preliminary works** means works to prepare the construction site, that is, works related to fencing the construction site; works on removal of existing structures and landscaping of soil; construction and erection of temporary structures and installations for the purpose of execution of works; construction or erection of a structure to demonstrate the future structure; providing space for delivery and storage of construction material and other works which ensure safety of adjacent structures and provision of access roads for unhindered traffic during construction and use of the surrounding space for the organisation and landscaping of the construction site and to enable the implementation of the corresponding construction technology;
- 17) **reconstruction** means execution of works on the existing structure, within the existing horizontal and vertical dimensions of the structure or the infrastructure corridor, which are used to: execute construction and other works composing with it a construction, functional or technical whole; rehabilitate the construction or replace structural elements of the structure, repair damaged structures; reinforce the construction; replace installations, appliances, plants and equipment that change the power, designed capacity and main characteristics; alter technological and production processes and perform other works impacting the structure stability and safety; change structural elements; alter external appearance of the building as compared to the main 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, resources under preliminary protection and protection of their protected environment, other than restauration, conservation and revitalisation works;
- 18) **removal of a structure** means execution of works on the demolition of a structure or a part of the structure and restoring the space to its original state before its construction or erection;
- 19) **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 and equipment for economic, service and other activities, which does not belong to the group of industrial or engineering structures;
- 20) **energy performance of a building** means really consumed or calculated amount of energy for heating, cooling, production of hot water, ventilation and/or lighting that meets different needs as compared to standardised energy consumption.

II. CONSTRUCTION OF STRUCTURES

1. Technical documentation

Concept and development requirements

Article 8

Technical documentation means a set of written, numeric and graphical documents which establish the concept, requirements and manner of construction of structures.

Technical documentation shall be developed in accordance with the urban-planning and technical requirements taken in accordance with the law governing spatial planning, the present Law, separate regulations and due professional care.

Technical documentation shall be mutually consistent in respect of their types and contents.

When developing the technical documentation, the principles referred to in Article 3 of the present Law must be observed.

The urban-planning and technical requirements referred to in paragraph 2 of this Article shall be downloaded from the Geoportal of the state administrative authority in charge of spatial planning and construction of structures (hereinafter referred to as the "Ministry").

The urban-planning and technical requirements issued by the authority in charge of technical requirements in accordance with separate regulations, which are necessary for the development of the technical documentation, shall be obtained by a business entity, legal entity or an entrepreneur who develops the technical documentation (hereinafter referred to as the "designer"), or by the investor.

When issuing the requirements referred to in paragraph 6 of this Article, the authority in charge of the technical requirements may adjust the requirements to the situation in the field and the required capacity of the planned structure.

If the authority in charge of the technical requirements fails to submit the requirements referred to in paragraph 6 of this Article within 15 days as of the date of receipt of the designer's or the investor's request, it shall be considered to agree to the urban-planning and technical requirements.

Types of technical documentation

Article 9

Depending on the type of a structure and the level of elaboration, the technical documentation shall be developed in the forms of:

- 1) conceptual design;
- 2) preliminary design;
- 3) main design;
- 4) as-built design;
- 5) structure maintenance design.

The technical documentation referred to in paragraph 1 points 2 to 5 of this Article shall comprise:

- 1) architectural design of the structure;
- 2) construction design;
- 3) traffic infrastructure design;
- 4) hydraulic infrastructure design;
- 5) electrotechnical installations design;

- 6) design of electronic communication networks and/or electronic communication infrastructure and related equipment;
- 7) automation and electrical installations design;
- 8) design of mechanical installations, plants, devices and equipment;
- 9) landscaping design;
- 9a) landscape architecture design;
- 10) construction organisation and technology;
- 11) other designs and studies: fire protection, interior architecture, traffic signs and road equipment, geodesy, soil and structure monitoring, geology, geomechanics, seismics, technology, environmental impact assessment, heat and sound protection of structures, energy efficiency and other design and studies in line with the purpose of the structure and separate regulations.

The manner of development, contents of technical documentation and verification of the technical documentation referred to in para. 1 and 2 of this Article shall be laid down by the Ministry.

Conceptual Design

Article 10

The conceptual design shall set forth the general concept 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; requirements and designs for connecting the structure to transport, installation and other infrastructure and location landscaping.

The conceptual design may also determine staged construction of the structure (technical and technological and functional unit).

The conceptual design may narrow the width of the infrastructure corridor identified by the planning document.

In the event referred to in paragraph 3 of this Article, the revised conceptual design shall be approved by the Ministry and the administrative authority in charge of infrastructure that the corridor relates to.

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/or
- 4) mechanical design.

Preliminary Design

Article 11

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

The preliminary design shall contain in particular information on: the micro location of the structure; technical and technological and exploitation characteristics of the structure; tentative calculation of stability and safety of the structure; technical and technological and organisational elements of construction of the structure; analysis of the variant energy systems of buildings with an assessment of the energy efficiency of buildings; treatment of existing greenery; estimated required energy and other capacities of the structure with a

design for connecting it to the existing infrastructure and the tentative value of the structure construction works.

The preliminary design shall be developed for the needs of the investor so as to set forth the feasibility concept and the structure construction costs.

Main Design Article 12

The main design shall set forth architectural, construction, technological, technical and exploitation characteristics of the structure with equipment and installations, including an elaboration of all necessary details for construction of the structure, staged construction of the structure and the value of structure construction works.

The main design for public structures, residential and residential and commercial structures referred to in Article 30 of the present Law shall mandatorily contain designs for unhindered access, movement, staying, work and safe evacuation of persons with reduced mobility and persons with disabilities.

If the main design for construction of the structure foresees incorporation of factory-produced parts, elements and equipment, the main design shall not need to contain the technical documentation based on which such parts, elements and equipment have been manufactured.

The main design of infrastructure shall mandatorily include an enclosed updated cadastral map with the position or route, in electronic format.

The main design shall include the obligation to test the structure in the trial work regime with the testing programme and duration, as well as observation and testing of the structure after commissioning, if trial work is planned for a certain type of structure.

A mandatory part of the main design shall be the 3D visualisation, except for infrastructure.

The infrastructure investor referred to in the previous paragraph may request that the main design includes the 3D visualisation.

The main design for building and renovating buildings must include a report on installation systems for generating energy from renewable sources, including solar panels, solar thermal systems, or other suitable technologies, as well as, when technically feasible, energy storage systems, according to special regulations.

The provision of paragraph 8 of this article does not apply to:

- 1) structures that are cultural heritage or are located in protected areas when applying this provision would affect their characteristics;
- 2) structures for which a technical or economic analysis shows that using renewable energy sources is not feasible;
- 3) temporary structures and structures for special purposes, in accordance with special regulations.

The main design shall be developed for the purpose of issuing the of building permit or construction of the structure.

As-Built Design

Article 13

The as-built design shall be the revised main design with modifications made during construction of the structure, due to the circumstances referred to in Art. 47 and 48 of the present Law.

Structure Maintenance Design

Article 14

The structure maintenance design is created for the purposes of regular upkeep, smooth operation, and safe use of the structure.

The structure maintenance design shall specifically determine the technical monitoring of the soil and the structure during exploitation, the designated use of the structure with measures necessary for the stability and durability of the structure, environmental protection, health and safety at work, fire protection, energy efficiency of the structure, as well as other measures required for the use of the structure.

By way of exception from paragraph 1 of this Article, the structure maintenance design shall not be mandatory for a family residential building.

The Ministry sets the way the maintenance design of the structure should be made and what it should include.

Public Competition for Conceptual Architectural Design

Article 15

A public competition shall be launched for the development of a conceptual architectural design for state-owned public structures for the needs of Government authorities and local self-government, in accordance with the urban-planning and technical requirements.

By way of exception from paragraph 1 of this Article, the public competition shall not be mandatory for the structures financed entirely or partly by donations or credits of international financial institutions or by the funds of other countries as part of international cooperation and assistance projects, as well as reconstruction, extension or upgrading to the structure.

The public competition referred to in paragraph 1 of this Article shall be launched and implemented by the Ministry.

By way of exception from paragraph 3 of this Article, launching and implementation of the public competition for the structures whose construction is funded from the local self-government budget may be entrusted to the local government authority in charge of spatial planning and construction of structures (hereinafter referred to as the "local government authority").

Implementation of the public competition may be entrusted to the Chamber of Architects and Planners of Montenegro.

The public competition may also be implemented for other locations, on the investor's request.

The author or a group of authors of the best ranked of the public competition for the conceptual architectural design shall acquire the right to further elaborate the design documents within a negotiation procedure, without prior publication of the call to competition, in accordance with the law governing the public procurement procedure.

Where the negotiation procedure without prior publication of the call to competition is not applicable, one of the public procurement procedures shall be implemented, in accordance with the law governing the public procurement procedure.

The costs of the public competition shall be borne by the investor.

The method and procedure for launching and implementing the public competition referred to in paragraph 1 of this Article shall be laid down by the Ministry.

2. Review of Technical Documentation

Review of the Conceptual Design, Preliminary Design and the Main Design

Article 16

The review of the conceptual design and the preliminary design of a highway, expressway, main road, regional road, railway infrastructure and railway tracks shall be mandatory.

The review of the conceptual design referred to in paragraph 1 of this Article shall include verification of compliance of the design with the urban-planning and technical requirements and compliance with special regulations and due professional care.

The review of the preliminary design referred to in paragraph 1 of this Article shall include verification of compliance of the design with urban-planning and technical requirements; verification of correctness and accuracy of technical and technological designs of the structure; architectural design of the structure; verification of stability and safety; justification of designed solutions; compliance with separate regulations and due professional care and compliance with the present Law; mutual compliance of all parts of technical documentation, as well as verification of the Bill of Quantities and Priced Bill of Quantities for all works for construction of structures.

The review of the main design shall be mandatory, except for the main design for a family residential building.

The review of the main design shall include verification of:

- compliance of the design with urban-planning and technical requirements, the present Law, separate regulations and due professional care with regards to the matters not regulated by the present Law, as well as the terms of reference;
- fulfilment of the main requirements for the structure;
- mutual compliance with all parts of the technical documentation, as well as the Bill of Quantities and Priced Bill of Quantities for all works for construction of structures;
- compliance of the design with the preliminary design approved by the chief state architect or the chief city architect for a building, square, shipyard, promenade, city park and the structure referred to in Article 15(2) of the present Law;
- fulfilment of the requirement of the structure adjusted to persons with reduced mobility and persons with disabilities, for the structures referred to in Article 30 of the present Law.

A company, a legal entity or an entrepreneur reviewing the technical documentation (hereinafter referred to as the “reviewer”) shall prepare the review report.

The review report may be positive or negative.

The review shall submit the review report to the investor, designer and the Ministry.

The reviewer shall be appointed by the investor.

The costs of the review shall be borne by the investor.

In the event that the reviewer, during the review of the main design, establishes that the conceptual design approved by the chief state architect or the chief city architect is not in compliance with the urban-planning and technical requirements, he shall report that to the urban planning inspector, in accordance with the law governing spatial planning

The deadline for the harmonization of the conceptual design referred to in paragraph 11 of this Article shall be 30 days.

The method of conducting the review of the technical documentation and preparing of the review report shall be laid down by the Ministry.

Repeated review

Article 17

In the event of amendments to the regulations applicable to construction of structures after the main design review and prior to submission of the request for issuing building permit, the main design shall be brought into line with such amendments and shall be subject to a repeated review.

Review of Technical Documentation Developed Pursuant to Regulations of Other Countries

Article 18

Technical documentation developed pursuant to regulations of other countries shall be subject to review with the purpose of verifying their compliance with the present Law and due professional care.

For the technical documentation referred to in paragraph 1 of this Article or part thereof, which is developed as a donation within a technical assistance programme under an international agreement between Montenegro and the European Union and/or other programmes that ensure financing by grants, evidence valid in the country according to whose regulations the technical documentation or part thereof was prepared shall be accepted as proof of fulfilment of the requirements for performing the activity in accordance with regulations and due professional care.

The technical documentation prepared in accordance with regulations of other countries shall be considered prepared in accordance with the present Law, if the final review report is positive.

The technical documentation referred to in paragraph 1 of this Article must be translated into the Montenegrin language.

Positive Review Report

Article 19

In the positive report on the concept design, preliminary design and the main design, the reviewer shall indicate statements of compliance within the meaning of Article 16(2)(3) and (5) of the present Law.

Negative Review Report

Article 20

In the negative review report on the concept design, preliminary design and the main design, the reviewer shall indicate incompliances of the technical documentation within the meaning of Article 16(2)(3) and (5) of the present Law.

Keeping of documents

Article 21

The Ministry or the local government authority shall keep permanently the revised main design on the basis of which building permit was issued, one copy in a protected digital format.

The investor shall keep permanently one copy of the technical documentation referred to in Article 9 of the present Law.

3. Chief State Architect and Chief City Architect

Competence

Article 22

The chief state architect shall give his approval to the:

- 1) conceptual design of an architectural design of a building of gross building area of 3.000 m² and more, four-star or five-star hotels or a tourist settlement and a tourist resort, square, shipyard, promenade, city park and the structure referred to in Article 15(2) of the present Law, in terms of compliance with:
 - urban-planning and technical requirements in terms of design and materialisation;
 - main urban-planning parameters (floor area ration, lot coverage ratio, number of floors or height of the structure, relation to the building line) and other urban-planning parameters (parking and garaging of vehicles, degree of green areas and designated use of the structure);
- 2) the conceptual design of the temporary structure design regarding its shaping, materials, and urban planning parameters from the program in Article 72, paragraph 5 of this law.

The chief city architect shall give his approval to:

- 1) the preliminary design of an architectural design referred to in paragraph 1 of this Article relating to buildings of up to 3.000 m² gross building area, except a four-star or five-star hotel or a tourist resort;
- 2) the preliminary design of an architectural design of a temporary structure for which the main design is prepared, in terms of design, materialisation and urban-planning parameters from the programme referred to in Article 72(3) of the present Law.

The chief city architect shall perform the tasks referred to in paragraph 2 of this Article as delegated tasks.

The tasks of the chief state architect from paragraph 1, point 2 of this Article can be assigned to a local government unit, in accordance with the law governing state administration.

The chief state architect gives an opinion on whether the main design aligns with the top-ranked conceptual design obtained through the public competition for the conceptual architectural design in accordance with this law.

The chief city architect gives an opinion on whether the revised main design aligns with the highest-ranked conceptual design obtained through the public competition for the conceptual architectural design in accordance with this law, and with the urban-architectural conceptual design selected through a public competition in accordance with the regulation governing spatial planning, if these tasks have been assigned to them in accordance with paragraph 2 of this article.

The tasks of the chief state architects referred to in paragraph 1 of this Article relating to buildings of gross building area of 3.000 m² and more, except for the structures referred to in Article 5 of the present Law, may be entrusted to the local self-government unit, in accordance with the law governing state administration.

In the case referred to in paragraph 4 of this Article, the chief city architect shall give his approval for the conceptual design of the architectural design of the building.

The chief state architect or the chief city architect shall not verify evidence with respect to property law relations for the land and the structure.

By way of exception from para. 1 and 2 of this Article, the chief state architect or the chief city architect shall not inspect the conceptual design for reconstruction of a building which does not envisage modifications of the external appearance and change in the designated use of the structure, as well as the opinion of the authority responsible for the protection of cultural assets on the compliance of the conceptual design with conservation conditions

Appointment of the Chief State Architect and the Chief City Architect

Article 23

The chief state architect shall be appointed by the Government of Montenegro (hereinafter referred to as the "Government"), on the proposal of the Minister in charge of construction of structures.

The chief city architect shall be appointed by the head of the local self-government unit.

The chief city architect of a local self-government unit may perform the tasks referred to in Article 22(1)(2) and (5) of the present Law for another local self-government unit, on the basis of an agreement.

The chief state architect or the chief city architect may be an architect who has at least a VII1 qualification level of education and at least ten years of work experience in the area of urbanism and architectural practice.

The chief state architect or the chief city architect shall have a professional service.

Submission of request for approval of the conceptual design of an architectural design

Article 24

The request for issuing approval for the conceptual design of an architectural design of a structure referred to in Article 22 of the present Law shall be submitted by an interested entity.

The conceptual design of an architectural design of a structure as well as the opinion of the authority responsible for the protection of cultural assets on the compliance of the conceptual design with conservation conditions, shall be submitted together with the request for issuing approval for the conceptual design referred to in paragraph 1 of this Article.

Issuing approval

Article 25

The approval referred to in Article 22 (1) and (5) of the present Law shall be issued by means of a decision within 30 days from the date of submission of the request and shall make an integral part of the main design.

The Ministry or the local self-government authority shall publish the request referred to in Article 24 of the present Law, the approval referred to in paragraph 1 of this Article, as well as the conceptual architectural design for which approval has been issued, on their website, within three days as of the date of submission of the request or issuance of approval.

The Ministry decides on complaints against the decision of the chief city architect.

A lawsuit against the decision of the chief state architect may be filed with the Administrative Court within 20 days from the date of service of the decision.

4. Construction of structures

The concept of construction

Article 26

Construction of structures shall involve execution of works (preliminary works, earthworks, works for construction of structures, construction and finishing works, installation works, works on installation of construction products, mounting installations, plants and equipment, and other works) for the purpose of constructing a new structure, and reconstruction, extension or upgrading of the existing structure.

Basic requirements for structures

Article 27

The basic requirements for structures shall be the requirements that the structure, depending on its designated use, must fulfil during construction and utilisation and ensure its overall safety and the safety of each of its individual parts.

The basic requirements for structures referred to in paragraph 1 of this Article shall be:

- 1) mechanical resistance and stability, which imply that the structure must be designed and constructed in such a way that the loads that are liable to act on them during their construction 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 constructed in such a way that it will not pose 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 construction, use or demolition, or during their service time, which may result from:
 - a) the giving-off of toxic gas,
 - b) emissions of dangerous substances, volatile organic compounds, 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, ground 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;
- 4) safety and accessibility in use, which imply that structures must be designed and constructed 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 constructed 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 constructed 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 the 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, constructed 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.

The structure must be designed and constructed in such a way that, in addition to the basic requirements set out in paragraph 2 of this Article, it meets the requirements for protection of the health of people from the presence of radioactive gas radon within the structure.

Technical regulations in the area of construction of structures shall elaborate the basic requirements for structures, requirements for developing technical documentation, properties that construction products must have in terms of their essential characteristics, the method of execution of construction works and other engineering requirements relating to the structure and the construction thereof.

The technical regulations referred to in paragraph 4 of this Article shall be adopted by the Ministry or another competent authority, in accordance with the law.

Derogations from the Basic Requirements for Structures

Article 28

Some of the basic requirements set out in Article 27 of the present Law may be derogated from due to the specific nature of the structure and the activity to be performed in the structure, in accordance with a separate law.

Construction product

Article 29

Construction and other products that are incorporated into structures shall fulfil the requirements prescribed by law governing the requirements for placing and/or supplying a construction product to the market.

Access and Movement Requirements for Persons with Reduced Mobility

Article 30

Public structures shall be constructed in a manner which provides unhindered access, movement, staying and work to persons with reduced mobility and persons with disabilities.

Residential, residential-commercial and commercial structures shall be constructed in a manner which provides unhindered access and movement in common premises to persons referred to in paragraph 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 unhindered access, movement, staying, work and safe evacuation of persons with reduced mobility and persons with disabilities.

Owner of the structure referred to in para. 1 and 2 of this Article shall ensure access, movement and staying of persons with reduced mobility and persons with disabilities.

More detailed requirements and manner of adjusting structures referred to in para. 1, 2 and 3 of this Article shall be laid down by the Ministry.

Building permit

Article 31

A structure shall be built on the basis of the building permit.

Construction of structures without the building permit shall be prohibited.

Competence for Issuing Building Permits

Article 32

The building permit for construction of structures shall be issued by the local government authority, except for the structures referred to in paragraph 2 of this Article.

The Ministry shall issue the building permit for:

- 1) the national structures of general interest;
- 2) buildings of gross building area of 3.000 m² and more;
- 3) four-star and five-star hotels or tourist settlements and tourist resorts.

The building permit shall be issued by means of a decision.

Submission of Requests

Article 33

The request for issuing the building permit shall be submitted by the investor.

Together with the request referred to in paragraph 1 of this Article, the investor shall submit documents referred to in Article 34(1)(1)(2)(3) and (7) of the present Law.

The request for issuing of building permit shall be published on the website of the Ministry or the local self-government authority within three days following the date of submission of the request.

If a request is submitted for issuing a building permit for reconstruction of an existing structure, extension or upgrading of the structure in which, in accordance with regulations on tourism, it is permitted to sell parts of the structure, the evidence referred to in Article 34(1)(4) of the present Law shall be obtained from the legal entity that manages the structure.

Documents on the Basis of which Building Permits are Issued

Article 34

Building permits, except for a family residential building, shall be issued on the basis of the following documents:

- 1) main design stamped in accordance with the present Law;
- 2) positive review report for the main designed stamped in accordance with the present Law;
- 3) approvals from the chief state architect or the chief city architect referred to in Article 22, paragraphs 1 and 5, as well as the opinion from Article 22, paragraph 5 of this law;
- 4) proof of property right or other right on the building land (real estate folio in the land register, concession contract, lease agreement, decision on the establishment of

public interest, notarised consent or statement of will of the land owner entered in sheet "G" of the real estate folio in the land register and other proofs of the right to build on the land), or proof of the right to build or other right related to the structure if it is about reconstruction of the structure;

- 5) proof of determined obligation to pay building fees as prescribed by the law governing spatial planning and evidence that the obligation has been settled for payment of special fee for investments as prescribed by the law governing regional water supply for the coastal region of Montenegro;
- 6) approvals, opinions and other evidence set out in separate regulations;
- 7) proof of liability insurance for the designer and the reviewer of the main design.

Building permit for the structure of a family residential building shall be issued on the basis of the following documents:

- 1) main design stamped in accordance with the present Law;
- 2) approvals from the city architect for conceptual design and of the conceptual design;
- 3) statements of designers that the design is prepared in accordance with the law, conceptual design, separate regulations and due professional care and that construction can be done on its basis;
- 4) proof of property right or other right on the building land (real estate folio in the land register, concession contract, lease agreement, decision on the establishment of public interest, notarised consent or statement of will of the land owner entered in sheet "G" of the real estate folio in the land register and other proofs of the right to build on the land), or proof of the right to build, or other right related to the structure;
- 5) proof of determined obligation to pay building fees as prescribed by the law governing spatial planning and evidence that the obligation has been settled for payment of special fee for investments as prescribed by the law governing regional water supply for the coastal region of Montenegro;
- 6) approvals, opinions and other evidence set out in separate regulations;
- 7) proof of liability insurance for the designer of the main design.

The documents referred to in paragraph 1(4)(5) and (6) and paragraph 2(4)(5) and (6) of this Article shall be obtained by the competent authority in charge of issuing of building permits, ex officio.

Administrative fee shall not be paid for issuance of proofs, approvals and opinions referred to in paragraph 1(4)(5) and (6) and paragraph 2(4)(5) and (6) of this Article.

If the authorities in charge of technical requirements fail to submit documents referred to in paragraph (1)(4) and (6) and paragraph (2)(4) and (6) of this Article within 15 days as of the date of the receipt of the request for their submission, they shall be deemed to approval of the revised main design or the main design.

The authority responsible for issuing building permits shall ex officio obtain approval for the revised master plan for four and five-star hotels, four and five-star tourist settlements and tourist resorts from the state administration authority responsible for tourism affairs.

The approval referred to in paragraph 6 of this Article shall be issued within 15 days from the date of receipt of the request for submission.

If the authority responsible for tourism affairs fails to submit approval within the prescribed period, it shall be deemed to have approved the revised master plan.

As part of the procedure of issuing building permit, it shall be verified whether the content and form of the main design are prepared as prescribed by the present Law and in compliance

with the conceptual design on the basis of which approval is issued by the chief state architect or the chief city architect.

Issuing of building permits

Article 35

A building permit shall be issued within 30 days as of the date of submission of the request.

By way of exception from paragraph 1 of this Article, building permit for a structure that requires drafting of environmental impact assessment study, or for a structure under UNESCO, shall be issued within 60 days as of the date of submission of the request.

The building permit referred to in Article 34(1) of the present Law shall contain, in particular: the basic information about the applicant, lead designer or the responsible designer managing the development of the main design in its entirety and the lead reviewer or the responsible reviewer managing the review of the main design in its entirety; location; type and designated use of the structure; staged construction of the structure.

The building permit referred to in Article 34(2) of the present Law shall contain, in particular: information about the applicant, lead designer or the responsible designer managing the development of the main design in its entirety; location; type and designated use of the structure.

The competent authority responsible for issuing building permits shall stamp the main design in accordance with the law.

The competent authority responsible for issuing building permits shall publish the building permit on its website, within seven days as of the date of issue.

The building permit and the main design on the basis of which the building permit is issued shall be provided to the construction inspector, within three days as of the date of issue.

The investor shall start construction a structure within two years as of the date of issuing of the building permit.

If the investor fails to start construction within the period referred to in paragraph 8 of this Article, his right to build under the issued building permit shall cease.

Issuing of building permit before conforming to designated use

Article 36

Reconstruction necessary for maintenance and use of the structure may be approved for the existing structure built in accordance with the law, within its existing dimensions, in line with its designated use, until the location is conformed to the designated use according to the planning document.

Technical documentation for the structure referred to in paragraph 1 of this Article shall be prepared on the basis of urban-planning and technical requirements issued on the basis of proof of ownership right or other right concerning the structure or the ruin of the structure to be reconstructed.

In the event referred to in paragraph 1 of this Article, building and occupancy permits shall be issued in accordance with Art. 34, 35, and Art. 54 to 57 of the present Law, and in the event referred to in paragraph 2 of this Article, urban-planning and technical requirements shall be issued by the authority in charge of issuing building permits under Article 32 of the present Law.

Informing the Local Public of the Construction Activity

Article 37

As of the date of notification of construction work, the investor shall place an information board at the place of construction, with the following information: number and date of issue of the building permit, information on the investor, designer, reviewer, business entity, legal entity or the entrepreneur constructing the structure (hereinafter referred to as the "contractor"), business entity, legal entity or the entrepreneur carrying out supervision (hereinafter referred to as the "professional construction oversight"), lead designer managing the development of the main design in its entirety, lead reviewer or the responsible reviewer managing the review of the main design in its entirety, the responsible engineer managing construction and the supervising engineer managing the professional construction oversight, 3D visualization of the structure or a layout of the infrastructure route, and other information of importance for construction of the structure.

The investor of a family residential building shall place an information board at the place of construction, with the following information: number and date of issue of the building permit, information on the investor, designer, contractor, lead designer or the responsible designer managing the development of the main design in its entirety, responsible engineer managing construction and 3D visualisation of the structure.

The investor 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 period set out in paragraph 1 of this Article.

The notification referred to in paragraph 3 of this Article shall contain all the information set out in paragraph 1 of this Article.

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

The competent local self-government authority, based on the previously obtained opinion from the local tourist organisation, may issue a decision for certain types of structures, in certain areas, to define the period in the next calendar year and time during which construction of the structure may not be performed.

The form and appearance of the board referred to in para. 1 and 2 of this Article shall be laid down by the Ministry.

Preliminary Construction Works

Article 38

An investor may start preliminary construction works after the issuance of the building permit and notification of the commencement of construction to the construction inspector.

Preliminary works shall be carried out on the basis of a study which included, in particular, the construction site layout, type of fence, construction site structures, construction site roads, location for cranes, location for the delivery of materials and construction site connections (electrical, traffic, water supply), as well as on the basis of the plan of health and safety at work measures and construction waste management plan, developed in accordance with separate regulations.

Preliminary Works for Construction of Structures of General Interest

Article 39

By way of exception from Article 38(1) of the present Law, preliminary works for construction of state-owned structures of general interest, or owned by entities which are fully or mostly owned by the state, may also be carried out on the basis of the approval of the Government,

provided that the investor presented the evidence set out in Article 34(1)(4) of the present Law, as well as evidence of acceptability of construction in terms of environmental impact, in accordance with the law governing environmental impact assessment.

The investor shall submit the request for approval referred to in paragraph 1 of this Article to the Ministry.

The investor shall notify the construction inspector of the commencement of preliminary works not later than seven days prior to the commencement of such works.

The construction inspector shall publish the notification of preliminary works on the website of the Ministry or the local government authority within three days as of the date of receipt of the notification of works.

More detailed content of the study referred to in Article 38(2) of the present Law shall be laid down by the Ministry.

Notification of the Commencement of Construction of Structures

Article 40

The investor shall notify the construction inspector of the commencement of construction of a structure not later than seven days prior to the commencement of construction.

Along with the notification of the commencement of construction of a structure, the investor shall submit the contract on the engagement of the contractor and the contract on the engagement of professional construction oversight, proof of professional liability insurance for the contractor and professional construction oversight.

Along with the notification of the commencement of works for a family residential building the investor submits to the construction inspector a contract for the engagement of the contractor and proof of the contractor's professional liability insurance.

The notification of the commencement of works shall be published on the website of the Ministry or the local government authority, within three days as of the date of submission of the notification.

Construction on Part of the Urban Plot

Article 41

It is possible to build on a part of the urban plot if the missing part of the urban plot does not affect the functionality and access to the structure and provided that the lot coverage ratio and floor area ratio as established for the urban plot, depending on the designated use, are reduced by the missing part of the urban plot and that the requirement of minimum area of the urban plot according to the designated use is met.

Notification of Adaptation or Repair Works

Article 42

The owner or the holder of other rights on the existing structure or part of the structure constructed in accordance with the law shall submit notification of adaptation or repair works to the construction inspector.

Along with the notification, the applicant shall submit a description of works he intends to execute, as well as an overview of technical specification for the materials he intends to incorporate.

If the construction inspector establishes that the works indicated in the notification are considered to be reconstruction of the structure, extension or upgrading, he shall warn the

person referred to in paragraph 1 of this Article of the necessity of proceeding in accordance with Art. 33 and 34 of the present Law, within seven days as of the date of receipt of the notification.

The construction inspector shall publish the notification of adaptation or repair works referred to in paragraph 1 of this Article on the website of the Ministry or the local government authority, within three days as of the date of submission of the notification.

Obligations of the Investor

Article 43

Prior to the commencement of construction of the structure, the investor shall submit to the contractor: building permit, stamped revised main design on the basis of which the building permit was issued and the notification of the commencement of construction, in electronic PDF and analogue formats which shall be identical to the stamped electronic format.

Before the start of construction, the investor of a family residential building shall submit to the contractor: building permit, main design on the basis of which the building permit was issued in electronic PDF format and analogue format which shall be identical to the stamped electronic format and the notification of the commencement of construction.

The investor shall ensure mandatory presence of professional construction oversight or supervising engineers by stages of ongoing construction of a structure.

The investor shall complete construction of a structure within five years as of the date of issuance of the building permit.

Where the investor fails to complete construction of the structure within the time limit set out in paragraph 4 of this Article, he shall pay an annual fee for each commenced year of the delay, based on the estimated value of the structure in the revised main design, on the basis of which the building permit was issued, until the structure is completed, and to maintain the construction site continuously until the occupancy permit is obtained.

The amount of the fee referred to in paragraph 5 of this Article shall be determined by means of a decision of the authority that issued the building permit, and the fee shall be the revenue of:

- the budget of Montenegro, if the building permit is issued by the Ministry, or
- the budget of a local self-government unit, if the building permit is issued by the local government authority.

The decision referred to in paragraph 6 of this Article shall be executed by the administrative authority in charge of public revenue or the local government authority in charge of local public revenue, in accordance with the law governing setting, collection and control of taxes and other charges.

The provisions of para. 5, 6 and 7 of this Article shall not apply to the structures of general interest.

If the contractor or the professional construction oversight changes during construction, the investor shall inform the construction inspector in writing and provide the contract on engagement of another contractor or the professional construction oversight, within three days as of the date of the change.

By way of exception from paragraph 4 of this Article, for buildings whose construction is limited by Article 37(6) of the present Law, the investor's construction period shall be extended in proportion to the time of construction restrictions.

More detailed criteria for setting the amount of the annual fee referred to in paragraph 5 of this Article and the method of payment shall be laid down by the Government.

Change of the Investor

Article 44

If the investor changes during the construction of the structure, the new investor shall file a request with the competent authority in charge of issuing building permits to modify the building permit in the name of the new investor, within 30 days as of the date the change has occurred.

The new investor shall submit, together with the request referred to in paragraph 1 of this Article, evidence of ownership right or another right over land on which a structure is built or evidence of ownership right or another right over the structure being reconstructed or extended or upgraded.

The request for modification of the building permit referred to in paragraph 1 of this Article may be submitted until the date of issuing of the occupancy permit.

Within the meaning of paragraph 1 of this Article, the decision shall be issued within seven days as of the date of submission of the request for modification of the building permit in the name of the new investor.

Obligations while Executing Works

Article 45

During the execution of works, the contractor shall:

- 1) execute works in accordance with the revised main design or the main design on the basis of which the building permit was issued;
- 2) mark boundary and building lines, characteristic elevation points of the structure and terrain alignment, in compliance with the revised main design;
- 3) organise the construction site in a manner which ensures access to the location, unhindered traffic, protection from fires and of the environment during construction;
- 4) develop organisation and construction technology design;
- 5) ensure the safety of the structure, health and safety at work of employed persons and protection of the environment (adjacent structures and infrastructure);
- 6) ensure proof of quality of executed works, proof of usability or compliance of construction products, installations and equipment (statement on properties and other evidence regulating the conditions for placing construction products on the market, declaration or statement on compliance and other evidence in accordance with separate regulations), issued by an authorised person;
- 7) keep a construction log with photo documents or a video of the process of execution of works and a measurement book;
- 8) ensure measurements and geodetic monitoring of soil and structure behavior during construction;
- 9) protect green areas which must be preserved and protected during execution of construction works, on the basis of separate regulations;
- 10) protect the existing structures, infrastructure and radio corridors in accordance with separate regulations;
- 11) treat construction waste created during construction at the construction site in compliance with the construction waste management plan, drawn up in compliance with separate regulations;
- 12) remove temporary structures that served for the execution of works at the construction site within 30 days as of the date of completion of works;
- 13) ensure mandatory presence of the construction manager, as well as the responsible engineer by stages of ongoing construction of the structure.

The manner of keeping and the contents of the construction log and the measurement book referred to in paragraph 1(7) of this Article shall be laid down by the Ministry.

Construction Site Documents

Article 46

The contractor, except the contractor for a family residential building, shall keep the following at the construction site:

- 1) building permit;
- 2) revised main design or the main design on the basis of which the building permit was issued, in electronic PDF format and in analogue format which shall be identical to the stamped electronic format;
- 3) licence for the performance of the activity of the contractor referred to in Article 84 of the present Law;
- 4) decision appointing construction manager;
- 5) licence of the responsible construction engineer;
- 6) licence for the performance of the activity of professional construction oversight referred to in Article 81(2) of the present Law;
- 7) decision appointing the supervising engineer who manages the professional construction oversight;
- 8) licence of the supervising engineer who manages the professional construction oversight;
- 9) evidence of liability insurance of the contractor and the professional construction supervisor;
- 10) construction log and a measurement book;
- 11) construction site landscaping study;
- 12) plan of health and safety at work measures;
- 13) decision appointing a health and safety at work coordinator during the execution of works;
- 14) study of setting out of the location and pegging out of the structure;
- 15) construction organisation and technology design;
- 16) book of competent inspections;
- 17) other documents that he shall collect and keep during construction.

For a family residential building, the contractor shall keep the following documents at the construction site:

- 1) building permit;
- 2) stamped main design in electronic PDF format and analogue formats;
- 3) licence of the contractor for the performance of the activity referred to in Article 84 of the present Law;
- 4) decision appointing the construction manager;
- 5) licence of responsible construction engineer;
- 6) evidence of liability insurance of the contractor;
- 7) construction log and a measurement book;
- 8) study of setting out of the location and pegging out of the structure;
- 9) book of reports of competent inspections; and
- 10) other documents that he shall collect and keep during construction.

If the technical documentation envisages, for the purpose of construction of structures, the installation of factory produced parts, elements and equipment, the contractor shall also have at the construction site, together with the documents referred to in paragraph 1 of this Article, supporting documents in compliance with law.

The content of the construction site landscaping study referred to in paragraph 1(11) of this Article shall be laid down by the Ministry.

Modification of the Revised Main Design due to Deficiencies and Unforeseen Circumstances

Article 47

Should the contractor notice deficiencies in the revised main design, which do not affect the change in the infrastructure corridor, horizontal and vertical dimensions of the structure, nor change in the façade of the structure, if the structure being constructed is a building, he shall warn in writing the professional construction oversight thereof, within one day as of the date of noticing the deficiencies.

If the professional construction oversight finds deficiencies in the revised main design or finds that the contractor's remarks referred to in paragraph 1 of this Article are justified, he shall order the investor to immediately change the main design and to review it without any delay and to notify the construction inspector thereof.

The investor or the designer who has developed the main design shall eliminate, without any delay, the deficiencies referred to in para. 1 and 2 of this Article, of which he was warned.

In the event that the investor or the designer who has developed the main design fails to act pursuant to paragraph 3 of this Article, the professional construction oversight shall notify the construction inspector thereof within seven days of the receipt of the warning.

The deficiencies referred to in paragraph 1 of this Article shall also be deemed to be the failure to fulfil the requirements set out in Article 30 of the present Law.

Should the deficiencies referred to in paragraph 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 professional construction oversight.

In the event referred to in paragraph 6 of this Article, the professional construction oversight shall inform the investor and the construction inspector and issue an order to the contractor to execute works in accordance with Article 67 of the present Law.

Should the contractor, due to the deficiencies caused by unforeseen circumstances (insufficient bearing capacity of stratum, high level of underground waters, replacement of factory produced parts, elements and equipment, and installations and the like), be unable to execute the works in line with the revised main design, he shall notify, without any delay, the professional construction oversight thereof, who shall inform the construction inspector, within three days as of the date of receipt of information from the contractor.

In the event referred to in paragraph 8 of this Article, the investor or the designer who has prepared the main design shall make changes to the main design, upon receipt of the written record from the construction inspector confirming the existence of unforeseen circumstances.

The review of the design referred to in paragraph 9 of this Article shall be mandatory.

The contractor shall inform the construction inspector in the event of encountering archaeological findings, fossils, active landslides, underground waters and similar contingencies, within three days as of the date of the encountering and discontinue works that may put them at risk.

Modification of the Revised Final Design due to other Circumstances

Article 48

The revised main design may be modified after the issuance of the building permit only provided that the modification is compliant to the applicable urban-planning and technical requirements.

The main design may be modified for the purpose of improving the functionality of the structure, better organisation of space, replacement of devices, plants, equipment and installations, which do not affect the stability and safety of the structure, do not modify the bearing structural elements, do not alter the external appearance and does not affect the safety of adjacent structures, traffic, health and safety at work, protection from fires and protection of the environment.

In the event that the modification of the main design refers to the modification of the conceptual design on the basis of which the approval of the chief state architect or the chief city architect was granted, the investor shall obtain a new approval of the chief state architect or the chief city architect.

The modification of the main design may be made until the submission of the request for issuing of the occupancy permit at the latest.

In the event referred to in paragraph 2 of this Article, the investor shall file the notification to the construction inspector along with the revised modified main design.

In the event referred to in paragraph 3 of this Article, the investor shall file a request for issuing of the building permit for the modified main design.

The building permit based on the request referred to in paragraph 6 of this Article shall be issued in accordance with Article 35 of the present Law.

With the issuance of the building permit referred to in paragraph 7 of this Article, the building permit issued for the revised main design shall cease to be valid.

The construction inspector shall publish the notification referred to in paragraph 5 of this Article on the website of the Ministry or the local government authority, within three days as of the date of receipt of the notification.

The provisions of Art. 47 and 48 of the present Law relating to modifications of the revised main design shall apply accordingly to the modifications of the main design of a family residential building.

Obligation to Secure the Construction Site

Article 49

Should the investor fail to complete construction of the structure within the time limit referred to in Article 43(2) of the present Law or discontinue works for more than 30 days, the investor shall shut down and secure the construction site in a manner which ensures unhindered traffic, safety of persons, adjacent structures and the surrounding and place non-transparent guardrails around the construction site.

At the construction site referred to in paragraph 1 of this Article, in urban areas defined by a decision of the local self-government unit, the investor shall place a non-transparent cover onto the constructed structure of a building, covering the façade of the structure in the scale 1:1

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

Obligation to Perform Professional Construction Oversight

Article 50

During construction of the structure, the investor shall provide for the performance of professional construction oversight, except for a family residential building.

The professional construction oversight 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 construction stages.

The professional construction oversight shall include, in particular: control of execution of works as per the revised final design, the present Law and separate regulations; control of compliance of works; control of quality of works execution; control of quality of products, installations and devices which are built in; verification if the materials, installations and devices which are built in have the prescribed documents in accordance with the law governing placing of construction products on the market; 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 health and safety at work measures; control of undertaking fire protection measures; 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 construction of the structure; cooperation with the designer in order to clarify and ensure details for unhindered execution of works and resolving other issues with regard to the construction of the structure.

The investor shall ensure mandatory presence of the professional construction oversight or supervising engineers by stages of ongoing construction of the structure.

The costs of the professional construction oversight shall be borne by the investor.

Performance of Professional Construction Oversight

Article 51

The professional supervisor shall enter the observations made during the professional construction oversight into the construction log.

The professional supervisor shall immediately notify the employer in writing if works are not executed in compliance with the revised main design on the basis of which the building permit was issued, the present Law and separate regulations and/or order the contractor to eliminate the identified deficiencies within the time limit specified by the professional supervisor.

Should the contractor fail to eliminate the identified deficiencies within the time limit referred to in paragraph 2 of this Article, the professional supervisor shall immediately report the construction of the structure that is contrary to the revised main design, the present Law and separate regulations to the construction inspector.

Professional Construction Oversight Report

Article 52

The professional supervisor shall draw up a report on the professional construction oversight performed.

The report referred to in paragraph 1 of this Article shall be drawn up as per the structure construction stages and as a final report.

The construction stage referred to in paragraph 2 of this Article shall be the extent of executed construction works for the structure within one month.

The construction inspector may attend the acceptance of individual stages of construction of the structure.

The professional construction oversight shall submit reports by stages to the construction inspector within three days as of the date of receipt of a certain construction stage.

Prior to drawing up the final report, the professional supervisor shall notify the administrative authority competent for cultural property protection in case of construction on or in the immediate vicinity of a structure which is a protected cultural property, which shall in turn determine if the structure has been constructed in compliance with the revised main design or the as-built design.

The professional construction oversight shall simultaneously submit the final professional construction oversight report stating that the structure was constructed in compliance with the revised main design or the as-built design, with the written record of the authorities referred to in paragraph 6 of this Article to the investor, contractor, administrative authority in charge of cultural property protection and to the construction inspector.

The professional construction oversight shall include in the report by construction stages, as well as in the final report on the professional construction oversight, accurate statements on executed construction works for the structure and make a written statement that the structure is being constructed or has been constructed in compliance with the revised main design for which building permit was issued, or that it has been constructed in compliance with the as-built design, the law and other regulations.

The report referred to in paragraph 1 of this Article shall also include a study of original field data of as-built situation stamped by the business entity, legal entity or an entrepreneur holding a licence for performing geodetic activity and a certificate of energy characteristics of the building issued in accordance with the law governing the area of energy efficiency.

The method of carrying out professional construction oversight and the manner of development and more detailed content of the report on the professional construction oversight shall be laid down by the Ministry.

5. Occupancy permit

Utilisation of Structure Article 53

For the purpose of establishing suitability of a structure for utilisation, the authority in charge of issuing building permits shall issue the occupancy permit.

The occupancy permit shall be issued for a structure or a part of the structure for which staged construction is defined by the building permit, as well as for a part of the structure that constitutes a technical and technological whole and, as such, can be used independently.

Request for Issuing Occupancy Permit

Article 54

Prior to the beginning of utilisation of a structure, the investor shall file a request for issuing of the occupancy permit, no later than seven days as of the date of receipt of the professional construction oversight final report.

Along with the request for issuing the occupancy permit, the investor, except the investor for a family residential building, shall enclose:

- 1) professional construction oversight final report;
- 2) as-built design, in case modifications have been made during construction;
- 3) structure maintenance design.

The investor for a family residential building shall file a request for issuing the occupancy permit not later than seven days as of the date of drawing up of statement of the contractor indicating that the structure is constructed in compliance with the building permit and the main design and that it is suitable for utilisation.

The request from paragraph 3 of this article shall be accompanied by a declaration by the contractor that the building was built in accordance with the construction permit and the main project and that it is fit for use

The request for issuing of the occupancy permit shall be published on the website of the competent authority in charge of issuing building permits, within three days as of the date of submission of the request.

Technical Inspection of Structures

Article 55

Suitability for utilisation of a structure shall be established by technical inspection, except for utilisation of a family residential building.

Suitability for utilisation of a family residential building shall be established by means of a statement of the contractor indicating that the structure is constructed in compliance with the building permit and the main design and that it is suitable for utilisation.

Technical inspection of a structure shall include control of compliance of executed works with the building permit, revised main design or the as-built design, as well as with regulations, standards, technical standards and standards of quality for certain types of works or products, equipment and installations.

Utilisation of a structure or a part of structure may be approved only if the structure of the part of the structure is constructed in compliance with the building permit and the revised main design or the as-built design or the main design based on which building permit was issued.

Technical inspection for the structures referred to in Article 5 of the present Law shall be performed with mandatory presence of the construction inspector.

The person performing technical inspection shall be appointed by the competent authority in charge of issuing of building permits at the investor's proposal.

A decision appointing the person who performs technical inspection shall be issued within seven days as of the date of receipt of the request for issuing the occupancy permit and complete documents referred to in Article 54(2) of the present Law.

The investor shall submit the final report on professional construction oversight to the person performing technical inspection.

Costs of technical inspection of a structure shall be borne by the investor.

Technical Inspection Report

Article 56

The person performing the technical inspection is obliged to complete the technical inspection of the structures within 30 days for buildings, or 90 days for engineering structures, from the date of delivery of the appointment decision, and within seven days from the completion of the technical inspection, submit a report on the technical inspection to the competent authority for issuing the building permit and to the investor.

The person performing technical inspection shall propose in the technical inspection report the use of the structure or removal of established deficiencies or prohibition of the use of the structure.

The method of performing technical inspection and the method of developing and more detailed content of the technical inspection report shall be laid down by the Ministry.

Acting as per the Report

Article 57

Upon receiving the technical inspection report, the competent authority in charge of issuing building permits shall:

- 1) issue the occupancy permit;
- 2) order the investor to eliminate the established deficiencies within the defined time limit or
- 3) prohibit the use of the structure.

If the competent authority in charge of issuing building permits orders the investor to eliminate the established deficiencies within a certain time limit, the investor shall request repeated technical inspection after they have been eliminated.

The repeated technical inspection shall primarily control the works that should be corrected or done later.

If the person performing technical inspection proposed the use of the structure in the technical inspection report, he shall give a statement that the structure is built in compliance with the revised main design or the as-built design, as well as with regulations, standards, technical standards and standards of quality applicable to certain types of works, or materials, equipment and installations.

Parallel Technical Inspection

Article 58

Technical inspection may also be performed in parallel with the construction of the structure.

In the event referred to in paragraph 1 of this Article, the person performing technical inspection shall be identified by the building permit.

The technical inspection performed in parallel with the construction of the structure shall be subject to provisions of Art. 55 and 56 of the present Law.

Issuing of Occupancy Permit

Article 59

The occupancy permit shall be issued by means of a decision, within seven days as of the date of submission of the technical inspection report and the documents referred to in Article 54(2) or paragraph 4 of the present Law.

For the infrastructure structures for which building permits are issued in accordance with the present Law and which cannot be used independently, but constitute a functional unit, a single occupancy permit shall be issued.

The Ministry or the local government authority shall publish the occupancy permit on the website within three days as of the date of issuing.

The investor shall file a request for entry in the real estate cadastre in accordance with the law governing state survey and the real estate cadastre, within seven days as of the data of delivery of the occupancy permit.

Prohibition of the Use of Structures

Article 60

Use of the structure shall not be allowed prior to issuing of the occupancy permit, except in the event of trial run or functional testing of installed equipment.

Trial Run and Functional Testing

Article 61

In case of structures with built-in installations, equipment and plants, which serve for the technological process of the investor's business activity, and not for the structure itself, the investor or the buyer-manufacturer shall, upon completion of assembly, functional testing, and prior final technical inspection, start trial run with previously obtained approval from competent inspections, based on the proposal of professional construction oversight indicating that the conditions have been created for trial run of the structure, excluding structures from the paragraph 2 of this Article.

In the case of buyer-manufacturer structures that have built-in internal installations for the production of electricity in accordance with the law governing the use of energy from renewable sources, the investor shall, upon completion of the installation of the photovoltaic system with an installed power of up to 100kW, ensure the obtaining of an expert opinion (certificate) on the correctness of the electrical technical installations, which is a sufficient condition for entering into trial operation, while for photovoltaic systems with an installed power of more than 100kW, the responsible grid operator shall issue a decision within 15 days on trial operation during which the parameters of the photovoltaic system will be tested.

The trial operation referred to in paragraph 2 of this article will last until the conclusion of the connection contract between the network operator and the buyer-producer at the latest.

After obtaining consent and the proposal of expert supervision from paragraph 1 of this article, the construction inspector issues a decision on trial work within 15 days.

The test work determines the quality of the installed material, performed works, examines the functioning of the installed installations, equipment and facilities and fulfills the parameters of the technical process foreseen by the project.

The conditions and duration of the trial operation are determined by the main project, except for photovoltaic systems on the structures of the customer-producer.

Special Obligations of Investors

Article 62

Depending on the soil and structure features, the technical inspection report may also include an obligation of the investor 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 construction inspector of the results of such observations and measures undertaken.

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

Taking over the Constructed Structure

Article 63

The investor and the contractor who constructed the structure or executed specific works shall take-over the structure and make the final account of the value of executed works, within 60 days as of the date of the receipt of the occupancy permit, unless otherwise provided by the contract.

The investor and the contractor shall perform the final taking-over of the structure within 30 days as of the date of expiry of the finishing works defects liability period (construction-fitting works, installation works, works on incorporation of installations, plants and equipment, terrain landscaping works and landscape architecture and other works), unless otherwise provided by the contract.

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

Obligation to Maintain the Structure

Article 64

Structure owner shall maintain the structure in condition which ensures the fulfilment of basic requirements set out in Article 27 of the present Law over its service time.

Structure maintenance is carried out based on the structure maintenance design or for existing structures, maintenance is carried out based on this law, special regulations and regulations governing technical requirements for building constructions.

Central Registry of Construction

Article 65

Documents on construction 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 appointing the lead and responsible designer for the development of the technical documentation;
- 3) documents appointing the lead and responsible reviewer of the technical documentation;
- 4) reports on the main design review;
- 5) documents appointing the lead and responsible supervising engineer for construction of the structure;
- 6) document appointing the construction manager and the responsible construction engineer by types of works;
- 7) documents referred to in Art. 34 and 54 of the present Law;
- 8) modified revised main designs and modified main designs based on which the building permit was issued;
- 9) notifications of the commencement of construction of the structure;
- 10) building permits;
- 11) decisions appointing the person to perform technical inspection;
- 12) technical inspection reports;
- 13) occupancy permits.

The central registry referred to in paragraph 1 of this Article shall be maintained by the Ministry.

The local government authority shall submit the documents referred to in paragraph 1 of this Article within three days as of the date of issuing of building or occupancy permit.

More detailed content and the manner of maintaining the registry referred to in paragraph 1 of this Article shall be laid down by the Ministry.

Prohibition of Connection to Infrastructure

Article 66

The construction site, the structure on which works are performed or which has been constructed without the building permit may not be connected to infrastructure.

By way of exception from paragraph 1 of this Article, cultural and historical structures having the status of immovable cultural property on which conservation measures are being performed may be connected to infrastructure, in accordance with the law governing protection of cultural property.

For the purpose of connection of the structure referred to in paragraph 2 of this Article, technical requirements for the connection shall be obtained by the owner or the holder of the cultural property.

Derogations from the Application of the Law

Article 67

Construction of a structure or the performance of certain works on the structure or the land on which the structure is located may commence even without a previously obtained building permit, or the provisions of the present Law do not apply, if the structure is being constructed or if construction works are performed on the constructed structure:

- to prevent harmful consequences of a natural or another disaster, immediately before its occurrence or during such disaster;
- to prevent harmful consequences of the disaster referred to in indent 1 of this paragraph, immediately before the occurrence of such disaster;
- during an emergency or in times of war;
- in the event of a breakdown of an energy structure or related telecommunication system, whose safety and safety of supply of energy-generating products is put at risk;
- to execute the construction inspector's decision which established that the stability of the structure is at risk due to dilapidation or major damage, poses an immediate danger to the life and health of people, adjacent structure and to traffic safety.

If damage to the structure has occurred as a result of the events referred to in paragraph 1 of this Article, the owner of the structure or of the system shall immediately inform the construction inspector.

In the event referred to in paragraph 2 of this Article, the structure may be restored to its original condition in accordance with the technical documentation based on which it was constructed and the building permit or the notification of construction to the construction inspector, whereby a previous approval from the administrative authority in charge of the protection of cultural properties shall be obtained for a cultural property structure.

6. Removal of Structures

Removal of Dilapidated Structures

Article 68

Removal of structures shall be performed based on the removal study.

The construction inspector shall order by a decision, ex officio or at the request of an interested person, 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 adjacent structures and the safety of traffic, as well as set a

deadline for the development of the structure removal study and the deadline for the removal of the structure.

The decision to remove the structure shall be issued within 15 days as of the date of submission of the request by the interested person.

The costs of removal of the structure referred to in paragraph 1 of this Article shall be borne by the owner of the structure.

In the event that the owner is unknown or cannot be identified or if his address of residence is unknown, the costs of the development of the structure removal study and the costs of removal of the structure referred to in paragraph 1 of this Article shall be provided from the budget of Montenegro or the budget of the local self-government unit.

In the event referred to in paragraph 5 of this Article, the construction inspector shall issue a decision to appoint a designer, reviewer and contractor for the removal of the structure.

Removal of a Structure at Owner's Request

Article 69

The owner of the structure may remove the structure on the basis of a request filed with the construction inspector.

In the event referred to in paragraph 1 of this Article, the owner shall enclose the evidence of ownership over the structure and the study of its removal.

The costs of removal of the structure shall be borne by the owner of the structure.

Structure Removal Study

Article 70

The study of structure removal or part of structure removal shall serve to technically elaborate the designed solutions or the procedure and manner of removal of the structure and items in the structure, to resolve in advance the disconnection of the structure from the energy and/or other infrastructure, as well as 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 or spatial coverage of intervention upon the removal of the structure or its part;
- 3) estimate of stability of the surroundings 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 shall be developed by a designer, while the review of the structure removal study shall be performed by the reviewer.

The costs of the development of the removal study shall be borne by the owner of the structure.

7. Structures for which a building permit is not issued

Temporary Structures

Concept Article 71

Temporary structures shall be structures, devices and equipment whose erection or construction is not defined by a planning document.

Temporary structures may be:

- 1) simple temporary structures of up to 20m²;
- 2) prefabricated structures of up to 30m²;
- 3) open areas for temporary performance of an activity;
- 4) structures for temporary performance of an activity, up to 1.000m².

The erection or construction and removal of temporary structures shall be regulated by the assembly of the local self-government unit, with prior approval from the Ministry.

More detailed types and requirements for the erection or construction and removal of temporary structures referred to in paragraph 3 of this Article shall be laid down by the Ministry.

Programme of Temporary Structures Article 72

Temporary structures shall be erected or constructed in accordance with the Programme of Temporary Structures.

The Programme referred to in paragraph 1 of this Article shall include in particular zones and guidelines with the urban-planning requirements for erecting temporary structures.

The Programme of Temporary Structures shall be adopted by the assembly of the local self-government unit, for a period of five years, based on the previously obtained approval from the Ministry, state administrative authority in charge of tourism, administrative authorities in charge of protection of cultural property and protection of the environment in relation to protected areas of marine domain or national parks, as well as the administrative authority in charge of traffic in relation to temporary structures along a national road and the local government authority in charge of traffic in relation to temporary structures along a municipality road.

If the authorities referred to in paragraph 3 of this Article fail to deliver approval for the Programme of Temporary Structures within 20 days as of the date of receipt of the request, they shall be deemed to agree with the Programme.

By way of exception from paragraph 3 of this Article, for maritime domain areas or national park, the Programme of Temporary Structures shall be adopted by the legal entity managing the marine domain or the national park, with approval from the Ministry, state administrative authority in charge of tourism, administrative authority in charge of protection of cultural property and the protection of the environment in relation to protected areas, as well as administrative authority in charge of traffic in relation to temporary structures along a national road and the local government authority in charge of traffic in relation to temporary structures along a municipality road and based on previously obtained opinion from the local self-government unit for whose territory the Programme of Temporary Structures is adopted.

The Programme of Temporary Structures shall be published on the website of the local self-government unit or the legal entity managing the maritime domain or the national park, within three days as of the date of its adoption.

Requirements for Erecting and Construction Temporary Structures

Article 73

The requirements for the erection or construction of auxiliary structures shall be defined by the planning document.

Types of Auxiliary Structures

Article 74

Auxiliary structures shall be deemed to be:

- 1) auxiliary structures that serve for the use of residential or business structures (garages, guardhouses, structures for security staff, swimming pools, retaining walls, toll structures, pergolas, info-stands, store rooms and similar structures not a part of the main structure, one aboveground floor and gross area of up to 30m², wells, fences, gas systems, gas stations and substations for atmospheric gases and carbon-dioxide intended for industry, medicine and use in nutrition, of total volume of full and empty pressurised portable containers of up to 2m³ for cryogenic liquids or up to 0.6m³ for pressurised compressed or liquid gases, structures used for heating or cooling, electronic wireless short-range access points and similar structures);
- 2) access ramps, elevators and similar structures for access and movement of persons with reduced mobility and persons with disabilities;
- 3) economic structures on an agricultural holding (structures for breeding animals, ancillary structures for breeding animals, structures for storing feed, structures for storing agricultural machinery, tools and implements, structures for storing agricultural products, structures for processing agricultural products in the household, greenhouses and other similar structures);
- 4) auxiliary structures used for protection and valorisation of cultural property (protection constructions, visitor centres, info-stands, presentation space), one aboveground floor and gross area of up to 50m²;
- 5) auxiliary structures for landscaping public green areas or terrains (fences, wells, fountains, taps, urban furniture, pergolas, lighting structures, urban gardens, swimming pools, eaves, retaining walls and similar structures).

More detailed requirements, method of erection and removal of auxiliary structures referred to in paragraph 1 of this Article shall be laid down by the assembly of the local self-government unit, with previous approval from the Ministry.

Renewable Energy Facilities

Article 74a

Renewable energy facilities that do not require a building permit include photovoltaic systems, as well as thermal and geothermal heat pumps up to 999 kW, and thermal and geothermal heat pumps with a capacity from 1 MW to 50 MW.

Photovoltaic systems and thermal and geothermal heat pumps, up to 999 kW, are installed or built based on a notification and technical documentation, specifically:

- 1) Photovoltaic systems based on a study of analysis and testing of the structural stability of the structure where the photovoltaic system is installed and proof from the competent authority that the conditions for connection to the power infrastructure are met,
- 2) Thermal and geothermal heat pumps based on a mechanical installations design, plants, devices, and equipment, and proof from the competent authority that the conditions for connection to the power infrastructure are met.

Thermal and geothermal heat pumps from 1 MW to 50 MW are built with a notification and technical documentation submitted to the construction inspector, namely: 1) the main design; and 2) the act of the distribution network operator, in accordance with the connection procedure prescribed by a special regulation.

In the case referred to in paragraphs 2 and 3 of this Article, the preparation of technical documentation is carried out by a company, legal entity, or entrepreneur who meets the conditions from Article 75 of this law.

The placement, construction, and removal of the structures mentioned in paragraph 2 of this article are regulated by the local government assembly with prior approval from the Ministry.

Inspectorial supervision of the construction of the structures mentioned in paragraph 3 of this article is carried out by a construction inspector.

The procedures from paragraphs 2 and 3 of this Article cannot last longer than 30 days from the start of the procedure.

Article 74b

Base stations on buildings are installed or built based on a notification and a revised main design, according to which approvals have been obtained from the authorities for technical conditions for electronic communications infrastructure and related equipment, electronic communications networks, and environmental protection, as well as the design for the structural stability of the building on which the base station is being installed.

The application to build a base station, along with the technical documentation mentioned in paragraph 1 of this article, is submitted to the competent inspection of the local self-government body.

III. PERFORMING ACTIVITIES IN THE AREA OF CONSTRUCTION OF STRUCTURES

1. Development of Technical Documentation

Activity of Development of Technical Documentation

Article 75

The activity of development of technical documentation shall include development of conceptual design, preliminary design, main design, as-built design, maintenance design and structure removal study.

Requirements for Developing Technical Documentation

Article 76

The activity of development of technical documentation may be performed by a designer who employs at least one licensed architect or a licensed engineer by types of designs that he prepared, as referred to in Article 9(2) of the present Law.

The designer may ensure the performance of certain activities referred to in paragraph 1 of this Article even on the basis of a contract concluded with another designer who employs a licensed architect or a licensed engineer for a certain type of design.

Prior to the commencement of development of technical documentation, the designer shall appoint the lead designer and the responsible designer for every type of designs referred to in Article 9(2) of the present Law.

The designer shall develop technical documentation in accordance with the present Law and separate regulations.

The designer shall provide the Ministry with information about appointment of the lead and the responsible designer for the development of technical documentation.

Licensed Architect and Licensed Engineer

Article 76a

A licensed architect or a licensed engineer shall mean a natural person holding at minimum VII 1 qualification level, and at least three years of professional experience in the development of technical documentation and/or construction of structure, having passed professional examination, and registered with the Registry of the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro.

A licensed architect can perform the tasks of creating technical documentation of the architectural project of the building, the design of the terrain, that is, the construction of buildings, depending on the type of building and the type of work.

A licensed engineer may carry out the task of developing technical documentation for a type of project depending on the formal education qualifications or the construction of structures depending on the type of structure and the type of works.

Author of the Design

Article 77

The author of the design shall be a licensed architect who developed conceptual architectural design which received approval from the chief state architect or the chief city architect, or the author or a group of authors of the best ranked conceptual architectural design based on the public competition referred to in Article 15 of the present Law.

Exceptionally from paragraph 1 of this article, the author of the project can be a natural person (student and another person), an architect or an engineer of the appropriate profession, a licensed engineer or a licensed architect who is the author of a work of architecture (sketch, concept design, main project and built object).

The author of the design shall have all the rights and obligations stemming from the law governing the area of copyright and related rights.

Lead and Responsible Designers

Article 78

The managing the technical documentation development, in the capacity of a lead designer, may be carried out by a licensed architect, or a licensed engineer in the field of construction, electrical or mechanical engineering.

A licensed architect or a licensed engineer of appropriate profession may manage the development of a part of the technical documentation, in the capacity of a responsible designer.

The lead designer who manages the development of technical documentation in their entirety shall be accountable for compatibility of all parts of the technical documentation.

The responsible designer who develops a part of the technical documentation shall be accountable for the part that he developed.

The lead designer who manages the development of the entire technical documentation may at the same time be the responsible designer of a part of the technical documentation.

Designation of Lead Designer

Article 79

The lead designer shall be designated by the type of structures, as follows:

- licensed architect: for all buildings, squares, promenades, walkways or city parks and other similar structures;

- licensed civil engineer for structural analysis: for engineering structures, bridges, aboveground and underground passages and viaducts, tunnels, underground structures, retaining walls and supporting structures of slopes, cable cars, concrete dams and reservoirs, ports and docks and other similar structures;
- licensed civil engineer, hydrotechnical: for the water supply and sewerage network, structures for catchment and treatment of drinking water and other needs, concrete structures for wastewater collection and treatment, dams and reservoirs and other similar structures;
- licensed civil engineer for traffic: for highways, expressways, roads, streets, rail and tram tracks, ports, airport runways, piers, waterways, squares, promenades or city parks and other similar structures;
- licensed civil engineer, geotechnical engineer: for geotechnical structures, backfilled dams and reservoirs, landfills, embankments, tunnels and underground structures, underground passages, ports and piers, retaining walls and supporting structures for slopes, rehabilitation of landslides and other similar structures;
- licensed electrical engineer, energy: for transmission lines, power plants, substations and switchgears, cable underground installations and other similar structures;
- licensed electrical engineer for telecommunications and computers/electronics: for base and telecommunications stations, data centres, cable infrastructures and other similar structures;
- licensed mechanical engineer: for oil pipelines, gas pipelines, heating pipelines, steam pipelines, cable cars, thermal power plants, plants for storing and transfer of liquid natural gas and oil, liquid atmospheric gas, liquid carbon-dioxide, stable pressurised containers, pipelines and other similar structures;
- licensed construction engineer in construction and urban planning: for highways, expressways, roads, streets, water supply and sewage networks.

2. Review of technical documentation, professional construction oversight, technical inspection and designer supervision

Activity of review of technical documentation, professional construction oversight, technical inspection and designer supervision

Article 80

The activity of review of technical documentation shall include inspection of the technical documentation referred to in Article 16 of the present Law.

The activity of professional construction oversight shall include supervision of construction of a structures and control of execution of works pursuant to Article 50 of the present Law.

The activity of technical inspection of the structure shall include control of compliance of executed works with Article 55 of the present Law.

The activity of designer supervision shall include designer and author control of execution of works in compliance with the revised main designed.

Requirements for reviewing technical documentation, professional construction oversight, technical inspection and designer supervision

Article 81

The activity of the review of technical documentation may be performed by a reviewer who employs at least one reviewer by types of structures referred to in Article 9(2) of the present Law that he reviews.

The activity of professional construction oversight shall be performed by a professional supervisor who employs at least one supervising engineer of appropriate profession, who supervises execution of certain structure construction works.

The activity of technical inspection may be performed by a business entity, legal entity or an entrepreneur who employs at least one reviewer or a supervising engineer, who performs technical inspection of the structure.

The designer supervision may be performed by a licensed architect or licensed engineer who prepared technical documentation based on which a structure is constructed.

The entities referred to in paragraphs 1, 2 and 3 of this Article may also ensure the performance of certain review activities, professional construction oversight or technical inspection based on the contract concluded with other business entity, legal entity or an entrepreneur who employs a reviewer or a supervising engineer for the specific type of project or works.

Prior to the beginning of review of technical documentation or professional construction oversight, the entities referred to in paragraphs 1 and 2 of this Article shall designate a lead and responsible reviewer or a lead and responsible supervising engineer for every type of designs or works.

The entities referred to in para. 1, 2 and 3 of this Article shall perform review, professional construction oversight, technical inspection and designer supervision in accordance with the present Law and separate regulations.

The entities referred to in para. 1, 2 and 3 of this Article shall provide the Ministry with the information about designation of the lead and responsible reviewer of technical documentation and the lead and responsible supervising engineer for construction of the structure.

Subjects performing auditing, professional supervision and technical inspection for projects of highways, expressways, main and regional roads

Article 81a

The activity of auditing, professional supervision and technical inspection for projects of highways, expressways, main and regional roads is carried out by the State Commission for Auditing, Professional Supervision and Technical Inspection (hereinafter: State Commission).

A member of the State Commission is a responsible auditor for traffic infrastructure and accompanying facilities and systems.

The State Commission is appointed by the Government, at the proposal of the investor.

The costs of the work of the State Commission are borne by the investor.

The detailed method of formation, composition, selection procedure of members, mandate and tasks of the State Commission shall be prescribed by the Government.

Lead and Responsible Reviewer and Lead and Responsible Supervising Engineers

Article 82

The reviewer or supervising engineer may be a licensed architect or licensed engineer, who is a Montenegrin national and has at least seven years of experience in developing the technical documentation or construction of structures.

A reviewer or supervising engineer may also be a natural person who is not a Montenegrin national, if s/he is a national of a Member State of the European Union, the European

Economic Area and the Swiss Confederation (hereinafter referred to as: “the Contracting Countries”), and if s/he has a recognized qualification in accordance with the Law governing the recognition of professional qualifications for performing regulated professions and the present Law.

The lead reviewer or the lead supervising engineer managing the review of technical documentation or the professional construction oversight may be a reviewer from the architectural, construction, electrical or mechanical professions, who has been determined pursuant to the type of facility and is responsible for checking the mutual compatibility of all parts of the technical documentation, or for checking the mutual compatibility of all works related to the construction of structure.

The responsible reviewer or the responsible supervising engineer who manages the review of a part of technical documentation or the professional construction oversight of the execution of certain types of works on the structure shall be responsible for the review of the part of the technical documentation that he reviewed or that certain works are executed in compliance with the revised main design, the present Law, separate regulations and due professional care.

The lead reviewer who manages the review of technical documentation in their entirety may be at the same time the responsible reviewer of a part of the technical documentation or the lead supervising engineer who manages professional construction oversight of construction of the structure in its entirety may be at the same time the responsible supervising engineer for the execution of certain works related to construction of the structure.

The lead supervising engineer who manages professional construction oversight of construction of the structure, as well as the responsible supervising engineer who manages professional construction oversight of the execution of certain types of works on the structure, may perform the activity of supervision on maximum five construction sites at the same time.

Designer Supervision

Article 83

The designer supervision may be performed for the needs of the investor.

The designer supervision may not be entrusted to third persons.

The requirements and the method of performing designer supervision shall be laid down by the Ministry.

3. Execution of Works

Requirements for Construction of Structures

Article 84

The activity of construction of structures shall be performed by a contractor who employs at least one licensed architect or a licensed construction engineer by types of works.

The contractor may also ensure the performance of certain activities for construction of structures based on the contract concluded with another contractor who employs at least one licensed architect or a construction engineer for a specific type of works.

Prior to the commencement of construction of a structure, the contractor shall designate construction manager and responsible construction engineers for every type of works.

The contractor shall construct a structure in accordance with the present Law.

The contractor shall provide the Ministry with the information about designation of the construction manager and the responsible construction engineer by types of works.

Construction Manager and Responsible Construction Engineer

Article 85

The construction manager may be a licensed architect, or a licensed engineer in the field of construction, electrical or mechanical engineering.

The execution of a part of works, in the capacity of the responsible construction engineer, may be performed by a licensed engineer or a licensed engineer of appropriate profession.

The construction manager, who manages execution of works, shall be responsible for the execution of works in compliance with the revised main design, as well as mutual compatibility and coordination of works being executed on the structure.

The responsible construction engineer, who manages the construction of certain types of works of the structure, shall be responsible for the execution of such works in compliance with the revised main design.

The construction manager, who manages the execution of work may be at the same time the responsible construction engineer for a part of works in compliance with the revised main design.

Designation of Construction Manager

Article 86

The construction manager shall be designated by the types of structures, as follows:

- licensed architect: for all buildings, squares, promenades, walkways or city parks and other similar structures;
- licensed civil engineer for structural analysis: for engineering structures, bridges, aboveground and underground passages and viaducts, tunnels, underground structures, for all buildings, retaining walls and supporting structures of slopes, cable cars, concrete dams and reservoirs, ports and docks and other similar structures;
- licensed civil engineer, hydrotechnical: for water and sewage networks, structures for catchment and treatment of drinking water and other needs, concrete structures for wastewater collection and treatment, dams and reservoirs and other similar structures;
- licensed civil engineer for traffic: for highways, expressways, roads, streets, rail and tram tracks, ports, airport runways, piers, waterways, squares, promenades or city parks and other similar structures;
- licensed civil engineer, geotechnical engineer: for geotechnical structures, backfilled dams and reservoirs, landfills, embankments, tunnels and underground structures, underground passages, ports and piers, retaining walls and supporting structures for slopes, rehabilitation of landslides and other similar structures;
- licensed electrical engineer, energy: for transmission lines, power plants, substations and switchgears, cable underground installations and other similar structures;
- licensed electrical engineer for telecommunications and computers/electronics: for base and telecommunications stations, data centres, cable infrastructures and other similar structures;
- licensed mechanical engineer: for oil pipelines, gas pipelines, heating pipelines, steam pipelines, cable cars, thermal power plants, plants for storing and transfer of liquid natural gas and oil, liquid atmospheric gas, liquid carbon-dioxide, stable pressurised containers, pipelines and other similar structures;
- licensed construction engineer in construction and urban planning: for highways, expressways, roads, streets, water supply and sewage networks;
- licensed construction engineer, management direction: for all buildings, traffic facilities, hydrotechnics and geotechnics.

4. Project Management

Project Management Activity Article 87

The project management activity shall include:

- financial, legal and technical advising in relation to development of technical documentation, construction, use and removal of structures;
- an analysis and development of the programme of the project, including data collection, development of the programme of the project and monitoring implementation of such programme;
- advising and selection of the designer, reviewer, supervising engineer, contractor;
- coordination of the work of the designer, reviewer, supervising engineer, contractor, as well as the control of their work in order to protect the rights and interests of the investor;
- obtaining requirements, analyses, studies, elaborates and other documents required for the development of the project documents;
- obtaining all documents and concluding of all legal affairs required for construction, and performing the activities that the investor needs to perform during construction;
- development of a project control system, monitoring and control of the implementation, including development and layout of the planned time execution with engaged resources, monitoring of the project implementation progress, dynamic risk analysis during the project, report on the quality control of the investment implementation, proposed designs for ongoing or unforeseen problems in time, technological and cost aspects of the implementation.

The decision on the need for project management shall be made by the investor.

Project Management Requirements Article 88

The project management activity may be performed by a business entity, legal entity and an entrepreneur who employs at least one project leader of appropriate profession.

The project management activity for the structures referred to in Article 5 of the present Law may be performed by an administrative authority or a local government authority or a business entity founded by the Government or a local self-government unit, who is the investor for such structure or authorised by the investor.

Prior to the commencement of construction of a structure, the authority or the business entity referred to in para. 1 and 2 of this Article shall designate the project leader.

The authority or a business entity referred to in para. 1 and 2 of this Article may also ensure the performance of certain works based on the contract concluded with another business entity who employs a project leader.

The authority or a business entity referred to in para. 1 and 2 of this Article shall perform project management in accordance with the present Law.

Project Leader Article 89

The project leader may be a licensed architect or a licensed engineer of the appropriate profession, who is a Montenegrin national and has at least seven years of work experience in professional tasks of developing technical documentation and/or construction of structure.

Notwithstanding paragraph 1 of this Article, the project leader may be a licensed civil engineer specialized in management, who is a Montenegrin national and has at least five years of work experience in professional tasks of construction of structures and project management.

The project leader may also be a natural person who is not a Montenegrin national, provided that s/he is a national of the Contracting Country and holds a recognized qualification in accordance with the Law governing the recognition of professional qualifications for performing regulated professions and the present Law.

5. Testing and Preliminary Research

Activity of Testing and Preliminary Research

Article 90

The activity of testing shall include:

- testing of materials, certain parts or the entire structure in order to verify or prove the fulfilment of the basic requirements for structures and/or other requirements or the requirements provided in the main design or the review report;
- control testing of materials performed based on separate regulations, project documents or suspicion.

Testing may be performed while constructing a new structure, reconstruction of an existing structure and extension or upgrading of a structure or maintenance of an existing structure.

In addition to the activities referred to in paragraph 1 of this Article, preliminary research shall include:

- definition of construction requirements relating to the foundation soil, treatment of the existing greenery, geological, hydrological, geotechnical, hydrotechnical, seismic, traffic and other requirements laid down for construction;
- establishing the status of materials, structure, devices and installations in relation to fulfilment of the basic requirements for the structure.

Preliminary research shall be conducted while constructing a new structure, reconstruction of an existing structure and extension and upgrading a structure or maintenance of an existing structure.

Preliminary research shall include testing and other control procedures, assessment of results of testing and other control procedures, definition of construction requirements or establishing the current status of a structure, establishing the fulfilment of the requirements of separate regulations and/or projects.

Requirements for Testing and Preliminary Research

Article 91

The activity of testing of construction products and testing of structure and structural components, during the construction of structure or maintenance, for the purpose of verifying or proving the compliance with the basic structural requirements and/or other requirements, or the requirements provided in the revised main design, as well as control testing conducted based on special regulations, the revised main design and/or suspicion to the quality, may be carried out by a legal entity or entrepreneur holding an accreditation certificate in accordance with the MEST EN ISO/IEC 17025 standard issued by the Accreditation Body of Montenegro for such testing, in accordance with the law.

Where no business entity, legal entity, or entrepreneur is accredited in Montenegro for the part of the testing referred to in paragraph 1 of this Article, the testing activity may be carried out

by a foreign business entity accredited for such testing by the national accreditation authority with which the business entity from Montenegro has concluded a cooperation agreement.

A business entity, legal entity or entrepreneur employing at least one professional person to carry out preliminary research may carry out the preliminary research.

A business entity, legal entity, or entrepreneur may also carry out specific tasks of preliminary research and testing on the basis of a concluded contract with another business entity accredited for testing, employing a professional person for carrying out the preliminary research tasks.

Expert Entity

Article 92

The expert referred to in Article 91, paragraph 3 of this law can be an individual with an engineering background who has at least a level VII1 educational qualification, at least seven years of work experience in testing and prior research tasks, has passed a professional exam, and is registered with the Chamber of Engineers of Montenegro.

6. Activities of Foreign Entities

Activities of a foreign entity without an authorisation for performing the activity

Article 93

A foreign legal entity or natural person without the an authorization for performing the activities issued by the competent authority of the country of the foreign entity's registered seat or residence (hereinafter referred to as: "the Authorisation") may carry out the activity provided that s/he meets the requirements established by the present Law for the nationals, and the foreign natural person must also meet the requirements established by the law governing the employment and work of foreign entities.

Activities of a legal entity from a Contracting Country

Article 94

A legal entity with registered seat in a Contracting Country or with registered seat in a country with which an international agreement has been concluded (hereinafter referred to as: the Signatory Country) shall have the right to perform the activities in the area of construction of structures in Montenegro, if meets the requirements for performing these activities in the country of its registered seat.

The legal entity referred to in paragraph 1 of this Article must, prior to commencing its first assignment, submit an application for the performance of activities and evidence referred to in Article 101 of the present Law to the Engineering Chamber of Montenegro, or Chamber of Architects and Planners of Montenegro.

Activity of a legal entity from a non-Contracting Country

Article 95

A legal entity from a non-Contracting Country (hereinafter referred to as: the Third Country) holding an approval, license or other authorisation for the performance of construction of structures activities issued by the competent authority of the country of the registered seat of the foreign legal entity, or registered with the appropriate registry of the competent authority of the country of registered seat of the foreign legal entity, shall have the right to perform activities in Montenegro, subject to reciprocity requirements, provided it fulfils the requirements established by the present Law and is registered with the Registry referred to in Article 100 of the present Law.

The legal entity referred to in paragraph 1 of this Article must, prior to commencing its first assignment, submit a request for approval, the evidence referred to in paragraph 1 of this

Article, and the evidence referred to in Article 101 of the present Law, to the Engineering Chamber of Montenegro or the Chamber of Architects and Planners of Montenegro.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, shall issue a decision approving the performance of activities.

An appeal may be lodged with the Ministry against the decision of the Engineering Chamber of Montenegro or Chamber of Architects and Planners of Montenegro referred to in paragraph 3 of the present Law, within eight days from the date of delivery of the decision.

Temporary and occasional performance of activities of a legal entity from a Contracting Country

Article 96

A legal entity with its registered seat in a Contracting Country and a Signatory Country, performing activity established by the present Law, may temporarily or occasionally perform that activity in Montenegro, provided that prior to commencing its first assignment, it submits a declaration in written or electronic form the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, as well as to:

- 1) have the authorisation to perform activities in its country of registered seat, which corresponds to the activities established by the present Law;
- 2) have professional liability insurance against for damages that may be incurred by the investor or other persons in Montenegro as a result of performing professional work in the area of construction of structures.

The declaration referred to in paragraph 1 of this Article shall be submitted for each year in which a legal entity with its registered seat in the Contracting Country intends to temporarily or occasionally perform activities in Montenegro.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall conduct the verification of compliance with the requirements referred to in paragraph 1 of this Article.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall keep the records of the declarations referred to in paragraph 1 of this Article.

Permanent performance of activities by natural persons from a Contracting Country

Article 97

A natural person from a Contracting Country, holding a professional qualification or approval in both a Contracting Country and a Signatory Country, may permanently perform a regulated profession in Montenegro in accordance with the present Law, contingent upon obtaining a decision on the recognition of a professional qualification issued by the Engineering Chamber of Montenegro the Chamber of Architects and Planners of Montenegro.

The decision referred to in paragraph 1 of this Article shall be issued to a natural person from a Contracting Country who:

- meets the requirements of the law governing the recognition of professional qualifications for performing regulated professions;
- possesses the insurance referred to in Article 101 of the present Law; and
- submits an evidence of non-conviction, or that no measure of temporary or permanent deprivation of the right to engage in the development of technical documentation and construction of structures activities for which s/he is authorized by the Contracting Country has been imposed.

Where in the procedure of recognition of professional qualifications for performing regulated professions, the Engineering Chamber of Montenegro, or the Chamber of Architects and

Planners of Montenegro determines that a supplementary measure is required in accordance with the law governing the recognition of professional qualifications for performing regulated professions, a natural person from a Contracting Country selects a method for verifying professional qualifications, the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall set the contents and procedure for testing candidates.

Where a natural person from a Contracting Country opts for the adjustment period measure, s/he must submit to the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, the mentor's name along with a signed declaration from the mentor confirming that this person shall be under his/her mentorship during the adjustment period.

The mentor must meet the requirements for the performance of regulated profession for which the candidate is being trained in accordance with the present Law.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall enter the foreign natural person in the Foreign Nationals Registry within three days from the date of issuing the decision on recognition of professional qualifications in accordance with the present Law.

A natural person from a Contracting Country must submit an application for membership in the Engineering Chamber of Montenegro or the Chamber of Architects and Planners of Montenegro within three days from the date of registration in the Foreign Nationals Registry in accordance with the present Law.

After registration in the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, a natural person from a Contracting Country may perform a regulated profession in accordance with the present Law.

Carrying out activities by third-country natural persons

Article 98

A third-country natural person who has acquired a professional qualification in both that country and the Signatory Country, may pursue a regulated profession in accordance with the present Law, contingent upon the reciprocity, provided that s/he acquired qualification equivalent to those required for Montenegrin nationals, has passed the professional examination referred to in Article 103 of the present Law, that s/he has been registered with the Registry referred to in Article 100 of the present Law, and that s/he provides an evidence of compliance with the requirements prescribed by the law governing the employment and work of foreign nationals.

Reciprocity implies the right of a Montenegrin national to perform a regulated profession in a third country under the same or similar requirements under which the nationals of those countries can pursue it in Montenegro.

The Engineering Chamber of Montenegro, or Chamber of Architects and Planners of Montenegro shall determine the reciprocity and comparability of qualifications referred to in paragraph 1 for regulated professions, the performance of which is a requirement for registration with the Registry of natural persons from third countries.

The Engineering Chamber of Montenegro or the Chamber of Architects and Planners of Montenegro shall register a natural person from a third country into the Foreign Nationals Registry within three days from the date of issuing a decision on the recognition of professional qualifications for pursuing activities in accordance with the present Law.

A natural person from a third country shall be obliged to submit an application for membership in the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro within three days from the date of registration in the Foreign Nationals Registry, in accordance with the present Law.

After registration in the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, a natural person from a third country may perform a regulated profession in accordance with the present Law.

Temporary and occasional pursuit of activities by natural persons from a Contracting Country

Article 99

A natural person from a Contracting Country who has acquired a professional qualification in both that country and the Signatory Country, may perform a regulated profession in the construction of structures area in Montenegro, in accordance with the present Law, provided that s/he submits an application to the Engineering Chamber of Montenegro or the Chamber of Architects and Planners of Montenegro on the temporary or occasional pursuit of activities, along with an evidence of acquired qualifications, in accordance with the law governing the procedure for recognition of professional qualifications for performing regulated professions.

The application must also be submitted whenever the circumstances for carrying out professional qualifications change significantly.

A natural person from a Contracting Country must be registered in the Foreign Nationals Registry, for temporary and occasional pursuit of activities within three days of submitting the application.

A natural person from a Contracting Country performing a regulated profession in Montenegro for over a year, must submit a declaration to the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, once a calendar year indicating any change in data.

Where at the time of renewal of the request, the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro determines, on the basis of the criteria established in the law governing the procedure of recognition of professional qualifications for performing regulated professions, that a foreign natural person registered in the Foreign Nationals Registry complies with the current regulations of Montenegro and the Code of Ethics, it shall extent a certificate for a certain period of time, not exceeding one year.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall keep the records of the applications referred to in paragraph 1 of this Article.

Foreign Nationals Registry

Article 100

The Engineering Chamber of Montenegro and the Chamber of Architects and Planners of Montenegro shall keep the Registry of foreign legal entities and natural persons electronically.

The Ministry shall prescribe a more detailed content and method of keeping the Foreign Nationals Registry.

Recognition of insurance contracts

Article 101

A legal entity with a registered seat in a Contracting Country and a Signatory Country shall be recognized as having a professional liability insurance contract executed in the country of its registered seat, provided that the insured person is covered by a guarantee for the territory of

Montenegro that is equivalent or comparable in terms of the purpose or object of the insurance, whereby the insurance amount cannot be less than the amount determined by the regulation referred to in Article 105 of the present Law.

Where the guarantees referred to in paragraph 1 of this Article are not equivalent, the legal entity shall be obliged to obtain supplementary insurance to cover: the insured risk, the insured upper limit of the guarantee or any potential exclusions from the coverage.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall carry out the verification of the guarantee referred to in paragraph 1 of this Article.

Recognition of foreign professional qualifications

Article 102

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall carry out the tasks related to the recognition of professional qualifications of foreign natural persons for pursuing activities established by the present Law, in accordance with the law governing the recognition of qualifications for the performance of regulated professions and the present Law.

The Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro, shall issue to the nationals of Montenegro and persons who have acquired a professional qualification in Montenegro a certificate of professional qualifications in accordance with the minimum training requirements, a certificate of validity of diplomas and certificates of professional qualifications, as well as a certificate of automatic recognition indicating that they have pursued an activity in their territory for at least three consecutive years, and specifically five years prior to the date of issuing the certificate.

Membership in the Engineering Chamber of Montenegro, or the Chamber of Architects and Planners of Montenegro shall not be mandatory for issuing the certificate referred to in paragraph 2 of this Article.

An appeal may be lodged with the Ministry against the decision of the Engineering Chamber of Montenegro or Chamber of Architects and Planners of Montenegro for the matters referred to in paragraph 1 of the present Law, within eight days from the date of delivery of the decision.

Automatic recognition of professional qualifications for architects

Article 102a

The professional qualification of an architect who intends to carry out a licensed architect activity in Montenegro established by the present Law, shall be automatically recognized in accordance with the law governing the procedure for recognition of professional qualifications for performing regulated professions and the present Law.

Where the requirements for the automatic recognition of a professional qualification have not been met, the general system of recognition of professional qualifications shall be used for the recognition of a professional qualification, in accordance with the law governing the procedure for the recognition of professional qualifications for performing regulated professions and the present Law.

The provision of paragraph 1 of this Article shall also apply to foreign natural persons in the architectural profession to whom the Agreement on the Recognition of Professional Qualifications for Doctors of Medicine, Doctors of Dentistry and Architecture in the context of the Central European Free Trade Agreement applies.

The Chamber of Architects and Planners of Montenegro shall carry out the tasks related to the recognition of professional qualifications referred to in paragraphs 1, 2 and 3 of this Article.

The Ministry shall prescribe a more detailed requirements, method, procedure and minimum qualification requirements for the automatic recognition of professional qualifications for architects.

Training of architects

Article 102b

Training of an architect shall comprise:

- a) a total of at least five years of full-time study at a university or a comparable teaching institution, which leads to successfully completion of a university-level examination; or
- b) at least four years of full-time study at a university or a comparable teaching institution, which leads to successfully completion of a university-level examination, with an attached certificate of completion of a two-year professional internship.

Architecture must represent the principal component of studies referred to in paragraph 1 of this Article.

The studies must maintain a balance between theoretical and practical aspects of architectural training and guarantee the acquisition of at least the following knowledge, skills and competences:

- a) ability to create architectural designs that satisfy both aesthetic and technical requirements.
- b) adequate knowledge of the history and theories of architecture and the related arts, technologies and human sciences.
- c) knowledge of the fine arts as an influence on the quality of architectural design.
- d) adequate knowledge of urban design, planning and the skills involved in the planning process.
- e) understanding of the relationship between people and buildings, and between buildings and their environment, and of the need to relate buildings and the spaces between them to human needs and scale.
- f) understanding of the profession of architecture and the role of the architect in society, in particular in preparing briefs that take account of social factor.
- g) understanding of the methods of investigation and preparation of the brief for a design project.
- h) understanding of the structural design, constructional and engineering problems associated with building design.
- i) adequate knowledge of physical problems and technologies and of the function of buildings so as to provide them with internal conditions of comfort and protection against the climate within the framework of sustainable development;
- j) the necessary design skills to meet building users' requirements within the constraints imposed by cost factors and building regulations.
- k) adequate knowledge of the industries, organizations, regulations and procedures involved in translating design concepts into buildings and integrating plans into overall planning.

The number of years of academic study referred to paragraphs 1 and 3 of this Article may also be expressed in equivalent ECTS credits.

The professional internship referred to in paragraph 1 item b of this Article shall be carried out after the completion of the initial three years of study, where at least one year of the professional internship shall mean an upgrade of the knowledge, skills and competencies acquired during the studies referred to in paragraph 2 of this Article.

The professional internship shall be carried out under the supervision of a person or a body authorized by the competent authorities of the home Member State and may be pursued in any country.

The Chamber of Architects and Planners of Montenegro is the competent authority in Montenegro for evaluating the professional internship.

Notwithstanding paragraphs 1, 2 and 3 of this Article, the procedure of recognizing the professional qualifications of a licensed architect shall also recognize the training that is a part of social improvement programs or part-time university studies, provided they meet the requirements referred to in paragraph 3 of this Article and are attested by an architecture examination passed by a professional with seven or more years of experience in the field of architecture, under the supervision of an architect or an architectural bureau.

The examination referred to in paragraph 7 of this Article should be at the university level and equivalent to the final examination referred to in paragraph 1 item b) of this Article.

Carrying out the professional activity of a licensed architect

Article 102c

The professional activity of a licensed architect shall mean an activity regularly carried out under the professional title of "Architect."

Nationals of a Member State, who are authorised to use that title pursuant to a law which gives the competent authority of a Member State the power to award that title to Member States nationals who are especially distinguished by the quality of their work in the field of architecture shall be deemed to satisfy the conditions required for the pursuit of the activities of an architect, under the professional title of "architect".

The certificate awarded to these persons by their home Member State shall attest that they are pursuing architectural activities.

7. Vocational exam and Professional Development

Vocational Exam

Article 103

A person who holds the appropriate qualifications to perform activities in the field of construction of structures (preparation of technical documentation, review of technical documentation, professional construction oversight, technical inspection, design supervision, execution of works, project management, testing and preliminary research) except for an architect and landscape architect, as well as a person from the engineering profession who performs activities in accordance with the law governing spatial planning must have passed a vocational exam.

The vocational exam may be taken by a person referred to in paragraph 1 of this Article who has at least three years of work experience in the construction of structures or at least five years of experience in spatial or urban planning.

The vocational exam shall be organised and conducted by the Engineering Chamber of Montenegro.

The Ministry shall lay down the programme and method of taking the vocational exam.

Professional Development

Article 104

A person performing activities in the capacity of responsible designer, responsible reviewer, supervising engineer, responsible construction engineer and planner has the right and obligation to professional training.

Persons from paragraph 1 who are undergoing professional development acquire the appropriate number of points during one year.

Professional training shall be organised and conducted in accordance with the present Law, and for engineering professions that perform the activity of planners, in accordance with the law governing spatial planning.

A business entity, legal entity or entrepreneur who employs the person referred to in paragraph 1 of this Article shall provide conditions for professional development.

The professional development training program for the persons referred to in paragraph 1 of this Article shall be adopted in accordance with the present Law and the law governing spatial planning.

The method of evaluating professional development for the purpose of acquiring professional knowledge shall be laid down by the Engineering Chamber of Montenegro with the approval of the Ministry.

Damage Accountability and Professional Liability Insurance

Article 105

Prior to the commencement of the activity, a business entity, a legal entity or an entrepreneur performing the activities of developing technical documentation, reviewing technical documentation, construction of structures or performing individual construction works for a structure, performing professional construction oversight and performing technical inspection shall conclude a professional liability insurance contract for damage that may be inflicted on investors or third persons.

The insurance referred to in paragraph 1 of this Article must cover the risk of liability for damage inflicted on third persons, for damage to structures and for financial loss.

Professional liability insurance contracted in the state of the seat of a person from the EEA signatory country shall be recognized if it was concluded in accordance with the present Law and if such insurance covers damage that may be caused in Montenegro.

The minimum insurance amount and the method of determining the insured amount referred to in paragraph 2 of this Article shall be set by the Government

Prohibition of Conflict of Interest

Article 106

It shall be prohibited to the technical documentation reviewed by an investor, a business entity, a legal entity or an entrepreneur who developed the technical documentation or participated in the development of the technical documentation or a part of the technical documentation, a natural person employed in a business entity, a legal entity or an entrepreneur who developed the technical documentation or a part of the technical documentation or participated in their development, as well as a natural person employed by the investor.

It shall be prohibited for an investor, a natural person employed by an investor, a business entity, a legal entity or an entrepreneur who is a contractor for the structure to perform

professional construction oversight of the construction of the structure, and a person employed in a business entity, a legal entity or an entrepreneur who is a contractor for such structure. It shall be prohibited for the technical inspection of the structure to be performed by an investor, a natural person employed by the investor, a business entity, a legal entity or an entrepreneur who performs professional construction oversight of such structure, and a person employed by a business entity, a legal person or an entrepreneur who performs professional construction oversight of such structure.

8. Licences

Issuing of Licences

Article 107

A license is an act that determines the fulfilment of the conditions for performing activities from Articles 76, 76a, 78, 81, 82, 84, 85, 88, 89, 91 and 92 of this law.

The licence shall be issued by the Ministry by means of decision, within fifteen days as of the date of submission of request.

On the basis of the license of a natural person, a license for the performance of activities may be issued only to one business entity, legal entity or an entrepreneur.

A license may not be issued to a company, legal entity or entrepreneur based on the additional work of a natural person.

A license may be issued to a business entity, a legal entity or an entrepreneur only on the basis of a license of a natural person, employed for an indefinite period of time with full-time employment.

A license for a business entity, legal entity or entrepreneur shall be issued for a period of five years.

A licence for a natural person shall be issued for indefinite period of time.

Exceptionally from paragraph 7 of this article, a license for an individual who is not a citizen of Montenegro but has been granted temporary or permanent residence in Montenegro is issued with a validity period until the expiry of the approved temporary or permanent residence.

In the case from paragraph 8 of this article, a license for a company, legal entity, or entrepreneur issued based on the license of that individual is issued with a validity period until the expiration of the individual's license.

A business entity, a legal entity, or an entrepreneur, as well as a natural person, who is a license holder, shall inform the Ministry about all changes that affect the fulfilment of the requirements for obtaining a license, within eight days as of the date of the change.

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

Revoking of Licences

Article 108

The Ministry shall revoke the licence if:

- 1) the license holder carrying out activities contrary to Article 76 paragraph 4, Article 78 paragraphs 3 and 4, Article 81 paragraph 7, Article 82 paragraphs 3, 4 and 6, Article 84 paragraph 4, Article 85 paragraph 3, and Article 88 paragraph 5 of the present Law;
- 2) it is found that the licence was issued based on inaccurate data;

- 3) the license holder ceases to fulfil the requirements for carrying out the activities referred to in Article 76 paragraph 1, Article 78 paragraphs 1 and 2, Article 81 paragraphs 1, 2 and 3, Article 82 paragraphs 1 and 2, Article 84 paragraph 1, Article 85 paragraphs 1 and 2, Article 88 paragraphs 1 and 2, Article 89 paragraphs 1 to 4 and Article 91 paragraphs 1, 2 and 3 of the present Law;
- 4) the licence holder is deprived of his/her business capacity;
- 5) the licence holder ceases to exist by force of law;
- 6) the licence holder becomes permanently incapable of performing the duties, and/or
- 7) the licence holder has not received professional training within one year, or if within two years he has not acquired the prescribed number of points in accordance with the present Law.

The Ministry shall initiate ex officio the licence revocation procedure if it learns that the conditions referred to in paragraph 1 of this Article have been met.

If the chief state architect or the chief city architect, the local government authority, the authority in charge of technical requirements, or the construction inspector learns while performing official that there are legal requirements for revoking the license, he shall inform the Ministry thereof.

The revocation of the license in the event referred to in paragraph 1(1) of this Article shall be performed for a period of six months to five years or permanently.

In the event referred to in paragraph 4 of this Article, the license shall be revoked from a natural person and a business entity, a legal person or an entrepreneur in which the natural person is employed.

By passing a final decision revoking the licence, all rights under the issued licence shall cease.

The Ministry shall inform the construction inspector about the revocation of the licence within three days as of the date of the decision on the revocation of the licence.

If the licence was revoked from a natural person on the basis of which a licence was issued to a business entity, legal entity or entrepreneur, the Ministry shall inform such business entity, legal entity or entrepreneur of the revocation of the licence within three days as of the date of the decision on revocation of the licence.

If the licence was revoked from a natural person on the basis of which a licence was issued to a business entity, legal entity or entrepreneur, and no other licenced natural person is employed in such business entity, legal entity or entrepreneur, the licence shall also be revoked from such business entity, legal entity or entrepreneur, if the business entity, legal entity or entrepreneur fails to provide proof of employment of another natural person holding the appropriate licence, within eight days as of the date of delivery of the notification referred to in paragraph 8 of this Article.

After the expiry of the term for which the licence was revoked, a request for the issuance of a new licence may be submitted.

The Ministry shall publish the decision on revocation of the licence on the website, within three days as of the date of the decision.

Licence Dormancy

Article 109

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, for a period of maximum of one year.

Registry of Licences

Article 110

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

The data from the registry referred to in paragraph 1 of this Article shall be public and shall be published on the website of the Ministry.

Secondary Legislation Governing Licences

Article 111

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.

Delegation of Tasks

Article 112

Tasks referred to in Art. 107 to 110 of the present Law may be entrusted to the Engineering Chamber of Montenegro or the Chamber of Architects and Planners of Montenegro, for architects and landscape architects.

Forms

Article 113

Forms of requests referred to in Article 24(1), Article 33(1), Article 39(2), Article 44(1), Article 48(6), Article 54(1), Article 68(2), Article 107(2), Article 109(1), Article 122(1), Article 124(1)(1) and Article 125(1); notifications referred to in Article 39(4), Article 40(1), Article 42(1), Article 48(5), Article 51(3), Article 69(1); notifications referred to in: Article 37(3), Article 47(2)(7) and (8), Article 62(1), Article 76(5), Article 81(8), Article 84(5), Article 107(8) and Article 108(8) and statements referred to in: Article 34(2)(3), Article 52(8), Article 54(4)(1), Article 57(4), Article 95(1) and Article 96(1) of the present Law shall be laid down by the Ministry.

IV. CHAMBER

1. Status Provisions

Engineering Chamber of Montenegro

Article 114

The Engineering Chamber of Montenegro (hereinafter referred to as the "Chamber"), established in accordance with earlier regulations, shall attend to the improvement of conditions for performing activities set out in the present Law, protection of public interest, protection of rights, reputation and achieving common interests of its members and exercise public authorities set out in the present Law.

Members of the Chamber shall be persons who work in the construction of structures, except for architects and landscape architects, as well as persons in the engineering profession who perform their activities in accordance with the Law governing spatial planning.

Autonomy and Independence

Article 115

The Chamber is an independent, professional organisation, independent in its work.

Legal Status

Article 116

The Chamber shall have the capacity of a legal entity, with rights, obligations and responsibilities set out in the law and the Articles of Association (hereinafter referred to as the "Articles of Association").

The seat of the Chamber shall be in Podgorica.

The Chamber shall be registered in the Central Register of Business Entities.

Articles of Association and Supervision

Article 117

The Chamber shall have its Articles of Association.

The Articles of Association regulates: activities of the Chamber; membership in the Chamber; the organisation of the Chamber; competence of the Chamber's bodies; composition and the number of members in the Chamber's bodies, as well as the method of their work; selection, recall and duration of terms of the Chamber's bodies; forms of work and organisation; rights, obligations and accountability of the Chamber's members; manner of decision-making; cooperation with bodies and organisations; transparency of work; cooperation with Government authorities and institutions and international cooperation with chambers, institutions and organisations; method of ensuring means for work; method of performing and organising professional and administrative activities; procedure of adoption of Articles of Association and other general acts, as well as 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.

Transparency of Work

Article 118

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 Chamber's website.

Property of the Chamber

Article 119

The Chamber shall have its property.

The property of the Chamber shall consist of property rights over movable and immovable things and other property rights

The Chamber shall freely manage, use and dispose of its property, in accordance with the law.

The Chamber shall be liable for its obligations with all of its property.

The Chamber shall not be liable for the obligations of its members, and the members of the Chamber shall not be liable for the obligations of the Chamber.

2. Membership and Bodies of the Chamber

Membership Article 120

Members of the Chamber shall be natural persons who perform the following activities: development of technical documentation, review of technical documentation, expert supervision, technical inspection, design supervision, execution of works, project management, testing and preliminary research.

Members of the Chamber shall be planners of engineering profession.

A foreign natural person may also be a member of the Chamber.

The status of a member of the Chamber shall be acquired on the day of registration in the registry of members of the Chamber (hereinafter referred to as the “registry of the Chamber”), and end on the day of deletion from the registry.

Rights and Obligations of Members of the Chamber Article 121

Members of the Chamber shall have the right to:

- 1) elect and be elected to the bodies of the Chamber, in accordance with the Articles of Association and general acts of the Chamber;
- 2) be informed about activities of the Chamber;
- 3) use the Chamber's professional assistance within its competences;
- 4) exercise other rights, in accordance with the Articles of Association and general acts of the Chamber.

Members of the Chamber shall:

- 1) enhance their knowledge;
- 2) protect and develop the reputation of the profession and of the Chamber;
- 3) observe laws, regulations, Articles of Association, code of ethics and other acts of the Chamber;
- 4) pay the registration fee, membership fee and fulfil other obligations in the bodies of the Chamber;
- 5) perform other tasks in accordance with the statute and other general acts of the Chamber.

Entry into Registry Article 122

Entry in the Chamber's registry shall be made at the personal request of the applicant.

Members of the Chamber shall notify the Chamber of any change related to data entered in the Chamber's registry.

A person whose membership in the Chamber has ceased may resubmit a request for entry into the Chamber's registry.

Registration Fee and Membership Fee Article 123

Registration fee and annual membership fee shall be paid for entry into the registry of the Chamber.

The fees referred to in paragraph 1 of this Article shall be defined by the Chamber, with prior approval from the Ministry.

Termination of Membership

Article 124

Membership in the Chamber shall be terminated in the following cases:

- at the personal request of a member of the Chamber;
- by imposing a disciplinary measure of termination of membership in the Chamber;
- on the basis of a final judgment of the competent court on the prohibition of performance of activities;
- failure to settle membership fee;
- death of a member of the Chamber.

Suspended Membership

Article 125

A member of the Chamber may submit a request for suspension of membership in the Chamber

During the suspended membership in the Chamber, all rights and obligations of the member arising from the membership in the Chamber shall be suspended.

The conditions and method of suspended membership in the Chamber shall be laid down in more detail by the Articles of Association and general act of the Chamber.

Disciplinary Accountability of Members of the Chamber

Article 126

A member of the Chamber shall act in accordance with the law, the Articles of Association of the Chamber, the code of ethics and other general acts of the Chamber.

In case of violation of obligations under paragraph 1 of this Article, the member of the Chamber shall be held accountable in accordance with the Articles of Association.

The Articles of Association of the Chamber shall define serious and minor violations of duty.

Form and Keeping of Registry

Article 127

The registry of the Chamber shall keep in electronic and written form.

The registry of the Chamber shall be kept permanently.

The content and method of keeping of the registry of the Chamber shall be laid down by the Ministry.

Bodies of the Chamber

Article 128

The bodies of the Chamber shall be the Assembly, the Council and the President.

The bodies of the Chamber shall be selected for a period of four years.

The Assembly of the Chamber and members of the Council shall be elected in general elections.

A member of the Council shall be a representative of the Ministry.

Upon the expiration or termination of the term of the Assembly of the Chamber, the term of the Council shall be terminated.

The Chamber shall have the Secretary General.

Competencies of bodies of the Chamber shall be defined by the Articles of Association.

3. Activities of the Chamber

Scope of Activities

Article 129

The Chamber shall:

- 1) protect, adapt and represent interests of members of the Chamber;
- 2) fix the amount of registration fee and membership fee of members of the Chamber;
- 3) handles entry of members of the Chamber into the registry, deletion of members of the Chamber from the registry and suspended membership in the Chamber;
- 4) keep the registry of members of the Chamber, the members deleted from the registry and members with suspended membership in the Chamber;
- 5) organise and implement professional development of members;
- 6) keep the registry of implemented professional development of members;
- 7) keep records of the number of points acquired during professional development of members;
- 8) organise and implement taking vocational exams;
- 9) keep records of passed vocational exams;
- 10) perform delegated tasks;
- 11) prepare technical bases for the development of regulations in the areas of spatial planning, construction, maintenance and exploitation of structures at the request of the Government and other authorities;
- 12) participate in the work of working groups or other forms of work for the drafting of laws and secondary legislation in the areas of spatial planning, construction, maintenance and exploitation when it deems it necessary to protect the interests of his members and advance the profession;
- 13) give expert opinions, proposals, remarks and suggestions on drafts and/or proposals of laws and secondary legislation, when deemed necessary to protect the interests of its members and advance the profession;
- 14) submit initiatives for the adoption of regulations in the areas of spatial development;
- 15) make decisions, solutions, conclusions and other acts of importance for the performance of its duties;
- 16) define more detailed criteria for services for the performance of activities from Art. 76, 80, 84, 87 and 90 of the present Law except for the criteria for performing the same activities for architects and landscape architects defined by the Chamber of Architects and Planners of Montenegro; and
- 17) supervise the work of its members.

The Chamber shall perform other tasks in accordance with the law and the Articles of Association.

The Chamber shall perform the tasks referred to in paragraph 1(3) to (11) of this Article as a public authority.

The organization and manner of performing tasks referred to in paragraph 1 of this Article shall be regulated in more detail by the Articles of Association and other general acts of the Chamber.

Associations of individual professions may be organized within the Chamber.

The Ministry shall issue approval for the Articles of Association and other general acts of the Chamber.

The Ministry shall supervise the performance of tasks referred to in paragraph 1 of this Article.

Professional Development Training Programme

Article 130

Members of the Chamber shall have the right and obligation to professional development in order to acquire professional knowledge by participating in courses, seminars, symposia, congresses and other professional and scientific gatherings in the country and abroad and other types of professional development within the scope of their work, as well as to continuously monitor and adopt modern knowledge.

The training programme for professional development referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Certificates, Confirmations and Other Documents

Article 131

The Chamber shall issue certificates, confirmations and other documents about the facts of which it keeps records, as well as in other cases in accordance with regulations.

Certificates, confirmations and other documents referred to in paragraph 1 of this Article shall have the status of public documents

Funds for Chamber's Work

Article 132

The funds for the Chamber's work shall be ensured by:

- 1) registration fee and membership fee of members of the Chamber;
- 2) income from fees for services within the scope of its activities;
- 3) donations, sponsorships and other sources in accordance with the law;
- 4) the budget of Montenegro for delegated public powers.

V. SUPERVISION

Performance of Supervision

Article 133

Supervision over the implementation of the present Law and other regulations adopted hereunder shall be performed by the Ministry.

Inspection Supervision

Article 134

The tasks of inspection supervision over the implementation of the present Law shall be performed by the Ministry or the local self-government unit through the construction inspector, in accordance with the present Law and the law governing inspection supervision.

The Ministry shall perform inspection supervision over the structures referred to in Article 32(2) of the present Law, and the local self-government unit shall perform inspection supervision over the structures referred to in Article 32(1) of the present Law.

In addition to the conditions laid down in the law regulating the categorization of jobs and titles of civil servants and Government employees, a construction inspector may be a construction engineer or an architect.

With the exception of paragraph 3 of this article, the construction inspector can be an electrical engineer or a mechanical engineer, who has at least one year of work experience in

professional work in the preparation of technical documentation and/or construction of an object, as well as persons, legal, economic or geodetic professionals who have at least three years of experience.

The utility inspector of the local self-government unit shall perform inspection supervision of structures for which no building permit is issued (temporary structures and auxiliary structures).

More details content and form of inspection supervision report by the construction inspector shall be laid down by the Ministry.

Official Uniform and Official Insignia

Article 135

The construction inspector shall perform field inspection wearing official uniform.

The official uniform shall include the prescribed insignia of the construction inspection.

The appearance of the uniform, as well as the appearance and content of the insignia on the uniform, shall be prescribed by the Ministry.

Records

Article 136

The construction inspector shall keep records of the performed supervision and the measures taken.

The content of the form used to keep the records referred to in paragraph 1 of this Article shall be laid down by the Ministry.

Powers of the construction Inspector

Article 137

The construction inspector shall verify in particular:

- 1) whether a building permit has been issued for the construction of the structure;
- 2) whether the investor has put up the construction board in accordance with Article 37 of the present Law;
- 3) whether the investor has started the preliminary works for construction the structure in accordance with Article 38 or Article 39 of the present Law;
- 4) whether the investor has notified the commencement of construction of the structure in accordance with Article 40(1) of the present Law;
- 5) whether all the documents are kept at the construction site in accordance with Article 46 of the present Law;
- 6) whether the business entity that is the professional supervisor or the contractor meets the requirements set out in Article 81(2) or Article 84(1) of the present Law;
- 7) whether professional construction oversight acts or has acted in accordance with Art. 50, 51 and 52 of the present Law;
- 8) whether the construction of the structure is carried out in accordance with the revised main design and the issued building permit;
- 9) whether the construction line, regulation line, as well as level baselines have been transferred to the field in accordance with the data from the building permit and the main design or whether the object is positioned in the field as per the data from the main design and the building permit;
- 10) whether evidence of the quality of the works performed, evidence of the usability of construction products, installations and equipment and prefabricated elements that are installed correspond to the technical properties specified in the revised main design;
- 11) whether the contractor organised the construction site and ensured the safety of the

- structure in accordance with Article 45(1)(4)(6) of the present Law;
- 12) whether the construction products and prefabricated elements that are installed comply with the regulations and standards, and whether the contractor and the investor have obtained the necessary certification for them or whether they perform the necessary tests of the products and elements in accordance with the law governing construction products;
 - 13) whether the owner or the holder of another right over an existing structure has submitted a notification for adaptation or repair works that he executes on an existing structure or a part of the structure, along with the documents, to the construction inspector in compliance with Article 42(1)(2) of the present Law;
 - 14) whether the construction site for the structure whose construction started but not completed within the period indicated in the issued building permit or the works have been suspended for more than 30 is closed in a way that will ensure unhindered traffic, safety of persons, adjacent structures and the surrounding in compliance with Article 49(1)(2) of the present Law;
 - 15) whether a structure is used prior to the issuance of the occupancy permit (Article 60(1) of the present Law);
 - 16) whether the existing structure, due to physical dilapidation or other causes, poses a danger to the safety of neighbouring structures and the environment;
 - 17) whether the designer of the main design on the basis of which the building permit was issued meets the requirements for performing activities referred to in Article 76(1) of the present Law;
 - 18) whether the reviewer of the main design on the basis of which the building permit was issued meets the requirements for performing activities referred to in Article 81(1) of the present Law;
 - 19) whether the lead supervising engineer who manages the professional construction oversight of construction of the structure and the responsible supervising engineer who supervises the professional construction oversight of the execution of certain types of works on the structure perform supervision duties on more than five construction sites at the same time;
 - 20) whether the business entity developed the technical documentation or reviewed the technical documentation on the basis of which the building permit was issued in accordance with Art. 12 and 16 of the present Law;
 - 21) whether the chief designer and the responsible designer or the chief reviewer and the responsible reviewer of the technical documentation on the basis of which the building permit was issued, developed the technical documentation or reviewed them in accordance with Article 16 of the present Law;
 - 22) whether access, movement and stay of persons with reduced mobility and persons with disabilities are ensured in the structure in public use in accordance with Article 30 of the present Law;
 - 23) whether the authority in charge of issuing building permits issued a decision on the issuance of an occupancy permit in accordance with Article 59 of the present Law;
 - 24) whether the investor has eliminated the deficiencies identified in the technical inspection report referred to in Article 57(1)(2) of the present Law.

Administrative Measures and Actions of Construction Inspectors

Article 138

Where construction inspectors find within the inspection supervision procedure that a law or another regulation was breached, they shall:

- 1) prohibit the building of a structure if the structure is built without issued building permit;
- 2) order shutting down the construction site if they establish that the investor executes preliminary works contrary to Art. 38 or 39 of the present Law;
- 3) initiate the procedure of licence revocation from the contractor, if they build a structure contrary to the revised main design on the basis of which the building permit was issued (45(1)(1) of the present Law);

- 4) initiate the procedure of licence revocation from the lead supervising engineer and the responsible supervising engineer, if they do not perform activities in compliance with Article 81(7) of the present Law;
- 5) prohibit the construction of the structure if they establish that the contractor failed to organise the construction site in a way that will enable access to the location, unhindered traffic and protection of the environment during construction or failed to ensure the safety of the structure, the health and safety at work of the employees and the protection of the environment (adjacent structures and infrastructure) and order undertaking of these measures (Article 45(1)(4)(6) of the present Law);
- 6) prohibit construction if they establish that construction documents referred to in Article 46 of the present Law are not kept at the construction site;
- 7) initiate the procedure of licence revocation from the professional construction oversight if they failed to act in compliance with Article 50(3) and Article 51(2)(3) of the present Law;
- 8) initiate the procedure of licence revocation from the reviewer if they fail to act in compliance with Article 80(1) of the present Law;
- 9) prohibit the execution of adaptation or repair work on a structure if such works are executed without notification of adaptation or repair work and the documents referred to in Article 42(1)(2) of the present Law;
- 10) prohibit the construction of a structure if the investor failed to contract professional construction oversight or the contractor or if the contracted professional construction oversight or the contractor does not meet the requirements under Article 81(2) or Article 84(1) of the present Law;
- 11) prohibit the construction of a structure or a part of the structure, within a certain period of time, if the construction of the structure is not performed in compliance with the revised main design and order harmonisation of executed works with the revised main design;
- 12) prohibit construction of a structure if they establish that the building line, regulation line, as well as elevation points of the structure have not been aligned with the terrain as per the data indicated in the building permit or that the structure is not positioned in the field as per the data in the main design and the building permit;
- 13) order the investor to eliminate within the set deadline the irregularities referred to in item 11 of this paragraph;
- 14) order demolition of a structure and/or restoring of space to its original state, if a structure is built despite the prohibition referred to in item 11 of this Article;
- 15) prohibit the utilisation or the use of the structure for which the occupancy permit has not been issued;
- 16) prohibit the use of the structure if the investor fails to eliminate the deficiencies indicated in the technical inspection report referred to in Article 57(1)(2) of the present Law;
- 17) order demolition or removal of a structure and/or restoring space to its original state, if:
 - a structure is built or has been built despite the prohibition referred to in paragraph 1(1)(10) of this Article;
 - the investor fails to harmonise the executed works with the modified revised main design, within the set deadline, in compliance with Art. 47 and 48 of the present Law;
 - the structure is built without the building permit;
 - they establish deficiencies in the construction of the structure that pose a danger to the stability of the structure, safety of adjacent structures and the surrounding;
 - they establish that, due to dilapidation or other reason, an existing structure poses danger to lives of people, safety of traffic, adjacent structures and the surrounding, except if the structure is a cultural monument or has the status of a planned cultural monument;

- 18) order the investor, within the time limit they set, to restore the land to its original state of stability and/or to rehabilitate landslides in the event that material excavation works not envisaged by the main design are executed or, due to the performance of unsafe excavation of materials and impacts of pollution, a landslide was caused;
- 19) order the investor, within the time limit they set, to put up construction information board at the construction site, with the information on the structure and issued building permit in compliance with Article 37 of the present Law;
- 20) prohibit execution of reconstruction work on the structure and/or restoring of the structure of a part of the structure to its previous condition, within the time limit they set, if the reconstruction works are executed with issued building permit;
- 21) prohibit execution of works for construction of the structure until proof of quality of executed works or of incorporated construction products, installations and equipment have been ensured in compliance with Article 45(1)(6) of the present Law.

The administrative measure referred to in paragraph 1 (1) (2) (4) (5) (6) (8) (9) (10) (11) (12) (14) (15) of this Article shall be implemented by sealing and displaying a notice "Closed as ordered by the construction inspector" in a visible place at the construction site.

Enforcement Measures of Construction Inspectors

Article 139

With the decision on the demolition or removal of the construction referred to in Article 138 of the present Law, the construction inspector shall determine whether a demolition or removal study is required prior to the demolition or removal.

The subject of supervision who has been ordered to demolish or remove the structure shall remove objects, equipment, machinery, vehicles and other movable property from the structure and around the structure that is the subject of enforcement within the time limit set by the decision.

If the subject of supervision fails to act in compliance with paragraph 2 of this Article, it will be considered that he has abandoned the property, objects, equipment and other movable property that he has not removed and shall not be entitled to damage compensation.

The construction inspector shall point out the obligation and consequences referred to in paragraph 2 of this Article to the subject of supervision in the demolition decision.

VI. SANCTIONS

Article 140

Legal entities shall be punished for a misdemeanour with a fine ranging from €5,000 to €40,000, if they:

- 1) fail to develop the main design in compliance with Article 12 of the present Law;
- 2) fails to ensure access, movement and stay of persons with reduced mobility and persons with disabilities in the structure referred to in Article 30, paragraphs 1 and 2 of this Law (Article 30(4) of the present Law);
- 3) fail to put up information board at the construction site, on the day of notification of the commencement of construction of the structure, which contains the data set out in Article 37(1) of this Article (Article 37(1));
- 4) fail to notify the commencement of construction to the construction inspector (Article 40 (1)) not later than seven days prior to the commencement of the construction;
- 5) fail to provide the construction inspector the contract for the contractor and the contract for professional construction oversight and proof of professional liability insurance for the contractor and the professional construction oversight, along with the notification of the commencement of the construction of the structure (Article 40(2));
- 6) fail to provide the construction inspector with the contract for the contractor and the proof of professional liability insurance for the contractor for the family residential

- building, along with the notification of the commencement of the construction of the structure (Article 40(3));
- 7) fail to provide the construction inspector with the notification of adaptation or repair works on the existing structure or a part of the structure (Article 42(1));
 - 8) fail to submit the documents referred to in Article 42(2) of the present Law along with the notification of adaptation or repair works (Article 42(2));
 - 9) prior to the commencement of construction of the structure, fail to provide the contractor with the building permit, stamped revised main design on the basis of which the building permit was issued, and the notification of the commencement of works in electronic PDF format and analogue format that is identical to the stamped electronic format (Article 43(1));
 - 10) prior to the commencement of construction of the structures, fail to provide the contractor with the building permit and the main design on the basis of which the building permit was issued, in electronic PDF format and analogue format that is identical to the stamped electronic format and the application for the start of construction (Article 43(2));
 - 11) fail to ensure mandatory presence of the professional construction oversight or the supervising engineers by stages of ongoing construction of the structure (Article 43(3) of the present Law);
 - 12) fail to inform the construction inspector in writing about a change of the contractor or the professional construction oversight, within three days as of the date of change, and fails to submit the contract for another contractor or the professional supervisor (Article 43(9));
 - 13) fail to file a request to the competent authority in charge of issuing building permits to change the building permit in the name of the new investor in the event the investor changes during construction of the structure, within 30 days as of the date of the change (Article 44(1));
 - 14) execute works contrary to the revised main design or the main design based on which the building permit was issued (Article 45(1)(1));
 - 15) fail to mark regulation and building lines, characteristic elevation points of the structure or the trajectories in the field prior to the commencement of construction, in compliance with the revised main design (Article 45(1)(2));
 - 16) fail to ensure mandatory presence of the construction manager and the responsible engineer by phases of ongoing construction of the structure (Article 45(1)(13));
 - 17) fail to eliminate without any delay the deficiencies referred to in Article 47(1)(2) of the present Law that they were warned about (Article 47(3));
 - 18) in the event referred to in Article 48(3) of the present Law, fail to file a request for issuing of construction permit based on the revised main design (Article 48(6));
 - 19) in the event of non-completion of the construction of the structure within the time limit set out in Article 43(4) of the present Law or discontinuation of works for longer than 30 days, fail to shut down the construction site, does not secure it in a way that will provide unhindered traffic, safety of persons, adjacent structures and the surrounding or fails to put up opaque protection fences around the construction site (Article 49(1));
 - 20) fail to ensure professional construction oversight during construction, except for a family residential building (Article 50(1));
 - 21) fails to perform the final handover of the structures within 30 days from the date of expiry of the warranty period for final works (construction and craft works, installation works, works on the installation of installations, plants and equipment, works on terrain development and landscape architecture and other works) (Article 63 (2));
 - 22) fail to maintain the structure, during its service life, in the conditions that ensures fulfilment of the basic requirements referred to in Article 27 of the present Law, in compliance with the structure maintenance design (Article 64(1) of the present Law).

The responsible person in the legal entity shall also be sanctioned with a fine ranging from €500 to €4.000 for misdemeanours set out in paragraph 1 of this Article.

An entrepreneur shall be sanctioned with a fine ranging from €1.000 to €12.000 for misdemeanours set out in paragraph 1 of this Article.

A natural person shall be sanctioned with a fine ranging from €500 to €4.000 for misdemeanours set out in paragraph 1 of this Article.

Article 141

Legal entities shall be sanctioned for a misdemeanour with a fine ranging from €4.000 to €30.000 if they:

- 1) fail to provide proof of quality for the executed works or proof of usability or compliance of construction works, installations and equipment (statement of properties and other evidence regulating the requirements for placing construction products on the market, declaration or the statement of compliance and other evidence in accordance with separate regulations) issued by an authorised person (Article 45(1)(6));
- 2) fail to keep the construction log with photo documents or a video of the process of execution of works and the measurement book (Article 45(1)(7));
- 3) fail to ensure measurements and geodetic observation of soil and the structure during construction (Article 45(1)(8));
- 4) fail to keep at the construction site the documents set out in Article 46(1) of the present Law;
- 5) fail to keep at the construction site the supporting documents referred to in Article 46(3) of the present Law (Article 46(3));
- 6) fail to warn the professional construction oversight in writing, within one day following the day when they observed deficiencies in the revised main design of the structure being built as a building, which do not affect the change of infrastructure corridor, change of horizontal and vertical dimensions of the structure, or the change on the façade of the structure (Article 47(1));
- 7) based on the order of the professional construction oversight, fail to discontinue works, if the deficiencies referred to in Article 47(1) of the present Law pose a threat to lives and health of people, safety of the structure, the environment, traffic and/or adjacent structures (Article 47(6));
- 8) fail to inform the professional construction oversight, without any delay, that due to the deficiencies caused by unforeseen circumstances (insufficient bearing capacity of stratum, high level of underground waters, change to parts of factory-produced elements and equipment, and installations and the like), they are unable to execute works according to the revised main design or if, within three days as of the date of receipt of the notification from the construction inspector, fail to inform the construction inspector (Article 47(8));
- 9) fail to inform the construction inspector in the event of encountering archaeological sites, fossils, active landslides, underground waters and/or similar unforeseen circumstances, within three days as of the date of the encountering or fail to discontinue the works they may threaten them (Article 47(11));
- 10) fail to inform the investor in writing, without any delay, that works are not executed according to the revised main design based on which the building permit was issued, under the present Law and/or separate regulations and/or order the contractor to eliminate the deficiencies within the determined period (Article 51(2));
- 11) the professional construction oversight fails to inform the construction inspector, without any delay, construction of the structure contrary to the revised main design, the present Law and separate regulations (Article 51(3));
- 12) fail to appoint the lead designer and the responsible designed for every type of design under Article 9(2) of the present Law (Article 76(3));
- 13) prior to the commencement of the construction of the structure, fail to designate construction manager and responsible construction engineers for every type of works (84(3));

- 14) prior to the commencement of the activity, fail to conclude professional liability insurance for the damage that may be inflicted on the investors or third persons (Article 105(1) of the present Law).

The responsible person in the legal entity shall also be sanctioned with a fine ranging from €500 to €4.000 for misdemeanours set out in paragraph 1 of this Article.

An entrepreneur shall be sanctioned with a fine ranging from €1.000 to €12.000 for misdemeanours set out in paragraph 1 of the present Article.

A natural person shall be sanctioned with a fine ranging from €500 to €4.000 for misdemeanour set out in paragraph 1 of this Article.

Article 142

Legal entities shall be sanctioned with a fine ranging from €3.500 to €25.000 for a misdemeanour, if they:

- 1) fail to report to the urban-planning inspector that the conceptual design for which the chief state architect or the chief city architect issued approvals is not compliant with the urban-planning and technical requirements (Article 16(11));
- 2) fail to indicate statements of compliance in the positive review report for the main design, within the meaning of Article 16(2)(3)(5) of the present Law (Article 19);
- 3) fail to state incompatibility of technical documentation in the negative review report for the main design, within the meaning of Article 16(2)(3)(5) of the present Law (Article 20);
- 4) fail to order the investor to make changes to the main design and to review it and/or fail to inform the construction inspector if they consider the remarks of the contractor referred to in Article 47(1) of the present Law justified or fail to inform the construction inspector thereof without any delays (Article 47(2));
- 5) in the event referred to in Article 47(6) of the present Law, fail to inform the investor and/or construction inspector and/or fail to issue an order to the contractor to execute works in accordance with Article 67 of the present Law (Article 47(7));
- 6) without any delays, fail to inform the investor in writing that works are not executed in line with the revised main design, the present Law and/or separate regulations and/or fail to order the contractor to eliminate identified deficiencies within the defined period (Article 51(2));
- 7) fail to provide the construction inspector with reports by stages, within three days as of the date of receipt of certain construction stages (Article 52(5));
- 8) in the event of construction on the structure which is a protected cultural property or in the immediate vicinity thereof, fail to inform, without any delays, the administrative authority in charge of the protection of cultural property (Article 52(6));
- 9) in the event of construction on the structure which is a protected cultural property, fail to submit the final report on professional construction oversight, along with the report of the administrative authority in charge of the protection of cultural properties, which states that the structure is built in line with the revised main design or the as-built design, at the same time to the investor, contractor, administrative authority in charge of the protection of cultural properties or the construction inspector (Article 52(7));
- 10) indicate inaccurate statements on executed works on construction of the structure in the report by construction stages and in the final report on professional construction oversight and fail to draw up a written statement that the structure is built or has been built in line with the revised main design for which the building permit was issued, or that it has been built in line with the as-built design, the law and other regulations (Article 52(8));
- 11) fail to complete technical inspection of the structure within 90 days as of the date of delivery of the decision on appointment or fail to submit the technical inspection report to the competent authority in charge of issuing building permits and the investor within

- seven days as of the date of completion of the technical inspection (Article 56(1));
- 12) fail to propose the use of the structure or the removal of identified deficiencies or prohibition of the use of the structure in the technical inspection report (Article 56(2));
- 13) for the purpose of performing the activity of the review of the technical documentation, do not have at least one employed reviewer per type of designs they review or at least one supervising engineer who perform professional construction oversight of the execution of certain works on the construction of the structure (Article 81(1)(2));
- 14) prior to the commencement of the review of the technical documentation or the professional construction oversight, fail to designate the lead and/or responsible reviewer or the lead and responsible supervising engineer for every type of design or works (Article 81(6));
- 15) the lead supervising engineer who manages professional construction oversight of construction of the structure or the responsible supervising engineer who manages professional construction oversight of the execution of certain types of works on the structure performs supervision at more than five construction sites at the same time (Article 82(6)).

The responsible person in the legal entity shall also be sanctioned with a fine ranging from €500 to €4.000 for misdemeanours set out in paragraph 1 of this Article.

An entrepreneur shall be sanctioned with a fine ranging from €1.000 to €12.000 for misdemeanours set out in paragraph 1 of the present Article.

A natural person shall be sanctioned with a fine ranging from €500 to €4.000 for misdemeanours set out in paragraph 1 of this Article.

Article 142a

A natural person will be fined between EUR 400 and EUR 4,000 if:

- 1) does not improve professionally (104 paragraph 1)".

Article 143

The responsible person in the state administration authority or of the local government shall be sanctioned with a fine ranging from €500 to €4.000 for a misdemeanour, if they:

- 1) issue approval for the conceptual design that is not compliant with the urban-planning and technical requirements (Article 22(1)(1));
- 2) within 30 days from the date of submitting the request, does not issue consent under Article 22 paragraphs 1 and 5, as well as Article 25 paragraph 1 of this law.
- 3) fail to publish the building permit on its website within seven days as of the date of issue (Article 35(6));
- 4) fail to provide the construction inspector with the building permit and the main design based on which the building permit was issued, within three days as of the date of issue (Article 35(7));
- 5) fail to issue the occupancy permit within seven days as of the date of submission of the technical inspection report and the documents referred to in Article 54(2) or (4) of the present Law (Article 59(1));
- 6) fail to publish the occupancy permit on the website within three days as of the date of issue thereof (Article 59(3));
- 7) fails to issue a license within fifteen days from the date of submission of the application (Article 107, (2));
- 8) fail to initiate ex officio the licence revocation procedure if they find that the conditions referred to in Article 108(1) of the present Law have occurred (Article 108(2));
- 9) fail to publish the licence revocation decision on the website within three days as of the date of issuing the decision (Article 108(11)).

Article 144

The responsible person in the state administration authority or the local self-government shall be sanctioned with a fine ranging from €400 to €3.000 for a misdemeanour, if they:

- 1) the request referred to in Article 24 of the present Law, and the consent referred to in Article 25(1), of the present Law, as well as the conceptual design of the architectural project for which consent has been given, are not published on the website of the Ministry or local government body within three days from the date of submission of the request or granting of consent (Article 25 (2));
- 2) fail to publish the notification of the commencement of preliminary works for construction structures of general interest on the website of the Ministry or the local government authority (Article 39(4));
- 3) fail to publish the notification of the commencement of construction of the structure on the website of the Ministry within three days as of the date of submission of the notification (Article 40(4));
- 4) fail to publish the notification of adaptation or repair works referred to in Article 42(1) of the present Law on the website of the Ministry or the local government authority within three days as of the date of submission of the notification (Article 42(4));
- 5) fail to publish the notification with the revised main design or the revised main design for family residential buildings on the website of the Ministry or the local government authority within three days as of the date of receipt thereof (Article 48(9)(10));
- 6) fail to publish the Programme of Temporary Structures on the website of the local self-government unit or the legal entity managing the maritime domain or the national park, within three days as of the date of adoption of the Programme (Article 72(6)).

VII. TRANSITIONAL AND FINAL PROVISIONS

Adoption of Regulations

Article 145

Regulations referred to in Article 9 paragraph 3, Article 14 paragraph 4, 15 paragraph 8, Article 16 paragraph 12, Article 30 paragraph 5, Article 37 paragraph 7, Article 39 paragraph 6, Article 43 paragraph 11, Article 45 paragraph 2, Article 46 paragraph 4, Article 52 paragraph 10, Article 56 paragraph 3, Article 62 paragraph 2, Article 65 paragraph 4, Article 71 paragraph 4, Article 83 paragraph 3, Article 100 paragraph 4, Article 102a paragraph 5, Article 103 paragraph 4, 105 paragraph 4, Article 111, Article 127 paragraph 3, Article 134 paragraph 6, Article 135 paragraph 3 and Article 136 paragraph 2 of the present Law shall be adopted within six months as of the date of entry into force of the present Law.

The regulations adopted under the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) shall be applied until the adoption of the regulations referred to in paragraph 1 of this Article, if they are not contrary to the present Law.

Adoption of Regulations of Local Self-Government and the Programme of Temporary Structures

Article 146

The regulations referred to in Article 71(4) and Article 74(2) of the present Law shall be adopted within six months as of the date of entry into force of the present Law.

The regulations adopted under the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) shall be applied until the adoption of the regulations referred to in paragraph 1 of this Article, if they are not contrary to the present Law.

The Programme of Temporary Structures referred to in Article 71(1) of the present Law shall be adopted within 12 months as of the date of entry into force of the present Law.

By the adoption of the programme referred to in paragraph 3 of this Article, the programmes adopted under the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) shall cease to be valid.

By way of exception, the programs referred to in paragraph 4 of this Article adopted in 2024 and initiated before the entry into force of the present Law shall be valid until the expiry of the period for which they were adopted and their amendments shall be made in accordance with Articles 116 and 117 of the Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro", No. 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) and the Rulebook on detailed conditions for the installation or construction of temporary facilities, devices and equipment ("Official Gazette of Montenegro", No. 43/18, 76/18, 76/19, 9/24 and 28/24).

Enacting local government regulations governing the installation, construction, and removal of renewable energy facilities

Article 146a

The regulation from Article 74a, paragraph 5 of this law shall be enacted within 60 days from the entry into force of this law.

Validity of the Competition Entry Design

Article 147

Organisation of a public competition for a conceptual architectural design initiated by the date of entry into force of the present Law shall be continued in accordance with the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) and the Rulebook on the manner and procedure of launching and implementing the public competition for the conceptual architectural design (Official Gazette of Montenegro 19/18, 2/24 and 8/24).

Keeping Documents

Article 148

The Ministry shall permanently keep a copy of the technical documentation on the basis of which the building permit or the occupancy permit has been issued and the construction notified, until the entry into force of the present Law.

Obtaining an Occupancy Permit

Article 149

The occupancy permit for a structure that is built or has been built based on the building permit issued in accordance with the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14), or the law that governed construction of structures, shall be issued pursuant to the provisions of such laws.

By way of exception from paragraph 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 reviewer that the family residential building is built in accordance with the building permit and the main design, and an occupancy permit for family residential building built after 29 August 2008 shall be issued on the basis of a statement of the contractor that the family residential building is built in compliance with the building permit and the main design.

In the event referred to in paragraph 1 of this Article, technical inspection activity may be performed by a business entity, legal entity or an entrepreneur holding the licence for review or professional construction oversight of construction of structures in accordance with the present Law.

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.

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 in accordance with the law governing regional water supply of the Montenegrin coast shall also be submitted with the occupancy permit application.

For structures whose construction was notified pursuant to Article 91 of the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23), suitability of structures for use shall be established in accordance with that Law.

Obtaining Occupancy Permit for Structures of General Interest

Article 150

For the structure referred to in Article 7(2) of the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14), whose building permit was issued in accordance with that Law, and for the structure whose building permit was issued in accordance with the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23), which cannot be used independently, but constitute a functional whole, a single occupancy permit shall be issued.

In the event referred to in paragraph 1 of this Article, the occupancy permit and technical inspection of structures shall be performed in accordance with the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14).

Reports of the technical inspection commission, prescribed statements for structures in line with issued building permits, as well as joint report of persons who performed technical inspection indicating that the structures are suitable for use, shall be submitted along with the request for issuing of the permit referred to in paragraph 1 of this Article.

Change of Investor or the Deadline for Completion of Works

Article 151

A change of investor or the deadline for completion of works on a structure, as established in the building permit issued in accordance with the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 51/08, 34/11, 35/13 and 33/14), shall take place pursuant to the provisions of that Law.

A change of investor for the structures for which construction requirements have been met based on the notification of construction shall take place pursuant to provisions of the Law on Spatial Planning and Construction of Structures (Official Gazette of Montenegro 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23).

Permanent Structures

Article 152

A structure that was built as a temporary structure or a local structure of general interest in accordance with regulations, and which is incorporated in the planning document, shall be considered a permanent structure built in accordance with the present Law.

The structure referred to in paragraph 1 of this Article shall be registered in the real estate cadastre on the basis of evidence of the ownership right over the land or other right to build on the land, the act of the competent authority on the construction of the structure, an extract

from the planning document, the inspector's statement that the existing structure complies with the planning document in terms of basic urban planning parameters, proof that the construction fee has been paid is prescribed by the law regulating spatial planning and evidence that a special fee has been paid in accordance with the law governing the regional water supply of the Montenegrin coast.

Alignment of Operations

Article 153

Business entities, legal entities or entrepreneurs 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 entities, legal entities or entrepreneurs that acquired a licence until the entry into force of the present Law may perform development and review of technical documentation until the expiry of the time limit set out in paragraph 1 of this Article, except for the review of technical documentation in the development of which that entity has participated.

Business entities, legal entities or entrepreneurs that obtained a licence to perform professional construction oversight of construction of the until the entry into force of the present Law may perform professional construction oversight until the expiry of the time limit set out in paragraph 1 of this Article.

Change of Designated Use in Transitional Period

Article 154

Urban-planning and technical requirements issued by the Government pursuant to Article 218c of the Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro", Nos. 64/17, 44/18, 63/18, 11/19, 82/20, 86/22 and 4/23) aimed at encouraging the construction of structures for the generation of electricity from renewable energy sources, shall cease to be valid within 24 months from the date of entry into force of the present Law.

Application of Existing Regulations to Local Structures of General Interest

Article 155

The existing regulations of a local self-government unit governing the erection or construction of local structures of general interest shall be applied until the adoption of planning documents under the law governing spatial planning.

The structures referred to in paragraph 1 of this Article shall be considered to be: water network, electronic network, heat pipelines; municipal roads (local and uncategorised) and supporting structures; streets in settlements and squares; parking spaces, markets; city cemeteries; underground and aboveground passages; public garages; distribution network structures of the voltage level up to 35 kV, substations and pipelines of 110 kV or less, switchgears, public lighting; solar power plants up to 5MW, sport structures and ski slopes with supporting infrastructure for their preparation and landscaping; public and green areas and city parks, ski-lifts, cable cars built in the territory of one local self-government; economic development structures (business structures, manufacturing crafts structures, storages, warehouses, centres for distribution of goods, service zones, free zones, utility – service structures, pumping stations) and rural development structures (agriculture, animal husbandry, viticulture, fruit-growing and fishery).

The structures referred to in paragraph 2 of this Article may be erected or built in the areas for which a planning document with a detailed urban planning is adopted.

The inspection supervision of the implementation of regulations of the local self-government unit referred to in paragraph 1 of this Article shall be performed by the construction inspector of the local self-government unit in line with the powers set out in the present Law.

Deadline for the installation or construction of local public interest structures

Article 155a

Local public interest structures can be installed or built even in areas where a planning document with detailed urban planning has been adopted, until local planning documents are adopted in accordance with the law regulating spatial planning.

Adjustment of Licences

Article 156

A business entity, legal entity or an entrepreneur, as well as a natural person who obtained a licence in the area of construction of structures until entry into force of the present Law shall obtain or harmonize a licence in accordance with the present Law within six months as of the date of entry into force of the present Law.

If the business entities, legal entities or entrepreneurs, fail to obtain the licence in accordance with the present Law within the time limit referred to in paragraph 1 of this Article, the licences issued in accordance with the regulation that were applicable until the entry into force of the present Law shall cease to be valid.

Until Montenegro's accession to the European Union, foreign persons shall perform their activities in accordance with the requirements established by the present Law for domestic persons.

Vested Rights

Article 157

The persons who have passed the vocational exam according to the regulations in force at the time of taking the exam, or obtained an authorisation or a licence in the area of construction of structures, shall not be obliged to take the vocational exam in accordance with the present Law.

Adjustment of Organisation of Inspection Supervision

Article 158

Until the establishment of the inspection supervision of local self-government units in accordance with this law, the tasks of inspection supervision through the construction inspector will be carried out by the Ministry.

Inspection supervision in accordance with this law will be organized until 31 December 2025.

Procedures initiated

Article 159

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, if that is more favourable to the party.

Initiated procedure of inspection supervision

Article 159a

The inspection supervision procedure started before the entry into force of this law, in which no final decision has been made, will be completed by the construction or urban inspector according to the law that was in force at the time the procedure was initiated.

The inspection supervision procedure started by the urban planning and construction inspector based on the Law on Spatial Planning and Building Construction ("Official Gazette of Montenegro, No. 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) will be completed by the construction inspector in accordance with the provisions of this law."

Organization and Work of the Chamber

Article 160

The Engineering Chamber of Montenegro shall align its organisation and work with the present Law within six months as of the date of entry into force of the present Law.

Distribution of property and obligations of the Engineering Chamber shall be performed in accordance with the law governing business entities.

Technical Regulations

Article 161

Technical regulations shall be adopted by the Ministry or another competent authority within 12 months as of the date of entry into force of the present Law.

Delayed Implementation for Foreign Entities

Article 162

Provisions of Articles 93 to 102, Article 102a, paragraphs 1 and 2 and Articles 102b and 102c of the present Law shall apply as of the date of the accession of Montenegro to the European Union.

Deferred application for renewable energy facilities

Article 162a

The provisions of Article 12, paragraphs 8 and 9 of this law, shall apply from the day Montenegro accesses the European Union.

Repealing of Law

Article 163

Upon the entry into force of this Law, the provisions of Articles 67 to 152 of the Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro", No. 64/17, 44/18, 63/18, 82/20, 86/22 and 4/23) shall cease to apply, except for the provisions of Articles 116 and 117, which shall apply until the expiry of the period for which the Temporary Facilities Programmes were adopted, as well as the provisions of Articles 172 to 202a, Articles 204 to 207, and the provisions of Articles 1 to 7 and Articles 211 to 243 of the same Law, in the part relating to the construction of Structures.

Entry into Force

Article 164

The present Law shall enter into force on the day following that of its publication in the Official Gazette of Montenegro.