

Administrative Barriers in Serbia

Locating in Serbia

— Problems and Recommendations

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● Introduction

- Real estate registration
- Land classification
- Spatial and town plans
- Obtaining town planning and building permit

Real Estate Registration

- **Real Estate Registration**
 - 1. Tappi system**
 - 2. Land books**
 - 3. Cadastre**
 - 4. Real estate cadastre**

Real Estate Registration

- 1. *Land books* – property register, characteristic of 46% of the territory of Serbia (covering the whole of Vojvodina and towns in Serbia) (1934).**
- 2. *Cadastré* – user register, which covers the whole territory of the Republic (5 835 cadastral municipalities) (c. 1920).**
- 3. *Tappi system* – original property register, characteristic of southern Serbia (covering a small percentage of Serbian territory).**
- 4. *Real-estate cadastré* – implemented since the adoption of the Law on Large-Area Surveying and Cadastré and Registration of Title to Real Estate (the law adopted in 1992 and amended in 2002).**

Real Estate Registration

The Basic Problems

1. **Uncertainty in the sense of ownership on a real estate**
2. **Impossibility to put mortgage on real estate**
3. **Difficulties in the process of privatization***

*In general, INVESTOR is not ready for investments in properties with unclear ownership rights.

Real Estate Registration

- **Implementation of real-estate cadastre**
- **Real-estate cadastre:**
 - property register, characteristic of 20% of the territory of Serbia;
 - where implemented, real-estate cadastre superseded the other mentioned registration systems in cadastral municipalities.
- **Real-estate cadastre will contain full data on:**
 - Land
 - Buildings
 - Flats
 - Business premises
 - Loads and limitations
 - Special parts of buildings
 - Other structures
 - Data on title to real estate and title holders

Real Estate Registration

- **Advantages of uniform record-keeping in real-estate cadastre:**
 - **More efficient and more rational registration of real estate and the cadastre**
 - **More developed and more efficient cooperation among the relevant institutions**
 - **Introduction of the information system enabling the automated collection, processing and use of data on real estate and title to real estate**
 - **Provision of more cost-effective services**

Land Classification

- **The law classifies all land in two categories:**
 - ***Building land*** (under the RS Constitution, it is in state ownership)
 1. Urban Building land
 2. Building land within building zone
 3. Building land outside building zone
 - ***Agricultural land*** (in all ownership forms)
 1. Cultivable
 2. Uncultivable

Land Classification

- **Urban Building Land**
 - Defined by the City Master Plan.
 - Property of the Republic of Serbia.
 - One can only acquire the “right of use”.
- **Building land within building zone**
 - Defined by a spatial plan or another municipal act.
 - Located outside the city limits.
- **Building land outside building zone**
 - The land on which the building already exists
 - The land intended for construction in accordance with regional regulations and planning.
- **Agriculture land**
 - It can be in private and other ownership forms. The investor can buy it and change its use, thus turning it into building land.

Land Classification

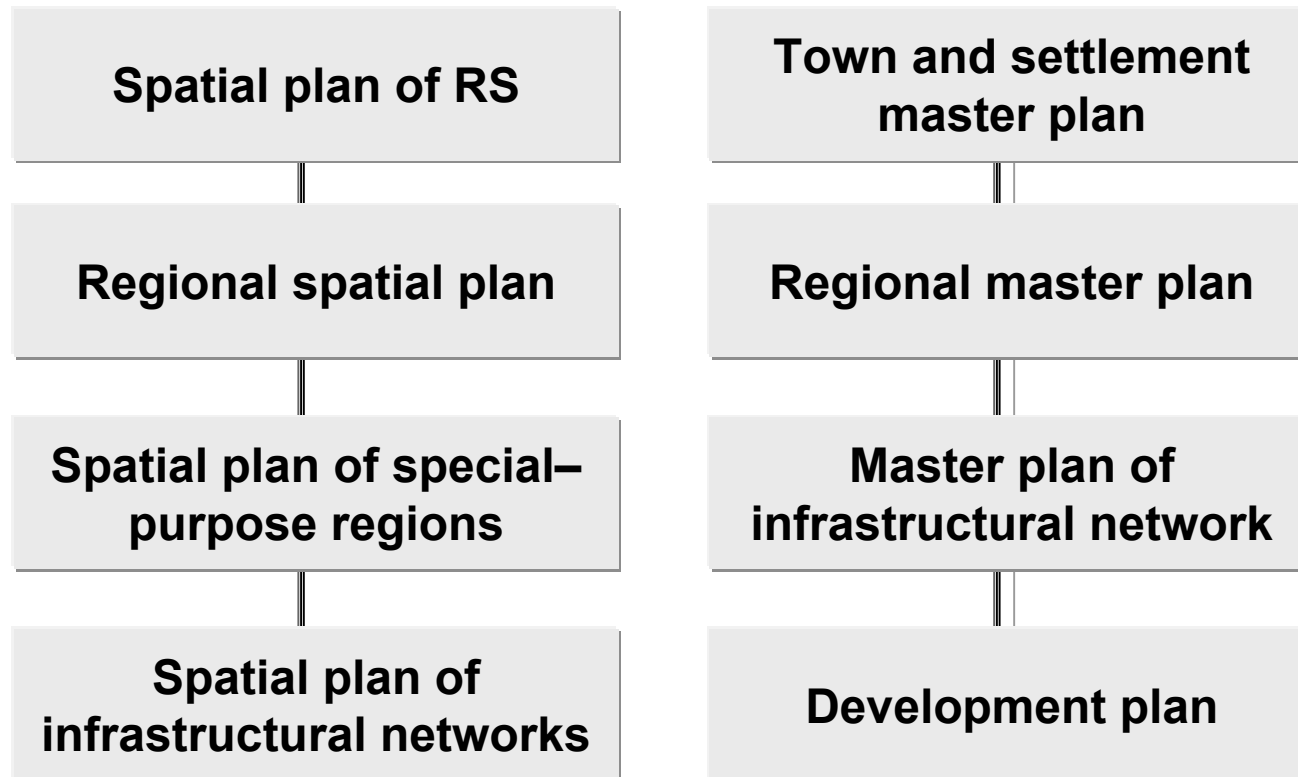
- **According to the Draft Law on Planning and Construction, land classification will be changed, i.e.:**
 1. Public building land (remains in state ownership)
 2. Other building land (can be in all ownership forms)
- **Public building land:**
 - Land with buildings and other structures in public use (public roads, parks, squares, streets, water supply, sewerage, public lighting, educational, health and social welfare facilities, etc.) or land intended for the construction of those facilities according to plan. This land is in state ownership and is non-transferable.
- **Other building land**
 - Includes all other types of building land
 - Can be in all ownership forms and is transferable

Land Classification

- **Changes to be effected under the new Law:**
 - **The building land market (which is still restricted by the Constitution of Serbia) will be introduced;**
 - **Local government will regulate and manage public land; as for other land, it will have the right of pre-emption;**
 - **Local government will acquire land for public purposes by purchase, exchange and expropriation, whereby it will pay the real market price for land to its former owner, thus protecting private ownership to a maximum;**
 - **The selling price of land is a new instrument; the municipality will buy underdeveloped land and sell or rent developed one, thus earning the revenue for development on an economic basis.**

Spatial and Urban Plans

- **Spatial and town plans under the existing law**



Spatial and Urban Plans

● **Spatial and town plans under the existing law**

– **Problems:**

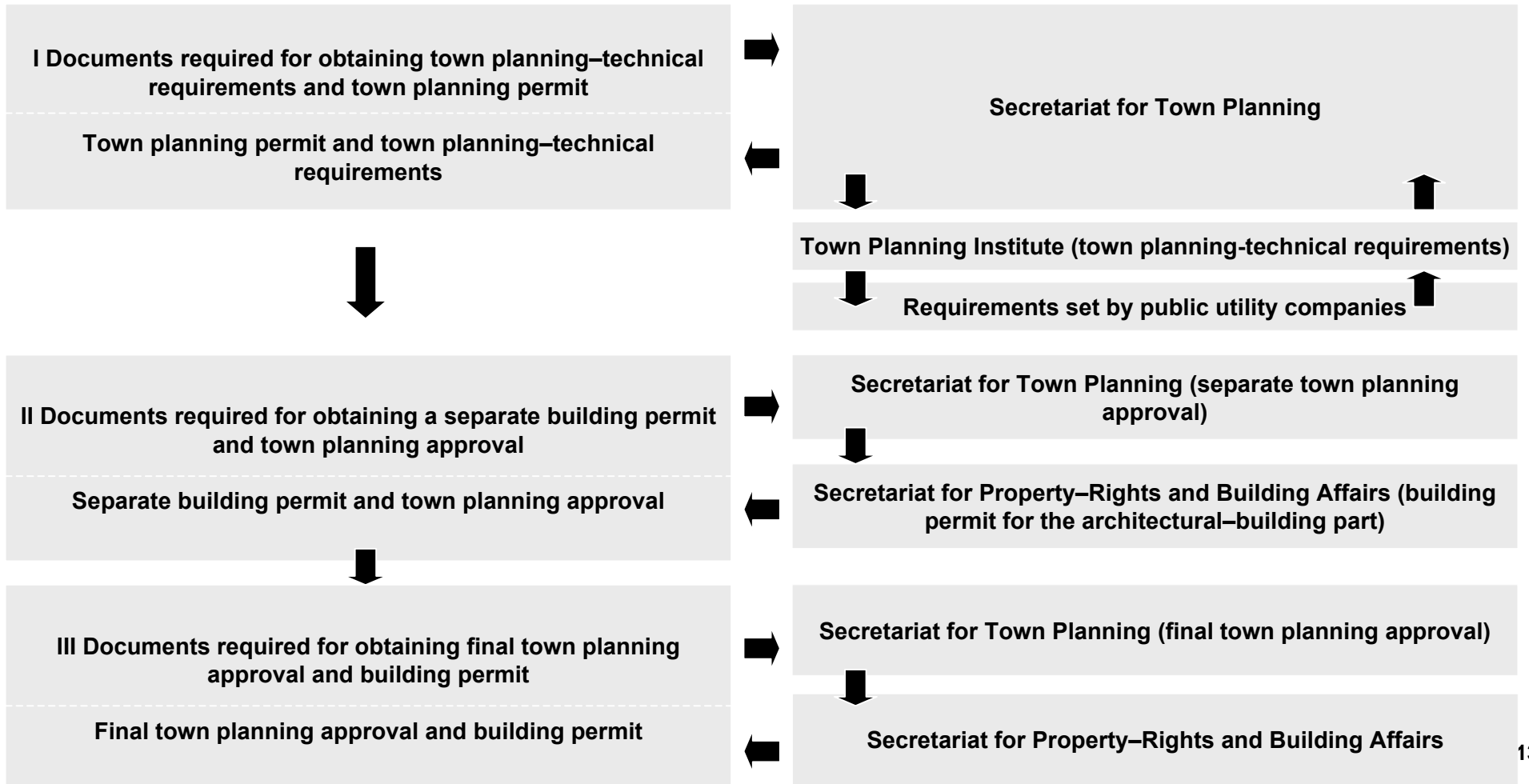
- **Development plans have not been made for many settlements;**
- **In such cases, it is necessary to use detailed town plans that were adopted earlier;**
- **In some communities there are even no master plans;.**
- **If there is no development plan, a mini town plan will be prepared;**
- **The existing plans are not flexible and if there are some deviations, the plans are not necessarily respected.**

Obtaining Urban and Building Permit

Regular procedure for issuing town planning and building permit, based on the requirements anticipating a fundamental change in the area

Documents to be provided by the investor

The institution to which the documents are submitted



Obtaining Urban and Building Permit

I Documents required for obtaining town planning–technical requirements and town planning permit to be provided by the investor

Information on the possibilities and limitations of the site
Ownership status

Copy of cadastral plot plan

Certificate of setting up the building plot

Basic data (geodetic, underground installations)

Preliminary design of the present and future state

Application for a town planning permit

➔ Secretariat for Town Planning

II Documents required for obtaining a separate building permit and town planning approval to be provided by the investor

Architectural–building design
Regulation protocol

Contract with the Directorate

Contract with the Shelter

Application

➔ Secretariat for Town Planning / Secretariat for Property–Rights and Building Affairs

III Documents required for obtaining final town planning approval and building permit to be provided by the investor

Installation Project
Approvals of public utility enterprises

Application

➔ Secretariat for Town Planning / Secretariat for Property–Rights and Building Affairs

Obtaining Urban and Building Permit

- **Major laws relating to planning and construction:**
 - 1. Law on the Construction of Projects**
 - 2. The Law on Environmental and Settlement Planning**
 - 3. Law on Building Land**
 - 4. Law on Special Conditions for Issuing a Building Permit and Building Inspection Certificate for Specified Projects.**

Obtaining Urban and Building Permit

- **The current procedure – basic characteristics:**
 - 1. The current procedure has recently been simplified to a degree.**
 - 2. The investor can obtain, at one place, all town planning–technical requirements, requirements set by public utility companies for service connections, as well as requirements for the design of installations.**
 - 3. After obtaining town planning approval and partial building permit for the architectural–building design, the investor can commence construction work.**