

**In focus:** *Law on amendments and supplements of the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities and Law on amendments and supplements of the Law on State Survey and Cadastre*

On 4 November 2023 provisions of the Law on amendments and supplements of the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities and Law on amendments and supplements of the Law on State Survey and Cadastre came into effect stipulating innovations regarding the efficiency of registration in the cadastre, i.e. centralization of registration of all types of infrastructural and underground facilities, in one database.

Below are introduced some of the most significant changes to the aforementioned laws.

## **I. LAW ON AMENDMENTS AND SUPPLEMENTS OF THE LAW ON THE REGISTRATION PROCEDURE WITH THE CADASTRE OF REAL ESTATE AND UTILITIES**

Amendments and supplements of this law should simplify and speed up the registration process in the cadastre, and eliminate the shortcomings observed in its application so far.

The first significant novelty is the change in the name of this law, which now reads: "**Law on the Registration Procedure with the Cadastre of Real Estate and Infrastructure Cadastre**" in order to harmonize the terminology with the Law on Amendments to the Law on State Survey and Cadastre. In addition to changing the name of the law, among other things, the terms "real estate sheet" were changed to "extract from the real estate cadastre database" and "utilities sheet" to "extract from the infrastructure cadastre database".

Furthermore, the method of determining the unique registration number of real estate ("**URNRE**") has been regulated by determining and entering the URNRE for each real estate individually. In the process of registering real estate in the cadastre of the Geodetic-Cadastre Information System ("**GCIS**"), each real estate is automatically assigned an URNRE that follows the life cycle of the real estate. If there are changes to the real estate for which the URNRE has been determined (division and merger of real estate, removal of an object, part of an object or a special part of an object), a new URNRE is determined for that real estate in the process of registering the change, and the previously assigned one is archived in GCIS.

Of particular importance is the amendment of the provision that prescribes the manner in which a party can submit a request for registration in the real estate cadastre. Namely, the party can submit a request for registration through the e-counter, through a professional user who is authorized to digitize a document issued in paper form, and such a request must be submitted on an electronic form.

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Therefore, from now on, all requests will be submitted exclusively electronically, through professional users – attorneys at law and geodetic organizations, which should ensure efficient registration in the cadastre, with verification of the correctness of documents by professional users.

In order to overcome the problem of registration in the real estate cadastre ex officio, within prescribed short deadlines, in accordance with special laws, according to which the fulfilment of the conditions for the acquisition of rights prescribed by that law must be determined beforehand, along with the establishment of facts and presentation of evidence, in examination procedure and with the conduct of an oral hearing, as well as increasing the timeliness in solving cases, the provisions related to ex officio registration. Namely, such registration is carried out if a special law prescribes that registration is carried out without passing decision and without determining the fulfilment of the conditions for registration in the cadastre, in accordance with the implementation program of law enforcement activities, as well as based on the reasoned proposal of the competent authority, when it determines or learns that, considering the factual situation, the procedure must be initiated in the interest of the party or when in order to protect the public interest, it is necessary to start the procedure in accordance with the programme of realization of activities in the enrolment procedure. The mentioned programmes are adopted by the Republic Geodetic Authority, with the consent of the Government.

Also, it was specified that the deviation from the order of priority does not only apply to registrations made on the basis of the regulations regulating expropriation, but also to registrations for the purposes of expropriation (e.g. parcelling and re-parcelling for the purposes of expropriation), and that it cannot be prescribed the presumption of registration in the cadastre, before the decision of registration in the cadastre was made.

From now on, entrepreneurs and companies registered in the Register of Intermediaries in Real Estate Transactions and Leases can issue sheets, which have the same validity as those issued by the Republic Geodetic Authority.

## **II. LAW ON AMENDMENTS AND SUPPLEMENTS OF THE LAW ON STATE SURVEY AND CADASTRE**

Amendments and supplements to this law should enable the centralized registration of all types of infrastructure and underground facilities in a single database. Namely, the previously valid laws did not provide a single framework for the registration of certain types of infrastructure and underground facilities, whereby some were registered in the real estate cadastre database, some in the utilities cadastre database, and for certain types of facilities it was not possible or adequate to register in the mentioned databases. Therefore, the new legal solutions aim to create a comprehensive database, which should facilitate and improve the records of all infrastructure and underground facilities in one place.

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Terminological harmonization is also altered, and the most significant change in this regard is the replacement of the term "utilities cadastre" with the term "cadastre of infrastructure and underground facilities" (abbreviated: "cadastre of infrastructure").

Amendments and supplements stipulate that the cadastre of infrastructure database presents a set of geospatial and other data on infrastructural and underground facilities, property rights on them and owners of property rights, and in particular contains the following thematic units:

1. traffic (land, water and air traffic);
2. underground and above ground installations (utilities);
3. electronic communication networks and means;
4. underground facilities.

This comprehensive approach aims to facilitate access to information and data through an integrated Geodetic-Cadastre Information System, which includes all objects from the real estate cadastre, as well as different types of infrastructure objects at a specific location. In addition, this approach should enable a better graphical representation of the infrastructure, improve the possibilities of spatial planning, reduce the risk of damage to underground and above-ground installations (utilities) during the construction of new buildings, and facilitate the implementation of parcelling and re-parcelling projects on the land above the underground infrastructure. Such an organization also aims to optimize infrastructure management and should enable efficient management of infrastructure ownership, including the possibility of selling, mortgaging, leasing, etc.

Republic Geodetic Authority is obliged to establish the information system for the cadastre of infrastructural and underground facilities by 1 July 2025 at the latest.

Amendments and supplements also tend to improve the reliability and accuracy of real estate data and prevent abuses in the work of geodetic organizations. Therefore, it is now prescribed revocation of the license of a geodetic organization if it submits a study of geodetic works and a report on the inspection of non-existent changes or with untrue data, or submits a study prepared by a person who is not employed, i.e., engaged in that geodetic organization. The inspector's authority was added to prohibit the geodetic organization from performing geodetic works for a period of one month if it repeats the determined irregularities within one year of the originally ordered measures to eliminate them. In addition, the provision that stipulates the obligation of the geodetic organization to report certain changes to the Republic Geodetic Authority has been amended, and it is now specified that it is obliged to report the change of business name, i.e. name, legal form, seat, address of business premises outside the seat, change in the number of employees, geodetic instruments and any other change that is important for its work, within 15 days from the date of the change, and the obligation to prepare and submit a report on self-verification of the fulfilment of the requirements from the checklist and self-assessment of risk at the inspector's request, in within 15 days from the date of receipt of the request.

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With these amendments, the text of the law is also aligned with international standards and best practice guidelines in the field of mass real estate valuation and maintaining a real estate price register.

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