

**November 2023**

***In focus: Green construction and improvement of energy efficiency in buildings***

The Law on Amendments to the Planning and Construction Act, which entered into force on August 4, 2023 (hereinafter: the "Law"), introduces, among other, novelties in the field of green construction and improving the energy efficiency of buildings. In the following text we highlight some of the most significant changes in this field.

For the first time, the Law defines the term "green construction" as a method of planning, designing, executing works, using, and maintaining buildings, which reduces the emission of gases with the greenhouse effect, uses ecologically certified building materials and equipment, efficiently uses all resources, reduces production and increases the use of waste from construction and demolition according to the circularity model, uses renewable energy sources, which leads to an improvement in the quality of life of users, environmental protection and improves sustainability.

In this regard, the Law stipulates that, for all new buildings exceeding 10,000 m<sup>2</sup> of gross developed construction area, a green building certificate is obtained which confirms that the structure has met the specified criteria. The green building certificate is a certificate issued by the international green building certification system that serves to assess the quality and degree of fulfilment of the green building criteria. This certificate will enable investors to realize benefits, since as one of the measures to encourage green construction, investors are provided the right to reduce the

calculated contribution for the development of construction land in the amount of 10% of the total amount of the contribution.

In terms of the certificate on the energy properties of the building (energy passport), which shows the energy properties of the building and is issued through the Central Register of Energy Passports (CREP), the idea is that all buildings should possess this certificate in the future. For this reason, as of the effective date the Law, all new buildings must have an energy passport, while owners of existing buildings have been prescribed deadlines by which to obtain the same, as follows:

- in the term of 3 years for owners of existing public buildings in public ownership,
- in the term of 5 years for owners of existing commercial buildings, and
- in the term of 10 years for owners of existing residential buildings.

Failure to obtain an energy passport within the specified deadlines results in the misdemeanor responsibility of the owners of existing buildings, for which monetary fines are prescribed. In addition to the above, the amendments to the Law stipulate that the energy passport must be submitted when certifying a real estate purchase agreement or concluding a lease agreement and that it forms an integral part of the same. However, since owners of existing buildings have been given the above-mentioned deadlines by which they must obtain energy passports, the Law

stipulates that until expiration of these deadlines, energy passports are not submitted during certification of real estate purchase agreements or concluding lease agreements. The amendments to the Law additionally stipulate the validity period of 10 years from issuance, after which deadline a new energy passport is drawn up.

Finally, the Law prescribes another novelty, namely that, together with the application for the issuance of a usage permit, it is now mandatory to submit among other documentation a waste movement document, or a hazardous waste movement document, which document confirms that the waste generated from construction and demolition activities (construction waste) has been handed over to the operator of the treatment plant, i.e., waste storage.

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