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In focus: Amendments and supplements to the Law on State Survey and Cadaster and the Law on the Registration Procedure with the Real Estate and Utilities Cadasters

The Law on Amendments and Supplements to the Law on State Survey and Cadaster and the Law on the Registration Procedure with the Cadaster of Real Estate and Utilities were published on the Official gazette on 27 October 2023 and came into effect on 4 November 2023.

The aim of these changes is to digitize the entire cadastral system, improve the transparency, availability, and reliability of the real estate management system in the Republic of Serbia, and improve the efficiency of registration, management and distribution of data on real estate, infrastructure and rights on the same, which contributes to the increase of legal security and improvement of the business environment.

In this text, we draw attention to the most significant changes foreseen by the aforementioned laws.

I Law on Amendments to the Law on State Survey and Cadaster

- **Forming of the infrastructure cadaster**

The Law on Amendments and Supplements to the Law on State Survey and Cadaster stipulates the obligation of the Republic Geodetic Authority to establish an information system for the cadaster of infrastructure and

underground facilities (hereinafter: the “**infrastructure cadaster**”) by **1 July 2025**.

Having in mind that, according to previous regulations, some types of infrastructure and underground facilities were registered in the real estate cadaster database, some in the utilities cadaster database, while for certain types of infrastructure and underground facilities, registration in the aforementioned databases was not possible at all or was inadequate, establishing the infrastructure cadaster should enable the registration of all types of infrastructure and underground facilities in one database.

The infrastructure cadaster is formed instead of the utilities cadaster as a single database that includes the entire infrastructure of the Republic of Serbia in the domain of traffic, underground and above-ground installations (utility lines), energy and electronic communication networks and means, with all associated devices and facilities, as well as underground facilities.

This approach should enable obtaining information and data in one place within the integrated geodetic cadaster information system for all facilities from the real estate cadaster and for all types of infrastructure facilities that exist in a certain location, as well as an adequate graphic representation of the infrastructure, straightforward implementation of pre-parcellation and

parcellation projects, which would result in the optimal management and legal disposal of infrastructure facilities.

After establishing the information system for the infrastructure cadaster, the Republic Geodetic Authority shall *ex officio* delete the infrastructural and underground structures registered in the real estate cadaster and enter them in the infrastructure cadaster, without issuing a decision.

For the same purpose, the Law prescribes the obligation for owners of infrastructural and underground facilities and facilities in their function, which are not registered in the real estate cadaster, i.e. utilities cadaster, to hire an authorized geodetic organization to survey these facilities within **3 years** from the date of establishing of the infrastructure cadaster and to submit a request for their registration in the infrastructure cadaster.

- **Sanction for geodetic organizations**

In order to prevent abuse by geodetic organizations, the amendments to the Law provide for the possibility of permanent revocation of work permits for these organizations in the case of submission of geodetic work reports and reports on performed inspection with non-existent changes or false data, i.e. preparation of reports by a person who is not employed, i.e., engaged in the relevant geodetic organization.

II Law on Amendments and Supplements to the Law on the Registration Procedure with the Real Estate and Utilities Cadasters

The Amendments to the Law on the registration procedure with the real estate and utilities cadaster were adopted with the aim of removing perceived shortcomings and problems in the application of the current law,

and to simplify and speed up the procedure of registration in the cadaster.

- **E-šalter – system for submission of requests**

From 4 November 2023, all requests by parties for registration in the real estate cadaster can be submitted exclusively in electronic form, through the so-called e-šalter, and only through professional users who are authorized by law to digitize documents issued in paper form – lawyers and geodetic organizations.

The goal of these changes is to make the process of registration in the cadaster more efficient and simplified through digitization and professionalization, which should also lead to improvement in terms of the up-to-date status of data entered in the cadaster and an increase of legal security when disposing of real estate.

Ever since the introduction of the e-šalter system for lawyers in 2020, our lawyers have been providing services to clients as registered professional users of the e-šalter.

- **Ex officio procedure**

The provisions on the *ex officio* registration procedure in the cadaster have been changed so that registration is carried out *ex officio*, by force of law, if unconditional registration is prescribed by a special law without the adoption of a decision, in accordance with the program of implementation of law enforcement activities, as well as on the basis of the substantiated proposal of the competent authority, when the authority determines or learns that, considering the factual situation, the procedure must be initiated in the interest of the party or when, for the sake of protecting public interest, it is necessary to initiate the procedure in

accordance with the program of implementation of activities in the registration procedure. The aforementioned programs are brought by the Republic Geodetic Authority, with the consent of the Government of the Republic of Serbia.

- **Other changes**

In addition to the above, the amendments and supplements to the law foresee several other changes that should be noted:

- Expansion of the circle of persons authorized to issue extracts from the cadaster, so that now entrepreneurs and companies registered in the Register of Brokers in Real Estate Transactions and Leases are authorized to issue extracts from the database of the real estate and infrastructure cadasters, and they have the same validity as extracts issued by the Republic Geodetic Authority.
- Deviations from the order of registration no longer apply only to registrations based on expropriation, but also for the purpose of expropriation (e.g. parcellation and pre-parcellation for the purpose of expropriation), as well as that a separate law cannot prescribe the assumption of registration in the cadaster before rendering the decision of registration in the cadaster.
- Deletion of the provision prescribing the misdemeanor liability of officials due to non-compliance with the

prescribed deadlines for resolving cases in the registration procedure with the cadaster, due to the large number of initiated misdemeanor proceedings.

Certain terminological adjustments were made, including changing of the very name of the law which now reads “Law on the Registration Procedure with the Real Estate Cadaster and Infrastructure Cadaster”, while the terms “real estate sheet” and “utilities sheet” are replaced by the terms “extract from the real estate cadaster database” and “extract from infrastructure cadaster database”.

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