REAL ESTATE AND CONSTRUCTION

1.32

Despite the decline in the number of foreign direct investments in Serbia, the real estate market remains an attractive area for investment. In addition to traditional commercial and residential buildings, there is a growing interest in hotel facilities, as well as modern facilities and infrastructure for industries that use advanced technologies, such as telecommunications infrastructure, data centers or eco-industrial parks.

Work continued on the improvement of regulations governing construction, primarily through amendments to the Law on Planning and Construction, which for the most part eliminate inconsistencies and ambiguities in the regulation itself, which were observed in practice during the implementation of the law. Also, a completely new Law on Special Conditions for Recording and Registering Rights to Real Estate was adopted, which made a new step towards solving the problem of illegal construction. The general observation is that any simplification and digitalization of procedures has so far proven to be a successful step in improving the investment climate. The most positive examples of this are the digitalization of the work of the Real Estate Cadastre, the introduction of a unified procedure for obtaining building permits, as well as the introduction of electronic services for the procedures for issuing and extending energy permits and procedures related to the preparation of an environmental impact assessment study. In this regard, it can be expected that these legislative activities will also have a positive impact on the business environment.

On the other hand, the practice of adopting lex specialis for individual projects are examples of interventions that do not properly address the real needs of the business community. Although the intention to enable the implementation of projects that are of strategic importance for the Republic of Serbia is understandable, such interventions in the long run weaken the position of other investors in the market, which should be the driver of economic growth and development. In the further period, special attention should be paid to improving the capacities of the authorities responsible for issuing building permits, the Real Estate Cadastre and the Cadastre of Lines, as well as the Agency for Spatial Planning and Urban Planning of the Republic of Serbia, and investing in the coordination of their work with other holders of public authority in order to make the implementation of procedures related to real estate and construction as efficient as possible. with predictable requirements and duration.

CONSTRUCTION LAND AND DEVELOPMENT 1.45

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Construction land				
It is necessary for the authorities responsible for issuing use permits for a facility in the unified procedure to accept other evidence (such as expert reports, written confirmations from the electricity distribution company - EDB and/or EMS) that the related infrastructure for the respective facility has been built.	2023	√		
It is necessary for the authorities responsible for issuing permits in the unified procedure to issue them with appropriate content and enable the registration of ownership rights for investors on the entire newly constructed facilities without obligation of investor to obtain additional specific documentation (expert opinions, etc.). They should also promptly provide the issued permits to the relevant cadastral authorities or utility departments (in the case of constructed utility networks) for implementation on an official basis.	2021			√
Legalization				
Amendments to the Legalization Law in order to limit the prohibition of disposal only to buildings that cannot be legalized. To that end, the legalization administration should, upon request of the applicant, issue a certificate, stating whether a relevant building falls under exceptions which cannot be legalized – in case it is not within these exceptions, disposal should be possible.	2021		√	
It is necessary that the Decision on legalization has the power of a construction permit and a use permit.	2021		√	
The provisions of the law should be amended to introduce alternative means of proof for underground utility networks, such as project documentation of the completed facility, which was prepared before November 2015.	2023		√	
Licenses for performing construction activities				
Enactment of rulebook on issuance of licences for constructing buildings for which the municipalities issue construction permits	2021			√
Clarification that if a subcontractor engaged by a contractor has required license, then the contractor is not obliged to have that license, and vice versa;	2024			√
Provision of the current Planning and Construction Law, that require foreign contractors to obtain Big Licenses for complex infrastructure projects, should be amended in order to allow contractors from EU to participate in tenders and perform design/construction works for the projects financed by the international financial institutions without facing the cumbersome licensing process. The amendments can be implemented through:	2024			√
(i) adoption of the Law on Amendment of the Planning and Construction Law;	2024			√

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
(ii) lex specialis, modelled after the existing Metro Law, which permits the use of foreign licenses for metro construction projects;	2024			√
(iii) Loan agreements with international financial institutions, for financing of construction of specific project in Serbia, are concluded in the form on the law on indebtedness adopted by the Parliament, which by its form and substance represents lex specialis.	2024			√

CURRENT SITUATION

The Foreign Investors Council continues to focus on the implementation of the Law on Planning and Construction, with particular emphasis on the procedures for issuing permits, the status of construction land, and the legalization of buildings.

The issue of ownership rights over land and mixed forms of state and private ownership has been recognized as one of the leading problems in the real estate construction process. Until 2009, the state was the sole owner of construction land, and the only rights individuals or legal entities could have, were the right of permanent use or a long-term lease of up to 99 years.

Construction

The Law on Planning and Construction has undergone several amendments over the past few years. Amendments adopted in 2023, provided the simplification of the building permit issuance process, improvement of energy efficiency of buildings, reduction of negative environmental impacts (including better regulation of obligations related to construction and demolition waste management), and the promotion of sustainable construction. These changes are expected to improve the overall construction sector over time, with a focus on sustainable development.

During the final stage of preparation of the White Book, Amendments to the Law on Planning and Construction were adopted. The changes aim, among other things, to specify for which types of facilities a study on the protection of immovable cultural heritage is required; to introduce trial operation on state roads whose construction has been fully completed and which meet technical and safety conditions for traffic use but do not meet other requirements for obtaining an occupancy permit; and to amend provisions related to inspection oversight and the removal of illegally constructed buildings, in order to strengthen prevention and impose stricter consequences on investors who build without a construction permit. A detailed analysis of these amendments will be provided in the next edition of the White Book.

Legalization

The Law on Legalization, adopted in 2015, prescribed only two options for resolving the status of buildings constructed without permits – demolition or full legalization. The 2018 amendments introduced a ban on the sale of illegally constructed buildings. The 2023 amendments further regulated the prohibition of connecting illegally constructed buildings to the power grid, gas network, and/or district heating, water supply, and sewage systems. Meanwhile, the Constitutional Court annulled the deadline for completing the legalization process (originally set for 2023), reasoning that applicants for legalization do not control the process and should therefore not bear consequences if the administration fails to complete it within the prescribed timeframe.

In the final stage of preparation of the White Book, the Law on Special Conditions for Recording and Registration of Rights to Real Estate was adopted. Upon its entry into force, the current Law on Legalization of Buildings (Official Gazette of RS, Nos. 96/15, 83/18, 81/20 - CC, 1/23 - CC, and 62/23) ceases to apply. The Law states that all buildings constructed on the territory of Serbia will be recorded and subsequently registered in the Real Estate Cadastre. The goal is to register as many buildings as possible to their factual owners, thereby providing legal certainty to citizens acquiring ownership of buildings and the land beneath them. This would achieve the principle of "on your own," for which a separate website has been launched to provide information about the process and improve transparency. As these legal provisions are entirely new, their effects will be analyzed in the next edition of the White Book.

POSITIVE DEVELOPMENTS

The most significant novelty in the 2023 amendments to the Law on Planning and Construction is the abolition of the conversion of the right of use into ownership of construction land with compensation (conversion with a fee) for certain categories of users. This primarily applies to legal entities privatized under the laws governing privatization, bankruptcy, and enforcement proceedings, as well as their legal successors and entities that acquired the right of use by purchasing buildings from such users after September 11, 2009.

Another important improvement is the recognition and definition of "green building" and related elements of the green agenda. The law now requires that planning and construction processes take into account energy efficiency, sustainable materials and technologies, waste management, water and air protection, and similar aspects. An obligation to obtain energy performance certificates (energy passports) for all newly constructed buildings has been introduced, with a transitional period for existing ones. Furthermore, future sale and lease contracts must include the energy passport as part of the documentation, under threat of financial penalties.

Another advancement introduced by the 2023 law is "E-space," an information system for spatial planning and construction. This system is expected to streamline the processes of issuing building and other required permits.

The 2023 and 2024 amendments to the legal framework introduced several innovations in spatial planning, construction, and environmental protection. The Agency for Spatial Planning and Urbanism, re-established by the 2023 law, is responsible for approving land conversion requests and implementing the "E-space" system, which has not yet been operationalized. The Agency is also developing the Central Register of Planning Documents, which will consolidate all planning documents in Serbia in one place.

In the field of environmental protection, the new Law on Environmental Impact Assessment, adopted in 2024, explicitly requires obtaining approval for environmental impact studies (or a decision that such a study is not required) as a prerequisite for obtaining a construction permit. In addition, the Occupational Safety and Health Strategy for 2024–2027 was adopted, setting the framework for further alignment of domestic regulations with EU standards, particularly regarding construction site safety. Moreover, amendments to the Rulebook on the Content, Method, and Procedure for Preparing Spatial and Urban Planning Documents (2024) enabled electronic public sessions of planning commissions, thereby improving transparency and public access.

Construction

Recently, there has been a slowdown in construction activity and a decrease in the number of issued building permits, particularly for industrial and commercial facilities, logistics centers, etc. On the other hand, there is a noticeable trend of growth in the hospitality and residential sectors.

Current legal solutions increasingly recognize the need to regulate technological advances in the field of "green construction." In this regard, the 2023 Law for the first time clearly defines the procedure for installing electric vehicle chargers on privately owned land. The details of this regulation are yet to be specified by the Ministry of Mining and Energy through secondary legislation.

In the field of construction waste management, significant regulatory progress has been made – obtaining a building permit is now conditioned on prior approval of a waste management plan, while obtaining an occupancy permit requires appropriate documentation on waste movement (including hazardous waste), prepared by the contractor.

REMAINING ISSUES

Construction

Authorities responsible for issuing permits in the unified procedure often issue them in a form that prevents the registration of ownership rights over the entire newly constructed facility. Investors are then required to obtain additional documentation (such as expert reports) confirming which parts of the building the permit applies to (usually by comparing the permit with the design documentation).

There is still no comprehensive and systematic register of planning documents at either the national or local government levels.

Given the increasing requirements regarding energy efficiency and the growing number of foreign-funded projects in this area, it is important to note that the existing legal framework has not yet adequately elaborated procedures for energy renovation and carrying out works on increasing

energy efficiency. Basic parameters for such works are lacking, including definitions of required permits and approvals, treatment of facade alterations, particularly for protected buildings, and potential incentives (financial, tax-related, or regulatory) for investors implementing energy efficiency measures.

In practice, certain buildings fail to obtain the use permits due to delays or uncertainties in constructing accompanying infrastructure, which is a prerequisite for the permit. This is further complicated by the requirement to submit proof of the completion of supporting infrastructure as a condition for the use permit, even though that permit itself serves as the only proof that the infrastructure has been completed. This circular issue can prolong construction timelines and increase investor costs.

Legalization

Length and complexity remain the key challenges of the legalization process.

The prohibition on real-estate transactions involving unpermitted properties has created issues in cases where the land and the building are owned by different entities. Amendments to the Law are needed to enable legalization in such cases when both parties consent. It should also be considered whether the prohibition on transactions could be limited to properties that cannot be legalized because they are inconsistent with spatial plans. The current blanket prohibition significantly complicates legal transactions even when legalization is feasible.

Uncertainty also remains regarding whether a legalization decision replaces a construction and use permit. This ambiguity has caused practical difficulties in obtaining energy certificates.

Licenses for subcontractors

Contractors from EU countries face significant obstacles in participating in tenders for projects financed by international financial institutions in Serbia. To engage in design or execution of complex infrastructure projects, EU contractors must obtain a special "Large License." This procedure is administratively burdensome and practically unattainable for many EU contractors, preventing them from directly participating in such projects. As a result, they often form partnerships with domestic companies, which formally meet the requirements but often lack the necessary expertise. This leads to project delays, increased costs, and reduced efficiency of financed projects.

The lack of clarity regarding licensing obligations for contractors and subcontractors leads to inconsistent practices. Questions arise as to whether subcontractors must obtain a license when the main contractor already holds one, or vice versa. This uncertainty especially affects foreign legal entities.

Additionally, a bylaw is needed to regulate licensing for contractors for projects under the jurisdiction of local authorities.

FIC RECOMMENDATIONS

Construction

- It is necessary for the authorities responsible for issuing use permits for a facility in the unified procedure to accept other evidence (such as expert reports, written confirmations from the electricity distribution company - EDB and/or EMS) that the related infrastructure for the respective facility has been built.
- It is necessary for the authorities responsible for issuing permits in the unified procedure to issue them with appropriate content and enable the registration of ownership rights for investors on the entire newly constructed facilities without obligation of investor to obtain additional specific documentation (expert opinions, etc.). They should also promptly provide the issued permits to the relevant cadastral authorities or utility departments (in the case of constructed utility networks) for implementation on an official basis.
- The Central Register of Planning Documents should be established as soon as possible.

- A register of licensed contractors should be established.
- Regulations governing energy renovation should be further detailed.

Legalization

- Amendments to the Law in order to limit the prohibition of disposal only to buildings that cannot be legalized. To that end, the legalization administration should, upon request of the applicant, issue a certificate, stating whether a relevant building falls under exceptions which cannot be legalized – in case it is not within these exceptions, disposal should be possible.
- It is necessary that the Decision on legalization has the power of a use permit.
- The provisions of the law should be amended to introduce alternative means of proof for underground utility networks, such as project documentation of the completed facility, which was prepared before November 2015

Licenses for performing construction activities

- Enactment of rulebook on issuance of licences for constructing buildings for which the municipalities issue construction permits
- It should be clarified that if a subcontractor engaged by a main contractor holds the required license, the main contractor is not required to hold it as well, and vice versa.
- Provision of the current Planning and Construction Law, that require foreign contractors to obtain Big Licenses for complex infrastructure projects, should be amended in order to allow contractors from EU to participate in tenders and perform design/construction works for the projects financed by the international financial institutions without facing the cumbersome licensing process. The amendments can be implemented through:
  - adoption of the Law on Amendment of the Planning and Construction Law;
  - lex specialis, modelled after the existing Metro Law, which permits the use of foreign licenses for metro construction projects; or
  - The law on indebtedness[1], for financing a specific project, may include a provision, similar to the Metro Law, enabling designing, supervision and construction works for EU contractors for specific project.

1 Loan agreements with international financial institutions, for financing of construction of specific project in Serbia, are concluded in the form on the law on indebtedness adopted by the Parliament, which by its form and substance represents lex specialis.

MORTGAGES AND REAL ESTATE FINANCIAL LEASING 1.00

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
The Law on Financial Leasing must be harmonized with current real estate regulations, in particular in terms of the possibility of registering an existing real estate lease in the real estate cadastre, which must be clearly prescribed by the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities. Also, by elaborating the tax legislation, the state should create a more favourable climate for implementing financial leasing in the real estate sector.	2009			√
The Law on Mortgage needs to be amended to explicitly regulate the procedure and consequences of amendments to registered mortgages, to regulate some of the more flexible types of mortgages envisaged by comparative law, such as conditional, credit and continuous mortgages, and allow a mortgage to be registered as collateral for multiple claims on different legal grounds, and for different creditors' claims.	2018			√
The rights of the tenant in the case of extrajudicial enforcement should be specified.	2018			√
The Law on Mortgage needs to be amended to simplify the requirements in relation to the mandatory elements of the mortgage document pertaining to the secured claim, i.e., not to require more than the amount, currency and interest (if any). Further, adequate language to be stipulated for future claims by e.g., specifically allowing registration of maximum future secured amount.	2021			√
The Law on Mortgage needs to be supplemented regarding the possibility for mortgage creditors to agree on the change of the order of registered mortgages without deleting them from the real estate cadaster records.	2024			√

CURRENT SITUATION

The adoption of the Law on Mortgage in 2005 represented a significant step forward in terms of mortgage rights in the Republic of Serbia. The law provided a more comprehensive regulation of an area of law that, due to obsolescence and inadequacy of provisions in the Law on the basis of Property Law Relations, had previously represented a legal gap in our legislation.

The last amendments to the Law on Mortgage were made during 2015. Despite some general criticism that these changes were not far-reaching enough, the problems that emerged in practice after the adoption of the Law on Mortgage still persist.

Significant progress has been made regarding the procedure of registering mortgages in the real estate cadaster, which was amended with the adoption of the Law on the Procedure for Registration in the Cadastre of Immovable Property and Utilities in 2018. Additionally, the digitalization of processes in the real estate cadaster has had a positive impact on the speed of the mortgage registration procedure. Additionally, the real estate cadastre offices have started to suspend the process upon requests for the registration or change of a mortgage due to incomplete documentation, instructing the creditor to contact a public notary to provide the requested supplement. This shortens and simplifies the registration process, eliminating the obligation to submit a completely new request.

However, as there have been no regulatory changes for an extended period of time, we can no longer consider the digitalization of processes as progress in this field.

Financial leasing of real estate, introduced by the amendments to the Law on Financial Leasing in 2011,. The financial leasing of real estate, introduced by amendments to the Law on Financial Leasing 2011, has not yet taken root in practice. The legal framework concerning financial leasing of real estate is not sufficiently elabourated, thus making financial leasing of real estate practically non-functional in practice.

POSITIVE DEVELOPMENTS

There has been no significant progress or improvement in this field.

REMAINING ISSUES

A situation where the registration of one mortgage as collateral securing multiple claims on different grounds and also by multiple creditors has not yet been explicitly regulated. Issues related to setting up a mortgage to secure claims of multiple creditors have appeared as a consequence of the opinion of public notaries that such a mortgage may be set up only in cases when the claims of different creditors have the same legal basis.

Similarly, a common issue in practice is the removal of a mortgage that has been established on multiple different properties through the waiver of the mortgage creditor, given that the law does not stipulate the right of the mortgage creditor to waive the mortgage on individual properties, but only on the mortgage as a whole.

The form of the mortgage document has not been regulated in a satisfactory manner yet. Given that the only requirement for a real estate sale contract is that it should be solemnized by a notary public, there is no policy reason why the same practice should not be applied to the mortgage documents as well.

The requirements of the Law on Mortgage in relation to the mandatory elements of the mortgage document are too excessive and inadequate for claims other than the loans. Further, such requirements are completely inadequate for future claims.

Given that the mortgage creditor can choose whether to activate their pledge based on the Law on Mortgage or the Law on Enforcement and Security interests, one should consider the differences in the legal position of the creditor and the rules of these procedures. The mortgage sale procedure is more cost-effective, with lower expenses, and, if chosen, may achieve a more favorable price compared to public sales in enforcement proceedings. On the other hand, the enforcement procedure is significantly more efficient, legally secure, and precise than the mortgage sale procedure. In the enforcement process, the role of the public enforcement officer, their authority after the sale of the real estate, and the possibilities of vacating the property are concisely prescribed, whereas such provisions are lacking in the mortgage sale procedure, often causing issues in practice.

Considering all the aforementioned, the Law on Mortgage should provide a safer and more comprehensive way to conduct extrajudicial sales, providing creditors with a higher level of security, thereby reducing their reliance on enforcement proceedings and judicial sales in the vast majority of cases.

Moreover, mandatory elements of the mortgage deed give rise to other problems. Namely, if a creditor chooses to initiate an enforcement procedure, they are obliged to quote the mortgage statement in its entirety as it was given, including all spelling and description errors of the property, as they were listed in the real estate cadaster at the time the mortgage statement was issued. This represents a burden due to outdated descriptions and figures that no longer correspond to the cadaster's current state, and it creates issues concerning the courts' interpretation of rights and poses problems when calculating interest in the mortgage statement.

Starting from 2024, a new trend in judicial practice has been observed, whereby, after the submission of an execution proposal describing the property according to the content of the mortgage statement, and of course indicating the current status of the real estate cadastre, the execution creditor is required to supplement the proposal by providing a certificate of the property's movement, specifically proof that the property described in the mortgage statement is identical to the property listed in the execution proposal. This situation extends the timeframe for making a decision on the execution, creating an additional obligation for the creditor.

The interest problem in mortgage statements became evident when the courts began rejecting enforcement motions concerning interest. This issue emerged because creditors submitted enforcement motions based on the

mortgage statement, where they quoted the statement in the binding part of the motion to make it identical to the given statement. Consequently, creditors sought interest in the same manner as it was stipulated in the contracts. However, the somewhat descriptive nature of this description is assessed by the court as undecided.

All the foregoing could be partially resolved in favor of the creditor and legal certainty if the Law on Mortgage provided for different mandatory elements of the mortgage deed.

The position of the tenant in the case of an out-of-court settlement of a mortgage is not entirely clear. Unlike the Law on Enforcement and Security interest which explicitly states that the tenant can be evicted unless his lease is registered in the cadastre before all the mortgages and enforcement orders, the Law on Mortgage is silent on this matter. Thus, this implies that the general regime from the Law on Contacts and Torts applies, meaning that the lease agreement survives out-of-court foreclosure if the tenant was already in possession of the mortgaged property.

There is no possibility for mortgage creditors to mutually agree on the change of the order of registered mortgages or to carry out the substitution without deleting them from the real estate cadaster records. The only method provided by the law in this case is the deletion of the registered mortgages, the notarization of new mortgage statements, and the subsequent registration of mortgages in the real estate cadaster, which may result in mortgage creditors losing priority in the collection of their claims.

Finally, the Law on Mortgage has not explicitly stipulated more flexible forms of mortgage that exist in comparative law, deposits, credits or continuing mortgages, as well as the (im)possibility and effects of annexing existing mortgage documents.

FIC RECOMMENDATIONS

- The Law on Financial Leasing must be harmonized with current real estate regulations, in particular in terms of the possibility of registering an existing real estate lease in the real estate cadastre, which must be clearly prescribed by the Law on the Registration Procedure with the Cadastre of Real Estate and Utilities. Also, by elabourating the tax legislation, the state should create a more favourable climate for implementing financial leasing in the real estate sector.
- The Law on Mortgage needs to be amended to explicitly regulate the procedure and consequences of amendments to registered mortgages, to regulate some of the more flexible types of mortgages envisaged by comparative law, such as conditional, credit and continuous mortgages, and allow a mortgage to be registered as collateral for multiple claims on different legal grounds, and for different creditors' claims.
- The rights of the tenant in the case of extrajudicial enforcement should be specified.
- The Law on Mortgage needs to be amended to simplify the requirements in relation to the mandatory elements of the mortgage document pertaining to the secured claim, i.e., not to require more than the amount, currency and interest (if any). Further, adequate language to be stipulated for future claims by e.g., specifically allowing registration of maximum future secured amount.
- The Law on Mortgage needs to be supplemented regarding the possibility for mortgage creditors to agree on the change of the order of registered mortgages without deleting them from the real estate cadaster records.

CADASTRAL PROCEDURES 1.50

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
The Law should be amended to restore the ability for citizens to represent their own interests before the Republic Geodetic Authority (RGZ) in the format of their choice (either electronically or in paper form). Additionally, in-house legal counsel should be allowed to represent their companies in all matters before RGZ (in both the real estate cadastre and the infrastructure cadastre).	2024			√
The expert community should be involved, in any feasible and accessible way, in the process of drafting by-laws related to the Infrastructure Cadastre and underground structures.	2024		√	
It is necessary to continue with intensive work in order to achieve uniformity of practice and clear implementation of the law for additional acceleration and predictability of cadastral procedures, including finding an adequate solution to overcome problems with the registration of utilities built in accordance with former regulations.	2021		√	
It is also necessary to allow professional users to schedule more than one appointment per day through the "eZakazivanje" system, in order to submit the requests in person on the cadastre premises and/or more than one appointment for waiving the right to appeal in the cadastre premises. The problem is systemic, bearing in mind that it is prohibited to schedule more than one appointment during the day through the same IP address, and solving this system can greatly facilitate measures business and communication of large systems with the cadastre.	2022			√
It is necessary to establish an efficient system for the resolution of clients' requests and simplify the manner of submitting updates to the so-called notary cases or introduce the obligation for the notaries to add the documents necessary for the completion of registration to the documents they are certifying.	2022			√
It is necessary to find a systemic solution as soon as possible in order to solve all backlogged first-degree and second-degree cases (particularly considering the fact that not all cases involve matters for which the appropriate documentation for registration has not been submitted). Consider transferring the procedure for the validation of documents related to real estate from the unregulated market to other holders of public authority and open a public debate on the reform of the Real Estate Cadastre as a service that only formally registers rights to real estate, archives registration documents and delivers its decisions to the parties.	2018	√		
It is necessary to allow full control of registration procedure by the parties in the case which was initiated by a notary, as it is just a service performed by notaries.	2021			√
Electronic base for utility cadastre should be accessible to the public or registered users, as it has already been done with the real estate cadastre, with the possibility of issuing excerpts from the utility cadastre (as it has been done with real estate sheets that are issued from the real estate cadastre).	2022			√

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
It is necessary to register all utilities (and rights to them) in the Utility Cadastre without delay, i.e. enter the utilities registered so far into the existing software Utility Cadastre, and previously resolve all open issues and introduce uniformity bot regarding the registration of underground reservoirs and other issues where uniformity does not exist.	2019		√	
Geodetic organizations should get the right to issue official copies of cadastral plans and cadastral plans of utility lines (in the same way as they can issue extracts from the electronic database of the Real Estate Cadastre), and not that the only way to obtain them is by submitting a request to the cadastre of lines by geodetic organizations (or other professional users), whose issuance can take up to several days.	2021			√
Without delay it is necessary to amend the Law on the Procedure of Registration in the Cadastre of Immovable Property and Infrastructure in order to enable the conversion of possession into the ownership right. The solution could follow the path of the one provided for by the Law on State Survey and Cadastre before the adoption of the Law on the Procedure of Registration in the Cadastre of Immovable Property and Utilities, which provided that the possession right ex officio becomes the ownership right if a third party within a certain period does not submits a request for registration of ownership right and does not submit proof of ownership rights to that immovable property. Until the aforementioned changes, it is necessary for the RGA to issue a notification in order to unequivocally determine how the Real Estate Cadastre services should act in these cases.	2022			√
It is necessary to further improve the e-counter and "Real Estate Transaction" application software in order to enable the submission of all types of requests.	2022		√	
The information system of RGA needs to be further improved in order to remain sufficiently secure.	2023		√	
During the phase of transition from the old to the new Cadastre software, it is necessary for the RGA to introduce additional human resources for the entry/registration of previously registered lines that have not been entered into the existing software, and to quickly solve the backlog of cases related to lines.	2023			√

CURRENT SITUATION

During the past year, the Republic Geodetic Authority (RGA) continued to intensively pursue the digitalization process initiated in 2020. The “eServices” system has been established, enabling access to various online services such as the Electronic Notice Board, which has improved the delivery of decisions and ensured greater transparency of cadastre-related acts. Furthermore, an Address Register has been established, along with a procedure for determining house numbers nationwide. A Property Valuation Service has also been made available both to professional users and to citizens. The introduction of the e-Counter (eŠalter) significantly contributed to implementing digital communication in the work of licensed geodetic organizations and attorneys, in accordance with the Law on State Survey and Cadastre and the Law on Registration Procedure in the Real Estate Cadastre and Cadastre of Infrastructure.

Progress in this area is evident, though there remains room for improvement.

According to RGA’s analysis, the number of unresolved cases before the adoption of the new Law on Registration Procedure in the Real Estate Cadastre and Cadastre of Infrastructure amounted to 1.2 million. Three years after the adoption of the law, this number decreased to below 500,000, and by the end of 2024, to below 400,000. Regard-

less of potential operational challenges, it is essential to find a systemic solution through dialogue among all market participants and public authorities in order to further reduce the backlog and accelerate decision-making.

One of the causes for the continuous existence of a certain volume of unresolved cases is the absence of historical documentation, or the existence of inadequate documents (under current regulations) necessary for the registration of property rights—particularly for properties originating from the unregulated market. Opening a discussion on transferring the validation of such documents to other public authorities could represent a step toward establishing a systemic reform of the Real Estate Cadastre.

The documentation required for the registration of rights over utility lines remains problematic (e.g. non-recognition of permits issued before the introduction of line registration, or permits issued in unified procedures without listing each line individually). Further progress in this area requires the development of a dedicated software platform connecting public notaries with the Cadastre (for instance, it is currently impossible to register a mortgage over utility lines via a notary's office).

At the end of 2023, the Law on Amendments to the Law on State Survey and Cadastre and the Law on Amendments to the Law on Registration Procedure in the Real Estate Cadastre and Cadastre of Infrastructure were adopted, with the aim of expanding the database of the line cadastre to include other infrastructure facilities and underground structures, thereby forming the Infrastructure Cadastre. It was planned to be operational by July 1, 2025; however, its full functionality is still pending.

The software for the Infrastructure Cadastre has not been developed, nor have the Rulebook on Survey and Cadastre of Infrastructure and Underground Structures or the Codebook defining infrastructure objects. As a result, registration of certain facilities (such as underground fuel tanks, aboveground storage tanks, or auxiliary buildings within industrial plants) is often rejected, based on the assumption or interpretation that they will fall under the Infrastructure Cadastre. In such cases, the Infrastructure Cadastre Department either rejects the registration or enters them into the line cadastre as if they were lines, since this is currently the only technically feasible method. However, this results in the permanent loss of key data (e.g. area, number of floors, special parts), which would otherwise be registered in the Real Estate Cadastre.

In the final stages of preparation of this year's White Book, the Law on Amendments to the Law on State Survey and Cadastre was adopted. The stated aim is to resolve problems observed in practice, simplify registration procedures based on court and administrative decisions issued before June 8, 2018, and allow registration based on private documents certified by courts before the introduction of notaries into the legal system. The goal is to further update the Cadastre by liberalizing overly strict formal requirements. The actual impact of these changes will be assessed in the next White Book edition.

POSITIVE DEVELOPMENTS

In line with FIC's previous recommendations, certain progress has been made in the following areas:

1. The Republic Geodetic Authority has made available on its website instructions, forms of requests, as well as the possibility to monitor the status of the case;

2. The Republic Geodetic Authority is actively working on resolving and is open to recommendations in order to find an adequate solution for more efficient resolution of backlog cases;

3. The Republic Geodetic Authority has enabled professional users (as well as citizens of the Republic of Srpska for real estate in their ownership) to use the service of "estimated value of real estate," which is performed on the basis of mass valuation for apartments of the Republic Geodetic Authority;

4. Citizens are enabled to generate an extract from the Real Estate Cadastre through the eCadastre system, which is digitally certified and is valid in communication with all state authorities;

5. The practice of maintaining and improving the software is at a higher level;

6. In accordance with the adopted Law on Amendments to the Law on State Survey and Cadastre and the Law on Amendments to the Law on the Procedure of Registration in the Cadastre of Real Estate and Lines (Law on the Procedure of Registration in the Real Estate Cadastre and the Cadastre of Infrastructure), the formation of the Infrastructure Cadastre is planned.

7. The registration of ownership rights in parking spaces is

regulated in such a way that the Real Estate Cadastre Services, upon the requirements for the registration of special parts of facilities – parking spaces designed and built as parking systems (parking platform, parklift, parking platform "seesaw", etc.) with two, three or more parking spaces, register the owners of individual parking spaces in these parking systems as exclusive owners (1/1).

The implementation of these recommendations can generally be assessed positively, and their adoption contributes to increased timeliness, saving time for clients and a simpler and faster registration procedure, but it is still evident that there is still a lot of room for improvement.

REMAINING ISSUES

Despite visible progress, inconsistent interpretation of regulations among different local cadastral offices remains a key problem, often resulting in non-harmonized practice with other laws and by-laws.

It is necessary for RGA to ensure uniform practice among its Real Estate Cadastre and Infrastructure Cadastre departments, strengthen supervision, improve accessibility for consultations, and accelerate responses to complaints. Additionally, complaints against the Infrastructure Cadastre's work should be possible via the RGA website, as well as appeals in second-instance procedures, which often last for years.

One of the biggest problems remains the deadlines for deciding on the parties' requests for registration in the real estate cadastre and the infrastructure cadastre, which are still regularly and significantly exceeded due to the overloading of services with cases in work and inadequate internal organization of work. Although some progress has been made in terms of resolving the requests submitted to the Office by the service providers, the problem is still unresolved cases following the requests of the parties (either personally or through professional users), as well as a large number of pending cases from the past (as a matter of historical heritage), some of which are several years old. This also applies to the resolution of second-instance cases. The optimal solution for speeding up the work of the Cadastre is for the RGA to introduce additional human capacities and to quickly resolve the backlog of cases.

In the work of the real estate cadastre services, an excessively formalistic approach is still expressed when dealing with requests for registration of rights to real estate. It is particularly problematic that in cases filed by public notaries ex officio, the party's participation is not enabled, even with regard to the eventual addition of the case or the withdrawal of the submitted request. This problem is closely related to the aforementioned problem of untimely resolution of requests. The impossibility of supplementing the case directly by the parties or withdrawing it in practice can lead to unwanted and unnecessary costs for the parties (e.g. if there is a previously unresolved claim on the real estate, upon receipt of a new request for registration of a mortgage by the public notary (ex officio), the service will not resolve the same due to the principle of priority of the real estate cadastre. However, if in the meantime the party repays the debt to the mortgagee and a clearance permit is issued, due to the impossibility of withdrawing the request, the unnecessary issuance of a decision on the registration of the mortgage and the previous obligation to pay the fee, even though the basis no longer exists.

A major problem in the work of real estate cadastre services remains the lack of transparency in work and inaccessibility to parties (especially professional users). Thus, the possibility of scheduling a meeting with the case handler through the "e-scheduling" system (although in the previous two years there was formally only the possibility of scheduling), is now completely excluded.

One of the current problems is the limitation of the "eScheduling" system, which does not allow scheduling more than one appointment for the same day - either for submission of submissions or for giving a statement waiving the right to appeal. This applies to all persons, including professional users, and further complicates business because within one term it is possible to submit only one request, that is, a statement on the waiver of the right to appeal can only be given for one case.

One of the consequences of the amendments to the Law on the procedure for registration in the cadastre of real estate and utilities from the end of 2023 is the abolition of the possibility for citizens and business entities to independently submit requests to the Republic Geodetic Institute (in paper or electronic form). Requests can now be submitted exclusively electronically, through the eShalter application, and exclusively by professional users (lawyers, licensed geodetic organizations).

This change further complicates the work of lawyers employed by companies, who until now could act directly before the RGZ on behalf of their companies. Now they are

forced to hire a third party, which slows down, complicates and increases costs, especially for companies with a large number of immovable properties.

The e-counter for professional users and the application "Transfer of real estate" used by public notaries are not complete, i.e. they do not allow professional users to submit all the necessary requests (e.g. it is not possible to initiate the procedure for the condominium of an existing building) nor all the documents for registration in the real estate cadastre (e.g. notaries public cannot submit a request for registration of the lease of a building or business premises).

In addition, there is a problem with the registration of facilities built under the Law on Mining and Geological Surveys and the rights to them, especially with regard to lines built several decades ago in accordance with permits issued under the then current regulations.

The existing decision from Article 58 of the Law on the procedure for registration in the real estate cadastre and infrastructure cadastre in connection with the deletion of the holder and the state is incomplete and therefore needs to be amended. Namely, the aforementioned provision stipulates that, if the legal conditions are not met by May 1, 2028 at the latest for the registration of property rights on immovable property where a certain person is registered as a holder in accordance with the Law on State Survey and Cadastre, the Republic Geodetic Bureau will ex officio delete the status of the holder of such persons and the state's ownership of the immovable property. However, the law does not prescribe the legal conditions for registering property instead of state property, as well as what the consequences would be after May 1, 2028, that is, who would be the owner of the real estate.

Regarding the infrastructure cadastre, it should also be noted that in practice notaries public do not have access to this cadastre, and therefore cannot obtain an extract from the list of lines, nor can they electronically submit a request for the registration of a mortgage on lines, nor forward certified contracts on the transfer of ownership of lines.

Also, the issue of systematic (ex officio) entry into the cadastre infrastructure software of those conduits and boreholes for which legally binding decisions have already been made by the real estate cadastre service remains unresolved, because those conduits and boreholes are entered only at the special request of the party. It would be more expedient to enter all lines ex officio on the basis of the already adopted decisions of the real estate cadastre. In this way, the Republic Geodetic Institute would ensure a complete and accurate record of all previously issued decisions on registration in the Cadastre, which would also enable the issuance of copies of plans and water sheets in accordance with the existing documentation.

Although the name of the Cadastre of Lines has been changed to the Cadastre of Infrastructure, it has not been established, nor have the corresponding regulations and codebooks been adopted, on the draft of which numerous objections have been expressed, especially for construction objects which, according to the classification of objects according to the Law on Planning and Construction and Use Permits, are defined as buildings, some of which contain special parts and which are the subject of registration in the real estate cadastre, and the draft Rulebook on Surveying and Cadastre of Infrastructure and Underground Objects is arbitrarily defined only on the basis of belonging to a complex (e.g. gas station or production plant) are declared infrastructure facilities, without compliance with the codebook of facilities related to the Law on Planning and Construction.

As the software for the cadastre of infrastructure and underground facilities has not yet been developed, due to the interpretation of the Real Estate Cadastre Service, the registration of buildings in the real estate cadastre is refused, and if there is no refusal to register in the infrastructure cadastre, they are registered as lines, and due to the impossibility of displaying data on the area, floors and special parts of the buildings, it is impossible to check the accuracy of their registration, and when registering several such buildings at the same time, it is impossible to identify the number of lines under which they are registered.

The Republican Geodetic Authority has not yet taken a single position on whether underground tanks are registered in the real estate cadastre or in the infrastructure cadastre, which depends on whether, for the purpose of their registration, underground tanks need to be recorded and submitted in the reports for the real estate cadastre, or in the reports for the infrastructure cadastre. Also, cases when the tanks are located under the canopy, in which case they cannot be registered in the real estate cadastre due to overlapping with another object, are also a problem. On these issues, it is necessary for the Republic Geodetic Institute to take a unified position and standardize practice.

It was also observed that for every request for the entry of

state property in the cadastre records of pipelines, infrastructure and underground facilities on the basis of a valid construction permit issued before June 8, 2018, i.e. before the adoption of the Law on the Procedure for Enrollment in the Cadastre of Immovable Property and Pipelines, the registration of the state property was not carried out in favor of the applicant to whom the valid construction permit reads, but the pipeline was registered to an undetermined owner, which is contrary to the notice of the Republic Geodetic Authority no. 959-1/2020 of September 25, 2020, which provides for the registration of the state tax on the applicant - investor based on the submitted valid construction permit issued before June 8, 2018, the geodetic study and the findings of experts.

At the end of 2023, the RS National Assembly passed the Law on Amendments to the Law on State Survey and Cadastre as well as the Law on Amendments to the Law on the Procedure for Enrollment in the Real Estate Cadastre and Utilities - now the Law on the Procedure for Enrollment in the Real Estate Cadastre and Infrastructure Cadastre. These changes led to several problems. Namely, one of the problems faced by the citizens of the Republic of Serbia is the abolition of the possibility to independently, without "intervention" of professional users, in the form they choose (e-counter or paper form) submit requests to the Republic Geodetic Institute. In accordance with the amendments to the Law, requests to the Republic Geodetic Institute are now exclusively submitted in electronic form via the eShalter application, via eShalter professional users (lawyers, geodetic organizations). Additionally, this also prevents other users of the cadastre who are not lawyers, but are professionally oriented and deal with all issues related to the cadastre procedure for the needs of the companies they work for (company lawyers) to act on behalf of their companies in all procedures before the cadastre, which complicates, slows down and makes work more expensive for companies, especially for companies with a large number of immovable properties.

In addition, the Law on Amendments to the Law on State Survey and Cadastre abolished the misdemeanor liability of officials for failing to make a decision within the legally prescribed time limit, which results in an additional extension of the duration of the procedures conducted before the Real Estate Cadastre.

FIC RECOMMENDATIONS

- Amendments to the Law on the Procedure for Registration in the Real Estate Cadastre and Infrastructure Cadastre, should restore the possibility for citizens to represent their interests before the Republic Geodetic Authority in the form they choose (electronically or in paper form), and especially for company lawyers to act on behalf of their companies in all cases before the RGA (in the real estate cadastre and infrastructure cadastre).
- The expert community should be involved, in any feasible and accessible way, in the process of drafting by-laws related to the Infrastructure Cadastre.
- It is necessary to continue with intensive work in order to achieve uniformity of practice and clear implementation of the law for additional acceleration and predictability of cadastral procedures, including finding an adequate solution to overcome problems with the registration of utilities built in accordance with former regulations.
- It is also necessary to allow professional users to schedule more than one appointment per day through the "eZakazivanje" system, in order to submit the requests in person on the cadastre premises and/or more than one appointment for waiving the right to appeal in the cadastre premises. The problem is systemic, bearing in mind that it is prohibited to schedule more than one appointment during the day through the same IP address, and solving this system can greatly facilitate measures business and communication of large systems with the cadastre.
- It is necessary to establish an efficient system for the resolution of clients' requests and simplify the manner of submitting updates to the so-called notary cases or introduce the obligation for the notaries to add the documents necessary for the completion of registration to the documents they are certifying.

- It is necessary to find a systemic solution as soon as possible in order to solve all backlogged first-degree and second-degree cases (particularly considering the fact that not all cases involve matters for which the appropriate documentation for registration has not been submitted). Consider transferring the procedure for the validation of documents related to real estate from the unregulated market to other holders of public authority and open a public debate on the reform of the Real Estate.

- It is necessary to allow full control of registration procedure by the parties in the case which was initiated by a notary, as it is just a service performed by notaries.

- Electronic base for utility cadastre should be accessible to the public or registered users, as it has already been done with the real estate cadastre, with the possibility of issuing excerpts from the utility cadastre (as it has been done with real estate sheets that are issued from the real estate cadastre).

- It is necessary to register all lines (and the rights to them) in the infrastructure cadastre without delay, i.e. enter the lines registered so far into the existing line cadastre software, and previously resolve all disputed issues and introduce uniformity both in terms of registration of underground reservoirs and in other matters where uniformity does not exist.

- Geodetic organizations should be given the right to issue official copies of cadastral plans and cadastral plans of lines (in the same way as they can issue extracts from the electronic database of the real estate cadastre), and not that the only way to obtain them is by submitting requests from geodetic organizations (or other professional users), the issuance of which in practice can take up to several days.

- Without delay it is necessary to amend the Law on the Procedure of Registration in the Cadastre of Immovable Property and Infrastructure in order to enable the conversion of possession into the ownership right. The solution could follow the path of the one provided for by the Law on State Survey and Cadastre before the adoption of the Law on the Procedure of Registration in the Cadastre of Immovable Property and Utilities, which provided that the possession right ex officio becomes the ownership right if a third party within a certain period does not submits a request for registration of ownership right and does not submit proof of ownership rights to that immovable property. Until the aforementioned changes, it is necessary for the RGA to issue a notification in order to unequivocally determine how the Real Estate Cadastre services should act in these cases.

- It is necessary to further improve the e-counter and "Real Estate Transaction" application software in order to enable the submission of all types of requests.

- The information system of RGA needs to be further improved in order to remain sufficiently secure.

- It is necessary to adopt the Rulebook on Survey and Cadastre of Infrastructure and Underground Facilities, as well as the Code of Infrastructure Facilities that will not be in conflict with the existing Rulebook on the Classification of Facilities adopted on the basis of the Law on Planning and Construction.

- It is necessary to enable public companies and legal entities that are owners of infrastructure facilities to give comments and suggestions related to the definition of infrastructure facilities, given that in the previously adopted Rulebook on Survey and Cadastre of Lines, there were not enough defined categories of line types that would include all types of lines that have been built, and the infrastructure cadastre is even more extensive records.

RESTITUTION 1.33

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
The Restitution Agency should conduct transparent restitution procedures granting the right to restitution to redress the injustice perpetrated 70 years ago, taking due care to protect basic human rights of the parties to the proceedings.	2015		√	
Foreign nationals should be allowed to exercise the right to restitution, equating them with Serbian nationals in these proceedings, irrespective of their citizenship and nationality, in accordance with decisions of judicial authorities and the Ministry of Finance.	2015			√
Agriculture land under all type of objects/buildings such as lines and boreholes, have to be exempted from restitution and the agriculture land in the restitution for which the consolidation procedure was not being performed have to be listed and disclosed by the Agency	2021			√

CURRENT SITUATION

The urgency of restitution is grounded in its tremendous potential for promoting the security of property rights in a symbolic and exemplary manner, clearly showing the state's intention to return what was unjustly expropriated. The deadline for filing claims has expired, and institutions are processing individual requests, but still the impression is that the finalization of the procedures shall take some time, although the legal deadlines for resolution of individual requests have passed. According to analysis, 70,000 requests have been resolved so far, whereas 5.100 requests are pending to be solved.

The Law on Property Restitution and Compensation (Law) protects the acquired rights of individuals, while the statutory obligation of restitution arises only in cases when a property, which may be subject of restitution, is not in private ownership. Although the Law prescribes in-kind restitution (i.e., restitution of an unjustly expropriated property) as the primary model, there are numerous exceptions and it is likely that compensation will be the most prevalent form of redress. In-kind restitution is the obligation of the Republic of Serbia (RoS), local governments, public enterprises established by the RoS and socially-owned companies and co-operatives, while the disbursement of compensation is the exclusive obligation of the RoS. Rarely, privatized companies may be obliged to make restitution in kind.

The Restitution Agency (Agency), as well as other stakeholders including the Constitutional Court, have taken a rigid position, particularly with respect to foreign nationals. This is reflected in an inadequate application of the principle of discretionary evaluation of evidence, as well as in requests for documentation which is not necessary for decision-making and which is in most cases impossible to obtain.

The problem is a result of the deficiencies in the law itself which prevent the stakeholder to apply the principle of free assessment of the evidence, and there are also discrepancies between regulations in the field restitution.

POSITIVE DEVELOPMENTS

In 2017, the Constitutional Court, the Supreme Court of Cassation, the Administrative Court of Serbia and the Ministry of Finance made decisions which annulled the Agency's decisions made in contravention of the law, which, provided that the Agency complies with these authorities' orders, should significantly contribute to progress.

According to the Constitutional Court's and the Supreme Court's decisions, the Agency is obliged, in each case, to request the missing documents from applicants before dismissing a request as incomplete, thus enabling the applicants to participate in the proceedings.

Under the Administrative Court's decisions, the Agency

was ordered to act in accordance with all laws and international agreements, forbidding the Agency to make decisions on issues outside its jurisdiction, especially regarding the existence of reciprocity with foreign countries.

The Ministry of Finance ordered the Agency to comply with court decisions in further processing, in particular court decisions rehabilitating former owners. The Ministry's decision made it clear that in cases where former owners have been rehabilitated by court decisions, the Agency has no authority to deny requests for restitution on the grounds that the former owners were members of foreign occupying forces.

With amendments of by-laws, the restitution of agricultural land by substitution was made possible. This means that, in some cases, it is possible to acquire the right to restitution of agricultural land of the same type and quality as the seized agricultural land, but on the territory of a different self-government unit. In practice such restitution process mostly does not take into consideration existence of different types of buildings/objects (such as lines and boreholes) in the ownership of third parties which agriculture land under such objects have to be exempted from restitution. The list of agriculture land that is included in the restitution procedure without being performed a land consolidation procedure is not officially disclosed.

In the beginning of 2021, the Government of the Republic of Serbia rendered a conclusion determining that the compensation in the cases where it is impossible to allow restitution in kind, will be 15% of the value of the seized property. Payments of compensation on the basis of final and binding resolutions on compensation have begun. The notification with instructions for receipt of payments of compensation is published on the Agency's web page. Portions of compensations payable as down payment are being duly paid, within short deadlines.

By the decision of the Constitutional Court of Serbia from 2021, the uncertainty regarding the scope of individuals entitled to restitution or compensation in situations where the legal heir of the former owner did not submit a claim within the timeframes prescribed by law has been resolved. In such cases, the legal heir who has submitted such a claim is entitled to the full restitution of the property or compensation, thereby preventing an extensive interpretation of the provisions of the law and further safeguarding the interests of the claimants.

REMAINING ISSUES

Ambiguities and inconsistencies in the Law have led to divergent practices by the Agency, which may jeopardize the acquired rights of foreign investors.

In some of the restitution cases, the Agency interprets regulations in a manner that hinders or even denies foreign nationals their right to restitution or compensation. Judicial and administrative authorities of the RoS have made decisions in certain cases to correct irregularities in the Agency's work, but the question remains whether the Agency will adopt and apply instructions from these decisions.

The question of the freedom of the assessment of proofs in restitution procedures has not been resolved. Claimants in restitution procedures who are not able to obtain the legally prescribed specific proof – the document on seizing – will not be granted the restitution right regardless of the existence of other proofs that the seizing of the property did occur. Unfortunately, the Constitutional Court of the RoS has taken the position that lawmakers are allowed to exactly specify the proofs that must be submitted in the procedures for proving a certain fact, as well as those lawmakers are entitled to determine that all the other means of proving are "insufficient and unreliable," so the initiative for determining the constitutionality and legality of the respective provision of the law has been rejected.

FIC RECOMMENDATIONS

- The Restitution Agency should conduct transparent restitution procedures granting the right to restitution to redress the injustice perpetrated 70 years ago, taking due care to protect basic human rights of the parties to the proceedings.

- Foreign nationals should be allowed to exercise the right to restitution, equating them with Serbian nationals in these proceedings, irrespective of their citizenship and nationality, in accordance with decisions of judicial authorities and the Ministry of Finance.

- Agriculture land under all type of objects/buildings such as lines and boreholes, have to be exempted from restitution and the agriculture land in the restitution for which the consolidation procedure was not being performed have to be listed and disclosed by the Agency