

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the 25th Parliament of Montenegro, at the tenth sitting of the first ordinary (spring) session in 2016, on 30 July 2016, has adopted

LAW

ON REGULARISATION OF INFORMAL STRUCTURES

(Published in the Official Gazette of Montenegro No. 56 of 23 August 2016)

Subject-matter

Article 1

This Law shall govern the requirements for and the manner of regularisation and legalisation of informal structures.

Informal structure

Article 2

Informal structure, within the meaning of this Law, means a residential, commercial and commercial-residential structure, or a reconstructed part of the existing structure in which rough structural construction works of at least one storey have been executed, which has been constructed without a building permit or contrary to a building permit.

Informal structure, within the meaning of this Law, also means a separate part of a structure constructed without a building permit or contrary to a building permit.

Rough structural construction works referred to in paragraph 1 of this Article means the constructed: foundations, columns with beams, walls and slab above walls or roof structure.

Informal structure within the meaning of paragraph 1 of this Article also means a basic housing structure referred to in Article 3 of this Law.

Basic housing structure

Article 3

Informal basic housing structure, within the meaning of this Law, means a residential structure, having a building gross floor area of up to 200 m², in which the owner of the informal structure and the members of his family household live, having residence in the place in which the informal structure has been constructed, provided that the owner and the members of the family household do not own or co-own another residential structure or residential unit in the territory of Montenegro.

The members of the family household referred to in paragraph 1 of this Article means the persons who live in the joint household together with the owner of the informal structure, as follows:

- spouse or common law partner of the owner of the informal structure;
- children born in or out of wedlock, adopted children or stepchildren; and
- other persons whom the owner of the informal structure or his spouse is obliged under the law to support, living with him in the same apartment or a family residential building.

Commercial structures

Article 4

Commercial structures or parts of a commercial-residential structure referred to in Article 2 of this Law means the following: structures for tourist accommodation, structures for the provision of catering services, hospitality establishments, trade centres and shopping malls, exhibition centres, fairgrounds, commercial buildings, administrative buildings, economic structures, structures for production trades, warehouses and depots.

Application of the Law

Article 5

This Law shall apply to informal structures shown in the orthophoto image made by the administrative body competent for registration of rights in the real estate cadastre (hereinafter referred to as the administrative body).

This Law shall not apply to informal structures constructed:

- 1) in a road buffer belt;
- 2) in a railway buffer belt;
- 3) in an airport zone;
- 4) in a buffer belt of electric power facilities;
- 5) at landslides;

- 6) in exploitation areas;
- 7) at a distance less than 400m away from military facilities serving to store explosives and ammunition;
- 8) at a space determined by a planning document for the construction of infrastructural and other structures of general interest;
- 9) in accordance with the legislation which at the time of construction did not prescribe the obligation to obtain a building permit;
- 10) on temporary structures;
- 11) in a national park zone.

By way of exception from paragraph 2 item 1 of this Article, this Law shall apply to informal structures, with the consent and under conditions determined by the administrative body competent for state roads, or the body of a local self-government unit competent for municipal roads.

By way of exception from paragraph 2 item 2 of this Article, this Law shall apply to informal structures, with the consent and under conditions determined by the company managing railway infrastructure.

By way of exception from paragraph 2 item 3 of this Article, this Law shall apply to informal structures, with the consent and under conditions determined by the company managing airports.

This Law shall apply to informal structures referred to in paragraph 1 item 4 of this Article with the consent of the owner of the electric power facility.

Temporary informal structures

Article 6

Informal structures constructed: in the marine zone; at a cultural property, in a zone of protection of a cultural property, in the zone of protected natural resources, on waterland and in protective zones of water sources, zones of park forests, protective forests, green areas, shall be deemed temporary informal structures within the meaning of this Law.

Informal structures, referred to in paragraph 1 of this Article, shall be determined by a plan of temporary informal structures.

The plan of temporary informal structures shall be adopted for the period of three years.

The plan of temporary informal structures for: the marine zone, a zone of protection of a cultural property and at a cultural property, and a zone of protection of natural resources, shall be adopted by the state administration body competent for spatial development and construction of structures (hereinafter referred to as the Ministry), upon having obtained the opinion of the local self-government, legal person established for the management of the special purpose area to which the plan relates, or the state administration body competent for the protection of cultural heritage.

The plan of temporary informal structures for the structures in the territory of a local self-government unit for the zones of: waterland and protective zones of water sources, zones of park forests, protective forests and green areas, shall be adopted by a local self-government unit, with prior consent of the Ministry.

Decision on the status of structures within the meaning of paragraphs 4 and 5 of this Article shall be adopted by the body competent for adoption of the plan of temporary informal structures, on the basis of the plan of temporary informal structures.

The procedure for legalisation of informal structures referred to in paragraph 4 of this Article shall be conducted after adoption and in accordance with the conditions defined in the national planning document.

The procedure for legalisation of informal structures referred to in paragraph 5 of this Article shall be conducted after adoption and in accordance with the conditions defined in a local planning document.

Property law relations

Article 7

Legalisation of an informal structure constructed on a privately-owned land or a land disposed with by the State or over which the proprietary authorities are exercised by the local self-government unit, may be conducted after the property law relations with the owner or the entity exercising proprietary authorities over the land are resolved.

Montenegro as the holder of ownership right over the land, or the local self-government unit as an entity exercising proprietary authorities over the land, shall transfer the right of ownership or proprietary authorities over the land on which the informal structure had been constructed, in accordance with the Law on State Property, by direct agreement.

The land referred in paragraph 2 of this Article on which the informal structure was built may be transferred onto the owner of the informal structure, by a legal transaction, on the basis of the decision of the Government of Montenegro (hereinafter referred to as the Government) or of the municipal assembly.

The price of the land determined in the procedure referred to in paragraph 2 of this Article shall be paid in full.

By way of exception from paragraph 4 of this Article, the price of the land determined in the procedure of direct agreement may be repaid in no more than 240 equal monthly instalments for informal basic housing

structure, and for other informal structures in no more than 120 equal monthly instalments, in accordance with the agreement, including the securing of debt by concluding mortgage agreement.

The administrative body shall be obliged after receiving the agreement referred to in paragraph 5 of this Article to register the buyer as the owner of the real estate and to enter annotation in G sheet of the real estate folio including the number and date of conclusion of the contract for purchase and sale and the names of contractual parties, repayment term and annotation of mortgage agreement.

Property law relations in the land referred to in paragraphs 1 and 2 of this Law which is located at the space for which a planning document has not been adopted shall be resolved after adoption of the planning document.

Jurisdiction

Article 8

The competent body of local government shall conduct the procedure for legalisation of informal structures for the structures for which it issues a building permit in accordance with the law regulating construction of structures.

The Ministry shall conduct the procedure for legalisation of informal structures for the structures for which it issues a building permit in accordance with the law regulating construction of structures.

Publicity

Article 9

The procedure for legalisation of informal structures shall be conducted publicly and transparently in the manner laid down in this Law.

Making orthophoto image

Article 10

Administrative body shall be obliged to overlay orthophoto image of the territory of Montenegro with valid digital survey maps and to make it available, via the Geoportal website, to the competent local government bodies and the Ministry, with the data at its disposal.

Submitting data

Article 11

The state administration bodies, local government bodies, providers of water supply services, electronic communication services and electric power distribution services shall be obliged to submit to the competent local government body and to the Ministry the data on informal structures they keep within relevant records.

Data on informal structures referred to in paragraph 1 of this Article shall be submitted on a prescribed form.

The form and the content of the form referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Identification and records

Article 12

Informal structures shall be identified according to the orthophoto image referred to in Article 5 paragraph 1 of this Law.

Informal structures shall be entered in the records on informal structures which shall contain data on: structures by categories, their position, cadastral municipalities, cadastral parcels, cadastral category, owners, beneficiaries, real rights and other rights and specific legal statuses of the real estate (construction without required permits and exceeding limitations defined in permits).

The records on informal structures the legalisation of which falls within the competence of the local bodies shall be kept and updated by those bodies and they shall submit data referred to in paragraph 2 of this Article to the Ministry.

The Ministry shall keep records on informal structures the legalisation of which falls within its competence and the records on data referred to in paragraph 3 of this Article.

The competent local government body and the Ministry shall be obliged to publish the data from the records referred to in paragraphs 3 and 4 of this Article on their websites.

The detailed content of the records on informal structures shall be prescribed by the Ministry.

Categorisation

Article 13

Informal structures shall be categorised according to:

- 1) floor area ratio (construction of a new structure or extension of an existing structure);
 - 2) intended use of the structure;
 - 3) floor area of the structure (in m² of building gross floor area);
 - 4) extent to which the structure is finished and condition of the structure;
 - 5) ownership of the land;
 - 6) compliance of the structure with the planned purpose of the space and
 - 7) compliance of the structure with the existing horizontal and vertical regulation.
- Detailed conditions and manner of categorization of informal structures shall be prescribed by the Ministry.

Legalisation procedure

Article 14

Procedure for legalisation of an informal structure shall include:

- 1) filing application for the legalisation of an informal structure;
- 2) deciding on the application for the legalisation of an informal structure;
- 3) analysing stability and safety of the structure in accordance with this Law and
- 4) adopting decision on the legalisation of the informal structure.

Enforceable decision referred to in paragraph 1 item 4 of this Article shall be published on the website of the competent local government body or of the Ministry.

Filing application

Article 15

The procedure for the legalisation of an informal structure shall be initiated by filing application for the legalisation of an informal structure.

The application referred to in paragraph 1 of this Article may be filed by:

- 1) the owner of the informal structure;
- 2) co-owner of the informal structure;
- 3) condominium owner or the assembly of condominium owners of the informal structure and
- 4) an heir.

The application referred to in paragraph 1 of this Article shall be filed to the competent local government body or to the Ministry.

The application referred to in paragraph 1 of this Article shall be published on the website of the competent local government body or of the Ministry.

The application referred to in paragraph 1 of this Article shall be filed on the prescribed application form.

The content of the application form referred to in paragraph 5 of this Article shall be prescribed by the Ministry.

The competent local government body or the Ministry shall within 15 days from the date of receipt of application for legalisation, for the informal structure for which property law relations in the land on which the informal structure was built have not been resolved, submit notice that the legalisation procedure has been initiated to the administrative body competent for property in respect of the land owned by Montenegro, or to the local self-government unit in respect of the land on which the proprietary authorities are exercised by the local self-government unit.

The competent local government body or the Ministry shall within 15 days from the date of receipt of the application referred to in paragraph 1 of this Article notify the competent inspection body on the initiation of the legalisation procedure in order to suspend the procedure for removal of the structure.

Documentation to be submitted with the application

Article 16

The request referred to in Article 15 of this Law shall be accompanied by an extract from the real estate cadastre or other relevant real estate records, or evidence of the right of ownership or another right to land and structure.

If the applicant for the legalisation of an informal structure does not possess evidence on the right of ownership or other right to land, he shall be obliged to submit, instead of the evidence referred to in paragraph 1 of this Article, that proceedings to determine the right of ownership to the land have been initiated before a court or another competent authority, or a certificate of the Ministry or of the competent local government body that a planning document has not been adopted for that space.

The procedure initiated upon application for the legalisation of an informal structure shall be suspended until the procedure referred to in paragraph 2 of this Article is finalised by a final and enforceable decision of the court

or a final decision of the competent authority.

The Ministry shall be obliged to submit the final act on the suspension of the legalisation procedure for the land owned by Montenegro to the administrative body competent for property.

The competent local government body shall be obliged to submit the final act on the suspension of the legalisation procedure for the land on which the proprietary authorities are exercised by the local self-government unit to the local government body competent for property.

For the basic housing structures, in addition to evidence referred to in paragraph 1 of this Article, the following documents shall be submitted:

- on the number of members of family household,
- on having residence in the place where the informal structure has been built and
- that the owner and the members of the family household do not own another residential structure, or residential unit in the territory of Montenegro.

Supplementing documentation

Article 17

When the competent local government body or the Ministry finds that the documentation referred to in Article 16 paragraphs 1, 2 and 6 of this Law has not been submitted together with the request, it shall invite the applicant to submit missing documentation within 30 days from the date of delivery of such invitation.

If the applicant does not supplement the documentation within the time limit referred to in paragraph 1 of this Article, the application shall be rejected.

Deciding on the application

Article 18

In the procedure of deciding on the duly submitted application for legalisation of an informal structure, the competent local government body or the Ministry shall determine whether the requirements referred to in Articles 5, 6 and 7 of this Law are met.

The requirements which shall be issued by competent authorities and other legal persons under special legislation, and which are necessary to determine whether the requirements are met, and a copy of the cadastral plan, shall be obtained by competent local government body or the Ministry *ex officio* from the competent authorities and legal persons.

A fee, charge or other costs for issuance shall not be paid for the issuance of requirements referred to in paragraphs 1 and 2 of this Article and for the issuance of a copy of a cadastral plan.

If the competent authorities or legal persons do not submit the requirements referred to in paragraph 2 of this Article within ten days from the date of receipt of request for their submission, it shall be deemed that they agree with the requirements set.

If the competent local government body or the Ministry determines that the legalisation of the informal structure may not be conducted due to non-fulfilment of the requirements referred to in paragraph 1 of this Article, it shall reject, by a decision, the application for legalisation.

Technical documentation for structures having up to 500 m²

Article 19

For the purpose of legalisation of informal structure having developed gross floor area of up to 500 m², which meets the requirements referred to in Articles 5, 6 and 7 of this Law, the competent local government body shall invite the applicant to submit, within 120 days from the date of delivery of such invitation, the following:

- three copies of studies of as-built survey of the structure built, certified by a licensed surveying organisation, or a copy of the cadastral plan or extract from a cadastral plan; and
- analysis by an authorised company, legal person or entrepreneur which or who examined the static and seismic stability of the structure, that the informal structure is stable and safe to use;
- three copies of as-built design of architecture of the informal structure (hereinafter referred to as the architecture design), developed by an authorised company, legal person or entrepreneur.

For the basic housing structures referred to in Article 3 of this Law the architecture design referred to in paragraph 1 indent 3 of this Article shall not be submitted.

Technical documentation for structures having more than 500 m²

Article 20

For the purpose of legalisation of informal structure having developed gross floor area of more than 500 m², which meets the requirements referred to in Articles 5, 6 and 7 of this Law, the competent local government body or the Ministry shall invite the applicant to submit, within 120 days from the date of delivery of such invitation, the following:

- three copies of studies of as-built survey of the structure built, certified by a licensed surveying organisation,

or a copy of the cadastral plan or extract from a cadastral plan;

- three copies of as-built design of architecture of the informal structure, developed by an authorised company, legal person or entrepreneur;
- the statement by an authorised company, legal person or entrepreneur which or who examined the static and seismic stability of the structure, that the informal structure is stable and safe to use, in accordance with the law regulating the construction of structures.

Content of the architecture design

Article 21

The architecture design referred to in Articles 19 and 20 of this Law shall contain:

- 1) general information:
 - given name, last name and address, or the name and seat of the applicant,
 - name, seat and photocopy of a license of a legal person, company or entrepreneur who developed the architectural drawing;
- 2) location of the structure:
 - street and number (if determined), number of the cadastral parcel and cadastral municipality,
 - intended use of the structure;
- 3) architectural description of the structure (its structure and description of the parts of the structure);
- 4) calculation of the floor areas of the structure, as follows:
 - floor area of the structure: building gross floor area and developed building gross floor area with a gross floor area of the foundation of the building,
 - net floor area with a tabular overview of floor areas of each storey,
 - number of stories and height of the structure (in m);
- 5) drawings of foundations, cross-sections and facades at a scale of 1:100;
- 6) description and condition of water supply and sewage installations, or electrical and mechanical installations of specific functions achieving basic intended use of the structure including the method of connection to the relevant infrastructural system, as well as the method of waste water disposal;
- 7) description of the floor area ratio of the structure; and
- 8) design of technological process for the structure in which a technological process is conducted.

Commission

Article 22

For the purpose of control and comparison of the data from the documentation submitted with the data obtained through direct inspection on the spot, the competent local government body or the Ministry may form a commission.

The commission shall have a chairperson and two members whose deputies shall be designated.

The owner of the informal structure shall be obliged to enable the commission to have undisturbed access to the land and the structure, to provide necessary information and present available documentation necessary for the performance of the activities referred to in paragraph 1 of this Article.

On the basis of the analysis, inspection of the available documentation and direct inspection on the spot, the commission shall make a report which shall be signed by all members of the commission.

The commission shall be obliged to submit the report referred to in paragraph 4 of this Article to the competent local government body or the Ministry within 15 days from the date of conducting direct inspection on the spot.

Evidence of the payment of fees

Article 23

When the competent local government body or the Ministry determines that the informal structure meets the requirements laid down in this Law, it shall invite the applicant to enclose, within 30 days from the date of delivery of such invitation:

- decision, or the agreement regulating relations regarding the fee for provision of utility infrastructure to construction land, and, if the fee was paid, the corresponding certificate on the payment of fee;
- decision, or the agreement regulating relations regarding the fee for construction of the regional system for water supply in the territory of the municipalities of the Montenegrin coast (hereinafter referred to as the fee for the construction of the regional water supply system), in accordance with the law regulating financing of the regional water supply of the Montenegrin coast, and, if the fee was paid, the corresponding certificate on the payment of fee; and
- certificate on the payment of the legalisation fee.

Rejection of the application

Article 24

The competent local government body or the Ministry shall reject the application for legalisation of an informal structure if the applicant does not submit evidence referred to in Articles 19, 20 and 23 of this Law within the set time limit.

Fee for provision of utility infrastructure to construction land and fee for the construction of the regional water supply system

Article 25

The fee for provision of utility infrastructure to construction land, for informal structures, shall be calculated and charged in accordance with the regulation of the local self-government unit regulating conditions, method, time limits and procedure for payment of the fee for provision of utility infrastructure applicable at the time of entry of force of this Law.

The fee referred to in paragraph 1 of this Article shall be also paid for the following informal structures: hotel, small hotel, four- and five-star boutique hotel, and for informal structures for rural development purposes (agricultural, rural housing and tourism, livestock breeding, grape growing, fruit growing).

The fee for provision of utility infrastructure to construction land for informal basic housing structures, shall be paid in equal monthly instalments, specified in the application of the owner of the informal structure, and in not more than 240 monthly instalments.

For other informal structures, the fee referred to in paragraph 1 of this Article, shall be paid in equal monthly instalments, specified in the application of the owner of the informal structure, and in not more than 120 monthly instalments.

The fee for the construction of the regional water supply system shall be calculated and charged for the legalisation of informal structures in the territory of the municipalities at the Montenegrin coast.

The legislation on the payment and calculation of a part of special fee on investments for the construction of structures in the territory of the municipalities of the Montenegrin coast relating to the fee for the construction of the regional water supply system shall apply *mutatis mutandis* to calculation and payment of the fee referred to in paragraph 5 of this Article.

Legalisation fee

Article 26

The fee for legalisation of the informal structure shall be paid in the amount of 20% of the determined fee for provision of utility infrastructure to construction land.

The fee referred to in paragraph 1 of this Article shall be the revenue of the budget of the local self-government unit.

The legalisation fee shall not be paid for informal basic housing structures and for informal structures defined in the law regulating the use, management and disposal with state property as property of general interest disposed with by Montenegro and local property of general interest disposed with by the municipality.

Adoption of the decision on legalisation fee

Article 27

Decision determining the amount of fee for the legalisation of the informal structure shall be adopted by the competent local government body calculating the fee for provision of utility infrastructure to construction land, *ex officio*, within eight days from the date of regulating relations regarding the payment of the fee for provision of utility infrastructure to construction land.

The owner of the informal structure shall be obliged to duly pay the fee referred to in paragraph 1 of this Article, within eight days from the date of delivery of the decision.

Fee for use of space and the use of funds

Article 28

The owner, or the user of a temporary informal structure covered by the plan of informal structures, shall be obliged to pay an annual fee for the use of space to the legal person managing the special purpose area, or to local self-government unit for structures in the territory of that local self-government unit.

The amount, method and criteria for the payment of the annual fee referred to in paragraph 1 of this Article, shall be determined by the legal person managing the special purpose area, or the local self-government unit for structures in the territory of that local self-government unit, with prior consent of the Ministry.

The decision determining the amount of fee referred to in paragraph 1 of this Article shall be adopted by the legal person managing the special purpose area for informal structures located in a special purpose area, or a local self-government unit for structures located in the territory of that local self-government unit.

The local self-government unit shall be obliged to use the funds earned from the annual fee for the use of space, fee for provision of utility infrastructure to construction land for informal structures and the fee for legalisation of informal structures, for development and provision of infrastructure to the land and development of

infrastructural facilities and structures of general interest in the area of the local community in whose area the informal structures are located.

The local self-government unit shall be obliged to provide alternative accommodation to the owners of informal structures for which a decision on removal has been adopted, in accordance with this Law and to finance the development of spatial planning documents, from the funds earned from the fee for the legalisation of informal structures.

The time limits and time schedule of use of the funds referred to in paragraphs 4 and 5 of this Article shall be determined by the local self-government unit.

The area of the local community referred to in paragraph 4 of this Article shall be deemed to be the local community in whose territory the informal structure is located and the space provided for in the planning document for the construction and provision of infrastructure as required by such local community and/or informal structures.

The legal person managing the special purpose area shall be obliged to use the funds earned from the annual fee for the use of space for maintenance and improvement of the special purpose area, and for the construction of infrastructure as required by the special purpose area, in accordance with the annual programme.

Examination of static and seismic stability of informal structure

Article 29

The analysis of static and seismic stability of informal structure having up to 500 m² may be conducted by a company, legal person or entrepreneur authorised for development of technical documentation and/or construction of the structure.

The method of development and the content of the analysis of an informal structure concerning static and seismic stability of informal structure having up to 500 m² shall be prescribed by the Ministry.

The analysis of static and seismic stability of informal structure having more than 500 m² shall be conducted in accordance with the law regulating construction of structures.

Development of technical documentation

Article 30

Technical documentation for informal structures may be developed by a company, legal person or entrepreneur authorised for development of technical documentation, while the study of as-built survey of the structure built shall be developed by a licensed surveying organisation.

Making decision

Article 31

For the informal structure built at the space for which a planning document has not been adopted, and which meets the requirements laid down in this Law, the competent local government body or the Ministry, shall adopt the decision on legalisation within 20 days from the date of submitting evidence referred to in Article 23 of this Law.

For the informal structure built at the space for which a planning document has been adopted, and the informal structure has not been built in accordance with the planning document, after the evidence referred to in Articles 16, 19 and 20 of this Law is submitted, the competent local government body or the Ministry, shall adopt the decision on legalisation within 20 days from the date of submitting evidence referred to in Article 23 of this Law.

For the informal structure built at the space for which a planning document has been adopted, and the informal structure has been built in accordance with the planning document, after the evidence referred to in Articles 16, 19 and 20 of this Law is submitted, the competent local government body or the Ministry, shall adopt the decision on legalisation within 20 days from the date of submitting evidence referred to in Article 23 of this Law.

The decision on legalisation referred to in paragraphs 1, 2 and 3 of this Article must contain information whether for an informal structure having up to 500 m² an analysis has been developed by an authorised company, legal person or entrepreneur which or who examined the static and seismic stability of informal structure.

Within eight days from the date of enforceability, the competent authority referred to in paragraphs 1, 2 and 3 of this Article, shall submit to the administrative body the decision on legalisation together with the acts regulating relations regarding the payment of the fee for provision of utility infrastructure to construction land and the fee for the construction of the regional water supply system so as to enter the data from the decision on the legalisation of the informal structure in the real estate cadastre or other relevant records.

The administrative body shall, after submission of the decision and acts referred to in paragraph 5 of this Article, enter annotation in G sheet of the real estate folio, including the name of the body which adopted the decision, number and date of issuance of the decision, and decision on deferred payment of the fee for provision of utility infrastructure to construction land including the repayment term in accordance with Article 25 of this Law, and information whether for an informal structure having up to 500 m² an analysis has been developed by an authorised company, legal person or entrepreneur which or who examined the static and seismic stability of informal structure.

Fitting into the planning document

Article 32

The competent local government body or the Ministry shall be obliged to submit the decision on legalisation of an informal structure to the authority competent for development and implementation of the planning document (hereinafter referred to as the competent authority).

The competent authority shall be obliged to finalise the procedure of the adoption of, or amendment to, a planning document within 24 months from the expiry of the time limit referred to in Article 41 of this Law, at the latest, for the purpose of fitting informal structures into the planning document, in accordance with the urban planning norms and standards.

The competent authority shall, within 30 days from the date of adoption of the planning document referred to in paragraph 2 of this Article, issue guidelines for the regularisation of the structure (hereinafter referred to as the guidelines).

The competent authority shall, within 45 days from the date of receipt of the decision on legalisation issue the guidelines to the owner of the informal structure covered by the planning document.

The guidelines shall contain in particular: the requirements for improving the visual identity of structures, and/or requirements for compliance with the ambience values, principle of functionality of forms and materialisation of traditional architecture (type of facade material, requirements for landscaping of the location etc.).

Decision on regularisation

Article 33

The owner of the informal structure shall within three years from the date of issuance of the guidelines bring the appearance of the informal structure in line with the requirements laid down in the guidelines.

The competent authority shall, after the expiry of the time limit referred to in paragraph 1 of this Article, *ex officio* or on the basis of the request of the owner of the informal structure, check whether the appearance of the informal structure is in line with the guidelines within 30 days from the date of submitting the request.

If the appearance of the informal structure is in line with the guidelines, the competent authority shall adopt the decision on the regularisation of the structure within 20 days.

Within eight days from the date of enforceability, the competent authority shall submit the decision on regularisation of the structure to the administrative body so as to register the structure in the real estate cadastre or other relevant records.

After the receipt of the decision referred to in paragraph 3 of this Article, the administrative body shall be obliged to delete the annotation in G sheet of the real estate folio relating to the fact that the structure was built without a building permit.

Reconstruction of an informal structure

Article 34

The informal structure which has been found non-compliant with the requirements relating to static and seismic stability may be reconstructed in accordance with the provisions of the law regulating construction of structures.

Removal of a structure

Article 35

Informal structures which have not been legalised in accordance with this Law shall be removed in accordance with the law regulating construction of structures.

The decision on removal of basic housing structures may be enforced after providing alternative accommodation referred to in Article 36 of this Law.

Alternative accommodation

Article 36

In case of adoption of a decision on removal of an informal basic housing structure, the local self-government unit shall be obliged to provide alternative accommodation to the owner of the structure which shall be appropriate to the number of members of the family household.

The alternative accommodation referred to in paragraph 1 of this Article shall be provided by letting an apartment, compensating the rent, awarding land for the construction of a residential structure and otherwise, in accordance with a regulation of a local self-government unit.

The competent local government body shall be obliged to specify the method of providing i.e. the type of alternative accommodation in the enacting terms of the decision referred to in Article 17 paragraph 2 of this Law, the enacting terms of the decision referred to in Article 18 paragraph 5 of this Law and the enacting terms of the decision referred to in Article 24 of this Law.

More detailed conditions, method, procedure and criteria for providing the accommodation referred to in

paragraph 1 of this Article, to the owner of the informal basic housing structure and members of his family household for which a decision on the removal of the structure has been adopted shall be prescribed by the local self-government unit.

Payment of annual fee

Article 37

The owner of the informal structure for which the application for legalisation has not been submitted within the time limit referred to in Article 41 of this Law, the owner of the informal structure for which a final and enforceable decision referred to in Article 17 paragraph 2 of this Law, a final and enforceable decision referred to in Article 18 paragraph 5 of this Law or a final and enforceable decision referred to in Article 24 of this Law has been adopted, shall be obliged to pay the annual fee referred to in Article 28 of this Law.

The Ministry, or the competent local government body, shall be obliged to systematize the data obtained by overlaying data from the orthophoto image and the legalisation applications received, after the expiry of the time limit referred to in Article 41 of this Law, and to draw up a list of informal structures for which an application for legalisation has not been submitted, or which have not met the conditions for legalisation in accordance with this Law.

The Ministry or the competent local government body shall, on the basis of data referred to in paragraph 2 of this Article and criteria defined in the act referred to in Article 28 paragraph 2 of this Law, determine, by a decision, the amount of the fee referred to in Article 28 of this Law.

Supervision

Article 38

Supervision over the implementation of this Law shall be exercised by the state administration body competent for spatial development and construction of structures.

The inspection control over the enforcement of this Law shall be performed by the administrative body in charge of inspection affairs.

Penal provisions

Article 39

A legal person shall be punished for a misdemeanour by a fine ranging from €1,000 to €40,000, if:

1) it does not submit data on informal structures to the competent local government body and the Ministry within 60 days from the date of entry into force of this Law (Article 11 paragraph 1 and Article 42 paragraph 2);

2) instead of the evidence referred to in Article 16 paragraph 1 of this Law, it does not submit evidence that proceedings to determine the right of ownership to the land have been initiated before a court or another competent authority, or a certificate of the Ministry or of the competent local government body that a planning document has not been adopted for that space (Article 16 paragraph 2);

3) it does not enable the Commission to have undisturbed access to the land and the structure, does not provide necessary information and present available documentation necessary for the performance of the activities referred to in Article 22 paragraph 1 of this Law (Article 22 paragraph 3);

4) within eight days from the date of delivery of the decision determining the amount of the legalisation fee, it does not make the payment of the fee referred to in Article 27 paragraph 1 of this Law (Article 27 paragraph 2);

5) it does not pay the annual fee for the use of space to the legal person managing the special purpose area, or to local self-government unit for structures in the territory of that local self-government unit (Article 28 paragraph 1);

6) it does not bring the structure in line with the requirements defined in the guidelines within three years from the date of issuance of the guidelines (Article 33 paragraph 1);

7) it does not pay the annual fee referred to in Article 28 of this Law (Article 37 paragraph 1)

8) it did not submit the application for the legalisation of an informal structure, in accordance with this Law, within 270 days from the date of entry into force of this Law (Article 41).

A responsible person in the legal person shall be punished for the misdemeanour referred to in paragraph 1 of this Article by a fine ranging from €300 to €2,000.

An entrepreneur shall be punished for the misdemeanour referred to in paragraph 1 of this Article by a fine ranging from €500 to €6,000.

A natural person shall be punished for the misdemeanour referred to in paragraph 1 items 2, 3, 4, 5, 6, 7, 8 of this Article by a fine ranging from €150 to €2,000.

Article 40

A responsible person in an administrative body, local self-government body and local government body shall be punished for a misdemeanour by a fine ranging from €500 to €4,000, if:

1) it fails to register the buyer as the owner of the real estate and enter annotation in G sheet of the real estate folio including the number and date of conclusion of the contract for purchase and sale and the names of

contractual parties, the repayment term and annotation of mortgage agreement (Article 7 paragraph 6);

2) it fails to overlay orthophoto image of the territory of Montenegro with valid digital survey maps and to make it available, via Geoportal website, to the competent local government bodies and the Ministry with the data at its disposal, within eight days from the date of entry into force of this Law (Article 10 and Article 42 paragraph 1);

3) it fails to submit to the competent local government body and the Ministry data on informal structures kept within relevant records (Article 11 paragraph 1);

4) it fails to keep and update the records on informal structures and the data referred to in Article 12 paragraph 2 of this Law and fails to submit them to the Ministry (Article 12 paragraph 3);

5) it fails to publish the data from the records referred to in Article 12 paragraphs 3 and 4 of this Law on its website (Article 12 paragraph 5);

6) it fails to publish enforceable decision referred to in Article 14 paragraph 1 item 4 of this Law on the website of the local government body or of the Ministry (Article 14 paragraph 2);

7) it fails to publish the application referred to in Article 15 paragraph 1 of this Law on the website of the local government body or of the Ministry (Article 15 paragraph 4);

8) within 15 days from the date of receipt of application for legalisation, for the informal structure for which property law relations on the land on which the informal structure has been built have not been resolved, it fails to submit notice that the legalisation procedure has been initiated to the administrative body competent for property in respect of the land owned by Montenegro, or to the local self-government unit in respect of the land on which the proprietary authorities are exercised by the local self-government unit (Article 15 paragraph 7);

9) within 15 days from the date of receipt of the application referred to in Article 15 paragraph 1 of this Law, it fails to notify the competent inspection body on the initiation of the legalisation procedure in order to suspend the procedure for removal of the structure (Article 15 paragraph 8);

10) it fails to submit the final act on the suspension of the legalisation procedure for the land owned by Montenegro to the administrative body competent for property (Article 16 paragraph 4);

11) it fails to submit the final act on the suspension of the legalisation procedure for the land on which the proprietary authorities are exercised by the local self-government unit to the local government body competent for property (Article 16 paragraph 5);

12) it fails to adopt the decision determining the amount of fee for the legalisation of the informal structure within eight days from the date of regulating relations regarding the payment of the fee for provision of utility infrastructure to construction land (Article 27 paragraph 1);

13) it fails to use the funds earned from the annual fee for the use of space, fee for provision of utility infrastructure to construction land for informal structures and the fee for legalisation of informal structures, for development and provision of infrastructure to the land and development of infrastructural facilities and structures of general interest in the area of the local community in whose area the informal structures are located (Article 28 paragraph 4);

14) it fails to provide alternative accommodation to the owners of informal structures, in accordance with this Law and to finance the development of spatial planning documents, from the funds earned from the fee for the legalisation of informal structures (Article 28 paragraph 5);

15) it fails to use the funds earned from the annual fee for the use of space, for maintenance and improvement of the special purpose area, and for the construction of infrastructure as required by the special purpose area, in accordance with the annual programme (Article 28 paragraph 8);

16) it fails to adopt the decision on legalisation for the informal structure built at the space for which a planning document has not been adopted, and which meets the requirements laid down in this Law, within 20 days from the date of submitting evidence referred to in Article 23 of this Law (Article 31 paragraph 1);

17) he fails to adopt the decision on legalisation for the informal structure built at the space for which a planning document has been adopted, and the informal structure has not been built in accordance with the planning document, after the evidence referred to in Articles 16, 19 and 20 of this Law is submitted, within 20 days from the date of submitting evidence referred to in Article 23 of this Law (Article 31 paragraph 2);

18) it fails to adopt the decision on legalisation for the informal structure built at the space for which a planning document has been adopted, and the informal structure has been built in accordance with the planning document, after the evidence referred to in Articles 16, 19 and 20 of this Law is submitted, within 20 days from the date of submitting evidence referred to in Article 23 of this Law (Article 31 paragraph 3);

19) within eight days from the date of enforceability, it fails to submit to the administrative body the decision on legalisation together with the acts regulating relations regarding the payment of the fee for provision of utility infrastructure to construction land and the fee for the construction of the regional water supply system so as to enter the data from the decision on the legalisation of the informal structure in the real estate cadastre or other relevant records (Article 31 paragraph 5);

20) after submission of the decision and acts referred to in Article 31 paragraph 5 of this Law, it fails to enter annotation in G sheet of the real estate folio, including the name of the body which adopted the decision, number and date of issuance of the decision, and decision on deferred payment of the fee for provision of utility infrastructure to construction land including the repayment term in accordance with Article 25 of this Law, and information whether for an informal structure having up to 500 m² an analysis has been developed by an authorised company, legal person or entrepreneur which or who examined the static and seismic stability of the informal structure (Article 31 paragraph 6);

21) it fails to submit the decision on legalisation of an informal structure to the authority competent for the development and implementation of the planning document (Article 32 paragraph 1);

22) it fails to finalise the procedure of the adoption of, or amendment to, a planning document upon expiry of period of 24 months from the expiry of the time limit referred to in Article 41 of this Law, for the purpose of fitting informal structures into the planning document, in accordance with the urban planning norms and standards (Article 32 paragraph 2);

23) within 30 days from the date of adoption of the planning document referred to in Article 32 paragraph 3 of this Law, it fails to issue the guidelines for the regularisation of the structure (Article 32 paragraph 3);

24) within 45 days from the date of receipt of the decision on legalisation it fails to issue the guidelines to the owner of the informal structure covered by the planning document (Article 32 paragraph 4);

25) after the expiry of the time limit referred to in Article 33 paragraph 1 of this Law, *ex officio* or on the basis of the request of the owner of the informal structure, it fails to check whether the appearance of the informal structure is in line with the guidelines within 30 days from the date of submitting the request (Article 33 paragraph 2);

26) it fails to adopt the decision on the regularisation of the structure within 20 days from the date of checking whether the appearance of the informal structure is in line with the guidelines (Article 33 paragraph 3);

27) within eight days from the date of enforceability, it fails to submit the decision on regularisation of the structure to the administrative body so as to register the informal structure in the real estate cadastre or other relevant records (Article 33 paragraph 4);

28) it fails to delete the annotation in G sheet of the real estate folio, relating to the fact that the structure was built without a building permit, after receiving the decision referred to in Article 33 paragraph 3 of this Law (Article 33 paragraph 5);

29) it fails to provide alternative accommodation to the owner of the informal basic housing structure which shall be appropriate to the number of members of the family household in case of adoption of a decision on removal of an informal basic housing structure (Article 36 paragraph 1);

30) it fails to specify the method of providing i.e. the type of alternative accommodation in the enacting terms of the decision referred to in Article 17 paragraph 2, the enacting terms of the decision referred to in Article 18 paragraph 5 and the enacting terms of the decision referred to in Article 24 of this Law (Article 36 paragraph 3);

31) after the expiry of the time limit referred to in Article 41 of this Law, it fails to systematize the data obtained by overlaying data from the orthophoto image and the legalisation applications received, and fails to draw up a list of informal structures for which an application for legalisation has not been submitted, or which have not met the conditions for legalisation in accordance with this Law (Article 37 paragraph 2);

32) it fails to determine, by a decision, the amount of the fee referred to in Article 28 of this Law on the basis of data referred to in Article 37 paragraph 2 of this Law and criteria defined in the act referred to in Article 28 paragraph 2 of this Law (Article 37 paragraph 3).

Time limit for submitting application

Article 41

The owner of the informal structure shall be obliged to submit the application for the legalisation of an informal structure, in accordance with this Law, within 270 days from the date of commencement of application of this Law.

Time limit for submitting documentation and data

Article 42

The administrative body shall make the documentation referred to in Article 10 of this Law, available on the Geoportal website, to the competent local government bodies and the Ministry, within eight days from the date of entry into force of this Law.

The entities referred to in Article 11 paragraph 1 of this Law shall be obliged to submit the data on informal structures to the competent local government bodies and the Ministry within 60 days from the date of entry into force of this Law.

Suspension of proceedings

Article 43

The initiated procedures for the removal of structures built contrary to the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08, 40/10, 34/11, 40/11, 47/11, 35/13, 39/13, 33/14) shall be suspended as from the date of submission of the application for the legalisation of an informal structure referred to in Article 15 of this Law, until the adoption of a final and enforceable decision, in accordance with this

Law.

Time limit for adoption of implementing regulations

Article 44

Secondary legislation for the implementation of this Law shall be adopted within 30 days from the date of entry into force of this Law.

Adoption of the plan

Article 45

The plan of temporary informal structures referred to in Article 6 paragraphs 4 and 5 of this Law shall be adopted within 90 days from the date of commencement of application of this Law.

Entry into Force

Article 46

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro and it shall apply from 1 March 2017.

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