



**Izmene i dopune Zakona o državnom premeru i katastru**  
**Amendments and Supplements to Cadastral and Survey Laws**

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U poslednjem talasu zakona koje je usvojila Narodna skupština Republike Srbije 26. oktobra 2023. godine našli su se i Zakon o izmenama i dopunama Zakona o državnom premeru i katastru i Zakon o izmenama i dopunama Zakona o postupku upisa u katastar nepokretnosti i vodova – sada Zakon o postupku upisa u katastar nepokretnosti i katastar infrastrukture.

The latest wave of adopting legislation by the National Assembly of the Republic of Serbia that took place on 26 October 2023 included, among others, the Law on Amendments and Supplements to the Law on State Survey and Cadaster and the Law on Amendments and supplements to the Law on the procedure for inscription in the Real Estate Cadaster and in the Cadaster of Lines – now, the Law on Procedure for inscription in the Real Estate Cadaster and in the Cadaster of Infrastructure.

Usvojene izmene donose više novina od kojih su najviše pažnje privukle:

- izmene koje se tiču podnošenja zahteva kojim se pokreće postupak upisa u katastar nepokretnosti od strane stranke.

Ukinuta je mogućnost podnošenja zahteva u formi papirnog dokumenta. Zahtevi se sada podnose isključivo u elektronskoj formi, putem e-šaltera, a kako stranke ne mogu neposredno da pristupaju e-šalteru, zahtev putem e-šaltera mogu podneti preko profesionalnog korisnika e-šaltera koji vrši digitalizaciju papirnog dokumenta.

Pored lica koja nadležnom katastru nepokretnosti digitalizovana dokumenta dostavljaju po službenoj dužnosti (javni beležnici), lica koja mogu za stranku podneti zahtev putem e-šaltera - profesionalni korisnici e-šaltera su i:

- advokati; i
- preduzetnici/pravna lica (tj ovlašćena lica u pravnom licu) upisani u registar geodetskih organizacija, pod uslovom da sa Republičkim geodetskim zavodom imaju zaključen ugovor o pristupanju e-šalteru.

Status profesionalnog korisnika e-šaltera ima i JPM Partners.

- Proširivanje kruga lica koja mogu izdati izvod iz baze podataka katastra nepokretnosti (ranije: izvod iz lista nepokretnosti), odnosno izvod iz baze podataka katastra infrastrukture – sada ovaj dokument mogu izdati i preduzetnici/pravna lica upisana u Registar posrednika u prometu i zakupu nepokretnosti (agencije za promet nepokretnostima).

The adopted amendments hold various novelties, the most noticeable being:

- Amendments that regard the submission of the request by which a party initiates the procedure for inscription in the real estate cadaster registry.

The possibility of submitting the request in paper form has been abolished. The requests are now submitted exclusively in electronic form, via a specific electronic platform (srb. E-šalter), and since the parties cannot access e-šalter directly, they may submit the request via e-šalter through the professional user of e-šalter who previously digitalizes the documents that were originally in paper form.

Apart from the persons who submit the digitalized documents to the competent real estate cadaster ex officio (notary publics), the persons who may submit the request via e-šalter on behalf of the party – the professional users of e-šalter are also:

- The lawyers; and
- Entrepreneurs/legal persons (i.e. their authorized natural persons) inscribed in the registry of geodetic organizations, provided that they have executed the agreement on access to e-šalter with the Republic Geodetic Authority.

JPM Partners holds the status of professional user of e-šalter.

- Extending the list of persons authorized for issuance of the excerpt from the real estate cadaster database (before: real estate folio excerpt), i.e. the excerpt from the cadaster of infrastructure database – this document may now be issued by entrepreneurs/legal persons inscribed in the Registry of real estate brokers (brokerage agencies).



Pored pomenutih izmena možemo istaći još neke novine koje donose izmene ova dva zakona:

- Umesto katastra vodova planirano je formiranje katastra infrastrukture, za koji je planirano da bude uspostavljen (preciznije čiji informacioni sistem treba biti uspostavljen) najkasnije do 1. jula 2025. godine;
- Podzemni objekti, kao i infrastruktura – saobraćaj (kopneni, vodni i vazdušni), podzemne i nadzemne instalacije (vodovi) i elektronske komunikacione mreže i sredstva, biće predmet vođenja novoformiranog katastra infrastrukture;
- Uvedena je obaveza vlasnika infrastrukturnih i podzemnih objekata koji nisu upisani u katastar (bilo nepokretnosti bilo vodova), kao i objekata u njihovoj funkciji, da u roku od 3 godine od osnivanja katastra infrastrukture, angažuju ovlašćenu geodetsku organizaciju da izvrši premer tih objekata i da podnesu zahtev za upis u katastar infrastrukturnih i podzemnih objekata;
- Propisane su odredbe kojima se teži ograničiti bespravna gradnja – kroz uvođenje izričite obaveze za geodetske organizacije, tačnije za odgovorna lica sa geodetskom licencom/lica geodetske struke koja izvode radove u geodetskoj organizaciji da u elaboratu geodetskih radova verodostojno prikaže faktičko stanje na terenu, uz pretnju gubitka licence geodetske organizacije u slučaju prikazivanja neistinitih podataka/nepostojećih promena u elaboratu geodetskih radova;
- Izmenama Zakona o postupku upisa u katastar nepokretnosti i vodova izričito je propisano da se posebnim zakonom ne može menjati/narušavati redosled odlučivanja, i da se njime ne može propisati pretpostavka izvršenog upisa u katastar, pre nego što je doneta odluka kojom se vrši upis u katastar; i
- Ukinuta je prekršajna odgovornost državnih službenika (nadležne službe za katastar nepokretnosti) za propuštanje da odluče po podnetom zahtevu u zakonom propisanom roku.

Besides the already mentioned, we may point out other novelties brought by the amendments of these two laws

- It is planned to form the cadastre of infrastructure instead of the cadastre of lines. It has been planned that the cadastre of infrastructure (more precisely, its informational system) is planned to be set up at the latest until 1 July 2025;
- Underground facilities, and the infrastructure – traffic (land, water, and air), underground and above-ground installations (lines), and electronic communication networks and assets, shall be subject to inscription with the newly formed cadastre of infrastructure;
- The amendments introduce the obligation of the owners of infrastructure and underground facilities that are not inscribed with the cadastre (cadastre of real estate, or cadastre of lines), as well as of their accompanying facilities, to engage the authorized geodetic organization to conduct survey of such facilities and to submit the request for inscription of the same in the cadastre of infrastructure and underground facilities, within 3 years from the day of establishment of the cadastre of infrastructure;
- The provisions that tend to limit illegal construction have been introduced – through introducing the explicit obligation for geodetic organizations, i.e. for their responsible persons with geodetic license/geodetic professionals who conduct the works in the geodetic organization, to credibly present the state of fact from the field in its geodetic survey, with the risk of geodetic organization losing its license in case of presenting untruthful data/non-existing changes in geodetic survey;
- The amendments to the Law on the Procedure of inscription in the Real Estate Cadastre and in the Cadastre of Lines explicitly prescribe that the special laws cannot modify/disrupt the priority order for inscription and that such laws cannot prescribe assumption of inscription with the cadastre registry, that would be valid prior to rendering of the decision by which the inscription in the cadastre registry is rendered; and
- The responsibility for the misdemeanour of civil servants (of the competent real estate cadastre services) for failure to resolve the submitted request within the legally prescribed deadlines has been abolished.

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