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## **LAW ON SPATIAL PLANNING AND LAND USE AT THE FBiH LEVEL**

### **I GENERAL PROVISIONS**

#### **Article 1**

This Law regulates: land use planning at the FBiH level (hereinafter referred to as: Federation) by development and adoption of the spatial planning documents and their implementation, type and content of the spatial planning documents, land use at the FBiH level, monitoring of the implementation of the spatial planning documents of importance to Federation, monitoring of the enforcement of this Law, as well as penalties for legal and natural persons.

For the purpose of this Law, spatial planning means planned management, use and protection of the Federation territory as particularly valuable and limited goods.

#### **Article 2**

Planned management, use and protection of space (hereinafter referred to as: planned spatial development) shall be ensured through implementation of the spatial planning documents, based on an integrated approach of planned spatial development and the principles of sustainable development.

An integral approach to the planned spatial development shall, in particular, include as follows:

- 1) Exploration, assessment and evaluation of possible projects<sup>1</sup>/interventions in Federation,
- 2) preparation of the spatial planning documents within the competence of the Federation,
- 3) implementation and monitoring over the implementation of the spatial planning documents within the competence of the Federation.

#### **Article 3**

Spatial planning shall be based on the principles of:

- 1) Spatial protection in accordance with the principles of sustainable development;
- 2) Protection of the integral values of space and protection and improvement of the environment;
- 3) Protection of architectural and natural heritage;
- 4) Harmonizing interests between space users and priorities of project implementations of importance to Federation;
- 5) alignment of the spatial planning documents of cantons with those of the Federation;
- 6) alignment of the spatial planning documents of the Federation and Republika Srpska;
- 7) alignment of the spatial planning documents of Bosnia and Herzegovina with those of the neighboring states;
- 8) public and free access to the information and documents important for spatial planning, in accordance with this Law and other special legislation;

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<sup>1</sup> T.N. project means any building of a construction work, reconstruction of an existing construction work and any other temporary or permanent human activity in space which develops or alters the situation in space;

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- 9) establishment of the spatial information system within the competence of the Federation for the purpose of planning, using and protection of the Federation territory.

#### **Article 4**

The spatial planning at all levels of governance in Federation shall be in compliance with the special legislation in the field of: environmental protection, cultural, historical, constructional and natural heritage, soil, air, forests, water, health, as well as of protection of energy, mining and industrial facilities, infrastructural facilities and telecommunications, and protection of sports, tourist, multi-purpose and security facilities and their infrastructure.

#### **Article 5**

Spatial planning in Federation shall be governed by the Parliament of Federation of Bosnia and Herzegovina (hereinafter referred to as: Parliament) and the Government of Federation of Bosnia and Herzegovina (hereinafter referred to as: Government), legislative and executive bodies of the canton and local self-government unit through adoption of the spatial planning documents and other documents and legislation provided for by this Law.

FBiH administration bodies, cantonal administration bodies and local self-government administration units, established to perform expert tasks related to the spatial planning, and legal persons registered for preparing such documents shall ensure that the documents referred to in paragraph 1 of this Article are expert-based.

## **II SPATIAL PLANNING**

#### **Article 6**

Spatial planning documents shall establish relevant development, use and intended use of space, as well as measures and guidelines for protection of space.

1. Spatial planning documents shall refer to:

1) Spatial Plan:

- The Spatial Plan of Federation of Bosnia and Herzegovina (hereinafter referred to as: Spatial plan of Federation),
- Cantonal spatial plan,
- Spatial plan of areas with special features,
- Spatial plan of two or more cantons,
- Municipal spatial plan (except municipalities falling under the Cities of Sarajevo and Mostar);

2) Urban development plan;

3) Detailed spatial planning documents:

- zoning plan

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- regulatory plans,
- urban development designs,

## 1. Spatial planning documents of importance to Federation

### **Article 7**

The following spatial planning documents shall be adopted:

- 1) for the territory of Federation – the Spatial Plan of Federation,
- 2) for the territory of Canton – Spatial plan of Canton,
- 3) for the Cities of Mostar and Sarajevo – the City urban development plan,
- 4) for municipalities constituting cities- the Municipality spatial plan ,
- 5) For the territory of importance to Federation- Spatial plan of areas with special features,
- 6) For urban area of municipality with the canton seat – urban development plan,
- 7) For areas for which such an obligation is provided for by regulatory plan of a wider area and urban development design and zoning plan.

### **Article 8**

During the spatial planning documents development and adoption procedure, the following shall be taken into consideration: public interest, general and special goals of spatial development, sector policy coordination, aligning individual with public interests, measures necessary for protection of citizens and property against natural and human disasters and war actions provided for by Government regulation, measures necessary for protection of persons with reduced physical abilities provided for by the Law on Protection and Rescue of People and Property in Case of Natural and Other Disasters ( Official Gazette of FBiH, 39/03) and by legislation adopted by virtue of that Law, strategic environmental impact assessment (SEA), verification of justifiability, compliance and feasibility of the planned spatial solutions.

Preparation and development procedure and the contents of the spatial planning documents in Federation shall be established by regulation on uniform methodology for development of spatial planning documents.

The regulation referred to in paragraph 2 of this Article shall be adopted by the Government upon the proposal of the Federation BiH Ministry of Spatial Planning (hereinafter referred to as: Ministry) with previously obtained opinion from the canton.

## 2. Spatial Plan of Federation

### **Article 9**

The Spatial Plan of Federation shall determine the long-term goals and measures of spatial development in accordance with the planned economic, social and historical development of importance to Federation.

The Spatial Plan of Federation shall contain land use policy and it shall direct the development of functions and activities within the Federation territory. Areas of significance to Federation shall be determined with the Spatial Plan of Federation, and in particular:

- 1) structures and routes of the economic (highway) infrastructure of international, national and federal importance, as well as the interest of two or more neighboring cantons (road,

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- water management , energy, telecommunication and other infrastructure with the ancillary structures);
- 2) Spaces<sup>2</sup> and areas of importance to Federation as referred to in Article 17 of this Law;
  - 3) structures and areas of architectural or natural heritage designated as national monuments by the Commission to Preserve National Monuments, according to the Annex 8 of the General Peace Accords in Bosnia and Herzegovina (hereinafter referred to as: Commission);
  - 4) structures and areas of significance to the defense.

Spatial plan of Federation shall elaborate the planning options from the Spatial Analysis Document of Federation.

With regard to the natural, cultural-historical and landscape values, the Spatial Plan of Federation shall determine the basic principles of planned spatial development, the goals of spatial development, protection, use and purpose of the land, in particular:

- 1) basic purpose of the land and particular areas of the Federation;
- 2) mutual connection of territory between cantons;
- 3) construction works<sup>3</sup> and corridors of highway/major infrastructure of importance to the Federation (water management , traffic, energy, telecommunication and other infrastructure);
- 4) other infrastructure of importance to Federation (health care, education, science, culture, sports, administration, tourism, banking, services, supply etc.);
- 5) environmental protection measures;
- 6) spatial renewal and remediation measures;
- 7) protection of architectural and natural heritage;
- 8) protection measures of natural and disasters caused by human actions and war threats at the Federation level;
- 9) raw minerals exploitation techniques and scope ;

The Spatial Analysis Document of Federation, Program of Measures, and Decision on implementation of the Spatial Plan of Federation shall constitute the integral parts of the Spatial Plan of Federation.

The Spatial Plan of Federation shall be adopted by the Parliament upon the proposal of the Government for a period of twenty (20) years.

### 3. Spatial Analysis Document of Federation

#### **Article 10**

The Spatial Plan of Federation shall be developed in compliance with the Spatial Analysis Document of Federation.

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<sup>2</sup> space means the physical framework structure situated on the surface, as well as above and below ground and sea, which is affected or could be affected by human activity

<sup>3</sup> T.N.construction work means the result of construction which is fixed to the ground and consisting of a construction assembly functionally built from construction products with or without installations, a construction assembly and incorporated facility, a self-contained facility fixed to the ground or a construction assembly resulting from construction

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The Spatial Analysis Document of the Federation shall contain the survey and review of the current spatial status of importance to the Federation, as well as the basic guidelines of the planned spatial development.

The Spatial Analysis Document of the Federation shall be adopted by the Parliament upon the proposal of the Government.

#### 4. Report on spatial situation in Federation

##### **Article 11**

Administrative bodies in charge of for spatial development issues at all levels of governance shall keep documents necessary for spatial monitoring, development and monitoring over the implementation of the spatial planning documents.

Report on spatial situation in the field of spatial planning of Federation and cantons shall be prepared the second year after the adoption of the Spatial Plan of Federation (hereinafter referred to as: The Report).

The Report shall contain an analysis of the implementation of the spatial planning documents and other documents, an evaluation of implemented measures and their effect on space, protection of spatial and environmental values and other elements of importance to planned spatial development.

#### 5. Spatial Planning Measures Programme of Federation

##### **Article 12**

The Parliament shall, in accordance with the Report adopt a four-year programme of measures for the improvement of the spatial conditions in Federation (hereinafter referred to as: Programme of Measures)

The Programme of Measures shall contain: the assessment of the reason for developing new spatial planning documents or amendments of the existing documents, the requirement for obtaining data and expert solutions for their preparation, and other measures of importance to development and adoption of these documents.

The Programme of Measures shall determine the land development of importance to Federation, the sources of financing its development, development deadlines for intended purpose.

The Programme of Measures shall, in its part referring to areas with special features, determine measures to implement spatial planning policies and spatial planning documents.

##### **Article 13**

The legislative bodies of the cantons shall submit their opinion regarding the proposed Spatial Plan of Federation and the Programme of Measures prior to their adoption.

The legislative bodies referred to in paragraph 1 of this Article are obliged to deliver their opinion within 60 days following the day of delivery of the proposal of the Spatial Plan of Federation and of the Programme of Measures, and in case of failure to deliver an opinion it shall be deemed that the approval was given on the proposed documents.

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The Federation budget shall include funds to cover the preparation, development and monitoring of the Spatial Analysis Document of Federation, the Spatial Plan of Federation, the Report and the Programme of Measures.

The Spatial Plan of Federation, the Report and the Programme of Measures shall be published in the 'Official Gazette of the Federation of Bosnia and Herzegovina'.

#### 6. Spatial plan of the canton and Spatial plan of the municipality

##### **Article 14**

Spatial plan of the canton shall be developed on the basis of the Spatial Plan of Federation and of the Programme of Measures referring to the respective area.

Having due regard to natural, cultural-historical and landscape values, the Spatial plan of the canton, shall determine the basic principles of spatial development, the goals of spatial development, use and intended purpose of land, in particular:

- 1) intended land use (agricultural, forest, construction land, water and other surfaces);
- 2) system of settlements and urban areas,
- 3) construction works and corridors of highway and other infrastructure of importance to Federation and canton with the protective infrastructural belts (waterpower, traffic, energy, telecommunication and other infrastructure),
- 4) other infrastructure of importance to Federation and canton (health care, education, science, culture, sports, administration, tourism, banking, services, supply etc.);
- 5) environmental protection measures with distribution of the construction works and installations which can significantly impact environment,
- 6) protection of architectural and natural heritage,
- 7) measures of protection of natural and man-made disasters and war threats,
- 8) raw minerals exploitation techniques and scope of exploitation,
- 9) obligations regarding a more detailed spatial planning of smaller spatial units within the canton (spatial plan of a municipality, areas with special features, urban development plan etc.).

Program of measures and activities for the implementation of the Plan and Decision on implementation of the Spatial plan of the canton shall constitute an integral part of the Plan.

Spatial plan of the canton can contain other elements of importance to the canton in accordance with the Law on Spatial Planning of the Canton.

##### **Article 15**

Spatial plan of the municipality shall be developed in compliance with the Spatial plan of Federation and of the Program of measures, having due regard to natural, cultural-historical and landscape values of the municipality area.

Program of measures and activities for the short-term implementation of the plan and Decision on implementation of the spatial plan of the municipality shall be the constituent parts of the Plan.

Spatial plan of the municipality may contain other elements of importance to the municipality that are not contrary to the Spatial plan of the canton.

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## **Article 16**

The Spatial plan of the canton, i.e. municipality shall be a long-term plan and it shall be adopted by the legislative body of the canton, or the municipal council for the period provided for by the Cantonal Law.

The canton shall obtain an opinion from the Ministry prior to the adoption of the Spatial plan.

The Spatial plan of the municipality shall be a long-term plan and it shall be adopted by the municipal council for the period provided for by the cantonal Law on Spatial Planning.

The Cantonal Law on spatial planning shall regulate issues related to obtaining an approval on the Spatial plan of the municipality and other issues concerning adoption of the Spatial plan of the municipality.

7. Spatial plan of areas with special features of Federation

## **Article 17**

Spatial plan of areas with special features of Federation shall be adopted for areas of importance to the Federation that are being designated under the Spatial Plan of Federation.

The area with special features of importance to the Federation shall be determined in particular for:

- 1) area of construction of large hydro energy plants (more than 30 MW of installed power), determined by the Spatial Plan of the Federation,

- 2) river basins of hydro accumulation for the needs of regional water supply in the conditions where two or more cantons did not ensure the possibility of joint supply,

- 3) corridors and construction works of international transport(international roads with the supporting facilities, international airports, ports etc.),

- 4) hydro melioration systems on areas exceeding 2000 ha,

- 5) particularly endangered areas (flood areas, barren land, landslides etc.) if two or more cantons did not govern the issue of protection,

- 6) areas for organization of international sports manifestations;

- 7) areas with an outstanding natural, architectural or cultural-historical significance and as such are designated by the Spatial Plan of Federation;

Spatial plan of areas with special features shall, in respect of common natural, cultural or other features determine basic organization of space, measures of use, development/planning and protection of the respective area with the activities of preference, measures for improvement and protection of the environment, and where appropriate an obligation to develop urban development and detailed plans for narrower regions within the Spatial plan of areas with special features.

By way of derogation from paragraph 1 of this Article a detailed spatial document shall be adopted for areas referred to in point 8 of paragraph 2 of this Article.

8. Spatial plan of areas with special features of the canton

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### **Article 18**

The canton may adopt a Spatial plan of areas with special features of importance to the canton if there is a need provided for by the Spatial plan of the canton and if the area is not deemed important to the Federation.

Two or more cantons may adopt a Spatial plan of areas with special features as a single plan where the area concerned is located in the respective cantons, if it is not determined as an area of importance to the Federation and if there is a mutual interest of two or more cantons for its adoption.

### **Article 19**

Spatial plan of areas with special features of importance to the Federation shall be adopted by the Parliament.

An opinion of the legislative bodies of the cantons shall be obtained prior to the determination of the proposal plan from the paragraph 1 of this Article.

The legislative bodies referred to in paragraph 2 of this Article shall submit their opinion within 60 days from the submission of the proposal plan, which if not submitted shall be deemed that the approval was given.

Spatial plan of areas with special features of importance to the canton, two or more cantons shall be adopted by the legislative body of the canton, or legislative bodies of the respective cantons.

The canton shall obtain an opinion of the Ministry prior to the adoption of the plan as referred to in paragraph 4 of this Article.

Funds for the preparation, development and monitoring of the implementation of the Spatial plan of areas with special features referred to in paragraph 1 of this Article shall be provided from the Federation budget, and for those important to the canton, or two or more cantons, from the budget of the canton.

Decision on the spatial plan adoption referred to in the paragraph 1 of this Article shall be published in the 'Official Gazette of the Federation of BiH' along with the textual part of the Spatial plan.

The Parliament shall, upon Government proposal adopt a Spatial Analysis Document and an urban development basis for areas with special features within the competence of Federation.

Decision on the spatial plan referred to in paragraph 4 of this Article shall be a public document and it shall be published in the 'Official Journals of the canton', along with the textual part of the Spatial plan.

### **9. Urban development plan**

### **Article 20**

The urban development plan shall be developed in compliance with the Spatial plan of the canton, municipality, or an area with special features and it shall elaborate, in particular as follows:



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- 1) basic organization/development of space,
- 2) land use and intended-purpose with a proposal of timetable for its development (borders of construction agricultural and forest land),
- 3) intended purpose of land for the purpose of residing, work, recreation, sports, tourism and special purposes,
- 4) protection of architectural and natural heritage,
- 5) measures for improvement and protection of the environment,
- 6) measures of protection of the residents and material goods from natural and man-made disasters and war threats,
- 7) measures of protection of persons with reduced physical abilities,
- 8) protection zones;
- 9) zones of reconstruction and rehabilitation, traffic, water, energy and utility infrastructure,
- 10) other elements of importance to the area for which the urban development plan is being developed.

The urban development plan shall define the obligation of developing the detailed development plan for narrower areas within the scope of the plan concerned.

#### **Article 21**

Boundaries of the urban area for which the urban development plan is developed shall be determined by the Spatial plan of the canton, municipality or an area with special features.

The urban development plan referred to in Article 20 of this Law shall be adopted by the legislative body of the canton, or municipal council.

The urban development plan and the detailed development plan for narrower areas within the areas with special features of the Federation shall be adopted by the Parliament. The obligation for its development shall be laid down in the Spatial plan of areas with special features of importance to the Federation.

Funds for the preparation, development and monitoring of the implementation of the urban development plan under paragraph 2 of this Article shall be provided from the budget of the canton, i.e. municipality or the Federation budget as referred to in paragraph 3 of this Article.

#### 10. Detailed spatial planning documents

#### **Article 22**

The detailed spatial planning documents shall define as follows:

- 1) detailed intended-use of land,
- 2) population density,
- 3) construction coefficient,
- 4) leveling data,
- 5) boundary grading and construction line,
- 6) the manner of land development with utility, traffic, telecommunication and other infrastructure,
- 7) conditions for construction and performing other activities in space,
- 8) measures of protection of the population and material goods from natural and man-made disasters and war action,
- 9) measures of protection of people of reduced capability and mobility,
- 10) other elements of importance for the area for which the plan is being developed.

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Spatial planning documents of a wider area shall prescribe an obligation of developing and adopting of the detailed plans.

The spatial planning documents may be amended but five years after the adoption of the detailed plan.

The funds necessary for the preparation, development and monitoring of the implementation of the detailed plans shall be provided from the Federation budget for the areas of importance to the Federation, from the Cantonal budget where the obligation of their adoption is laid down in the spatial planning document of a broader area, subject to the adoption of the canton or, where the obligation is laid down by Law on Spatial Planning of the Canton or from the municipal budget or other sources.

The Decision on adoption or amendments to the detailed plan for the area of importance to the Federation shall be published in the 'Official Gazette of the Federation of Bosnia and Herzegovina' along with the textual part of the plan.

#### **Article 22 a**

Zoning plan shall be a detailed spatial planning document that may be adopted for the areas of municipality by virtue of Municipality spatial plan, and for cities by virtue of City urban development plan.

Zoning plan shall determine intended purpose of areas and prescribe conditions regarding designing and building of new or reconstruction of existing construction works. Zoning plan shall determine location and urbanistic-technical requirements by virtue of permissible parameters of relevant urban standards as the basis for preparation of the main design for the purpose of building permit.

The Minister shall issue a Rulebook governing urban standards for the purpose of determining location and urbanistic technical requirements.

#### **Article 22 b**

Zoning plan shall include as follows:

- 1) zoning map with allowed and conditionally allowed allocations including all parameters of appropriate urbanistic standards,
- 2) zones with specific allocations which require adoption of regulatory plans and urban development designs.

#### **Article 23 c**

Boundaries of an urban area for which a zoning plan may be adopted shall be determined by Spatial plan of municipality or City urban development plan.

### **III. DEVELOPMENT OF SPATIAL PLANNING DOCUMENTS**

#### **1. Decision on spatial planning documents development**

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### **Article 23**

The Decision on spatial planning documents development shall be adopted by the Parliament, the legislative body of the canton, or municipal council.

The decision referred to in paragraph 1 of this Article shall contain in particular:

- 1) type of the spatial planning document being developed,
- 2) boundaries of the area for which the spatial planning document is being developed,
- 3) time period for which the spatial planning document is being adopted,
- 4) guidelines for development of the spatial planning document;
- 5) the development deadline;
- 6) the method of securing the funds for its development ;
- 7) provisions on a public debate;
- 8) The competent preparation authority for development of the spatial planning document,
- 9) The competent development authority of the spatial planning document;
- 10) other features, depending on the type of the spatial planning document and the specificities of the area for which it is being developed.

Mandatory elements of the plan shall be determined with the Decision on development of the Spatial plan of area with special features and detailed development plan, depending on the purpose of land.

The legislative bodies referred to in paragraph 1 of this Article shall adopt, where appropriate, a Decision on prohibition of construction on space or part of space for which such plan is being developed by adopting Decision on development of the detailed plan. The Decision on prohibition of construction shall be applied until the adoption of the detailed development plan, but not longer than two years.

The amendments to the spatial planning documents shall be made according to the procedure and in a manner prescribed for development and adoption of the respective document.

The Decision on development of spatial planning documents of importance to the Federation shall be published in the 'Official Gazette of the Federation of Bosnia and Herzegovina'.

## **2. Competent authority for preparation of the spatial planning document**

### **Article 24**

Competent authority for preparation of the spatial planning documents

The Ministry is the competent authority for preparation of the spatial planning document, and the Parliament is responsible for its adoption.

The competent authority for preparation of the spatial planning document subject to adoption of two or more cantonal legislative bodies shall be appointed by mutual consent of the given bodies.

The competent authority for preparation of the spatial planning document subject to cantonal or municipal adoption shall be determined by Cantonal Law.

### **Article 25**

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The competent authority for preparation of the spatial planning document is obliged to provide the developer of the spatial planning document with all available relevant documents for plan development and particularly documents pertaining to the plan of a wider area, water management and forest-economic area, environmental protection strategy, economic development plans, agriculture, transport, data on geological basis, mineral resources etc.

The competent authority for preparation of the spatial planning document is obliged to ensure cooperation and compatibility of positions of all real property owners, tenants/lessee and relevant stakeholders regarding its construction and development, and in particular with competent administrative bodies, legal entities in charge of water management, forestry, agriculture, protection of cultural-historical and natural heritage, environmental protection, bodies in charge of defense, chamber of commerce, legal entities in charge of public utilities, representatives of religious communities, and to obtain an opinion and approval of competent authorities and organizations in accordance with the Law.

Bodies and organizations referred to in paragraph 2 of this Article are obliged to provide the competent authority for preparation of the spatial planning document with all available data and other information at some charge.

Budget beneficiaries' shall have no right to remuneration referred to paragraph 3 of this Article except for copying expenses.

For the purpose of expert monitoring and governing the development of the Spatial Plan of Federation and other spatial plans the competent authority for preparation may form Spatial Plan Council comprising of experts, academics, public persons etc.

### **3. Developer of the spatial planning documents**

A legal person authorized to perform such tasks (hereinafter referred to as: Spatial planning documents developer) may be entitled to develop spatial planning document.

The selection of the spatial planning documents developer will be made by authority competent for preparation of the spatial planning documents according to the Law on Public Procurement of Bosnia and Herzegovina (Official Journal of BiH, 9/04). Upon the Ministry's proposal, the Government shall prescribe conditions that have to be met along with general ones by economic societies and other legal entities in order to register for performing professional tasks related to preparation of the spatial planning documents.

### **4. The obligations of the developer of the spatial planning documents**

#### **Article 27**

Developer of the spatial planning documents shall develop the spatial planning document in accordance with the Law, Decree on unique methodology for development of the spatial planning documents, legislation adopted in accordance with the Law, Decision on development of the documents and all other relevant legislation and data important to the area for which the document is being developed.

### **5. The harmonization of the spatial planning documents**

#### **Article 28**

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The spatial planning document of a narrower area shall be harmonized with the spatial planning document of a broader area, and in case of the non-compliance the spatial planning document of the broader area shall be applied.

By way of derogation from paragraph 1 of this Article, spatial planning document of a narrower area shall be applied if it does not change the basic concept of spatial planning determined with the spatial planning document of a broader area, with previously obtained consent of the ministry authorized to implement the broader area document.

In principle, harmonization of spatial planning documents shall be ensured during the document preparation procedure.

## **6. Adoption procedure of spatial planning documents**

### **Article 29**

Adoption procedure of spatial planning documents within the Federation competence shall be identical to the procedure of adopting and enacting Federation laws.

Adoption procedure of spatial planning documents within cantonal competence shall be determined by the Canton with its own legislation.

Following the draft adoption procedure, any spatial planning document shall be made available for the public debate under the conditions and for duration determined in the Decision on development of the spatial planning documents, and no longer than three months.

The Minister shall issue a Rulebook on keeping, achieving and providing access to spatial planning documents.

## **7. Professional exam**

### **Article 30**

Experts in the field of urbanism, architecture, civil engineering, mechanical engineering, electro technology and transportation performing professional tasks of spatial planning and construction shall pass a professional exam.

Conditions, examination procedure and program shall be determined by implementing legislation of the FBiH Minister of Spatial Planning (hereinafter: FBiH Minister).

By way of derogation from paragraph 1 of this Article, candidates with PhD and MA degree in the field of spatial planning and construction and candidates who already passed the professional exam on the territory of Bosnia and Herzegovina shall be exempted from the exam in question.

The professional exam commission shall be appointed by the FBiH Minister. The number of members of the Commission, term office and remuneration shall be determined by a formal document on appointment of the Commission.

## **IV DOCUMENTATION**

### **1. Uniform spatial information system**

#### **Article 31**

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For the purpose of collecting, processing and use of data of importance to the spatial planning, the Ministry, along with the other ministries responsible for areas of importance for spatial planning, shall establish and maintain a unique spatial information system.

The uniform spatial information system shall cover data and information related to the entire territory of the Federation.

The Government shall, upon the Ministry's proposal prescribe the content and the information system holders, the methodology of data collecting and processing, and the unique forms used for keeping records.

## 2. The records

### Article 32

The unique records shall be kept and maintained within the uniform information system, including as follows:

- 1) data on the Spatial Plan of Federation and other spatial planning documents of Federation;
- 2) data on the spatial plans of the Cantons, i.e. Municipalities;
- 3) data and excerpts from the land cadaster, natural resources with qualitative and quantitative features etc.;
- 4) data on infrastructure systems;
- 5) data on the construction land;
- 6) data on the architectural and natural heritage;
- 7) data on potential impacts on the environment (illegal construction, pollution of soil, water, air etc.);
- 8) data on natural and human action risk zones in which consequence of natural hazards and other disasters and war actions are particularly highlighted (seismic characteristics of the terrain, soil stability disruption, flood areas, areas endangered by the possibility of fire, areas exposed to the likely impacts of technological hazards and excessive pollution due to damage in factories etc.);
- 9) data on the personnel and legal entities which deal in spatial planning affairs;
- 10) other data of importance to the spatial planning and guidance and maintaining the uniform information system.

### Article 33

Municipal services in charge of spatial planning and land use shall maintain a unique record using single forms and submit an annual Report on spatial status, and a Report on implementation of the spatial planning documents at the municipality level to the Cantonal Ministry of Spatial Planning and Construction no later than 15 of January of the current year.

Competent administrative authorities possessing, collecting producing or processing data necessary for establishment of a unique record referred to in Article 32 of the Law, shall provide the municipal service in charge of spatial planning and construction with data and documents on a regular basis.

The investors, legal persons and other organisations shall, at the request of the municipal service in charge of spatial planning and construction, provide data referred to in paragraph 2 of this Article.

The Cantonal Ministry in charge of spatial planning and land use shall submit a Report on spatial status in the canton and a Report on implementation of spatial planning documents within the canton to the Ministry no later than 31 January of the current year.

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## **V LAND USE FOR THE PURPOSE OF CONSTRUCTION**

### **Article 34**

Land use on the territory of Federation shall be in compliance with the spatial planning documents of Federation.

For the purpose of this Law, the term land use shall imply construction of construction works and performing other interventions in the area under the competence of the Federation.

For the purpose of this Law, construction of a construction (hereinafter: construction) shall imply construction of a new construction work, reconstruction, upgrading and extension, rehabilitation, performing other interventions in space/project, removal of construction, preparatory works, changing the intended purpose of a construction or land and construction of temporary construction works, except current maintenance, rehabilitation works which may be deemed as current maintenance and conservation of a construction.

Construction and other interventions in space referred to in paragraph 2 of this Article can be approved only in the urban zones and construction land.

By way of derogation, construction can be approved for areas outside the urban zone and construction land, if such areas due to their specificities are envisaged by the spatial plan and extend beyond the borders of the urban zone, and especially the following:

- 1) main infrastructures (transport, energy, water management, telecommunication,
- 2) health, recreational and sports facilities,
- 3) defense and Federation BiH military forces construction works ;
- 4) housing and agricultural construction works of agricultural manufacturer intended for agricultural production or rural tourism;
- 5) exploration and exploitation of natural resources (raw mineral materials, forests, water, agricultural land etc. )
- 6) utilities and other construction works (such as landfills, cemeteries, monuments etc.).

### **Article 35**

A construction work shall be deemed as the result of building which is fixed to the ground consisting of a construction assembly and incorporated facility and making a technological unit in the framework of the technological process, as well as a self-contained facility fixed to the ground. A construction assembly shall be deemed as a set of functionally connected construction products, including the installations and equipment, which are not directly connected to the technological process.

A complex construction work shall be deemed as an assembly of several functionally and/or technologically connected construction works;

Equipment shall be deemed as incorporated installations, devices, machines, process related installations and such other products incorporated in construction.

Works on replacing and updating the equipment, as well as the works defined as works on construction maintenance by a special Law, if in compliance with the intended purpose of construction by virtue of this Law, shall not be deemed as reconstruction.

Temporary construction work shall be deemed as building constructed or temporarily occupied at a certain location for the needs of construction site, for the application of appropriate construction technologies, performing exploratory works with a view to exploitation of raw material and the investigation of archaeological sites, organizing the fairs, public manifestations etc.

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Preparatory works shall be deemed as execution of works required for the organisation and development of the construction site and for enabling the application of appropriate construction technology.

Maintenance of a construction work shall be deemed as monitoring the condition of a construction work and carrying out of construction and other works for the purpose of maintaining the essential requirements for a construction work, as well as taking measures necessary for the safety, reliability and appearance of a construction, as well as life and health of people.

Remediation/rehabilitation shall be deemed as construction and other works on damaged construction works to be restored to its original state.

Regular maintenance and remediation of a damaged construction work, which may be deemed as current maintenance works, shall imply works which do not affect the construction work structure, environmental protection, its intended purpose, change of dimensions and appearance (smaller repairs, plastering, painting the façade and restoring it to the original state, replacing and painting the joinery, glassing the existing openings, roofing, smaller parts of the roof structure, masonry partition walls, replacement and repair of damaged electrical installation, decrepit chimneys masonry repairs etc.), i.e. those works that do not change the conditions determined by the urban and building permit.

Reconstruction of the construction work includes performing construction and other works on an existing construction work changing the structure elements which can affect the stability of the construction or its parts; introduction of new installations and introducing new equipment into the construction; changing the purpose, technological process or the outer appearance of the construction; changing the conditions under which the construction was built on the basis of the building permit. Replacing installations and equipment which is performed according to the conditions determined in the building permit is not considered reconstruction.

Reconstruction of construction works shall be deemed as the execution of construction and other works on the existing construction work by which: structural elements likely to affect the stability of the construction work or its parts are being changed/replaced; new installations and new equipment are incorporated in a construction work; its intended purpose is changing; as well as the technological process and appearance; essential conditions according to which the construction was built are changed. Replacement of installations and equipment shall not be deemed as reconstruction when performing under requirements established by building permit.

Reconstruction of a construction work shall be deemed as the works by which the damaged construction work, with damage degree exceeding 70%, has been restored to its original state, if the damage occurred due to its life cycle, or as a consequence of natural disasters or human activity and war devastation and other emergency.

Rehabilitation/Renewal shall be deemed as restoration of damaged or demolished goods of architectural heritage to their original state before demolition, as well as reconstruction (rehabilitation) of a national monument on the same location, in the same shape and size, of the same or congenial material as before the destruction by using the same technology to the greatest extent possible.

According to type and different principles of treatment, the protection shall, in case of an architectural monument or a natural phenomenon, urban or rural zone or an archaeological site, imply following procedures:

- preservation shall imply the preservation of the physical remnants of the monument and its surroundings, with the continues physical protection organisation prohibiting any monument construction at the same location, and the protection from the destruction of the site and rearranging which would endanger the authenticity of the monument;
- restoration shall imply a precise conservation of a rare, authentic value of the monument with all its aesthetic, artistic and historic values, respecting the use of traditional skills and construction materials (possible only when the documentation for these kinds of interventions exists);
- reproduction (replica) shall imply copying the appearance of the original, the structure and aesthetics of the monument with the goal of presenting a phenomenon of culture and tradition;



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- illumination shall imply undertaking interventions on a monument or its close surroundings for the purpose of installing electrical lighting in order to introduce the function of the monumental value implying that interventions shall not damage or imperil the monument, or its aggregate value.
- Enlargement shall be deemed as any extension of an existing structure by occupying land or space and if the enlarged part constitutes a constructional and functional unit with the structure being enlarged, thereby changing the conditions established by urban and building permit.
- Extension shall be deemed as building one or more floors, as well as roof or attic rearrangement at the existing buildings to provide more useful floor area-residential, commercial or other type of useful floor area.

Removal of a construction shall be deemed as construction and other works aimed at the demolishing disassembling of the construction work or any of its parts, including the disposal of construction and other waste and bringing the construction plot into an orderly condition. Removal of a construction work shall be performed due to physical deterioration, or larger damage caused by natural disasters or human activity and war devastation.

Removal of a construction work shall be deemed as the construction demolition in order to bring the land to its intended purpose.

### **Article 36**

For the purpose of this Law, a construction shall imply the following:

- 1) Construction works which are permanently fixed to the ground consisting of a construction assembly or of a construction assembly and incorporated facility, as well as a self-contained facility fixed to the ground,
- 2) Traffic, water management and energy infrastructures and areas with related installations, PTT facilities and installations, construction works and installations of utility infrastructure;
- 3) Production and commercial construction works and plants, holds, fairs, and related construction works,
- 4) Surface water facilities (fish farms, floating platforms etc);
- 5) Squares, public grounds, public green areas, playgrounds, sports facilities, cemeteries, waste disposals, public markets, shelters and similar construction works/facilities.

## **1. Urban permit**

### **Article 37**

Construction may be approved by urban permit if construction concerned complies with the spatial planning documents and other conditions provided for that area by special Laws and legislation adopted in accordance with those Laws.

### **Article 38**

The request for issuing an urban permit for construction works and interventions/projects referred to in points (1) to (5) of Article 40 (1) of this Law shall be submitted to the Ministry by the Investor.

For the construction on the land acquired by an auction or a direct agreement, prior to acquiring property right, the Ministry shall issue a principle urban permit, if the respective land is intended for the construction within Federation competence.

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Basic requirements for the construction on the respective land shall be determined by the urban permit as referred to in paragraph 2 of this Article.

The investor, who shall become the landowner by means of an auction or by a direct agreement, shall submit a request for issuing an urban permit in order to determine the urbanistic-technical requirements for the construction.

### **Article 39**

The request for issuing the urban permit shall contain

- 1) Plot data;
- 2) Preliminary design containing:
  - technical description,
  - site plan,
  - all plans of a construction work,
  - section,
  - facades;
- 3) environmental permit or - Preliminary site waste management plan. (for construction works provided for by a special Law);
- 4) request rationale with the data necessary for the determining the urbanistic -technical and other requirements.

The Ministry may request other attachments as well, depending on the complexity of the construction.

### **Article 40**

Based on a prior opinion of Cantonal Ministry of Spatial Planning, the Ministry shall issue the urban permit for:

- 1) building of construction works and interventions/projects covering the territory of two or more cantons;
- 2) building of construction works and interventions/projects of importance to Federation covering the territories and areas of importance to Federation;
- 3) construction on Interstate border;
- 4) construction of free-zones;
- 5) building of construction works and pursuit of business and interventions/projects which may significantly impact the environment, life and health of the people of Federation and beyond;
- 6) construction works and interventions/ projects of importance to Federation;
- 7) building of construction works and interventions/projects within the national monuments' boundaries as laid down in the Decision of the Commission, i.e. for construction works and interventions/project in the areas which are inscribed on the Temporary list of national monuments with temporary boundaries, determined as such by the Commission.

By way of derogation from opinion referred in paragraph 1 of this Article, the urban permit shall not be issued for a construction work intended to be constructed in the area for which detailed spatial planning documents have been adopted but the Ministry shall issue a location permit.

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The opinion referred to in paragraph 1 of this Article shall be provided by the Cantonal Ministry of Spatial Planning on the basis of spatial planning document for the respective area, which is prescribed as the basis for building permit.

By way of derogation from paragraph 3 of this Article, for areas, for which the spatial planning documents have not been adopted, the cantonal administrative body shall provide an opinion based on an expert evaluation of the commission appointed by the legislative body of the canton or expert evaluation of the organization authorized by the respective body.

Until adoption of the Spatial plan of areas with special features of importance to Federation "Motorway on Corridor Vc" the urban permit for road sections Svilaj-Odžak, Drivuša-Donja Gračanica, Vlakovo-Tarčin and Zirovići-Bijača shall be issued on the basis of an expert assessment of the Commission appointed by the FBiH Parliament whose members include a representative of the Ministry and a representative of the Cantonal ministries of spatial planning in charge of the respective area respectively.

The Commission shall provide an expert evaluation in line with adopted Spatial Analysis Document of the Spatial plan of areas with special features of importance to Federation "Motorway on Corridor Vc".

Based on the Ministry's proposal, construction works and interventions /projects referred to in paragraph 1 (5) and (6) of this Article shall be determined by the Government, by way of an implementing regulation.

#### **Article 41**

The urban permit shall contain as follows:

- 1) data on the intended purpose, position and shape of a construction work or other works,
- 2) an excerpt from the spatial planning document on the basis of which the urban permit is being issued with boundaries of land appurtenant – the construction plot,
- 3) mandatory approvals/consents i.e. requirements for building of competent authorities and services,
- 4) urbanistic-technical requirements,
- 5) geotechnical soil testing report, (where appropriate),
- 6) environmental permit (for the construction works for which it is prescribed by a special Law);
- 7) special requirements prescribed for by the Law or in accordance with the Law,
- 8) obligations with respect to neighbors and other persons' rights, particularly regarding the rights of physically disabled persons,
- 9) expense of construction land development, or the requirements for the construction land development, as well as other obligations of the user arising from respective land use,
- 10) other data and requirements of importance to the construction.

The Minister shall by way of a Rulebook determine the contents of the Preliminary site waste management plan referred to in point 3(1) of Article 39, point 9(1) of Article 55 of the detailed plan and point 5(2) of Article 79 of the Law and point 9(1) of Article 42 regarding requirements of site waste management of the Law.

The investor shall obtain approvals/consents and meet requirements referred to in points (2) to (9) of paragraph 1 of this Article, and once they are obtained in the procedure of issuing the urban permit they deemed to be obtained for the procedure of approval of the construction, except as otherwise provided by special Law.

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The urban permit shall be issued for the whole construction plot which is intended for the construction of the respective construction work.

- a) The urbanistic - technical requirements

#### **Article 42**

The urbanistic - technical requirements shall, depending on the type of construction determine as follows:

- 1) the shape and size of the plot,
- 2) the boundary and construction line,
- 3) floor area ratio,
- 4) grading quotas,
- 5) technical indicators of the construction,
- 6) spatial development of the construction plot including the solution of the internal and traffic at a stillstand,
- 7) planning plots,
- 8) access points and conditions for connection to public transport and utility infrastructures,
- 9) site waste management and recycling requirements, if not otherwise provided by special regulation
- 10) application of the materials and architectural guidelines,
- 11) the conditions for removing the urbanistic-architectural barriers faced by disabled persons,
- 12) the conditions for protection against natural and man-made disasters and hazards and war devastation.

#### **Article 43**

The Law on Administrative Procedures shall be applied in the procedure of issuance of the urban permit, unless otherwise provided by this Law.

No appeal shall be admissible against the Ministry's decision on urban permit, but an administrative dispute may be initiated before the competent Cantonal Court within 30 days following the day of its receipt.

- b) Urban permit for the temporary construction works

#### **Article 44**

Urban permit for temporary construction works shall be issued only rarely and with a limited duration.

The urban permit for the temporary construction works may be issued only on a construction land that is not brought to its intended purpose as determined in the spatial planning document.

By way of derogation, temporary construction works (construction settlements erected during the construction of large and complex construction works) may be maintained if they fit into the future use of land especially the built infrastructure, where the Ministry shall issue a special decision, upon request of the cantonal legislative body.

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#### **Article 45**

The Ministry shall reply to the request for the issuing of urban permit within 30 days from receipt of an orderly request and the obtained documentation and acts referred to in Article 38 of this Law.

The administrative bodies, from which the opinions were requested referred to in Article 40 (3) of this Law, shall deliver them within 15 days from the day of receiving the request from the Ministry.

#### **Article 46**

The urban permit shall be valid for one year, a period within which a request for building permit shall be submitted.

The validity of the urban permit may exceptionally be prolonged for another year, taking into account justified reasons.

#### **b1) Location permit**

##### **Article 46 a**

Location permit shall determine design and construction requirements as well as those pertaining to interventions/projects in space based on detailed spatial planning documents.

Location permit shall be issued via a summary procedure.

##### **Article 46 b**

Location permit request pertaining to structures referred to in Article 40 of the Law shall be submitted to the Ministry.

In addition to the location permit request, the following shall be submitted:

- 1) Excerpt from the cadaster,
- 2) Preliminary design,
- 3) Operational technologies in case of production facility,
- 4) Environmental permit, in case of a construction work, an activity or intervention/project likely to have a significant adverse impact upon the environment, human health in Federation and beyond, and
- 5) Request rational including all data necessary for the issuance of a location permit.

##### **Article 46 c**

The location permit shall, depending on the type of a construction work or intervention/project shall determine as follows:

- 1) the shape and size of the plot,
- 2) the boundary and construction line,
- 3) floor area ratio,
- 4) grading quotas,
- 5) technical indicators of a construction work ,
- 6) spatial development of the construction plot including the solution of the internal and traffic at a stillstand,
- 7) planning plots,
- 8) access points and conditions for connection to public transport and utility infrastructures,
- 9) application of materials and architectural guidelines,
- 10) the conditions for removing the urbanistic-architectural barriers faced by disabled persons,

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- 11) the conditions for protection against natural and man-made disasters and hazards and war devastation.
- 12) site waste management and recycling requirements, if not otherwise provided by special regulation
- 13) Construction land development costs or requirements for construction land development if construction works are to be conducted on undeveloped construction land and other liabilities deriving from use of the respective land.
- 14) Other data and requirements of importance to the construction.

## **b2) Location permit for temporary construction works**

### **Article 46 d**

Location permit shall be issued for temporary construction works built at the construction land which is not developed for the intended purpose as laid down in the spatial planning documents for construction works referred to in Article 35(5) of this Law.

### **Article 46 e**

The location permit shall cease to be valid for one year following the day it became final and effective, when the request for issuance of the building permit has to be submitted.

The validity of the location permit may be extended up to one year, if there are reasonable grounds.

## **c) Development of the construction land**

### **Article 47**

Preparation and equipping of construction land (hereinafter referred to as: construction land development) shall include construction of utility infrastructure required for construction and use of construction works and projects/interventions provided for in the spatial planning documents.

Building of construction works shall be conducted on developed construction land.

By way of derogation from paragraph 2 of this Article, building of construction works may be conducted on undeveloped construction land, if development of construction land is conducted during the construction, no later than the final inspection.

Expenses necessary for construction land development may be borne by the investor, if the construction land was not developed at the time of submitting the request for building permit.

### **Article 48**

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Construction land preparation shall include as follows:

- 1) regulation of property rights and other rights in rem with the owners of the real estate property,
- 2) adoption of the spatial planning document which are deemed to be the basis for the building permit in the respective land;
- 3) parceling plan development,
- 4) removal of existing construction works, displacement of existing aboveground and underground installations in accordance with the spatial plan and the removal of the material;
- 5) land remediation (landslides, drainage, watercourse, grading etc.);
- 6) preparation of documentation and performing works of protecting the cultural-historical and natural heritage which could be endangered by the construction land preparation works.

#### **Article 49**

Construction land equipping shall include as follows|:

- 1) construction of roads and streets including sidewalks and pedestrian crossings, squares and public parking places,
- 2) construction of public lighting facilities, vertical traffic signs – stoplights,
- 3) development of green areas, parks, pedestrian paths, lawns, children playgrounds, hygiene facilities,
- 4) the construction surface and wastewater drainage and treatment installations,
- 5) construction of construction works for the needs of water supply, distribution of electricity, gas or other energy, telecommunication facilities and installations,
- 6) landfill management and construction of construction works intended for waste treatment and destruction,
- 7) watercourse management and water surfaces and banks management,
- 8) The minimum of construction land development shall ensure:
  - water supply and wastewater issue,
  - vehicular access to the construction plot,
  - electricity supply.

d) Parceling out construction land

#### **Article 50**

Parceling out shall be carried out on the updated geodetic-cadastral plans certified by the competent authority, or services, and according to the spatial planning document, which shall be deemed as the basis for the respective land.

By way of derogation from paragraph 1 of this Article, areas for which detailed spatial planning documents have not been adopted, shall be parceled out in line with the purpose of area as laid down in plan of a broader area and expert evaluation.

The Government shall authorize the body to adopt the parceling plan for areas of importance to Federation.

The parceling plan shall be, as a rule, adopted simultaneously for the spatial unit. If the parceling plan has not been adopted for spatial unit, the parcelling out shall be carried out to enable new land parcels to be created at residual part.

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The parceling plan, i.e. construction plot shall contain the boundary line and data on landowners in respect to plots.

For the construction beyond the construction land, for the purpose of this Law, the construction plot shall be determined by urban permit

The parceling plan adopted on the basis of the plots' display and location from the detailed spatial planning document shall be deemed as the constituent part of the detailed spatial planning document.

#### **Article 51**

The Parceling out construction land instrument (official document) shall be implemented in the land register in accordance with the existing legislation and upon confirmation of the authority or administrative service in charge of the parceling out that it is carried out in accordance with detailed spatial planning document, or urban permit.

e) Boundary and building line

#### **Article 52**

The boundary line shall determine the individual construction plots.

The building line shall determine the borders of the construction in relation to the public area, street, water course and other construction works and plots from which it has to be separated due to functional, aesthetic or protection reasons.

The building line shall determine the boundary according to which the construction shall be conducted, i.e. Setting -out of construction works or the boundary which the construction's size shall not exceed.

The building line shall be determined by a detailed spatial plan. Building line shall be determined by the urban permit for areas for which the spatial plan is not adopted.

If the building line exceeds the existing construction, no construction may be approved for the respective construction.

## **2. Building permit**

#### **Article 53**

The building of a construction work shall be conducted only on the basis of previously obtained building permit. Building permit shall not be mandatory for works related to construction's regular maintenance and remediation of damaged construction works, which may be deemed as the current maintenance works.

Building permit shall be issued for the building of a whole construction work.

#### **Article 54**

The Ministry shall issue a building permit as referred to in Article 40 (1) of this Law, upon request of the holder of urban permit.

The Ministry shall issue a building permit without previous issuance of the urban permit for rehabilitation or remediation of war damaged and demolished construction works of architectural heritage which have been designated as National monuments by the Commission or have been inscribed on the Provisional List of National Monuments.



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Agreement between two or more states shall determine the responsibility for issuance of building permit, in case of building a construction work on interstate boundary.

### **Article 55**

In addition to the request for issuing building permit the following shall be required:

- 1) Urban permit,
- 2) Excerpt from the cadaster – cadastral plot,
- 3) Excerpt from the land register, Contract or Decision of competent authority according to which an investor acquired utilization rights for the purpose of construction, and/or real estate, Concession Contract according to which construction rights shall be acquired,
- 4) Three copies of the main design,
- 5) Main design review report pursuant to the Article 81(3) of this Law,
- 6) Written Report and certificate on validation in cases referred to in Article 81 (3) of this Law,
- 7) Study of research works, if its data have been used in preparation of the main design, and technological study, where appropriate,
- 8) Consents and permit obtained in the procedure of issuance of the urban permit for the respective construction;
- 9) Other attachments provided for by a special Law.

By way of derogation from paragraph 1 (3) of this Article, the investor shall submit an excerpt from the land registry along with the request for building permit, if it indicates state ownership referring to the property being designated as national monument, notwithstanding the right to the use of property in favour of third parties.

By way of derogation from paragraph 1 (1) of this Article, urban permit shall not be submitted in addition to the request for issuing building permit as referred to in Article 40 (2) of this Law; however urbanistic-technical requirements shall be fulfilled during main design preparation.

### **Article 55a**

A building permit shall include as follows:

- 1) Information regarding the investor
- 2) information on the construction work in terms of its intended purpose, shape and size, purpose, number and type of floors (storeys), location on the cadastral plot(s);
- 3) main design title including name of the legal person who developed the main design and of the responsible designer;
- 4) a statement that the main design is an integral part of the building permit;
- 5) construction commencement data;

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- 6) the submission of the investor's notification of the commencement of construction to the competent building inspection eight days before the commencement of construction;
- 7) other information of significance to specific location and a construction work.

#### **Article 56**

In the procedure of issuing building permit, the Ministry shall verify compliance of the main design with requirements laid down in urban permit or location permit for construction works and interventions/projects referred to in Article 40 (2) of this Law.

The Ministry shall enable the parties to the proceedings access to the main design prior to issuance of the building permit.

Parties to the proceedings as referred to in paragraph 3 of this Article shall be deemed as follows: legal person and/or natural person on whose request the procedure for issuing building permit is being conducted, owner of real property and of other rights in rem for which the respective permit is to be issued, as well as owner and holder of other rights in rem over real property directly bordering the property for which a building permit is to be issued.

Local self-government unit shall be deemed as a party to the proceedings in case of meeting some of the conditions referred to in paragraph 4 of this Article.

The Ministry shall invite parties to the proceedings to have the main design examined by public invitation which shall contain venue and time, name of investor, type and location of a construction work.

Public invitation of main design access shall be published at least eight days prior to the design examination, and parties shall deliver a statement within eight days, no later than 15 days from the day of publishing the invitation.

If the party to the proceedings fails to deliver a statement about the public invitation for design examination on justifiable reasons, they may respond in writing within eight days from the day of the publishing the invitation.

The investor shall defray the costs of public invitation announcement.

#### **Article 57**

The Ministry shall issue a decision within 30 days from the receipt of an orderly request for issuance of a building permit.

Request for building permit shall be rejected by decision if:

- 1) It has been determined that main (contractual) design is not in compliance with requirements defined by urban permit in the procedure of issuing building permit,
- 2) The requirements prescribed by implementing regulation in accordance with this Law and /or specific regulation have not been met by the main design,
- 3) on-site inspection indicates non-compliance between exact situation on the terrain and the main design.

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Law on Administrative Procedure shall be enforced to the procedure of issuing building permit, unless otherwise provided by provisions of this Law.

No appeal against the decision of the Ministry shall be permissible, however, an administrative dispute may be initiated before the competent Court within 30 days from receipt of the decision.

#### **Article 58**

Building permit shall cease to be valid should the works on construction for which the building permit was issued not commence within the one year period from the date of the building permit becoming effective.

By way of derogation, validity of the building permit may be extended upon investor's request for one year, if reasonable grounds exist and if the requirements are not changed based on which the building permit has been issued.

#### **Article 59**

Investor shall submit a request to modify and/or amend the construction permit if amendments pertain to the change of a construction work, by way of derogation from decision referred to the main (conceptual) design based on which the building permit has been issued.

The modification and/or amendment to the building permit referred to in paragraph 1 of this Article shall be made in accordance with modified and/or amended urban permit

The modification and/or amendment to the building permit shall be made as per the procedure of issuing building permit.

By way of derogation from Article 55 of this Law, documentation and consents exclusively referring to the intended change shall be submitted to the request to modify and /or amend the building permit.

If a request to modify and/or amend the building permit has been submitted for the purpose of facilitating disabled persons entry to the construction, it shall be resolved by an accelerated procedure.

#### **Article 60**

If a change of the investor occurred during the construction, the Ministry shall amend building permit within 20 days from the day of receipt of the written request.

In addition to the request to amend building permit, the new investor shall submit as follows:

- 1) A valid building permit,
- 2) Proof of ownership rights over the construction as referred to in provisions of the Article 55 (1) (3) of this Law.

Change of the investor referred to in paragraph 1 of this Article may be requested up to the issuance of the use permit.

### **3. Special cases of construction**

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**a) Preliminary building permit for complex construction works**

**Article 61**

The building permit for a complex construction work may be issued for one or more construction works which are a constituent part of an assembly.

The investor shall obtain a preliminary building permit for complex construction works prior to submission of the request for issuance of the building permit referred to in paragraph 1 of this Article.

The preliminary approval shall, upon request of the investor, determine parts of a complex construction work, functional and/or technological connections between those parts, and the order of issuing individual building permits.

The main design of a part of a complex construction work for which the building permit is to be issued shall be prepared in accordance with the preliminary design of the entire complex construction work, urban permit, provisions of this Law and special Laws.

Preparatory works may commence on the basis of the preliminary permit.

The following documents shall be enclosed in addition to the request for issuing a preliminary permit:

- 1) An urban permit for the entire complex construction;
- 2) an excerpt from the cadastral plan showing the location of the entire complex construction work and the adjoining construction works (for construction works being built on a larger site may be displayed on a geodetic reference basis of an appropriate scale);
- 3) three copies of the preliminary design of the entire complex construction work;
- 4) a list of parts of the complex construction work with the order of issuing the individual building permits;
- 5) a list of preparatory works that need to be conducted;
- 6) environmental permit;
- 7) other sketches and data, depending on the complexity of the construction work, if they are important for the preparation of the main design.

In addition to the request referred to in paragraph 6 of this Article the main design of the entire complex construction may be enclosed instead of the preliminary design.

A preliminary building permit may be issued for performing works and constructing the parts of energy, waterpower, transport and infrastructural structures provided that relevant technical documentation, urban permit and preliminary design are provided for such works, or parts of the structures and that they represent a construction and technical unit, and that the construction of the entire construction lasts several years.

Issuing a preliminary building permit shall be performed according to the procedure of issuing a building permit.

A preliminary building permit for a complex construction work, on the basis of which individual building permits are issued, shall cease to be valid five years after the day of becoming effective.

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The validity of the preliminary building permit for a complex construction work may be extended for two more years if urbanistic requirements remained the same and if use permit has been issued for at least one part of the complex construction work.

b) Building permit for preparatory works

### **Article 62**

The construction site preparatory works shall be executed in line with the building permit.

By way of derogation from paragraph 1 of this Article, a building permit shall be required for preparatory works to address property issues and which may affect the life and health of people, traffic, environment etc. specifically for:

- 1) a bituminous road surface, aggregate separation/screening, concrete plant etc. to be used for construction numerous construction works over a longer time period.
- 2) Overhead power line and transformer station necessary for the power supply of a site,
- 3) more complex works likely to affect the life and health of people, or the stability.

The deadline by which construction works built on the basis of preparatory works permit have to be removed shall be determined by the building permit referred to in paragraph 2 of this Article.

Exploration-related preliminary works (previous studies, exploration and testing of the ground developing preliminary solutions, developing an investment program, collecting data for designing and other works regarding technical documentation preparation and decision-making on construction of the investment building) shall be conducted in accordance with the urban permit and proof of the ownership right referred to in Article 55, (1) (3) of this Law or owner's assent.

The Ministry shall issue an urban and building permit for temporary buildings in case of hydrogeological and engineering-geological explorations of mineral raw materials.

c) Building permit for temporary buildings

### **Article 63**

Building permit for temporary buildings shall be issued for those built or temporary placed in certain area for the needs of the construction site and/or the application of appropriate construction technology.

The deadline in which a temporary building has to be removed, and which should be no longer than three years, shall be determined by the building permit referred to in paragraph 1 of this Article.

Should the investor fail to fulfill the obligation referred to in paragraph 2 of this Article, the competent supervisory body shall order the temporary building to be removed and the site to be brought into orderly condition, whereby the investor shall cover all expenses.

d) **Reconstruction of the existing construction work**

### **Article 64**

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The investor shall obtain the building permit, if they intend to reconstruct the existing construction work.

The provisions of this Law pertaining to building permits shall apply in the procedure of issuing a rebuilding permit for an existing construction work,

By way of derogation from provisions of the Article 55 (1) of this Law, the following documents shall be enclosed with the request for reconstructing an existing construction work:

- 1) as-built design;
- 2) excerpt from the cadaster – cadastral plot;
- 3) proof of the right of construction as reoffered to in Article 55(1) (3) of this Law;
- 4) excerpt from the detailed spatial planning document indicating that the construction work is not intended for removal;
- 5) three copies of the main design for the construction, i.e. the part of the construction subject to reconstruction;
- 6) a written report on main design review as laid down in Article 81 (2) of this Law;
- 7) a written report and a validation certificate in cases referred to in paragraphs 81 (3) of this Law;
- 8) approval i.e. opinion considering the nature of the intended reconstruction;
- 9) detailed construction waste management plan.

As – built design shall contain as follows:

1. an architectural survey (all plans, cross-sections, roofing, façade etc.),
2. the main design for the construction, i.e. the part of the construction the reconstruction pertains to.

As-built design shall be prepared according to article 81 (3) of this Law.

#### **Article 64 a**

Prior to commencing construction, the investor shall ensure that the setting-out of the construction work shall be performed in accordance with the requirements laid down in the building permit and the main design or as the conceptual design.

Setting-out of the construction work shall be conducted by the legal person authorised for carrying out activities related to state surveying and the property cadastre.

Minutes of the setting-out of the construction work shall be prepared, a copy of which shall be submitted to the competent building inspection.

The person who conducted setting-out of the construction work shall be liable for any damage caused as a result of faulty setting-out in line with the general rules governing compensation for damage.

The competent authority shall examine the compliance of the foundation excavation with the study on setting-out and authorise the continuation of the works which is to be monitored by the competent building inspector.

#### **e) notification of the commencement of the construction**

#### **Article 65**

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The investor shall no later than eight days before the commencement of construction or the continuation of the works, submit a written notification thereof to the Ministry.

In the case of suspension of works for a period of time longer than three months, the investor shall submit a written notification on the continuation of the works.

#### **4. Approval for use**

##### **Article 66**

A completed construction work referred in Article 40 (1) of this Law, or its part representing a commercial -technical property which can be used independently, may be used, or put into operation, and issued a decision on performing an activity laid down by special regulation only after the Ministry has issued a use permit.

A use permit shall be issued after the final inspection.

##### **Article 67**

The investor shall submit the use permit request to the Ministry.

In addition to the request referred to in paragraph 1 of this Article, the following documents shall be submitted

- 1) a copy of the building permit,
- 2) a copy of the cadastral plan showing the precise location of respective construction work
- 3) Contractor's statement about the executed works and the maintenance conditions regarding the construction work;
- 4) a written report on supervision over construction.

a) Final inspection

##### **Article 68**

The Ministry shall carry out final inspection of the construction work within 30 days from the day of receiving an orderly request for the issuance of a use permit.

Final inspection shall be carried out for the purpose of establishing that the construction work is built in accordance with technical documents based on which the building permit has been issued, technical regulations and ordinance as well as requirements related to the respective construction work as laid down by special legislation.

The Ministry shall appoint Final Inspection Commission (hereinafter referred to as: Commission) by virtue of a decision; namely, the chairperson and other members of the Commission.

The Ministry shall make a decision on the Commission's appointment within eight days from the day of receiving an orderly request for the issuance of a use permit.

Bachelors of engineering with five years of experience and a passed professional engineer exam may be appointed as the chairperson and members of the Commission.

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The number of members shall depend on the type and complexity of the building.

The Commission shall consist of experts in different fields (architectural/civil engineering, mechanical engineering, water supply and sewage, electrical installations etc.) subject to final inspection and authorized representatives of responsible bodies and legal persons entitled to participate in the work of the Commission according to the provisions of special Laws (Lex specials).

Officials who made decisions in the procedure of issuing a building permit may not take part in the work of the Committee.

The Ministry shall notify the investor on the place, day and hour of the final inspection performance no later than ten days from the day scheduled for the said final inspection.

#### **Article 69**

The investor shall ensure the presence of the parties involved in the construction process at the final inspection.

The investor shall provide access to all technical documentation to the Commission, including all amendments based on which the construction work was built no later than eight days following the appointment of the Commission.

Minutes of the final inspection shall be prepared by the Commission.

The Commission shall submit the minutes and the report on final inspection to the Ministry within eight days from the day of the final inspection.

The final inspection report shall include substantiated opinion of the Commission if the construction work built may be used or put into operation and if some deficiencies were identified.

#### **Article 70**

If the Commission identifies defects in the construction work to be remediated, the Ministry shall adopt a conclusion determining the deadline for remediation of defects concerned no longer than 90 days.

#### **Article 71**

The Ministry shall refuse a request for issuance of a use permit in following cases:

- 1) if the construction work was built without a building permit,
- 2) if changes were made to the construction work during the course of the construction without changing and amending the building permit,
- 3) if construction work's defects are not remediated within the deadline defined by conclusion
- 4) if a conclusion has been adopted permitting the reopening of proceedings related to building permit.

#### **Article 72**



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If the final inspection determines that there are construction work related defects which cannot be remediated or that there is unavoidable danger for the stability of the construction work, life or health of people, environment, traffic or adjoining construction works, the Ministry shall refuse to issue a use permit and make a decision to remove or to demolish the construction work.

#### **Article 73**

If the final inspection determines that the construction work can be used or put into operation, the Ministry shall issue a use permit within ten days from the day of receiving the report on final inspection.

#### **Article 74**

The Ministry may, on the Commission proposal issue a trial operation/run permit for construction work which is by its technological process subject to operation/run trial in order to determine compliance with the essential requirements for the construction work.

Trial operation/ run permit may be issued only under the condition that trial operation/run does not endanger the life and health of people, environment and adjoining construction works.

The duration of the trial operation shall not exceed one year, except in complex technological processes where it may be extended to another 12 months.

#### **Article 75**

At the request of the investor, a use permit may be issued before the completion of the whole construction work for a part of the construction work when set out in the main design and:

- 1) this is necessary in order to continue and complete construction (the use of a bridge for access to the construction site, substation or transmission lines for energy supply, etc.);
- 2) The possibility of the complex construction work referred to in paragraph 61 of this Law;
- 3) a particular part of the construction work may be used before the completion of the whole construction work.

#### **Article 76**

Investor shall bear the costs of the final inspection.

The FBiH Minister shall adopt a Rulebook governing the method of appointment of the Commission members, the technical inspection performance, the contents of the Contractor's written statement pertaining the works and the conditions of using the construction work, the contents of the minutes about the final inspection, the contents of the report, and remunerations for members of the Commission.

#### **Article 77**

The use permit shall be an administrative act adopted in accordance with the Law on Administrative Procedures, except as otherwise specified by this Law.

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If a construction work fails to obtain either a building or a use permit, it may not be subject to registration at land registry.

## **Va USE AND MAINTENANCE OF A CONSTRUCTION WORK**

### **Article 77a**

A construction work may only be used in ways consistent with its purpose.

The owner of a construction work shall ensure the maintenance of the construction work in a manner which, during its life cycle, preserves the essential requirements for the construction work or its monumental features, in case of a national monument.

In the case of damage to the construction work, endangering the stability of the construction work or its part, if there is a threat to adjoining construction works or human health, the construction work owner shall undertake urgent measures to remove the threat and mark the construction work as dangerous until the elimination of such damage.

In case of multi-owner construction works, owners and co-owners of individual parts of the construction work shall be liable for damage incurred to third parties following the principle of solidarity and may not replace nor repair individually any common areas and equipment of the building contrary to the provisions of the Law on Management, Use and Maintenance of Common Areas and Equipment of the Buildings and of this Law.

## **VI REMOVING THE CONSTRUCTION WORK**

### **1. Construction work removal permit**

#### **Article 78**

The removal of the construction work or any part thereof may be carried out exclusively on the basis of the removal permit, if not being subject to inspection removal decision.

#### **Article 79**

The request for construction removal permit shall be submitted by the owner of the construction work.

In addition to the request referred to in paragraph 1 of this Article, the following documents shall be enclosed:

- 1) three copies of the removal design,
- 2) proof of the ownership right over the construction work (by way of derogation from Article 55, (1) (3) of this Law, a proof of ownership shall be deemed as excerpt from the land-registry),
- 3) consents of the competent bodies or legal persons, if the removal of the construction work threatens public interest (protection and rescue of human life, environment, the cultural-historic heritage, and utilities and other installations),
- 4) environmental impact assessment in accordance with a special Law.
- 5) detailed construction waste management plan.

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The removal of the construction work or any part thereof shall be carried out under expert supervision.

The party to the removal permit issuing procedure shall be both the owner and other right-holder over the real estate immediately bordering the real estate for which the removal permit is being issued, if that removal affects their right in rem.

#### **Article 80**

Removal design of a construction work shall include as follows:

- 1) blueprints, calculations, and/or other civil engineering attestation that during the removal there will be no loss of stability of the structure which would be a threat to human life and health or to the environment; a technical description of removing the construction and the manner of taking care of construction waste and arranging the construction lot after removing the construction,
- 2) technical description of the removal of the construction work or any of its parts and the method for construction waste management and site development, after the removal of the construction work,
- 3) a stability assessment of the adjoining and any other land and/or adjoining and other construction works if the removal of the construction work or the manner of its removal in any way affects the stability of that land and/or the compliance of the essential requirements of those construction works.

#### **Article 81**

In the case of determining conditions and the payment methods for the construction land development, compensation for concessions of construction land to build construction works referred to in Article 40(1) of this Law, the provisions of the Law on Construction Land of the FBiH (Official Gazette of FBiH, 25/03) shall apply.

The Government shall, by virtue of implementing regulation address issues pertaining to construction site organization/development, mandatory on-site documentation, parties in the construction process.

The Government shall, by virtue of implementing regulation determine types, the contents, marking and safekeeping, control and validation of the investment-related and technical documentation.

The Government shall adopt implementing legislation governing the manner of use and maintenance of a construction work, technical requirements to be fulfilled with respect to safety.

The FBiH Minister shall adopt the implementing regulation governing the use or incorporation of construction products, materials and equipment, institutions authorised to issue certificates of their conformity with special legislation, authorisation and deadline for their use or incorporation if they are not certified.

The Ministry shall adopt rulebooks and technical regulations governing technical characteristics to be fulfilled by construction products, including compulsory consultations with expert organisations and with due regard to European standards in accordance with international principles of harmonisation of technical legislation.

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The Minister shall by virtue of implementing provision adopt essential requirements for construction works to be ensured in designing, constructing and maintaining the construction work with due regard to European standards.

#### **Article 81 a**

Prior to issuance of the use permit or change of ownership or renting of the building or its part, energy performance o buildings certificate shall be issued by authorised person.

The Ministry shall issue an authorisation to the authorised peson referred to in paragraph 1 of this Article .

In addition to the certificate reffered to in paragraph 1 of this Article, the buyer, tenant or lessee shall have the right of access to the certificate before conclusion of a purchase or tenancy contract in accordance with a special Law.

Energy performance and the methododology for calculating thermal performance of buildings, energy requirements for new and existing buildings with the exception to the prescribed requirements, conditons, layout and the manner of issuance of the certificates (certification)for buildings for which there is a mandatory public display of energy certificate and conditions for persons authorised to issue energy pperformance certificate shall be prescribed by the Minister.

#### **Article 81 b**

Testing of specific parts of a construction work in order to verify or to attest compliance with the essential requirements for construction works and preliminary studies relevant for the designing, construction or maintenance of that construction work shall be ensured by the authorised persons

The Minsiter shall issue and revoke the authorisation for carrying out activities referred to in paragraph 1 of this Article.

The Minister shall, by virtue of a Rulebook prescribe conditions for carrying out activities of testing and research referred to in paragraph 1 of this Article with respect to persons, technical equipment, the manner and the complexity of carrying out such activities, the responsibility for testing results, or preliminary research, independence with respect to persons involved in the designing, construction or maintaining construction work and the manner of documenting the testing results, i.e. preliminary research, the manner for proving the fulfilment of conditions concerned in the procedure of issuance of an authorisation referred to in paragraph 2 of this Article, as well as the conditions subject to the renewal and recalling of the authorisation.

### **VII SUPERVISION**

#### **Article 82**

The Ministry shall be in charge of supervision over the implementation of spatial planning documents within the competence of Federation, enforcement of this Law and legislation adopted by virtue of this Law.

#### **Article 83**

The FBiH Urban Development -Building Inspection shall be in charge of performance of inspectional supervision.

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The tasks of the FBiH Urban Development Inspection in the area of spatial planning shall be performed by the FBiH Urban Development Inspector.

The tasks of the FBiH Building Inspection in the area of land use at the FBiH level shall be carried out by the FBiH Building Inspector.

The FBiH urban development and building inspectors shall prove their identity by an official identity card.

The FBiH Minister shall, by virtue of implementing regulation determine the content, method and shape of the official identity card as referred to in paragraph 4 of this Article.

## **1. FBiH urban development inspector**

### **Article 84**

The FBiH urban development inspector shall carry out inspectional supervision over:

1. development of spatial planning documents within the competence of Federation,
2. implementation of the Spatial Plan of Federation and the Program of Measures, Spatial plan of areas with special features of Federation, urban development and detailed plan of the areas with special features of Federation,
3. enforcement of this Law on the areas of importance to Federation.

a) Rights and obligations of a FBiH urban development inspector

### **Article 85**

When implementing inspectional supervision, a FBiH urban development inspector shall by virtue of decision have the right and obligation to order:

1. elimination of irregularities with regard to the enforcement of this Law and relevant legislation within a specified deadline,
2. suspension of development and adoption of a spatial planning plan document, if development and adoption of the documents concerned are contrary to the provisions of this Law and relevant legislation,
3. prohibition of the implementation of a document contrary to the provisions of this Law and relevant legislation,
4. suspension of the implementation/enforcement of a spatial planning document if it has been determined that changing the intended use of land as laid down in the given document may pose threat, risk or deterioration to the conditions in the certain area of importance to Federation until the respective document is changed.

FBiH urban development inspector shall request the Ministry to annul the decision on urban permit, if it has been established that decision concerned was issued contrary to the provisions of this Law.

The decision referred to in paragraph 1 of this Article may be declared void at any time.

### **Article 87**

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The Law on Administrative Procedure shall apply in an inspectional supervision procedure, unless otherwise provided by provisions of this Law.

FBiH urban development inspector shall, by virtue of a decision take appropriate actions and measures provided for by this Law.

The authorized person subject to inspectional supervision may file an appeal against decision referred to in paragraph 2 of this Article to the Minister.

An appeal shall not delay the enforcement of the decision.

An administrative dispute may be initiated against the Minister's decision before the Cantonal court.

#### **Article 88**

Holders of BSc in Architecture or Civil Engineering degree with a passed professional exam and 10 years of work experience in the fields of spatial and urban development planning, or spatial planning document implementation may be appointed as the FBiH urban development inspector.

### **2. FBiH building inspector**

#### **Article 89**

FBiH building inspector shall carry out inspectional supervision over the construction for which the Ministry shall issue a building permit.

FBiH building inspector shall carry out inspectional supervision over the work of participants in the construction and maintenance of a construction work in accordance with the regulation of the Government adopted by virtue of Article 81 (2) and (4) of this Law, i.e. the quality of the construction products to be incorporated in accordance with the regulation of the FBiH Minister adopted by virtue of Article 81 (5) of this Law.

a) Rights and obligations of the FBiH building inspector

#### **Article 90**

When implementing inspectional supervision, a FBiH building inspector shall have the right and obligation to order, by way of a decision, rectification of irregularities, suspension of construction activities and removal of construction works.

### **b) Rectification of irregularities**

#### **Article 91**

When implementing inspectional supervision, a FBiH building inspector shall be, by way of a decision entitled to order:

- 1) rectification of any irregularities identified in the course of construction within an appropriate deadline,

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- 2) suspension of construction activities if it has been established that construction activities may pose a threat or deterioration to the conditions of a certain area of importance to Federation,
- 3) order the owner of construction works or investor to rectify damage to the existing construction works which may pose a threat to the stability of a construction work, adjoining construction works, human health and life, the environment, unhindered access for persons with disabilities,
- 4) Prohibition of use of building if a use permit has not been obtained.

#### **c) Suspension of construction activities**

##### **Article 92**

FBiH building inspector shall, by way of a decision, suspend further construction activities, i.e. or works if:

- 1) a construction work is being built or reconstructed contrary to the building permit,
- 2) a conclusion has been made allowing of renewing a building permit,
- 3) determined defects and irregularities in the project, or the execution of the works which can endanger the technical characteristics important for the construction,
- 4) determined that the works are executed in such a way that it endangers the stability of the adjoining construction works, the stability of the soil on the surrounding land, human health and life or material goods, traffic areas, utilities and other installations etc.,
- 5) determined that the works are conducted or supervised by a legal or natural person which is not registered, i.e. authorized for conducting or supervising that type of works, i.e. if they do not fulfill prescribed conditions.

In the case referred to in paragraph 1 (1) of this Article, the FBiH building inspector shall issue a decision determining an appropriate deadline for adjusting the as-built state with the approved design, i.e. the deadline for changing and amending the building permit.

In the cases referred to in paragraph 1 (2) and (4) of this Article, the FBiH building inspector shall order closure of construction site on the spot with a special marking, and urgent measures of protection, where appropriate.

The Minister shall, by virtue of Rulebook prescribe the manner of closing and marking the closed construction site.

In the case referred to in paragraph 1(3) of this Article, the FBiH building inspector shall issue a decision to determine an appropriate deadline for removing the defects.

#### **d) Removing the construction work**

##### **Article 93**

The FBiH building inspector shall, ex officio issue a decision to order the investor to remove the construction work or parts thereof, or the consequences of the performed actions and restore it to its original state at their own expense if:

- 1) The construction is being carried out or already completed without a building permit;

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- 2) the construction is being carried out contrary to the building permit, and there was no adjustment with the approved design, i.e. there is no change or amendment of the building permit;
- 3) during the construction there are insistent defects due to which the stability of the construction work is endangered, or the stability of the adjoining construction works, or human life or the environment are endangered in any way,
- 4) it is determined that due to deterioration or larger damage the stability of the construction work or its part is endangered, and that it also represents a threat for the adjoining construction works and the human life, and that danger cannot be removed in any other way,
- 5) temporary construction works, built on the site as part of preliminary works are not removed in accordance with Article 63 (2) of this Law.

In the case referred to in paragraph 1 (1) and (2) of this Article, the FBiH building inspector shall, before issuing a decision, order the closure of the construction site on the spot including a special marking.

In the case referred to in paragraph 1(3) and (4) of this Article, the FBiH building inspector shall also order urgent security measures until the execution of order.

The FBiH building inspector shall inform the body in charge of cultural monuments protection monuments and responsible police administration in case of removing a construction work which has been designated as national monument.

If in the case referred to in paragraph 1 of this Article the investor fails to act according to the decision issued by the FBiH building inspector, the decision shall be enforced via a legal person authorized for construction at the expense of the investor.

The FBiH building inspector shall determine the manner of enforcement of decision.

#### **Article 94**

Exceptionally, the FBiH building inspector may order the execution of measures referred to in Article 99, (1) (1) and (4) and Article 93 (1)(3) and(4) of this Law via the record, for the purpose of removing an immediate threat to the lives and health of people and property.

The execution of the ordered measures shall start by delivering the record.

The FBiH building inspector shall issue a decision on the ordered measures referred to in paragraph 1 of this Article within three days from the day of ordering the measures.

#### **Article 95**

The legal or natural person who was subject to inspection may submit an appeal against the decision of the FBiH building inspector to the Minister within eight days from the day of receiving the decision.

The appeal shall not postpone the enforcement of the decision.

An administrative dispute against the decision may be initiated before the competent Cantonal Court.



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#### **Article 96**

If the investor to whom the decision is referring to is unknown or whose residence is unknown, the FBiH building inspector shall place the decision and conclusion on the permission of execution on the notice board of the municipal service in the area in which the construction has been performed and on the construction work itself.

The deadline for the execution of the ordered measure, as well as appeal deadline, shall begin as of the day of publishing the decision and conclusion on the notice board.

The FBiH urban development inspector may leave a summon to hearing on the construction being built to the unknown investor or to the investor whose residence is unknown.

#### **Article 97**

The FBiH building inspector shall request the Ministry to annul the building permit if determined that it was issued contrary to the provisions of this Law.

#### **Article 98**

Holders of BSc in Architecture or Civil Engineering degree with a passed professional exam and 10 years work experience may be appointed as the FBiH building inspector.

### **VIII PENAL PROVISIONS**

#### **1. Criminal offences**

#### **Article 99**

The Ministry employee who conducts a proceeding of issuance of the urban permit and a decision on urban permit contrary to the spatial planning document and the conditions provided for by this Law shall be punished by imprisonment for a period of three months to three years.

The Cantonal Ministry employee who prepares an opinion in the procedure of issuing the urban permit within the competence of the Ministry contrary to the spatial planning documents and conditions provided for by this Law shall be punished by imprisonment for a period of three months to three years.

#### **Article 100**

A responsible person in the legal entity as the investor shall be punished by imprisonment for a period of one to three years, if without previously obtained building permit commences as follows:

- 1) construction of a new construction work,
- 2) upgrading of existing construction work,
- 3) extension to an existing construction work,
- 4) other interventions of greater scope that may threaten lives and health of people, material goods, adjoining facilities, traffic safety etc.

The responsible person in the legal entity approving the connecting the illegally built buildings (buildings built without the approval/permit of the competent authority) to the public water supply, sewerage or electricity supply system shall be punished by imprisonment for a period of one to three years.

A natural person shall be punished by imprisonment for a period of one year for criminal offences referred to in paragraph 1 of this Article.

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## **2. Economic offences**

### **Article 101**

A legal person shall be fined BAM 10,000.00 to BAM 20,000.00 for the economic offence if:

- 1) it commences with the preparation of the spatial planning document, without being registered to conduct such activities,
- 2) it commences with the preparation of the spatial planning documents or makes amendments thereto contrary to this Law, legislation adopted by virtue of this Law, decision on commencement with the preparation of the spatial planning documents and if it fails to ensure the compliance with spatial planning documents of a wider area
- 3) it fails to observe the legislation related to environmental protection, this Law and special legislation referred to in Article 4 of this Law, as well as other legislation adopted by virtue of this Law in the planning process.

The responsible person in the legal entity shall be fined BAM 1,000.00 to BAM 4,000.00 for the criminal offence referred to in paragraph 1 of this Article.

## **3. Misdemeanors**

### **Article 102**

The responsible person in the Ministry shall be fined BAM 1,000.00 to BAM 2,000.00 for a misdemeanor if:

- 1) the preparation of the spatial planning documents is assigned contrary to the decision on the preparation of those documents (Article 23, (2) (8) of this Law),
- 2) if the preparation of the spatial planning documents is assigned to legal person which is not registered to perform such activities (Article 26 of this Law),
- 3) if the issuance of an urban permit, a building permit or a use permit is contrary to the provisions of Articles 37, 54 and 66 of this Law.

The responsible person in the administration body referred to in Article 41 (2) of this Law shall be fined as referred to in paragraph 1 of this Law if failed to submit required approvals/permits within prescribed time frame.

### **Article 103**

The FBiH urban development inspector shall be fined BAM 1,000.00 to BAM 2,000.00 for a misdemeanor if the inspector in performing supervision fails to determine irregularities and undertakes appropriate measures accordingly referred to in Articles 84 and 85 of this Law.

The FBiH urban development inspector shall be fined BAM 1,000.00 to BAM 2,000.00 for a misdemeanor if the inspector in performing construction supervision fails to determine irregularities and undertakes appropriate measures accordingly referred to in Article 91 of this Law nor enforces its own decision.

### **Article 104**

A legal person in the capacity of an investor shall be fined BAM 500.00 to BAM 8,000.00 for a misdemeanor if:

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- 1) it entrusts the designing, construction, or building supervision to a person who is not authorized to carry out such activities;
- 2) it fails to ensure building supervision;
- 3) it fails to provide notification of the commencement of construction in the prescribed deadline ( Article 65 of this Law);
- 4) it fails to take measures for ensuring the safety of the construction work and adjoining land in the case of suspending construction;
- 5) it fails to provide notification of the change of the investor within the period prescribed (Article 60 of this Law);
- 6) it commences construction without obtained prescribed building permit, except as otherwise provided by provisions of this Law;
- 7) it carries out construction contrary to the building permit without being modified or amended building permit ( Article 59 of this Law);
- 8) it fails to clear and set in order the site and surrounding environment after the completion of construction;
- 9) using the construction work without the use permit (Article 66 of this Law);
- 10) it fails to rectify irregularities determined by final inspection ( Article 70 of this Law);

The responsible person in the capacity of an investor shall be fined BAM 50.00 to BAM 800.00 for a misdemeanor referred to in paragraph 1 of this Article.

A natural person in the capacity of an investor shall be fined BAM 50.00 to BAM 800.00 for misdemeanors referred to in paragraph 1 of this Article.

#### **Article 105**

A legal person performing construction for an anonymous investor shall be fined BAM 300. 00 to BAM 6,000.00 for a misdemeanor, if it fails to assign the supervision to another legal person which is authorized to perform supervision in accordance with provisions of this Law.

The responsible person in the legal entity shall be fined BAM 50.00 to BAM 600.00 for a misdemeanor referred to in paragraph 1 of this Article.

#### **Article 106**

A legal entity performing the construction supervision activities shall be fined BAM 250.00 to 5,000.00 for a misdemeanor if:

- 1) it appoints a supervising engineer who does not meet requirements prescribed by this Law,
- 2) it fails to take measures to carry out works in accordance with the building permit, or the design,
- 3) it fails to take measures to ensure that technical characteristics of the construction work meet prescribed requirements,
- 4) it fails to ensure that quality of works, of incorporated products and of equipment are in compliance with the implementing legislation.

The responsible person in the legal entity shall be fined BAM 50.00 to BAM 700.00 for a misdemeanor referred to in paragraph 1 (1) (2) of this Article.

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The supervising engineer shall be fined BAM 50.00 to BAM 500.00 for a misdemeanor referred to in paragraph 1 of this Article.

#### **Article 107**

A legal or natural person as the owner of the construction work shall be fined BAM 200.00 to BAM 2,000.00 for a misdemeanor if:

- 1) it uses the construction work contrary to its intended purpose,
- 2) it fails to ensure the maintenance of the construction work, its construction or equipment,
- 3) it carries out the removal or has the construction work removed or a part thereof without obtained removal permit ( Article 78 of this Law).

The responsible person in the legal entity (as the owner of the construction work) shall be fined BAM 50.00 to BAM 500.00 for a misdemeanor referred to in paragraph 1 of this Article.

#### **Article 108**

A legal person in the capacity of a designer shall be fined BAM 100.00 to BAM 2,500.00 for a misdemeanor if:

- 1) it is not authorised for designing,
- 2) it appoints a designer, project leader or a project coordinator who do not fulfill the requirements prescribed by this Law,
- 3) it fails to mark and compile the design and parts thereof.

The responsible person in the legal entity shall be fined BAM 50.00 to BAM 300.00 for a misdemeanor referred to in paragraph 1 of this Article.

The designer shall be fined BAM 50.00 to BAM 250.00 for a misdemeanor referred to in paragraph 1 (3) of this Article.

#### **Article 109**

The contractor in the legal entity shall be fined BAM 250.00 to BAM 2,000.00 if:

- 1) it fails to carry out construction in conformity with technical requirements and mandatory standards;
- 2) it is not authorized to perform the respective activity;
- 3) it fails to carry out construction in conformity with the building permit;
- 4) it carries out construction without fulfilling the requirements for carrying out construction activities;
- 5) it fails to incorporate products and equipment in accordance with the implementing legislation;

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- 6) it fails to provide quality-related evidence of compliance of the works, incorporated construction products, and facility laid down in provisions of this Law;
- 7) it fails to take measures to ensure the stability of adjoining construction works, utility and other installations and the stability of the adjoining land at risk;
- 8) it appoints a site engineer or a performance manager who do not fulfil the requirements laid down in this Law;
- 9) it commences construction without building permit;
- 10) it fails to secure, fence off or protect the construction site in accordance with the provisions of this Law;
- 11) it fails to clear and set in order the site and surrounding environment after the completion of construction;
- 12) the prescribed documents are not available at the construction site

The site engineer or performance manager shall be fined BAM 50.00 to BAM 200.00 for a misdemeanor referred to in points (1), (3) to (6) and (8) to (11) of the paragraph 1 of this Article.

#### **Article 110**

Should the design auditor fail to determine irregularities of the audited design, which may adversely impact technical characteristics of the construction work laid down in implementing provision, the design auditor shall be fined BAM 50.00 to BAM 800.00 for a misdemeanor.

The legal entity in which the design auditor is being employed shall be fined BAM 250.00 to BAM 4,000.00 for a misdemeanor referred to in paragraph 1 of this Article.

### **IX TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 111**

The Federation Parliament shall adopt a regulation referred to in Article 9 of this Law within two years as of the date of entry into force of this Law.

The Federation Parliament shall adopt a regulation referred to in Article 10 (3) and Article 12 (1) of this Law within one year as of the date of the adoption of regulation referred to in paragraph 1 of this Article.

The Federation Government shall adopt a regulation referred to in Article 8 (1) (2) of this Law within one year as of the date of entry into force of this Law.

The Federation Government shall adopt legislation referred to in Articles 26(3); Article 31 (3); Article 40 (5) and Article 81 (1) (2) (3) and (4) of this Law within six months as of the date of entry into force of this Law.

FBiH Minister shall adopt legislation referred to in Article 30 (2); Article 76(2); Article 81 (5) and Article 83 (5) of this Law within three months as of the date of entry into force of this Law.

#### **Article 112**

Decree on unique methodology for preparation of the spatial planning documents (Official Gazette of the Federation B&H, 63/04) shall remain in force.

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Decree on requirements, criteria and the manner of shelter construction and technical standards for monitoring shelter accuracy (Official Gazette of the Federation B&H, 21/05) shall remain in force.

Decree on spatial standards, urbanistic-technical requirements and standards to prevent creation of barriers related to disabled persons (Official Gazette of the Federation B&H, 10/04) shall remain in force.

Decrees referred to in paragraphs 1, 2 and 3 of this Article shall be harmonized with this Law within six months as of the date of entry into force of this Law.

#### **Article 113**

If the administrative procedure has been initiated before the competent body, until the date of entry into force of this Law, and the first-instance decision was not issued, or was annulled and returned to the first- instance body for a renewal of the procedure, the procedure shall be continued according to the provisions of this Law.

#### **Article 114**

Deleted

#### **Article 115**

The Spatial Plan of Bosnia and Herzegovina 1981-2000 shall apply until the adoption of the Spatial Plan of Federation in the part which is not contrary to the Constitution of the Federation.

The Parliament shall, at the Government's proposal designate areas of importance to Federation until the adoption of the Spatial Plan of Federation.

By way of derogation from paragraph 2 of this Article, the areas designated as national monuments by virtue of decision of the Commission to preserve nation monuments shall be deemed as areas of importance to Federation.

#### **Article 116**

The procedure regarding preparation and adoption of the spatial planning documents until the adoption of this Law shall continue to apply in accordance with the provisions of this Law.

#### **Article 116 a**

Municipality councils shall harmonize their relevant laws with the provisions of this Law within six months as of the date of entry into force of this Law.

#### **Article 117**

The Law on Spatial Planning (Official Gazette of FBiH, 52/02) shall cease to have effect as of the date of entry into force of this Law.

Speaker

Of the House of Peoples

Of the Parliament of the Federation of Bosnia and Herzegovina

Slavko Maric m.p

Speaker

Of the House of Representatives

Of the Parliament of the Federation of Bosnia and Herzegovina

Muhamed Ibrahimovic, m.p

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