

LAW ON CONSTRUCTION OF INVESTMENT BUILDINGS

~~(1997)~~

I. GENERAL PROVISIONS

Article 1

This Law shall stipulate the construction of investment buildings (hereinafter: buildings), unless it is otherwise enacted with another law.

Article 2

For construction of buildings that are in ownership of the citizens, the council of the municipality passes regulations in accordance with this law.

Article 3

Construction of buildings, in respect to this Law, shall be considered performance of previous works, preparing technical documentation, preparative works and construction or reconstruction of the building and performing specialized supervision.

Article 4

A building, in respect to this Law, shall be considered a high-rise construction building, civil engineering, hydro-construction and other buildings, with all the installations, plants and equipment that function for the purpose of the building or the installations themselves, the devices, the plants and the equipment, provided that they create a technological entity.

Article 5

Previous works, in respect to this Law, shall be considered the studies, the research and gathering information that serve for preparation of the documents, based on which a decision for construction of the building and preparation of technical documentation shall be brought.

Article 6

Technical documentation for construction of buildings, in respect to this Law, shall be considered the urban development, geodetic, hydro-geological and geo-mechanical bases, the projects with the essential descriptions, calculations and graphical enclosures, the special elaboration and acts, which determine and develop the conditions for construction of the building, the conditions and methods for construction of the building, as well as other conditions prescribed by law and regulations passed on legal basis.

Article 7

Preparative works, in respect to this Law, shall be considered the works on the preparation and adjustment of the land for construction of the building, the construction or placement of the temporary buildings that need to be constructed or placed on the construction site, prior or during the construction (roads, transmission lines, buildings for accommodating the working persons, etc.), putting a fence around the construction site and performing other works that secure the neighboring buildings, the traffic, the lives and the health of the people.

Article 8

Construction of a building, in respect to this Law, shall be considered the construction of a new building, an annex or a superstructure to an existing building, by performing all construction and construction-crafting works, building in or mounting or putting installations, instruments, plants and equipment, performing capacity expansion works, constructing buildings for providing public utilities and trimming the terrain around the building, as well as other works that ensure the use of the building.

Article 9

Reconstruction of the building, in respect to this Law, shall be considered the works on an existing building that is being repaired, adapted, which changes the constructive system or the performance of other works on the building, provided that those works influence the stability of the building, the security of the neighboring buildings, the traffic and the environment, the fire protection, the protection of the living and working environment, the health and lives of the people, the regime of the waters, the natural rarities and the cultural monuments, or if they change the conditions which allowed the construction of the building.

Article 10

A decision for construction of the building shall be brought by the investor.

The investor may be a physical or a legal person.

In case of construction of a building with social funds, the Joint Methodology for Evaluation of the Social and Economic Justification of the Investments and the Efficiency of Investing in the Socialist Federal Republic of Yugoslavia shall be implemented.

For the studies that refer to the protection of the human environment a special sanitation and technical evaluation shall be performed by an appropriate institution, appointed by the responsible administrative organ for protection of the human environment.

Article 11

The construction of buildings or the performance of different works on the construction of the buildings may be done by enterprises or other legal entities (hereinafter: enterprise) and for different works on the construction also working

persons who independently perform activities with personal efforts and means that are property of citizens (hereinafter: working person), who have been registered for performing these works.

An enterprise may construct buildings or perform different works on the construction of buildings, if for each separate work it has employed at least two

Article 15

The technical documentation shall be prepared according to the conditions established by the decision for location, t

III. CONSTRUCTION PERMIT

Article 18

A construction shall begin after receiving a construction permit from the municipal administrative organ responsible for civil engineering, unless it is otherwise stipulated in this Law.

The construction permit shall be issued by the republic administrative organ responsible for civil engineering, for the following buildings:

- 1) hydroelectric and thermoelectric power plants with the capacity of at least 10 megawatts and transmission lines and switch gears with voltage of at least 110 kilovolts;
- 2) highways, main and regional roads with buildings and gas stations on them;
- 3) railroads and the buildings on them and cable railroads for public transportation;
- 4) airports with the accompanying buildings;
- 5) regulations and works on the rivers: Vardar, Lepenec, Treska, Pchinja, Bregalnica, Crna Reka, Strumeshnica, Crn Drim and Radika and accumulation dams on the other rivers and flowing waters, which supervision shall be mandatory according to the existing regulations;
- 6) refrigerators and silos with a capacity over 5,000 tons;
- 7) new buildings in the metallurgy, production of colored metals and base chemical products, buildings for production and processing of mines;
- 8) gas lines, oil lines, refineries and warehouses for liquid fuels and liquid gas with capacity over 1,000 tons;
- 9) international and magistral capacities in the telephone, telegraph and data transmission networks, main post office centers and radio stations with radiation capacity of more than 1,000 watts and television transmitters;
- 10) regional water and regional waste waters system, along with the buildings for processing these waters;
- 11) shelters for a special purpose and strengthened protection with capacity for at least 300 people; and
- 12) dumps for harmful and dangerous substances.

Article 19

Along with the request for obtaining a construction permit, the investor shall also submit:

- 1) technical documentation;
- 2) a report of the performed technical control of the technical documentation for the buildings anticipated in article 17 of this Law;
- 3) a decision for a location and a decision for an urban development approval;
- 4) a proof for the right of exploiting or the right of usufruct of the land, i.e. a proof for ownership of the land where the building is going to be constructed;
- 5) a proof for paid fees, provided that it had been anticipated with special regulations.

If for the construction of a building special conditions have been prescribed based on a law or a regulation passed on grounds of a law (for water management, utilities, traffic, fire protection, protection at work, sanitation, defense, preservation of the environment, preservation of the cultural and natural monuments, etc.), the organ responsible for issuing a construction permit shall have the liability to gather all necessary agreements, within the period of 10 days, unless it has otherwise been stipulated with a separate regulation.

A construction permit shall be issued for the entire building.

As an exception for the bigger, specific or complex buildings, a permit may be issued for parts of the buildings, which represent a separate technical and technological entity.

The construction permit shall determine the period for commencing the construction, which may not be longer than six months.

The construction permit shall be issued within 15 days of the submission of the request, or five days after obtaining the approval for the special conditions prescribed in paragraph 2 of this article.

Article 20

The organ that issued the construction permit shall keep the technical documentation for at least two years from the day of issuing the permit for use of the constructed building, after which it shall return it to the investor.

The realization of different works (construction, crafting, installation, assemble, etc.) may also be managed by a person who has completed V or VI degree of appropriate professional education and three, or two years of working experience in his occupation.

The contractor of the works shall determine with a decision the person who shall be in charge of the construction of the building, or in charge of the realization of different works.

Article 24

The assignment of the construction of the building, or the realization of different works shall be done with an open competition (public bid), by collecting offers with a previously held open competition for suitability and with direct bargain.

The construction of a building or the realization of different works on a building may be assigned with a direct bargain if:

- the estimate value of the building does not exceed 2,000,000 dinars, or if the value of different works does not exceed 200,000 dinars according to prices from 1990;
- the issue are buildings that are of interest to the military defense, determined by the administrative organ responsible for military defense;
- the issue are urgent interventions after disasters or other unforeseen events, for the purpose of direct removal of the harmful consequences of the disasters or

In the book of construction the realized works shall be entered by positions and phases of the construction, while in the construction log the data on the circumstances and conditions under which the works are performed.

The republic administrative organ responsible for civil engineering shall prescribe the contents and the method of keeping the book of construction and the construction log.

Article 27

The investor shall be liable to do a constant specialized supervision over the construction of the buildings.

If the investor has not employed individuals that fulfill the prescribed conditions, the specialized supervision may be entrusted with a contract to an enterprise or a working person, or different people registered for performing such works.

The specialized supervision from paragraph 1 of this article shall be done by individuals who have completed VII degree of appropriate professional education and have three years of working experience in their occupation.

When constructing buildings, the investor shall be liable in the course of the construction, or realization of the works, to provide appropriate documentation for the construction, indispensable for technical examination of the building.

V. TECHNICAL INSPECTION AND DECISION FOR USE OF THE CONSTRUCTED BUILDING

Article 28

After the construction of the building had been completed a technical inspection shall be performed by a commission formed by the organ that issued the construction permit, on the request of the investor or the contractor.

The organ from paragraph 1 of this article, may decide with a decision that the technical inspection shall be performed by an enterprise registered for performing such works.

Based on the Minutes of the performed technical inspection, which serves to certify the technical safety of the building, the organ from paragraph 1 of this article shall within 15 days pass a decision for use of the building.

A member of the commission for technical inspection may not be an employee of the investor, or the enterprise that prepared the investment and technical documentation or that performed works on the building and a person that performed specialized supervision of the construction of the building.

In the technical inspection representatives of organs and organizations appointed with special regulations shall also take part.

Article 29

For all the changes and supplements of the technical documentation which have occurred during the construction, the investor shall be liable to provide

documentation for the performed works on the building prior to the technical inspection, or until obtaining the decision for use of the building.

Article 30

If the technical inspection has determined that the drawbacks cannot be eliminated, meaning that they represent a danger for the stability of the building, the lives and health of the people, the traffic or the nearby buildings, the organ responsible for issuing a decision for use shall pass a decision for tearing down the building.

Article 31

A decision for use of the building shall be issued after the completed technical inspection.

The republic administrative organ responsible for civil engineering shall pass more detailed regulations about the method of performing the technical inspection.

VI. INSPECTION CONTROL

Article 35

Control of the work of the investors and other participants in the construction of the buildings, in respect to the implementation of this Law and the regulations passed on its grounds, as well as the other technical regulations and standards, shall be done by the administrative organs responsible for the work of the appropriate inspections, provided that it has not been otherwise determined with special regulations.

Article 36

If during the inspection control it is established that the issued decision that approves that construction of the building is contrary to the provisions of this Law, while for the buildings that are property of citizens contrary to the conditions prescribed with closer regulations of the municipality, the inspection organ shall be liable to start a procedure for revoking the decision by a right to control.

Article 37

The organ of the responsible inspection shall be liable to order:

- 1) elimination of the found drawbacks within the term they shall specify;
- 2) cessation of the further construction of the building, if:
 - a) the construction of the building is not being done according to the technical documentation, on basis of which the construction permit had been issued, and
 - b) the found drawbacks have not been eliminated within the specified term from item 1 of this article;
- 3) tearing down or eliminating the building or a part of it and restoring its previous condition, regardless of that fact whether there is or there is not a construction permit for that building, if they find drawbacks or irregularities in the construction which may be a danger for the stability of the building, the safety of the building from fire and the safety of the people, the traffic, the nearby buildings, if it endangers the human environment and those irregularities could not be eliminated.

When the organ of the responsible inspection shall pass a decision for cessation of the further construction of the building, in reference to paragraph 1 item 2 of this article, it shall be liable to notify the organ responsible for issuing construction permit about this matter.

If the organ responsible for issuing the permit determines that the building is not being built in accordance with the construction permit under the condition prescribed for construction of the building on a specified land or if it determines

crucial drawbacks and irregularities according to the technical regulations, standards and the regulations for protection of the people and the environment, it shall pass a decision for tearing down the building.

When the construction of the building continues even after the passing of the decision for cessation of the construction in accordance with paragraph 1 item 2 of this article, the organs of the responsible inspection shall order tearing down of the additionally constructed part of the building.

The expenses for the forced tearing down

- 1) it begins construction before bringing a decision for construction of the building (article 10 paragraph 1);
- 2) it does not act according to the Joint Methodology for Evaluating the Social

VIII. TRANSITORY AND FINAL PROVISIONS

Article 42

The closer regulations on implementation of the provisions of this Law shall be passed within three months from the day when this Law shall become effective.

Article 43

On the day when this Law shall become effective, the Law on Construction of Investment Buildings (Official Gazette of SRM no. 15/83, 11/87, 20/88, 18/89 and 47/89) shall cease to be effective.

Article 44

This Law shall become effective on the eighth day following the date of its publishing in the Official Gazette of the Socialist Republic of Macedonia.

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LAW ON AMENDING AND SUPPLEMENTING THE LAW ON CONSTRUCTION OF INVESTMENT BUILDINGS

~~(SRM 119)~~

Article 1

In the Law on Construction of Investment Buildings (Official Gazette of SRM no. 15/90), article 2 shall be deleted.

Article 2

In article 11, paragraph 2 shall be amended and shall now be worded:

“An enterprise may construct buildings, if for the purposes of the construction it has employed at least two persons, who have completed VII degree of the appropriate professional education and who have three years of working experience in their occupation”.

After paragraph 2 a new paragraph 3 shall be added and shall be worded:

“An enterprise may perform different works on construction of buildings (putting construction installations, electricity, water and sewer, heating, etc.), provided that for each work it has employed one person who has completed secondary professional preparation, or IV degree of a professionally oriented education and who has two years of working experience in the occupation. “

Paragraphs 3 and 4 shall become paragraphs 4 and 5.

Article 3

Article 12 shall be amended and shall now be worded:

“The provisions in this Law shall not refer to the works performed on tearing down and removing the buildings that have the tendency to fall.

Closer regulations on tearing down the buildings that have the tendency to fall

“ 3) hydroelectric and thermoelectric power plants with the capacity of at least 10 megawatts and transmission lines and switch gears with a voltage of at least 110 kilowatts;

In article 28, after paragraph 5 a new paragraph 6 shall be added, which shall be worded:

“For smaller and simpler buildings that are property of citizens a technical inspection may be carried out by one professional, who shall be appointed by the organ that issued the construction permit”.

Article 8

In article 32 paragraph 1 the word “municipal” shall be replaced with the word “republic”, the full stop at the end shall be deleted and the following words shall be added: “to the Government of the Socialist Republic of Macedonia”.

Article 9

After the article 34 a new subtitle V-a shall be added, with three new articles 34-a, 34-b and 34-c, which shall be worded:

“V-a Placing temporary buildings

Article 34-a

Temporary buildings, in respect to this Law, shall be considered the buildings that are of an assembling-disassembling construction or made of material suitable for removal”.

Article 34-b

The Municipal Assembly, and/or the Assembly of the City of Skopje shall pass a Program for placing temporary buildings, upon a prior approval from the republic administrative organ responsible for urban development.

Article 34-c

The republic administrative organ responsible for civil engineering shall issue a permit for placing a temporary building.

The permit from paragraph 1 of this article shall determine the conditions, the way of placing and removing the temporary building.

When removing the temporary building, the investor shall not have a right to a compensation for the building or for its removal”.

Article 10

The Municipal Assembly, and/or the Assembly of the City of Skopje shall pass the Program from article 34-b of this Law within three months following the day of coming into effect of this Law.

Article 11

In article 36 the words: “and for the buildings that are property of citizens contrary to the conditions determined with closer regulations of the municipality”, shall be deleted.

Article 12

This Law shall come into effect on the eighth day following the day of its publishing in the Official Gazette of the Socialist Republic of Macedonia.

LAW ON AMENDING AND SUPPLEMENTING THE LAW ON CONSTRUCTION OF INVESTMENT BUILDINGS

~~(1991)~~

Article 1

In the Law on Construction of Investment Buildings (Official Gazette of SRM no. 15/90 and 11/91) in article 10 paragraph 3 shall be replaced with two new paragraphs 3 and 4, which shall be worded:

“When preparing an investment program for construction of an investment building in the economy, the investor may evaluate the financial and market efficiency with an implementation of one of the following methodologies: the Joint Methodology for Evaluation of the Social and Economic Justification of the Investments and the Efficiency of Investing, the Methodology of the International Bank for Restitution and Development and the methodology implemented by the countries members of the European Economic Community.

When preparing an investment program for construction of an investment building of an economic infrastructure, the Cost-Benefit Analysis shall be implemented”.

The previous paragraph 4 shall become paragraph 5.

Article 2

After article 10, a new article 10-a shall be added and shall be worded:

“Article 10-a

Before passing a decision for construction of an investment building for projects of the economic infrastructure that are of interest to the Republic and of regional significance, for the buildings that require a lot of natural resources, for using the goods that are of public interest for the Republic and are given with a concession, as well as for buildings for which the loan guarantee for abroad is given by the Republic of Macedonia, the investor shall be liable to provide an evaluation about the social beneficence of the building.

The evaluation from paragraph 1 of this article shall be made by the administrative organ responsible for development or it provides it from an appropriate scientific and specialized organization, upon a previously received

opinion from the administrative organ responsible for the field that refers to the construction of the building.

The administrative organ from paragraph 2 of this article shall be liable within 30 days from the day of submission of the request to submit an evaluation to the investor.

The investor shall be liable to submit a pre-investment study, or an investment program to the administrative organ from paragraph 2 of this article, along with the request from paragraph 3 of this article”.

Article 3

In article 17 paragraph 2 after item 16 a new item 17 shall be added and shall be worded:

“17) Buildings that are constructed on basis of a concession”.

Article 4

In article 19 paragraph 1 at the end of item 4) the conjunction “and” shall be deleted, while in item 5) the full stop at the end shall be replaced with the conjunction “and”.

After item 5 a new item 6 shall be added and shall be worded:

“6) Proof for the evaluation of the social beneficence of the buildings for the investment projects from article 10-a of this Law.”

Article 5

After article 21 a new article 21-a shall be added and shall be worded”

“Article 21-a

In order to provide complete registration of the payments of the investments, the investor, the banks and the other participants in the investment shall submit information once a month to the Payment Operation Office, pursuant to the instruction signed by the manager of Payment Operation Office.

The manager of the Payment Operation Office shall sign the instruction from paragraph 1 of this article within 30 days following the day of passing this Law”.

Article 6

In article 24 paragraph 2 line 1 shall be changed and shall be worded:

“ - the estimate value of the building is not larger than the denar equivalent value of 300,000 DM, or if the value of the different works is not larger than the denar equivalent value of 30,000 DM”.

Paragraph 3 shall be deleted.

Article 7

In article 25, paragraph 1 shall be changed and is now worded:

“The investor may construct a building, or perform certain works by himself for his own needs without enrolling in the court register, provided that the accounting value is not larger than the denar equivalent value of 300,000 DM”.

Paragraph 3 shall be deleted.

Article 8

In article 40 paragraph 1 the words : ”50,000 to 300,000 dinars” shall be replaced with the words: “50 to 250 salaries”.

Item 2 shall be changed and shall be worded:

“2) it does not implement one of the methodologies for evaluation of the investments from article 10 paragraphs 3 and 4 of this Law”.

In paragraph 2 the words: “4,000 to 20,000 dinars” shall be replaced with the words: “five to ten salaries”.

Article 9

In article 41 paragraph 1 the words: “3,000 to 15,000 dinars” are hereby replaced with the words: “two to thirty salaries”.

Article 10

This Law shall become effective on the eighth day following the day of its publishing in the Official Gazette of the Republic of Macedonia.

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LAW ON AMENDING AND SUPPLEMENTING THE LAW ON CONSTRUCTION OF INVESTMENT BUILDINGS

~~(1999)~~

Article 1

In the Law on Construction of Investment Buildings (Official Gazette of SRM no. 15/90, 11/91 and Official Gazette of the Republic of Macedonia no. 11/94) in article 10 paragraph 5 shall be deleted.

Article 2

Article 15 shall be amended and shall be worded:

“The technical documentation shall be prepared according to the construction terms and the standards and norms for designing buildings.

With the standards and norms for designing buildings parameters shall be determined in the field of the public roads, the waters, shelters, protection from fires, protection at work, protection of the environment, the cultural monuments and the architectural modeling of the buildings.

The standards and norms from paragraph 1 of this article shall be passed by the Minister responsible for urban development and construction, after a previously received opinion from the ministries responsible for the appropriate fields.”

Article 3

Article 16 shall be deleted.

Article 4

In article 19 paragraph 1 items 3 and 5 shall be amended and shall be worded:
“3) construction terms”.

“5) a proof for paid fees, provided that the law anticipates that they shall be paid before issuing the construction permit”.

Paragraph 2 shall be amended and shall be worded:

“Along with the request from paragraph 1 of this article, for those building that have been enlisted in the register of cultural monuments, the investor shall also be liable to submit an opinion for the technical documentation from the responsible office for protection of the cultural monuments”.

In paragraph 6, after the word “request” the comma shall be replaced with a full stop, while the words to the end of the paragraph shall be deleted.

Article 5

Article 24 shall be amended and shall be worded:

“The assigning of the construction of a building which is of public interest, or the performance of different works on buildings of public interest shall be done in accordance with the Public Procurement Law.”

Article 6

In article 28 paragraph 1 after the word “building” the following words shall be added “of public interest”.

Paragraph 6 shall be amended and shall be worded:

“For buildings which are not of public interest stipulated by Law, the technical safety of the building shall be certified by people who perform specialized supervision, with a Record that shall be presented to the administrative organ responsible for urban development and construction, while the Record determines that the building may be used.”

Article 7

Article 30 shall be deleted.

Article 8

In article 31 paragraph 1 after the word “building” the words “of public interest” shall be added.

After paragraph 4 a new paragraph 5 shall be added and shall be worded:

“If when changing the activity that is going to be performed in the same premises a change of the constructive elements is not done, then a readaptation permit shall not be necessary.”

Article 9

The subtitle V-a “Placing Temporary Buildings” and the articles 34-a, 34-b and 34-c shall be deleted.

Article 10

In article 37 paragraph 4 shall be amended and shall be worded:

“When the construction of the building continues even after the decision for cessation of the construction in accordance with paragraph 1 item 2 of this article or when the inspector determines that a building has been constructed with larger surface than the one anticipated in the technical documentation, but it is in accordance with the standards for space planning, he shall bring a decision for the investor to pay a fee, which is twice as much as the construction value of the enlarged outspread surface. The means of the fee shall be paid to: 50% to the Budget of the republic and 50% to the Budget of the Municipality or the City of Skopje. If

the fee is not paid within 30 days of the submission of the decision, the inspector shall bring a decision for tearing down.”

Article 11

In article 40 paragraph 1 the words: “50 to 250 salaries” shall be replaced with the words: “50,000 to 250,000 denars”, while the words: “economic transgression” shall be replaced with the words: “violation”.

In paragraph 2 the words: “five to ten salaries” shall be replaced with the words: “8,000 to 50,000 denars”, while the words: “economic transgression” shall be replaced with the words: “violation”.

Article 12

In article 41 the words: “two to 30 salaries” shall be replaced with the words: “10,000 to 50,000 denars”.

Article 13

The Minister responsible for urban development and construction shall pass the closer regulations anticipated with this Law within three months following the day of its becoming effective.

Article 14

The day this Law becomes effective the following shall cease to be effective: items 2, 5, 6, 7 and 8 in article 10 of the Law on Sanitation and Health Inspection (Official Gazette of the Republic of Macedonia no. 19/95); the words: “and others” shall be deleted in paragraphs 1 and 3 in article 9, in articles 27, 35, and 36, in items 1 and 2 paragraph 1 of article 166 of the Law on Waters (Official Gazette of the Republic of Macedonia no. 4/98); articles 372 to 376 of the Law on Safety of Traffic on the Roads (Official Gazette of the Republic of Macedonia no. 14/98); article 34 and 77, item 12 paragraph 1 in article 120 of the Law on Public Roads (Official Gazette of the Republic of Macedonia no. 26/96); paragraph 2 in article 41 of the Law on Energy (Official Gazette of the Republic of Macedonia no. 47/97); article 11 of the Law on Protection of Air from Pollution (Official Gazette of SRM no. 20/74); articles 13 to 18, items 4 and 5 paragraph 1 of article 94 and article 97 of the Law on Protection from Fires (Official Gazette of SRM no. 43/86, 37/87, 51/88, 36/90 and Official Gazette of the Republic of Macedonia no. 12/93); articles 10 to 13 of the Law on Protection at Work (Official Gazette of the Republic of Macedonia no. 13/98); paragraph 3 of article 14 of the Law on Protection and Improvement of the Environment and Nature (Official Gazette of the Republic of Macedonia no. 69/96) and articles 20 and 45 of the Law on Protection of Cultural Monuments (Official Gazette of SRM no. 24/73, 42/76 and Official Gazette of the Republic of Macedonia no. 12/93).

Article 15

This Law shall become effective on the eighth day following the date of its publishing in the Official Gazette of the Republic of Macedonia.

~~ARTICLE~~
~~19~~

After reviewing the original text, it has been established that in the Law on Amending and Supplementing the Law on Construction of Investment Buildings (Official Gazette of RM no. 18/99) an error has been made and therefore we give the following

CORRECTION
OF THE LAW ON AMENDING AND SUPPLEMENTING THE LAW ON
CONSTRUCTION OF INVESTMENT BUILDINGS

In article 14 line eight instead of the number “372” the number “371” should stand.

Number 10-1455/2
April 30, 1999
Skopje