

3. "IMPLEMENTATION" OF LAW

According to the Law on Construction of Objects, the **Republic Construction Inspection** has the jurisdiction over construction of objects for which construction and operation permits are issued by the line Ministry, as well as over the objects of significance for the Republic, such as big infrastructure and industrial object, but also all those objects whose space exceeds 100 sq. m and four floors. In addition, the Republic Inspection conducts control in the areas of national parks and the coast.

Municipal construction inspections have the jurisdiction over the objects below 1000 sq. m, and over all those objects for which the construction and operation permits are issued by a competent body of local government.

According to the Law on General Administrative Procedure, the **Administrative Inspection** conducts inspection supervision over work of public bodies and institutions in terms of implementation of regulations, timely decisions on administrative matters and procedure in compliance with rules.

The table below describes the way in which MANS monitored procedures on competent inspections after submitting initiatives for conducting inspection control.

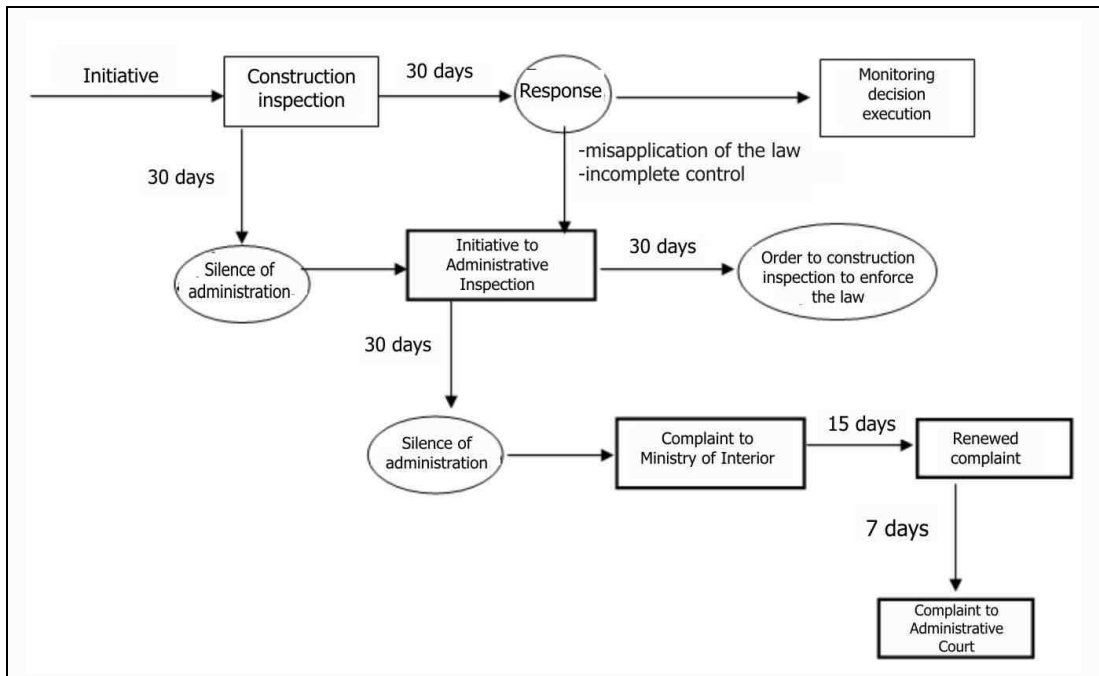


Table of procedure after submitting initiative to the construction inspection

After submitting an initiative, the inspection had the deadline of 30 days to inform us on the measures it had undertaken. In case the response did not arrive within that deadline, MANS would submit an initiative to the Administrative Inspection for silence of the administration. If the response did arrive, MANS would continue to monitor execution of the construction inspection decision. In case the inspection reported missing to conduct the control in a lawful manner, MANS would submit an initiative to the Administrative Inspection in such a case.

After receiving an initiative, the Administrative Inspection is obliged to inform us within 20 days what it has undertaken, i.e. whether it has conducted control of the work of construction inspection. If we do not receive a response from the Administrative Inspection within 30 days, MANS normally lodges a complaint to the line Ministry of Interior for silence of administration which has the deadline of 15 days to inform us about the activities it has undertaken. Upon expiry of that deadline MANS submits a renewed complaint to the line Ministry of Interior which has the obligation to decide on the renewed complaint within 7 days. If the line Ministry does not provide an answer after expiry of the 7 day deadline, there is a possibility for a complaint to the Administrative Court which has to be submitted within 30 days as of the expiry of the deadline for a response to the renewed complaint.

The experience in monitoring the work of republic and municipal construction inspections, but also the Administrative Inspection, show that the procedure of inspection control is often followed by an inadequate and incomplete implementation of law, which is, in most cases, reflected in different application of legal provisions in the same cases, selective application of law, missing to conduct the duty of control, negligent performance of inspection control, disregarding issued decisions and even lack of knowledge about one's own competences.

The next part deals with each of the mentioned problems in conducting inspection control through concrete practice of MANS during monitoring of their work.

3.1. "No one's" competence

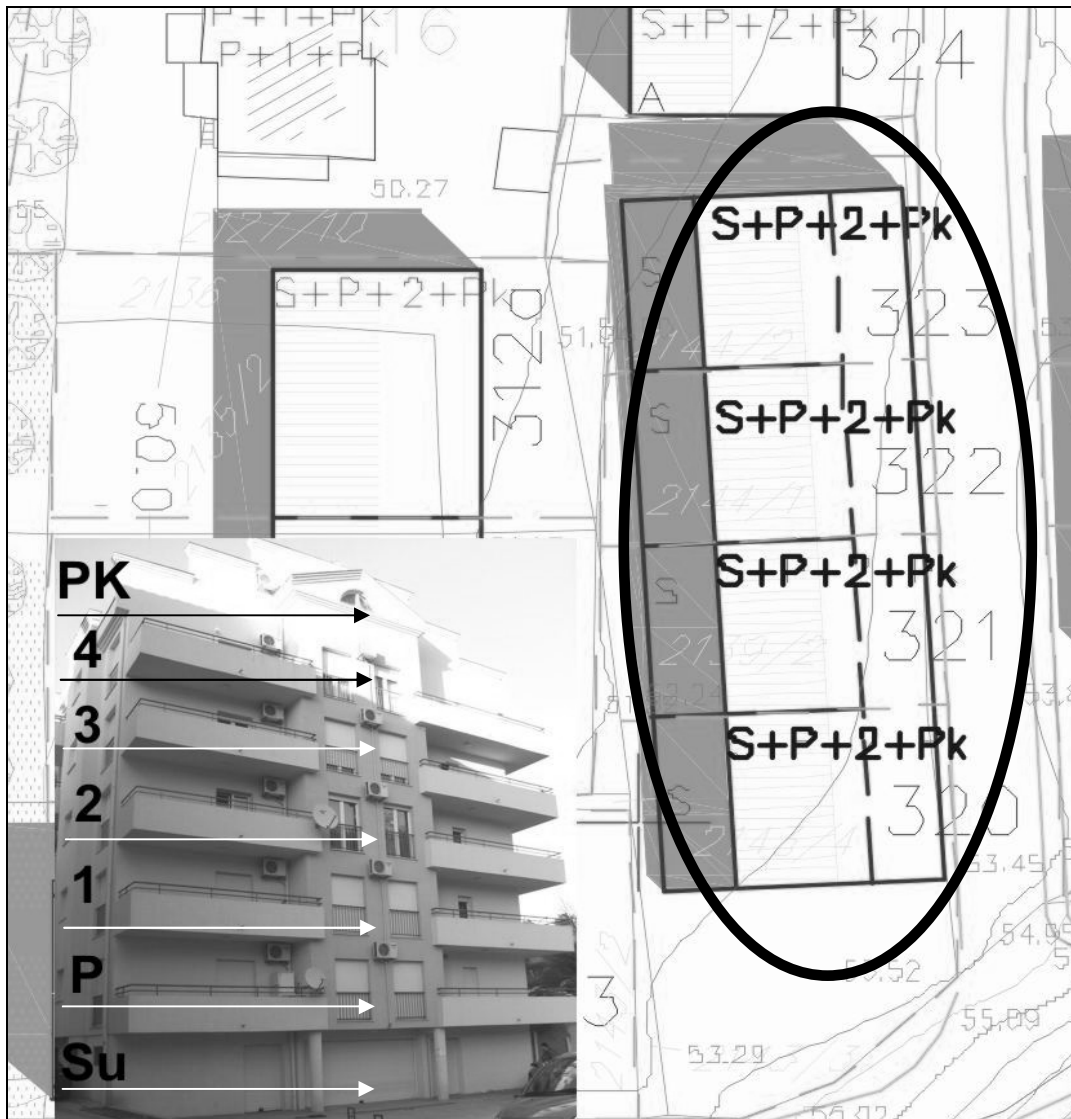
One of the frequent problems that we encountered during the process of submitting initiatives to construction inspections was passing off the competence of conducting inspection control over some objects from one inspection to another. In their responses to a certain number of initiatives, the Republic Construction Inspection declared that it was out of jurisdiction because of the fact that a construction permit for a reported object had been issued by a local government, although upon an insight into the situation in the field it was obvious that the investor had construction an object of more than 1000 sq. m., which is the jurisdiction of the republic inspection that is supposed to act officially and without a submitted initiative. This inspection controls the work of municipal inspections and in this case an omission of the municipal inspection lead to the illegal construction of the object.

Case Study 1 - Detailed town plan Zagoric 1

Comparing the situation in the filed and data from the valid detailed town plan (DTP) Zagoric 1, MANS found out that the company "EVROSTAN Ltd" from Podgorici built a block of flats in the street Velise Mugose with a basement + ground floor + four floors + attic.

DTP Zagoric 1 defines that the number of floors should be basement + ground floor + two floors + attic (see Picture 1), which means that the Company "Evrostan" exceeded the allowed number of floors and built and object with two more floors.

Based on these data, MANS submitted an initiative to the Republic Construction Inspection to carry out inspection control and, on that occasion MANS provided a photograph of the object, as well as a copy of a part of the plan within which the disputed object is located.



Picture 1: Excerpt from the DTP Zagoric 1 within which the object is located and a photograph of the object

Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo za ekonomski razvoj
Broj: 01-968/07-2
Podgorica, 09.02.2007.god.

NVO - M A N S -
BROJ. 1093102
PODGORICA, 16.02.2007

Mreža za afirmaciju nevladinog sektora- MANS

PODGORICA

Bohinjska bb, Stari Aerodrom

PREDMET: Odgovor po inicijativi za sprovođenje mjera od 7.2.2007.god.

Obavještavamo vas, a po vašoj inicijativi za sprovođenje mjera republičke građevinske inspekcije u vezi objekta u ulici Veliše Mugoše u naselju Zagorič u Podgorici, čiju ste nam fotografiju priložili, da za navedeni objekat, investitor « Euro stan» d.o.o. iz Podgorice posjeduje građevinsku dozvol izdatu od strane Opštine Podgorica- Sekretarijat za planiranje i uređenje prostora za izgradnju stambenog objekta u nizu- četiri lamele, horizontalnog gabarita svake lamele od po 12m x 14m, spratnosti Su+ P+ 2 + Pk.

Kako se prema Uredbi o povjeravanju dijela poslova Ministarstva zaštite životne sredine i uređenja prostora lokalnoj samoupravi, poslovi državne uprave iz nadležnosti Ministarstva zaštite životne sredine i uređenja prostora koji se odnose na inspeksijsku kontrolu u oblasti građevinarstva za objekte za koje građevinsku dozvolu izdaju opštinski organi, povjeravaju lokalnoj samoupravi, upućujemo vas da se vašom inicijativom za navedeni objekat obratite građevinskoj inspekciji Opštine Podgorica kao nadležnoj za postupanje u konkretnom slučaju.

INSPEKTOR ZA GRAĐEVINARSTVO



Boška Novković
Boška Novković

Response of the Republic Construction Inspection upon the initiative for inspection control over the "Evrostan" object in Zagoric

In its response, two days after submitting the initiative, the republic inspection informed us that the investor had a permit issued by the Secretariat for Spatial Planning and Development - Municipality of Podgorica for construction of a basement + ground floor + two floors + attic and concluded that in such a situation the jurisdiction over the object belonged to the municipal inspection, disregarding the photographs which testify that the object had more floors than allowed.

After that, MANS send an identical initiative to the construction inspection of the Municipality of Podgorica which has never conducted the control over the disputed object. The procedure with the Administrative Inspection regarding the complaint for silence of administration is still underway.

Case Study 2 - National Park Skadar Lake

Based on the citizen's information, MANS visited a location in the settlement Dodosi within the National Park Skadar Lake, where, according to them, there is an illegally constructed object of the investor Veselin Jankovic.

A visit to the location showed that it is an object with several floors, citizens suspected it had been built illegally.

On the basis of collected information, MANS submitted an initiative to the Republic Inspection for conducting inspection control over the object.

Since the competent inspection did not respond to our initiative within the deadline defined by law, MANS submitted an initiative to the Administrative Inspection.

The Administrative Inspection informed us that the Republic Construction Inspection declared they were out of jurisdiction because the object of control had been built and put into operation before 2000, i.e. before the Spatial Plan for Skadar Lake was adopted and that the inspection took over control of the implementation of the Plan in 2001.

Although it was confirmed that the disputed object was obviously within the Spatial Plan Skadar Lake and that at the moment of submitting the initiative the inspection had the competence to conduct control, as well as that the object had obviously been built contrary to the Plan and without a construction permit, this institution declared itself out of jurisdiction and refused to conduct control of the mentioned investor.



Picture 2: Object of Veselin Jankovic in the settlement Dodosi, Skadar Lake

Republika Crna Gora
Vlada Republike Crne Gore
MINISTARSTVO UNUTRAŠNJIH POSLOVA
I JAVNE UPRAVE
Broj: 051-2618
Podgorica, 23.03.2007.godine

NVO - M A N S -
BROJ: 1929/04
PODGORICA, 12.04.2007

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA – MANS-a

PODGORICA
Bohinska b.b.

U skladu sa članom 13 tačka 1 stav 1 Zakona o inspeksijskom nadzoru ("Sl.list RCG", br.39/03), obavještavamo vas da smo po vašoj inicijativi br.1707/02 od 21.02.2007.godine, zatražili od Ministarstva za ekonomski razvoj obavještenje da li je Republička građevinska inspekcija razmatrala vašu inicijativu za pokretanje postupka inspeksijskog nadzora nad zakonitošću izgradnje stambenog objekta investitora Veselina Jankovića u mjestu Dodoši u zoni Nacionalnog parka "Skadarsko jezero", te da li vas je kao podnosioca inicijative o tome obavijestila.

S tim u vezi, Ministarstvo za ekonomski razvoj, aktom br.01-1746/07-2 od 19.03.2007.godine, obavijestilo nas je da je republički građevinski inspektor konstatovao, kako stoji u predmetnom aktu, da je objekat koji je predmet prijave u naselju Dodoši građevinski završen i priveden namjeni u periodu do 2000.godine, odnosno prije donošenja prostornog plana posebne namjene za NP "Skadarsko jezero" (Sl.list RCG", br.46/01). Dalje navode da, shodno citiranom zakonu Republički organ uprave nadležan za poslove uređenja prostora od 2001.godine, vrši nadzorom nad primjenom i staranjem o sprovođenju prostornog plana "Skadarsko jezero".

Uz predmetno obavještenje dostavili su nam i kopiju akta br.01-283/07-2 od 21.03.2007.godine, kojim vas obavještavaju povodom inicijative koju ste im dostavili.

UPRAVNI INSPERKTOR II,
Veljka Raspopović

Odgovor Upravne inspekcije

3.2. Selective application of law

Within monitoring of the actions of competent inspections upon the submitted initiatives, MANS recorded a frequent phenomenon of selection application of laws and competences of inspections. Selective approach was reflected in the practice that the inspectors gave a different legal treatment to the objects illegally constructed on the same location, as well as that they used different competences for the same type of violation of law.

Case Study 3 - Javorovaca



Picture 3: Javorovača Complex at Žabljak

After the report of citizens that there is a large number of illegally constructed objects - summer houses at the edge of the National Park Durmitor, in the settlement Javorovaca at Zabljak, MANS submitted an initiative to the competent inspection and reported on several unknown investors of the mentioned objects.

The reported objects are on the same location and with their position make a unique complex of individual small houses for holidays and none of them has a construction permit.

In its response, the competent inspection identified owners of the objects and informed us that proceedings had been conducted against some investors. It adopted the decision on pulling down the objects. For some other investors of objects in the same line of houses no procedure had been initiated for illegal construction, which points to a selective application of law by this institution.

Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo zaštite životne sredine
i uređenja prostora
broj: 07-4784/06-2
Podgorica 28.12. 2006.god.

NVO-MANS-
Bohinjska bb. Stari aerodrom
PODGORICA

PREDMET: Odgovor na inicijativu br.07-4784/06
od 19.12.2006.god.

Po dobijanju vaše inicijative za sprovođenje mejra iz nadležnosti Republičke građevinske inspekcije, Republički građevinski inspektor Ministarstva zaštite životne sredine i uređenja prostora izašao je na lice mjesta zajedno sa građevinskim inspektorom Opštine Žabljak, i predstavnikom N.P. "Durmitor" i konstatovao sledeće:

Objekti sa fotografije Javorovača kompleks1. se nalaze van granica N.P. "Durmitor". Investitori objekata su Prelević Žarko, Vidić Željko, Nilević Špiro i Milačić Migo. Za objekte je nadležna građevinska inspekcija Opštine Žabljak koja je donijela sledeće:

Prelević Žarko rješenje o zabrani radova br. 363/02-04-UPI-601 od 3.10.2002.god. rješenje o rušenju br. 363/02-04-UPI-684 od 7.11.2002.god. i zaključak o dozvoli izvršenja br. 363/02-04-UPI-684 od 3.12.2002.god.

Vidić Željko rješenje o zabrani radova br. 363/02-04-UPI-600 od 3.10.2002.god. rješenje o rušenju br. 363/02-04-UPI-683 od 7.11.2002.god. i zaključak o dozvoli izvršenja br. 363/02-04-UPI-683 od 19.02.2003.god.

Za Nelević Špira i Milačić Miga nisu vođeni upravni postupci zbog bespravne gradnje.

REPUBLIČKI INSPEKTOR
ZA GRAĐEVINARSTVO
Unković Dragan dipl.ing.grad



Response of the Republic Construction Inspection

3.3. Incomplete application of statutory competences of inspectors

According to law, in the procedure of inspection control, inspector is obliged to undertake administrative measures and actions when he/she established that activities of the subject of control violate law or a regulation, including order to ban the construction or construction works, order pulling down or removal of the objects whose construction started illegally or which was already constructed, impose a fine and submit a request for initiating a delictual action or file a criminal complaint.¹

Case Study 4 - Construction and operation permits

Using the Law on Free Access to Information, MANS asked the Ministry of Environment and Spatial Planning to provide data on issued construction and operation permits for several residential-business buildings within DTP Momišići A - Zone II.

The information obtained from the Ministry confirmed that the objects of the companies "Celebic" and "Kroling", as well as the object of the investor Tomislav Boricic from Podgorica did not have operation permits, although they had been completed and housed long ago, while the object of the Company "SI-ING" had neither construction nor operation permit.

Based on that information, MAND submitted initiatives to the Republic Construction Inspection at the beginning of September 2006 and it reacted only after the intervention of the Administrative Inspection and conducted inspection control.



Picture 4: "Celebic" building



Picture 5: "Kroling" building

Obavještavam vas da je Republička građevinska inspekcija po inicijativi Upravne inspekcije za vršenje inspeksijskog nadzora izvršila inspeksijski nadzor na poslovno-stambenom objektu investitora "Čelebić" d.o.o. u ul.18.jula u Momišićima i sačinila zapisnik od dana 28.11.2006.godine.

Dana 29.11.2006.godine donijeto je rješenje br. 0702-060/06-329 kojim se nalaže investitoru da podnese zahtjev za tehnički pregled i izdavanje upotrebne dozvole za pomenuti objekat.

INSPEKTOR ZA GRAĐEVINARSTVO

Suzana Lačković,dipl.ing.grad.

Obavještavam vas da je Republička građevinska inspekcija po inicijativi Upravne inspekcije za vršenje inspeksijskog nadzora izvršila inspeksijski nadzor na poslovno-stambenom objektu investitora "Kroling" d.o.o u zahvatu DUP-a "Momišići A"-zona II i sačinila zapisnik od dana 28.11.2006.godine.

Dana 29.11.2006.godine donijeto je rješenje br. 0702-060/06-330 kojim se nalaže investitoru da podnese zahtjev za tehnički pregled i izdavanje upotrebne dozvole za pomenuti objekat.

INSPEKTOR ZA GRAĐEVINARSTVO

Suzana Lačković,dipl.ing.grad.

¹ Law on Inspection Control, Articles 15 an 16



Picture 6: Building of the investor Boričić



Picture 7: "SI-ING" building

Obavještavamo vas da je Republička građevinska inspekcija po inicijativi Upravne inspekcije za vršenje inspeksijskog nadzora izvršila inspeksijski nadzor na poslovno-stambenom objektu investitora Tomislava Boričića u zahvatu DUP-a "Momišići A"-zona II i sačinila zapisnik od dana 28.11.2006.godine

Dana 29.11.2006.godine donijeto je rješenje br. 0702-060/06-328 kojim se nalaže investitoru da podnese zahtjev za tehnički pregled i izdavanje upotrebne dozvole za pomenuti objekat.

INSPEKTOR ZA GRADEVINARSTVO

Suzana Lačković, dipl.ing.građ.

Suzana Lačković

Obavještavamo vas da je Republička građevinska inspekcija po inicijativi Upravne inspekcije za vršenje inspeksijskog nadzora izvršila inspeksijski nadzor na poslovno-stambenom objektu investitora "SI-ING"d.o.o. u DUP-u "Momišići A-zona II" u Podgorici i sačinila zapisnik od dana 29.11.2006.godine

Dana 01.12.2006.godine donijeto je rješenje br. 0702-060/06-338 kojim se nalaže investitoru da podnese zahtjev za dobijanje građevinske dozvole za pomenuti objekat.

INSPEKTOR ZA GRADEVINARSTVO

Suzana Lačković, dipl.ing.građ.

Suzana Lačković

The inspection control showed that the disputed objects (Pictures 4, 5 and 6) did not have valid operation permits, although they were used, and that the object of the Company "SI-ING" (Picture 7) had neither construction nor operation permit.

Despite the fact that the mentioned investors violated the Law on Construction of Objects², the inspector who conducted control did not fully use his authorities or carried out any administrative action against them. For the purpose of removing irregularities, the inspector referred them to the line Ministry for the purpose of obtaining construction and operation permits for their objects.

Such a conduct of competent institutions, whose inactivity lead to the situation that the illegal objects were constructed and housed, encourages investors, makes the inspection control senseless and makes it function for the interests of investors, and not the public interest regarding protection from illegal construction and devastation of space (more details in part 4.1 Criminal Complaints)

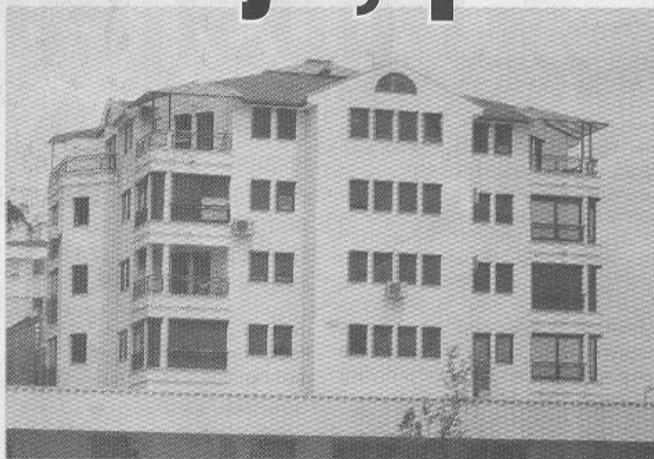
² Article 64: "The company or another legal person which is an investor and builds and object shall be imposed a fine in the amount of three-hundred-fold minimal salary in the Republic if... they commence construction of an object without construction permit... start using the object without operation permit..."

Legalizacija, po kazni

I pored obaveze da obavlja kontinuirani inspekcijski nadzor republički građevinski inspektor Suzana Lačković je investitoru bez građevinske dozvole omogućila da dovrši stambeno-poslovno zdanje, a zatim ga uredno uputila da divlju gradnju legalizuje

Ovlašćenja i obaveze republičkih građevinskih inspektora su precizno definisani Zakonom o inspekcijskom nadzoru. «U postupku nadzora inspektor je obavezan da preduzme upravne mjere i radnje kada se utvrdi da je činjenjem subjekta povrijeđen zakon ili drugi propis, da naredi obustavu gradnje, odnosno izvođenje radova, naredi rušenje, uklanjanje bespravno započetog ili podignutog objekta, izrekne novčane kazne, kao i da podnese zahtjev za pokretanje prekršajnog postupka ili krivičnu prijavu».

NEČINJENJE: Pored čitave lepeze mogućnosti **Suzana Lačković**, republički inspektor za građevinarstvo, izabrala je da graditelje četiri objekta koji su bili pod njenim nadzorom, a koji nemaju zakonsku dokumentaciju, ukori jedino savjetom da tu papirologiju pribave. I to tek nakon inicijative



ZGRADE NIČU I BEZ GRAĐEVINSKE DOZVOLE: Nelegalni objekat investitora Ivana Suiha već je useljen

MANS-a, koji sada sprema krivičnu prijavu protiv inspektorice koja se sumnjiči za neobavljanje nadzora i nesavjestan rad u službi.

Svi sporni objekti nalaze se u zahvatu istog detaljnog urbanističkog plana Momišići A – zona 2 i davno su useljeni. Uprkos činjenici da je nakon inicijative MANS-a da se provjeri dokumentacija investitora, utvrđeno da ta poslovno-stambena

zdanja nijesu prošla tehnički pregled i nemaju upotrebnu dozvolu, dok za jedan objekat čak nije pribavljena ni građevinska dozvola.

Izvođač i investitor zgrade bez građevinske dozvole, koja se nalazi na obali Morače preko puta Pet udovica, je firma *SI-ING d.o.o.*, čiji je vlasnik **Ivan Suih**. Iako je inspektorica Suzana Lačković od kada je započeta gradnja, po zakonu bila dužna da obavlja kontinuirani inspekcijski nadzor, do podatka da zgrada nema dozvolu navodno je došla tek godinama nakon što je useljena i pošto je MANS od nje eksplicitno zatražio da to provjeri. Čak ni tada nije postupila u okviru svojih zakonskih obaveza i ovlašćenja.

«Dana 01.12.2006 godine donijeto je rješenje kojim se nalaže investitoru da podnese zahtjev za dobijanje građevinske dozvole», odgovorila je dopisom Lačković nakon obavljene

Širom Podgorice niču zgrade bez upotrebne dozvole. Iako je obaveza inspektora da novčano kazne investitore koji nijesu obavili tehnički pregled i protiv njih pokrene upravni postupak, Suzana Lačković je i pred tim propustima zatvarala oči

inspekcije.

UPUTSTVO: Dakle, Suzana Lačković ne samo da je propustila godine nadzora da spriječi podizanje objekta bez građevinske dozvole – naredbom da se gradnja obustavi ili sazidano sruši – već je nakon što je konačno konstatovala povredu zakona, investitora uputila da legalizuje divlji poduhvat.

Član 64. Zakona o izgradnji objekata i u ovoj situaciji nalaže sasvim drugu proceduru: «Novčanom kaznom u visini tristastrukog iznosa minimalne zarade u republici, kazniće se za prekršaj preduzeće ili drugo pravno lice koje je investitor i gradi objekat, ako pristupi građenju objekta bez građevinske dozvole ili otpočne sa korišćenjem objekta bez upotrebne dozvole».

Predviđena sankcija od oko 15 hiljada eura i nije neko obeshrabrenje za ljude koji bez dozvole ulaze u milionske poslovne poduhvate. Dramatično je, međutim, saznanje da uspešno izbjegavaju i te sitne udarce po prstima. Suzana Lačković je divljeg neimara samo ljubazno uputila na šalter nadležnog ministarstva. Baš kao i ostala tri investitora u istom reonu, iako je sama konstatovala da su njihovi objekti useljeni bez upotrebne dozvole. Investitori tih zgrada, od kojih se dvije nalaze takode naspram Pet solitera su firma *Kroling* i biznismen **Tomislav Boričić**, dok je treću zgradu u prvom komšiluku Osnovnog suda podigao **Tomislav Čelebić**. U toj zgradi pored mnoštva poslovnih prostora nalazi se i ambasada Republike Slovenije.

Ista pjesma. Umjesto da kazni investitore Suzana Lačković je tokom 2006. donijela rješenja identična prethodnom «nalaže se investitoru da podnese zahtjev za tehnički pregled i izdavanje upotrebne dozvole za pomenuti objekat».

«Ovakvo ponašanje nadležnih inspekcija čija pasivnost omogućava izgradnju i useljenje nelegalnih objekata, obesmišljava inspekcijski nadzor i stimulatívno djeluje na divlje investitore», kaže **Dejan Milovac** iz MANS-a koji sastavlja krivičnu prijavu protiv neažurne inspektorice.

AMBASADA SLOVENIJE U ZGRADI BEZ UPOTREBNE DOZVOLE: Poslovno-stambeni objekat Tomislava Čelebića u Momišićima



KOINCIDENCIJA: Suzana Lačković obavljala je nadzor i nad objektom u Budvi u kome ima udjela i gradonačelnik **Rajko Kuljača**. O tom slučaju *Monitor* je već pisao. Podsjetimo, 2000. grupa investitora, među kojima je i tadašnji načelnik OB

Budva Rajko Kuljača, dobija dozvolu za gradnju stambeno-poslovnog objekta od 1512 kvadrata - dva suterena, prizemlje, tri sprata i potkrovlje.

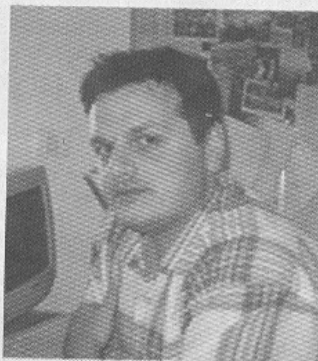
Nakon što je zgrada završena ispostavilo se da ima cio sprat viška. Precizno 458 kvadratnih metara. Objekat je, ipak, dobio privremenu upotrebnu dozvolu, uz odobrenje opštinske Komisije da i taj sprat naknadno bude uklopljen u DUP-a Bečići. Iako se ta dozvola po zakonu daje samo infrastrukturnim objektima, čiji se kvalitet i funkcionalnost moraju provjeriti u postupku korišćenja. Kuljača je u međuvremenu postao gradonačelnik Budve, a zgrada i sa privremenom upotrebnom dozvolom funkcioniše bez problema.

Inspektorica Suzana Lačković nije bila dostupna do zaključenja ovog broja *Monitora*. Njena koleginica u Republičkoj građevinskoj inspekciji nam je kazala da je na terenu i da će joj prenijeti našu poruku, ali taj poziv nijesmo primili.

Pojedini republički građevinski i urbanistički inspektori su, kako je saopšteno, za učinak od jula do novembra prošle godine od Vlade nagrađeni sa po nekoliko hiljada eura. Valjda koverta nije zaobišla ni Suzanu Lačković.

Petar KOMNENIĆ

DEJAN MILOVAC: «Nemar nadležnih inspekcija čija pasivnost omogućava izgradnju i useljenje nelegalnih objekata, obesmišljava inspekcijski nadzor i stimulatívno djeluje na divlje investitore»



Case Study 5 - Illegal building of the Mayor of Budva

After an information obtained from citizens, MANS submitted an initiative to the Republic Construction Inspection on October 20, 2006, asking for inspection control over a residential-businesses object owned by the Mayor of Budva, Rajko Kuljaca, based on a doubt that the objects did not have construction and operation permit.



Picture 8: Object owned by Mayor of Budva, Rajko Kuljaca and co-investors

The Republic Construction Inspection visited the location and established that the object was owned by co-investors Rajko Kuljaca, Private Company "Grading" from Budva, Mihailo Kapisoda and Dragan Kovacevic, as well as that it had a sub-basement + basement + ground floor + four floors + attic. It was also concluded that during the construction of the object the investors exceeded the planned number of floors, i.e. that they added one more floor.

Instead of fully using its authorities, the construction inspector concluded that the investors paid for the services required for the additional floor and that they contacted the municipal Commission for the possibility of its inclusion into the future revision of DTP Becici.

1
Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo zaštite životne sredine
i uređenja prostora
Broj: 0702-4122/06-2
Podgorica, 17.11.2006.god.

NVO - M A N S -
BROJ, 1303/11
PODGORICA, 21.11.2006.

**Mreža za afirmaciju nevladinog sektora- MANS
Stari Aerodrom, Bohinjska bb**

Podgorica

PREDMET: odgovor na inicijativu za sprovođenje mjera vaš br.4122/06 od 23.10.2006.god.

Obavještavamo vas da je Republička građevinska inspekcija izvršila inspekcijski nadzor i konstatovala da su na lokaciji Klimovo brdo Opština Budva, Kuljača Rajko, PP "Grading" iz Budve, Mihailo Kapisoda i Kovačević Dragan kao suinvestitori izgradili objekat spratnosti S1+S2+P+4+Pk. Investitori su tokom izgradnje objekta odstupili u smislu prekoračenja spratnosti za jednu etažu. Za prekoračenu etažu investitori su akontativno izmirili komunalije i pribavili privremenu upotrebnu dozvolu za objekat. Imenovani se obratio Komisiji o mogućnosti uklapanja bespravo izgrađene etaže, kroz reviziju DUP-a, Opštine Budva.

**REPUBLIČKI INSPEKTOR
ZA GRAĐEVINARSTVO**

Suzana Lačković, dipl.ing. građ.



The information that the Mayor of the Municipality of Budva, Rajko Kuljaca, contacted the municipal Commission as an investor for a possible inclusion of his object in DTP is an obvious example of conflict of interest, because it is him, as an executive body who is in charge of forming expert working bodied on the local level, including the Commission for revision of a plan, in compliance with the Law on Spatial Planning and Development, the Law on Local Government and the Statue of the Municipality of Budva.

In addition, the construction inspector neglected the fact that the "temporary operation permit", issued by a body of local government, cannot be a basis for the operation of the object which, by its square measure, belongs to the jurisdiction of the republic bodies, both in terms of the necessary permits and inspection control.

According to the Law on Construction of Objects, the competence of issuing a construction permit for objects more than 1000 sq. m and with more than four floors above the ground belongs to the Ministry (Article 32). The same Law does not recognise the term "temporary operation permit", but precisely mentions that "*construction of an object may start upon previously obtained operation permit issued by the body competent for issuing construction licence as well*" (Article 51 of the Law on Construction of Objects), which, in the case of this object, is the Ministry, not the Municipality of Budva.

Due to inappropriate application of authorities, MANS submitted an initiative to the Administrative Inspection of the Ministry of Justice, asking for a review of work of the republic inspector Suzana Lackovic and filed a criminal complaint for the abuse of office (more details in part 4.1 Criminal Complaints).

3.4. Absence of inspection control

In most cases, negligent conducting of inspection control reflected in a total absence of control, but also in an intentional neglect of obvious facts that point to violation of law by investors.

Case Study 6 - Illegal construction in the National Park Skadar Lake

During November and December 2006, MANS submitted 13 initiatives to the Republic Construction Inspection for inspection control over illegally constructed objects at the territory of the National Park Skadarsko jezero. The mentioned initiatives refer to the objects built in the places Ponari, Dodosi, Karuc, Zabljak Crnojevica and Velja Bobija.

Construction of objects in the areas of national parks is very restrictive³ since the law specifically prohibits any construction works that can influence water and soil.



³ The Law on National Parks, Articles 19 and 22



Picture 9: Objects built in the area of Skadar Lake

After taking photographs of the objects, MANS used the Law on Free Access to Information to ask the competent institutions to provide information on the legal status of disputed objects, i.e. whether all the documents defined by law were provided for the objects⁴. Since the institutions did not provide the information within the time frame defined by law MANS submitted initiatives for inspection control over the disputed objects to the Republic Construction Inspection.

All the objects, which the initiatives referred to, belong to individual houses, except two cases of business objects. The objects were made of solid materials and were mainly located in the area of Skadar Lake, although there are also objects grouped into settlements.

Apart from the construction of objects, we have recorded serious devastation of certain areas of the Skadar Lake, through stockpiling of gravel and construction of access roads to the restaurants in the Lake area, which can be related to a growing interest of investors for exploitation of the Karuc Bay area for business and tourism purposes.

Out of 13 responses provided by the Republic Construction Inspection, 7 responses referred to the objects that had already been dealt with or were in the procedure, while in the remaining 6 responses, i.e. in almost 50% of the cases, the inspection had not done anything from the scope of their competences, with the explanation that the borders of the National Park were not defined or marked in the field, so that the inspector could not establish with certainty whether the object was in the area of the National Park Skadar Lake.⁵

The above-mentioned claims point to the conclusion that inspection control within the National Park Skadarsko jezero does not exist at all and explains the fact that the investors of most reported objects could start and complete the construction of their illegal objects without any obstacles.

⁴ In addition to the construction permit, investors who have an intention to build within the areas of national parks are obliged to provide an opinion of the public company that manages the national park, the Law on National Parks, Article 22, paragraph 3.

⁵ When objects are located outside the national park borders, the jurisdiction over the control belongs to the municipal construction inspections, while the Republic Construction Inspection is obliged to know the scope of its competences.

Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo zaštite životne sredine
i uređenja prostora
Broj: 0702-4640/06-2
Podgorica, 20.12.2006.god.

NVO - MANS -
BROJ. 1471/12
PODGORICA, 27.12.2006.

Mreža za afirmaciju nevladinog sektora-MANS

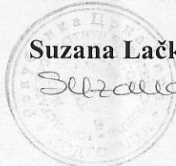
**Bohinjska bb
PODGORICA**

PREDMET: Odgovor na inicijativu za sprovođenje mjera iz nadležnosti republičke inspekcije za građevinarstvo (vaš br. 1354/12 od 04.12.2006.god.)

Izlaskom na teren i obilaskom naselja Ponari utvrđeno je da na terenu nisu definisane i obilježene granice NP "Skadarsko jezero" pa inspektor nije mogao sa sigurnošću utvrditi da li se objekat koji navodite u inicijativi nalazi u zoni NP. Stoga smo uputili dopis sa fotografijom objekta NP "Skadarsko jezero" da njihova služba utvrdi da li se predmetni objekat nalazi u zoni NP "Skadarsko jezero" i da nas obavijeste o istom. Nakon dobijanja povratne informacije preduzeće se dalje mjere iz nadležnosti iz ove inspekcije ukoliko to bude potrebno.

INSPEKTOR ZA GRAĐEVINARSTVO

Suzana Lačković, dipl. građ. ing.



Response of the Republic Construction Inspection

Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo zaštite životne sredine
i uređenja prostora
Broj: 0702-4638/06 -2
Podgorica, 29.12.2006.god.

NVO - MANS -
BROJ: 1498/01
PODGORICA, 11.01.2007.

Mreža za afirmaciju nevladinog sektora- MANS

Stari Aerodrom, Bohinjska bb

Podgorica

PREDMET: odgovor na inicijativu za sprovođenje mjera (vaš broj 1355/12 od 04.12.2006.god.

Obavještavamo vas da Republička građevinska inspekcija nije izvršila inspeksijski pregled na lokaciji Karučki zaliv u NP „Skadarsko jezero“ ,jer je obilazila teren kopnenim putem a do pomenutog objekta pristup je moguć vodenim putem.

Zbog loših vremenski uslovi (kiša,vjetar) pregled će se izvršiti naknadno o čemu ćemo vas obavijestiti pismeno.

REPUBLIČKI INSPEKTOR
ZA GRAĐEVINARSTVO

Suzana Lačković, dipl.ing.građ.

Suzana Lačković

Response of the Republic Construction Inspection

Bad weather conditions and the fact that the object of inspection are located in places that can be reached only by boat are not recognized in the Law on Inspection Control as reasoning for missing to conduct inspection control. The Law does not leave the possibility to be implemented only in favourable weather conditions or over objects that are accessible only by road.

In a certain number of cases, the Republic Construction Inspection explained that the reason for its omission to act was the fact that the reported objects are located in places that can be reached only by boat.

Also, one of the reasoning for not conducting inspection control are unfavourable weather conditions at the moment of getting the initiatives, as well as the remark that the inspection control will be conducted at a later stage.

Although more than a month passed from the moment of getting such a response and two months from the time of submitting the initiatives, the Republic Construction Inspection has still not informed us about the activities undertaken and whether any inspection control of the reported objects has been conducted at all.

The fact that the Republic Construction Inspection is not fully informed about its territorial jurisdiction, as well as a large number of almost fully constructed illegal objects at the territory of the National Park lead us to conclude that the inspection control and monitoring of the situation in this area have been carried out negligently and unprofessionally, which enabled numerous investors to violate laws and regulations without obstacles for a long time.

Continuation of this practice in the implementation of laws and inadequate and incomplete application of legal authorities of the Republic Construction Inspection will lead in the long run to a complete devastation of the Skadar Lake area as a zone that is under special protection of laws and international instruments that Montenegro signed.

DRUŠTVO
DIVLJA GRADNJA NA SKADARSKOM JEZERU

Putevi i stranputice građevinske inspekcije

VIŠESPRATNICE U ZAŠTIČENOJ ZONI: Sazidani spratovi

Dok nacionalnim parkom niču višespratnice nalik onima po primorju Republička građevinska inspekcija tvrdi da ne zna tačno granice nacionalnog parka. A i inspektorima se kao barijera do nelegalnih graditelja znaju ispriječiti kiša i vjetar



Kuća za odmor u prirodi, daleko od gradske vreve, svuda u svijetu je stvar prestiža. No, u Crnoj Gori se otišlo korak dalje pa je vikendica statusni simbol tek ako je usred zaštićene zone u kojoj je strogo ograničena gradnja. U nacionalnom parku! Skadarsko jezero i njegova okolina ostali su zaštićeni samo na papiru pa umjesto da budu oaza očuvanih biljnih i životinjskih vrsta, da u pejzažu uživaju zaljubljenici u prirodu, postalo je plodno tle za divlju gradnju.

BUDVA NA JEZERU: Tik uz samo jezero već više od deceniju niču građevine. Samo kod vodoizvorišta Kanj od 1991. godine kada je to mjesto proglašeno za zaštićenu zonu zbog izvora pitke vode - izniklo je 20 divljih objekata. A ima ih širom nacionalnog parka. Neimari su redali spratove, slagali terase sa pogledom na jezero. Većina divlje sagrađenih kuća za odmor ima po dva, čak i tri sprata. I prpratne objekte. Da se nade... Sem što su im temelji udareni u zaštićenoj zoni nacionalnog parka njihovi graditelji nisu čak ni poželjeli da ih prilagode krajoliku. One arhitekturom podsjećaju na kućerde ponikle izviše Budve i Svetog Stefana. Odudaraju od kamenih kućeraka kakvi su vjekovima građeni na obalama jezera.

Nadležna inspekcija nije graditeljima visila za vratom pa su na miru udvostručavali nelegalne kvadrate.

SRUŠILI TERASU I SPRAT, OSTALE TRI ETAŽE: Kuća usred nacionalnog parka

Nelegalni putari

Na Skadarskom jezeru se, sem nelegalnih kuća, probijaju i putevi bez dozvole nadležnih. Tako je nedavno u Karučkom zalivu bagerom zasiječen dubok ožijak na obližnjem brdu. Nelegalni putar je angažovao mašine da probiju put do jezera kako bi se napravio izlaz do vode i plaže.

Nakon što su mještani prijavili da je put probijen stiglo je rješenje koje potpisuje republički ekološki inspektor i prema kojem je investitor **Gojko Janković** započeo radove bez prethodno pribavljene dozvole neophodne u zoni nacionalnog parka. Jankoviću je naloženo da sanira teren. No, zasjek u brdu teško da može iko izliječiti sem priroda.

MANS je intervenisao kod Republičke građevinske inspekcije i zbog izgradnje pristupnog puta koji vodi do restorana u Dodošima. Inspekcija je, ovoga puta, bila nemoćna. Nije mogla da utvrdi da li je put nelegalno nasut ili ne jer je "kota jezera veća od kote puta koji je predmet prijave (put je pod vodom) pa inspekcija nije mogla izvršiti pregled na valjan način".

INICIJATIVA BEZ ODJEKA:

Tokom novembra i decembra 2006. godine Mreža za afirmaciju nevladinog sektora (MANS) je Republičkoj inspekciji za građevinarstvo podnijela 13 inicijativa za inspeksijski nadzor nad nelegalno izgrađenim objektima na području NP *Skadarsko jezero*. Sve u mjestima idilične ljepote Ponari, Karuč, Žabljak Crnojevića, Dodoši i Velja Bobija.

Pored jedanaest kuća za koje je MANS utvrdio da su u zoni nacionalnog parka tu su i dva poslovna objekta. "Objekti su čvrste gradnje i većinom su građeni u priobalnoj zoni Skadarskog jezera", konstatuju u MANS-u.

Od pristiglih 13 odgovora iz Re-

Tik uz jezero iznikle su brojne građevine. Sem što su im temelji udareni u zaštićenoj zoni nacionalnog parka njihovi graditelji nisu čak ni poželjeli da ih prilagode krajoliku. One arhitekturom podsjećaju na kućerke ponikle izviše Budve i Svetog Stefana. Na dva, tri sprata. Po svemu odudaraju od kamenih kućeraka kakvi su u vjekovima građeni na obalama Skadarskog jezera



DO RESTORANA VALJA I PUT NASUTI: Ugotiteljski objekat u Dodošima

Republička inspekcija nije izvršila inspeksijski pregled na lokaciji Karučki zaliv u NP *Skadarsko jezero* jer je obilazila teren kopnenim putem a do pomenutog objekta pristup je moguć vodenim putem. Zbog loših vremenskih uslova (kiša, vjetar) pregled će se izvršiti naknadno o čemu ćemo vas pismeno obavijestiti", obećali su inspektori.

U MANS-u tvrde da se, i pored date riječi, iz inspekcije više nisu javljali. "Iako je od momenta dobijanja ovog odgovora prošlo nekoliko mjeseci iz inspekcije nas još nisu informisali o tome šta je preduzeto i da li je uopšte izvršen nadzor", kaže Milovac. Objašnjava kako loši vremenski uslovi nisu prepoznati u Zakonu o inspeksijskom nadzoru kao razlozi za izostanak nadzora niti postoji mogućnost da se



INSPEKTORI NISU SIGURNI DA LI JE U NACIONALNOM PARKU: Kuća u Ponarima

nadzor obavlja samo vedrim i suvim danima, i to samo na objektima do kojih se može doći kopnom.

Inspektorica **Suzana Lačković** koja je potpisala većinu odgovora na MANS-ove inicijative nije, do zaključčenja ovog broja *Monitora*, bila dostupna. Njena koleginica u inspekciji obavijestila nas je da je na terenu te da će joj prenijeti poruku i kontakt telefone. Ali poziva nije bilo. "Imajući u vidu ubrzanu raspodaju atraktivnih lokacija na jezeru i veliko interesovanje investitora, građevinska inspekcija sa ovim tempom rada ne predstavlja prepreku za potpunu devastaciju nacionalnog parka", upozorava Milovac.

SRUŠILI SPRAT, OSTALA TRI:

U međuvremenu je otopilo i kiše su stale pa je inspekcija uoči prvomajskih praznika, konačno, uspjela prodrijeti do tri nelegalno sagrađena objekta na jezeru.

Na sajtu Ministarstva za ekonomski razvoj, u okviru kojeg radi Republička inspekcija, pojavila se i vijest da su u zoni NP *Skadarsko jezero*, u selu Dodoši, zapečitali jedan objekat čiji je investitor i pored rješenja o zabrani radova nastavio sa zidanjem. Na drugom objektu, takode u nacionalnom parku, nisu imali sreće jer im vlasnik nije dao da pridu gradilištu.

Na trećem "Republička inspekcija za građevinarstvo, pristupila je primjeni rješenja o rušenju objekta u rekonstrukciji, na lokaciji Bazagur u zoni NP *Skadarsko jezero*, čiji je investitor **Dragojević Radomir**. Porušeni su stubovi i ploča terase, kao i zidovi bespravno započete četvrte etaže".

Čovjeku su sada, kada mu je porušena započeta četvrta, ostale samo one prethodno podignute – tri sa pogledom na jezero.

Moglo bi se desiti da se graditeljima prekrate muke i da nosagrađene kuće budu van zone nacionalnog parka. Jer zakonodavstvo EU ne poznaje praksu da se u okviru nacionalnog parka grade zgrade i prave putevi. Višespratnice će ostati ali bi se mogla zato suziti zona nacionalnog parka.

Marijana BOJANIĆ

3.5. Enforcement of the issued decisions of inspection bodies

Case Study 7 - Company "Cijevna Komerc"

At the beginning of October 2006, after information obtained from citizens, MANS found that the Podgorica Company "Cijevna Komerc Ltd" had built an access road for exploitation of gravel and sand within the National Park Skadarsko jezero.



Picture 10: Illegally constructed access road



Picture 11: Truck of the Company "Cijevna Komerc"

On that occasion, MANS found trucks of the Company "Cijevna Komerc" at the mentioned location, which were using the constructed road for transport of sand. In addition, there were other construction machines and a certain quantity of stockpiled materials on this location.⁶

We contacted the Ministry of Environment and Spatial Planning in order to provide the information whether the mentioned institution had issued a permit to the Company "Cijevna Komerc" for the construction work on the access road.

Although the response of the Ministry was negative, MANS submitted an initiative to the Republic Construction Inspection for starting inspection control over the construction of the access road by the Company "Cijevna Komerc".

The Construction Inspection informed MANS on October 25 that the Company "Cijevna Komerc" did not have the necessary permits for the construction of the access road and that it had issued a decision to bring the location back into the original state. In addition, delictual procedure was initiated against the company and the investor for illegal construction.

⁶ More photographs about this case can be found on this address:
http://www.urbanizam.info/CK/cijevna_komerc.htm

Republika Crna Gora
VLADA REPUBLIKE CRNE GORE
Ministarstvo zaštite životne sredine
i uredjenja prostora
Broj: 0702-4121/06-2
Podgorica, 25.10.2006. god.

NVO - M A N S
BROJ. 1244/10
PODGORICA 30.10.2006.

Mreža za afirmaciju nevladinog sektora-MANS

**Bohinjska bb
PODGORICA**

PREDMET: Odgovor na inicijativu za sprovođenje mjera iz nadležnosti
republičke inspekcije za građevinarstvo (vaš br. 1205/10)

Postupajući po vašoj inicijativi za sprovođenje mjera iz nadležnosti
republičke inspekcije za građevinarstvo a u vezi izgradnje objekta-
pristupnog puta od magistrale Podgorica –Bar do yone eksploatacije pijeska,
obavještavamo vas sljedeće:

Republička građevinska inspekcija je u navedenom slučaju pokrenula
upravni postupak zbog započinjanja gradnje bez prethodno pribavljene
građevinske dozvole , donošenjem rješenja kojim se nalaže investitoru da
ustpostavi pređašnje stanje.

Protiv investitora započetog objekta i odgovornog lica u njemu je
podnijeta prekršajna prijava budući da je gradnju započeo bez prethodno
pribavljene građevinske dozvole.

INSPEKTOR ZA GRAĐEVINARSTVO

Suzana Lačković, dipl.ing.grad.


Response of the Republic Construction Inspection

When the deadline the inspection left to the investor to proceed in accordance with the decision expired, MANS team visited the location again and established that the investor did not only bring back the location back into the original state but extended the existing road by additional bulk filling of gravel and sand.

MANS informed the inspection about this again and asked for an urgent enforcement of all the measure from the scope of its competences and punishing of the investor for disregarding the issued decision.

After more than half a year from issuing of the decision and the initiated delictual procedure against the investors, the Republic Construction Inspection has not enforced its own decisions, nor is there any information whether the investor has been punished for violating law.

МАНС ИЗНИО СУМЊЕ ДА ПОЗНАТО ГРАЂЕВИНСКО ПРЕДУЗЕЋЕ
МИМО ЗАКОНА РАДИ У ЗОНИ НАЦИОНАЛНОГ ПАРКА

„Џијевна комерц” нелегално вади шљунак

Невладина организација МАНС је дошла до сазнања да предузеће „Џијевна комерц” из Подгорице врши експлоатацију шљунка и пијеска у зони Националног парка „Скадарско језеро”, саопштио је јуче **Дејан Миловац**, координатор ове НВО за локалну самоуправу и учешће грађана.

Он је навео да је МАНС претходне недјеље, због сумње да „Џијевна комерц” нелегално гради и угрожава животну средину, поднио иницијативу Републичкој инспекцији за грађевинарство, као и еколошкој инспекцији да изврше контролу те локације недалеко од магистралног пута Подгорица–Бар, на лијевој скретници прије насеља Врањина уз саму обалу језера.

– За потребе експлоатације пијеска ова компанија је саградила приступни пут кроз само језеро тако што је насут шљунак на потезу од магистрале Подгорица–Бар до зоне експлоатације у самом Националном парку. Поред тога, у оквиру зо-



не експлоатације се налази више привremenих објеката, укључујући и контејнер-спавачницу за раднике са ознакама предузећа „Џијевна комерц” као и велике количине депонованог шљунка и пијеска као и других врста грађевинског материјала – наводи се у саопштењу Миловаца.

Он подсећа да на подручју националних паркова није дозвољено градити објекте и изводи-

ти радове супротно одредбама Закона о националним парковима, Просторног плана за подручја посебне намјене, као и Програму заштите и развоја националних паркова, истичући да „постоји оправдана сумња да компанија „Џијевна комерц” не поседује све потребне дозволе за изградњу приступног пута зони експлоатације као ни законом прописану документацију за извођење осталих радова на поменутој локацији”.

– С обзиром на то да је још немогуће утврдити у којој мјери је активностима компаније „Џијевна комерц” угрожена животна средина у Националном парку, МАНС ће након налаза надлежних инспекција размотрити покретање кривичних пријава против одговорних лица у овој компанији – наводи се на крају саопштења МАНС-а.

С.П.

Петровић: Све је легално

Данило Петровић, власник и директор „Џијевне комерца” одбацио је сумње МАНС-а као потпуно апсурдне, истичући да има све потребне дозволе.

– Па ко би нас пустио да радимо када не бисмо имали дозволу. Што не дођу да траже папире код нас па да виде да ли радимо легално или не. Не могу да схватим те сумње. Код нас су свима врата широм отворена и кога интересује добиће све информације, ако треба из рачуноводства, ако треба из правне службе ... све што треба, нека дођу, не само они, него било ко – рекао је Данило Петровић.

3.6. Political will for implementation of laws

Case Study 8 - Hotel "Splendid"

The symbol of illegal construction on the Coast is the grandiose Hotel "Splendid" in Becici that the minister of tourism, Predrag Nenezic, promoted as the most significant investment of the Montenegrin tourism. The Hotel was open during its construction President of the Parliament Ranko Krivokapic at a special ceremony. The Hotel "Splendid" was open at a ceremony on July 13 and it got the construction permit, which was a precondition for its construction, on May 17, two months before that.

Hotel "Splendid" was constructed on the location of the old hotel, but has the capacities that are twice larger than in the previous hotel, which lead to a huge pressure on the local infrastructure in Budva whose transport, water supply, energy supply and utility services networks are already largely burdened by illegal construction.



Picture 12: Construction of the Hotel "Splendid" in Becici

In accordance with the Law on Free Access to Information, we had an insight into 38 documents of the Republic Construction Inspection referring to "Splendid". They prove that despite the efforts of inspectors to make the investor respect the law, the first person of the Ministry at the time, Boro Vucinic, legitimized the illegal construction of the hotel twice by issuing construction permits.

The appendix contains a table with a chronology of activities of the Republic Construction Inspection, which shows that the highest decision-makers in the line Ministry directly encourage and legalize illegal construction.

Date of the decision	Contents of the decision / Date for decision enforcement	
16.12.2004	Stated that the investor commenced works	
29.12.2004	Stated that the investor builds without the permit and ordered to submit permit	
10.1.2005	Ban on works and order to obtain construction permit	
1.3.2005	Stated that, notwithstanding the decision on banning works being delivered building continued	
3.3.2005	Demolition ordered	Demolition 16.12.2005 20.12.2005 27.12.2005
16.3.2005	Forced closure and sealing of the construction site	Construction site sealed 2.6.2005
5.5.2005	Stated that the investor continues with works	
16.6.2005	Stated that after the decision to seal the site, the investor continues work and was ordered to submit approved design to check whether construction is done in accordance with it.	
29.8.2005	The Ministry issued a construction permit for the reconstruction within the existing footprint.	
8.9.2005	Ordered to submit approved design to check whether construction is done in accordance with it.	
14.9.2005	Inspection of the design not done on the site, the inspector claims he was unable to ascertain to what extent the new building matches the reconstruction criteria.	
15.9.2005	Stated that the investor continues with works	
29.9.2005	The site sealed , and the investor warned that any further continuation of works and physical damages to the official seal draws criminal liability of the investor and the investor	14.10.2005. A section of the building constructed after sealing and reinforcement demolished
5.10.2005	The investor continues with works, the seal has not been removed but during site inspection workers found there, the inspector was not allowed to enter the construction site	
28.10.2005	Stated that the investor continues with works, criminal charges for violation of the official seal brought before the State Prosecutor in Kotor, 1.11.2005, no 0702-060-05-1/Kp	
18.11.2005.	Stated that the investor continues with works	
10.12.2005.	Banning further works	
12.12.2005.	Stated that the investor continues with works despite the ban	
28.12.2005.	The investor ordered to remove illegally constructed section of the building	
12.1.2006.	Stated that no works being done	
10.2.2006.	Stated that no works being done	
14.4.2006.	Stated that the investor continues with works on the whole building	
18.4.2006.	Forced closure and sealing of the construction site , the investor warned that any continuation of works is deemed as violation of the official seal - criminal liability	
20.4.2006.	Stated that the investor continues with the works	
4.5.2006.	Stated that the investor continues with the works	
17.5.2006.	The Ministry issued a construction permit	