

European Bank for Reconstruction
and Development

**Construction of Regional Waste
Management Centre Kalenic**

Land Acquisition and Resettlement
Framework

Issue | 30 July 2021

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List of Abbreviations

Abbreviation	Full Name
AFD	French Development Agency
BoE	Beneficiary of Expropriation
EBRD	European Bank for Reconstruction and Development
EUR	Euro
GoRS	Government of Republic of Serbia
IFI	International Financial Institutions
LARP	Land Acquisition and Resettlement Plan
LRP	Livelihood Restoration Plan
LM	Local Municipality
MoF	Ministry of Finance of Republic of Serbia
MoEP	Ministry of Environmental Protection
MRF	Materialized Recovery Facility
NGO	Non-Governmental Organisation
NWMS	National Waste Management Strategy
PAP	Project Affected Person
PIU	Project Implementation Unit
PR5	EBRD Performance Requirement 5 - Land Acquisition, Involuntary Resettlement and Economic Displacement
RWMS	Regional Waste Management System
RS	Republic of Serbia

Glossary

When used in this document, following terms are defined as follows:

"Compensation" - Refers to any and all payments made in cash or in kind to replace the value of assets or acquired resources affected by the Project.

"Cut-off Date" - Date of beginning of the census of persons and inventory of assets affected by the Project. If a person(s) should occupy the project area after the cut-off date, they will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. Before the census, information about the cut-off date would need to be publicly published.

"Economic Displacement" - Includes all loss of assets or resources, and/or loss of access to assets or resources that leads to loss of income sources or means of livelihood as a result of Project implementation, regardless whether affected persons must move to another location or not.

"Expropriation" - It refers to a dispossession or a limitation of ownership rights on property with compensation pursuant to market price of the property.

"Land Acquisition and Resettlement Framework" - Refers to this document which describes overall resettlement policy structure for the Project.

"Law of Expropriation" - Refers to Law on Expropriation and Determination of Compensation of Republic of Serbia published in Official Gazette of the Republic of Serbia No. 53/95, "Official Gazette of the FRY", No. 16/2001 - decision of the Constitutional Court and "Official Gazette of the Republic of Serbia", No. 20/2009, 55/2013 - decision of the CC and 106/2016)

"PAP - Project Affected Person" - PAP is any person who, as a result of the implementation of the Project experiences loss of assets or access to assets.

"Physical displacement" - Loss of shelter and assets resulting from the expropriation of land associated with the Project that requires PAPs to move from home, workplace or business premises to another location.

"Project" - When used in this LARF the Project refers to the process construction of Regional Waste Management Centar Kalenic.

"Project implementation" - When used in this LARF includes planning, execution, monitoring and evaluation of the Project.

"LARP – Land Acquisition and Resettlement Plan" - The document prepared in case of the Project implementation involves land acquisition, economic or physical displacement of people, regardless of their number, consistent with the principles and objectives of EBRD PR5 performance requirements and with this LARF in which responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate the negative impacts of displacement, identify potential benefits and establish the entitlements of all categories of

Affected Persons (including host communities), with particular attention paid to the needs of the Vulnerable Groups.

“Livelihood restoration” – Relates to specific allowances or activities meant to support affected persons in improving or at a minimum restoring their livelihoods compared to pre-displacement level.

"Resettlement" - Relates to all cases of land acquisition and compensation for loss of assets, whether it involves actual relocation, loss of land, shelter, assets, property, to all cases of economic displacement or other means of livelihood and includes all the measures taken to mitigate any and all adverse impacts of the Project on PAP's property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation.

"Replacement cost" - Refers to a method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs as defined by PR5 resettlement policies. “Replacement cost” is defined as follows: for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard.

"Stakeholders" - Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a Project or having the ability to influence the Project.

"Vulnerable groups" - Refers to people who are exposed to higher risks to experience the impacts from resettlement and can include people living below the poverty line, the landless, the elderly, women and children, and those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

1 Introduction

1.1 Project Background

The European Bank for Reconstruction and Development (EBRD) and the French Development Agency (AFD) are each considering providing a sovereign loan to the Republic of Serbia to finance critical improvements in the solid waste management system across several secondary cities in the country.

The program aims to support the development of an integrated and modern solid waste management system in Serbia, via:

- The establishment of regional waste management systems (RWMS) articulated around a regional waste management center covering several municipalities (particularly for the sanitary landfill), a solution identified as the most economically viable in the National Waste Management Strategy (NWMS);
- The establishment of primary sorting / recycling systems; and
- Treatment and recovery of biodegradable waste.
- Infrastructure necessary for collection (waste bins, containers, vehicles and transfer stations).

The borrower for the Programme will be the Republic of Serbia (RS), represented by its Ministry of Finance (MoF) as a signatory to the AFD and EBRD's Loan agreements. The MoF will then allocate the funding to the Ministry of Environmental Protection who will establish the PIU and be the project owner of the Programme.

The Project aims at provision of modern solid waste infrastructure compliant with EU standards, contribute to higher service levels, and address pressing environmental challenges in the solid waste sector in line with the National Waste Management Strategy.

A list of eight sub-projects agreed with the MoEP has been submitted to the Banks (for an overall amount estimated at around 95 MEUR, of which one is RWMS Kolubara ("Kalenic"). Kalenic consists of the following components (estimated cost: EUR 26 million):

- construction of a regional waste management center including a sanitary landfill according to EU standards;
- a material recovery facility (MRF) and a composting facility;
- funding for 4 transport trucks for waste between transfer stations and the regional center;
- establishment of a primary and secondary waste sorting system including domestic composting throughout the region.

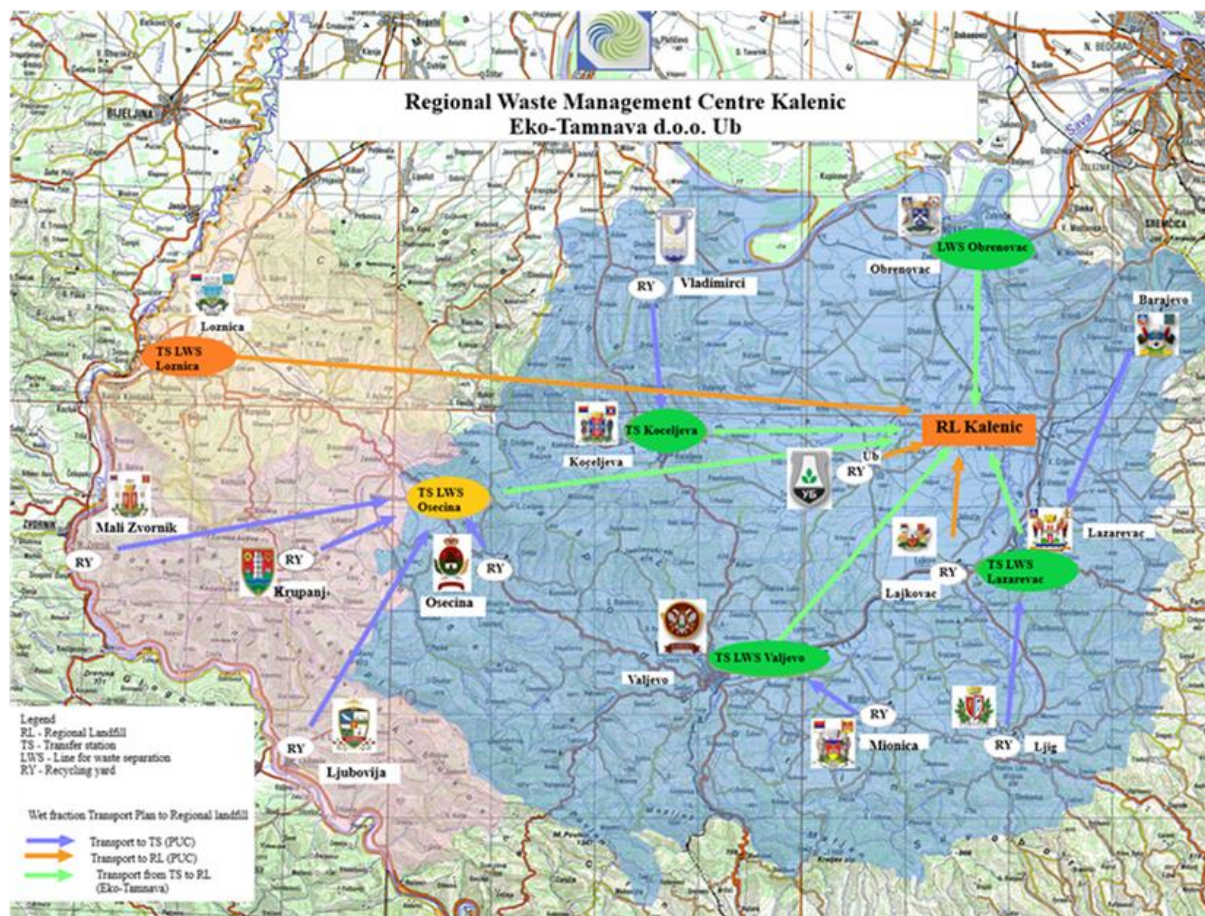
The Project is categorised "A" in accordance with the EBRD Environmental and Social Policy (ESP) (2019).

1.2 Land-Use Context

Land Acquisition

The planned location of the regional waste management centre with a landfill is defined by the General Regulation Plan for the Area of Thermal Power Plan Kolubara B, on the site of the former surface mine "Tamnava-zapadno polje" of the Kolubara mining basin. The space designated for the future regional landfill for municipal waste has an area of about 76 ha (of which about 54 ha is located within the Cadastral Municipality Kalenic in Municipality Ub, and about 22 ha within the Cadastral Municipality Mali Borak in Municipality Lajkovac).

Figure 1 Location of RWMC Kalenic



All land parcels required for the construction of the regional sanitary landfill for municipal and non-hazardous waste Kalenic and the construction of the access road with the accompanying infrastructure were publicly owned by the Republic of Serbia and transferred into the ownership of Eko-Tamnava d.o.o. Ub. Land parcels required for the construction of medium voltage 35 kv powerline are owned by Public Enterprise Electric Power Industry of Serbia.

When it comes to the construction of transfer stations and recycling yards, no land acquisition is required in 5 cities and municipalities: Municipality Ub, Municipality Koceljeva, Municipality Krupanj, City of Loznica and Municipality Ljubovija.

However, land acquisition will be required for construction of transfer stations and recycling yards in municipalities Osecina, Ljig and Mali Zvornik. In case of Municipality Osecina, the

required land parcel is already identified, and it is planned to acquire it through direct purchase agreement. Funds for this will be secured after budget rebalance in August 2021. The Former Spatial Plan for Municipality Ljig did not envisage the location for the construction of the recycling yard. Municipality Ljig is currently in process of adopting of new Spatial plan for the period between 2021 and 2031, and this document will identify the locations for the construction of recycling yards. Municipality Mali Zvornik is currently in the process of acquiring land for the construction of recycling yard.

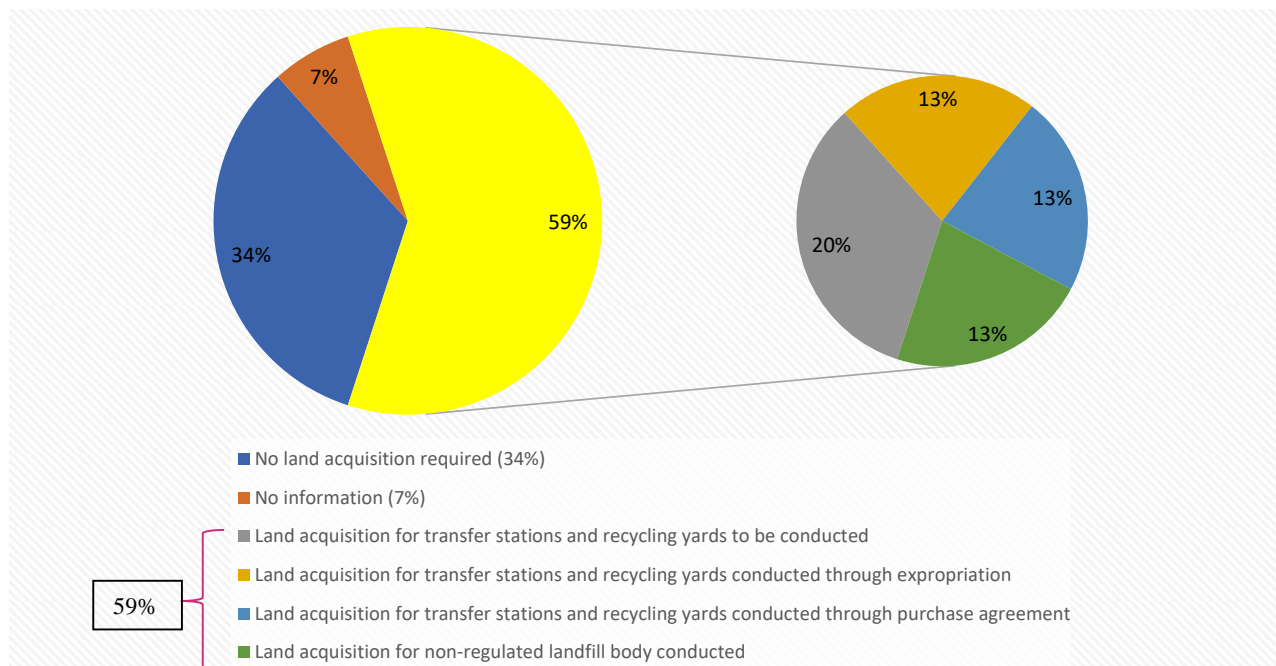
In municipalities Lazarevac and Mionica, the process of land acquisition for the construction of transfer stations and recycling yards was carried out in the past and in accordance with the Law on Expropriation. On the other hand, municipalities Vladimirci and Lajkovac carried out the process of land acquisition through direct purchase agreements.

In the City of Valjevo and Municipality Obrenovac, land acquisition was carried out for the purposes of widening the bodies of non-regulated landfills in the past. In case of City of Valjevo, this was carried out in the beginning of the 90s through expropriation, while in case of Municipality Obrenovac direct purchase agreements were concluded.

Information was not available for the Municipality Barajevo.

There were no residential and business structures on the parcels affected by land acquisition.

Figure 2 Information on Land Acquisition



Livelihood Restoration

There are formal and informal waste pickers engaged on the non-regulated landfills in 9 cities and municipalities. In most cases (78%), records are not kept on their presence on the landfill (Figures Figure 3 and Figure 4).

Figure 3 Presence of Waste Pickers on Non-regulated Landfills

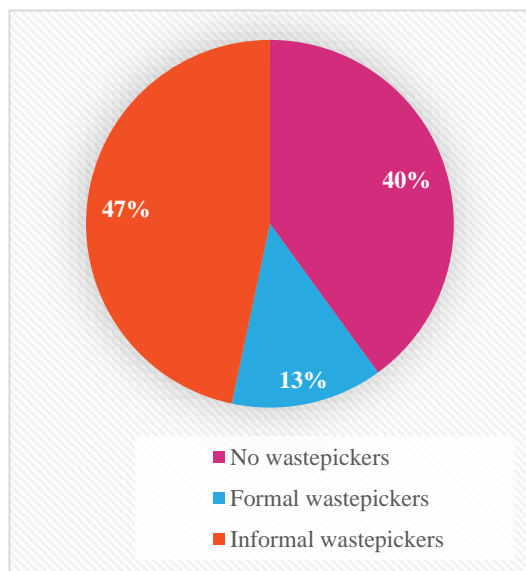
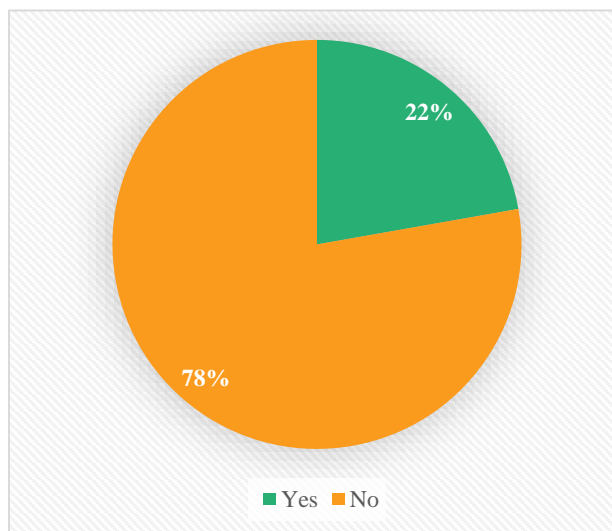


Figure 4 Are Records Kept on Presence of the Waste Pickers on Non-regulated Landfills



Non-regulated landfills have already been closed in municipalities Barajevo and Ljig, as well as part of the landfill in the City of Loznica, and 2 out of 5 non-sanitary landfills in Municipality Ljubovija. The landfills are still operating in the remaining 9 cities and municipalities, in addition to the remaining three landfills in Ljubovija and part of the landfill in City of Loznica.

It should be noted that in case of Municipality Ljig, waste is not disposed on the non-sanitary landfills anymore, but they are still not closed in accordance with technical documentation. In cases of municipalities Mionica and Mali Zvornik, there are no non-regulated landfills on their territories.

The landfills that are still open are planned to be closed once “Kalenic” landfill is operational. Landfill Remediation and Closure Plans have already been prepared for landfills in municipalities Ub, Osecina, Obrenovac and Krupanj, while in municipalities Koceljeva, Lajkovac, Vladimirci, Lazarevac and City of Valjevo this process is ongoing.

1.3 Project Impacts

As detailed information on the parcels affected by land acquisition is not available, the table below includes the potential impacts considering the Project area. As part of the development of the LARP the table will be updated by Eko-Tamnava d.o.o. with actual impacts and adequate remediation measures will be introduced based on them.

Impact	Description	Positive / Negative	Likelihood 5-Very high 1-Very low
Pre-Construction Phase			
Loss of land	Agricultural land (cultivated and not cultivated), construction land	N/P ¹	5
Loss of crops	Annual and perennial plants	N	2
Economic displacement	Inability to continue with waste picking on non-regulated landfills	N	5
	Inability to continue with agricultural production	N	2
	Loss of income from land lease	N	2
	Loss of rural infrastructure (irrigation systems, informal access roads)	N	1
	Loss of auxiliary structures	N	1
	Loss of agricultural activities for subsistence production	N	2
	Loss of grazing areas for livestock	N	1
Construction Phase			
Employment opportunities	Local recruitment for construction	P	5
	Local suppliers of good and services	P	5
	Indirect employment – Higher turnover due to increased workforce in the area (catering, accommodation providers, cafes, restaurants, gas stations, etc.)	P	5

1.4 Principles and Objectives

Eko-Tamnava d.o.o. has prepared this Land Acquisition and Resettlement Framework (LARF) with the aim of outlining the general principles, procedures and entitlement framework with regard to the potential impacts of land acquisition and economic displacement required for the Project, in conformance with the national laws and EBRD requirements, in particular EBRD's Performance Requirement (PR) 5 of EBRD's Environmental and Social Policy (2019): Land Acquisition, Involuntary Resettlement and Economic Displacement.

This LARF is made to serve as additional guidance to bridge any gaps between the national legislation and the EBRD requirements related to land acquisition and livelihood restoration and as a basis for the development of detailed Land Acquisition and Resettlement Plan

¹ In case of uncultivated land expropriation could result in benefits due to favorable compensation rates

(LARP) for the Project. LARP will be developed once the exact nature and magnitude of the land acquisition or restrictions on land use related to the Project are known, and once the socio-economic survey of the formal and informal waste pickers engaged on the non-regulated landfills is conducted. The LARP will provide more precise details on the Project Affected People, the eligibility criteria and the procedures to be applied for the Project in line with this LARF and in compliance with EBRD PR5.

A sample annotated outline for LARP is provided as an appendix to this document.

1.5 Guiding Principles of LARF

The need for land acquisition will occur as a result of civil works planned for the construction of transfer stations and recycling yards. Additionally, land acquisition has been conducted in the past for widening of the non-regulated landfill bodies and construction of transfer stations and recycling yards. Formal and informal waste pickers are engaged on the non-regulated landfills in 9 cities and municipalities.

This document is developed to provide guidelines for future cases of land acquisition and livelihood restoration, as well as to provide the basis against which will the past land acquisition be assessed for compliance with EBRD PR5 requirements. The fundamental principles guiding this Project are:

- All land acquisition needs to be managed in accordance with national laws, EBRD PR5 performance requirements, accepted international best practices and provisions of this document. As a fundamental rule under this LARF, during the implementation of the Project, the policy that is most beneficial to the PAPs will always prevail.
- All loss of property shall be compensated at the value of replacement costs.
- PAPs will be assisted in all phases of the Project in their effort in restoration of livelihood and living standards in real terms to the level prior to Project implementation.
- Special support and concern in the land acquisition process, as well as during implementation off all phases of the Project under this LARF is provided for affected vulnerable groups (if any), according to their specific vulnerability.
- LARP developed based on this LARF will be publicly disclosed during public consultations held prior to their final approval to allow affected persons and stakeholders to participate in Project development, planning and implementation.
- During the Project implementation, stakeholders will be provided with full information about their grievance rights, possibilities and procedures. All grievances will be taken into account during Project implementation and resettlement activities.

Objectives of LARF

The main objective of LARF is to define overarching principles, procedures, actions, organizational structures and capacity requirements during land acquisition and resettlement and its impact attributable to Project implementation. It also provides the framework for the development of LARP under the Project. LARF specific objectives are:

- to classify RS legal solutions in all events of land acquisition and compensation paid for loss of assets; compare them to EBRD PR 5 performance requirements and international best practices; and provide the way to bridge the gaps, if any;

- to identify key institutions of RS involved in Project implementation, including especially legally authorized state institutions implementing the procedures and safeguards of land acquisition;
- to identify stakeholders and ways of their engagement in course of Project implementation;
- to present PAPs eligibility criteria and compensation entitlement matrix according to type of lost assets;
- to define the process of identification and evaluation of affected assets and the value of compensation to replace the loss of assets;
- to provide procedures that allow prompt and effective compensation at full replacement cost for loss of assets or access to assets;
- to describe mitigation measures under this LARF and LARP, including procedures in order to minimize impacts on PAPs during Project implementation, including specific mitigation measures provided for vulnerable groups;
- to define grievance and complaint rights, process, bodies and procedures available to PAPs during the whole course of Project implementation, including feedback reporting;
- to describe and provide directions for preparation of LARP and approval procedure, future LARP outlines and their implementation process;
- to specify the requirement for public disclosure, disclosure of documents, public and local community involvement in all phases of Project preparation; including during LARP development;
- to specify monitoring activities during all phases of the Project.

Development of LARP and its Implementation

Based on this LARF, considering the extent of the impact in terms of land acquisition and resettlement, a LARP will be prepared for the Project. The objective of the LARP shall be to specify what procedures to follow and what specific actions to take to properly acquire land and compensate people affected by the Project.

The actions from the LARP will allow and provide for adequate participation of the affected people in the displacement process, consultation during all phases and full functioning of the grievance mechanism. LARP shall be based on up-to-date and reliable information on the affected land and people.

Implementation of LARP is an obligation of the Eko-Tamnava d.o.o., who shall monitor overall implementation, collaborate with the municipalities where construction works and construction related activities are taking place, collaborate with contractors and disclose information to PAPs and communities.

LARP shall be based on up-to-date and reliable information about the proposed land acquisition and shall include at minimum the following:

- Identification of land parcels affected by land acquisition (future and past) and any crops and assets attached to them
- Identification of PAPs affected by economic displacement
- Identification of the Cut-off date

- A comprehensive socio-economic baseline assessment of the PAPs affected by economic displacement
- Database of PAPs with information on all affected people and property (including contact details)
- References to the gaps in the legal framework as noted in this LARF, as well as to any changes in the legislation which came into force after the LARF is published that cover eminent domain and resettlement; note the gaps between the changed legislation and PR 5 requirements, and the mechanisms to bridge those gaps,
- Establish an institutional framework, institutional responsibility for implementation, eligibility, valuation of and compensation for losses and the methodology to be used in valuing losses,
- Establish grievance procedures, implementation arrangements, monitoring, evaluation and cost and budget.

The objectives of the LARP are:

- To minimize possible adverse impacts on population and property,
- To mitigate adverse social and economic impacts of land acquisition and economic displacement by providing compensation for losses of property on the basis of replacement costs and ensuring implementation of the livelihood restoration measures with appropriate data disclosure, consultations and participation of PAPs;
- Re-establish or even improve sources of income and living standards of resettled persons to the level before Project impact,
- To establish organizational systems and procedures for monitoring the realization of resettlement plan and to take corrective measures
- To assess past land acquisition and identify any remedial measures required to achieve compliance with EBRD's performance requirements.

2 National Legal Framework and EBRD Requirements

2.1 National Legal Framework

The key laws directly regulating the field of land acquisition/expropriation in the Republic of Serbia are:

- Law on Expropriation ("Official Gazette of the Republic of Serbia", No. 53/95, "Official Gazette of the FRY", No. 16/2001 - decision of the Constitutional Court and "Official Gazette of the Republic of Serbia", No. 20/2009, 55/2013 - decision of the CC and 106/2016),
- Law on Forests ("Official Gazette of RS", No. 30/2010),
- Law on Agricultural Land ("Official Gazette of the Republic of Serbia", No. 62/2006, 65/2008 - other law, 41/2009 and 112/2015),
- State Geometry and Cadastre Act ("Official Gazette of the Republic of Serbia", No. 72/2009, 18/2010, 65/2013 and 15/2015 - decision of the C.C.),

- Water Act ("Official Gazette of the Republic of Serbia", No. 30/2010),
- The Law on Public Property ("Official Gazette of the Republic of Serbia" No. 72/2011, 88/2013 and 105/2014),
- Law on Planning and Construction ("Official Gazette of the Republic of Serbia" No. 72/2009, 81/2009 - exp., 64/2010 - decision CC, 24/2011, 121/2012, 42/2013 - decision CC, 50/2013 - decision CC, 98/2013 - decision CC, 132/2014 and 145/2014),
- Law on the Basis of Ownership Legal Relations ("Official Gazette of the SFRY", Nos. 6/80 and 36/90, "Official Gazette of FRY", No. 29/96 and "Official Gazette of the Republic of Serbia", No. 115/2005).

The Law on Expropriation guides the process and serves as a general framework for expropriation in the Republic of Serbia. Its most important features are as follows:

- ensure simple, efficient process, reducing as far as possible the need for a lengthy judicial process to facilitate necessary expropriation.
- provide the fair value for the affected land and assets, as determined by the Tax Administration, on behalf of the "Beneficiary of Expropriation". The value is assessed on the basis of current market price;
- in cases of privately-owned agricultural land, and if comparable land of the same type and quality, or the appropriate value, in the same area or vicinity, offer it to the Project Affected Person with formal title;
- the comparability of land is determined on the basis of an assessment of the available public land, by an accredited expert hired by or upon proposal of the Beneficiary of Expropriation;
- if the project affected person does not opt for land-for-land compensation they are offered cash; If the Project Affected Person wishes to challenge the assessment of "fair value" they can resort to the judicial process;
- in cases of project affected persons, without formal title, who has built a permanent structure without a formal building permit, compensation can be paid if decided by a Court under the Law on Fundamentals of Property Relations, in terms of the investment made and as determined by an accredited expert.
- in cases of partial expropriation and if the project affected person determines that the remaining part is unviable, i.e. there is no economic interest to it, they can submit a request for the acquisition of the unviable part. This only refers to the parcels that are subject to permanent expropriation. The accredited expert decides on the merits of such requests.

2.2 Key Institutions in the Process of Land Acquisition and Resettlement

Institutions that may be involved in the land acquisition process, including the legal expropriation process, are presented in the overview below.

Table 1 Key Institution in the Process of Land Expropriation and Resettlement

Institutions	Key responsibilities during resettlement/expropriation
General assembly of RS	Declares public interest by law
Government of RS (GoRS)	Declares public interest for expropriation (if not done by law as above)
Ministry of Construction, Transport and Infrastructure	<ul style="list-style-type: none"> Proposes, prepares and coordinates RS spatial plan and regional planning documents Manages the register of spatial plans
Beneficiary of Expropriation	<ul style="list-style-type: none"> Applies and coordinates all resettlement activities under this LARF and LARP Discloses Cut-off date in public announcement for relevant municipality, as part of expropriation process; Prepares the LARP and other documents; Implements the LARP; Discloses LARF, and all other documents; holds public consultations in all Project phases Engages relevant stakeholders; Applies resettlement mitigation measures Establishes and administrates the grievances mechanism to redress all grievances from PAPs and other stakeholders Monitors and evaluates process of land acquisition Reports to EBRD on all issues under this LARF As Beneficiary of Expropriation (BoE) manages the process of evaluation of expropriated property and pays compensation for the expropriated assets and if needed, additional compensation and/or resettlement assistance to bridge the gap with PR 5
Tax Administration Offices	Determines the assessment of agricultural land (if replacement land cannot be found which is most often the case) and construction land
Accredited experts (appointed by or at proposal of the beneficiary of expropriation)	Valuation for all types of land, structures, and any attachments to the land
Local-Self Governments, including their administration	Local municipalities conduct the expropriation process (Department of property-legal affairs)

Institutions	Key responsibilities during resettlement/expropriation
Ministry of Agriculture, Forestry and Water Management	Provides information about available replacement land
Republic Geodetic Authority, State Cadastre of immovable property, decentralized units	Provides official information on all immovable, including land, structures, houses, etc. Provides official legal information on owners of immovable properties Provides information on possessors of immovable property Includes annotation of expropriation process Executes legal title changes of immovable property owners after land acquisition, expropriation etc.
Relevant municipal courts	Determines compensation if amicable agreement has not been reached

2.3 EBRD Requirements

The Project has been screened as a Category A project under EBRD's Environmental & Social Policy.

The Project needs to meet the requirements for land acquisition, involuntary resettlement and economic displacement as specified in the EBRD Environmental and Social Policy (2019) and Performance Requirements (PRs), specifically:

- PR 5 Land Acquisition, Involuntary Displacement & Economic Displacement
- PR 10 Stakeholder Engagement

The full text of the EBRD policy can be found at

<https://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>.

2.4 Key Differences between Local Legislation and PR5

Projects, which are fully or partially sponsored or funded by support of EBRD, triggering land acquisition and resettlement are subject to PR 5 performance requirements. These policies are not restricted to cases of physical resettlement, but also to economic displacement consequential from land acquisition or restricted access to resources (land, water, or forest), resulting from Project implementation or its associated facilities. EBRD PR 5 applies to all components of the Project causing involuntary resettlement, regardless of the source of Project component funding.

The requirements of national legal regulations regarding expropriation in the Republic of Serbia are, to a great extent, in line with the requirements of EBRD Performance Requirement 5. The legislative framework of the Republic of Serbia does not contain provisions regarding the early engagement of stakeholders, or their empowerment to participate in the decision-making process during the expropriation. Persons who will be formally affected by the expropriation process usually receive the first information about this through the announcement of the public interest.

The legislative framework of the Republic of Serbia provides for fair compensation for the project affected land, facilities and crops, but it does not take into account depreciation. The

law does not envisage any additional assistance or compensation during and after relocation, other than the replacement cost. The owners do not get any support for re-establishing their assets (no fast track administration procedure for permits, licenses or utility connections). The right to compensation is provided only to formal owners and users, while informal owners or users can receive compensation only if they meet specially prescribed conditions.

Apart from the preparation of Expropriation Studies with a list of formal owners and their property, the legislation does not provide for the compilation of other documents that would eliminate or reduce the adverse socio-economic impacts related to expropriation, that would be similar to LARP.

The legislative framework of the Republic of Serbia does not contain special requirements for vulnerable groups.

The legislative framework of the Republic of Serbia acknowledges the PAPs' right to appeal at different stages of the expropriation procedure, but there is no requirement for the establishment of grievance mechanism.

Full gap analysis between applicable requirements is available in Appendix C.

3 Eligibility, Evaluation and Entitlement

3.1 Persons and Entities Eligible for Compensation and Assistance

At the time of preparation of this LARF not all parcels required for the construction of transfer stations and recycling yards have been identified and full impact from land acquisition could not be assessed. Below is the list of persons and entities are entitled to compensation according to EBRD E&S Policy, if present in the Project area prior to the cut-off date:

- Formal and informal waste pickers engaged on non-regulated landfills
- Persons or legal entities who are formal owners of any affected property
- Persons or legal entities that are recognized users under the provisions of RS laws of any affected property
- Persons or legal entities who are formal lessees of any affected property
- Persons that are users of affected property but have no legal rights to the property - squatters;
- Persons or legal entities owners of the crops that are affected by the Project (regardless of the status of land where it is planted);
- Persons or legal entities owners of the perennial plants and trees such as fruit bearing trees and vineyards, that are affected by the Project (regardless of the status of land where it is planted);
- Persons or legal entities owners of vineyards and orchards that have not given yield yet, and are affected by the Project (regardless of the status of land where it is planted);
- Persons or legal entities owners of the nursery which has not given yield yet, and are affected by the Project (regardless of the status of land where it is planted);

- Persons or legal entities owners of the structures affected by the Project (including auxiliary buildings, fences, wells, irrigation systems, etc.) regardless of the status of land on which the structures are located
- Vulnerable groups, and individuals belonging to those groups affected by the Project;
- Persons or legal entities whose losses cannot be determined or foreseen at this stage of the Project (includes persons who have title over buildings affected by the project).

3.2 Cut-off Date

The cut-off date is a moratorium date for all claims against the property within the Project affected area. Persons encroaching into the Project area after the Cut-off date are not eligible for compensation or for any other mode of displacement assistance. Also, any investments in fixed assets (such as structures, crops, fruit, trees, woodlots, etc.) as a result of activities incurring after the Cut-off date will not be eligible for compensation. This cut-off date policy will not include persons who became owners of a property after the cut-off date by court decision if the court case existed prior to cut-off date. This Cut-off date provisions counters opportunistic claims from those moving into the Project area solely in anticipation of benefits.

3.3 Entitlements Matrix

As the detailed information on affected land plots is not available at the moment and it cannot be determined which impacts are present, this document is designed to encompass all possible impacts, considering the Project area. Table 2 below presents an overview of all possible impacts, PAPs and entities that are entitled to compensation in line with EBRD Environmental and Social Policy 2019. Once all required information becomes available, Eko-Tamnava d.o.o. will include only relevant entitlements in the LARP.

Table 2 Entitlements Matrix

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
LAND			
Agricultural land regardless of the severity of loss (whether partial or complete loss of property)	Owner with formal title (including those that have a claim to land that is recognised or recognisable under national laws)	Replacement land of equal or higher value and similar productivity in direct proximity or in the surroundings of the expropriated land together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any. Or Cash compensation at replacement costs: market price of property + market price for improvements + labour and time to install improvements at market price + moving costs + registration, administrative and tax fees.	Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all previous owners fully covers replacement cost for land as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost to the previous owners
	Lessee with valid documents of the right of lease who cultivates agricultural land pursuant to agreement	Compensation for all improvements made to the land (such as irrigation). Compensation will be paid at replacement cost: market price for improvements + labour and time to install improvements at market price + costs of equipment relocation and installation, if any. and Replacement land for lease, if land was leased from state, if possible	Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all previous lessees fully covers replacement cost of the investment as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost to the previous lessees
	PAPs without formal title (in possession of land prior to cut-off date)	Compensation for all improvements on land (such as irrigation). Compensation will be paid at replacement cost: market price for improvements + labour and time to install improvements at	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title.

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
		market price + costs of equipment relocation and installation, if any + transitional allowance and Replacement land for lease from state, if possible	And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs without formal title fully covers replacement cost of the investment as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost to the PAPs
Construction land regardless of severity of loss (whether partial or complete loss)	Owner with formal title (including those that have a claim to land that is recognised or recognisable under national laws), or legal users of publicly/state owned construction land	Cash compensation at replacement costs: market price of property + market price for improvements (such as infrastructure) + labour and time to install improvements at market price + moving costs + registration of ownership, administrative and tax fees, if any + transitional allowance or; At property owner demand, if legal terms are met, replacement land of equal or higher value and similar traits, in direct proximity or in the surroundings of the expropriated land + market price for improvements (such as infrastructure) + labour and time to install improvements at market price + moving costs + registration of ownership, administrative and tax fees, if any + transitional allowance	Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all previous owners fully covers replacement cost for land and transitional allowance as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost and transitional allowance to the previous owners
	Lessee with valid documents of the right of lease	Compensation at replacement cost: market price for improvements (such as infrastructure) + labour and time to install improvements at market price + moving costs + registration of ownership, administrative and tax fees, if any + transitional allowance + compensation for all rent paid in advance, for the period not expired And Replacement land for lease, if land was leased from state, if possible	Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all previous lessees fully covers replacement cost of the investment, the transitional allowance or any compensation for rent paid in advance as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
			replacement cost, transitional allowance and rent paid in advance to the previous lessees
	PAPs without formal title (in possession of land prior to cut-off date)	Compensation: market price for improvements (such as infrastructure) + labour and time to install improvements at market price + moving costs + registration of ownership, administrative and tax fees, if any + transitional allowance And Replacement land for lease, from state, if possible	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title. And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs without formal title fully covers replacement cost of the investment and transitional allowance as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost and transitional allowance to the PAPs
Unviable land, agricultural or construction (In case the remaining area of land is not viable, it can be expropriated upon PAPs request)	Property owners, lessee or users regardless of their formal title or rights on private or publicly/state owned agricultural or construction land	Compensation according to type of property, defined the same way as above, in this section	Eko-Tamnava d.o.o. to provide confirmation of requests for expropriation of unviable land, and the confirmation of accepted requests And Eko-Tamnava d.o.o. to provide confirmation that compensation was paid according to type of property, defined the same way as above Or Compensate the difference between the received compensation and equivalent replacement cost and transitional allowance to the PAPs

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
PLANTS AND STRUCTURES ON LAND (but not physical relocation)			
Loss of annual crops, that could not have been harvested prior to land repossession	Owners of crops (it is not of importance if the owner of crops is owner of land, or lessee, or informal owner/user of land providing that they bore costs of planting crops or acquired ownership in some other, recognizable way)	Cash compensation at replacement cost: market value of expropriated crops decreased by costs of harvesting crops	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title. And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs regardless of formal title fully covers replacement cost of crops as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost to the PAPs
Loss of perennial plants and trees (fruit bearing trees, vineyards and fruit bearing plants)	Owners of plants (it is not of importance if the owner of plants is owner of land, or lessee, or informal owner/user of land providing that they bore costs of planting or acquired ownership in some other, recognizable way)	The right to harvest fruits and Cash compensation at replacement cost: market price of seedlings on the basis of type, sort and productive value + the net loss for the time needed to grow such plants according to year production market value + costs of investment (labour force, soil preparation etc.) to plant a new vineyard, orchard or similar + transitional allowance	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title. And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs regardless of formal title fully covers replacement cost of perennial plants and trees as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost to the PAPs
Affected vineyards and orchards not yet fruit bearing		Cash compensation at replacement cost: market price of seedlings on the basis of type, sort and productive value + the net loss for the time needed to grow such plants according to year production market value + costs of investment (labour force, soil preparation etc.) to plant a new vineyard, orchard or similar + transitional allowance	
Wood mass (mature or nearly mature)		Cash compensation at replacement cost: market price of wood determined based on the value of the “wood on the stump” + transitional allowance	

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
Forests without mature wood mass		Cash compensation at replacement cost: investment needed for planting a new forest (labour, seedlings) + net loss for the time needed to reproduce a replacement forest + transitional allowance	
Nursery not yet yielding		Cash compensation at replacement cost: investment in planting material (seedlings, labour and other reproductive material) + net loss for the time needed to grow same nursery + transitional allowance	
Buildings used for keeping and raising livestock (sheds, stables, etc.)	Owners of structures used for keeping livestock (it is not of importance if the owner of structures is owner of land, or lessee, or informal owner/user of land providing that they bore costs of construction or acquired ownership in some other, recognizable way)	Cash compensation at replacement costs; market price of the structure + moving costs + administrative fees needed for transfer of ownership rights, if any + transitional allowance At property owner demand, if legal terms are met, appropriate replacement property + moving costs + administrative fees needed for transfer of ownership rights, if any + transitional allowance	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title. And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs regardless of formal title fully covers replacement cost of buildings and transitional allowance as defined in the entitlement matrix Or Compensate the difference between the received compensation and equivalent replacement cost of buildings and transitional allowance to the PAPs
All immovable property on land (such as irrigation, fences, wells, etc.).	Owners of improvements (it is not of importance if the owner is an owner of land, or lessee, or informal owner/user of land providing that they bore costs of improvements)	Cash compensation at replacement costs: market price for improvements + labour and time to install improvements at market price	Eko-Tamnava d.o.o. to provide information on any identified PAPs without formal title. And Eko-Tamnava d.o.o. to provide confirmation that compensation paid to all PAPs regardless of formal title fully covers replacement cost of buildings and transitional allowance as defined in the entitlement matrix

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
			Or Compensate the difference between the received compensation and equivalent replacement cost of buildings and transitional allowance to the PAPs
LIVELIHOOD			
Impact on agricultural employees, or processors	Workers, employees	Transitional allowance on one-time basis will be paid to assessed on reasonable time needed to restore livelihood means + Training for alternative jobs if possible + Priority in employment on the Project, if possible and on a case by case basis (In accordance with social assessment processed in LARP)	Eko-Tamnava d.o.o. to confirm whether any agricultural employees or processors have been identified And Eko-Tamnava d.o.o. to confirm what compensation or support was offered for loss of livelihood
Persons engaged in waste picking on the non-regulated landfills	Formal waste pickers Informal waste pickers	Livelihood restoration measures to be determined once the socio-economic survey is completed. Measures to be tailored to skills and needs of the affected people. They can include, but are not limited to: <ul style="list-style-type: none"> • Offering seasonal jobs • Offering jobs during the construction phase of the Project • Offering jobs on National Employment Service • Offering courses for adult education • Offering courses for acquiring new skills In line with the SEP, waste pickers to be informed about closure of the non-regulated landfills and inability to continue with waste picking as a minimum 30 days in advance.	Eko-Tamnava d.o.o. to confirm what compensation or support was offered for loss of livelihood

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
OTHER RESETTLEMENT SITUATIONS			
Impact on vulnerable groups	Vulnerable persons, belonging to VG, with social status that may lead to more adverse effect by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related develop	On top of all rights defined in this matrix, vulnerable PAPs will be provided additional assistance including legal assistance and help during physical relocation. Any additional support required for any affected vulnerable households will be determined on case-to-case basis during socio-economic survey. These PAPs are given priority of employment on the project if that is possible.	Eko-Tamnava d.o.o. to confirm what additional support, if any was provided to affected communities
Undetermined impact	Any person affected by impact	Any undetermined impact will be mitigated in accordance with principles and aims of this LARF	N/A

4 Grievance Redress Mechanism

Respecting the grievance panels and its authorities made available under the national legislation, a Project Specific Grievance Mechanism shall be designed for the Project. As previously mentioned, submitting grievances to Eko-Tamnava d.o.o. is enabled through multiple channels. Any person or organisation may send comments, complaints and/or requests for information in person or via telephone or email using the contact information provided on Eko-Tamnava d.o.o. website. The Company director and the president of the Assembly are charge for addressing all complaints and forwards the complaints submitted by the public.

Project-related grievance will be collected during the pre-construction phase, during the implementation of construction works and also during the operation phase.

The mechanism will allow that complaints are raised anonymously. Raising grievances will not incur any costs for the grievance holder. All grievances, whether they are received verbally or in writing, should be categorized and recorded in the Grievance Log Register. The Grievance Log register will have all necessary elements to disaggregate the grievance by gender of the person logging it as well as by type of grievance. Each grievance will be recorded in the register with the following information:

- name and contact details of the grievance holder, if the grievance is not raised anonymously,
- description of grievance,
- date of receipt / acknowledgement returned to the complainant,
- description of actions taken (investigation, corrective measures) and how were they communicated to the grievance holder,
- date of resolution and closure
- provision of feedback to the complainant and their response (satisfied/dissatisfied),
- whether long-term management actions have been taken to avoid the recurrence of similar grievances in future, if applicable.

All information on the grievance holder will be treated with confidentiality.

The reception of grievance should be formally acknowledged through a personal meeting, phone call, email or letter as appropriate within 7 working days from submission, if the contract details of the grievance holder are provided. If the grievance is not well understood or if additional information is required, clarification will be sought from the complainant at this time. The person/organization that submitted the grievance should be provided with contact information of the person responsible for its resolution and the estimated time for completion. If any grievance cannot be addressed or if action is not required, a detailed explanation / justification will be provided to the complainant on why the issue was not addressed. The response will also contain an explanation on how the person / organization that raised the complaint can proceed with the grievance in case the outcome is not satisfactory.

All grievances will be responded to within 30 working days from submission. In case of delay, complainants will be notified about the reasons for the delay and the expected timing for when their grievance will be addressed. The proposed resolution should be confirmed

with the complainant before implementation to minimise unnecessary/unwarranted actions. If they agree with the approach required actions are implemented to deal with the issue. Completion of actions is recorded in the Grievance Log Register. The response is signed off by the appropriate manager. This includes either signing off the Grievance Log Register or confirming in official correspondence (which will then be filed with the grievance to indicate agreement and referenced in the register).

Following the implemented actions, it should be confirmed with the complainant that they are satisfied with the outcomes. Any further response from the complainant should be in order to assess whether the grievance is closed or whether further action is required. If they are unsatisfied with the proposed action or with the final outcome, the complaint should be reviewed once again. The grievance resolving process is presented in the Figure 4 below.

At all times, complainants are also able to seek legal remedies in accordance with local laws and regulations.

The implementation of the Stakeholder Engagement Plan is the overall responsibility of Eko-Tamnava d.o.o. Contact information on their focal person will be published prior to the commencement of land acquisition process. Grievances in relation to construction activities will be addressed together with construction contractors. They will be required to operate the same system and address grievances in the same manner and according to the same standards as Eko-Tamnava d.o.o. The Contractor will have Community Liaison Officer (CLO) appointed as a focal point, to liaise with local communities and collect their grievances related to construction activities and grievance management. Grievance management will be incorporated in monthly reports to the Supervising Engineer, and further to Eko-Tamnava d.o.o. Residents of the affected communities will be informed about the CLO contact information before construction begins, through announcements in the premises of the local community offices and the media, where appropriate.

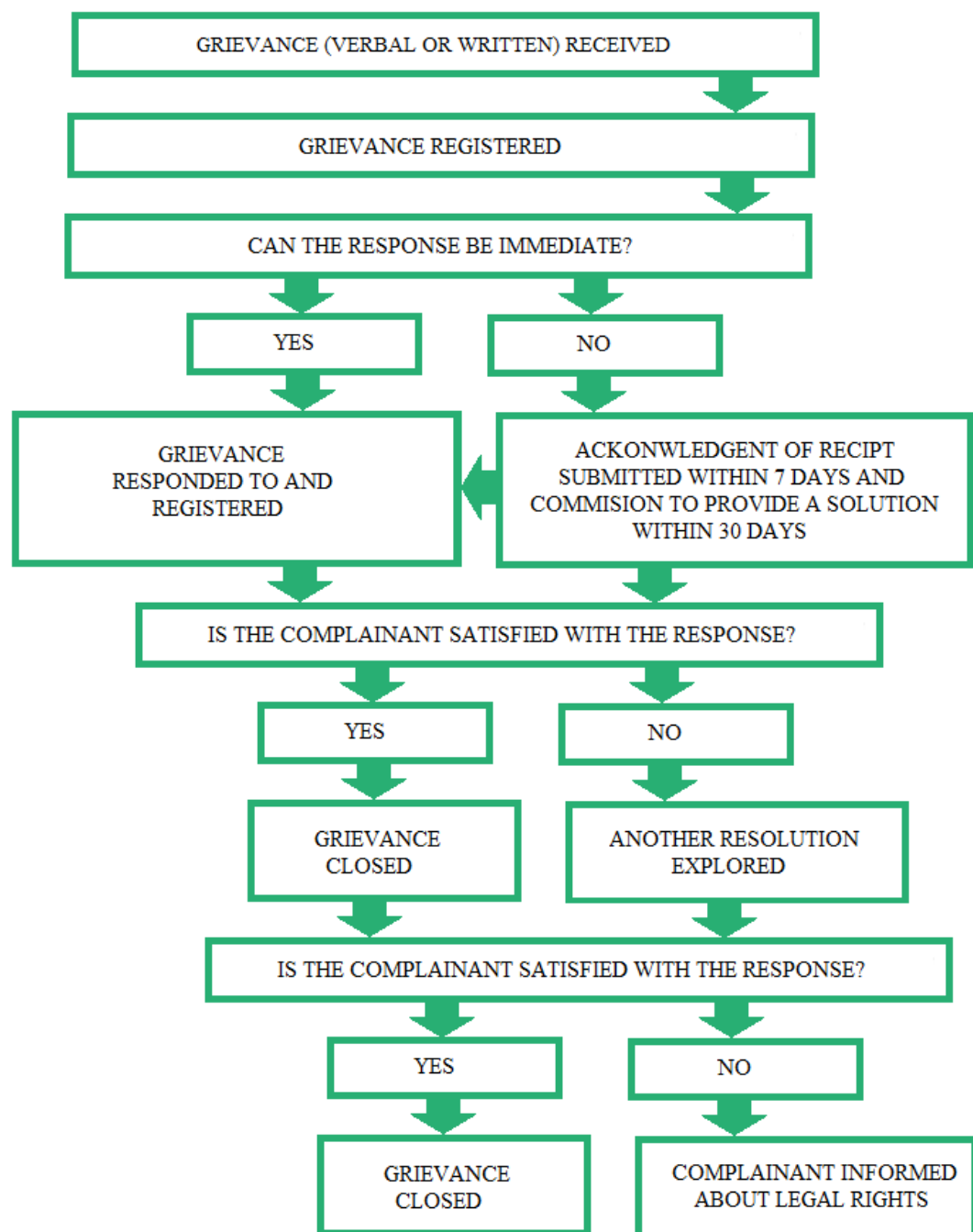


Figure 5 Grievance Resolving Process

5 Consultation and Disclosure

5.1 Disclosure of Documents

All documents identified for public disclosure will be prepared and published in Serbian and English language. As per the EBRD requirements, the Project disclosure package, which includes this LARF, will be publicly disclosed.

Project disclosure package must be available to the public throughout the duration of the Project including its evaluation. Versions in Serbian will be published on the websites of the Eko-Tamnava d.o.o. and of the relevant local municipalities and cities. All announcements in local newspapers and media will be made in Serbian in non-technical vocabulary. All documents shall be presented to PAPs in the process of land acquisition, particularly to vulnerable groups. Project impacts to their property and their rights must be explained, as mentioned in previous chapters. Hard copies of the documentation shall be available in the affected municipalities and cities. Eko-Tamnava d.o.o. is responsible for all disclosures of the documents.

Once prepared, Land Acquisition and Resettlement Plan will be made publicly available at the Eko-Tamnava d.o.o. website, as well as on the websites of relevant cities and municipalities, while hard copies of the documentation shall be available in their premisses. Project leaflets that will be prepared and disseminated to residents living or working in the affected communities before the construction commences, will contain a brief, non-technical overview of the Project.

5.2 Public Consultations

Eko-Tamnava d.o.o. will establish an ongoing relationship with the affected communities from as early as possible in the project planning process and will maintain it throughout the life of the Project.

The engagement process will ensure their meaningful consultation in order to facilitate a common understanding of the nature and duration of the impacts; informed participation on matters that affect them directly; proposed mitigation measures; sharing of development benefits and opportunities; and implementation issues. Further and more detailed information on public consultations is presented in the Stakeholder Engagement Plan.

Eko-Tamnava d.o.o. will publish a Project description which includes the grievance form and contact details for submitting grievances, on their website (http://www.ekotamnava.rs/?page_id=13).

Land Acquisition and Resettlement Plan (LARP) will be publicly disclosed to the local communities prior to the start of construction works.

Given the outbreak and spread of the COVID-19 virus in the Republic of Serbia, conventional methods of public consultations may not be possible. Taking into account the current situation in the country, as well as the measures to combat the pandemic imposed by the Government of the Republic of Serbia, which are in

force at the given time, public consultations regarding the LARP should be held in one of the following ways:

- public consultations in the premises of relevant cities and municipalities, with the application of prescribed measures
- public consultations in the open (locations to be defined as suitable), with the application of prescribed measures
- broadcast of the recorded presentation on local media channels and/or websites of Eko-Tamnava d.o.o. and relevant cities and municipalities; comments and questions to be collected via email.

Eko-Tamnava d.o.o. will organise meetings in local communities, with PAPs affected by land acquisition and economic displacement, to present them with foreseen mitigation measures and the grievance mechanism, construction schedule and possible nuisances. These meetings will also serve as platforms for potentially affected people to ask questions and provide suggestions for further mitigation measures. The meetings will be announced through the local media, on the Eko-Tamnava d.o.o. website and as recommended by local communities (e.g. through letters, announcements on bulletin boards, by phone).

Project leaflets with a brief, non-technical overview of the Project and a description of the grievance management procedure and contact details for submitting grievances will be developed and disseminated in the affected communities.

Formal and informal waste pickers will be informed on the anticipated dates for closing of the landfills and their inability to continue with waste picking activities at least 30 days in advance.

Eko-Tamnava d.o.o. will continue to inform the public through its website, the media and in other appropriate ways on all significant project achievements and issues (environmental, H&S and social).

6 Monitoring and Evaluation

Eko-Tamnava d.o.o. will keep a database on land acquisition and resettlement with all information about the affected persons and property (including contact information), which would include all cases of land acquisition and economic displacement and the stage of completion in the process for each case (expropriation proposition submitted and/or signed, compensation offers prepared and/or delivered to PAPs, agreements regarding the compensation, compensation payment, additional assistance provided, grievances or initiated court procedures, etc.).

Eko-Tamnava d.o.o. will conduct periodical monitoring to ensure that efficiency of the expropriation process and level of satisfaction of PAPs could be assessed. The frequency of the monitoring will be adjusted to reflect the external reporting required by the financing institutions and the stage of LARP implementation.

The key performance indicators to be collected through the monitoring process to access the land acquisition and resettlement process, are as follows:

- Number of public discussions and consultations scheduled and held on the LARP and issue of LARP;
- Number of completed compensation payments for land acquisition;
- Number of livelihood restoration measures conducted;
- Amount and type of assistances provided to vulnerable groups (if any present in the Project area); and
- Number and type of grievances, including legal actions arising from land acquisition and economic resettlement (submitted cases, resolved cases, time needed for their resolution).

Eko-Tamnava d.o.o. shall monitor the implementation of LARP through internal, official institutional arrangements and prepare quarterly summaries. Based on these quarterly reports, Eko-Tamnava d.o.o. shall prepare a completion report within two months of completion of the land acquisition and livelihood restoration processes to summarize the overall implementation and impacts. The report should verify that all physical inputs committed in the LARF have been delivered and all services provided. In addition, the report should evaluate whether the mitigation actions prescribed have had the desired effect.

Appendix A

LARP Content

A1 LARP Content

1. NON-TECHNICAL SUMMARY

2. SCOPE OF THE LAND ACQUISITION AND RESETTLEMENT PLAN

3. PROJECT DESCRIPTION AND PROJECT POTENTIAL IMPACTS

4. LEGAL FRAMEWORK

5. PRINCIPLES, OBJECTIVES, AND PROCESSES

5.1. PRINCIPLES AND OBJECTIVES

5.2. PROCESS OVERVIEW

5.3. GUIDE TO LAND ACQUISITION AND COMPENSATION

6. AFFECTED ASSETS, AFFECTED PEOPLE AND ENTITLEMENTS

6.1. CENSUS OF AFFECTED ASSETS AND AFFECTED HOUSEHOLDS

6.2. SOCIO-ECONOMIC BASELINE SURVEY

6.3. AFFECTED LAND

6.3.1. AFFECTED ASSETS

6.4. AFFECTED PEOPLE

6.5. ENTITLEMENTS

6.5.1. Eligibility to Compensation

6.5.2. Entitlement Matrix

7. RESETTLEMENT AND COMPENSATION

7.1. METHODS FOR VALUATION OF AFFECTED ASSETS

7.2. RESETTLEMENT

7.3. CASH COMPENSATION

7.3.1. Rates

7.3.2. Payment

7.4. ADDITIONAL ASSISTANCE

8. CONSULTATION AND DISCLOSURE

8.1. MAIN RESULTS OF CONSULTATION CARRIED OUT FOR PREPARING THE RAP

8.2. DISCLOSURE

9. GRIEVANCE MANAGEMENT MECHANISMS

10. VULNERABLE PEOPLE

10.1. IDENTIFICATION OF VULNERABLE PEOPLE

10.2. POTENTIAL ASSISTANCE ACTIVITIES TO VULNERABLE PEOPLE

11. MONITORING AND EVALUATION

12. IMPLEMENTATION RESPONSIBILITIES AND FUNDING

12.1. IMPLEMENTATION RESPONSIBILITIES

12.2. BUDGET

12.3. ARRANGEMENTS FOR FUNDING

Appendix B

Sample Grievance Form

B1 Public Grievance Form

Reference No:	
Full Name	
Contact Information Please mark how you wish to be contacted (mail, telephone, e-mail).	<input type="checkbox"/> By Post: Please provide mailing address: <input type="checkbox"/> By Telephone: <input type="checkbox"/> By E-mail _____
Description of Incident or Grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem?	
Date of Incident/Grievance	
	<input type="checkbox"/> One-time incident/grievance (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)
What would you like to see happen to resolve the problem?	

Signature: _____
 Date: _____

Please return this form to:

Eko-Tamnava d.o.o. Ub
 Address
 Veljka Vlahovica br 8, 14210 Ub
 Telephone
 014/412 415

E-mail address:
 office@ekotamnava.rs

Appendix C

Gap Analysis

C1 Gap Analysis

For the most part the national legislation is in line with EBRD PR5. The table below refers only to the gaps between the resettlement solutions envisaged by national legislation and EBRD PR 5 policies, and the way these gaps will be bridged.

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
Resettlement instruments, census and social impact assessment	The only document prepared is the Expropriation study which includes recording of the land parcels required for the Project and identification of owners through the cadastre. There is no socio-economic assessment or baseline collected	Preparation of this LARF, LARP, socio-economic baseline assessment and census survey.	LARP, Census Survey and Socio-economic impact assessments shall be prepared in addition to the national requirements.
Public consultations	The public in general is notified about the project through the process of general spatial or specific urban detailed plan approvals and/or Environmental impact assessment. However, there is no requirement to consult the potential PAPs directly prior to the start of land acquisition. There are no provisions on public discussions, census, socio-economic baseline assessment or any sort of involvement of stakeholders and communities potentially affected by the Project.	Meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations need to be carried out. All resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected. From the earliest stages and through all resettlement activities the client will involve affected citizens (men and women), including host communities. This will facilitate their early and informed participation in the decision-making processes related to resettlement.	The Project Implementation Entity shall disclose and consult publicly on this document and every other individual resettlement instrument. PAP's and stakeholders will be informed and consulted during the planning phase and during all the implementation phases of the Project to bridge the gaps, ensuring that PR 5 requirements are fully met.
Timing of compensation payments and taking possession of	Budget for compensation (land, assets, additional assistance) needs to be secured as a condition precedent to commence with expropriation. (article 28 Law on Expropriation). In exceptional cases, due to	The compensation should be provided before construction work start and before taking possession of the assets	Taking possession over the affected property is possible only once the compensation is paid or a formal court process or grievance registered, and original compensation amount

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
expropriated property	project urgency and its exposure to high risks and damages, the justification of which is assessed on a case by-case basis by the Ministry of Finance the beneficiary of expropriation, may require to access the land before the compensation agreement has become legally binding. However, such request will be endorsed only after evidence has been secured and inventory of assets agreed between the PAPs and the beneficiary, of importance to determine the amount of compensation to be set aside within the budget. This option is not invoked in cases of physical displacement.		deposited on an escrow account or similar.
Additional assistance to PAPs after physical and/or economic resettlement, livelihood restoration	Only vague references to assistance without clear particular legal provision	<p>It is necessary to provide additional assistance during and after resettlement.</p> <p>Particular attention is to be paid to the needs of the poor and vulnerable individuals and groups.</p> <p>Measures should be included to provide displaced people with legal assistance to enable them to complete administrative requirements prior to land acquisition and, if needed, to seek redress from the courts.</p> <p>Provide relocation assistance sufficient for PAPs to restore, and where possible improve, their standards of living.</p> <p>In case of economic displacement provide additional targeted assistance and opportunities to restore, and if possible improve, income-earning capacity, production levels, business opportunities and standards of living.</p>	<p>The Project Implementing Entity will monitor PAPs readjustment after physical and/or economic resettlement based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living.</p> <p>Displaced persons and vulnerable individuals and groups affected by the Project will receive compensation for costs of relocation and any additional costs regarding relocation for the purpose of livelihood restoration and bridging the transitional period after resettlement or by virtue of vulnerability. LARP shall include measures for adequate support and</p>

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
			assistance commensurate to the impact, as a way to bridge the gap.
Resettlement of formal owners of immovable property (houses, including construction land) and those who do not have formal legal rights to property at the time of the census, but who have a claim to land that is recognized or recognizable under national laws	Option 1: Cash compensation at market value + Moving costs (methodology for determination of moving cost is not defined in the law but included in practice in the property evaluation reports) or Option 2: Compensation in kind - Appropriate replacement property is offered if the owner agrees to this type of compensation and if certain legal terms are met.	Resettlement - Replacement property is offered, of equal or higher value and similar traits + Moving and transitional allowance + Administrative and tax fees If appropriate replacement property cannot be found, cash compensation at replacement cost (market price of property + market price for improvements + labour and time to install improvements at market price + moving costs + registration, administrative and tax fees + transitional allowance).	Option 1: Cash compensation - at replacement costs as defined in PR 5 will be paid to property owner - market price of property + moving costs + registration of ownership, administrative and tax fees + transitional allowance. or Option 2: Replacement property - will be possible only at owner request and if legal terms are met, as defined by Law on Expropriation. In that case transitional and moving costs shall be paid to the property owner.
Assistance to involuntary displaced persons	According to the Expropriation law, the former owners are not entitled to any further assistance or compensation during and after relocation, other than the replacement cost. The owners do not get any support for re-establishing their assets (no fast track administration procedure for permits, licenses or utility connections). Also, the tax and	The resettlement plan or policy will include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and,	Project Affected Persons will receive compensation for costs of relocation and any additional costs regarding relocation for the purpose of livelihood restoration and bridging the transitional period after resettlement or by virtue of vulnerability.

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
	administration fees are not included in the compensation and depreciation of property value (amortization, except for land) is included in the assessment of compensation	(ii) Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities. Transitional in-kind assistance (food aid, health support, health insurance as the case may be)	Resettlement Action Plan and Livelihood Restoration Plan should include measures and design adequate support and assistance commensurate to the impact, to bridge the gap.
Displacement of formal owners of agricultural land	Appropriate (equal in value, quality, cultivation type, class and area) replacement land offered in the vicinity. But, the Law on Expropriation further defines that if appropriate land cannot be found cash compensation at market value will be paid, as assessed by the official land evaluation experts.	Displacement - Replacement property of equal or higher value and similar productivity + Administrative fees + Loss of income. If appropriate (payment of cash compensation for lost assets may be appropriate if: (i) livelihoods are not land-based; (ii) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable; or (iii) active markets for land, housing and labour exist, displaced persons use such markets, and there is sufficient supply of land and housing), compensation at full replacement costs is paid, including market price for property, moving costs, transitional allowance, and registration, administrative and tax fees.	If livelihood of property owner is agriculturally based, according replacement property should be offered + Moving and transitional allowance + Administrative fees If appropriate land cannot be found, cash compensation at full replacement value will be paid: market price of property + moving costs + registration, administrative and tax fees + transitional allowance.
Resettlement of users, without any rights, on building or land for housing – squatters	The Serbian legislation only recognizes formal ownership and persons without formal right however, have recognizable legal right or claim over the building.	Project Implantation Entity will offer an option for adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction.	The Project Implementation Entity will, if possible, locate and offer to PAP replacement property - similar state owned land or property for off-market lease in the vicinity.
Displacement of the lessee of agricultural land	National legislation does not provide for transitional allowance nor replacement land for lease, if land was leased from state, and no	The lessee is entitled to cash compensation for any improvements made on the land i.e. Irrigation, drainage, perennial crops, objects etc. at replacement cost, provision of lease to corresponding public owned	Support shall be offered to bridge the gap based on reasonable estimate of the time likely to be needed to restore livelihood, and Project Implementation

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	compensation if land was leased from private owners.	property for an equivalent period of time, lost net income during the period of transition; and the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable, and support after displacement for a transition period to restore livelihood.	Entity will coordinate efforts with Ministry of agriculture to find and offer corresponding public owned agricultural land for lease. Compensation for all investments will be paid + moving costs if applicable + transitional allowance which will bridge the gap between RS laws and PR 5.
Business property (building used for business purpose like shops and offices)	Option 1: Cash compensation at market value + Moving costs (that are not defined in the law, but included in practice as "costs of expropriation process". or Option 2: Compensation in kind - Appropriate replacement property at owner's request offered if certain legal terms are met. Serbian legislation does not envisage transitional allowance or skill upgrading training.	Option 1. Alternative adequate property with adequate tenure arrangements, full relocation cost, including the inventory, and the replacement cost for any investment in the property, transitional allowance, lost net income during the period of transition; the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable and appropriate level of support for skill upgrading training if necessary to restore livelihood. Option 2. Cash compensation at replacement cost for the property + the cost of re-establishing commercial activities elsewhere + lost net income during the period of transition + the costs of the transfer and reinstallation of the plant, machinery or other equipment, as applicable and appropriate level of support for skill upgrading training if necessary to restore livelihood.	Option 1: Cash compensation - at replacement costs as defined in PR 5 will be paid to property owner - market price of property + moving costs + registration of ownership, administrative and tax fees + loss of income (as evidence by previous tax returns) for the period the business wasn't operational + transitional allowance for bridging the gap. Option 2: Replacement property - will be possible only at owner request and if legal terms are met, as defined by Law. In that case transitional and moving costs shall be paid to the property owner. Project Promoter will also design the skill upgrading program, to be determined during social surveys for the LARP, if applicable.

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Loss of a community commonly held resources (i.e. rangeland and pasture, non-timber forest resources) or public amenities	No particular legal provision	Project Implementing Entity needs to provide assistance that will offset any loss of a community's commonly held resources. This could take the form of initiatives that enhance the productivity of the remaining resources to which the community has access, in-kind or cash compensation for loss of access or provision of access to alternative sources of the lost resource.	The Project Implementing Entity will bridge this gap by giving attention to commonly held community resources during social impact assessment and LARP. If applicable, appropriate measures will be included. The Implementing Entity will fully adopt all PR 5 policies and provisions.
Loss of benefits (salary or other similar income)	Serbian legislation does not envisage support for loss of benefits and income for PAPs	Cash compensation for net loss of income during the period of resettlement + provide additional targeted assistance (credit facilities, training or job opportunities) and opportunities to restore, and where possible improve, their income-earning capacity, production levels and standards of living.	The LARP shall define the transitional payment to compensate net loss of income during the reasonable transitional period and include additional targeted assistance (credit facilities, training or job opportunities) and opportunities to restore, and where possible improve, their income-earning capacity, as a way to bridge the gap.
Grievance mechanism and dispute resolution	The Law prescribes the possibility of appealing throughout expropriation phases but only within the existing state and court institutions and with statutory limits.	The Project Implementation Entity will establish an effective grievance mechanism as early as possible in the Project. It will be consistent with this PR and with the objectives and principles of EBRD Performance Requirements 10 in order to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities. It will include a recourse mechanism designed to resolve disputes in an impartial manner.	Appropriate, accessible and affordable grievance mechanism shall be established in addition to legal rights of PAPs to claim protection in proper court of RS. Structure of proposed grievance mechanism is provided in chapter 4 of this LARF.
Monitoring of resettlement and	No particular legal provision	Monitoring of the resettlement and livelihood restoration process will be carried out in accordance	This LARF defines the plan of monitoring and reporting the

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livelihood restoration implementation		with EBRD Performance Requirements 1 and should involve the participation of key stakeholders such as affected communities. Depending on the scale of a project's resettlement, it may be appropriate for the client to commission an external completion report of the RAP to determine that the provisions have been met. The completion report should be undertaken after all inputs in the process, including any developmental initiatives, have been completed. The report may identify further actions to be completed by the Project Promoter. In the majority of cases, the completion of corrective actions identified by the completion report should bring the Project Promoter obligations for resettlement, compensation, livelihood restoration and development benefits to a close.	resettlement process and mitigation of adverse effects of the Project.
Unviable land parcels	Owners can request expropriation of the remaining land parcel on the pretext of economic unviability until the expropriation decision becomes valid. The only remedy after that is to initiate a formal court procedure		Economic unviability of the remaining property can become evident only after the start of construction, or even later during implementation. The Project Promoter should be ready to advise the land owner of all the potential impacts which could jeopardise the viability of the remaining land plot, and also be ready to facilitate a swift resolution of the court procedures (should any be initiated)
Vulnerable groups	Compensation for expropriated property can be determined in a higher amount than the market price, taking into account financial and other personal and family situation of the	The Project Implementing Entity will take into account any individuals or groups that may be disadvantaged or vulnerable. In particular, the Implementing Entity will take necessary actions to ensure that vulnerable groups	The Implementing Entity will bridge this gap by giving special attention to vulnerable group and individuals. They will be offered additional

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	<p>previous owner, if those conditions essential for its existence (the number of household members, number of household members who are capable of earning, or who are employed, the health status of household members, monthly household income, etc.)</p> <p>In case of physical displacement, security of tenure is not granted to homeless PAPs or vulnerable groups. While the Project does not resort to forced eviction, temporary rental (max 6 months) and moving expenses is provided to those that have no means for resettlement.</p> <p>The Law on Free and Accessible Legal Aid provides for legal assistance in cases of land acquisition at municipal level.</p>	<p>are not disadvantaged in the resettlement process, are fully informed and aware of their rights, and are able to benefit equally from the resettlement opportunities and benefits. These groups should be identified through the process of environmental and social assessment (as outlined in EBRD Performance Requirement 1). Also, additional requirements apply to consultations which involve individuals belonging to vulnerable groups</p>	<p>compensation, legal assistance during resettlement and help during physical relocation, as well as priority of employment as appropriate and assessed during the social impact assessment for the LARP. The Implementing Entity will fully adopt all PR 5 policies and provisions regarding vulnerable groups.</p>