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**SEURECA**  **VEOLIA**

# REPORT

## **Land Acquisition and Resettlement Framework of the RWCM Duboko, Užice**

**Client:** EBRD and AFD

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## Content

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List of figures .....	iv
List of tables.....	v
Abbreviations and acronyms .....	vi
1. INTRODUCTION.....	7
1.1 Project Background.....	7
1.2 Land-Use Context .....	8
1.3 Project Impacts .....	11
1.4 Principles and Objectives.....	12
1.5 Guiding Principles of LARF .....	12
2. NATIONAL LEGAL FRAMEWORK AND EBRD REQUIREMENTS .....	14
2.1 National Legal Framework.....	14
2.2 Key Stakeholders in the Process of Land Acquisition and Resettlement .....	15
2.3 EBRD Requirements .....	16
2.4 Key Differences between Local Legislation and PR5.....	16
3. ELIGIBILITY, EVALUATION AND ENTITLEMENT .....	18
3.1 Persons and Entities Eligible for Compensation and Assistance .....	18
3.2 Cut-off Date .....	18
3.3 Entitlements Matrix .....	19
4. GRIEVANCE REDRESS MECHANISM .....	23
5. CONSULTATION AND DISCLOSURE.....	23
5.1 Disclosure of Documents.....	23
5.2 Public Consultations .....	23
6. MONITORING AND EVALUATION .....	24
7. APPENDIX GAP ANALYSIS .....	25

## List of figures

---

Figure 1 Location Map of the project area .....	9
Figure 2 Overview over Duboko landfill construction .....	10

## List of tables

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Table 1 Potential impacts during Pre-Construction and Construction Phases .....	11
Table 2 Stakeholders in the Process of Land Expropriation and Resettlement .....	15
Table 3 Entitlements Matrix.....	19
Table 4 Gaps between the resettlement solutions envisaged by national legislation and EBRD PR 5 policies.....	25

## Abbreviations and acronyms

<b>A&amp;A</b>	<b>Description</b>
<b>AFD</b>	French Development Agency
<b>BoE</b>	Beneficiary of Expropriation
<b>EBRD</b>	European Bank for Reconstruction and Development
<b>EUR</b>	Euro
<b>GoRS</b>	Government of Republic of Serbia
<b>IFI</b>	International Financial Institutions
<b>LARF</b>	Land Acquisition and Resettlement Framework
<b>LARP</b>	Land Acquisition and Resettlement Plan
<b>LRP</b>	Livelihood Restoration Plan
<b>LM</b>	Local Municipality
<b>MBT</b>	Mechanical biological treatment
<b>MoF</b>	Ministry of Finance of Republic of Serbia
<b>MoEP</b>	Ministry of Environmental Protection
<b>MRF</b>	Materialized Recovery Facility
<b>NGO</b>	Non-Governmental Organisation
<b>NWMS</b>	National Waste Management Strategy
<b>PAP</b>	Project Affected Person
<b>PIU</b>	Project Implementation Unit
<b>PR5</b>	EBRD Performance Requirement 5 - Land Acquisition, Involuntary Resettlement and Economic Displacement
<b>PUC</b>	Public Utility Company
<b>RDF</b>	Residual fuel
<b>RWMC</b>	Regional waste management centre
<b>RWMS</b>	Regional Waste Management System
<b>RS</b>	Republic of Serbia

# 1. INTRODUCTION

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## 1.1 Project Background

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The European Bank for Reconstruction and Development ("EBRD") and the French Development Agency (AFD) ("the Banks") are considering providing a sovereign loan of up to EUR 100 million (the "Loan" or "EBRD Loan") to the Republic of SERBIA (the "Borrower") to finance critical improvements in the solid waste management system across several secondary cities in the country (the "Programme").

The borrower of the investment components will be the Republic of Serbia (RS), represented by its Ministry of Finance (MoF) as a signatory to the AFD and EBRD loan agreements. The MoF will then allocate the funding to the Ministry of Environmental Protection (MoEP), the ministry in charge of building waste collection and treatment systems. As such, **MoEP will be the project owner of the program**, via a PIU housed within the ministry. EBRD/AFD will provide the loan to support the investments in several regions and will share it as follow: 50 million EBRD/50 million AFD.

In order to support appraisal of the Program, AFD has committed a EUR 500,000 grant (framework contract with SEURECA/ENVICO) to conduct the detailed assessment of several sub-projects under the Program with an integrated approach encompassing all the components of the waste management system.

Following meetings and discussions with Serbian stakeholders held in July 2021, the 100 million loan originally planned for 8 sub-projects is now scheduled to be fully used for the 4 sub-projects (total estimated cost 95 MEUR + 5 MEUR for contingencies):

1. RWMS Kolubara ("**Kalenić**", 11 municipalities plus 4 municipalities, estimated cost 36 MEUR): construction of a regional waste management center including a sanitary landfill mechanical biological treatment (MBT) and a composting facility, transfer stations and transport trucks of waste between transfer stations and the regional waste management center.
2. RWMS **Sombor** (5 municipalities and possibly more in the future, estimated cost 34 MEUR): construction of a regional waste management center including a sanitary landfill, a MRF; and closure and remediation of the existing dumpsite in Sombor (which is the priority dumpsite to close - according to budget availability - because of its proximity with the future new regional sanitary landfill).
3. RWMS **Duboko** (9 municipalities + temporary absorption of waste from 4 municipalities of Nova Varos region, estimated cost 17 MEUR): stabilization and extension of the existing landfill; construction of a composting platform, landfill gas recovery plant and energy valorization, modernization of the existing MRF, construction of household waste recycling sites and a transfer station in Požega.
4. RWMS **Nova Varoš** ("**Banjica**", 4 municipalities, estimated cost 8 MEUR): construction of a regional waste treatment center including a sanitary landfill, a MBT and a composting facility.

The development of in-household source separation in all municipalities will be considered as part of the program investments for all the sites: primary collection equipment, containers, trucks, platforms, etc.

The closure and remediation of existing dumpsites in all municipalities covered by the program will be considered as "associated infrastructures" (not financed through the loan in case of budget constraint but part of the feasibility study). This stands for all local dumpsites but Sombor, where the regional landfill is being built on the site of the existing Rancevo dumpsite.

The project "Duboko" foresaw the construction of a regional landfill for solid waste in Duboko, as well as access road and infrastructure, construction of a secondary unit for waste separation in Užice, closure and remediation of 9 existing landfills in local self-governments and 8 transport stations in local self-governments Ivanjica, Lučani, Požega, Arilje, Kosjerić, Čajetina, Bajina Bašta and Čačak, purchase of vehicles for waste transport and development of a regional waste management plan.

## **1.2 Land-Use Context**

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The Duboko Regional Solid Waste Management Project involved the construction of a regional solid waste management centre (RWMC) to serve nine municipalities: Arilje, Čačak, Ivanjica, Požega, Kosjerić, Čajetina, Bajina Bašta, Užice and Lučani.

The region is located in the southwest part of Serbia and consists of flat land in the Arilje, Čačak, Ivanjica, Lučani and Požega areas, whereas Bajina Bašta, Čajetina, Kosjerić and Užice are mainly hilly and mountainous.

In total the region comprises an area of 5,301 km<sup>2</sup> and a population of 347,524 inhabitants. Within the region there are large variations within economic and commercial activity. Čačak and Užice are the most economically developed cities in the region and have numerous companies dealing with manufacturing, construction and trade. The main industrial sectors are metal industry, processing of ferrous metals, textile and timber industries. Also, in both cities there are large companies which produce ammunition. Arilje, Čajetina, Požega, Kosjerić, and Ivanjica are less developed and mainly deal with agriculture activities and services such as dairy and tourism.

The region is well known for the many historical sites especially the large concentration of monasteries in the Ovčar-Kablar canyon and the medieval fortress "Stari grad" in Užice. Zlatibor and Tara are the main touristic sites attracting visitors for winter sports during winter and recreation during summer. Drina river offers rafting and fishing opportunities and Eco-tourism is in general developing within the region.





Each of the nine municipalities has established PUCs which are managing waste collection and disposal. In all the municipalities the waste collection was only covering part of the territory. The waste was disposed of to 8 uncontrolled landfills, one in each municipality, except Arilje which stopped landfilling at their dumpsite in 2004 and started to transfer the waste to Požega dumpsite.

Since the existing municipal landfills did not have the capacity for further waste disposal and hygiene measures, in 2005 the PUC Duboko was established by an inter-municipal agreement. The aim was to start the construction of a Regional sanitary landfill for solid waste disposal that will serve the entire region. It was also planned to construct a sorting plant on site for manual processing of secondary raw materials. The intention was to sell sorted fractions and produce long-term residual fuel (RDF) for use in thermal processes. Construction of both components began in 2008 and opened in 2011.

The landfill is occupying an area of 150,000 m<sup>2</sup>. However, due to the steep slopes of the landfill body, it is estimated that only 1,110,433 m<sup>3</sup> of waste can be placed in the landfill. This landfill volume would allow only 12-15 years of operation which is why the Serbian government has declared that it is in the public interest to expropriate the land in order to expand the Duboko landfill complex. PUC Duboko started the expansion and stabilization of the body of the regional landfill at the end of June 2021. The construction work on the site is still ongoing.



Figure 2 Overview over Duboko landfill construction

At a distance of about 2,650 m from the landfill, approximately 4% of the Užice population is concentrated and at the distance of 2,350 m, approximately 90% of the Sevojno population is concentrated. On the area to the visual watershed barrier, there are 9 housing buildings (29 inhabitants). In the upper and middle part of the Turski Potok flow, over the valley on cultivable planes, there are several hamlets, and in the lower part of the Turski Potok course, to the mouth to the Duboki Potok, there are no hamlets.

The valley of Turski Potok is practically uninhabited. The first significant condensed-type settlements are Lazovine, on the right, and Tatinac on the left bank, and Lačevine in the confluence zone of Turski Potok. These are more than 500 m away from the future landfill expansion cell. In the broader area, there are no settlements with straight streets or of

condensed type, and the first households are 200 m away from the Duboko landfill. The land proposed for landfill expansion is wooded and primary used to supply firewood for its own uses. Surroundings of the location are the character of a typical forest.

The representative of the landfill Duboko said that a small number of informal waste pickers were identified on the spots - 10 in Požega and 2 in Ivanjica. For further assessment of the informal waste pickers and possible PAPs at the tentative locations of the transfer stations additional research is needed.

### 1.3 Project Impacts

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 PUC "Duboko" with actual impacts and adequate remediation measures will be introduced based on them.

Table 1 Potential impacts during Pre-Construction and Construction Phases

Impact	Description	Positive/ Negative <sup>1</sup>	Likelihood 5-Very high 1-Very low
<b>Pre-Construction Phase</b>			
Loss of land	Agricultural land (cultivated and not cultivated), construction land	Not applicable	Without influence
Loss of crops	Annual and perennial plants	Not applicable	Without influence
Economic displacement	Inability to continue with waste picking on non-regulated landfills	N	3
	Inability to continue with agricultural production	Not applicable	Without influence
	Loss of income from land lease	Not applicable	Without influence
	Loss of rural infrastructure (irrigation systems, informal access roads)	Not applicable	Without influence
	Loss of auxiliary structures	Not applicable	Without influence
	Loss of agricultural activities for subsistence production	Not applicable	Without influence
	Loss of grazing areas for livestock	Not applicable	Without influence
<b>Construction Phase</b>			
Employment opportunities	Local recruitment for construction	P	1
	Local suppliers of goods and services	P	1

<sup>1</sup> In case of uncultivated land expropriation could result in benefits due to favorable compensation rates.

Impact	Description	Positive/ Negative 1	Likelihood 5-Very high 1-Very low
	Indirect employment – Higher turnover due to increased workforce in the area (catering, restaurants, groceries, gas stations, etc.)	P	1

#### 1.4 Principles and Objectives

Seureca and Envico have 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, AFD 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 has been developed to serve as additional guidance to any gaps between national legislation, the EBRD and AFD requirements related to land acquisition and livelihood restoration and as a basis for the development of detailed Land Acquisition and Resettlement Plan (LARP) for the Project. 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.

#### 1.5 Guiding Principles of LARF

This document is developed to explain how land acquisition and livelihood restoration are being conducted.

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**

Since the process of land acquisition and tentative resettlement has been completed for this site, there is no need for LARP.

## 2. NATIONAL LEGAL FRAMEWORK AND EBRD REQUIREMENTS

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### 2.1 National Legal Framework

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

- Law on Expropriation ("Official Gazette of the RS", No. 53/95, "Official Gazette of the FRY", No. 16/2001 - decision of the Constitutional Court and "Official Gazette of the RS", No. 20/2009, 55/2013 - decision of the CC and 106/2016),
- 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 RS", No. 115/2005 – other laws).
- Law on Planning and Construction ("Official Gazette of the RS" 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, 145/2014, 83/2018, 31/2019, 37/2019 - other law, 9/2020 and 52/2021),
- Law on State Geometry and Cadastre Act ("Official Gazette of the RS", No. 72/2009, 18/2010, 65/2013 and 15/2015 - decision of the C.C., 96/2015, 47/2017, 113/2017 – other laws, 27/2018 – other laws, 41/2018 – other laws and 9/2020 – other laws),
- Law on Agricultural Land ("Official Gazette of the RS", No. 62/2006, 65/2008 - other law, 41/2009, 112/2015, 80/2017 and 95/2018 – other law),
- Law on Forests ("Official Gazette of RS", No. 30/2010, 93/2012, 89/2015 and 95/2018 – other law),
- Law on waters ("Official Gazette of the RS", No. 30/2010, 93/2012, 101/2016, 95/2018 and 95/2018 – other laws),
- Law on Public Property ("Official Gazette of the RS" No. 72/2011, 88/2013 and 105/2014, 104/2016 – other laws, 108/2016, 113/2017, 95/2018 and 153/2020).

The main law in this framework is the Law on Expropriation. It guides the process and serves as a general framework for expropriation in the Republic of Serbia. The main principles it sets are the following:

- 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.

- ensure simple, efficient process, reducing as far as possible the need for a lengthy judicial process to facilitate necessary expropriation.

## 2.2 Key Stakeholders in the Process of Land Acquisition and Resettlement

Stakeholders usually involved in the land acquisition process, including the legal expropriation process, are presented in the table below.

Table 2 Stakeholders in the Process of Land Expropriation and Resettlement

Stakeholders	Key responsibilities during resettlement/expropriation
General assembly of RS	<ul style="list-style-type: none"> <li>▪ Declares public interest by law</li> </ul>
Government of RS (GoRS)	<ul style="list-style-type: none"> <li>▪ Declares public interest for expropriation (if not done by law as above)</li> </ul>
Ministry of Construction, Transport and Infrastructure	<ul style="list-style-type: none"> <li>▪ Proposes and coordinates RS spatial plan and regional planning documents development</li> <li>▪ Manages the register of spatial plans</li> </ul>
Beneficiary of Expropriation (PUC Duboko)	<ul style="list-style-type: none"> <li>▪ Applies and coordinates all resettlement activities under this LARF and LARP</li> <li>▪ Discloses Cut-off date in public announcement for relevant municipality, as part of expropriation process;</li> <li>▪ Prepares LARP and other documents;</li> <li>▪ Implements LARP;</li> <li>▪ Discloses LARF, and all other documents; holds public consultations in all Project phases</li> <li>▪ Engages relevant stakeholders;</li> <li>▪ Applies resettlement mitigation measures</li> <li>▪ Establishes and administrates the grievances mechanism to address all grievances from PAPs and other stakeholders</li> <li>▪ Monitors and evaluates process of land acquisition</li> <li>▪ Reports to EBRD and ADF on all issues under this LARF</li> <li>▪ 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</li> </ul>
Tax Administration Offices (City of Pozega)	<ul style="list-style-type: none"> <li>▪ Determines the assessment of agricultural land (if replacement land cannot be found which is most often the case) and construction land</li> </ul>
Accredited experts (appointed by or at proposal of the beneficiary of expropriation)	<ul style="list-style-type: none"> <li>▪ Valuation for all types of land, structures, and any attachments to the land</li> </ul>
Local-Self Governments, including their administration (Pozega)	<ul style="list-style-type: none"> <li>▪ Local municipalities conduct the expropriation process (Department of property-legal affairs)</li> </ul>
Ministry of Agriculture, Forestry and Water Management	<ul style="list-style-type: none"> <li>▪ Provides information about available replacement land</li> </ul>
Republic Geodetic Authority, State Cadastre of immovable property, decentralized units	<ul style="list-style-type: none"> <li>▪ Provides official information on all immovable, including land, structures, houses, etc.</li> <li>▪ Provides official legal information on owners of immovable properties</li> </ul>

Stakeholders	Key responsibilities during resettlement/expropriation
	<ul style="list-style-type: none"> <li>▪ Provides information on possessors of immovable property Includes annotation of expropriation process</li> <li>▪ Executes legal title changes of immovable property owners after land acquisition, expropriation etc.</li> </ul>
Relevant municipal courts	<ul style="list-style-type: none"> <li>▪ Determines compensation if amicable agreement has not been reached.</li> </ul>

## 2.3 EBRD Requirements

The Project has been screened as a Category B 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

The major EBRD performance requirement that is valid for projects which are fully or partially sponsored or funded by EBRD, triggering land acquisition and resettlement, is PR 5. These requirements are not restricted to cases of physical resettlement, but also to economic displacement consequential from land acquisition or restricted access to resources only (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.

National legal regulations that treat 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.

While on one hand the legislative framework of the Republic of Serbia provides for fair compensation for the project affected land, facilities, and crops, it, on the other hand, 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.

### **3. ELIGIBILITY, EVALUATION AND ENTITLEMENT**

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#### **3.1 Persons and Entities Eligible for Compensation and Assistance**

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The representative of the landfill Duboko said that a small number of informal waste pickers were identified on the spots - 10 in Požega and 2 in Ivanjica. For further assessment of the informal waste pickers and possible PAPs at the tentative locations of the transfer stations additional research is needed. Their income could be affected with closure of unsanitary landfills to some extent, but more detailed research is needed in order to properly assess this impact. Livelihood restoration measures to be determined once the socio-economic survey is completed. Tentative livelihood restoration is defined under EBRD's PR5. Under point the 26 they would be defined as persons who have no recognisable legal right or claim to the land or assets they occupy or use. In accordance with the points 28 and 32 they would be offered in-cash livelihood restoration assistance. In accordance with the point 29 a clear basis for calculation of compensation should be documented, and compensation distributed in accordance with transparent procedures. The compensation would be provided before imposition of access restrictions (point 30).

#### **3.2 Cut-off Date**

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The cut-off date is a moratorium date for all claims against the property within the Project affected area. To be defined in more details during LARP preparation.

### 3.3 Entitlements Matrix

The research organized for preparation of LARP would provide more details about PAPs and their entitlements. Here we present an overview of all possible impacts, PAPs and entities that are entitled to compensation in line with EBRD Environmental and Social Policy 2019.

Table 3 Entitlements Matrix

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
<b>LAND</b>			
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.	N/A
	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.	N/A
	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 market price + costs of equipment relocation and installation, if any + transitional allowance and Replacement land for lease from state, if possible.	N/A
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	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	N/A

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
	users of publicly/state owned construction land.	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	
	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	N/A
	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	N/A
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	N/A
<b>PLANTS AND STRUCTURES ON LAND (but not physical relocation)</b>			
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	N/A

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
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	N/A
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	
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	N/A
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)	Cash compensation at replacement costs: market price for improvements + labour and time to install improvements at market price	N/A

Type of loss	Person with rights	Compensation policy	Remedial measures / additional actions required for past land acquisition
	providing that they bore costs of improvements)		
<b>LIVELIHOOD</b>			
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)	N/A
Persons engaged in waste picking on the non-regulated landfills	Formal waste pickers Informal waste pickers	<p>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:</p> <ul style="list-style-type: none"> <li>▪ Offering in-cash assistance</li> <li>▪ Offering seasonal jobs</li> <li>▪ Offering jobs during the construction phase of the Project</li> <li>▪ Offering jobs on National Employment Service</li> <li>▪ Offering courses for adult education</li> <li>▪ Offering courses for acquiring new skills</li> </ul> <p>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.</p>	N/A
<b>OTHER RESETTLEMENT SITUATIONS</b>			
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.	N/A
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**

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No grievance related to land acquisition and resettlement is expected at this project at this stage.

## **5. CONSULTATION AND DISCLOSURE**

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### **5.1 Disclosure of Documents**

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All documents identified for public disclosure will be prepared and published in Serbian and English language. As per the EBRD and AFD 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 PUC Duboko, relevant local municipalities and cities. All announcements in local newspapers and media will be made in Serbian in non-technical vocabulary. Hard copies of the documentation shall be available in the affected municipalities and cities. Regional sanitary landfill for municipal waste – PUC Duboko is responsible for all disclosures of the documents.

### **5.2 Public Consultations**

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Regional sanitary landfill for municipal waste – PUC Duboko 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.

Regional sanitary landfill for municipal waste – PUC Duboko will publish a Project description which includes the grievance form and contact details for submitting grievances.

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, if needed, 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 Regional sanitary landfill for municipal waste – PUC Duboko and relevant cities and municipalities; comments and questions to be collected via email.

Project leaflets with a brief, non-technical overview of the Project 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.

- Regional sanitary landfill for municipal waste – PUC Duboko will continue to inform the public through the media and in other appropriate ways on all significant project achievements and issues (environmental, H&S and social).

## **6. MONITORING AND EVALUATION**

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Since there is no need to develop LARP for this project at this stage, there is neither need for monitoring and evaluation of its implementation.



## 7. APPENDIX 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. Since the land acquisition and resettlement are closed questions at this project, the measures proposed to close the gaps between RS laws and EBRD's PR5 requirements are of provisional nature.

Table 4 Gaps between the resettlement solutions envisaged by national legislation and EBRD PR 5 policies

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
Displacement of formal owners of agricultural land	<p>Appropriate (equal in value, quality, cultivation type, class and area) replacement land offered in the vicinity.</p> <p>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.</p>	<p>Displacement - Replacement property of equal or higher value and similar productivity + Administrative fees + Loss of income.</p> <p>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</p> <p>(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.</p>	<p>If livelihood of property owner is agriculturally based, according replacement property should be offered + Moving and transitional allowance + Administrative fees</p> <p>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.</p>
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	<p>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)</p> <p>or</p> <p>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.</p>	<p>Resettlement - Replacement property is offered, of equal or higher value and similar traits + Moving and transitional allowance + Administrative and tax fees</p> <p>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).</p>	<p>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.</p> <p>Or</p> <p>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</p>

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
<p>Business property (building used for business purpose like shops and offices)</p>	<p>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").</p> <p>Or</p> <p>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.</p>	<p>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.</p> <p>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.</p>	<p>moving costs shall be paid to the property owner.</p> <p>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.</p> <p>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.</p>
<p>Displacement of the lessee of agricultural land</p>	<p>National legislation does not provide for transitional allowance nor replacement land for lease, if land was leased from state, and no compensation if land was leased from private owners.</p>	<p>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 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.</p>	<p>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 Entity will coordinate efforts with Ministry of agriculture to find and offer corresponding public owned agricultural land for lease.</p> <p>Compensation for all investments will be paid + moving costs if applicable + transitional allowance which will bridge the gap between RS laws and PR 5.</p>
<p>Loss of a community commonly held resources (i.e. rangeland and pasture, non-timber forest resources) or public amenities</p>	<p>No particular legal provision</p>	<p>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</p>	<p>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.</p>

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
Loss of benefits (salary or other similar income)	Serbian legislation does not envisage support for loss of benefits and income for PAPs	or provision of access to alternative sources of the lost resource. 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.
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.
Additional assistance to PAPs after physical and/or economic resettlement, livelihood restoration	Only vague references to assistance without clear particular legal provision	It is necessary to provide additional assistance during and after resettlement. Particular attention is to be paid to the needs of the poor and vulnerable individuals and groups. 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. Provide relocation assistance sufficient for PAPs to restore, and where possible improve, their standards of living. 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.	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. 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 assistance commensurate to the impact, as a way to bridge the gap.
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	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, (ii) Provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.	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. Resettlement Action Plan and Livelihood Restoration Plan should include measures and

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
	administration procedure for permits, licenses or utility connections). Also, the tax and administration fees are not included in the compensation and depreciation of property value (amortization, except for land) is included in the assessment of compensation	Transitional in-kind assistance (food aid, health support, health insurance as the case may be)	design adequate support and assistance commensurate to the impact, to bridge the gap.
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 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.) 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.	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 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	The Implementing Entity will bridge this gap by giving special attention to vulnerable group and individuals. They will be offered additional 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.

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
	The Law on Free and Accessible Legal Aid provides for legal assistance in cases of land acquisition at municipal level.		
Timing of compensation payments and taking possession of expropriated property	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 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.	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 deposited on an escrow account or similar.
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	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	The Project Implementation Entity shall disclose and consult publicly on this document and every other individual resettlement instrument.

Subject	RS laws	PR 5 requirements	Gaps and measures for bridging the gaps according to PR requirements
	<p>Environmental impact assessment.</p> <p>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.</p>	<p>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.</p>	<p>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.</p>
<p>Grievance mechanism and dispute resolution</p>	<p>The Law prescribes the possibility of appealing throughout expropriation phases but only within the existing state and court institutions and with statutory limits.</p>	<p>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.</p>	<p>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.</p>
<p>Monitoring of resettlement and livelihood restoration implementation</p>	<p>No particular legal provision</p>	<p>Monitoring of the resettlement and livelihood restoration process will be carried out in accordance 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.</p>	<p>This LARF defines the plan of monitoring and reporting the resettlement process and mitigation of adverse effects of the Project.</p>



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