



JSC “SERBIAN RAILWAYS INFRASTRUCTURE”



CITY OF NIS

RESETTLEMENT POLICY FRAMEWORK

**FOR EXPROPRIATION INTENDED FOR
REHABILITATION AND MODERNIZATION OF THE
RAILWAY LINE NIS-DIMITROVGRAD**

FINAL DOCUMENT

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ACRONYMS AND ABBREVIATIONS

IPF	Infrastructure Projects Facility
AP	Affected Persons
ARAP	Abbreviated Resettlement Action Plan
ASG	Advisory and Stakeholder Group
BoE	Beneficiary of Expropriation
CFD	Central Feedback Desk
CoN	City of Nis
EC	European Commission
EIB	European Investment Bank
EIB ESH	European Investment Bank- Environmental and Social Handbook
ESIA	Environmental and Social Impact Analysis
ETS	Electric Traction Substation
EUR	Euro
GoRS	Government of the Republic of Serbia
IFI	International Finance Institution
IM (SRI)	Infrastructure Manager (JSC “Serbian Railways Infrastructure”)
IT	Information Technology
MCTI	Ministry of Construction, Transport and Infrastructure
MoPALSG	Ministry of Public Administration and Local-Self Government
MoF	Ministry of Finance of Republic of Serbia
NGO	Non-Governmental Organization
NSO	National Statistical Office of Republic of Serbia
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAP	Project Affected Person
PAF	Project Affected Family
PAH	Project Affected Household
PIU	Project Implementation Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RS	Republic of Serbia
RSD	Serbian Dinar
ToR	Terms of Reference
VG	Vulnerable Group

GLOSSARY

When used in this document 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. Compensation will be paid before taking possession of the land and assets in all cases;
- "Compensation agreement" - Refers to the concurrence of compensation, under the Law of expropriation before the municipal administration or before the competent court, reached between BoE and expropriated property owner on in-kind compensation, the amount of cash benefits, mutual additional payments for differences in the property value, building entrances, passages and access roads on the property, as well as other actions permitted by Law;
- "Compulsory possession" refers to the process whereby the promoter is entitled to take possession of property required for the realisation of the project and duly designated as such, although there may be outstanding grievances and/or pending court judgements concerning the involuntary acquisition or valuation of such asset;
- "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, BoE will publish the information about the cut-off date in local newspapers, informing all owners and users of the initiation of the expropriation process. The cut-off date will also be publicly disclosed on notice boards in local communities and relevant municipalities and at consultation meetings, with an accompanying explanation. The public announcement will also be posted, as necessary, on frequently visited locations throughout the affected areas;
- "Economic Displacement" - Includes all loss of income sources or means of livelihood as a result of land acquisition or obstructed access to resources (land, water, or forest) as a result of Project implementation, regardless whether affected persons (APs) must move to another location or not;
- "Entitlement" refers to a range of measures comprising compensation, income restoration, transfer, assistance, income substitution, and relocation which are due to affected persons, depending on the nature of their losses, to restore their economic and social base;
- "Expropriation" - It refers to a dispossession or a limitation of ownership rights on property with a compensation pursuant to market value of the property;
- "Expropriation resolution" - The formal decision of the relevant local government, passed in accordance with the Law of Expropriation, that declares expropriation of a certain, individual property. The Expropriation resolution includes the designated Beneficiary of Expropriation (BoE), details of property to be expropriated, identification of owner(s), purpose of the expropriation, as well as the number and date of the decision establishing the public interest for expropriation and the name of the authority that issued this decision, legal remedy and obligations of the BoE;
- "Forced evictions" concern acts and/or omissions involving the coerced or involuntary resettlement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus

eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection". Forced evictions constitute violations of a range of internationally recognised human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment and freedom of movement;

- "Host community" is the community residing in the areas that had been identified as the new locations as part of resettlement remedial action. These may encompass the actual neighbourhoods/villages/towns where the project-affected persons are resettled to, or may simply neighbour the new settlements but have interaction with, or otherwise be impacted by, the new resettled communities;
- "Involuntary resettlement" - refers to: (a) physical displacement (i.e. physical relocation of residence or loss of shelter), and/or (b) economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition or restriction of access to natural resources. Resettlement is considered *involuntary* when affected individuals or communities do not have the right to refuse land acquisition resulting in displacement. Involuntary resettlement can be caused by environmental degradation, natural disasters, conflicts or development projects. Even if the resettlements prompted by public safety concerns (such as natural hazard-induced displacement), it is still considered involuntary if the resettled population has no choice to remain at their location. The involuntary resettlement is associated with loss of housing, shelter, income, land, livelihoods, assets, access to resources and services, among others. These losses occur as a consequence of declaring a public purpose in cases of: (a) land acquisition, (b) expropriation or restrictions on land use based on eminent domain, (c) forfeiting of a livelihood/subsistence strategy dependant on the use of natural resources, and/or (d) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail;
- "Land acquisition" connotes the process whereby a person is compelled by a government agency to alienate all or part of the land that person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation. It includes purchases or leasing of land and purchases or leasing of access rights (way-leave);
- "Law of Expropriation" - Refers to Law of Expropriation of Republic of Serbia, published in the Official Gazette RS, No. 53/95 dated December 28, 1995, including changes of 23/01 dated April 6, 2001 (FCC), 20/09 dated March 19, 2009, 55/13 dated June 25, 2013 and 106/16 dated December 28, 2016;
- "Livelihood restoration" - Includes all efforts to be undertaken to assist PAPs impacted by physical or economical displacement to improve their livelihoods and standards of living, or at least to restore to level before displacement or to level prior to the beginning of project implementation, whichever is higher. Assistance in livelihood restoration will continue in a transition period, based on a reasonable estimate of the time likely needed;
- "Moving allowance" - The moving allowance is a cash compensation for expenses directly associated to moving/relocation of the household;

- "PAP - Project affected person" - PAP is any person who, as a result of the implementation of the Project suffers 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, work place or business premises to another location;
- "Project" - Here described as rehabilitation and modernization of railway line Nis-Dimitrovgrad;
- "Project implementation" - When used in this RPF includes planning, execution, monitoring and evaluation of the Project;
- "Project Promoter" - Refers to the responsible state agency for Project implementation, in this case Republic of Serbia - Ministry of Construction, Transport and Infrastructure (MCTI) and JSC "Serbian Railways Infrastructure" (IM) and their PIUs respectively (if established);
- "RAP - Resettlement Action plan, ARAP - Abbreviated Resettlement Action Plan" and Integrated RAP - Integrated Resettlement Action Plan" - The document consistent with the principles and objectives of IFI's resettlement policies and with the RPF in which responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the Project in certain area. In accordance with IFI's resettlement policies, ARAP is prepared when less than 200 people are affected by the Project, and resettlement impacts are minor. Integrated RAP may be prepared in accordance with IFI decision if there are many sub-projects in the Project, or there are several sub-sections that are prepared for advancement at the same time;
- "Resettlement" - Relates to all cases of land acquisition and compensation for loss of assets, whether it involves actual relocation, loss of land, shelter, assets, economic displacement or other means of livelihood and includes all the measures taken to mitigate any and all adverse impacts of the Project on PAPs' property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation. Resettlement impacts include the loss of crops and incomes, in addition to physical relocation;
- "Resettlement Policy Framework (RPF)" is a document similar to a RAP carried out when the exact physical and/or economic displacement is unknown due to the nature (existence of multiple components or sub-projects) and/or stage of development of the project. This is typically the case for linear infrastructures. The document should include a commitment for the later implementation of a RAP, outline the general principles of resettlement that shall apply to the (sub-)project(s) and establish the criteria that shall make it necessary to develop a RAP for the underlying (sub-)project(s);
- "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 IFI's 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;

- “Vulnerable groups” are population groups that suffer from discrimination, unequal access to rights, unequal access to and control over resources or unequal access to development opportunities. As a result, they may be poorly integrated into the formal economy, may suffer from inadequate access to basic public goods and services, may be excluded from political decision-making, and may therefore face a higher risk of impoverishment and social exclusion. More often than not, the resilience levels of such groups to adverse impacts are lower. Such groups may include ethnic, religious, cultural, linguistic minorities, indigenous groups, female-headed households, children and youngsters, the elderly, persons with disabilities, and the poor.

1. PREFACE

This RPF was prepared to guide any involuntary resettlement that may occur as a result of action and implementation of the rehabilitation and modernization of railway line Nis – Dimitrovgrad, via stations Crveni Krst, Pantelej and Sicevo. This is one of the key safeguard documents for this project.

In all cases of land acquisition, involuntary resettlement and social impacts due to implementation of infrastructure projects, and depending on the stage of implementation, International Financial Institutions' (IFI) policies require preparation of a project-specific Resettlement Policy Framework (RPF) to guide any potential, future project-induced resettlement activities. This document includes an overview of the national framework of the Republic of Serbia for expropriation/resettlement, applicable IFI's policies and best international practices in this field. In case of project-induced land acquisition/resettlement, the more stringent requirements of either one shall prevail. This document provides the framework for resolving all related issues and circumstances with the final objective that during this Project implementation if any involuntary resettlement should be required, it doesn't rise severe economic and social risks to persons, families or groups, to procure the mitigation of all risks, and to provide a framework for compensation for all impacts that cannot be avoided. If any resettlement should be required, it will be governed by principles and rules presented in this RPF.

2. INTRODUCTION

2.1 RPF summary

In accordance with the IFI's resettlement policies, preparation of a RPF is required if the extent and locations of resettlement are not completely known at the time of Project appraisal. The objective of this document is to provide guiding principles for the Project implementation intended to ensure timely, adequate and efficient actions, specified by priority, in order to avoid, minimize and compensate all adverse impacts during resettlement. RPF is prepared in accordance with the legal system, laws and procedures of RS, in conformity with IFI's resettlement policies and best international practice. RPF also provides the mandatory basis for developing site specific resettlement instruments (RAPs), which will be developed as appropriate for sub-projects (project components) that lead to resettlement.

2.2 Project description

The project consists of the reconstruction and modernisation of the existing single track railway line Sicevo – Dimitrovgrad, including rehabilitation and modernization of infrastructure, electrification and modernization of signalling/telecommunications, and construction of single track bypass in the North of the City of Nis (CoN).

In the terms of responsibility for resettlement policy, for the implementation of RPF in the area of bypass the CoN will be responsible, and for the implementation of the RPF along the existing railway line Sicevo – Dimitrovgrad the IM (SRI) will be responsible.

The costs of expropriation and, if required, the additional compensation to bridge the gap with the EIB Standards, shall be paid from the national contribution, according to the procedure defined in more details in Chapters 3.2 and 3.3.

In this project, having in mind the potential number of Project Affected Persons (PAP) and geographical locations of the sub-projects, there will be two separate Resettlement Action Plans (RAP), one for the bypass and one for the section Sicevo – Dimitrovgrad.

The schematic overview of the railway node Nis and project scope are shown on Figure 1.

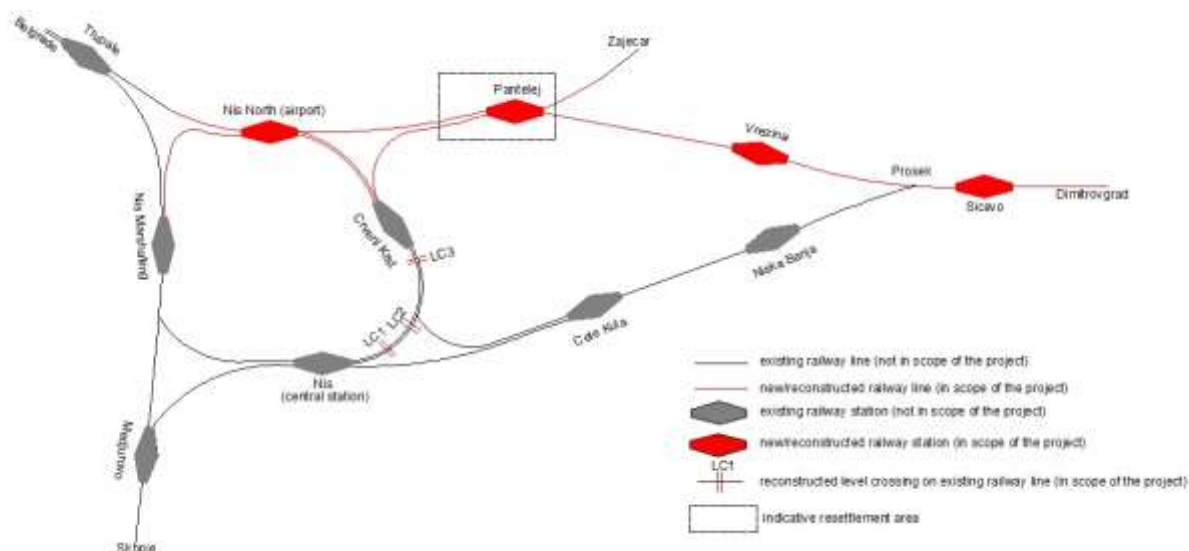


Figure 1

The project shall be financed from the following financial sources:

- EIB (125 million EUR);
- WBIF (65 million EUR);
- National contribution (15 million EUR);
- Other sources to be defined (45 million EUR).

2.3 Scope of land acquisition and resettlement

The Project will require acquisition of around 1660 land parcels and physical displacement of 44 physical structures in the City of Nis (municipalities Pantelej and Ostrovica) and municipality Bela Palanka and administratively and geographically covering the direct area of influence. Total number of affected persons will be determined after conducting of the social survey, but it is expected to be above 200 persons.

The proposed works on the railway line Nis-Dimitrovgrad will have following status by components concerning the expropriation and resettlement:

- On the existing section Sicevo-Dimitrovgrad the works will mostly stay within the existing right of way (railway land), except in areas predicted for construction of new electric traction substations (ETS) Bela Palanka and Sukovo and in areas of buildings affected by the tracks extension in Ostrovica (within the CoN) and municipality of Bela Palanka, where the resettlement and/or expropriation is needed;
- On the existing section Nis-Crveni Krst and reconstructed section Crveni Krst-Pantelej the works will stay within the existing right of way (railway land), so there is no need for expropriation or resettlement;
- On the new railway bypass around CoN (new section starting from station Nis Marshalling and ending in station Sicevo) the expropriation is needed and resettlement shall be carried out in the area belonging to the municipality Pantelej (within the CoN).

2.4 Principles and objectives of RPF

During implementation of the Project, the need for land acquisition and involuntary resettlement will occur as a result of civil works and other works foreseen under the Project. This document provides basic and binding principles to be applied. The basic principles guiding this Project are:

- If possible, all resettlement should have been avoided exploring viable alternatives during the Project design stage. Since this was not possible, all adverse effects should be rendered to the bare unavoidable minimum;
- When unavoidable adverse effects and social impact occurs, all loss of property shall be compensated at replacement costs and PAPs livelihood restored at least to the level before the Project implementation;
- PAPs will be assisted in all phases of the Project in their effort in livelihood restoration and living standards in real terms to level prior to Project implementation and resettlement;
- All resettlement needs to be managed in accordance with national laws, IFI's resettlement policies, accepted international best practices and the basic principles of this document;
- Special support and concern in resettlement process and during complete Project implementation under this RPF is provided for affected vulnerable groups according to their specific vulnerability. Also, inclusion of women, part of affected households, in all public consultation, specific mitigation measures gender tailored, and other measures with the goal to provide women the possibility to participate in mitigation measures provided for resettlement impact, will be given under this RPF;
- In accordance with this RPF, RAPs will be prepared for all cases of resettlement under each sub-project component;
- RPF and the RAPs publicly disclosed with public consultations held prior to its final approval to allow affected persons and stakeholders to participate in Project development and planning and implementation of resettlement programs;
- During the Project implementation and resettlement cycle, stakeholders will be provided with clear information about grievance rights and procedures. All grievances will be taken into account during Project implementation and resettlement activities;
- All resettlement activities should be conceived as sustainable projects providing sufficient investment resources to enable principles and goals of resettlement defined by this RPF and RAPs.

The main objective of RPF is to define overarching principles, procedures, actions, organizational structures and capacity requirements during resettlement, if such should be required, and its impact attributable to Project implementation. It provides the framework for individual RAPs under the Project. RPF specific objectives are to:

- classify RS legal solutions in all events of involuntary resettlement, relocation and loss of assets, including legal and administrative procedures and compensation paid for loss of assets; compare them to IFI's resettlement policies and international best practices; and provide the way to bridge the gaps;

- identify key institutions of RS, besides the Project Promoter, involved in the Project implementation, including especially legally authorized state institutions implementing the procedures and safeguards of involuntary resettlement process; including Project promoter measures and monitoring in order to provide compliance with IFI's resettlement policies, international best practices, RPF and individual RAPs;
- identify stakeholders and ways of their engagement in course of Project implementation;
- present PAPs eligibility criteria and compensation entitlement matrix according to type of loss assets;
- define the process of identification and evaluation of affected assets and the value of compensation to replace the loss of assets;
- provide prompt and effective compensation at full replacement cost for loss of assets or access to assets;
- describe mitigation measures under this RPF and individual RAPs, including procedures in order to minimize impacts on PAPs during Project implementation, including specific mitigation measures provided for vulnerable groups and women;
- define grievance and complaint rights, process, bodies and procedures available to PAPs during the whole course of Project implementation, including feedback reporting;
- describe and provide directions to preparation of individual RAPs and approval procedure, future RAPs' outlines and their implementation process;
- specify requirement of public disclosure, disclosure of documents, public and local community involvement in all phases of the Project preparation; including development of RPF and RAPs; especially including public consultation in the PAP community during process of involuntary resettlement and Project implementation that may result in loss of assets;
- establish a gender-sensitive framework for resettlement in order to determine differential impacts since economic and social disruption do not result in equal hardship for women and men;
- specify internal monitoring activities during all phases of Project implementation, especially regarding resettlement issues, safeguarding legal and under this RPF defined process, including evaluation of the resettlement process;
- define the need and extent of monitoring and evaluation of the resettlement process, including external monitoring and evaluation;
- provide forms and questionnaires key to safeguarding and implementing the resettlement process under this RPF and individual RAPs.

3. LEGAL FRAMEWORK OF RESETTLEMENT

3.1 National regulations significant to resettlement

3.1.1. Constitution of the Republic of Serbia

The Constitution of the Republic of Serbia was approved in the constitutional referendum held on the October 28-29, 2006 and was officially proclaimed by the National Assembly of Serbia on November 8, 2006. Constitution of RS proclaims the rule of law and social justice, principles of civil democracy, human and minority rights and freedoms, and commitment to European principles and values.

Article 58 generally acknowledges guarantees of peaceful tenure of a person's own property and other property rights acquired by law. It states that right of property may be revoked or restricted only in public interest established by law and with compensation which cannot be less than market value. It is important to note that the Constitution of RS prohibits the payment of compensation less than the "market value", but allows the payment over the established market value, which is an important provision for bridging gaps between Serbian laws and IFI's resettlement policies, as will be presented later in this document. The provisions of the Constitution also doesn't differ property (buildings etc.) constructed without a construction permit, a practice that became common during last 30 years in RS. The Constitution further proclaims that all human rights (including the right of property) and minority rights guaranteed by the Constitution shall be implemented directly.

Furthermore, Article 16 states that all general accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. This provision allows direct implementation of IFI's resettlement policies, provisions of this RPF and individual RAPs next to existing Serbian laws, and most important ways of bridging gaps between them if those IFI's resettlement policies and this RPF is considered to be an integral part of any potential Loan or Sponsor agreement with the IFI, once approved, signed and ratified by the Parliament.

3.1.2. The Law on foundations of property law relations (i.e. the Law on property)

The Law on foundations of property law relations ("Official Gazette of the SFRY", No. 6/80, 36/90, "Official Gazette of the FRY", No. 29/96 and "Official Gazette of the RS", No.115/2005) stipulates fundamental provisions of property relations, including ownership rights substance, subjects of ownership rights, co-ownership and joint ownership rights, acquiring the right of ownership, right on yields emanating from owned thing, possession rights, ownership acquired by adverse possession, ownership relations deriving in situations when structures was built on someone else's land, protection of ownership rights, protection of possession, cessation of ownership rights, etc.

3.1.3. The Law on Planning and Construction

The Law on Planning and Construction ("Official Gazette of the RS", No. 72/09 of September 3, 2009, corr. "Official Gazette No. 81/09 (Corrigendum), changed by Constitution Court of RS ruling 64/10 (CC), 24/11, 121/12, 42/13 (CC), 50/13 (CC), 98/13 (CC), 132/14, 145/14) governs the following issues: the conditions and modalities of spatial planning and development, the development of general and detailed regulation plans, the development and use of construction land and the construction of facilities, predominant use of land when the land has multiple uses, public use of land and other issues of significance in the development of space, landscaping and use of construction land and the construction of facilities.

3.1.4. The Law on Building legalization

The Law on Building legalization ("Official Gazette of the RS ", No. 96/15 dated November 26, 2015) regulates the conditions, procedure and manner for legalizing buildings, parts of buildings, auxiliary buildings and other buildings constructed without a building or construction permit. The custom of constructing complete buildings (houses, shops, even apartment buildings), or adding auxiliary buildings to existing, legal building (garage, additional floors on houses or rooms) without a construction permit became quite usual during the past 30 years. The governments over the years always maintained the intention to legalize all illegally constructed buildings, if constructed on own land and/or with consent of the owner, but most of the buildings have not yet been legalized. It is without any doubt that if the Project will have any resettlement impact, some of the assets will be buildings without building permits so provisions of this law can be important, but in those cases, the RPF, in terms of eligibility, shall prevail if more stringent.

3.1.5. The Law on Extra-Judicial Proceedings

The Law on Extra-Judicial Proceedings ("Official Gazette of SRS", No. 25/82 and 48/88, amended "Official Gazette of the RS" No 46/95, 18/05, 85/12, 45/13, 55/14, 6/15 and 106/15) defines the rules by which courts decide on personal, family, property-related and other rights and legal interests, which are resolved in extra-judicial proceedings, pursuant to the Law. In accordance with this Law, the court in extra-judicial proceedings determines compensation for an expropriated property after it establishes the important facts and approves a decision which defines the type and amount of compensation. According to this Law, participants may conclude an Agreement about type and amount of compensation, and the court will then base its decision on their agreement, if the court finds that the agreement is not contrary to mandatory regulations.

3.1.6. The Law on General Administrative Procedures

The Law on General Administrative procedures ("Official Gazette of FRY", No. 33/97 and 31/2001; and "Official Gazette of RS", No. 30/2010) regulates the manner in which state institutions must act when deciding on rights, obligations or legal interests of individuals, legal persons or other parties, within the framework of administrative procedures. Decisions by administration institutions are approved in form of a decree, after completing the procedure as prescribed by this Law. The party has the right to

appeal against the decision approved in first instance. Only the Law may prescribe that in certain administrative issues appeals are not permitted, if the protection of rights and legality is ensured in some other way. This Law is providing the legal framework for action of relevant Municipalities administration after the BoE submits the expropriation request.

3.1.7. The Law on State Survey and Cadastre

The Law on State Survey and Cadastre ("Official Gazette of the RS" No 72/2009, amended on 18/2010, 65/2013 and 15/2015) regulates the professional activities and affairs of the state administration related to land, buildings and other structures survey, real estate cadastre, records and registration of property, registration of possession, registration of illegal buildings and buildings legalized according to provision of the latest Law on Building Legalization, utilities cadastre, basic geodetic works, address register, topographic and cartographic activities, valuation of real estate, geodetic and cadastral information system.

3.2 Legal framework regarding process of land expropriation

3.2.1. The Law on Expropriation

The Law on Expropriation (passed in 1995 and enacted on January 1, 1996, amended in March 2001, amended again on March 19, 2009, and 2013 by the Constitutional Court ruling) enables government institutions to acquire property for projects that are deemed to be of public interest, while protecting the interests of all persons with legal title, whose assets are to be expropriated. The Law on expropriation does not use the term "involuntary resettlement", but instead uses the term "expropriation" and is based on the Governments eminent domain power. The law also enshrines the principle of fair compensation according to "market value" of the property instead of the "replacement value" used in IFI's resettlement policies.

The key provisions of the Law of Expropriation are the following:

- Immovable assets (by Law generally defined as land, buildings and other construction structures) can be expropriated only after declaring public interest by law, or decision of the Government of RS. Public interest can be declared if construction of facility is intended for public utility infrastructure, education, public health, social welfare, culture, water management, sports, transport, power, national defence, local/national government needs, environmental protection, protection from weather-related damage, exploration for, or exploitation of, minerals, land needed for resettlement of people holding mineral-rich lands, property required for certain joint ventures, and housing construction for the socially disadvantaged;
- The Beneficiary of Expropriation (BoE) can be the Republic of Serbia, autonomous province of Vojvodina, cities, the city of Belgrade, municipalities, public funds, public companies, companies that are established by public companies, as well as for companies with majority state capital founded by the above mentioned state institutions;
- Expropriation can be complete or incomplete. Complete expropriation allows the BoE to obtain ownership over the expropriated property, while the ownership by the owner and other rights on that property cease to exist.

Incomplete expropriation provides the BoE with specific easement rights on the land and structures, as well as the lease of the land for a definite period of time (not longer than three years in both cases). At the end of the easement or lease period full ownership rights over property are returned to the owner, and must be restored to condition prior to expropriation;

- Owners of immovable property partially expropriated are entitled to request expropriation of the entire property and the corresponding compensation, in case if expropriation deteriorated the economic situation of the property owner or made the remaining part of property useless or difficult to use - unviable. This request under the Law may be filed within two years from the completion of construction of the facility (for which expropriation was conducted), or within two years from the completion of works;
- As a general rule, compensation for expropriated property is offered and paid in cash, if the Law doesn't state otherwise. But according to the same Law, in the case of expropriation of agricultural land for the construction of line infrastructure facilities (roads, highways), suitable agricultural land of the same type and quality, or the corresponding value in the area and its surrounding area will be offered to owners of expropriated property. If the BoE is not able to offer appropriate agricultural land, the compensation is determined in cash. This is as a rule in conformity to the IFI's resettlement policies;
- To lessee of socially or state owned flats, or to persons with occupancy rights in expropriated residential building or apartment, BoE shall provide tenure rights (use, lease or occupancy rights) of same kind of another equivalent, social or state owned property in the vicinity;
- The BoE will not be allowed to take possession of the Expropriated property before the day of legal validity of the decision on compensation, or before the date of conclusion of an agreement on compensation for expropriated property, unless the Law provides otherwise. But in cases of expropriation due to construction of facilities for power production, transmission or distribution of electricity, or for the construction of line infrastructure facilities, at the request of the BoE the possession of the expropriated property can be allowed before on the basis of the final decision on expropriation, provided that the BoE defined the basis for compensation under the provisions of the Expropriation law.

3.3 The expropriation process

In the following text is given a step-by-step presentation of the expropriation process, as defined by the Law on Expropriation:

- The National Assembly by enacting the law or GoRS by its decision declares public interest for a certain development project. Public interest for expropriation can be declared only if there is a corresponding spatial planning document. The request for the establishment of public interest for expropriation may be submitted by a legal entity that, under the provisions of this Law, can be the BoE. The GoRS shall issue its decision within 90 days;
- Expropriation process starts when the BoE submits the expropriation request to the relevant municipality. The request, amongst other data, must contain exact specification of owners and properties for which expropriation is

proposed, and evidence on secured funds within the budget, or arrange for a bank guarantee, securing the payment of compensation, in accordance with the regulations governing public finances;

- Prior to issuing a decision on expropriation, the relevant authority shall hold a hearing allowing the owners of immovable property to voice all facts of importance for the expropriation of property. If all conditions are met, the expropriation decision will be issued;
- The BoE is obligated to submit to the municipal administration a written compensation offer within 15 days of the legal validity of expropriation resolution based on evaluation of assets made by proper authority;
- The municipal authority will without delay supply a copy of the offer for compensation to the owner of the Expropriated property, and will collect information that may be of importance for the compensation from administrative and other institutions and organizations. The compensation agreement cannot be in contradiction to the provisions of Law on Expropriation;
- If Compensation agreement is not reached within two months from the date of legal validity of Expropriation resolution, municipal administration shall pass without delay all documents to the competent municipal court to determine and decide on the compensation. The process can also be initiated by the owner of the Expropriated property before the same court.

3.4 The valuation and entitlement principles according to the Law on expropriation

As a general rule, the compensation in cash for expropriated immovable property (except for agricultural land) is determined at the market value¹, taking into account circumstances at the time of conclusion of the Compensation agreement, and if agreement is not reached, according to the circumstances at the time of the first instance decision on compensation in a judicial process is passed. The Law on Expropriation in general prohibits any compensation payment against its rules, but it also states that compensation can be determined in a higher amount than the market price, taking into account financial and other personal and family circumstances of the owner, if those conditions are 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.)

This provision allows a micro, case by case, socio-economic assessment of the individual household and special consideration of vulnerable households.

3.5 Applicable IFI's resettlement policies regarding involuntary resettlement

Projects, which are in fully or partially sponsored or funded by support of IFI's, triggering land acquisition and involuntary resettlement, are subject to IFI's resettlement policies. These policies are not restricted only to the physical

¹The term "market value" or "market price" is mentioned in relation to all kinds of property that can be a subject to Expropriation: land, crops, orchards, vineyards etc. The Law does not provide a strict definition, but basically it is a value calculated based on prices of similar property in the area, which can be achieved for a particular property on the market, depending on supply and demand at that moment of setting the price. For agricultural and construction land the Law entitles the local Tax Administration offices to determine this value

resettlement, but also upon appearance of any loss of income channels or means of livelihood (economic displacement) consequential from resettlement or restricted access to resources (land, water, or forest), resulting from project implementation or its associated facilities.

The policy applies to all components of the Project causing involuntary resettlement, regardless of the source of Project component funding. It further applies to other activities that cause involuntary resettlement, which are directly and significantly attributable to this Project, necessary to realize according to the goals defined in Project documents, and implemented, or are planned to be implemented with the Project.

For this Project, having in mind funding by the EIB, the following resettlement policies will be applied:

- European Investment Bank Environmental and Social Handbook, Standard 6: “Involuntary resettlement”, Standard 7: “Rights and interests of vulnerable groups” and Standard 10: “Stakeholder engagement” (Version 9.0 of 02/12/2013);

These policies are consistent with and support international and EU human rights law. They specifically support the right to property, to adequate housing and standard of living and food. The right to adequate housing of those affected by involuntary resettlement under EIB-supported projects and associated operations, shall be respected with non-discrimination as a central human rights principle.

This applies to affected persons, groups and communities subjected to involuntary resettlement as well as host communities at relocation sites. It applies to all such persons, whether or not they hold a legal title to their home or property under domestic law. To ensure respect for this right in practice, certain procedural safeguards must be in place, such as involvement of affected persons in decision-making processes and access to grievance mechanisms, as further described in this RPF.

General principles of the above mentioned IFI’s requirements are fully adopted as principles of this RPF, and are given in the following text:

- Avoid or, at least minimise, project-induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimise their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals’, groups’ and communities’ right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets, or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality.

- Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income-earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project-affected people throughout the resettlement process;
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

Adequate housing, according to human rights law, must at minimum meet the following criteria:

- Security of tenure provides occupants with legal protection against forced evictions, harassment and other threats. People living in informal settlements and communities usually lack security of tenure;
- Availability of services, materials, facilities and infrastructure: occupants of housing that is adequate must have access to safe drinking water, sanitation and washing facilities, energy for cooking, heating and lighting, food storage, refuse disposal, site drainage and emergency services;
- Affordability: the cost of housing must not threaten occupants' ability to satisfy other basic needs, nor must it compromise their security of tenure e.g. because high rent exposes them to lawful eviction for non-payment;
- Habitability: adequate housing must guarantee occupants' physical safety and provide adequate space and protection against the cold, damp, heat, rain, wind, and other threats to health and structural hazards;
- Accessibility: adequate housing must be accessible to everyone, so that the specific needs of disadvantaged and marginalised groups, such as the elderly, persons with physical or mental disabilities, and children must be taken into account;
- Location: housing must be situated so as to allow access to employment opportunities, health-care services, schools, childcare centres and other social facilities. It must not be located in polluted or dangerous areas;
- Cultural adequacy: housing must permit the expression of cultural identity, for example, through methods of house construction and building materials.

In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; and access to remedies for any violations suffered. In addition to these general United Nations High Commissioner for Human Rights (OHCHR) criteria, adequate housing needs to be contextualised and interpreted in light of the local standards and relevant legislation.

The above mentioned IFI's resettlement policies distinguish the following categories of persons who are entitled for compensation and assistance:

- Project affected persons, with formal title, who lose all or part of their land;

- Project affected persons, with formal title, who have immovable property with or without building permissions on the land to be expropriated;
- Project affected persons with formal title over businesses that are affected by the loss of all or part of the land on which the businesses are located;
- Project affected persons with formal title over animal husbandries and agricultural processors that are affected by the loss of all or part of the land on which they are based;
- Project affected persons with formal title of tenancy on private or public land;
- Project affected persons with formal title over land that will be needed during construction on a temporary basis;
- Project affected persons without formal title on affected land or businesses but their livelihoods are directly dependent on the affected land or businesses (e.g., those working on affected agricultural land or working in the affected businesses);
- Project affected persons without formal title of ownership or use but who have established usage of public or private land by investing in immovable objects, crops, woods, trees, fruit bearing trees, vineyards, the age of crops, and the time needed to reproduce them.

Any affected community facilities will also be reconstructed or necessary support will be provided for their relation to the community losing access to such common facilities.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

IFI's resettlement policies proclaims the following fundamental rules of actions that will be applied during Project caused resettlement:

- Displaced persons will be informed about their options and rights referring to resettlement;
- Displaced persons will be consulted and offered the choice and provision of technical and economically sustainable alternatives during resettlement;
- Displaced persons will be ensured fast and effective compensation at full replacement cost for the property loss as a direct consequence of the Project. Preference should be given to resettlement strategies based on replacement land rather than compensation in cash payment with a particular attention when agricultural cultivated land is affected and to the displaced persons whose livelihood are land based;
- If the impacts include physical resettlement, displaced persons will be provided such assistance as compensation for relocation during the resettlement, residential building or residential location, or, if necessary, agricultural location for which combination of production potential, location benefits and other factors have at least the same benefits as the former location;
- Displaced persons will, on top of compensation for the acquired property, achieve all rights for additional assistance;
- Displaced persons will be provided support after relocation for a transitional period of time necessary for renewal of living standards;

- Displaced persons will access to grievance mechanism, accessible and available procedures for settling land acquisition and resettlement and construction related disputes.

These principles are adopted by this RPF, and will be applied during the Project implementation, governing all activities where land acquisition and involuntary resettlement occurs.

3.6 Gap analysis between relevant national legislation and IFIs policies on involuntary resettlement

As a fundamental rule, under this RPF, during implementation of the Project, policy that is most beneficial to the PAPs will always prevail.

3.6.1. Rights of informal/illegal possessors

The national legislation doesn't recognize the rights of informal possessors (owners/users) in the process of expropriation according to Law on Expropriation, and as that law is the only legislation treating resettlement impact that occur during significant infrastructure or public construction projects, it is safe to say that national legislation doesn't recognize the status of PAPs to informal possessors that are in fact affected by such projects. However, IFI's policies entitle all persons that are affected by the Project to compensation and assistance, including possessors that have no recognizable rights over the property they are occupying.

In practice, this group includes persons who constructed buildings without permits and persons that are occupying private, public or state owned construction or agricultural land. Usually, houses or other structures are built on such land, or the land is used for agriculture. The Serbian legislation entitles such possessors to compensation of costs of structures and installations in terms of made investment (under the Law on Fundamentals of Property Relations) – the assessed value of materials used, crops, woods, trees, fruit bearing trees, vineyards, the age of crops and the time needed to reproduce them. On the other hand, IFI's resettlement policies maintains same approach for all affected persons, protecting all persons that are suffering loss of property, actual or economic displacement and decline of livelihood due to Project implementation regardless of their legal title on the property they are using. As IFI's resettlement policies are most beneficial to the PAPs, it will prevail² following the previously proclaimed fundamental rule.

3.6.2. Difference between market price and replacement costs

The national legislation uses a general term "market value" or "market price". As previously explained, it is a value calculated based on prices of similar property in the area, which can be achieved for a particular property on the market, depending on supply and demand at that moment of setting the price. For assessment of agricultural (if replacement land cannot be found) and construction land the Law entitles the local Tax Administration offices, body part of MoF, and for other assets,

² This applies only to persons that are present in the area before the cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

usually expert appraisers are appointed. As per IFI's resettlement policies "Replacement cost" is defined as 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 will be supplemented by additional measures so as to meet the replacement cost standard.

Under this RPF, during the Project implementation process the IFI's resettlement policies will also prevail in a principle of "replacement value" as it is more beneficial for the PAPs. The key difference between Law on Expropriation and IFI's resettlement policies is that according to the Law the former owners are not entitled to any further assistance or compensation during and after relocation, tax and administration fees are not added to value of compensation and depreciation of property value (amortization, except for land) is included in appraisals. More detailed gaps between national legislation and IFI's resettlement policies are presented in Table 1 below.

ITEM	NATIONAL LAW	IFI'S RESETTLEMENT POLICIES	GAPS AND MEASURES FOR BRIDGING THE GAPS
Additional assistance to PAPs	No particular legal provision	It is necessary to provide assistance during relocation; particular attention is to be paid to the needs of poor and vulnerable individuals and groups.	Displaced persons as well vulnerable individuals and groups 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. IFI's resettlement policies shall prevail
Livelihood restoration and assistance	No particular legal provision	IFI's policies provide that the resettlement plan or policy 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.	National legislation does not envisage support after displacement nor development assistance in addition to compensation measures. Each site specific RAP shall include measures and design adequate support and assistance commensurate to the impact, as a way to bridge the gap.
Resettlement instruments, census and social impact assessment	The only document prepared is the Expropriation study. There is no treatment of the socio-economic issues.	Preparation of individual RAPs, census survey and social impact assessment	RAPs, Census Survey and Socio-economic impact assessment's shall be prepared in addition to national requirements
Public consultations	The PAPs are contacted in the very process of expropriation, but there is no public discussion.	Meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations needs to be carried out.	National legislation does not require public consultation with affected persons and communities. The Project Promoter shall consult publicly on this and every other individual resettlement instrument.
Cut-off date for eligibility and census	The Law stipulates that the cut-off date for eligibility is the date of submission of the proposal for expropriation by the expropriation beneficiary to the relevant municipality.	Normally, the cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx	Census and assets inventory will be prepared for site specific RAPs. The cut-off will be date of beginning of the census. This will be publicly announced and published by the BoE in local newspapers, informing all owners and users of the initiation of the expropriation process, the cut-off date and the contact persons who may be contacted by PAPs for further information. The cut-off date will also be publicly disclosed, on notice boards in local communities and municipalities and at consultation meetings, with an accompanying explanation. The public announcement will also be posted, as necessary, on frequently visited locations throughout the affected areas.
Timing of compensation of payments	At the request of the BoE the possession of the	The compensation should be provided before construction	Taking possession over the affected property is possible

	expropriated property can be allowed before on the basis of the final decision on expropriation, provided that the BoE defined the basis for compensation under the provisions of the Expropriation law	work start and before taking possession of the assets	only once the compensation is paid or a formal grievance registered and compensation amount set aside on an escrow or similar account. IFI's resettlement policies shall prevail,
Resettlement of formal owners of immovable property except agricultural land	Option 1: Cash compensation at market value + Moving costs Option 2: Relocation - Appropriate replacement at owner request offered if terms described in Table 2. is met - other land in the vicinity equal in quality, cultivation, class and value	Option 1: Cash compensation - Cash compensation at replacement cost. Option 2: Resettlement - Replacement property of equal or higher value and similar productivity + Moving and transitional allowance + Administrative fees	Option 1: Cash compensation - If replacement costs are higher than market value, IFI requirements shall prevail Option 2: Replacement property - will be possible only if legal terms are met, as defined by Law on Expropriation. Transitional and moving costs shall be covered, IFI requirements shall prevail
Acquisition of agricultural land	Appropriate replacement land offered if terms described in Table 2. are met - other land in the vicinity equal in quality, cultivation, class and value.	Resettlement - Replacement property of equal or higher value and similar productivity + Moving and transitional allowance + Administrative fees	If livelihood is land based replacement property or Cash compensation at replacement value. IFI's resettlement policies will prevail.
Resettlement of informal owners of buildings	The PAPs is entitled to building construction costs - building material, labour	PAP is entitled to cash compensation at replacement cost for construction of similar quality construction with additional moving and transitional allowances + The value of time invested in construction	The national legislation only recognises formal ownership and persons without formal right but have recognisable legal right or claim over the building. PAPs informal owners of buildings shall receive cash compensation PAP is entitled to cash compensation at replacement cost for construction of similar quality construction with additional moving and transitional allowances + The value of time invested in construction
Resettlement of informal users of agricultural land	PAP is entitled to cash compensation for any improvements made on the land, such as irrigation, drainage, perennial crops, objects, woods, trees, fruit bearing trees, vineyards, crops and the time needed to reproduce them etc.	PAP is entitled to cash compensation for any improvements made on the land e.g. irrigation, drainage, perennial crops, objects etc. at replacement cost, and support after displacement for a transition period to restore livelihood.	National legislation does not provide for transitional allowance. Support shall be offered to bridge the gap based on reasonable estimate of the time likely to be needed to restore livelihood.
Resettlement of the lessee of agricultural land	PAP is entitled to cash compensation for any improvements made on the land, such as irrigation, drainage, perennial crops, objects, woods, trees, fruit bearing trees, vineyards, crops and the time needed to reproduce them etc.	PAP 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, and support after displacement for a transition period to restore livelihood.	National legislation does not provide for transitional allowance nor replacement land for lease, if land was leased from state. Support shall be offered to bridge the gap based on reasonable estimate of the time likely to be needed to restore livelihood, corresponding public owned property will be offered.
Annual and perennial crops (owner or lessee)	PAP is entitled to harvest the crops or value at market price of that type of crops or fruits decreased by cost of harvest	PAP is entitled to replacement cost meaning value of crop including the value of time needed to reproduce such crop, and any investments and labour.	IFI's policies shall prevail if more beneficial to PAP. If replacement cost is less than market value, it shall be topped up by the difference.
Orchards and vineyards already yielding (owner,	Value at market price of outstanding investments	PAP is entitled to replacement cost meaning	No gaps

lessee)	(input, labour) made for raising and maintaining such a vineyard or orchard + net value of full harvests (considering its age and fertility) for time needed to raise new plants, vineyard or orchard until they each full yielding potential.	value of orchard, vineyard including the value of time needed to reproduce such orchard or vineyard, and any investments and labour.	
Orchards and vineyards not yet yielding (owner, lessee, informal owner)	Value at market price of outstanding investments (input, labour) made for raising and maintaining such a vineyard or orchard + net value of full harvests for every year that passed from planting that vineyard or orchard.	Cash compensation for costs of obtaining, planting and cultivation for these seedlings + time needed to reproduce a replacement orchard/vineyard	IFI's resettlement policies shall prevail if more beneficial to PAP
Business property	Option 1: Cash compensation at market value + Moving costs Option 2: Relocation - Appropriate replacement at owner request offered if terms described in Table 2. is met - other property in the vicinity equal in quality, size and value.	Option 1. Cash compensation at replacement cost, loss of income and moving allowance Option 2. Alternative property with adequate tenure arrangements, full relocation cost, including the inventory, and the replacement cost for any investment, transitional allowance, appropriate level of support for skill upgrading training if necessary to restore livelihood.	National legislation does not envisage transitional allowance or skill upgrading training. Gap will be bridged by payment of transitional allowance and design of skill upgrading program, to be determined during social surveys for individual RAP
Loss of benefits	No particular legal provision	Cash compensation for loss of income during the period of resettlement	National legislation do not envisage support for loss of benefits. Each site specific RAP shall include measures and design adequate support and assistance commensurate to the impact, 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 institutions and with statutory limits.	Accessible and appropriate grievance mechanism must be enabled for PAPs and local communities at the whole period of project implementation.	Appropriate, accessible and affordable grievance mechanism shall be established in addition to rights of PAPs to claim protection in proper court of RS. Structure of proposed grievance mechanism is provided in Chapter 6.
Monitoring of resettlement implementation	No particular legal provision	Credit beneficiary is responsible for appropriate monitoring of the activities, which were defined in the RPF and RAPs.	This RPF defines the plan of monitoring and reporting
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.)	According to the IFI's resettlement policies a special attention must be given to vulnerable groups. They are entitled to additional compensation, legal assistance during resettlement and help during physical relocation. As well, these PAPs are given a priority of employment.	National legislation does not include any kind of legal assistance during resettlement and help during physical relocation or priority of employment as appropriate and assessed during the social impact assessment for any RAP.

Table 1

4. ELIGIBILITY, EVALUATION AND ENTITLEMENT

4.1 Persons eligible for compensation

Any person negatively affected by the project is eligible for compensation, livelihood restoration and/or other resettlement assistance.

According to this RPF, the following persons are entitled for expropriation compensation, if present in the Project area prior to cut-off date:

- PAPs who are formal owners or lessees, or legal users under the provisions of RS law, or unregistered³ owners and informal users⁴ of privately or publicly owned affected agricultural or construction land, or part of the land;
- PAPs who are owners and informal users, of the affected crops, and are affected by the Project;
- PAPs who are owners and informal users, of the perennial plants and trees such as fruit bearing trees and vineyards, and are affected by the Project;
- PAPs who are owners and informal users, of affected vineyards and orchards that have not given yield yet, and are affected by the Project;
- PAPs who are owners and informal users, of the nursery which has not yield yet, and are affected by the Project;
- PAPs who are owners of the affected non-agricultural business on the whole plot or a part of it, and are affected by the Project;
- Workers, agricultural possessors and farmers on the affected property, whose incomes and livelihoods are temporarily under the impact of the Project;
- Communities or households whose access to their buildings and usual resources are affected by the Project;
- PAPs who are formal owners, or lessees, or legal users under the provision of RS law, or unregistered owners and informal users, and who are affected by the Project because of the temporarily occupation of the their land;
- Vulnerable groups (VG), persons below the poverty line in accordance with national laws, women led households, single parents, elderly, disabled persons or those with long-term health problems) which are affected by the Project;
- PAPs who are formal or informal owners (building constructed without building permit on one's own land plot, or someone else's or state-owned plot) or lessees of the building (residential, commercial, industrial, institutional, auxiliary, etc.), or persons with occupancy rights on flats in expropriated residential building or apartment, or a part of the building that is affected by the Project, or informal users of public buildings;
- PAP's whose losses cannot be determined or foreseen at this stage of the Project.

³ Owners with recognizable legal right or claim

⁴ Persons who have established usage of public or private land and have invested in immovable objects, crops, woods, trees, fruit bearing trees, vineyards

4.2 Census and cut-off date

The BoE is required to carry out a census and a socio-economic baseline surveys to establish the number of people to be displaced, livelihoods affected, and property to be compensated. The proposed content of the Socio-economic screening questionnaire for the surveys is shown in the Annex 1.

The surveys should take into account persons affected through anticipated cumulative impacts of the resettlement.

The census date is usually also a cut-off date for eligibility claims. The cut-off date may also be the date of the project area delineation, prior to the census, but only following an effective and documented public information dissemination on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx. The census should include an inventory of losses (assets, access to resources or services, etc.), a detailed measurement survey and valuation of lost assets, and it covers the total affected population. The socioeconomic baseline survey can be derived from a sample survey and is critical in identifying the current socio-economic, cultural and political profile of the affected persons; their levels of overall resilience or vulnerability; and ensuing degrees and sorts of impacts. The census and the baseline survey are ideally done in parallel.

Cut-off dates determine the eligibility for compensation of PAPs. Therefore, they represent the actual date that the PAPs' assets and infrastructure at a particular site were recorded during the census survey. Assets like land, structures and others, which are created, encroached or acquired by individuals or groups, after the cut-off dates, will not be eligible for compensation. Issuance of a cut-off date requires the simultaneous clear, public and accessible disclosure of the imminent project activities on the site concerned and their relevant implications for peoples' lives. As the cut-off dates will be specified in the RAPs, they will be discussed and agreed with the IFIs as part of the RAPs preparation process.

A census may be revisited in cases when a long time has lapsed between the census undertaking and the implementation of the RAPs.

4.3 Evaluation of affected assets

Some general rules shall be applied when evaluating assets for compensation:

- Compensations for buildings and land: Compensation for agricultural land, or in some cases, as previously explained, at owners request, an expropriated building or land can be another appropriate replacement property, which corresponds in value, quality, etc. If there is a difference of values at replacement cost between expropriated and offered property, the BoE and property owner can agree on additional cash payment to bridge the gap. Cash compensation at replacement cost (including all associated costs of transaction, for example, registration costs in land/cadastral registries, transfer and administrative fees, if any), will be provided for land and buildings. The compensation will also be provided for all possible damages caused by any construction activities;

- Compensation for crops and trees: During the expropriation, it is preferable to comply with the rule that access to site is performed only after all remaining annual crops are collected, whenever possible. For annual crops harvested before access to site the compensation will not be paid. Annual crops that cannot be harvested;
- Compensation for other losses: If the project activities result in loss or resettlement of livelihood sources (for example beehives), such persons will be compensated for a loss of production of one season plus reasonable costs in relation to relocating production resources.

4.4 Entitlement matrix

All entitlements, eligibility for compensation and compensation evaluation methods for resettlement under this RPF are summarized in the Entitlement Matrix (Table 2 below).

TYPE OF LOSS	PERSON WITH RIGHTS	COMPENSATION POLICY
1. ECONOMIC DISPLACEMENT		
Land		
Agricultural land regardless to severity of loss (whether partial or complete loss)	Owner with formal title	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.
	Lessee with valid documents of the right of lease who cultivates agricultural land pursuant to agreement	Compensation for all improvements on land (such as irrigation). Compensation will be paid at replacement cost. + Costs of equipment relocation and installation + Replacement land for lease, if land was leased from state
	PAPs without formal title	PAPs without a formal title who were in possession of the land on cut-off date will not receive compensation for the land, but will be compensated for all investments made on land including labour. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.
Construction land regardless to severity of loss (whether partial or complete loss)	Owner with formal title, or users of publicly/state owned construction land, and pre-nationalization owners	Cash compensation at replacement costs, or; At property owner demand, if legal terms are met, replacement land of equal or higher value and similar value 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
	Lessee with valid documents of the right of lease	Compensation for all investments on land. Compensation will be paid at replacement cost + Costs of equipment relocation and installation + Replacement land for lease, if land was

		leased from state + Compensation for all rent paid in advance, for the period not expired
	PAPs without formal title	PAPs without a formal title who were in possession of the land on cut-off date will not receive compensation for the land, but will be compensated for all investments made on land. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.
Unviable land, agricultural or construction	Property owners, or users of publicly/state owned construction land	In case the remaining area of land is not viable, it can be expropriated upon PAPs request and compensated according to type of property
Plants and structures on agricultural land (but not houses)		
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)	Cash compensation which equals the value of expropriated crops including the value of time needed to produce such crop, as well as costs of possible investment (work and labour force)
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)	The right to collect fruits + Cash compensation at replacement cost on the basis of sort, year and productive value, including the value of time needed to produce such crop, as well as costs of possible investment (work and labour force), to plant a new vineyard, orchard or similar, till the moment it reaches the full fructuous potential.
Affected vineyards and orchards not yet fruit bearing		Cash compensation for the investment in planting a new vineyard or orchard (labour, seedlings), including the value of time needed to reproduce a replacement vineyard or orchard.
Wood mass (mature or nearly mature)		The replacement cost determined based on the value of the "wood on the stump" at market value
Forests without mature wood mass		Cash compensation for the investment in planting a new forest, including the value of time needed to reproduce a replacement forest
Nursery not yet yielding		Cash compensation for the investment in planting material (nursery and other reproductive material).
Buildings used for keeping and rising livestock (sheds, stables, etc.)	Users of structures for keeping livestock (owner of land, or lessee, or informal owner/user)	Cash compensation at replacement costs, or; At property owner demand, if legal terms are met, appropriate replacement property + costs of resettlement and administrative fees needed for transfer of ownership
Impact on agricultural employees, or processors	Workers, employees	In case of temporary disturbance of income source compensation on a one-time basis will be paid commensurate with income loss. + 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 RAPs)
Business structures (shops, offices buildings) etc.	Owners with formal title	Cash compensation at replacement costs, including taxes + Costs of equipment and inventory relocation and re-installation + Cash compensation on a one time basis (transitional allowance) to be determined on a case to case basis

		during social survey by obtaining relevant data on income and livelihood. Transitional allowance shall then be determined commensurate with the loss. or; At property owner demand, if legal terms are met, replacement property of equal or higher value and similar feature, in direct proximity or in the surroundings of the expropriated building together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any
	Lessee with valid documents of the right of lease who uses premises according to agreement	Compensation for all improvements on premises (such as reconstruction, refurbishment etc.). Compensation will be paid at replacement cost. + Costs of equipment and inventory relocation and re-installation, + Cash compensation on a one time basis (transitional allowance) to be determined on a case to case basis during social survey by obtaining relevant data on income and livelihood. Transitional allowance shall then be determined commensurate with the loss. + Replacement premises for lease, if premises was leased from state
	PAPs, owners without formal title (building constructed without building permit on one's own plot of land, or on somebody else's land - usually state owned)	Cash compensation for the building at replacement cost of the structure, including taxes + Costs of equipment and inventory relocation and re-installation + Cash compensation on a one time basis (transitional allowance) to be determined on a case to case basis during social survey by obtaining relevant data on income and livelihood. Transitional allowance shall then be determined commensurate with the loss.
Loss of non-agricultural businesses	Business user (owner of land, or lessee, or informal owner/user)	Cash compensation for relocating the business, including compensation for immovable inventory and replacement cost of investment. + Cash compensation on an one-time basis (transitional allowance) + Any registration taxes. + Appropriate level of support for improving the skills if necessary to perform restoration of income source (livelihood).
Living premises (houses, flats) but where owner doesn't live in, so no physical resettlement is needed, but are used for lease as source of livelihood	User of property (owner of land, or lessee, or informal owner/user)	Cash compensation for building at full replacement cost + Compensation for costs of relocation (moving allowance) and cash compensation on an one time basis (transitional allowance, if rent was a source of livelihood)
2. PHYSICAL RESETTLEMENT		
Buildings (residential, houses, flats etc.)	Owner with formal title	Cash compensation at replacement costs + Payment for relocation costs (moving allowance) and compensation for other costs during relocation and cash

		<p>compensation on a one time basis (transitional allowance).</p> <p>or;</p> <p>At property owner demand, if legal terms are met, replacement property of equal or higher value, in direct proximity or in the surroundings of the expropriated property together with all costs of resettlement and administrative fees needed for transfer of ownership rights, if any</p>
	Informal owner - building constructed without building permit on one's own plot of land if subject to legalization	Same as owner with formal title
	Informal owner - building constructed without building permit on one's own plot of land or constructed without building permit on someone else's or state-owned - not eligible for legalization	<p>Cash compensation for the building at replacement cost of the structure</p> <p>+</p> <p>Payment for relocation costs (moving allowance) and compensation for other costs during relocation and cash compensation on an one time basis (transitional allowance).</p>
	Lessee of the affected property	Payment of resettlement costs and compensation for other costs caused by relocation and cash compensation on a one-time basis (transitional allowance).
	Lessee or person with occupancy right to state owned flat	<p>Provide lease or occupancy rights of same kind of another equivalent, social or state owned property in the vicinity. If equivalent state or socially owned flat is not available in the vicinity, PAP will be offered state or social owned flat more remote from the area of expropriated flat,</p> <p>+</p> <p>Payment for relocation costs (moving allowance) and compensation for other costs during relocation and cash compensation on a one time basis (transitional allowance). evaluated based on potential extra costs incurred by increased commuting costs</p>
Unviable buildings	Owner of building	<p>In case that the remaining building is not viable or under a physical impediment for physical use can be expropriated upon PAP's request.</p> <p>Compensation is provided in the way as prescribed for that type of building in accordance with this matrix.</p>
Other resettlement situations		
Publicly or state owned buildings, schools, kindergartens, or part of buildings	Informal users, squatters	<p>Payment for relocation costs (moving allowance) and compensation for other costs during relocation and cash compensation on an one time basis (transitional allowance).</p> <p>+</p> <p>Assistance in finding new accommodation</p>
Loss of access to usual resources and buildings	Communities or households	Replacement of public ownership or conveniences (roads and the like). Access to equal conveniences or services.
Impacts caused by temporary occupancy of land and any damages to the property	Property owner	<p>Market price of lease for duration of the occupancy. The land must be returned to original condition. Improved quality of the land due to top soiling work should not be removed, except if agreed upon differently with PAP.</p> <p>+</p> <p>Replacement cost in accordance with this matrix for affected crops, orchards, nurseries etc.</p> <p>+</p> <p>Compensation for any damages to the property evaluated at replacement</p>

		costs.
Impact on vulnerable groups	Vulnerable PAPs (according to the definition in the Glossary of this document)	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.
Undetermined impact	Owner or formal beneficiary	Any undetermined impact will be mitigated in accordance with principles and aims of this RPF

Table 2

Relocation sites shall fulfil as a minimum the following conditions:

- not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to mental and physical health of the inhabitants;
- not be located in zones identified as potentially subject to disaster risk followed by a natural hazard;
- not be threatened by (imminent) eviction (e.g. public right-of-way), thereby augmenting the multiplying effect of the original displacement impact;
- be identified taking into account their adequacy in terms of (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) potential for further development; (g) have the capacity to accommodate influx of new settlers at acceptable density levels; and (h) location, and cultural adequacy;
- not be on land used by communities which have been displaced as a result of violence or conflict;
- be available and have the capacity to absorb the influx of resettled persons at acceptable density levels, i.e. resettlement should not lead to new resettlement.

Affected stakeholders should be consulted on the choice of sites and, as far as possible, offered choices among sites.

4.5 Resettlement Assistance

Regardless of the circumstances and without discrimination, the Project Promoter will ensure that affected persons or groups identified in the census, especially those who are unable to provide for themselves, have, during and after resettlement, safe and secure access to:

- a. essential food, potable water and
- b. sanitation;
- c. basic shelter and housing;
- d. appropriate clothing;
- e. essential medical services;
- f. livelihood and subsistence sources;
- g. fodder for livestock and access to common property resources
- h. previously depended upon;
- i. education for children and childcare facilities.

When possible, resettlement should also provide opportunities to affected and host communities to improve social and public infrastructure with the aim of contributing to the sustainable socio-economic development of their members.

5. MITIGATION

5.1 Mitigation measures

According to the IFI's resettlement policies, measures to avoid involuntary resettlement in terms of project alternatives shall be explored. If resettlement still occurs it is necessary to take adequate mitigation measures in order to improve living conditions of the affected population, or, at least to keep the living condition at the pre displacement level.

In order to achieve the above, sufficient investment resources shall be made available in order to insure that all displaced persons will not be worse off after the Project implementation.

The emphasis lies on vulnerable population groups (e.g. assistance to disabled persons, assistance in purchasing new residential units, assistance for access to programs of self-employment, assistance to children etc.). IFI's resettlement policies particularly highlight assistance to displaced persons by means of compensations for resettlement and compensation for other costs regarding the resettlement.

Due to specific project environment and terrain, through the design preparation stage, all project alternatives have been explored carefully, but it was concluded that in the affected area of bypass around City of Nis the involuntary resettlement cannot be avoided in any of the proposed variations of new track alignment.

During the baseline socio-economic screening phase (required for preparation of each RAP), the Project Promoter will identify the individuals and groups who might be vulnerable and at risk of suffering adverse, compounded or disproportionate impacts, be discriminated against or excluded from intended benefits in the given project context (e.g. single mothers, widows/widowers, disabled people, or those living in extreme poverty). The Project Promoter will also ascertain the presence of any specific groups of peoples with particular rights that will need to be respected, for example indigenous peoples, ethnic minority groups, or children. A high-level analysis of the nature and degree of discrimination and vulnerability already experienced by individuals, communities and/or groups in the context of the project shall be performed.

Where the screening process determines that:

- (i) potential adverse impacts on vulnerable groups are present, or
- (ii) relevant additional information is required,

a more in-depth social assessment should be undertaken by the Project Promoter.

This assessment should specifically consider the following elements (disaggregated by factors such as gender, ethnicities, age, etc.):

- vulnerability profile of affected population;
- assessment of the specific context, including legal and institutional parameters;

- analysis and assessment of the historical frequency and severity of discrimination, social, economic or political exclusion and marginalisation suffered by the identified population;
- the scope and nature of adverse impacts and their effect on the identified population when compounded with their pre-existing vulnerability, and their access to resources and cultural heritage;
- specific actions, past or future, to avoid, minimise, or otherwise mitigate or remedy negative impacts and, as appropriate, to reinforce positive effects, including identifying opportunities and actions to promote benefit-sharing modalities for the communities;
- in line with Standard 10, an appropriate engagement, consultation and participation plan, describing relevant consultation mechanisms (further elaborated in Chapter 8).

5.2 Mitigation and gender impact

In order to ensure gender disaggregated information during the process of assessment and consultation, the following measures will be taken:

- Social impact assessment suggesting the total number of families and persons disaggregated by gender shall be stated in order to determine the number of project affected women and their baseline position;
- Individual assessment for women PAP's needs will be conducted to insure that their specific needs and distress is resolved in the resettlement process.

6. GRIEVANCES AND COMPLAINTS

6.1 Beneficiary's feedback and grievance redress mechanism

In general, the national institutional framework addressing grievances is strong and broadly compatible with IFI's resettlement policies (European Investment Bank Environmental and Social Handbook, Standard 10: "Stakeholder Engagement" (Version 9.0 of 02/12/2013)).

Respecting the grievance panels and its authorities made available under the national legislation and in order to fully comply with the IFI's resettlement policies, a Project Specific Grievance Mechanism shall be designed. Given the type of potential Project impacts, the Project will have a central redress mechanism i.e. the Central Feedback Desk (CFD) at the level of the Project Promoter (IM-SRI). The CFD shall serve as both Project level information centre and grievance mechanism. The CFD will be applicable to all Project activities and relevant to all local communities affected by project activities implemented within both affected communities.

The CFD shall be responsible for receiving and responding to grievances and comments of the following two groups:

- i. Persons directly affected by the project including the impact due to land acquisition;
- ii. Residents interested in and/or affected by the project living in the affected municipalities.

The CFD shall be established prior to commencement of the expropriation process, in order to manage and appropriately answer complaints made by the population located within the Project area of influence during its different phases. It will equally be authorized to receive complaints in respect to expropriation, construction, and operation. In addition, this procedure will help to improve the Project social performance.

The Project Promoter will ensure that PAPs are fully informed of the grievance mechanism by communicating the role and existence of the CFD, its function, the contact persons and the procedures to submit a complaint in the affected areas. Information on the CFD will be available:

- on the website of the Project Promoter;
- by distribution of brochures to affected communities;
- on the notice boards and websites of respective municipalities (CoN), once the exact locations have been identified.

6.2 Raising grievances

Effective grievance administration strongly relies on a set fundamental principles designed to promote the fairness of the process and its outcomes. The grievance procedure shall be designed to be accessible, effective, easy, understandable and without costs to the complainant. Any grievance can be brought to the attention of the CFD personally or by telephone or in writing (e-mail, post, fax) by filling in the

grievance form (proposed in the Annex 2 to this document) and submitting it to the specified address. Any grievance can be brought to the attention of the CFD personally or by telephone, or in writing by filling in the grievance form (Annex 2), by post, fax or personal delivery to the address given below:

JSC „SERBIAN RAILWAYS INFRASTRUCTURE”
Central Feedback Desk (CFD)
Nemanjina 6
Room: 355 (1st floor)
11000 Belgrade

or to additional local addresses/numbers to be determined later in agreement with the respective members of local municipalities (CoN) and the communities. The access points and details on entry points shall be publicized and shall be part of the awareness building process.

6.3 Grievances administration

Any grievance shall follow the path of the following mandatory steps:

- Receive, assess and assign;
- Acknowledge;
- Investigate;
- Respond;
- Follow up;
- Close out.

Once logged the CFD shall conduct a rapid assessment to verify the nature of grievances and determine on the severity. Within 3 days from logging it will acknowledge that the case is registered and provide the complainant with the basic next step information. It will then investigate by trying to understand the issue from the perspective of the complainant and understand what action he/she requires. The CFD will investigate by looking into the facts and circumstances interview all parties involved and confer with relevant stakeholders. Once investigated, and depending on the severity and type of grievance, the provisional decision shall be discussed with the complainant. Unilaterally announcement shall be an exception. The final agreement should be specific and time bound. Closing out the grievance occurs after the implementation of the resolution has been verified. Even when an agreement is not reached, or the grievance was rejected it is important to document the result, actions and efforts put into the resolution, close out the case.

The CFD shall keep a grievance register log that 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 at minimum:

- description of grievance;
- date of receipt acknowledgement returned to the complainant;
- description of actions taken (investigation, corrective measures);
- date of resolution and closure / provision of feedback to the complainant.

6.4 Grievance and Beneficiary's feedback reporting

The role of the CFD, in addition to addressing grievances, shall be to keep and store comments/grievances received and keep the Central grievance log administered by the Project Promoter. In order to allow full knowledge of this tool and its' results, quarterly updates from the CFD shall be available on the Project's Promoter website (<http://infrazs.rs>) and the website of City of Nis (www.ni.rs).

The updates shall be disaggregated by gender, type of grievances/complaints. In order to have continuous dialogue, quarterly public meetings shall be held to discuss the outcomes of grievances, in general, discuss the Grievance/complaints Report and inform the community about current Project activities.

6.5 Constitution of Central Feedback Desk (CFD)

The Promoter's PIU has appointed a Public outreach specialist (POS) to be responsible for the CFD and 2 additional persons, one of which shall be a representative of the local municipal authority (CoN) and one a local official from the affected area. This will allow any potential grievance to be addressed even at the planning stage. The POS will be an employee of the Project promoter (IM) with the CFD administration function assigned. Both members from Municipality shall be the persons familiar with the procedures, community and the impact area. The POS will be responsible to administer any grievance received, take any action necessary to address the grievance and inform the complainant about the outcome of the process. The POS will be a person with excellent knowledge of the Project and its components, as well as the role and responsibilities of all the stakeholders. She/he shall create and maintain an exhaustive data base of stakeholders, their responsible persons and representatives. Once the grievance is received POS shall communicate with the adequate stakeholder, explain the issue and propose adequate measures. The CFD shall prepare a guideline and grievance brochure to be distributed among the affected communities. The in depth coverage of the grievance mechanism shall be under each site specific RAP as appropriate.

7. PREPARATION OF RESETTLEMENT ACTION PLAN (RAP)

7.1 Objectives of the RAP

The objective of any RAP shall be to specify what procedures to follow and what actions to take to properly acquire land and compensate affected people by allowing and providing for adequate participation, consultation and full functioning of the grievance mechanism. Displaying due regard for the equal protection of women and vulnerable groups or minority rights, the RAP shall delineate measures to:

- mitigate the negative impacts of resettlement and identify potential development benefits;
- assure that the rights and interests of project-affected people are respected and protected, in particular those deemed vulnerable;
- establish the entitlements of all categories of affected people, including the host communities;
- introduce any additional accompanying measures for vulnerable affected persons, if relevant;
- document all compensation measures and relocation activities;
- establish procedures to document all compensation measures and relocation activities and guarantee due process to the affected people, such as meaningful consultation, adequate information to the affected people and sufficient notice before eviction, together with a free and independent grievance mechanism;
- establish the organizational arrangements and procedures to monitor the implementation of resettlement plans and take corrective actions as necessary.

7.2 RAP development, approval and implementation schedule

Based on this RPF, the RAPs will be prepared as mentioned in Chapter 2. Each of the site-specific RAPs shall be based on up-to-date and reliable information about:

- the proposed resettlement and its impacts on the displaced persons and other adversely affected groups;
- a legal issues involved in resettlement.

In respective of the complexity of project circumstances each site specific RAP shall include at minimum the following:

- Description of the project and identification of the project area;
- Identification of project activities that give rise to resettlement;
- Consider alternatives to avoid or minimize resettlement and meaningful consult with affected people about acceptable alternatives;
- Establish mechanisms to minimize resettlement, to the extent possible, during project implementation;
- Provide comprehensive socio-economic studies including:
 - › census survey covering current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- › standard characteristics of displaced households, including a description of production systems, labour, and household organization;
 - › baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - › the magnitude of the expected loss-total or partial-of assets, and the extent of displacement, physical or economic, information on vulnerable groups or persons, legal framework.
- Analyse legal framework, cover gaps, if any, between local laws covering eminent domain and resettlement and the IFI's resettlement policies, and the mechanisms to bridge such gaps;
 - Establish 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 and evaluation and cost and budget.

A questionnaire template survey for carrying out the socio-economic census is provided in Annex 1 to this document.

RAPs will be submitted to the appropriate IFIs (EIB) for review and clearance.

No activities on construction works can commence until and unless compensation has been paid, or appropriate budget set aside on an escrow account or account alike or replacement property administered to PAPs.

Implementation of RAPs is an obligation of the IM (SRI) and CoN, according to the responsibilities described in section 2.2. They shall monitor overall implementation, collaborate with the municipalities in whose territory the works are taking place, collaborate with Contractors and disclose information to PAPs and communities.

Activities on the preparation of site-specific RAPs will be disclosed in the way to enable significant participation of PAPs. That assumes the phase of preliminary preparations, disclosure of preparations for population census, disclosure of census results while respecting privacy of personal information, disclosure of social assessment, as well as disclosure of RAP drafts. The purpose of public disclosure and discussions is to ensure meaningful participation of PAPs in the process of preparation, implementation and monitoring of resettlement instruments.

7.3 Resettlement costs and budget

At the moment of drafting this RPF, the estimates of the required land are available for the whole project (costs of expropriation are estimated to be about 16.35 million EUR), but precise costs of resettlement are not possible to estimate. However, the BoE will, through its' Legal Affairs Department, create the RAPs compliant with this

RPF, which will include a detailed cost estimate for each affected project component after the Detailed Designs are completed.

8. CONSULTATION AND DISCLOSURE REQUIREMENTS

8.1 Public consultations

One public hearing for the RPF (concerning the railway bypass) was held in the City of Nis (CoN) on 15th September 2017, and another public hearing (concerning the section Sicevo-Dimitrovgrad) was held in the Bela Palanka on 14th September 2017, after the IFIs and Project Promoter have previously approved the draft documents. The RPF and other documents were disclosed and available for a public insight 14 days prior to public consultations and sufficient time was left for submitting remarks after public consultations.

All public consultations were announced through local newspaper and on internet portal of the Project Promoter. In the previous period, the additional consultations were also held with local communities, as well as individual meetings with PAPs regarding specific cases.

8.2 Disclosure of documents

RPF will be disclosed in Serbian and English language. Documents must be available to the public throughout duration of the Project including its' evaluation. The English version will be published on the appropriate IFI's website, and Serbian language version will be published on the web-site of the Project Promoter and CoN.

The RAP was presented to PAPs in the process of expropriation, particularly to vulnerable groups, and project impact on their property and their rights was explained, as mentioned in previous chapters. Hard copies of the documentation are available in the affected municipalities.

PIU is responsible for all disclosures of the documents.

9. MONITORING AND EVALUATION

The Project Promoter will appoint a person responsible for resettlement and preparation of the expropriation and resettlement process, coordinate the Activities of expropriation between involved agencies, municipalities and ministries.

The Project Promoter will also keep a database of resettlement and expropriation with all information about persons and property, with all cases of expropriation and a detailed list of all completed phases (submission of expropriation proposition to the competent municipality, compensation offer, agreements regarding compensation, compensation payment, and payment of assistance during relocation etc.).

The obligations of involved entities in monitoring of the resettlement process are shown in the Table 3.

TASK	RESPONSIBILITY
Disclosure of the RPF	Project Promoter
Information disclosure to all PAPs about the procedure of the beginning of expropriation and during all phases of expropriation	Project Promoter and CoN
Communication and consultation with PAPs	Project Promoter and CoN
Activities prior to commencement of works	Project Promoter and CoN
Providing assistance during resettlement	Project Promoter and CoN
Compensation payment	BoE and MoF on Project Promoter motion
Grievances management	Project Promoter
Monitoring and reporting on expropriation and resettlement	Project Promoter / External Consultant
Monitoring and reporting after commencement of works	Contractor

Table 3

The Project Promoter will conduct internal periodical (monthly or quarterly depending on the external reporting required by the financing institutions and the stage of expropriation process) monitoring so that efficiency of the expropriation process and level of satisfaction of PAPs could be assessed.

Indicators for implementation of monitoring are as follows:

- Number of public discussions and consultations on RAPs;
- Number of completed expropriation studies;
- Percentage of purchased land in relation to needed land acquired for the purposes of the Project, including total expropriated land area, and land area per person;
- Number of completed compensation payments;
- Number of replacement properties given and houses provided;
- Number of PAPs affected by RS exercising its right of ownership on buildings and land;
- Number and amount of payment for loss of income;
- Number and type of assistances provided to vulnerable groups of PAPs;
- Number and type of grievances, including legal actions arising from expropriation (submitted cases, resolved cases, time needed for their resolution).

The Project Promoter shall monitor the implementation of the resettlement process both through internal, official institutional arrangements, as well as by the periodical independent external Consultant, to be appointed by the Project Promoter. The external monitoring and evaluation Consultant will be appointed prior to beginning of resettlement and will have an obligation to report quarterly. Based on the Quarterly Reports the PIU shall do an in-house or external completion (subject to agreement of the respective IFI) report within 2 months of resettlement completion to summarize the implementation. The report should verify that all physical inputs committed in the site specific RAPs have been delivered and all services provided. In addition, the report should evaluate whether the mitigation actions prescribed have had the desired effect. The socioeconomic status of the affected population should be measured against the baseline conditions of the population before displacement, as established through the census and socioeconomic studies.

Implementation of a RAP will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan and requirements outlined in the mentioned IFI's policies on involuntary resettlement.

10. INSTITUTIONAL FRAMEWORK AND IMPLEMENTATION

10.1 Other key institutions responsible for project implementation

This chapter offers a general overview of state institutions, their authority proclaimed by law and their responsibilities during implementing the Project in general. Many of those institutions are not participants in the resettlement or expropriation legal process, but given the nature of the Project, can provide information or make decisions influencing resettlement. The list of key state institutions includes National assembly with supreme legislative authority, that passes new laws or amendments to existing laws, which may be of importance during Project and ratification of Loan agreement with IFIs; Government of RS (GoRS) with supreme executive power and legislation initiative rights, also issues secondary legislation and bylaws that may be of importance, Ministry of Public Administration and Local-Self Government (MoPALSG) that monitors and coordinates work of local self-governments.

10.2 Key institutions for land expropriation/resettlement and responsibilities for implementation

This chapter presents institutions that may be involved in the resettlement process, including legal expropriation process. The overview of all institutions is presented in the Table 4 below. The in-depth assigned responsibilities and arrangements for implementing the requirements of this RPF and each site specific RAP shall be covered in the RAP itself.

INSTITUTIONS	KEY RESPONSIBILITIES DURING RESETTLEMENT/EXPROPRIATION
National assembly of RS	Declares public interest by law
Government of RS (GoRS)	Declares public interest for expropriation (if not done by law as above). This has already been done for both bypass and Sicevo-Dimitrovgrad sub-projects.
Ministry of Construction, Transport and Infrastructure (MCTI)	Proposes, prepares and coordinates RS spatial plan and regional planning documents, manage the register of spatial plans
Ministry of Construction, Transport and Infrastructure (MCTI) and JSC "Serbian Railways Infrastructure"	As Project Promoter, applies and coordinates all resettlement activities under this RPF and individual RAPs, establishes CFD, discloses cut-off date in public announcement for relevant municipality, as part of expropriation process prepares individual RAPs and other documents, discloses RPF and all other documents, holds public consultations in all project phases, engages relevant stakeholders, applies resettlement mitigation measures, establishes and administrates CFD grievances of PAPs and stakeholders, monitors and evaluates process of resettlement, reports to appropriate IFIs on all issues under this RPF
Ministry of Finance (MoF)	Borrower. Provides also funds for expropriation. For 2017 it has already been allocated 7.5 million EUR.
Tax administration offices (decentralized to municipality units, but under MoF)	Provides assessment of market value of agricultural or construction land
Local-Self Governments (CoN), including its' administration	Local municipality (CoN) governs the expropriation process and steers the expropriation process (Department of property affairs)
Ministry of Agriculture and Environmental Protection	Provides information about available replacement land
Republic Geodetic Authority, State Cadastre of immovable property, decentralized units	Provides official information on all immovables, including land, structures, houses, etc. Provides official legal information on owners of immovables. Provides information on possessors of immovable property. Annotation of expropriation process. Executes legal title changes of immovable property owners after land acquisition, expropriation etc.
Relevant municipal court	Determines fair compensation if amicable agreement has not been reached

Table 4

ANNEXES

Annex 1. Socio-economic survey questionnaire template

FOR BUSINESSES

Questionnaire number	
-------------------------	--

Survey date: _____

Surveyor name: _____

Municipality: _____

Location: _____

Address: _____

Cadastral plot reference: _____

Photograph of affected property

(number):

1. GENERAL INFORMATION ON THE SURVEYEE
(REPRESENTATIVE OF THE BUSINESS ENTITY CONCERNED)

- 1.1. Respondent's name and surname: _____
- 1.2. Position the respondent holds within the business entity: _____
- 1.3. Ethnic group: _____
- 1.4. Phone number: _____

2. GENERAL INFORMATION ON AFFECTED BUSINESS ENTITY

- 2.1. Type of business activity: _____
- 2.2. Year of establishment: _____
- 2.3. Owner (co-owner): _____
- 2.4. Legal form of the business entity: _____
- 2.5. Business entity is formally registered: YES / NO _____
- 2.6. Is the structure where business entity operates, legalized? YES / NO _____

(if not, clarify _____)

- 2.7. Number of full time employees: _____ and number of part-time employees: _____

3. INFORMATION ON BUSINESS INCOME

- 3.1. In average, over the last three years:

Total income (RSD annually)

Note: If the business entity has been operating for less than 3 years, provide information for the last year.

4. COMPENSATION PREFERENCES

- 4.1 What do you envision your main problems will be if you end up being affected by the project implementation?

Loss of customers (business)		Obstruction of business activities due to works		Equipment damages		Other (specify):	

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

- 4.2 What would be the most appropriate type of compensation for you?

FOR HOUSEHOLDS

Questionnaire number	
-------------------------	--

Survey date:

Surveyor's name and surname:

GENERAL INFORMATION ON AFFECTED HOUSEHOLD

1.1. Location:

1.2. Municipality:

1.3. Cadastral plot number:

1.4. Full name of the respondent:

1.5. Ethnic group:

1.6. Phone number:

1.7. Whole plot affected: Yes/No

1.8. If no, specify the size of the non-affected part: m^2

2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

2.1. Total size: m^2

2.2. Location of the cadastral plots, total number per location and cadastral reference

Location	Total number of cadastral plots	Cadastral plot number	Current use <i>Tick applicable use</i>
1.			Mainly residential Mainly agricultural Forest Pasture Mainly business Unused
2.			Mainly residential Mainly agricultural Forest Pasture Mainly business Unused

3. AGRICULTURAL ACTIVITIES

3.1. Crops observed on the affected part of the plot at the time of the survey:

3.2. Perennial / annual

species:

3.3. If perennial: Year of plantation: _____

3.4. Average yield on this plot according to farmer:

_____ (specify measurement unit)

3.5. Overall land holdings of the farmer, including this plot and all others: _____ hectares

Including farm lands, pastures, forests, arid and unused land – Include all land available to the farmer regardless of ownership

3.6. Of which farmed this year: _____ hectares

4. GENERAL INFORMATION ON AFFECTED STRUCTURE

4.1. Detached building: YES / NO _____

4.2. Apartment in a larger house: YES / NO _____

4.3. Apartment in a building: YES / NO _____

4.4. House: YES / NO _____

4.5. Outside dimensions (main building) m x m _____

4.6. Built in year: _____

4.7. General condition (main building):

Exterior:
Interior:
1: *new or very good*
2: *fair*
3: *poor*
4: *ruin, unusable*

4.8. Auxiliary structures		4.9. Built of solid materials
Summer kitchen		YES NO
Garage		YES NO
Pantry		YES NO
Stall		YES NO
Other (specify):		YES NO
Other (specify):		YES NO

Tick applicable box

5. OWNERSHIP ISSUES

5.1. Owner: Yes No

5.2. User: Yes No

5.3. Ownership details		
With fully registered title		
Legalization in progress		What stage is the legalization process in:
Formal lease of public property		Owner
Formal lease of private property		Owner (contact details):
Informal lease		Owner (contact details):
Fully informal		How did the owner take possession of the above mentioned plot?
Shared ownership YES / NO		If yes, name other co-owners:

Tick applicable box

6. GENERAL INFORMATION ON AFFECTED HOUSEHOLD MEMBERS

6.1. Information on household members

	Name and surname	Relationship with Head of Household	Year of Birth	Gender		Occupation	Education (degree of nominal education)
				M	F		
1	HH	HH		M	F		
2				M	F		
3				M	F		
4				M	F		
5				M	F		

7. VULNERABILITY

7.1 Is any of the household members suffering from one of the following problems:	7.2. Social benefits (yes or no, if yes with which assistance)
Physical handicap	
Mental handicap	
Chronic disease requiring regular medical treatment	
Chronic disease requiring hospitalization	
Unemployed or without regular income	
Elderly and/or elderly and single	
Member of ethnic minority (e.g. Roma)	
Other problem (specify)	

Indicate the number of affected household members in section 2 in the relevant table

8. AFFECTED HOUSEHOLD (HOUSING)

8.1. How long have you been living here (year when you settled here):

8.2. Where did you live before?

8.3. Under what circumstances did you settle here?

9. SOCIO-ECONOMIC DETAILS ABOUT THE AFFECTED HOUSEHOLD

9.1. Total household income

Which of the following categories does the average total monthly income of your whole household fall in (underline the correct range):

Less than 30000 RSD

Between 30000 and 60000 RSD

Between 60000 and 90000 RSD

More than 90000 RSD

In case there are several household members earning the income, please consolidate them together.

Amongst the following, what are your main sources of income:

Salaries		Pensions	
Personal agricultural production		Government or other assistance	
Small business		Other (specify):	
Remittances		Other (specify):	

(1: highest, 2 second highest, etc... – 0: not significant or not applicable)

9.2. Are you satisfied with your economic situation?

Highly satisfied	
Satisfied	
Neither satisfied nor dissatisfied	
Dissatisfied	
Highly dissatisfied	

Tick applicable box

10. DISPLACEMENT

10.1. What do you envision your main problems will be if you end up being affected by the project implementation?

Loss of livelihood		Loss of social connections		Loss of property		Other (specify):	
Male member of the household							
Female member of the household							

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

11. COMPENSATION PREFERENCES

11.1. Resettlement (relocation to another house in an unaffected area) YES / NO

11.2. What would be most important for you in the selection of a resettlement location (please rank)?

	Proximity to schools	Proximity to health care institutions	Proximity to relatives	Proximity to social networks (specify)	Proximity to place of work
Male member of the household					
Female member of the household					
	Other (specify):	Other (specify):	Other (specify):	Other (specify):	Other (specify):
Male member of the household					
Female member of the household					

(1: most important, 2 second most important, etc. – 0: not significant or not applicable)

11.3. Compensation in cash YES / NO

11.4 Do you have another house that you could relocate to? YES / NO

For landowners

Questionnaire number	
-------------------------	--

Survey date

Surveyor's name and surname:

Municipality:

Location:

Address:

Cadastral plot number:

Photograph of affected property (number):

Whole plot affected: YES / NO

If no, specify the size of the non-affected part: m²

1. GENERAL INFORMATION ON THE RESPONDENT

1.1. Respondent's name and surname:

1.2. Owner or user of land plot:

1.3. Ethnic group:

1.4. Phone number:

2. GENERAL INFORMATION ON AFFECTED PROPERTY (PLOT)

2.1. Location of the plots, total number per location and cadastral reference

Location	Total number of plots	Cadastral number	plot	Current use <i>Tick applicable use</i>
1.				Arable land Forest Pasture Unused
2.				Arable land Forest Pasture Unused

3. OWNERSHIP ISSUES

3.1. Owner: Yes No

3.2. User: Yes No

3.3. Ownership details		
With fully registered title		
Legalization in progress		What stage is the legalization process in:
Formal lease of public property		Owner
Formal lease of private property		Owner (contact details):
Informal lease		Owner (contact details):
Fully informal		How did the owner take possession of the above mentioned plot?
Shared ownership YES / NO		If yes, name other co-owners:

Tick applicable box

4. AGRICULTURAL ACTIVITIES

4.1. Crops observed on the affected part of the plot at the time of the survey:

4.2. Perennial / annual species:

4.3. If perennial: Year of plantation: _____

4.4. Average yield on this plot according to farmer : _____

(specify measurement unit).

4.5. Overall land holdings of the farmer, including this plot and all others: _____ Hectares
Including farm lands, pastures, forests, arid and unused land – Include all land available to the farmer regardless of ownership.

4.6. Of which farmed this year: _____ hectares

5. INCOME FROM AGRICULTURAL ACTIVITIES

5.1. Do you sell crops?

5.2. If yes, what is your average annual income generated by selling crops: _____

5.3. Do you use crops to meet your own needs (consumption):

5.4. Did you have any plans referring to the affected part of the plot? YES or NO

5.5. If YES, what were your intentions?

6. COMPENSATION PREFERENCES

6.1. Compensation in cash YES / NO

6.2. Would you prefer plot for plot exchange? YES / NO

6.3. Would you buy another property instead of this land plot? YES / NO

Annex 2. Grievance form template

REFERENCE NUMBER

(Filled by the office)

A) Affected by expropriation b) All others

PARTICIPANT INFORMATION OF GRIEVANCE

M	F

Description of Incident for Grievance
(What happened? Where did it happen? Whom did it happen to? What is the result of the problem?)

Date of the Incident?

One-time incident/grievance – Date: _____

Happened more than once (How many times?) _____

On-going (currently experiencing problem)

What would you like to see happen?

SIGNATURE:

Please return this form to the following:

(Public outreach specialist (POS))