

Pursuant to Article 112, paragraph 1, sub-paragraph 2 of the Republic of Serbia Constitution, I hereby issue the following

## DECREE

On the promulgation of the Law on Post-Flood Rehabilitation in the Republic of Serbia

It is hereby promulgated the Law on the Post-Flood Rehabilitation in the Republic of Serbia, adopted by the National Assembly of the Republic of Serbia at the Sixth Extraordinary Session on 18 July 2014,.

PR no. 46

In Belgrade, 21 July 2014

President of the Republic

Tomislav Nikolic, m.p.

## LAW ON POST-FLOOD REHABILITATION IN THE REPUBLIC OF SERBIA

### I. BASIC PROVISIONS

#### 1. SCOPE OF THE LAW

##### Article 1

This Law regulates the rehabilitation from floods and/or activation of landslides in the areas affected by floods in the Republic of Serbia that took place in May 2014.

The area affected by flood, within the meaning of this Law, shall include the flooded and landslide affected parts of the Republic of Serbia territory, municipalities, cities and the city municipalities of the City of Belgrade that report damage to the Commission for Determining the Damage Caused by Natural Disasters within the time limit provided for in this law.

The list of municipalities, cities and city municipalities of the City of Belgrade where the activities of rehabilitation from floods and landslide activation will be carried out in accordance with this law shall be determined by the Government upon the proposal of the Commission for Determining the Damage from Natural Disasters.

#### 2. PROGRAMMES OF ASSISTANCE AND RECOVERY OF FLOOD AFFECTED AREAS

##### Recovery Programme

## Article 2

The rehabilitation of the flood affected areas shall be carried out in accordance with programmes adopted by the Government, upon the proposal of Office for Assistance and Recovery of Flooded Areas.

The programmes of assistance and recovery of flood affected areas (hereinafter: Government Recovery Programme) shall lay down the measures and criteria for providing assistance or post-flood rehabilitation and recovery criteria, measures and procedures in individual fields and in a specified territory.

### The Contents of a Government Recovery Programme

## Article 3

The Government Recovery Programme shall include but not be limited to the following:

- 1) the field in which the measures are to be implemented and the territory on which the measures are to be implemented;
- 2) the analysis of the current situation and incurred damage and consideration of possible further damaging consequences of floods and/or effects of landslides;
- 3) the measures that should be undertaken for the purposes of post flood and/or landslide rehabilitation and recovery;
- 4) manner and scope of measure implementation as well as measure implementation criteria;
- 5) order of measure implementation;
- 6) time limits for measure implementation;
- 7) public administration authorities responsible for coordination, i.e. lead authorities for the implementation of individual measures and activities;
- 8) estimate of required funds and sources of financing;
- 9) use of republic commodity reserves;
- 10) other required elements.

A Government Recovery Programme may provide for temporary financing from the funds referred to in Article 5, paragraph 1), sub-paragraphs 1), 4) to 8), and 10) of certain rights and services in the flood affected area, the exercise or provision of which is of importance for the implementation of the recovery program adopted by the local self-government unit, but which are under general regulations financed from the local self-government budgets.

Government Recovery Programmes shall be developed on the basis of reports and findings of public administration authorities, expert opinions of other bodies and services, public enterprises and other entities, as well as the reports and proposals of competent local self-government authorities.

## 3. OFFICE FOR ASSISTANCE AND RECOVERY OF FLOODED AREAS

#### Article 4

The Office for Assistance and Recovery of Flooded Areas, established by the Government, shall be responsible for the professional activities relating to assistance, recovery and rehabilitation from the consequences of the natural disaster caused by heavy rains that led to the overflowing of rivers and activation of landslides in the affected areas.

The Office for Assistance and Recovery of Flooded Areas is a Government service run by the director, who shall report to the Prime Minister.

The Office for Assistance and Recovery of Flooded Areas (hereinafter: the Office) shall:

- 1) organise and coordinate the activities related to the receipt and distribution of humanitarian and other assistance provided to the Republic of Serbia for the affected persons in the flooded areas;
- 2) prepare and submit to the Government periodic reports on received and distributed humanitarian and other assistance provided to the Republic of Serbia for the affected persons in the flooded areas, as well as the final report on the distribution thereof;
- 3) prepare the act on the manner of verification of the damages contained in the damage assessment reports of local self-government units, and/or the act on the verification of damage contained in the damage assessment reports of public enterprises and other forms of organisations founded by the Republic, to be issued by the Government;
- 4) coordinate the activities of preparation of partial reports on damage assessment in the flood affected areas;
- 5) prepare the report on the total damage assessed, on the basis of data received from competent authorities and other entities, to be adopted by the Government and published on its website;
- 6) organise, coordinate and prepare the Government Recovery Programme;
- 7) coordinate the activities of monitoring and reporting on the implementation of the Government Recovery Programme and prepare the act on the manner of reporting on the implementation of such programmes, to be issued by the Government;
- 8) perform other activities stipulated by the law or Government regulation.

#### 4. PROVISION OF FUNDS FOR POST-FLOOD REHABILITATION

##### Sources of Funds

#### Article 5

The funds for the rehabilitation from the consequences of floods and/or activated landslides, within the meaning of this Law, shall be provided from:

- 1) the Republic of Serbia budget;
- 2) autonomous province budget;
- 3) local self-government unit budget;
- 4) donations;

- 5) contributions and gifts;
- 6) borrowings;
- 7) receipt from the sale of financial assets;
- 8) financial assistance of the European Union;
- 9) funds of public enterprises and other forms of organisation founded by the Republic of Serbia, autonomous province, or local self-government unit;
- 10) other sources in accordance with the law.

The funds from the budget of autonomous province and/or local self-government unit shall be used for the purposes of post-flood rehabilitation in accordance with the recovery programme adopted by the autonomous province or local self-government unit, which shall be submitted to the Office.

The Office shall, in the name and for the account of the Republic of Serbia, conclude agreements on donations, financial and other assistance provided to the Republic of Serbia with donors or assistance providers, except international agreements.

The submissions, actions and issuance of documents in accordance with this law shall not be subject to fees or charges for the services of republic, provincial and local self-government bodies

#### Manner of the Use of Funds

##### Article 6

The funds referred to in Article 5 of this Law shall be used in the volume, according to the schedule and for the purposes specified in recovery programmes.

The ultimate beneficiaries shall be provided assistance in cash, works, goods, and services

The criteria for the distribution of assistance, as well as the type and amount of assistance shall be determined by the Government in the Government Recovery Programme.

#### Budget Heading and Manner of Stating the Funds

##### Article 7

The funds referred to in Article 5, paragraph 1), sub-paragraphs 1), 4) to 8), and 10) of the Law, intended for post-flood rehabilitation, in the Republic of Serbia budget, shall be used through the Office, unless an international agreement, donation, humanitarian or other assistance agreement provides for otherwise .

The funds for the implementation of recovery programmes shall also be provided for in operating and business plans, and annual business programmes of public funds beneficiaries, defined in the Budget System Law (Official Gazette of RS vols. 54/09, 73/10, 101/10, 101/11, 93/12, 62/13, 63/13 – corrigendum, and 108/13).

Public funds beneficiaries shall disclose the funds set aside for the implementation of recovery programme in their budgets, operating and/or financial plans, and disclose all the funds collected through donations and assistance for alleviating the consequences of floods.

#### Manner of Payment

##### Article 8

The Office shall make direct payments to legal or natural persons that are assistance recipients or carry out recovery activities.

#### Register of Contractual Payments

##### Article 9

The Office shall establish and maintain a database on approved and effected payments from the funds intended for post-flood rehabilitation (hereinafter: Payment Register).

The Payment Register shall contain: the code and title of contract, amount of appropriation, funds recipient's name and account number, amount and date of each payment, amount of total funds used (the amounts shall be stated both in dinars and euro) and the percentage of use of funds.

The Payment Register shall be maintained electronically.

#### Office Reporting on Financial and Non-Financial Assistance Received by Other Public Funds Beneficiaries

##### Article 10

Public administration authorities and other public funds beneficiaries shall report to the Office on any financial and non-financial inflows and outflows of assets intended for the rehabilitation of the areas affected by floods.

The reporting shall be monthly or more frequently if needed, upon the request of the Office.

The data referred to in paragraph 1 of this Article shall be submitted on the forms the appearance, contents and the manner of submission and processing of which shall be prepared by the Office in cooperation with the ministry responsible for finance, and prescribed by the Government, upon the proposal of the ministry responsible for finance.

Non-financial assistance received for the rehabilitation of the areas affected by floods through donations, contributions and gifts must be recorded and disclosed in monetary terms using the comparative overview of market prices, if the agreement or decision does not specify the value, and the assessment shall be performed by the public funds beneficiary that is the assistance recipient.

## Reporting to the National Assembly and the Government

### Article 11

The reports on financial and non-financial assistance received by other public funds beneficiaries, and the report on inflows and outflows of funds intended for rehabilitation in the flood affected areas that are implemented through the Office shall be consolidated by the Office and submitted to the Government on a quarterly basis, or more frequently at the request of the Government and, upon adoption, submitted by the Government to the National Assembly.

The Reports referred to in paragraph 1 of this Article shall be published on the website of the Office.

## 5. PUBLIC PROCUREMENT PROCEDURE

### Article 12

The open procedure provided for in the provisions of Article 32 of the Law on Public Procurement (Official Gazette of RS, vol. 124/12) shall apply to the procurement of goods, services, and works that are necessary for the rehabilitation of the areas affected by floods, unless otherwise provided for by an international agreement.

The procurement referred to in paragraph 1 of this Article shall be specified in the Government Recovery Programme.

The procurement referred to in paragraph 1 of this Article shall be conducted by the Office, and may be conducted by other public funds beneficiaries identified in the Government Recovery Programme, while the representative of the Office shall have the right to participate as member of the Public Procurement Commission.

The provisions of the Law on Public Procurement relating to the procurement plan, prior notice, manner of proving the fulfilment of mandatory and additional requirements for participation in the public procurement procedure, time limits for submitting bids and time limits for the decisions of the Republic Commission for the Protection of Rights in Public Procurement Procedures shall not apply.

## Manner of Proving Fulfilment of Requirements for Participation in the Public Procurement Procedure

### Article 13

In the public procurement procedure referred to in Article 12 of this Law, the fulfilment of mandatory and additional requirements for participation in the public procurement procedure shall

be proven by submitting a statement in which the bidder certifies the fulfilment of requirements under full civil and criminal liability.

#### Time Limit and Invitation to Bid

##### Article 14

The time limit for the submission of bids in the procedure referred to in Article 12 of this Law may not be shorter than ten days from the date of publication of invitation to bid.

The invitation to bid for the public procurements referred to in Article 12 of this Law shall be published on the Office website.

#### Protection of Rights

##### Article 15

The request for the protection of rights shall not suspend further activities of the Contracting Authority in the procedure referred to in Article 12 of this Law.

The Contracting Authority may conclude the public procurement contract even prior to the expiry of the deadline for filing the request for protection of rights.

The Republic Commission for the Protection of Rights in Public Procurement Procedures (hereinafter: Republic Commission) shall issue a decision on the request for the protection of rights within five days of the date of receipt of a proper request for the protection of rights.

The appeal against the conclusion of the Contracting Authority shall be decided by the Republic Commission within three days of the receipt of appeal.

The Republic Commission shall deliver the decision referred to in paragraphs 3 and 4 of this Article to the Contracting Authority, appellant and selected bidder within two days of making the decision.

#### Application of another Public Procurement Procedure

##### Article 16

The Contracting Authority may decide to apply another public procurement procedure for the procurement of goods, services, and works required for the rehabilitation of the flood affected areas specified in the Government Recovery Programme, if conditions stipulated in the Law on Public Procurement are met.

In the case referred to in paragraph 1 of this Article the provisions of the Law on Public Procurement relating to the procurement plan, prior notice, manner of proving the fulfilment of

mandatory and additional requirements for participation in the public procurement procedure, obtaining the opinion of the Public Procurement Office on the justifiability of the negotiated procedure without the invitation to bid referred to in Article 36, paragraph 1, sub-paragraph 3) shall not apply.

The proof of fulfilment of mandatory and additional requirements for participation in the public procurement procedure may be given in the manner stipulated in Article 13 of this Law.

If the public funds beneficiary identified in the Government Recovery Programme decides to conduct the public procurement procedure referred to in paragraph 1 of this Article, it shall obtain the consent of the Office.

## Report on Implemented Procurement

### Article 17

The report on implemented procurement conducted under this Law shall be published on the website of the Office and public funds beneficiary that has conducted the public procurement procedure.

## Public Procurement Contract

### Article 18

The Contract on performance of works or procurement of goods and services (hereinafter: Contract) with the contractor, supplier or service provider shall, in the name of the Republic of Serbia, be concluded by the Office or the public funds beneficiary that conducted the procurement in accordance with the Government Recovery Programme.

## Liability for Commitments and Submitting the Request for Payment and

### Article 19

The head of the public funds beneficiary and the director of the Office shall be jointly liable for commitments, issuing orders for payment, and execution of expenses and outlays intended for Government Recovery Program implementation.

If the funds for the implementation of the Contract have been obtained from the Office and the procurement has been conducted by another public funds beneficiary in accordance with the Government Recovery Programme, the public funds beneficiary that has conducted the procurement, after having checked the documentation for compliance, shall submit to the Office for payment a signed and stamped request for payment with documentation on the performance of the Contract (advance, interim and final certificate, etc.), accompanied with the report of the supervising engineer for the contracts on performance of works.



Upon the receipt of request for payment, having checked the received certificate against the contracted value of works, goods and services, the Office shall pay the requested amount into the account of the contractor, supplier or service provider.

## 6. COMMODITY RESERVES

### Article 20

For the purposes of assisting the population in the flood affected areas, the Government, upon the proposal of the Office, and in accordance with the Government Recovery Programme, may instruct the Republic Directorate for Commodity Reserve to supply the goods kept in stock to the ultimate beneficiaries, on the basis of specifications made by the competent ministries.

## II. SPECIAL PROVISIONS ON MEASURES IN INDIVIDUAL FIELDS

### 1. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

#### Prevention and Suppression of Communicable Diseases

### Article 21

The minister responsible for healthcare, upon the proposal of the Public Health Institute of Serbia, for the purposes of rehabilitation from the consequences in affected areas that may lead to the onset of epidemics of communicable diseases or suffering from other diseases and injuries of a large number of people, shall proclaim the epidemics outbreak or threat of epidemics of communicable diseases and other threats to the health of a large number of people and identify the affected or threatened area, and order the measures that need to be undertaken to prevent and suppress communicable and other diseases, as well as other threats to the health of a large number of people.

The minister responsible for healthcare, by the act referred to in paragraph 1 of this Article, may order the organisation and implementation of each of the measures stipulated in the law governing the protection of the population from communicable diseases which, on the basis of the opinion of the Public Health Institute of Serbia, he considers appropriate to the specific circumstances in the flood affected area.

The measures referred to in paragraphs 1 and 2 of this Article shall be implemented in the manner stipulated by the law governing the protection of population from communicable diseases.

The imported and customs cleared unregistered medicines that are a subject matter of donation or humanitarian assistance with no accompanying documentation may not be placed on the market in the territory of the Republic of Serbia prior to the issuance of required authorisations by the Medicines and Medical Devices Agency of Serbia.

The Government Recovery Programme may also provide for other measures in the field of protection of human health in the flood affected area and determine the manner of their implementation.

#### Use of Unregistered Biocidal Products Received from Donations or Humanitarian Assistance

##### Article 22

The biocidal products received from donations for which a decision on inclusion into the Temporary List of Biocidal Products for Delivery of Technical Dossier (hereinafter: Temporary List) or issued authorisation in accordance with the law regulating the management of biocidal products, may be used in the flood affected area in the case of presence of harmful organisms that cannot be suppressed by other means or biocidal products for which a decision on the inclusion in the Temporary List or authorization has been issued, on the basis of temporary permit for its use.

The temporary permit for the use of biocidal product referred to in paragraph 1 of this Article shall be issued by the ministry responsible for managing chemicals and biocidal products, applying, *mutatis mutandis*, the laws governing biocidal products.

The request for the issuance of temporary permit for the use of biocidal products referred to in paragraph 1 of this Article shall be accompanied with: the trade name of the biocidal product, type of biocidal product, information on biocidal product manufacturer, intended use of the biocidal product, chemical/generic name and CAS/EC number of active substances contained in the biocidal product; safety data sheet for biocidal product; safety data sheet for each active substance contained in the biocidal product, label of the biocidal product with instruction for use in the Serbian language (if available) or the English language, explanation to the effect that there are no other means or biocidal products that may suppress the harmful organisms, proof of efficacy of the biocidal product for the intended use; information on the user of biocidal product; data on the quantities of biocidal product; proof that the biocidal product expiry date falls after the period of validity of the temporary permit, data on the area and size of the surface that will be treated with the biocidal product; data on the contents of biocidal product as well as donation agreement.

The Decision on Temporary Permit referred to in paragraph 2 of this Article shall be final and an administrative dispute may be initiated against it.

The temporary permit shall be issued with the validity period not exceeding 120 days.

The holder of the temporary permit shall instruct the user of the biocidal product of the conditions for the limited and controlled use of the biocidal product laid down in the decision and maintain records on used and unused quantities of the biocidal product.

## 2. CONSTRUCTION, RECONSTRUCTION, ADAPTATION AND REHABILITATION OF FACILITIES

### a) Expropriation

## Establishing Public Interest in Expropriation

### Article 23

This law establishes the public interest in expropriation i.e. administrative transfer of real property for the purposes of construction of facilities identified in the Government Recovery Programme, establishment of the right of easement (partial expropriation) for the purposes of laying water supply pipes, underground and above ground transmission lines of all voltage levels and distribution transformer stations, telephone cables, underground or above ground district heating system infrastructure, as well as temporary occupation of real property for the purposes of performing works included in the recovery programme.

## Beneficiaries of Expropriation

### Article 24

Expropriation may be performed for the purposes of the Republic of Serbia, autonomous province, local self-government unit, public fund, public agency, companies founded by public enterprises, and for the purposes of companies with majority state-owned capital founded by the Republic of Serbia, the autonomous province or local self-government unit, unless otherwise provided for by the law.

## Procedure upon Proposal for Expropriation

### Article 25

The proposal for expropriation shall be decided by the authority responsible for property law affairs of the local self-government unit in whose territory the real property which is the subject matter of expropriation is located.

The proposal for expropriation shall be accompanied by the excerpt from the real estate folio for the real property that is the subject matter of expropriation, certificate to the effect that the land is suitable for construction issued by the local-self government unit authority responsible for urban planning, as well as the excerpt from the Government Recovery Programme identifying this cadastral plot as designated for the recovery of facilities in Article accordance with this Law.

Prior to the issuing of the decision on expropriation, the competent authority shall establish that on the territory of that local self-government unit there is no appropriate land owned by the state or land publicly owned by the autonomous province or local self-government unit on which new facilities can be built, in accordance with this law.

After the procedure is completed, the competent authority shall issue a decision within eight days.

The owner of the real property may file an appeal within eight days of the date of delivery of the decision referred to in paragraph 4 of this Article.

The appeal against the decision referred to in paragraph 4 of this Article shall be decided by the ministry responsible for finance within eight days.

The final decision on expropriation creates the conditions for the beneficiary of the expropriation to take possession of the property.

The Law on Expropriation (Official Gazette of RS, vols. 53/95, 23/01–SUS, 20/09, and 55/13–CC) and the Law on General Administrative Proceedings (Official Journal of FRY, vol. 33/97 and 31/01, and Official Gazette of RS, vol. 30/10) shall apply to any other matter not regulated by this law.

## b) Recovery of Facilities

### Facilities Subject to Recovery

#### Article 26

The recovery of facilities shall be carried out through the construction of new facilities, or the reconstruction, rehabilitation, or adaptation of the existing facility, in accordance with this law.

The facilities within the meaning of this law are: family houses, residential and residential/commercial facilities, apartments in residential and residential/commercial facilities, cultural assets and cultural infrastructure, utility infrastructure, road and railway infrastructure, electric power facilities for the generation, transmission and distribution of electrical power, electronic communication facilities and systems, mining production and supply facilities, gas pipelines, heating pipelines, special purpose facilities, as well as publicly owned facilities for public use.

### Criteria for the Recovery of Family Houses

#### Article 27

The recovery of the family house that collapsed due to the effect of flood or activation of a landslide, or the house for which the competent authority issued a decision prohibiting its use shall be carried out by building a new house, in accordance with the Government Recovery Programme.

The recovery of the house that collapsed due to the effect of flood or activation of a landslide built at the site that is not suitable for building (inadequate hydrological, geological or urban planning conditions), shall be carried out by building a new house at the location suitable for construction, payment of cash assistance or purchase of another real property up to the value of the new house that would be assigned to the natural person in accordance with the criteria from the government assistance programme.

The criteria for recovery of facilities referred to in paragraphs 1 and 2 of this Article shall be set by the Government Recovery Programme.

### Typical Houses

## Article 28

The recovery of family houses referred to in Article 27 of this Law, shall be carried out by the construction of typical houses, as follows:

- house type I, of 60m<sup>2</sup> surface area,
- house type II, of 80m<sup>2</sup> surface area,
- house type III, of 100m<sup>2</sup> surface area.

The criteria for assigning the appropriate type of house shall be established in the government assistance programme.

Notwithstanding paragraph 1 of this Article, another type of house may be agreed in a donation agreement.

## Construction of Family Houses

## Article 29

Family houses will be built on the basis of main designs for the prescribed house types.

When the list containing the number and type of houses to be built on its territory have been submitted by local self-government, the Office shall provide the main design for construction to the local self-government unit.

The contractor for the building of family houses shall be selected through a public procurement procedure to be conducted in accordance with this law.

## Article 30

The investor in the construction of family houses shall be the Republic of Serbia.

The investor rights on behalf and for the account of the Republic of Serbia shall be exercised by the Office, until the issuance of the occupancy permit for individual houses.

Upon the proposal of the Office, the Government shall designate the supervising engineer for the works.

## Article 31

After the contractor has been selected and supervising engineer appointed, the construction of the house may begin on the land designated for construction, in accordance with Article 143 of the Law on Planning and Construction (Official Gazette of RS vol. 72/09, 81/09-corrigendum, 64/10-CC, 24/11, 121/12, 42/13-CC, 50/13-CC i 98/13-CC).

Until the expiry of the time limit referred to in Article 143 of the Law on Planning and Construction, the local self-government unit may issue the building and occupancy permit in a single decision.

Prior to the issuance of the decision referred to in paragraph 2 of this Article, the competent authority shall establish that the house has been built on the land suitable for construction, that the main design has been submitted and that the report on the technical inspection of the house has been submitted to the effect that the house is suitable for use.

If the house has been built on the land owned by the local self-government unit or the autonomous province, prior to the issuance of the decision referred to in paragraph 2 of this Article, the local self-government unit or the autonomous province shall transfer the title to the building land on which the house has been built to the Republic of Serbia free of charge.

If the house has been built on the land owned by the person whose house collapsed or the use of which has been prohibited, the competent authority of the local self-government unit shall issue a decision on the building and occupancy permit in the name of such person. The investor rights shall be exercised by the Office on behalf and for the account of the natural person – land owner until the issuance of the occupancy permit, in accordance with this law.

NO land development fee or the fee for the change of intended use of agricultural land to building land shall be paid for the family houses built in accordance with the provisions of this law.

The decision referred to in paragraph 2 of this Article shall contain the information on the investor, house, (dimensions, number of floors, type of house and total surface area), cadastral plot on which the house has been built, as well as the statement that the house has been built in accordance with this law.

The decision referred to in paragraph 2 of this Article, shall also contain the provision by which the investor – the Republic of Serbia agrees that the person whose house collapsed or the use of which has been prohibited may, after the decision becomes final and without further need for the presence or special consent of the investor, register the title on the newly built house, except in the cases when the decision has been issued in the name of the natural person referred to in paragraph 5 of this Article. The transfer of title shall not be considered a real property transaction, so there shall be no obligation to pay the title transfer tax.

The new family house, built in accordance with this law, shall be considered facility built in accordance with the law regulating construction of facilities.

## Article 32

The decision referred to in Article 31 of this Law shall be final and may not be appealed, but an administrative dispute may be initiated by filing of a lawsuit.

## Article 33

The family house built in accordance with the provisions of this law may not be disposed of within five years of the date the decision referred to in Article 31 of this Law becomes final.

## Recovery of Damaged Facilities

## Article 34

The recovery of a family house, residential or residential/commercial facility or apartment in a residential or residential/commercial facility that was damaged due to the effect of floods or activation of a landslide shall be carried out by the payment of cash assistance.

The criteria and amount of assistance for the recovery of the facilities referred to in paragraph 1 of this Article shall be determined by the Government Recovery Programme.

### Recovery of Infrastructure Facilities

## Article 35

The recovery of electrical power facilities for generation, transmission, and distribution of electrical power, mining production and supply facilities, gas infrastructure facilities, roads and public railway infrastructure, telecommunication facilities and/or networks, systems and assets, including the electronic communication facilities (cable sewers), utility infrastructure facilities, special purpose facilities and publicly owned facilities for public use, shall be carried out in accordance with recovery programmes.

Recovery programmes shall also determine: sources of financing, funds needed for the recovery of facilities referred to in paragraph 1 of this Article and identify the investor.

Investor rights for the works on the recovery of facilities referred to in paragraph 1 of this Article owned by the Republic of Serbia shall be exercised by public enterprises or subsidiary companies, with no special authorisation from the Government.

## 3. RECOVERY OF ECONOMIC ACTIVITY

### Assistance to Businesses

## Article 36

Upon the proposal of the minister responsible for economy, the Government may distribute assistance to businesses in the form of incentives, in accordance with the Government Recovery Programme.

The incentives referred to in paragraph 1 of this Article may be distributed to sole proprietors and small/micro businesses that has suffered damage from the natural disaster caused by heavy rain that led to the overflow of rivers and activation of landslides in the area affected by floods, if they were registered in such area or if they had a separate business unit in the area at the moment the state of emergency was declared.

The Government Recovery Programme may also provide for other measures in the sphere of economy in the flood affected areas and specify the manner of implementation thereof.

#### 4. ASSISTANCE TO FARMERS

##### Article 37

Agricultural holdings and family agricultural holdings, registered in accordance with the law, which suffered damage from the natural disaster caused by heavy rain that led to the overflow of rivers and activation of landslides in the area affected by floods, shall be granted assistance in accordance with the Government Recovery Programme.

#### 5. RECOVERY OF CULTURAL ASSETS AND CULTURAL INFRASTRUCTURE

##### Article 38

The recovery of cultural assets and cultural infrastructure, as well as resuming cultural activity in the flood affected areas shall be carried out in accordance with the Government Recovery Programme.

The Government Recovery Programme shall lay down measures that need to be undertaken for the purposes of cultural asset and cultural infrastructure recovery, including the measures of resuming cultural activities that were discontinued at the onset of floods.

#### 6. PUBLIC WORKS AND VOLUNTEER WORK CAMPAIGNS

##### Article 39

For the purposes of rehabilitation from the consequences of floods and activation of landslides, the recovery of the flooded areas and areas affected by landslides, providing for return and integration of the local population, public works and volunteer work campaign may be organised in the flood affected areas, in accordance with the provisions of this law.

The manner of selection of public works, public works contractors, persons to be engaged in public works, level of costs of organising public works, level of remuneration of the engaged persons and other costs, shall be determined in the Government Recovery Programme.

Unemployed persons shall be engaged for public works, where priority shall be given to the social welfare beneficiaries, unemployment benefit recipients, the young and other persons from the category of less employable persons, with the permanent or temporary residence in the flood affected areas where the public works are organised.

Public works organised in the manner stipulated in paragraphs 1-3 of this Article shall not preclude the possibility of organising public works in the flood affected areas in the manner laid down in the law governing employment.

The manner of organising volunteer work campaigns, selection of organiser and the amount of cost of organising volunteer work campaigns shall be determined by the Government Recovery Programme.



### III. ASSISTANCE DISTRIBUTION PROCEDURE

#### Reporting Damage

##### Article 40

Natural and legal persons that have suffered damage from the natural disasters in the areas affected by floods shall report damage to the competent authority of the local self-government unit according to the place where the damage occurred.

#### Decision-Making on the Type and Amount of Assistance

##### Article 41

The procedure for the distribution of assistance laid down in this law shall be conducted in accordance with the provisions of this law and the law governing general administrative procedure.

The decision-making on the type and amount of assistance shall be carried out by the local self-government unit as a delegated task.

The decision on the type and amount of assistance shall be made by the competent local self-government authority, on the basis of the criteria set in the Government Recovery Programme.

The decision referred to in paragraph 3 of this Article may be appealed with the Commission for Determining the Damage Caused by Natural Disasters, established in accordance with the Government's Rules of Procedure, within eight days of the receipt of such decision.

The decision of the Commission for Determining the Damage Caused by Natural Disasters shall be final and an administrative dispute may be initiated against it

The final decision shall be submitted to the Office.

#### Public Nature of Information on Distributed Assistance

##### Article 42

The information on distributed assistance and assistance recipients constitute public information and shall be published by the Office on its website.

### IV. OVERSIGHT

##### Article 43

The oversight of the implementation of this law shall be carried out by the ministry responsible for construction.

Inspection supervision, through examination of operations and actions of natural and legal persons in the course of implementation of the measures specified in accordance with this law, shall be conducted by the public administration authorities in accordance with their specified scope of activity.

The oversight of the activities delegated under Article 41 of this law shall be performed by the ministry responsible for local self-government.

## V. FINAL AND TRANSITIONAL PROVISIONS

### Article 44

The damage report for the purposes of exercising the right to assistance in accordance with this law shall be filed within eight days of entry into force of this law.

The damage report submitted before the date of entry into force of this law shall be considered a report submitted in accordance with this law.

### Article 45

Implementing legislation and other acts required for the implementation of this law shall be promulgated within 15 days of entry into force of this law.

The regulation establishing the Office shall be aligned with this law by the Government within 15 days of entry into force of this law.

### Article 46

This law shall enter into force on the day following the date of publication in the Official Gazette of the Republic of Serbia, and shall cease to apply upon the expiry of one year of entry into force.