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HASKONING NEDERLAND BV WATER
IHS INSTITUTE FOR HOUSING AND URBAN DEVELOPMENT STUDIES
DELOITTE&TOUCHE CENTRAL EUROPE

ANNEX 2.2:

LEGAL ACTIVITIES AND FRAMEWORK FOR REGIONAL SANITARY LANDFILL

27 April 2007



Feasibility Study Pirot
Final report

Municipal Infrastructure Agency Support Programme
An EU-funded project managed by the European Agency for Reconstruction
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LEGAL ACTIVITIES AND FRAMEWORK FOR REGIONAL SANITARY LANDFILL

DOCUMENT	RELEVANT LAW	AUTHORITY IN CHARGE	Done	COMMENT
Study on Site Selection	Law o Communal activities (OGRS no.16/97., 42/98)	Elaborated by the "Kirilo Savić" Institute, Belgrade in the period October 1996 - March 1998.	Done	
Decision on site selection "Muntina Padina"	Article 4, Law o Communal activities (OGRS no.16/97., 42/98) Regulation on criteria for site selection and design of landfill and waste substances (OGRS no.66/91) Statute of Pirot Municipality	Municipal Assembly of Pirot , June 1998	Done	
Study and Design of Geotechnical Survey		Elaborated by the Faculty of Mining and Geology, Belgrade, July 2005.	Done	
Decision on elaboration of the Detailed Regulation Plan for the regional sanitary landfill at the "Muntina padina" site.	Law on Planning and Construction (OGRS no. 47/03), Law on handling waste substances (OGRS no.25/96)	In November 2004 Municipal Assembly session	Done	
Approval on Report on Detailed Regulation Plan and Strategic Environmental Impact Assessment	Law on Strategic Environmental Impact Assessment (OGRS no.135/04)	Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues, was issued 7, November 2006	Done	
Strategic Environmental Impact Assessment	The Law on Strategic Environmental Impact Assessment (OGRS no. 135/04)	"Kirilo Savić" Institute, Belgrade December 2005	Done	
Plan of detailed regulation	Article 54, Law on Planning and Construction (OGRS 47/03), and Article 10 and Articles 33-55. Also, section 2 Statute of Pirot Municipality. Regulation on content, and form of design, method of competent control of urban planning, as well as disposing the plan to a public (OGRS 12/04). Also based on General Plan- Pirot City Planning (Official Gazette of the City of Nis n. 74/05).	Approved, by the Assembly of Pirot Municipality, September 15, 2006	Done	Through the Detailed Regulation plan the location of for the construction of Sanitary Landfill is defined. This document is ground necessary for the application to the Government of Serbia- for designation of public interest.
Final design for the regional sanitary landfill was elaborated		by the "Kirilo Savić" Institute, Belgrade In the period May-August 2006,	Done	
Conclusion on Public Presentation and discussion on EIA Study, nu.03-U-501/84-06		Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues, was held 24 October 2006	Done	

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Decision to Approve the Impact Assessment on Environmental Study number: 03-U-501/84-2006	Article 192, section 1 Law on General Administrative procedure (OGRS 135/04 and Regulation on content of Environmental Impact Assessment Study (OGRS 69/05)	Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues, was issued 7, November 2006	Done	
Decision on Construction use and management of regional sanitary landfill, lbr.06/31-06	Law o Communal activities (OGRS 16/97, 42/98), Article 18, Section 1, item 4 Law on Local Self Government (OGRS 9/02, 33/02, 33/04, 135/04) Article 18, Section1, item 5 Statute of Pirot Municipality	Pirot Municipal Assembly on Session held 07.04.2006Pirot	Done	
Construction Permit	Amendments of the Law on Planning and Construction (OGRS 47/2003 and 34/2006), Article 89, section 3 and Article 91-(lists of necessary document for application of the permit), Article 94 section 2,	Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues	To be done upon setting the land issues.	
Requirements submitted by Institute for Protection of the Nature of Serbia , Head Office Belgrade to Municipality of Pirot , No.03-88/2 Date: 04 July 2005	Provisions of the Rules on Criteria of Identification of Location and Development of Waste Substances Landfill (OGRS 54/92)	Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues	In process Needs to be resolved	Location and selection of sanitary landfill "Muntina Padina" was made in September 1998. This requirement s received in July 2005. The location is placed near town Pirot, and east part of the landfill is placed at a distance less than 500 m from Nisava river bank. It is not in a compliance with relevant Law. It is under the question mark if this is measured properly and is the external or internal boundary taken into account? This should not affect the project progress.
Opinion of Public Water Supplier Company, submitted on 20 February2006 to Pirot Municipality, based upon Municipality's request no.03-350/102	Article 14 and 14, Law on Water (OGRS 46/91, 53/93, 48/94, 54/93)	Based on Request of the Department for Legal and Property Issues of the Municipality of Pirot will purchase the land from their private owners	Not open issue	The official opinion elaborates in 10 items necessary measures for protection of River Nisava and water. The opinion consists of final explanation, and is not obligatory legal document,rather safety measure and warning for future construction of sanitary landfill.
Decision of Pirot Municipality to replace the existing water supply network in accordance with new drafted plan.	Law on Planning and construction (OGRS 47/03), Amendments of Law on Planning and Construction (OGRS 34/06)	Based on Complain of group of citizen the Municipal Assembly, Pirot Municipality issue an order to Municipal Administration – Department of Urban Planning, Civil engineering, and public utility-residential issues. 15 September 2006	Not open issue	

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Setting the land property issues Request to the Public Prosecutor Office to apply to Ministry of Finance for expropriation of the land and defining the public interest , to select the land and designate as National Interest Document no.01/07 2007 Date: 11 January 2007	Article 20, Law on expropriation Republic of Serbia, (OGRS 23/01).	The Department for Legal and Property Issues of the Municipality of Pirot will purchase the land from their private owners, as a leader in this project.	In process	As latest information from December 2006, was that 18 parcels was designated, and two of them are selected for acquisition. As a starting point, it is important to estimate the minimum price per square meter. With regard to the fact that the land will be purchased in phases, numerical deviations of data are possible and this depends on the commercial value of land. However, since there are a number of owners and part-owners, land acquisition can last even until March 2007, regardless of potential claims lodged by unsatisfied owners. If so, the administrative procedure will continue before the secondary authority - the Ministry of Finance of the Republic of Serbia or the administrative procedure will start before court;
Application to ECO FUND With relevant documents, requesting fund for the First phase for financing the construction of regional sanitary landfill. The application was submitted no. 03-501/84-06 on 07 November 2006	Public Announcement in the OGRS 87/06.	ECO FUND and MA Pirot	Done	The application was approved in the amount in the amount of 114.276.840 CSD, October 9, 2006, for the first phase that will be construction of sanitary landfill.
Municipal agreement/ Contract	Law on Contract	Agreement-Contract need to be signed by all municipalities -agreement to be backed up and documented by formal decisions in the municipal councils- representative authorized to enter into agreement -details in the agreement, particularly in issues relating to cost-sharing and financing the municipalities carried out studies, works or procurement of land utilizing this inter-municipal agreement -the capacity in the group of municipalities to carry the financial burden of the investment and operation of the landfill, as well as the formulation of the	To be done	Create an inter-municipal agreement and formulate into the agreement aspect of liability of each municipality and its share proportion.