

SRBIJA:**PREDLOG SPECIJALNOG ZAKONA SA
CILJEM UBRAZANJA IZGRADNJE
AUTO-PUTEVA I METROA**

Vlada Republike Srbije je usvojila predlog Zakona o posebnim postupcima radi realizacije projekata izgradnje i rekonstrukcije linijskih infrastrukturnih objekata od posebnog značaja za Republiku Srbiju („*Predlog Zakona*“).

Ovaj *lex specialis* ima za cilj da skрати birokratske procedure i ubrza izgradnju važnih infrastrukturnih projekata u Republici Srbiji („*RS*“). Predlog Zakona je pripremljen imajući u vidu da rešavanje imovinskopravnih pitanja u fazi pre izdavanja potrebnih dozvola, zahteva puno vremena, te stoga prouzrokuje odlaganja u početku realizacije radova.

Ovaj Predlog Zakona je naročito značajan u pogledu projekata izgradnje autoputa (E-763), novih brzih saobraćajnica, brze pruge Beograd – Budimpešta, Beogradskog metroa, itd.

Koje su najvažnije novine Predloga Zakona?

1. **Hitnost postupka.** – Predlogom Zakona svi postupci od posebnog značaja se smatraju hitnim. Navedeno znači da su državni organi dužni da bez odlaganja okončaju postupak i izdaju akte iz svoje nadležnosti.
2. **Eksproprijacija.** – Predlogom Zakona je utvrđen javni interes za eksproprijaciju, administrativni prenos i nepotpunu eksproprijaciju nepokretnosti radi izgradnje i rekonstrukcije linijskih infrastrukturnih objekata od posebnog značaja za RS. Predlog Zakona dalje uređuje korisnika eksproprijacije, trajanje javnog interesa, kao i ko može biti stranka u postupku eksproprijacije. U tom cilju predložene izmene se uglavnom odnose na skraćivanje rokova propisanih Zakonom o eksproprijaciji.
3. **Obezbeđivanje finansijskih sredstava.** – Finansijska sredstva za realizaciju projekta obezbeđuju se iz budžeta RS, budžeta autonomnih pokrajina i jedinica lokalne samouprave, kredita inostranih banaka i

SERBIA:**DRAFT OF SPECIAL LAW TO SPEED UP
HIGHWAYS AND METRO
CONSTRUCTION**

The Government of the Republic of Serbia has adopted a draft of the Law on Special Procedures for the Realization of Construction and Reconstruction Projects of Line Infrastructure Facilities of Special Importance for the Republic of Serbia („*Draft Law*“).

The main aim of this *lex specialis* is to shorten the bureaucratic procedures and accelerate the construction of important infrastructure projects in the Republic of Serbia („*RS*“). The Draft Law has been prepared having in mind that resolving property issues, at the stage before the necessary permits have been issued, requires a lot of time and causes delays in the commencement of the works.

The Draft Law will in particular be relevant for the projects regarding the construction of the highway (E-763), new fast roads, the fast railway Belgrade - Budapest, and the Belgrade subway.

What are the main points of the Draft Law?

1. **Urgency.** – By the Draft Law, all proceedings of special importance are considered urgent. This means that the competent authorities must complete the proceedings and issue the required documents without delay.
2. **Expropriation.** – The Draft Law establishes public interest for expropriation, administrative transmission and incomplete expropriation of the real property for construction and reconstruction of line infrastructure facilities of special importance to the RS. The Draft Law also regulates the beneficiary of expropriation, the duration of the public interest and the parties in the expropriation process. In this matter, the proposed amendments are mainly related to the shortening of deadlines prescribed by the Law on Expropriation.
3. **Providing Funds.** – The funds for the implementation of projects are allocated in the budget of the RS, the budget of the autonomous province and local self-government, by international banks and financial institutions

finansijskih organizacija, međunarodnih izvora finansiranja i drugih sredstava.

loans, international sources of funding and other sources.

4. **Primena međunarodnih standarda.** – Predlog Zakona omogućava da se primenjuju posebni međunarodni ili evropski propisi, normativi i standardi (ukoliko su navedeni u tehničkom dokumentu). S tim u vezi, ispunjenost zahteva se dokazuje prema propisima i standardima stranih država, kao i prema priznatim međunarodnim metodama, te se na navedeni način omogućava međunarodno povezivanje na ovom polju.
5. **Javne nabavke.** – Predlog Zakona sadrži posebne odredbe o javnim nabavkama, koje prevazilaze opšte odredbe kojima se uređuju javne nabavke. Između ostalog, posebna pravila utvrđuju vremenske rokove u postupku javnog nadmetanja.
6. **Strateški partner.** – U slučaju hitnosti i ugroženosti realizacije projekta Vlada bira strateškog partnera. Postupak izbora strateškog partnera se smatra posebnim postupkom (ne primenjuju se propisi kojima se uređuje postupak javnih nabavki). Stoga, postupak izbora strateškog partnera je uređen Predlogom Zakona.
4. **Application of international standards.** –The Draft Law enables the application of specific international or European regulations, norms and standards (if they are specified in the technical document). In this regard, the application must be in accordance with the foreign country's regulations and standards, or in accordance with the recognized international methods, and thus enables international connections in this matter.
5. **Public Procurement.** - The Draft Law contains special public procurement rules, which override the general public procurement framework. *Inter alia*, the special rules govern the time limits in the tendering procedure.
6. **Strategic Partner.** – In case of emergency and in case the realization of the project is under threat, the Government shall choose a strategic partner. The procedure for the selection of the strategic partner is considered as a special procedure, not governed by public procurement rules. To that end, the procedure for the selection of a strategic partner is governed by the Draft Law.

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