

Land Acquisition and Livelihood Restoration Plan Gjilan

Kosovo: Regional Roads Project – Project
Implementation Unit (PIU) Support

Client

Ministry of Infrastructure

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1. **INTRODUCTION**

1.1. **OBJECTIVE AND SCOPE OF DOCUMENT**

This document is the Land Acquisition and Livelihood Restoration Plan (LALRP) for the Kosovo Regional Roads Project implemented by the Kosovo Ministry of Infrastructure, for the Project section **N25.2 Giljan access road**. It has been prepared in accordance with the laws of Kosovo as well as the requirements of the European Bank for Reconstruction and Development (EBRD), Environmental and Social Policy 2014¹ and its Performance Requirements (PRs), particularly PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement. Separately two detailed Land Acquisition Plans (LAPs) for Prizren and Kllokot-Gjilan and one LALRP for road section Ferizaj have been prepared for the other road sections under this Project.

The LALRP specifies the procedures to be followed by the Government of Kosovo through its Ministry of Infrastructure (MI) and the actions it will take to properly compensate affected people. The document provides a description of the land, households and businesses that will be affected by property acquisition in the Municipality of Gjilan and Municipality of Novoberda. The objective of this LALRP is to mitigate the negative impacts of land acquisition and restrictions on affected persons' use of and access to land, and to set out the entitlements of the different categories of affected persons, paying particular attention to the most vulnerable ones.

The LALRP applies to all affected persons regardless of the total number affected and whether or not they have a legally registered title to the land. The severity of the impact will however affect the nature of the compensation and other assistance provided.

This LALRP document is the result of consultations, data collection and analyses done by the Consultant, iC consulenten and includes measures to protect the livelihood of affected people. It has been prepared on the basis of the Land Acquisition Framework (LAF) developed in 2015 as part of the due diligence project "Kosovo – Regional and Local Roads – Environmental and Social Assessment" which was carried out by Enova, Consultants and Engineers, Sarajevo.

The requirements of this LALRP are binding to both the Government of Kosovo, through MI and the Contractors to be hired to undertake the construction and operation of the Project.

1.2. **PROJECT DESCRIPTION**

The European Bank for Reconstruction and Development (EBRD) is considering providing financing to MI in support of national road improvement works within the Kosovo Regional Roads Project (the Project). The Project involves widening to four lanes the entry/exit roads in the Municipalities of Gjilan, Ferizaj, and Prizren, and the rehabilitation of the Kllokot – Gjilan road section. These sections are considered priority projects under the *Multimodal Transport Strategy (2012-2021)* and *Action Plan (2012-2016)* of Kosovo. Due diligence for the Project was completed in 2015 and a Land Acquisition Framework (LAF) was produced for the Project sections using information then available to the consultant². Separate two detailed LAPs for Prizren and Kllokot-Gjilan and additionally one LALRP for road section Ferizaj are produced for the Project sections.

The N25.2 section Gjilan access road is the main entrance road to the Municipality of Gjilan from the direction of the country capital, Pristina and the fastest connection to the A1 motorway in Republic of Serbia. This section is a branch of the core national and

¹ The full text of the EBRD ESP is available at:
<http://www.ebrd.com/news/publications/policies/environmental-and-social-policy-esp.html>

²The LAF is publicly available at: http://mi-ks.net/repository/docs/2016_02_15_081438_Kosovo_Roads_LAF_final_8_Dec_2.pdf

regional network of Kosovo roads, and therefore under the jurisdiction of the MI (Figure 1).
1Figure 1Figure 1).



Figure 1: Map of Roads of Republic of Kosovo (Source: Ministry of Infrastructure)

The length of the access road will be 2,900 m and will include three roundabouts and the following infrastructure: electricity, sewer system, runoff drainage system, traffic signs and lighting.

Carriageway and pavement design: Double carriageway double lane road. The road width is 19 m (2 lanes for each direction - total 4 lanes x 3.5 m, divided by a 2.0 m wide island). Both sides have pedestrian sidewalks (2 x 1.5 m).

This section extends through the suburban area of the Municipality of Giljan. Along the edges of the road individual houses, commercial buildings and six petrol stations are located. The land in the vicinity of the road, foreseen for the widening, is used partly for

business purposes. This space is reserved by the municipality for the purpose of road widening and impacts will be limited to non-agricultural commercial structures and activities (as defined in Section 3.3 of this document). It is expected that a total of **158³ persons will be affected** by land and/or structure take as a result of Project implementation. The Land Acquisition Framework (December, 2015) defined vulnerability for the entire regional roads project including vulnerable persons/households, such as single mothers, widows and widowers, disabled people, or those living in extreme poverty. No particular vulnerable groups were recorded during the field visits in 2015 during the due diligence project, and this was confirmed during the census in June 2017. No cultural heritage structures of any type were recorded as of 2015 and confirmed in 2017. There are no institutions along the road associated with heavy pedestrian traffic such as schools, hospitals, etc.

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1.3. STATUS OF LAND ACQUISITION ACTIVITIES

1.3.1. Present Status of Land Acquisition

The MI, as the Applicant, has sent the Request for Expropriation (Reference: 4632/2017, dated 02 June 2017) to the MESP's Office for Expropriation, thus officially initiating the expropriation procedure in line with national legislation (please see Chapter 2 of this document for description of the procedure), after having commissioned and completed the Expropriation Elaborate for Extension of National road N25.2: Entrance into the city of Gjilan (Vizion Project, February, 2017).

Based on the most recent data given by the Ministry of Infrastructure, MESP has accepted the application during December 2017 (Decision No. 13/21 from 22.12.2017), submitted by MI earlier this year. The legal deadline according to the Expropriation Law of Kosovo was 15 days after receiving the application, i.e. the Request for Expropriation (Annex 1 of this document). However, the expropriation process is still at an early stage since the Ministry of Finance and its Office for Immovable Property has yet to determine the compensation amount for each affected group. Additionally, this document provides livelihood restoration measures for affected business owners and workers, as well as compensation types and calculation principles.

Namely, only the area of the parcels to be affected has been defined in the Elaborate and all Project impacts related to land expropriation have yet to be defined (i.e. no valuation has been carried out at the time of development of this document). The Government of Kosovo has notified the identified property right holders. The Decision No. 13/21 on approval was published in the Official Gazette, and in a daily newspaper in Kosovo enjoying wide circulation, which publication is repeated again after 7 to 10 days, followed with a 10-day period during which interested parties are entitled to submit written comments to the expropriating authority. Following the publication, the expropriating authority was required to hold a public hearing within 15 days in each respective Municipality where the properties subject to expropriation are located, which was undertaken during January 2018. For more detailed information on held public consultation, please refer to Chapter 6.1.

It is expected that a total of 48 private parcels in the Municipality of Gjilan will be affected by land take, with a total of 4,714.5 m², as identified in the Expropriation Elaborate.

The parcels in the Municipality of Novoberda have been expropriated in 1974 for the purpose of expansion of this road section (with a total of 12,008.0 m² based on the old cadastre data). On 08 February 2017 PIU addressed a letter to the Municipality of

³ Beside the first identified 74 affected persons in Gjilan Municipality, additional 81 people from the Municipality of Novoberda will be affected based on the information from the new Elaborate for Expropriation for part of the road section located in Novoberda Municipality. Also, 8 public parcels will be affected at the territory of Novoberda

Novoberda with the request to proceed with the transfer of 45 cadastral parcels to the Government of Kosovo - Ministry of Infrastructure which are to be affected by the road project financed by EBRD. The PIU has also organized meetings with the Municipal representatives to pursue this issue. On 12 October 2017 the PIU has sent a request for support to the Kosovo Cadastral Agency in order to finalize this transfer. In December 2017 the changes have been reflected in the cadastral register and the transfer of ownership for this part of the road was finalized. The Elaborate for Expropriation for part of the road section located in Municipality Novobërda, cadastral zone Koretishtë (December, 2017) have been used to update this LALRP. Based on this documentation, a total of 89 parcels will be affected by the road section in Novobërda, out of which 81 are private owners and 8 parcels are public land. The total land take amounts 18,099 m² for Municipality of Novobërda.

Recently during the period January-May 2019, the change to the project design has been done to include the modifications of the roundabout at Gjilan entrance. Land take of additional 628 m² will be required due to the mentioned change, therefore the total land take at this road section is 18,727m².

Initially, the entire process was initiated for formal land owners/ land users only as the Kosovo legislation does not recognize informal land users (please see Section 2.5 of this document for description of gaps between Kosovo legislation and EBRD requirements). The Expropriation Elaborate should be updated to include information on the informal users, loss of livelihoods as well as the additional land take due to the design change of the roundabout at Gjilan entrance, and resubmitted to the Office of Immoveable Property.

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1.3.2. Planned Land Acquisition Process

According to the procedure set out in national legislation, the MESP was required to liaise with the KCA to ensure that the information set out in the Expropriation Elaborate is up-to date and correct. Once it was confirmed that the Expropriation Elaborate is correct, the MESP adopted the Decision No. 13/21 from 22.12.2017, on accepting the application for further processing and sent a copy of the application and accompanying documents to the Office of Immoveable Property Valuation within the Ministry of Finance (MF) for valuation of the affected properties.

The Expropriation Elaborate is currently being held in the Ministry of Finance, respectively Office of Immoveable Property within Department for Tax Property pending the administrative procedure set out in the Expropriation Law of Kosovo (please see section 2.4). Having in mind that the local expropriation documents cover only formal users, and this document has identified informal users as well, the local land expropriation document needed to be revised to include all affected land plots and land users regardless of their formality status. MI will update land expropriation documents with assistance from external experts. An official amendment to the documentation (the Letter) should be submitted requesting compensation of the categories ii and iii of PAPs with reference to the Loan Agreement between Government of Kosovo and EBRD. The Letter, together with updated Elaborate for Expropriation, should be submitted by MI (expropriation beneficiary) to MESP (expropriation authority) and MF (valuation and calculation of compensation). Following the update of the Expropriation Elaborates, the Preliminary Expropriation Decision will cover all 3 categories of PAPs: (i) formal owners of the land and structures, (ii) informal land users with no right to land (land owned by the state), but with rights to structures, and (iii) businesses owners and employees of businesses located in the structures belonging to formal and informal users.

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The Expropriation Elaborate **should** be updated also to reflect the additional land take due to the design change of the roundabout at Gjilan entrance, and resubmitted to the Office of Immovable Property. Therefore there is no defined timeline yet for the pending land acquisition process. According to Article 16 of the Expropriation Law, "*the amount of expropriation compensation specified in a Final Decision shall be paid in full within two (2) years from the effective date of the decision*". According to PIU's experience from similar projects, the estimated duration of the whole expropriation procedure lasts approximately 2 - 3 years.

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2. **LEGAL AND INSTITUTIONAL FRAMEWORK**

2.1. **THE EXPROPRIATION LAW OF KOSOVO**

The procedure of land expropriation and resettlement in Kosovo is primarily regulated by the *Law No. 03/L-139 on Expropriation of Immovable Property with amendments and supplements made on the Law No.03/L-205 dated 28 October 2010* (the Expropriation Law of Kosovo). The Law outlines the procedure, including remedies, to safeguard individuals from disproportionate interferences with the right to immovable property⁴. The key provisions of this Law are summarized below.

2.1.1. **Public Interest**

Expropriation may be undertaken only when all of the following conditions are satisfied (Article 4):

- i. expropriation is directly related to the accomplishment of a legitimate public purpose;
- ii. the legitimate public purpose cannot practically be achieved without expropriation;
- iii. the public benefits to be derived from expropriation outweigh the interests that will be negatively affected thereby;
- iv. the choice of the property to be expropriated has not been made for, or in the furtherance of, any discriminatory purpose or objective; and,
- v. the expropriating authority has complied with all applicable provisions of the Law.

2.1.2. **Application for Expropriation**

The initiation of the expropriation procedure is carried out by the expropriating authority itself (MESP) or through an application for expropriation submitted to the expropriating authority (Article 7), in this case by the MI to MESP. The application contains the necessary information on the property right holders and affected properties, the description of all rights relating to a parcel, detailed description of the public purpose for which the expropriation is being requested, accompanied by documents that include property records, cadastral, spatial or urban plans, and evidence that sufficient financial means are or will be available for the timely payment of compensation.

After receiving the application, the expropriating authority reviews the application and may approve or reject the application, in whole or in part.

In case of approval, the expropriating authority sends a copy of the application and all documents attached thereto to the Office for Valuation of Immovable Property, and notifies the identified property right holders. The decision on approval is published in

⁴ According to the Law, immovable property includes: (i) land, (ii) buildings or specific parts of a building constructed on, above or under the land surface (iii) any fixtures and accessory parts that have been permanently attached to land or a building and that cannot, without unreasonable or uneconomic effort, be removed, and (iv) any unsevered fruits attached to such land.

the Official Gazette, and in a daily newspaper in Kosovo enjoying wide circulation, which publication is repeated again after 7 to 10 days, followed with a 10-day period during which interested parties are entitled to submit written comments to the expropriating authority. Following the publication, the expropriating authority is required to hold a public hearing within 15 days in each Municipality where the properties subject to expropriation are located.

2.1.3. Preliminary Decision on the Legitimacy of Proposed Expropriation

After the review of written comments and the concerns expressed at the hearings, the expropriating authority adopts a Preliminary Decision within 30 days (Article 10). The authority may reject the expropriation based on such comments and concerns, or in case it determines that the proposed expropriation does not meet the legal requirements. The Preliminary Decision is published in the Official Gazette of Kosovo and in daily newspapers.

2.1.4. Final Decision on Expropriation

The expropriating authority adopts the Final Decision approving or rejecting the application during a 12-month period after the Preliminary Decision becomes effective (Article 11). The Final Decision is published in the Official Gazette of Kosovo and in daily newspapers. The Final Decision may not be adopted in case any complaints against the Preliminary Decision regarding affected properties are still pending before the court. If the application covers more than one parcel of property, the expropriating authority may issue one or more Final Decisions, with each such Final Decision covering one or more of the concerned parcels.

2.1.5. Compensation

Compensation is regulated both by the Expropriation Law of Kosovo and the *Administrative Instruction on Approval of Technical Valuation Methods and Criteria for Calculation of Compensation Amounts for Expropriated Immovable Property and Damages Relating to Expropriation, No. 02/2015*, adopted in 2015 by the Ministry of Finance on the basis of the *Law*. According to the *Law*, compensation is paid on the basis of the *market value* of the property⁵, including its accessory parts and fruits, plus any demonstrable *direct damages* incurred due to expropriation. Compensation is paid in cash⁶, and includes the amount determined in the Final Decision plus interest on such amount that has accrued between the effective date of the Final Decision and the date of payment.

No changes in the ownership or other rights of affected persons are effected or implemented until the Final Decision becomes effective, and the compensation required by the Final Decision has been paid. Only after the mentioned conditions have been fulfilled, the property is registered in the name of the Government of Kosovo.

2.1.6. Valuation of Property

The Office of Immovable Property Valuation is responsible for valuating property in the expropriation process (Article 21 and Article 22), on the basis of the abovementioned

⁵ The market value is defined as: “the price that the buyer is willing to pay and the seller to sell the immovable property in an official transaction, where neither is obliged to act by force and there is no relationship between parties based on blood, marriage, joint ownership or business connection.”

⁶ Compensation in kind by means of land-for-land (or a combination of in kind and in cash) is provided exclusively in cases where the Government is the expropriating authority, and more than 20 parcels of immovable property are expropriated, if the owners of such property agree.

Administrative Instruction which regulates the detailed methodology for calculating the compensation to be paid for expropriated property and expropriation-related damages⁷. One of the following methods or combined methods of property evaluation can be selected during the assessment of immovable property:

- comparative sales method,
- cost method, and
- method of **net income**.

The value of property deemed as agricultural land, considers the qualities of land, proximity to residence, access to infrastructure, the size and shape of the parcel, the irrigation system or the potential of irrigation, as well as other environmental conditions related with the physical characteristics of the terrain (altitude and slope). The value of forestland and forests is determined taking into account soil quality, environmental value of land, geographical location, quantity and quality of biomass, level of investment and access to infrastructure, transportation conditions, and environmental conditions. Assessment of residential and other constructed areas considers criteria such as: type of building, construction material, the area in m² for residential and non-residential structures, year of construction, access to roads, access to public services, heating system, the condition of the facility, renting and rent conditions, cost of operation and maintenance, etc.

During the valuation process, owners and interest holders are entitled to submit their written views concerning such valuation to the Office, and to challenge the final valuation decisions of the Office before the courts.

2.1.7. **Cut-off Date**

The Expropriation Law of Kosovo (Article 7) establishes the cut-off date with the Decision of Acceptance of the application for the expropriation and the disclosure of the decision in the Official Gazette of Kosovo and in a newspaper enjoying wide circulation in Kosovo.

The Expropriation Law of Kosovo specifically provides that the following will be excluded from the amount of compensation:

- the cost or value of any improvements to the property, facilities constructed or enlarged on the property, or trees and crops planted on the property after the date of Decision of Acceptance of the application for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette,
- any changes in the market value of the property occurring after either the date of adoption of the decision authorizing preparatory activities on such property, or the date of the initial submission of the application for expropriation, whichever comes earlier,
- any other changes in the market value of the property prior to the initiation of the expropriation procedure, if such changes can be demonstrated to be attributable to price or market manipulation or speculation by persons (or their relatives or associates) who were in possession of information about the impending or potential expropriation of property in question.

2.1.8. **Public Consultation**

The Expropriation Law of Kosovo provides affected persons with formal public consultation mechanism (Article 9), following the publishing of the Decision of Acceptance of the application for the expropriation in the media when any interested

⁷ The Expropriation Law states that "Compensation shall include the compensation of any demonstrable direct damages incurred by the expropriated person due to the expropriation plus the value of the immovable property expropriated, including – if applicable - its accessory parts and fruits"

party has the right to submit to the expropriating authority written comments on the expropriation in question. Following this, the expropriating authority organizes a public hearing in the Municipality where the expropriation is to take place. Persons who desire to attend such public hearings are required to provide proof that they are a public official of the Municipality where the hearing is being held, or an Owner or Interest Holder with respect to concerned property lying with the Municipality where the hearing is being held, or the lawful attorney or representative of such a public official, Owner or Interest Holder.

2.1.9. **Grievance Management**

Grievances set out by the Expropriation Law of Kosovo include: (i) complaints challenging the Preliminary Decision on the Legitimacy of Proposed Expropriation, (ii) complaints challenging the adequacy of compensation, (iii) complaints for compensation of damages arising from partial expropriation; (iv) complaints challenging the legitimacy of the Decision on temporary use of property.

2.2. **OTHER RELATED LEGISLATION**

Other legislation in Kosovo relevant for the Project implementation is summarized in [Table 1Table 1Table 1](#).

Law	Summary and key points
Constitution of Republic of Kosovo	The Constitution prohibits arbitrary deprivation of property (Art. 46) - the authorities may expropriate property only if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of the public interest, and is followed by the provision of immediate and adequate compensation to the person(s) whose property is expropriated.
Law on Property and Other Real Rights No. 03/L-154 dated 15 July 2009	Governs the creation, content, transfer, protection, and termination of real rights such as ownership, limited real rights, possession, real security rights and real rights of use. Stipulates that ownership and other real rights can only be limited or taken away against the will of lawful holders in accordance with conditions and procedures as defined by the applicable laws.
Law on Cadastre No. 04/L-013 dated 12 August 2011	Regulates the Cadastre of immovable property, national and cadastral surveys, geodesic and cadastral works as well as acquisition, registration, keeping, maintenance and use of cadastral data.
Law on Amending and Supplementing the Law No. 2002/5 on the Establishment of the Immovable Property Rights Register No. 04/L-009 dated 21 July 2011	It sets out the principles of implementing and validating immovable property rights in Kosovo through the mechanism of the Immovable Property Rights Register. Immovable property rights including (i) ownership, (ii) mortgages, (iii) servitudes, (iv) the rights of use of municipal, public, social and state property and (v) property burdens and charges are recorded in the Register. It sets out the authority over overall administration of the Register to the Kosovo Cadastral Agency (KCA) and appoints the Municipal Cadastral Offices (MCO) to record, in writing, immovable property rights in the Register under the authority of the KCA.
Law on the Administrative Procedure No. 02/L-28 dated 22 July 2005	It sets out principles to be adhered to by all bodies of public administration along exercising their functions through individual or collective administrative acts. Public administration bodies, in exercising their administrative activity, are required to establish a fair balance between public and private interests involved, in order to avoid unnecessary infringement of rights and interests of

Law	Summary and key points
	<p>natural and legal persons.</p> <p>Public administration bodies are not allowed to differentiate natural and legal persons during administrative proceeding on the basis of gender, language, political or other affiliation, national or social origin, wealth, birth or any other status.</p> <p>Any natural and legal person is entitled to (i) obtain information available to public administration bodies, (ii) obtain such information in a timely fashion, (iii) obtain it in the same manner as any other person and (iv) obtain it in a convenient and effective means or format.</p>
Law No. 04/L-020 on Amending the Law on Protection and Promotion of Rights of Communities and their Members in Kosovo No. 03/L-047 dated 21 December 2011	<p>Defines Kosovo communities and their special rights with regard to their identity, religion, education, use of languages, culture, health, media, economic and social opportunities, and their political representation in all state mechanisms.</p> <p>Provides measures for protecting cultural and religious heritage, public employment programs especially for Roma, Ashkali and Egyptian communities, education in their own language, etc.</p>
Law on the Use of Languages No. 02/L-37 dated 21 October 2006	<p>Regulates the use of official languages, as well as languages of communities whose mother tongue is not an official language, in Kosovo institutions and other public organizations and enterprises.</p> <p>Grants equal status to Albanian and Serbian as the official languages of Kosovo.</p> <p>Provides the right of all communities in Kosovo to preserve, maintain and promote their linguistic identity.</p>
Law on the Protection from Discrimination No. 05/L-021 dated 15 June 2015	<p>Establishes a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.</p> <p>Aims to prevent all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities, amongst others in relation to (i) access to housing, which is available to the public, and the access to other forms of property (movable and immovable) and (ii) fair and equal treatment in court proceedings and all other authorities administering justice.</p>
Law on Gender Equality No. 05/L-020 dated 15 June 2015	<p>Aims to protect and promote equality between genders as a basic value of democratic development of society.</p>
Law on Spatial Planning No. 04/L-174 dated 19 August 2013	<p>Sets out the basic principles of spatial planning, methodology of spatial development and regulations, as well as the responsibilities of administrative bodies at central and local level for drafting and enforcement of spatial planning documents.</p>
Law on Construction No. 04/L-110 dated 19 June 2012	<p>Regulates the procedure of issuing construction permits, compliance with the construction permit requirements, issuing of occupancy certificates, design, construction, reconstruction, demolition, professional supervision, building inspection</p>
Law on the Inspectorate	<p>Regulates the principles, organization and inspection supervision, coordination</p>

Law	Summary and key points
of Environment, Waters, Nature, Spatial Planning and Construction No. 04/L-175 dated 21 October 2013	<p>of surveillance inspection, rights, duties, powers of inspectors, rights, obligations and supervision entities, the procedure for performing inspection and other important issues dealing with inspection supervision.</p> <p>Stipulates that inspection supervision and control through urban inspection by implementing this law and other laws related to the field of urbanization and spatial planning is the responsibility of Inspectorate of spatial and urban planning.</p>

Table 1: Legislation in the Republic of Kosovo Relevant for Project Implementation

2.3. EBRD REQUIREMENTS

EBRD applies its Environmental and Social Policy (2014) to this Project. Land acquisition is covered by Performance Requirement (PR) 5 of the Policy. The main points of PR 5 are as follows:

- All feasible alternative project designs should be explored to avoid or at least minimise physical and/or economic displacement;
- Negotiated settlements are encouraged to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly;
- Adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land should be mitigated by: (i) providing compensation for loss of assets at replacement cost; and (ii) ensuring that land acquisition activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- The livelihoods and standards of living of displaced persons should be improved or, at a minimum, restored to pre-project levels;
- Informal occupants of land are not entitled to compensation for land; however, they should be compensated for any other improvements to land and provided resettlement assistance. They shall also be compensated at full replacement cost of any lost assets other than land;
- A grievance mechanism must be established as early as possible in the process in order to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

2.4. INSTITUTIONAL FRAMEWORK FOR LAND ACQUISITION IN KOSOVO

In line with the Expropriation Law of Kosovo, the administrative body ("the expropriating authority") in charge of land expropriation for this Project is the Government of Kosovo via the **Ministry of Environment and Spatial Planning (MESP)**, acting as the expropriating authority on behalf of all central level authorities⁸.

Other key institutions involved in the expropriation process are:

- **Office for Valuation of Immovable Property** (within the Department of Property Tax) within the Ministry of Finance, the only public authority competent for valuation of any immovable property that is subject to expropriation by any expropriating authority (municipality or Government).
- **Kosovo Cadastral Agency (KCA)**, the highest authority of cadastre, geodesy and cartography in Kosovo, responsible for the overall administration of the computerized Kosovo Immovable Property Rights Register.

⁸According to Government Decision No. 05/147 dated 05 October 2010 an Office for Expropriation was established within MESP.

- **Municipal Cadastral Offices**, required to register (in the Immovable Property Rights Register) the final decisions on expropriation of immovable property (submitted by the expropriating authority), in order to prevent owners or interest holders from transferring or granting to any third person any ownership or other rights or interests in or to the concerned property, and undertaking any construction work on the concerned property.

2.5. GAP ANALYSIS AND BRIDGING MECHANISMS

Table 2 provides an overview of the comparison of the Kosovo legal expropriation and EBRD PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement requirements and actions to be undertaken to bridge any inconsistency of national legislation with that of EBRD requirements.

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
Avoiding or minimising displacement	No provisions on avoiding or minimizing displacement.	Consideration of feasible alternative project designs to avoid or at least minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits.	The Project will enable the consideration of micro realignments in order to avoid land acquisition where possible, in line with the Key Land Acquisition / Compensation Principles set out in the LALRP.
Resettlement planning and implementation	Requires only an Expropriation Study as the baseline census, no explicit requirement related to socio-economic surveys or development of resettlement plans.	A census and a socio-economic baseline assessment must be carried out to identify the persons who will be displaced and determine who will be eligible for compensation and assistance, and a resettlement action plan must be prepared and implemented.	This Land Acquisition and Livelihood Restoration Plan (LALRP) contains a census and socio-economic survey and an entitlements matrix.
Negotiated settlements	Does not require or encourage negotiated settlements.	Encourage negotiated settlements to help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly.	Negotiated settlements will be carried out where possible, even before the expropriation process is initiated, in line with the Key Land Acquisition / Compensation Principles set out in the LALRP.
Eligibility and formality	Expropriation is undertaken only for immovable property and building structures on private immovable property. The process is applicable only for structures that are legalized or may be	The lack of documentation of ownership does not disqualify from the eligibility for assistance any contender or pretender holders of property, regardless of	Immovable property is to be compensated regardless of formality status.

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	legalized under applicable laws in Kosovo on the date of issuance of the final decision on expropriation.	their formal status.	
Informal land users and entitlements	Informal land users are not recognized. No provisions for entitlement to this category of persons.	Compensation to be provided for improvements to land and loss of assets other than land and resettlement assistance provided to informal land users at full replacement cost.	Informal land users affected by loss of assets and/or improvements to land will receive compensation at full replacement cost.
Provision of compensation at replacement value	Compensation is paid on the basis of the market value of the property. No specific guidelines in cases where livelihood restoration is needed.	Compensation to be provided at full replacement cost, usually calculated as the market value of the assets plus the transaction costs related to restoring such assets (registration and transfer taxes).	People affected by permanent loss of land plots will receive compensation at full replacement value. Persons affected by loss of any assets on land will receive compensation at full replacement cost.
Livelihood restoration	No specific guidelines in cases where livelihood restoration is needed. No provisions regarding the consultation regarding the restoration of livelihoods or monitoring. Sub-law Administrative Instruction MoF-No 02/2015 ⁹ covers the loss of net income and increased costs for the expropriated property and considers them as <i>damage</i> (article 14). Loss of net income until restoration of the business at some other location is compensated based on the 6 months net income and is paid during 6 months period. Wages to the affected	Livelihood restoration measures should be implemented to ensure that affected people restore or, if possible, improve their pre-project standards of living, livelihood and employment activities. The measures can be based on land, resources, wages and/or business activities. Compensation will be provided before displacement or imposition of access restrictions Consultation with affected people is essential to understanding their views on how their livelihoods could be	Consultation with affected businesses implemented as part of the second targeted Socio-economic survey undertaken for this LALRP. Livelihood restoration measures, compensation and monitoring practices set out in the LALRP.

⁹ Administrative Instruction MoF-No 02/2015 on the Approval of Technical Valuation Methods and Criteria for Calculation of the Compensation Amount for the Immovable Property expropriated, and Damages relating to Expropriation

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	workers are paid during 6 months period.	restored	
Cut-off date	<p>Sets out provisions on cut-off date but does not require such date to be well-documented and disseminated throughout the project area. According to national legislation, the cut-off date will be the date the Expropriating Authority publishes the Decision accepting the application for further processing in the Official Gazette and in a newspaper enjoying wide circulation in Kosovo.</p> <p>Compensation will not be paid for the cost or value for any improvements to the property after the date on which the decision accepting an application for further processing of expropriation is published in the Official Gazette, or for any changes in the market value of the property, after either the date of adoption of the decision authorizing preparatory activities or the date of the initial submission of the application for expropriation, whichever comes first. The cut-off date applies to formal or recognizable legal rights to property.</p>	<p>Individuals who move into the project affected area after the cut-off date will not be eligible for compensation and other types of assistance.</p> <p>Information regarding the cut-off date will be well-documented and disseminated throughout the project area.</p>	The cut-off-date will be disclosed and disseminated publicly in the media and public meetings in the concerned affected communities, in line with the Key Land Acquisition / Compensation Principles set out in the LALRP.
Vulnerable individuals and groups	No special measures relating to vulnerable groups.	Particular attention to be paid to vulnerable groups.	Identification of vulnerable persons assessed in the LALRP. No such persons were identified.
Grievance mechanism	Owners or interest holders are entitled to file complaints in various	A project-specific grievance mechanism must be established as	A grievance procedure has been set up by the Stakeholder Engagement

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	<p>stages of the process (during the assessment of the need for expropriation and the legality of the process and during the defining of the compensation package value) and submit written comments to the expropriating authority during the consultation process, but no requirement for Project-specific grievance mechanism. No informal consultation processes recognized outside the above-described two-stage grievance mechanism.</p>	<p>early as possible in the process, to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons and/or members of host communities.</p>	<p>Plan (SEP) and included in the LALRP, and will be implemented by the MI.</p>
<p>Consultations and information provision</p>	<p>The Expropriation Authority conducts the following information disclosure: notifies the property holder on the submitted application for expropriation, publishes the Decision on approving the Application, holds a public hearing in the Municipality where the properties are located, notifies the affected owners/ interest holders of their right to file a complaint with the competent court on challenging the Decision, publishes the Final Decision on accepting or rejecting the application.</p> <p>There are no provisions on owners who are absent from the property during the expropriation process, i.e. there are no measures for ensuring the rights of such owners to be timely and properly informed of any administrative action taken against their</p>	<p>Information contained in the LALRP (and other disclosure documents such as the SEP) should be publicly disclosed to ensure that affected people understand the compensation procedures and know what to expect at various stages of the project. Consultations with all PAPs will continue throughout the Project lifecycle in line with the LALRP, i.e. they will be undertaken during implementation of compensation and monitoring and evaluation of compensation payment.</p>	<p>In addition to the information disclosure stipulated by national legislation the PIU will ensure that the LALRP is publicly disclosed and that information provision and consultations are carried out in line with the LALRP with all PAPs regardless of formality status.</p> <p>With regard to any absent property owners, the MI should clearly commit itself to use reasonable efforts to properly identify and locate any absent property owners to ensure adequate and timely information provision and consultations in line with the LALRP.</p>

Issue	Expropriation Law of Kosovo provisions	EBRD requirement	Measure/Activity to bridge gap
	<p>property and to effective legal remedies.</p> <p>There are no provisions on information disclosure or consultations with other stakeholders not identified in the Application for Expropriation (e.g. informal users)</p>		
Monitoring of resettlement Implementation	No provisions.	Arrangements for resettlement monitoring must be defined by the resettlement plan.	Monitoring will be carried out by the Ministry as defined in the LALRP.

Table 2: Gap Analysis Relevant for Expropriation and Proposed Bridging Mechanisms

3. BASELINE INFORMATION

3.1. CENSUS

The potentially affected population and land plots were identified based on the available project documentation for the widening of access road to Gjilan Municipality. Cadastre data (data on exact ownership and use situation) from the Expropriation Elaborates were used. Additional methods used for data collection for the Census preparation included observations on the field and transect walks.

The Census of all PAPs along the Project route was developed in order to gather and analyse data and information required to identify all categories of impacts. The Census database contains data on the following:

1. location and Cadastral Municipality,
2. land plot number,
3. type of land plot,
4. identified type of impact,
5. total area of land plot (m²).

The full database is in the form of a separate Excel document. Confidential information about individual persons and properties will not be publicly disclosed by MI and/or EBRD.

Out of 105 visited persons, 3 were not interviewed, due to the following reasons:

- 2 refused to be interviewed or did not provide responses to the questions asked;
- 1 plot was unoccupied land.

The interviewed respondents stated that the Project impacted area is used for business activities.

It is expected that 67 surveyed persons will be affected by land take, as follows:

- 48 persons with formal right to land (registered in the Expropriation Elaborate) in the cadastral municipalities Gjilan and Livoq i Epërm in the Municipality of Gjilan;

- 19 persons¹⁰ in the cadastral municipality Koretishtë (Municipality of Novobërda). At that time, there was no list of individual parcels with owners for this municipality in the Expropriation Elaborate, only a total area of land affected by the Project. The expropriation for this area was completed in 1974 and the changes have been later reflected in the cadastral registry during December 2017 (as described in section 1.3.1 of this LALRP). These persons have been compensated for the expropriation in the Yugoslav era. Informal land-users who have occupied this land since this time will still be compensated for any structures or improvements to the land as well as any livelihoods impacts.

Due to the last design changes in May 2019, additional three formal users were identified to be affected by the land take. The type and magnitude of impacts identified are elaborated in section 3.3 of this LALRP.

3.2. SOCIO-ECONOMIC SURVEY

The first Socio-economic Survey was conducted during July 2017 to solicit the opinions of the PAP about the Project impacts and compensation payments as well as to obtain specific data on current livelihoods and living conditions of PAP, including the identification of vulnerable categories of PAP.

The Survey was conducted in the period 13-16 July 2017 by a team of trained surveyors, on the basis of Survey questionnaires prepared by land acquisition experts.

The team of surveyors visited the identified properties. Interviews were carried out with affected owners/users living on affected land plots or present at the time of the Survey. Land plots with no structures or no one present were recorded by the surveyors in the Census database.

For the purposes of the Socio-economic Survey, three types of questionnaires were used, as follows:

- Questionnaire for landowners (i.e. owners/users of land plots without structures), and
- Questionnaire for households (i.e. people living in or using residential structures affected by the Project),
- Questionnaire for businesses (i.e. businesses located on the land plot affected by the Project).

In addition, any land plots with no owner or user present were recorded by the surveyors in the Census database with the following data: (i) location, (ii) number of cadastral plot; (iii) whole plot affected (yes/no); (iv) physical structures; (v) natural structures/ crop; (vi) information obtained from neighbours, if any.

The businesses and business activities as the main type of livelihood have also been identified along this road section during the first socio-economic survey. Due to the fact the respondents from the first survey didn't give the information on e.g. annual net income, an additional follow up targeted survey has been undertaken during January and February 2018 to cover the missing information on e.g. business type, the scale of the impact on businesses and restoration possibilities respectively, the scale of livelihood impacts and livelihood restoration possibilities. For this purpose three Questionnaires have been developed as follows:

- Questionnaire for business and building owners (i.e. owners of the business that is running daily in the building/structure owned by the business owner),

Commented [CR5]: Why is net income highlighted multiple times in the document?

¹⁰ The updated number of affected businesses parcels is 20, out of which 5 parcels are public land. The rest of 15 the parcels are private owned by total of 11 users

- (ii) Questionnaire for business owners (i.e. tenant business owners situated in structures that will be affected by the Project owned by another building owner),
- (iii) Questionnaire for building owners (i.e. building owners located on the land plot affected by the Project that currently aren't used to run the business but with potential to be used as business structures).

The list of affected businesses has been sourced from Land Acquisition Plans for Gjilan Access Road (November 2017) where both informal and formal users have been identified. The PIU and PIU support team have organised the visits and interviews with PAPs. The team of surveyors visited the targeted properties identified as locations of affected businesses due to the land acquisition. Interviews were carried out with both affected business owners and business workers which have their businesses located on affected land plots and that were present at the time of the Survey. Land plots with no structures or no one present were recorded by the surveyors in the Survey database. Land plots with no one present on site were re-contacted via telephone. The collected data from the second Socio-economic survey have been summarized in Excel sheets during February 2018 in order to compile the electronic data base of the second targeted survey. These data have been used to identify the scale of the business / livelihood impacts as well as to identify and suggest the possibilities for restoration of businesses / livelihoods, respectively to develop this Land Acquisition and Livelihood Restoration Plan.

During November and December 2018, a third party Company and independent socio-economic expert has been engaged by the PIU to undertake the data collection on assets and businesses to be affected. The results of the third survey have been used to determine the exact impacts on livelihoods and calculate the adequate compensation for loss of livelihoods.

3.3. IDENTIFIED IMPACTS

According to the Expropriation Elaborate, the road section will affect 88 land plots in 2 cadastral municipalities (Gjilan and Livoq i Epërm) that are located in the Municipality of Gjilan. Of these, 40 parcels are listed as municipal land or as municipal road (with a total of 29,062.00 m²), and 48 are privately owned (with a total of 5,309.50 m²) by various owners (one or more owners). As stated in this document, the Expropriation Elaborate for Municipality of Novobërda has been finalized in December 2017, which contains the list of individual parcels in the Municipality of Novobërda including the data on parcel ownership, land take for each parcel and the current and the future land use. Based on these data, land take for the Project purpose in Municipality Novobërda, amounts to 18,099,00m² in total, out of which private land amounts 7,873 m² and the rest of 10,226 m² is publicly owned land. According to information from the PIU, the land expropriation in the Municipality of Novobërda was completed in 1974 and only the update of the cadastre register remained incomplete until December 2017. The Elaborate for Expropriation for part of the road section located in Municipality Novobërda, cadastral zone Koretishtë (December, 2017) have been used to update this LALRP. The total area of land to be claimed for Project purposes, including both land situated on territory of Gjilan and Novobërda Municipalities, amounts to 52,470.50 m² as per the Expropriation Elaborates (both private and public land)¹¹.

According to the Elaborate, the Project will require land acquisition of 3 whole land plots (municipal land), with a total area of 542 m² in the Municipality of Gjilan. The remaining municipal land is subject to partial expropriation. The private land plots will be affected in the most part by partial land acquisition, except for four land plots which are to be fully expropriated (Municipality of Gjilan). For Municipality of Novobërda, the Project

¹¹This includes the land in Municipalities Gjilan and Novobërda.

will require land acquisition of 5 whole land plots (private land), with a total area of 3,725 m². The remaining private and municipal land is subject to partial expropriation. The private land plots will be affected in the most part by partial land acquisition, except for mentioned five land plots which are to be fully expropriated (Municipality of Novobërda). The affected areas are mainly used for business activities, i.e. for temporary storage and/or display of goods and materials in front of the business premises or as parking areas. [Table 3Table 3Table 3](#) provides detailed breakdown of the impacts on private property in terms of land acquisition. It could not be determined from the Expropriation Elaborate whether structures would be affected by land take. However, as established during the survey undertaken in June 2017, it is not expected that physical relocation of households will occur as a consequence of Project implementation. No households will be removed for the section of the road located at Municipality of Novobërda either. Based on the findings from the second and third Socio-economic survey, both partial impacts to business structures due to disturbance during construction phase is expected, as well as the larger scale impacts on businesses resulting in economic displacement e.g. the business wouldn't be viable due to expropriation and impacts to the main business structures during or after the implementation of the Project. Consequently, two businesses will need to be closed at present location, compensated and restored at another location. As for the operations phase of the road, potential impact to some of the businesses is that they might lose the accessibility they enjoy at present. However, mitigation measures will be applied.

Having in mind the recent design changes during 2019 due to the modification of the roundabout, the additional land take of 303 m² will result in the **total land take of 52,773.5 m²**.

It is also expected that it will be necessary to temporarily occupy a number of private and state owned land plots for the purpose of placement of staff, machines and material. However at this stage of Project design, the exact locations of construction camps have not been defined and no estimates on the number of private land parcels that might be affected in such a way may be provided yet. Although the local Law on Expropriation considers temporary expropriation (Article 29), occupation and temporarily use of any privately or publicly owned immovable property if possible only in such action:

- in case the land is necessary for the implementation of urgent measures required for the protection of life, health, or property or the enforcement or restoration of public order; and
- such measures become necessary because of a force majeure event or because of war, riots, civil unrest or a similar extraordinary event.

Therefore, the contractor will be responsible for implementing a land-access plan that is consistent with this LALRP.

Impact	Municipality	Cadastral Municipality	Number of land plots	Approximate area of land subject to expropriation (m ²)	Comment ¹²
Complete land acquisition	Gjilan	Gjilan	4	1,797.00	-
		Livoq i Epërm	-	-	-

¹²According to Expropriation Elaborate developed for this section.

Impact	Municipality	Cadastral Municipality	Number of land plots	Approximate area of land subject to expropriation (m ²)	Comment ¹²
	Novobërda	Koretishtë	5	3,725.00	
Partial land acquisition	Gjilan	Gjilan	22	1,818.40	-
		Livoq i Epërm	22	1,099.10	-
	Novobërda	Koretishtë	84	10,529.00	

Table 3: Overview of Project Impacts Related to Land Acquisition of Private Property

By overlaying Project design with cadastral data, the Consultant was able to produce the expected impacts on structures present on privately owned parcels listed in the Expropriation Elaborates for Municipalities of Gjilan and Novobërda, as shown in Table 4. Based on the survey, the impacted structures presented below are not residential and therefore no physical displacement of the formal land owners is foreseen by the Project. Other parcels, not listed in this table are expected to be impacted by land take only. However, the magnitude of impact to formal PAPs will be verified during the expropriation process in line with the Expropriation Law, during the valuation of property, and this is indicative information only.

No.	Parcel no.	Municipality
1.	541-1	Gjilan
2.	558-2	Gjilan
	558-3	
	558-15	
3.	611-20	Gjilan
4.	541/12	Gjilan
5.	541-3/11	Gjilan
6.	4907-1	Novobërda
7.	4907-2	Novobërda

Table 4: Overview of Project Impacts Related to Land Acquisition of formal Surveyed Businesses in Municipality of Gjilan and Municipality of Novobërda¹³

The land and/or any structures to be acquired from persons without formal claim to land have not been registered in the Expropriation Elaborate, as the Expropriation Law only recognizes formal owners. In order to obtain data on impacts on persons without formal claim to land and who are not registered the official expropriation documents, the Consultant overlaid the Project

¹³ Information for affected businesses located at the territory of Novobërda are provided based on the project design from Elaborate for Expropriation for part of the Gjilan access road at territory of Novobërda Municipality (2017)

Commented [CR6]: Please add columns to provide details on the affected structure (what is it, what is the extent of the impact, i.e. partial vs. total loss)

design with cadastral data and also used the data collected during third socio-economic survey.

Table 5 provides an overview of the impacts on PAPs without formal claim to land. All of the affected parcels are used for business activities, as described in section 3.4.7 of this LALRP.

No.	Parcel no.	Municipality
8.	577-13	Gjilan
9.	589-4	Gjilan
10.	3984-21. 3984-29 558-3	Novobërda
11.	3960-5. 3960-14	Novobërda

Table 5: Overview of Project Impacts Related to Land Acquisition of Informal Surveyed Businesses in Municipality of Gjilan and Municipality of Novobërda

As Table 5 above indicates, the impact to informal PAPs is restricted to small portions of structures erected on parcels that are formally registered to the Municipality of Gjilan and Novobërda. The affected areas are used for temporary storage of materials and goods and as parking spaces. All respondents to the Questionnaires from the second targeted Socio-economic survey responded that parking area does not generate additional net income to the business and thus it is not considered as type of the livelihood but supporting structure of the core business activity.

Commented [CR7]: See comments above

3.4. AFFECTED PEOPLE AND PROPERTIES

3.4.1. Household Members

No households will be affected by land expropriation as a result of Project implementation.

3.4.2. Ethnic Background

Given that the question on nationality and/or ethnic background is a sensitive socio-political issue, the respondents were given the opportunity to respond to the question in an open-ended format. 100% of respondents (11/12 or 91.6% of provided answers from examined business and building owners, one examinee did not answer the question and one examinee was the employee on site; 11/12 or 91.6% examined business owners tenants, one examinee did not provide the answer to the question and at two locations there were no respondents; 7/9 or 77.7% examined building owners, at three locations there were no respondents, and two examinees did not provide the answer) declared themselves as Albanians. Only one Roma has been registered as employee on site.

3.4.3. Agricultural Production

No land along the Project section is used for agricultural production.

3.4.4. Vulnerability

Given that the Project section is located in a commercial area, no vulnerable groups that would be affected by expropriation were identified during the census. Based on the findings from the second targeted Socio-economic survey, no female led businesses were identified.

3.4.5. Perceived Losses

The respondents were asked to rank each potential type of loss caused by the Project on a scale of 1-3 according to its importance, with 1 being most important: loss of customers, obstruction of business due to construction activities, damage of equipment and other impacts. The respondents noted the most significant impact was temporary disturbance to their working hours during the construction phase due to dust and noise from construction activities. As stated above, one unfinished business structure that is affected by the expropriation is planned to be used as house residence at location 395-10 private land (Gjilan / CZ Livoq i Poshtëm). Based on the findings from the second Socio-economic survey, both **permanent** and **partial** impacts to business structures are expected, that are related to complete disturbance during construction or to partial disturbance, and this has been confirmed during third socio-economic survey. Two main business structures are affected by expropriation (parcel no: 541-1 private land with gas station and parcel no: 558-2, 558-3 and 558-15 used for bar restaurant) which will lead to closure of business at these locations. Both businesses are used by formal users.

As for operation phase, some of the businesses will lose its present accessibility.

Scale of the Impacts	Parcel no.	Municipality	Formality status	Type of business affected	Scale of business affected	Total affected PAPs
Permanent impacts to business structures are expected due to complete disturbance during construction	541-1	Gjilan	Formal	Gas station	Whole	11
	558-2	Gjilan	Formal	Bar restaurant	Whole	2
	558-3					
	558-15					
Partial impacts to business structures are expected due to partial disturbance during construction activities	611-20	Gjilan	Formal	Construction materials	Partial	2
	541/12	Gjilan	Formal	Gas station	Partial	-
	541-3/11	Gjilan	Formal	Mixed shop	Partial	6
	4907-1	Novobërda	Formal	Restaurant	Partial	8
	4907-2	Novobërda	Formal	Metal works	Partial	4
	577-13	Gjilan	Informal	Retail store (construction materials)	Partial	8
	589-4	Gjilan	Informal	Auto service / Gym	Partial	1
	3984-21. 3984-29 558-3	Novobërda	Informal	Auto service	Partial	6

Commented [CR8]: In the case of partial impacts, please provide a brief summary of the partial impact

3960-5. 3960-14	Novobërda	Informal	Graphic dedign	Partial	1
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Table 6: Summary Table of Perceived Losses

3.4.6. Compensation Preferences

Only one respondent voiced a compensation preference, saying that they would be satisfied with monetary compensation, whilst the other surveyed PAPs had no specific compensation preferences or requirements. The PAPs (a total of 96) provided written support to the Project in a statement saying that they have no specific requirements (please see Annex 4 for translation of support letter).

3.4.7. Businesses

According to the survey results, a total of 11 businesses will be affected by land expropriation at part of the road located in Gjilan and Novobërda Municipalities as defined in section 3.3. The majority of the affected businesses employ one to four people; with several businesses employing 6-8 persons and one business employs 11 people. The businesses range from petrol stations, construction material shops, auto service, and restaurants. In total, 2 properties are used by informal users of the land at part of the road located in Gjilan Municipality and 2 properties are used by informal users of the land at part of the road located in Novobërda Municipality, as defined in Table 6.

Should informal land users be unable to produce proof of ownership in the subsequent period, they will have claim to entitlement in line with the entitlement matrix outlined in [Table 9](#) of this document. The official cadastre data (a copy of possession list and other immovable property record, cadastral plans and maps covering the concerned parcel(s)) including information such as owner of the parcel, parcel number, use situation, or court statement regarding inherited land, verified purchase agreement containing information on previous / new owner of the parcel and other personal identification data is considered to be valid to prove missing ownership.

[Table 7](#) provides information on scale and type of the business impacts.

Scale and type of the impacts	Project phase	Category
Partial impacts to the business (i.e. impacts to structures, impacts to access, impacts to parking) but the business remains viable	Construction phase and operation phase	Business and building owners / Business owners
Partial impacts to the business (i.e. impacts to structures, impacts to access, impacts to parking) but the business remains viable	Construction phase	Employees
Loss of tenants and loss of net income from tenants	Construction phase and operation phase	Building owners who own the land / who do not own the land where the business operates (leased building)
Business no longer viable (i.e. the main buildings are impacted or access is so severely restricted that the business can no longer operate profitably at the	Construction phase and operation phase	Business owners / Building owners who own the land / who do not own the land where the business operates

Scale and type of the impacts location)	Project phase	Category
Business no longer viable (i.e. the main buildings are impacted or access is so severely restricted that the business can no longer operate profitably at the location)	Construction phase and operation phase	Employees

Table 7: Overview of Project related Impacts on Affected Businesses

During the first Socio-economic survey in 2017, the respondents did not disclose their monthly **net income**, so the potential for loss of **net income** due to construction / operation activities, which are foreseen to last for 24 months, could not be assessed. Therefore, a second targeted survey has been undertaken in 2018, however only few respondents answered this particular question on the total annual **net income**. For the final calculation of compensation the official source of information will refer to the average salary and net income extracted from Tax Administration of Kosovo (fiscal period 2016-2017).

Commented [CR9]: Will this be adjusted for the specific sector (i.e. retail) or just 'average in the country'?

For more detailed information on business impact, please refer to Annex 5. Based on the information from the second targeted survey, it is expected that for two businesses the Project will cause permanent loss of **net income** from commercial activities since the main business structures will be affected by the expropriation and the businesses are expected to close or/and relocate as a result of Project implementation. However, the compensation will be paid for affected structures, temporary loss of **net income** and wages to workers during temporary disruption due to the construction phase. For the business that will be permanently affected, support in finding an alternate location for the business should be provided, compensation for any costs associated with moving the business compensated as well as transition during the period it takes to re-establish the business at an alternate location supported (transition period compensation covered).

There is the potential that 9 businesses could be temporary affected by loss of access or dusting during construction activities. Therefore the parcels specified in Table 8 will be subject to timely implementation of mitigation measures to avoid temporary disturbance and partial impacts to businesses, such as:

- wetting of surfaces to prevent dusting
- maintain access to businesses at all times and to limit the loss of access only to non working hours
- adequate organisation of construction site in order to maintain the access to businesses
- monitor the implementation of suggested measures. **Error! Reference source not found. Fehler! Verweisquelle konnte nicht gefunden werden.**

Scale of the Impacts	Parcel no.	Municipality	Formality status	Type of business affected	Scale of business affected	Total affected PAPs
Partial impacts to business structures are	611-20	Gjilan	Formal	Construction materials	Partial	2
	541/12	Gjilan	Formal	Gas station	Partial	-

Commented [CR10]: Same comment as above, please provide a brief summary of the partial impact

expected due to partial disturbance during construction activities	541-3/11	Gjilan	Formal	Mixed shop	Partial	6
	4907-1	Novobërda	Formal	Restaurant	Partial	8
	4907-2	Novobërda	Formal	Metal works	Partial	4
	577-13	Gjilan	Informal	Retail store (construction materials)	Partial	8
	589-4	Gjilan	Informal	Auto service / Gym	Partial	1
	3984-21. 3984-29 558-3	Novobërda	Informal	Auto service	Partial	6
	3960-5. 3960-14	Novobërda	Informal	Graphic dedign	Partial	1

Table 8: Mitigation Measures during Construction Phase at selected Parcels

Having in mind that there are impacts related to the operation phase since the affected business are expected to be completely affected, this project phase will be considered for compensation as well. Necessary livelihood restoration measures are however applicable prior to construction phase of the road.

4. KEY COMPENSATION PRINCIPLES, DEFINITIONS AND ISSUES

The following principles of land acquisition and compensation have been committed upon by the Ministry of Infrastructure of Kosovo, and will be adhered to during Project implementation:

1. **Land acquisition** will be carried out in compliance with the *Law on Expropriation of Immovable Property in Kosovo*, the EBRD Environmental and Social Policy 2014 and its Performance Requirement 5 (*Land Acquisition, Involuntary Resettlement and Economic Displacement*), this LALRP and good international practice. The Project will enable the consideration of micro realignments in order to avoid land acquisition where possible.
2. **All affected persons will be informed** and consulted during Project preparation and implementation. All owners, occupants and users will be visited and explained the land acquisition process and the specific impacts on their land, so as to give an opportunity for micro re-alignments to be made in order to reduce potential impacts and inconveniences.
3. **Negotiated settlements will be carried out** where possible to help eliminate the need to use governmental authority to remove people forcibly.
4. The detailed **Land Acquisition and Livelihood Restoration Plan (LALRP) in compliance with PR 5** will be subject to public consultation. Any information/data on affected properties and persons contained in the LALRP will be treated as confidential information and will not be publicly disclosed by the Ministry, any Municipality and/or EBRD.¹⁴ The LALRP is based on reliable up-to-date information and includes basic information about the Project, Project impacts, affected people and assets, entitlements for all categories of affected people as well as any legal issues relating to resettlement or any gaps between

¹⁴ The LAP containing confidential information/data will be named “for internal use only”, and a second version of LAP named “public version” will not contain such information/data.

the Kosovo legislation and PR 5. The **baseline socio-economic survey and census** for the LALRP has identified both formal and informal land/property users.

5. The **cut-off date** for the establishment of eligibility **for formal land owners/users** will be **the date on which the decision on accepting the application** for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette. Persons who have settled in the Project area after the cut-off date will not be eligible for any compensation. The cut-off-date will be disclosed and disseminated publicly in the media and public meetings in the concerned affected communities. The **cut-off date** for the establishment of eligibility **for informal land owners/users** will be the date of the census undertaken as part of this LALRP, i.e. **16 June 2017**. In accordance with the *Law on Expropriation of Immovable Property*, the following will be excluded from the amount of compensation:
 - the cost or value of any improvements to the property, facilities constructed or enlarged on the property, or trees and crops planted on the property after the date on which the decision on accepting the application for further processing of expropriation (issued prior to the Preliminary Decision) is published in the Official Gazette,
 - any changes in the market value of the property occurring after either the date of adoption of the decision authorizing preparatory activities on such property, or the date of the initial submission of the application for expropriation, whichever comes earlier,
 - and any other changes in the market value of property prior to the initiation of the expropriation procedure, if such changes can be demonstrated to be attributable to price or market manipulation or speculation by persons (or their relatives or associates) who were in possession of information about the impending or potential expropriation.
6. **All owners, occupants and users** of affected land at the time of the cut-off date, whether with or without fully recognized ownership rights, **are eligible for compensation and/or assistance**, as outlined in the Entitlements Matrix ([Table 9](#) [Table 9](#) [Table 9](#) of this document).
7. **Temporary occupation** of land for construction purposes will be compensated in accordance with the *Law on Expropriation of Immovable Property*, as stipulated in the Entitlements Matrix ([Table 9](#) [Table 9](#) [Table 9](#) of this document).
8. **Standards of living** and/or livelihoods of affected persons will be restored and potentially improved, in as short a period as possible.
9. **Official valuation of properties/improvements to land** will be carried out by designated certified valuers from the Office for Valuation of Immovable Property (Department of Property Tax within the Ministry of Finance) or by selected certified valuers on the basis of a public procurement procedure.
10. **Compensation** will be provided before land acquisition. Issues related to payment of cash compensation will be discussed and agreed with owners and all affected members of households. Cash compensation will be paid in full to the bank accounts specified by the owners, with agreement of all affected members of the household. In cases where there is more than one owner of property (i.e. co-ownership of married couples), compensation amounts will be divided and paid to the bank accounts they specify.
11. **Project Affected People and communities will be provided with information and consulted** in order to facilitate their early and informed participation in the decision making process related to land acquisition.
12. **Access to information and assistance for vulnerable persons/households** will be facilitated by the MI and Municipality according to their specific needs, on the basis of case-by-case screening to be carried out with support from the Office for Valuation of Immovable Property (within the Ministry of Finance) and relevant Municipal social departments.¹⁵

¹⁵ An indicative list of activities includes: individual meetings to explain eligibility criteria and entitlements, payment process (i.e. making sure that compensation documents and payment process are well understood),

13. An **effective grievance mechanism** will be in place for receiving and addressing in a timely fashion specific concerns about compensation and relocation raised by displaced persons.
14. MI will **monitor the implementation of the land acquisition process**, both through internal, official institutional arrangements, as well as through an independent, external monitor. MI will encourage also other institutions, international organisations, and local CSOs to be involved in monitoring the process (please see Chapter 7.3 for details).

assistance in the post payment period to secure the compensation money and reduce risks of misuse or robbery.

5. COMPENSATION, ENTITLEMENTS AND LIVELIHOOD RESTORATION MEASURES

All persons occupying Project-affected land, recorded in the census (owners and users, both formal and informal) have the right to compensation and/or livelihood restoration or other assistance as outlined in [Table 9](#). The level and magnitude of differ across different categories of PAP, as per the impact identified in Section 3.3 of this LALRP. The livelihood restoration strategy aims to restore the livelihoods of PAPs who will be permanently impacted by the Project's permanent land acquisition and potentially by temporary disturbance from construction works, to pre-Project levels. The PAPs are located along the road section Gjilan in Municipalities Gjilan and Novobërda. Livelihoods/businesses of PAPs vary according to type of the business, **net income** and number of workers and the possibility whether they will remain viable at the location after completion of land expropriation and construction activities.

Type of Impact	Category of PAP	Entitlement
PERMANENT LOSSES		
Permanent loss of construction, land (including loss of access to privately owned land or public land / resources).	Owner of land	Cash compensation at full replacement cost OR Replacement construction land
	Formal user of land (tenant)	Information about land acquisition at least three months in advance of land possession entry, to enable the tenant to find other land for lease
	Informal user of land	Assistance to identify replacement land / resources for use, prior to land possession entry
Permanent loss of non-residential structures (main business structures, auxiliary business structures, fences, sheds, etc.) and infrastructure - Business no longer profitable and viable at location	Owner of non-residential structure and infrastructure (business and building owner / building owner) (formal or informal business or economic activity)	Cash compensation at full replacement cost AND Moving allowance for movable assets or assistance to move them (if required) Transition support during the period it takes to re-establish the business at an alternate location (transition period compensation). Provide support in finding an alternate location for the business. Cash compensation for lost net income during the construction phase and / or wages for employed workers in a form of 6 months salary as transition allowance.
Permanent loss of access due to operation of the new road	Business and building owners / Building owners	Ensure similar or improved access to the location of the business. Assistance in providing alternative parking arrangement for the business and its clients if parking is affected.
Permanent loss of working place and/or	Employees	Compensate employees for lost wages to

Type of Impact	Category of PAP	Entitlement
sources of livelihood (economic displacement) resulting from more difficult access to land and impacts of construction related nuisances (noise, dust)		employed workers in a form of 6 months salary as transition allowance OR provide support in finding alternate employment (of particular relevance should the business close down).
TEMPORARY LOSSES		
Temporary loss of construction land. For users of land, this refers to access to privately owned and or public land / resources	Owner of land	Cash compensation at full replacement cost for temporary land occupation in the amount of lease at market prices AND Restoration of affected land and infrastructure to pre-project conditions AND Cash compensation for any lost/damaged assets (e.g. structures, fences, sheds) at replacement cost
	Formal user of land (tenant)	Information about land acquisition at least three months in advance of land possession entry, to enable the tenant to find other land for lease
	Informal user of land	Assistance to identify replacement land / resources for use, prior to land possession entry
Temporary loss of business net income and/or sources of livelihood (economic displacement) resulting from more difficult access to land, impacts of construction related nuisances (noise, dust)	Business and building owner (formal or informal business or economic activity)	Cash compensation for lost net income (or estimated informal net income and / or loss of livelihood) during the disruption period Alternative access during construction. If alternative access cannot be provided, cash compensation for lost net income during the construction phase and / or wages for the duration of the impact Assistance in providing alternative parking arrangement for the business and its clients if parking is affected.
Temporary loss of working place and/or sources of livelihood (economic displacement) resulting from more difficult access to land and impacts of construction related nuisances (noise, dust)	Employees	If alternate access cannot be provided, compensate for lost wages during the construction phase OR provide support in finding alternate employment.
Temporary loss of tenants and loss of net income from tenants	Building owners	Cash compensation for lost net income (or estimated informal net income and / or loss of livelihood) during the disruption period
Loss of leased location to run the business and temporary disturbance of the business during construction	Business owners (tenants)	Information about land acquisition at least three months in advance of land possession entry, to enable the tenant to find other building for its business for lease.

Type of Impact	Category of PAP	Entitlement
		<p>Provide transition support during the period it takes to re-establish the business at an alternate location (transition period compensation up to six months).</p> <p>Cash compensation for lost net income during the construction phase and / or wages for the duration of the impact.</p>
OTHER UNDETERMINABLE LOSSES		
Any undetermined impact (permanent or temporary loss)	All PAPs	Any undetermined impacts will be mitigated in accordance with both the Kosovo Law on Expropriation and EBRD Policy principles and requirements. In case of discrepancies between the Law on Expropriation and EBRD Policy in a particular case, the provision more favourable for the affected owner/user shall prevail

Table 9: Entitlements Matrix

5.1. CALCULATION OF COMPENSATION

The land will be compensated based on the market value in line with the *Law on Expropriation of Immovable Property in Kosovo* and also in line with the EBRD Environmental and Social Policy 2014 and its Performance Requirement 5 (*Land Acquisition, Involuntary Resettlement and Economic Displacement*) to include informal land users as well. Final calculation will be determined by the Office for Immovable Property during 2018.

Structures will be compensated at full replacement cost (market value + all taxes and additional costs). Assessment of structures will also be done by the Office for Immovable Property during 2018 which considers criteria such as: type of building, construction material, the area in m² for residential and non-residential structures, year of construction, access to roads, access to public services, heating system, the condition of the facility, renting and rent conditions, cost of operation and maintenance, etc.

Calculation of the compensation for loss of business net income or loss of wages for workers is calculated for the cases when (i) business is severely affected and needs to be relocated (economic displacement), therefore the transition period should be covered for wages (6 months salary as transition allowance) and business net income (6 months net income during transition), and (ii) if the alternative access cannot be provided during the period of disturbance. For eventual temporary disturbance resulting from construction works, the presumed duration of construction works is taken into account as well for businesses that have a plan to continue their activity at the same location after completion of this phase. The maximum duration of construction works is 24 months as per tender documentation, however it is expected to last less if the construction works at particular parts of the road end sooner. For the case of transferring the business on other location the compensation to cover 6 months of transition period is foreseen since it is presumed that during this period the PAP may reinstate the business activity at another location.

The calculation will be undertaken on the basis of the annual net income (if known) and wages amount. Office of Immovable Property undertakes calculation of the

compensation in line with the local Law, respectively the Office is allowed to require official reports from the banks where the PAPs have their bank accounts, tax reports etc. or makes a comparative analysis with same or similar business with known profit/salaries.¹⁶

Detailed overview of the compensation calculation costs is given in the tables in Annex 5. These calculations will be taken into consideration by Office for Immovable Property during 2019 in order to calculate the compensation for livelihood impacts and provide adequate livelihood restoration measures.

6. **INFORMATION DISCLOSURE AND PUBLIC CONSULTATIONS**

The requirements for disclosure of Project relevant information and public consultations have been set out in the Stakeholder Engagement Plan (SEP) prepared by the MI in 2015 for the purpose of enhancing stakeholder engagement throughout the life cycle of the Project, and carrying out stakeholder engagement in line with local legislation and EBRD's requirements.

A Project Implementation Unit (PIU) has been established for the Project, consisting of representatives of the MI responsible for ensuring the proper implementation of the LALRP and in charge of communicating with the communities within the Municipality of Gjilan and consultations with PAP as well as representatives of Local Community Offices (LCO).

The PIU together with the representatives of the Municipality of Gjilan and MESP (in charge of expropriation) are responsible for communicating with the affected communities and people.

6.1. **DISCLOSURE OF INFORMATION AND CONSULTATIONS HELD TO DATE**

During the past three years, the Municipality of Gjilan and the MI have held presentations of the Project in the Municipality. Representatives of local non-governmental organisations (NGOs), minorities (such as the Roma population), media and other stakeholders were invited to these presentations. In July 2016 a joint meeting was held with the MI and Mayors of the municipalities of Gjilan, Kamenicë, Viti, Klllokot, Ranillug and Novobërda to discuss the infrastructure improvements in the road sector in this area and the importance of MI support to the local communities. In February 2017, a public hearing was held in the Municipality of Gjilan by the PIU and the Mayor of the Municipality on the environmental and other impacts of the Project implementation. Information on the public debate and from these meetings was made available on the MI website, Municipality of Gjilan website as well as other news portals¹⁷. In May 2017, the PIU and municipal officials organized a visit to all the PAPs along the Project route to obtain their opinion on the construction and perceived impacts of the Project implementation. On this occasion, all the PAPs provided support to the Project implementation (see Annex 4).

Brief information on the Project was also published in the local media and online news portals, as well as the websites of the MI and the Municipality.

The disclosure pack of the 2015 due diligence (SEP, NTS and LAF) have been published on the MI web site in English, Albanian and Serbian.

¹⁶ Based on the information given by the Office of Immovable Property

¹⁷ <http://mi-ks.net/sq/lajme/njoftim-per-debat-publik-1160>

<https://kk.rks-gov.net/gjilan/News/Prezantohet-projekti-i-Autostrades-Prishtine-Gjila.aspx>

<http://www.kosovapress.com/sq/lajme/ndertimi-i-rrugeve-me-kater-korsi-gjilan-prishtine-dhe-gjilan-ferizaj-nis-ne-maj-101708/>

<http://lajmi.net/rruget-gjilan-prishtine-dhe-gjilan-ferizaj-do-te-behen-me-4-korsi-punimet-nis-ne-maj/>

On 16 January 2018, the LAP Gjilan Access Road has been publicly disclosed in three languages on the web site of the MI and Municipality of Gjilan web site and updated in October 2018. The first public hearing in accordance with the local legislation on expropriation process has been undertaken on 16 January 2018, in Municipality of Gjilan respectively on:

- January 16 for Municipality of Partesh (cadastre zones: Partesh and Budriga) and Municipality of Gjilan for both Kllokot - Gjilan Road Reconstruction and Gjilan Access Road sections (cadastre zones: Gjilan, Livoq i Epërm, Livoq i Ulët dhe Cërnicë). Based on the information given in Minutes of Meeting, total of 72 participant attended the first public consultation in this Municipality. The participants were interested in the position of the expropriation lines, and also raised questions regarding accessibility to the businesses, future access points to their properties, compensation principles etc.
- January 17 in Municipality of Viti (cadastre zones: Budrigë e Epërme dhe Radivojcë) and Kllokot (cadastre zone Kllokot), which is not relevant for this road section Gjilan Access road.

The PIU also organized the public consultation meeting in line with this LALRP, on 20.12.2018 in the Gjilan Municipality, however no external stakeholders, PAPs etc attended to the meeting. The present to the meeting were representatives of the Gjilan Municipality, PIU Director, PIU members and the PIU support Consultant. The meeting has been postponed after finalisation of the final design / LALRP.

Commented [CR11]: Is there an indication of when this meeting will likely occur?

6.2. AVAILABLE COMMUNICATION TOOLS

MI utilizes the following channels of stakeholder engagement, communication and information disclosure:

- Publishing information on the official website of MI (<http://mi-ks.net>) which is well organized and contains relevant contact information and news;
- Publishing information on the public bulletin boards in the premises of the MI;
- Responding to telephone, mail, fax or e-mail inquiries;
- Public announcements communicated to the media (local radio/TV station, daily newspapers, etc.) on a needs basis.

6.3. PLANNED DISCLOSURE OF INFORMATION AND CONSULTATIONS

The MI will carry out public consultations and information dissemination that will reflect main issues of relevance to the Project. All stakeholders will be timely informed about the Project's scope and contacts for further information inquiries, as well as the availability of the publicly available documents.

6.3.1. Documents and Information to be Disclosed

The MI has disclosed and/or intends to disclose the following documentation and information regarding the Project:

- This Land Acquisition and Livelihood Restoration Plan (LALRP) (first LAP version has been disclosed in January 2018 and updated in October 2018 and March 2019);
- Information on community health and safety risks and impacts (including any construction works, road access restrictions and other nuisances), proposed mitigation measures and updates regarding the implementation progress of the Project;
- Summary of conclusions from the consultative meetings and public discussions held;

- Non-technical Summary of the Project’s Environmental and Social Assessment (disclosed in 2015);
- Stakeholder Engagement Plan (SEP) (disclosed in 2015 and to be updated prior to construction activities);
- Grievance form (see Annex 2);

The documents will be available in Albanian and Serbian (as well as English where available) immediately upon the commencement of the Project (but at least 30 days prior to the start of construction works – period which serves for collecting remarks, suggestions and propositions of the public) on the websites of the MI and Municipality of Gjilan, as well as in printed copies in the MI premises at the following addresses:

Ministry of Infrastructure

Address: Ish Ndërtesa e Gërmisë 10000, Prishtinë, Republika e Kosovës

These documents and information will remain in the public domain for the entire duration of the Project cycle.

6.3.2. Planned Meetings

The Municipality will schedule and hold the following meetings with the representatives of different stakeholder groups:

- Public consultative meetings will be held on a regular basis, at least every 6 months, during Project preparation and implementation, i.e. prior to and during the construction works. The first meeting is to be held within 30 days of the publication of the LAP on the MI website, and was first planned to be held during February 2018. The public consultation meeting in line with LALRP was initiated on 20.12.2018 in Gjilan Municipality Hall, however no external stakeholders, PAPs etc attended to the meeting, therefore the public meeting is planned to be re-organized after finalisation of the final design / LALRP . At least one public meeting will be organized prior to initiation of construction works. Such meetings will be aimed at providing regular gatherings of all stakeholders and will be open for all interested parties. During these meetings, the participants will be able to present their opinions and remarks with regards to the Project, as well as to suggest possible solutions of the issues raised, which will be documented and addressed appropriately in the Project Implementation Monitoring Reports in regards to the received grievances and follow up action taken to be prepared by the PIU. These meetings will be held at the Municipality premises.
- Local Community consultative meetings are aimed at engaging individuals, households and businesses affected by the construction activities into the consultation process, and will be organized on a needs basis in Local Communities.
- Individual consultative meetings are aimed at engaging individual stakeholder groups regarding specific issues, and will be organized on a needs basis. This type of meetings can be initiated by the Municipality, MI or by any identified stakeholder groups/individuals.

Commented [CR12]: See comment above

6.3.3. Timetable for Public Meetings

The timetable and the venue designated for public consultative meetings will be precisely defined by the PIU after the Project’s start date is determined. All stakeholders will be informed about the exact date, time and venue where a consultative meeting will be held, at least 7 days in advance, through disclosure through the websites and bulletin

boards of the MI and Municipality, as well as local media (newspapers, online news portals) as necessary.
All available Project information and documents will be disclosed to the public prior to the first public meeting at least 7 days in advance.

7. **IMPLEMENTATION OF THE LALRP**

7.1. **IMPLEMENTATION RESPONSIBILITIES**

All parties involved in the Project, including the MI, MF (namely, its Office of Valuation of Property¹⁸), the relevant Municipalities and the Contractor to be engaged by the MI to work on Project sites, are required to implement the requirements of this LALRP. Responsibilities will be shared between the MI, MESP, MF, the Municipality of Gjilan, the Contractor and other agencies, according to [Table 10](#)~~Table 10~~~~Table 10~~. The PIU set up within the MI will ensure the proper implementation of the LALRP and will be in charge of communicating with the communities and consultations with PAP as well as representatives of Local Community Offices (LCO).

Task	Responsible Authority
Information disclosure to all Project Affected People and communities	MI via the PIU and Municipality of Gjilan
Valuation of property	MF (Office of Valuation of Property)
Direct communication with and visits to owners/ occupants	MI as the expropriation beneficiary and MESP as the expropriating authority
Negotiations and expropriation activities, prior to construction commencement	MESP as the expropriating authority
Payment / provision of compensation packages	MESP
Monitoring and reporting with respect to expropriation	MI via the PIU
Monitoring and reporting in respect of temporary land occupation carried out after construction commencement	Contractor
Grievance management	MI via the PIU and Contractor

Table 10: Implementation Responsibilities of the LALRP

The next steps in the implementation of this LALRP are outlined below:

1. Disclosure of the LALRP (and other Project relevant information, as outlined in Section 6.3.1 of this LALRP) on the MI website and website of the Municipality of Gjilan upon its approval by EBRD. Provision of hard copies of the LALRP in the premises of MI and Municipality of Gjilan upon request by interested parties;
2. Setting up of the Grievance Registry and disclosure of Grievance Form on the MI website and provision of assistance to all interested persons as outlined in Chapter 8 of this LALRP;
3. Organization of meetings with stakeholders as outlined in Sections 6.3.2 and 6.3.3 of this LALRP and individual consultative meetings with directly affected people as outlined in Section 6.3.2 of this LALRP.

¹⁸ The Office for Valuation of Immovable Property (within the Department of Property Tax) within the Ministry of Finance is the only public authority competent for valuation of any immovable property that is subject to expropriation

4. Valuation of property, negotiations and expropriation activities in line with national legislation (by the Expropriating Authority) as defined in Section 1.3.2 of this LALRP;
5. Setting up and maintaining a land acquisition database and monitoring of the land acquisition process as outlined in Section 7.3 of this LALRP and reporting to the EBRD;
6. Development of Completion Audit at the end of the land acquisition process and reporting to the EBRD.

7.2. COSTS

The costs of the land acquisition will be borne by the MESP as the expropriation authority. The land acquisition budget will be prepared after the Expropriation Requirement is processed by MESP, MF and the Government of Kosovo and approximate costs are defined in line with the Expropriation Law of Kosovo.

7.3. MONITORING AND REPORTING AND LIVELIHOOD RESTORATION MONITORING

Monitoring of the land acquisition process will be conducted by the PIU set up within the MI to:

- ascertain whether activities are in progress as per schedule and the timelines are being met;
- ensure that the standards of living of PAPs are restored or improved (e.g. do the workers earn the same salary as during the pre-project conditions);
- assess whether the compensation measures are sufficient;
- identify any potential issues; and
- identify methods to mitigate any identified issues;
- oversee/monitor land-access or acquisition carried out by contractor(s).

The PIU will maintain a land acquisition database on the families/businesses whose properties have been affected (including the non-owners). The data/information will be updated periodically in order to keep track of the families' and businesses' progress.

The indicators to be used for monitoring will include, in particular, the following:

- Overall spending on expropriation and compensation
- Number of Project Affected People by categories
- Number of public meetings and consultations with affected people
- Number and percentage of individual compensation agreements signed before the beginning of construction activities
- Number of persons requesting special assistance and types of assistance provided to vulnerable individuals/households in a timely manner
- Number of people having received cash compensation during the monitoring period with distribution by compensation type and by classes of amounts
- Number and amount of payments to restore loss of net income
- Number and type of grievances, including any court cases, related to land acquisition (submitted and resolved and how long it took for them to be resolved)
- Number of PAPs supported
- Number of PAPs relocated to other location
- Percentage of PAPs operating in the same or higher annual turnover at new location
- Yearly net income per PAP earned after the relocation of the business
- Number of employed workers in temporary affected businesses or relocated businesses

- Wages of workers in temporary affected businesses compared to the pre-project conditions.

The PIU will prepare and submit to EBRD Annual Environmental and Social Report (AESR) including the progress achieved in the implementation of the LALRP.

In addition, the PIU will facilitate the development of a Completion Audit at the end of the land acquisition process by an independent expert. The audit report will assess whether the LALRP objectives have been achieved, identify any remedial actions if needed. The audit report will be shared with EBRD.

8. **GRIEVANCE MECHANISM**

The PIU will establish a Grievance Registry, and will ensure that all stakeholders are fully informed of the grievance mechanism by communicating the availability of this registry, its function, the contact persons and the procedures to submit a complaint in the affected areas.

Any comments or concerns can be brought to the attention of the PIU or the Contractor verbally (personally or by telephone) or in writing by filling in the grievance form (see Annex 2) (by personal delivery, post, fax or e-mail to the address/number given below), without any costs incurred to the complainant. Grievances may also be submitted anonymously.

All grievances will be recorded in the Grievance Registry and assigned a number, and acknowledged within 5 calendar days (the flowchart for processing grievances is provided in Annex 3). The Registry 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 registry with the following information:

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

If the grievance/complaint is vague and not clear enough, the PIU will assist and provide counsel in formulating/redrafting the submission, in order for the grievance/complaint to become clear, for purposes of an informed decision by the PIU, in the best interests of persons affected by the Project.

The PIU will make all reasonable efforts to address the complaint upon the acknowledgement of grievance. If the PIU is not able to address the issues raised by immediate corrective action, a long-term corrective action will be identified. The complainant will be informed about the proposed corrective action and follow-up of corrective action within 25 calendar days upon the acknowledgement of grievance.

If the PIU is not able to address the particular issue raised through the grievance mechanism or if action is not required, it will provide a detailed explanation/justification on why the issue was not addressed. The response will also contain an explanation on how the person/ organization that raised the complaint can proceed with the grievance in case the outcome is not satisfactory.

At all times, complainants may seek other legal remedies in accordance with the legal framework of Kosovo, including formal judicial appeal.

A separate grievance mechanism is available for workers.

Contact information for enquiries and grievances:

Attention: Mr. Qamil Feka - Head of PIU,
Ministry of Infrastructure
Address: Ndërtesa e Odës Ekonomike, Kati i Parë, Zyra nr. 2,
10000, Prishtinë, Republika e Kosovës
E-mail 1: mi.info@rks-gov.net
E-mail 2: Qamil.Feka@rks-gov.net

E-Mail 3: Valdete.a.mustafa@rks-gov.net

Tel.: +381 (0) 38 200 28 610

Contact information for enquiries:

Public Information Office within the Ministry of Infrastructure

Tel/fax.: +381 (0)38 200 28 ext. 507

Tel/fax.: +381 (0)38 200 28 ext. 041

Tel/fax.: +381 (0)38 200 28 ext. 048

Annex 1 Request for Expropriation (courtesy translation)

REPUBLIC OF KOSOVO
MINISTRY OF INFRASTRUCTURE
THE DEPARTMENT OF ROAD INFRASTRUCTURE
ROUTING SLIP

Date	02/06/2017
Reference	4632/2017
To:	Arben Citaku-General Secretary/MMPH Afrim Murati-Director of Expropriation Department/MMPH
CC:	Mustafe Krasniqi – Ministerial Advisor / MI
Through:	Nebih Shatri-General Secretary/ (U.D) Rame Qupeva- Director of the Department of Road Infrastructure
From:	Hysen Merovci- Manager of Geodesic services
Subject:	Initiate procedures of expropriation procedure for the project: “Widening of National Road N25.2, Section: Entrance to Gjilan, length L=3km, Lot 1”

Purpose of the Request

With the goal to develop and modernize the road infrastructure in the Republic of Kosovo, The Ministry of Infrastructure has foreseen the construction of the Road “Widening of National Road N25.2, Section: Entrance to Gjilan, length L=3km, Lot 1” that affects the following cadastral areas: C.A. Gjilan, C.A. Livoq i Epërm and Koretishtë. The expropriation survey for this road section is drafted.

“Widening of National Road N25.2, Section: Entrance to Gjilan, length L=3km, Lot 1” will be financed by Ministry of Infrastructure – State Budget.

Based on Article 8 of Law No. 03/L-139 on Expropriation of Immovable Property updated with the additions made on Law No. 03/L-205, we request that the Department of Expropriation /Ministry of Environment and Spatial Planning, in conformity with the abovementioned Law, processes the “Request for Initiation of procedures of expropriation” for the necessary expropriations for “Widening of National Road N25.2, Section: Entrance to Gjilan, length L=3km, Lot 1” that affects C.A. Gjilan, C.A. Livoq i Epërm and Koretishtë.

Annex 2 Grievance Form

Reference number:	
Full name (optional)	
Contact information Please mark how you wish to be contacted (mail, telephone, e-mail).	By Post (Please provide mailing address): _____ _____ _____ By Telephone: _____ By E-mail: _____
Preferred language of communication	Albanian Serbian English (if possible)
Description of Incident for Grievance	
Description of Incident for Grievance	What happened? Where did it happen? Who did it happen to? What is the result of the problem?
Date of Incident / Grievance	
	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: _____
Date: _____

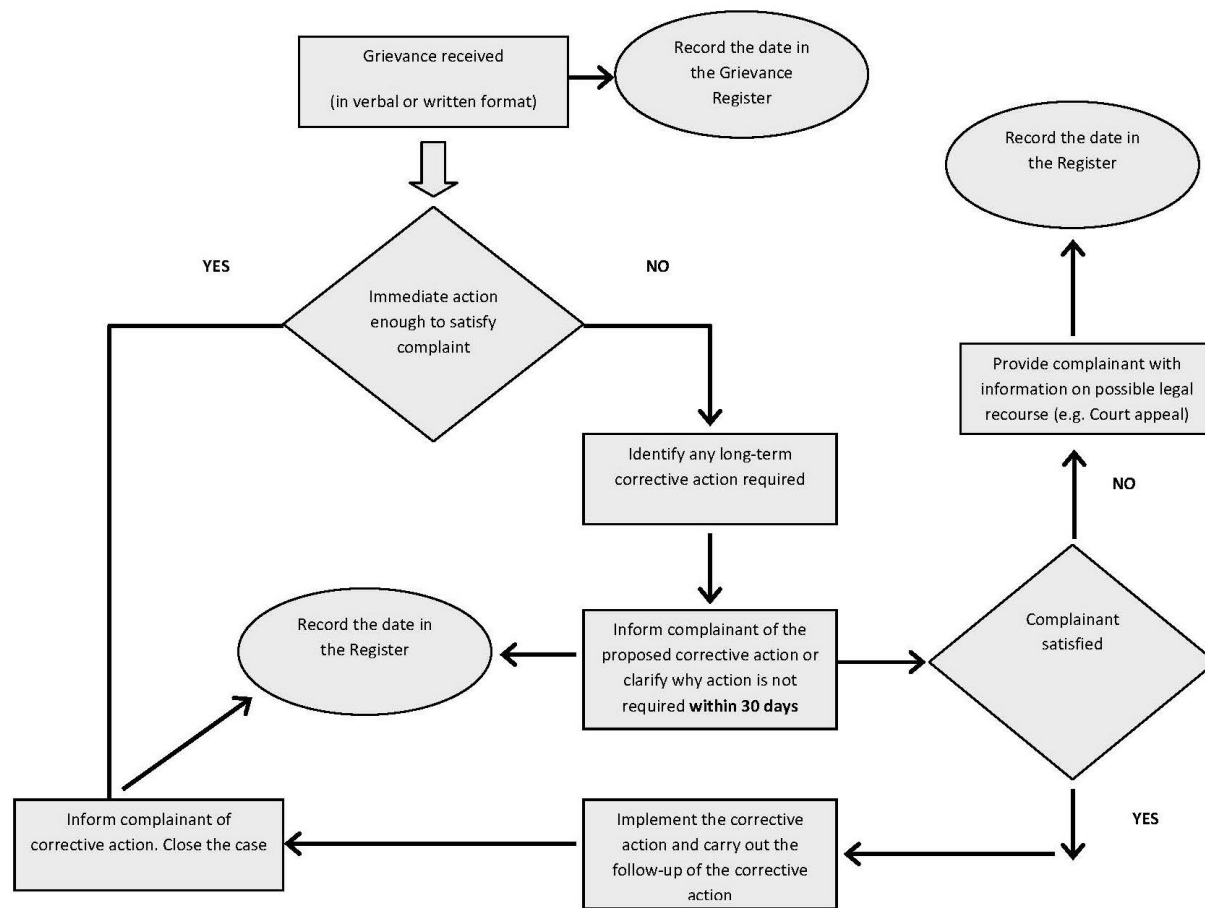
Please return this form to:
PROJECT IMPLEMENTATION UNIT - MINISTRY OF INFRASTRUCTURE

Attn: Mr. Qamil Feka, Head of PIU
Address: Ndërtesa e Odës Ekonomike, Kati i Parë, Zyra nr. 2,
10000, Prishtinë, Republika e Kosovës

E-mail 1: mi.info@rks-gov.net
E-mail 2: Qamil.Feka@rks-gov.net
E-mail 3: Valdete.a.mustafa@rks-gov.net
Tel.: +381 (0) 38 200 28 610

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Annex 3 Grievance Processing Flowchart



Annex 4 Declaration of Business Owners on Acceptance of Project (including courtesy translation of declaration text)

FROM: Business owners and other facilities along the N 25.2 road, entrance of the city of Gjilan

FOR: MINISTRY OF INFRASTRUCTURE AND MUNICIPALITY OF GJILAN

SUBJECT: Declaration on the admissibility of National Road Expansion N 25.2, section Entrance to the city of Gjilan

We, business owners and other subjects along the road in question in both directions of the movement, agree with expansion of this road and we have no objection or any other request related to the widening of this road.

Nr	Name and Surname/ Name of Business	Number of business / number of ID card	Date:	Signature
1				
2				

NGA: Pronarët e bizneseve dhe objekteve tjera përgjat rrugës N 25.2, hyrja në qytetin e Gjilanit

PËR: MINISTERIA E INFRASTRUKTURËS DHE KOMUNA E GJILANIT

TEMA: Deklaratë mbi pranueshmërinë e zgjerimit të rrugës Nacionale N 25.2, segmenti hyrja në qytetin e Gjilanit

Ne pronarët e bizneseve dhe objekteve tjera përgjat rrugës në fjalë në të dy drejtimet e lëvizjes, pajtohemi për zgjerimin e kësaj rruge dhe nuk kemi asnjë kundërshtim apo ndonjë kërkesë tjetër me rastin e zgjerimit të kësaj rruge.

Nr	Emri dhe mbiemri/ Emri i Biznesit	Numri i biznesit/Letërnjoftimit	Data:	Nënshkrimi
1	JMI		28.04.19	[Signature]
2	KABINOTI		28.04.19	[Signature]
3	VEPONI - Y		28.04.19	[Signature]
4	REMI		28.04.19	[Signature]
5	POJATI		28.04.19	[Signature]
6	RESI		28.04.19	[Signature]
7	MARSHI TE RITA		28.04.19	[Signature]
8	KAWARI		28.04.19	[Signature]
9	CHABRIA Shop		28.04.19	[Signature]
10	S. QAZA		28.04.19	[Signature]
11	NT - TUNA		28.04.19	[Signature]
12	AL - PETROL Shop		28.04.19	[Signature]
13	DIELLI		28.04.19	[Signature]
14	TE KIRI		28.04.19	[Signature]
15	PETROL COMPANY		28.04.19	[Signature]
16	RESTAURANTO		28.04.19	[Signature]
17	MIGROSI		28.04.19	[Signature]
18	AL - PETROL		28.04.19	[Signature]
19	AP. QASHKEMI		28.04.19	[Signature]
20	VEBIA COMERCE		28.04.19	[Signature]
21	QFORHAT		28.04.19	[Signature]
22	Pasadito		28.04.19	[Signature]
23	BOJATI		28.04.19	[Signature]
24	CINA		28.04.19	[Signature]
25	RTV - GRUNDING		28.04.19	[Signature]
26	SABRIE GAZLIQ		28.04.19	[Signature]
27	IDEALTY ALI HAJRATI		28.04.19	[Signature]
28	PATMIRI Shop		28.04.19	[Signature]
29	SHERA - FILLI		28.04.19	[Signature]
30	SEDA - J		28.04.19	[Signature]

31	NIJARGARITA ^N		28.04.2019	
32	UNIVERSAL		28.04.19	
33	ZURO LOTO		28.04.19	
34	SUNAJ		28.04.19	
35	NOTRA COMERCE		28.04.19	
36	NOTRA LI		28.04.19	
37	LEDI AU LAR		28.04.19	
38	NOT AU LAR		28.04.19	
39	SPARKER GJUN		28.04.19	
40	GASORU PETROL		28.04.19	
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Annex 5 Calculation for the Compensation

Scale of the Impacts	Parcel no.	Municipality	Formality status	Type of business affected	Scale of business affected	Total affected PAPs	Type of the compensation regarding business impacts	Calculation of the compensation for structures	Calculation of the compensation for loss of net income from the business	Calculation for the compensation for wages of workers
Permanent impacts to business structures are expected due to complete disturbance during construction	541-1	Gjilan	Formal	Gas station	Whole	11	Cash compensation OR Full replacement cost for 1 structure Provide support in finding alternate employment for employees and provide lost wages during transition period of 6 months Ensure moving allowance	Compensation for structures at the market value basis + additional costs	Monthly net income x period of transition of business of 6 months Moving allowance to cover transport cost and/or resettlement agency cost	Employees to be compensated with the monthly wages during the transition period of 6 months
	558-2 558-3 558-15	Gjilan	Formal	Bar restaurant	Whole	2	Cash compensation OR Full replacement cost for 1 structure Provide support in finding alternate employment for employees and provide lost wages during transition period of 6 months Ensure moving allowance	Compensation for structures at the market value basis + additional costs	Monthly net income x period of transition of business of 6 months Moving allowance to cover transport cost and/or resettlement agency cost	Employees to be compensated with the monthly wages during the transition period of 6 months

Table 11: Calculation of Compensation Costs for the Category of Permanent loss of Businesses

Scale of the Impacts	Parcel no.	Municipality	Formality status	Type of business affected	Scale of business affected	Total affected PAPs	Type of the compensation regarding business impacts	Calculation of the compensation for structures	Calculation of the compensation for loss of net income from the business	Calculation for the compensation for wages of workers
Partial impacts to business structures are expected due to partial disturbance during construction activities	611-20	Gjilan	Formal	Construction materials	<p>Partial</p> <p>Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as:</p> <ul style="list-style-type: none"> wetting of surfaces to prevent dusting maintain access to businesses at all times and limit the eventual loss of access to non working hours of businesses adequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures. 	2	<p>Full replacement cost for auxiliary structure and land</p> <p>Provide alternate access during construction</p> <p>Restoration of affected land</p> <p>If alternate access cannot be provided, compensate for lost business net income during the period of disturbance</p> <p>If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment</p>	<p>Compensation for structures at the market value basis + additional costs</p> <p>Provide for alternate parking arrangement for the business and its clients if parking is affected by land take</p>	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)
	541/12	Gjilan	Formal	Gas station	<p>Partial</p> <p>Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as:</p> <ul style="list-style-type: none"> wetting of surfaces to prevent dusting maintain access to businesses at all times and limit the eventual loss of access to non working hours of businesses adequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures. 	-	<p>Full replacement cost for auxiliary structure and land</p> <p>Provide alternate access during construction</p> <p>Restoration of affected land</p> <p>If alternate access cannot be provided, compensate for lost business net income during the period of disturbance</p> <p>If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment</p>	<p>Compensation for structures at the market value basis + additional costs</p> <p>Provide for alternate parking arrangement for the business and its clients if parking is affected by land take</p>	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)

	541-3/11	Gjilan	Formal	Mixed shop	Partial Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as: <ul style="list-style-type: none">wetting of surfaces to prevent dustingmaintain access to businesses at all times and limit the eventual loss of access to non working hours of businessesadequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures.	6	Full replacement cost for auxiliary structure and land Provide alternate access during construction Restoration of affected land If alternate access cannot be provided, compensate for lost business net income during the period of disturbance If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment	Compensation for structures at the market value basis + additional costs Provide for alternate parking arrangement for the business and its clients if parking is affected by land take	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)
	4907-1	Novobërda	Formal	Restaurant	Partial Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as: <ul style="list-style-type: none">wetting of surfaces to prevent dustingmaintain access to businesses at all times and limit the eventual loss of access to non working hours of businessesadequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures.	8	Full replacement cost for auxiliary structure and land Provide alternate access during construction Restoration of affected land If alternate access cannot be provided, compensate for lost business net income during the period of disturbance If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment	Compensation for structures at the market value basis + additional costs Provide for alternate parking arrangement for the business and its clients if parking is affected by land take	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)

	4907-2	Novobërda	Formal	Metal works	Partial Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as: <ul style="list-style-type: none">wetting of surfaces to prevent dustingmaintain access to businesses at all times and limit the eventual loss of access to non working hours of businessesadequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures.	4	Full replacement cost for auxiliary structure and land Provide alternate access during construction Restoration of affected land If alternate access cannot be provided, compensate for lost business net income during the period of disturbance If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment	Compensation for structures at the market value basis + additional costs Provide for alternate parking arrangement for the business and its clients if parking is affected by land take	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)
	577-13	Gjilan	Informal	Retail store (construction materials)	Partial Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as: <ul style="list-style-type: none">wetting of surfaces to prevent dustingmaintain access to businesses at all times and limit the eventual loss of access to non working hours of businessesadequate organisation of construction site to maintain the access to business monitor the implementation of suggested measures.	8	Full replacement cost for auxiliary structures Provide alternate access during construction If alternate access cannot be provided, compensate for lost business net income during the period of disturbance If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment	Compensation for structures at the market value basis + additional costs Provide for alternate parking arrangement for the business and its clients if parking is affected by land take	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)

	589-4	Gjilan	Informal	Auto service / Gym	<p>Partial</p> <p>Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as:</p> <ul style="list-style-type: none"> wetting of surfaces to prevent dusting maintain access to businesses at all times and limit the eventual loss of access to non working hours of businesses adequate organisation of construction site to maintain the access to business <p>monitor the implementation of suggested measures.</p>	1	<p>Full replacement cost for auxiliary structures</p> <p>Provide alternate access during construction</p> <p>If alternate access cannot be provided, compensate for lost business net income during the period of disturbance</p> <p>If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment</p>	<p>Compensation for structures at the market value basis + additional costs</p> <p>Provide for alternate parking arrangement for the business and its clients if parking is affected by land take</p>	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employee to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)
	3984-21. 3984-29 558-3	Novobërda	Informal	Auto service	<p>Partial</p> <p>Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as:</p> <ul style="list-style-type: none"> wetting of surfaces to prevent dusting maintain access to businesses at all times and limit the eventual loss of access to non working hours of businesses adequate organisation of construction site to maintain the access to business <p>monitor the implementation of suggested measures.</p>	6	<p>Full replacement cost for auxiliary structures</p> <p>Provide alternate access during construction</p> <p>If alternate access cannot be provided, compensate for lost business net income during the period of disturbance</p> <p>If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment</p>	<p>Compensation for structures at the market value basis + additional costs</p> <p>Provide for alternate parking arrangement for the business and its clients if parking is affected by land take</p>	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)

	3960-5. 3960-14	Novobërda	Informal		Partial		Full replacement cost for auxiliary structures	Compensation for structures at the market value basis + additional costs	Monthly net income x period of disturbance during construction (max. 24months of construction period) (if necessary)	Employees to be compensated with the monthly wages during the period of disturbance (max. 24 months of construction period) (if necessary)
				Graphic dedign	<p>Implement timely adequate mitigation measures to avoid eventual impacts during construction phase, such as:</p> <ul style="list-style-type: none"> wetting of surfaces to prevent dusting maintain access to businesses at all times and limit the eventual loss of access to non working hours of businesses adequate organisation of construction site to maintain the access to business <p>monitor the implementation of suggested measures.</p>	1	<p>Provide alternate access during construction</p> <p>If alternate access cannot be provided, compensate for lost business net income during the period of disturbance</p> <p>If alternate access cannot be provided, compensate for lost wages during the period of disturbance OR provide support in finding alternate employment</p>	<p>Provide for alternate parking arrangement for the business and its clients if parking is affected by land take</p>		

Table 12: Calculation of Compensation Costs for the Category of eventual Temporary loss of Businesses

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Commented [CR14]: Confirm why the following tables were deleted:
- Compensation for business owners – tenants & bui8ling owners

Is this because they are already covered in the tables for permanent and temporary loss of businesses?