Law on Amendments to the Law on Navigation and Ports on Inland Waters
("Official Gazette RS", no. 18/2015)

National Assembly of the Republic of Serbia has passed on December 12, 2014 at the session of the Sixth Extraordinary Assembly in 2015, the Law on Amendments to the Law on Navigation and Ports on Inland Waters ("Off. Gazette of RS", no. 73/2010, 121/2012 and 18/2015, hereinafter "Law"), which entered into force on February 21, 2015, provided that certain provisions of the Law shall become applicable as of January 1, 2017.

The Law consolidates the procedure for issuance of the necessary conditions for construction, reconstruction, expansion, renovation and repair of locks, navigable canals and other hydraulic structures, for laying cables and pipelines, and other facilities that have impact on safety of navigation in international and interstate waterways, by providing that these conditions are obtained within procedures for issuing of acts in the exercise of the right to build, which is regulated by the law on planning and construction, with a validity period of two years.
The advantage of this procedure is that the investor is not required to collect evidence from the competent authorities required for the issuances of permits because such evidence will now ex officio be obtained by the competent authority conducting the proceedings.

Instead of making a difference between international traffic ports and the ones for domestic traffic, ports are now classified as ports of national importance and ports of regional importance and significance for local government, whereas both types of ports will be opened for international traffic. The port area for each port or pier is established by the Government of the Republic of Serbia at the proposal of the Port Governance Agency, in line with the strategy, documents on spatial and urban planning and planning documents related to water management. Cadastral plots of undeveloped construction land included in the port area will become the property of the Republic of Serbia, upon completion of the expropriation procedure, or an administrative transfer in accordance with the law regulating expropriation. The right to use port land or port infrastructure has the Port Governance Agency (hereinafter: “Agency”).

Two different types of port concessions are introduced - ones for providing port services and others for public works, when the concession is given for the construction of port buildings and facilities. In accordance with EU directives, the value of services and public works of €5 186 000, binds the Agency to commence the procedure for granting port concession. In reference to granting concession for services, when the concession is granted for port services, the private partner selection process is conducted in accordance with the law regulating public-private partnerships and concessions, and concession granting for public works, when the concession is given for the construction of port buildings and structures, private partner selection process is conducted in accordance with the regulations regulating public procurement.

Port activity approvals are non-transferable, but there is a possibility of a port operator to transfer certain rights and obligations, acquired in accordance with the Law, to a third party, under prescribed conditions, with prior approval of the Agency.

The Law stipulates obligation for entities that are in the process of privatization, and which at the date of entry into force of this Law undertake port activity, to prepare balance sheet within 60 days from the date of entry into force of the Law, whereas the Agency will assume the right to use the port plot, while the port infrastructure will be separated from the assets of the entity in privatization and the right to use infrastructure will be registered in the favor of the Agency. Companies that at the date of entry into force of this Law undertake port activity, and which operate with majority state capital, companies which operate with majority state capital and are determined for strategic partnership, and companies determined for privatization process based on the model of strategic partnership in accordance with regulation on privatization and strategic partnership, are obliged to prepare the balance sheet in the course of 90 days.