The National Assembly of the Republic of Serbia has rendered, on December 22, 2016, at the Sixth sitting of the Second Regular Session in 2016, the Law on Amendments to the Law on Communal Activities (“Official Gazette of the RS” 104/2016, hereinafter: the „Law“) which is applicable as of January 1, 2017.

The Law introduces novelties in defining communal activities, in particular in defining the urban and suburban public transport, managing grave yards and undertaking funeral activities, managing public parking, managing market places, cleaning public surfaces, providing chimney services and animal hygiene activities.

The Article 4 of the Law prescribes that the Government, apart from determining the criteria for undertaking communal activities, also determines the content, manner and conditions for undertaking communal activities, as well as the content and the manner of keeping records on subjects undertaking communal activities.
The Law sets forth that the activities of providing drinking water and public transport via trolleybuses and streetcars are exclusively reserved for public companies or private companies owned by public companies or self-government units, why these activities cannot be assigned to a third party.

The obligation of reporting to the competent Ministry is additionally regulated in the Article 8 of the Law, whereas some terms and provisions have been further elaborated, while the form for reporting is now prescribed and issued by the competent Ministry.

Among the most important amendments are the ones referring to the procedure for determining the fulfilment of conditions for undertaking communal activities, which is conducted by a commission, specially formed by the competent Ministry. Such procedure is completed upon rendering a final decision which is not subject to appeal, but can be questioned in administrative proceedings.

Specific regulation i.e. restrictions have been introduced referring to the communal activities in areas under special protection or of special importance, where the Law prescribes the application of the law on public-private partnership and concessions to the assignation procedure, regardless whether the subject undertaking the activities is financed from the local self-government unit budget or directly from the final consumer.

The Article 10 of the Law regulating the joint undertaking of communal activities by two or more local self-government units, introduces strict and detailed content of the feasibility study that must be prepared for this purpose.

In order of improving the quality of communal services, the Law now prescribes the obligatory surveys on level of content of consumers on communal service provided, whereas the results of these surveys can even lead to termination of the assignation agreement, if there is a high level of discontent of the consumers, and determined deficiencies are not eliminated by the subject undertaking the communal activities in the course not exceeding 90 days.

The Law sets forth that all the items that have been forcibly removed in undertaking communal activities, are now derelict items, in terms of regulation on ownership rights, further meaning that the ownership of the previous owner ceases. Finally, the previous provision of the Law which prescribed that the appeal to the decision of the communal inspector does not have suspensive effect has now been altered, so the Law now prescribes that the appeal has suspensive effect, except in specially regulated situations, listed in the law on inspection.

The transitional and final provisions of the Law prescribe that the bylaws for implementation of the Law shall be rendered in the course of six months as of entering into force of the Law, while the subjects providing communal services are obliged to harmonize their activities with these bylaws in the course of three month upon their adoption.