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MEMORANDUM OF UNDERSTANDING

ON THE PREPARATION OF PLANNING AND TECHNICAL DOCUMENTATION FOR THE PROJECT "CONSTRUCTION OF BELGRADE (BORČA) – ZRENJANIN AND ZRENJANIN – NOVI SAD HIGHWAY"

РЕПУБЛИКА СРБИЈА
ВЛАДА

01 Број 344-362/2020-1
22 JAN 2020 20__ г.
БЕОГРАД, Немањина 11

In Belgrade, on 22 January 2020

Memorandum of Understanding on the Preparation of Planning and Technical
Documentation for the Project "Construction of Belgrade (Borča) – Zrenjanin and
Zrenjanin – Novi Sad Highway"

Between

1. **China Shandong International Economic and Technical Cooperation Group Ltd.** of Shandong Hi-speed Group Co Ltd. Shandong Hi-speed Group Mansion, No 8 Long Ao North Road, Jinan, Shandong Province, P.R. China, represented by the Company President Deng Venhua (hereinafter referred to as "Contractor")
and
2. **China Shandong International Economic and Technical Cooperation Group Ltd.** of Shandong Hi-speed Group Co Ltd. Shandong Hi-speed Group Mansion, No 8 Long Ao North Road, Jinan, Shandong Province, P.R. China, represented by the Company President Deng Venhua (hereinafter referred to as "Contractor")

Hereinafter referred to as "the Parties"

The Parties agree as follows:

- Whereas the Government of the People's Republic of China and Government of the Republic of Serbia signed on 20 August 2009 the Agreement on Economic and Technical Cooperation in the Field of Infrastructure, Annex No 1 to the above-mentioned Agreement, entered into force on 26.08.2013 and Annex No 2, entered into force on 04.12.2013, which defines that the Agreement has been concluded for the purpose of improving the cooperation in the field of infrastructure of the two countries, based on the principles of solidarity, reciprocity, complementarity and with mutual respect for sovereignty,
- Whereas, the Government of the Republic of Serbia made its Decision on Establishment of the Working Group for the Implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin – Novi Sad Highway" ("Official Gazette of Republic of Serbia" No. 81/19), whose task is to cooperate with the Company Shandong Hi-speed Group Co Ltd., in the implementation of the Project and monitoring the implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin – Novi Sad Highway", and in particular in the definition of an acceptable form of financing for the purpose of constructing this Highway.
- Whereas the Parties are ready to cooperate on the realization of all stages of development and implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin – Novi Sad Highway", based on the fact that the Company China Shandong International Economic and Technical Cooperation Group Ltd. of Shandong Hi-speed Group Co Ltd already has experience in the construction of traffic infrastructure in the Republic of Serbia and that it is familiar with the technical and economic conditions

necessary for successful implementation of the Project being the subject of this Memorandum,

- In order to further develop friendly relations and cooperation between the People's Republic of China and the Republic of Serbia and to commence the implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin - Novi Sad Highway", the Parties have agreed to sign this Memorandum of Understanding and made the following agreement:

Article 1

General Principles

The Parties have shown their interest in the implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin - Novi Sad Highway", whose first phase is the preparation of the Planning and Technical Documentation - Special Purpose Spatial Plan- with Elements for Direct Implementation - SPSP, Conceptual Design, Preliminary Design with Feasibility Study and the Environmental Impact Assessment Study for the preparation of the Technical Documentation for Belgrade (Borča) - Zrenjanin and Zrenjanin - Novi Sad Highway, and all studies and analyses necessary for the preparation of the Preliminary Design with Feasibility Study (hereinafter referred to as "Preparation of Planning and Technical Documentation") and cooperation based on the principles of mutual cooperation and mutual benefit, in compliance with the legal framework of the national legislation of the Republic of Serbia and other international agreements applicable between the Republic of Serbia and the People's Republic of China.

Article 2

Scope of Planning and Technical Documentation Preparation

In this Memorandum, the Parties express their interest in preparing the Planning and Technical Documentation.

The Parties shall agree and sign the Terms of Reference, which will define the basic elements necessary for the preparation of the Project Documentation being an integral part of this Memorandum.

Article 3

Model of Cooperation

The Parties agree to take necessary measures in order to effectively implement the preparation of the Planning and Technical Documentation by cooperating and exchanging all information relevant to the preparation.

The Parties agree that the Contractor shall bear the costs for the preparation of the Planning and Technical Documentation referred to in Article 2 of this Memorandum.

In the event that the future implementation of the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin - Novi Sad Highway" is not entrusted to the Contractor in compliance

with the provisions of the Interstate Agreement on Economic and Technical Cooperation in the Field of Infrastructure, the Investor shall reimburse necessary expenses for preparation of the Planning and Technical Documentation, within 3 months after receipt of the notification that the Planning and Technical Documentation has been completed, in the amount agreed upon in Article 4.

Article 4

Preparation of Planning and Technical Documentation Costs

Provisional value of the preparation of the Planning and Technical Documentation shall be defined in the Commercial Contract for the Preparation of the Planning and Technical Documentation, which will be signed when the conditions have been satisfied.

Article 5

Activities for the Preparation of Planning and Technical Documentation

The Parties agree that the following activities for the preparation of the Planning and Technical Documentation are currently defined as key steps:

1. The Contractor shall prepare the Planning and Technical Documentation on the basis of the agreed and signed Terms of Reference;
2. The Investor shall, free of charge, provide to the Contractor, with all necessary documentation and relevant information for the purpose of implementing the Project and preparing the Planning and Technical Documentation;
3. The Parties shall establish a joint Working Group, composed of competent representatives of the Parties, which will actively coordinate future activities in the preparation of the Planning and Technical Documentation;
4. The Parties shall mutually implement the procedures for obtaining all necessary permits for the purpose of preparing the Planning and Technical Documentation;
5. The Parties shall negotiate a financing model for the Project "Construction of Belgrade (Borča) - Zrenjanin and Zrenjanin - Novi Sad Highway" (concession, public-private partnership or a loan), for the purpose of signing a Commercial Contract for the Construction and Preparation of Technical Documentation (Design for Construction Permit, Work Execution Design and As-Built Design), if mutual interest has been achieved.

The Parties shall take the necessary activities for implementation of the above-mentioned key steps in the most efficient manner and comply with all legal and other relevant procedures within specified time limit, which shall be defined in the Commercial Contract.

Article 6

Miscellaneous

This Memorandum of Understanding shall enter into force on the date of its signature and shall be valid until the execution of the Commercial Contract for the preparation of the Planning and Technical Documentation.

The validity of this Memorandum may be extended if one Party notifies the other Party in writing of its intention to extend the validity of the Contract.

Any dispute regarding the interpretation and application of this Memorandum of Understanding shall be settled by consultations.

This Memorandum of Understanding may be amended by consent of the Parties. Any amendments shall be made in writing and shall enter into force on the date when signed by all Parties.

In case of discrepancy in interpretation of this Memorandum, the English version shall prevail.

This Memorandum of understanding has been signed in Belgrade, on 22 January 2020 in eight (8) identical copies in Serbian and English, two copies shall be retained by each Party.

China Shandong International Economic and
Technical Cooperation Group Ltd. of Shandong
Hi-speed Group Co Ltd.

Republic of Serbia

