



Европейска инвестиционна банка
Evropská investiční banka
Den Europæiske Investeringssbank
Europäische Investitionsbank
Euroopa Investeeringuspank
Ευρωπαϊκή Τράπεζα Επενδύσεων
European Investment Bank
Banca Europea de Investições
Banque européenne d'investissement
An Banc Eorpach Infhaistíochta
Evropska Investicijska banka
Banca europea per gli investimenti
Eiropas investīciju banka
Europos investicijų bankas
Európai Beruházási Bank
Bank Europew tal-Investment
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Banca Europeu de Investiții
Banca Europeană de Investiții
Európska investičná banka
Evropska Investicijska banka
Euroopan Investintipankki
Europeiska Investeringsbanken

Luxembourg, 25.11.2019

IG/CM/DP/nh
EIB – Public

Ref: SG/E/2019/13

EXP BEI-EIB
B 011943 25.NOV 19

Dear Madam,

We refer to our email of 30 September 2019 in which we informed you that the EIB Group Complaints Mechanism Division (EIB-CM) is carrying out a review of your complaint, submitted in two emails, sent on 16 September 2019. Your complaint concerns alleged negative impact of the County Waste Management Centre (CWMC) Marišćina in Croatia on health of the local residents by breaching the applicable ambient standards. The EIB partially financed the construction of the CWMC¹, operated by Ekoplus. The CWMC officially started working in February 2017.

The EIB Group Complaints Mechanism Policy and Procedures task the EIB-CM with addressing complaints concerning alleged maladministration by the EIB. Maladministration means poor or failed administration and it occurs when the EIB Group fails to act in accordance with a rule that is binding upon it². The EIB Group's responsibilities concerning compliance of projects with national law are defined in its policies and procedures³.

The national environmental law sets the relevant ambient standards. These include national standards for: (i) air quality; and (ii) quality of water intended for human consumption. The competent authorities in Croatia monitor: (i) air quality; and (ii) quality of water intended for human consumption⁴. The monitoring is carried out in line with the relevant national law⁵.

¹ The financing for the project had been provided under the Finance Contract on Co-financing EU IPA ISPA 2007-2011 between the Republic of Croatia and the European Investment Bank dated 30 September 2010 (O.G. – International Agreements of the Republic of Croatia No. 10/10) and Sections 4 and 6 of Annex of the Bilateral Project Agreement Between the Government of the Republic of Croatia and the European Commission Concerning the Co-financing of the Major Project «County Waste Management Centre Marišćina» CCI No: 2007HR16IPR001 Under the Instrument for Pre-accession Assistance (IPA) IPA Component III – Regional Development (O.G. – International Agreements of the Republic of Croatia No. 8/09, 11/11 and 3/13).

² § 3.1 of the EIB Group Complaints Mechanism Policy.

³ § 3.3 of the EIB Group Complaints Mechanism Policy.

⁴ Air – Ministry of Environmental Protection and Energy, Croatian Meteorological and Hydrological Service, counties and cities – Section 1 of the Report on Air Quality Monitoring in the Republic of Croatia for 2017, available at: <http://szz.azo.hr/skzi/datoteka?id=81453>, accessed on 13 November 2019; Water intended for human consumption – Ministry of Health, Croatian Institute of Public Health, county institutes of public health, water suppliers – Section 1 of the Report on Quality of Water Intended for Human Consumption in the Republic of Croatia for 2018, available at: https://www.hzjz.hr/wp-content/uploads/2019/07/IZVJEŠTAJ-O-ZDRAVSTVENO-HSPRAVNOSTI-VOĐE-ZA-LJUDSKU-POTROŠNJU-U-REPUBLICI-HRVATSKOJ-ZA-2018_v1.pdf, accessed on 13 November 2019.

⁵ Air – Air Protection Act (O.G. No. 130/11, 47/14, 81/17 and 118/18), Croatian Government Regulation on Levels of Pollutants in Air (O.G. No. 117/12 and 84/17), and Ministerial Ordinance on Air Quality Monitoring (O.G., No. 79/17) and; Water intended for human consumption – Human Water Consumption Act (O.G. No. 58/13, 84/15, 104/17 and 115/18) and Ministerial Ordinance on Compliance Parameters, Analysis Methods, Monitoring and Safety Plans for Water Intended for Human Consumption and the Method of Keeping of the Register of Legal Persons Providing Water Supply Service (O.G. No. 125/17).



The EIB's policies require the project to comply with the applicable environmental law⁶, which includes the relevant national environmental law⁷. The EIB's procedures require the EIB to monitor whether the project complies with the applicable environmental law⁸.

As part of its inquiry, the EIB-CM: (i) reviewed your complaint; (ii) analysed the applicable environmental law; (iii) reviewed the available evidence. Given the content of your complaint, the EIB-CM deemed appropriate to reply by letter in line with the EIB Group Complaints Mechanism Procedures⁹. The EIB-CM made the following findings.

The Viškovo – Marišćina monitoring station¹⁰ records air quality in the vicinity of the CWMC Marišćina. Table 1 below lists the results for the relevant pollutants recorded by the monitoring station. During 2019, only the daily limit values for hydrogen sulphide (H₂S) have been exceeded more times than permitted by the national law. However, as communicated in our letter of 13 September 2019, the values have not been breached since April 2019 and, therefore, this issue has since been resolved¹¹.

TABLE 1 – RESULTS OF VIŠKOVO – MARIŠĆINA MONITORING STATION¹²

Pollutant	Number of recorded exceedances of daily limit values (01.01 – 13.11.2019)	Number of exceedance of daily limit values permitted by national law in one calendar year ¹³	Note
NO ₂	0	n/a	-
H ₂ S	12	7	The exceedances were recorded in the period 05.02. – 07.04.2019
PM10	25	35	The exceedances were recorded in the period 19.02. – 27.09.2019
NH ₃	0	7	-
PM2.5	0	n/a	-
THIOL	0	7	-

The city of Rijeka is located downstream from the CWMC Marišćina. The results of monitoring of quality of water intended for human consumption for the city of Rijeka show no sign of breach of applicable values in the period January – October 2019¹⁴.

The EIB-CM concludes that the reviewed evidence shows that the ambient standards for quality of air and water intended for human consumption have not been breached in 2019, with the exception of H₂S. In respect to the latter, as communicated in our letter of 13 September 2019, the standards have not been breached since April 2019 and, therefore, this issue has since been resolved. As indicated in our email of 30 September 2019, the EIB-CM will look into the issue of unpleasant odour as part of another ongoing complaint concerning the overall operation of the mechanical biological treatment plant and bioreactor landfill of the CWMC.

Taking the above into account, the EIB-CM concludes that the allegation is ungrounded with respect to the role of the EIB.

⁶ Article 36 of the 2009 EIB Statement of Environmental and Social Principles and Standards.

⁷ Article 6.05 (f) of the Finance Contract.

⁸ § 259 of the 2010 v. of the EIB Environmental and Social Practices Handbook.

⁹ § 4 of the EIB Group Complaints Mechanism Procedures - The simplified procedure applies to complaints which, because of their subject, are of easy and prompt resolution. In the case of simplified procedure, the response of the EIB Group will be a letter from the EIB-CM [...].

¹⁰ N45°24'08" / E14°23'18" / 447 m/nm.

¹¹ See: <https://www.eib.org/attachments/complaints/13-09-2019-marišćina-county-waste-management-centre-sg-a-2019-05-closing-letter-en.pdf>, accessed on 13 November 2019.

¹² Source: Information available on the website of the Institute of Public Health of the Primorje Gorski Kotar County and the Croatian Agency for Environment and Nature for the Viškovo-Marišćina monitoring station.

¹³ http://iszz.azo.hr/iskz/doc/Standardi_kvalitete_zraka.pdf, accessed on 13 November 2019.

¹⁴ See: <http://www.zlzpogz.hr/vode/rijeke.pdf>, accessed on 13 November 2019.



Please note that complainants who are not satisfied with the outcome of the procedure before the EIB-CM can file a complaint of maladministration against the EIB Group with the European Ombudsman¹⁵.

You will find attached a translation of this letter into Croatian.

Yours sincerely,

EUROPEAN INVESTMENT BANK

S. Derkum
Head of Division
Complaints Mechanism

D. Petrović
Complaints Mechanism

¹⁵ § 4.5.1 of the EIB Group Complaints Mechanism Policy. Please see the European Ombudsman's Guide to complaints (in Croatian): <https://www.ombudsman.europa.eu/hr/make-a-complaint>, accessed on 13 November 2019.

