



Европейска инвестиционна банка
Evropská investiční banka
Den Europæiske Investeringsbank
Europäische Investitionsbank
Euroopa Investeerimispank
Ευρωπαϊκή Τράπεζα Επενδύσεων
European Investment Bank
Banco Europeo de Inversiones
Banque européenne d'investissement
Banca europea per gli investimenti
Eiropas Investīciju banka

Europos investicijų bankas
Európai Beruházási Bank
Bank Ewropew tal-Investiment
Europese Investeringsbank
Europejski Bank Inwestycyjny
Banco Europeu de Investimento
Banca Europeană de Investiții
Európska investičná banka
Evropska investicijska banka
Euroopan investointipankki
Europeiska investeringsbanken

Luxembourg, 2nd July 2020

IG/CM
EIB – Corporate use

Ref: SG/E/2019/18

Dear Sir/Madam,

We refer to our letter of 12 March 2020 in which we provided you with an update on the EIB Group Complaints Mechanism's (EIB-CM) review of your complaint regarding the express road Osojnik-Karasovići-Čilipi Airport.

In your complaint, you allege that Dubrovnik-Neretva County Administration is in favour of an alignment for the D8 road, which may harm the Ombla drinking water source, spoil a World Heritage site, damage the Paleombla-Ombla Natura 2000 site (HR2001010), cross an unstable landscape area in Čajkovići, and impact the Vilina cave archaeological site.

The express road Osojnik-Karasovići-Čilipi Airport is located in Dubrovnik-Neretva County. According to the Croatian Managing Authority – the Ministry of Regional Development and EU Funds (MA), the objective of the project is to contribute to the implementation of the Dubrovnik Regional Transport Strategy and solve summer traffic congestion problems on the D8 main road from Dubrovnik to the border with Montenegro via Dubrovnik Airport.

Your letter was addressed to the JASPERS Independent Quality Review (IQR) division, which provides an independent review of projects to be submitted for decision-making by the European Commission. JASPERS is a technical assistance partnership between the EIB and the European Commission and an important instrument in EU Cohesion Policy¹. JASPERS IQR has not received or reviewed any project documentation at this stage regarding the D8 road project. However, a project entitled "D8 Dubrovnik - Montenegro border" is currently being reviewed by JASPERS Advisory services.

The EIB-CM 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, procedures and standards³. Please note that the EIB's financial assistance is not being considered for the project in question.

In 2015, the MA, together with the project developer, requested JASPERS's involvement to assist in the preparation of the project for the European Union Programming Period 2021-2027 financing. The technical advisory services provided by JASPERS generally cover a large number of aspects, such as a critical review of the feasibility study, EIA documentation, cost-benefit analysis, project application and

¹ The JASPERS website can be found here: <https://jaspers.eib.org/follow-the-action/index.htm>

² Section 3.1 of the EIB Group Complaints Mechanism Policy.

³ Section 3.3 of the EIB Group Complaints Mechanism Policy.

other documents. The said documents are initiated and owned by the Managing Authorities of the beneficiary countries.

At this moment, the project in question is in the early stages of preparation and the EIA procedure for the project is ongoing. JASPERS Advisory services has held meetings with the MA and project developer on the project, but has so far received only limited information. As JASPERS Advisory has not yet completed its review of the project and its feasibility, we are not in a position to establish any maladministration by the EIB with regard to its actions and/or decisions at this stage. We will therefore proceed to close the complaint.

JASPERS Advisory services has taken due note of the issues raised in your letter. Once JASPERS Advisory completes its review of the project, you may request information about it from Hrvatske ceste d.o.o., Croatian Roads, the project developer, the MA⁴ or JASPERS itself via this link: <https://jaspers.eib.org/get-in-touch/index.htm>. Please note that, if you believe that there has been a breach of EU law, you may wish to contact the European Commission directly via this link: https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/.

Finally, we would like to inform you that complainants who are unsatisfied with the outcome of the procedure before the EIB-CM can file a complaint of maladministration against the EIB Group with the European Ombudsman⁵.

Yours sincerely,

EUROPEAN INVESTMENT BANK

⁴ The Ministry of Regional Development and EU Funds website can be found here <https://razvoj.gov.hr/>

⁵ Section 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>.

