



Европейска инвестиционна банка
Evropská investiční banka
Den Europæiske Investeringssbank
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
Evpopska investicijska banka
Euroopan investointipankki
Europeiska investeringsbanken

Luxembourg, 26 August 2020

IG/CM/_____
EIB – Public

Ref: SG/E/2020/09

Dear _____,

We refer to our email of 29 June 2020 in which we informed you that the European Investment Bank Group Complaints Mechanism Division (EIB-CM) is carrying out a review of your complaint, submitted by an email on 8 June 2020¹.

Your complaint concerns alleged exceedance of noise standards around your house in the village of Prevalac, Municipality of Vranje, Serbia, caused by excessive noise from E-75 motorway that passes through the village. You request that the noise levels are brought in line with the relevant standards or, if not possible, that the Serbian competent authorities expropriate your house and the adjacent property.

While the 75km-long motorway section of E-75 in Serbia was co-financed by the EIB² (hereinafter: the project), the World Bank financed the construction of the section passing through the village³. The section has been open for traffic since November 2015. The project promoter is the Corridor X Limited Liability Company, a public company responsible for motorway planning and construction.

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 it⁴. The EIB Group's responsibilities concerning compliance of projects with national and EU law are defined in its policies and procedures⁵.

The EIB's policies and procedures note that the responsibility for the project's compliance with the project applicable standards is with the promoter⁶. The EIB's policies and procedures also note that the regulatory and enforcement tasks lie with the country's competent authorities⁷. However, the EIB will

¹ Case SG/E/2020/09 constitutes resubmission of case SG/E/2020/05. In case SG/E/2020/05, you submitted the complaint on 30 March 2020 and asked for it to be withdrawn on 20 May 2020, only to resubmit it on 8 June 2020.

² EIB Project: CORRIDOR X (E-75) MOTORWAY (2006-0324).

³ The village of Prevalac is located on Vladičin Han-Donji Neradovac section of the motorway.

⁴ § 3.1 of the EIB Group Complaints Mechanism Policy.

⁵ § 3.3 of the EIB Group Complaints Mechanism Policy.

⁶ Article 2 of the 2009 EIB Statement of Environmental and Social Principles and Standards; Section A4.2 of the 2007 v. of the Environmental and Social Practices Handbook.

⁷ Section A4.2 of the 2007 v. of the Environmental and Social Practices Handbook.

not finance projects that do not meet project applicable standards⁸. The EIB may establish whether the projects meet the project applicable standards as part of its project monitoring.

The EIB's policies require the project to comply with the applicable environmental law⁹. This includes both national and the EU environmental law, such as the EU Environmental Noise Directive¹⁰. In terms of the noise standards, while the national law sets the noise limit values¹¹, the EU Environmental Noise Directive does not¹². However, the 7th Environmental Action Programme, guiding European environment policy until 2020¹³, defines high noise levels¹⁴. Also, at the EU level, the World Health Organization's (WHO) 2018 Environmental Noise Guidelines for the European Region¹⁵, carries significance¹⁶. The Guidelines recommend the maximum noise exposure to road traffic.

As part of its inquiry, the EIB-CM reviewed your complaint; maintained regular contact with you as the complainant; held introductory meeting with the EIB operational services; requested and obtained clarifications from the services and, therefore, the promoter; analysed the relevant standards and the collected information. Given the content of your complaint, the EIB-CM deemed appropriate to reply by letter in line with the EIB Group Complaints Mechanism Procedures¹⁷.

As part of its project monitoring, once it received your complaint, the EIB operational services established a contact with the promoter. The EIB enquired about the noise exposure in the village and maintained the contact as long as it collected all the relevant information. This includes: (i) recorded noise levels; (ii) information about the local grievance mechanism procedure concerning the same issue. The EIB-CM took note that the local grievance mechanism has provided you with reply on this matter on 3 August 2020.

From the gathered information, the EIB-CM takes note that mitigation measures in relation to this matter had been planned and implemented. The EIB-CM found that the noise barriers, reducing the noise exposure, are placed alongside the motorway on the section going through your village¹⁸. According to the available information, the noise barriers are of sufficient quality. Your house is located over 200m from the motorway¹⁹. An independent laboratory measured noise levels 30m from your house by applying the methodology set in the national legislation²⁰. In June 2020, the laboratory issued a report on the recorded noise levels. Table 1 presents the recorded noise levels and the relevant noise standards.

⁸ Article 6 of the 2009 EIB Statement of Environmental and Social Principles and Standards.

⁹ Article 36 of the 2009 EIB Statement of Environmental and Social Principles and Standards.

¹⁰ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise, available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002L0049&qid=1595242464095>, accessed on 20 July 2020.

¹¹ Table 1 of Annex 2 of the Government Regulation on Noise Indicators, Limit Values, Methods for Assessment of Noise Indicators, Disturbance and Harmful Effects of Noise in the Environment (O.G. No 75/2010), available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sqrs/vlada/uredba/2010/75/4/req>, accessed on 20 July 2020.

¹² <https://ec.europa.eu/environment/archives/noise/directive.htm>, accessed on 20 July 2020.

¹³ More information on the 7th Environmental Action Programme is available at: <https://ec.europa.eu/environment/action-programme/>, accessed on 20 July 2020.

¹⁴ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet', available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013D1386>, accessed on 20 July 2020.

¹⁵ WHO 2018 Environmental Noise Guidelines for the European Region, available at: https://www.euro.who.int/_data/assets/pdf_file/0008/38392/1/noise-guidelines-eng.pdf, accessed on 20 July 2020.

¹⁶ See for example the European Environment Agency's report on Environmental noise in Europe – 2020, available at <https://www.eea.europa.eu/publications/environmental-noise-in-europe>, accessed on 20 July 2020.

¹⁷ § 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 [...].

¹⁸ Photos provided by the complainant.

¹⁹ Distance obtained by using Google Maps.

²⁰ Government Regulation on Noise Indicators, Limit Values, Methods for Assessment of Noise Indicators, Disturbance and Harmful Effects of Noise in the Environment and Ministerial Ordinance on Noise Measurement Methods and Noise Measurement Report Content and Scope (O.G. No. 72/2010), available at: <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sqrs/ministarstva/pravilnik/2010/72/9/req>, accessed on 20 July 2020.

TABLE 1 - MEASURED VALUES AND THE RELEVANT NOISE STANDARDS

Noise Indicator	Recorded Noise Levels	Relevant Noise Standards		
		National Limit Values in Residential Areas ²¹	High Noise Levels as set in the 7 th Environmental Action Programme ²²	WHO maximum Recommended Road Traffic Noise Exposure ²³
Day (L_{day})	48 dB	55 dB	55 dB	53 dB
Evening (L_{evening})	46 dB	55 dB	55 dB	53 dB
Night (L_{night})	41 dB	45 dB	50 dB	45 dB

The EIB-CM concludes that the EIB has fulfilled its role as required. As soon as it received the complaint, the EIB operational services contacted the promoter. The services maintained contact with the promoter until they collected all the relevant information.

The EIB-CM concludes that the reviewed evidence shows that the recorded noise levels around your house are in line with the relevant noise standards. The noise levels are below the set national noise limit values and do not exceed high noise levels, as set in the 7th Environmental Action Programme nor the WHO's maximum recommended road traffic noise exposure. Also, the reviewed evidence shows that the noise barriers of sufficient quality are in place.

TABLE 2 - OUTCOME OF THE EIB-CM ASSESSMENT

Allegation	Outcome	Suggestion for improvement
Exceedance of relevant noise standards	No grounds	No

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 Ombudsman²⁴.

Yours sincerely,

EUROPEAN INVESTMENT BANK

²¹ Table 1 of Annex 2 of the Government Regulation on Noise Indicators, Limit Values, Methods for Assessment of Noise Indicators, Disturbance and Harmful Effects of Noise in the Environment.

²² Footnote in paragraph 49 of the Annex to the Decision No 1386/2013/EU.

²³ Section 3.1 of the WHO 2018 Environmental Noise Guidelines for the European Region.

²⁴ § 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 20 July 2020.

