

COMPLAINTS MECHANISM

SG/E/2024/01

**CORRIDOR VC
MEDAKOVO–OZMICA
(BOSNIA AND HERZEGOVINA)**

CONCLUSIONS REPORT

22 MAY 2024



SG/E/2024/01

Corridor Vc — Medakovo–Ozmica (Bosnia and Herzegovina)

Conclusions Report

Complaint confidential: No

External distribution

Complainant

Internal distribution

Management Committee
Secretary General
Inspector General
Relevant EIB services

Disclaimers

The conclusions presented in this report are based on the information available to the EIB Group Complaints Mechanism Division up to 21 February 2024. The conclusions are addressed solely to the EIB.

In case of discrepancies between language versions, the English version prevails.

EIB Group Complaints Mechanism — Conclusions Report

The EIB Group Complaints Mechanism

The EIB Group Complaints Mechanism is a tool enabling the resolution of disputes if any member of the public feels that the European Investment Bank (EIB) might have done something wrong, i.e. if it has committed an act of maladministration. The Complaints Mechanism is not a legal enforcement mechanism and will not substitute the judgment of competent judicial authorities.

Maladministration means poor or failed administration. It occurs when the EIB fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. The concept of maladministration includes failure by the EIB to comply with human rights, applicable law or the principles of good administration. Maladministration may relate to the EIB Group's decisions, actions or omissions and this may include the environmental or social impact of the EIB's projects and operations.

One of the main objectives of the Complaints Mechanism is to ensure the right to be heard and the right to complain. For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

Please note: Complainants that are not satisfied with the EIB reply to their complaint may file a complaint of maladministration against the EIB with the European Ombudsman.¹

¹ Available at: <https://www.ombudsman.europa.eu/en/home>. For more information see [EIB Group Complaints Mechanism Policy, dated November 2018](#), § 4.5.

CONTENTS

Executive summary	1
1 Background	2
1.1 Project	2
1.2 Complaint	2
2 Work performed.....	2
3 Regulatory framework	3
3.1 The EIB Group Complaints Mechanism.....	3
3.2 Project-applicable standards.....	3
3.3 Responsibilities of the EIB	4
4 Findings.....	5
4.1 Compliance with the project-applicable standards.....	5
4.2 Responsibilities of the EIB	7
5 Conclusions.....	7
6 Outcome.....	8

GLOSSARY

Borrower	Ministry of Finance and Treasury of Bosnia and Herzegovina
EIA	Environmental Impact Assessment
EIB	European Investment Bank
EIB-CM	EIB Group Complaints Mechanism Division
ESDS	Environmental and Social Data Sheet
ESMP	Environmental and Social Management Plan
ESPS	EIB Statement of Environmental and Social Principles and Standards
E&S	Environmental and Social
€	euro
FBiH	Federation of Bosnia and Herzegovina
LARPF	Land Acquisition and Resettlement Policy Framework
PAP	Project-affected person
Project	Construction of the new 35-km motorway section on Corridor Vc between Medakovo and Poprikuše in FBiH
Promoter	FBiH Motorways (Autoceste FBiH)
RAP	Resettlement Action Plan
SEP	Stakeholder Engagement Plan

EXECUTIVE SUMMARY

This report concerns a complaint regarding the construction of the new 35-km motorway section on Corridor Vc between Medakovo and Poprikuše in the Federation of Bosnia and Herzegovina, financed by the European Investment Bank (EIB).

In December 2023, the EIB Group Complaints Mechanism Division received a complaint regarding the project. The complainant alleges that the project will (i) create excessive noise, (ii) cause environmental pollution, (iii) increase the likelihood of flooding, (iv) reduce the value of his property and (v) negatively affect his family's psychological and physical states. The complainant claims that his property should be expropriated.

The evidence reviewed shows that the project is in line with the project-applicable standards, including the relevant national legislation and the EIB's environmental and social standards, which do not seem to require expropriation of the complainant's property. There are no similar recorded property-related court cases or grievances. The evidence reviewed shows that the project will have a negative impact on the environment through excessive noise and air pollution but that this was anticipated and that measures were foreseen to mitigate such impacts. If needed, the promoter may put in place additional measures. Lastly, the regulation of rivers undertaken as part of the project should reduce the risk of flooding of the surrounding areas, and therefore of the complainant's property, in the future.

The evidence reviewed shows that the EIB fulfilled its responsibilities as required. During the appraisal, the EIB identified expropriation and environmental impacts as some of the project's main impacts. To overcome these impacts, the EIB requested and received documents ensuring the project's compliance with the EIB's environmental and social standards. The EIB is also duly monitoring the implementation of the project. Given the above, the allegations of the complainant regarding the reduction in the value of his property and the consequences of the project on his health cannot be linked to a potential maladministration by the EIB.

Summary of the allegation and outcome

Allegation	Outcome
The complainant's property should be expropriated	No grounds The evidence reviewed shows that the project-applicable standards do not require expropriation of the complainant's property.

1 BACKGROUND

1.1 Project

- 1.1.1 In September 2020, the European Investment Bank (EIB) Board of Directors approved the financing of the construction of the new 35-km motorway section on Corridor Vc between Medakovo and Poprikuše in the Federation of Bosnia and Herzegovina (FBiH) (the project). In December 2020, the finance contract for an amount of up to €340 million² was signed with the Ministry of Finance and Treasury of Bosnia and Herzegovina (the borrower). The project is being developed by FBiH Motorways (Autoceste FBiH), a public company focusing on motorway construction and maintenance (the promoter).³
- 1.1.2 The construction of the project commenced in 2023.⁴ The motorway passes through a number of municipalities, including Tešanj, and a number of villages in the Tešanj municipality.⁵

1.2 Complaint

- 1.2.1 On 18 December 2023, the EIB Group Complaints Mechanism Division (the EIB-CM) received a complaint from the complainant regarding the project. The complainant is a resident of a village in the Tešanj municipality. The complainant alleges that the motorway is being constructed 30 metres from his house. He alleges that the project will (i) create excessive noise, (ii) cause environmental pollution, (iii) increase the likelihood of flooding, (iv) reduce the value of his property and (v) negatively affect his family's psychological and physical states.
- 1.2.2 The complainant alleges that he started having psychological and physical problems in August 2022 after learning of the motorway's construction. The complainant noted that he has been diagnosed with depression, which also has an impact on his physical state, and that he cannot tolerate noise and crowds.
- 1.2.3 The complainant claims that his property, which is impacted by the project, should be expropriated.

2 WORK PERFORMED

- 2.1.1 Once it received the complaint, the EIB-CM had a phone call with the complainant during which it obtained additional information about the complaint. The EIB-CM also had an initial meeting with the relevant EIB services, followed by a meeting with the promoter, after which the EIB-CM requested and received additional information and documents from the promoter. The EIB-CM reviewed the documents received, as well as those in the possession of the EIB and those available in the public domain.⁶
- 2.1.2 The EIB-CM considered that (i) it is able to form an opinion on the allegation, (ii) a collaborative resolution is not possible and (iii) further compliance review is not justified. In line with § 2.3.3 of the EIB Group Complaints Mechanism Procedures,⁷ and on the basis of the information and documents collected and analysed, the EIB-CM prepared this conclusions report.

² See [here](#) (accessed on 7 March 2024).

³ See [here](#) and [here](#) (accessed on 7 March 2024).

⁴ See [here](#) (accessed on 7 March 2024).

⁵ Environmental and Social Data Sheet (ESDS), available [here](#) (accessed on 24 January 2024).

⁶ Documents available [here](#) and [here](#) (accessed on 7 March 2024).

⁷ Available [here](#) (accessed on 2 May 2024).

3 REGULATORY FRAMEWORK

3.1 The EIB Group Complaints Mechanism

- 3.1.1 The EIB Group Complaints Mechanism Policy⁸ (the policy) tasks the EIB-CM with handling complaints concerning alleged maladministration by the EIB.⁹ Maladministration means poor or failed administration.¹⁰ Maladministration may also relate to the environmental and social impacts of the EIB's activities.¹¹
- 3.1.2 The policy specifies that the EIB-CM reviews the EIB's activities with a view to determining whether the maladministration attributed to the EIB has taken place.¹²

3.2 Project-applicable standards

- 3.2.1 The project must comply with the relevant project-applicable standards. These include:
- relevant national legislation, such as:
 - the FBiH Expropriation Act¹³
 - the FBiH Environmental Protection Act¹⁴
 - relevant EIB standards, such as:
 - the 2009 EIB Statement of Environmental and Social Principles and Standards (ESPS)¹⁵
 - the EIB's 2018 Environmental and Social (E&S) Standards¹⁶
 - relevant project-related documents, such as:
 - the Environmental Impact Assessment (EIA) Study
 - the Land Acquisition and Resettlement Policy Framework (LARPF)
 - the Resettlement Action Plan (RAP)
 - the Environmental and Social Management Plan (ESMP).
- 3.2.2 The FBiH Expropriation Act sets out the procedure for the expropriation of property for the construction of facilities in the public interest, such as motorways. The expropriation process consists of a number of stages, including (i) preparation of the expropriation study listing properties to be expropriated,¹⁷ (ii) declaration of public interest for the relevant project¹⁸ and (iii) submission of the proposal for expropriation, containing the list of properties and their owners.¹⁹ The personal and family circumstances of the owners of property pending expropriation, as well as circumstances that have adverse economic effects, can be taken into account when determining the amount of compensation.²⁰
- 3.2.3 The FBiH Environmental Protection Act provides measures for environmental protection. Public participation in decision-making is ensured during the EIA and environmental permitting procedures.²¹ The EIA assesses the impact of a certain project on the environment, and the environmental permit contains specific requirements for the operational phase of said project.

⁸ Available [here](#) (accessed on 7 March 2024).

⁹ § 5.1.3 of the EIB Group's Complaints Mechanism Policy.

¹⁰ § 3.1 of the EIB Group's Complaints Mechanism Policy.

¹¹ § 3.3 of the EIB Group's Complaints Mechanism Policy.

¹² § 5.3.3 of the EIB Group's Complaints Mechanism Policy.

¹³ (Official Gazette FBiH 70/2007, 36/2010, 25/2012, 8/2015 — Constitutional Court decision and 34/2016), available [here](#) (in Bosnian) (accessed on 24 January 2024).

¹⁴ (Official Gazette FBiH, No. 33/2003 and 38/2009) and the new FBiH Environmental Protection Act (Official Gazette FBiH 15/2021), available [here](#) (in Bosnian) (accessed on 7 March 2024).

¹⁵ 2009 EIB Statement of Environmental and Social Principles and Standards, available [here](#) (accessed on 24 January 2024).

¹⁶ 2018 EIB Environmental and Social Standards, available [here](#) (accessed on 20 May 2024).

¹⁷ Article 16 of the FBiH Expropriation Act.

¹⁸ Chapter II of the FBiH Expropriation Act.

¹⁹ Articles 21 and 22 of the FBiH Expropriation Act.

²⁰ Article 47 of the FBiH Expropriation Act.

²¹ Chapter VI of the FBiH Environmental Protection Act.

EIB Group Complaints Mechanism — Conclusions Report

- 3.2.4 The EIB's Standard 1 outlines the promoter's responsibilities in the process of assessing, managing and monitoring E&S impacts and risks.²² The standard requires an EIA to be conducted for a project such as a motorway.²³
- 3.2.5 The EIB's Standard 6 on Involuntary Resettlement protects project-affected persons (PAPs) displaced as a result of project-related land acquisition.²⁴ The standard requires the promoter to (i) carry out a census of PAPs,²⁵ (ii) consult relevant stakeholders, including the public;²⁶ (iii) set up a grievance mechanism that will allow PAPs' concerns about compensation and relocation to be promptly addressed,²⁷ (iv) prepare, implement and monitor a LARPF and RAP²⁸ and (v) compensate PAPs for their losses.²⁹
- 3.2.6 The EIB's Standard 7 on Rights and Interests of Vulnerable Groups requires the promoter to take the measures necessary to appropriately manage the risks and adverse impacts of the EIB project on vulnerable individuals and groups.³⁰ The applicability of this standard is established during the E&S impacts and risks identification process and is managed through the promoter's ESMP.³¹
- 3.2.7 The EIB's Standard 10 on Stakeholder Engagement outlines the systematic approach to stakeholder engagement that the promoter is expected to build and maintain by way of developing constructive relationships with relevant stakeholders.³² The standard details aspects related to stakeholder engagement such as EIA consultation,³³ the Stakeholder Engagement Plan (SEP),³⁴ and the publication and accessibility of the project's grievance mechanism.³⁵

3.3 Responsibilities of the EIB

- 3.3.1 In line with the ESPS, responsibility for compliance with the project-applicable standards lies with the promoter and local authorities.³⁶ However, the EIB will not finance projects that do not meet project-applicable standards.³⁷ Whether or not projects meet the project-applicable standards is established as part of the EIB's project appraisal and monitoring.
- 3.3.2 The ESPS requires the EIB to appraise the projects it finances.³⁸ The appraisal takes place prior to the signing of the relevant finance contract(s).³⁹ Among other objectives, the appraisal aims to assess the project's impact and whether it complies with the relevant project-applicable standards. Sometimes the appraisal results in conditions for disbursement. The promoter must fulfil these conditions to the satisfaction of the EIB prior to the disbursement of EIB financing (in full or in part).⁴⁰
- 3.3.3 Once the promoter and the EIB sign the finance contract, the EIB is required to monitor the project. The monitoring aims to ensure the project's compliance with the EIB's approval conditions.⁴¹ The EIB monitors projects on the basis of reports provided by the promoter, as well as information gathered during EIB site visits, information provided by the local community, etc.⁴²

²² Paragraph 5 of Standard 1 on Environmental and Social Impacts and Risks.

²³ Paragraph 8 of Standard 1 on Environmental and Social Impacts and Risks.

²⁴ Paragraphs 12, 13, 15, 16 and 21 of Standard 6 on Involuntary Resettlement.

²⁵ Paragraph 30 of Standard 6 on Involuntary Resettlement.

²⁶ Paragraphs 50-52 of Standard 6 on Involuntary Resettlement.

²⁷ Paragraph 53 of Standard 6 on Involuntary Resettlement.

²⁸ Paragraphs 58-71 of Standard 6 on Involuntary Resettlement.

²⁹ Paragraph 39 of Standard 6 on Involuntary Resettlement.

³⁰ Paragraph 17 of Standard 7 on Rights and Interests of Vulnerable Groups.

³¹ Paragraph 14 of Standard 7 on Rights and Interests of Vulnerable Groups.

³² Paragraph 2 of Standard 10 on Stakeholder Engagement.

³³ For example, paragraph 14 of Standard 10 on Stakeholder Engagement.

³⁴ For example, paragraph 29 of Standard 10 on Stakeholder Engagement.

³⁵ For example, paragraph 46 of Standard 10 on Stakeholder Engagement.

³⁶ Paragraph 2 of the ESPS Statement.

³⁷ Paragraph 6 of the ESPS Statement.

³⁸ Paragraph 17 of the ESPS Statement.

³⁹ See [here](#) (accessed on 3 March 2024).

⁴⁰ Paragraph 256, indent 2, of the EIB's 2013 Environmental and Social Practices Handbook.

⁴¹ Paragraph 270 of the EIB's 2013 Environmental and Social Practices Handbook.

⁴² Paragraph 8 of the ESPS Statement.

4 FINDINGS

4.1 Compliance with the project-applicable standards

- 4.1.1 The motorway will pass through and impact the village in question. The impact consists of (i) expropriation and (ii) environmental impact.
- 4.1.2 According to the information provided to the EIB-CM, the complainant's property is not subject to expropriation. The expropriation study did not encompass the complainant's property, which, according to the document provided by the promoter, lies over 20 metres outside the expropriation line. The expropriation line designates the distance from the motorway within which properties should be expropriated. According to the promoter, the criteria for expropriation are set in the project's main design, which states that the expropriation line should be at least two metres from any road element to enable easier access for machines and maintenance of drainage channels. According to the documents provided by the promoter, the complainant's house is 49 metres from the motorway embankment and 37 metres from the new river bed. A property adjacent to the complainant's property, located even closer to the motorway, is not eligible for expropriation either.
- 4.1.3 In a November 2022 letter, the complainant requested the expropriation of his property from the promoter for the same reasons as communicated as part of his complaint to the EIB-CM (see § 1.2.1), all caused by the motorway's construction and future operation.
- 4.1.4 In February 2023, the promoter turned down the request because the property was not encompassed by the project's expropriation study. One year later, the promoter visited the complainant. According to the promoter, the complainant's psychologist was present at the meeting, and the complainant requested the expropriation of his property because of his physical and psychological states. The promoter stated that expropriation was not possible because the property was not encompassed by the expropriation study.
- 4.1.5 The expropriation study was the result of a long process, carried out in line with the project-applicable standards. The process commenced in 2017 with the preparation of the LARPF, specifying the principles of, entitlements to and implementation mechanisms for expropriation.⁴³
- 4.1.6 In 2019, the expropriation study was prepared, and the project was declared to be of public interest.⁴⁴ In June 2020, the expropriation study was updated, without any impact on the complainant's property.
- 4.1.7 The public was made aware of the expropriation process in 2020, with the publication of announcements in two widely distributed newspapers, according to the December 2021 RAP.⁴⁵ The public was also informed of the process in line with the 2020 SEP, in accordance with national and EIB requirements.⁴⁶ In line with the SEP, the promoter also set up the project grievance mechanism.⁴⁷ The grievance form⁴⁸ and the associated leaflet about the mechanism⁴⁹ were made publicly available. As of June 2023, there were only two registered grievances, neither of which concerned the complainant's property or any similar situation.
- 4.1.8 In January 2021, the detailed design for the motorway section was completed. The only relevant significant change to the 2014 preliminary design, a first step providing the basis of the main design and future project implementation, concerned the alignment of the Crni Vrh tunnel.⁵⁰

⁴³ ESDS.

⁴⁴ Decision on Declaration of Public Interest for the Construction of the Motorway on the Corridor Vc for the Section Medakovo–Ozmica, adopted by the FBiH Government on 26 September 2019 and published in Official Gazette of FBiH, No. 72/19 on 2 October 2019.

⁴⁵ § 4.1.1 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁴⁶ § 2 of the August 2020 SEP for sub-section Medakovo–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁴⁷ § 7 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁴⁸ See [here](#) (in Bosnian) (accessed on 3 March 2024).

⁴⁹ Available on the website of the relevant municipalities and in the offices of the affected local communities — p. 18 of the August 2020 SEP for sub-section Medakovo–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁵⁰ § 1.4 of the December 2021 RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

EIB Group Complaints Mechanism — Conclusions Report

- 4.1.9 Further information about the route of the motorway is available in the December 2021 RAP, based on the January 2021 detailed design for the motorway⁵¹ and accessible to the public.⁵² The RAP contains the route of the motorway and includes the location of the complainant's property in relation to the motorway.⁵³
- 4.1.10 The December 2021 RAP also contains a gap analysis between the EIB's E&S standards and the FBiH Expropriation Act and the measures to bridge those gaps.⁵⁴ For example, as EIB Standards 6 and 7 require that particular attention is paid to vulnerable individuals and, given that the FBiH Expropriation Act does not have similar requirements, the RAP included additional appropriate measures in this respect. The RAP also contains the aggregated results of the census and a socioeconomic survey.⁵⁵ During events that took place in Tešanj in January and April 2020, the promoter received suggestions concerning the project.⁵⁶
- 4.1.11 The implementation of the expropriation process, including the RAP requirements, was audited by an independent and international consultancy company in July 2023. The July 2023 RAP Implementation Audit Report was conducted to verify that the relevant requirements, including the relevant EIB E&S standards,⁵⁷ were being followed and to report on any issues with the land acquisition process in order to take the necessary corrective action. The report relied on a number of sources, including a household survey conducted in May/June 2023. The survey was conducted to identify any adversely affected or vulnerable groups (for example, people who have been, because of their disability, disproportionately affected by the project).
- 4.1.12 The audit report concluded that, in principle, the expropriation process had been conducted in line with national legislation and with the principles of the RAP and, by extension, with the requirements of the EIB's E&S standards. The promoter continuously engaged with PAPs and provided them with all the necessary information. The municipality of Tešanj even appointed a person to support the promoter and manage the expropriation process through to completion. By July 2023, 98% of all the properties had been expropriated, including all 16 houses in the village in question. According to the promoter, at that time, there were no ongoing proceedings about the complainant's property and only a few proceedings about the compensation to be paid to expropriated property owners.
- 4.1.13 The December 2020 ESMP also covers expropriation aspects. The plan defines the agreed programmes, standards and actions to be carried out by the promoter to achieve and maintain compliance with the project-applicable standards,⁵⁸ including Standard 6 on Involuntary Resettlement.⁵⁹
- 4.1.14 The ESMP sets out the requirements for detecting, minimising and removing environmental pollution, such as noise and air pollution, during the construction and operation of the motorway (for instance by constructing noise protection barriers or a traffic noise absorbing curtain).⁶⁰ If needed, the local population may also submit complaints under the project grievance mechanism that could potentially require further action by the promoter to minimise environmental pollution.⁶¹ To meet these requirements, the ESMP requires the promoter to have relevant staff properly trained in E&S issues.⁶²

⁵¹ ESDS. The December 2021 RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁵² § 4.4 of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024)..

⁵³ Figure 6 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁵⁴ § 2.5 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁵⁵ § 4.2 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁵⁶ § 8.1 of the RAP for section Medakovo–Ozmica, available [here](#) (accessed on 3 March 2024).

⁵⁷ LARPF, RAP, national law, EIB's standards, particularly Standard 6 on Involuntary Resettlement and Standard 7 on Rights and Interests of Vulnerable Groups.

⁵⁸ §§ 1.2 and 1.3. of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁵⁹ § 3.2.2 of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024). Section 5 of Annex I containing the Environmental and Social Action Plan of the December 2020 Environmental and Social Management Plan for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁶⁰ §§ 3.3 and 3.4 of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024)..

⁶¹ § 3.4 of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁶² § 4 of the December 2020 ESMP for Medakovo–Ozmica–Poprikuše, available [here](#) (accessed on 3 March 2024).

4.1.15 The ESMP builds on the assessment included in the 2019 EIA, which indicates that the project will increase noise and air pollution in the immediate vicinity of the motorway.⁶³ Therefore, the September 2019 environmental permit, approving the EIA, required the construction of noise barriers, monitoring of their effectiveness and implementation of additional noise reduction measures if the barriers proved unsuccessful.⁶⁴ In terms of the other effects, they were expected to be minimal. For example, the regulation of rivers, as part of the project, should have a positive effect by reducing the risk of flooding of the surrounding areas in the future.⁶⁵

4.2 Responsibilities of the EIB

4.2.1 During its appraisal, the EIB identified:

- involuntary resettlement as the main social impact of the project;⁶⁶
- air pollution and noise as the main environmental impacts of the project.⁶⁷

4.2.2 To address the social impacts, the EIB noted that the promoter would prepare a RAP (subject to the EIB's validation).⁶⁸ The EIB expected the RAP to be developed in consultation with all PAPs to ensure the acceptance of the proposed mitigation measures and facilitate the involuntary resettlement process.⁶⁹ The EIB noted that the promoter would engage a suitably qualified third party to monitor and report periodically on the project's compliance with the RAP.⁷⁰ The EIB noted that, in 2017, the promoter prepared the LARPF, specifying the principles, entitlements and implementation mechanisms consistent with national law and EIB requirements.⁷¹

4.2.3 To address the environmental impacts, the EIB required the promoter to prepare the ESMP.

4.2.4 The EIB requested the submission of the approved ESMP and RAP prior to the first disbursement.⁷² For every disbursement, the EIB requested evidence that involuntary resettlement has progressed in accordance with the LARPF and RAP.⁷³

4.2.5 The EIB received and agreed with the RAP and ESMP. In addition to receiving these documents prior to the first disbursement, the EIB also received the independent audit report on the expropriation process, including the RAP requirements (see § 4.1.11). The EIB also received the SEP in August 2020. The EIB considered the LARPF consistent with the EIB's E&S standards.⁷⁴

4.2.6 The EIB has been monitoring the project's implementation. For example, the borrower is required to provide a report on the implementation of the ESMP every six months, which the EIB has been reviewing.

5 CONCLUSIONS

5.1.1 The evidence reviewed shows that the project is in line with the project-applicable standards, including the relevant national legislation (see § 3.2.2) that does not seem to require expropriation of the complainant's property (see §§ 4.1.2 and 4.1.4). Moreover, the EIB's E&S standards (see §§ 3.2.5 and 3.2.6) were adequately incorporated into the expropriation process carried out (see §§ 4.1.10–4.1.13). There are no similar recorded property-related court cases or grievances (see

⁶³ § 4.2.1.1 of the September 2019 application for the environmental permit for the project, available [here](#) (accessed on 3 March 2024).

⁶⁴ Environmental permit for Doboj South–Sarajevo South section of Corridor Vc motorway, number UPI 05/2-23-11-144/19; dated 27 September 2019.

⁶⁵ Section 1 of the August 2020 SEP for sub-section Medakovo–Poprikuše, available [here](#) (accessed on 3 March 2024).

⁶⁶ ESDS.

⁶⁷ ESDS.

⁶⁸ ESDS.

⁶⁹ ESDS.

⁷⁰ ESDS.

⁷¹ ESDS.

⁷² ESDS.

⁷³ ESDS.

⁷⁴ ESDS.

EIB Group Complaints Mechanism — Conclusions Report

§§ 4.1.7 and 4.1.12). The evidence reviewed shows that the project will have a negative impact on the environment (see §§ 3.2.3 and 3.2.4) through excessive noise and air pollution but that this was anticipated and that measures were foreseen to mitigate such impacts (see §§ 4.1.14 and 4.1.15). If needed, the promoter may put in place additional measures (see §§ 4.1.14 and 4.1.15). Lastly, the regulation of rivers undertaken as part of the project should reduce the risk of flooding of the surrounding areas, and therefore of the complainant's property, in the future (see § 4.1.15).

- 5.1.2 The evidence reviewed shows that the EIB fulfilled its responsibilities as required. During the appraisal, the EIB identified expropriation and environmental impacts as some of the project's main impacts (see § 4.2.1). To overcome these impacts, the EIB requested and received documents ensuring the project's compliance with the EIB E&S standards (see §§ 4.2.2–4.2.5). The EIB is also duly monitoring the implementation of the project (see §§ 4.2.2, 4.2.5 and 4.2.6). Given the above, the allegations of the complainant regarding the reduction in the value of his property and the consequences of the project on his health cannot be linked to a potential maladministration by the EIB.

6 OUTCOME

Summary of the allegation and outcome

Allegation	Outcome
The complainant's property should be expropriated	No grounds The evidence reviewed shows that the project-applicable standards do not require expropriation of the complainant's property.