

SG/E/2025/06

DIVACA-KOPER SECOND RAIL TRACK (SLOVENIA)

INITIAL ASSESSMENT REPORT

14 JULY 2025



SG/E/2025/06 DIVACA-KOPER Second rail track (SLOVENIA) Initial Assessment Report

Complaint confidential: No

External distribution

Complainants
Promoter
Yapi Merkezi

Internal distribution

Inspector General
Relevant EIB services

Disclaimers

This report is based on the information available to the EIB Group Complaints Mechanism Division up to 23 June 2025.

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

The EIB Group Complaints Mechanism

The EIB Group Complaints Mechanism (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, that is, 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 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. The mandate of the Complaints Mechanism includes the resolution of problems raised by complainants in cooperation with relevant internal and external stakeholders. Where possible, the Complaints Mechanism also actively promotes and supports local resolution efforts (for example, through project-level grievance mechanisms). For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

The Initial Assessment Report

The initial assessment generally aims to¹:

- clarify the concerns raised by the complainants and gain a better understanding of the complainants' position as well as the views of other stakeholders, whenever appropriate (such as the project promoter or national authorities);
- assess whether and how the stakeholders (such as the complainants, the project promoter and the relevant EIB Group project team) could seek resolution of the issues raised by the complainants;
- determine if further work by the Complaints Mechanism is necessary and/or possible (investigation, compliance review or collaborative dispute resolution between the parties) to address the allegation or resolve the issues raised by the complainants.

¹ As outlined in §§ 2.2.1, 2.2.2 and § 2.2.7 of the EIB Group Complaints Mechanism procedures, available at: [EIB Group Complaints Mechanism Procedures dated November 2018](#).

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EXECUTIVE SUMMARY

This report concerns a complaint regarding the Divaca-Koper Second Rail Track project in Slovenia. The complaint was filed by 52 workers employed by a member of a consortium contracted by the EIB promoter to conduct construction works for the project. The complaint relates to employment conditions. The complainants, the respective contractor and the promoter agreed to engage in a collaborative dispute resolution process, facilitated by the EIB Group Complaints Mechanism, to resolve the complaint issues. Consequently, the Complaints Mechanism proposes to proceed with a collaborative dispute resolution process.

1 PROJECT

- 1.1 On 12 July 2023, the EIB Board of Directors approved the financing of the Divaca-Koper Second Rail Track project (the **project**) in Slovenia for an amount of up to €250 million.² The project is being developed and implemented by 2TDK Družba za razvoj projekta d.o.o, the EIB borrower and promoter (2TDK, or the **promoter**).
- 1.2 The project consists of the construction of 27 km of rail track on a new alignment to increase rail capacity between the port of Koper and the rail junction in Divaca.
- 1.3 2TDK signed a contract with a consortium of three companies – Kolektor CPG, Yapi Merkezi and Ozaltin Insaat – for part of the construction works.

2 COMPLAINT

- 2.1 On 9 May 2025, the EIB Group Complaints Mechanism (Complaints Mechanism) received a complaint from some of Yapi Merkezi's³ employees regarding their employment situation in Slovenia (the **complainants**).
- 2.2 The 52 complainants allege that they have been working in various positions with Yapi Merkezi in Slovenia since 2021 for some, 2022 for others. The complainants, most of whom are Turkish, indicated that they came to Slovenia to work for Yapi Merkezi – a Turkish company – on the construction of the Divaca-Koper section of the railway. They have been living in a camp referred to as the Orehek camp, around 50 km away from their place of work. According to the complainants, since November 2024, they have experienced delays in the payment of their salaries. The complainants stated that on 21 March 2025, the bus that would typically take them to their place of work stopped coming to pick them up. On 28 March 2025, according to the complainants, Yapi Merkezi asked them to stop working and offered mutual termination agreements. The complainants expressed that they felt Yapi Merkezi pressured them to accept the mutual termination agreements. In particular, they interpreted some of their employer's statements as a threat to stop providing food, paying for the electricity or gas, or to expel them from the camp if they refused to sign the mutual termination agreements. The complainants indicated to the Complaints Mechanism that most workers (save for the complainants) at the camp accepted the terms of the mutual termination agreements. However, the complainants disagreed with these terms, which they felt were not reasonable, and refused to sign. In particular, the complainants rejected Yapi Merkezi's proposal to pay their severance payments and back salaries in instalments rather than as a lump sum. Additionally, they were dissatisfied that Yapi Merkezi did not offer to pay their overtime work at the expected 1.5x rate. They continued to stay in the camp. While the camp continued to function and cater for their basic

² More information on the project is available at: [DIVACA-KOPER SECOND RAIL TRACK](#).

³ According to the complainants, some are employed directly by Yapi Merkezi, others by a Slovenian subsidiary of Yapi Merkezi. The promoter does not have a direct contractual relationship with the complainants.

needs⁴, the complainants indicated that, at some point, the gas was cut off. Additionally, according to the complainants, the camp is in a remote area, outside of the closest city, without access to public transport and 10 km away from the nearest supermarket.

- 2.3 In April 2025, the complainants allegedly heard from the workers who had signed mutual termination agreements that their salaries and severance payments were not paid according to the schedule indicated in the mutual termination agreements. Additionally, the complainants believed that their employer was experiencing financial issues. They therefore continued to refuse to sign the mutual termination agreements.
- 2.4 In parallel, the complainants reached out to the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities (Ministry of Labour), which came to visit the camp and took statements from them. However, the complainants indicated that they did not know what came out of that visit and have not received any information from the Ministry of Labour since then. They also contacted the Slovenian Ministry of Infrastructure, their labour union, 2TDK and the consortium that Yapi Merkezi is a part of, but indicated they received no feedback from any of them.
- 2.5 On 23 May 2025, the complainants indicated to the Complaints Mechanism that most of them received a letter of dismissal. According to the letters, the complainants were given a prior notice of about a month (the notice period depends on the length of employment for each worker and the complainants' notice period ends between 25 June and beginning of July). The letters did not provide detailed information about the receivables to be paid to the complainants. According to the complainants, as of 23 June, the last salary payment they received was their March salary (received on 25 April). They indicated that the situation not only had a financial impact on them, but also had a significant psychological impact.
- 2.6 The complainants indicated openness to participating in a dialogue with their employer, facilitated by the Complaints Mechanism, to discuss and resolve the aforementioned issues.

3 REGULATORY FRAMEWORK

- 3.1 The work of the Complaints Mechanism is governed by the EIB Group Complaints Mechanism Policy⁵ and Procedures.⁶ For admissible complaints regarding environmental and social impacts of projects financed by the EIB, the policy and procedures require the Complaints Mechanism to carry out an initial assessment of the complaint. The main objectives of the initial assessment are to clarify the concerns raised by the complainants and to determine if further work by the Complaints Mechanism is necessary and/or possible in order to address the allegation(s) or resolve the issue(s) raised by the complainants.⁷ Further work may include a compliance review or a collaborative dispute resolution process. The Complaints Mechanism should identify the relevant stakeholders who are to be involved in a possible collaborative dispute resolution process and should understand their views and willingness to resolve the issues.⁸ This report contains the results of the Complaints Mechanism's initial assessment.
- 3.2 The regulatory framework applicable to the project includes the EIB's policies, procedures and standards,⁹ in particular Standard 8 – Labour Rights, as well as applicable EU and national law.

⁴ According to the complainants, the conditions in the camp have recently deteriorated. For instance, the rooms are not being cleaned, the sheets are not changed, there is no soap in the bathroom, breakfast service has been discontinued and meals are provided from external sources outside of the camp.

⁵ Available at: [EIB Group Complaints Mechanism Policy](#).

⁶ Available at: [EIB Group Complaints Mechanism Procedures](#).

⁷ For more information about the objective of the initial assessment, see page 3.

⁸ § 2.2.5 of the procedures.

⁹ [EIB Environmental and Social Standards](#)

4 INITIAL ASSESSMENT

- 4.1 During the initial assessment, the Complaints Mechanism: (i) had an initial meeting with the EIB services on 26 May 2025, (ii) reviewed documents, and (iii) had meetings with representatives of 2TDK, Yapi Merkezi and the complainants.¹⁰
- 4.2 During the initial assessment, the complainants and Yapi Merkezi expressed interest in participating in a collaborative dispute resolution process to discuss and resolve the complaint issues. Both parties expressed interest in 2TDK being part of the process and 2TDK agreed. The EIB services expressed their support for a collaborative dispute resolution process.

5 WAY FORWARD

- 5.1 Following the initial assessment, the Complaints Mechanism proposes to proceed with a collaborative dispute resolution process considering the willingness of the complainants, Yapi Merkezi and the promoter to engage in a dialogue to solve the issues raised. A collaborative dispute resolution process is forward-looking in nature and seeks to come to mutually accepted and sustainable solutions. The Complaints Mechanism will coordinate the preparation and implementation of this process with the parties.¹¹

¹⁰ § 2.2.2 of the Procedures.

¹¹ According to the policy, in the event the Complaints Mechanism facilitates a collaborative dispute resolution process, the time limits for processing the complaint may be extended in consultation with the complainant in order to allow for comprehensive engagement of the parties and manage legitimate expectations (See § 4.4.4)