

COMPLAINTS MECHANISM

SG/E/2024/03 AND SG/E/2024/25
**POKLEČANI WIND FARM
(BOSNIA AND HERZEGOVINA)**

CONCLUSIONS REPORT

12 JUNE 2025



SG/E/2024/03 and SG/E/2024/25 Poklečani Wind Farm (Bosnia and Herzegovina) Conclusions Report

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The conclusions presented in this report are based on the information available to the EIB Group Complaints Mechanism Division up to 22 May 2025. The conclusions are addressed solely to the EIB.

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

The links in relevant footnotes were updated on 14 July 2025.

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 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 Ombudsman¹.

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

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GLOSSARY

BiH	Bosnia and Herzegovina
BMP	Biodiversity Management Plan
CHA	Critical Habitat Assessment
dB	Decibel
EIA	Environmental Impact Assessment
EIB	European Investment Bank
EIB-CM	EIB Group Complaints Mechanism Division
ESAP	Environmental and Social Action Plan
ESDS	Environmental and Social Data Sheet
ESIA	Environmental and Social Impact Assessment
ESMMP	Environmental and Social Management and Monitoring Plan
€	Euro
FBiH	Federation of Bosnia and Herzegovina
KfW	Kreditanstalt für Wiederaufbau
LACP	Land Acquisition and Compensation Plan
MW	Megawatt
NP	Nature Park
PAP	Project Affected People
PIC	Project Implementation Consultant
Project	Poklečani Wind Farm
Promoter	JP Elektroprivreda HZ HB d.d. Mostar
RAP	Resettlement Action Plan
SEP	Stakeholder Engagement Plan
UNESCO	The United Nations Educational, Scientific and Cultural Organisation

EXECUTIVE SUMMARY

This report concerns the Poklečani Wind Farm project (project) in Bosnia and Herzegovina (BiH), approved for EIB financing in February 2024, with the finance contract between BiH and the EIB signed in May 2025.

In January and July 2024, the EIB Group Complaints Mechanism Division (EIB-CM) received two separate complaints from the same individual about the project. The complainant alleged that the project is not compliant with seven of the EIB's Environmental and Social Standards. The alleged non-compliances are presented under five allegations, from A to E.

The reviewed evidence shows that the project is in line with the project-applicable standards, with possibly one exception. The competent authority did not publish the August 2023 screen-out decision. This is a requirement under the Environmental Impact Assessment (EIA) Directive. In practice, this did not have an impact on access to justice as a local non-governmental organisation is currently exercising the right to challenge the screen-out decision before a court.

With regard to other aspects, the project is in line with the project-applicable standards. For example, as required, the assessment of the project's impact on the environment has been finalised at the level of the Federation of BiH (FBiH). As mentioned in the paragraph above, there is an ongoing court case concerning the related August 2023 screen-out decision. Either, in agreement between the EIB and the promoter, or as requested by the EIB in line with the EIB Standards, additional assessments are currently under finalisation, furthering the assessment conducted at the FBiH level. Related to this, as required, specific measures are in place to ensure that the project-applicable standards are not breached. These measures are set out in various documents, such as the August 2023 screen-out decision and the May 2025 Environmental and Social Action Plan (ESAP²).

The reviewed evidence shows that the EIB carried out its responsibilities as required. Although the EIB did not provide a risk categorisation for the project, which is not in line with the requirements, the reviewed evidence does not show that this had a material influence on the EIB's appraisal. The EIB either requested or agreed with the promoter about carrying out additional assessments of the project's impact and commented on these assessments. The EIB reflected the outcomes of the assessments in the May 2025 ESAP. The ESAP is attached to the financed contract, with specific measures to be implemented by the promoter. The EIB-CM considers the development of an ESAP for the project and its attachment to the finance contract as a good practice and encourages the EIB to develop an ESAP for future projects, when deemed necessary and especially for higher-risk category projects.

Allegation	Outcome	Suggestions for improvement
Allegation A – Assessments EIB Standard 1 on Environmental and Social Impacts and Risks EIB Standard 3 on Resource Efficiency and Pollution Prevention EIB Standard 4 on Biodiversity and Ecosystems	No grounds	No

² The ESAP is a list of specific actions in relation to relevant EIB Environmental and Social Standards that were agreed upon between the EIB and JP Elektroprivreda HZ HB d.d. Mostar (promoter), which are to be implemented and reported on by the promoter.

Allegation	Outcome	Suggestions for improvement
<p align="center">Allegation B – Stakeholder Engagement EIB Standard 2 on Stakeholder Engagement</p>		<p>The EIB-CM suggests that the EIB services remind the promoter of the obligation to have the screen-out decision published under the EIA Directive. (Suggestion to be implemented within two months from the date of the conclusions report)</p>
<p align="center">Allegation C – Climate Change EIB Standard 5 on Climate Change</p>		<p align="center">No</p>
<p align="center">Allegation D – Involuntary Resettlement EIB Standard 6 on Involuntary Resettlement</p>		<p align="center">No</p>
<p align="center">Allegation E – Cultural Heritage EIB Standard 10 on Cultural Heritage</p>		<p align="center">No</p>

1 BACKGROUND

1.1 Project

- 1.1.1 On 6 February 2024, the EIB Board of Directors approved financing of up to €103 million for the Poklečani Wind Farm project in Bosnia and Herzegovina (BiH) (project)³. The project promoter is JP Elektroprivreda HZ HB d.d. Mostar, a public utility company⁴ (promoter). The promoter has experience related to wind power, having developed and implemented the first wind farm in BiH (Mesihovina 50 MW), which started operations in 2018⁵.
- 1.1.2 The project concerns the development, implementation and operation of a 132 MW wind farm in the Municipality of Posušje, West Herzegovina Canton, in the Federation of Bosnia and Herzegovina (FBiH)⁶. The project includes the construction of:
- 20 turbines⁷;
 - A power substation⁸ and connection to the nearby powerline⁹ through a ca. 200 m overhead line; and
 - 3.5 km section of the service road Crvenice – Rakitno¹⁰.
- 1.1.3 The project was initiated in 2010 through a declaration of public interest by the FBiH government¹¹. The wind farm is included in the Spatial Plan of the West Herzegovina County for the period from 2012 to 2032¹². The West Herzegovina Canton government and the promoter signed the concession agreement in 2014¹³. In 2023, the government and the promoter signed a new concession agreement to accommodate the evolution of the technology and the use of larger wind turbines¹⁴.
- 1.1.4 On 8 May 2025, the EIB and the Ministry of Finance and Treasury of Bosnia and Herzegovina (borrower) signed the finance contract for the project, which is expected to become operational in 2027.
- 1.1.5 In addition to the EIB, the project is expected to be co-financed by an EU grant¹⁵, a loan provided by the Kreditanstalt für Wiederaufbau (KfW) and by the promoter's own resources.

1.2 Complaint

- 1.2.1 In January¹⁶ and July 2024, the EIB Group Complaints Mechanism Division (EIB-CM) received two separate complaints from the same individual (complainant) about the project¹⁷. The

³ See [here](#), accessed on 20 January 2025.

⁴ See [here](#), accessed on 14 July 2025. The promoter is a company producing and selling electricity in FBiH and is majority owned by the government of the FBiH – see [here](#) (in Croatian), accessed on 20 January 2025.

⁵ Environmental and Social Data Sheet (ESDS), available [here](#), accessed on 6 March 2025.

⁶ The FBiH is one of the two entities that together with Brčko District makes up the country of BiH. The FBiH consists of ten cantons, one of which is the West Herzegovina Canton.

⁷ Unit capacity of around 6.6 MW with a hub height of 122.5 m and diameters of 155 m. For the exact position of the wind turbines, see pp. 4 and 5 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023)

⁸ 33/220 kV.

⁹ 220 kV line Rama-Posušje.

¹⁰ ESDS; pp. 4 and 5 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023)

¹¹ ESDS. The FBiH Government Decision declaring the public interest and starting the preparation and construction of priority electricity facilities (O.G. FBiH 8/10 and 67/21).

¹² ESDS.

¹³ ESDS; concession agreement No. 5415/14, dated 7 July 2014.

¹⁴ ESDS.

¹⁵ Investment grant sourced from the Western Balkans Investment Framework (the "WBIF").

¹⁶ This complaint was declared admissible on 8 February after the project's approval.

¹⁷ For more information, please see: (i) the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case

summary of the allegations encompassed by these two complaints is presented in Table 1 below.

Table 1 – Summary of allegations

Allegation	Description of the Allegation
Allegation A – Assessments EIB Standard 1 on Environmental and Social Impacts and Risks EIB Standard 3 on Resource Efficiency and Pollution Prevention EIB Standard 4 on Biodiversity and Ecosystems	<p>The project did not undergo an adequate environmental approval process considering the project's impact on: (a) noise pollution; (b) shadow flicker; (c) groundwater pollution; (d) radiation; (e) soil; (f) air; (g) waste; (h) flora¹⁸ and fauna; (i) a protected area; and the impact of (j) dismantling the wind farm¹⁹.</p>
Allegation B – Stakeholder Engagement EIB Standard 2 on Stakeholder Engagement	<p>There was insufficient project-related stakeholder engagement, information and participation²⁰.</p>
Allegation C – Climate Change EIB Standard 5 on Climate Change	<p>The project will contribute to climate change due to: (i) transport and construction of wind turbines; (ii) use of sulphur hexafluoride gas for the operation of wind turbines²¹.</p>
Allegation D – Involuntary Resettlement EIB Standard 6 on Involuntary Resettlement	<p>The ongoing expropriation process for property A²² was not carried out in line with project-applicable standards and the offered compensation is not considered sufficient²³.</p> <p>The expropriation process should have been initiated for property B²⁴ due to the proximity of the property to the project²⁵.</p>

SG/E/2024/03, available [here](#), accessed on 20 January 2025; and (ii) the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

¹⁸ For example, felling of trees.

¹⁹ § 2.2, item 4 and section 5 of the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025 and §§ 2.2(ii), (iii) and (iv), 5.1 and 5.2 of the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

²⁰ § 2.2, item 2 and section 5 of the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025.

²¹ §§ 2.2(i), 5.1 and 5.2 of the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

²² Property A consists of pasture, meadows, forests and arable land spread across 13 cadastre plots, owned by a number of individuals, including the complainant.

²³ § 2.2, item 3, § 2.3 and section 5 of the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025 and §§ 2.2(v), 5.1 and 5.2 of the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025. This allegation also encompasses the issues of alleged trespassing and damage to the property during the expropriation process, raised by the complainant.

²⁴ Property B consists of standing houses, pasture, meadows, forest and arable land, spread across 15 cadastre plots, owned by a number of individuals, including the complainant.

²⁵ § 2.2, item 3, § 2.3 and section 5 of the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025 and §§ 2.2(v), 5.1 and 5.2 of the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

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Allegation E – Cultural Heritage	The project will have a negative impact on: (i) the stone walls in the project area of influence, which are protected under the United Nations Educational, Scientific and Cultural Organisation (UNESCO); (ii) the complainant's house and well ²⁶ .
EIB Standard 10 on Cultural Heritage	

1.2.2 The complainant requests the EIB not to implement the project.

2 WORK PERFORMED

2.1.1 After registering the complaints, the EIB-CM prepared two Initial Assessment Reports, including an Addendum/Corrigendum concerning one of the reports, for the two received complaints (see § 1.2.1)²⁷. Considering that the two complaints: (i) originate from the same complainant; (ii) concern the same project; and (iii) contain similar allegations, the EIB-CM decided to address the two cases as part of the same case handling process and issue one conclusions report for both cases²⁸.

2.1.2 During the case handling, the EIB-CM had numerous exchanges with the relevant stakeholders. The EIB-CM took into account the available information on the transposition of the Environmental Impact Assessment (EIA) Directive (see § 3.2.4) and the Nature Directives (see § 4.1.48) in BiH. The EIB-CM exchanged with the Energy Community Treaty Secretariat²⁹ about the application of the EIA and the Nature Directives to the project, in light of the BiH's commitments as a party to the Treaty establishing the Energy Community³⁰. The EIB-CM also had regular exchanges with the accountability mechanism of KfW, which had also registered similar complaints about the project.

2.1.3 The EIB-CM had a number of calls and written exchanges with the complainant during the case handling³¹. The EIB-CM also had various meetings and exchanges with the EIB services. Numerous times, the EIB-CM requested and received relevant information from the EIB services and from the promoter.

2.1.4 On the basis of the information collected and analysed, the EIB-CM prepared this Conclusions Report.

3 REGULATORY FRAMEWORK

3.1 The EIB Group Complaints Mechanism

3.1.1 The EIB Group Complaints Mechanism Policy (the Policy)³² tasks the EIB-CM with handling complaints concerning alleged maladministration by the EIB³³. Maladministration may include:

²⁶ §§ 1.2, 1.3 indent 1 and 1.4 of the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025.

²⁷ For more information, please see: (i) the June 2024 Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025, taking into account the August 2024 Addendum and Corrigendum to the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025; and (ii) the November 2024 Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

²⁸ § 5.1 of the Initial Assessment Report in case SG/E/2024/25, available [here](#), accessed on 20 January 2025.

²⁹ See [here](#), accessed on 14 July 2025.

³⁰ Available [here](#), accessed on 14 July 2025.

³¹ For example, (i) § 4.1 of the Initial Assessment Report in case SG/E/2024/03, available [here](#), accessed on 20 January 2025; (ii) a call between EIB-CM and the complainant that took place on 23 January 2025.

³² Available [here](#), accessed on 20 January 2025.

³³ § 5.1.3 of the EIB Group Complaints Mechanism Policy.

- Environmental or social impacts of the EIB's activities (compliance of the project with project-applicable standards); and
 - Failure by the EIB to comply with its own obligations in the appraisal and monitoring of projects that it finances (responsibilities of the EIB)³⁴.
- 3.1.2 The Policy specifies that the EIB-CM reviews the EIB's activities with a view to determining whether maladministration has taken place³⁵.
- 3.1.3 The outcome of the EIB-CM's compliance review is presented in a conclusions report. In its work, the EIB-CM cannot pass judgment on activities under the sole responsibility of third parties, notably those of the promoter or borrower, or of authorities at local, regional or national level³⁶. A complaint submitted to the EIB-CM does not have a suspensive effect on the EIB Group's actions/omissions and decisions challenged³⁷.

3.2 Project-applicable standards

- 3.2.1 The project must comply with the project-applicable standards. The project-applicable standards include:
- The national standards, including the obligations under relevant international treaties³⁸;
 - The EIB Standards, consisting of the February 2022 EIB Group Environmental and Social Policy³⁹ and the February 2022 EIB Environmental and Social Standards⁴⁰.
- 3.2.2 A more detailed breakdown of the project-applicable standards is presented per specific allegation below.

Allegation A Assessments

- 3.2.3 In respect of allegation A, the project-applicable standards consist of two sets of standards, namely: (i) the national standards; and (ii) the EIB Standards. Both sets of standards focus on the assessment of the project's impact on different aspects of the environment, including biodiversity and the prevention of pollution.
- 3.2.4 The national standards and the EIA Directive (2011/92/EU)⁴¹, directly applicable in this case⁴², set the following procedure:
- The competent authority determines whether the wind farm will be subject to a full EIA procedure (screening procedure)⁴³.
 - The competent authority determines this: (i) on the basis of relevant information provided by a promoter (for example, nearby protected areas)⁴⁴; (ii) using certain selection criteria

³⁴ §§ 3.1 and 3.3 of the EIB Group Complaints Mechanism Policy.

³⁵ § 5.3.3 of the EIB Group Complaints Mechanism Policy.

³⁶ § 1.4.5 of the EIB Group Complaints Mechanism Procedures, available [here](#), accessed on 20 January 2025.

³⁷ § 6.1.4 of the EIB Group Complaints Mechanism Policy.

³⁸ § 4.4 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025.

³⁹ Available [here](#), accessed on 20 January 2025.

⁴⁰ Available [here](#), accessed on 20 January 2025.

⁴¹ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive) concerns the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment. The text of the Directive is available [here](#), accessed on 20 January 2025.

⁴² Chapter III of the Treaty Establishing the Energy Community, available [here](#), accessed on 14 July 2025.

⁴³ Article 4(2) and Annex II, section 3, indent I of the EIA Directive; Article 4(2) and Annex II, section 3, item h of the Regulation on projects subject to EIA and projects for which it is determined whether to be subject to EIA ("O.G. FBiH", Nos. 51/2021, 33/2022 and 104/2022), available [here](#) (in Croatian), accessed on 14 July 2025.

⁴⁴ Article 4(4) and Annex IIA, item 1, sub-item b of the EIA Directive; Articles 5(1) and 6(2) and Annex III, section B, sub-section B1.3, item d of the Regulation on projects subject to EIA and projects for which it is determined whether to be subject to EIA.

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(for example, nearby protected areas)⁴⁵; (iii) consulting public and other competent authorities about the screening decision⁴⁶; and (iv) making the decision with its reasoning available to the public so it can initiate court proceedings⁴⁷.

- The competent authority issues the screening decision.

3.2.5 The EIB Standards set the same EIA procedure⁴⁸. Therefore, a typical EIA may include an assessment of:

- **Noise pollution**⁴⁹ – for example, the FBiH legislation contains similar standards⁵⁰ to those of the World Health Organization that conditionally recommends that noise levels from wind turbines should be below 45dB Lden⁵¹.
- **Shadow flicker** – for example, while the FBiH does not have shadow flicker standards⁵², the World Bank standards recommend that the shadow flicker effects experienced at a sensitive receptor shall not exceed 30 hours per year and 30 minutes per day⁵³.
- **Groundwater pollution**⁵⁴ – specific water requirements are set out in the FBiH Water Act⁵⁵ and the implementing acts⁵⁶.
- **Radiation**⁵⁷.
- **Soil**⁵⁸.
- **Air**⁵⁹ – specific air quality requirements are set out in the FBiH Air Protection Act⁶⁰ and the implementing acts⁶¹.

⁴⁵ Article 4(3) and Annex III, item 2, sub-item c of the EIA Directive; Article 5(1) and Annex IV section b, indent 3, item iv of the Regulation on projects subject to EIA and projects for which it is determined whether to be subject to EIA.

⁴⁶ Articles 40(2) and 70 of the Environmental Protection Act (“O.G. FBiH”, No. 15/2021), available [here](#) (in Croatian), accessed on 14 July 2025. While the EIA Directive does not require the competent authorities to consult with other authorities and the public, the competent authorities may decide to do so – Section 3.2 of the European Commission’s Guidance document on Screening (Directive 2011/92/EU as amended by 2014/52/EU), available [here](#), accessed on 20 January 2025. The decision needs to contain the underpinning reasoning – Article 4(5)(b) of the EIA Directive.

⁴⁷ Article 4(5) of the EIA Directive and Part B, Step 4 of the European Commission’s 2017 Guidance on Screening in the EIA Projects. Please note that the FBiH legislation does not seem to contain a similar provision requiring publication of the screen-out decision.

⁴⁸ §§ 5 and 13 of Standard 1 on Environmental and Social Impacts and Risks of the February 2022 EIB Environmental and Social Standards.

⁴⁹ §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁵⁰ Section F1 of Table 1 of the FBiH Noise Protection Act (“O.G. FBiH”, No. 110/2012), available [here](#) (in Croatian), accessed on 14 July 2025. 40dB – day; 30dB – night; 45 – L1.

⁵¹ § 3.4 of the 2018 WHO Environmental Noise Guidelines for the European Region, 2018, available [here](#), accessed on 20 January 2025.

⁵² Annex 2 to the June 2023 preliminary EIA report, available [here](#) in Croatian, accessed on 14 July 2025.

⁵³ § 39 of the World Bank 2015 Environmental, Health and Safety Guidelines for Wind Energy, available [here](#), accessed on 14 July 2025.

⁵⁴ §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁵⁵ (“O.G. FBiH”, No. 70/2006), available [here](#) (in Croatian), accessed on 20 January 2025.

⁵⁶ Decision on characterisation of surface and ground water, reference conditions and parameters for the evaluation of water and monitoring of water (“O.G. FBiH”, No. 1/2014).

⁵⁷ §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁵⁸ §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁵⁹ §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁶⁰ (“O.G. FBiH”, No. 72/2024), available [here](#) (in Croatian), accessed on 20 January 2025.

⁶¹ For example, FBiH Rulebook on the methods of air quality monitoring and defining the types of pollutants, limit values and other air quality standards (“O.G. FBiH”, Nos. 1/2012, 50/2019 and 3/2021).

- Generation of **waste**⁶² – specific waste management requirements are set out in the FBiH Waste Management Act⁶³ and the project's waste management plan should be prepared⁶⁴.
- The impact on **flora and fauna**⁶⁵ – for example, impacts and risks that could potentially affect biodiversity and ecosystems should be identified, assessed and managed⁶⁶. This should include: (i) baseline conditions; (ii) the assessment of the project's impacts; and (iii) mitigation measures⁶⁷.
- The impact on **protected areas**⁶⁸ – the assessment could also include the project's impact on critical habitats⁶⁹. The project cannot be implemented in the areas of critical habitats unless the project meets specific conditions, such as that it does not lead to measurable adverse impacts that will result in any detrimental effect on the ecological and conservation status of the critical habitat⁷⁰. For the impact of the project on a potential Natura 2000 site, see Text Box 1.
- **Decommissioning.**

Text Box 1 – Impact of the project on a potential Natura 2000 site

The Habitats Directive (92/43/EEC)⁷¹ has not been transposed into the FBiH legislation as the deadlines for transposition remain to be negotiated. Nevertheless, if it is likely that the project may have a significant impact on a potential⁷² Natura 2000 site, the wind farm may be subject to an assessment of the implications for the site in view of the site's conservation objectives to be carried out as part of the EIA process⁷³ in line with the Habitats Directive and FBiH legislation⁷⁴.

⁶² §§ 4-6 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁶³ ("O.G. FBiH", No. 33/2003, 72/2009 and 92/2017).

⁶⁴ § 17 of Standard 3 on Resource Efficiency and Pollution Prevention of the February 2022 EIB Environmental and Social Standards.

⁶⁵ §§ 4 and 6-10 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards.

⁶⁶ § 5 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards.

⁶⁷ § 10 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards.

⁶⁸ § 6 of Standard 1 on Environmental and Social Impacts and Risks and §§ 4 and 6-10 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards.

⁶⁹ Critical habitat is the most sensitive of the high-value biodiversity features and is defined as comprising one of the following: (a) a highly threatened and/or unique ecosystem; (b) a habitat of priority and/or significant importance to critically endangered, endangered or vulnerable species, as defined by the IUCN Red List of threatened species and in relevant national legislation; (c) a habitat of priority and/or significant importance to a population, range or distribution of endemic or restricted-range species, or highly distinctive assemblages of species; (d) a habitat required for the survival of migratory species and/or congregatory species; (e) biodiversity and/or an ecosystem of significant social, economic or cultural importance to local communities and indigenous groups; (f) a habitat of key scientific value and/or associated with key evolutionary processes. – § 16 of Standard 4 of the February 2022 EIB Environmental and Social Standards, available [here](#), accessed on 3 October 2024.

⁷⁰ § 17 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards.

⁷¹ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) contributes towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora. The Directive is available [here](#), accessed on 20 January 2025. See also see Article 6(3) of the Habitats Directive; §§ 23–26 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards. For projects located in Candidate and potential Candidate countries, any time frames arranged with the European Union through bilateral agreements and/or action plans to achieve compliance with the mentioned Directives shall be considered. – § 23 of Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards. Please note that the Habitats Directive does not, a priori, exclude wind farm developments in or adjacent to Natura 2000 sites. These need to be assessed on a case-by-case basis – Section 2.2.3 of the 2020 European Commission Guidance document on wind energy developments and EU nature legislation, available [here](#), accessed on 20 January 2025.

⁷² Please note that Standard 4 on Biodiversity and Ecosystems of the February 2022 EIB Environmental and Social Standards uses the term "candidate". The two potential Natura 2000 sites, Prenj-Čvrtnica-Čabulja and Duvanjsko polje (see § 4.1.40), have not been officially designated Natura 2000 sites by the FBiH authorities nor are they officially nominated Emerald sites (see [here](#), accessed on 20 January 2025). This is why this section uses the term "potential" rather than "candidate".

⁷³ Site-level conservation objectives should define the desired conservation condition of the species and habitat types on the site for maximising its contribution to achieving favourable conservation status at the appropriate level – Section 3.2.2.a of the Commission notice "Assessment of plans and projects in relation to Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive", available [here](#), accessed on 20 January 2025.

⁷⁴ Articles 25–29 of the Nature Protection Act ("O.G. FBiH", No. 66/2013), available [here](#) (in Croatian), accessed on 14 July 2025; Governmental Degree on Natura 2000 Programme – Protected Areas in Europe ("O.G. FBiH", No. 41/2011), available [here](#)

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Such conservation objectives must be formally established, be site-specific, refer to the specific values present on the site and be precise⁷⁵. The site conservation objectives may be set in one of the following site-related documents: (i) Standard Data Form; (ii) protected area designation act; (iii) management plan; or (iv) a separate act⁷⁶.

In the absence of formally established conservation objectives, the assessment should assume as a minimum that the objective is to ensure that the habitat types or habitats of species significantly present on the site do not deteriorate below the current level (at the time of the assessment) and that the species are not significantly disturbed⁷⁷.

Allegation B – Stakeholder Engagement

3.2.6 In respect of allegation B, the project-applicable standards consist of two sets of standards, namely: (i) the national standards on stakeholder engagement; and (ii) the EIB Standard on stakeholder engagement. For the purpose of analysing this allegation, stakeholder engagement includes (i) public participation in decision-making processes; and (ii) access to justice⁷⁸.

3.2.7 The national standards on stakeholder engagement are included in a number of different acts, including:

- The FBiH Environmental Protection Act requiring: (i) public participation prior to issuance of the screen-out decision⁷⁹ including comments and reflection on justifiable comments in the decision; and (ii) access to justice, such as the possibility of initiating a court case against the screen-out decision. As indicated in § 3.2.4, the FBiH legislation does not contain a requirement to publish a screen-out decision. This requirement is nevertheless included in the EIA Directive (2011/92/EU), directly applicable in this case, and it is understood that it concerns access to justice.
- The FBiH Administrative Act requiring: (i) public participation in decision-making prior to issuance of a decision such as the urban permit⁸⁰; (ii) access to justice such as the possibility of initiating a court case against the urban permit decision⁸¹.

3.2.8 EIB Standard 2 on stakeholder engagement primarily links the stakeholder engagement to the EIA process⁸². However, additional requirements could also be applicable, where relevant⁸³, such as:

- Preparing a Stakeholder Engagement Plan (SEP), serving as a guiding document for the entire stakeholder engagement process and subject to regular reviews⁸⁴;
- Identifying the relevant stakeholders⁸⁵;

(in Croatian), accessed on 14 July 2025; § 6 of Standard 1 on Environmental and Social Impacts and Risks of the February 2022 EIB Environmental and Social Standards.

⁷⁵ Case C-849/19, Commission v Greece, Paragraphs 58-59, available [here](#), accessed on 20 January 2025.

⁷⁶ Sections 2.2, 3.1.3 and 3.2.2.a and Table 3 of the Commission notice “Assessment of plans and projects in relation to Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive”, available [here](#), accessed on 8 October 2024.

⁷⁷ Case C-127/02, paragraph 36, available [here](#), accessed on 8 October 2024. See also p. 26 of the Commission notice “Assessment of plans and projects in relation to Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive”, available [here](#), accessed on 20 January 2025.

⁷⁸ § 1 of EIB Standard 2 on Stakeholder Engagement of the EIB’s 2022 Environmental and Social Standards. Please note that stakeholder engagement also includes access to information. As the complaint primarily concerns public participation and, related to this, access to information (see Table 1), this report does not include access to information provisions.

⁷⁹ Articles 40 and 70 of the FBiH Environmental Protection Act.

⁸⁰ Article 133 of the FBiH Administrative Act (“O.G. FBiH”, Nos. 2/1998, 48/1999 and 61/2022, available [here](#) (in Croatian), accessed on 20 January 2025.

⁸¹ Articles 11 and 12 of the FBiH Administrative Act.

⁸² § 11 and 12 of EIB Standard 2 on Stakeholder Engagement of the EIB’s 2022 Environmental and Social Standards.

⁸³ § 14 of EIB Standard 2 on Stakeholder Engagement of the EIB’s 2022 Environmental and Social Standards.

⁸⁴ §§ 26, 29 and 32 of EIB Standard 2 on Stakeholder Engagement of the EIB’s 2022 Environmental and Social Standards.

⁸⁵ § 16 of EIB Standard 2 on Stakeholder Engagement of the EIB’s 2022 Environmental and Social Standards.

- Containing details on disclosure of information⁸⁶;
- Setting up a grievance mechanism enabling the stakeholders to channel their grievances concerning environmental and social impacts of the project⁸⁷.

Allegation C – Climate Change

3.2.9 In respect of allegation C, the relevant project-applicable standards consist of two sets of standards, namely: (i) national standards, including the relevant international agreements; and (ii) the EIB Standard on climate change.

3.2.10 The BiH draft National Energy and Climate Plan sets a target for wind energy production of 600 MW by 2030 from 136 MW in 2021⁸⁸. Wind energy is a climate mitigation measure⁸⁹.

3.2.11 However, wind energy projects may have some climate impact. For example, sometimes they rely on the use of sulphur hexafluoride (SF₆), one of the six greenhouse gases⁹⁰ that form part of the Kyoto Protocol to the United Nations Framework Convention on Climate Change⁹¹, to which BiH is also a party⁹². The F-Gas Regulation (Regulation (EU) 2024/573)⁹³ lays down rules on containment, use, recovery, recycling and reclamation, and destruction of SF₆ at the EU level⁹⁴, banning the use of SF₆ in switchgear, from 2035, unless it is reclaimed or recycled⁹⁵.

3.2.12 EIB Standard 5 on climate change promotes alignment of EIB projects with the Paris Agreement⁹⁶, to which BiH is a party⁹⁷. To attain this, EIB Standard 5 requires that the project is in line with:

- The relevant National Energy and Climate Plans⁹⁸ (see § 3.2.10);
- The European Green Deal⁹⁹, that is, the EU Green Agenda for the Western Balkans, aligned with the European Green Deal¹⁰⁰ (see § 3.2.10);
- The EIB Group 2020 Climate Bank Roadmap¹⁰¹ (see § 3.2.10).

⁸⁶ § 33 of EIB Standard 2 on Stakeholder Engagement of the EIB's 2022 Environmental and Social Standards.

⁸⁷ § 21 of EIB Standard 2 on Stakeholder Engagement of the EIB's 2022 Environmental and Social Standards.

⁸⁸ Section 2.1.2.3.1 of the June 2024 National Energy and Climate Plan, available [here](#) (in Croatian), accessed on 14 July 2025.

⁸⁹ The EU Green Agenda for the Western Balkans promotes the use of wind energy as a climate mitigation measure (The Commission Guidelines for the Implementation of the Green Agenda for the Western Balkans SWD(2020) 223 final, available [here](#), accessed on 20 January 2025). The EIB Group 2020 Climate Bank Roadmap (Annex 4 to the November 2020 EIB Group Climate Bank Roadmap 2021-2025, available [here](#), accessed on 20 January 2025), as confirmed by the EU Climate Delegated Act (Section 4.3 of Annexes I and II to the Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021, available [here](#), accessed on 20 January 2025) identifies wind energy projects as a climate mitigation measure.

⁹⁰ Carbon dioxide (CO₂); methane (CH₄); nitrous oxide (N₂O); hydrofluorocarbons (HFCs); perfluorocarbons (PFCs).

⁹¹ Annex A to the Kyoto Protocol, available [here](#), accessed on 20 January 2025.

⁹² See [here](#), accessed on 20 January 2025.

⁹³ Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 (F-Gas Regulation), available [here](#), accessed on 14 October 2024.

⁹⁴ Article 1 and Annex I of the F-Gas Regulation.

⁹⁵ Article 13(7) of the F-Gas Regulation.

⁹⁶ The Paris Agreement is a legally binding international treaty on climate change. Its goal is to limit global warming to well below 2 degrees Celsius. The Agreement was adopted on 12 December 2015 at the 21st session of the Conference of the Parties to the UN Framework Convention on Climate Change (COP 21) in Paris, available [here](#), accessed on 20 January 2025 – § 4 of Standard 5 of the EIB's 2022 Environmental and Social Standards.

⁹⁷ See [here](#), accessed on 20 January 2025.

⁹⁸ § 9 of Standard 5 on Climate Change of the EIB's 2022 Environmental and Social Standards.

⁹⁹ § 7 of Standard 5 of the EIB's 2022 Environmental and Social Standards.

¹⁰⁰ See [here](#), accessed on 20 January 2025. For more information, see [here](#), accessed on 20 January 2025.

¹⁰¹ § 9 of Standard 5 of the EIB's 2022 Environmental and Social Standards.

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Allegation D – Involuntary Resettlement

3.2.13 In respect of allegation D, the project-applicable standards consist of two sets of standards, namely: (i) the national standards on expropriation; and (ii) the EIB Standard on involuntary resettlement.

3.2.14 The FBiH standards on expropriation¹⁰² set out the following eight-stage procedure:

- The promoter submits a proposal for declaring the project of public interest, together with the expropriation study¹⁰³.
- The municipality declares the project of public interest¹⁰⁴, listing the property impacted by the expropriation. The decision may be appealed¹⁰⁵.
- The promoter publishes a public invitation to the owners of the expropriated property (project affected people – PAPs) to find an amicable solution regarding the expropriation of their property¹⁰⁶.
- In case voluntary agreements have not been concluded, the promoter submits to the municipality the proposal for expropriation¹⁰⁷.
- The municipality notifies the PAPs¹⁰⁸ and holds expropriation hearings with the promoter and the PAPs¹⁰⁹.
- The municipality issues the expropriation decisions¹¹⁰, which PAPs may appeal¹¹¹.
- Once the expropriation decision becomes final, the municipality organises a compensation amount hearing¹¹². The compensation is proposed on the basis of the properties' market value¹¹³ set by a court expert¹¹⁴.
- If the PAPs do not agree with the offered compensation amount, the case escalates to the court, which sets the compensation¹¹⁵.

3.2.15 EIB Standard 6 on involuntary resettlement sets out the following six-stage procedure:

- The promoter conducts a census to identify all PAPs and include an inventory of losses¹¹⁶.

¹⁰² FBiH Expropriation Act (O.G. FBiH 70/2007, 36/2010, 25/2012, 8/2015 – Constitutional Court decision and 34/2016), available [here](#) (in Croatian), accessed on 20 January 2025.

¹⁰³ Article 16 of the FBiH Expropriation Act.

¹⁰⁴ Article 14(4) of the FBiH Expropriation Act.

¹⁰⁵ Article 16(5) of the FBiH Expropriation Act.

¹⁰⁶ Article 23 of the FBiH Expropriation Act.

¹⁰⁷ Articles 21, 22 and 24 of the FBiH Expropriation Act.

¹⁰⁸ Article 25 of the FBiH Expropriation Act.

¹⁰⁹ Article 27(2) of the FBiH Expropriation Act.

¹¹⁰ Articles 27–29 of the FBiH Expropriation Act.

¹¹¹ Article 30 of the FBiH Expropriation Act.

¹¹² Articles 60 and 61 of the FBiH Expropriation Act.

¹¹³ Article 2 and Section VI of the FBiH Expropriation Act.

¹¹⁴ Article 31(5) of the FBiH Expropriation Act. The compensation amount depends on whether the expropriation is complete or incomplete. Complete expropriation results in full transfer of ownership (Article 7 of the FBiH Expropriation Act), while incomplete expropriation results in the right to use the land (easement) (Article 8 of the FBiH Expropriation Act). While the FBiH Expropriation Act sets out the same expropriation procedure and compensation procedure for complete and incomplete expropriation (Article 8(4) of the FBiH Expropriation Act), there could be a difference in the compensation amount. While for complete expropriation, the compensation amount corresponds to the property's market value, the compensation amount for incomplete expropriation corresponds to the amount of reduced market value due to the project's implementation and the caused damage (Article 56 of the FBiH Expropriation Act).

¹¹⁵ Article 62 of the FBiH Expropriation Act.

¹¹⁶ §§ 19-21 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

- The promoter prepares planning documents (for example, Resettlement Action Plan (RAP)) aiming to identify measures to mitigate impacts on PAPs and comparing the requirements under the local legislation and the EIB Standard¹¹⁷.
- In case the resettlement activities are already underway, the EIB may ask the promoter to develop a corrective action plan if the documents and activities do not comply with EIB Standard 6¹¹⁸.
- The promoter meaningfully engages with the PAPs and discloses the relevant documents (such as RAP)¹¹⁹.
- The PAPs receive compensation for the land¹²⁰. The compensation will be provided at the full replacement cost¹²¹ which translates into market value costs plus transaction costs¹²².
- The promoter will provide PAPs with access to a grievance mechanism¹²³.

Allegation E – Cultural Heritage

3.2.16 In respect of allegation E, the project-applicable standards consist of two sets of standards, namely: (i) national standards, including the relevant international agreements; and (ii) the EIB Standard on cultural heritage.

3.2.17 An example of an intangible cultural heritage is dry-stone walling, which is protected under the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage¹²⁴, to which BiH is a party¹²⁵.

3.2.18 EIB Standard 10 on Cultural Heritage includes both tangible (such as individual buildings) and intangible (such as knowledge and skills) cultural heritage¹²⁶. EIB Standard 10 requires that the impact on cultural heritage is assessed as part of the EIA process¹²⁷, in line with the national requirements¹²⁸. The EIA process should involve key relevant stakeholders¹²⁹ such as the relevant cultural institutions in the country.

3.3 Responsibilities of the EIB

3.3.1 While the promoter is ultimately responsible for the compliance of the project with project-applicable standards¹³⁰, the EIB will not, to the best of its knowledge, finance a project that does

¹¹⁷ §§ 55–58 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹¹⁸ § 60 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹¹⁹ §§ 43-45 and 59 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹²⁰ §§ 27 and 28 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹²¹ §§ 4 and 29 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹²² Full replacement cost is defined as a method of valuation that provides sufficient compensation for replacing assets and transaction costs. Where functioning markets exist, the full replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, the full replacement cost can be determined through alternative means, such as the calculation of the output value for land or productive assets, or the undepreciated value of replacement material and labour for the construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in the loss of shelter, the full replacement cost must at least be sufficient to enable the purchase or construction of housing in a similar condition to the housing impacted by the project. – Footnote 12 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹²³ §§ 46 and 47 of EIB Standard 6 on Involuntary Resettlement of the EIB's 2022 Environmental and Social Standards.

¹²⁴ The dry-stone walling technique was added to the Representative List of the Intangible Cultural Heritage of Humanity at the 13th session of the Intergovernmental Committee that took place in 2018. See [here](#), accessed on 3 October 2024. See also Article 2.1 of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, available [here](#), accessed on 20 January 2025.

¹²⁵ BiH ratified the convention in February 2009 – see [here](#), accessed on 20 January 2025.

¹²⁶ § 7 of EIB Standard 10 on Cultural Heritage of the EIB's 2022 Environmental and Social Standards.

¹²⁷ § 13 of EIB Standard 10 on Cultural Heritage of the EIB's 2022 Environmental and Social Standards.

¹²⁸ Article 64 of the FBiH Environmental Protection Act.

¹²⁹ § 13 of EIB Standard 10 on Cultural Heritage of the EIB's 2022 Environmental and Social Standards.

¹³⁰ § 4.11 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025.

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not comply with the standards¹³¹. Whether the project complies with the EIB Standards is established as part of the EIB's appraisal and monitoring procedures¹³².

3.3.2 The EIB appraisal consists of a number of EIB actions, including:

1. Reviewing the information provided by the promoter¹³³ and requesting any additional information. For example, in addition to the EIA process carried out at the national level, the EIB may request additional assessments (for example, to include more information on biodiversity)¹³⁴.
2. Analysing the country context, including the gap analysis between the national standards and the EIB Standards¹³⁵.
3. Reviewing any other available information.
4. Categorising the projects based on their environmental, climate and social impacts and risks¹³⁶.
5. Ensuring that the findings of all relevant assessments (such as EIA) are noted and reflected.
6. Requiring the promoter to identify measures to further enhance the performance of the project, where relevant¹³⁷.

3.3.3 The EIB documents the outcome of its environmental and social appraisal in the Environmental and Social Data Sheet (ESDS), including any conditions for financing¹³⁸. The promoter is required to implement the project in line with the financing conditions and to regularly report to the EIB on environmental and social aspects of the project.

3.3.4 Once the finance contract is signed, the EIB will monitor compliance of the project with project-applicable standards and the conditions set for financing on the basis of the information provided by the promoter and from other sources¹³⁹. For example, the EIB may monitor the implementation of the RAP¹⁴⁰.

4 ANALYSIS

For each allegation (see Table 1), this section analyses: (i) compliance of the project with project-applicable standards; and (ii) responsibilities of the EIB.

¹³¹ § 4.4 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025.

¹³² §§ 4.16 and 4.28 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025.

¹³³ For example, the promoter is required to provide the EIB with the preliminary EIA and the screening-out decision – § 10 of Standard 1 of the February 2022 EIB Environmental and Social Standards, available [here](#), accessed on 20 January 2025.

¹³⁴ §§ 6.b and 12 of Standard 1 on Environmental and Social Impacts and Risks of the February 2022 EIB Environmental and Social Standards.

¹³⁵ § 90, indent 11 and § 132 of Volume II of the 2013 EIB's Environmental and Social Handbook, available [here](#), accessed on 20 January 2025.

¹³⁶ The projects are categorised into high, medium and low-risk projects. High-risk projects are, for example, projects that require an ESIA report and/or any relevant report pertaining to specific topics that may require particular attention, based on a case-by-case analysis – § 4.18 of the EIB Group February 2022 Environmental and Social Policy, available [here](#).

¹³⁷ § 4.17 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025.

¹³⁸ §§ 349-358 of Volume II of the 2013 EIB's Environmental and Social Handbook, available [here](#), accessed on 20 January 2025.

¹³⁹ § 4.28 of the February 2022 EIB Group Environmental and Social Policy, available [here](#), accessed on 20 January 2025. §§ 272 and 273 of Volume II of the 2013 EIB's Environmental and Social Handbook, available [here](#), accessed on 20 January 2025.

¹⁴⁰ § 90, indent 34 of Volume II of the 2013 EIB's Environmental and Social Handbook, available [here](#), accessed on 20 January 2025.

4.1 Allegation A – Assessments

Compliance of the project with project-applicable standards

4.1.1 The analysis of compliance of the project with project-applicable standards is presented first at a general level, and then at a level of each specific concern mentioned in the complaint in relation to this allegation (see Table 1 for Allegation A). The analysis is presented in the following way:

- Firstly, whether an assessment of the project's impact has been carried out.
- Secondly, whether specific measures were put in place to ensure that the project-applicable standards were not breached.
- Third, if applicable, whether competent authorities (for example, courts) have already taken a view on this.
- Fourth, if applicable, whether the relevant information has been shared with the public.
- Fifth, whether a member of the public may submit a grievance to the promoter.

General level

4.1.2 Firstly, an assessment of the project's impact has been carried out. The assessment consisted of an assessment at the FBiH level and subsequent additional assessments carried out either in agreement between the EIB and the promoter, or as requested by the EIB, to ensure compliance with the EIB Standards, namely:

- The FBiH assessment – In June 2023, the promoter submitted to the competent authority a preliminary EIA to determine whether the wind farm would be subject to a full EIA procedure (screening procedure)¹⁴¹. In August 2023, the competent authority issued a decision that an EIA was not required for the project because the project would not have a significant impact on the environment and health of people (screen-out decision)¹⁴².
- The assessments for the EIB – In agreement with the EIB, the promoter engaged a consultant to prepare a draft Environmental and Social Impact Assessment (ESIA). The draft ESIA was prepared in accordance with the EIB Standards¹⁴³. The August 2023 draft ESIA is more comprehensive than the June 2023 preliminary EIA submitted to the competent authority. The August 2023 draft ESIA contains a gap analysis between national and EU legislation¹⁴⁴. As requested by the EIB, the promoter also prepared additional assessments, such as the November 2023 draft Critical Habitat Assessment (CHA). The ESIA and CHA are still in their draft forms. Once finalised, the ESIA and CHA will be: (i) made available to the public; (ii) presented at a public hearing; (iii) may be adjusted depending on the received comments¹⁴⁵; and (iv) the promoter will need to comply with them.

4.1.3 Secondly, specific measures were put in place to ensure that the project-applicable standards are not breached. For example, the August 2023 screen-out decision of the competent authority contains specific environmental protection measures to be implemented during and after construction (for example, see § 4.1.10). Moreover, taking into account the August 2023 draft ESIA, the EIB and the promoter agreed on an Environmental and Social Action Plan (ESAP),

¹⁴¹ Available [here](#) (in Croatian), accessed on 14 July 2025.

¹⁴² Screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

¹⁴³ ESDS.

¹⁴⁴ Section 3.1 and Appendix 1 of the August 2023 draft ESIA.

¹⁴⁵ Section 6 of the February 2024 draft SEP, and section 2.1 of the May 2025 ESAP.

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which defines a list of specific actions to be implemented and reported on by the promoter in relation to the relevant EIB Standards¹⁴⁶. The May 2025 ESAP, similar to the one for the Vlačić Wind Farm¹⁴⁷, is attached to the finance contract, and it: (i) contains specific measures which need to be undertaken to ensure the project's compliance with national legislation, the EIB Standards and international good practices; and (ii) may be revised. In general, the ESAP requires that an Environmental and Social Management and Monitoring Plan (ESMMP)¹⁴⁸ be developed, to be used by the contractor to ensure compliance with the project-applicable standards¹⁴⁹. The ESMMP will contain environmental and social performance requirements and obligations for construction, operation and decommissioning of the project¹⁵⁰. The ESMMP should, for example, ensure that the noise and shadow flicker correspond to modelling¹⁵¹ (see §§ 4.1.9 and 4.1.14).

- 4.1.4 Third, there is an ongoing court case before national courts on the FBiH assessment. In March 2024, the Aarhus Centre in BiH, operating in the FBiH and part of the Aarhus Network¹⁵², challenged the August 2023 screen-out decision issued by the FBiH's competent authority¹⁵³, requesting its annulment. In November 2024, the first instance court, the Sarajevo Cantonal Court, issued its decision dismissing the allegations of the Aarhus Centre in BiH due to the late initiation of the court proceedings¹⁵⁴. According to the first instance court ruling, the Aarhus Centre in BiH initiated the court proceedings 32 days after receiving the screen-out decision, therefore, breaching the 30-day deadline set in the FBiH legislation. The Aarhus Centre in BiH appealed the November 2024 ruling of the first instance court and in February 2025 the second instance court, the FBiH Supreme Court, annulled the first instance court's decision and returned the case to the first instance court as it assessed that the procedural prerequisites had been met. The second instance court concluded that the appeal against the screen-out decision was in fact submitted within the 30-day deadline. The court case before the first instance court is ongoing and the screen-out decision remains valid at the time of drafting of this report.
- 4.1.5 Also worth mentioning is the request for internal review of the EIB's decision to finance the project due to alleged non-compliance of the project with EIA and biodiversity requirements, submitted by the civil society organisation CEE Bankwatch Network (Bankwatch) in May 2024¹⁵⁵. In October 2024, the EIB responded to Bankwatch dismissing the allegations¹⁵⁶. The EIB stated that it cannot control how the national authorities carry out their duties. However, the EIB assessed the relevant risks and discussed with the promoter the need for additional assessments and other surveys and documents as mentioned in the ESDS, which are translated into specific contractual conditions in the finance contract. Therefore, the EIB has effectively either requested or agreed with the promoter to have more assessments carried out than the ones requested by national authorities and confirmed that the promoter will be required to fulfil the conditions and measures resulting from such assessments.

¹⁴⁶ The promoter commits to implementing the ESAP through the finance contract. The ESAP is a living document – Box E of the 2013 EIB Environmental and Social Handbook, available [here](#), accessed on 20 January 2025.

¹⁴⁷ See the Vlačić Wind Farm ESAP, available [here](#), accessed on 20 January 2025.

¹⁴⁸ The ESMMP is a result of: (i) the ESIA process; (ii) the conclusions of any other relevant assessments/studies; and (iii) the outcomes of the stakeholder engagement process, containing a set of measures to address the identified impacts and risks, as well as any opportunities for improvement of the project's environmental and social performance – § 24 of Standard 1 on Environmental and Social Impacts and Risks of the February 2022 EIB Environmental and Social Standards.

¹⁴⁹ Section 7 of the August 2023 draft ESIA.

¹⁵⁰ Requirement 1.4 of the May 2025 ESAP.

¹⁵¹ Requirements 3.0-3.2 and 3.5 of the May 2025 ESAP.

¹⁵² More info about the Aarhus Centre in BiH is available [here](#), accessed on 20 January 2025.

¹⁵³ Screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

¹⁵⁴ Sarajevo Cantonal Court Decision No. 09 0 U 046279 24 U, dated 26 November 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

¹⁵⁵ Available [here](#), accessed on 20 January 2025.

¹⁵⁶ 11 October 2024 – EIB reply to the CEE Bankwatch Network Request for Internal Review, available [here](#), accessed on 20 January 2025.

- 4.1.6 Fourth, some relevant information has been shared with the public as part of the stakeholder engagement process and there is a process being put in place to ensure that the public has access to additional information (see §§ 4.2.6 - 4.2.8).
- 4.1.7 Fifth, should a member of the public feel that the project breaches any of the applicable national or EIB Standards, it may submit a grievance to the promoter (see § 4.2.7). The promoter is required to assess and, if needed, remedy the situation and to report to the EIB on this. As per the EIB Standards, the promoter is required to establish a project-level grievance mechanism to receive and facilitate redress for concerns and grievances of stakeholders and such mechanism should not impede access to the EIB-CM.

Noise pollution

- 4.1.8 A typical wind turbine emits 35-45 dB of noise at a distance of 350 m¹⁵⁷. This may cause an increase in the noise pollution in the project area.
- 4.1.9 Firstly, an assessment of the project's impact on noise pollution has been carried out. For example, the June 2023 preliminary EIA: (i) contains the noise map; (ii) states that the project will increase noise in the area; and (iii) concludes that noise modelling does not point to a breach of project-applicable standards (see § 3.2.5, indent 1)¹⁵⁸. Similarly, the August 2023 draft ESIA: (i) contains an overview of noise measurements prior to the project construction¹⁵⁹; (ii) provides noise calculation results, all of which are lower than those set in the project-applicable standards (see § 3.2.5, indent 1)¹⁶⁰; and (iii) contains the noise study¹⁶¹.
- 4.1.10 Secondly, specific measures were put in place to ensure that the project-applicable standards are not breached. For example, the August 2023 screen-out decision sets binding measures for reducing noise during project implementation and operation¹⁶² and requires a certified company to carry out regular monitoring of the noise levels¹⁶³. Similar measures are included in the May 2025 ESAP agreed between the EIB and the promoter (for example, noise management plan before construction and operation, ongoing monitoring during the first year of operation and on-demand monitoring upon receipt of a complaint)¹⁶⁴.
- 4.1.11 Third, the national courts have had a chance to take a view on this. In the court proceedings initiated by the complainant against the January 2024 urban permit¹⁶⁵, raising issues of noise pollution, the first instance court, the Sarajevo Cantonal Court, upheld the permit stating that it was issued in line with the relevant legislation and correctly establishing the facts¹⁶⁶. In the second instance court proceedings, initiated by the complainant, the FBiH Supreme Court did not focus on this issue¹⁶⁷. For more information on the ruling of the second instance court, please see Text Box 2.

Text Box 2 – Urban Permit and the Court Proceedings

In March 2025, the second instance court, the FBiH Supreme Court, annulled the urban permit on the following procedural grounds: (i) the competent authority had issued the urban

¹⁵⁷ P. 51 of the June 2023 preliminary EIA.

¹⁵⁸ Sections A2.4 and C1.3 and Annex 1 to the June 2023 preliminary EIA.

¹⁵⁹ Section 4.18 of the August 2023 draft ESIA.

¹⁶⁰ Section 5.3.13 of the August 2023 draft ESIA.

¹⁶¹ Appendix 4 of the August 2023 draft ESIA.

¹⁶² P. 7 of the August 2023 screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

¹⁶³ P. 9 of the August 2023 screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

¹⁶⁴ Sections 1.1, 3.0, 3.1, 3.2 of the May 2025 ESAP.

¹⁶⁵ An urban permit is an administrative act laying down urban, technical and other conditions required for the design and construction of a facility at a desired location. It can be issued after preliminary design is completed and after the EIA procedure is finished.

¹⁶⁶ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

¹⁶⁷ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

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permit on the basis of the screen-out decision not accompanied by the annotation of enforceability; and (ii) the draft screen-out decision was not submitted to the BiH State Attorney Office, given that the part of the land on which the project is located is owned by the state of BiH¹⁶⁸.

In its ruling, the second instance court did not focus on environmental and social aspects of the project, apart from dismissing the complainant's claims that the project will have a negative impact on cultural heritage¹⁶⁹.

According to the promoter, in line with Article 57 of the FBiH Administrative Disputes Act¹⁷⁰, the competent authority was required to re-issue the urban permit within 15 days from the receipt of the ruling. On 15 April 2025, in the repeated procedure, the competent authority confirmed that it had obtained the August 2023 screen-out decision with the annotation of enforceability and on that basis re-issued the urban permit¹⁷¹. The competent authority did not investigate if the screen-out decision was provided to the State Attorney Office as this does not fall under its authority, but under the authority that issued the screen-out decision¹⁷² (for more information about the ongoing court proceedings concerning the August 2023 screen-out decision, see § 4.1.4). The new decision on the urban permit was submitted to the complainant, who, in line with the law, may have lodged a claim to challenge the decision before the competent court within 30 days from its receipt¹⁷³.

4.1.12 Fourth, the noise pollution per specific property was discussed with the public during the October 2023 project-related public hearing (see § 4.2.6)¹⁷⁴. The promoter organised the hearing to inform the local population about the project, outside of the requirements of the FBiH's standards. For example, the public was provided with specific estimates of noise levels concerning specific properties.

Shadow flicker

4.1.13 Shadow flicker is the effect of the sun low on the horizon shining through the rotating blades of a wind turbine casting a moving shadow¹⁷⁵. Shadow flicker is one of the possible negative impacts of a wind turbine.

4.1.14 Firstly, an assessment of the project's shadow flicker has been carried out. For example, the June 2023 preliminary EIA contains a shadow flicker study, relying on the guidance of other countries¹⁷⁶. Similarly, the August 2023 draft ESIA provides an overview of the shadow flicker per specific wind turbine and object per time of the year and date¹⁷⁷, and also contains the shadow flicker study¹⁷⁸.

4.1.15 Secondly, specific measures were put in place to ensure that the project-applicable standards are not breached. For example, in line with the June 2023 preliminary EIA, the August 2023 screen-out decision states that wind turbines will cease to operate at specific times and on specific dates in line with the flicker study¹⁷⁹. For example, the May 2025 ESAP requires the

¹⁶⁸ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp. See [here](#), accessed on 13 May 2025.

¹⁶⁹ Pp. 8 and 9 of the Ruling of the FBiH Supreme Court.

¹⁷⁰ The FBiH Administrative Dispute Act ("O.G. FBiH", No. 11/2005), available [here](#) in Croatian.

¹⁷¹ Urban permit No. UP1-02-19-2-262/23, dated 15 April 2025.

¹⁷² Urban permit No. UP1-02-19-2-262/23, dated 15 April 2025.

¹⁷³ Urban permit No. UP1-02-19-2-262/23, dated 15 April 2025.

¹⁷⁴ The minutes of the 16 October 2023 public hearing are not publicly available.

¹⁷⁵ See [here](#), accessed on 20 January 2025.

¹⁷⁶ Annex 2 to the June 2023 preliminary EIA. The relevant countries are Canada, USA, Germany, Spain, France, Ireland, United Kingdom and Australia.

¹⁷⁷ Section 5.3.14 of the August 2023 draft ESIA.

¹⁷⁸ Appendix 3 of the August 2023 draft ESIA.

¹⁷⁹ Section 3 August 2023 screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023), and section C1.8 and Annex 2 of the June 2023 preliminary EIA.

project to be implemented in a way that the shadow flicker does not exceed the World Bank standards (see § 3.2.5, indent 2) and that the shadow flicker management plan as part of the ESMMP is put in place¹⁸⁰.

4.1.16 Third, the national courts have had a chance to take a view on this. In the court proceedings initiated by the complainant against the January 2024 urban permit, raising issues of shadow flicker, the first instance court upheld the permit stating that it was issued in line with the relevant legislation and correctly establishing the facts¹⁸¹. In the second instance court proceedings, initiated by the complainant, the court did not focus on this issue¹⁸². For more information on the ruling of the second instance court, please see Text Box 2.

Groundwater pollution

4.1.17 Although unlikely, water pollution can take place due to leaks of pollutants (oils) into the ground during project construction and operation. In March 2022, the competent authority¹⁸³ issued a notice that the project does not require a water permit¹⁸⁴.

4.1.18 Nevertheless, firstly, an assessment of the project's impact on the groundwater in the area has been carried out. The June 2023 preliminary EIA states that groundwater pollution is improbable but specifies certain measures to minimise it even further (for example, handling of oil)¹⁸⁵. The August 2023 draft ESIA: (i) analyses the state of groundwater in the area¹⁸⁶; (ii) provides an overview of mitigation measures (for example, handling of oil)¹⁸⁷; and (iii) states that measures such as preventing run-off of oils into the ground will be implemented during construction, operation and decommissioning¹⁸⁸.

4.1.19 Secondly, specific measures were put in place to ensure that the project-applicable standards are not breached. The August 2023 screen-out decision sets out protection measures to further minimise the groundwater pollution (such as placement of protective folies underneath vehicles)¹⁸⁹. The May 2025 ESAP, for example, requires that water and groundwater protection be covered in the ESMMP required under the ESAP for the project (see § 4.1.3)¹⁹⁰.

4.1.20 Third, as part of the consultation process for the urban permit in December 2023, the complainant provided the competent authority with their views that the project will have a negative impact on groundwater¹⁹¹. The competent authority did not accept the complainant's comments because, among others, various relevant authorities¹⁹² considered that the construction of the project would not have an impact on Zmijinjac, Vrioštica and Lištica springs¹⁹³. In the subsequent court proceedings initiated by the complainant against the January 2024 urban permit, raising issues about the project's impact on groundwater, the first instance court upheld the permit stating that it was issued in line with the relevant legislation and correctly establishing the facts¹⁹⁴. In the second instance court proceedings, initiated by

¹⁸⁰ Section 9.6 of the May 2025 ESAP.

¹⁸¹ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

¹⁸² Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

¹⁸³ Agency for Watershed of the Adriatic Sea – Mostar.

¹⁸⁴ Available [here](#) (in Croatian), accessed on 20 January 2025. According to the competent authority, this was done in line with Article 109 of the FBiH Water Act.

¹⁸⁵ Section A2.4 of the June 2023 preliminary EIA.

¹⁸⁶ Section 4.7 of the August 2023 ESIA.

¹⁸⁷ Section 6 of the August 2023 draft ESIA.

¹⁸⁸ Section 2.3 of the August 2023 draft ESIA.

¹⁸⁹ Section 3 of the August 2023 screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

¹⁹⁰ Section 3.0 of the May 2025 ESAP.

¹⁹¹ Urban permit No. UP1-03-19-2-262/23.

¹⁹² Posušje Municipality and Ministry of Economy of the West Herzegovina Canton.

¹⁹³ Urban permit No. UP1-03-19-2-262/23.

¹⁹⁴ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

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the complainant, the court did not focus on this issue¹⁹⁵. For more information on the ruling of the second instance court, please see Text Box 2.

4.1.21 Fourth, the impact of the project on water was discussed with the public during the October 2023 project-related public hearing (see § 4.2.6). For example, the public received assurances that there is no danger of water pollution in the normal operation of the project. The promoter informed the public that, so far, there were no incidents with impact on groundwater recorded in other wind farm facilities operated by the promoter (see § 1.1.1). Furthermore, the competent authority confirmed to the complainant that the promoter will pay the related costs in case of water pollution¹⁹⁶.

Radiation

4.1.22 The June 2023 preliminary EIA states that the project will not cause any non-ionising radiation¹⁹⁷.

Soil

4.1.23 The project may cause soil deterioration due to: (i) soil sealing caused by construction of wind turbines, access roads and power lines; and (ii) possible soil pollution due to leaks of oils¹⁹⁸.

4.1.24 Firstly, an assessment of the project's impact on soil has been carried out. The June 2023 preliminary EIA states that: (i) soil sealing will be minimal due to the small area that will be encompassed; (ii) although soil pollution is improbable the EIA specifies certain measures to minimise it even further (removal of contaminated soil)¹⁹⁹. The August 2023 draft ESIA also: (i) assesses the project's impact on soil²⁰⁰; (ii) provides mitigation measures (such as installing erosion control structures)²⁰¹; and (iii) concludes that the project does not pose any obstacle to the continued use of the land in its current scope and purpose²⁰².

4.1.25 Secondly, there are specific measures put in place to ensure that the project-applicable standards are not breached. For example, the May 2025 ESAP requires that a materials management plan be developed and implemented, which is also expected to include specific requirements concerning soil²⁰³.

4.1.26 Third, after the complainant submitted an enquiry, in August 2023, the FBiH Ministry of Environment and Tourism informed the complainant that grazing livestock close to wind turbines will be possible.

Air

4.1.27 On a wider level, the project will improve air quality by reducing the need to generate electricity from coal. However, during construction, some impact on local air quality will be unavoidable due to increased traffic and construction works, but no impact is expected during project operation²⁰⁴.

4.1.28 Firstly, an assessment of the project's impact on air quality has been carried out. The June 2023 preliminary EIA: (i) provides an overview of mitigation measures (for example, during

¹⁹⁵ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

¹⁹⁶ This is to be done in line with Article 94 of the FBiH Water Act.

¹⁹⁷ Section A2.4 of the June 2023 preliminary EIA.

¹⁹⁸ Section A2.4 of the June 2023 preliminary EIA.

¹⁹⁹ Section A2.4 of the June 2023 preliminary EIA. For the overview of the permanent land take for the project, see Table 3 of the August 2023 draft ESIA.

²⁰⁰ Section 5.2.4 of the August 2023 draft ESIA.

²⁰¹ Section 6 of the August 2023 draft ESIA.

²⁰² Section 5.3.5 of the August 2023 draft ESIA.

²⁰³ Section 3.4 of the May 2025 ESAP.

²⁰⁴ Section A2.4 of the June 2023 preliminary EIA report.

construction, spraying a building material to prevent dust generation, where applicable); and (ii) concludes that the impact on air quality is negligible²⁰⁵. The August 2023 draft ESIA: (i) contains an overview of the baseline conditions²⁰⁶; (ii) assesses the project's impact on air quality during construction, operation and decommissioning (such as dust during construction)²⁰⁷; and (iii) provides mitigation measures (such as minimising fumes emissions from machinery)²⁰⁸.

- 4.1.29 Secondly, there are specific measures put in place to ensure that the project-applicable standards are not breached. For example, the May 2025 ESAP requires that the measures on protection of air be included in the ESMMP for the project (see § 4.1.3)²⁰⁹.

Waste

- 4.1.30 The project will generate some waste during construction.

4.1.31 Firstly, an assessment of the project's impact concerning increased waste has been carried out. The June 2023 preliminary EIA states that: (i) construction waste; (ii) municipal waste; and (iii) hazardous waste (oils) will be generated during project construction, with no waste generated during project operation²¹⁰. The August 2023 draft ESIA: (i) provides an overview of the waste that can be generated; and (ii) concludes that large amounts of waste are not expected²¹¹. For example, during the project construction phase, the most likely waste generation is in the form of excavated soil, mixed municipal waste due to the presence of the workforce at the location, and waste metal, as mostly metal constructions and raw materials will be handled²¹².

4.1.32 Secondly, specific measures were put in place to ensure that the promoter would handle the waste in an appropriate manner. The August 2023 screen-out decision lists measures for reducing and managing waste in line with the project's waste management plan, such as handing it over to certified companies²¹³. In addition, the May 2025 ESAP, for example, requires the preparation of waste and hazardous materials management plans²¹⁴. A waste management plan was prepared as part of the August 2023 draft ESIA²¹⁵.

Flora and fauna

4.1.33 Wind farms may have an impact on flora and fauna. For example, the project's construction requires felling of 2.25 ha of trees²¹⁶, and its operation may cause the death of birds and bats due to collision with wind turbines²¹⁷.

4.1.34 Firstly, an assessment of the project's impact on flora and fauna has been carried out. The June 2023 preliminary EIA: (i) contains a baseline study for birds and bats²¹⁸; and (ii) lists flora and fauna in the project area of influence²¹⁹. The preliminary EIA describes the project's impact on birds and bats as very low²²⁰. The August 2023 draft ESIA provides a more detailed overview

²⁰⁵ Section A2.4 of the June 2023 preliminary EIA report.

²⁰⁶ Section 4.17 of the August 2023 draft ESIA.

²⁰⁷ Section 5.2.2 of the August 2023 draft ESIA.

²⁰⁸ Section 6 of the August 2023 draft ESIA.

²⁰⁹ Section 3.0 of the May 2025 ESAP.

²¹⁰ Section A2.4 of the June 2023 preliminary EIA report.

²¹¹ Section 5.2.1 of the August 2023 draft ESIA.

²¹² Section 5.2.1 of the August 2023 draft ESIA.

²¹³ Pp. 7, 8 and 11 of the August 2023 screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

²¹⁴ Section 3.1 of the May 2025 ESAP.

²¹⁵ Appendix 5 of the August 2023 draft ESIA.

²¹⁶ Section A1.2 of the June 2023 preliminary EIA. According to the promoter, 35.5 ha forest and pastureland was converted into construction land for the project implementation.

²¹⁷ Table 5-1 of the 2020 European Commission Guidance document on wind energy developments and EU nature legislation, available [here](#), accessed on 20 January 2025.

²¹⁸ Based on a 12-month long monitoring period.

²¹⁹ Section A2.1 and Annex 3 to the June 2023 preliminary EIA.

²²⁰ Section 6 of Annex 3 to the June 2023 preliminary EIA.

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of the flora and fauna present at the project site²²¹ and provides an overview of the project's impact on them²²². It also defines the project's impacts on: (i) flora as low; (ii) birds as negligible to medium; and (iii) bats as moderate to major²²³. The detailed survey of flora and fauna was conducted from April until August 2023 and resulted in the draft CHA prepared by the promoter in November 2023²²⁴. The CHA presents the assessment of the project's impact on the relevant flora and fauna²²⁵.

4.1.35 Secondly, specific measures were put in place to ensure that the project would not have a significant impact on flora and fauna. For example:

- The August 2023 screen-out decision requires: (i) reforestation on another location; (ii) replanting of protected plants; (iii) painting of wind turbine propellers to minimise collision with birds; and (iv) two-year monitoring of the project's impact on birds and bats²²⁶.
- The November 2023 decision from the competent authority²²⁷ for clearing of 35.51 ha of a forest area²²⁸ (including: (i) area covered by trees; and (ii) other areas such as pasture area²²⁹) requires reforestation equivalent to the cleared area²³⁰. The promoter confirmed that 2.25 ha of the area covered in trees will be cleared²³¹.
- The August 2023 draft ESIA provides an overview of mitigation measures (such as using new wind turbine models more visible for the birds)²³² and requires surveys of flora and fauna to be carried out for a period of two years after project implementation in order to gain full insight into the impact of the project on birds and bats²³³.
- The October 2024 draft Biodiversity Management Plan (BMP)²³⁴ sets out specific mitigation measures that must be implemented during project implementation to protect species as well as monitoring and evaluation measures²³⁵. The BMP is still in its draft form. Once finalised, the BMP will be: (i) made available to the public; (ii) presented at a public hearing; (iii) may be adjusted depending on the received comments²³⁶; and (iv) the promoter will need to comply with it.

4.1.36 Third, as part of the consultation process for the urban permit in December 2023, the complainant provided the competent authority with their views that the project will have a negative impact on flora and fauna due to required forest clearing²³⁷. The competent authority did not accept the complainant's comments because, for example, the cleared forested area will be compensated²³⁸ and issued the urban permit in January 2024. In the subsequent court proceedings initiated by the complainant against the January 2024 urban permit, raising issues of forest clearing, the first instance court upheld the permit stating that it was issued in line with

²²¹ Sections 4.8–4.13 and Appendix 2 of the August 2023 draft ESIA.

²²² Section 5.2.7 of the August 2023 draft ESIA.

²²³ Sections 5.3.11 and 5.3.12 of the August 2023 draft ESIA.

²²⁴ Section 4.8 of the August 2023 draft ESIA.

²²⁵ Sections 3, 5, 6 and 7 of the November 2023 draft CHA.

²²⁶ The replanting is to be done in cooperation with the forestry association of the West Herzegovina Canton. The monitoring should be done in line with the 2017 Scottish National Heritage and EUROBATS methodologies – Section 2 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

²²⁷ Ministry of Economy of the West Herzegovina Canton.

²²⁸ Decision No. 05-05-26-1807/23.

²²⁹ Article 4(3) of the West Herzegovina Canton Forest Act ("O.G. of the West Herzegovina Canton", Nos. 8/2013 and 11/2017).

²³⁰ Decision No. 05-05-26-1807/23.

²³¹ Section A1.2 of the June 2023 preliminary EIA, available [here](#) (in Croatian), accessed on 20 January 2025.

²³² Section 6 of the August 2023 draft ESIA.

²³³ Section 4.9.1.1 of the August 2023 draft ESIA.

²³⁴ The October 2024 draft BMP was prepared on the basis of the Biodiversity Baseline Report and the CHA.

²³⁵ Sections 3, 5 and 6 of the October 2024 draft BMP.

²³⁶ Section 2.1 of the May 2025 ESAP.

²³⁷ Urban permit No. UP1-03-19-2-262/23.

²³⁸ January 2024 Urban permit No. UP1-03-19-2-262/23.

the relevant legislation and correctly establishing the facts²³⁹. In the second instance court proceedings, initiated by the complainant, the court did not focus on this issue²⁴⁰. For more information on the ruling of the second instance court, please see Text Box 2.

- 4.1.37 Fourth, the impact of the project on flora and fauna was discussed with the public during the October 2023 project-related public hearing (see § 4.2.6). For example, the public was informed that the promoter had prepared studies concerning the zero state of birds and bats and biodiversity. The promoter further responded to the complainant's questions about the area subject to tree felling and protection of animals.

Protected areas

- 4.1.38 The project will be implemented adjacent to the current Blidinje Nature Park (NP)²⁴¹ and partially within the potential Natura 2000 site Prenj-Čvrsnica-Čabulja²⁴², which will also incorporate Blidinje NP. Another potential Natura 2000 site located in the vicinity of the project is Duvanjsko polje. Although not officially designated as Natura 2000 sites, the list and assessment of: (i) habitat types; and (ii) species is available for both sites²⁴³.
- 4.1.39 Firstly, an assessment of the project's impact on protected areas has been carried out. The June 2023 preliminary EIA states that the project will not impact Blidinje NP²⁴⁴, and makes no reference to the potential Natura 2000 site Prenj-Čvrsnica-Čabulja. The August 2023 draft ESIA requested by the EIB estimates that the project will have: (i) a medium to low impact on Blidinje NP; and (ii) a low to negligible impact on the potential Natura 2000 site Prenj-Čvrsnica-Čabulja²⁴⁵.

²³⁹ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

²⁴⁰ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

²⁴¹ Sections A1.2, A2.1 and B.1.3.d of the June 2023 preliminary EIA; Section 4.15.1 of the August 2023 draft ESIA. Please note that if part of the project was considered to be inside the park, it would be located in protection zone 3 of Blidinje NP in which, according to the Management Plan of Blidinje NP, it is permitted to use the space in accordance with the principles of sustainable development, without impairing the purpose and objectives of the protected area – Section 5 of the November 2023 draft CHA.

²⁴² Figure 89 of the August 2023 draft ESIA, potential Natura 2000 site Prenj-Čvrsnica-Čabulja (BA8300064).

²⁴³ For the potential Natura 2000 sites Prenj-Čvrsnica-Čabulja (BA8300064) and Duvanjsko polje (BA8300022), the Natura 2000 Standard Data Forms are available [here](#), accessed on 14 July 2025.

²⁴⁴ Sections A2.1 and B1.3.d of the June 2023 preliminary EIA.

²⁴⁵ Section 5.2.8 of the August 2023 draft ESIA. Formally, FBiH did not adopt the list of potential Natura 2000 sites – Chapter 27 on Environment and Climate change of the SWD(2023) 691 2023. Report by the European Commission on BiH, available [here](#), accessed on 20 January 2025.

Figure 1 – Project location and the potential Natura 2000 sites²⁴⁶

4.1.40 The November 2023 draft CHA assesses the impact of the project on the potential Natura 2000 sites taking into account their habitats' types and species²⁴⁷. For example, the November 2023 draft CHA did identify that the project will impact 0.8 ha of the habitat type 95A0, present in the Natura 2000 site Prenj-Čvrsnica-Čabulja²⁴⁸.

4.1.41 Secondly, specific measures were put in place to ensure that the project would not have a significant impact on protected areas (including on the habitat type 95A0 present on the site Prenj-Čvrsnica-Čabulja):

- The May 2025 ESAP includes the requirement to develop, maintain and implement a BMP outlining the corresponding mitigation strategy, with its results to be integrated in the ESIA and the ESMMP for the project²⁴⁹.
- The August 2023 draft ESIA contains mitigation measures related to habitats²⁵⁰ and the contractor appointed environmental manager is responsible for implementation of measures from the ESIA, ESAP and the permits²⁵¹.
- The November 2023 draft CHA contains measures to mitigate the impacts of the project on habitats. For example, the habitat type 95A0 impacted by the project should be revitalised²⁵².
- The October 2024 draft BMP covers additional specific requirements for protected areas throughout all stages of the project (avoidance, minimisation and restoration measures for Natura 2000 habitats from construction until decommissioning, including monitoring)²⁵³.

²⁴⁶ Figure 70 of the August 2023 draft ESIA.

²⁴⁷ Sections 3, 5 and 6 of the November 2023 draft CHA.

²⁴⁸ See section 3.1 of the Natura 2000 Standard Data Form for the potential Natura 2000 site Prenj-Čvrsnica-Čabulja (BA8300064).

²⁴⁹ Section 4.7 of the May 2025 ESAP.

²⁵⁰ Section 6 of the August 2023 draft ESIA.

²⁵¹ Section 7 of the August 2023 draft ESIA.

²⁵² Table 23 of the November 2023 draft CHA.

²⁵³ Sections 3-5 of the September 2024 draft BMP.

Decommissioning

- 4.1.42 Decommissioning is one of the project stages during which effects from onshore wind energy developments may arise²⁵⁴. The estimated life of the wind farm is 20 years²⁵⁵. In order to decommission the wind farm, the promoter will need to obtain a permit and restore the site to its original condition²⁵⁶.
- 4.1.43 Firstly, an assessment of possible impacts of the decommissioning was carried out. For example, the August 2023 draft ESIA provides an overview of: (i) the decommissioning procedure; and (ii) the estimated impacts at decommissioning²⁵⁷.
- 4.1.44 Secondly, certain measures were put in place to ensure that decommissioning would be carried out properly. For example,
- The August 2023 screen-out decision requires the project location to be returned to the regular environmental state²⁵⁸.
 - The October 2024 draft BMP contains mitigation measures for protection of habitats and species during decommissioning²⁵⁹.
 - Additional information on decommissioning will be included in the ESMMP (see § 4.1.3)²⁶⁰.

Responsibilities of the EIB

- 4.1.45 The EIB carried out its appraisal of the project (see § 3.3.2 for a description of the EIB responsibilities in this regard).
- 4.1.46 Firstly, the EIB reviewed the relevant information provided by the promoter and requested additional information (see § 4.1.49). For example, the EIB took note of the EIA procedure carried out at FBiH level. The EIB noted that the promoter prepared the preliminary EIA and that the project was screened out by the competent authorities in FBiH²⁶¹. The EIB further noted that the screen-out decision contains measures concerning, for example: (i) noise pollution; (ii) shadow flicker; and (iii) flora and fauna²⁶². The EIB noted that, with the mitigation measures in place, the competent authority concluded that the project will not have significant negative residual environmental impacts²⁶³.
- 4.1.47 Secondly, the EIB analysed the country context. For example, the EIB noted that the EIA Directive appears to be transposed in FBiH. The EIB also noted that the Nature Directives (Habitats Directive and Birds Directive (2009/147/EC)²⁶⁴) are not transposed in FBiH and that the potential Natura 2000 sites have not been designated. The August 2023 draft ESIA, agreed between the promoter and the EIB (see § 4.1.49), contains a gap analysis between the FBiH legislation and the EU legislation on which the EIB Standards are based²⁶⁵.
- 4.1.48 Third, in light of the assessed environmental and social risks²⁶⁶, the EIB agreed with the promoter about the preparation of an ESIA and requested additional assessments aimed at the

²⁵⁴ Section 5.1.1 of the 2020 European Commission Guidance document on wind energy developments and EU nature legislation, available [here](#), accessed on 20 January 2025.

²⁵⁵ Section 2.6 of the August 2023 draft ESIA.

²⁵⁶ Section 2.7 of the August 2023 draft ESIA.

²⁵⁷ Sections 2.6 and 5.4 of the August 2023 draft ESIA.

²⁵⁸ P. 11 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

²⁵⁹ Section 5.4 of the October 2024 draft BMP.

²⁶⁰ Requirement 1.4 of the May 2025 ESAP.

²⁶¹ ESDS.

²⁶² ESDS.

²⁶³ ESDS.

²⁶⁴ The Directive 2009/147/C on the conservation of wild birds (Birds Directive) covers the protection, management and control of certain bird species and lays down rules for their exploitation. The Directive is available [here](#), accessed on 20 January 2025.

²⁶⁵ Appendix 1 of the August 2023 draft ESIA.

²⁶⁶ P. 2 of the 11 October 2024 EIB reply to the CEE Bankwatch Network Request for Internal Review, available [here](#), accessed on 20 January 2025.

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project being in line with the EIB Standards²⁶⁷ (such as CHA and BMP) – see §§ 4.1.2 and 4.1.36. For example, conscious of the status of transposition of the EU law in BiH (see § 4.1.48) and the potential impact on Natura 2000 sites (see § 4.1.40), the EIB requested the promoter to carry out additional assessments, including the BMP²⁶⁸. The EIB commented on the draft ESIA, the draft CHA and the draft BMP.

4.1.49 Fourth, the EIB considered that not having provided a risk categorisation for the project did not have a material influence on its appraisal nor on the decision to finance the project²⁶⁹. As mentioned above, in light of the detected environmental and social risks, the EIB agreed with the promoter about the preparation of an ESIA and requested additional assessments (see § 4.1.49), and singled out: (i) noise pollution; (ii) shadow flicker; (iii) water; (iv) air; (v) waste; and (vi) flora and fauna as some of the project's impacts²⁷⁰. Not having formally provided a risk categorisation for the project did not prevent the EIB from requesting measures to be put in place to ensure that the project's impacts are adequately mitigated (see § 4.1.52 and 4.1.53).

4.1.50 Fifth, the EIB noted findings of the relevant assessments. For example, with respect to the project's impact on flora and fauna and protected areas, the EIB:

- Observed that the preliminary design was adjusted to minimise the project's impact²⁷¹.
- Noted that surveys were carried out between 2021 and 2022 to establish a baseline condition for birds and bats²⁷².
- Noted that the project is bordering Blidinje Nature Park, which would correspond/overlap with the potential Prenj-Čvrsnica-Čabulja Natura 2000 site²⁷³.

4.1.51 The EIB reflected the outcomes of the various assessments in the May 2025 ESAP. The ESAP is attached to the finance contract signed between the EIB and BiH, detailing specific measures to be implemented (see § 4.1.3). The May 2025 ESAP, for example, requires:

- The Project Implementation Consultant (PIC)²⁷⁴ to (i) carry out a critical review and gap analysis of the draft ESIA and CHA (see § 4.1.2) with the aim of identifying any shortcomings in relation to the EIB Standards and addressing them²⁷⁵; and (ii) support the promoter in developing the required ESMMP (see § 4.1.3).
- The promoter to: (i) further update the draft ESIA and CHA (see § 4.1.2) to take into account the results of any further studies or requirements and to ensure compliance with all permits and authorisations²⁷⁶; and (ii) provide to the EIB regular reports on the implementation of the ESAP, ESMMP and on compliance with the EIB Standards²⁷⁷.
- The experts appointed by the promoter should, if needed, (i) evaluate bird and bat monitoring results and recommend changes to the wind turbines' operation; and (ii) carry

²⁶⁷ ESDS.

²⁶⁸ ESDS.

²⁶⁹ P. 8 of the 11 October 2024 EIB reply to the CEE Bankwatch Network Request for Internal Review, available [here](#), accessed on 20 January 2025. Please note that the EIB considers that such risk categorisation will be systematically implemented once the EIB's environmental and social due diligence procedures are finalised and upon finalisation of these procedures, the ESDSs that are published in the Public Register on the Bank's website will include the risk categorisation.

²⁷⁰ ESDS.

²⁷¹ ESDS.

²⁷² ESDS.

²⁷³ ESDS.

²⁷⁴ The PIC will have international environmental and social experience to further assist the project implementation in line with the requirements of the EIB environmental and social standards prior to first disbursement – ESDS.

²⁷⁵ Requirement 1.3 of the May 2025 ESAP.

²⁷⁶ Requirement 1.1 of the May 2025 ESAP.

²⁷⁷ Requirement 0.1 of the May 2025 ESAP.

out an assessment of habitats present in the potential Natura 2000 sites, thereby ensuring no net loss/net positive impact for biodiversity²⁷⁸.

- 4.1.52 Sixth, and in addition to the finalisation of the ESAP to the satisfaction of the Bank, the EIB listed specific conditions as conditions precedent for the EIB financing of the project²⁷⁹, requiring the promoter to further enhance the project's performance. For example, the EIB requires the promoter to conduct pre-construction biodiversity studies to precisely determine if areas of high-value biodiversity could be impacted by the project²⁸⁰. Moreover, the BMP (see §§ 4.1.36 and 4.1.42) must contain a mitigation strategy to achieve the related biodiversity protection objectives prior to the first disbursement²⁸¹. The EIB made disbursement of all tranches conditional on obtaining a report describing the status on the implementation of the ESAP, in form and substance satisfactory to the EIB, along with the corresponding evidence of the compliance of the project with the requirements set in the ESAP.
- 4.1.53 Following signature of the finance contract, the EIB monitors compliance of the project with the project-applicable standards, including fulfilment of the conditions precedent. In addition to the promoter (see § 4.1.52, item 2), the contractor will report monthly and semi-annually on environmental issues (such as water, soil, flora and fauna, waste)²⁸². The promoter is asked to appoint an environmental manager that will be responsible for supervising contractors and communicating with the national authorities²⁸³. The EIB also monitors court cases. For example, once informed of the second instance court ruling annulling the urban permit (see Text Box 2), the EIB participated in a meeting with the promoter to clarify the issues. The EIB was informed that the new urban permit had been re-issued. The provision of the urban permit for the project is a condition for disbursement of the first tranche for the project. Furthermore, once informed of the ruling of the second instance court annulling the first instance court's ruling concerning the August 2023 screen-out decision (see § 4.1.4), the EIB followed up on this with the promoter. In line with the finance contract, the promoter is required to obtain and maintain the relevant environmental approvals for the project (for example, the screen-out decision) and comply with them.

4.2 Allegation B – Stakeholder Engagement

Compliance of the project with project-applicable standards

- 4.2.1 The local population has known the promoter's intention to implement the project for over a decade. As the project was originally initiated in 2010 (see § 1.1.3), in 2013, the promoter organised and held a public hearing concerning the project's 2013 draft ESIA²⁸⁴. Furthermore, the promoter made the 2013 SEP, referring to the complainant as a project affected person, available on its website²⁸⁵. In 2021, on the initiative of the local communities, an informal meeting was held between the promoter and the representatives of the local communities and interested residents concerning the project²⁸⁶. More recently, (i) public participation in the decision-making process; and (ii) access to justice were both exercised as part of the FBiH EIA screen-out decision and urban permit procedures.

²⁷⁸ Requirements 4.1-4.8 of the May 2025 ESAP.

²⁷⁹ For more information about the environmental and social conditions for financing the project, see ESDS.

²⁸⁰ ESDS.

²⁸¹ ESDS.

²⁸² Section 7 of the August 2023 draft ESIA.

²⁸³ Section 7 of the August 2023 draft ESIA.

²⁸⁴ The public hearing was held on 23 September 2013 at 10:30 in the Ante Bruno Bušić primary school in Poklečani. There were 31 participants.

²⁸⁵ Available [here](#), accessed on 16 December 2024.

²⁸⁶ Section 4.2 of the February 2024 draft SEP.

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- 4.2.2 In terms of the EIA screen-out decision:** in June 2023, the competent authority published the preliminary EIA on its website and invited the public to comment on it within 30 days²⁸⁷. The June 2023 preliminary EIA included a non-technical summary²⁸⁸. In August 2023, the competent authority published on its website the draft screen-out decision and invited the public to comment on it within eight days²⁸⁹. The decision states that all reasoned comments were integrated into the decision²⁹⁰. There is no evidence that the complainant participated in the process. The final screen-out decision, which is almost identical to the draft screen-out decision, was sent to the promoter and a number of competent authorities but was not published²⁹¹. The public could have, however, requested access to the decision²⁹².
- 4.2.3** As indicated in § 4.1.4, there is an ongoing court case before national courts concerning the August 2023 screen-out decision. In March 2024, the Aarhus Centre in BiH challenged the August 2023 screen-out decision issued by the FBiH's competent authority²⁹³, requesting its annulment. In November 2024, the first instance court, the Sarajevo Cantonal Court, issued its decision, dismissing the allegations of the Aarhus Centre in BiH due to the late initiation of the court proceedings²⁹⁴. According to the first instance court ruling, the Aarhus Centre in BiH initiated the court proceedings 32 days after receiving the screen-out decision, therefore breaching the 30-day deadline set in the FBiH legislation. The Aarhus Centre in BiH appealed the November 2024 ruling of the first instance court and in February 2025, the second instance court, the FBiH Supreme Court, annulled the first instance court's decision and returned the case to the first instance court as it assessed that the procedural prerequisites had been met. The second instance court concluded that the appeal against the screen-out decision was in fact submitted within the 30-day deadline. The court case before the first instance court is ongoing and the screen-out decision remains valid at the time of drafting of this report.
- 4.2.4 In terms of the urban permit:** in December 2023, the competent authority²⁹⁵ invited the public to review the preliminary project design within 15 days²⁹⁶. The complainant reviewed the preliminary design and provided their comments (such as impact on water; expropriation)²⁹⁷.
- 4.2.5** In February 2024, the complainant initiated court proceedings against the January 2024 urban permit challenging the project's environmental and social impact (for example, clearance of the forest, noise and shadow flicker, impact on water). In October 2024, the first instance court issued its decision dismissing the complainant's allegations, establishing that the decision was issued in line with the relevant legislation and correctly establishing the facts²⁹⁸. In the second instance court proceedings, initiated by the complainant, the court did not focus on this issue²⁹⁹. For more information on the ruling of the second instance court, please see Text Box 2.
- 4.2.6** Going beyond the requirements of the FBiH's standards, the promoter organised a public hearing in October 2023³⁰⁰. During the public hearing, the promoter informed the public that it

²⁸⁷ June 2023 preliminary EIA.

²⁸⁸ Annex 4 to the June 2023 preliminary EIA, available [here](#) (in Croatian), accessed on 20 January 2025.

²⁸⁹ The draft screen-out decision is available [here](#), accessed on 20 May 2025.

²⁹⁰ Explanatory section 3 of Screen-out Decision No. UPI 05/1-02-19-4-81/23 of 31 August 2023.

²⁹¹ Screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

²⁹² Sarajevo Cantonal Court Decision No. 09 0 U 046279 24 U, dated 26 November 2024.

²⁹³ Screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

²⁹⁴ Sarajevo Cantonal Court Decision No. 09 0 U 046279 24 U, dated 26 November 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

²⁹⁵ The FBiH Ministry of Spatial Planning.

²⁹⁶ This was done (i) in local newspapers; (ii) on its website; and (iii) on its notice board – Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024. Section 2 of the February 2024 draft SEP.

²⁹⁷ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024.

²⁹⁸ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024 – The decision cannot be appealed. Only a redress procedure can be initiated against this decision.

²⁹⁹ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

³⁰⁰ According to the information provided by the promoter on 16 October 2023 between 15:00 – 17:00 at the local primary school in Rakitno. The public was informed of the public hearing by (i) notification on the promoter's website; (ii) notification on the Posušje municipality's website; (iii) notice board of Posušje municipality; (iv) notice board of local school in Rakitno; (v) notice

is in the process of drafting several documents, such as the SEP, in line with the EIB Standards³⁰¹. As part of the public hearing, the public (including the complainant) provided its views concerning the project, and the promoter responded to the views expressed.

- 4.2.7 The promoter prepared a draft (updated) SEP in February 2024. The February 2024 draft SEP provides detailed information about the project, including the location of wind turbines and the extent of the concession area³⁰². It (i) serves as the guide for the entire stakeholder engagement process and is subject to regular reviews; (ii) identifies regular stakeholders, including property owners in the project area; (iii) provides information on disclosure of information; and (iv) provides more information about the project grievance mechanism³⁰³.
- 4.2.8 Just like the draft ESIA, CHA and BMP (§§ 4.1.2 and 4.1.36), once the SEP is finalised, it will be: (i) made available to the public; (ii) presented at a public hearing; (iii) may be adjusted depending on the received comments³⁰⁴; and (iv) the promoter will need to comply with it.
- 4.2.9 The May 2025 ESAP, attached to the finance contract, requires the promoter to (i) update and implement the SEP; (ii) set up a grievance mechanism for PAPs; (iii) conduct further public consultation on the project, its impacts and measures put in place to address the impacts; and (iv) make available relevant environmental and social documents³⁰⁵.

Responsibilities of the EIB

- 4.2.10 Firstly, the EIB reviewed the relevant information provided by the promoter and requested additional information. For example, the EIB enquired and was provided with information on the planned stakeholder engagement. The EIB noted that a SEP had been prepared, and that it would have to be updated to match the EIB Standards³⁰⁶.
- 4.2.11 Secondly, the EIB analysed the country context. For example, the EIB reviewed information about the regulatory requirements in terms of stakeholder engagement in FBiH³⁰⁷. The EIB was also informed about specific national stakeholder procedures (for example, that the EIA screening process included 30 days of public consultation) (see § 4.2.2).
- 4.2.12 Third, the EIB reviewed other available information. For example, the EIB was informed that, as part of the urban permit issuance process, the complainant (i) inspected the relevant documents (such as project design); (ii) submitted their comments (which were nevertheless rejected by the competent authority); (iii) initiated court proceedings. Once informed of the second instance court ruling annulling the urban permit (see Text Box 2), the EIB participated in a meeting with the promoter to clarify the issues. The EIB was informed that the new urban permit had been re-issued. Furthermore, once informed of the ruling of the second instance court annulling the first instance court's ruling concerning the August 2023 screen-out decision (see § 4.1.4), the EIB followed up on this with the promoter. The EIB was also informed of the content of the discussion during the public hearing that took place in October 2023. The EIB commented on the February 2024 draft SEP and on the section of the August 2023 draft ESIA concerning stakeholder engagement.

board of Sutina local community; (vi) Rakitno family medicine clinic; (vii) Rakitno dental practice; (viii) local newspaper (Večernji list BiH).

³⁰¹ Other documents included: (i) ESIA; (ii) CHA; (iii) BMP; and (iv) Land Acquisition and Compensation Plan.

³⁰² Section 2 of the February 2024 draft SEP.

³⁰³ Sections 1, 4(8), 5, 6 and 7 of the February 2024 draft SEP.

³⁰⁴ Section 6 of the February 2024 draft SEP and section 2.1 of the May 2025 ESAP.

³⁰⁵ Requirement 2.1 of the May 2025 ESAP.

³⁰⁶ The EIB identified gaps include: (i) preparation of a SEP; (ii) record keeping on public relations, dates of publication of decisions, minutes of meetings and public hearings; and (iii) establishing a grievance mechanism – Section 3 of the February 2024 draft SEP.

³⁰⁷ Section 3 of the February 2024 draft SEP.

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4.2.13 Moreover, the EIB reflected the outcomes of the assessments in the May 2025 ESAP agreed with the promoter which, for example, requires:

- The PIC to carry out a critical review and gap analysis of the SEP with the aim of identifying any shortcomings in relation to the EIB Standards and addressing them³⁰⁸.
- The promoter to further update the SEP to take into account the results of any further studies or requirements and to ensure compliance with all permits and authorisations³⁰⁹.

4.2.14 Finally, the EIB listed specific undertakings and conditions precedent for the EIB financing of the project³¹⁰, requiring the promoter to further enhance the project's performance. For example:

- The submission by the promoter of an updated SEP, including a project-wide grievance mechanism prior to the first disbursement.
- Providing satisfactory evidence of the implementation of the mitigation and monitoring measures provided for in the SEP, including the project grievance mechanism³¹¹.

4.2.15 Following the signature of the finance contract, the EIB monitors compliance of the project with the project-applicable standards, including fulfilment of the conditions precedent. For example, the EIB monitors developments regarding the relevant court cases before national courts (see § 4.2.12). Furthermore, in line with the finance contract, the promoter is required to obtain and maintain the relevant environmental approvals for the project (such as the screen-out decision) and comply with them. The promoter is required to inform the EIB of any suspension, revocation or material modification of any environmental approval (such as the screen-out decision) and ongoing legal action against the project (see § 4.1.4).

4.3 Allegation C – Climate Change

Compliance of the project with project-applicable standards

4.3.1 The project will contribute to BiH meeting its climate targets. The project will add 132 MW of wind energy (see § 1.1.2) to the already installed 136 MW in BiH (see § 3.2.10), bringing it closer to the 600 MW target by 2030 (see § 3.2.10).

4.3.2 The project will have some climate impact. The June 2023 preliminary EIA identifies (i) forest clearing; and (ii) construction and installation of wind turbines as the biggest climate impacts of the project³¹². Also, SF₆, one of the most potent greenhouse gases³¹³, may be used in the switchgear parts of the project. The SF₆ is released into the atmosphere by leaks³¹⁴. It is estimated that in the period 2013-2019, 900 kg of SF₆ leaked from Europe's 100 000 wind turbines, which represents around 0.001% of overall emissions avoided thanks to wind energy every year³¹⁵.

4.3.3 Overall, the estimate is that the project will decrease relative CO₂ emissions by 368 kilotonnes per year, the equivalent to CO₂ absorbed by 16.7 million trees in a year. As noted in the June

³⁰⁸ Requirement 1.3 of the May 2025 ESAP.

³⁰⁹ Requirement 1.1 of the May 2025 ESAP.

³¹⁰ For more information about the environmental and social conditions for financing the project, see ESDS.

³¹¹ ESDS.

³¹² Pp. 68-72 of the June 2023 preliminary EIA.

³¹³ Over a 100-year period, SF₆ is 23 500 times more effective at trapping infrared radiation than an equivalent amount of carbon dioxide (CO₂) – see [here](#), accessed on 20 January 2025.

³¹⁴ See [here](#), accessed on 20 January 2025.

³¹⁵ See [here](#), accessed on 20 January 2025.

2023 preliminary EIA, the project is a climate mitigation measure that will increase production of energy from renewable sources and reduce production from coal power plants³¹⁶.

Responsibilities of the EIB

- 4.3.4 Firstly, the EIB reviewed the relevant information provided by the promoter and requested additional information, including the project's impact on climate targets.
- 4.3.5 Secondly, the EIB analysed the country context. The EIB analysed the project's alignment with the draft National Energy and Climate Plan and the EU Green Agenda for the Western Balkans.
- 4.3.6 Moreover, the EIB assessed the project's impact on climate. The EIB estimated that the project will decrease relative CO₂ emissions by 368 kilotonnes per year³¹⁷ (see § 4.3.3). Therefore, the EIB assessed the project as fully aligned with the Paris Agreement, as set out in the Bank's Climate Bank Roadmap³¹⁸.
- 4.3.7 Finally, the EIB reflected the outcomes of the assessments in the May 2025 ESAP agreed with the promoter, which, for example, requires the promoter to, should SF₆ be used for wind turbine switchgear, develop and implement a plan to manage the gases so as to minimise release into the atmosphere and report on this³¹⁹. This plan should be consistent with Good International Industry Practice, taking into account the F-Gas Regulation (Regulation (EU) 2024/573) (see § 3.2.11)³²⁰.

4.4 Allegation D – Involuntary Resettlement

Compliance of the project with project-applicable standards

- 4.4.1 Property A is expropriated for the construction of wind turbines, a transformer station, power connection, and access roads. Property A is just part of the property to be expropriated for the project. The said property A does not encompass any houses. Instead, it consists of pasture, meadows, forests and arable land. This is in line with the objective of the project, which was designed to minimise involuntary resettlement³²¹. For example, only 4.1% of the concession area will be permanently occupied by the project³²²; and bare rock ground unsuitable for agriculture and grazing have been prioritised for access roads³²³.
- 4.4.2 The eight-stage expropriation procedure under the FBiH legislation for property A is ongoing:
- In June 2023, the promoter submitted a proposal of declaration of public interest for the project, together with the expropriation study.
 - In July 2023, the Posušje Municipality declared the project as a project of public interest, listing property A³²⁴. There is no evidence that this decision has been appealed.

³¹⁶ P. 45 of the June 2023 preliminary EIA.

³¹⁷ ESDS.

³¹⁸ ESDS.

³¹⁹ Requirement 3.3 of the May 2025 ESAP.

³²⁰ Requirement 3.3 of the May 2025 ESAP.

³²¹ Section 3.2 of the February 2024 draft LACP.

³²² 58.2 ha of 1 420.7 ha – subject to the main design – Section 2, sub-section c of Decision No. UPI 05/1-02-19-4-81/23 of 31 August 2023.

³²³ Section 3.2 of the February 2024 draft LACP.

³²⁴ 27 July 2023 Decision on determining the public interest in the construction of the Poklečani Wind Power Plant, No. 01-31-144/23, available [here](#) in Croatian, accessed on 20 January 2025. Please note that this decision was amended in September 2024 with the decision on amendments to the decision on determining the public interest in the construction of the Poklečani Wind Power Plant No. 01-31-178/24, available [here](#), in Croatian, accessed on 14 July 2025. The amended decision included additional land plots as part of the expropriation procedure. According to the promoter, this was done to expand access roads and wind turbines. The amended decision does not refer to Property A or Property B.

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- In August 2023, the promoter published a public invitation to the owners of property A to find an amicable solution regarding the expropriation of their property³²⁵.
- In September 2023, since (according to the promoter) no one answered the call to conclude voluntary agreements, the promoter submitted the proposal for expropriation to the Posušje Municipality³²⁶.
- The Posušje Municipality³²⁷ informed the PAPs and held expropriation hearings with the promoter and the PAPs.
- The Posušje Municipality issued the expropriation decisions. Some property A PAPs appealed this decision and there are ongoing court cases.
- For some property A PAPs, the expropriation decision became final, and the compensation amount hearing was held. The compensation amount was set on the basis of estimates of court experts (land and dry walls³²⁸) and of the tax authority.
- Some property A PAPs did not agree with the offered compensation and their case escalated to the court for the purpose of determining the compensation amount. The court cases are still ongoing.

As part of the process, the competent authorities visit the site and make appropriate markings on the property indicating the land designated for expropriation.

- 4.4.3 Property B is not expropriated because it is not needed for project implementation. Property B contains some standing houses. However, the modelling for the project's noise and shadow flicker assessments on these houses does not show signs of a breach of project-applicable standards (see § 3.2.14). The rest of property B consists of pasture, meadows, forests and arable land.
- 4.4.4 In addition to the ongoing court proceedings (see § 4.4.2, indent 8), the complainant has raised concerns about the expropriation of their property in December 2023 as part of the issuance process of the project's urban permit³²⁹. Subsequently, the complainant initiated court proceedings against the urban permit issued in January 2024 (see § 4.2.5), but the court dismissed these concerns in October 2024³³⁰. In the second instance court proceedings, initiated by the complainant, the court did not focus on this issue³³¹. For more information on the ruling of the second instance court, please see Text Box 2.
- 4.4.5 The FBiH expropriation procedure is closely linked to the six-stage land acquisition procedure under the EIB Standards, which is also ongoing:
- The promoter undertook a census to identify the PAPs and establish an inventory of losses as part of the project's expropriation study³³² (see § 4.4.2, indent 1).

³²⁵ The invitation was published on the website of the promoter and in the local newspaper on 28 August 2023, available [here](#) (in Croatian), accessed on 20 January 2025.

³²⁶ Letter No. I-5683/2023 sent to the Municipality of Posušje.

³²⁷ Service for Property and Legal Affairs, Geodetic Affairs, Cadastre, Spatial Planning and Environmental Protection of the Posušje Municipality.

³²⁸ No other building structures besides dry walls were identified during the expropriation process – Section 8.2 of the February 2024 draft LACP.

³²⁹ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024

³³⁰ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024.

³³¹ Ruling of the FBiH Supreme Court, No. 09 0 U 046147 24 Uvp.

³³² The expropriation study lists affected owners and real estate, their evaluation and other related information – Section 4.2.4 of the February 2024 draft LACP.

- The promoter is in the process of preparing a Land Acquisition and Compensation Plan (LACP)³³³.
- Since the land acquisition activities are already underway, the February 2024 draft LACP contains a gap analysis between the national legislation and EIB Standard 6, and measures to bridge any existing gaps³³⁴.
- The promoter engaged with PAPs (see § 4.2.6). Once finalised, the LACP should be made available to the PAPs³³⁵.
- The PAPs should receive compensation for any expropriated properties (in kind or in cash) at replacement cost (to be estimated by official court experts)³³⁶.
- In addition to the right to appeal under the FBiH standards (see § 4.4.2, indent 8), a project grievance mechanism will be established for receiving and addressing concerns about compensation³³⁷.

4.4.6 The February 2024 draft LACP³³⁸ contains (i) an overview of the expropriation procedure³³⁹; (ii) the gaps between the national standards and EIB Standard 6, and ways to overcome the differences³⁴⁰. The February 2024 draft LACP contains an overview of the possible impact of the land acquisition required for the project on property and business owners and concludes that the implementation of the project is not expected to lead to any involuntary physical or economic displacement³⁴¹. The February 2024 draft LACP also encompasses the establishment of a project-level grievance mechanism³⁴². Once finalised, the LACP will be: (i) made available to the public; (ii) presented at a public hearing; (iii) may be adjusted depending on the received comments³⁴³; and (iv) the promoter will need to comply with it.

Responsibilities of the EIB

- 4.4.7 Firstly, the EIB reviewed the relevant information provided by the promoter and requested additional information. The EIB specifically noted that a LACP had been prepared in 2014, but that it had to be further developed to match the EIB Standards³⁴⁴.
- 4.4.8 Secondly, the EIB analysed the country context. The EIB reviewed the ongoing FBiH expropriation procedure³⁴⁵ and noted that (i) the competent national authority declared the project a project of public interest; (ii) the promoter was engaging PAPs to conclude voluntary agreements regarding their properties that were subject to expropriation; and (iii) PAPs have the opportunity to obtain a revised price through the appeal process³⁴⁶. The EIB requested the promoter to prepare a LACP detailing the gaps between the national standards and EIB Standard 6, as well as ways to overcome the differences, if any (see § 4.4.6).
- 4.4.9 Third, the EIB reviewed other available information. The EIB commented on the draft LACP and consulted the Land Acquisition Database, which contains detailed information about each land plot (such as owners, stage of expropriation process, compensation amount, etc.) and is used for the LACP.

³³³ The LACP prepared for this project is the equivalent of a RAP required as per the EIB Standards. The PIC supports the promoter in updating and implementing the LACP.

³³⁴ Section 4.2.42 of the February 2024 draft LACP.

³³⁵ Section 12 of the February 2024 draft LACP.

³³⁶ Sections 7 and 8.1 of the February 2024 draft LACP.

³³⁷ Sections 4.2.4 and 10 of the February 2024 draft LACP.

³³⁸ The project implementation consultant supports the promoter in updating and implementing the LACP.

³³⁹ Section 4.2 of the February 2024 draft LACP.

³⁴⁰ Section 4.2.4 of the February 2024 draft LACP.

³⁴¹ Section 5.2 of the February 2024 draft LACP.

³⁴² ESDS.

³⁴³ Section 6 of the February 2024 draft SEP, and section 2.1 of the May 2025 ESAP.

³⁴⁴ ESDS.

³⁴⁵ ESDS.

³⁴⁶ ESDS.

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- 4.4.10 Fourth, the EIB carried out its own assessment. The EIB noted that property A will be expropriated.
- 4.4.11 Fifth, the EIB reflected the outcomes of the assessments in the May 2025 ESAP, which, for example, requires:
- The PIC to carry out a critical review and gap analysis of the LACP with the aim of identifying any shortcomings in relation to the EIB Standards and addressing them³⁴⁷.
 - The promoter to (i) further update the LACP to take into account the results of any further studies or requirements and to ensure compliance with all permits and authorisations³⁴⁸ and implement the LACP; (ii) report on land acquisition activities, including lodged grievances³⁴⁹.
- 4.4.12 Sixth, one of the undertakings for the EIB financing is an obligation for the promoter to ensure that the land acquisition required for the project is carried out in accordance with the requirements of the EIB Standards, and to document and report on the land acquisition process according to the EIB, including through the update of the LACP prior to the start of the project's construction³⁵⁰. Furthermore, the EIB made disbursement of all tranches conditional on a confirmation from the PIC that all agreements for the acquisition of required rights over the project's land area have been negotiated and duly signed.
- 4.4.13 Following the signature of the finance contract, the EIB monitors compliance of the project with project-applicable standards, including fulfilment of the conditions precedent. The February 2024 draft LACP requires the promoter to monitor and report on the land acquisition³⁵¹.

4.5 Allegation E – Cultural Heritage

Compliance of the project with project-applicable standards

- 4.5.1 The project is implemented in an area that contains the complainant's standing house, well and dry walls³⁵². Most likely, these walls were constructed using dry-stone walling, which is typical for the area.
- 4.5.2 The preliminary EIA³⁵³ and the draft ESIA³⁵⁴ note that the project should not have an impact on cultural heritage. The competent authority, the FBiH Institute for Protection of Monuments, stated that the project will not impact any registered and protected cultural historical monuments³⁵⁵.
- 4.5.3 The complainant initiated court proceedings against the January 2024 urban permit, arguing negative impact of the project on cultural heritage. In October 2024, the court dismissed these concerns, stating that the complainant did not provide any evidence that the house, well and dry walls were part of (or should be considered as) cultural heritage (see § 4.2.5)³⁵⁶. In the second instance court proceedings, initiated by the complainant, the court dismissed the

³⁴⁷ Requirement 1.3 of the May 2025 ESAP.

³⁴⁸ Requirement 1.1 of the May 2025 ESAP.

³⁴⁹ Section 6.1 of the May 2025 ESAP.

³⁵⁰ ESDS.

³⁵¹ Section 11 of the February 2024 draft LACP.

³⁵² See [here](#), accessed on 20 January 2025.

³⁵³ Section C.1.5 of the June 2023 request for preliminary EIA.

³⁵⁴ § 5.3.4 of the August 2023 draft ESIA.

³⁵⁵ Explanatory section 3 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

³⁵⁶ Sarajevo Cantonal Court Decision No. 09 0 U 046147 24 U, dated 2 October 2024.

complainant's claims that the project will have a negative impact on cultural heritage³⁵⁷. For more information on the ruling of the second instance court, please see Text Box 2.

Responsibilities of the EIB

- 4.5.4 The EIB took note of the 2022 gap analysis between the FBiH legislation and EIB Standards that establishes that there are no gaps between the FBiH legislation and EIB Standard 10, and that the FBiH legislation provides a protection regime for cultural heritage sites that is aligned with the EIB Standards.
- 4.5.5 Moreover, the EIB noted that the project will not impact cultural heritage³⁵⁸. The EIB reviewed the expert opinion of the FBiH Institute for Protection of Monuments (§ 4.5.2)³⁵⁹.
- 4.5.6 Finally, the May 2025 ESAP agreed between the EIB and the promoter includes a requirement that no cultural heritage be removed or lost without appropriate conservation³⁶⁰.

5 CONCLUSIONS

- 5.1.1 The reviewed evidence shows that the project is in line with the **project-applicable standards**, with possibly one exception. The competent authority did not publish the August 2023 screen-out decision (§ 4.2.2). Publication of the final decision is a requirement under the EIA Directive that is directly applicable to the project (§§ 3.2.4, 3.2.7 and 3.2.8). In practice, this did not have an impact on access to justice as a local non-governmental organisation is currently exercising the right to challenge the August 2023 screen-out decision before a court (§ 4.2.3).
- 5.1.2 With regard to other aspects, the project is in line with the project-applicable standards. As required (see §§ 3.2.4 and 3.2.5), the assessment of the project's impact on the environment has been finalised at the FBiH level. As mentioned in the paragraph above, there is an ongoing court case concerning the related August 2023 screen-out decision (§ 4.1.4). Either, in agreement between the EIB and the promoter, or as requested by the EIB in line with the EIB Standards, additional assessments are currently under finalisation furthering the assessment conducted at the FBiH level (see, for example, §§ 4.1.35 and 4.1.40). Related to this, as required (see §§ 3.2.4 and 3.2.5), specific measures have been defined to ensure that the project-applicable standards are not breached. These measures are set out in various documents, such as the August 2023 screen-out decision and the May 2025 ESAP (see § 4.1.3). For more information, see Annex 1.
- 5.1.3 The additional environmental and social documents requested by the EIB or agreed with the promoter to ensure compliance of the project with project-applicable standards, such as the ESIA, CHA, BMP, SEP and LACP, once finalised, will be: (i) made available to the public; (ii) presented at a public hearing; and may be (iii) adjusted depending on the received comments (§§ 4.1.2, 4.1.36, 4.2.8 and 4.4.6).
- 5.1.4 Should a member of the public feel that the project breaches any of the project-applicable standards, it may submit a grievance to the promoter, which is required to assess and, if needed, remedy the situation and report on it to the EIB (see § 4.1.7). Grievances may be submitted concerning various aspects of the project, including the land acquisition issues (see §§ 4.4.5 and 4.4.6). Members of the public can also submit a complaint to EIB-CM.

³⁵⁷ Pp. 8 and 9 of the ruling of the FBiH Supreme Court.

³⁵⁸ ESDS.

³⁵⁹ Explanatory section 3 of the screen-out decision (No. UPI 05/1-02-19-4-81/23 of 31 August 2023).

³⁶⁰ Requirement 10.2 of the May 2025 ESAP.

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- 5.1.5 The reviewed evidence shows that the **EIB** carried out its **responsibilities** as required (see section 3.3). Although the EIB did not provide a risk categorisation for the project, which is not in line with the requirements (see § 3.3.2, item 4), the reviewed evidence does not show that this had a material influence on the EIB’s appraisal of this particular project (see § 4.1.50). The EIB either requested or agreed with the promoter about carrying out additional assessments on the project’s impact and commented on these assessments (see §§ 4.1.47 and 4.1.49). The EIB reflected the outcomes of such assessments in the May 2025 ESAP (see §§ 4.1.52), which reinforces the requirements set at the FBiH level. The EIB expects that the promoter will carry out proper stakeholder engagement on the ESIA, CHA, BMP, SEP and LACP (see § 5.1.3).
- 5.1.6 The EIB-CM considers the development of an ESAP for the project (document agreed between the EIB and the promoter) and its attachment to the EIB finance contract as a good practice and encourages the EIB to develop an ESAP for future projects, when deemed necessary and especially for higher-risk category projects. The ESAP defines a list of specific actions to be implemented and reported on by the promoter in relation to the relevant EIB Standards. It is used as a tool to ensure compliance of the project with national legislation, the EIB Standards and international good practices. It also serves as guidance for the promoter in terms of the actions required in order to ensure the project’s compliance with the applicable EIB Standards. For more information, see Annex 1.

6 OUTCOMES

Table 2 – Summary of outcomes

Allegation	Outcome	Suggestions for improvement
Allegation A – Assessments EIB Standard 1 on Environmental and Social Impacts and Risks EIB Standard 3 on Resource Efficiency and Pollution Prevention EIB Standard 4 on Biodiversity and Ecosystems	No grounds	No
Allegation B – Stakeholder Engagement EIB Standard 2 on Stakeholder Engagement		The EIB-CM suggests that the EIB services remind the promoter of the obligation to have the screen-out decision published under the EIA Directive. (Suggestion to be implemented within two months from the date of the conclusions report)
Allegation C – Climate Change EIB Standard 5 on Climate Change		No
Allegation D – Involuntary Resettlement EIB Standard 6 on Involuntary Resettlement		No

Allegation	Outcome	Suggestions for improvement
Allegation E – Cultural Heritage EIB Standard 10 on Cultural Heritage		No

ANNEX 1 – SUMMARY OF CONCLUSIONS AND OUTCOMES

Allegation	Conclusions (Project-applicable standards)	Project in line with the standards	Conclusions (Responsibilities of the EIB)	Outcomes
<p>Allegation A – Assessments</p> <p>EIB Standard 1 on Environmental and Social Impacts and Risks</p> <p>EIB Standard 3 on Resource Efficiency and Pollution Prevention</p> <p>EIB Standard 4 on Biodiversity and Ecosystems</p>	<p>The reviewed evidence shows that the project is in line with the project-applicable standards.</p> <p>As required (see §§ 3.2.4 and 3.2.5), the assessments of the project's impact on the environment have been and are still being carried out. The assessment has been finalised at the FBiH level. There is an ongoing court case concerning the related August 2023 screen-out decision (§ 4.1.4). Either, in agreement between the EIB and the promoter, or as requested by the EIB in line with the EIB Standards, additional assessments are currently under finalisation (see § 4.1.2). The assessments encompass all the relevant issues raised by the complainant (see Table 1 for Allegation A), such as noise, shadow flicker, flora and fauna, as well as protected areas (see §§ 4.1.9, 4.1.14, 4.1.19, 4.1.25, 4.1.29, 4.1.32, 4.1.35, 4.1.40, 4.1.41, 4.1.44).</p> <p>Moreover, as required (see §§ 3.2.4 and 3.2.5), specific measures are in place to ensure that the project-applicable standards are not breached. The measures are set out in various documents, such as the August 2023 screen-out decision and the May 2025 ESAP attached to the EIB finance contract (see § 4.1.3). The measures encompass all the relevant issues raised by the complainant (see Table 1 for Allegation A), such as noise, shadow flicker, flora and fauna, as well as protected areas (see §§ 4.1.10, 4.1.15, 4.1.20, 4.1.26, 4.1.30, 4.1.33, 4.1.36, 4.1.42, 4.1.45).</p>	Yes	<p>The reviewed evidence shows that the EIB carried out its responsibilities as required (see section 3.3).</p> <p>Firstly, the EIB reviewed the relevant information provided by the promoter and requested additional information. For example:</p> <ul style="list-style-type: none"> In respect of Allegation A, the EIB reviewed the relevant information, such as the FBiH EIA (see § 4.1.47), agreed with the promoter about the preparation of an ESIA and requested additional assessments such as the draft CHA and draft BMP (see § 4.1.49). In respect of Allegation B, the EIB noted that a SEP was prepared in 2014, but that it will have to be updated to match the EIB Standards (see § 4.2.10). In respect of Allegation C, the EIB requested information on the project's impact on climate targets (see § 4.3.4). In respect of Allegation D, the EIB noted that a LACP was prepared in 2014, but that it will have to be further developed to match the EIB Standards (see § 4.4.7). <p>Secondly, the EIB analysed the country context. For example:</p> <ul style="list-style-type: none"> In respect of Allegation A, the August 2023 draft ESIA, agreed between the EIB and the promoter, contains a gap analysis between the FBiH legislation and the EU legislation, on which the EIB Standards are based (see § 4.1.48). In respect of Allegation B, the EIB reviewed information about the regulatory requirements in stakeholder engagement in FBiH (see § 4.2.11). In respect of Allegation C, the EIB analysed the project's alignment with the draft National Energy and Climate Plan and the EU Green Agenda for the Western Balkans (see § 4.3.5). 	No Grounds

	<p>The national courts have had a chance to take a view on the compliance of the project with the national standards and there is an ongoing court case in this respect (see Text Box 2 and §§ 4.1.4, 4.1.11, 4.1.16, 4.1.21, 4.1.37).</p> <p>Relevant information has been shared with the public (see §§ 4.1.6, 4.1.12, 4.1.17, 4.1.22 and 4.1.38).</p> <p>Finally, should a member of the public feel that the project breaches any of the project-applicable standards, it may submit a grievance to the promoter. The promoter is required to assess and, if needed, remedy the situation and to report to the EIB on this (see § 4.1.7).</p>		<ul style="list-style-type: none"> • In respect of Allegation D, the EIB reviewed the ongoing FBiH expropriation procedure (see § 4.4.8). • In respect of Allegation E, the EIB took note of the analysis that establishes that there are no gaps between EIB Standard 10 and the FBiH legislation (see § 4.5.4). <p>Third, the EIB reviewed other available information. For example:</p> <ul style="list-style-type: none"> • In respect of Allegation A, the EIB agreed with the promoter about the preparation of an ESIA and requested additional assessments such as the draft CHA and draft BMP and commented on them (see § 4.1.49). • In respect of Allegation B, the EIB requested an updated SEP and commented on it (see § 4.2.12). • In respect of Allegation D, the EIB requested an update of the LACP and commented on it (see § 4.4.9). 	
<p>Allegation B – Stakeholder Engagement</p> <p>EIB Standard 2 on Stakeholder Engagement</p>	<p>The reviewed evidence shows the project is in line with the project-applicable standards, with a minor shortcoming.</p> <p>The competent authority did not publish the August 2023 screen-out decision (§ 4.2.2). This is a requirement under the EIA Directive (§§ 3.2.4, 3.2.7 and 3.2.8). In practice, this did not have an impact on access to justice as a local non-governmental organisation is exercising the right to challenge the screen-out decision before a court (§ 4.2.3).</p> <p>As required by the FBiH standards (see § 3.2.7), the public participation in the decision-making and the access to justice were both exercised as part of the: (i) EIA screen-out decision; and (ii) urban permit procedures, and there is an ongoing court case in this respect (see §§ 4.2.2 – 4.2.5)</p> <p>Moreover, as required by the EIB Standards (see § 3.2.8), the promoter prepared a draft (updated) SEP in February 2024 including: (i) relevant stakeholders; (ii) procedure for proactive</p>	<p>Yes</p> <p>with one shortcoming</p>	<p>Fourth, the EIB did not provide a risk categorisation for the project. Although this is not in line with the requirements (see § 3.3.2, item 4), the reviewed evidence does not show that this had a material influence on the EIB's appraisal (see § 4.1.50). For example, in addition to the relevant assessments requested by EIB:</p> <ul style="list-style-type: none"> • In respect of Allegation C, the EIB assessed the project as fully aligned with the Paris Agreement (see § 4.3.6). • In respect of Allegation D, the EIB noted that property A will be expropriated (see § 4.4.10). • In respect of Allegation E, the EIB noted that the project will not impact cultural heritage (see § 4.5.5). <p>Fifth, the EIB noted the findings of the relevant assessments and reflected its outcomes. The EIB reflected the outcomes of the assessments in the May 2025 ESAP. The ESAP is attached to the finance contract between the EIB and BiH, with specific measures to be implemented (see § 4.1.52). For example:</p> <ul style="list-style-type: none"> • In respect of Allegation A, the EIB requested an expert to, if needed: (i) evaluate bird and bat monitoring results and recommend changes in the wind turbine operation; (ii) carry out assessment of habitats present in the potential Natura 2000 	

	<p>disclosure of documents; and (iii) information about the grievance mechanism (see § 4.2.7).</p> <p>The additional environmental and social documents requested by the EIB and/or agreed with the promoter to ensure compliance of the project with project-applicable standards, such as the ESIA, CHA, BMP, SEP and LACP, once finalised, will be: (i) made available to the public; (ii) presented at a public hearing; may be (iii) adjusted depending on the received comments; and (iv) the promoter will need to comply with it (§§ 4.1.2, 4.1.36, 4.2.8 and 4.4.6).</p>		<p>sites, thereby ensuring no net loss/net positive impact for biodiversity (see § 4.1.52, indent 3).</p> <ul style="list-style-type: none"> • In respect of Allegation B, the EIB requested the promoter to further update the SEP to take into account the results of any further studies or requirements (see § 4.2.13). • In respect of Allegation C, the EIB requires the promoter to develop and implement a plan to manage the gases in line with the Good International Industry Practice should SF₆ be used for switchgear (see § 4.3.7). • In respect of Allegation D, the EIB requested the promoter to further update the LACP to take into account the results of any further studies or requirements (see § 4.4.11). • In respect of Allegation E, the EIB requires that no cultural heritage be removed or lost without appropriate conservation (see § 4.5.6). 	
<p>Allegation C – Climate Change</p> <p>EIB Standard 5 on Climate Change</p>	<p>The reviewed evidence shows that the project is in line with the project-applicable standards.</p> <p>The project is contributing to BiH meeting its climate targets (see § 3.2.10). While the project will have some climate impact (see § 4.3.2), overall, it will significantly decrease relative CO₂ emissions, the equivalent to CO₂ absorbed by 16.7 million trees in a year (see § 4.3.3).</p>	<p>Yes</p>	<p>Sixth, these requirements will also be included in the finance contract. The EIB will not disburse funds unless the financing conditions have been met by the promoter. For example:</p> <ul style="list-style-type: none"> • In respect of Allegation A, the BMP must contain a mitigation strategy to achieve the related biodiversity protection objectives prior to first disbursement (see § 4.1.53). • In respect of Allegation B, the project grievance mechanism must be set up prior to the first disbursement (see § 4.2.14). • In respect of Allegation D, LACP must be updated prior to construction (see § 4.4.12). 	
<p>Allegation D – Involuntary Resettlement</p> <p>EIB Standard 6 on Involuntary Resettlement</p>	<p>The reviewed evidence shows that the project is in line with the project-applicable standards.</p> <p>As required (see § 3.2.14), the eight-stage expropriation procedure under the FBiH standards for property A commenced and is still ongoing (see § 4.4.2). As part of the process, the competent authorities visit the site and make appropriate markings on the property indicating the land designated for expropriation. This cannot be considered as trespassing or damage to the property. Property B is not expropriated because it is not needed for the project's implementation and the modelling carried out does not point to the project's negative impact requiring its expropriation (see § 4.4.3). The FBiH standards expropriation procedure is closely linked to the six-stage land acquisition procedure under the EIB Standards</p>	<p>Yes</p>	<p>Following the signature of the finance contract, the EIB monitors the implementation of the project (and compliance with the conditions detailed above). The monitoring includes developments regarding the relevant court cases before national courts (see §§ 4.1.54 and 4.2.15)</p>	

	<p>(see § 3.2.15), which is also still ongoing (see § 4.4.5).</p> <p>If the project will have an impact on property B (for example, if the noise or shadow flicker assessments prove to be incorrect), the owners can always initiate a grievance and ask for the expropriation of their property (see § 4.4.5, indent 6 and § 4.4.6).</p>			
<p>Allegation E – Cultural Heritage</p> <p>EIB Standard 10 on Cultural Heritage</p>	<p>The reviewed evidence shows that the project is in line with the project-applicable standards.</p> <p>While the skill of dry-stone walling is under UNESCO protection (see § 3.2.17), the individual stone walls located in the project area of influence are not (see §§ 4.5.1 and 4.5.2). Furthermore, there is no evidence to show that the complainant's house and the well are under protection (see § 4.5.3).</p>	<p>Yes</p>		

