

27/11/21



Maritime Association in Bosnia and Herzegovina

Established in 2007, Reg. No. RU648/07 of the Ministry of Justice of Bosnia and Herzegovina

Ms. Sonja Derkum, Head of Division, Complaints Mechanism
Ms. Laurence Levaque, Head of Unit, Complaints Handling and Reporting
European Investment Bank (EIB)
98-100, boulevard Konrad Adenauer
L-2950 Luxembourg

Ref: SG/F/2021/01 on 31 March 2021, Luxembourg

Subject: Request for reconsideration of the complaint (e-mail dated 29 January 2021)

Dear Ms. Derkum and Ms. Levaque,

Thank you for your response, which we received electronically on 31 March 2021.

The complete process, including the answer itself, was considered at depth by the members of the Management Board of the Maritime Society in Bosnia and Herzegovina and they expressed great surprise and profound dissatisfaction with the analytical methodology and approach, and consequently with the conclusion itself.

First of all, we would like to point out two legal-formal issues that you have visibly ignored in your answer:

1. The Maritime Society, like any other private and legal entity outside the EU, cannot complain to the EU Ombudsman (<https://www.ombudsman.europa.eu/en/checklist-for-making-a-complaint#Ty0x2dq9BsRH>), therefore, we can not file a complaint against the EIB Group with the European Ombudsman (We are in group: "None of the options given").
2. The Maritime Society is an NGO and is not responsible for the work of state institutions and individuals. In addition, the work of state institutions and individuals cannot be an obstacle to the work and demands of NGOs in general, and thus to our Maritime Society, especially not in the way you presented in your response.

The general conclusion about your answer is as follows:

According to the content and unacceptable arguments in relation to our complaint, it is obvious that the core of the text was worded, or well supported in Zagreb, on the basis of a continuous official Croatian policy towards Bosnia and Herzegovina. In that sense, it is stated that all the failings relate to Bosnia and Herzegovina, and that Croatia has no guilt nor wrongdoing, and that Croatia is correct in its conduct of bilateral relations as well as according to public international law. This is not true and it is clear that the EIB defends itself in its response by not considering at all the arguments set out in our complaint and the documents submitted. (email on 26 February 2021, email on 29 January 2021-Reg. No. 23/18.2 based on key document Reg. No. 21/IB/20, titled as "*The Peljesac Bridge Project financed by the European Commission and the European*

Investment Bank impinges on the rights of the coastal State of Bosnia and Herzegovina in a manner which is inconsistent with Public International Law”).

The EIB's response is surprisingly biased, ignoring the key arguments for violating the sovereignty, territorial integrity and other rights of the independent and sovereign state of Bosnia and Herzegovina.

The EIB's unfortunate approach is recognized in the following:

1. The EIB reserves the right to interpret UNCLOS and the rights of the sea by stating insignificant provisions of UNCLOS in relation to the given arguments of public international law, which clearly show that Croatia continuously violates the sovereignty, territorial integrity and other stated rights of an independent state of Bosnia and Herzegovina.
2. The EIB ignores the fact that Croatia does not respect The Judgment of the International Criminal Tribunal for the former Yugoslavia (No. IT-04-74) in part of “joint criminal enterprise that sought to annex or control Croat-majority parts of Bosnia and Herzegovina”. This disrespect and rejection has officially been accepted and publicly announced by the Croatian authorities and they are acting accordingly, including the judiciary.
3. The EIB seeks to place the totality of the blame on Bosnia and Herzegovina, although it is clear that there is no official document of consent of the competent institutions of Bosnia and Herzegovina. All documents show opposition to the construction of the Peljesac Bridge, and there is a resolution of the Parliament of Bosnia and Herzegovina that validates this (13 September 2017).
4. The EIB provides data on the maritime border line between Bosnia and Herzegovina and Croatia, and it is known that the demarcation of the border line has not been done, because Croatia has not wanted to ratify the Agreement on the border between the two countries for more than 20 years.

For a better understanding and interpretation of the issues please see the following documents received by the EIB from the Maritime Society in Bosnia and Herzegovina, without further elaboration, below is a part of the text from the key document Reg. No. 21 / IB / 20.

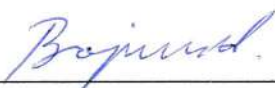
“Taking into account the above facts and arguments and focusing on the legal aspect, it is clear that:

1. *The straight baseline of the territorial sea and internal seawaters of Croatia are determined by the Maritime Code in a way unilaterally determined by Croatia which extends its sovereignty to its benefit whilst impinging on the internal seawaters of Bosnia and Herzegovina.*
2. *The internal seawaters of Bosnia and Herzegovina has been annexed by Croatia, which declared its state sovereignty over the territory, in an illegal and duplicitous process taking steps to maintain this unjust position as a given status quo.*
3. *The social and economic maritime activities of the Central Government of Bosnia and Herzegovina are limited and are challenged in the domain of national or cross-border competence and the maritime customs office. The international cross-border and customs office are in Port Ploce (Croatia), under Croatian sovereignty and competence.*

4. *The EC and EIB support to the construction of the Bridge and connection roads enables Croatian impingement on the sovereign rights of Bosnia and Herzegovina.*
5. *The construction of the Bridge is a unilateral, illegal act contrary to: Public International law, the UNCLOS 1982, the Convention on the Territorial Sea and the Contiguous Zone (Geneva on 1958), Proclaimed EU democratic and security principles, International Human Rights Norms, the 1995 Dayton Peace Agreement, and the 1999 Treaty.*
6. *EC and EIB have not taken into account the full facts and context noted in the previous points, including the outcome of Croatia's actions vis-à-vis the rights of Bosnia and Herzegovina that was confirmed in The Judgment of 29 November 2017 International Criminal Tribunal for the former Yugoslavia (No. IT-04-74).*
7. *This intention and goal of the Republic of Croatia with the Bridge project may have not been entirely clear to EC and EIB as summed up in the text above, taking into account the reputation of both EC and EIB and excluding any doubt in their wrongdoing”.*

According to the above, we believe that in order to preserve EIB's impartiality and integrity, and procedural correctness, we request that the EIB consider our complaint in a manner that is in line with the highest standards of impartiality, professionalism, fairness and law.

Best regards,



**Izet Bajrambašić, Ph.D. President,
Maritime Association in Bosnia and Herzegovina**



Sarajevo 19 September 2021

Reg. No. 27/NA/21

Contacts: Isabega Ishakovića 8 /Prote Bakovića 8/ 71000 Sarajevo
info@bhmore.ba; izet.bajrambasic@bhmore.ba; <https://bhmore.ba/>