

From: PCM - Project Complaint Mechanism
To: PCM - Project Complaint Mechanism
Subject: New Project Complaint
Date: 02 March 2017 05:16

Project Complaint to PCM

Date/Time

02/03/2017 05:15

Name/Organisation

[REDACTED]

Address

[REDACTED]

Country

MONTENEGRO

Phone number

[REDACTED]

Email

[REDACTED]

Is there a representative making this Complaint on behalf of the Complainant?

No

If yes, please provide the Name and Contact information of the Representative

n/a

Are you requesting that this Complaint be kept confidential?

Yes

If yes, please explain why you are requesting confidentiality

I do not want my name to be indexed by search engines (Google, etc)

Please provide the name or a description of the EBRD Project at issue.

Krnovo Wind Farm

Please describe the harm that has been caused or might be caused by the Project.

Project Sponsor did not try to acquire land rights through negotiation but through expropriation which is not in compliance with EBRD's Environmental and Social Policy.

Project Sponsor did not contact me until I reached out to EBRD.

Project Sponsor intended to expropriate only the area where the towers will be built but not the area under power wires and adjacent area that will be unusable completely for security reasons.

Project Sponsor through expropriation priced the land at 0,50 EUR/m2 which is at least 10 times less than the fair value.

Project Sponsor ignored the fact that around 25% of the area from my ownership paper is not adequately represented in Cadastre's map and did not wait for the issue to be resolved. Moreover, Project Sponsor did not recognize the damage done to my land as a whole and its future value by changing its structure and putting limits to construction of objects.

Have you contacted the EBRD to try to resolve the harm caused or expected to be caused by the Project?

Yes

If yes, please list when the contact was made, how and with whom

First contact was made in Aug 2015 in e-mail communication with PCM. In supporting documentation sent to pcm@ebrd.com as part of this complaint submission attached is the complete history of e-mail communication between EBRD and me. Messages #1-2 represent my first contact with PCM in Aug 2015 Messages #3-11 represent my further communication with EBRD [REDACTED] between Sep 2015 and July 2016 Messages #12-18 represent my latest communication with PCM from Dec 2016 to present

Please also describe any response you may have received

PCM forwarded my message to EBRD project team and EBRD project team provided me with contact details of the Project Sponsor and set up a meeting to hear my concerns. From the communication it is clear that EBRD does not have the power to resolve specific issues (i.e. cadaster issues) that are the responsibility of Montenegrin institutions, however since our first communication in Aug 2015 none of the issues raised are resolved today.

Have you contacted the Project Sponsor to try to resolve the harm caused or expected to be caused by the Project?

Yes

If yes, please list when the contact was made, how and with whom

After receiving from EBRD project team contact details of Project Sponsor's direct representatives [REDACTED] in Montenegro, I contacted them by e-mail however they communicated with me only by phone or in person. We met several times. In supporting documentation sent to pcm@ebrd.com as part of this complaint submission attached is also e-mail communication [REDACTED].

Please also describe any response you may have received.

Summarized response: The issue can be resolved only by Montenegrin institutions and courts. Please note that if Project Sponsor was compliant with EBRD social policy and negotiated before resorting to expropriation, lengthy court process could have been avoided.

If you have not contacted the EBRD and/or Project Sponsor to try to resolve the harm or expected harm, please explain why.

n/a

If you believe the EBRD may have failed to comply with its own policies, please describe which EBRD policies.

Expropriation process related to the Krnovo Wind Farm project was not undertaken with a proper negotiation process as outlined in the EBRD 2014 Environmental and Social Policy, PR 5, clause 10, page 38.

Please describe any other complaints you may have made to try to address the issue(s) at question (for example, court cases or complaints to other bodies).

1) The expropriated area includes only a small portion of the actual area occupied by the project. 2) The compensation for expropriation does not correspond to the market price or

appraiser's price. 3) Part of the area has ownership issues in Cadastre that should have been resolved before continuing with the project works.

Are you seeking a Compliance Review where the PCM would determine whether the EBRD has failed to comply with its Relevant Policies?

Yes

Are you seeking a Problem-solving Initiative where the PCM would help you to resolve a dispute or problem with the Project?

Yes

What results do you hope to achieve by submitting this Complaint to the PCM?

I hope that the Project Sponsor will compensate me adequately for the harm caused by the project.