



Mr Riccardo Puliti,
Managing Director, Energy
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cc.

Mr Kurt Bayer, Chair of the Board of Directors
Mr Georgios Gkiaouris, Operations Leader
Ms Nandita Parshad, Director, Power and Energy
Ms Biljana Radonjic Ker-Lindsay, Head of unit, Civil Society Engagement Unit

16 November 2011

Notification about two complaints to the European Commission in relation to the “TEŠ – Thermal Power Plant Šostanj” project

Dear Mr Puliti,

we would like to bring to your attention the fact that two complaints regarding the “TEŠ – Thermal Power Plant Šostanj” - TES 6 project have been filed at the European Commission.

The first filed complaint asserts that the requirements of Article 33 of the CCS Directive (Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006) were not met in the course of the project development. It was filed on 3 October 2011 by Environmental Legal Service and Focus Association for Sustainable Development.

The second filed complaint asserts that TEŠ did not follow the procedures prescribed for awarding of public procurement by Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, although the procedure prescribed for awarding of public procurement by Directive 2004/17/EC should have been followed. It was filed on 2 November 2011 by Focus Association for Sustainable Development.

Please, find both complaints attached to this letter.

We call on the EBRD to also undertake a thorough review of its involvement in the project, as it seems that when approving the projects, some relevant facts were omitted by the bank. We thank you for examining this notification and look forward to your response and actions in reviewing the EBRD's involvement in the project.

Yours sincerely,

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