



*Republic of Croatia*  
*Ministry of Foreign and European Affairs*  
*First Deputy Prime Minister and*  
*Minister*

Zagreb, 7 May 2015

Dear Mr. Timmermans,

Please find enclosed the letter which I sent to the Arbitral Tribunal with regard to recent statements made by the Minister of Foreign Affairs of the Republic of Slovenia concerning the pending arbitral proceedings, held in accordance with the 2009 Arbitration Agreement between the Republic of Croatia and the Republic of Slovenia.

As you may be well aware, the European Union had an active role in the process of the negotiation of the Agreement. The then Commissioner for Enlargement and European Neighbourhood Policy acted as the facilitator of the process and was supported by the then Troika of EU Presidencies. The Agreement was furthermore signed under the auspices of the European Union, being witnessed by the then EU Presidency.

At this stage of the arbitral procedure, when the award of the Arbitral Tribunal is still pending, Croatia is deeply troubled by the Slovenian Foreign Minister's recent statement that he has "*unofficial information*" concerning the likely outcome of an aspect of the arbitration. Moreover, the Slovenian Foreign Minister stated earlier this year that he has transmitted certain messages to the Arbitral Tribunal which cannot be found in the official Slovenian communication with the Arbitral Tribunal.

In Croatia's view, these Slovenian actions are seriously eroding the credibility of the arbitral proceedings and represent an unacceptable attempt to influence the Arbitral Tribunal.

**Mr. Frans Timmermans**  
**First Vice-President of the European Commission**

cc.  
**Mr. Jean-Claude Juncker**  
**President of the European Commission**

I use this opportunity to also inform you that Slovenia's response to Croatia's letter was a simple negation of the Minister's publicly delivered and recorded statements, offering no explanation for Slovenian actions whatsoever.

This case is of paramount importance to our two countries but may also have far-reaching consequences for international law and the settlement of numerous other disputes involving maritime and land delimitation between States in Europe and elsewhere.

You will appreciate that the situation where one of the Parties to the proceedings appears to have a separate channel of communication with the Arbitral Tribunal, fundamentally undermines the legitimacy of the arbitration procedure and diminishes prospects of future submittals of disputes to peaceful, third party settlement. This is exceptionally detrimental to the maintenance of peace and stability in South East Europe, where a great number of boundary disputes have not been settled yet.

In light of all the above mentioned, I wanted to bring to your attention Croatia's serious concerns about the described circumstances currently surrounding the arbitral proceedings between Croatia and Slovenia.

Please accept, Mr. Timmermans, the assurances of my highest appreciation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Vesna Pusić', written over a horizontal line.

Vesna Pusić

Encl.: Letter from the Republic of Croatia sent to the Arbitral Tribunal