European Investment Bank

CM Complaints Mechanism

African Lion Mining Fund III

Complaint SG/A/2019/02

Regional - Africa

Complaints Mechanism - Complaints Mechanism - Complaints Mechanism - Complaints Mechanism

CONCLUSIONS REPORT

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The EIB Complaints Mechanism

The EIB Complaints Mechanism intends to provide the public with a tool enabling alternative and pre-emptive resolution of disputes in cases where the public feels that the EIB Group has done something wrong, i.e. if a member of the public considers that the EIB has committed an act of maladministration. When exercising the right to lodge a complaint against the EIB, any member of the public has access to a two-tier procedure, one internal – the Complaints Mechanism Division (EIB-CM) – and one external – the European Ombudsman (EO).

Complainants who are not satisfied with the outcome of the procedure before the EIB-CM or with the EIB Group's response have the right to lodge a complaint of maladministration against the EIB with the EO.

The EO was "created" by the Maastricht Treaty of 1992 as an EU institution to which any EU citizen or entity may appeal to investigate any EU institution or body on the grounds of maladministration. Maladministration means poor or failed administration. This occurs when the EIB Group fails to act in accordance with the applicable legislation and/or established policies, standards and procedures, fails to comply with the principles of good administration or violates human rights. Some examples, as cited by the EO, are: administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal to provide information, unnecessary delay. Maladministration may also relate to the environmental or social impacts of the EIB Group's activities and to project cycle-related policies and other applicable policies of the EIB.

The EIB Complaints Mechanism intends not only to address non-compliance by the EIB with its policies and procedures but also to endeavour to solve the problem(s) raised by Complainants such as those regarding the implementation of projects.

For further and more detailed information on the EIB Complaints Mechanism, please visit our website: https://www.eib.org/en/about/accountability/complaints/index.htm

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EXECUTIVE SUMMARY

On 3 March 2019, the EIB Complaints Mechanism (EIB-CM) received a complaint from a CEE Bankwatch Network member regarding the African Lion Mining Fund III. The complaint concerns the Bank's failure to provide a timely reply to her request for documents and information, which will be the focus of this compliance review taking into consideration the deadlines set in the 2015 EIB Group Transparency Policy (TP)[1].

The Complainant had requested access to documents and information in an email addressed to the Bank on 16 October 2018. She submitted a confirmatory application on 3 February 2019. The EIB formally responded to the Complainant's request for information on 11 April 2019, i.e. some 120 working days following receipt of the request.

The EIB-CM acknowledges the Bank's willingness to address the request for information and the efforts made by the relevant services to this end. Nevertheless, the Bank's response exceeded by far the time limits set forth in the EIB-TP: it took the Bank 120 working days to provide a formal reply to the Complainant instead of the 30 working days as indicated in the EIB-TP for exceptional cases. It is the EIB-CM's view that the arguments of complexity of the request for information and the need for consultation with external third parties cannot be used to fully justify the excessive delay in this case.

The EIB-CM proposes for consideration by the Bank some areas for improvement, especially with regard to handling requests for information that are considered more complex. In such cases and when it becomes clear to the lead services for implementing the TP that it may take more time to address all the different elements of the request, the Bank should not hesitate to engage with the applicant and already share the Bank-held documents and/or information that clearly do not contain (anymore) confidential and/or sensitive information covered by the TP exceptions (following assessment and confirmation by the competent Bank services). The Bank could potentially address the different elements of the request for information in several batches if necessary. When it comes to requests for access to environmental information and/or documents that contain such information, such requests shall be handled promptly. Finally, as part of the forthcoming review of the Bank's TP, the CM suggests to the Bank to reflect on past experiences in handling requests for information that it considered more complex and consider the need to develop detailed implementation guidelines for such cases. In CM's view, such guidelines for complex cases could help further streamline the disclosure and consultation processes and ensure that the Bank provides a timely reply in accordance to its transparency policy.

[1] Available at http://www.eib.org/attachments/strategies/eib_group_transparency_policy_en.pdf

CONCLUSIONS REPORT

1 THE COMPLAINT

1.1 **On 3 March 2019, the EIB Complaints Mechanism** (EIB-CM) **received a complaint from a CEE Bankwatch Network member regarding the African Lion Mining Fund III** (hereinafter the "Fund"). The complaint was registered with the reference SG/A/2019/02 in accordance with paragraph 1.1.3 of the EIB Group Complaints Mechanism Procedures[2].

1.2 The Complainant alleges that the **EIB failed to disclose any of the documents and information requested within the applicable timeframe**. The Complainant had requested a series of documents and information related to the Fund in an email addressed to the EIB on 16 October 2018. She submitted a confirmatory application on 3 February 2019, requesting immediate disclosure of the documents already available to the Bank and information on the approximate time needed for disclosing the rest of the documents and information requested. The EIB responded formally to the Complainant's request for information on 11 April 2019.

1.3 This compliance review will consider whether the EIB met its obligations under the **2015 EIB Group Transparency Policy** (TP)[3], focusing only on disclosure timelines since the complaint concerns the Bank's failure to provide a timely reply to the Complainant's request for information.

2 BACKGROUND INFORMATION

2.1 The Fund

2.1.1 In June 2008, the EIB approved financing of up to USD 15 million (equivalent of approximately Euro 11 million) in the African Lion Mining Fund III. The borrower is African Lion 3 Limited established in Mauritius and the promoter is Lion Selection Ltd in Australia; the latter is well known to the Bank from the first and second African Lion Funds.

2.1.2 The African Lion Mining Fund III is the third regional mining fund specialising in providing early stage equity investments for private small to medium-sized mineral resource companies throughout Africa, with particular emphasis on sub-Saharan countries. The Fund targets investments in advanced exploration, feasibility and development projects in the mining sector, usually at pre-operational stage. The focus is on gold and base metals, but other mineral commodities such as industrial minerals, gemstones etc. (excluding oil and gas) are also covered.

2.2 The request for information

2.2.1 On **16 October 2018**, the Complainant addressed an email to the Bank **requesting the following documents and information** related to the Fund:

[2] Available at https://www.eib.org/attachments/strategies/complaints_mechanism_procedures_en.pdf
[3] Available at http://www.eib.org/attachments/strategies/eib_group_transparency_policy_en.pdf

1. *"The finance contract*
2. *The Note for the Commission (whole documentation) regarding the project sent to the European Commission within Art.19 procedure*
3. *The list of the mines supported with EIB money by the below mentioned companies*
4. *E&S sheets for the investments pointed in point 2 and any other documents related to the environmental and social due diligence for this investment*
5. *All the reports of the project promoter required by the EIB"*[4]

2.2.2. Following the Complainant's request, there was an exchange of emails with the Bank as presented in the table below.

Table 1: Chronology of emails between the Bank and the Complainant following her request of 16 October 2018

Date	Who	What	Number of working days following the request for information of 16 October 2018
17/10/2018	EIB	Acknowledges receipt of the request for information.	1 working day
08/11/2018	EIB	Informs the Complainant about the extension of the standard time limit from 15 to 30 working days (based on Articles 5.23 and 5.24 of the TP) due to the complexity of her request and the need to consult with external third parties.	15 working days
28/11/2018	EIB	Informs the Complainant that the Bank was not yet in a position to address her request due to the complexity of the request and the need for consultation with several third parties. Reassures the Complainant that EIB will provide a response as complete as possible within the shortest possible period.	29 working days
03/02/2019	Complainant	Submits a confirmatory application, requesting immediate disclosure of the documents already available to the Bank and information on the approximate time needed for disclosing the rest of the documents and information requested.	71 working days
08/02/2019	EIB	Acknowledges receipt of the Complainant's message and mentions that the Civil Society (CS) Division team would get back to her shortly.	76 working days

2.2.3 On 3 March 2019, in the absence of any further message from the Bank, the Complainant submitted a complaint to the EIB-CM.

2.2.4 The **EIB formally responded** to the Complainant's request for information **on 11 April 2019.**

[4] This request actually constitutes a follow-up for additional information. The Complainant had sent an initial request for information on EIB support for the Fund on 25 March 2018 (request for general information), to which the Bank replied on 18 April 2018.

3 REGULATORY FRAMEWORK

3.1 The Aarhus Regulation

3.1.1 The Regulation (EC) No. 1367/2006 (hereinafter the "Aarhus Regulation")[5] implements the provisions of the Aarhus Convention[6] for EU institutions and bodies and is thus applicable to the EIB. Article 1 of the Aarhus Regulation guarantees the **right of public access to environmental information received or produced by Community institutions or bodies and held by them**. "Environmental information" is defined in Article 2 while Articles 3 to 8 deal with access to environmental information.

3.1.2 **Following the entry into effect of the Aarhus Regulation in June 2007**, the **EIB made amendments to its then Public Disclosure Policy**. Among the revisions made, the Bank **shortened the periods for handling information requests from 20 to 15 working days and from 40 to 30 working days for complex cases**. In its Brief on implementation of the EIB's Public Disclosure Policy in 2007, the Bank states that it went beyond the requirements of the Aarhus Regulation since it **applies the same timeframes of 15 and 30 working days to both environmental and non-environmental information**. A similar approach (in terms of application of the same timeframes irrespective of whether the request is about environmental or non-environmental information) is adopted in the EIB-TP that is currently applicable and takes account of the relevant provisions of the Aarhus Regulation.

3.2 The EIB Group Transparency Policy

3.2.1 The TP that is currently applicable was adopted by the EIB's Board of Directors in March 2015. The TP sets outs the EIB Group's approach to transparency and stakeholder engagement. Its Article 2.3 reads as follows: "*The EIB Group understands transparency to refer to an environment in which the objectives of policies, its legal, institutional and economic framework, policy decisions and their rationale, and the terms of its member institutions' accountability are provided to the public in a* ***comprehensive, accessible and timely manner.***"

3.2.2 The TP sets out the Bank's procedures concerning information made available to the public either on a routine basis or upon request. The TP gives the public the right to request disclosure of EIB-held information and documents. The relevant provisions on disclosure of information and documents are based on a **"presumption of disclosure" unless the exceptions of the TP apply**. The policy is "*guided by openness and the highest possible level of transparency with the underlying presumption that information concerning the Group's operational and institutional activities will be made available to third parties (the public) unless it is subject to a defined exception …*".[7]

3.2.3 At the same time, **ensuring trust and safeguarding sensitive information** is **another guiding principle of the TP**. "*As financial institutions the members of the EIB Group must maintain the confidence and trust of their clients, co-financiers and investors, and it is necessary to allay concerns about the treatment of confidential information which, otherwise, could affect these partners' willingness to work with the Group and thus impede its members from fulfilling their respective missions and objectives. This Policy ensures that information is protected from disclosure when disclosure would undermine the legitimate rights and interests of third-parties, and/or of the Group in line with the exceptions defined in the Policy…*" (Article 2.5). Article 5.3 reiterates the commitment to a policy of presumption of disclosure and transparency on one hand and the need for the Bank

[5] Available at https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1367&from=EN

[6] Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Aarhus, Denmark, 25 June 1998.

[7] EIB Transparency Policy, March 2015, Article 2.1

to respect professional secrecy in compliance with European laws, in particular Article 339 TFEU, and protect its legitimate interests and the confidentiality of its relationship with its counterpart on the other hand.

3.2.4 Pursuant to Articles 5.22 to 5.24 of the TP, the **EIB undertakes to reply to disclosure requests without delay, and in any event within 15 working days. In exceptional cases**, the **time limit may be extended;** the **EIB shall, however, endeavour to reply no later than 30 working days following receipt**. Exceptional cases, as provided for in the policy, may for example relate to *"a very long document or when the information is not readily available and complex to collate."*[8] Time extensions may be reasonably anticipated for requests concerning *"large volumes of information and information that relates to third-parties."*[9] Where, on account of the complexity of the issues raised, a reply cannot be provided within the 15 working days following receipt of a request, the applicant *"shall be informed accordingly no later than 15 working days following receipt."*[10] **Failure by the Bank to reply to a request within the prescribed time limit shall be considered as a negative reply** (Article 5.34).

3.2.5 In cases where the Bank is unable to divulge the information requested (in full or partially), Article 5.25 obligates the Bank to state the reason(s). According to Articles 5.4 and 5.5 of the TP, the Bank will **not disclose information** that would undermine the **protection of,** *inter alia*, **personal data** (5.4), the **commercial interests** of a natural or legal person, and **intellectual property** (5.5). **Where information or material is submitted or produced by a third party, the Bank shall consult with the other party** to establish whether it is confidential, unless this is otherwise clear[11].

3.2.6 As per Article 5.15 of the TP, *"All requests for disclosure of specific information/documents* ***shall be handled promptly by the Bank,*** *which will either grant full or partial access to the document requested (if only parts of a requested document are covered by any of the constraints above, information from the remaining parts shall be released)* ***and/or the grounds for the total or partial refusal shall be stated."***

[8] EIB Transparency Policy, March 2015, Article 5.23
[9] EIB Transparency Policy, March 2015, Article 5.22, footnote 8.
[10] EIB Transparency Policy, March 2015, Article 5.23
[11] EIB Transparency Policy, March 2015, Article 5.9

4 FINDINGS AND CONCLUSIONS

4.1 The Bank services' response

4.1.1 The EIB services presented their perspective on the complaint during a meeting with the EIB-CM on 1 April 2019. At the meeting, the EIB services expressed their willingness to address the request for information. They shared that continuous efforts had been made to this end and that they had been consulting internally and with third parties about disclosure of the requested documents and information. They also discussed the request informally with the Complainant on the occasion of the EIB Board Seminar with Civil Society held in Luxembourg on 4 February 2019. The Bank services indicated to the EIB-CM that they were almost ready to send their formal response to the Complainant.

4.1.2 The EIB services acknowledged the delay in providing a reply to the request for information. They explained that the main reason for the delay was the complexity of the request, which resulted in considerable time being taken to (a) identify and collate the requested documents and information, (b) redact confidential or sensitive information and reach an agreement in this respect, and (c) consult third parties. They shared some of the challenges faced with respect to the request in question, particularly in relation to consultation with third parties.

4.1.3 The EIB services stated that **in this particular case the consultation process (both internally among the relevant services within the Bank, and with third parties) was absolutely necessary in order to ensure that the legitimate rights and interests of the Bank and third parties were protected,** especially with regard to disclosure of confidential and sensitive information. Moreover, the services consider that although it was time-consuming and this was the main factor that contributed to the delay in responding to the Complainant, the consultation process has proven very useful. According to the services, the following elements indicated the need for caution, careful assessment and close consultation, especially with third parties: (i) the promoter is an entity listed on the Australian stock market; (ii) most of the Fund's investees were listed on the stock market, with one of them being subject to a takeover by another listed entity; and (iii) contractual obligations with regard to sharing of information and confidentiality, and risks of liability for the Bank. Moreover, advice was sought from the Bank's competent service with regard to compliance with the Market Abuse Regulation (MAR) and the MAR Guidelines; that service called for caution about the sharing of sensitive and confidential information and underlined the need to consult with third parties.

4.1.4 The Bank provided its response to the Complainant on 11 April 2019.[12] The response refers to the complexity of the request and the need to consult with external third parties as the reasons for the delay. **In its response, the Bank disclosed the following documents and information:**

1 Subscription and Shareholders' Agreement of 28 May 2008 – redacted to show only the environmental and social information contained in this document;
2 Note provided to the European Commission pursuant to Article 30 of the Cotonou Agreement – redacted but without any redaction of information related to the environment;
3 Updated list of 16 companies in which the Fund has invested, with website links for the large majority of them;
4 Information related to environmental and social due diligence for the individual investments made by the Fund[13];

[12] Bank's email dated 11 April 2019. Not publicly available.

[13] As per the EIB's response, the Bank does not have environmental and social sheets for the individual investments. It relies on the Fund's obligations to ensure all portfolio investments comply with the applicable environmental and social standards (IFC Performance Standards 2006) and requirements.

5 EIB Proposal from the Management Committee to the Board of Directors – redacted; and
6 The latest versions of documents produced by the Fund as part of its environmental and social reporting obligations: (i) the Monthly Report to Shareholders for October 2018; (ii) the Environmental and Social Management System Assessment, 2017 Audit – both documents redacted.

4.1.5 The EIB-CM notes that most of the documents shared with the Complainant were redacted. The Bank's response indicates that the redacted information is covered by the exceptions provided for in Article 5 of the EIB-TP, in particular Article 5.4, paragraph b, and Article 5.5, first and second bullets. These exceptions include the following:

- *the protection of the privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data;*
- *the protection of commercial interests of a legal person (in this case the Fund and/or their portfolio companies);*
- *the protection of intellectual property.*

The Bank informed the Complainant that the **redacted information** in the various documents mainly concerns **commercial and financial information, and names and contacts of individuals**. It appears from the Bank's response that none of the redacted information relates to the environment. The merits of the EIB reply have not been handled by the EIB-CM as the allegation was limited to failure to reply within the applicable timeframe.

4.1.6 The EIB-CM also observes that **the Bank shared two documents that were not specifically requested by the Complainant, but which the EIB services thought would be useful** and relevant to her request for information: 1) Note provided to the European Commission pursuant to Article 30 of the Cotonou Agreement (replacing the request of the Complainant concerning the Note to the Commission under the Article 19 Procedure, which does not exist); and 2) the Board Report.

4.2 Compliance review

4.2.1 **The Bank did not reply to the Complainant in a timely manner and did not keep her regularly updated about the status of her request.** The Bank provided a formal response to the Complainant with requested documents and information on 11 April 2019, i.e. **some 120 working days following receipt of the Complainant's request**. According to the TP, the Bank shall reply to disclosure requests without delay, and in any event within 15 working days. In exceptional cases (complex requests), the time limit may be extended; the EIB shall, however, endeavour to reply no later than 30 working days following receipt.[14] It took the Bank significantly longer to provide a reply to the Complainant.

4.2.2 The **EIB-CM acknowledges** the following:

- The Bank's acknowledgement of receipt was sent to the Complainant on 17 October 2018, i.e. one working day following receipt of the request for information.
- The Bank informed the Complainant about the complexity of her request and extension of the time limits – within the prescribed time limit in both cases: by email of 8 November 2018, i.e. 15 working days following the request (in line with Article 5.23 of the EIB-TP), and by email of 28 November 2018, i.e. 29 working days following the request.

4.2.3 The EIB-CM also acknowledges the **efforts made by the Bank to consult internally with the relevant services and with the promoter** about information that it considered to be possibly confidential or sensitive and therefore subject to potential redaction. The services shared with the EIB-CM a copy of their written exchanges with the promoter over the period 21 December 2018 to 22 March 2019. The emails between the EIB services and the promoter during this period demonstrate the **willingness of the Bank to address the request for**

[14] See paragraph 3.2.4 earlier.

information as per the TP. It appears that the consultation with third parties to reach an agreement on what documents and information could be disclosed was challenging for reasons beyond the control of the Bank.

4.2.4 The **EIB-CM recognises the need for caution in this particular case, and the challenges associated with the consultation,** including the fact that internal and external consultations can be time-consuming. Nevertheless, the EIB-CM notes that the first formal letter from the Bank to consult with the promoter about disclosure of documents and information following the request for information is dated 21 December 2018. This step was taken almost one month after the extended time limit of 30 working days as indicated in the TP for the Bank's response to the Complainant. Except for the fact that the Bank first carried out an internal consultation, it is not clear why this did not take place earlier. The EIB-CM also notes the limited communication and interaction by the Bank with the Complainant between 28 November 2018 and 11 April 2019, which in CM's view would have been desirable. In the EIB-CM's view, the **arguments of the complexity of the request for information and the need for consultation with external third parties cannot be used to fully justify the excessive delay in this case** (response provided a total of 120 working days after the Complainant's information disclosure request). The EIB-CM is of the opinion that the Bank could have shared at an earlier stage most of the documents and information as were provided to the Complainant in its reply of 11 April 2019. For example, the absence of a certain document and/or certain information requested could have been communicated to the Complainant within the time limits of the TP.

4.2.5 The Bank needs to pay **particular attention to requests for access to environmental information**. The Aarhus Regulation guarantees the right of public access to environmental information received or produced by Community institutions or bodies and held by them. It stipulates that the grounds for refusing to provide access to requested environmental information shall be interpreted in a restrictive way (Article 6.1). In cases where the requested environmental information is not held by the concerned Community institution or body, it shall, as promptly as possible, but within 15 working days at the latest, inform the applicant of the Community institution or body or the public authority from which it believes such information can be applied for (Article 7).

4.2.6 In the case under review, the Bank preferred to address the request for information in one go, when the relevant services considered that they were in a position to respond to <u>all</u> the different elements of the request. The Bank could have shared at least environmental information or informed the Complainant of the reasons for not disclosing such information earlier.

4.2.7 Although the Bank is generally doing well in terms of providing a timely response to enquiries and requests for information, the latest report on the implementation of the EIB-TP in 2017 indicates that there are a certain number of cases where it was not able to respond within the time limit of 30 working days.[15] The EIB-CM considers that the EIB's **practice to consult internally and with third parties on a case-by-case basis with regard to the disclosure of every single document and items of information** requested is a major factor that **contributes to the significant delays** in the Bank's response to certain types of requests for information. Looking forward, a more systematic way of working would help to ensure transparency and access to information in a timely manner. This implies the **need for a more streamlined and faster decision-making process for disclosure,** including clarifying what types of document and/or information can be disclosed in any event, without having to conduct additional consultations.

4.2.8 In this respect, it would be useful to look at the **good practices of other international financial institutions,** especially those that have been acknowledged for their good work in terms of transparency. Among the good practices is the **development of detailed arrangements aimed at facilitating the implementation of their Access to Information policy** (in some cases these are called implementation procedures/guidelines/instructions or Staff Handbook). Aspects that could be examined include institutional arrangements and respective responsibilities, as well as processes and procedures of policy implementation including categories of documents and/or information made routinely available.

[15] According to the report, more than 30 working days were needed to provide a response in 71 cases of requests and enquiries from the public that were processed in 2017. With regard to disclosure of information requests in particular, more than 30 working days were needed to provide a response in four out of a total of 26 such requests that were handled in 2017.

5 SUMMARY AND AREAS FOR IMPROVEMENT

5.1 The Bank provided a formal response to the Complainant's request for information on 11 April 2019 (after the submission of her complaint to the EIB-CM about the EIB's failure to reply on 3 March 2019). The EIB-CM acknowledges the **Bank's willingness to address the request for information and the efforts made by the EIB services to this end**. Moreover, it recognises the need for caution in this particular case as well as the challenges that are associated with consultation. Nevertheless, **it took the Bank too long to provide a reply** to the Complainant: 120 working days instead of the 30 working days indicated in the EIB-TP for exceptional cases. **It is the EIB-CM's view that the arguments of complexity of the request for information and the need for consultation with external third parties cannot be used to fully justify the excessive delay in this case.**

5.2 In addition, the EIB-CM is of the opinion that **there was no need for the Bank to wait with its formal reply until the services considered that they were in a position to address <u>all</u> the different elements of the request for information**. Finally, the EIB-CM notes that **the Bank's case-by-case approach of consulting internally among the relevant services and with third parties** (with regard to the disclosure of every single document and items of information requested) each time it receives requests considered more complex has **contributed to significant delays in providing the Bank's response**.

5.3 The EIB-CM acknowledges that, based on the latest report on the implementation of the TP, the Bank managed to provide a timely response to most of the requests for information handled in 2017. Nevertheless, the EIB-CM proposes for consideration by the Bank the following **areas for improvement**, especially for handling requests for information that are considered more complex.

- When the Bank considers a request to be complex and it becomes clear to the lead services for implementation of the TP that it may take more time to address the different elements of the request than the timeline indicated in the TP, the Bank should not hesitate to engage with the applicant and already **share the Bank-held documents and/or information that clearly do not contain (anymore) confidential and/or sensitive information covered by the TP exceptions** (following assessment and confirmation by the competent Bank services). **A request for information could potentially be addressed in several batches if required**, and does not necessarily need to be addressed in its entirety in one single response. In this way, the Bank can demonstrate its goodwill with respect to the presumption of disclosure as well as its commitment to transparency and continuous engagement with the public. This may help establishing a relationship with the applicant with a view to reduce the risk that failure to reply within the prescribed time limit would be considered as a negative reply.

- The Bank should pay **particular attention to requests for information that concerns or contains request for access to environmental information**. In cases when the Bank does not hold the requested environmental information, it should inform the applicant accordingly and as soon as possible. In such cases, it is then also advisable that the Bank indicates where/from which entity such information could be found/requested.

- As part of the forthcoming review of the Bank's TP, the CM suggests to the Bank to **reflect on how the disclosure and consultation processes can be further streamlined in order to provide a timely reply** to requests for information that are considered more complex. In CM's view, the **development of detailed implementation guidelines/arrangements for complex cases** would be useful in this respect. These guidelines could cover issues such as workflow and processes, timelines and responsibilities for the different steps involved, and the need to differentiate certain steps for different categories of documents and types of information (with particular focus on those that are commonly and increasingly being requested by the public[16]). There **should be more clarity upfront for all parties involved – including the EIB services and the promoter – on what information should, can, cannot or could be shared** depending on the nature of the operation in question (e.g. private/public) and the type of document or information requested, and what their respective responsibilities are at what stage. The objective of such implementation guidelines is to (i) help reduce the time needed for internal and

[16] Such as documents/information related to environmental and social aspects, the Board Report or the finance contract.

external consultations (if needed); (ii) result in a more streamlined and faster decision-making process; and (iii) help ensure that the Bank's good relationships with its clients and other stakeholders can be maintained during project implementation and after project completion.

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