

COMPLAINTS MECHANISM

SG/E/2023/21

METRO DE MADRID LINE 11 EXTENSION (SPAIN)

INITIAL ASSESSMENT REPORT

25 MARCH 2024



SG/E/2023/21

METRO DE MADRID LINE 11 EXTENSION

METRO DE MADRID LINE 11 EXTENSION (Spain)

Initial Assessment Report

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Disclaimers

This report is based on the information available to the EIB Group Complaints Mechanism Division up to 22 December 2023.

In case of discrepancies between language versions, the English version prevails.

The EIB Group Complaints Mechanism

The European Investment Bank (EIB) Group Complaints Mechanism is a tool enabling the resolution of disputes if any member of the public feels that the EIB might have done something wrong, for example, if it has committed an act of maladministration. The Complaints Mechanism is not a legal enforcement mechanism and will not substitute the judgment of competent judicial authorities.

Maladministration means poor or failed administration. It occurs when the EIB fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. The concept of maladministration includes failure by the EIB to comply with human rights, applicable law or the principles of good administration. Maladministration may relate to the EIB Group's decisions, actions or omissions and may include the environmental or social impact of the EIB's projects and operations.

One of the main objectives of the Complaints Mechanism is to ensure the right to be heard and the right to complain. For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

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EXECUTIVE SUMMARY

In September 2023, two local civil society organisations submitted a complaint regarding an EIB co-financed project in Spain. The complaint concerns the extension of Metro de Madrid Line 11 between the Plaza Elíptica and Conde de Casal stations. The full project includes the construction of 7 kilometres of underground metro line, building three new stations and refurbishing two existing stations.

Following the admissibility of the complaint, the EIB Group Complaints Mechanism Division carried out an initial assessment. The objective of the initial assessment is to clarify the concerns raised by the complainants, understand their position and the validity of the concerns raised, and determine if further work by the Complaints Mechanism is necessary and/or possible (investigation, compliance review or assisted dialogue between the parties) to resolve the issues and address the allegations raised by the complainants.

The complainants allege that the project (as it is being implemented) is different to the one approved in the July 2020 environmental impact assessment (EIA) decision. According to the complainants, the promoter requested to change the alignment of the metro line and the location of the new metro stations in July 2023. The complainants claim that this was done eight months after the promoter had commenced the works (in November 2022). The complainants expressed overall support for the development of the metro system in Madrid and stated that the project was very welcome. However, in their view, the project as it is currently being implemented breaches several of the EIB Environmental and Social Standards.

After reviewing the available information and holding discussions with the relevant stakeholders, and based on the complainants' request, the Complaints Mechanism undertook to organise an assisted dialogue between the promoter and the complainants. As the promoter was not in favour of the assisted dialogue process and proceeded to implement the project anyway, the Complaints Mechanism decided to launch a compliance review process. This process will examine whether there is maladministration attributable to the EIB as a result of (i) the project not being in compliance with the EIB's Environmental and Social Standards 1 (Environmental and Social Impacts and Risks), 2 (Stakeholder Engagement), 3 (Resource Efficiency and Pollution Prevention), 4 (Biodiversity and Ecosystems), 5 (Climate Change), 7 (Vulnerable Groups, Indigenous Peoples and Gender) and 10 (Cultural Heritage); and (ii) the EIB not having checked whether the project complies with the standards as part of its project due diligence and monitoring.

INTRODUCTION

This report presents the results of the Complaints Mechanism's initial assessment¹ of the complaint concerning the Metro de Madrid Line 11 extension project in Spain.

The initial assessment generally aims to²:

- clarify the concerns raised by the complainants and gain a better understanding of the complainants' position as well as the views of other stakeholders (for example, the project promoter and national authorities);
- understand the validity of the concerns raised;
- assess whether and how the stakeholders (for example, the complainants, the relevant EIB Group project team and the project promoter) can seek resolution of the issues raised by the complainants;
- determine if further work by the Complaints Mechanism is necessary and/or possible (investigation, compliance review or collaborative dispute resolution between the parties) to address the allegation(s) or resolve the issues raised by the complainants.

The initial assessment should provide a greater understanding of (i) how the relevant EIB services appraised the project and whether they verified compliance with the applicable regulatory framework, and (ii) whether they carried out appropriate monitoring of project implementation. The initial assessment should identify the EIB standards applicable during project appraisal and monitoring and reveal any potential indications that the EIB standards have failed to provide an adequate level of protection. Finally, it should identify reasonable indications (if any) of non-compliance with the applicable framework (including the EIB standards).³

The initial assessment report consists of five sections. Section 1 provides background information on the project. Section 2 describes the issues raised by the complainants. Section 3 outlines the regulatory framework applicable to the project and to the EIB. Section 4 summarises the work performed, and section 5 defines the allegation(s) to be analysed during the compliance review process.

The case is not confidential. Therefore, the report will be available on the Complaints Mechanism's website in line with the EIB Group Complaints Mechanism Policy⁴ and Procedures.⁵

¹ Please note that this complaint concerns the environmental and social impacts of an EIB co-financed project as per section 2.1.2 of the [EIB Group Complaints Mechanism Procedures](#) (accessed on 16 January 2024). Due to their complexity and the sensitivity of the relations involving the project promoter, national authorities, civil society organisations and project-affected people, particular attention needs to be paid to the specific processes regarding these types of complaints. In line with section 2.1.3 of the procedures, for these types of complaints, the normal process is formally structured in two phases: an initial assessment phase and a compliance review or collaborative resolution process phase.

² Section 2.2.1 of the EIB Group Complaints Mechanism Procedures.

³ Section 2.2.4 of the EIB Group Complaints Mechanism Procedures.

⁴ Section 8.6, indent 4 of the [EIB Group Complaints Mechanism Policy](#) (accessed on 16 January 2024).

⁵ Section 2.2.7 of the EIB Group Complaints Mechanism Procedures.

1 BACKGROUND INFORMATION

- 1.1 The project consists of 7 kilometres of new underground metro line to extend the current Madrid metro line 11 between the Conde Casal station and the Plaza Elíptica station in Madrid, Spain⁶, as well as works concerning five underground metro stations, namely: (1) Comillas, (2) Madrid Río, (3) Palos de la Frontera, (4) Atocha Renfe and (5) Conde de Casal⁷ (the project). The first three stations are completely new, while Atocha Renfe and Conde de Casal are existing underground metro stations that will be refurbished.⁸ The operator of the metro is Metro de Madrid,⁹ which is wholly owned by the Autonomous Community of Madrid.¹⁰
- 1.2 The objective of the project is to increase the connectivity of the current Madrid metro network, thus improving the quality of the city's urban public transport. Travel time in the area is expected to be reduced, attracting more passengers to the metro network and saving them time. This should in turn reduce the greenhouse gas emissions associated with current mobility patterns, and reduce air pollution, noise and traffic congestion in the city.¹¹
- 1.3 The EIB Board of Directors approved the project in May 2022. The EIB is financing up to €372 million out of the €744 million¹² total project cost, with the completion date scheduled for the end of 2026. The finance contract was signed on 29 June 2022. The EIB has disbursed €90 million so far.
- 1.4 The promoter and the borrower is the Comunidad Autónoma de Madrid (Autonomous Community of Madrid or the promoter), one of the 17 Spanish autonomous communities. Different parts of its administration are responsible for different aspects of the project (preparation, authorisation and execution). Its Directorate-General for Public Transport Infrastructure¹³ was responsible for preparing the EIA report and applying for the related authorisation, and will also execute the project. The Directorate-General for Sustainability and Climate Change¹⁴ issued the July 2020 EIA decision (the initial EIA decision on the project), and the simplified EIA decision in November 2023 (which modified the initial July 2020 EIA decision).
- 1.5 The project falls under the regional strategic plan for sustainable mobility for 2013-2025 approved by the Autonomous Community of Madrid. The works commenced in November 2022.

2 COMPLAINT

- 2.1 In September 2023, the Complaints Mechanism received and registered a complaint regarding the project from two civil society organisations: the Regional Federation of Neighbourhood Associations of Madrid and the Pasillo Verde Imperial Neighbourhood Association (the complainants).
- 2.2 The complainants expressed overall support for the development of the metro system in Madrid and stated that the project was very welcome. However, in their view, the project as it is currently being implemented breaches several of the EIB Environmental and Social Standards.
- 2.3 The complainants allege that the project (as it is being implemented) is different to the one approved in the July 2020 EIA decision. According to the complainants, the promoter requested to change the alignment of the metro line and the location of the new metro stations in July 2023. The complainants claim that this was done eight months after the promoter had commenced the works in November 2022 (see section 1.4). The works resumed in December 2023.

⁶ See [Metro de Madrid Line 11 extension](#) (accessed on 16 January 2024).

⁷ See [Metro de Madrid Line 11 extension](#) (accessed on 16 January 2024).

⁸ See [Metro de Madrid Line 11 extension](#) (accessed on 16 January 2024).

⁹ [May 2022 Environmental and Social Data Sheet](#) (accessed on 16 January 2024).

¹⁰ Article 9 of the [December 2019 Metro de Madrid Statute](#) (accessed on 16 January 2024).

¹¹ Environmental and Social Data Sheet.

¹² See [Metro de Madrid Line 11 extension](#) (accessed on 16 January 2024).

¹³ *La Dirección General de Infraestructuras de Transporte Colectivo de la Consejería de Transportes, Movilidad e Infraestructuras.*

¹⁴ *La Dirección General de Sostenibilidad y Cambio Climático de la Consejería de Medio Ambiente, Ordenación del Territorio y Sostenibilidad.*

- 2.4 The complaint submitted contains the complainants' allegations of how the project violates seven of the EIB's 2022 Environmental and Social Standards, as described in Table 1 below.

Table 1 — EIB standards allegedly breached by the project according to the complainants

Standard	Sub-allegations
Standard 1: Environmental and Social Impacts and Risks	(i) The project construction that commenced in November 2022 (see section 1.4) is not in line with the July 2020 EIA decision; (ii) the construction began based on a modified project design before the November 2023 EIA decision was issued, which appears to go against the requirements of the EIB's Standard 1; and (iii) the project information on the EIB's website does not reflect the project as it is being implemented.
Standard 2: Stakeholder Engagement	The promoter did not undertake a meaningful consultation process.
Standard 3: Resource Efficiency and Pollution Prevention	Inefficient use of resources, increased pressure on urban ecosystems and underestimation of the carbon capture from the felled trees.
Standard 4: Biodiversity and Ecosystems	Among others, the project: (i) does not take into account the ecosystem services provided by the trees to be felled, and (ii) does not have a clear compensation plan for trees to be cut down and/or transferred.
Standard 5: Climate Change	The project is not aligned with the Paris Agreement ¹⁵ and does not respect the "do no significant harm" principle, as defined by the EU Taxonomy Regulation. ¹⁶
Standard 7: Vulnerable Groups, Indigenous Peoples and Gender	The project will impact the nearby school during the construction phase (emissions such as noise and dust) and during operation (destroying a play/rest area) (see Box 2).
Standard 10: Cultural Heritage	The project documentation does not mention the status of the Jimena Quirós Gardens ¹⁷ where the Atocha Renfe station is to be located. It is an integral part of the Paseo del Prado and Buen Retiro, ¹⁸ a UNESCO World Heritage site. ¹⁹

BOX 1: Actions of other campaigners concerned by the project's implementation (as communicated by the complainants to the Complaints Mechanism and not independently verified by the Complaints Mechanism)

In June and December 2023, a large group of professionals sent open letters to the Mayor of Madrid calling for the suspension of the project. According to the letters, the project will result in significant damage to the environment. The letters ask the Mayor to protect the trees in Madrid's parks that could be impacted by the project.

In December 2023, the environmental organisation Ecologistas en Acción²⁰ requested the Supreme Court of Justice of Madrid to issue an extreme precautionary measure enabling the

¹⁵ Paris-aligned projects are those that enable the EIB to meet its goals set in the [Climate Bank Roadmap](#), as established by the decision of the EIB Board of Directors in November 2020. The [Paris Agreement](#) is a legally binding international treaty on climate change, which was adopted at the UN Climate Change Conference (COP21) in Paris, France, in 2015 and entered into force in 2016.

¹⁶ [Regulation \(EU\) 2020/852](#) of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (as amended).

¹⁷ [El arbolado del Paisaje de la Luz también es Patrimonio Mundial](#) (article on the FRAVM website).

¹⁸ Information on the UNESCO World Heritage Centre website ([Paseo del Prado and Buen Retiro, a landscape of Arts and Sciences/Paseo del Prado and Buen Retiro, a landscape of Arts and Sciences — map of the inscribed property](#)).

¹⁹ The [World Heritage Convention](#), UNESCO World Heritage Centre website. UNESCO declared the site as World Heritage on 25 July 2021 in the cultural landscape category.

²⁰ [Ecologistas en Acción](#).

felling of trees in the Madrid Río and Comillas parks to be stopped.²¹ The organisation insists that the City Council has recognised that metro stations cannot be located in parks under the general urban planning scheme, despite the fact that logging licences have been granted. The complainants of the case in question informed the Complaints Mechanism that Ecologistas en Acción appealed the 2023 EIA simplified decision and that the court case is still pending.

The complainants also developed several allegedly more viable alternatives for the project's design and implementation. These options reduce the damage to trees, preventing them from being cut down and preserving common spaces. According to the information the complainants provided to the Complaints Mechanism, these alternatives were shared with the Mayor's office, but the Autonomous Community of Madrid's Directorate-General for Public Transport Infrastructure refused to meet.

Box 2: School next to the Comillas park is 25 metres from the construction site (as communicated by the complainants to the Complaints Mechanism and not independently verified by the Complaints Mechanism)

Over 500 pupils attend the CEIP Perú school. The school is also used as a centre for children with autism spectrum disorder and has two specific classrooms where pupils who are particularly sensitive to noise can receive special attention. There is also a special education classroom. The school introduced the first infant education cycle for babies of just over four months in the 2022-2023 school year. From the 2024-2025 school year, there will be two such cycles.

In addition, the CEIP Perú school currently hosts the CEIP Antonio Moreno Rosales school from the Lavapiés neighbourhood. This school was moved temporarily in 2018 due to ongoing refurbishment works, which are still ongoing. Every evening, the school hosts two programmes of the Red Cross²² and Save the Children/CaixaProinfancia²³ for children of vulnerable families.

Next to the school and the Comillas park is the Aris-2 early intervention centre²⁴ belonging to the Autonomous Community of Madrid. The centre has programmes for pupils with learning disorders, and provides psychological and psychotherapeutic support, speech therapy and psychomotor skill development opportunities.

- 2.5 The complainants request the following: (i) save as many remaining trees in all locations affected by the project as possible; (ii) ensure the survival of transplanted trees and newly planted trees; (iii) put in place mitigating measures for the safety of residents and children during project construction; (iv) ensure the regeneration of the green areas impacted by the project²⁵; (v) ensure that an independent body monitors the implementation of the measures (the neighbourhood associations have offered to participate in the monitoring); and (vi) engage with stakeholders in a meaningful and effective way, especially about mitigation measures and monitoring.

3 REGULATORY FRAMEWORK

- 3.1 The EIB Group Environmental and Social Policy prohibits the EIB from financing projects that do not, to the best of its knowledge, comply with the relevant legal requirements or are not in line with the EIB standards.²⁶ The project-related EIB standards are the 2022 EIB Group

²¹ [*Ecologistas lleva la tala de árboles en Madrid a la justicia: "Como tarden mucho, no quedará nada que proteger"*](#) (in Spanish).

²² [*Centros de Día Infantiles*](#).

²³ [*CaixaProinfancia \(Save the Children\)*](#).

²⁴ [*Aris – Centro de Atención Temprana*](#) (in Spanish), medical centre group.

²⁵ For example, the purpose of the areas should not be changed, any impact on the soil (e.g. paving) should be avoided, and there should be a sufficient amount of soil on top of the metro station structures to enable tree growth.

²⁶ Paragraphs 4.4, 4.9 and 4.10 of the [EIB Group Environmental and Social Policy](#) (2022) (accessed on 18 January 2024).

Environmental and Social Standards.²⁷ At this stage of its assessment, the Complaints Mechanism considers that the relevant standards for the project are the ones detailed in Table 2 below. The Bank determines the application of the EIB standards during its project due diligence and monitoring.²⁸

Table 2: EIB Environmental and Social Standards

Standard	Requirements
Standard 1: Environmental and Social Impacts and Risks	The promoter is required to prepare and provide the EIB with an EIA report. ²⁹
Standard 2: Stakeholder Engagement	The promoter is required to undertake a meaningful consultation process that provides opportunities to stakeholders to express their views on the project. ³⁰
Standard 3: Resource Efficiency and Pollution Prevention	The promoter is required to ensure an integrated approach to resource efficiency, prevention of noise pollution and accidents, ensuring consistency with the “do no significant harm” principle. This standard applies to projects subject to an environmental impact assessment, and additionally to EIB co-financed projects associated with modifications of existing activities, for which the promoter must determine the appropriate requirements.
Standard 4: Biodiversity and Ecosystems	The promoter is required to take into account ecosystems during an environmental impact assessment and to put in place compensation measures to reach a minimum of no loss of biodiversity overall. ³¹
Standard 5: Climate Change	The project must be in line with the EIB Group Climate Bank Roadmap, ³² that is to say it must be aligned with the Paris Agreement ³³ . This means the project must be in line with the EU Taxonomy Regulation. ³⁴
Standard 7: Vulnerable Groups, Indigenous Peoples and Gender	The promoter is required to take the necessary measures to identify and avoid potential project risks and impacts that would affect the lives and livelihoods of vulnerable, marginalised or discriminated-against people and groups, or when avoidance is not feasible, to reduce, minimise, mitigate or effectively compensate/remedy such impacts. ³⁵
Standard 10: Cultural Heritage	The promoter is responsible for designing a project and choosing its location in such a manner that it avoids significant adverse impacts on cultural heritage. ³⁶

²⁷ [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

²⁸ Paragraph 4.10 of the [EIB Group Environmental and Social Policy](#) (2022) (accessed on 18 January 2024).

²⁹ Section 9.a of Standard 1 on Environmental and Social Impacts and Risks, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

³⁰ Section 37 of Standard 2 on Stakeholder Engagement, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

³¹ Sections 9 and 19 of Standard 4 on Biodiversity and Ecosystems, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

³² [EIB Group Environmental and Social Standards](#) (2022) (accessed on 19 January 2024).

³³ Item 8 of the Preamble to the [EIB Group Environmental and Social Policy](#) (2022) (accessed on 18 January 2024); Section 9 of Standard 5 on Climate Change, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

³⁴ Paragraph 4.26 of the [EIB Group Environmental and Social Policy](#) (2022) (accessed on 18 January 2024). The EU Taxonomy Regulation is [Regulation \(EU\) 2020/852](#) of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (accessed on 18 January 2024).

³⁵ Section 15 of Standard 7 on Vulnerable Groups, Indigenous Peoples and Gender, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

³⁶ Section 11 of Standard 10 on Cultural Heritage, [EIB Group Environmental and Social Standards](#) (2022) (accessed on 18 January 2024).

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- 3.2 In addition to the EIB standards, national and EU law is also applicable, including Spanish Law 21/2013 on environmental assessment³⁷ (amended) transposing the EU Environmental Impact Assessment Directive,³⁸ and the EU Environmental Air Quality Directive.³⁹
- 3.3 Finally, considering that parts of the project will be carried out in, and adjacent to, an area under the protection of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the relevant requirements of the UNESCO Convention⁴⁰ are applicable.
- 3.4 The promoter is responsible for implementing the project in compliance with applicable law, and for fulfilling the EIB requirements in the relevant finance contract.⁴¹ The role of the EIB is to check that the project complies with the applicable EIB standards during its appraisal and monitoring.⁴²

4 INITIAL ASSESSMENT

- 4.1 During the initial assessment phase, the Complaints Mechanism: (i) held an initial meeting with, and received additional documents and clarifications from, the relevant EIB services⁴³; (ii) reviewed documents provided to the EIB by the promoter during the appraisal and monitoring phases (such as the April 2019 EIA report, the July 2020 EIA decision, the November 2023 EIA decision and the May 2019 feasibility study⁴⁴); and (iii) contacted the complainants by video call and written exchanges to clarify issues and the available information.
- 4.2 The complainants provided the Complaints Mechanism with evidence of public protests since February 2023 regarding the project in Madrid, and local and national media articles on the protests and the actions of the complainants and other campaigners in relation to the project.⁴⁵
- 4.3 In the summer of 2023, the complainants approached the Spanish Ombudsman about the alleged legal irregularities of the project, specifically stating that the 2023 EIA simplified decision had not been subject to public consultation. As a result, the Spanish Ombudsman launched an inquiry and started a process of communication with the Madrid City Council and with the Autonomous Community of Madrid's Directorate-General for Public Transport Infrastructure.⁴⁶
- 4.4 On 8 September 2023, Madrid City Council's Urban Planning Department informed the Autonomous Community of Madrid's environmental body that the project infringes Madrid's urban planning regulations, pointing out how to avoid such infringements.⁴⁷
- 4.5 This issue has attracted the attention of some Members of the European Parliament (MEP). For example, in March 2023, an MEP asked the European Commission if the EIB's funding was compatible with the removal of trees being carried out as part of the project's implementation, and whether the Commission planned to monitor the project and check whether the European

³⁷ [Ley 21/2013, de 9 de diciembre, de evaluación ambiental](#) (in Spanish) (accessed on 18 January 2024).

³⁸ [Council Directive 85/337/EEC](#) of 27 June 1985, repealed subsequently by Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (amended).

³⁹ [Directive 2008/50/EC](#) of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1-44). In December 2022, the Court of Justice of the European Union ruled that Spain had failed to comply with its obligations under Directive 2008/50/EC (the Environmental Air Quality Directive) with regard to the systematic and continuous exceedance, since 2010, of the yearly and hourly limit values for nitrogen dioxide (NO₂) and to the non-adoption of adequate measures to ensure that the period of exceedance was as short as possible in those air quality zones where the limit values had been exceeded (which include the Madrid area (Zone ES 1301 Madrid). Judgment of the Court of Justice of the European Union of 22 December 2022, *Commission v Spain*, C-125/20, ECLI: EU:C:2022:1025.

⁴⁰ [UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage](#) (accessed on 18 January 2024). Spain accepted the Convention in May 1982. Latest [Decision 45 COM 7B.200](#) on the Paseo del Prado and Buen Retiro, a landscape of Arts and Sciences (Spain) (C 1618) (accessed on 18 January 2024).

⁴¹ Paragraphs 6 and 7 of [Volume II of the 2013 EIB Environmental and Social Handbook](#).

⁴² Paragraph 8 of [Volume II of the 2013 EIB Environmental and Social Handbook](#).

⁴³ The meeting was held on 10 October 2023.

⁴⁴ The feasibility study (*Estudio Informativo*) was published by the promoter on its website as part of the public consultation process for the environmental impact assessment. The links to the different documents (summary, annexes, etc.) can be found [here](#) (accessed on 16 January 2024).

⁴⁵ For example, a public action [announcement on the website](#) of one of the complainants from October 2023 (in Spanish) (accessed on 16 January 2024).

⁴⁶ Information available on the [Ombudsman's website](#) (in Spanish) (accessed on 16 January 2024).

⁴⁷ Information from the complainants' submission and the [press](#) (in Spanish).

Union's environmental and climate objectives were being met.⁴⁸ In June 2023, the European Commission responded, stating that the EIB had approved the project in line with the EIB Group Climate Bank Roadmap and taking into account the relevant environmental impact assessment.⁴⁹

- 4.6 The complainants petitioned the European Parliament and met with the Petitions Committee in September 2023.⁵⁰ During this meeting, the petitioners expressed concerns over the tree felling and demanded that the European Parliament investigate the possible repercussions of this project on public health.⁵¹ The European Parliament decided to request a written reply to the petition by the European Commission as well as by the relevant local and regional authorities in Madrid.⁵²
- 4.7 In October 2023, MEP David Cormand sent a letter to the President of the EIB asking several questions about the project. Specifically, the questions concerned the information used by the Bank to appraise and approve the project. In November 2023, the EIB sent a reply informing him that the Complaints Mechanism was investigating the case.
- 4.8 The complainants also met with the Autonomous Community of Madrid's transport body on 24 October 2023, and with the Councillor President of the Arganzuela district of the City of Madrid on 16 November 2023. According to the complainants, the Councillor President expressed her support for the project.
- 4.9 On 15 November 2023, the Autonomous Community of Madrid's governing body declared the project to be of overriding public interest and a priority project.⁵³
- 4.10 On 16 November 2023, the Autonomous Community of Madrid's environmental body approved the simplified environmental impact assessment (screening decision).⁵⁴ Prior to the approval, the Autonomous Community of Madrid's governing body consulted numerous authorities, local associations and other stakeholders in writing. In addition to their responses, individuals, neighbourhood communities, companies and associations made 355 submissions as part of the process. The decision contains the responses to these submissions.
- 4.11 In line with the interest expressed by the complainants, in November 2023, the Complaints Mechanism explained the assisted dialogue process to the complainants. Subsequently, the Complaints Mechanism provided additional clarifications to the complainants concerning the process. In December 2023, the complainants requested an assisted dialogue process to address the issues included in the complaint. The complainants prepared several documents with allegedly more viable alternatives for the project and shared them with the Complaints Mechanism and the stakeholders concerned. However, the promoter was not in favour of the assisted dialogue process and proceeded to implement the project anyway.

5 WAY FORWARD

- 5.1 Following the initial assessment, the Complaints Mechanism proposes to proceed to the next phase of the complaint handling process and to conduct a compliance review. The allegations submitted (see Table 1) concern a possible breach of the EIB standards (see Table 2). It should be noted that there is currently no conclusive evidence indicating a breach of the EIB standards.⁵⁵

⁴⁸ [Question for written answer E-001099/2023](#) submitted by MEP Sira Rego on 30 March 2023 (accessed on 19 January 2024).

⁴⁹ [Answer provided by the European Commission](#) (accessed on 19 January 2024).

⁵⁰ Petition No 0353/2023 by V.P.Q. (Spanish), on behalf of the Federación Regional de Asociaciones Vecinales de Madrid, on the massive felling of trees along the route of line 11 of the Madrid metro and the consequences for the environment and public health, see [here](#) and [here](#) (accessed on 17 January 2024).

⁵¹ See section 3 of the October 2023 [Notice to Members](#) concerning Petition No 0353/2023 (accessed on 17 January 2024).

⁵² See section 5 of the [minutes](#) of the Committee on Petitions meeting that took place on 23 October 2023 (accessed on 17 January 2024).

⁵³ “*de interés general*” and “*urgencia*” (in Spanish).

⁵⁴ A simplified EIA decision (ref.: 30/136984.9/23) issued on 14 November 2023 with annexes.

⁵⁵ Section 3 of the EIB Group Complaints Mechanism Policy.

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- 5.2 The allegations to be investigated during the Complaints Mechanism's compliance review are described in Table 3 below (see section 2).

Table 3 — Summary of the allegation made by the complainants

Allegation	Scope of the allegation
Project's non-compliance with the EIB's 2022 Environmental and Social Standards	<p>(i) The project is not in compliance with the EIB's Environmental and Social Standard 1 (Environmental and Social Impacts and Risks), 2 (Stakeholder Engagement), 3 (Resource Efficiency and Pollution Prevention), 4 (Biodiversity and Ecosystems), 5 (Climate Change), 7 (Vulnerable Groups, Indigenous Peoples and Gender) and 10 (Cultural Heritage) (see Table 2).</p> <p>(ii) The EIB did not check whether the project complies with the standards as part of its project due diligence and monitoring, as required (see section 3.4).</p>

- 5.3 The outcome of the compliance review will be communicated to the complainants through the Conclusions Report.

EIB Group Complaints Mechanism