Amnesty International comments on the revised drafts (Draft II) of the European Investment Bank’s (EIB) Complaints Mechanism Principles, Terms of Reference and Rules of Procedure and of its Transparency Policy

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On 16 October 2009 the European Investment Bank (EIB) launched a second round of public consultation on the revised drafts (Draft II) of its Complaints Mechanism Principles, Terms of Reference and Rules of Procedure and of its Transparency Policy. This briefing paper is Amnesty International’s submission to the EIB consultation on these policies.

### 1. Introduction

Amnesty International welcomes the second round of public consultation on the EIB’s Complaints Mechanism Principles, Terms of Reference and Rules of Procedure and of its Transparency Policy, and is encouraged by the positive amendments in relation to human rights in the second draft documents. However, some critical gaps remain in the way the Policies address human rights, as outlined below.

The review offers an important opportunity to ensure that EIB policies explicitly recognise the founding principle of the European Union (EU) to respect human rights. Since the EIB plays an increasingly important role in the implementation of EU aid, its principles and operations should reflect and be fully consistent with the EU’s commitment to place human rights at the core of sustainable development.

The review of these policies present an opportunity for the EIB to demonstrate leadership in promoting a culture of respect for human rights through policies of maximum disclosure, transparency, and a genuine possibility for those whose human rights may be negatively affected by EIB funded projects to seek remedy and redress.

**Access to information** is crucial to effectively ensure respect for human rights, vital to the **full and meaningful participation** of people and communities in decision-making processes that are likely to affect their rights, and furthermore an element to enable those people and communities to **hold governments and other actors accountable** for any negative impact on their rights.

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1 “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States”, Article 6 Consolidated Treaty of the European Union.

2 The “European Consensus”(document 2006/C46/01) that defines the framework of common principles within which the EU and its Member States will each implement their development policies in a spirit of complementarity, places human rights at the core of the strategies for sustainable development. It also affirms that “the EIB is playing an increasingly important role in the implementation of Community aid, through investments in private and public enterprises in developing countries” (point 119).
General remarks

Amnesty International welcomes the fact that these policies under review are formally placed “within a framework established at an EU level covering human rights, democracy, and rule of law in countries and regions in which the EIB operates”. This framework requires accountability principles and mechanisms.

Amnesty International welcomes the EIB’s general commitments to human rights in the background information regarding its Transparency Policy under review. However, it is pertinent, that these standards are explicitly reflected and stated in the operational part of the policy.

Amnesty International notes the improvement in the second draft of the Complaint Mechanism Policy with regard to the notion that the EIB is accountable to EU citizens and to its stakeholders, including people affected by financed projects, independent of origin and/or location.

According to the Transparency Policy, it aims to enhance the accountability of the EIB Group towards its stakeholders and the EU citizens. The EIB states in its response to the stakeholders' recommendations that the definition of stakeholder includes “a person, group, organisation or system who affects or can be affected by an organisation’s actions.” Amnesty International welcomes the notion, but urges the EIB to include it explicitly in the Transparency Policy itself.

Finally, Amnesty International welcomes the merger of Transparency Policy and Public Disclosure Policy into one document.

2. Background: Access to information is vital for upholding human rights

Access to information is crucial to effectively ensure respect for human rights, and has been enshrined in Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights. Its importance has also been recognized by the UN Committee on Economic, Social and Cultural Rights in relation to the rights to health and water, as well as by other international bodies.

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3 EIB Transparency Policy, October 2009, paragraph ii5 (Background and Purpose); and by reference to its Statute and EU Treaties, EIB Complaints Mechanism Policy, October 2009, paragraph I.3 (Background information).
4 EIB Transparency Policy, October 2009, paragraph i.6 (Background and Purpose), ii.5 (The Institutional Framework).
5 EIB Complaints Mechanism Policy, October 2009, paragraph I 2.3 (Background information).
6 EIB Transparency Policy, October 2009, paragraph I.4 (Background and Purpose).
7 UN Committee on Economic, Social and Cultural Rights General Comment 14 on The right to the highest attainable standard of health (art. 12), August 2000, E/C.12/2000/4, paragraph 3.
8 UN Committee on Economic, Social and Cultural Rights General Comment 15 on The right to water (arts. 11 and 12), January 2003, E/C.12/2002/11, paragraphs 12, 48, and 56.
Participation

The right of people to participate in decisions which may affect their rights is grounded in international human rights law and standards. Access to comprehensive, accurate and timely information is a necessary requirement for genuine and meaningful consultation, and to ensure that people whose human rights may be affected by EIB activities are able to participate meaningfully in decision-making processes. Among the most critical pieces of information that people need are: information on the potential impact of projects, policies or programmes; information on the actors involved; information on the contractual relationship between companies and governments; information on existing standards and safeguard policies and procedures that apply in any context; information on the consultation, grievance and redress mechanisms available to communities; and information on how revenues derived from given activities will be used by the government for poverty alleviation measures.

Amnesty International recalls that the EIB’s revised policies must acknowledge and address the barriers faced by many communities and individuals in accessing information. Groups that are often marginalised – for example on the basis of gender, age or ethnicity – and people living in poverty all face particular obstacles in accessing information.

In its comment, the EIB states that the question of provision of information to affected stakeholders is dealt with in the framework of the EIB Statement of Environmental and Social Principles and Standards (paragraphs 59 to 66), and substantively in its operational practices as detailed in the Environmental and Social Practices Handbook, as well as in its Guidance Note N° 5 on Public Consultation and Participation in Project Preparation.9

However, the reference to these other documents is inadequate. Indeed, the fact that these issues are addressed within several documents underlines the need to include a clear plan for ensuring that all affected stakeholders have the necessary information and are fully included in decision-making processes that have a potential impact on their human rights within the Transparency Policy under review – as it is an overarching policy in this regard.

Moreover, paragraphs 59-66 of the EIB Statement of Environmental and Social Principles and Standards refer to environmental matters, Aarhus Regulation and EU environmental laws. Therefore the way in which stakeholders’ concerns are considered is for example, dependent on whether the EIB requires a formal EIA or not and whether the project takes place inside or outside the EU. Amnesty International emphasises, and as the EIB has noted, that access to information is vital for upholding human rights and thus the scope of public consultation and participation cannot be only dependent on the afore mentioned issues.10

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9 The guidance note only lists additional information sources and does not provide bases on access to comprehensive, accurate and timely information for genuine and meaningful consultation, and to ensure that people whose human rights may be affected by EIB activities are able to participate meaningfully in decision-making processes.

10 See also Transparency Policy, October 2009, paragraph 9.5 (Part A).
Amnesty International welcomes the notion that the EIB is currently considering how to enhance timely access to information within the overall decision making process. In addition it is important to address at the same time other problems faced by communities and individuals in accessing information: Often communities are not aware of - and have no information on - the activities being considered by the EIB, and decisions in the early stages of project identification and design are made without the knowledge of, or consultation with, affected stakeholders. Access to information throughout the cycle of projects and programmes – including at the earliest proposal and planning phase – is vital so that affected people are able to fully assess how such plans may affect their lives, to participate by addressing concerns raised by the proposed activity and in the consideration of possible alternatives. This includes having access to timely and comprehensive information even before project approvals, as a pre-requisite for meaningful consultation processes in the scoping, planning, implementation and monitoring phases of a given activity.

As stated, information on sector-wide policies is crucial for stakeholders to ascertain how given policies might have an impact on them and to subsequently act on. Often this information is not readily available to national parliaments or civil society, and decisions on policy choices are taken without an open and transparent debate on their impact on people’s lives, or on possible alternatives.

Therefore Amnesty International welcomes the EIB’s comment that the EIB agrees to run public consultations of its own general strategies and policies, including sector-wide policies which are considered by the EIB.

As a concrete step, Amnesty International recommends the EIB holds public consultations on the EIB’s policy for lending in the energy sector.

**Prevention of human rights abuses/violations**

As stated, access to timely, comprehensive and accurate information is essential to enable individuals and communities to claim, defend and protect their rights. In its research, Amnesty International has found that the failure to ensure communities have timely access to relevant information has contributed to serious problems, including - but not limited to - loss of livelihoods, abuses of Indigenous Peoples’ rights to their traditional lands, forced evictions, and harm to the health of individuals and communities. In the context of industrial or infrastructure projects and extractive industries, for example, Amnesty International has found that communities often do not know how these projects will affect their lives, lands, livelihoods and health. For example, failure to make public the potential level of toxicity or the health implications of pollution resulting from waste disposal (which may be harmful to health or damaging to water or soil), may mean that affected communities are unaware of health and environmental risks they may face, and are therefore not able to demand appropriate measures to prevent – or take measures to remedy - any negative impact on their health and livelihood.

Lack of access to information can also increase the risk of - or exacerbate - conflicts within and between communities, private actors and the state. Lack of information and transparency can breed distrust and suspicion, and can be a catalyst for wider human rights problems, particularly
when community tensions are met with forcible responses by public and private security forces. For example, in the Niger Delta failure by companies to be transparent on how they allocate community contracts and other payments to the community has fuelled inter- and intra-community conflicts. In Mexico, Amnesty International has documented that the failure to provide accurate, comprehensive and accessible information on the building of the La Parota hydroelectric dam in Guerrero State, including potential displacement, relocation and compensation, has contributed to divisions and conflict within local communities, leading to violence between the authorities and opponents of the project.

**Accountability**

Information is a necessary prerequisite for people to be able to hold their governments and other actors to account. Access to information is also important for ensuring redress and remedy for human rights abuses. For example, in the extractives sector, access to information has a significant impact on communities’ ability to seek justice for harm caused by mining, oil and other extractive projects and to demonstrate the causal connections between extractive operations, the content and disposal of various related waste products, and their impact on water, land and on human health.

In order to ensure effective accountability of states, access to timely, accurate and comprehensive information is also necessary to enable parliaments, the United Nations treaty monitoring bodies, national human rights institutions and other actors to perform their roles in monitoring, debating and scrutinising the impact of policies and projects on people and communities.

### 3. **EIB’s Transparency Policies**

Amnesty International welcomes the EIB Transparency Policy as an umbrella document to the public disclosure policy and as an integral part of the EIB corporate responsibility policies.

Amnesty International submits the following comments:

a) **Access to information recognised as essential for the protection of human rights**

Following the background analysis provided above, Amnesty International welcomes the explicit recognition of the essential role that access to information plays in the reduction of risk of human rights violations.\(^{11}\)

b) **The role of the EIB in ensuring that its principles of transparency and disclosure are upheld by its clients**

As stated in Amnesty International’s first submission, in order to meaningfully uphold the principle of transparency, the EIB has a responsibility to use its leverage towards its clients (project promoters, borrowers or any other competent party) so that they fully adhere to the

\(^{11}\) EIB Transparency Policy, October 2009, paragraph i.6. (Background and Purpose).
same best practice standards of transparency and disclosure that EIB states in the policies under review.

Amnesty International notes the improvement in the second draft with regards to the EIB’s commitment to actively promote transparency with its counterparts\textsuperscript{12} and the explicit notion that the EIB requests the project promoters to follow the transparency principles detailed in the Transparency Policy in the context of the financed projects.\textsuperscript{13} However, it is pertinent that the EIB does not only request but requires its clients to adhere to its Transparency Policy.

Anyhow, quantitative and qualitative indicators should be developed to measure the progress in transparency of the EIB’s clients and in order to ensure that the promoters follow the transparency principles detailed in the Transparency Policy.

**Recommendation:** The EIB requires its clients to adhere to its Transparency Policy. As a concrete measure, the EIB should introduce (quantitative and qualitative) indicators to measure the progress in transparency of its clients.

Amnesty International welcomes the new section on the Extractive Industries Transparency Initiative (EITI) in the EIB Transparency Policy.\textsuperscript{14} Nonetheless, in this section it should be explicitly mentioned that improved transparency and accountability in the extractive industries are essential elements for the protection of human rights and the reduction of risk of human rights violations.

**Recommendation:** Explicitly mention that improved transparency and accountability in the extractive industries are essential elements for the protection of human rights and reduction of risk of human rights violations.

c) **Principles for disclosure**

Amnesty International welcomes the principle of presumption of disclosure and other related principles.\textsuperscript{15} However, we recall that information not only needs to be available but also accessible in formats that can be easily understood by people likely to be affected by EIB’s operations. The information must be of a quality that provides timely, accurate and comprehensive information, which enables affected stakeholders to understand the likely impact of activities supported by the EIB. In the current draft the accessibility and quality of information are not formally included as being essential principles for disclosure.

Moreover, Amnesty International is concerned that the principles of accessibility and quality of information are restricted to the project related to the environmental legislation whereas they should be considered as core principles for the disclosure policy.

**Recommendation:** Include accessibility and quality of information as essential principles for the disclosure policy.

\textsuperscript{12} EIB Transparency Policy, October 2009, paragraph 1.7.1 (Part A).
\textsuperscript{13} EIB Transparency Policy, October 2009, paragraph 9.4 (Part A).
\textsuperscript{14} EIB Transparency Policy, October 2009, paragraph 7.2 (Part B).
\textsuperscript{15} EIB Transparency Policy, October 2009, paragraph 5.1 (Part A).
Amnesty International welcomes the EIB’s commitment to a language regime that takes into account to public needs. As stated, in order to be accessible to affected communities, information will often need to be translated into languages other than EU languages. While the EIB cannot practically be expected to translate all documents into all relevant languages, Amnesty International states the revised Transparency Policy should include more specific provisions, not only a possibility, for relevant operational and policy documents to be translated - when necessary - into relevant languages. Such translations could be crucial when the lack of translation into the relevant language would result in affected communities’ lack of access to information required in order to understand the possible impact on their lives of the EIB’s activities.

**Recommendation:** Include a specific procedure for translation into relevant languages (including non-EU languages) of relevant documentation on EIB operations outside the EU where non-translation would affect access to information.

d) **Restrictions on disclosure**

Amnesty International welcomes the underlying presumption of openness and disclosure of information on the EIB’s operational and institutional activities, in the absence of compelling reasons for confidentiality. However, we believe the proposed exceptions do not strike the right balance between the presumption of disclosure and the legitimate need to protect some confidential information. For example:

- Refusal of disclosure on the grounds of public interest is still defined in very broad terms which are open to far-reaching interpretation and abuse, undermining the principles of disclosure and transparency. Amnesty International notes the EIB’s comment that “according to Transparency Policy all replies to requests must be reasoned in such way that the person concerned is precisely informed of the grounds and arguments on which they are based.” However, it should be explicitly stated in the paragraph on exception on disclosure that refusal of disclosure needs to be explained and justified in light of the interests of the people affected by the EIB’s operations. Furthermore, it is essential to establish the time period during which the restrictions on disclosure are applicable and from when the information could be accessible.

**Recommendations:**

- Ensure that the exceptions to its disclosure policy are limited, clearly defined and narrowly-drawn.

- Publicly disclose a list of the documents that fall under the restrictions categories.

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16 EIB Transparency Policy, October 2009, paragraph 5.1.3 (Part A).
17 EIB Transparency Policy, October 2009, paragraph 1.3.1 (Part A) and 1.7 (Part A).
18 EIB Transparency Policy, October 2009 paragraph 5.2 (Part A).
19 EIB Transparency Policy, October 2009, paragraph 5.2.2 (Part A).
20 EIB Transparency Policy, October 2009, paragraph 3.5 (Part B).
21 EIB Transparency Policy, October 2009, paragraph 5.2.11 (Part A) and paragraph 4.5.10 (Part B).
• Decisions not to disclose information should always be subjected to a *harm test* that takes into account whether non-disclosure could cause harm to the interests of affected communities.

• Following decisions not to disclose information, provide written reasons that demonstrate that disclosure would cause harm to clearly and narrowly-defined legitimate interests; written reasons that demonstrate that non-disclosure will not undermine (or does not have the potential to undermine) the human rights of stakeholders likely to be affected by the EIB’s operations; and a written statement specifying the time period during which the restriction on disclosure is applicable and from what date the information could be disclosed.

- **Overriding public interest in disclosure** 22 Amnesty International notes the EIB’s reference to the EIB’s commitment to comply with EU policy initiatives and legislative framework on transparency and public disclosure of information, 23 and welcomes, as stated above, the EIB’s general human rights commitments with regard to openness issues. 24 Amnesty International notes the second draft mentions that the grounds of refusal shall be interpreted in a restrictive way as regarding to environmental information (emissions into the environment). 25 This restrictive approach should not be limited solely to environmental information, but should include risk of human rights violations as a ground that similarly merits interpreting refusal in a restrictive way.

Therefore, Amnesty International emphasises that the EIB’s Transparency Policy should explicitly state that an overriding public interest in disclosure exists where the information requested is necessary for the protection of human rights (in addition to information relating to environmental concerns), and for people to be able to know and understand the possible impact of EIB’s operations on their lives. Given that the criteria applied for refusal should be interpreted in a restrictive way, Amnesty International insists on the fact that risk of human rights violations should also be included as ground that serves public interest and therefore merits disclosure.

**Recommendation:** Include protection of human rights as an overriding public interest in disclosure, and include risk of human rights violations as a ground that merits disclosure.

- **Refusal of disclosure on the grounds of integrity of the EIB’s decision-making process** 26

  The criteria provides for a rather broad scope for the EIB to refuse to disclose of information. In the interest of accountability, the presumption of disclosure with limited and narrowly-defined restrictions should also apply to information on the deliberations and proceedings of the EIB. Denying access to information that would enable stakeholders to raise concerns in a timely way and to debate proposals with their

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22 EIB Transparency Policy, October 2009, paragraph 5.2.3 and 5.2.4 (Part A).
24 EIB Transparency Policy, October 2009, paragraph ii.5. (The Institutional Framework).
25 EIB Transparency Policy, October 2009, paragraph 5.2.6 (Part A).
26 EIB Transparency Policy, October 2009, paragraph 5.2.5 (Part A).
representatives within the EIB undermines the EIB’s commitment to transparency and its accountability.

Recommendation: As general criteria, all EIB documents pertaining to deliberations and proceedings of projects should be disclosed unless they legitimately fall under the category of information subject to non-disclosure.

- Disclosure of third-party documents\(^{27}\) should similarly comply with the principle of presumption of disclosure. As stated, allowing states and business partners to impose a veto on documents provided to the EIB will undermine the EIB’s stated intention of transparency. The EIB and its clients should adhere to the same best practice standards of presumption of disclosure and well-defined, limited constraints. In addition, Framework Agreements\(^{28}\) with partner countries should also comply with the principle of disclosure and therefore, be systematically disclosed.

Recommendation: As general criteria, all third-party documents should be disclosed unless they are justified to fall under the restrictions category. All third-parties should be made aware of this criteria.

Framework Agreements with partner countries should also comply with the principle of disclosure and therefore, be systematically disclosed.

e) Stakeholder involvement – proactive engagement

The EIB acknowledges that engaging with stakeholders is part of its commitment to transparency and accountability.\(^{29}\) However, Amnesty International remains concerned at the apparent contradiction between the EIB’s general commitment towards transparency and stakeholder engagement, and the delegation of responsibilities to the client or project promoter.\(^{30}\)

Furthermore Amnesty International recalls that in order to uphold its commitments towards stakeholder engagement, the EIB should give due consideration to adopting a more proactive approach to engaging affected stakeholders. Such engagement would require addressing the barriers to accessing information that many people and communities face, and the need to provide information in ways that are easily accessible to people likely to be affected by the EIB’s operations. Using the EIB’s external website as the primary vehicle for disclosing information does not take into account the reality of many marginalised communities and individuals, particularly those living in remote or rural areas and who do not have access to the Internet.

As previously stated, the EIB must ensure that information is not only available, but also accessible in formats that can be easily understood by people likely to be affected by its operations. This includes requesting governments and other third parties to also proactively disseminate relevant information in non-written and other formats.

\(^{27}\) EIB Transparency Policy, October 2009, paragraph 5.2.7 (Part A).
\(^{28}\) EIB Transparency Policy, October 2009, paragraph 4.2 (Part B).
\(^{29}\) EIB Transparency Policy, October 2009, paragraph 5.1 (Part B).
\(^{30}\) EIB Transparency Policy, October 2009, paragraph 5.5 (Part B).
As a first step, proactive measures should be prioritised in high risk projects. Amnesty International urges the EIB to explicitly include human right risks in the criteria of “high risk potential” alongside environmental, social and ethical risk potential and urges the EIB to mention explicitly human right risks in the criteria.

Recommendations:

- Clarify and recognise the EIB’s own responsibilities towards stakeholder engagement regarding access to information for, and consultation with, local stakeholders throughout the project cycle.

- Develop a concrete plan to ensure a proactive approach to the dissemination and maximum accessibility of information to all relevant stakeholders, including in other formats beyond electronic and print media.
  
  ✓ For example, the EIB could require its clients to set up temporary information desks and staff them at relevant sites in the country where the project is taking place, with people who speak relevant language and who are familiar with the communities that need to be provided with access to information.

- Prioritise proactive measures towards stakeholder engagement in high risk projects, as a first step. Explicitly mention human right risks in the criteria of high risk potential projects.

- Expand the list of documents that EIB’s clients – both states and contractors – are required to publish and disseminate.

- Publish a list of the relevant stakeholders and the documents available and a short explanation of what they are with dates of disclosure regarding each project.

- Establish guidelines for EIB’s clients on how to maximise accessibility of information on the EIB’s activities for affected stakeholders and mechanisms to ensure that these guidelines are adhered to.

With regard to engaging stakeholders, Amnesty International welcomes the EIB’s comment to give further thought to the remit of an advisory committee and its format. As stated, the advisory committee, constituted of relevant external experts, including persons drawn from a pool of civil society organizations, would be set up in order to provide advice to decisions regarding EIB projects. Amnesty International remains at the EIB’s disposal for further exchange of views on the issue.

Recommendation: Further consider setting up an advisory committee constituted of external experts, including persons from the relevant civil society organizations.

f) **Timeframe for handling requests for information**

31 EIB Transparency Policy, October 2009, paragraph 5.7 (Part B).
The proposed measures for the processing\(^{32}\) of requests for information that sets out a mechanism and a timeframe for receipt, acknowledgment and replies are welcomed. In addition, we note the improvement on streamlined reference period in the Transparency Policy.

Amnesty International notes the EIB’s comment on the timeframe for the processing of information requests within the overall cycle of decision making of a project supported by the EIB and urges the EIB to incorporate specific information on the timeframe in the Transparency Policy.

As states, Amnesty International welcomes the EIB’s statement that the EIB is currently considering how to enhance timely access to information with the overall decision making process.

**Recommendation: Ensure that the timeframe for the handling of information requests is compatible with commitments towards access to information within the overall decision-making process and cycles of the EIB and provide specific information on the timeframe in the Transparency Policy.**

4. **The EIB Complaints Mechanism**

As stated, in order to ensure EIB’s accountability, as it has committed to, an effective complaint or appeal mechanism is vital to ensure that any decision of the EIB with a negative impact on the rights of the people can be addressed and ultimately remedied. An effective complaint process requires an impartial mechanism, independent from the EIB’s operational management. In this light, the EIB’s Complaints Mechanism proposed in the draft policy is welcomed.

Amnesty International submits the following comments on:

a) **Subject of the complaint**

On the subject of complaint, as stated in our first submission, Amnesty International welcomes that the definition of the concept of maladministration includes situations when the EIB Group violates human rights. The EIB states it follows a “rights based approach” within the projects it finances. We welcome this approach but urge the EIB to explicitly mention a human rights based approach.\(^{33}\)

The EIB comments it considers that human rights is an integral part of social impacts and has made a reference to the EIB’s Environmental and Social Practices Handbook (page 45, B5, 142), and as such does not need to be included as a separate item.

Amnesty International calls on the EIB to ensure that Human rights standards are incorporated in the EIB Complaints Mechanism. In particular the concept of admissibility has to be consistent with human rights principles and should ensure that anyone (individual or group or members of

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\(^{32}\) EIB Transparency Policy, October 2009 paragraphs 4.5 (Part B).

\(^{33}\) EIB Complaints Mechanism Policy, October 2009, paragraph II 1.2 and footnote 1.
civil society organization that legitimately represent them) that is or feel affected by the EIB Group’s activities can file a complaint. 34

Recommendation: Ensure that the appropriate human rights concerns are incorporated throughout the EIB Complaints Mechanism, where relevant.

b) Complaints mechanisms

In regards to the independent internal mechanism 35 (the EIB Complaints Office), it is noted that it delivers recommendations of appropriate corrective actions, both for concrete cases and for systemic problems of existing EIB’s policies and/or procedures but it requires senior management’s authority to be able to enforce its recommendations.

Amnesty International is concerned about the lack of clarity in the effectiveness of the EIB Complaints Mechanism in modifying EIB decisions and redressing its negative impact on affected communities. The absence of a stated mandatory obligation from the EIB to implement recommended actions resulting from admissible complaints puts in question the effectiveness of the proposed complaints mechanism. This concern extends to both the corrective actions coming from the internal mechanism and the recommendations of the European Ombudsman as the external mechanism. Implementation of all corrective actions by senior management is imperative to the effectiveness and credibility of the Complaints Mechanism.

Recommendation: The senior management ensures the mandatory implementation of corrective actions resulting from all admissible complaints, both from the internal and external mechanisms.

34 EIB Complaints Mechanism Policy, October 2009, paragraph IV 2.1 and footnote 5.
35 EIB Complaints Mechanism Policy, October 2009, paragraph III 1.-4.3.