
Consultation Report

Introduction

This report outlines how the consultation process on the EIB’s Anti-Fraud Policy was conducted, which stakeholder submissions were received, and to which extent these were taken into account.

The EIB’s Board of Directors decided on 28 March 2006 to hold a public consultation on the review of the Bank’s Anti-Fraud Policy.

The Bank adopted a flexible approach in terms of timetable and procedures to allow as full a consultation as possible, and to respond to issues raised by stakeholders during the process.

The consultative process focused on two documents, the Anti-Fraud Policy and the Investigative Procedures. The documents codified existing policy, procedures and practices into a reader friendly format.

A Review Panel was set up within the EIB to consider all stakeholder contributions, and to examine the extent to which they could be taken into account. Its members represented the Bank’s Directorates having a particular interest in fraud, corruption and integrity issues. The Inspector General chaired the Panel and its Secretariat was managed by the Fraud Investigations team. The Panel’s evaluations of the stakeholder contributions provided the framework for re-drafting and editing the draft policy.

The consultation process

The web-based public consultation was launched on 12 February 2007 with a draft policy and procedures published on the Bank’s website in English, French and German. The consultation was divided into 2 rounds, the First Round taking place between February 12 – April 18, 2007 and the second round between July 12 – September 13, 2007. In addition, the Bank held two Public Consultation Meetings to discuss its policy review with interested stakeholders. The meetings were announced on the EIB’s website and invitations were sent to the 200 organizations and individuals on the consultation mailing list. The consultation process was completed on 13 September 2007.

First Round: The documents were published on the EIB’s website from 12 February – 18 April, 2007 and a public meeting was held in Brussels on 30 March, 2007. The
meeting, chaired by Philippe de Fontaine Vive, EIB Vice-President with responsibility for external communication, brought together some 23 people, including representatives from NGOs, OLAF, and EIB staff members. The Bank’s Inspector General gave a presentation on the policy review and consultation process. The stakeholder proposals and comments voiced during the meeting were submitted to the Review Panel.

The EIB also received four written contributions from external stakeholders, including NGOs and OLAF. The Review Panel discussed the four documents in its various meetings of May and June on the basis of a Table prepared by the Panel’s Secretariat. The Table, attached to this Report, included the stakeholder contributions, the EIB’s related existing policy, and the Bank’s position or comment with respect to the individual stakeholder contributions. The Panel’s evaluations were introduced by the Secretariat in a re-edited version of the draft policy (Draft II), which was discussed by the Review Panel in its meeting of 15 June 2007.

Second Round: The second round of the consultation process focused on a modified/revised Draft (II) of the policy and procedures, that took into account public contributions during the first round. A public meeting was held in Luxembourg on 4 September 2007, chaired by Philippe de Fontaine Vive, EIB Vice-President. Among the 17 attendees were seven NGO representatives, six staff from the EIB, a former EIB staff member and two representatives from OLAF.

The six written stakeholder contributions from the second round, as well as the oral contributions from the public meeting, were considered by the Review Panel in its meetings during September and October 2007, based on a Table prepared by the Panel’s Secretariat. The Panel also discussed a draft Consultation Report prepared by its Secretariat. The Panel’s evaluations were introduced in a new re-edited draft (Draft III), which was discussed by the Panel in its meeting on 25 October 2007.

The final draft policy, procedures and Consultation Report were submitted for approval to the Management Committee.

Internal consultation

As part of the consultation process, internal stakeholders were also encouraged to comment. The draft policy and details about the consultation process were distributed within the Bank. EIB Directorates had an opportunity to submit contributions to Draft I prior to the launch of the public consultation process.

On 22 March 2007, the Inspector General made a presentation on the policy review and consultation process to interested members of staff and on 2 April 2007 to the Board of Directors. The Inspector General made a presentation to the Audit Committee on 6 March 2007.

The College of EIB Staff Representatives was also consulted and provided an opinion dated 6 December 2007. This resulted in clarificatory language being added to the Policy.

Approval and publication of the new Policy & Procedures and Consultation Report
The Management Committee approved the final draft Policy and Procedures and draft Consultation Report on 29 January 2008. 15 Working days prior to consideration by the Board of Directors, the draft documents were posted, for information, on the EIB-website. The Board of Directors approved the Policy and Procedures and commented on the Consultation Report on [ ] 2008. The full texts of stakeholder contributions and comments to the Policy and Procedures were available electronically for consultation by the Board Members.

The Bank intends to further consider a number of fraud-related issues: the implementation of a system of exclusion/debarment; updating whistleblower protection; and the Bank’s approach to the Extractive Industries Transparency Initiative (EITI). The Anti-Fraud Policy will be updated based on the outcome of the deliberations on these issues.

The new Anti-Fraud Policy and Procedures were published on the EIB’s website on [ ] 2008, in English, French, and German, with the other official EU language versions to follow. The Consultation Report, available in English, will be kept on the website for six months and after that period will be available on request. In addition, notifications were sent directly to stakeholders who had shown an active interest in the policy review. To those who actively contributed to the consultation process, a letter was sent summarising the Bank’s evaluations of their comments.

On [ ], the Policy and Procedures were published in the Official Journal of the European Communities.

**Timetable of the consultation process**

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<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>8 December 2006</td>
<td>First announcement on the EIB website of the policy review and public consultation process. Targeted mailing to interested organizations and individuals.</td>
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<tr>
<td>12 February 2007</td>
<td>Launch of a 45 working days public consultation process on a revised draft policy (Draft I).</td>
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<tr>
<td>30 March 2007</td>
<td>Public Consultation Workshop, Brussels.</td>
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<tr>
<td>18 April 2007</td>
<td>Completion of the 45 working days consultation process.</td>
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<tr>
<td>22 April 2007</td>
<td>Public comments from the first consultation round published, for information, on the EIB website.</td>
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<tr>
<td>12 July 2007</td>
<td>Launch of second consultation process on the re-edited draft policy (Draft II) taking into consideration stakeholder comments from the first round of public consultation.</td>
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<tr>
<td>4 September 2007</td>
<td>Public Consultation Meeting, Luxembourg.</td>
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<tr>
<td>13 September 2007</td>
<td>Completion of the 45 working days public consultation process (extended from 20 working days to take account of the summer holidays).</td>
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Stakeholder contributions

First round of consultation

The EIB received four written contributions from external stakeholders:

- **EIB Corruption Policy Consultation**, submitted on 27 March by Roderick Dunnett, former EIB Member of Staff;
- **NGO submission to the EIB public consultation on its anti-corruption policy**, submitted on 18 April 2007 by CEE Bankwatch Network and endorsed by a group of 14 NGOs;
- **EIB anti-fraud policy consultation**, submitted on 18 April 2007 by OLAF;
- **Submission to EIB’s Policy and guidelines on Fighting Corruption, Fraud, Money Laundering and the Financing of Terrorism on 26 April 2007 by Transparency International including an Annex containing TI’s “Recommendations for the Development and Implementation of an Effective Debarment System in the EU”**.

Second round of consultation

During the second round of consultation, the Bank received six written contributions from stakeholders:

- **Comments second round of public consultation Anti-fraud policy** submitted on 16 July 2007 by Luis Socorro (personal comments) Investigation Specialist UNDP;
- **EIB anti-fraud policy**, submitted on 21 August 2007 by Sope Williams, Lecturer in Law & Reviews Editor, Public Procurement Law Review, University of Nottingham;
- **Comments on the second draft of the EIB’s Policy on Preventing and Deterring Corruption, Fraud, Collusion, Coercion, Money laundering and the Financing of Terrorism in European Investment Bank Activities**, submitted on 13 September 2007 by Transparency International;
• Second Anti-Corruption Submission submitted on 13 September 2007 by Bretton Woods Project endorsed by a coalition of 7 NGOs;
• EIB corruption paper with contents submitted on 18 September 2007 by Protimos and Campagna per la Reforma della Banca Mondiale (CRBM); and
• Comments on the revised paper by Roderick Dunnet 24 September 2007.

Attachment 1: Table of Comments from First Round of Public Consultations

Attachment 2: Table of Comments from Second Round of Public Consultations