WWF Poland comments  
on the EIB statement of environmental and social principles and standards

In response to the consultation exercise initiated by the Bank on its environmental and social safeguards, WWF Poland would like to raise some issues we believe should be reconsidered or/and reformulated by the Bank.

General comments
- The Bank statement should aim for equal environmental and social standards for operations, both outside and inside the EU countries. The EIB should promote EU policies and standards when operating outside the EU. If it is not relevant – the statement should clearly describe requirements for EU and no-EU countries.
- The absence of national regulations implementing EU Environmental Impact Assessment (EIA) standards or defective transposition of the directive into national legislation should not justify financing a project without an proper EIA. The EIA standards and procedures should not be subject to discussion with project’s promoters. It would be unacceptable for the European Investment Bank as an EU institution to accept lower standards than other financial institutions i.e. multilateral development banks: the World Bank and European Bank for Reconstruction and Development.
- The Bank should avoid the use of vague language when presenting the environmental and social principles and standards. The statement should contain specific links to EU law and practices implementing the EU environmental and social principles. Treaty’s principles (precautionary principle, prevention of pollution at source and the polluters pay principle) should be emphasized.
- The Bank should establish minimum criteria for its participation. This should be in line with the fundamental EU environmental and social standards and practices and International Conventions adopted by EU and country of operation.
- The Bank should extend the statement and raise crucial social elements incl. policies in development aid, conflict resolution, human rights, poverty alleviation and good governance standards.
- The Bank must establish clear criteria for renewable energy and energy efficient lending.
- The Bank should make promoters implement the recommendations of the Extractive Industries Review and the World Commission on Dams.

Specific comments
- The Bank should not financed projects that have infringement procedure open. Financing should be frozen until the project is assessed by the relevant court (at the national level or international one – within European Union by the European Court of Justice) or relevant body (e.g. European Commission) as being in line with binding legislation. If such a procedure is not applied and explicitly stated, the Bank may eventually finance plans or projects being in contradiction with legal environmental and social standards.
Project Environmental Assessment classification should clearly identify projects that may have significant negative impact on biodiversity according to the Habitats Directive and that are not listed under annexes I, II of the EIA Directive. Paragraph 31 provides no precise information on this at the moment.

WWF Poland recommends also to define “significant negative impact” in regard to the Habitats Directive and include the relevant definition in the statement or add the footnote with the information about relevant guidelines on the subject (“Assessment of Plans and Projects significantly affecting Natura 2000 sites” & “Management of Natura 2000 sites: The provisions of Article 6 of ‘Habitats’ Directive 92/43/EEC”, both issued by the European Commission); see <http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm#art6>

The provisions of Art. 6(4) of Habitats Directive should be incorporated into ‘Biological Diversity’ chapter and every unclear statement, which may leads to unsustainable investments, should be eliminated eg. ‘feasible alternative’ should be defined in line with the Article 6 of Habitats Directive and – even more importantly - the European Court of Justice’s rulings on the subject.

Finally, we would like to underline that WWF Poland supports comments prepared by WWF European Policy Office, CEE Bankwatch Network as well as the Polish Green Network.

We hope that our voice will help the European Investment Bank and beneficiaries of Bank’s financial support establish and follow high environmental and social standards in the name of sustainable development principle.

Best regards,

Marta Majka Wisniewska

EU Policy Officer, WWF Poland