



European Investment Bank

**Brief on implementation of the EIB's Public
Disclosure Policy in 2009**

Introduction

The EIB Group's Public Disclosure Policy came into effect in March 2006, following its approval by the Board of Directors. The Policy, which is an evolving and flexible document subject to a continuous process of internal evaluation and quality assessment, and responsive to public comment, is formally reviewed after three years. The Public Disclosure was the first Bank's policy that underwent a public consultation process. The Policy was reviewed in 2007 in the light of the Bank's obligation to apply the *Aarhus Regulation*.

During the last three years the Bank has taken actions in order to implement and achieve full compliance with the Public Disclosure Policy (2007) mainly regarding the correct handling of enquiries and the publication of project related information.

In 2009, the EIB launched its public consultation process focused on a revised Public Disclosure Policy together with a revised Transparency Policy and the Complaints Mechanism. As a result of the consultation process the Public Disclosure Policy and the Transparency Policy were merged into one document and renamed as Transparency Policy. This new Transparency Policy was approved on 2 February 2010 by the Board of Directors.

Public requests for access to information

Every member of the public has the right to request and receive information from the EIB. When considering a request for information, the Bank does not discriminate or give special privileged access to information. It applies equal treatment towards enquiries from the public, whether from individual citizens or special interest groups.

There are established procedures for handling requests for information, imposing respect for deadlines and transparency with respect to grounds for non-disclosure and providing for internal and external appeal mechanisms.

Applications for access – written or oral – should be addressed to the EIB's Communication Department, emails can be sent to info@eib.org. In principle, the "Info desk" within the Public Information and Relations with Civil Society Division, Communication Department handles requests for information, with input as necessary from staff elsewhere in the Bank. The Civil Society Unit in the same division deals with complex requests from NGOs.

The provision for handling the requests is 15 working days applying the modalities of the Public Disclosure Policy. In cases where replies could not be handled within these deadlines, because of their complexity, an extended deadline of 30 working days was applied. In such cases, a holding message was sent to the applicant within 10 working days of receipt of the request for information (§ 93 and § 94 of the Disclosure Policy).

Complex applications from NGOs and other Civil Society Organisations (CSOs)

In 2009, the number of CSO questions as well as sector or country interest remained as in previous years and 81 applications of a certain complexity were received from NGOs and other CSOs, with some 66 originating from advocacy NGOs. A main focus of public interest is on the Bank's lending operations with a particular emphasis on environmental issues. Consequently, the energy and the transport sector and their significant environmental impact continue to be the main focus of the requests, with 23 and 22 related questions, respectively.

Table 1. Lending- related correspondence from NGOs/CSOs in 2009 by region.

Region	Number
EU 27	26
- of which EU 12:	13
Accession & Acceding Countries	3
Mediterranean Partner Countries	4
Neighbourhood Partner Countries	9
ACP Countries	14
Asia & Latin American Countries	5
Multi-regions	2
Total	63

Table 2. Sectors and topics of correspondence from NGOs/CSOs in 2009

Transport	22
Energy	23
of which:	
big dam projects	8
Environment/social/development issues	7
Mining	4
Global loans	4
Other	21
Total	81

As to an evaluation of the processing of these requests within the set time limits, out of the 81 requests received in 2009, 38 were handled within 15 working days and for 35 requests the extended period of 30 working days was applied. 8 requests were answered after the 30 working days limit. The delay in processing these requests was due to the complexity of the request, the involvement of various services and the absence of the competent staff due to missions.

Complaints concerning access to information dealt with by the EIB Complaints Office in 2009

In 2009 the EIB Complaints Office dealt with 6 complaints regarding access to information. 4 complaints were lodged with the EIB Secretary General and were dealt directly by the Complaints Office (CO), while the remaining 2 were respectively submitted to the European Ombudsman (EO) and the Aarhus Convention Compliance Committee (ACCC).

Disclosure of project-related information

In 2009 the Bank increased its total lending volume to EUR 79bn, a 37% rise from EUR 59bn in 2008, which in number of projects represents a 52% increase from 339 in 2008 to 515 in 2009.

Project-related information is disclosed through the Project List ("project pipeline") on the Bank's website (<http://www.eib.org/projects/pipeline/index.htm>). Summary information on all projects appears on the project list before Board approval, unless prevented for legitimate confidentiality reasons (justified exceptions). The trigger date for posting a project on the list is when the Bank requests the opinion of the Commission (for lending from its own resources) or of the Article 14 and 28 Committees (for lending from risk capital).

A comparison of the 2009 results with those from 2008 shows that in terms of the proportion of projects published and the timing of publication, the 2009 results compare favorably and that the compliance with the rules regarding publication has further improved to a very high level.

In 2009, 98.8% of all projects were published before Board approval (2008: 96%), and 91.8% were published more than 30 days before approval (2008: 87%). Including the projects published after Board approval and before loan signature, the 2009 total came to 99.2% (2008: 97.6%). As to the timing of the postings, the proportion of projects published after Board approval has decreased, and, at the same time, the number of projects posted earlier than 30 days before Board approval has increased.

Table 3. Projects published in the web pipeline in 2009

	Number of projects in 2009	Percentage 2009
At least 30 days before Board approval	473	91.8% (2008: 87%) (2007: 85%) (2006: 80%)
Before Board approval	509	98.8% (2008: 96%) (2007: 92%) (2006: 90%)
After Board approval	2	0.3% (2008: 0.8%) (2007: 3,4%) (2006: 1.1%)
Not published at all	4	0.7% (2008: 2.3%) 2007: 4,8%) (2006: 9.1%)

Table 4. Projects approved in 2009 and not published at all¹

	2009	2008	2007
Public sector	1		1
Private sector	3	8	15
Total	4	8	16

In 2009, 4 projects, out of a total of 515, were not published, 3 of them from the private sector and one from the public sector. Non-publication of the latter project was due to administrative oversight. Of the 3 private sector projects, 2 were withheld at the reasoned request of the promoter, in line with § 27 of the Public Disclosure Policy and for one publication was planned at a later stage. The number and proportion of non-published projects have decreased in 2009 compared to the previous year.

Publication of environmental information in the Project List

The Bank has committed to publishing the Non Technical Summary (NTS) when Environmental Impact Assessment (EIA) information is required for a project. The detailed information for the last three years is as follows:

Table 5. EIA information on projects approved in 2009 (where an EIA is required) and published on the web pipeline

	Number of projects in 2009	Number of projects in 2008	Number of projects in 2007
Total projects requiring EIA	117	82	75
EIA published	98 (84%)	68 (83%)	58 (73%)
EIA to be published later	18	13	13
<ul style="list-style-type: none"> • PPP stage 1 • EIA as disbursement condition 	1 17	2 11	2 11
EIA not published	0	1	3
<ul style="list-style-type: none"> • Project not published on the web • Project cancelled 	0	0 1	2 1
EIA available but not published	0	0	1 approved in December 2007, to be published soon

¹ As at 13 January 2010

From a total of 117 projects requiring an EIA out of 515 projects approved, the NTSs of 98 projects were published. The NTSs of 18 projects were due for later publication. For 17 of these, EIAs are disbursement conditions, while 1 was a PPP project which requires publication at a later stage².

Even though in 2009 projects requiring an EIA have increased by some 40% timely publication of the NTS on the Bank's website has been respected.

Conclusions

Despite the most significant increase in activity in 2009, the Bank has made considerable effort to properly respect the timing of publication of project information as well as environmental information. The Bank continues to systematically work on maintaining and even further improving the level of disclosure of information through its website.

Following the approval by the Board of Directors of the new Transparency Policy on 2 February 2010 the implementation report for 2010, to be published in 2011, will be based on the new Transparency Policy.

² For some projects the environmental due diligence would only be finalised after Board approval. This applies to two categories of projects: projects where the completion of the EIA is a disbursement condition for the Bank's finance; and secondly, for projects which are finalised as PPP (Public Private Partnership). The latter category of projects will typically be appraised in two stages and the environmental due diligence might only be completed in the second stage (after Board Approval).