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Brief on implementation of the EIB's Public Disclosure Policy in 2008

Introduction

This note evaluates the implementation of the EIB Public Disclosure Policy in 2008. It is the 3rd annual evaluation to be published, following the 2006 and 2007 editions.

The present note summarises the achievements and results in two important areas of the implementation of the Public Disclosure Policy: the correct handling of public requests for information and access to documents, and a timely publication of project-related information on the Bank's website, including Environmental Impact Assessment (EIA) documents. Transparency regarding grounds for refusal of access to information is also an important area of the Policy. In 2008 there were no complaints in this respect.

The EIB will conduct a review of the Public Disclosure Policy, including a public consultation, in the second quarter of 2009, possibly extended to the second semester if a second round is needed.

KEY ELEMENTS INFORMATION

Public requests for access to information

The handling of public applications for disclosure of information is subject to procedures imposing respect for deadlines and transparency regarding reasons for eventual non-disclosure. The Disclosure Policy also provides for internal and external appeal mechanisms.

Applications are handled by the "InfoDesk", which can be contacted for all requests for information and documents or any other enquiry concerning the EIB's role and activities. In 2008, the InfoDesk received a total of 25,500 eligible emails, originating a total activity of 17,500 exchanges with a 40% increase in activity compared to the previous year. 90% were handled autonomously by the InfoDesk itself, while for the other, more complex requests, the InfoDesk called on specialists elsewhere in the Bank. Complex correspondence from civil society organisations (CSOs), in particular advocacy non-governmental organisations (NGOs), was forwarded to the Civil Society Unit in the same Division. In addition to the written requests, the Infodesk received an average of 15 telephone calls a day.

Complex applications from NGOs and other CSOs

Complex requests from NGOs or other CSOs, as processed by the Civil Society Unit, are systematically cleared with other services in the Bank and, where appropriate, with external parties such as project promoters, borrowers, the European Commission, or co-financing International Financing Institutions (IFIs).

In 2008, 88 applications of a certain complexity were received from NGOs and other CSOs, with 71 originating from advocacy NGOs that continuously scrutinise the Bank's activities. 62 of these 88 applications were lending-focused, with a strong orientation towards operations within the 12 new Member States and the African, Caribbean and Pacific (ACP) Countries. A breakdown in sectors showed a predominance of energy (31), transport (15) as in the previous year. See Table 1 and 2 for details.

Table 1. Lending- related enquiries by region

Region	Number
EU 27	24
- of which EU 12:	12
Accession & Acceding Countries	3
Mediterranean Partner Countries	2

Neighbourhood Partner Countries	3
ACP Countries	20
Asian and Latin American Countries	5
Multi-regions	5
Total	62

Table 2. Lending-related enquiries by sectors and topics

Transport	15
Energy	31
of which:	
- big dam projects	5
- nuclear projects	3
Environment/social/development issues	13
Mining	7
Global loans	3
Other	19
Total	88

As to an evaluation of the processing of these requests within the set time limits, out of the 88 requests received in 2008, 48 were handled within 15 working days and for 28 requests the extended period of 30 working days was applied. 12 requests were answered after the 30 working days limit, of which 8 between 32 and 38 working days. Two other required 46 days and 79 days respectively. 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. One request required 51 days for the same reasons, as did one taking 43 working days. One NGO sent a confirmatory application for denial of information.

Disclosure of project-related information

A key focus of public interest is on the Bank's lending operations, which is reflected in the growing number of requests focusing on these activities. A key instrument of dissemination of project-related information is the Project List ("project pipeline") on the Bank's website (<http://www.eib.org/projects/pipeline/index.htm>). The Bank is committed to ensuring that the Project List is as complete as possible. 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 with the results from 2007 shows that in terms of the proportion of projects published and the timing of publication, the 2008 results compare favourably.

In 2008, 96% of all projects were published before Board approval (2007: 92%), and 87% were published more than 30 days before approval (2006: 85%). Including the projects published after Board approval and before loan signature, the 2008 total of projects published came to 97.6% (2007: 94%). 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 2008

	Number of projects in 2008	Percentage 2008
At least 30 days before Board approval	295	87% (2007:85%) (2006: 80%)
Before Board approval	328	96% 2007: 92% 2006:90%
After Board approval	3	0.8% (2007: 3,4%) (2006: 1.1%)
Not published	8	2.3% 2007: 4,8% (2006: 9.1%)

Table 4. Projects approved but not published in 2008¹

	2008	2007	2006
Public sector	0	1	4
Private sector	8	15	28
Total	8	16	32

In 2008, 8 projects, out of a total of 339, were not published, all of them from the private sector. The number and proportion of non-published projects has decreased in 2008 from 16 to 8 and from 4.8% to 2.3% as compared to the previous year.

In cases where projects raise considerable public interest, the Bank publishes a Topical Project Brief on its website. In 2008, 3 of these Topical Briefs were published as compared to 4 and 2 in 2007 and 2006 respectively.

Publication of environmental information in the Project List

The Bank is committed to publishing the Non Technical Summary (NTS) when an Environmental Impact Assessment (EIA) information is required for a project. In 2008, the project-related environmental information published on the web improved in comparison with 2007.

Table 5. EIA information on projects approved in 2008 (where an EIA was required)

	Number of projects in 2008	Number of projects in 2007
Total projects requiring EIA	82	75
EIA published	68	58
EIA to be published later ²	13	13
• PPP stage 1	2	2
• EIA as disbursement condition	11	11

¹ As at 13 January 2009

EIA not published	1	3
<ul style="list-style-type: none"> • Project not published on the web • Project cancelled 	0	2
EIA available but not published	0	1
EIA not available yet	0	0

From a total of 82 projects requiring an EIA, out of 339 projects approved, the NTS of 68 were published. The NTS of 13 were due for later publication. For 11 of these, EIAs are disbursement conditions, while 2 were PPP projects which require publication at a later stage. 1 project was cancelled.

Conclusions

The 2008 results showed an overall improvement in transparency and publication rates as compared to 2007.

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).