

2020

COMPLAINTS MECHANISM



European
Investment
Bank

The EIB bank

2020

COMPLAINTS MECHANISM



European Investment Bank Group Complaints Mechanism Report 2020

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THE COMPLAINTS MECHANISM REPORT offers an overview of our actions in 2020 to address the public's concerns regarding European Investment Bank (EIB) Group projects or activities. These concerns can be about a wide range of issues, including the potentially negative consequences of EIB-financed projects, whether social or environmental. Our job is to evaluate those complaints and to conduct investigations if necessary and/or facilitate collaborative resolutions.

This report summarises our work over the past year, which was particularly challenging amid the COVID-19 crisis. It highlights areas in which we have continued to progress, such as reducing the backlog of cases and closing several highly complex cases.

The report is organised into sections that explain how we work and describe our activities in 2020, followed by descriptions of the cases we have closed or were working on, including those concerning the European Investment Fund. It then covers cases lodged with the European Ombudsman against the EIB Group. The final section presents our outreach activities and our work with other independent accountability mechanisms and other organisations. Key figures and charts regarding our activities are provided in Annex I.

We hope this report provides a good overview of what we do and how our activities ensure the EIB Group remains accountable to the public.

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FOREWORD

BY THE PRESIDENT

“ The Complaints Mechanism is accessible to all, including the most vulnerable individuals and communities in our society. ”



We will always remember 2020 as a remarkably challenging year. This is true for all of us and our institutions. The coronavirus pandemic is first and foremost a health crisis, but it has also forced us to change how we work, reach out and collaborate; it has forced us to do things differently.

COVID-19 will leave long-lasting scars around the world. It has challenged progress made towards achieving the Sustainable Development Goals (especially on poverty reduction, food security, health, education, gender equality, and decent work). Existing inequalities have been exacerbated, making the fight against inequality even more important than it was pre-crisis. The European Investment Bank (EIB) Group takes issues of inclusiveness and sustainability very seriously. EU development financing to support green and inclusive growth is more crucial than ever. Accordingly, the EIB Group actively participates in the EU Platform on Sustainable Finance.

The EIB Group puts sustainability at the heart of its activities. This is why we value the work of our independent accountability mechanism, the Complaints Mechanism, which plays a vital role in our institution. It supports achieving better development outcomes. It provides the opportunity to the people affected by an activity or a project financed by the EIB Group to be heard. The Complaints Mechanism is accessible to all, including the most vulnerable individuals and communities in our society.

Despite the crisis, the number of new cases did not significantly drop. The Complaints Mechanism continued to perform excellently in reducing the backlog of cases, with only 43 outstanding at year-end. Overall in 2020 the team registered 77 new cases and handled 137 cases in total, of which it closed 94.

The EIB Group started an internal review of its Transparency Policy and launched a public consultation on the revisions just before year-end. In 2020 the European Ombudsman began a strategic initiative on the transparency and accountability of EU institutions and bodies in responding to the COVID-19 crisis. In this context, the EIB provided information on the impact of fast-track procedures on transparency and the application of eligibility criteria by financial intermediaries participating in the COVID-19 economic support measures.

As in previous years, most complaints concern environmental and social impacts of EIB-financed projects. Relevant to this is the ongoing revision of the EIB Group Environmental and Social Framework, another important initiative that we started in 2020. Aiming to keep a human-rights-based approach in the revised Framework, the Bank is taking the opportunity to strengthen language on human rights in its environmental and social standards. In view of this, we are planning to further enhance awareness of human rights among EIB staff. We launched a public consultation on the revised Environmental and Social Framework on 3 June 2021.

The Complaints Mechanism has a broad mandate for complaints of alleged maladministration. The concept of maladministration includes failure by the EIB Group to act in accordance with its established policies, standards and procedures, including with regard to human rights. Moreover, the EIB Group takes the issue of reprisals very seriously. We have demonstrated this in several recent actions, such as addressing this issue in our [Guidance note for EIB standard on stakeholder engagement in EIB operations](#), published in December 2020.

The Complaints Mechanism deals predominantly with complaints about EIB-Group-financed projects. Most of them in 2020 (55%) are about projects situated outside the European Union. The Mechanism is designed to address concerns about the EIB Group's global role. For more than 50 years the EIB has been the European Union's international development bank. It is important for the Bank to promote EU principles, values and objectives, and to contribute to stable growth in non-EU countries. This is necessary because the economies of Europe and the rest of the world are increasingly interconnected, and events around the globe, such as forced displacement and climate change, can have significant effects within Europe itself. Going forward, we will continue to promote human rights, security and sustainability as a fundamental part of our development role.

Werner Hoyer

FOREWORD

BY THE INSPECTOR GENERAL

“ As a public institution, we are accountable for our actions. When it comes to the Complaints Mechanism, the accountability is first and foremost to the complainant. We are accountable to them. Their right to be heard means that we owe them a response. ”



As a public institution, and as the bank of the European Union, we have a particular responsibility to be transparent towards and listen to our stakeholders. The Complaints Mechanism is our citizen-driven accountability tool and plays a key role in demonstrating that the European Investment Bank (EIB) Group takes seriously its commitment to further the interests of citizens in the European Union and beyond. Listening to concerns and addressing the issues raised in complaints helps the EIB Group to enhance its performance and activities.

In this extraordinary year, our Complaints Mechanism team has made a special effort to reach out to stakeholders, informing them that we remain operational and continue to handle complaints about EIB Group activities. While incoming complaints declined during the very early phase of the pandemic, by the end of 2020 the number was only slightly below the 2019 level. The team had to find new and innovative ways to not only handle complaints but also coordinate with our partner institutions, including the European Ombudsman. We had to invest additional efforts in finding new ways of working together. Our outreach activities were also impacted by the pandemic.

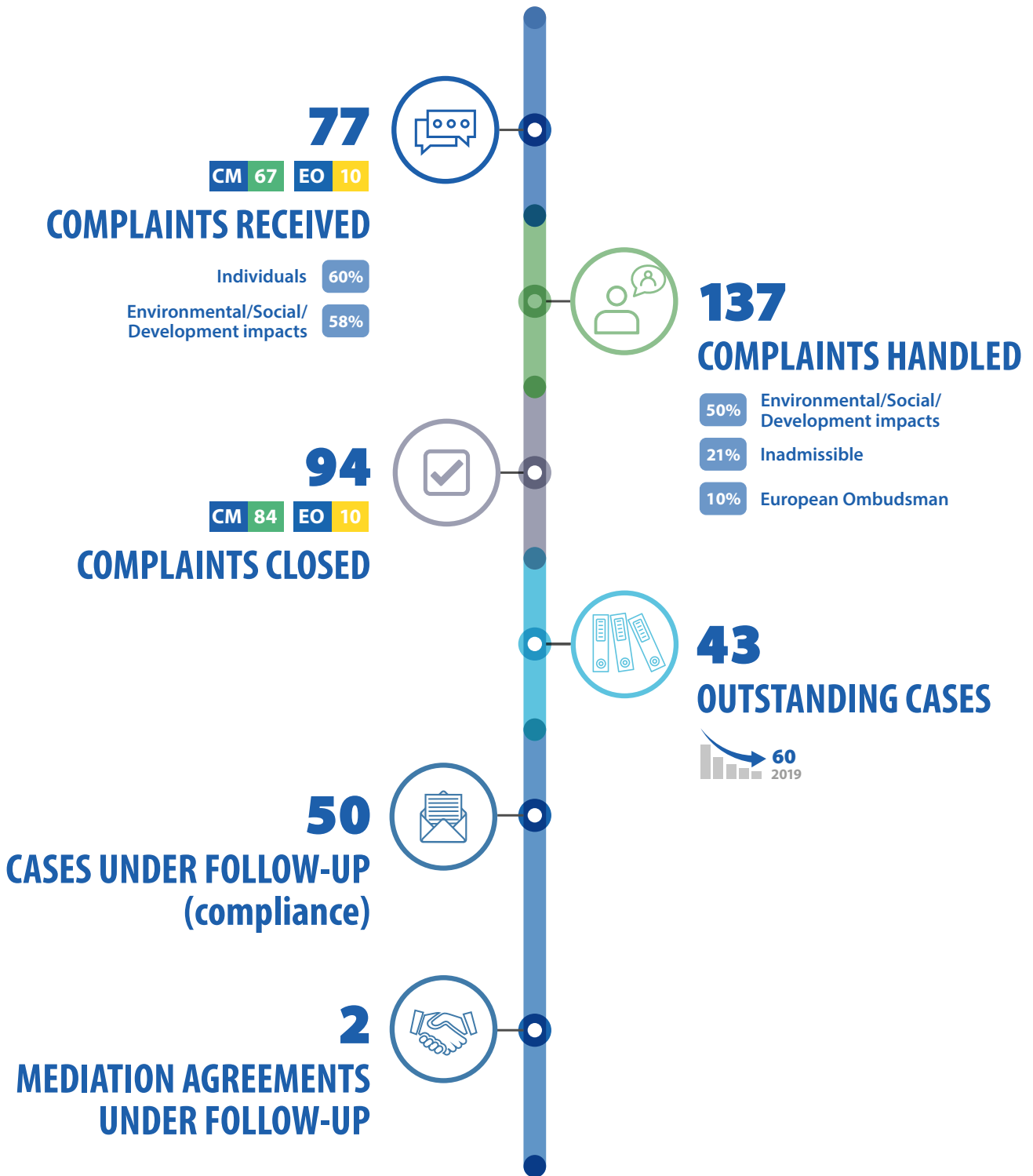
Despite these many challenges, the work continued, and this report gives a clear and comprehensive overview of the Complaints Mechanism’s activities. I am very pleased that, in addition to the team’s diligent complaints investigations, this report also details our successful mediation activities. Through a collaborative resolution process, we attempt to address complaints by achieving a better common understanding that helps the parties reach agreement. While working closely with colleagues in the complaints investigation function, the mediation function maintains strong impartiality within the Complaints Mechanism.

The report also covers the impact of our work. In 2020 the team started to develop a tool allowing more systematic monitoring of and reporting on the closed cases that are under follow-up. As the report demonstrates, the Complaints Mechanism fulfilled its mission despite the various challenges. I sincerely thank the whole team; under Sonja Derkum’s leadership, every colleague worked very hard and showed again their strong commitment to accountability.

Jan Willem van der Kaaij

2020 AT A GLANCE

COMPLAINTS MECHANISM



CM: Complaints Mechanism EO: European Ombudsman



THE EIB GROUP COMPLAINTS MECHANISM

HOW WE WORK

The Complaints Mechanism (CM) is the citizen-driven accountability tool of the European Investment Bank (EIB) Group. Our main role is to listen to citizens' concerns about an EIB Group project or activity, and enable them to exercise their rights to complain and be heard.

Moreover, we coordinate complaints received by the European Ombudsman concerning the Bank's actions, decisions or omissions. We also engage periodically in communication and outreach activities with the public and with civil society organisations.

We operate as a non-judicial, solution-driven mechanism based on the principles of independence and transparency. Our role is to investigate complaints to ensure the EIB Group complies with its policies and procedures and to propose corrective actions if appropriate. Our reports are usually publicly available — unless a complainant requests confidentiality — and provide information on the way the Bank operates and implements its policies. The Complaints Mechanism also enables the pre-emptive resolution of disputes between complainants, the EIB Group and borrowers/promoters of its financed operations. In addition, the Complaints Mechanism helps the EIB Group achieve the common goal of good administration by advising on possible improvements to activities.

Our team receives complaints about various topics concerning EIB-financed projects: examples include a potential lack of consultation with stakeholders, environmental degradation, involuntary resettlement and related compensation matters, and threats to community health and safety. We also support complainants who encounter other issues concerning EIB Group activities, such as difficulties in accessing information.

We believe that by addressing citizens' concerns we can demonstrate that we are an accountable institution that strives to deliver fair and sustainable results for everyone.

For the number of cases handled and problems resolved, the EIB Group Complaints Mechanism is one of the leading accountability mechanisms established by an international financial institution that operates in the network of independent accountability mechanisms (IAMs). With our broad mandate, we review complaints across all EIB Group activities and cooperate with the European Ombudsman, who can review the decisions made by EIB Group entities. Any member of the public can access a two-tier procedure: the EIB Complaints Mechanism and the European Ombudsman. This ensures a further degree of independence and accountability, making the Complaints Mechanism unique among IAM members.

For more information about the EIB Group Complaints Mechanism, visit www.eib.org/about/accountability/complaints.

For more information about the Complaints Mechanism Policy and Procedures, visit www.eib.org/publications/complaints-mechanism-policy; www.eib.org/publications/complaints-mechanism-procedures.

OUR TEAM

Our staff members' diversity and variety of backgrounds — as well as their commitment to accountability — are our most valuable assets. We draw on their professional experience in law, environment, human rights, governance, economics, project operations, audit, human resources, EIB Group and international financial institution standards, and communication. The team members comprise ten different nationalities and speak 22 languages (as of year-end 2020).



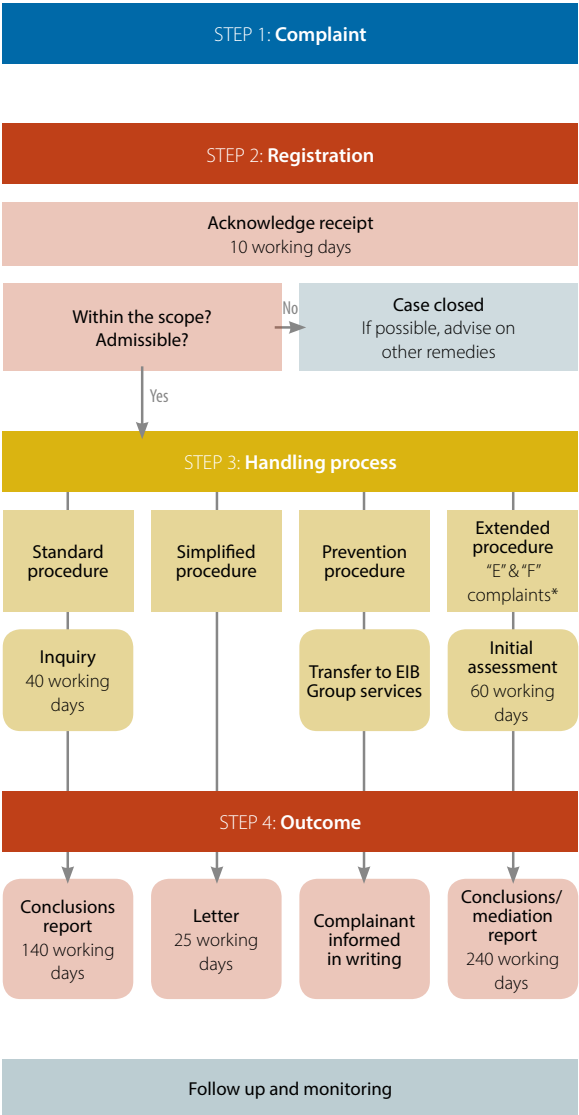
HOW WE HANDLE COMPLAINTS

After deciding on the admissibility of a complaint, the Complaints Mechanism carries out a preliminary review of the allegations. This process includes desk reviews and meetings with EIB Group departments and with external stakeholders on site, as necessary. After gathering information, we decide whether further investigation is needed. Complex cases are given a longer time frame for response, and under the so-called extended procedure we carry out an initial assessment. At the end of this process, we prepare an initial assessment report, laying out the appropriate next steps for handling the complaint. These steps can include conducting a compliance review or pursuing a collaborative resolution process.

During a compliance review, the Complaints Mechanism investigates whether the EIB Group has followed the standards, rules and procedures that govern its operations.¹ We then relate the findings, conclusions and any recommendations in a conclusions report.

As part of its problem-solving approach, the Complaints Mechanism offers complainants the possibility of proposing to resolve the complaint through collaboration. The Complaints Mechanism may also propose and facilitate this approach when it determines that the issues could be resolved through the involved parties' participation. If the parties agree to certain actions and commitments during the collaborative resolution process, these will generally be documented together with the agreed timetable in a written agreement, often called a mediation agreement.

The Complaints Mechanism has two additional functions: advisory and monitoring. Based on the findings of the complaints handling process, we may identify potential areas for improvement. We advise senior management on systemic issues. The Complaints Mechanism also monitors closed complaints to ensure the follow-up measures agreed by the EIB Group and/or project promoter are implemented.



* E refers to environmental and social impacts of projects and F refers to governance of financed operations

1. These include the Bank's *Environmental and Social Standards*: www.eib.org/environmental-social-practices-handbook.

OUR PLACE IN THE EIB GROUP

The Complaints Mechanism is the EIB Group's public accountability tool and performs its duties with full independence from the Bank's operations. It is overseen by the Bank's independent Inspector General. The Head of the Complaints Mechanism is responsible for the management, development, implementation and monitoring of the mechanism.

Our reporting structure ensures operational independence and effectiveness. Together with Fraud Investigations and Evaluation, we are part of the Inspectorate General. The Head of the Complaints Mechanism is responsible for determining the admissibility of complaints, the type of collaborative resolution process and/or investigation to be performed for a particular complaint, and the final version of the mechanism's reports.

OUR ROLE IN THE EUROPEAN UNION

In 2008, the EIB and the European Ombudsman signed a memorandum of understanding on the handling of complaints. The memorandum states that a complainant should first have recourse to an effective internal EIB complaints procedure before approaching the European Ombudsman. The Ombudsman publishes all the cases handled and their outcomes in an annual report, taking into account the level of confidentiality of the cases.²

As EU bodies, the EIB and its subsidiary, the European Investment Fund (EIF), are committed to ensuring good administration and maintaining the highest level of accountability to the public, especially people affected by projects.

WORKING WITH THE ACCOUNTABILITY NETWORK

As a long-standing member of the IAM network,³ the Complaints Mechanism has both benefited from and contributed to the lessons learnt and shared within this group, which represents the accountability mechanisms of international financial institutions. The IAM network currently comprises 22 members, including the European Ombudsman.

While IAM members share a common mission to assess complaints and respond to concerns independently, they function differently. For example, two distinct features of the Complaints Mechanism are that (i) complainants do not have to indicate the relevant rule or policy that may have been breached, and (ii) the issue cited does not need to relate directly to the EIB Group's potential non-compliance with specific policies, procedures or standards.

2. <https://www.ombudsman.europa.eu>.

3. <http://independentaccountabilitymechanism.net/>.



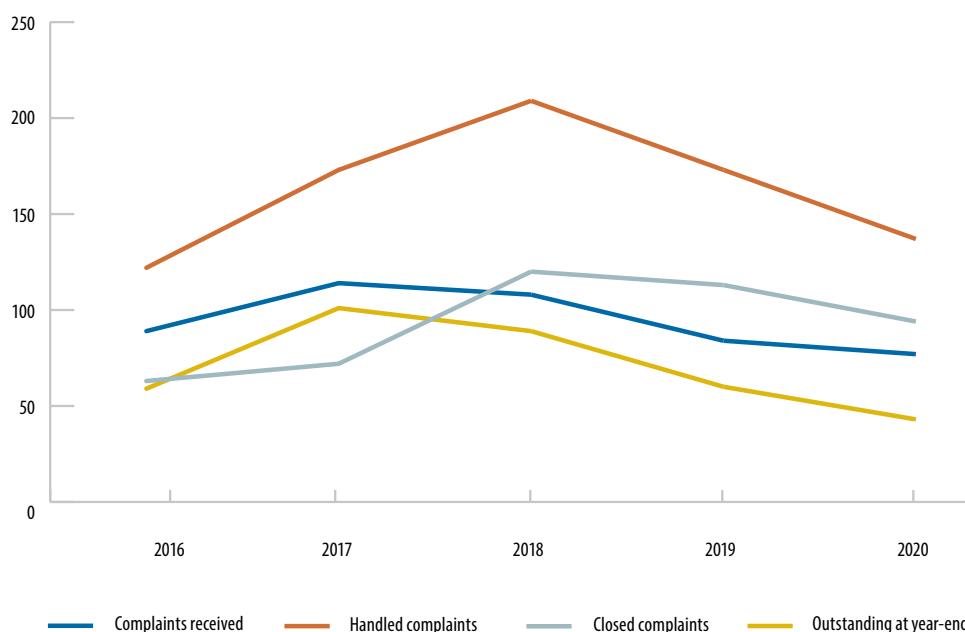
Year	Distance
2014	10
2015	15
2016	25
2017	35
2018	40

CASES IN 2020

GENERAL OVERVIEW

2020 was a busy year for the Complaints Mechanism: we handled 137 cases and closed 94 of them. The number of outstanding complaints at year-end has thus continued to decrease, from 89 in 2018 to 60 in 2019 and to 43 in 2020. We managed to close most long-overdue cases during the year. The majority (67%) of open complaints at year-end were registered in 2020.

The number of new complaints received in 2020 (77) remained high, and only slightly below the 2019 level (84). While incoming complaints declined immediately after the first lockdown in March, we subsequently continued to receive new complaints.⁴

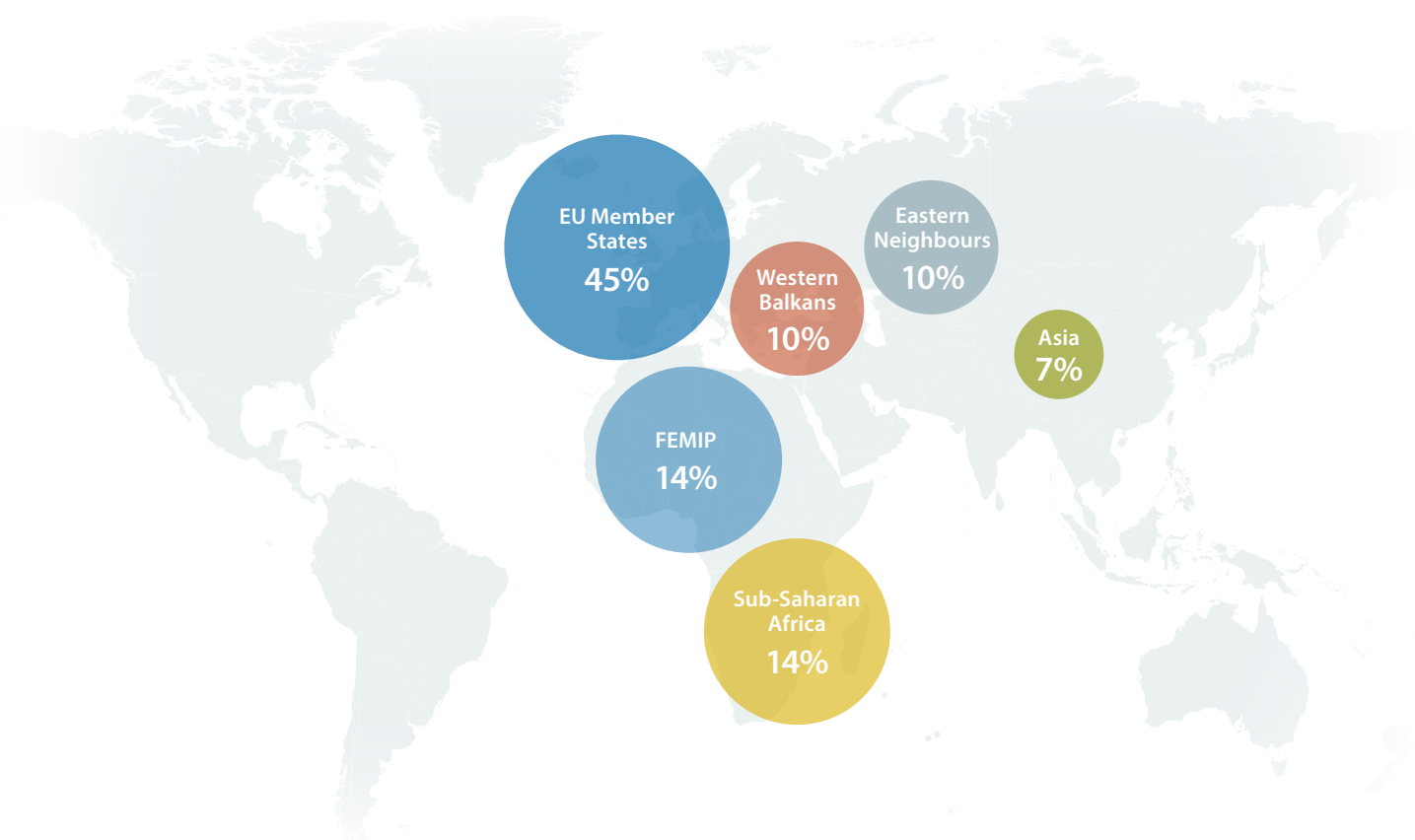


4. Our website explicitly mentioned that we remained available to receive complaints during lockdown.

COVID-19 CHALLENGES FOR OUR WORK

The global COVID-19 crisis has brought a number of challenges for the complaints handling process, especially for consulting with key stakeholders, including the complainants on site.

- Travel restrictions had a significant impact on our work with the complaints undergoing a compliance review, because fact-finding site visits were not possible. They also affected the complaints for which a collaborative resolution process is ongoing or envisaged. This is particularly challenging for countries beyond Europe where communities, sometimes in remote areas, often lack stable access to technology that would enable video calls or even simple phone calls.
- On-site presence of our dispute resolution team became impossible after February 2020, so the team had to carry out its work virtually. Where the public health situation allowed, the mediation function engaged local facilitators, mediators and experts to support its work on the ground. These measures mitigated some impacts of the travel restrictions. However, it remains particularly challenging to build the trust needed for parties to engage in the collaborative resolution process through solely virtual means.



Of the 67 new complaints submitted to the Complaints Mechanism,⁵ we declared 40 admissible. As in other years, the majority of these new admissible complaints (58% in 2020) continue to concern environmental and social impacts (E)⁶ of projects financed by the EIB.

5. Note that ten of the 77 new complaints in 2020 were lodged with the European Ombudsman; the Complaints Mechanism coordinates the Bank's response in relation to such complaints.
6. These are the so-called "E" complaints. Each category of complaint has a corresponding code.

Also similar to previous years, the majority of complaints in 2020 were submitted by individuals (60%), followed by civil society organisations (23%). These two categories of complainants focused their allegations on environmental, social and development impacts of EIB-financed projects. By region, 55% of the project-related complaints in 2020 concerned projects situated outside the European Union.

As the Complaints Mechanism Policy provides, we now report to the Board of Directors on a semi-annual basis. We reported to the EIB Board in April and October 2020, and to the EIF Board in March and July 2020. We also report quarterly on our activities to the Management Committee and the Audit Committee.

COMPLAINTS INVESTIGATION FUNCTION

In 2020, the Complaints Mechanism closed 41 cases spanning various areas, countries and issues by completing an investigation and compliance review.⁷ Energy and transport remained the sectors with the largest number of cases under investigation.

We closed several complex cases that had been open for a number of years, such as Réseau Ferroviaire Rapide (Tunisia), Grand Contournement Ouest de Strasbourg (France) and Cairo Metro Line (Egypt). Between 2012 and 2020 we received a total of eight complaints from individuals or groups regarding the Cairo Metro Line project; five cases were closed in 2020, all linked to impacts of the construction works on complainants' houses or businesses and therefore their livelihood. At year-end we had one open case related to the Cairo Metro Line — a new case registered in December 2020.

Other examples of complex cases closed in 2020 include:

- Kharkiv Metro Extension (Ukraine), for which there were five complainants;
- Castilla y León Climate Change (Spain);
- Nenskra HPP (Georgia), for which one allegation concerned the Bank's application of Standard 7 on the rights and interests of vulnerable groups;
- 14 complaints about the Trans Adriatic Pipeline project.⁸

Furthermore, we made significant progress in handling a number of other cases, such as the Nepal Power System Expansion (Nepal), the Piraeus Port Expansion (Greece) and Toplofikacia CHP (Bulgaria). At year-end, the draft conclusions reports for these four cases were undergoing internal consultation.

For more details about some of the above-mentioned cases, please consult the section entitled "Review of cases related to EIB activities."

7. We handled some of these cases through a simplified procedure under the Complaints Mechanism Policy.

8. Thirteen cases in Italy and Greece, and the other case submitted by an international NGO.

MEDIATION FUNCTION

The mediation function of the Complaints Mechanism analyses disputes, and designs and implements a collaborative resolution process as an alternative to a compliance review. Whenever possible, and giving due consideration to the type of complaint, the mediation function attempts to resolve the dispute by achieving a better and common understanding, improving the degree of trust between parties, and seeking to identify mutually acceptable solutions. The mediation function tailors the resolution process to the particular dispute. It uses various facilitative approaches, including information sharing, dialogue, negotiation, joint fact-finding and formal mediation.

While working closely with colleagues in the complaints investigation function, the mediation function maintains its independence and impartiality within the Complaints Mechanism as per the Complaints Mechanism Policy. In 2020 we continued to strengthen the mediation function and now have a strong and diverse in-house dispute resolution team.

This year the mediation function handled five collaborative resolution processes, successfully closing two. In addition, it supported the resolution of a case in Tunisia by contributing problem-solving expertise. In two cases (Ulaanbaatar WWS and Nepal Tanahu Hydropower), our dispute resolution team worked closely with our counterpart at the Asian Development Bank, the Office of the Special Project Facilitator.

For more details about some of these cases, please consult the section entitled “Review of cases related to EIB activities.”

MONITORING FUNCTION

In 2020, we started to develop a tool enabling more systematic monitoring and reporting on the cases that we have under follow-up. A testing phase of the tool was implemented during Q4 2020, which will help fine-tune and finalise the development of the tool.

Compliance cases: As of year-end 2020, we are monitoring 50 closed cases, following up with EIB services on the implementation of our recommendations and suggestions for improvement.

Mediation cases: Monitoring activities continued in 2020 for two closed mediation cases in Kenya.

EUROPEAN INVESTMENT FUND

In 2020, we received two⁹ new complaints concerning EIF activities. After handling three EIF-related complaints (the two new ones and one carried over from 2019), we closed two of them. Two complaints concerned EIF governance of its mandates and operations, while the third concerned environmental and social impacts of a project with EIB and EIF involvement.

For more information about the EIF-related cases, please consult the section entitled “Review of cases related to EIF activities.”

⁹ Including one complaint concerning a joint EIB and EIF activity.

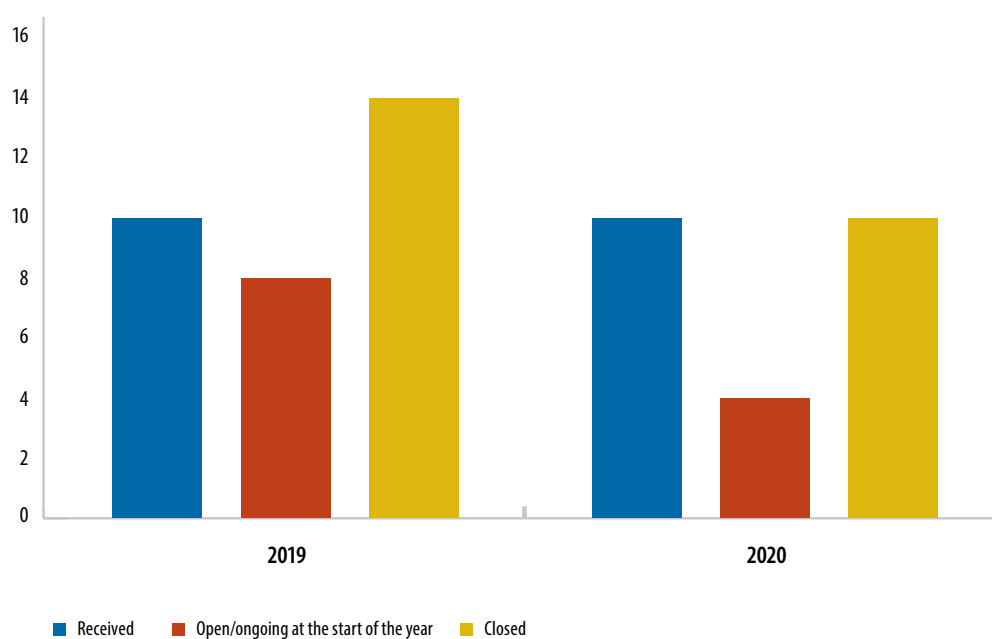
EUROPEAN OMBUDSMAN

The number of new cases brought to the European Ombudsman concerning EIB Group operations and activities mirrors that of 2019. Of the ten new complaints received in 2020 (vs. ten in 2019), six were escalated to the Ombudsman after the Complaints Mechanism completed its review. Of the 14 cases handled by the European Ombudsman in 2020 (including cases notified in 2019), ten were closed during the year.

Two new complaints concerned personnel-related cases, four concerned the EIB's own governance, and the other four concerned access to information.

The European Ombudsman found no instance of maladministration by the EIB Group in any complaint closed in 2020.

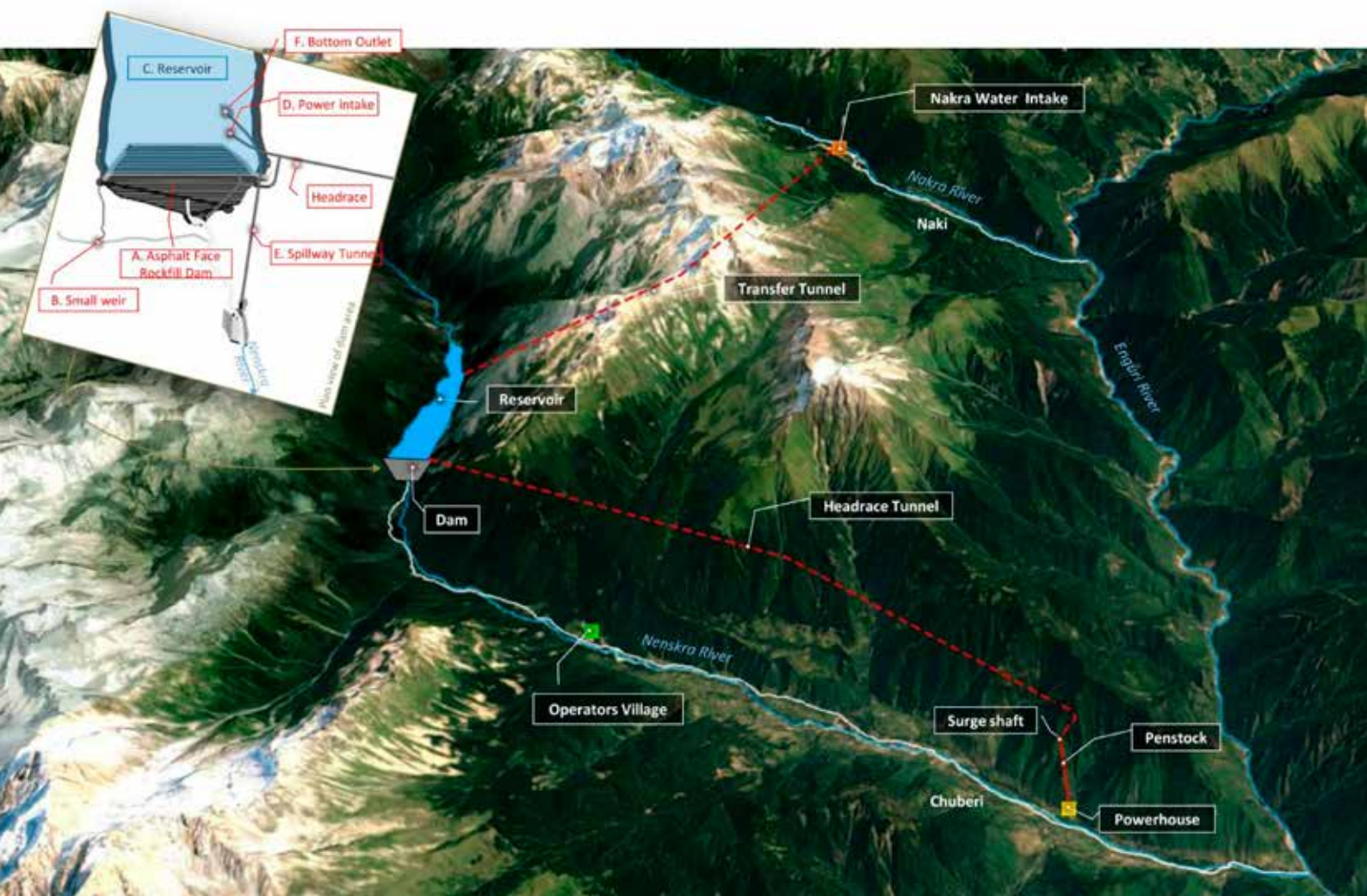
For more information about the European Ombudsman cases, please consult the section entitled "European Ombudsman and other non-judicial review mechanisms."



REVIEW OF CASES RELATED TO EIB ACTIVITIES

COMPLAINTS INVESTIGATION FUNCTION

This section provides key information on a selection of closed and ongoing compliance review cases.



CLOSED CASES

NENSKRA HYDROPOWER PLANT PROJECT	
Region/country:	Eastern neighbours/Georgia
Sector(s):	Energy
Proposed EIB finance (approximate amount):	\$150 million
Total cost (approximate amount):	\$1.083 billion
Signature date:	Pending
EIB-CM conclusions report: www.eib.org/nenskra-hpp	

The project entails the construction and operation of a 280 megawatt hydropower scheme on the Nenskra and Nakra rivers in the Upper Svaneti region of Georgia. The complaint was co-signed by two non-governmental organisations, collectively representing project-affected people. The complainants, who self-identify as members of the Svan ethnic group, claim that the EIB failed to invoke its indigenous peoples policy and to afford the protections stipulated in the EIB's Environmental and Social Framework. The three specific issues raised comprise (i) the application of Standard 7 on the rights and interests of vulnerable groups, (ii) the assessment and management of labour influx risks and impacts, and (iii) the assessment of alternatives.

Our investigation identified three main shortcomings:

- 1) There was no evidence that the EIB took adequate steps to ensure the proper application of Standard 7 to the project.
- 2) The EIB underestimated social challenges associated with the project, particularly with regard to the assessment and management of the potential impacts of labour influx on communities.
- 3) The EIB accepted a restricted alternatives analysis without sufficient documentation of the rationale for selecting the proposed course of action.

We recommended that the EIB reassess and document whether the Svans qualify as an indigenous people under Standard 7, prior to stage two approval by the EIB Management Committee.

We also suggested that the Bank ensure further assessment and management of risks associated with the influx of labour, including the implications for intangible cultural heritage, and the development of a more specialised instrument, such as a labour influx management plan.

In its management response¹⁰ the EIB states its intention to apply the Complaints Mechanism's recommendation and corrective actions concerning the Bank's application of Standard 7, particularly the indigenous peoples assessment. This includes hiring an independent indigenous peoples expert to review the EIB's assessment against the Standard 7 eligibility criteria and identify any areas of improvement to ensure alignment with good international practices. The management response also states the Bank's intention to carefully review the relevant plans dealing with influx management to be prepared by the engineering, procurement and construction contractor, to ensure measures to mitigate project impacts on the Svan population, and to sufficiently take into account the appropriate cultural dimension of the Svan community. Such plans are expected to be developed in consultation with the affected communities.

10. Under the EIB Group Complaints Mechanism Procedures, "In the event that the EIB Management Committee or the EIF CE/DCE decides not to endorse the EIB-CM's findings and not to implement the EIB-CM's recommendations, a management response will be attached to the final Conclusions Report." For this case, the management response is accessible at: www.eib.org/bank-management-response.

INVOLUNTARY RESETTLEMENT — ADEQUATE COMPENSATION AND MEANINGFUL STAKEHOLDER ENGAGEMENT

RÉSEAU FERROVIAIRE RAPIDE ¹¹	
Region/country:	FEMIP ¹² /Tunisia
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€177 million
Total cost (approximate amount):	€550 million
Signature date:	10 December 2010
EIB-CM conclusions report: www.eib.org/rfr-conclusions-report	

In April 2016, a local resident submitted a complaint concerning Réseau Ferroviaire Rapide, a project in Tunisia co-financed by the EIB. The project involves the construction of the first sections of two lines of the new suburban railway network in Tunis and the acquisition of rolling stock. The complainant alleged: (i) irregularities in the expropriation, more particularly insufficient compensation and unfair refusal to exchange the expropriated property; (ii) failure to protect cultural heritage; and (iii) lack of stakeholder engagement.

We found that the project was highly complex because of several factors, including the country’s socio-political context. In 2013, the EIB decided to waive the requirement for the promoter to produce a satisfactory resettlement action plan, which was a condition for first disbursement. Because the Bank’s Governing Bodies had discretion to give the waiver, we found that allegations (i) and (ii) were not grounded taking into account the EIB’s obligations.

Nevertheless, we noted several factors that, if not addressed, would likely raise questions on the adequacy and fairness of the compensation offered to the complainant. Moreover, having assessed the EIB’s due diligence of the project, we concluded that the EIB had breached its own standards by failing to pause negotiations on finalising the investment until it had received a satisfactory resettlement plan/framework.

On allegation (iii) we found a significant gap between Tunisian law on environmental impact assessment and EIB standards on stakeholder engagement, and observed that the promoter’s public consultation lacked engagement with civil society and the public at large. We thus concluded that this allegation was **grounded**.

Accordingly, we recommended that the Bank should:

- 1) engage with the promoter to reach an agreeable solution on the amount of compensation;
- 2) support the promoter’s reporting on social issues and support/monitor the public consultation process and the integration of its results with regard to the feasibility study of an alternative proposal;
- 3) support/monitor the promoter to ensure that a stakeholder engagement plan is established to the Bank’s satisfaction.

11. SG/E/2016/04.
 12. Facility for Euro-Mediterranean Investment and Partnership area.



S2 DÉNIVELLATION DE HUIT CARREFOURS À SFAX

Region/country:	FEMIP/Tunisia
Sector(s):	Transport
Proposed EIB finance for the entire framework agreement (approximate amount):	€33 million
Total cost for the entire framework agreement (approximate amount):	€65 million

EIB-CM conclusions report: www.eib.org/denivellation-de-huit-carrefours-a-sfax

This project involves the construction of eight grade-separated interchanges along the main inner bypass of the city of Sfax, Tunisia. In December 2018, the owner of a commercial and residential building lodged a complaint alleging (i) damage to the structure of the building, (ii) health impacts due to high levels of noise and vibration, and (iii) loss of income due to lost rent from two commercial shops.

During the complaint handling process by the Complaints Mechanism, the complainant also lodged a complaint with the local grievance redress mechanism. The promoter and the complainant engaged directly to address the concerns. In September 2020, both parties agreed a resolution of the main allegations. Based on their agreement, we closed the complaint in November 2020 with the issuance of a conclusions report. However, we acknowledged that important actions resulting from the agreement are still pending, in particular:

- 1) the issuance of a second inspection report and potential building repairs;
- 2) actual provision of the rental allowance to overcome the impact on health during construction works;
- 3) the outcome of judicial expert proceedings to determine compensation for lost income.

The EIB services are following up on the implementation of these actions. We will submit a follow-up report to the complainant eight months after the issuance of our conclusions report.



KHARKIV METRO EXTENSION PROJECT

Region/country: **Eastern neighbours/Ukraine**

Sector(s): **Transport**

Proposed EIB finance (approximate amount): **€160 million**

Total cost (approximate amount): **€330 million**

Signature date: **11 December 2017**

EIB-CM conclusions report: www.eib.org/kharkiv-metro-extension
www.eib.org/conclusions-report-ukrainian-public-version

Between January and April 2019, we received complaints from five individuals concerning the involuntary resettlement process connected to the construction of a metro line extension and associated stations under the Kharkiv Metro Extension project. The complaints were submitted by one user and four owners, and their allegations mainly concerned compensation.

We found the complainant (who is a user) to be a person negatively affected by the project and, as such, “eligible for compensation, livelihood restoration and/or other resettlement assistance” under the EIB’s Standard 6. We recommended that the Bank should continue working closely with the city council/promoter to agree on the way forward, taking into account the right to “adequate housing,” especially aspects around security of tenure.

For the four other complainants, we concluded that EIB standards were not fully respected in determining their total compensation package: the market value of affected property was underestimated, and compensation for certain types of losses/impacts was missing or inadequate. We recommended that the Bank should follow up with the city council/promoter to ensure complainants receive fair compensation at full replacement cost, taking into account our findings and EIB social standards.

We also made some suggestions for improvement in the following areas: (1) establishment of an effective grievance redress mechanism at project level, (2) meaningful stakeholder engagement on resettlement, (3) quality of the resettlement action plan, and (4) provision of technical assistance in social development.

ENVIRONMENTAL IMPACTS/CLIMATE CHANGE

GRAND CONTOURNEMENT OUEST DE STRASBOURG (A355)

Region/country:	European Union/France
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€229 million
Total cost (approximate amount):	€600 million
Signature date:	25 April 2018

EIB-CM conclusions report: www.eib.org/gco-strasbourg-conclusions-report
www.eib.org/gco-strasbourg-conclusions-report-fr

This project involves the construction of the A355 motorway in France to bypass the city of Strasbourg. It aims to ensure the continuity of the motorway connection on the north-south corridor and provide an alternative to the congested section of the A35 running through central Strasbourg. In 2016, Alsace Nature, a French non-governmental organisation, submitted a complaint concerning several environment-related allegations.

Our conclusions report noted that:

- 1) There is a case pending before a competent court in France, so the Complaints Mechanism could not conclude whether the project complies with applicable standards.
- 2) The evidence reviewed suggests that the project will have little impact on the volume of traffic on the A35 in central Strasbourg, so the project is not expected to help achieve air quality standards in the city or to improve public health.
- 3) While the EIB carried out a two-stage appraisal of the project, it did not:
 - a. document whether the changes between stages 1 and 2 constitute a fundamental change requiring re-approval by the EIB Board of Directors;
 - b. appraise the 2018 environmental impact assessment or document the related reasoning;
 - c. prepare and publish an addendum to the environmental and social data sheet.

We recommended that the EIB should prepare and publish an addendum to the environmental and social data sheet. We also suggested that the EIB revise its procedures to (further) clarify:

- 1) what constitutes a fundamental change requiring re-approval of the project by the EIB Board of Directors;
- 2) whether the EIB should appraise an update to the environmental impact assessment when the Bank's decision-making process is still ongoing;
- 3) the reasoning for preparing and publishing an addendum to the environmental and social data sheet and its content.

The EIB decided to issue a separate management response to the complaint.¹³

¹³ See footnote 10 on the management response process in the EIB Group Complaints Mechanism Procedures. The management response for this case is accessible at: www.eib.org/final-response-alsace-nature-gco-annex-management-response.



TRANS ADRIATIC PIPELINE (TAP) AND TRANS ANATOLIAN PIPELINE (TANAP) ¹⁴

TAP

Region/country:	European Union/Albania, Italy, Greece
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€700 million
Total cost (approximate amount):	€3.9 billion
Signature date:	30 November 2018

TANAP

Region/country:	Candidate country/Turkey
Sector(s):	Energy
Proposed EIB finance (approximate amount):	\$600 million
Total cost (approximate amount):	\$6.96 billion
Signature date:	20 December 2018

EIB-CM conclusions report: www.eib.org/tap-tanap-letter-from-eib-sg-to-complainants

A group of five civil society organisations submitted a complaint concerning the greenhouse gas calculation for two EIB-financed projects: the TAP and the TANAP. The complaint included the following allegations: (i) the Bank failed to require the promoters to provide climate impact assessments for the two projects within their entire area of influence; (ii) the environmental and social impact assessments failed to include fugitive emissions of greenhouse gases; (iii) the Bank failed to accurately assess greenhouse gas emissions in the context of its loans for the Southern Gas Corridor; and (iv) the project fails to comply with the EIB's environmental standards, the United Nations Framework Convention on Climate Change, and with EIB policies, procedures and standards.

Our inquiry concluded that the allegations were ungrounded.

14. SG/E/2019/02.



ACCESS TO INFORMATION

CURTIS BIOMASS POWER GENERATION PLANT¹⁵

Region/country:	European Union/Spain
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€60 million
Total cost (approximate amount):	€130 million
Signature date:	25 July 2018–26 October 2018
EIB-CM conclusions report:	www.eib.org/curtis-biomass-conclusions-report

The complaint lodged by the non-governmental organisation ClientEarth concerned three sets of applications for information and documents pertaining to the Curtis Biomass Power Generation Plant project. The complainant alleged that (i) the Bank failed to disclose the requested information; (ii) the Bank failed to reply to confirmatory applications for information and documents within the legal deadlines; (iii) there were systemic issues in applying the legal framework on access to information; (iv) there were further issues of maladministration in the handling of information requests; and (v) the Bank failed to proactively disseminate information.

In March 2020, we completed our inquiry and found that most allegations were ungrounded. However, despite the complex nature of (i) the disclosure applications (requiring assessment by EIB services of many different documents) and (ii) the preparation of the EIB's replies to the applicant, we concluded that the Bank's response time was much longer than is envisaged by the applicable regulatory framework. We also found that, in 2019, the EIB did not proactively inform the applicant of developments in the procedure and the new timeframe for its reply to confirmatory applications.

Based on this case and on two other access-to-information cases closed in 2019,¹⁶ we recommended that the Bank improve its systems and procedures for dealing with applications for information. In particular, we underlined the need to develop detailed implementation guidelines/arrangements for handling more complex applications. Furthermore, for one specific document requested by the applicant, we recommended that the EIB reply to the complainant to confirm whether or not disclosure exceptions specifically apply also to that information.

15. SG/A/2019/04.

16. SG/A/2019/02 African Lion Mining Fund III and SG/E/2019/03 Corridor Côtier - Section Nord.



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NON-PROJECT-RELATED CASES

EIB ARTWORK - TAPESTRY ¹⁷

In September 2019, we received correspondence from a Berlin-based lawyer concerning a Flemish tapestry formerly owned by the EIB. The Bank had acquired the tapestry in good faith in 1986 before donating it in 2015 to the non-profit organisation Les Amis du Château de Vianden, which displays the piece in Vianden Castle in Luxembourg.

The complainant informed the EIB and Les Amis du Château de Vianden that the tapestry had been looted from the Budge collection in 1937 during the Nazi regime. The complainant, EIB services and the Complaints Mechanism jointly appointed renowned experts in 17th-century textile and tapestry art. After thoroughly examining the tapestry, the experts confirmed that it had been misappropriated from the Budge family.

In October 2020, the parties reached a settlement under which financial compensation would be paid to the heirs and the tapestry would remain in Vianden Castle.

SIMPLIFIED PROCEDURE

EMPLOYMENT ELIGIBILITY CRITERIA ¹⁸

In May 2020, we received a complaint from an individual concerning the nationality eligibility criteria for a position at the Bank, notably questioning whether candidates from the Republic of North Macedonia should be eligible to apply.

Our inquiry concluded that the Bank had applied its internal rules appropriately by not allowing applications from candidates whose country was yet to start accession negotiations. While European Council members had endorsed the decision by the Ministers of European Affairs to open accession negotiations with the Republic of North Macedonia, these negotiations had not started at the time the complainant wanted to apply. We closed the case in June 2020 by issuing a letter to the complainant, following the simplified procedure stipulated in the Complaints Mechanism Policy.

17. Settlement reached on a tapestry exhibited in the Vianden Castle in Luxembourg ([eib.org](#)).

18. Closing-letter-sg-h-2020-01-employment-eligibility-criteria-19-06-2020.pdf ([eib.org](#)).

ONGOING CASES

ENVIRONMENTAL/CLIMATE CHANGE AND SOCIAL IMPACTS OF EIB-FINANCED PROJECTS

TOPLOFIKACIA CHP PROJECT¹⁹

Region/country:	European Union/Bulgaria
Sector(s):	Waste management
Proposed EIB finance (approximate amount):	€67 million
Total cost (approximate amount):	€161 million
Signature date:	21 December 2018

EIB-CM initial assessment report: www.eib.org/toplofikacia-initial-assessment-report

The project concerns a combined heat and power plant for energy recovery from municipal waste in Sofia, Bulgaria. In 2018, the complainant, a Bulgarian citizens' initiative, raised allegations concerning: (i) the project's non-compliance with waste management targets; (ii) the oversized capacity of the combined heat and power plant; (iii) the privatisation of the operator and the service concession for heating and electricity generation; (iv) the project's negative impact on air quality; and (v) access to project-related information.

We finalised our initial assessment report in June 2020, setting the scope of the investigation. As of December 2020, our conclusions report was undergoing internal consultation.

¹⁹. SG/E/2018/42.



BUDAPEST AIRPORT CONCESSION (CAPEX PLAN)

Region/country:	European Union/Hungary
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€200 million
Total cost (approximate amount):	€463 million
Signature date:	6 December 2018

EIB-CM initial assessment report: www.eib.org/budapest-airport-concession-initial-assessment-report

The project comprises a number of investments at Budapest airport that aim to accommodate future growth in traffic and ensure maintenance of the highest airport safety and security standards. In 2020, a non-governmental organisation submitted a complaint alleging failure (i) to comply with the EIB's climate-related standards; (ii) to assess the impact of the projected 50% increase in air traffic and land transport; (iii) to assess and mitigate noise pollution and negative social impacts on the project-affected people; (iv) to involve and consult local civil society stakeholders; and (v) to provide adequate project-related environment and social information on the EIB's website.

We finalised our initial assessment report in October 2020, setting the scope of the investigation. As of December 2020, we were drafting the conclusions report.

PIRAEUS PORT EXPANSION

Region/country:	European Union/Greece
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€140 million
Total cost (approximate amount):	€281 million
Signature date:	8 November 2019

The Piraeus Port Expansion project involves the development of several port components. In 2019, the complainant, a civil society organisation, raised allegations concerning (i) environmental decision-making, (ii) environmental impacts, and (iii) funding and public procurement.

As of December 2020, our conclusions report was undergoing internal consultation.





CORRIDOR VC MOSTAR SOUTH

Region/country:	Western Balkans/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€100 million
Total cost (approximate amount):	€227 million
Signature date:	26 April 2018

In February 2020, a community group representing over 3 000 signees submitted a complaint regarding the Corridor VC motorway and the modified route through Mostar. The complainant expressed several concerns regarding the modified route, particularly alleging that it had not been adequately evaluated in the 2017 environmental impact assessment. It was also alleged that the route's impact on refugee returnees had not been assessed and that community well-being had been disregarded. The complainant also raised concerns about the expropriation process and claimed that the promoter was not addressing these concerns.

We reviewed the relevant project documentation and the applicable regulatory framework, and obtained further information and clarifications from the complainant and EIB operational services. As a public consultation on the motorway section under complaint was planned for the end of 2020, we are awaiting the outcome before further considering the complaint and completing our compliance review.

BANJA LUKA–DOBOJ MOTORWAY ²⁰

Region/country:	Western Balkans/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€207 million
Total cost (approximate amount):	€565 million
Signature date:	16 December 2013 and 13 March 2018
EIB-CM initial assessment report: www.eib.org/banja-luka-doboj-motorway-iar	

The project involves the construction of a motorway between Banja Luka and Doboj in Republika Srpska, Bosnia and Herzegovina. In 2019, a law firm representing numerous individuals and families submitted a complaint comprising seven individual cases, claiming that the competent national authorities did not carry out expropriation in line with the regulatory framework, including EIB social standards.

As part of our initial assessment, we had an initial meeting with EIB services, reviewed EIB documents, and inspected information we requested from the promoter. We also conducted a site visit, during which we met with the complainant, promoter and relevant national authorities.

Our initial assessment report concluded that three of the seven expropriation cases are not located on EIB-financed motorway sections.

As of December 2020, we were carrying out a compliance review on the remaining four expropriation cases.

²⁰. SG/E/2019/03.



NEPAL POWER SYSTEM EXPANSION PROJECT

Region/country:	Asia/Nepal
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€95 million
Total cost (approximate amount):	€270 million
Signature date:	20 April 2015

EIB-CM initial assessment report:

www.eib.org/nepal-power-system-expansion-project-initial-assessment-report
www.eib.org/nepal-power-system-expansion-project-initial-assessment-report-np

In October 2018, we received a complaint from the Free Prior and Informed Consent and Rights Forum in Lamjung district (Nepal) requesting mediation on the EIB-funded 220 kV Marsyangdi Corridor transmission line and other hydropower sector development in the region. The complaint mainly concerns Component 2 of the Power System Expansion Project.

The complainant's allegations fall under four main groups of issues: (i) lack of adequate and holistic (strategic) analysis of environmental and social impacts; (ii) lack of adequate and meaningful stakeholder engagement, including proper consultation, agreement seeking and information disclosure on the project, its impacts and how each can be avoided, mitigated or compensated; (iii) lack of free prior and informed consent; and (iv) failings in land acquisition, land-use restrictions and compensation.

In March 2019, a delegation of the Complaints Mechanism travelled to Nepal to meet on site with communities affected by the project as well as the promoter and national authorities. We completed our initial assessment report in July 2019 and distributed the report in both English and Nepali. Following the initial assessment, we considered many of the contested points to be suitable for a collaborative resolution process, which we proposed to facilitate. However, only one party was willing to engage in this process. Therefore, in line with our policy, we initiated a compliance review of the allegations.

As of December 2020, our draft conclusions report was undergoing consultation with EIB services.

MEDIATION FUNCTION

This section provides key information on a selection of closed and ongoing collaborative resolution cases. For more information about our mediation function, please see page 18.

CLOSED CASES

INVOLUNTARY RESETTLEMENT

ULAANBAATAR WWS	
Region/country:	Asia/Mongolia
Sector(s):	Waste and water
Proposed EIB finance (approximate amount):	€50 million
Total cost (approximate amount):	€283 million
Signature date:	30 June 2014
EIB-CM closing letter: www.eib.org/ulaanbaatar-wws-closing-letter-20-11-2020	

A complaint was lodged in March 2018 on behalf of people affected by a major water and sanitation project in Mongolia. The same complaint was sent to the Office of the Special Project Facilitator (OSPF) of the Asian Development Bank, a co-financier of the project. The complaint alleged negative impacts of the project due to land acquisition and property valuation. The Complaints Mechanism assented to the OSPF leading on the handling of this complaint.

Supported by a local consultant, the OSPF facilitated a series of roundtable discussions with various stakeholders, including the complainants, the promoter and local authorities. These culminated in the signing of a complaint resolution memorandum of understanding in July 2018, which served as the guiding document for intense case-by-case negotiations with each individual complainant. The final stage in the resolution process was for the 15 complainants without legal title to receive mayoral ordinances and corresponding land possession certificates. Thanks to the OSPF's continued efforts, all the agreed actions were completed in October 2020.

The facilitation process contributed to continuous dialogue and to building trust between the various stakeholders. Following the issuance of the OSPF's final report, the Complaints Mechanism closed the case with a concluding letter to the complainants in November 2020.



MONITORING OF CLOSED CASES

OLKARIA I AND IV GEOTHERMAL EXTENSION

Region/country:	Sub-Saharan Africa/Kenya
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€120 million
Total cost (approximate amount):	€1 007 million
Signature date:	15 December 2010
Mediation settlement agreement and mediation report: www.eib.org/olkaria-i-iv-mediation-agreement www.eib.org/attachments/complaints/sg-e-2014-07-olkaria-i-iv-mediation-agreement-en.pdf	

This project aims to expand the electricity generating capacity of the Olkaria geothermal steam field in Kenya. Between July and September 2014, we received two complaints from several individuals and representatives of project-affected communities. The complaints concerned the Bank's alleged failure to monitor the involuntary resettlement process of four villages. The main allegations focused on the implementation of the resettlement action plan, specifically the identification of households entitled to compensation, land titles for project-affected people, the restoration of livelihoods with special consideration of vulnerable people, and the effectiveness of the project's grievance redress mechanism.

In 2015, the promoter and complainants accepted our proposal to carry out a compliance review and also agreed to engage in a mediation process, together with the World Bank Inspection Panel, to address structural and recurring issues. The mediation process was closed with the signature of the mediation settlement agreement in May 2016. We issued our mediation report in March 2018, which describes the mediation process and the first implementation measures carried out. We have been monitoring the implementation process continuously and carried out three monitoring missions in 2017, 2018 and 2020.

As of December 2020, only one action point of the mediation settlement agreement was outstanding. This concerns the title transfers for 14 acres of cultural centre land to the entity representing project-affected people. According to the promoter's report, the remaining administrative steps are expected to be carried out once the COVID-19-related suspension of certain government services has ended. We will further monitor the completion of land title transfers.



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ONGOING CASES

ENVIRONMENTAL AND SOCIAL IMPACTS OF EIB-FINANCED PROJECTS

BANGALORE METRO RAIL PROJECT - LINE R6 ²¹

Region/country:	Asia/India
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€500 million
Total cost (approximate amount):	€1.634 billion
Signature date:	12 October 2017 and 28 September 2018

EIB-CM initial assessment report: www.eib.org/iar-bangalore-metro-rail-project-line-r6-ws2

This project involves the construction of a rapid transit line in Bangalore and the purchase of 96 train cars for use on the line. In June 2019, a member of a local church, acting on behalf of concerned congregation members, submitted a complaint alleging negative environmental and social impacts of the project.

In September 2019, the mediation function of the Complaints Mechanism visited the site to meet with different stakeholders (including the complainant and other congregation members and the promoter) and assess possible ways forward. The initial discussions identified that two allegations regarding free prior and informed consent requirements and Phase I concerns were ineligible for further assessment. We issued our initial assessment report in October 2019, which attempted to clarify several misconceptions and misunderstandings on which numerous allegations appeared to be based.

For the remaining allegations, we proposed the facilitation of information sharing between the parties, including a joint consultation. The complainant and the promoter accepted the proposal and, following the publication of our initial assessment report, agreed with the Complaints Mechanism on the selection of an independent third-party facilitator for the consultation. Due to COVID-19-related travel restrictions, our dispute resolution team held various virtual sessions with the parties and the third-party facilitator to prepare the consultation, which commenced virtually in October 2020. We were close to concluding the collaborative resolution process at year-end 2020.

21. SG/E/2019/08.

BANJA LUKA–DOBOJ MOTORWAY ²²

Region/country:	Western Balkans/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€207 million
Total cost (approximate amount):	€565 million
Signature date:	16 December 2013 and 13 March 2018
EIB-CM initial assessment report: www.eib.org/iar-banja-luka-doboj-motorway	

This project involves the construction of a motorway between the cities of Banja Luka and Doboj in Republika Srpska, Bosnia and Herzegovina. The EIB is financing the 35.3 km western section of the motorway between Banja Luka and Prnjavor.

In March 2019, we received a complaint from an individual living in Naseobina Hrvaćani, part of the village of Hrvaćani in Republika Srpska. The complainant alleged that the newly built Banja Luka–Doboj motorway would split the village and cause negative impacts for the community in terms of (i) safety and access, (ii) spatial planning, and (iii) property rights.

We undertook a site visit and published our initial assessment report in March 2020. The promoter and complainant were both willing to engage in a problem-solving process facilitated by the Complaints Mechanism. Due to COVID-19-related travel restrictions, our dispute resolution team held various virtual sessions with the parties and recruited a local facilitator. The collaborative resolution process was ongoing at year-end 2020.

22. SG/E/2019/06.



NEPAL TANAHU HYDROPOWER PROJECT

Region/country:	Nepal
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€62 million
Total cost (approximate amount):	€390 million
Signature date:	7 May 2013

EIB-CM initial assessment report: www.eib.org/iar-nepal-tanahu-hydropower-project-16-04-2020
www.eib.org/iar-nepal-tanahu-hydropower-project-np-24-04-2020

This project comprises the construction and operation of a hydroelectric power scheme and its interconnection to the national grid. Further components of the project are transmission lines and substations to distribute the generated electricity and a programme of rural electrification to supply power to local villages.

In February 2020, the Directly Inundation Affected Peoples Collective Rights Protection Committee, representing a group of project-affected households, sent us a letter requesting mediation to resolve concerns regarding the project. The complainant's allegations concerned the following issues: (i) lack of adequate information sharing, meaningful consultation and participation; (ii) incomplete land survey and inadequate and discriminatory form and amount of compensation; and (iii) negative impact on affected households' livelihoods and access to natural resources, and on ancestral lands, cultural sites and traditional practices — none of which had been sufficiently considered.

The complaint was presented in parallel to the Asian Development Bank, which is co-financing the project. We liaised with the Office of the Special Project Facilitator (OSPF) to consider potential approaches to cooperative complaint handling. Due to COVID-19 we were unable to visit the site in Nepal. In April 2020, we issued our initial assessment report recommending a collaborative resolution process between the complainant and promoter.

The first stakeholder consultations were carried out during an on-site mission by the OSPF in February/March 2020 and jointly with us by virtual means in May/June 2020. To prepare for a problem-solving site visit and enhance understanding of the issues by us and the OSPF, an indigenous people and socio-cultural economic study and a land valuation study will be carried out.



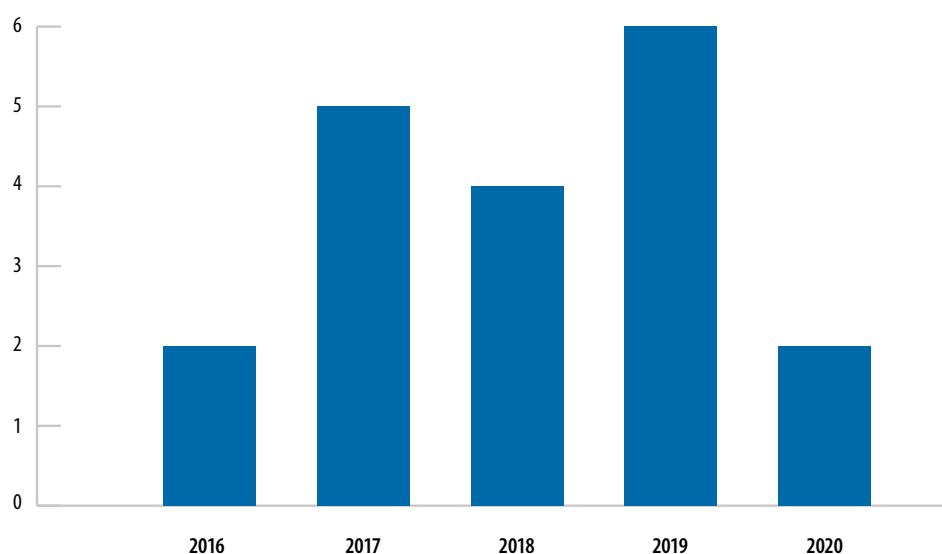
REVIEW OF CASES RELATED TO EIF ACTIVITIES

In 2020, we received two new complaints concerning EIF activities²³ and handled a total of three complaints (including one carried over from 2019). Two complaints concerned the EIF's governance of its mandates and operations; the other concerned the environmental and social impacts of a project with joint involvement of the EIF and the EIB.

23. Including one complaint concerning a joint EIB and EIF activity.

We closed two EIF complaints in 2020. In the first we concluded that the allegations were ungrounded. The second complaint concerned persistent phone calls allegedly coming from the EIF; as the calls stopped, the complainant withdrew the complaint.

EIF COMPLAINTS RECEIVED BETWEEN 2016 AND 2020



MORE DETAILS ON ONE OF THE CLOSED EIF CASES

In November 2019, we received a complaint from a financial intermediary concerning a call for expressions of interest under the framework of an equity instrument supported by the European Fund for Strategic Investments and the Horizon 2020 Programme. The complainant alleged that the EIF had rejected the submitted expressions of interest without giving the opportunity to make a supporting presentation. On this basis, the complainant alleged unfair evaluation of its expressions of interest.

Our inquiry found no evidence that the EIF had failed to take appropriate care in selecting intermediaries through an open, transparent, proportionate, non-discriminatory and objective process. The selection procedure followed the process established by the published call for expressions of interest and the EIF's standard procedures. Therefore, we concluded that the allegations were ungrounded.

EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS

GENERAL OVERVIEW

As in 2019, no cases against the Bank were brought before the European Data Protection Supervisor or the Aarhus Convention Compliance Committee during 2020.

We registered ten new complaints (vs. ten in 2019) against the EIB Group lodged with the European Ombudsman.

Six of these new complaints had previously been handled by the Complaints Mechanism before being escalated to the Ombudsman (vs. five in 2019). Of the ten new complaints, two concerned personnel-related cases (vs. five in 2019), four concerned the EIB's own governance (vs. three in 2019), and four concerned access to information (vs. two in 2019).

In 2020, the European Ombudsman handled 14 cases,²⁴ of which she closed ten (vs. 14 in 2019).

Bearing in mind that some complaints contain multiple and diverse allegations for which the outcomes may differ, the cases closed by the Ombudsman in 2020 reached the following conclusions:

- No maladministration: four (vs. seven in 2019)
- Settled: five (vs. four in 2019)

The European Ombudsman also closed a strategic inquiry into multilingualism in EU institutions and bodies (including the EIB Group),²⁵ issuing practical recommendations on use of the 24 official EU languages when communicating with the public.

In one of the cases with the outcome "No maladministration" the European Ombudsman made suggestions for improvement.²⁶

24. This includes cases notified before 2020.

25. Strategic inquiries do not target a specific institution or body of the European Union. They address matters of general interest for EU public administration and are started by the European Ombudsman on her own initiative.

26. EO/181/2019/PB.

MORE DETAILS ABOUT THE EUROPEAN OMBUDSMAN CASES

CLOSED

CASTILLA Y LEÓN CLIMATE CHANGE ²⁷

This complaint concerned the time taken by the EIB to investigate alleged irregularities in the EIB-financed project Castilla y León Climate Change in Spain.

In the course of the inquiry, the EIB informed the Ombudsman that it had concluded the investigation. The Ombudsman found that, given the complexity of the alleged issues, the EIB's investigation time was reasonable. She thus closed the inquiry in March 2020, finding that there had been no maladministration.

ACCESS TO INFORMATION

NENSKRA HYDROPOWER PLANT PROJECT ²⁸

This complaint concerned the EIB's failure to disclose an expert's report on whether the Svans are indigenous people with respect to the Nenskra Hydropower Plant project. The complaint was submitted by Bankwatch as an escalation of a complaint previously submitted to us.²⁹

In April 2020, the European Ombudsman proposed a solution in the course of her inquiry, namely that the EIB should disclose at least the objective data in the draft report of the expert, a Georgian anthropologist, such as historical, geographical or anthropological data and maps.

In her solution proposal, the Ombudsman made further observations on the non-disclosure of documents containing opinions for internal use in deliberations and preliminary consultations between the EIB and its partners. The Ombudsman considered it reasonable for the EIB to withhold such documents as their disclosure could undermine the mutual trust governing exchanges with partners and could thus harm the decision-making process.

In June 2020, the EIB informed the European Ombudsman that it accepted the proposed solution. The Ombudsman welcomed the Bank's decision and closed the case as settled in July 2020.

27. Decision in case 175/2019/PL on how the European Investment Bank handled a complaint about a project it financed in Spain | Decision | European Ombudsman (europa.eu).

28. Decision in case 670/2019/PL on the European Investment Bank's refusal to disclose an expert report on whether Svans are indigenous people | Decision | European Ombudsman (europa.eu)

29. nenskra-hpp-sg-a-2018-01-conclusions-report-6-02-2019.pdf (eib.org).

ONGOING CASES

TRANSPARENCY

In July 2020, the European Ombudsman informed the EIB about the start of three inquiries concerning the Bank's transparency.³⁰ These cases were escalations of previous complaints submitted by Bankwatch and ClientEarth to the Complaints Mechanism.³¹

THE EIB'S ENVIRONMENTAL TRANSPARENCY IN DIRECT FINANCING³²

This inquiry concerns the disclosure of environmental information in the context of direct financing by the EIB. The complainant expresses concerns that the EIB's current disclosure practices are insufficiently comprehensive and timely to comply with the Aarhus Regulation, which prevents members of the public from effectively expressing their views on environmental issues before the EIB makes financing decisions and during project financing. The complainant cites the practices of other banks and finance organisations that it considers more transparent than those of the EIB. Finally, the complainant claims that the EIB should apply a broader understanding of "environmental information," and should adopt a practice of actively disclosing original documents, rather than dedicated data sheets.

THE EIB'S ENVIRONMENTAL TRANSPARENCY IN INDIRECT FINANCING³³

This inquiry concerns the disclosure of environmental information in the context of indirect financing by the EIB. The complainant claims that, when financing projects through intermediaries, the EIB does not take adequate measures to ensure the sufficient collection of environmental information and its disclosure to the public. The complainant considers that, if necessary, the EIB should take measures to receive and hold all such information and ultimately ensure its disclosure.

After being notified of these two ongoing inquiries, the EIB gave the Ombudsman all the information and documents she requested for her remote inspection. Furthermore, in October 2020, the European Ombudsman and the EIB organised virtual meetings in which the EIB presented the relevant processes and documentation evolving around the specific steps of the EIB project cycle.

30. EO/1065/2020/PB; EO/1251/2020/PB; and EO/1252/2020/PB.

31. SG/G/2016/01 – Transparency Policy, www.eib.org/conclusions-report-transparency-policy; SG/G/2019/01 – EIB intermediated lending to Hydro Power Plants in the Balkans, www.eib.org/conclusions-report-eib-intermediated-lending-to-hpps-in-the-balkans; and SG/A/2019/04, www.eib.org/curtis-biomass-conclusions-report.

32. EO/1065/2020/PB.

33. EO/1251/2020/PB.

THE EIB'S REFUSAL TO GRANT PUBLIC ACCESS TO MINUTES OF EIB MANAGEMENT COMMITTEE MEETINGS ³⁴

This inquiry concerns the EIB's refusal to disclose the minutes of four meetings of the Management Committee held between December 2017 and July 2018.

In September 2020, the EIB gave the Ombudsman all the relevant minutes for her remote inspection.

TRANSPARENCY OF THE EIB'S RESPONSE TO THE COVID-19 CRISIS ³⁵

In July 2020, the European Ombudsman informed the EIB that she was undertaking a strategic initiative on the transparency and accountability of EU institutions and bodies in responding to the COVID-19 crisis. In particular, the Ombudsman asked the EIB to provide information on the impact of fast-track procedures on transparency and the consistent application of eligibility criteria by financial intermediaries participating in the COVID-19 economic support measures.

In September 2020, the EIB replied to the Ombudsman explaining the comprehensive package of operational emergency measures and exceptional eligibility criteria for COVID-19-related operations, clarifying "fast-track procedures" as streamlined processes enabling faster approval of such operations. The EIB explained that its COVID-19-related operations and fast-track procedures are subject to the Bank's Transparency Policy, including provisions on the publication of project summaries. Furthermore, to enhance transparency the EIB has created a dedicated webpage with information concerning its response to the crisis (www.eib.org/covid-19).

Regarding the eligibility criteria for COVID-19 economic support measures, the EIB explained that these are applied consistently by participating financial intermediaries without restriction and discrimination among eligible recipients. The EIB also informed the Ombudsman about how it communicates its small and medium-sized enterprise/mid-cap eligibility criteria and the reporting requirements under its COVID-19 response to financial intermediaries.

34. EO/1252/2020/PB.
35. SI/3/2020.

OUTREACH AND OTHER ACTIVITIES

Outreach and training are an important part of the Complaints Mechanism’s strategy for engaging with internal and external stakeholders, including partner organisations.

The COVID-19 situation limited such activities in 2020, but we adopted flexible approaches to engaging in the following (among other activities):

- Meeting with civil society organisations in Luxembourg, as a side event to the board seminar with civil society (February).
- Participation in the roundtable on the EIB, state of play and future challenges, organised by Counter Balance in Brussels (March).
- Participation in the 17th IAM annual meeting (September). The virtual format allowed more staff to participate than usual.
- Participation in the virtual consultation on Remedy in Development Finance, organised by the Office of the UN High Commissioner for Human Rights in partnership with and hosted by the Independent Project Accountability Mechanism of the European Bank for Reconstruction and Development (September).
- Participation in various online conferences and knowledge-sharing events, such as on grievance redress mechanisms and investigating gender-based violence in international development projects.

Notably, the Complaints Mechanism was invited to contribute to the review process of the EIB Group’s draft environmental and social policy and the update of the EIB’s *Environmental and Social Standards*. This gave a valuable opportunity to provide feedback on lessons learnt regarding certain recurring issues in ongoing or closed project-related cases.



ANNEX I – STATISTICS

GENERAL OVERVIEW

	2016	2017	2018	2019	2020
Complaints received	89	114	108	84	77
Complaints handled	122	173	209	173	137
Complaints closed	63	72	120	113	94
Outstanding at year-end	59	101	89	60	43

In 2020, the Complaints Mechanism handled 137 cases and closed 94 of them. A total of 43 cases were outstanding at year-end.

In 2020, 77 new complaints were received, of which 40 were declared admissible by the Complaints Mechanism. Ten of the new complaints were filed with the European Ombudsman, who declared all of them admissible.

The number of new complaints registered in 2020 (77) was only slightly less than in 2019 (84), despite the COVID-19 pandemic.³⁶

	2016	2017	2018	2019	2020
Total complaints received	89	114	108	84	77
Complaints submitted directly to the Complaints Mechanism	82	103	89	74	67
<i>Inadmissible</i>	5	12	14	24	27
Admissible	77	91	75	50	40
Complaints brought before other institutions	7	11	19	10	10
European Ombudsman	7	11	19	10	10
<i>Inadmissible</i>		-	-	2	-
Admissible	7	11	19	8	10
European Data Protection Officer	-	-	-	-	-
Aarhus Convention Compliance Committee	-	-	-	-	-

Admissible complaints are those concerning a decision, action and/or alleged omission by the EIB Group — even in the early stages when the EIB Group is only considering providing support.

Inadmissible complaints include those:

- concerning fraud or corruption (which are handled by the Fraud Investigations Division);
- from EIB staff;
- concerning international organisations, EU bodies, or national and local authorities;
- that have already been brought against a member of the EIB Group, or are brought subsequently, or have already been settled by other non-judicial or judicial review mechanisms;
- concerning project procurement, which fall within the mandate of the EIB Project Procurement Complaints System;
- submitted anonymously (confidentiality is assured);
- that seek an unfair competitive economic advantage, or are excessive, repetitive or clearly frivolous or malicious in nature.

Complaints Mechanism Policy, Article 4.3

The higher percentage of complaints declared inadmissible by the Complaints Mechanism over the years is mainly due to our more streamlined way of registering incoming complaints, rather than stricter application/interpretation of the admissibility criteria. Thanks to its streamlined process, the Complaints Mechanism now reports more transparently on the number of registered complaints declared inadmissible.

36. Please note that the Complaints Mechanism's website explicitly mentioned our ongoing availability to receive complaints during lockdown.

NEW COMPLAINTS DECLARED ADMISSIBLE BY THE COMPLAINTS MECHANISM IN 2020

COMPLAINTS BY TYPE

Complaints concerning the environmental and social impacts of EIB Group-financed projects continue to represent the largest proportion of admissible complaints (58%). The proportion of governance-related complaints declined in 2020 compared to 2019.

New admissible complaints	2016	%	2017	%	2018	%	2019	%	2020	%
Access to information (A)	1	1	0	0	2	3	4	8	2	5
Customer relations (C)	2	3	0	0	0	0	1	2	0	0
Environmental/social/development impacts (E)	29	38	53	58	44	58	19	38	23 ³⁷	58
Governance of financed projects (F)	6	8	7	8	5	7	10	20	5	12
Own governance and administration (G)	7	9	6	6	0	0	11	22	7 ³⁸	18
Human resources (H)	8	10	8	9	8	11	5	10	3	7
Own procurement (R)	0	0	0	0	3	4	0	0	0	0
Procurement-related complaints (P) ³⁹	24	31	17	19	13	17	0	0	0	0
Total	77	100	91	100	75	100	50	100	40	100

37. Including one complaint related to EIF-financed activities.

38. Including one complaint related to EIF-financed activities.

39. Since November 2018, complaints concerning procurement in projects financed by the Bank have been handled by the high-level, independent Project Procurement Complaints Committee, chaired by the Inspector General.

PROJECT-RELATED COMPLAINTS BY REGION

Of the complaints declared admissible by the Complaints Mechanism in 2020, 73% relate to EIB-financed projects. The majority of those complaints concern environmental and social impacts (79%). As in previous years, energy and transport are the sectors with the largest number of complaints (79%).

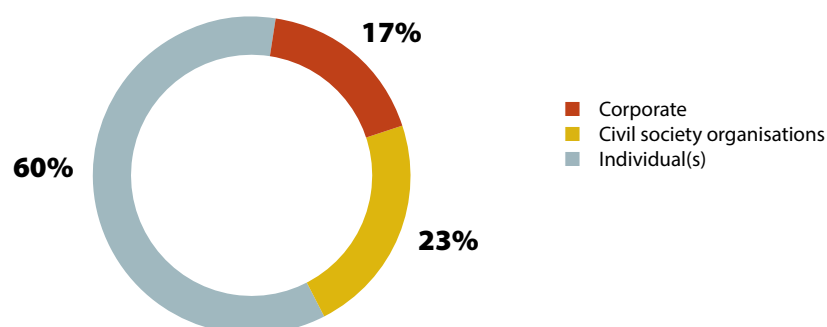
In 2020, 55% of complaints concerned projects outside the European Union (compared to 69% in 2019). There were increases in the number of complaints concerning projects in EU Member States (eight in 2019 to 13 in 2020) and in the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) area (one in 2019 to four in 2020).

	2016 (%)	2017 (%)	2018 (%)	2019 (%)	2020 (n)	2020 (%)
Asia	6	1	6	15	2 ⁴⁰	7
Eastern Neighbourhood	9	10	5	23	3 ⁴¹	10
European Union	13	42	48	31	13	45
FEMIP	16	10	15	4	4 ⁴²	14
Latin America	6	1	0	0	0	0
Other	0	0	2	0	0	0
Sub-Saharan Africa	4	22	6	15	4 ⁴³	14
Western Balkans	47	14	18	12	3 ⁴⁴	10
Total	100	100	100	100	29	100

COMPLAINTS BY ORIGIN

Similar to previous years, in 2020 the majority of complaints (60%) were lodged by individuals; 58% of their allegations concerned **E** cases (environmental/social/development impacts), 17% were **G** cases (own governance and administration) and 17% were **H** cases (human resources).

Civil society organisations mainly submitted **E** cases (89%), while most cases submitted by corporates concerned governance (43% were **G** cases, 29% were **F** cases).



40. India and Nepal.
 41. Ukraine and Georgia.
 42. Egypt, Lebanon and Tunisia.
 43. Ethiopia and Kenya.
 44. Bosnia and Herzegovina and Serbia.

COMPLAINTS HANDLED⁴⁵

After handling 137 cases in 2020 (vs. 173 in 2019), the number of outstanding cases at year-end 2020 was 43 (vs. 60 in 2019). Since 2017, the number of outstanding cases at year-end has continued to decrease, although the number of new complaints received in 2019 and 2020 remained high.

	2016	2017	2018	2019	2020
Open/ongoing at start of year	33	59	101	89	60
Complaints received	89	114	108	84	77
Outstanding at year-end	59	101	89	60	43
Overall complaints handled	122	173	209	173	137

HANDLED COMPLAINTS BY TYPE

	Number of complaints handled in 2019	% of handled complaints in 2019	Number of complaints handled in 2020	% of handled complaints in 2020
European Ombudsman (EO)	18	10	14	10
Access to information (A)	5	3	3	2
Customer relations (C)	1	1	0	0
Environmental/social/development impacts (E)	86	50	69 ⁴⁶	50
Governance of financed projects (F)	12	7	9	7
Own governance and administration (G)	14	8	11 ⁴⁷	8
Human resources (H)	6	3	3	2
Procurement-related complaints (P)	5	3	0	0
Own procurement (R)	2	1	0	0
Inadmissible (INA)	24	14	28 ⁴⁸	21
Total	173	100	137	100

In 2020, half the complaints handled by the Complaints Mechanism continued to be E cases, which are often the most complex: some involve a high number of complainants and/or many allegations to investigate.

45. This includes carry-over of open cases received before 2019 and complaints lodged with the European Ombudsman.

46. Including one complaint concerning EIF-financed activities.

47. Including two complaints concerning EIF-financed activities.

48. 27 of these cases were declared inadmissible following initial registration; one case was declared inadmissible following the initial assessment phase.

CLOSURE OF REGISTERED CASES LODGED WITH THE COMPLAINTS MECHANISM

In 2020, 94 cases were closed: 84 had been submitted to the Complaints Mechanism and the other ten had been lodged with the European Ombudsman. The Complaints Mechanism continued to make significant progress towards reducing the backlog of cases. The majority (67%) of the 43 complaints outstanding at year-end 2020⁴⁹ were registered in that year.

Conclusion of registered complaints ⁵⁰	2020	%
<i>Admissible cases</i>		
No grounds	33	39
Recommendation	11	13
Prevention	5	6
Friendly solution	4	5
Dropped by the complainant	3	4
Financing withdrawn by the EIB Group	0	0
Financing request dropped by the promoter	0	0
Subtotal of admissible complaints	56	67
<i>Inadmissible cases</i>	28 ⁵¹	33
Total	84	100

In nine of the closed cases, the Complaints Mechanism made suggestions for improvement.

49. Cases under investigation.

50. Annex III provides the definitions of outcomes for cases submitted to the Complaints Mechanism. Please note that some outcome definitions were further refined at the beginning of 2020. For example, the new outcome category "Recommendation" is used for cases where the allegations are found to be grounded and so recommendations are made. In line with European Ombudsman practice, the Complaints Mechanism can make "Suggestions for improvement" relating to allegations in view of improving good administration, regardless of the overall outcome.

51. See footnote 48.

EUROPEAN OMBUDSMAN CASES

European Ombudsman - Number of cases	2016	2017	2018	2019	2020
Open at start of year	1	5	10	8	4
Received	7	11	19	10	10
Closed	3	6	21	14	10
Outstanding at year-end	5	10	8	4	4

OUTCOME OF EUROPEAN OMBUDSMAN CASES*

European Ombudsman - Conclusion of cases	2019	2020
Inadmissible	2	0
Insufficient grounds to open an inquiry	1	0
Withdrawn by the complainant	0	0
Settled	4	5
No maladministration found	7	4
Recommendations	1	0
Suggestions for improvement	0	1

* Some complaints contain multiple allegations and can therefore have several outcomes. Moreover, the European Ombudsman can make suggestions for improvement irrespective of the overall outcome. Annex III provides outcome definitions for European Ombudsman cases.

The European Ombudsman also closed a strategic inquiry into multilingualism in EU institutions and bodies (including the EIB Group), issuing practical recommendations on use of the 24 official EU languages when communicating with the public.

ANNEX II – WORK PERFORMED ON HANDLED CASES

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2020	Follow-up
Access to information												
SG/A/2019/04	Curtis Biomass Power Generation Plant	Spain	11/04/2019	■	■			■	Recommendation		■	■
SG/A/2020/01	Lega Dembi Gold	Ethiopia	02/04/2020	■	■			■				
SG/A/2020/02	Ukraine Urban Public Transport	Ukraine	03/09/2020	■	■			■	Recommendation		■	■

Environmental, social and development impacts of financed projects/operations												
Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2020	Follow-up
SG/E/2016/04	Réseau Ferroviaire Rapide	Tunisia	20/04/2016	■	■			■	Recommendation		■	■
SG/E/2016/10	Grand Contournement Ouest de Strasbourg	France	03/08/2016	■	■		■	■	Recommendation	■	■	■
SG/E/2016/26	Réseau Ferroviaire Rapide	Tunisia	16/11/2016	■	■			■	Recommendation		■	■
SG/E/2017/10	Cairo Metro Line 3 (Phase 3)	Egypt	09/03/2017	■	■		■	■	Recommendation		■	■
SG/E/2017/34	Cairo Metro Line 3 (Phase 3) Zamalek	Egypt	31/07/2017	■	■			■	No grounds		■	■
SG/E/2017/50	Trans Adriatic Pipeline	Italy	21/12/2017	■	■			■	No grounds		■	
SG/E/2017/51	S7 Expressway (Voivodship border and the end of the Radom bypass)	Poland	21/12/2017	■	■			■	No grounds	■	■	■
SG/E/2017/53	Cairo Metro Line 3 (Phase 3)	Egypt	21/12/2017	■	■			■	Recommendation		■	■
SG/E/2018/02	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/03	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/04	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/05	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/06	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/07	Trans Adriatic Pipeline	Italy	26/01/2018	■	■			■	No grounds		■	
SG/E/2018/08	Trans Adriatic Pipeline	Italy	08/02/2018	■	■			■	No grounds		■	
SG/E/2018/09	Trans Adriatic Pipeline	Italy	08/02/2018	■	■			■	No grounds		■	
SG/E/2018/10	Trans Adriatic Pipeline	Italy	08/02/2018	■	■			■	No grounds		■	
SG/E/2018/11	Trans Adriatic Pipeline	Italy	08/02/2018	■	■			■	No grounds		■	
SG/E/2018/12	Trans Adriatic Pipeline	Greece	08/02/2018	■	■			■	No grounds		■	
SG/E/2018/19	Trans Adriatic Pipeline	Italy	22/02/2018	■	■			■	No grounds		■	
SG/E/2018/25	Ulaanbaatar WWS	Mongolia	10/04/2018	■		■			Friendly solution		■	
SG/E/2018/26	Grand Contournement Ouest de Strasbourg	France	12/04/2018	■	■		■	■	Recommendation	■	■	■
SG/E/2018/32	Nenskra HPP	Georgia	08/06/2018	■	■		■	■	Recommendation	■	■	■
SG/E/2018/33	Trans Adriatic Pipeline	Greece	26/06/2018	■	■							
SG/E/2018/34	Castilla y Leon Climate Change	Spain	26/06/2018	■	■			■	Recommendation	■	■	■
SG/E/2018/35	D4R7 Slovakia PPP	Slovakia	13/09/2018	■	■		■	■				
SG/E/2018/37	Municipal and Regional Infrastructure Loan	Serbia	04/10/2018	■	■			■	No grounds		■	
SG/E/2018/39	Nepal Power System Expansion	Nepal	15/10/2018	■	■		■	■				
SG/E/2018/40	Office National de l'Électricité et de l'Eau Potable - Projet Eolien	Morocco	24/10/2018	■	■			■	No grounds	■	■	■
SG/E/2018/41	Cairo Metro Line 3 (Phase 3)	Egypt	12/11/2018	■	■			■	No grounds	■	■	■
SG/E/2018/42	Toplofikacia Combined Heat and Power	Bulgaria	21/11/2018	■	■			■				
SG/E/2018/43	S2 Dénivellation de huit carrefours à Sfax	Tunisia	20/12/2018	■	■		■	■	Friendly solution		■	■
SG/E/2019/01	KHARKIV Metro Extension	Ukraine	30/01/2019	■	■		■	■	Recommendation	■	■	■
SG/E/2019/02	Trans Adriatic Pipeline -Trans Anatolian Pipeline	Albania, Greece, Italy and Turkey	12/02/2019	■	■			■	No grounds		■	
SG/E/2019/03	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	08/03/2019	■	■		■					
SG/E/2019/04	Curtis Biomass Power Generation Plant	Spain	26/03/2019	■	■							
SG/E/2019/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	15/05/2019	■		■	■					
SG/E/2019/07	Mariscina County Waste Management	Croatia	15/05/2019	■	■							
SG/E/2019/08	Bangalore Metro Rail Project -Line R6	India	13/06/2019	■		■	■					

Reference number	Subject/ Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2020	Follow-up
SG/E/2019/09	Cairo Metro Line 3 (Phase 3)	Egypt	05/07/2019	■	■			■	No grounds		■	■
SG/E/2019/11	Post Disaster Infrastructure Reconstruction	Madagascar	08/08/2019	■	■			■				
SG/E/2019/14	Bangalore Metro Rail Project - Line R6	India	18/09/2019	■								
SG/E/2019/15	Tomato Processing Line	Ukraine	08/10/2019	■		■		■	No grounds		■	
SG/E/2019/16	Piraeus Port Expansion	Greece	29/10/2019	■	■			■				
SG/E/2019/17	Lana River Front – Urban Redevelopment	Albania	29/10/2019	■	■			■	No grounds		■	
SG/E/2019/19	GEF South Asia Growth Fund II	India	18/12/2019	■					No grounds		■	
SG/E/2020/01	Corridor VC Mostar South	Bosnia and Herzegovina	06/02/2200	■	■							
SG/E/2020/02	Nepal Tanahu Hydropower Project	Nepal	20/02/2020	■		■						
SG/E/2020/03	Budapest Airport Concession	Hungary	04/03/2020	■	■							
SG/E/2020/04	Lebanon Round 1 Wind - Project I	Lebanon	19/03/2020	■								
SG/E/2020/05	Corridor X (E-75) Motorway	Serbia	02/04/2020	■	■				Dropped by the complainant		■	
SG/E/2020/06	SE Safety Improvement	Slovakia	07/05/2020	■	■							
SG/E/2020/07	Mariscina County Waste Management	Croatia	04/06/2020	■	■							
SG/E/2020/08	GEEREF/Akiira Geothermal Power Plant	Kenya	04/06/2020	■	■							
SG/E/2020/09	Corridor X (E-75) Motorway	Serbia	18/06/2020	■	■			■	No grounds		■	
SG/E/2020/10/PR	Completion of TASHLYK HPSPP	Ukraine	18/06/2020	■					Prevention		■	
SG/E/2020/11	Oosterweel Connection	Belgium	15/07/2020	■								
SG/E/2020/12/PR	Eolo I (Wind) Phase II	Spain	06/08/2020	■					Prevention		■	
SG/E/2020/13/PR	Eolo I (Wind) Phase II	Spain	06/08/2020	■					Prevention		■	
SG/E/2020/14/PR	Eolo I (Wind) Phase II	Spain	06/08/2020	■					Prevention		■	
SG/E/2020/15/PR	Eolo I (Wind) Phase II	Spain	21/08/2020	■					Prevention		■	
SG/E/2020/16	PUNE Metro Rail Project	India	03/09/2020	■								
SG/E/2020/17/PR	Algeti-Sadakhlo Road	Georgia	13/10/2020	■								
SG/E/2020/18	Divaca-Koper Second Rail Track	Slovenia	29/10/2020	■								
SG/E/2020/19	Divaca-Koper Second Rail Track	Slovenia	26/11/2020	■								
SG/E/2020/20	Lebanon Round 1 Wind - Project I	Lebanon	10/12/2020	■								
SG/E/2020/21	Autobahn A49 Fritzlar-Ohmtal Dreieck	Germany	16/12/2020	■								
SG/E/2020/22	Cairo Metro Line 3 (Phase 3)	Egypt	16/12/2020	■								

Governance aspects of financed operations

SG/F/2019/02	Upgrading of Judiciary Buildings	Serbia	15/05/2019	■	■			■				
SG/F/2019/04	Organisation for the Exploitation of the Gambia River - Interconnection	Senegal	01/10/2019	■	■			■	No grounds	■	■	■
SG/F/2019/05	Public Sector Research & Development	Serbia	16/10/2019	■	■			■				
SG/F/2019/06	Intermediary Bank	Italy	05/12/2019	■					No grounds		■	
SG/F/2020/01	Toplofikacia CHP	Bulgaria	06/02/2020	■	■			■	No grounds		■	
SG/F/2020/02	National Broadband Plan	Ireland	06/02/2020	■	■			■	No grounds		■	
SG/F/2020/03	PG Entreprises Tunisiennes V	Tunisia	03/07/2020	■								
SG/F/2020/04	EIB financial intermediaries in Italy	Italy	06/08/2020	■								
SG/F/2020/05	ECP Africa Fund II PCC	Kenya	21/08/2020	■								

Own governance/administration, including own procurement

SG/G/2019/08	Unsatisfactory reply	Luxembourg	01/10/2019	■			■		Friendly solution		■	
SG/G/2019/09	Unsatisfactory reply	Ukraine	14/11/2019	■					No grounds		■	
SG/G/2019/10	Failure to reply	Czech Republic	05/12/2019	■	■			■	No grounds		■	
SG/G/2020/01	Failure to reply	Kyrgyzstan, Tajikistan, Afghanistan and Pakistan	06/02/2020	■					Friendly solution		■	
SG/G/2020/02	Persistent telephone calls	United Kingdom	19/03/2020	■					Dropped by the complainant		■	
SG/G/2020/03	EIB Grèche	Luxembourg	22/04/2020	■	■							
SG/G/2020/04	Failure to reply to a loan request	Bulgaria	17/09/2020	■								
SG/G/2020/05	Call for Tender	Romania	17/09/2020	■								
SG/G/2020/06	Access to Personal Data	N/A	10/12/2200	■								

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2020	Follow-up
Human resources												
SG/H/2020/01	Employment eligibility criteria	North Macedonia	20/05/2020	■	■			■	No grounds		■	
SG/H/2020/02	Internship Eligibility Criteria	North Macedonia	15/07/2020	■	■			■	No grounds		■	
SG/H/2020/03	Selection Process	N/A	01/10/2020	■	■							
Inadmissible complaints (INA)												
SG/E/2019/18/INA	JASPERS - Express Road Osojnik -Karasovići -Čilipi-Airport	Croatia	05/12/2019	■	■			■	Inadmissible		■	
SG/INA/2020/01	State Tax Service	Ukraine	09/01/2020	■					Inadmissible		■	
SG/INA/2020/02	Railway Reform Authority	Romania	09/01/2020	■					Inadmissible		■	
SG/INA/2020/03	Account opening refusal	Belgium	30/01/2020	■					Inadmissible		■	
SG/INA/2020/04	State Fiscal Service of Ukraine	Ukraine	06/02/2020	■					Inadmissible		■	
SG/INA/2020/05	Credit card/Loan	United Arab Emirates	20/02/2020	■					Inadmissible		■	
SG/INA/2020/06	Request for compensation	India	20/02/2020	■					Inadmissible		■	
SG/INA/2020/07	Geothermal Development	N/A	04/03/2020	■					Inadmissible		■	
SG/INA/2020/08	Geothermal Development	N/A	04/03/2020	■					Inadmissible		■	
SG/INA/2020/09	Miscellaneous	N/A	04/03/2020	■					Inadmissible		■	
SG/INA/2020/10	Post-Earthquake Reconstruction Framework Loan	Ecuador	19/03/2020	■					Inadmissible		■	
SG/INA/2020/11	Société de Transport de l'Energie Electrique S.A.L	Lebanon	19/03/2020	■					Inadmissible		■	
SG/INA/2020/12	Technical Assistance Agri-Food Sector	Denmark	07/05/2020	■					Inadmissible		■	
SG/INA/2020/13	National Theater of Tirana	Albania	04/06/2020	■					Inadmissible		■	
SG/INA/2020/14	Appartment rental discrimination	Poland	18/06/2020	■					Inadmissible		■	
SG/INA/2020/15	Petlovo brdo	Serbia	06/08/2020	■					Inadmissible		■	
SG/INA/2020/16	Miscellaneous/Democracies	Azerbaijan	03/09/2020	■					Inadmissible		■	
SG/INA/2020/17	Miscellaneous/Human Rights	Azerbaijan	03/09/2020	■					Inadmissible		■	
SG/INA/2020/18	Hungarian detention centers	Hungary	13/10/2020	■					Inadmissible		■	
SG/INA/2020/19	Telekom Slovenije Fibre Extension	Slovenia	29/10/2020	■					Inadmissible		■	
SG/INA/2020/20	Unfair salary	Sierra Leone	29/10/2020	■					Inadmissible		■	
SG/INA/2020/21	National Theater of Tirana	Albania	26/11/2020	■					Inadmissible		■	
SG/INA/2020/22	Miscellaneous	N/A	26/11/2020	■					Inadmissible		■	
SG/INA/2020/23	Unfair decision	Poland	10/12/2020	■					Inadmissible		■	
SG/INA/2020/24	Education Loan	Turkey	10/12/2020	■					Inadmissible		■	
SG/INA/2020/25	Station d'épuration de Biougra	Morocco	16/12/2020	■					Inadmissible		■	
SG/INA/2020/26	Child trafficking	Croatia	16/12/2020	■					Inadmissible		■	
SG/INA/2020/27	Zenata/les Habitants du Douar	Morocco	16/12/2020	■					Inadmissible		■	
European Investment Fund (EIF)												
EIF/E/2020/01	GEEREF/Akira Geothermal Power Plant	Kenya	04/06/2020	■	■							
EIF/G/2019/01	European Fund for Strategic Investments - Equity Instrument	Romania	21/11/2019	■	■			■	No grounds		■	
EIF/G/2020/01	Persistent telephone calls	United Kingdom	19/03/2020	■					Dropped by the complainant		■	

Reference number	Subject / Project	Project country	Registry date	Allegation	Date Decision	Outcome	Suggestions for improvement	Closed during 2020
European Ombudsman								
EO/217/2019/NH	Recruitment procedure	N/A	09/04/2019	Failure to provide information on a CV assessment	13/02/2020	Settled		■
EO/175/2019/PL	Castilla y Leon Climate Change	Spain	12/04/2019	Failure to Investigate in a timely manner	23/03/2020	No maladministration		■
EO/670/2019/PL	Nenskra PPP	Georgia	06/05/2019	Failure to provide access of analysis	16/07/2020	Settled		■
EO/SI/98/2018/TE	The use of EU official languages when communicating with the public	N/A	15/07/2019	Invitation to comment on the Ombudsman's draft practical guidelines on 'The use of EU official languages when communicating with the public'	26/03/2020	Practical recommendation	■	■
EO/181/2019/PB	Job Interview	N/A	23/01/2020	Concerns with the job interview and professional test	23/01/2020	No maladministration	■	■
EO/83/2020/DL	Failure to disclose	Ukraine	10/02/2020	EIB Inspectorate General Directorate/Fraud Investigations Division refusal to disclose details of an assessment	10/02/2020	No maladministration		■
EO/476/2020/DL	Recruitment procedure	N/A	03/04/2020	Unfair decision during recruitment	03/04/2020	No maladministration		■
EO/942/2020/MMO	Failure to reply	N/A	18/06/2020	Failure to reply to correspondence to personnel	31/07/2020	Settled		■
EO/1125/2020/MMO	Failure to reply	N/A	16/07/2020	Failure to reply to correspondence to personnel	31/07/2020	Settled		■
EO/SI/3/2020/SF	Transparency of the EIB's response to the COVID-19	N/A	20/07/2020	How the EIB Group is ensuring that high standards of good administration and transparency are maintained while adopting crisis measures				
EO/1065/2020/PB	EIB disclosure of environmental information for direct financing	N/A	27/07/2020	How the EIB discloses environmental information in relation to direct financing				
EO/1251/2020/PB	EIB disclosure of environmental information for indirect financing	N/A	27/07/2020	How the EIB discloses environmental information in relation to indirect financing through intermediaries				
EO/1252/2020/PB	Refusal of the EIB to grant public access to minutes of meetings of the EIB Management Committee	Spain	27/07/2020	Refusal of the EIB to grant public access to minutes of some meetings of the Management Committee held between December 2017 and March 2018				
EO/1437/2020/MMO	Failure to reply	N/A	07/09/2020	Failure to reply to a letter after refusal to grant access to the EIB premises to a retired employee during Covid 19 Crisis	17/09/2020	Settled		■

ANNEX III – DEFINITIONS

WORK PERFORMED	
Assessment	An initial assessment is conducted to clarify the concerns raised by the complainant(s) and to better understand the complainants' allegations as well as the views of other relevant stakeholders.
Investigation ⁵²	<p>The objective of the investigation is to enable the EIB Complaints Mechanism to form an independent and reasoned opinion regarding the issues raised in the complaint. It aims to determine whether:</p> <ul style="list-style-type: none"> • the complaint points to a failure to comply with EIB relevant provisions; • outcomes are consistent with the desired effects of the EIB provisions; • EIB provisions are adequate to handle the issues raised by the complaint.
Collaborative resolution process ⁵³	A process facilitated by the EIB Complaints Mechanism to resolve the dispute with the active involvement of the complainants and other key stakeholders such as project promoters. The process seeks to identify sustainable solutions by building understanding and trust among the parties.
Site visit(s)	Fact-finding visits and/or investigation visits by the EIB Complaints Mechanism to the project location, often in cooperation/collaboration with the EIB services concerned.
Consultation	Consultation of the draft conclusions report or dispute resolution report with EIB services and directors general.
Follow-up	Follow-up by the EIB Complaints Mechanism on further developments and implementation of recommendations and/or suggestions for improvement, accepted by the EIB and regarding the subject under complaint.

52. www.eib.org/en/about/accountability/complaints/investigation/.

53. www.eib.org/about/accountability/complaints/mediation/

OUTCOMES – EUROPEAN OMBUDSMAN	
Recommendation	Following an inquiry or the refusal by the EIB Group to implement a solution proposed by the European Ombudsman, the Ombudsman issues a decision of maladministration.
No maladministration	Following an inquiry, the European Ombudsman considers that there was no instance of maladministration.
Settled	The EIB Group has accepted to implement a solution proposed by the European Ombudsman or has otherwise addressed the complainant's concerns.
Insufficient grounds to open an inquiry	Cases in which the European Ombudsman does not consider it appropriate/necessary to carry out further inquiries (for example because of the weakness of the arguments brought forward by an admissible complaint or because of the reply provided by the EIB Group).
Withdrawn by the complainant	After filing the complaint with the European Ombudsman, the complainant has voluntarily withdrawn the complaint.
Inadmissible	Cases that did not meet the admissibility criteria are dismissed.
Suggestions for improvement	Although the European Ombudsman did not find an instance of maladministration, the Ombudsman recommends that the EIB take specific action with a view to fostering its good administration.

OUTCOMES – COMPLAINTS MECHANISM	
Recommendation	Allegations have been found grounded (for example a finding of maladministration) and the complaint closed with recommendations to EIB Group management and/or the EIF chief executive/deputy chief executive for corrective action and/or the improvement of existing EIB policies or procedures.
Friendly solution	The allegations have been addressed during the complaint handling process and/or in a collaborative resolution process. The problem was solved and/or the dispute was settled.
No grounds	Allegations have been found ungrounded/were dismissed.
Prevention ⁵⁴	In specific and well-defined cases, EIB Group services have been given the opportunity to address complainants' allegations, with the support of the EIB Complaints Mechanism.
Dropped by the complainant	The complaint has been dropped by the complainant during the complaints handling process. No further action required.
Financing request dropped by the promoter	The request for the EIB Group's financial assistance for the project/component of the project in question has been dropped by the promoter/intermediary during the complaints handling process. No further action required.
Financing withdrawn by the EIB Group	The EIB Group withdraws the financial assistance for the project/component of the project in question. No further action required.
Inadmissible	The allegations do not relate to a decision, action or omission by the EIB Group and/or are part of the list of inadmissible complaints.
Suggestions for improvement	The Complaints Mechanism suggests that the EIB Group take action with a view to fostering its good administration.

54. The prevention process applies before a decision to finance an operation is made by the EIB Group Governing Bodies, i.e. when maladministration regarding the project's environmental and social impacts or governance aspects has not yet occurred (section 3 of the EIB Group Complaints Mechanism Procedures).



COMPLAINTS MECHANISM

2020



The EIB Group consists of
the European Investment Bank and
the European Investment Fund.

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