

2021

COMPLAINTS MECHANISM



European
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Bank

The EU bank

2021

COMPLAINTS MECHANISM



European Investment Bank Group Complaints Mechanism Report 2021

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THE COMPLAINTS MECHANISM REPORT offers an overview of the actions by the European Investment Bank (EIB) Group in 2021 to address the public's concerns regarding its projects or activities. These concerns can be about a wide range of issues, including the potentially negative consequences of EIB Group-financed projects, whether social or environmental. As the Complaints Mechanism, our job is to evaluate these complaints and to conduct investigations if necessary and/or facilitate collaborative resolutions.

This report summarises our work over the past year, which remained particularly challenging amid the COVID-19 crisis. It highlights areas in which we have continued to progress, such as further 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 2021, followed by descriptions of the cases we have closed or been working on, including those concerning the European Investment Fund (EIF), which provides risk finance for small and medium businesses and is part of the EIB Group. The report 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 about 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.

*The Complaints Mechanism is one of the three independent control and accountability functions under the EIB Inspectorate General, together with the evaluation and investigation functions. For more information on the EIB Inspectorate General, **please consult the EIB website.***

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FOREWORD

BY THE PRESIDENT

“ The Complaints Mechanism gives a greater voice to members of the public and provides them with a means of recourse. ”



In 2021, we continued to confront the twin threats of the climate crisis and the coronavirus pandemic, anchored in our belief that we must also think outside Europe’s borders to address these global challenges. Support for Ukraine has been a top priority for the European Investment Bank recently. As part of a coordinated EU and international efforts, we have mobilised financial support through the EIB Solidarity Package for Ukraine to help the Government of Ukraine meet its urgent need for liquidity. We are working hard to rebuild a free and independent Ukraine and improve the lives of its people.

In line with the overall reform of the European Union’s global activities, we have embarked on a process to reform the European Investment Bank’s activities outside the European Union and establish a specialised development finance arm. Known as EIB Global, its mission will be to form global partnerships to support global objectives shared by the European Union and its partners.

Inclusiveness and sustainability are and will remain core to EIB Group operations as a way to reduce inequalities in Europe and beyond. We will continue to finance investment projects that aim to improve people’s conditions and preserve natural resources.

The Sustainable Finance Framework is one of the main drivers behind the revision of the Environmental and Social Sustainability Framework. In February 2022, the EIB Board of Directors approved the new framework, which consists of the revised EIB Group Environmental and Social Policy and the EIB’s 11 Environmental and Social Standards. Lessons learned through complaints lodged with the Complaints Mechanism and the European Ombudsman fed into the review of the Environmental and Social Sustainability Framework.

As the EU climate bank and one of the largest providers of climate finance, we contribute to protecting the environment for current and future generations. The EIB Group is committed to supporting the European Green Deal, making this a cornerstone of our Climate Bank Roadmap. The new Environmental and Social Sustainability Framework reflects the sustainable finance agenda and encourages our lending and advisory activities in over 160 countries to meet high environmental and social principles and standards.

While we strive to meet high quality standards in everything we do, this is not always achieved in practice. In this respect, the Complaints Mechanism is an important means for members of the public, including the most vulnerable individuals and communities in our society, to raise their concerns and help the EIB Group enhance the sustainability of its activities and operations. The Complaints Mechanism gives a greater voice to members of the public and provides them with a means of recourse. It also helps to channel concerns into project appraisal and monitoring in cases where the Bank lacks full awareness of the issues. Moreover, problems identified by the Complaints Mechanism are fed back to provide systemic learning within the EIB Group.

The Complaints Mechanism supports the EIB Group in being open and transparent towards EU citizens and the public at large. Its mandate focuses on complaints of alleged maladministration, meaning poor or failed administration by the EIB Group or failures related to the environmental or social impact of the EIB Group's activities.

The vast majority of the cases handled by the Complaints Mechanism relate to EIB Group-financed projects, with 55% of them concerning projects outside the European Union. This highlights the Complaints Mechanism's fundamental role of giving members of the public, civil society organisations and businesses worldwide the right to express their concerns and seek remedy. This report further describes how the Complaints Mechanism helps strengthen the EIB Group's accountability and transparency towards people in EU and non-EU countries.

Looking forward, we will continue to pay strong attention to human rights, inclusiveness and sustainability as fundamental pillars of the EIB Group's activities and operations.

Werner Hoyer

FOREWORD

BY THE INSPECTOR GENERAL

“ Why is public accountability so important? The answer is simple: accountability to the public at large, informing them about your objectives, achievements and non-achievements, and showing them that you continuously seek to learn and improve, helps to create and maintain trust in the institution. ”



The EIB, as the European Union’s bank and the world’s largest multilateral financial institution, is committed to public accountability. Why is public accountability so important? The answer is simple: accountability to the public at large, informing them about your objectives, achievements and non-achievements, and showing them that you continuously seek to learn and improve, helps to create and maintain trust in the institution. As one of the functions of the independent Inspectorate General, the mission of the Complaints Mechanism is to help the EIB Group be accountable and transparent to all its stakeholders and to people in the European Union and across the world.

In 2021, the Complaints Mechanism registered 64 new complaints, handled 107 complaints and closed 64 of them, including a number of complex cases which are presented in this report. In 2021, the EIB Group engaged with the [European Ombudsman](#) on its handling of 12 complaints, including three related to transparency. Beyond just the numbers, these complaints bring value to the EIB Group by challenging the way we work, fostering constructive discussions and ultimately identifying areas for improvement.

The work of the Complaints Mechanism does not end with the closure of a case. We also strive to strengthen the EIB Group’s accountability through our monitoring tool, which is now fully operational. This tool provides for periodic follow-ups on the implementation of the Complaints Mechanism recommendations. In addition, our increased efforts to reach out to internal and external stakeholders and to disseminate information on our findings support the EIB Group in fostering transparency and efficiency. In 2021, this was done through events such as the Inspectorate General’s conference on public accountability, meetings with civil society organisations, and interactions with EIB Group services as well as other independent accountability mechanisms.

While preserving our independence, it is through these interactions with the EIB Group services and stakeholders that we help to enhance the Group's good governance and demonstrate our added value.

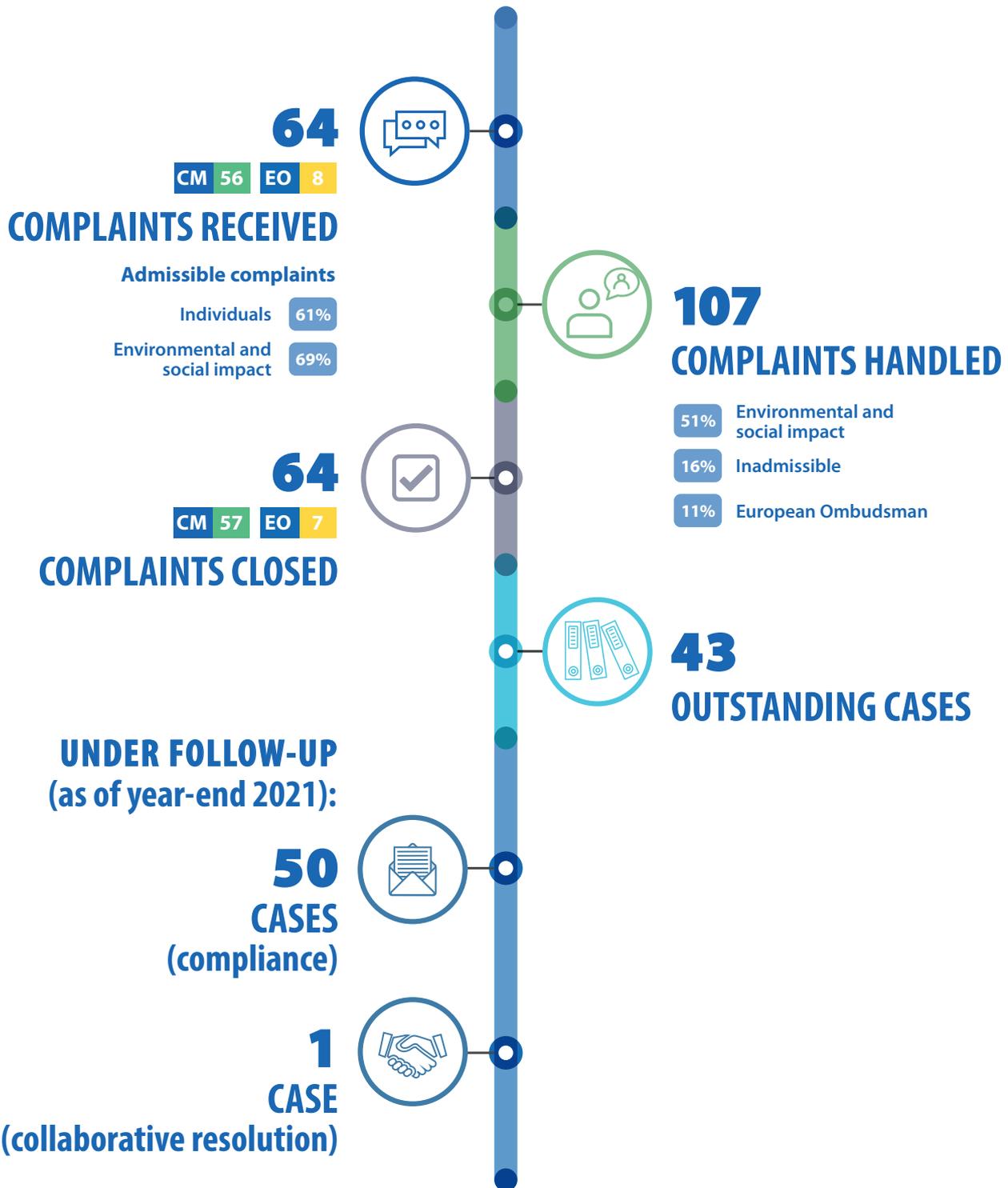
Moreover, the Complaints Mechanism achieved the above results in the uncertain context of the ongoing COVID-19 pandemic. This required staff to be more flexible and adopt new collaborative and working approaches. It also brought lessons learned, which the Complaints Mechanism can build upon during the coming years.

I would like to thank the entire Complaints Mechanism team, under the leadership of Sonja Derkum, for their continued efforts and hard work in putting accountability at the heart of the EIB Group's actions. I extend my thanks to the EIB Group's management and staff for their continued cooperation.

Jan Willem van der Kaaij

2021 AT A GLANCE

COMPLAINTS MECHANISM



CM: Complaints Mechanism EO: European Ombudsman

THE EIB GROUP COMPLAINTS MECHANISM

HOW WE WORK

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

Moreover, we coordinate the EIB Group’s response to complaints received by the European Ombudsman concerning the Group’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 EIB Group 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 handles complaints about various topics concerning EIB Group-financed operations. 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 addressing people’s concerns demonstrates that we are an accountable institution that strives to deliver fair and sustainable results for everyone.

By 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. With our broad mandate, we review complaints across all EIB Group activities and cooperate with the European Ombudsman, which 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 independent accountability mechanisms.

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, auditing, human resources, EIB Group and international financial institution standards, and communication. The team members are of 12 different nationalities and speak 21 languages (as of year-end 2021).



HOW WE HANDLE COMPLAINTS

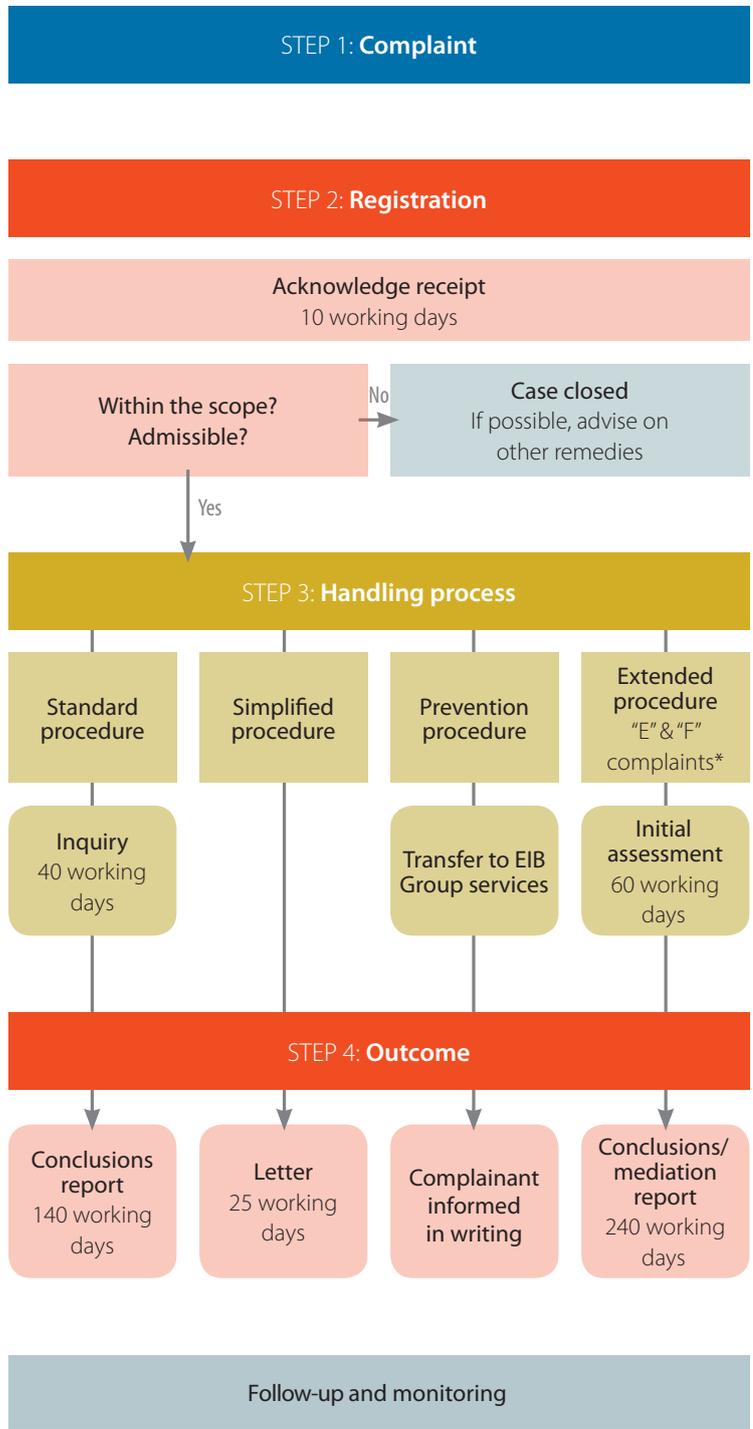
After deciding on the admissibility of a complaint, the Complaints Mechanism carries out a preliminary review of the allegations. This process includes desk reviews and meetings with EIB Group departments and with external stakeholders on-site, as necessary. After gathering information, we decide whether further investigation is needed. Complex cases are given a longer time frame for response, and under the so-called extended procedure we 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 operations¹. We then present the findings, conclusions and any recommendations in a conclusions report.

The Complaints Mechanism also offers complainants the possibility to resolve the issues underlying their complaint through a dispute resolution process. The Complaints Mechanism may propose and facilitate this approach if 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.

1. These include the Bank's Environmental and Social Standards: <https://www.eib.org/en/publications/eib-environmental-and-social-standards>



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

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 operations of the EIB and the EIF. It is overseen by the independent EIB Inspector General. The Head of the Complaints Mechanism is responsible for its management, development, implementation and monitoring.

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 cases².

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

The Complaints Mechanism will also support the newly established EIB Global, the EIB Group's development arm, in its accountability efforts.

WORKING WITH THE ACCOUNTABILITY NETWORK

As a long-standing member of the Independent Accountability Mechanisms Network (IAMnet)³, the Complaints Mechanism has both benefited from and contributed to the lessons learned and shared within this group, which represents the accountability mechanisms of international financial institutions. The Independent Accountability Mechanisms Network currently comprises 22 members, including the European Ombudsman.

While IAMnet 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 standards⁴. Moreover, complainants do not have to prove they are directly affected by the issue reported to the Complaints Mechanism.

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

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

4. Complainants may simply allege the negative environmental and social impact of EIB Group-financed operations.

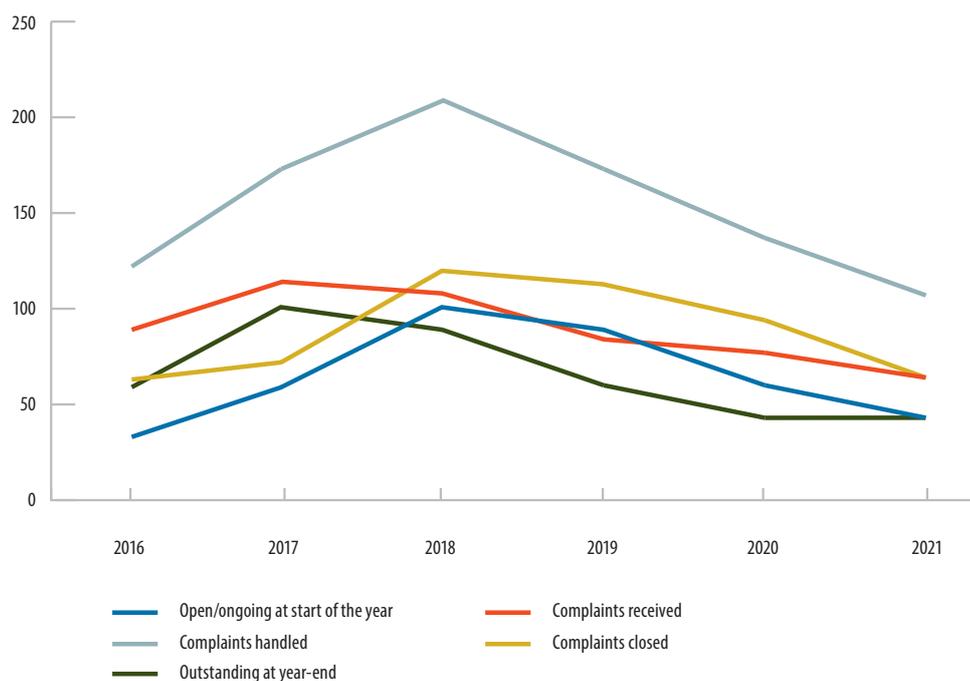
CASES IN 2021

GENERAL OVERVIEW

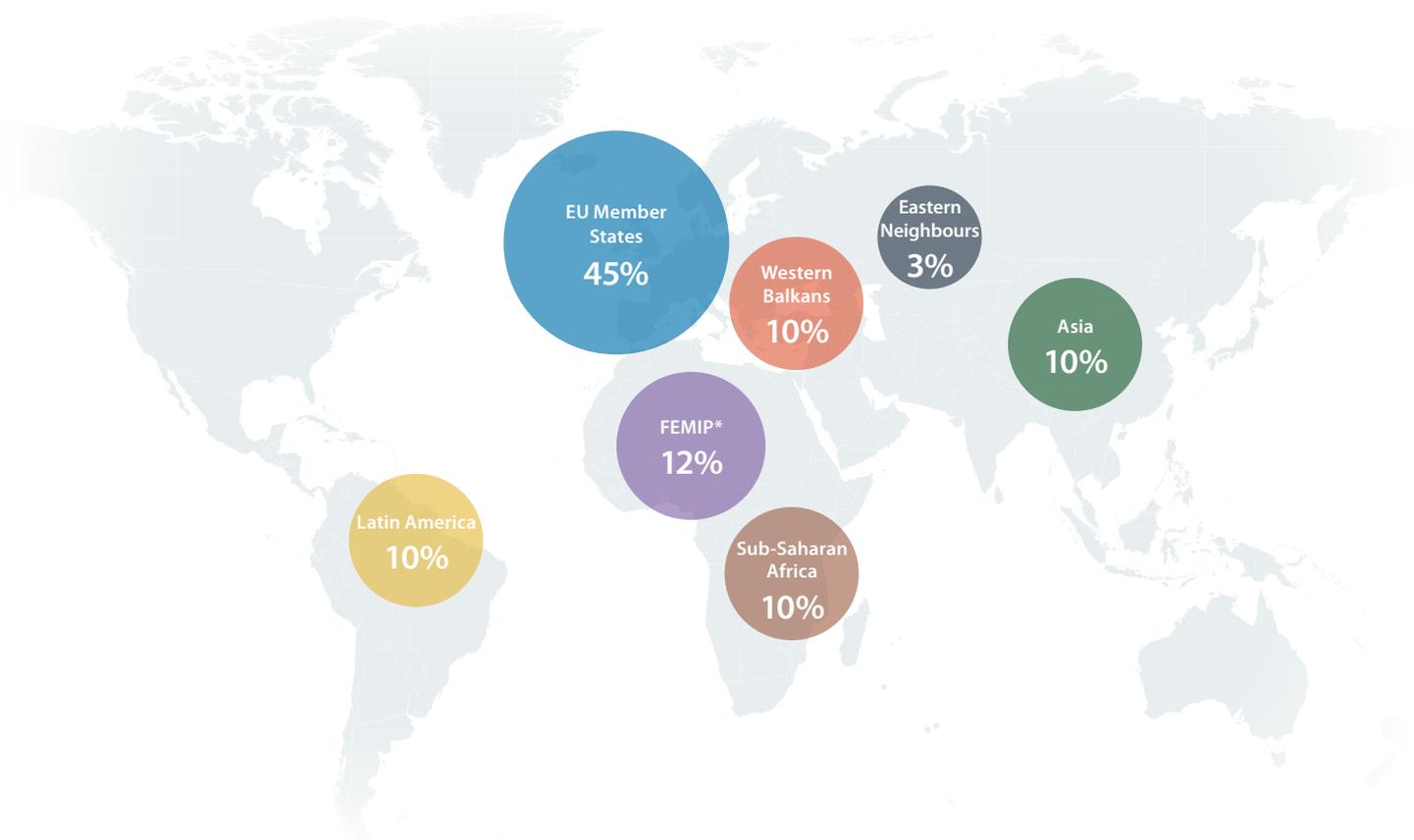
The Complaints Mechanism further reduced the backlog of cases during 2021. Thanks to the special efforts made in this respect over recent years, we managed to reach a more stable situation on handling cases within the applicable time frames. Most of the long-overdue cases were closed during the year, and 71% of open complaints at year-end⁵ were registered in 2021.

We handled a total of 107 cases and closed 64 of them. Consequently, the number of outstanding complaints at year-end (43) matches that of 2020.

The number of new complaints received (64) remained high in 2021 but continued its recent decline. There is no obvious reason for this, although the COVID-19 crisis may explain the lower numbers of complaints received in 2020 and 2021. Moreover, it should be noted that 2017 and 2018 were exceptional years in terms of the number of complaints received, and so not fully representative of normal years for the Complaints Mechanism.



5. Cases submitted directly to the Complaints Mechanism.



* FEMIP: Facility for Euro-Mediterranean Investment and Partnership

Of the 56 new complaints submitted to the Complaints Mechanism⁶, we declared 39 admissible. As in other years, most of these new admissible complaints (69% in 2021) concern the environmental and social impact⁷ of projects financed by the EIB. This year saw another decrease in governance-related complaints.

Also similar to previous years, most complaints in 2021 were submitted by individuals (61%), followed by civil society organisations (31%). These two categories of complainants focused their allegations on the environmental and social impact of EIB-financed projects. By region, 55% of project-related complaints in 2021 concerned projects situated outside the European Union.

In line with the requirement for semi-annual reporting under the Complaints Mechanism Policy, we reported to the EIB Board of Directors in April and October 2021 and to the EIF Board of Directors in March and September 2021. We also reported quarterly on our activities, particularly on the outcomes of closed cases, to the EIB Management Committee and the Audit Committee.

6. Note that eight of the 64 new complaints in 2021 were lodged with the European Ombudsman. As the Complaints Mechanism coordinates the Bank's response to such complaints, they are included in the mechanism's caseload.

7. These are the so-called "E" complaints. Each complaint category has a corresponding code.

COMPLAINTS INVESTIGATION FUNCTION

In 2021, the Complaints Mechanism closed 27 cases spanning various areas, countries and issues by completing an investigation and compliance review⁸. Energy and transport remain the sectors with the largest number of cases under investigation.

We closed several complex cases registered in 2018 and 2019, such as the Curtis Biomass Power Generation Plant (Spain), Nepal Power System Expansion (Nepal), and Toplofikacia CHP (Bulgaria).

We have observed an increasing trend in the complexity of cases received over recent years; this is due to the number and nature of allegations raised. Among the cases handled during 2021, some projects involve several ongoing complaints. For example, for the Banja Luka–Doboj Motorway (Bosnia and Herzegovina) we received a total of ten complaints registered under five different cases, including various allegations that EIB standards regarding involuntary resettlement, stakeholder engagement, and biodiversity and ecosystems have been improperly applied. One of these cases was closed during the year⁹.

Other examples of complex cases closed in 2021 include:

- Budapest Airport Concession (Hungary);
- GEEREF/Akiira Geothermal Power Plant (Kenya);
- Oosterweel Connection (Belgium);
- Lega Dembi Gold (Ethiopia).

Furthermore, we made significant progress in handling numerous other cases, such as the Autobahn A49 Fritzlar-Ohmtal Dreieck (Germany). At year-end, we were advancing the drafting of the conclusions report for both cases related to the Divača-Koper Second Rail Track project (Slovenia).

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

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

9. In addition to these five cases, two cases concerning the same project were closed in 2019.

MEDIATION FUNCTION

The mediation function of the Complaints Mechanism examines disputes and designs and implements a collaborative resolution process as an alternative to investigation. 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 solutions¹⁰.

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 mechanism, as per the Complaints Mechanism Policy. In 2021, we intensified cooperation with external facilitators and mediators to ensure our work on the ground could continue despite ongoing travel restrictions related to COVID-19.

The mechanism's dispute resolution team handled three active collaborative resolution processes and prepared an additional four in 2021. Our extensive preparation phase includes a detailed assessment of the conflict and the stakeholders involved. In three cases, the dispute resolution team worked closely with the Asian Development Bank.

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

MONITORING FUNCTION

Compliance cases:

In 2021, we finished developing a tool to enable more systematic follow-up on the implementation of our recommendations and suggestions for improvement (action points) by EIB services.

During the year, we monitored the implementation of action points for 64 cases and closed the monitoring process for 14 cases. This left 50 cases still subject to monitoring and requiring close follow-up with EIB services.

Dispute resolution cases:

During 2021, we monitored the implementation of two settlement agreements and closed the monitoring phase with the publication of final monitoring reports: Regional Mombasa Port Access Road (13 cases)¹¹ and Olkaria I and IV (two cases), both in Kenya. For another dispute resolution process concluded in early 2021, we started monitoring the implementation of agreed measures. As of year-end 2021, we were still monitoring the implementation of numerous individual agreed actions and suggestions to EIB services concerning this dispute resolution case (Bangalore Metro Rail Project – Line R6).

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

10. <https://www.eib.org/en/readonline-publications/eib-group-dispute-resolution.htm>.

11. Note that while we closed the monitoring for all points included in the mediation agreement, action points resulting from the complaints' investigation (SG/E/2017/27, SG/E/2017/41 and SG/E/2018/44) are still subject to monitoring.

EUROPEAN INVESTMENT FUND

In 2021, we received two new complaints concerning EIF activities, one regarding the EIF's governance of its mandates and operations and the other personnel-related.

We also handled one complaint carried over from 2020, concerning the environmental and social impact of a project with both EIB and EIF involvement. We closed all three cases by year-end.

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

The section entitled "Review of cases related to EIB activities" presents the GEEREF/Akiira Geothermal Power Plant case (involving the EIB and the EIF).

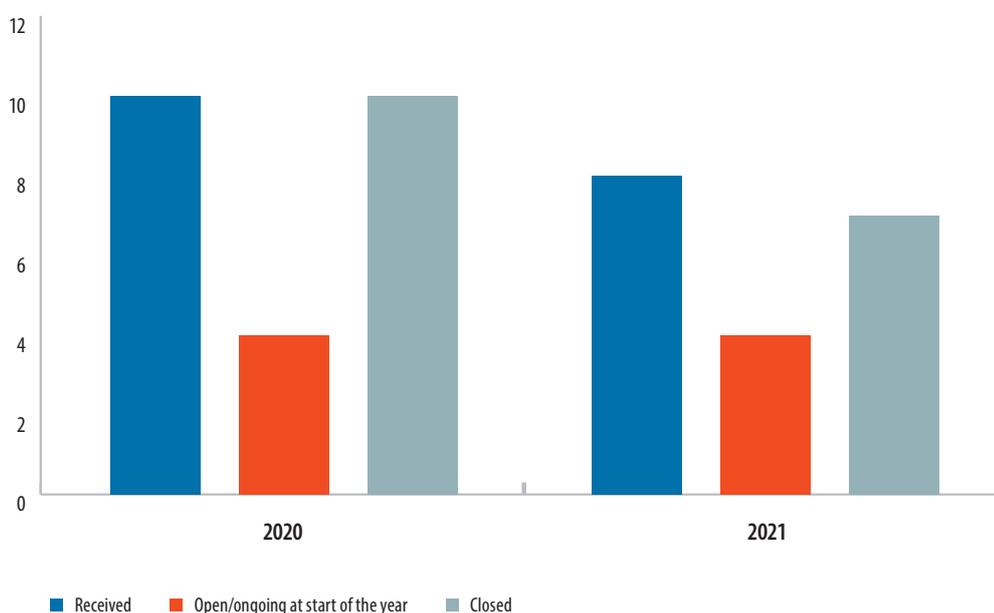
EUROPEAN OMBUDSMAN

The number of new cases brought to the European Ombudsman concerning EIB Group operations and activities decreased from ten in 2020 to eight in 2021. Only one of these new complaints was escalated to the Ombudsman after the Complaints Mechanism completed its review. The European Ombudsman handled 12 cases in 2021 (including four notified in 2020) and closed seven of them during the year.

Among the new cases in 2021, four concerned the EIB's own governance, two were personnel-related, one concerned the environmental and social impact of projects financed by the EIB, and one was procurement-related.

The European Ombudsman found no instance of maladministration by the EIB Group in any of the cases closed in 2021.

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



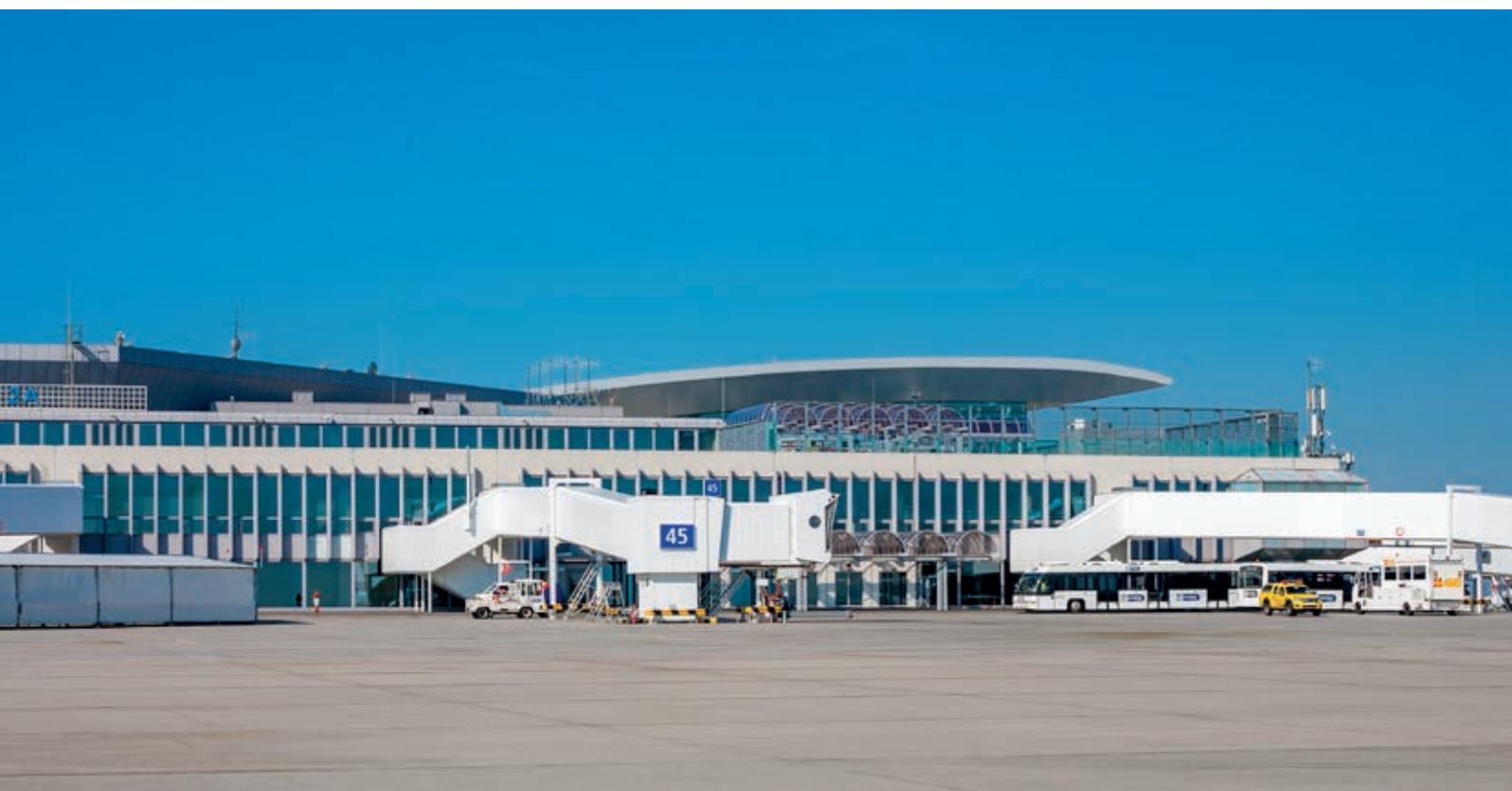
REVIEW OF CASES RELATED TO EIB ACTIVITIES

COMPLAINTS INVESTIGATION FUNCTION

This section provides information on a selection of closed and ongoing complaints investigation cases. For more information about our complaints investigation function, please consult the sections entitled “The EIB Group Complaints Mechanism” and “Cases in 2021.”

CLOSED CASES

As mentioned in the section entitled “Cases in 2021,” we closed a number of complex cases during the year. These cases include the Budapest Airport Concession, the Nepal Power System Expansion and the GEEREF/Akiira Geothermal Power Plant, each presented in detail as the first three cases in this section.



BUDAPEST AIRPORT CONCESSION (CAPEX PLAN)

Region/country:	European Union/Hungary
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€200m
Total cost (approximate amount):	€463m
Signature date:	6 December 2018
EIB-CM conclusions report: www.eib.org/budapest-airport	

In March 2020, two NGOs submitted a complaint concerning the Budapest Airport Concession (CAPEX Plan) project in Hungary. The project comprises a number of investments aimed at accommodating future airport traffic growth and enabling higher airport safety and security standards.

In October 2020, we issued our initial assessment report recommending a compliance review into the following allegations: (i) failure to assess and mitigate the project's climate impact through an environmental impact assessment, and alleged non-compliance with the EIB's climate-related standards; (ii) failure to assess the impact of increased air traffic and land transport on air pollution; (iii) failure to assess and mitigate noise pollution and the negative social impact on project-affected people; (iv) lack of public consultations on the project; and (v) inadequate information on the project's environmental and social impact and its approval procedures in the environmental and social data sheet published on the EIB's website.

We issued our conclusions report in November 2021. We established that, when performing its appraisal, the EIB did consider the project's impact on climate. The EIB also correctly applied the Bank's greenhouse gas methodology, as applicable at the time of the appraisal. However, with regard to other aspects, the allegations were found to be grounded.

Consequently, we recommended that EIB services should:

- before making further disbursements, ask the promoter to provide the EIB with at least a screening determination for the project components enabling capacity expansion, with a view to ensuring adequate assessment of the project's cumulative impact, particularly in light of rulings by the Court of Justice of the European Union on air quality in Hungary;
- engage with the promoter to ensure it:
 - o (re)maps the project's affected stakeholders,
 - o adequately engages with those stakeholders, including by establishing a comprehensive grievance mechanism in accordance with the EIB's standards,
 - o adds efficient, long-term mitigation measures for the project's negative social aspects (particularly noise pollution) to the environmental and social management plan;
- issue an updated version of the environmental and social data sheet in light of the EIB-CM's findings and conclusions, and remove documents erroneously labelled as the environmental and social impact assessment from the EIB's project website.

Finally, we suggested that, for complex projects, adequate technical (environmental and/or social) and linguistic expertise should be available to the EIB's appraisal and monitoring teams to ensure project documentation can be understood and critically assessed.

NEPAL POWER SYSTEM EXPANSION ¹²

Region/country:	Asia/Nepal
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€95m
Total cost (approximate amount):	€270m
Signature date:	20 April 2015
EIB-CM conclusions report: www.eib.org/nepal-power-system	
EIB-CM conclusions report (Nepali): www.eib.org/nepal-power-system-expansion-ne	

In October 2018, the Free, Prior and Informed Consent and Rights Forum from Lamjung district (Nepal) requested mediation regarding the EIB-funded 220 kV Marsyangdi Corridor transmission line and other hydropower sector development in the region. The complaint mainly concerned Component 2 of the Power System Expansion project, entailing transmission system expansion along the Marsyangdi Corridor. The complainant's allegations fall under four main groups of issues: (i) lack of adequate and holistic (strategic) analysis of environmental and social impact; (ii) lack of adequate and meaningful stakeholder engagement; (iii) lack of free, prior and informed consent; and (iv) failings in land acquisition, land-use restrictions, and compensation.

As part of the initial assessment phase, a Complaints Mechanism team travelled to Nepal in March 2019 to meet on-site with communities affected by the project, as well as the promoter and national authorities. In July 2019, we issued our initial assessment report and proposed to facilitate a collaborative resolution process. Given the absence of an agreement with the promoter on the proposed way forward, the complaint became subject to an investigation, in line with the EIB Group Complaints Mechanism Policy.

Our inquiry concluded that the project was not compliant with applicable standards in several areas, such as assessment of the potential cumulative impact, stakeholder engagement with project-affected people (including indigenous people), and involuntary resettlement.

Moreover, we identified certain weaknesses in the EIB's appraisal and monitoring. One major shortcoming was the Bank's failure to identify during appraisal what resources and technical support would be needed to close existing gaps between national legislation and the EIB's environmental and social standards, and thus ensure the project's full compliance with EIB requirements. Another major shortcoming was that the Bank did not pay timely and sufficient attention to determining the applicable requirements for indigenous peoples during appraisal and to the engagement process with indigenous peoples as part of its monitoring.

Conversely, we recognised some important actions taken by the Bank: EIB services had developed a corrective environmental and social action plan following their monitoring mission in June 2019, and hired a local monitoring consultant in January 2021. We perceived these efforts as positive steps, and issued a number of recommendations for EIB services to further build on these actions.

We issued our conclusions report in April 2021. Our recommendations to the Bank included, among others:

- updating the corrective environmental and social action plan;
- engaging closely with the promoter with a view to strengthening its capacity. At a minimum, this implies the need for engaging expert(s) in stakeholder engagement, with specific expertise in indigenous peoples;
- in line with the finance contract, ensuring that the status of progress made in the updated corrective environmental and social action plan's implementation is a major determinant in the EIB proceeding with disbursements for the Marsyangdi Corridor component of the project;
- organising a workshop to present the [Guidance note for the EIB standard on stakeholder engagement in EIB operations](#) to the promoter and other key stakeholders.

11. SG/E/2018/39.



GEEREF/AKIIRA GEOTHERMAL POWER PLANT ¹³

Region/country:	Sub-Saharan Africa/Kenya
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€155m
Total cost (approximate amount):	€310m
Signature date:	N/A
EIB-CM conclusions report: www.eib.org/Akiira-geothermal-power-plant	

In June 2020, we received a complaint alleging the negative social impact of the Akiira One geothermal power plant in Kenya. The project is partly financed by the DI Frontier Market Energy and Carbon Fund, in which the Global Energy Efficiency and Renewable Energy Fund (GEEREF) invested. GEEREF is advised by the EIF and the EIB. Furthermore, the EIB is an investor in GEEREF and the EIF represents the European Union’s shareholding in GEEREF as trustee for the European Commission.

The complainant alleged failure to (i) adequately assess and (ii) adequately monitor the fund’s capability to assess and monitor the effectiveness of its underlying investments’ social management systems, and ultimately the social impact on the ground. It also alleged failure to (iii) take appropriate actions regarding GEEREF to ensure the fund prevents and/or mitigates the alleged negative impact of eviction.

We concluded that while allegations (i) and (iii) were not grounded, allegation (ii) was grounded. Our inquiry found no evidence that the fund had developed and communicated to the EIB Group the relevant project policies/plans regarding land acquisition, resettlement and livelihood restoration. We also noted that the EIB Group did not identify this deficiency or ask the fund to address it during the course of project development. When informed by the fund about a risk of eviction in the second quarter of 2019, the EIB Group did not monitor compliance with EIB environmental and social standards.

Based on our conclusions, **we recommended that the EIB Group ensure the timely involvement of environmental and social specialists in performing the monitoring activities delegated by GEEREF to the Group in its advisory role.**

In addition, we suggested that EIB Group services:

- engage in enhanced monitoring of the fund’s implementation of required actions within a reasonable timeframe;
- based on such monitoring, report to GEEREF on the sustainability of its investment in the fund.

13. SG/E/2020/08 and EIF/E/2020/01.



D4R7 SLOVAKIA PUBLIC-PRIVATE PARTNERSHIP

Region/country:	European Union/Slovakia
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€427m
Total cost (approximate amount):	€883m
Signature date:	21 June 2016
EIB-CM conclusions report: www.eib.org/slovakia-ppp	

In August 2018, Slovak NGOs lodged a complaint concerning the construction of a bridge across the Danube River. Among the complainants’ four allegations, the two main contentions concerned the project’s negative impact on a Natura 2000 site and its non-compliance with EU and national law on environmental impact assessment.

We identified the following shortcomings:

- The EIB (i) disbursed funds based on a preliminary (not final) notification of compensatory measures to the European Commission and (ii) failed to ensure the adequacy of delayed measures for compensating the adverse environmental impact on protected habitats/species before disbursing funds.
- National-level judicial and administrative decisions suggested that the splitting up of changes to the project into five separate screening procedures was not in line with EU and national law. Based on information available at the appraisal and monitoring stages, the EIB had reasons to heighten monitoring of this project; however, there was no documentary evidence that the EIB monitored developments following the Ministry of the Environment’s decisions to revoke its screening decisions.

Shortcomings were also identified in the assessment of the significant environmental impact and risk to the safety of recreational water sports resulting from bridge design modifications.

We made a number of recommendations to the Bank, including the following:

- In future operations where disbursements are conditional on the notification of compensatory measures by a Member State to the European Commission, good practice requires gathering the necessary information from the Commission to ascertain whether the condition has been fulfilled before disbursing funds.
- When notified of a decision of the competent authorities being legally challenged in court by third parties or annulled by a competent authority, the implications of the legal proceedings should be followed up by the EIB’s competent services with relevant expertise as required (e.g. environmental experts).

We also made suggestions for improvements related to ongoing legal proceedings/criminal investigations and public consultation.

TOPLOFIKACIA CHP ¹⁴	
Region/country:	European Union/Bulgaria
Sector(s):	Waste management
Proposed EIB finance (approximate amount):	€67m
Total cost (approximate amount):	€161m
Signature date:	21 December 2018
EIB-CM conclusions report: www.eib.org/toplofikacia	

In November 2018, we received a complaint from a Bulgarian citizens' initiative concerning a combined heat and power plant for recovering energy from municipal waste in Sofia, Bulgaria. The allegations focused on (i) the project's compliance with EU municipal waste recycling targets; (ii) the project's capacity; (iii) privatisation of the operator and service concession for heating and electricity generation; (iv) the project's impact on air quality, with a focus on particulate matter; and (v) access to project-related documents.

We found no evidence of the project's non-compliance with applicable standards and therefore concluded that the EIB had carried out its role as required with respect to all five allegations.

More particularly, we found the following:

- The project is feasible under the national and EU municipal waste recycling targets;
- The project's overall capacity and production match those of the mechanical and biological treatment plant in Sofia;
- There were no concrete privatisation or service concession plans involving the operator;
- While the project will likely increase Sofia's PM10 emissions¹⁵ by 0.4%, the competent authorities have put in place measures to reduce PM10 emissions by over 80%;
- Although the promoter initially prevented the public from accessing project-related documents, it subsequently partially disclosed the requested information.

We did not issue any recommendations for this complaint.

14. SG/E/2018/42.

15. PM10 refers to any particulate matter in the air with a diameter of 10 micrometres or less.



CURTIS BIOMASS POWER GENERATION PLANT ¹⁶

Region/country:	European Union/Spain
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€60m
Total cost (approximate amount):	€130m
Signature date:	25 July 2018 and 26 October 2018

EIB-CM conclusions report: www.eib.org/curtis-biomass-power

EIB-CM conclusions report (Spanish): www.eib.org/curtis-biomass-power-es

In March 2019, we received a complaint from two local NGOs on several overlapping grounds. The complaint concerned the construction of a 50 MWe electricity-only biomass plant in Galicia, Spain. The allegations related to (i) public engagement and the availability of project-related information; (ii) the availability of forest residue; (iii) the appropriateness of certification schemes; and (iv) the environmental impact of the forest residue used, and the economic sustainability of the project.

We concluded that, overall, the allegations were not grounded and the EIB had carried out its role as required.

Nevertheless, finding some room for improvement, we suggested that the EIB should:

- obtain more information on the nature of feedstock used by the plant;
- clarify that the forest residue is likely to be sourced within 213 kilometres' transport distance of the plant, in practice, in line with EU law, it may come from further away in the European Union;
- clarify that while one objective of regional law is to prevent forest fires, the law does not expressly require the collection of forest residue following forest operations with the aim of preventing fires, apart from some specific cases;
- develop its appraisal procedures to specifically consider the fuel characteristics in biomass-related projects;
- use the term "average transport distance" instead of "radius."

16s. SG/E/2019/04.

LEGA DEMBI GOLD

Region/country:	Sub-Saharan Africa/Ethiopia
Sector(s):	Industry
Proposed EIB finance (approximate amount):	€21m
Total cost (approximate amount):	€77m
Signature date:	19 November 1987
EIB-CM conclusions report:	www.eib.org/lega-dembi-gold

In March 2020, an NGO complained that the EIB's refusal to provide access to requested project information and documents violated the Bank's obligations under EU law and its own Transparency Policy.

We concluded the following:

- The EIB's decision to refuse partial disclosure of the requested information and documents dating back to more than 30 years at the time of initial application did not comply with the applicable regulatory framework.
- The EIB's decision to refuse partial disclosure of the requested information and documents dating back to less than 30 years at the time of initial application appeared to comply with the applicable regulatory framework, considering the margin of appreciation recognised by the EU judicature.
- When dealing with the initial application, the EIB did not identify a directly relevant document that belonged to the concerned operation's file.

We recommended that the EIB:

- initiates — in line with its Transparency Policy — the process of declassifying documents dating back to more than 30 years at the time of initial application and provides partial disclosure of these documents to the complainant;
- assesses whether to disclose the additional directly relevant document in the concerned operation's file.

With regard to the documents dating back to less than 30 years at the time of initial application, we suggested that the EIB should initiate the declassification process and provide partial disclosure to the complainant once these documents are more than 30 years old.

BANJA LUKA – DOBOJ MOTORWAY ¹⁷

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

The complaint concerned the expropriation process for the construction of a motorway between Banja Luka and Doboj in Republika Srpska, Bosnia and Herzegovina. It was submitted in March 2019 by lawyers representing four individuals and families, who alleged that the promoter did not have a plan to resettle project-affected people and did not want to (fully) expropriate their property.

We found evidence that the expropriation process was still ongoing five years after its initiation, despite national legislation making the expropriation procedure urgent. Moreover, no resettlement action plan had been prepared.

The EIB had not analysed the gaps between its standards and the national legal framework for land acquisition or the European Bank for Reconstruction and Development's standards¹⁸. Furthermore, the EIB did not follow up on whether a land acquisition and resettlement plan was needed after the adoption of the 2016 motorway spatial plan, as required by the finance contract.

Therefore, we recommended that the EIB should:

- ask the promoter to prepare a land acquisition and resettlement plan for the remaining expropriation cases;
- monitor its implementation until the completion of the remaining expropriation cases.

We have received other complaints related to this project. As of year-end 2021, three cases (including this one) are closed and four are ongoing¹⁹ (for more details, consult the section entitled "Ongoing cases").

16. SG/E/2019/03.

17. The EIB financed the construction of the western section of the motorway, while the European Bank for Reconstruction and Development financed the eastern section.

18. SG/E/2019/06, SG/E/2021/05, SG/E/2021/06 and SG/E/2021/07.



CORRIDOR VC MOSTAR SOUTH ²⁰

Region/country:	Western Balkans/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€100m
Total cost (approximate amount):	€227m
Signature date:	26 April 2018
EIB-CM conclusions report:	www.eib.org/corridor-mostar-south

In February 2020, a community grassroots group lodged a complaint concerning the modified VC motorway route through South Mostar, a project co-financed by the EIB and the European Bank for Reconstruction and Development. The complaint highlighted several concerns regarding the project's environmental and social impact: (i) the inadequacy of the 2017 study and assessment of the route; (ii) the unassessed impact of the route on refugee returnees and disregard for community well-being; (iii) lack of effort by the promoter to address the concerns of project-affected people; and (iv) problems with the expropriation process and lack of a right to appeal.

We concluded the following:

- Allegations (i) and (iv) were ungrounded.
- With regard to allegation (ii), we identified a lack of assessment of the impact on minorities and refugee returnees.
- With regard to allegation (iii), we acknowledged the difficulties encountered by promoters to engage with the public during the COVID-19 pandemic.

Therefore, we suggested that the EIB:

- require the promoter to assess the impact on minorities and returnees who might be vulnerable and at risk of suffering an adverse, compounded or disproportionate impact due to the project, and only release the first disbursement when satisfied that this assessment has been properly completed. We also suggested that a social expert should be closely involved in the project.
- further support the promoter in identifying additional and alternative communication channels with the public (i.e. social media, blogs/forums, radio programmes) to reach out to all the affected population for future planned engagements.

20. SG/E/2020/01.



OOSTERWEEL CONNECTION

Region/country:	European Union/Belgium
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€1bn
Total cost (approximate amount):	€3.885bn
Signature date:	12 April 2019
EIB-CM conclusions report:	www.eib.org/oosterweel-connection

In June 2020, an individual from the Antwerp region lodged a complaint concerning the Oosterweel Connection project.

We issued our initial assessment report in March 2021 and our conclusions report in November 2021. Overall, we considered that no allegations were grounded with respect to the project's compliance with applicable standards.

Regarding the EIB's role and good administration, we made the following suggestions for improvement to the Bank:

- remove redundant and extraneous information from the project page on the EIB's portal and organise information in a clear and readable manner;
- update the environmental and social data sheet with a complete overview of the project permitting process, indicating the project's timeline and correcting inaccuracies;
- in general, strengthen quality assurance for environmental and social data sheets to ensure they use clear and unambiguous terminology.

ONGOING CASES

BANJA LUKA – DOBOJ MOTORWAY ²¹

Region/country:	Western Balkans/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€207m
Total cost (approximate amount):	€565m
Signature date:	16 December 2013 and 13 March 2018
EIB-CM dispute resolution report for SG/E/2019/06: www.eib.org/banja-luka-doboj-motorway-dispute	
EIB-CM dispute resolution report for SG/E/2019/06 (Bosnian): www.eib.org/banja-luka-doboj-motorway-bs	

We received a total of ten complaints from individuals and community representatives concerning the construction of a motorway between Banja Luka and Dobož in Republika Srpska, Bosnia and Herzegovina, between 2019 and 2021²².

The ongoing complaints are registered under four different cases, which include allegations that EIB standards regarding involuntary resettlement, stakeholder engagement, and biodiversity and ecosystems have been improperly applied.

The case registered in 2019²³ is currently under investigation following a dispute resolution process carried out in 2020 and 2021, which only provided for partial resolution of the matters underlying the complaint. In March 2021, the Complaints Mechanism issued its dispute resolution report and recommended a compliance review for those aspects of the complaint on which no agreement was reached. The other three cases registered in 2021²⁴ are under initial assessment.

21. SG/E/2019/06, SG/E/2021/05, SG/E/2021/06 and SG/E/2021/07.

22. This includes the following case that is already closed: SG/F/2019/03.

23. SG/E/2019/06.

24. SG/E/2021/05, SG/E/2021/06 and SG/E/2021/07.



DIVAČA-KOPER SECOND RAIL TRACK ²⁵

Region/country:	European Union/Slovenia
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€250m
Total cost (approximate amount):	€1.2bn
Signature date:	15 May 2019
EIB-CM initial assessment report (March 2021): www.eib.org/divaca-koper-March2021	
EIB-CM initial assessment report (April 2021): www.eib.org/divaca-koper-April2021	

In October 2020, we received a complaint from a Slovenian civil society organisation concerning the construction of a railway line between Divača and Koper (the 2TDK project). The complaint raised allegations concerning the project’s compliance with EU environmental law, the preferred option chosen for the new track, a negative transboundary impact and discrepancies in the project’s scope. A month later, we registered another complaint from an individual regarding the same project.

In March and April 2021, we issued separate initial assessment reports. The allegations in the two complaints largely overlap in focusing on the project’s compliance with EU environmental law, including the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive, the Habitats Directive and the Water Framework Directive. They also cite faulty project justification, issues with the quality of environmental information, problems related to public and transboundary consultations, the unassessed significant negative and cumulative impact, transboundary impacts, and the lack of impact assessment for tunnels.

As of year-end 2021, we had completed the investigation and were in the process of drafting the conclusions reports for the two cases.

25. SG/E/2020/18 and SG/E/2020/19.



AUTOBAHN A49 FRITZLAR-OHMTAL DREIECK (PPP) ²⁶

Region/country:	European Union/Germany
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€264m
Total cost (approximate amount):	€964m
Signature date:	21 August 2020

EIB-CM initial assessment report: www.eib.org/autobahnA49

EIB-CM initial assessment report (German): www.eib.org/autobahnA49-de

We received two complaints in December 2020 and February 2021, respectively, submitted by two different individuals concerning the Autobahn A49 Fritzlar-Ohmtal Dreieck project. The project involves the design, construction, financing, operation and maintenance of a section of the A49 motorway in the German State of Hessen.

The complainants made the following allegations:

- Failure of the project to comply with applicable legislation, including EU environmental law, especially shortcomings of the environmental impact assessment (as required by the relevant EU directive) and other assessments:
 - o issues with public access to information,
 - o non-compliance with the Water Framework Directive,
 - o non-compliance with the Habitats Directive,
 - o non-compliance with noise requirements;
- The project's non-compliance with the Paris Agreement and the EIB's climate change commitments.

As of year-end 2021, we had issued a joint initial assessment report and were investigating the two complaints.

26. SG/E/2020/21 and SG/E/2021/02; PPP: public-private partnership.



S2 DÉNIVELLATION DE HUIT CARREFOURS À SFAX ²⁷

Region/country:	FEMIP²⁸/Tunisia
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€33m
Total cost (approximate amount):	€65m
Signature date:	18 December 2015 (Modernisation Routière II)
EIB-CM initial assessment report:	www.eib.org/denivellation-sfax
EIB-CM initial assessment report (French):	www.eib.org/denivellation-sfax-fr

In March 2021, we received a complaint from an individual alleging that the EIB-financed project was negatively affecting their company's business. The project concerns the construction of eight grade-separated interchanges along the main inner bypass (Rocade km4) of the city of Sfax in Tunisia. The complaint alleges total lack of compensation for financial losses and lack of adequate stakeholder engagement.

We assessed the possibility of carrying out a dispute resolution process. However, the promoter's representatives argued that an amicable resolution was not possible because of the Tunisian legal framework. For this reason, we undertook a compliance review.

We issued our initial assessment report in July 2021. As of year-end 2021, the investigation was ongoing.

26. SG/E/2021/03.

27. Facility for Euro-Mediterranean Investment and Partnership.



FLOOD PROTECTION MEASURES²⁹

Region/country:	European Union/Greece
Sector(s):	Water, sewerage
Proposed EIB finance (approximate amount):	€150m
Total cost (approximate amount):	€356m
Signature date:	26 September 2019
EIB-CM initial assessment report: www.eib.org/flood-protection-mesures	
EIB-CM initial assessment report (Greek): www.eib.org/flood-protection-mesures-el	

In the second half of 2021, we received three complaints regarding one component of the Flood Protection Measures project, located in the catchment area of the Erasinos stream in Greece's Attica region.

The first complaint³⁰ was lodged in July 2021 by three Greek civil society organisations. It included allegations regarding compliance of the Erasinos sub-project with EU and national environmental law and the EIB's environmental and social standards. The complainants alleged that works carried out inside a Natura 2000 site of the Erasinos stream, which is also a strictly protected area, were illegal and damaging to protected species and habitats.

The second complaint was submitted in the same month by an individual³¹, alleging that the project was damaging the environment of a protected area, in particular the ancient archaeological site of Vravra, the temple of Artemis and the Archaeological Museum of Vravra (Brauron).

We received a third complaint in September 2021, which was submitted by another Greek civil society organisation³², raising overlapping allegations and providing even more recent evidence suggesting that works in the project area were breaching national law and causing damage to ecosystems in the protected areas.

As of year-end 2021, we had issued a joint initial assessment report that describes the complainants' various allegations and presents the way forward for the three cases.

29. SG/E/2021/12, SG/E/2021/15 and SG/E/2021/17.

30. SG/E/2021/12.

31. SG/E/2021/15.

32. SG/E/2021/17.



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 consult the sections entitled “The EIB Group Complaints Mechanism” and “Cases in 2021.”

CLOSED CASES

BANGALORE METRO RAIL PROJECT - LINE R6³³	
Region/country	Asia/India
Sector(s)	Transport
Proposed EIB finance (approximate amount)	€500m
Total cost (approximate amount)	€1.634bn
Signature dates	12 October 2017 and 28 September 2018
EIB-CM dispute resolution report: www.eib.org/bangalore_metro_rail	

In June 2019, a local church member, acting on behalf of concerned congregation members, submitted a complaint regarding the construction of a rapid transit line in Bangalore (India) and the purchase of 96 train cars for use on the line. The complaint alleged that the project had a negative environmental and social impact.

In September 2019, we went on a site visit. Our initial assessment report clarified several misconceptions and misunderstandings on which numerous allegations appeared to be based. For the remaining allegations, we proposed a dialogue facilitation process as the way forward. The parties agreed that an independent third-party should facilitate this consultation.

The facilitation process had three main benefits: (i) fostering the relationship between concerned congregation members and the promoter; (ii) facilitating a two-way exchange of information and concerns; and (iii) enabling the development of an additional option to reduce the impact on church land. Some concrete actions were agreed between the parties through the consultation process. For example, the promoter committed not to carry out works creating noise pollution in the vicinity of the church between 8 a.m. and 4 p.m. on Sundays so that prayer activities are not disturbed.

However, the parties did not reach agreement on all points during the facilitation process. We therefore made a number of suggestions for follow-up and monitoring actions by EIB services on specific issues raised in the complaint.

33. SG/E/2019/08.



ONGOING CASES

NEPAL TANAHU HYDROPOWER PROJECT ³⁴	
Region/country	Asia/Nepal
Sector(s)	Energy
Proposed EIB finance (approximate amount)	€62m
Total cost (approximate amount)	€390m
Signature date	7 May 2013

EIB-CM initial assessment report (2020): www.eib.org/nepal-tanahu-hydropower-2020
EIB-CM initial assessment report (Nepali; 2020): www.eib.org/nepal-tanahu-hydropower-2020-np
EIB-CM initial assessment report (2021): www.eib.org/nepal-tanahu-hydropower-2021
EIB-CM initial assessment report (Nepali; 2021): www.eib.org/nepal-tanahu-hydropower-2021-ne

We have received numerous complaints about the Nepal Tanahu Hydropower project, registered under three different cases. For all three cases, we have closely cooperated with the Asian Development Bank, which has received the same complaints.

In the first complaint, submitted in February 2020, the complainants requested mediation and alleged the following: (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. We issued our initial assessment report in April 2020 and recommended a collaborative resolution process as the way forward. In preparation for this process, an indigenous people and sociocultural economic study and a land valuation study are being conducted by external experts.

In early June 2021, a Dalit³⁵ and an indigenous community submitted two additional complaints. The main allegations are (i) lack of information and participation; (ii) insufficient environmental and social assessment; (iii) lack of compensation; (iv) inadequate grievance redress mechanism; and (v) lack of proper consideration of indigenous peoples' rights and the vulnerable status of Dalits. In October 2021, we consulted the parties on our draft initial assessment report and local facilitators presented it to the communities. We then completed and published the initial assessment report in English, Nepali and Magar in December 2021.

34. SG/E/2020/02, SG/E/2021/10 and SG/E/2021/11.

35. Considered a vulnerable group.

MONITORING FUNCTION

This section presents selected cases for which we closed the monitoring process in 2021.

ALLEGED UNFAIR DISMISSAL OF A WORKER IN AN EIB-FINANCED PROJECT

In late 2019 and early 2020, we investigated the case of an individual who alleged they had been unfairly dismissed after reporting two cases of sexual harassment. The complainant had worked for a contractor responsible for planning, construction and delivery of an EIB-financed project. Our investigation confirmed that the complainant met the definition of “worker” under EIB labour standards and therefore needed to be protected by those standards.

Our conclusions report outlined weaknesses in the local grievance redress mechanism, particularly regarding the information shared with the complainant on the outcome of our investigation. However, we did not identify any maladministration by EIB services. In parallel to our investigation, judicial proceedings concerning the case were ongoing. Once the local labour court had ruled in favour of the complainant, we — together with the EIB services — monitored the action taken by the promoter to ensure the contractor acted in line with the court decision.

ALLEGED UNFAIR RECRUITMENT PRACTICES

In March 2019, we received a complaint alleging that the EIB had failed to evaluate a candidate’s CV fairly and that the job posting contained an unfair evaluation element. The complainant contended that these two issues resulted in the person not being shortlisted for a position.

Our compliance review concluded that, in evaluating the complainant’s CV, the EIB had acted in line with its regular practice and there was no evidence of unfairness. On the allegation of an unfair evaluation element, we suggested to the Bank’s competent services how the EIB might avoid potentially misleading wording in future job postings. The competent services then informed the recruiters of this suggestion, on which basis we closed the monitoring of this case as this action point has been fully implemented.



REGIONAL MOMBASA PORT ACCESS ROAD ³⁶

Region/country	Sub-Saharan Africa/Kenya
Sector(s)	Transport
Proposed EIB finance (approximate amount)	€50m
Total cost (approximate amount)	€250m
Signature date	29 August 2017

EIB-CM final monitoring report: www.eib.org/Mombasa-cap

We facilitated a mediation process for issues resulting from the corrective action plan to remedy forced evictions in 2015. The mediation process resulted in a settlement agreement that included a set of measures and actions to be undertaken by the parties. The implementation process included a clinic whereby more than 300 individual grievances were evaluated with the participation of the Complaints Mechanism. A total of 109 individual cases were considered eligible for compensation, and we subsequently monitored proof of payment and further measures under the final settlement agreement.

In May 2021, we determined that all action points had been implemented, as described in more detail in the final monitoring report we issued that month.

36. SG/E/2017/03, SG/E/2017/08, SG/E/2017/09, SG/E/2017/11, SG/E/2017/12, SG/E/2017/13, SG/E/2017/14, SG/E/2017/16, SG/E/2017/18, SG/E/2017/19, SG/E/2017/20, SG/E/2017/28 and SG/E/2017/30. Mediation report available at: www.eib.org/mombasa-port-access-road.
Mediation settlement agreement available at: www.eib.org/agreement-mombasa-port-access-road.



OLKARIA I AND IV GEOTHERMAL EXTENSION ³⁷

Region/country	Sub-Saharan Africa/Kenya
Sector(s)	Energy
Proposed EIB finance (approximate amount)	€120m
Total cost (approximate amount)	€1.007bn
Signature date	15 December 2010
EIB-CM final monitoring report: www.eib.org/olkaria-monitoring-report	

Between July and September 2014, we received two complaints from several individuals and representatives of communities affected by a project aiming to expand the electricity-generating capacity of the Olkaria geothermal steam field in Kenya. The complaints concerned the Bank’s alleged failure to monitor the involuntary resettlement process of four villages. The main allegations focused on 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 agreed to engage in a mediation process to address structural and recurring issues. This process culminated in the signature of a mediation settlement agreement in May 2016. We issued our mediation report in March 2018, describing 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.

In November 2021, we determined that the complete set of action points in the mediation settlement agreement had been implemented. We thus closed the monitoring process by issuing our final monitoring report, dated 25 November 2021.

37. SG/E/2014/07 and SG/E/2014/08.

REVIEW OF CASES RELATED TO EIF ACTIVITIES

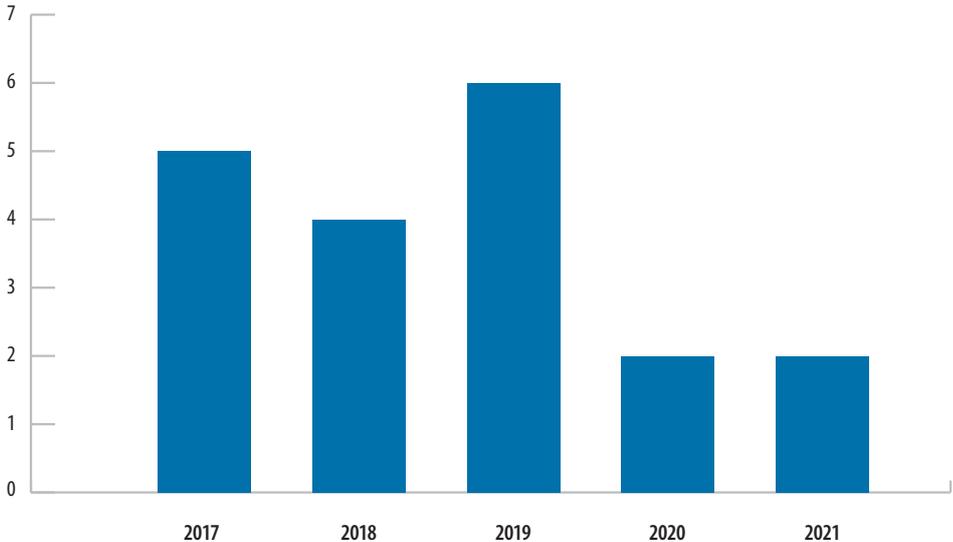
In 2021, we received two new complaints concerning EIF activities and handled a total of three complaints³⁸. The case carried over from 2020 concerned the environmental and social impact of a project with both EIB and EIF involvement, while the two new cases concerned (i) the EIF’s governance of its mandates and operations and (ii) personnel matters.

We closed all three EIF complaints in 2021. For the first complaint, we performed an investigation and, based on our findings and conclusions, made a recommendation and suggestions for improvement. This case (GEEREF/Akiira Geothermal Power Plant in Kenya) is presented in the section entitled “Review of cases related to EIB activities”³⁹.

The second complaint concerned a call for expression of interest by financial intermediaries, while the third complaint was made by an unsuccessful candidate for a position at the EIF. For both complaints, we concluded that the allegations were ungrounded.

As of year-end 2021, no case remained open.

EIF COMPLAINTS RECEIVED BETWEEN 2017 AND 2021



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

39. As the EIB is also involved in the operation.

EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS

GENERAL OVERVIEW

In 2021, we registered eight new complaints (vs. ten in 2020) lodged with the European Ombudsman against the EIB Group.

One of these new complaints had previously been handled by the Complaints Mechanism⁴⁰ before being escalated to the Ombudsman (vs. six in 2020). Of the eight new complaints, four concerned the EIB's own governance (same number in 2020), two concerned personnel-related cases (same number in 2020), one concerned the environmental and social impact of projects financed by the EIB, and one concerned a procurement-related case.

In 2021, the European Ombudsman handled 12 cases⁴¹ and closed seven of them (vs. ten in 2020), reaching the following conclusions⁴²:

- No maladministration: two cases (vs. four in 2020)
- Settled: two cases (vs. five in 2020)
- Insufficient grounds to open an inquiry: one case (vs. zero in 2020)
- Inadmissible: two cases (vs. zero in 2020)

In one of the two cases with no maladministration, the European Ombudsman nonetheless made suggestions for improvement⁴³. As in previous years, no cases brought to the EIB Group Complaints Mechanism were escalated to the European Data Protection Supervisor or the Aarhus Convention Compliance Committee in 2021.

40. TSG/E/2019/02 TAP-TANAP.

41. This includes cases notified before 2021.

42. Note that some complaints contain multiple and diverse allegations for which the outcomes may differ.

43. EO/SI/7/2021/DL.

MORE DETAILS ABOUT THE EUROPEAN OMBUDSMAN CASES

CLOSED CASES

STRATEGIC INITIATIVES ON TRANSPARENCY⁴⁴

In January 2021, the European Ombudsman closed a **strategic initiative on the transparency of the EIB's COVID-19 crisis response**, which had been launched in July 2020. The inquiry focused on (i) the impact of fast-track procedures on transparency, and (ii) financial intermediaries' application of eligibility criteria for the COVID-19 economic support measures.

The European Ombudsman closed the inquiry finding no maladministration. In particular, the Ombudsman thanked the EIB for its ongoing commitment to good administration and acknowledged the Bank's efforts in transparency in its response to the COVID-19 crisis.

The European Ombudsman acknowledged that the EIB uses side letters to communicate the eligibility criteria for COVID-19 support measures and the reporting requirements to financial intermediaries, and that these side letters form part of the contractual documentation. The Ombudsman also recalled that it will examine this issue in greater detail as part of two inquiries into the EIB's transparency in direct and indirect lending (more details are provided later in this section).

In October 2021, the European Ombudsman informed EU institutions, bodies, offices and agencies of its decision to close a **strategic initiative on the right of public access to documents**. The Ombudsman found that, to enhance transparency and strengthen public trust in the European Union, it is crucial that the EU administration has comprehensive and user-friendly rules and practices to give effect to the fundamental right of public access to documents.

Building on experience in the field, the European Ombudsman identified areas for improvement and published a short guide for the EU administration, setting out relevant policies and practices on which the Ombudsman will draw in dealing with complaints concerning access to documents.

The Ombudsman encouraged EU institutions, bodies, offices and agencies to share the guide with their staff and, when applying the guide, to take into account its practical recommendations on the use of EU languages in communicating with the public⁴⁵.

44. SI/3/2020/SF, *Transparency of the EIB's COVID-19 crisis response*; SI/7/2021/DL, *Right of public access to documents*.
45. SI/98/2018/TE.

OWN-INITIATIVE INQUIRY ON THE EIB'S RECRUITMENT PRACTICE⁴⁶

In December 2021, the European Ombudsman informed the EIB of its final decision concerning the above-mentioned own-initiative inquiry. The case concerned the EIB's practice of asking job applicants to provide certain personal information, notably related to their family situation, before the Bank made its recruitment decision. While recognising that the EIB had established this practice to make its procedures as efficient as possible, the Ombudsman expressed concern that gathering personal information was disproportionate and could negatively impact on trust in the EIB's recruitment procedures.

The EIB had already formalised a new procedure in April 2021, whereby candidates would not be asked for any information regarding their family situation, including information on dependents, before the final candidate is determined. The Bank detailed this change in its reply to the European Ombudsman in November 2021.

The European Ombudsman welcomed the EIB's constructive response and closed the inquiry as "settled."

46. 01/5/2021/PB.

ONGOING CASES

TAP-TANAP⁴⁷

In May 2021, the European Ombudsman informed the EIB of the opening of an inquiry into how the Bank weighed environmental impact assessments for the Trans-Adriatic Pipeline and the Trans-Anatolian Pipeline (TAP/TANAP) projects before financing them. Specifically, the complainants allege that (i) the environmental impact assessments prepared by the project promoters were flawed, particularly regarding the calculation of greenhouse gas emissions and the impact of associated and ancillary projects; and (ii) the EIB failed to carry out proper due diligence of the projects' environmental impact⁴⁸.

The European Ombudsman gave its preliminary view that the EIB had not committed maladministration. However, the Ombudsman requested the EIB to provide (i) project-related and policy documents, and (ii) a new document explaining in detail the main changes and lessons learned on weighing environmental impact assessments for EIB-financed projects, specifically compared to the due diligence for TAP/TANAP.

In June and August 2021, the EIB provided the European Ombudsman with the requested documents, including an overview comparing the current (updated) approach and the EIB's approach at the time it assessed the climate impact and risks of the TAP/TANAP projects.



47. EO/2030/2020/NH.

48. The case escalated from a previous inquiry of the Complaints Mechanism: SG/E/2019/02 TAP-TANAP.

EUROPEAN OMBUDSMAN INQUIRIES ON THE EIB'S TRANSPARENCY⁴⁹

In June 2021, the European Ombudsman presented to the EIB:

- its solution proposal on the case concerning (i) the EIB's refusal to disclose minutes of Management Committee meetings pertaining to the Curtis Biomass project;
- its preliminary findings on cases concerning the transparency of the Bank's (ii) direct lending and (iii) indirect financing. The assessments included general and practical suggestions to the EIB⁵⁰.

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

In October 2021, the EIB replied to the European Ombudsman's solution proposal. The Bank understood that the proposal related only to the parts of the minutes concerning the Curtis Biomass project, and not to other parts. It explained the reasoning behind the EIB's "confirmatory decision" not to disclose the minutes in their entirety, notably by insisting that its refusal to disclose was not based on a presumption of confidentiality, contrary to the Ombudsman's stated view. The EIB explained that the refusal was based on exceptions included in the EIB Transparency Policy, namely, (i) personal data protection, (ii) commercial interests and (iii) protection of decision-making process, all of which were applicable at the time and within the scope of the request. Finally, the EIB communicated its decision to partially disclose the minutes concerning the Curtis Biomass project.

DISCLOSURE OF ENVIRONMENTAL INFORMATION IN DIRECT LENDING

In November 2021, the EIB replied to the European Ombudsman's preliminary findings and suggestions on the Bank's transparency in direct lending.

Regarding the Ombudsman's general suggestions, the EIB noted that it already publishes environmental information as required under the Aarhus Regulation and the EIB Transparency Policy (e.g. environmental impact assessment reports and environmental and social data sheets), which record the EIB's due diligence on environmental and social risks and impact. The EIB shared the European Ombudsman's view that full-scale proactive dissemination and/or public listing of all monitoring-related activities is unrealistic. The Bank also drew attention to the fact that it already publishes environmental and social completion sheets, which record its monitoring of environmental and social aspects and conditions at the project completion stage. Finally, the EIB explained that the minutes of Board of Directors meetings are published after being approved at the following board meeting and following a prompt assessment of any legitimate justifications for redacting confidential parts. The EIB reiterated its commitment to publish minutes as early as possible.

As regards the Ombudsman's practical suggestions, the EIB agreed to implement two suggestions by improving its procedures for (i) information published on the Bank's website regarding the different stages of its operations and (ii) the information it provides on the project cycle. On the Ombudsman's suggestion to indicate on the EIB's website where information requests can be made and where to seek redress at the national level (in the country where the project is implemented), the EIB noted that this is not based on the applicable regulatory framework and appears unfit for proactive transparency. Finally, the EIB explained that it already implements all the remaining practical suggestions to the extent these are reasonably feasible and/or required by the applicable rules.

49. EO/1252/2020, *Refusal to grant public access to minutes of meetings of the EIB Management Committee*; EO/1065/2020, *Disclosure of environmental information in direct lending*; EO/1251/2020, *Disclosure of environmental information in intermediated operations*.

50. www.ombudsman.europa.eu/en/news-document/en/142881; Preliminary findings on how the European Investment Bank discloses environmental information about projects it finances through intermediaries.

DISCLOSURE OF ENVIRONMENTAL INFORMATION IN INTERMEDIATED OPERATIONS

In December 2021, the EIB replied to the European Ombudsman on the case concerning transparency in intermediated operations. The EIB elaborated on the purpose and features of intermediated operations, the role and responsibilities of financial intermediaries and the EIB, the contractual and policy safeguards, the EIB's due diligence of operations within the European Union, and the channels for public access to information on intermediated operations.

Regarding the Ombudsman's suggestion for larger projects, the EIB stressed that it complies with the applicable regulatory framework and that the suggested approach is neither legally nor practically feasible as it may undermine the EIB's capability to fulfil its responsibilities under the EU Treaties. Finally, the Bank drew attention to its new proactive dissemination practices concerning intermediated operations, as introduced by the 2021 EIB Group Transparency Policy.

On the Ombudsman's suggestion for smaller projects, the EIB explained that when the Aarhus regulatory framework applies, the rules provide sufficient safeguards to ensure the transparency of intermediated operations. For intermediated operations to which the Aarhus rules do not apply, the EIB noted that it will carefully consider what can practically be done, taking into account the applicable regulatory framework, the implications for the Bank's institutional mandate, and the current contractual and policy safeguards. Finally, the EIB stressed that the allocation list of financial beneficiaries does not constitute environmental information to be proactively disseminated by the EIB under the Aarhus Regulation.

As regards the Ombudsman's four remaining practical suggestions, the EIB noted that it was already implementing one suggestion and was open to implementing the other three to the extent feasible and within the requirements of the regulatory framework. For instance, the EIB agreed to include a dedicated section on transparency in intermediated financing in its annual reports on the implementation of the EIB Transparency Policy, and undertook to develop training sessions for financial intermediaries outside the European Union.



Group photo of independent accountability mechanisms participants during the IAMnet Annual Meeting in September 2021.

OUTREACH AND OTHER ACTIVITIES

Reaching out to internal and external stakeholders and providing continuous training are important components of the Complaints Mechanism’s activities. Apart from our own initiatives, we also cooperate with other independent accountability mechanisms to share knowledge and organise outreach activities. Due to the COVID-19 pandemic, these activities continued to be virtual in 2021.

ANNUAL MEETING OF IAMNET

The Independent Accountability Mechanisms Network (IAMnet) offers its 22 members a platform for cooperation and exchange, including on complaints and concerns related to co-financed projects.

In September 2021, the EIB Group Complaints Mechanism hosted the 18th Annual Meeting of IAMnet. It was a virtual event spread over four days, with one session dedicated to a roundtable with civil society organisations. The topics covered several areas such as the independent accountability mechanisms’ working challenges during COVID-19, addressing retaliation risks, access to remedy, and inclusion of women and vulnerable groups. The adverse impact of pandemic-related travel restrictions on their work was among the main takeaways, including the limitations on site visits and face-to-face stakeholder engagement.

The accountability roundtable brought together independent accountability mechanism representatives and over 30 participants from 15 civil society organisations. The discussions examined various angles on how civil society organisations and independent accountability mechanisms have adapted their practices thus far in response to the COVID-19 pandemic. The exchanges also included a discussion on reduced civic spaces and engaging with marginalised populations, particularly women.

Both the discussions between independent accountability mechanisms and those with civil society organisations demonstrated the necessity for independent accountability mechanisms to better understand and listen to communities and work harder to prevent instances of reprisals. Although technology enables remote engagement with affected communities, independent accountability mechanisms should strive to identify the best way to engage with them in the context of the ongoing pandemic, while considering the necessary safeguards to facilitate a safe and inclusive process. IAMnet will focus further work during 2022 on access to independent accountability mechanisms, access to remedy and preventing retaliation.

OUTREACH, COOPERATION AND TRAINING

- We organised a virtual meeting attended by 14 civil society organisations in March 2021, following the annual seminar of the EIB Board of Directors with civil society in February.
- At the International Association for Impact Assessment Conference in May 2021, we organised and chaired a session on “International financial institutions and adoption of lessons learned through their accountability functions.” Together with the EIB Environment, Climate and Social Office, we gave a presentation on lessons learned regarding stakeholder engagement in projects. Representatives of the accountability mechanisms and management of three other international financial institutions⁵¹ discussed meaningful engagement with indigenous peoples, gender-based violence in projects, and dispute resolution.
- In May and July 2021, we organised two training sessions for local facilitators and mediators based in North and West Africa. The training introduced the work of the Complaints Mechanism and the features of the collaborative dispute resolution process that our mediation officers are putting in place, helped by local facilitators.
- In November 2021, we participated in a virtual webinar for civil society organisations in several Central African countries (Cameroon, Chad, Gabon, Central African Republic, Republic of the Congo (Brazzaville) and Democratic Republic of the Congo). The event was organised by the Independent Review Mechanism of the African Development Bank. Participants included representations from the Compliance Advisor Ombudsman of the International Finance Corporation/Multilateral Investment Guarantee Agency and the Accountability Mechanism of the World Bank. The webinar covered the function, mandate and accessibility of independent accountability mechanisms, the complaints handling process, and the safeguards to protect complainants from reprisals.
- Members of our team participated in various online conferences and knowledge-sharing events, covering topics such as (i) accessibility to and different models of grievance redress mechanisms, (ii) dispute resolution in development finance, (iii) addressing retaliation, (iv) sexual exploitation, abuse and harassment, and (v) access to information and documents in the European Union.
- As in previous years, we continued to participate in the internal induction programme on the EIB’s control mechanisms, introducing new staff to the Complaints Mechanism’s functions with a view to raising awareness of the risk of complaints and how to prevent maladministration. We also furthered awareness among EIB staff with dedicated sessions for EIB services.
- Following our earlier involvement in the EIB Group’s Inter-Directorate Review Panel on the drafting of the Environmental and Social Sustainability Framework, we continued to engage with the review panel and followed the public consultation on the draft framework.

51. Independent Consultation and Investigation Mechanism/Inter-American Development Bank Group; Inspection Panel/World Bank; and Compliance Advisor Ombudsman/International Finance Corporation.



ANNEX I – STATISTICS

GENERAL OVERVIEW

	2016	2017	2018	2019	2020	2021
Open/ongoing at start of the year	33	59	101	89	60	43
Complaints received	89	114	108	84	77	64
Complaints handled	122	173	209	173	137	107
Complaints closed	63	72	120	113	94	64
Outstanding at year-end	59	101	89	60	43	43

In 2021, the Complaints Mechanism handled 107 cases and closed 64 of them. 43 cases were outstanding at year-end.

While the mechanism continued to handle a high number of complaints in 2021, we managed to reach a more stable situation in terms of outstanding complaints since 2020.

In 2021, the Complaints Mechanism registered 64 new complaints. Of the 56 complaints that were submitted directly to us, 39 were declared admissible by the Complaints Mechanism. Eight of the new complaints were filed with the European Ombudsman, who declared six of them admissible.

	2017	2018	2019	2020	2021
Total complaints received	114	108	84	77	64
Complaints submitted directly to the Complaints Mechanism	103	89	74	67	56
<i>Inadmissible</i>	12	14	24	27	17
Admissible	91	75	50	40	39
Complaints brought before other institutions					
European Ombudsman	11	19	10	10	8
<i>Inadmissible</i>	-	-	2	-	2
Admissible	11	19	8	10	6
European Data Protection Officer	-	-	-	-	-
Aarhus Convention Compliance Committee	-	-	-	-	-

The number of complaints submitted to the Complaints Mechanism has dropped in recent years. There is no obvious reason for this, although the COVID-19 crisis may have contributed to the lower numbers received in 2020 and 2021. It should be noted that exceptionally high numbers of cases were received in 2017 and 2018, so neither is fully representative of normal years for the mechanism.

As mentioned in last year's report, the higher proportion of complaints declared inadmissible by the mechanism in recent years is mainly due to our more streamlined way of registering incoming complaints, rather than stricter application or interpretation of the admissibility criteria.

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

Inadmissible complaints include those:

- concerning fraud or corruption (which are handled by the Inspectorate General Investigation Division);
- from EIB staff members;
- concerning international organisations, EU bodies, or national and local authorities;
- that have already been brought against a member of the EIB Group before other administrative or judicial review mechanisms, or are brought subsequently, or have already been settled by other administrative 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)

NEW COMPLAINTS DECLARED ADMISSIBLE BY THE COMPLAINTS MECHANISM IN 2021

COMPLAINTS BY TYPE

Complaints concerning the environmental and social impact of EIB Group-financed projects increased; these cases continue to represent the largest proportion of admissible complaints (69%). The proportion of governance-related complaints declined for the second consecutive year in 2021, as did the number of access to information cases.

New admissible complaints	2017		2018		2019		2020		2021	
	n	%	n	%	n	%	n	%	n	%
Access to information (A)	0	0	2	3	4	8	2	5	1	2
Customer relations (C)	0	0	0	0	1	2	0	0	0	0
Environmental/social impact (E)	53	58	44	58	19	38	23	58	27	69
Governance of financed projects (F)	7	8	5	7	10	20	5	12	3	8
Own governance and administration (G)	6	6	0	0	11	22	7	18	3 ⁵²	8
Human resources (H)	8	9	8	11	5	10	3	7	5 ⁵³	13
Own procurement (R)	0	0	3	4	0	0	0	0	0	0
Procurement-related complaints (P) ⁵⁴	17	19	13	17	0	0	0	0	0	0
Total	91	100	75	100	50	100	40	100	39	100

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

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

54. 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 2021, 80% relate to EIB-financed projects. Most of these complaints concern environmental and social impact (87%). Transport is the sector with the largest number of complaints (39%), followed by energy and water and wastewater management (23% each).

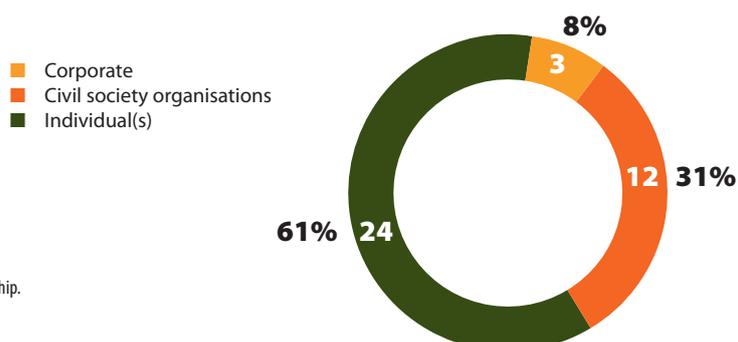
In 2021, 55% of project-related complaints concerned projects located outside the European Union (same proportion as in 2020). The number of complaints concerning projects in Latin America increased (zero in 2018–2020 to three in 2021), whereas the number concerning projects in the Eastern Neighbourhood continued to decrease (from three in 2020 to one in 2021).

	2017 (%)	2018 (%)	2019 (%)	2020 (%)	2021 (n)	2021 (%)
Asia	1	6	15	7	3 ⁵⁵	10
Eastern Neighbourhood	10	5	23	10	1 ⁵⁶	3
European Union	42	48	31	45	14	45
FEMIP ⁵⁷	10	15	4	14	4 ⁵⁸	12
Latin America	1	0	0	0	3 ⁵⁹	10
Other	0	2	0	0	0	0
Sub-Saharan Africa	22	6	15	14	3 ⁶⁰	10
Western Balkans	14	18	12	10	3 ⁶¹	10
Total	100	100	100	100	31	100

COMPLAINTS BY ORIGIN

Similar to previous years, most complaints in 2021 were lodged by individuals (61%); 71% of their allegations concerned E cases (environmental/social impact), 21% were H cases (human resources) and 8% were F cases (governance of financed projects).

Complaints submitted by civil society organisations increased to 31% of the total; their allegations mainly concerned E cases (83%). We received fewer complaints from corporates (8%) in 2021; most of these (67%) were G cases (own governance and administration).



55. India and Nepal.

56. Ukraine.

57. Facility for Euro-Mediterranean Investment and Partnership.

58. Egypt, Morocco and Tunisia.

59. Colombia and Ecuador.

60. Ethiopia, Kenya and Malawi.

61. Bosnia and Herzegovina.

COMPLAINTS HANDLED⁶²

After handling 107 cases in 2021, the number of outstanding cases at year-end 2021 was 43 (the same as in 2020). We closed the same number of complaints as we received this year (i.e. 64 complaints).

For more details, please consult the table at the beginning of this Annex.

HANDLED COMPLAINTS BY TYPE

	Complaints handled in 2020		Complaints handled in 2021	
	n	%	n	%
European Ombudsman (EO)	14	10	12	11
Access to information (A)	3	2	2	2
Customer relations (C)	0	0	0	0
Environmental/social impact (E)	69	50	55 ⁶³	51
Governance of financed projects (F)	9	7	8	7
Own governance and administration (G)	11	8	7 ⁶⁴	7
Human resources (H)	3	2	6 ⁶⁵	6
Inadmissible (INA)	28	21	17	16
Total	137	100	107	100

In 2021, around half of the complaints handled by the Complaints Mechanism were again E cases, which are generally the most complex: some involve a high number of complainants and/or many complex allegations to investigate.

62. This includes open cases received before 2021 and complaints lodged with the European Ombudsman.

63. Including one complaint concerning EIF-financed activities.

64. Including one complaint concerning EIF-financed activities.

65. Including one complaint concerning EIF-financed activities.

CLOSURE OF REGISTERED CASES LODGED WITH THE COMPLAINTS MECHANISM

In 2021, the Complaints Mechanism closed 64 cases: 57 had been submitted to us and the other seven had been lodged with the European Ombudsman. The mechanism has now reached a more stable situation regarding the backlog of cases. The majority (67%) of the 43 complaints outstanding at year-end 2021 were cases registered in that year.

Conclusion of registered complaints ⁶⁶	2021	
	n	%
<i>Admissible cases</i>		
No grounds	18	31
Friendly solution	3	5
Recommendation	12	21
Prevention	6	11
Dropped by the complainant	1	2
Subtotal of admissible complaints	40	70
<i>Inadmissible cases</i>	17	30
Total	57	100

In 14 of the closed cases, the Complaints Mechanism made suggestions for improvement⁶⁷.

66. Annex III defines the outcomes for cases submitted to the Complaints Mechanism.

67. In line with European Ombudsman practice, the Complaints Mechanism can make "suggestions for improvement" relating to allegations with a view to improving good administration, regardless of the overall outcome of the complaint.

OVERVIEW OF EUROPEAN OMBUDSMAN CASES

	2017	2018	2019	2020	2021
Open/ongoing at start of the year	5	10	8	4	4
Received	11	19	10	10	8
Closed	6	21	14	10	7
Outstanding at year-end	10	8	4	4	5

OUTCOMES OF CLOSED EUROPEAN OMBUDSMAN CASES*

	2020	2021
Inadmissible**	0	2
Insufficient grounds to open an inquiry	0	1
Withdrawn by the complainant	0	0
Settled	5	2
No maladministration found	4	2
Recommendations	0	0
Suggestions for improvement	2	1

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

** Based on information (about decisions of inadmissibility) communicated to the Complaints Mechanism.

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 2021	Follow-up
Access to information												
SG/A/2020/01	Lega Dembi Gold	Ethiopia	02/04/20	■	■			■	Recommendation	■	■	■
SG/A/2021/01	ECP Africa Fund II PCC	Kenya	25/11/21	■								
Environmental, social and development impacts of financed projects/operations												
SG/E/2018/33	Trans Adriatic Pipeline	Greece	26/06/18	■	■			■	No grounds		■	
SG/E/2018/35	D4R7 Slovakia PPP	Slovakia	13/09/18	■	■		■	■	Recommendation	■	■	■
SG/E/2018/39	Nepal Power System Expansion	Nepal	15/10/18	■	■		■	■	Recommendation		■	■
SG/E/2018/42	Toplofikacia CHP	Bulgaria	21/11/18	■	■			■	No grounds		■	
SG/E/2019/03	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	08/03/19	■	■		■	■	Recommendation		■	■
SG/E/2019/04	Curtis Biomass Power Generation Plant	Spain	26/03/19	■	■			■	No grounds	■	■	■
SG/E/2019/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	15/05/19	■	■	■	■					
SG/E/2019/07	Mariscina County Waste Management	Croatia	15/05/19	■	■							
SG/E/2019/08	Bangalore Metro Rail Project – Line R6	India	13/06/19	■		■	■	■	Friendly solution	■	■	■
SG/E/2019/11	Post Disaster Infrastructure Reconstruction	Madagascar	08/08/19	■	■			■	Recommendation	■	■	■
SG/E/2019/14	Bangalore Metro Rail Project – Line R6	India	18/09/19	■					No grounds		■	
SG/E/2019/16	Piraeus Port Expansion	Greece	29/10/19	■	■			■	No grounds	■	■	■
SG/E/2020/01	Corridor VC Mostar South	Bosnia and Herzegovina	06/02/20	■	■			■	No grounds	■	■	■
SG/E/2020/02	Nepal Tanahu Hydropower Project	Nepal	20/02/20	■		■	■*					
SG/E/2020/03	Budapest Airport Concession	Hungary	04/03/20	■	■			■	Recommendation	■	■	■
SG/E/2020/04	Lebanon Round 1 Wind – Project I	Lebanon	19/03/20	■								
SG/E/2020/06	SE Safety Improvement	Slovakia	07/05/20	■	■							
SG/E/2020/07	Mariscina County Waste Management	Croatia	04/06/20	■	■			■	Recommendation		■	■
SG/E/2020/08	GEEREF/Akiira Geothermal Power Plant	Kenya	04/06/20	■	■			■	Recommendation	■	■	■
SG/E/2020/11	Oosterweel Connection	Belgium	15/07/20	■	■			■	No grounds	■	■	■
SG/E/2020/16	PUNE Metro Rail Project	India	03/09/20	■	■			■	Recommendation	■	■	■
SG/E/2020/17/PR	Algeti-Sadakhlo Road	Georgia	13/10/20	■					Prevention		■	
SG/E/2020/18	Divča-Koper Second Rail Track	Slovenia	29/10/20	■	■							
SG/E/2020/19	Divča-Koper Second Rail Track	Slovenia	26/11/20	■	■							
SG/E/2020/20	Lebanon Round 1 Wind – Project I	Lebanon	10/12/20	■								
SG/E/2020/21	Autobahn A49 Fritzlar-Ohmmtal Dreieck	Germany	16/12/20	■	■							
SG/E/2020/22	Cairo Metro Line 3 (Phase 3)	Egypt	16/12/20	■	■							
SG/E/2021/01	Trans Adriatic Pipeline	Italy	07/01/21	■					Dropped by the complainant		■	
SG/E/2021/02	Autobahn A49 Fritzlar-Ohmmtal Dreieck	Germany	04/02/21	■	■							
SG/E/2021/03	S2 Dénivellation de Huit Carrefours à Sfax	Tunisia	04/03/21	■	■							
SG/E/2021/04/PR	Castilla y Leon Climate Change	Spain	04/03/21	■					Prevention		■	
SG/E/2021/05	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■								
SG/E/2021/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■								
SG/E/2021/07	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■								
SG/E/2021/08	Zenata Urban Development Project	Morocco	31/03/21	■								
SG/E/2021/09	PUNE Metro Rail Project	India	31/03/21	■								
SG/E/2021/10	Nepal Tanahu Hydropower Project	Nepal	08/06/21	■			■*					
SG/E/2021/11	Nepal Tanahu Hydropower Project	Nepal	08/06/21	■			■*					
SG/E/2021/12	Flood Protection Measures	Greece	16/07/21	■	■							
SG/E/2021/13/PR	Endesa Wind and Solar Green Framework Loan	Spain	16/07/21	■					Prevention		■	
SG/E/2021/14/PR	Castilla y Leon Climate Change	Spain	16/07/21	■					Prevention		■	
SG/E/2021/15	Flood Protection Measures	Greece	26/07/21	■	■							
SG/E/2021/16	Malawi NRW Water Efficiency Project	Malawi	26/07/21	■			■*					
SG/E/2021/17	Flood Protection Measures	Greece	23/09/21	■	■							

* Due to the pandemic the CM team was not able to travel. Specific arrangements were made with contracted consultants to travel on site on behalf of the CM.

Reference number	Subject/Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2021	Follow-up
SG/E/2021/18	AQP-Water Sector Upgrade Southern Italy	Italy	11/10/21	■								
SG/E/2021/19/PR	BDE Water and Sanitation A	Ecuador	11/10/21	■					Prevention		■	
SG/E/2021/20/PR	Endesa Wind and Solar Green Framework Loan	Spain	11/10/21	■					Prevention		■	
SG/E/2021/21	Bogota Sustainable Transport FL	Colombia	28/10/21	■								
SG/E/2021/22	Tomato Processing Line	Ukraine	28/10/21	■					No grounds		■	
SG/E/2021/23	S4 Deviation ZARZIS	Tunisia	25/11/21	■								
SG/E/2021/24	Pedemontana Lombarda Toll Motorway PPP	Italy	25/11/21	■								
SG/E/2021/25	Cairo Metro Line 3 (Phase 3)	Egypt	09/12/21	■								
SG/E/2021/26	MBIRR Mobile Banking Service	Ethiopia	09/12/21	■								
SG/E/2021/27	Pedemontana Lombarda Toll Motorway PPP	Italy	09/12/21	■								

Governance aspects of financed operations

SG/F/2019/02	Upgrading of Judiciary Buildings	Serbia	15/05/19	■	■			■	No grounds		■	
SG/F/2019/05	Public Sector Research & Development	Serbia	16/10/19	■	■			■	No grounds	■	■	■
SG/F/2020/03	PG Entreprises Tunisiennes V	Tunisia	03/07/20	■	■			■	Recommendation	■	■	■
SG/F/2020/04	EIB financial intermediaries in Italy	Italy	06/08/20	■	■			■	No grounds		■	
SG/F/2020/05	ECP Africa Fund II PCC	Kenya	21/08/20	■	■							
SG/F/2021/01	Road Connection to South Dalmatia	Croatia	19/02/21	■	■			■	No grounds		■	
SG/F/2021/02	Toplofikacia CHP Project	Bulgaria	28/10/21	■	■							
SG/F/2021/03	Post-Earthquake Reconstruction Framework Loan	Ecuador	15/12/21	■								

Own governance/administration, including own procurement

SG/G/2020/03	EIB Crèche	Luxembourg	22/04/20	■	■			■	Recommendation		■	■
SG/G/2020/04	Failure to reply to a loan request	Bulgaria	17/09/20	■					No grounds		■	
SG/G/2020/05	Call for Tender	Romania	17/09/20	■	■			■	No grounds		■	
SG/G/2020/06	Access to Personal Data	N/A	10/12/20	■	■			■	Friendly solution		■	
SG/G/2021/01	Failure to provide clear information to a loan request	Morocco	31/03/21	■	■							
SG/G/2021/02	Shortcomings of EIB investigation on fraud allegations	Kenya	11/10/21	■	■							

Human resources

SG/H/2020/03	Selection process	N/A	01/10/20	■	■			■	No grounds		■	
SG/H/2021/01	Application rules	N/A	25/05/21	■	■			■	No grounds		■	
SG/H/2021/02	Traineeship application	N/A	07/09/21	■					Friendly solution		■	
SG/H/2021/03	Recruitment procedure	N/A	25/11/21	■								
SG/H/2021/04	Eligibility Criteria Information	N/A	09/12/21	■								

Inadmissible complaints (INA)

SG/INA/2021/01	Miscellaneous, not related to EIB actions or activities	Russia	07/01/21	■					Inadmissible		■	
SG/INA/2021/02	Unpaid leave	N/A	04/03/21	■					Inadmissible		■	
SG/INA/2021/03	Project rejection	Nigeria	31/03/21	■					Inadmissible		■	
SG/INA/2021/04	Miscellaneous	Russia	31/03/21	■					Inadmissible		■	
SG/INA/2021/05	Technical Assistance	Ukraine	31/03/21	■					Inadmissible		■	
SG/INA/2021/06	Dispute with counterpart	United Kingdom	15/04/21	■					Inadmissible		■	
SG/INA/2021/07	Family rights	Netherlands	27/04/21	■					Inadmissible		■	
SG/INA/2021/08	Copenhagen incineration plant	Denmark	11/05/21	■					Inadmissible		■	
SG/INA/2021/09	Station d'épuration de Biougra	Morocco	25/05/21	■					Inadmissible		■	
SG/INA/2021/10	Olkaria & Geothermal Extension	Kenya	17/06/21	■					Inadmissible		■	
SG/INA/2021/11	Application to Accessbank	Azerbaijan	08/07/21	■					Inadmissible		■	
SG/INA/2021/12	Employees rights violation	Pakistan	08/07/21	■					Inadmissible		■	
SG/INA/2021/13	Station d'épuration de Biougra	Morocco	28/10/21	■					Inadmissible		■	
SG/INA/2021/14	Iberdrola Innovation & Sustainability	Spain	28/10/21	■					Inadmissible		■	
SG/INA/2021/15	Banque Nationale pour le développement	Morocco	25/11/21	■					Inadmissible		■	
SG/INA/2021/16	AccessBank Personnel	Azerbaijan	25/11/21	■					Inadmissible		■	
SG/INA/2021/17	Miscellaneous, not related to EIB actions or activities	Russia	09/12/21	■					Inadmissible		■	

European Investment Fund (EIF)

EIF/E/2020/01	GEEREF/Akiira Geothermal Power Plant	Kenya	04/06/20	■	■			■	Recommendation	■	■	■
EIF/G/2021/01	Unfair decision	Poland	04/02/21	■	■				No grounds		■	
EIF/H/2021/01	Job opening	N/A	21/01/21	■				■	No grounds		■	

Reference number	Subject/Project	Project Country	Registry date	Allegation	Date decision	Outcome	Suggestions for improvement	Closed during 2021
European Ombudsman								
EO/SI/3/2020/SF	Transparency of the EIB's response to the COVID-19 crisis	N/A	20/07/20	How the EIB Group is ensuring that high standards of good administration and transparency are maintained while adopting crisis measures	29/01/21	No maladministration		Yes
EO/1065/2020/PB	EIB disclosure of environmental information for direct financing	N/A	27/07/20	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	27/07/20	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	27/07/20	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/2030/2020/NH	TAP-TANAP	Italy	28/05/21	Lack of climate aspects assessment				
EO/01/5/2021/PB	Job applicants information requested	N/A	21/06/21	EIB's practice of requesting personal data from job applicants in the context of recruitment procedures	02/12/21	Settled		Yes
EO/1016/2021/KR	EIB's handling of a former VP's post-employment application	N/A	24/06/21	EIB's handling of a former Vice-President's post-employment application to take a senior position at a Spanish company that had received EIB loans				
EO/965/2021/PB	EIB Spenco investigation	N/A	25/06/21	EIB failure to reply to a request for information	25/06/21	Inadmissible		Yes
EO/285/2021/LM	Failure to reply	N/A	26/07/21	Failure to reply to a complaint	26/07/21	Inadmissible		Yes
EO/541/2021/PB	EIB-financed procurement procedure	Serbia	26/07/21	The way the EIB handles concerns EIB-financed procurement procedure in Serbia	26/07/21	Insufficient grounds to open an inquiry		Yes
EO/1623/2021/NH	Allowances	N/A	04/10/21	"EIB's failure to reply to a request to pay allowances to the ex-spouse of a staff member"	03/11/21	Settled		Yes
EO/SI/7/2021/DL	Right of public access to documents	N/A	27/10/21	Right of public access to documents	27/10/21	No maladministration	Yes	Yes

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 ⁶⁸	<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 ⁶⁹	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 concerned EIB services.
Consultation	Consultation on 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.

68. www.eib.org/en/about/accountability/complaints/investigation/index.htm.

69. www.eib.org/en/readonline-publications/eib-group-dispute-resolution.htm.

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 agreed to implement a solution proposed by the European Ombudsman or has otherwise addressed the complainant's concerns.
Insufficient grounds to open an inquiry	The European Ombudsman does not consider it appropriate/necessary to carry out further inquiries (e.g. because of the arguments presented in a complaint or because of the information provided by the EIB Group).
Withdrawn by the complainant	After filing the complaint with the European Ombudsman, the complainant voluntarily withdraws it.
Inadmissible	The case does not meet the admissibility criteria, and so is dismissed.
Suggestions for improvement	Although no maladministration is found, the European Ombudsman recommends that the EIB Group take one or more specific actions with a view to fostering good administration.

OUTCOMES – COMPLAINTS MECHANISM

Recommendation	Allegations are grounded (e.g. a finding of maladministration) and the complaint is closed with one or more recommendations to EIB Group management and/or the EIF chief executive/deputy chief executive for corrective action(s) and/or improvement of existing EIB policies or procedures.
Friendly solution	Allegations are addressed during the complaint-handling process and/or in a collaborative resolution process. The problem is solved and/or the dispute is settled.
No grounds	Allegations are found ungrounded.
Prevention⁷⁰	In specific and well-defined cases, EIB Group services are given the opportunity to address the complainants' allegations, supported by the EIB Complaints Mechanism.
Dropped by the complainant	The complaint is dropped by the complainant during the complaints-handling process. No further action is required.
Financing request dropped by the promoter	The promoter/intermediary drops its request for EIB Group financial assistance for the project/component in question during the complaints-handling process. No further action is required.
Financing withdrawn by the EIB Group	The EIB Group withdraws financial assistance for the project/component in question. No further action is required.
Inadmissible	The allegations do not relate to a decision, action or omission by the EIB Group and/or are listed as inadmissible complaints.
Suggestions for improvement	The Complaints Mechanism suggests that the EIB Group takes one or more specific actions with a view to fostering good administration.

70. 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

2021



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