

CORPORATE

EIB Group

# Complaints Mechanism Procedures

November 2018





# EIB GROUP COMPLAINTS MECHANISM PROCEDURES

November 2018

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## **PROCEDURES of the EIB-CM**

### **1. Standard Procedure**

#### **1.1 Admissibility check/registration**

- 1.1.1 The responsibility for checking admissibility lies with the Head of EIB-CM. The admissibility check makes no judgement on the merits of the complaint.
- 1.1.2 The admissibility check, in line with Article 4.3 of the Policy is in principle performed within 10 working days from the reception of the complaint. Whenever necessary (e.g. additional information is required from the concerned stakeholders) this period may be extended, up to a maximum of 20 working days.
- 1.1.3 After the admissibility check, the complaint is registered by the EIB-CM. If admissible, complaints follow the complaint-handling process. The decision taken in the admissibility check does not prevent the EIB-CM from reconsidering the (full or partial) admissibility of the complaint on the basis of information obtained at a later stage.
- 1.1.4 When admissible complaints contain several allegations of the same type, they are all processed under the same complaint-handling procedure. If the same complaint presents different types of allegations, separate complaint-handling procedures are launched in line with the provisions of Article 4.2 of the EIB-CM Policy. When the complainants submit additional allegations before the completion of the Initial Assessment phase, the EIB-CM will decide whether to handle them within the same complaints-handling procedure or to launch a separate one. Additional allegations submitted after the completion of the Initial Assessment phase will be handled in a separate complaint-handling process.
- 1.1.5 When the complainants substantiate an allegation contained in the complaint after the submission of the complaint, the new information provided is treated as part of the ongoing complaint-handling procedure. Depending on the complexity/quantity of the new information, the timeframe for the handling of the case may be extended.

#### **1.2 Notification to the EIB Group's services**

- 1.2.1 For admissible complaints, and before communication to the complainant, a notification is sent to the Directorates responsible for the activity under complaint, informing them that the complaint is declared admissible and that the EIB-CM will initiate an assessment of the merits of the complaint.
- 1.2.2 Such notification will include the full complaint (letter, email or form). In the event that the complainant asked for confidentiality, the EIB Group's services will be reminded of such confidentiality requirement. In very exceptional and sensitive cases, when a risk of retaliation exists, the identity of the complainant will not be disclosed and the complaint will be redacted to avoid the possible identification of its origin.

#### **1.3 Communication to the complainants**

- 1.3.1 An acknowledgement of receipt is sent to the complainant within 10 working days of receipt of the complaint. If the decision of admissibility has already been taken, it will be communicated at the same time.
- 1.3.2 If a complaint is declared admissible, the complainants are informed (i) that the complaint has been registered, (ii) of the registration number, (iii) that an inquiry/assessment has been initiated and (iv) of the date by which they may expect a response.
- 1.3.3 If, at any stage of the complaint-handling process, a complaint is declared fully or partially inadmissible, the complainants are informed of the reasons for inadmissibility and provided with suggestions as to whom they may address their concerns to, if applicable.

#### **1.4 Inquiry**

- 1.4.1 The first step of the inquiry is an Initial Assessment to determine the merits of the complaint. This will include an initial meeting with the EIB Group services concerned, to be called within 5 working days from notification of the complaint and to be held within 20 working days, for which the services will prepare a written initial reaction, if needed. The EIB-CM will also review the available information/documentation, followed by meetings with external stakeholders if deemed necessary. If the concerns seem grounded, an investigation, including a compliance review, will take place. If

deemed necessary and useful, the investigation/compliance review may be replaced by a collaborative resolution technique with a view to properly addressing the issues raised. These will take the form of “Facilitation of Information Sharing”<sup>1</sup> and/or “Dialogue/Negotiation”.<sup>2</sup>

- 1.4.2 The EIB-CM is committed to maintaining substantial information flows and consultations with the relevant EIB Group services, in order to ensure constructive collaboration. This is of particular importance given that possible divergence of opinions can occur, in light of the nature and remit of the EIB Group Complaints Mechanism.
- 1.4.3 The objective of the assessment/investigation is to allow the EIB-CM to form an independent and reasoned opinion regarding the concerns raised by the complainant. The outcome of such process may be one or a combination of the following:
- allegations dismissed;
  - problem solved during the complaint-handling process;
  - no further action required;
  - recommendation(s) to Management;
  - suggestion of corrective, mitigation actions.
- 1.4.4 In the event that the EIB-CM identifies issues which merit the attention of the Management Committee and the services, but which (a) are not directly related to the allegation, (b) fall outside the admissible scope of an otherwise admissible complaint, or (c) generally concern matters or actions of third parties for which the Bank was not responsible, the EIB-CM will address its concerns internally to the appropriate EIB services and the Management Committee, as part of its advisory function.
- 1.4.5 An EIB-CM review will not pass judgement on activities under the sole responsibility of third parties, notably those of the Promoter or Borrower, or of authorities at local, regional or national level, of European institutions or international organisations. Unless an infringement of EU law is established by the European Commission or a competent judicial authority, an EIB-CM review will not call into question the correctness of the transposition of EU law into national law by EU Member States. The EIB-CM will refer the matter to the European Commission in case of serious concerns and inform the Management Committee accordingly.

## 1.5 **Draft Conclusions Report**

- 1.5.1 The draft Conclusions Report, as the outcome of the complaint-handling process, should be prepared along the following lines:
- Complaint (allegations and claims)
  - Background information
  - Regulatory framework
  - Investigation/mediation methods
  - Work performed
  - Findings
  - Conclusions
  - Recommendations (in relation to its findings and conclusions)

The Chapter “Conclusions” and, if applicable, the Chapter “Recommendations”, consolidate the professional opinion of the EIB-CM on the facts exposed in the Chapter “Findings”. Whenever appropriate, an Executive Summary will be provided.

## 1.6 **Consultation**

- 1.6.1 The draft Conclusions Report will first be circulated to the relevant EIB Group services for comments. Any comments shall be provided within 10-15 working days from circulation, depending on the complexity. Thereafter, the draft will be submitted to the EIB Director(s) General concerned or EIF Head of Risk Management for comments. Any comments shall be provided within 5 working days from circulation.

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<sup>1</sup> Under Facilitation of Information Sharing, the EIB-CM ensures that adequate and relevant information is provided to the complainant(s), as well as additional clarification, in order to facilitate a better understanding of project impacts and effectively address the concerns put forward.

<sup>2</sup> Under Dialogue/Negotiation, the EIB-CM facilitates a dialogue between the parties, in which parties commit to negotiate with a view to achieving a commonly accepted solution.

1.6.2 Whenever appropriate (typically in the E and F cases), after the EIB-CM has given due consideration to the comments received during the internal consultation, the draft Conclusions Report will then be circulated without further delay to the external stakeholders involved in the complaint process (assessment, investigation/compliance review or mediation) for comments. Such comments shall be provided within a reasonable time limit (normally 10 working days from circulation), taking the complexity of the report into account. The timeframe for consultation of the complainants may be extended upon the complainants' reasoned request. The overall timeframe for the EIB's response will be extended accordingly. This draft is watermarked as "Confidential Draft – do not disclose – for recipient comments purpose only". In the event of disagreement with the services, the draft Conclusions Report will be submitted by the Inspector General to the EIB Management Committee or to the EIF Chief Executive/Deputy Chief Executive (CE/DCE) without further delay for comments to be normally provided within 15 working days before external consultation.

## 1.7 Final Conclusions Report

1.7.1 After reception of all comments, the EIB-CM will produce a final Conclusions Report that will be sent to the EIB Director(s) General concerned, or the EIF Head of Risk Management. The Director(s) General concerned, or the EIF Head of Risk Management, will have the possibility to provide the Inspector General with a formal Services Response with their position and comments in reaction to the final Conclusions Report. The Services Response shall be provided no later than 10 working days from circulation of the final Conclusions Report.

1.7.2 Following the expiry of the deadline for comments, and without further delay, the Head of EIB-CM will send the Conclusions Report, with the Services Response if any, to the relevant members of the EIB Management Committee or to the EIF CE/DCE for a maximum of 10 working days.

1.7.3 If s/he deems it appropriate, and on the basis of a reaction from the members of the Management Committee, respectively the EIF CE/DCE, and of the Services Response, the Inspector General may request the EIB-CM to review its final Conclusions Report.

1.7.4 At the end of this process, the final Conclusions Report will be signed by the Head of EIB-CM and by the officer in charge of the complaint.

## 1.8 EIB Management Committee / EIF Chief Executive

1.8.1 In case of agreement with the services concerned, the EIB Inspector General will submit the final Conclusions Report to the EIB Management Committee or to the EIF CE/DCE for information.

1.8.2 In case of disagreement with the services concerned, or if so requested by the relevant EIB Director(s) General or the EIF Head of Risk Management, following the expiry of the deadline for comments and without further delay, the EIB Inspector General will submit the final Conclusions Report and the Services Response to the EIB Management Committee or to the EIF CE/DCE for decision. The EIB Management Committee or the EIF CE/DCE will decide whether or not to apply the EIB-CM's recommendations and corrective actions if any, as well as how they should be implemented.

1.8.3 In the event that the EIB Management Committee or the EIF CE/DCE decides not to endorse the EIB-CM's findings and not to implement the EIB-CM's recommendations, a Management Response will be attached to the final Conclusions Report.<sup>3</sup>

## 1.9 Response to the complainant

1.9.1 The final response to the complainant is provided by letter from the EIB's Secretary General or the EIF Chief Executive, who will communicate the EIB Group's final decision/position and forward the final Conclusions Report.

## 1.10 Follow-up / Monitoring of implementation

1.10.1 The EIB-CM, in collaboration with the relevant EIB Group services, will follow up on further developments and implementation of agreed corrective actions and recommendations, whenever appropriate and in any case no later than 24 months after the date of the Conclusions Report.

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<sup>3</sup> Without prejudice to the provisions of the EIB Group's Transparency Policy.

## 1.11 Timeframe

1.11.1 The final reply must be sent to the complainant no later than 40 working days after the date of the communication of admissibility. In line with Article 4.4.2 of the Policy, this deadline may be extended for an additional maximum period of 100 working days.

1.11.2 The following table presents a summary of the main actions and timeframe applicable in a Standard procedure.

*Table 1.1 General Timeframe*

Action	Maximum Delay	After
Acknowledgment of receipt	10 working days	Reception of complaint by the EIB- CM
Response to complainant	40 working days	Communication of admissibility
Response to complainant in case of an extension	140 working days	Communication of admissibility

*Table 1.2 Other deadlines*

Action	Maximum Delay	After
Comments from the external stakeholders involved in the complaint-handling process	10 working days, taking into account the complexity of the report	Circulation of the draft Conclusions Report to the external stakeholders

## 2. Extended procedure

### 2.1 General

2.1.1 The “Extended procedure” applies to complaints regarding environmental and social impacts or governance aspects of operations/projects financed by the EIB Group (types E and F).

2.1.2 Complaints related to environmental and social impacts or governance aspects of financed operations/projects usually raise complex issues. For this reason, and because of the sensitivity of the relations involving the project Promoter, national authorities, civil society organisations and project-affected people, particular attention needs to be paid to the specific processes regarding these types of complaints.

2.1.3 The administrative steps of the “Extended procedure” are the same as those of the Standard procedure with the exception of the Inquiry (described under Article 1.4 for the “Standard procedure”), which is replaced by a more extensive and formal process outlined in articles 2.2-2.5. For these types of complaints, the normal process is formally structured in two phases: an Initial Assessment phase and a mediation or investigation phase.

2.1.4 The review performed by the EIB-CM applies to activities for which the Bank can be held responsible. In the case of complaints regarding environmental or social impacts, the EIB-CM’s review will therefore focus on projects or project components which are financed by the Bank, or which are within the project’s area of influence included in the overall project’s assessments or due diligence as was required at the material time under the EIB Statement of Environmental and Social Principles and the EIB Environmental and Social Handbook.

### 2.2 Initial Assessment phase

2.2.1 The EIB-CM work regarding an admissible complaint will start with an Initial Assessment. The Initial Assessment is fact-finding oriented and has the following objectives:

- Clarify the concerns raised by the complainant, to better understand the complainant’s position as well as the views of other project stakeholders (project Promoter, national authorities, etc.);
- Understand the validity of the concerns raised;
- Assess whether and how the project stakeholders (e.g. complainant, the relevant EIB Group services and the project Promoter) could seek resolution of the issues under complaint;
- Determine if further work by the EIB-CM is necessary and/or possible (investigation, compliance review or mediation between the parties) to address the allegation or resolve the issues raised by the complainant.



- 2.2.2 Assessments will include meetings with the EIB Group's services involved in the project/operation under complaint (including the project team) and will be carried out in a flexible manner and may include any combination of the following activities:
- Review of EIB Group's documentation;
  - Review of external information and documentation;
  - Meetings with the complainant, other affected people and communities, project Promoter, national authorities of the country where the project is located, and interested civil society organisations;
  - Visits to project location, for fact-finding reasons.
- 2.2.3 When planning a visit, the EIB-CM will inform the EIB Group's services, the project Promoter, the complainant, and other relevant stakeholders of its plans.

Key questions to be addressed

- 2.2.4 For those complaints that raise substantial concerns regarding environmental or social impacts and/or relate to serious governance issues in the EIB Group's operation:
- Understand how the relevant EIB Group services have (i) verified compliance with the applicable regulatory framework, including its policies, procedures and standards and (ii) carried out appropriate monitoring of project implementation;
  - Assess potential indications that EIB Group policies, procedures and standards have failed to provide an adequate level of protection and safeguards;
  - Identify, if any, reasonable indications of non-compliance with the applicable regulatory framework, including the EIB Group's own policies, procedures and standards.
- 2.2.5 The opportunities for collaborative problem-solving should be assessed:
- Identify the relevant stakeholders who are to be involved in a possible alternative dispute resolution;
  - Understand their views and willingness to resolve the issues;
  - Identify optimal processes (existing and new), if any, to articulate the issues under complaint and the way in which the EIB-CM can help and assist the relevant project stakeholders in providing a forum for discussion and facilitating a possible resolution;
  - Assess the possibility of a formal agreement on a process for trying to resolve the concerns raised by the complainant and any other issues identified thereof.

Reporting

- 2.2.6 The Initial Assessment will be completed within 60 working days after admissibility is communicated to the complainant.
- 2.2.7 A draft version of the Initial Assessment Report will first be submitted to the relevant EIB Group services for comments. Any comments shall be provided no later than 5 working days from circulation (10 working days, in case of complexity of the case/report). In case of disagreement, the Head of EIB-CM will provide the draft version of the Initial Assessment Report to the Inspector General and to the Director(s) General concerned for comments. The Director(s) General concerned shall provide the Inspector General with a formal Services Response with their position and comments in reaction to the draft Initial Assessment Report by no later than 10 working days from circulation. In case of disagreement, and following the expiry of the deadline for comments, the Initial Assessment Report will be submitted without further delay by the Inspector General to the EIB Management Committee or to the EIF CE/DCE for comments to be normally provided within 15 working days. Whenever appropriate, the draft Initial Assessment Report will be circulated to the external stakeholders involved in the complaint-handling process without further delay. Any comments shall be provided no later than 10 working days after circulation. The timeframe for consultation of the complainants may be extended upon the complainants' reasoned request. The overall timeframe for the EIB's response will be extended accordingly. At the end of the consultation process, the Initial Assessment Report will be distributed to the different project stakeholders and published on the EIB-CM's website.

**2.3 Decision on the type of further work to be performed, if necessary**

- 2.3.1 The Initial Assessment Report will include the decision on whether or not to proceed to the next phase (a collaborative process or an investigation/compliance review), with a clear outline of the course of action proposed, including any Terms of Reference. Formal mediation cannot be carried out at the same time as an investigation/compliance review, and cannot be initiated after the complaint has been closed.

- 2.3.2 The decision by the Head of EIB-CM to consider the complaint eligible for an investigation/compliance review, a collaborative process or formal mediation will be taken in agreement with the EIB Inspector General on the basis of the Initial Assessment Report and of the Services Response, if any.
- 2.3.3 When (i) the EIB-CM is already able to form an independent and reasoned opinion on the concerns raised by the complainant, (ii) a collaborative resolution is not possible or judged unnecessary and (iii) a further compliance review is not justified, the complaint will be closed with the Conclusions Report.

## 2.4 Investigation phase

2.4.1 In general, the starting point of the investigation is a compliance review. The outcome of the investigation will determine whether:

- There are indications of compliance or non-compliance with EIB Group policies, procedures and standards in force at the material time;
- The failure to address the concerns raised by the complainant was not compliant with the EIB Group's applicable regulatory framework, including relevant policies, procedures and standards;
- The environmental and social impacts are adequately mitigated in accordance with the EIB Group's applicable regulatory framework, including relevant policies, procedures and standards;
- The relevant EIB Group policies, procedures and standards failed to provide an adequate level of protection and safeguards in relation to the concerns raised by the complainant.

An EIB-CM investigation or compliance review will consider how the EIB Group has assured itself of the compliance with contractual obligations by the Promoter. However, it must be noted that the EIB-CM is not a legal enforcement mechanism and will not substitute for the judgment of competent judicial authorities. A finding of maladministration on the part of the EIB Group does not in itself signify or imply a breach of contract by either the EIB/EIF or their counterparties.

### 2.4.2 Mission letter

If an investigation mission is decided, the Head of EIB-CM will send a mission letter to the Director(s) General concerned and to project stakeholders involved in the Initial Assessment (complainant, affected communities, project Promoter, national authorities and relevant EIB Group services) informing them of the start of the mission and communicating its Terms of Reference.

### 2.4.3 Terms of Reference

The investigation will be governed by Terms of Reference that will be attached to the Initial Assessment Report. These will include:

- Project description
- Allegation
- Identification of relevant policies, procedures and standards
- Identification of relevant stakeholders
- Objectives and scope
- Investigation approach (criteria and methods)
- Description of the investigation work to be performed, which could be adapted during the inquiry
- Consultation process
- Verification site visits
- Use of experts
- Roles and responsibilities
- Deliverables (reporting)
- Timetable

### 2.4.4 Use of experts

One EIB-CM staff member (Complaints Officer) is assigned primary responsibility for managing the investigation process, under the supervision of the Head of EIB-CM. Whenever appropriate, expertise will be sought and the Head of EIB-CM will determine the knowledge and skills required to undertake the investigation. Experts are selected on the basis of their knowledge and experience, competence, independence, and international recognition. In the absence of any (potential) conflict of interest, internal experts can be used. The Head of EIB-CM has final responsibility for the choice of external or internal experts.

#### 2.4.5 Site visits

On-site verification visits will be performed in line with the Terms of Reference (Article 2.4.3) by EIB-CM staff and experts.

#### 2.4.6 Independent opinion and outcome

The objective of the investigation is to allow the EIB-CM to form an independent and reasoned opinion regarding the allegations of maladministration by the EIB Group raised by the complaint, which shall be independent of the management and services responsible for the activities challenged by the complainant. The outcome of such process may be one or more of the following:

- Allegations dismissed
- Problem solved during the complaint-handling process
- No further action required
- Recommendation(s) to EIB Group Management and/or EIF CE/DCE
- Suggestion of corrective, mitigation action(s).

### 2.5 Mediation phase

#### 2.5.1 Eligibility requirements

If there is a manifest opportunity for formal mediation<sup>4</sup>, the Initial Assessment Report will recommend that the EIB-CM obtain formal agreement from the relevant project stakeholders (complainant, affected communities, project Promoter, national authorities and relevant EIB Group services, where appropriate) to start a mediation process. Typically, the mediation will take place between the complainant, on one side, and the project Promoter, on the other side, with the participation of the national authorities and/or EIB Management/Services, EIF CE/DCE, wherever possible. Any of the parties may interrupt or call off the mediation process at any time.

#### 2.5.2 Terms of Reference

The formal mediation will be governed by Terms of Reference that will be attached to the Initial Assessment Report. The services concerned will be consulted on the Terms of Reference, and will be kept informed throughout the process by EIB-CM. These will include:

- Project description
- Identification of relevant stakeholders
- Objectives and scope
- Mediation approach (criteria and methods)
- Outline of the mediation work to be performed, which could be adapted during the inquiry
- Consultation process
- Verification site visits
- Use of experts
- Deliverables (reporting)
- Tentative timetable

#### 2.5.3 Mission letter

After the Initial Assessment Report, and if mediation is agreed, the Head of EIB-CM will send a Mission Letter to the Director(s) General concerned and to the project stakeholders involved in the Initial Assessment and who have accepted the invitation to participate in a collaborative resolution process. This letter will inform of the start of the process and propose the next steps of the mediation.

#### 2.5.4 Use of external mediation experts

One EIB-CM staff member (Mediation Officer) is assigned responsibility for managing the mediation process, under the supervision of the Head of EIB-CM. Whenever appropriate, mostly for the formal mediation process, and in the absence of any conflict of interest, external expert mediators will be used and the Head of EIB-CM will determine the knowledge and skills required to undertake the

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<sup>4</sup> Formal mediation/conciliation – in cases where distrust and confrontation have led to substantial deterioration of the relationship between the parties, the EIB-CM can manage and facilitate a more formal and complex process to achieve conciliation with a view to problem-solving.

mediation. External mediation experts are selected on the basis of their knowledge and experience, competence and independence.

#### 2.5.5 Formal agreement

A formal agreement to mediate by the different parties involved in the mediation shall be obtained at the start of the mediation (e.g. in the form of an Agreement to mediate) setting out the way forward and defining clear rules of engagement with well-defined timelines.

#### 2.5.6 Outcome

If the mediation process brings the parties to mutually accepted and sustainable solutions, within the defined timelines, the process is closed with the signature of a Mediation Agreement by the parties. Any Mediation Agreement should in principle be compliant with the financing decision of the EIB Group, unless otherwise decided by the EIB Management Committee and the EIF CE/DCE. If the parties do not reach a Mediation Agreement, the process is closed and a recommendation for an investigation or other specific EIB Group action may follow.

#### 2.5.7 Reporting

The EIB-CM will prepare a Mediation Report including the outcome, which will be communicated to the mediation parties and to the EIB Management Committee and the EIF CE/DCE.

### 2.6 Timeframe

2.6.1 The deadline for the final reply is a maximum of 240 working days after communication of admissibility.

2.6.2 The following table presents a summary of the main actions and timeframe applicable in an Extended procedure.

*Table 2.1 General Timeframe*

Action	Maximum Delay	After
Admissibility Check/Acknowledgment of receipt	10 working days	Reception of complaint by the EIB-CM
Initial Assessment Report, if required	60 working days	Communication of admissibility
Response to complainant	240 working days	Communication of admissibility

*Table 2.2 Initial Assessment Report*

Action	Maximum Delay	After
Comments from the external stakeholders involved in the complaint-handling process	10 working days	Circulation of the Initial Assessment Report to the external stakeholders

### 3. Prevention (PR) procedure

#### 3.1 “E” and “F” Complaints

3.1.1 Before a decision to finance an operation is made by the EIB Group Governing Bodies, technically maladministration regarding the project’s environmental and social impacts or governance aspects cannot occur. The key role of the EIB-CM at this stage is to (i) ensure that complainants’ concerns are given due consideration, (ii) prevent future grounded complaints and (iii) contribute to a consistent and comprehensive appraisal.

3.1.2 The EIB-CM work regarding complaints on EIB Group projects under appraisal will take one of the forms below:

A. **The general case**: If the complainants have not yet contacted the relevant EIB Group services, or if the appraisal team has not yet had the occasion to meet the complainants, or to consider their concerns, the complaint is transferred to the appraisal team and closed. The complainants are informed in writing that their concerns will be reviewed by the appraisal team and that if at the end of the appraisal process they feel that their concerns have not been given due consideration, they may consider launching a new complaint; the EIB-CM will follow up internally

to ensure that concerns have been given due consideration (as a minimum, that the appraisal team has contacted/met the complainants and analysed their concerns).

B. **The exception:** In exceptional cases, only when the appraisal team has already refused, or refuses, to engage with the complainants, or the complainants' concerns have already been examined and dismissed, the EIB-CM may decide, subject to documenting the reasons for the decision, to perform an Initial Assessment (in collaboration with the appraisal team) for the attention/information of the EIB Management Committee or the EIF/CE/DCE on the occasion of, or prior to, the presentation of the proposal for financing. The objective of such work<sup>5</sup>, which is not of an investigative nature, is to make recommendations to the EIB Management Committee or the EIF CE/DCE for further EIB-CM work, if deemed necessary. At this stage, EIB-CM investigative work and/or mediation may only take place when agreed or requested by the EIB Management Committee.

3.1.3 A similar approach, with the necessary adaptations due to the specific EIF governance, is taken for EIF-related complaints.

#### **4. Simplified procedure**

4.1 The "Simplified procedure" applies to complaints which, because of their subject (e.g. failure to reply, unfair treatment), are of easy and prompt resolution. The administrative steps of the Standard procedure do not apply to the Simplified procedure, except for Articles 1.1, 1.2, and 1.3.

4.2 When there is consensus among the EIB Group services concerned on the reply to the complaint, and with a view to making efficient use of the resources of the EIB Group Complaints Mechanism, the response of the EIB Group will be a letter from the EIB-CM, instead of a Conclusions Report attached to the letter of the EIB Secretary General.

4.3 In case of disagreement with the EIB Group services concerned on the reply of the EIB Group to the complaint, the Standard procedure will apply. If the preliminary assessment carried out by the EIB-CM indicates that the complaint is complex because of the complexity of the allegations or because it requires the liaison of the EIB Group with third parties (e.g. financial intermediaries), the Standard procedure may be applied.

4.4 The deadline for reply under the Simplified procedure is reduced to 25 working days from the communication of admissibility. The circulation of the draft reply will only take place at EIB Group services level.

#### **5. Rules of Conduct for EIB Group Complaints Mechanism Division (EIB-CM) members**

(For members of staff working for, or supervising, the EIB-CM, in line with the EIB Group Complaints Mechanism Policy and the Procedures)

##### **Preamble**

Members of staff working as part of the EIB Group Complaints Mechanism Division, hereafter EIB-CM members, are expected to apply and uphold the Rules of Conduct below.

The rights and obligations established for the EIB-CM members by the EIB Group Complaints Mechanism Policy and the Procedures, as well as by the present Rules, must be fulfilled in accordance with the principles, rules and procedures set out in the EIB Staff Code of Conduct and in other policies and regulations applicable to the Bank's staff.

<sup>5</sup> This "fact-finding" work will review many of the issues that will form part of a typical post-appraisal EIB-CM action, subject to the same rules of engagement, but in a lighter form.

## Rules of Conduct

### 1. Independence:

In the exercise of their responsibilities, as set forth in the EIB Group Complaints Mechanism Policy and the Procedures, or in the present Rules, the EIB-CM members shall enjoy complete operational independence from the services which are responsible for the activities that are the subject of a complaint, without prejudice to the competences attributed to the other services of the Bank. They shall have full authority to process any complaints without undue interference from any other persons or entities.

### 2. Objectivity:

EIB-CM members shall exhibit the highest level of professional objectivity in gathering, evaluating and communicating information and in engaging with stakeholders in the execution of their function under the EIB-CM. EIB-CM members shall make a reasoned judgement and form opinions based on the assessment of all the relevant information, and shall not be unduly influenced by their own interests or by others in forming judgements.

EIB-CM members shall:

- 2.1. Not participate in any activity or relationship that could reasonably be assumed to impair their unbiased judgement;
- 2.2. Not accept anything that may or could reasonably be assumed to impair their professional judgement;
- 2.3. Disclose all relevant and material facts known to them in order not to distort the reporting of complaints under review.

### 3. Confidentiality:

EIB-CM members shall:

- 3.1. Be prudent in the use and protection of third party information acquired in the treatment and handling of complaints;
- 3.2. Unless otherwise requested by complainants, or required under any applicable regulatory provisions, ensure full confidentiality of the complainants' data in order to protect their privacy rights and to avoid possible retaliation;
- 3.3. Not use information for any personal gain or in any manner that would be contrary to the law or detrimental to the legitimate and ethical objectives of the organisation.

### 4. Professional Competence:

EIB-CM members shall:

- 4.1. Handle complaints in accordance with the EIB Group Complaints Mechanism Policy and the Procedures;
- 4.2. Engage only in those services for which they have the necessary knowledge, skills, and experience;
- 4.3. Where adequate expertise is not available within the EIB-CM, identify and use appropriate external expertise for specialised assessments;
- 4.4. Continually seek to improve their proficiency, as well as the effectiveness and quality of their services.



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# Complaints Mechanism Procedures

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