

CHARTER FOR THE EIB GROUP ORGANISATIONAL OFFICE OF THE OMBUDSPERSON

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Published by the European Investment Bank.

Printed on FSC® Paper.

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PREAMBLE

The European Investment Bank (EIB) Group has established an Organisational Office of the Ombudsperson (the Office of the Ombudsperson) to offer confidential, independent, impartial and informal means to address work-related concerns, conflicts and issues.

Through its mission, the Office of the Ombudsperson supports EIB Group objectives to maintain a corporate culture that is ethical and civil, and in which work-related issues can be resolved through respectful dialogue and fair processes, faster and more effectively.

This mission is being pursued through a range of activities explained in this charter, in collaboration with other EIB Group Services, while respecting the Office of the Ombudsperson's standards of practice as defined in section VI of this charter.

Whereas the first-ever Ombudsperson was recruited on a three-year renewable contract to set up this new function, subsequent Ombudspersons will be appointed for single, non-renewable terms.

This charter defines the Office of the Ombudsperson's mandate, purpose, authority and accountability, as well as reporting obligations, administration, relevant processes and operational principles.

I MANDATE AND PURPOSE

1. The Office of the Ombudsperson is a **confidential, independent, impartial and informal** resource that assists in the resolution of work-related conflicts and other concerns of EIB Group staff.¹ The Ombudsperson has a broad mandate to look into any work-related issues to assist in their informal resolution. The Ombudsperson also shares observations with the management of the EIB and of the European Investment Fund (EIF) to address systemic concerns identified in the course of their work.
2. The Office of the Ombudsperson is complementary to the EIB Group's formal resolution processes. It offers staff an informal avenue for resolving conflicts and concerns in the workplace, without resorting to a formal process. The independence and absolute confidentiality of the Office of the Ombudsperson provide "zero-barriers" accessibility, which aims to encourage staff to bring forward matters that they might not otherwise raise elsewhere within the organisation.
3. The core functions of the Office of the Ombudsperson are:
4. To provide a safe space to raise concerns and help address work-related issues without fear of retaliation. The Ombudsperson will offer staff members and the EIB Group as a whole guidance and support to:
 - a) help to address issues promptly, fairly and in a confidential manner by providing a secure and informal avenue to voice workplace concerns, generating neutral analysis and guidance, outlining options for resolution, offering conflict management coaching, conducting mediation, or by other means as the Ombudsperson considers appropriate in the circumstances;
 - i. support the improvement of communication and conflict management skills within the organisation; and
 - ii. promote a positive, respectful, collaborative, transparent, open and engaged organisational culture.
 - b) To provide informal dispute resolution processes and skill-building tools to help EIB Group staff to communicate effectively and address conflicts productively. These actions support staff and the organisation in maintaining ethics, compliance, psychological safety, productivity and engagement at work.
 - c) To provide independent and impartial feedback and advice to the EIB president and EIF chief executive on organisational trends and systemic issues that have become apparent through the Office of the Ombudsperson's activities, with a view to promoting changes in workplace-related policies, procedures, IOA
5. The work and structure of the Office of the Ombudsperson is based on principles of confidentiality, independence, impartiality and informality, in line with the standards established by the International Ombuds Association Standards of Practice, the International Ombuds Association Code of Ethics and the Standards of Practice for UN System Ombudsman and Mediators.

¹ As per Article 14 of the EIB and EIF Staff Regulations I and II, including also interim staff and consultants.

II STRUCTURE OF THE OFFICE OF THE OMBUDSPERSON

6. The Office of the Ombudsperson is initially composed of the Ombudsperson, a team of mediators and one administrative assistant. All of them are considered members of the Office of the Ombudsperson. The Ombudsperson may therefore propose mediation services as an option in the context of fulfilling their role to resolve disputes.

III REPORTING AND ACCOUNTABILITY

7. The Ombudsperson functionally reports to the EIB president. The Ombudsperson may bring issues to the attention of the EIB president and the EIF chief executive directly and informally as needed in the exercise of the mandate of the Office of the Ombudsperson.
8. The Office of the Ombudsperson will be supported in administrative matters initially by the Secretariat General, to facilitate the internal administration of the office (such as procurement, office space and other administrative elements).
9. The Office of the Ombudsperson will issue an annual report, which will be made available to all EIB and EIF staff, as well as to the general public, via the EIB Group website. The reports will include an overview of the office's activities, comments on systemic issues and related observations. Reports by the Office of the Ombudsperson will remain free from any interference and will not be subject to internal consultation or review which could jeopardise the Office of the Ombudsperson's operational principles. The reports will present aggregated data and will be anonymised.
10. To enhance accountability, the Office of the Ombudsperson will seek regular feedback on its performance from staff members that have made use of its services as well as from the EIB College of Representatives and EIF Staff Representatives.
11. The Office of the Ombudsperson is committed to the core values and high ethical standards of the EIB Group. In the performance of their duties, the Ombudsperson will adhere to and abide by the EIB Staff Regulations, EIB Staff Rules and other applicable EIB Group policies and procedures, including the EIB Group Dignity at Work Policy and the EIB Group Whistleblowing Policy. In case of breach of professional obligations, the Ombudsperson may be subject to disciplinary proceedings, as set out in Articles 38 to 40 of the EIB Staff Regulations. The Ombudsperson will also adhere to and abide by the EIB Group Staff Code of Conduct, with the following exceptions: (i) Article 3.1 (Duty to Report), which shall not apply in the context of the Ombudsperson's professional activities; and (ii) Article 3.2 (Duty to Cooperate in an Investigation), under which the Ombudsperson shall be exempt from cooperating with internal investigations carried out by the Inspectorate General, as well as with internal inquiries initiated by the Compliance or Human Resources functions, in accordance with their respective policies and procedures.

IV ADMINISTRATION

12. While the standard performance management process is not applicable to the Ombudsperson to preserve the Office of the Ombudsperson's independence, the Ombudsperson will annually establish, with the EIB president, the Office of the Ombudsperson's work objectives. These objectives will be shared with EIB and

EIF management and with EIB and EIF staff. The Office of the Ombudsperson will be subject to an external review against the Ombuds Charter and the Office of the Ombudsperson's strategic objectives at the end of the Ombudsperson's first term, to ensure accountability towards the EIB Group and its staff. The outcome of such review will be disclosed to the EIB and EIF management and to the EIB and EIF staff.

13. The Office of the Ombudsperson will have an annual budget that is sufficient to carry out the mandate and meet the annual objectives. The Office of the Ombudsperson will be provided with adequate resources to discharge its mandate pursuant to this charter.
14. The Ombudsperson manages these resources autonomously, in compliance with sound financial management principles and subject to the EIB Group recruitment and procurement policies, mission, and any other applicable rules. The Ombudsperson will remain fully independent for matters related to selection and management² of the members of the Office of the Ombudsperson, internal budget administration and mission travel.
15. The EIB President will appoint the Ombudsperson, following the EIB Group's recruitment process.
16. The Ombudsperson is appointed for a single, non-renewable term of five years.
17. The Ombudsperson should have the relevant qualifications, professional experience and necessary skills to perform their function and is expected to pursue continued education.
18. The Ombudsperson is classified as grade 8 in the EIB Group staff categories and is not eligible for a performance appraisal. Their annual salary increase shall be equal to the average salary increase for EIB Group staff grade 8. The Ombudsperson shall also be eligible to receive the Bank award. The Ombudsperson shall not be eligible to receive any discretionary award.
19. After serving as Ombudsperson, an individual will be ineligible for any other appointment within the EIB Group, except for short-term consultant appointments limited to the Office of the Ombudsperson and approved by the President.
20. To avoid actual or perceived conflicts of interest, the following shall be upheld:
 - a) The EIB Group will not request or compel any member of the Office of the Ombudsperson to take any action in opposition to the Office of the Ombudsperson's Standards of Practice, as defined in section VI of this charter.
 - b) Members of the Office of the Ombudsperson shall not be assigned or assume other duties or responsibilities that would contradict their role and responsibilities, as defined in the Office of the Ombudsperson's Standards of Practice.
 - c) The members of the Office of the Ombudsperson shall not serve on any working group, committees or task forces within the EIB Group as voting members. They may, however, attend such meetings as a neutral observer or in their independent role to provide insight and gain understanding of the organisation's activities, policies and information.
 - d) The members of the Office of the Ombudsperson may attend and participate actively in discussions formed to improve the communication and coordination of different services providing support to staff within the EIB Group.

² This is without prejudice to the members of the Office of the Ombudsperson being subject to the EIB Staff Regulations and EIB Staff Rules and any other rules applicable to EIB staff. Mediators within the Office of the Ombudsperson will be subject to the terms and conditions of the service contract signed with the EIB.

- e) The members of the Office of the Ombudsperson shall not take personal advantage of any opportunities they learn of, or any resources afforded to them through their role.
21. The Ombudsperson may only be removed from office for gross misconduct in accordance with the relevant rules on disciplinary procedure, as set out in Articles 38 to 40 of the EIB Staff Regulations. The Ombudsperson shall be protected from retaliation.

V AUTHORITY AND PROCESS

22. The Ombudsperson will not have any formal or binding decision-making powers and will only advise on individual cases and make suggestions or observations, as appropriate, on actions needed to settle conflicts or to address systemic issues. The Ombudsperson does not determine staff members' rights, nor can it take, change or set aside any administrative decision or policy.
23. The Office of the Ombudsperson is committed to protecting the personal data of employees and other concerned individuals and has, in consultation with the EIB and EIF Data Protection Officers, implemented mechanisms and technical and organisational measures to safeguard, process and retain personal data in compliance with applicable privacy laws, policies and procedures.
24. The Office of the Ombudsperson may consider any workplace conflict or concern of any nature related to employment with/by the EIB Group, acting always with neutrality and in the best interest of the EIB Group. "Conflict" is to be construed in its broadest sense and includes, without being limited to, matters pertaining to conditions of employment, workplace behaviour, managerial practices and staff relations.
25. The submission of an issue to the Office of the Ombudsperson shall not suspend or affect time limits for lodging appeals in administrative or judicial proceedings. The Office of the Ombudsperson's intervention will come to an end as soon as a formal procedure concerning the same matter has been initiated, unless the director general of Human Resources or the EIF's Chief People Officer in the context of an administrative review process, or the Inspector General in an investigation, agree to allow the continuation of the Office of the Ombudsperson's intervention for a limited period. In the case of an administrative review process, the continuation of the Office of the Ombudsperson's intervention shall not exceed two months from the date the administrative review is opened.
26. The Office of the Ombudsperson will not play any role in matters brought forward to them by staff members pursuant to potential Prohibited Conduct, as defined in the EIB Group Anti-Fraud Policy. Such matters shall be referred by the staff members to the Investigations Division of the Inspectorate General. Likewise, the Office of the Ombudsperson will refrain from any intervention on matters where disciplinary proceedings are ongoing and will not conduct investigations
27. The Office of the Ombudsperson may hear any of the parties involved in a conflict who want to avail themselves of their services. Parties may contact or be referred to the Office of the Ombudsperson by any other source. Whenever helpful, the Office of the Ombudsperson may provide guidance to the parties involved in a conflict and refer them to other relevant services within the EIB Group, if relevant, particularly to the Office of the Group Chief Compliance Officer, EIF Compliance, Human Resources and the Investigations Division of the Inspectorate General.
28. The Ombudsperson shall be granted access in detail to the results of all staff and speak-up surveys conducted in the EIB Group, and shall be involved in exchanges with the relevant EIB Group services, including the staff representatives of the EIB and EIF, in connection with any action plans designed to enhance the speak-up culture in the institution as well as improve wellbeing in the workplace.

VI STANDARDS OF PRACTICE OF THE OFFICE OF THE OMBUDSPERSON

Confidentiality

29. The Office of the Ombudsperson will not disclose the identity of any individual with whom there is a contact, nor does it reveal information provided in confidence in the performance of its duties that could lead to identification of the individual, without the individual's express consent. The Office of the Ombudsperson may exceptionally share information on a need-to-know basis, without the express consent of the concerned individual, if the Office of the Ombudsperson determines that there is an apparent imminent threat of serious harm to said person or to other persons, or to the EIB Group, or in case of legal obligations.³
30. The Office of the Ombudsperson will take reasonable measures to safeguard the security of confidential information.
31. The members of the Office of the Ombudsperson may not be compelled by any person or service of the EIB Group to be witnesses in hearings or investigations in any of the formal grievance processes about concerns brought to their attention in their official capacity.
32. The Office of the Ombudsperson is bound by the confidentiality principle and staff members who choose to engage with it share responsibility to protect confidentiality of such matters raised. Accordingly, they must not request, call upon or compel any member of the Office of the Ombudsperson to reveal any confidential communication or participate in any internal or external formal process.
33. All information and records compiled by the Office of the Ombudsperson will be solely for the use of the Office of the Ombudsperson in the performance of its duties. Any reports by the Office of the Ombudsperson will be prepared in a duly anonymised manner, unless staff members who have brought matters to its attention have waived confidentiality in respect of themselves, without prejudice to the confidentiality of other persons involved in the case. Details of specific cases may be disclosed only with the consent of the persons affected by those details.

Independence

34. The Office of the Ombudsperson is fully independent in its purpose and practices, and in the discharge of its duties. The Office of the Ombudsperson remains a fully independent function within the EIB Group. In their substantive work, the members of the Office of the Ombudsperson will operate without influence from other functions or hierarchical oversight, and will be free from interference, control or limitation. The Office of the Ombudsperson is not a compliance function, and the delivery of its substantive services may not be subject to oversight or approval by the EIB Group.
35. The members of the Office of the Ombudsperson will not participate in activities deemed to be incompatible with its principles and the proper discharge of its duties.

³ Such as those stemming for instance from Regulation (EU, Euratom) No 883/2013 (European Anti-Fraud Office) or Council Regulation (EU) 2017/1939 (European Public Prosecutor's Office).

Impartiality

36. The Office of the Ombudsperson does not take sides or advocate for staff or management. Instead, it fairly, objectively and independently considers issues brought to its attention, promotes equitably administered processes, and explores options to address issues that support informal resolution of conflicts.
37. The members of the Office of the Ombudsperson shall have no personal interest in, and incur no gain or loss from, the outcome of a matter brought to their attention. The members of the Office of the Ombudsperson decline involvement when they determine that they may have an actual or perceived conflict of interest.

Informality

38. The Office of the Ombudsperson addresses workplace concerns through informal means, including mediation, conflict coaching, guidance, listening, providing or receiving information, identifying and reframing concerns, exploring a range of options, and undertaking informal fact-finding.
39. Consulting the Office of the Ombudsperson is completely voluntary. In case of issues falling outside its remit, the Office of the Ombudsperson may refer staff members to the appropriate channels.
40. Availing of the Office of the Ombudsperson does not trigger any formal procedure or investigation.

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