

2019

COMPLAINTS MECHANISM



EUROPEAN
INVESTMENT
FUND



European
Investment
Bank

The EIB bank

2019

COMPLAINTS MECHANISM

European Investment Bank Complaints Mechanism Report 2019

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ABOUT THIS REPORT

THE COMPLAINTS MECHANISM REPORT offers an overview of its actions in 2019 to address the public's concerns regarding EIB Group projects or activities. These concerns can be about a wide range of issues, including the potentially negative consequences of EIB financed projects, whether social or environmental. Our job is to evaluate those complaints and to conduct investigations if necessary and/or facilitate collaborative resolutions.

This report is a summary of our work over the past year. It highlights areas in which we have made progress, such as reducing the backlog of cases and closing several highly complex cases.

The report is organised into sections that explain how we work and describe our activities in 2019, followed by descriptions of the cases we have closed or were working on, including concerning the European Investment Fund. It then covers cases lodged with the European Ombudsman against the EIB Group. The final section of the report talks about our outreach and our work with other independent accountability mechanisms and organisations such as the United Nations Economic Commission for Europe. An annex at the end of the report provides key figures and charts regarding our activities.

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

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FOREWORD



While we are always keen to spread the news about our good work, it is probably human nature to be less eager to hear complaints about some of our actions or investments. The independent Complaints Mechanism is key for the European Investment Bank (EIB) Group to embrace this feedback and, more importantly, to learn from it.

The Complaints Mechanism is our tool to hear people's voices and to be aware of their concerns about our activities. Only with an open mind and active listening can we reflect on our current practices and actions – and improve on them. We can thereby establish ourselves as a learning institution with a growth mindset that is committed to good administration.

2019 was the first full year we implemented the revised policy of the EIB Group Complaints Mechanism. I am personally happy that the Complaints Mechanism reduced the backlog of cases considerably through the closure of 113 cases, several of which were very complex. The Panama Canal Expansion, the Marišćina County Waste Management Centre, the Šoštanj Thermal Power Plant and Reventazón Hydropower were among those cases. These encouraging results reflect the hard work and commitment of the Complaints Mechanism's diverse team.

As the EU climate bank, the European Investment Bank adopted a new climate action and environmental sustainability strategy in 2019, committing to ambitious goals. Citizen participation and accountability are central to the process of monitoring, ensuring that the Bank delivers successfully on its climate change commitments. The Complaints Mechanism will continue to play an important role in helping to ensure that projects financed by the Bank are in line with its environmental and climate requirements. Women and men living in poverty and the most vulnerable segments of society are the hardest hit by the effects of climate change. The Bank must guarantee that they are part of the efforts to combat climate change and its impact through meaningful stakeholder engagement.

We are publishing this report during the COVID-19 pandemic, a time of unprecedented challenges. During the crisis, the Complaints Mechanism has continued to receive and handle complaints, and has been testing new ways to reach out to complainants and to engage with stakeholders.

As most countries are slowly relaxing their lockdown measures and trying to find the right balance between health priorities and economic necessities, the supporting role of the EIB Group will become even more crucial. Economists and health, environment and social practitioners are assessing the impacts of the pandemic, and the importance of considering the risk of future global health threats is becoming evident. The Bank's environmental and social experts have prepared guidance notes for promoters on environmental and social requirements in EIB-financed operations in response to the COVID-19 pandemic.

The EIB Group is continuously evolving. We are open to new challenges and remain ready to learn and grow from them.

Werner Hoyer

THE EIB GROUP COMPLAINTS MECHANISM

HOW WE WORK

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

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

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

Our team receives complaints about a variety of topics concerning the projects financed by the Bank, including for example **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 getting **access to information**.

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

In terms of the number of cases handled and problems resolved, the EIB Group's Complaints Mechanism is one of the leading accountability mechanisms established by international financial institutions that operate under the network of independent accountability mechanisms (IAMs). With our broad mandate, we review complaints across all of the EIB Group's activities, and cooperate with the European Ombudsman, which can review the decisions made by the respective EIB Group entities. Any member of the

public has access to a two-tier procedure: the EIB Complaints Mechanism and the European Ombudsman. This ensures a further degree of independence and accountability, making the Complaints Mechanism unique among IAM members.

For more information about the EIB Complaints Mechanism, visit <https://www.eib.org/complaints>

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

OUR TEAM

Our staff members' diversity and variety of backgrounds – as well as their commitment to accountability – are our most valuable assets. We draw on their professional experience in law, environment, human rights, governance, economics, project operations, audit, human resources, EIB Group and IFI standards as well as communication. The team members are of 12 different nationalities and speak 21 languages.



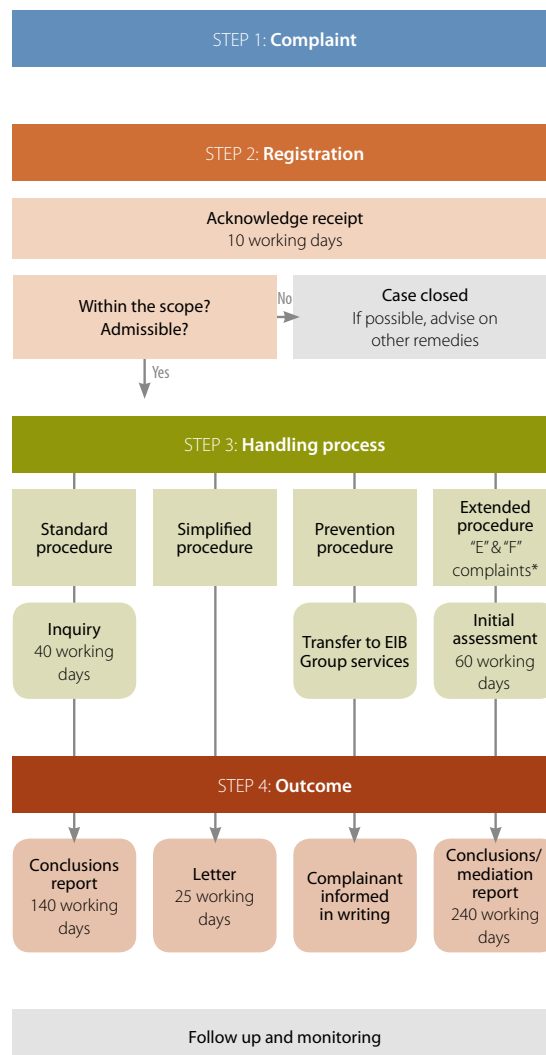
HOW WE HANDLE COMPLAINTS

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

During a compliance review, the Complaints Mechanism investigates whether the EIB Group has followed the standards, rules and procedures that govern its operations. The mechanism then relates the findings, conclusions and any recommendations in a Conclusions Report.

As part of the Complaints Mechanism’s problem-solving approach, complainants may propose to resolve the complaint through collaboration. The Complaints Mechanism may also propose and facilitate this approach when it determines that the issues under consideration could be resolved with the participation of the parties involved. If an agreement is reached through a collaborative resolution process, a settlement agreement (which might be public or confidential) will detail the commitments and the timetable agreed by the parties participating in the process.

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 provide our advice to senior management regarding issues of a systemic nature. The Complaints Mechanism also monitors closed complaints to ensure the follow-up measures agreed by the EIB Group and/or project promoter are implemented.



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

OUR PLACE IN THE EIB GROUP

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

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

OUR ROLE IN THE EUROPEAN UNION

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

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

WORKING WITH THE ACCOUNTABILITY NETWORK

As a long-standing member of the IAM Network¹, 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 IAM Network currently comprises 22 members, with the European Ombudsman also being part of the network.

While the IAM members share a common mission to assess complaints and respond to people's concerns independently, they function differently. For example, a distinct feature of the Complaints Mechanism is that complainants do not have to indicate the relevant rule or policy that may have been breached, and the issue cited does not have to be directly related to the non-compliance of the EIB Group with specific policies, procedures or standards.

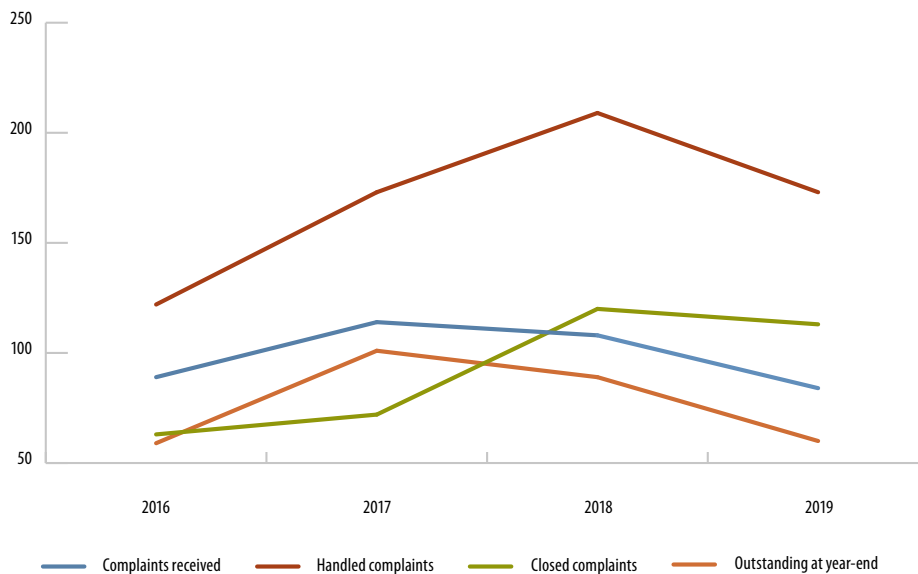
1. <http://independentaccountabilitymechanism.net/>

CASES IN 2019

GENERAL OVERVIEW

2019 was the first full year of implementation of the revised EIB Group Complaints Mechanism Policy, which had been approved by the EIB and EIF Boards of Directors in late 2018. The number of new complaints remained high in 2019, despite a decline in new cases from 108 in 2018 to 84. This is partly because procurement complaints (12 of which were new in 2019) are no longer being registered and handled by the Complaints Mechanism under the revised policy. The Procurement Complaints Committee dealt with the new procurement complaints received after the approval of the revised Complaints Mechanism Policy.²

In 2019, the Complaints Mechanism focused on its core business of handling complaints. We made major progress in reducing the backlog of cases. In 2019, we handled 173 cases and closed 113 of them. As a result, the number of outstanding complaints has further decreased: from 101 in 2017 to 89 in 2018 and then to 60 at the end of 2019. Most of the long-overdue cases were closed during the year. The large majority of the cases that are open at year-end 2019 are now complaints registered in 2018 and 2019.



Among the cases closed in 2019, there are five project procurement complaints, predating the introduction of the new EIB Group Complaints Mechanism Policy. It is also worth noting that 13 of the closed cases concern two projects that are no longer being financed by the Bank.³

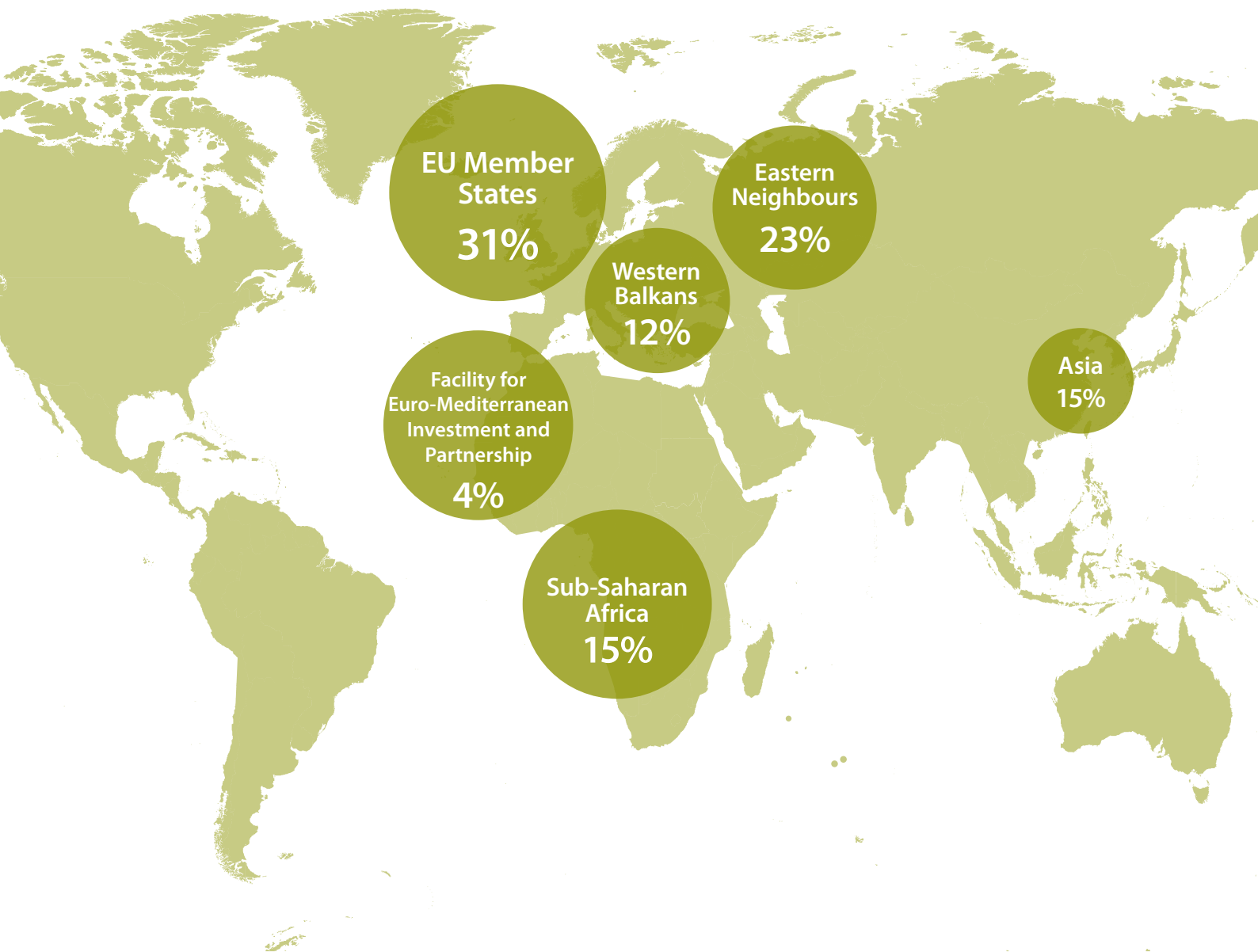
Of the 74 new complaints that were directly submitted to the Complaints Mechanism⁴, we declared 50 admissible. The majority of these complaints (58%) concern environmental and social impacts (E)⁵ and governance aspects (F) of projects financed by the EIB. This year we saw an increase in governance-related complaints ((F) and own governance and administration cases (G)) and access to information (A) cases.

2. Annual Report 2019 of the Procurement Complaints Committee available at: <https://www.eib.org/en/readonline-publications/annual-report-procurement-2019.htm>

3. Spain Gas Network Expansion II (10 cases) and Modernisation Routière (three cases).

4. Note that 10 of the 84 new complaints in 2019 were lodged with the European Ombudsman.

5. The different type of complaints have a corresponding code in the registry number.



The vast majority of complaints were submitted by individuals (60%), followed by civil society organisations (24%). By region, 69% of the project-related complaints concern projects situated outside the European Union.

In 2019, the Complaints Mechanism also followed up on closed cases such as the Regional Mombasa Port Access Road mediation, the 2016 complaint about the Cairo Metro Line (Phase 3) involving market traders, and the two complaints about the Georgia East-West Highway.

A new feature in the revised Complaints Mechanism Policy is the introduction of reporting on a semi-annual basis to the Board of Directors, which we did for the first time in May 2019 (EIB and EIF Boards), and subsequently in September (EIF Board) and November (EIB Board) 2019. Regular reporting to the EIB Group Governing Bodies also includes quarterly reports to the Management Committee and the Audit Committee.



Trans Adriatic Pipeline

COMPLAINTS INVESTIGATION FUNCTION

The Complaints Mechanism closed 55 cases spanning a variety of areas, countries and issues by completing an investigation and compliance review. Energy and transport continued to be the sectors with the largest number of cases under investigation.

Our cases have become more complex over the years. Some involve a very high number of complainants, such as the Regional Mombasa Port Access Road case in Kenya (complaints received from more than 250 individuals). We also have complaints that include a large number of allegations. For the Trans Adriatic Pipeline (TAP), for example, we have a total of 19 cases covering two countries (Italy and Greece) with numerous allegations and one additional case that was submitted by an international NGO. In 2019, we managed to close five of these 20 TAP cases in addition to the Regional Mombasa Port Access Road complaints.

In 2019, we closed other complex cases, including the following: the Panama Canal Extension (Panama), Marišćina County Waste Management (Croatia), Šoštanj Thermal Power Plant (Slovenia), Reventazón Hydropower (Costa Rica) and S7 Expressway (Poland).

Furthermore, we made significant progress in handling a number of cases that were still under review or consultation at year-end: Grand Contournement Ouest de Strasbourg (France), Nenskra (Georgia)⁶, some urban public transport projects (several complaints related to the Cairo Metro Line in Egypt, Kharkiv Metro Extension in Ukraine, and Réseau Ferrovière Rapide in Tunisia).

In 2019, we also handled and closed an increasing number of transparency/access to information cases.

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

MEDIATION FUNCTION

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

In 2019, we strengthened our mediation function. The mediation officers now screen new complaints received from the onset to determine the potential of a collaborative resolution process. If such potential is identified, a mediation officer carries out the initial assessment of the complaint on her/his own or jointly with a compliance officer.

While working closely with colleagues from the complaints investigation function, the mediation function guards its independence and impartiality within the Complaints Mechanism as per the Complaints Mechanism's revised policy. In addition to formal mediations, in 2019 the mediation function proposed and applied different facilitative approaches such as information sharing and dialogue. Furthermore, the mediation function worked with the dispute resolution functions of other independent accountability mechanisms to strengthen dispute resolution practices and principles.

EUROPEAN INVESTMENT FUND

In 2019, we received six new complaints concerning EIF activities. After handling seven EIF-related complaints (one carried over from 2018), we closed six. Most of the complaints (five) concerned EIF governance of its mandates and operations, and one of the other two complaints handled was regarding a call for expression of interest for the selection of financial intermediaries. For more information about the EIF-related cases, please consult the section on Review of cases related to EIF activities.

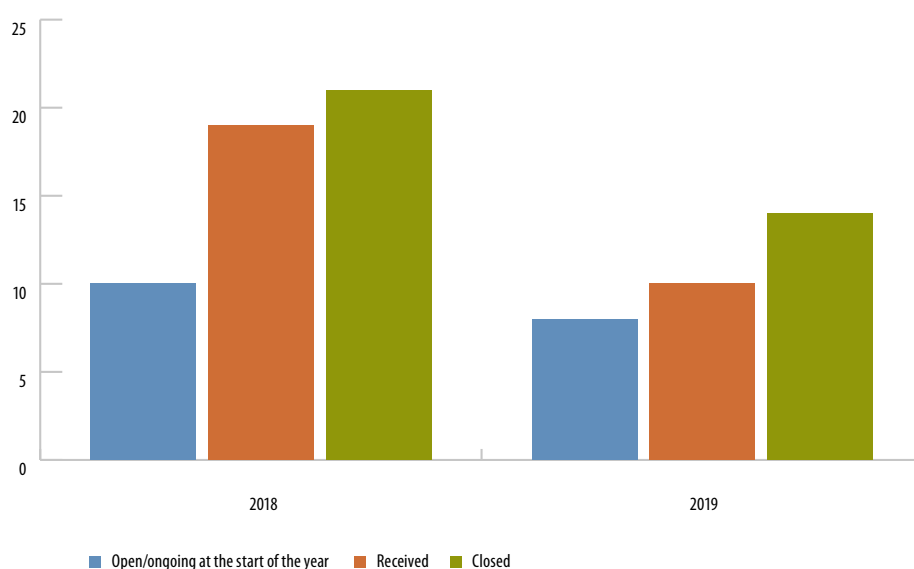
6. SG/E/2018/32.

EUROPEAN OMBUDSMAN

The number of new cases brought to the European Ombudsman concerning EIB Group operations and activities decreased from 19 in 2018 to 10 in 2019. Five of these 10 new cases had been escalated to the ombudsman after the Complaints Mechanism completed its review.⁷ Of the 18 cases handled by the European Ombudsman in 2019 (including cases notified in 2018), 14 were closed during the year.

The majority of new cases concern issues related to EIB personnel matters (five), followed by governance (three) and access to information (two).

Among the cases closed in 2019, the European Ombudsman made specific recommendations in one case only. This concerned the request for disclosure of the Report and Recommendation from the European Anti-Fraud Office (OLAF) about an EIB loan to Volkswagen. For more details about European Ombudsman cases, please consult the section on European Ombudsman and other Non-Judicial Review Mechanism.



7. Cases escalated to the European Ombudsman: these are cases for which the Complaints Mechanism performed an inquiry, but the complainants are not satisfied with the outcome of the procedure before the Complaints Mechanism. Other cases that are lodged with the ombudsman (and not escalated from previous cases brought to the Complaints Mechanism) may include complaints from EIB staff.

REVIEW OF CASES RELATED TO EIB ACTIVITIES

COMPLAINTS INVESTIGATION FUNCTION CLOSED CASES

TRANSPARENCY/ACCESS TO INFORMATION CASES IN 2019

In 2019, we received four new complaints related to access to information (compared to two in 2018). We also received one new complaint related to transparency. We closed six transparency and access to information cases before the end of the year. Below are the details of some of the cases we closed. These cases provided useful lessons that are expected to inform the review of the Bank's Transparency Policy, to be launched during 2020.

Nenskra Hydropower Plant Project, African Lion Mining Fund III and Corridor Côtier – Section Nord

In March 2019, the Complaints Mechanism closed one complaint – Nenskra Hydropower Plant Project⁸ – and received two new complaints – African Lion Mining Fund III and Corridor Côtier–Section Nord – from CEE Bankwatch Network. All three complaints concerned delays incurred in the disclosure of requested information, among other allegations.

In all three cases, the EIB's response exceeded the Bank's timelines as set forth in its Transparency Policy. Regarding the Nenskra Hydropower Plant Project, we determined that the Bank fell short of deadlines in replying to the complainant's request for information and in informing the complainant about an extension of the time limit for disclosure. In addition, we determined that redactions applied to an EIB project document were based on insufficient grounds.

As relates to African Lion Mining Fund III and Corridor Côtier–Section Nord, the Bank provided a formal and final reply to the complainant 120 and 86 working days respectively following receipt of the request, instead of the 30 working days as indicated in the Transparency Policy for exceptional cases. In our view, the arguments of the Bank concerning the complexity of the request for information and the need for consultation with third parties do not fully justify the excessive delay.

Based on our review, we made the following recommendations and suggestions for improvement:

- 1) To process requests expeditiously and productively, we encouraged the Bank to engage with the applicant (i) to clarify the nature and scope of the information sought at the outset (Nenskra Hydropower Plant Project case) and (ii) to address the different elements of the request for information in several batches if necessary (two other cases).
- 2) We highlighted the importance for the Bank to address requests for access to environmental information promptly.

8. SG/A/2018/01.

3) We recommended that the Bank develop specific guidance on the application of Transparency Policy exceptions for use by its staff (Nenskra Hydropower Plant Project case) and consider, as part of the forthcoming review of the policy, developing detailed implementation guidelines for handling complex access to information cases.

Transparency Policy

In March 2019, we closed a complaint concerning alleged non-compliance of the Bank's current practice with the regulatory framework concerning transparency, in particular regarding the Bank's duty to organise environmental information relevant to its functions and progressively make it available on the public register.

As a result of our inquiry, we found that while on the date of lodging the complaint, certain documents were not published on its public register, the Bank has since started publishing them and the Bank's practice has evolved significantly. We concluded that the allegation that a list of specific types of documents should be included on the register for the Bank to fulfil its obligations under Article 4 of the Aarhus Regulation was ungrounded.

The Complaints Mechanism welcomed the evolution of the practice and further reflection by the Bank for improving it.

Intermediated lending to hydropower plant projects in the Balkans

In October 2019, we closed a complaint concerning the transparency of the EIB's intermediated lending to hydropower plant projects in the Balkans, as well as its compliance with EIB standards. Relying on the Bank's replies to several requests for information, the complainant alleged: (i) non-compliance of EIB finance contracts for intermediated lending with EIB transparency requirements; (ii) refusal of the EIB to disclose environmental information on intermediated loans; (iii) non-compliance of EIB finance contracts for intermediated lending with EIB environmental requirements; and (iv) failure of EIB finance contracts for mid-cap loans to include provisions enabling due diligence of loans between €25 million and €50 million.

Based on our compliance review, we concluded that, in the reviewed finance contracts, there were contractual provisions put in place to comply with the requirements for transparency and that the EIB is able to monitor the correct implementation of the contractual requirements.

We also considered that Article 5.13 of the EIB Transparency Policy illustrates the specific nature of intermediated loans and the fact that information on individual allocations may not be held by the Bank and should rather be requested from the intermediary. Therefore, we concluded that the Bank should have provided a substantive reply to the complainant by checking whether it held the requested information and examining the request under the Transparency Policy exceptions.

Finally, we considered that the finance contracts in question ensure the compliance of intermediated lending with the EIB's environmental requirements; a review of the relevant finance contract revealed that mid-cap loans between €25 million and €50 million are subject to the EIB's approval before allocation.

Following up on these conclusions, the Complaints Mechanism issued a number of recommendations, including to update and strengthen the Bank's communication with intermediaries about EIB transparency obligations, and to design and launch dedicated training for intermediaries in enlargement countries and outside the European Union on transparency and access to information requirements.



Site of Marišćina County Waste Management Centre

COUNTY WASTE MANAGEMENT CENTRE (CWMC) MARIŠĆINA

Country:	EU/Croatia
Sector(s):	Solid waste management
Project financed under:	Co-financing EU IPA ISPA 2007-2011 framework agreement
Proposed EIB finance for the entire framework agreement (approximate amount):	€200 million
Total cost for the entire framework agreement (approximate amount):	€600 million
Signature date:	30 September 2010
EIB-CM Conclusions Report:	www.eib.org/complaints-mariscina-county-waste-management-centre

We received a complaint from Udruga Krizni eko stožer Marišćina, a non-governmental organisation focusing on waste management-related issues in Croatia. The complaint concerned the County Waste Management Centre (CWMC) Marišćina in Croatia. The complainant made several allegations concerning: (i) the implementation of the project; (ii) the impact on the environment; (iii) the waste management technology; and (iv) the project costs.

We closed this case and published the Conclusions Report in March 2019. The conclusions included:

- with respect to five allegations: the project was considered to be in line with the project plans and/or applicable standards;
- with respect to one allegation: the project encountered challenges that were later resolved and the project was considered to be in line with the project applicable standards; and,
- with respect to three allegations: the project was not yet fully in line with the project plans or applicable standards.

Regarding the EIB role, we concluded that the allegations were ungrounded. Considering that the project was not yet fully in line with the project plans or applicable standards, the Bank confirmed that, as part of its monitoring, it would continue to monitor whether:

- the temporary landfill would be closed in line with the applicable standards;
- the off-take of fuel produced was ensured;
- the new off-take of fuel arrangement had a positive impact on the operational expenses of the CWMC.

After identifying areas for improvement, we suggested that the Bank:

1. Clarify the content of a project review by providing guidance to EIB staff on how to carry out project review.
2. Provide borrowers/promoters with guidance on the issues that they should report on. This should include regular reporting on pending issues encompassed by a complaint registered with the Complaints Mechanism.
3. Offer technical assistance to the national authorities in ensuring off-take of the fuel produced by CWMCs in Croatia.



Public meeting with stakeholders, Mombasa, Kenya (mission in September 2019)

REGIONAL MOMBASA PORT ACCESS ROAD

Country:	Sub-Saharan Africa/Kenya
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€50 million
Total cost (approximate amount):	€250 million
Signature date:	29 August 2017
EIB-CM Conclusions Report:	www.eib.org/complaints-regional-mombasa-port-access-road

Between June 2017 and October 2019, the Complaints Mechanism received emails from more than 250 individuals complaining about the implementation of the Resettlement Action Plan for the Regional Mombasa Port Access Road project in Kenya.

The project concerns the rehabilitation of a 41.64 km road section, 40.31 km of which is included in the project. The project is divided into two lots: Lot 1, fully financed by the African Development Bank and the Government of Kenya; and Lot 2, co-financed by the German Kreditanstalt für Wiederaufbau and EIB – construction not yet commenced in 2019.

Both Lot 1 and Lot 2 fall under a single project definition, so the lenders agreed with the promoter to issue a single Resettlement Action Plan. The implementation follows the respective lenders' standards in each lot: Lot 1 governed by the African Development Bank's social safeguard policies and Lot 2 governed by the EIB Social and Environmental Standards.

We grouped the allegations made in the complaints into the following four categories: (i) failure to promptly compensate the people affected by the project for their assets; (ii) inability to detail compensation awards reflecting the full replacement cost; (iii) failure to cover all the people affected by the project corridor and avoid forced eviction; and (iv) failure to conduct a transparent and inclusive stakeholder engagement process throughout all phases of the project and provide a functioning grievance mechanism.

We initially met the complainants in December 2018. As part of our compliance review, the Complaints Mechanism undertook an additional mission to Kenya in September 2019. During our handling of the complaints, we continuously liaised with the accountability mechanisms of the African Development Bank and Kreditanstalt für Wiederaufbau.

Based on our inquiry, we concluded that all parties agreed that there were shortcomings in the implementation of the resettlement process. In order to ensure the compliance of Lot 2 with EIB standards, the Complaints Mechanism, the EIB services, the promoter and the Kenya National Land Commission agreed on a detailed action plan including monitoring for Lot 1 and concrete steps to be taken for Lot 2. The action plan is included in our Conclusions Report.

The EIB will continue to cooperate with the other lenders and the promoter to address the current issues in Lot 1 and to avoid similar issues once construction works start in Lot 2. The Complaints Mechanism is planning to monitor the implementation of the action plan together with the Bank until all pending issues for Lot 2 have been resolved.

BACKLOG CASES

In 2019, we made major progress in reducing the backlog of cases. We present here some details about long-overdue cases that we managed to close during the year.

TES - THERMAL POWER PLANT ŠOŠTANJ

Region/country:	EU/Slovenia
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€550 million
Total cost (approximate amount):	€1.2 billion
Signature date:	27 September 2007
EIB-CM Conclusions Report:	www.eib.org/complaints-thermal-power-plant-sostanj

The Complaints Mechanism closed its inquiry into an environmental complaint concerning the Thermal Power Plant Šoštanj project in Slovenia. The allegations concerned (i) the non-compliance of the project with the EIB's energy lending policy, the Bank's environmental standards, the original aim of the loan and EU/national environmental law, as well as (ii) the EIB's failure to verify the carbon capture readiness of the project.

We issued our Conclusions Report in March 2019 and found no maladministration by the Bank in the appraisal and monitoring of the project. However, we made the following suggestions for improvement to the Bank:

1. Continue monitoring the CO₂ emissions from the project during the lifetime of the loan.
2. Monitor the administrative procedure for the revocation of the environmental permit of Unit 4 of the Thermal Power Plant Šoštanj.
3. Continue monitoring the ongoing procedure for the issuance of the carbon capture and storage-readiness certificate for the project.



Thermal Power Plant Šoštanj

PANAMA CANAL EXPANSION

Region/country:	Latin America/Panama
Sector(s):	Transport
Proposed EIB finance (approximate amount):	\$500 million
Total cost (approximate amount):	€3.9 billion
Signature date:	5 January 2009
EIB-CM Conclusions Report:	www.eib.org/complaints-panama-canal-expansion-en www.eib.org/complaints-panama-canal-expansion-es

The project involves the expansion of the Panama Canal through the addition of a third lane of larger locks and the improvement of existing navigation channels. In March 2011, a Panamanian NGO filed a complaint raising concerns regarding: (i) the design of the project; (ii) the failures of the design of the seismic criteria used for this project; (iii) the environmental and social impacts; and (iv) the water management plans. Overall, the complainant alleged that the promoter was acting in breach of the EIB Statement of Environmental and Social Principles and Standards. Furthermore, the complainant argued that there was a lack of transparency, poor public consultation and limited access to information.

We closed this case in May 2019. Our review showed that the promoter dedicated substantial resources and efforts to the preparation of this project. Given the uniqueness of the works, several aspects of the design challenged by the complainant could only be tested through modelling at the time of project preparation. The main impacts regarding seismicity and biodiversity were also assessed by the promoter at the time of project preparation. Concerning the specific role of the Bank, our review showed that there are no references in the Bank’s decision-making documents to the seismicity risks, the EU Water Framework Directive or its main possible implications for project design. However, overall, the Bank’s documents for the decision-making process addressed the issues challenged by the complainant, such as project design, salinity impacts and, partially, water management.

Given the sensitivities of the local population to the possible impact on their lives, we suggested that, as part of its monitoring, the Bank follow up on the general implementation of the promoter’s water management strategy, including the possible impact of the construction of any new reservoirs. Moreover, we suggested that the Bank ask the promoter for a plan reflecting meaningful engagement with the local communities of the Western Watershed if new reservoirs are planned.



Panama Canal Expansion

CA CCFL REVENTAZÓN HYDROPOWER

Region/country:	Latin America/Costa Rica
Sector(s):	Energy
Project financed under:	The Central America Climate Change Framework Loan Agreement
Proposed EIB finance (approximate amount):	€61 million
Total cost (approximate amount):	€1.047 billion
EIB-CM Conclusions Report:	www.eib.org/complaints-reventazon-hydropower

The Reventazón Hydroelectric project in Costa Rica is the largest hydropower plant in Central America, with an installed capacity of 305.5 MW, a medium-sized reservoir and a large dam. In 2016, the owners of a farm lodged a complaint including four allegations: (i) non-compliance with the EIB's nature protection standards; (ii) failure to reconstruct the Mesoamerican Biological Corridor; (iii) non-compliance with the obligation to remove the vegetation from the reservoir area, and corollary impacts on the greenhouse gas emissions profile of the project; and (iv) failure to conduct land acquisition in line with the EIB standards.

Based on our inquiry, we found that the EIB's environmental and social due diligence and monitoring of the project was not fully consistent with the EIB standards and the funding agreement signed with the Central American Bank for Economic Integration. In particular, the Bank's monitoring arrangements were not commensurate with the significant environmental and social risks of the project as identified at its appraisal. Furthermore, the Bank did not request environmental and social monitoring data in relation to the mitigation and compensation measures.

We issued our Conclusions Report in July 2019 after reviewing allegations (i), (ii) and (iii). Allegation (iv) is being reviewed by the accountability mechanism of the International Finance Corporation (Compliance Advisor Ombudsman), which received similar complaints. Both accountability mechanisms cooperated in handling this complaint.

Given the constraints identified in the monitoring and the absence of key documents substantiating environmental and social information, the Complaints Mechanism could not conclude on the allegations. We recommended that the Bank follow up on the concerns about negative project impacts as part of its ongoing process of collecting project completion information from the intermediary and the promoter.

ONGOING CASES

GRAND CONTOURNEMENT OUEST DE STRASBOURG (A355)

Region/country:	EU/France
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€229 million
Total cost (approximate amount):	€600 million
Signature date:	25 April 2018
EIB-CM Initial Assessment Report:	www.eib.org/complaints-grand-contournement-ouest-strasbourg

The Grand Contournement Ouest de Strasbourg project concerns the construction of the A355 motorway in France, bypassing the city of Strasbourg to the west. This aims to ensure the continuity of the motorway connection on the corridor and provide an alternative to the congested section of the A35 running through the centre of Strasbourg. In July 2016, Alsace Nature, a French non-governmental organisation, lodged a complaint alleging that: (i) the project will have a negative impact on biodiversity and agricultural land and the compensation/mitigation measures are not sufficient to offset the negative impact; (ii) the project will have a limited impact on traffic on the A35 and will not lead to the necessary improvements in air quality in Strasbourg; and (iii) the EIB had an imperfect knowledge of the project during appraisal based on the information presented to the public.

As of December 2019, our Conclusions Report was undergoing internal consultation.



Pilot programme to protect the grand hamster d’Alsace, Strasbourg, France (mission in July 2018)



Marshyangdi river valley

NEPAL POWER SYSTEM EXPANSION PROJECT

Region/country:	Asia/Nepal
Sector(s):	Energy
Proposed EIB finance (approximate amount):	€95 million
Total cost (approximate amount):	€270 million
Signature date:	20 April 2015
EIB-CM Initial Assessment Report:	www.eib.org/complaints-nepal-power-system-expansion-en www.eib.org/complaints-nepal-power-system-expansion-np

In October 2018, we received a complaint from the Free, Prior and Informed Consent and Rights Forum, on behalf of local communities in Nepal. The complainants submitted a request for mediation regarding the EIB-funded 220 kV Marsyangdi Corridor high voltage transmission line and other hydropower sector development in the region. The allegations concern: (i) lack of adequate and meaningful stakeholder engagement; (ii) lack of adequate compensation especially under the right of way and benefit sharing mechanism; (iii) lack of a Free, Prior and Informed Consent process with affected communities especially the indigenous people affected by the project; and (iv) lack of an adequate and holistic (strategic) environmental and social impacts analysis.

In March 2019, a delegation of the Complaints Mechanism went on an onsite mission to Nepal to meet with the communities affected by the project as well as the promoter and national authorities. The Complaints Mechanism completed its Initial Assessment Report in July 2019 and distributed the report in both English and Nepali.

From the information gathered during the initial assessment, we found that most of the concerns raised derive from what the complainants perceive as insufficient and inappropriate communication and consultation. We considered that many of the points raised were well suited for a collaborative resolution process to be facilitated by the Complaints Mechanism. However, only one party was willing to engage in such a process. In the absence of the necessary willingness to engage by both the complainants and the promoter, the Complaints Mechanism decided to move to a compliance review of the allegations. The compliance review is ongoing.

NENSKRA HYDROPOWER PLANT PROJECT⁹

Region/country:	Eastern Neighbours/Georgia
Sector(s):	Energy
Proposed EIB finance (approximate amount):	\$150 million
Total cost (approximate amount):	\$1.083 billion

The project entails the construction and operation of a 280 MW hydropower plant on the Nenskra and Nakra rivers in the Upper Svaneti region of Georgia. The project aims to (i) increase firm supply of electricity during the winter months; (ii) reduce dependency on natural gas and electricity import; and (iii) replace alternative fossil fuel-fired generation.

In June 2018, we received a complaint from CEE Bankwatch Network and Green Alternative, collectively acting as representatives of people affected by the project. The complainants claimed that the Bank failed to identify the Svan ethnic group as indigenous people under EIB Environmental and Social Standard 7, thus failing to afford the group protections provided for by the Bank’s environmental and social framework. This is the third complaint received by the Complaints Mechanism regarding this project.

As part of its initial assessment, the Complaints Mechanism conducted a joint fact-finding mission with the Project Complaint Mechanism of the European Bank for Reconstruction and Development in February 2019. As of December 2019, our Conclusions Report was undergoing internal consultation.

9. SG/E/2018/32.



Mestia Municipality, Samegrelo-Zemo Svaneti region in north-west Georgia



Engagement with complainants, Kharkiv, Ukraine (mission in September 2019)

KHARKIV METRO EXTENSION PROJECT

Region/country:	Eastern Neighbours/Ukraine
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€160 million
Total cost (approximate amount):	€330 million
Signature date:	11 December 2017
EIB-CM Initial Assessment Report:	www.eib.org/complaints-kharkiv-metro-extension-en www.eib.org/complaints-kharkiv-metro-extension-ukr

Between January and April 2019, we received complaints from five individuals. The complaints relate to the involuntary resettlement process in the context of the construction of a metro line extension and associated stations as part of the Kharkiv Metro Extension project in Ukraine. The allegations mainly concern compensation.

We carried out our initial assessment and issued our report in May 2019. With regard to one of the complainants who is a user (and not an owner unlike the other complainants), the Complaints Mechanism found that she was a person who is negatively affected by the project and as such *“is eligible for compensation, livelihood restoration and/or other resettlement assistance”* as per Standard 6 of the EIB Environmental and Social Standards. We recommended that the Bank services closely guide the City Council/promoter in addressing her situation as soon as possible. With regard to the allegations related to the adequacy of the monetary compensation (for the four other complainants), we deemed it necessary to further clarify some aspects. These related to the valuation methodology and approaches to determine the total compensation package and how these were applied to the individual cases.

At the initial assessment, we also identified (i) the lack of an independent and effective grievance redress mechanism at project level, as well as (ii) limitations to meaningful stakeholder engagement and consultation regarding resettlement, as required under EIB Standards 6 and 10. Therefore, we underlined the need for the Bank to provide continuous technical guidance to both the City Council and promoter in these two areas.

We prepared the Conclusions Report, which was ready to be circulated to the services for internal consultation as of December 2019. This report covers the aspects related to the adequacy of the monetary compensation.

BANJA LUKA-DOBOJ MOTORWAY

Region/country:	Eastern Neighbours/Bosnia and Herzegovina
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€207 million
Total cost (approximate amount):	€565 million
Signature date:	16 December 2013
Link to EIB-CM reports for closed complaints about the same project:	Conclusions Report in case SG/E/2016/24 (complaint received in 2016 and closed in 2019): www.eib.org/complaints-sg-e-2016-24-banja-luka-doboj-motorway Reply to the Complainant in case SG/F/2019/03: www.eib.org/complaints-sg-f-2019-03-banja-luka-doboj-motorway

The project concerns the construction of a motorway between the cities of Banja Luka and Doboj in Republika Srpska, Bosnia and Herzegovina. The EIB is financing the western section of the motorway, i.e. the 35.3 km section between Banja Luka and Prnjavor. The section has been in use since 2 October 2018.

In 2019 we received three complaints concerning the Banja Luka – Doboj Motorway project and have already closed one of them (SG/F/2019/03). This complaint concerned the validity of the project’s subdivision plan. We considered the explanation provided by the promoter concerning the publication of the subdivision plans as reasonable. We noted that the plan is permanently accessible to the public in the relevant local authorities upon request. We concluded that the allegation is ungrounded with respect to the Bank’s role.

The remaining two cases from 2019 concern expropriation, spatial planning and safety issues. The Complaints Mechanism undertook a site visit and was carrying out its assessment in December 2019.

We had already received a complaint on this project in 2016 (SG/E/2016/24 - see link to the Conclusions Report above).



Banja Luka – Doboj Motorway, Republika Srpska, Bosnia and Herzegovina

TRANS ADRIATIC PIPELINE

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

The project concerns the financing and construction of the Trans Adriatic Pipeline, the western part of the Southern Gas Corridor from the Greek/Turkish border to Italy through Albania.

In 2019, we closed five complaints related to this project, which we had received in 2017. We concluded that the allegations were not grounded.

We handled 12 additional complaints related to the same project that were also submitted by the end of 2017 and at the beginning of 2018 (for the Italian section of the Trans Adriatic Pipeline). These complaints cover a set of eight main allegations related to environmental and social aspects: (i) failure to consult the local population on the project; (ii) misrepresentation of community health-related impacts in the area of operations; (iii) circumvention of the Seveso regime; (iv) abuses by security personnel, thereby inappropriately restricting people's fundamental rights of free movement, assembly, demonstration and expression of dissent; (v) the expiration of the project's permit before the beginning of construction works; (vi) failure to fully address impacts in the Environmental Impact Assessment, violation of international conventions on Environmental Impact Assessments and absence of a monitoring plan; (vii) failure to comply with the EU Habitats Directive; and (viii) failure to address socio-economic impacts in the project-affected area.

As of December 2019, the Complaints Mechanism was carrying out its investigation for these 12 additional cases.



Trans Adriatic Pipeline route

MEDIATION FUNCTION

CLOSED CASES

REGIONAL MOMBASA PORT ACCESS ROAD

Region/country:	Sub-Saharan Africa/Kenya
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€50 million
Total cost (approximate amount):	€250 million
Signature date:	29 August 2017
EIB-CM Mediation Report:	www.eib.org/complaints-mediation-regional-mombasa-port-access-road

The mediation encompassing all complaints related to the corrective action plan in the Regional Mombasa Port Access Road project was closed with a final settlement agreement in 2018. In 2019, the agreed review of the individual complaints was finalised. Moreover, the mediation function has been monitoring the implementation of the settlement agreement closely.



Mediation table, Mombasa, Kenya (mission in March 2019)

ONGOING CASES



Bangalore Metro Project

BANGALORE METRO RAIL PROJECT – LINE R6

Region/country:	Asia/India
Sector(s):	Transport
Proposed EIB finance (approximate amount):	€500 million
Total cost (approximate amount):	€1.634 billion
Signature date:	12 October 2017
EIB-CM Initial Assessment Report:	www.eib.org/complaints-bangalore-metro-rail

The project involves the construction of a 18-station rapid transit line in Bangalore and the purchase of 96 train cars for use on the line. This is to expand the second longest urban metro system in the country and is the largest ever EIB loan in India.

In June 2019, we received a complaint regarding the Bangalore metro rail project submitted by a member of a local church on behalf of concerned congregation members. The complaint relates to the impact of the construction of a metro station as part of the project on the All Saints Church, a Christian church in the centre of Bangalore. The complainant alleges that (i) the promoter violates various applicable national laws; (ii) it has not taken proposed alternatives sufficiently into account; and (iii) it did not follow the required public disclosure and consultation process. Furthermore, the concerned congregation members allege that the temporary occupation of land required for the construction of the station would impact the cultural heritage of the church and destroy important biodiversity.

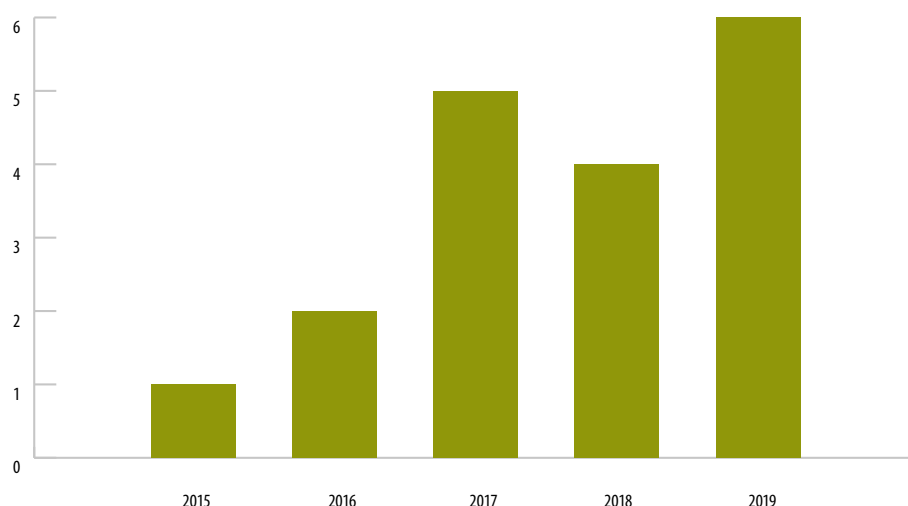
In September 2019, our mediation team went on a site visit to meet with the complainant and other congregation members, the promoter and other key stakeholders and to assess the possible way forward. Following its initial assessment, the Complaints Mechanism proposed facilitating information sharing through a joint consultation that would address the allegations raised by the complainant. Both the complainant and the promoter accepted our proposal. As of December 2019, we were preparing the work for the consultation process with the support of an external third party.

REVIEW OF CASES RELATED TO EIF ACTIVITIES

In 2019, the Complaints Mechanism received six new complaints concerning EIF activities. One complaint was carried over from 2018, bringing the total to seven complaints handled in 2019. Most of the complaints (five) concerned EIF governance of its operations, and one of the other two complaints concerned a call for expression of interest for the selection of financial intermediaries.

We closed six EIF complaints in 2019. In four complaints, we concluded that the allegations were unfounded. One of the cases related to the rejection of a student's request for an Erasmus and master's degree loan. This issue was resolved during the complaints handling process as the intermediary bank ultimately agreed to provide the loan. One remaining case was declared inadmissible as the complaint was not challenging an EIF action.

EIF complaints received between 2015-2019



MORE DETAILS ABOUT ONE OF THE CLOSED EIF CASES

In March 2019, the Complaints Mechanism received a complaint concerning the EIF InnovFin SME Guarantee Facility. The complainant alleged that he requested a loan from several EIF intermediaries that offer the InnovFin Guarantee, which they unfairly refused to provide to him.

Our assessment showed that the intermediaries had assessed the loan requests and provided the complainant with timely replies outlining the specific reasons for the rejection. The reasons were mainly related to the financial status of the company. The Complaints Mechanism considered that the intermediaries acted within the limits of their discretion provided by the mandate. Therefore, it was concluded that the allegations were not grounded.

EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS

GENERAL OVERVIEW

As in 2018, no cases against the Bank were brought before the European Data Protection Supervisor (EDPS) or the Aarhus Convention Compliance Committee in 2019.

The Complaints Mechanism received 10 new complaints (19 in 2018) against the EIB lodged with the European Ombudsman. Of these new complaints, five were complaints previously handled by the Complaints Mechanism that were escalated to the ombudsman (four in 2018). Of the new complaints, five (11 in 2018) concerned personnel-related cases; three concerned the EIB's own governance (seven in 2018); and two cases related to access to information (one in 2018).

In 2019, the European Ombudsman dealt with 18 cases (including cases notified in 2018) and closed 14 cases (21 in 2018).

Bearing in mind that some complaints contain multiple and diverse allegations, which may result in different outcomes, the cases closed by the ombudsman in 2019 came to the following conclusions:

- Insufficient grounds to open an inquiry: one (one in 2018)
- No maladministration: seven (10 in 2018)
- Settled: four (eight in 2018)
- Recommendation: one (three in 2018)

In two cases, the European Ombudsman concluded that allegations were inadmissible.¹⁰

In none of the cases closed in 2019 (six in 2018) did the ombudsman make suggestions for improvement.

MORE DETAILS ABOUT THE EUROPEAN OMBUDSMAN CASES

Main areas of the European Ombudsman's 2019 inquiries:

- transparency;
- personnel matters.

10. In one of these, the European Ombudsman dismissed another allegation due to insufficient grounds to open an inquiry.

EIB LOAN TO VOLKSWAGEN

In April 2018, an investigative journalist submitted a complaint to the European Ombudsman after being denied access to the OLAF Report and Recommendation (the OLAF Report) and EIB internal documents related to an EIB loan to Volkswagen. The OLAF inquiry concerned alleged misuse of the EIB loans by Volkswagen for the development and/or implementation and/or purchase of devices aiming at deceiving the regulatory bodies on the real level of gas emissions of vehicles and automotive components manufactured by Volkswagen. The inquiry also concerned alleged misrepresentations by representatives of Volkswagen to obtain EIB financial assistance.

By the end of 2018, the EIB had received the European Ombudsman's Proposal for Solution recommending that the Bank disclose a copy of the OLAF Report with appropriate redactions only for personal data.

In its reply of February 2019, the EIB informed the European Ombudsman about the publication of a summary of the OLAF Report in line with the EIB Group Transparency Policy, providing the complainant and the public with an informative and meaningful account of the OLAF investigation. Furthermore, the EIB informed the European Ombudsman that, while it was in principle willing to grant public access to a redacted version of the OLAF Report, a fair balance should be made between the public interest in disclosure and other public interests, which should be protected by redacting the OLAF Report beyond personal data. Whereas OLAF had expressed concerns in relation to any disclosure of the report, the EIB therefore invited a delegation from the European Ombudsman and a delegation from OLAF to a formal inter-institutional meeting to enable public disclosure of the OLAF Report while securing the protection of legitimate interests.

The European Ombudsman declined the EIB's invitation and, by the end of March 2019, issued the following recommendations on the case:

- 1) The EIB should grant public access to the OLAF Report, with appropriate redactions of personal data, i.e. any text that could lead to individuals being identified.
- 2) The EIB should also grant public access to its internal documents relating to the OLAF investigation, with appropriate redactions of personal data, i.e. any text that could lead to individuals being identified.

In its reply of June 2019, the EIB informed the European Ombudsman that it was not in a position to accept her recommendations and provided the European Ombudsman with a detailed assessment of the legitimate interests, which would have been undermined if the documents concerned were to be disclosed with only the redactions of personal data.

By the end of November 2019, the European Ombudsman issued its final decision: "by not accepting the EO's recommendation, the EIB has failed to recognise the overriding public interest in the release (with appropriate redactions) of the OLAF Report into the EIB's loan to Volkswagen." The European Ombudsman commended the EIB for publishing, in the course of the inquiry, a summary of the OLAF Report on its website. The ombudsman also acknowledged the EIB's good cooperation and the EIB's genuine intention to solve the case.

DISCLOSURE OF INFORMATION ON AN EIB LOAN IN SPAIN

In March 2019, the European Ombudsman opened a case about the manner in which the EIB handled an access to documents request concerning an EIB operation in the region of Castilla y Leon in Spain. Following the European Ombudsman's invitation, the EIB provided the complainants with a new reply to their request. In July 2019, the European Ombudsman closed the case with the conclusion that the matter had been settled.

MEDICAL HEALTHCARE AND HOSPITAL CONVENTIONS

In May and June 2019, the European Ombudsman concluded its inquiry into two complaints submitted by an EIB staff member and concerning the EIB's agreements with Luxembourgish health providers (respectively hospitals and doctors/dentists). The complainant alleged that he had not received a reply from the EIB to his letter requesting that the EIB withdraw from those agreements.

The European Ombudsman found that the EIB had settled the matter by replying to the complainant. Concerning the claim that the EIB should withdraw from the agreements, the European Ombudsman found that the EIB had, in the meantime, terminated the agreement with doctors and dentists and that it was in the process of reviewing its agreement with hospitals. As a result, the European Ombudsman considered that no further inquiries into this aspect of the complaint were justified.

In July 2019, the European Commission, in agreement with the EIB and other EU institutions, decided to terminate the convention with Luxembourg hospitals as of 1 January 2020.

ALLEGED DISCRIMINATION IN STAFF SELECTION PROCEDURES

In March 2019, the European Ombudsman concluded its inquiry into a case concerning alleged discriminatory treatment in EIB staff selection procedures. The complainant argued that she had not been selected for a number of jobs due to her disability and claimed that the EIB should re-admit her to the selection process or pay compensation.

The European Ombudsman found no evidence that the complainant's applications had been rejected because of her disability and therefore denied the complainant's request for compensation. On the other hand, the European Ombudsman found that the complainant had not been aware that a selection test she previously took (which she had failed) had remained valid for some time and excluded her from subsequent staff selection procedures. At that time, the EIB was not informing applicants of this practice. The European Ombudsman appreciated that the EIB was now giving all applicants clear information about the validity of its staff selection tests and concluded that there was no maladministration by the Bank.

OUTREACH AND OTHER ACTIVITIES

COMPLAINTS MECHANISM 10TH ANNIVERSARY CELEBRATIONS

In January 2019, the EIB hosted a two-day event to celebrate the 10th anniversary of the Complaints Mechanism. The official celebration took place in the presence of the President of the EIB and the Secretary General of the European Ombudsman. It was a perfect opportunity to reach out and network. Heads and representatives of independent accountability mechanisms of other international financial institutions and development agencies, as well as civil society organisations participated in the event and in the various panel discussions.



The event was an occasion to discuss the European Union and international approaches to accountability, as well as lessons learned from the field. On the second day of the anniversary celebration, the Complaints Mechanism organised an “open session” for EIB staff to discuss the protection of complainants, including environmental and human rights defenders. The IAM Secretariat presented a toolkit for preventing and addressing the risk of reprisals on complainants.

OUTREACH AND TRAINING

The Complaints Mechanism reaches out to internal and external stakeholders, including partner organisations, through outreach and training activities. Highlights in 2019 included:



16th International Accountability Mechanisms Annual Meeting, Abidjan, Ivory Coast

Collaboration with other international accountability mechanisms and outreach to civil society

In June 2019 the Complaints Mechanism attended the 16th International Accountability Mechanisms Annual Meeting and the preceding consultative meeting with the UN on the UN's Accountability and Remedy Project Phase III in Abidjan.

Topics discussed included:

- Challenges with implementing safeguard policies in countries affected by fragility, conflict and violence: potential implications for IAMs' work as development institutions increasingly fund projects in fragile states beset by the legacy of conflict, political instability, weak institutional capacity, poor governance, low levels of gender equality, and violence against women and girls.
- Case studies of case management systems employed by the Independent Redress Mechanism/Green Climate Fund and the Social and Environmental Compliance Unit/United Nations Development Programme as well as other IAM Network members.

The annual meeting included an outreach session with civil society organisations.

In addition to the annual meeting, the Complaints Mechanism continued to participate in independent accountability mechanism working groups on their own collaboration, accountability standards, dispute resolution and retaliation.

In February 2019, during the EIB Board-Civil Society Seminar organised by the EIB, the Complaints Mechanism held a session with civil society organisations to present the revised EIB Group Complaints Mechanism Policy.

Collaboration with the United Nations Economic Commission for Europe

In June 2019, the Complaints Mechanism participated in the 23rd meeting of the Working Group of the Parties to the Aarhus Convention at the Palais des Nations, the United Nations’ office in Geneva. It delivered a presentation on cases concerning access to information and stakeholder engagement. The Asian Infrastructure Investment Bank, the European Bank for Reconstruction and Development and the World Bank also provided presentations related to the promotion of the Aarhus Convention’s principles in the policies of international financial institutions.¹¹

Internal outreach and training

In October 2019 the Complaints Mechanism hosted an internal workshop on the Aarhus Convention and the EIB with speakers from the United Nations and the European Commission. The event explored the implications of the European Union’s involvement in the Aarhus Convention for the EIB. This workshop was useful for the ongoing revision of the EIB environmental and social standards framework as well as the review of the EIB Transparency Policy in 2020.

Furthermore, the Complaints Mechanism continued to provide regular training to new EIB staff on its role and on accountability.



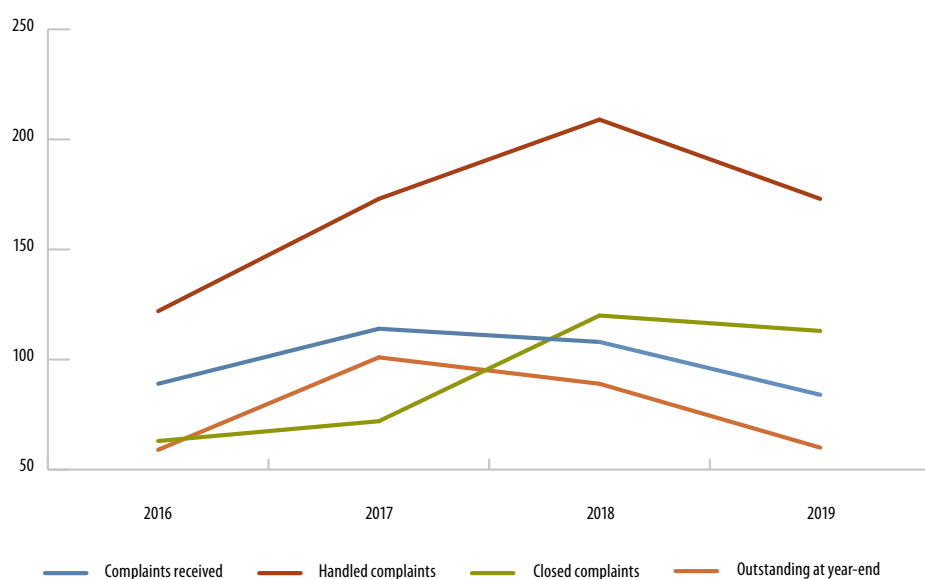
Aarhus Convention and the EIB

11. More information is available on the webpage of the United Nations Economic Commission for Europe: <http://www.unece.org/index.php?id=50755>

ANNEX I STATISTICS

GENERAL OVERVIEW

	2016	2017	2018	2019
Complaints received ¹²	89	114	108	84
Handled complaints	122	173	209	173
Closed complaints	63	72	120	113
Outstanding at year-end	59	101	89	60



In 2019, the Complaints Mechanism handled 173 cases and closed 113 of them. A total of 60 cases were outstanding at the end of the year.

In 2019, 84 new complaints were submitted (compared to 108 registered complaints in 2018)¹³, 50 of which were declared admissible by the Complaints Mechanism. 10 of the new complaints were brought before the European Ombudsman, which declared eight of them admissible.

12. This is the total number of complaints related to EIB Group-financed operations/projects and/or administration that are received by the EIB-CM and are brought before other institutions.

13. Following the revision of the Complaints Mechanism Policy in November 2018, procurement-related complaints are handled by the Procurement Complaints Committee. This partly explains the smaller number of registered complaints in 2019.

	2016	2017	2018	2019
Complaints received	89	114	108	84
Complaints submitted directly to the CM	82	103	89	74
Inadmissible	5	12	14	24
Admissible	77	91	75	50

Complaints brought before other institutions				
European Ombudsman	7	11	19	10
Inadmissible ¹⁴	7	-	-	2
Admissible	6	11	19	8
European Data Protection Officer	-	-	-	-
Aarhus Convention Compliance Committee	-	-	-	-

Admissible complaints are complaints relating to a decision, action and/or alleged omission by the EIB – even at early stages when the EIB is only considering providing support.

Inadmissible complaints may be complaints:

- concerning fraud or corruption (which are dealt with by the Fraud Investigation Division);
- from EIB staff;
- concerning international organisations, EU bodies, or national and local authorities;
- that have already been brought before, or settled by, other non-judicial or judicial review mechanisms;
- that have been submitted anonymously (confidentiality is assumed, anonymity is inadmissible);
- seeking an unfair competitive economic advantage; and complaints that are excessive, repetitive or clearly frivolous or malicious in nature.

(Complaints Mechanism Policy, Article 4.3.)

14. These are the inadmissible cases as far as EIB was notified.

NEW COMPLAINTS DECLARED ADMISSIBLE BY THE CM IN 2019

COMPLAINTS BY TYPE

The number of admissible **E** (environmental/social/developmental impacts) complaints dropped significantly from 44 in 2018 to 19 in 2019. However, these cases still represent the largest share of the admissible complaints (38%). There was an increase in governance-related complaints (both governance of financed projects and own governance or administration). Many own governance cases concerned failure to provide a (satisfactory) reply, and one of them was about transparency. In 2019, we saw a continued interest in bringing up concerns related to access to information.

New admissible complaints	2016	%	2017	%	2018	%	2019	%
Access to information (A)	1	1	0	0	2	3	4	8
Customer relations (C)	2	3	0	0	0	0	1	2
Environmental/social/developmental impacts (E)	29	38	53	58	44	58	19	38
Governance of financed projects (F)	6	8	7	8	5	7	10 ¹⁵	20
Own governance and administration (G)	7	9	6	6	0	0	11 ¹⁶	22
Human resources (H)	8	10	8	9	8	11	5	10
Own procurement (R)	0	0	0	0	3	4	0	0
Procurement-related complaints (P)	24	31	17	19	13	17	0	0
TOTAL	77	100	91	100	75	100	50	100

15. Including four complaints related to activities financed by the European Investment Fund (EIF).

16. Including one complaint related to activities financed by the EIF.

PROJECT-RELATED COMPLAINTS BY REGION

52% of the complaints declared admissible by the Complaints Mechanism relate to projects financed by the EIB. Complaints related to projects in EU countries (32 in 2018 to eight in 2019), the Facility for Euro-Mediterranean Investment Partnership (FEMIP) area (10 in 2018 to one in 2019) and in the Western Balkans (12 in 2018 to three in 2019) decreased. 69% of complaints related to projects outside the European Union.

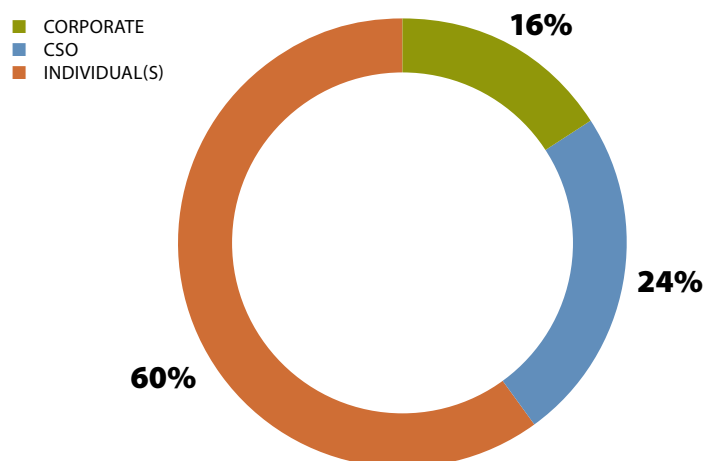
Project-related complaints	2016 (%)	2017 (%)	2018 (%)	2019	2019 (%)
Asia	6	1	6	4 ¹⁷	15
Eastern Neighbourhood	9	10	5	6 ¹⁸	23
EU	13	42	48	8 ¹⁹	31
FEMIP	16	10	15	1 ²⁰	4
Latin America	6	1	0	0	0
Other	0	0	2	0	0
Sub-Saharan Africa	4	22	6	4 ²¹	15
Western Balkans	47	14	18	3 ²²	12
TOTAL	100	100	100	26	100

COMPLAINTS BY ORIGIN

In 2019, we received less complaints submitted by civil society organisations. The large majority of complaints (60% of the cases) were lodged by individuals, of which 37% concerned E (environmental/social/developmental impacts) issues, 23% F (governance of financed projects) issues and 20% G (own governance) matters.

Civil society organisations mainly submitted E cases (for 67% of them), followed by A (access to information) cases (25%). Most of the cases with a corporate origin concerned G (for 50% of them) and F cases (38%).

	2019
Corporate	8
CSO	12
Individual(s)	30
Total	50



17. All India.

18. Bosnia and Herzegovina, Georgia and Ukraine.

19. One complaint refers to the Trans Adriatic Pipeline (Albania, Greece and Italy) and Trans-Anatolian Natural Gas Pipeline (Turkey) projects.

20. Egypt.

21. Mauritius, Madagascar and Senegal.

22. Albania and Serbia.

COMPLAINTS HANDLED²³

After handling 173 cases in 2019 (209 in 2018), the number of outstanding cases at the end of 2019 was down to 60 (from 89 in 2018). Since 2017, the number of outstanding cases at year-end continued to decrease.

	2016	2017	2018	2019
Open/ongoing at the start of the year	33	59	101	89
Complaints received	89	114	108	84
Outstanding at year-end	59	101	89	60
Overall complaints dealt with	122	173	209	173

HANDLED COMPLAINTS BY TYPE

Handled complaints	Number of complaints handled in 2018	% of handled complaints 2018	Number of complaints handled in 2019	% of handled complaints 2019
European Ombudsman (EO)	29	14	18	10
Access to information (A)	3	1	5	3
Customer relations (C)	0	0	1	1
Environmental/social/developmental impacts (E)	101	49	86	50
Governance of financed projects (F)	13	6	12 ²⁴	7
Own governance and administration (G)	4	2	14 ²⁵	8
Human resources (H)	10	5	6	3
Procurement-related (P)	29	14	5	3
Own procurement (R)	3	1	2	1
Inadmissible (INA)	17	8	24	14
Total	209	100	173	100

In 2019, half the complaints dealt with by the Complaints Mechanism concerned **E** cases. These are often the most complex complaints.

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

24. Including five complaints concerning activities financed by the EIF.

25. Including one complaint concerning activities financed by the EIF.

CLOSURE OF REGISTERED CASES LODGED WITH THE COMPLAINTS MECHANISM

In 2019, 113 cases were closed: 99 of those cases are complaints that were submitted to the Complaints Mechanism and 14 were complaints that were lodged with the European Ombudsman. Major progress was achieved in reducing the backlog of cases during the year. The large majority of the complaints outstanding at the end of 2019²⁶ are now complaints registered in 2018 and 2019.

Conclusion of registered complaints	2016	%	2017	%	2018	%	2019	%
<i>Admissible cases</i>								
No grounds	21	35	19	29	34	35	31	32
Friendly solution	7	12	3	4	24	24	8	12
Areas for improvement	2	4	7	11	7	7	12	7
Prevention*	23	37	26	39	14	14	7	7
Dropped by the complainant	2	3	2	3	1	1	1	1
Financing withdrawn by the EIB	0	0	0	0	0	0	13 ²⁷	13
Financing request dropped by the promoter	0	0	0	0	0	0	2	2
Grounded	0	0	0	0	2	2	1	1
Sub-total of admissible complaints	55	91	57	86	82	83	75	76
<i>Inadmissible cases</i>	5	9	9	14	17	17	24	24
TOTAL	60	100	66	100	99	100	99	100

* Resolved/handled by the EIB services with support from the Complaints Mechanism. This concerns cases about EIB Group projects/operations before a decision to finance the project/operation is made by the Governing Bodies.

26. Cases under investigation.

27. For two projects: Spain Gas Network Expansion II (10 cases) and Modernisation Routière (three cases).

EUROPEAN OMBUDSMAN CASES

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

OUTCOME OF EUROPEAN OMBUDSMAN CASES*

European Ombudsman – Outcome of cases	2016	2017	2018	2019
Inadmissible	1	0	0	2
Insufficient grounds to open an inquiry	1	0	1	1
Withdrawn by the complainant	0	0	1	0
Settled	1	3	8	4
No maladministration found	0	2	10	7
Recommendations	0	1	3	1
Suggestions for improvement	0	0	6	0

* Some complaints contain multiple allegations, which may result in different outcomes. Therefore, one complaint can have several outcomes. Moreover, the EO can make suggestions for improvement irrespective of the outcome.

ANNEX II

WORK PERFORMED ON HANDLED CASES

Reference number	Subject/ Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Recommendations	Suggestions for improvement	Closed in 2019	Follow-up
Access to information													
SG/A/2018/01	Nenskra HPP	Georgia	16/03/18	■	■			■	Areas for improvement	■		■	■
SG/A/2019/01	EIB/Failure to Disclose	Denmark	08/03/19	■	■			■	No grounds			■	
SG/A/2019/02	African Lion Mining Fund III	Mauritius	08/03/19	■	■			■	Areas for improvement	■	■	■	■
SG/A/2019/03	Corridor Cotier	Senegal	08/03/19	■	■			■	Areas for improvement	■	■	■	■
SG/A/2019/04	Curtis Biomass Power Generation Plant	Spain	11/04/19	■	■								

Customer and investor relations													
SG/C/2019/01	EIB Bonds	Italy	16/01/19	■	■			■	No grounds			■	

Environmental and social impacts of financed projects/operations													
SG/E/2011/02	TES-Thermal Power Plant Sostanj	Slovenia	28/02/11	■	■		■	■	Areas for improvement		■	■	■
SG/E/2011/05	Panama Canal Expansion	Panama	28/03/11	■	■		■	■	Areas for improvement		■	■	■
SG/E/2013/01	Mariscina County Waste Management	Croatia	06/03/13	■	■		■	■	Areas for improvement		■	■	■
SG/E/2015/08	Termovalorizzatore di Firenze	Italy	27/05/15	■	■		■		Financing request dropped by the promoter			■	
SG/E/2015/14	S7 Expressway	Poland	01/10/15	■	■		■	■	No grounds			■	
SG/E/2016/04	Réseau Ferroviaire Rapide	Tunisia	20/04/16	■	■			■					
SG/E/2016/10	Grand Contournement Ouest de Strasbourg	France	03/08/16	■	■		■	■					
SG/E/2016/18	CA CCFL Reventazon Hydropower	Costa Rica	05/10/16	■	■		■	■	Grounded	■		■	■
SG/E/2016/24	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	19/10/16	■	■		■	■	Areas for improvement	■		■	■
SG/E/2016/26	Réseau Ferroviaire Rapide	Tunisia	16/11/16	■	■								
SG/E/2017/10	Cairo Metro Line 3 (Phase 3)	Egypt	09/03/17	■	■		■						
SG/E/2017/15	Corridor VC Mostar South	Bosnia and Herzegovina	03/05/17	■	■			■	No grounds			■	
SG/E/2017/27	Regional Mombasa Port Access Road - RAP	Kenya	07/07/17	■	■		■	■	Areas for improvement	■		■	■
SG/E/2017/34	Cairo Metro Line 3 (Phase 3) Zamalek	Egypt	31/07/17	■	■								
SG/E/2017/41	Regional Mombasa Port Access Road - RAP	Kenya	24/11/17	■	■		■		Areas for improvement	■		■	■
SG/E/2017/43/PR	Trans Adriatic Pipeline	Italy	24/11/17	■	■				Prevention			■	
SG/E/2017/44	Trans Adriatic Pipeline	Italy	05/12/17	■	■			■	No grounds			■	
SG/E/2017/45	Trans Adriatic Pipeline	Italy	08/12/17	■	■			■	No grounds			■	
SG/E/2017/47	Trans Adriatic Pipeline	Italy	21/12/17	■	■			■	No grounds			■	
SG/E/2017/48	Trans Adriatic Pipeline	Italy	21/12/17	■	■			■	No grounds			■	
SG/E/2017/49	Trans Adriatic Pipeline	Italy	21/12/17	■	■			■	No grounds			■	
SG/E/2017/50	Trans Adriatic Pipeline	Italy	21/12/17	■	■								
SG/E/2017/51	S7 Expressway (Voivodship border and the end of the Radom bypass)	Poland	21/12/17	■	■								
SG/E/2017/53	Cairo Metro Line 3 (Phase 3)	Egypt	21/12/17	■	■								
SG/E/2018/01	S3 Doublement de la MC27	Tunisia	11/01/18	■	■			■	No grounds			■	
SG/E/2018/02	Trans Adriatic Pipeline	Italy	26/01/18	■	■								

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Recommendations	Suggestions for improvement	Closed in 2019	Follow-up
SG/E/2018/03	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/04	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/05	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/06	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/07	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/08	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/09	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/10	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/11	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/12	Trans Adriatic Pipeline	Greece	08/02/18	■	■								
SG/E/2018/13	Spain Gas Network Expansion II	Spain	08/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/14	Spain Gas Network Expansion II	Spain	08/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/15	Spain Gas Network Expansion II	Spain	22/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/16	Spain Gas Network Expansion II	Spain	22/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/17	Spain Gas Network Expansion II	Spain	22/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/18	Spain Gas Network Expansion II	Spain	22/02/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/19	Trans Adriatic Pipeline	Italy	22/02/18	■	■								
SG/E/2018/20	Spain Gas Network Expansion II	Spain	01/03/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/21	Spain Gas Network Expansion II	Spain	01/03/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/22	Spain Gas Network Expansion II	Spain	16/03/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/23	Spain Gas Network Expansion II	Spain	16/03/18	■				■	Financing withdrawn by the EIB			■	
SG/E/2018/24/PR	Main Roads Rehabilitation Program	Montenegro	23/03/18	■					Prevention			■	
SG/E/2018/25	Ulaanbaatar WWWS	Mongolia	10/04/18	■		■							
SG/E/2018/26	Grand Contournement Ouest de Strasbourg	France	12/04/18	■	■		■	■					
SG/E/2018/27	Modernisation Routiere I	Tunisia	26/04/18	■					Financing withdrawn by the EIB			■	
SG/E/2018/28	Road Modernization FBiH	Bosnia and Herzegovina	23/05/18	■	■			■	Friendly solution			■	
SG/E/2018/29	Modernisation Routiere I	Tunisia	23/05/18	■					Financing withdrawn by the EIB			■	
SG/E/2018/30	Modernisation Routiere I	Tunisia	23/05/18	■					Financing withdrawn by the EIB			■	
SG/E/2018/32	Nenskra HPP	Georgia	08/06/18	■	■		■	■					
SG/E/2018/33	Trans Adriatic Pipeline	Greece	26/06/18	■	■								
SG/E/2018/34	Castilla y Leon Climate Change	Spain	26/06/18	■	■			■					
SG/E/2018/35	D4R7 Slovakia PPP	Slovakia	13/09/18	■	■		■						
SG/E/2018/36/PR	Akiira Geothermal Power Plant	Kenya	13/09/18	■					Prevention			■	
SG/E/2018/37	Municipal and Regional Infrastructure Loan	Serbia	04/10/18	■	■								
SG/E/2018/38	Devenish Nutrition	Ireland	04/10/18	■	■			■	No grounds		■	■	
SG/E/2018/39	Nepal Power System Expansion	Nepal	15/10/18	■	■		■						
SG/E/2018/40	ONEE – Projet Eolien	Morocco	24/10/18	■		■							
SG/E/2018/41	Cairo Metro Line 3 (Phase 3)	Egypt	12/11/18	■	■								
SG/E/2018/42	Toplofikacia CHP	Bulgaria	21/11/18	■									
SG/E/2018/43	S2 Dénivellation de huit carrefours à Sfax	Tunisia	20/12/18	■									
SG/E/2018/44	Regional Mombasa Port Access Road – RAP	Kenya	20/12/18	■	■		■		Areas for improvement	■		■	■
SG/E/2019/01	KHARKIV Metro Extension	Ukraine	30/01/19	■	■		■						
SG/E/2019/02	TAP-TANAP		12/02/19	■	■								
SG/E/2019/03	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	08/03/19	■			■						
SG/E/2019/04	Curtis Biomass Power Generation Plant	Spain	26/03/19	■	■								
SG/E/2019/05	Mariscina County Waste Management	Croatia	03/04/19	■	■			■	Friendly solution			■	
SG/E/2019/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	15/05/19	■			■						

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Recommendations	Suggestions for improvement	Closed in 2019	Follow-up
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	■		■	■						
SG/E/2019/09	Cairo Metro Line 3 (Phase 3)	Egypt	05/07/19	■	■								
SG/E/2019/10/PR	Ukraine Early Recovery	Ukraine	24/07/19	■					Prevention			■	
SG/E/2019/11	Post Disaster Infrastructure Reconstruction	Madagascar	08/08/19	■									
SG/E/2019/12	Pune Metro Rail	India	05/09/19	■	■			■	No grounds		■	■	
SG/E/2019/13	Mariscina County Waste Management	Croatia	18/09/19	■	■			■	No grounds			■	
SG/E/2019/14	Bangalore Metro Rail Project - Line R6	India	18/09/19	■									
SG/E/2019/15	Tomato Processing Line	Ukraine	08/10/19	■									
SG/E/2019/16	Piraeus Port Expansion	Greece	29/10/19	■									
SG/E/2019/17	Lana River Front – Urban Redevelopment	Albania	29/10/19	■									
SG/E/2019/18	JASPERS - Express Road Osojnik -Karasovići -Čilipi-Airport	Croatia	05/12/19	■									
SG/E/2019/19	GEF South Asia Growth Fund II	India	18/12/19	■									

Governance aspects of financed operations

SG/F/2017/03	Municipal & Regional Infrastructure Loan	Serbia	23/05/17	■	■			■	Financing request withdrawn by the promoter		■	■	
SG/F/2019/01	Venture Debt	Denmark	08/03/19	■	■			■	No grounds			■	
SG/F/2019/02	Upgrading of Judiciary Buildings	Serbia	15/05/19	■	■								
SG/F/2019/03	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	05/07/19	■	■			■	No grounds			■	
SG/F/2019/04	OMVG - Interconnection	Senegal	01/10/19	■	■								
SG/F/2019/05	Public Sector Research & Development	Serbia	16/10/19	■									
SG/F/2019/06	Intermediary Bank	Italy	05/12/19	■									

Own governance/administration

SG/G/2010/04	Africap II	Mozambique	01/12/10	■	■	■	■	■	No grounds			■	
SG/G/2016/01	Transparency Policy	N/A	18/02/16	■	■			■	No grounds			■	
SG/G/2017/07	JASPERS - Railway modernisation 'Elin Pelin - Septemvri'	Bulgaria	19/07/17	■	■			■	No grounds			■	
SG/G/2019/01	EIB Intermediated Lending to HPPs in the Balkans	N/A	30/01/19	■	■			■	Areas for improvement	■		■	■
SG/G/2019/02	Delay in due payments	Luxembourg	08/03/19	■	■			■	Friendly solution			■	
SG/G/2019/03	Recruitment Position 103550	N/A	26/03/19	■	■			■	Friendly solution			■	
SG/G/2019/04	Delay in due payments	Ukraine	26/03/19	■	■			■	Dropped by the complainant			■	
SG/G/2019/05	InnovFin	Germany	03/04/19	■	■			■	Friendly solution			■	
SG/G/2019/06	Failure to reply	Germany	15/05/19	■	■			■	Friendly solution			■	
SG/G/2019/07	Failure to Reply (LEO-6G)	Poland	18/09/19	■	■			■	Friendly solution			■	
SG/G/2019/08	Unsatisfactory Reply	Luxembourg	01/10/19	■	■								
SG/G/2019/09	Unsatisfactory reply	Ukraine	14/11/19	■									
SG/G/2019/10	Failure to reply related to an HR case	Czech Republic	05/12/19	■									

Human resources

SG/H/2018/07	Age Discrimination	N/A	29/11/18	■	■			■	No grounds			■	
SG/H/2019/01	Recruitment position 105312	N/A	08/03/19	■	■			■	No grounds		■	■	
SG/H/2019/02	Recruitment position 103550	N/A	11/04/19	■	■			■	No grounds			■	
SG/H/2019/03	Recruitment position 105634	N/A	13/06/19	■	■			■	No grounds			■	
SG/H/2019/04	Recruitment position 105197	N/A	21/06/19	■	■			■	No grounds			■	
SG/H/2019/05	Evaluation Expert	N/A	05/07/19	■	■			■	No grounds			■	

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Recommendations	Suggestions for improvement	Closed in 2019	Follow-up
Inadmissible complaints (INA)													
SG/INA/2019/01	Lecevic	Croatia	30/01/19	■					Inadmissible			■	
SG/INA/2019/02	Martil (Morocco)	Morocco	30/01/19	■					Inadmissible			■	
SG/INA/2019/03	IT Supplier	N/A	12/02/19	■					Inadmissible			■	
SG/INA/2019/04	Loan Refusal	Ghana	12/02/19	■					Inadmissible			■	
SG/INA/2019/05	ASARTA	Ukraine	27/02/19	■					Inadmissible			■	
SG/INA/2019/06	Terrestrial Telecom Cable Project	Mauritania	08/03/19	■					Inadmissible			■	
SG/INA/2019/07	Europ Invest	Luxembourg	26/03/19	■					Inadmissible			■	
SG/INA/2019/08	Budapest-Bratislava Highway	Hungary	11/04/19	■					Inadmissible			■	
SG/INA/2019/09	Slovakia Transport Framework Facility	Slovakia	11/04/19	■					Inadmissible			■	
SG/INA/2019/10	Divaca-Koper	Slovenia	02/05/19	■					Inadmissible			■	
SG/INA/2019/11	Mariscina County Waste Management	Croatia	15/05/19	■					Inadmissible			■	
SG/INA/2019/12	D4R7 Slovakia PPP	Slovakia	11/06/19	■					Inadmissible			■	
SG/INA/2019/13	ERASMUS	Spain	13/06/19	■					Inadmissible			■	
SG/INA/2019/14	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	05/07/19	■					Inadmissible			■	
SG/INA/2019/15	Road Modernisation BiH	Bosnia and Herzegovina	24/07/19	■					Inadmissible			■	
SG/INA/2019/16	Miscellaneous comments	India	27/08/19	■					Inadmissible			■	
SG/INA/2019/17	Magongo Road	Kenya	01/10/19	■					Inadmissible			■	
SG/INA/2019/18	MeHSIP II initiative	Morocco	01/10/19	■					Inadmissible			■	
SG/INA/2019/19	Request for compensation	N/A	29/10/19	■					Inadmissible			■	
SG/INA/2019/20	Innovation Fund Ireland	Ireland	29/10/19	■					Inadmissible			■	
SG/INA/2019/21	Martil (Morocco)	Morocco	21/11/19	■					Inadmissible			■	
SG/INA/2019/22	Vientiane Sustainable Urban Transport	Lao People's Democratic Rep.	21/11/19	■					Inadmissible			■	
SG/INA/2019/23	Railway Design and Construction	China	21/11/19	■					Inadmissible			■	

Procurement													
SG/P/2017/03/PR	Georgia East-West Highway	Georgia	23/02/17	■					Prevention			■	
SG/P/2017/16/PR	Corridor VC Pocitelj - Bijaca	Bosnia and Herzegovina	08/12/17	■					Prevention			■	
SG/P/2018/06/PR	Lebanese Highways II	Lebanon	12/04/18	■					Prevention			■	
SG/P/2018/10	Corridor X (E-75) Motorway	Serbia	20/07/18	■	■			■	No grounds			■	
SG/P/2018/13	Tajik-Kyrgyz Power Interconnection	Kyrgyzstan, Tajikistan, Afghanistan and Pakistan	24/10/18	■	■			■	No grounds			■	

Own Procurement													
SG/R/2018/02	Railway Reform Authority	Romania	08/08/18	■	■			■	Areas for improvement	■		■	■
SG/R/2018/03	TA Ukraine Early Recovery	Ukraine	13/09/18	■	■			■	No grounds			■	

European Investment Fund (EIF)													
EIF/F/2018/01	Competitiveness and Innovation Framework Programme	Turkey	01/03/18	■	■			■	No grounds			■	
EIF/F/2019/01	InnovFin	Denmark	08/03/19	■	■			■	No grounds			■	
EIF/F/2019/02	ERASMUS + Master Loan	Romania	24/07/19	■	■			■	No grounds			■	
EIF/F/2019/03	EaSI Guarantee Instrument	Greece	18/09/19	■	■			■	No grounds			■	
EIF/F/2019/04	ERASMUS + Master Degree Loan	Turkey	18/09/19	■	■			■	Friendly solution			■	
EIF/G/2019/01	EFSI Equity Instrument	Romania	21/11/19	■									
EIF/INA/2019/01	InnovFin	Denmark	08/08/19	■					Inadmissible			■	

Reference number	Subject / Project	Project country	Registry date	Allegation	Date Decision	Outcome	Suggestions for improvement	Closed during 2019
European Ombudsman								
EO/52/2018/KT	Staff Selection Procedures	N/A	23/04/18	Discriminatory treatment in staff selection procedures	18/03/19	No maladministration		■
EO/643/2018/MDC	Failure to Launch Dignity at Work procedure	N/A	27/04/18	Failure to reply to correspondence relating to the Bank's alleged failure to initiate a harassment procedure and about alleged abuse of procedures	17/06/19	No maladministration		■
EO/805/2018/THH	Access to Information	N/A	08/05/18	EIB refusal to grant public access to a report of the European Anti-Fraud Office	28/11/19	Recommendation		■
EO/1140/2018/STI	Medical Health Care	N/A	17/07/18	Failure to fully reply to the complainant's correspondence on the overcharging or medical invoices in Luxembourg	21/06/19	Settled		■
EO/149/2018/STI	2017 Staff Committee	N/A	19/07/18	Irregularities concerning the election of the Staff Representatives in September 2017	17/10/19	No maladministration		■
EO/402/2018/STI	2017 Staff Committee	N/A	19/07/18	Irregularities concerning the election of the Staff Representatives in September 2017	17/10/19	Settled		■
EO/1350/2018/MDC	Conflict of Interest	N/A	07/08/18	Alleged conflict of interest in administrative inquiry	25/07/19	No maladministration		■
EO/1882/2018/MH	Hospitals Convention	N/A	05/12/18	EIB's handling of correspondence about the automatic renewal of and non-compliance with an arrangement with Luxembourgish hospitals	07/05/19	Settled		■
EO/215/2019/PB	Recruitment practices	N/A	14/03/19	Outcome of a whistleblowing inquiry carried out by OCCO as well as the selection of managers at the EIB	14/03/19	Insufficient grounds/Inadmissible		■
EO/2193/2018/LM	Failure to Reply 102997	N/A	14/03/19	Alleged failure to reply following an hire refusal	14/03/19	Inadmissible		■
EO/350/2019/PL	Castilla y Leon	Spain	29/03/19	EIB refusal to provide document following a too generic request	08/07/19	Settled		■
EO/217/2019/NH	Recruitment Procedure 105312	N/A	09/04/19	Failure to provide information on a CV assessment				
EO/175/2019/PL	Castilla y Leon Climate Change	Spain	12/04/19	Failure to Investigate in a timely manner				
EO/670/2019/PL	Nenskra PPP	Georgia	06/05/19	Failure to provide access of analysis				
EO/SI/98/2018/TE	The use of EU official languages when communicating with the public	N/A	15/07/19	Invitation to comment on the Ombudsman's draft practical guidelines on 'The use of EU official languages when communicating with the public'				
EO/1750/2018/MH	Staff Salary Adjustment	N/A	13/08/19	EIB failure to provide a methodology for general salary adjustments	13/08/19	No maladministration		■
EO/1678/2019/PL	Education Allowances	N/A	04/10/19	Recovery of unduly paid allowances	04/10/19	No maladministration		■
EO/1825/2019/AMF	Recruitment Review	N/A	25/10/19	Request for review of a decision not to recruit a candidate for a Senior IT Engineer position	25/10/19	No maladministration		■

DEFINITIONS

Work Performed	
Assessment¹	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.
Investigation²	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: <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 process³	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 Complaints Mechanism to the project location, often in cooperation/collaboration with concerned EIB services.
Consultation	Consultation of the draft Conclusions Report with services and DGs.
Follow-up	Follow-up by the Complaints Mechanism on further developments and implementation of suggestions for improvement and/or recommendations, accepted by the EIB and regarding the subject under complaint.

Outcomes – European Ombudsman (EO)	
Withdrawn by the complainant	After filing the complaint with the EO, the complainant has voluntarily withdrawn the complaint.
Inadmissible	Cases that do not meet the admissibility criteria are dismissed.
Recommendation	Following an inquiry or the refusal by the EIB Group to implement a solution proposed by the EO, the EO issues a decision of maladministration.
Insufficient grounds to open an inquiry	Cases in which the EO does not consider appropriate/necessary to carry out further inquiries (e.g. because of the weakness of the arguments brought forward by an admissible complaint or because of the reply provided by the EIB Group).
No maladministration	Following an inquiry, the EO considers that there was no instance of maladministration.
Settled	The EIB Group has accepted to implement a solution proposed by the EO or has otherwise addressed the complainant's concerns.

Suggestion(s) for improvement	Although the EO did not find an instance of maladministration, the EO recommends that the EIB take a specific action with a view to fostering its good administration.
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1. <http://www.eib.org/about/accountability/complaints/initial-assessment/index.htm>
 2. <https://www.eib.org/en/about/accountability/complaints/investigation/index.htm>
 3. <https://www.eib.org/en/about/accountability/complaints/mediation/index.htm>

Outcomes – Complaints Mechanism	
Areas for improvement	The complaint is closed with recommendation(s) if there are findings of maladministration and/or suggestions for improvement with a view to fostering good administration.
Grounded	The EIB Complaints Mechanism found the allegations grounded (findings of maladministration) and did not issue recommendations.
Friendly solution	The Complaints Mechanism addressed allegations during the complaint handling process and/or in a collaborative resolution process. The problem was solved and/or the dispute was settled.
No grounds	The EIB Complaints Mechanism found the allegations ungrounded/dissmissed the allegations.
Prevention	In specific and well-defined cases (before a decision to finance an operation is made by the EIB Group Governing Bodies), the EIB Group services were given the opportunity to address the allegations of the complainant(s), with the support of the EIB-CM.
Dropped by the complainant	The complaint was dropped by the complainant during the complaints handling process. No further action required.
Financing request dropped by the promoter	The request for the EIB Group's financial assistance for the project/component of the project in question was dropped by the promoter/intermediary during the complaints handling process. No further action required.
Financing withdrawn by the EIB	The EIB Group withdraws the financial assistance for the project/component of the project in question. No further action required.
Inadmissible	The allegations do not relate to a decision, action or omission by the EIB Group and/or do not meet the admissibility criteria established by the EIB Group Complaints Mechanism Policy.



COMPLAINTS MECHANISM

ANNUAL REPORT 2019



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