

2015

**EIB Complaints
Mechanism**
Activity Report

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Our mission

The EIB is committed to maintain the highest level of accountability and to seriously address concerns from external parties with a view to fostering good administration and – if possible – further strengthening its current standards in this field.

The EIB-CM provides citizens with the possibility to be heard and to complain in situations where the EIB allegedly fails to honour its commitments and to deliver positive results to stakeholders. Our mission is to provide accountability for the EIB's results and to foster "good administration".



Foreword/Preface



The Complaints Mechanism provides the tool for all such stakeholders, whenever there are concerns or complaints of potential maladministration by the Bank.

I am pleased to present to you the 2015 Activity Report of the European Investment Bank's Complaints Mechanism.

The EIB, as the EU bank, operates within the EU framework of transparency and accountability. The EIB's Transparency Policy ensures that stakeholders – shareholders, policymakers, investors, project promoters, and the public – have access to information about EIB lending activities.

The Complaints Mechanism provides the tool for all such stakeholders, whenever there are concerns or complaints of potential maladministration by the Bank.

This 2015 edition of the Activity Report demonstrates that the EIB Complaints Mechanism continues to function in an independent, transparent and effective manner.

The report shows that in 2015, the number of new cases registered increased slightly to 49 (from 43 in 2014 and 55 in 2013). Including cases from previous years, in total 92 cases were dealt with in 2015. The number of complaints registered remained on the scale of previous years. During a time of increased operational activity for the Bank, this confirms that the EIB continues to successfully implement its internal safeguards, for example by applying rigorous environmental and social standards in the appraisal of project proposals.

The Complaints Mechanism works with colleagues from across the Bank to investigate complaints and to mediate between and with third parties. It may issue recommendations on how to improve EIB policies and procedures and in addition, as the only International Financial Institution which is an EU body, the EIB Complaints Mechanism works in close cooperation with the European Ombudsman (EO) through a two-tier accountability mechanism. This means complaints lodged against the Bank are first heard by the EIB Complaints Mechanism before being forwarded to the European Ombudsman.

In 2016 the policy and procedures governing the EIB Complaints Mechanism will be subject to a formal review. A public consultation will be launched in 2017. This review will provide all interested parties with an opportunity to make their contributions, ensuring that the EIB Complaints Mechanism continues to serve the interests of all stakeholders and the EIB Group alike.

Jonathan Taylor
Vice-President



EIB Accountability

IAMs Annual Meeting
in Paris

What share of the MFI portfolio can be assessed by Compliance Review Mechanisms?

- Investment banking only and for Development Policy Loans, Lending „for Policy“, Technical Assistance/ Subsequent application for financial intermediaries.
- The draft safeguards continue to restrict the application of safeguards to Investment Lending. This includes about 50 percent of IIB lending. Most regional MFIs have a broader application of the safeguards (for example ADB and AfDB).

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The EIB Group is accountable for the outcome of its activities to the EU Member States as shareholders and institutional policy setters, to investors who buy the bonds that the Group issues, to the Group's project promoters and beneficiaries as well as to "Project-Affected People(s)", i.e. people(s) affected by projects in which the EIB Group is involved, and last but not least to all citizens. The accountability of the EIB Group implies that it takes responsibility for the action or lack of action taken, meaning that the EIB makes itself answerable for its decision-making process and its activities.

For the EIB Group, public accountability is the process through which it responds to and balances the needs of stakeholders in its decision-making process and activities, and the process through which it delivers on its obligations and commitment. EIB Group accountability has three components: (i) transparency, i.e. to disclose its activities performed; (ii) responsiveness, i.e. to respond to stakeholders' concerns, which includes partici-

patory processes; and (iii) its grievance mechanism, i.e. to ensure that the Bank reviews specific decisions, actions or omissions challenged by stakeholders with a view to fostering good administration and positive results, including compliance with standards to which the EIB Group has voluntarily committed as well as with rules and regulations that the Group is legally bound to observe.

Citizen-driven accountability for IFIs in the context of international public law

International law was long the realm of state actors alone, and decision-making about IFI-funded projects involved only borrowing governments, decision-making bodies, and IFI staff and management. The people whose lives were to be affected by the project in question had no standing, no recourse and no ability to hold either party – borrower or bank – to account for any harm done. The creation of the World Bank Inspection Panel in 1993, as an outcome of the 1992 United Nations Conference on Environment and Development, the “Rio Conference”, and the other IFI independent accountability mechanisms (IAMs) that followed, represented a significant step forward in both international law and human rights law. The creation of the IAMs gave non-state actors, for the first time, standing in international development debates, access to decision-makers, a forum to voice their concerns, and a chance to influence the international decisions that so impacted their local circumstances. “The creation of the IAMs made IFIs accountable to people, not just to governments, for the first time”.¹

The establishment of IAMs also altered the conception of accountability by asking not just “accountable to whom?” – communities and affected people themselves – but also “accountable for what?” Originally IFIs were chiefly accountable for delivering loans and for ensuring that those loans were used for the purposes for which they were intended and that the loans would have the desired results. IAMs created the potential for people to voice their ideas of the “for what” of development lending. The question of “**who** decides” gains the same weight as the process by which the decision is made, i.e. behind closed doors, or through a transparent and participatory process. IAMs create space for people themselves to assert their own development priorities as well as gain redress when requirements for meaningful consultation with project-affected peoples are bypassed.

In: “Citizen-Driven Accountability for Sustainable Development”, June 2012, a paper edited by Kristen Lewis, international development consultant, a contribution to Rio+20 by the Independent Accountability Mechanism Network.

¹ Dana Clark et al., “Demanding accountability: civil society claims and the World Bank Inspection Panel.” 2003.



Who we are



Complaints Mechanism Division

In 2004, the EIB's "Complaints **Office**" (CO) was established as an internal unit designated to be responsible for the handling of complaints.

In 2008 the current EIB Group Complaints **Mechanism** (EIB-CM) was created as an operationally independent function and since 2010 has been part of the EIB Inspectorate General, rooted in and guided by a Memorandum of Understanding (MoU) with the European Ombudsman (EO) signed in 2008.

The present EIB-CM's Principles, Terms of Reference and Rules of Procedure (CMPTR) were adopted in 2010 following a process of extensive public consultation. The EIB-CM Operating Procedures as an implementation tool of the CMPTR were approved by the Bank's Management Committee in 2011.

The EIB is the only International Financial Institution (IFI) with a two-tier recourse mechanism, which includes the European Ombudsman (see the box below). Indeed, members of the public have access to a two-tier procedure, the internal EIB Complaints Mechanism and the external European Ombudsman (EO).

Accountability of EU institutions – the European Ombudsman:

In terms of accountability, the framework in which the European Investment Bank (EIB) operates has been profoundly affected by the successive European treaties. The Maastricht Treaty on European Union, which in 1992 created European Union citizenship, complementary to national citizenship, strengthened the accountability of the EU's institutions through the establishment of the European Ombudsman. The EO was appointed for the first time by the European Parliament in 1995. Any EU citizen or entity may appeal to the EO with a request for it to investigate EU institutions or bodies on the grounds of maladministration: administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal of information or unnecessary delay. The EO may open inquiries on its so-called "own initiative" if considered justified in order to clarify any suspected maladministration in the activities of EU institutions, bodies, offices or agencies.

Following the solemn proclamation of the Charter of Fundamental Rights of the European Union on 7 December 2000, in 2009 the Lisbon Treaty made it legally binding with the same legal value as the European Union treaties. The Charter lays down the fundamental right to good administration as the right to have one's "affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union". This right includes the obligation of the administration to give reasons for its decisions.

In: "Citizen-Driven Accountability for Sustainable Development", June 2012.

At the end of 2015, the EIB-CM was staffed by one Head of Division, five Complaints Officers of which one Deputy Head of Division, one Mediation Officer, one Communication and Outreach Programme Officer, one Analyst for Complaints Management, Reporting and Outreach and two Administrative Assistants. Officers have various professional profiles and backgrounds. Specialised external consultants are used when needed on a case-by-case basis.



What we do



Our main objective is to provide the possibility for EIB stakeholders to be heard and exercise their right to complain and to ensure that their concerns are taken seriously by an operationally independent function within the EIB. The four main functions of the EIB-CM – (i) compliance review, (ii) dispute resolution, (iii) advisory and (iv) monitoring – are the framework within which the EIB's accountability takes its form.

Outreach event
in Lima



As part of our “Compliance Review” function, we are responsible for investigations and provide compliance reviews regarding registered complaints. In “Dispute Resolution” and conflict prevention we provide, or facilitate, different forms of mediation between the complainants and the Bank’s management/services and/or project promoter and/or national authorities. We also provide “Advice” to the Bank’s management on broader and systemic issues related to policies, standards, procedures, guidelines, resources and systems, on the basis of lessons learned from the handling of complaints. For past complaints, we “Monitor” and follow up on further developments and implementation of proposed corrective actions and recommendations that have been accepted by the EIB.

Within the EIB we have the right to obtain access to all necessary information for the performance of our duties and the EIB Group’s staff has a duty to cooperate with us promptly, fully and efficiently, especially in order to respect deadlines and keep to the standards and policies of the EIB Group.



How we work

The Castor Underground Gas Storage project



The EIB-CM reviews the admissibility of each complaint and decides which procedure to follow.

Complaints are admissible if they relate to a decision, action or omission by the EIB. Allegations concerning fraud, corruption or staff disputes or addressing other regional, national or international authorities are not admissible. Moreover, complaints on the same subject and with the same respondent that have already been – or are being – dealt with by another administrative or judicial review mechanism cannot be dealt with by the EIB-CM, nor can anonymous, excessive, repetitive, frivolous or malicious complaints or complaints that clearly aim to gain unfair advantage be handled.

There is no requirement for stakeholders to be directly affected by an EIB Group decision, action or omission, or for a stakeholder to specifically identify the applicable rule or policy that may have been breached.

For every complaint the EIB-CM will take a view on the potential seriousness of the concerns raised in an initial assessment. The initial assessment includes a review of available information and documentation, meetings with the EIB services concerned and with relevant external stakeholders, and site visits if necessary. It enables the EIB-CM to determine if further work is required to address the issues raised by the complaint. The initial assessment is the basis on which further investigation work, a compliance review, is decided and/or a mediation process can be agreed.

The EIB-CM **compliance review** considers compliance with EIB policies and provisions (safeguards), whether the outcomes are as desired and as pre-

dicted, or significant harm has been done that has not been properly mitigated or compensated, and whether the EIB policies and provisions (safeguards) are adequate and relevant. The compliance review also considers how the EIB has ensured the promoter's compliance with relevant policies and procedures including policies and procedures under the law. The EIB-CM forms an independent and reasoned opinion regarding the allegations under examination.

If there is a clear opportunity for collaborative resolution of the issues, the EIB-CM will start a **mediation process** if all relevant stakeholders agree. These problem-solving and mediation processes will take the form of "Facilitation of information sharing" and/or "Dialogue/negotiation". Mediation parties may interrupt or call off the mediation process at any time.

Both processes may make use of external experts who will work under the supervision and the responsibility of the EIB-CM.

Our findings, conclusions and recommendations are submitted directly to the EIB's Management Committee (the EIF Chief Executive) for a decision on the response/actions to be taken by the Bank. If the response/actions are agreed at the level of the Bank's services, then the EIB's Management Committee (the EIF Chief Executive) will simply be informed. The EIB's Secretary General or the EIF's Chief Executive will provide the Bank's final response, together with our Conclusions Report (and the EIB Management's Response, if appropriate) to the complainant.



2015, an overview

Outreach event in Paris



In 2015, the EIB-CM handled 92 cases, closing 58 and leaving 33 outstanding at the end of the year. In 2015, the cases handled continued to be more and more complex and the task of handling cases within the time frame set by the EIB-CM Operating Procedures continued to be the EIB-CM's principal challenge. At present, the average number of approximately 5-6 open cases in the hands of each case officer seems adequate in view of the average complexity and the requirements of timely handling and turnaround of the EIB-CM's Conclusions Reports. The EIB-CM notes an increased challenge in terms of the resources required for the consultation process(es) of the draft Conclusions Reports once these are submitted to the interested parties.

As planned in 2010, when the EIB-CM's Principles, Terms of Reference and Rules of Procedure (CMPTR) were adopted, the EIB launched a formal review of the CMPTR in 2015. As a first step, the Bank is carrying out an internal consultation process, which was preceded by an External Quality Review (EQR) carried out by a panel of

independent experts. The findings and conclusions of this EQR have been fed into the formal process. The next step will be the consultation with the European Ombudsman, followed by a public consultation process, currently planned for the second half of 2016. The Board of Directors' approval of the revised Policy and Procedures is expected in 2017.

Casework Statistics

During 2015, 56 new cases were received (60 in 2014). Of these 56 complaints, 49 were declared admissible (48 in 2014). No cases were brought before the EO in 2015 (five in 2014).

Incoming complaints:

	2013	2014	2015
Complaints received	63	60	56
Inadmissible	(6)	(12)	(7)
	57	48	49
Complaints brought before other institutions:			
European Ombudsman	(2)	(5)	-
European Data Protection Officer	-	-	-
Aarhus Convention Compliance Committee	-	-	-
Complaints registered by the EIB-CM	55	43	49

Admissible complaints are complaints relating to a decision, action 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 brought 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.

After handling 92 cases in 2015 (103 in 2014) there were 33 cases outstanding at the end of 2015 (36 in 2014). Thus the EIB-CM continued to reduce the “overhang” of open cases from 54 at the end of 2012 to 33 at the end of 2015. The EIB-CM continued to deal with and close a high number of cases in 2015.

Complaints handled:

	2013	2014	2015
Complaints received	63	60	56
Outstanding at year-end	43	36	33
Complaints dealt with	117	103	92

The number of cases outstanding at year-end decreased by three (9%) from 2014. At the same time the mix of types of complaint has changed significantly over the years³. **E**-complaints (environmental/social/developmental impacts) increased steadily from 22% in 2012 to 35% in 2015; the percentage of **G** and **F** complaints (Bank’s governance and administration and governance of financed projects) trebled from under 10% in 2011 to close to 30% in 2014 and 2015. **P** (procurement) complaints constituted

one fifth of the complaints handled in 2015, although the number of new cases has decreased dramatically in the last three years, from 23 cases in 2013 to 10 in 2015. Although these figures relate merely to the number of cases handled and leave the increased complexity out of the comparison, it is worth mentioning that **E** complaints tend to be more complex and require more resources in the total mix of EIB-CM handled cases.

Breakdown of complaints by type:

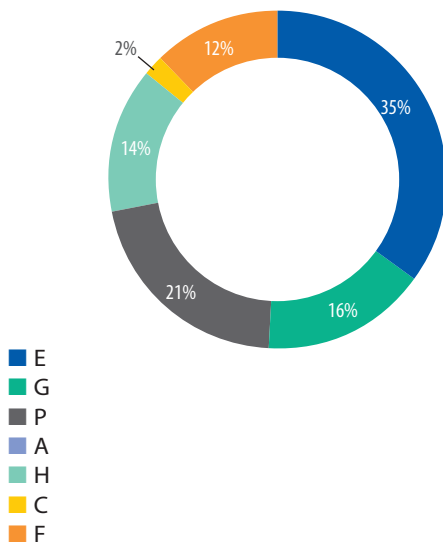
Breakdown of admissible complaints (EIB-CM)	2013	%	2014	%	2015	%
Environmental/social/developmental impacts (E)	12	22	11	25	17	35
Own governance and administration (G)	5	9	5	12	8	16
Governance of financed projects (F) ⁴	6	11	10	23	6	12
Procurement-related complaints (P)	23	42	12	28	10	21
Access to information (A)	3	5	2	5	0	-
Human resources (H)	6	11	3	7	7	14
Customer relations (C)	0	-	0	-	1	2
Total	55	100	43	100	49	100

² Cases under investigation.

³ See also the Complaints Mechanism’s Activity Reports for 2013 and 2009-2012.

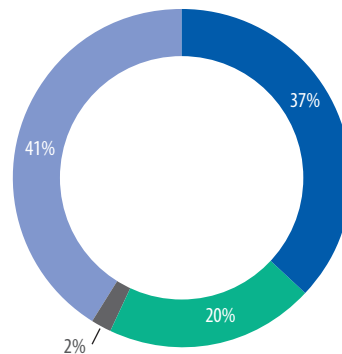
⁴ Including one OI (own initiative).

Breakdown of complaints by type:



Breakdown of complaints by origin:

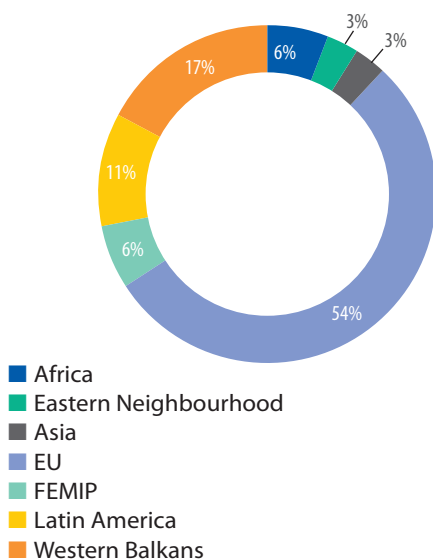
This year most of the cases (41%) were brought by individuals. The individuals concentrated their allegations mainly in **A**, **G** and **H** cases. As noticed in the trend of previous years, there is a high correlation between the percentage of cases brought by CSOs and **E** cases and between the corporate origin of complaints and **P** cases.



Breakdown of complaints by region:

54% of cases originated from the EU Member States, 3% from Eastern Neighbourhood countries, 6% from the FEMIP area (Algeria, Gaza/West Bank, Israel, Jordan, Lebanon, Libya, Morocco, Syria and Tunisia), 17% from the Western Balkans, 11% from Latin America, 6% from Sub-Saharan Africa and 3% from Asia.

- Corporate
- CSO
- EIB services
- Individual



Outcomes of the cases:

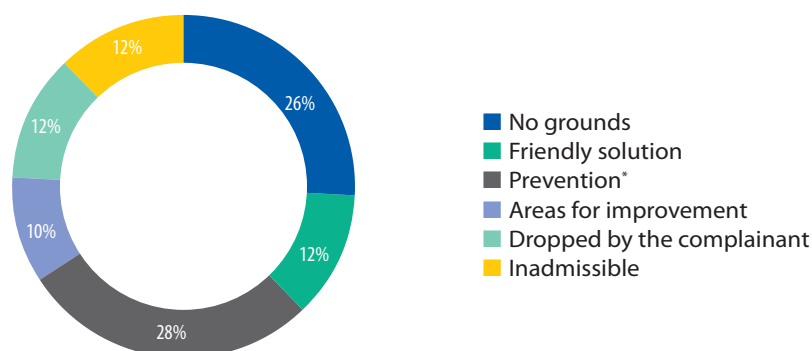
Overall, the outcome of EIB-CM handled cases points to effectiveness in that: (i) in 10% (20% in 2014) of the cases, concerns raised by stakeholders were found to be grounded and/or areas of improvement were identified; (ii) in a growing number of cases, from 4% in 2009-2012 to 12% in 2015, the EIB-CM mediated to achieve a friendly solution to the issues involved in the complaint. It is worth adding that 28% (10% in 2014) of the cases were effectively handled and responded to directly by the EIB services, in accordance with existing procedures.

Breakdown of complaints by outcome:

Outcome of complaints closed	2013	%	2014	%	2015	%
No grounds	27	40	19	31	15	26
Friendly solution	7	10	10	16	7	12
Prevention*	13	19	6	10	16	28
Areas of improvement	9	13	12	20	6	10
Dropped by the complainant	5	7	2	3	7	12
Inadmissible	7	10	12	20	7	12
Total	68	100	61	100	58	100

In 2015, 58 complaint cases were closed (61 in 2014).

Breakdown of complaints by outcome:



European Ombudsman

In 2015, no new complaints against the EIB were brought before the EO. Following on from a draft recommendation issued in 2014, the EO closed the Mopani case taking the view that the EIB had committed maladministration. One case was still pending for the EO's final decision at the end of 2015.

The outcome of EO cases brought against the Bank and closed between 2013 and 2015:

EO's conclusion	2013	2014	2015
Maladministration by the EIB (critical remarks ⁵)	0	1	1
Recommendations ⁶ to the EIB	0	0	0
Further remarks ⁷ to the EIB	1	1	0
No maladministration by the EIB	5	2	0
Case dropped by the complainant	0	0	0
Simplified telephone procedure (settled by the EIB)	0	1	0
Total	6	5	1

Outlook:

In 2016, we will continue on the path of making sure that the EIB-CM handles external complaints effectively and on time. For this the EIB-CM will have to be increasingly insistent on time schedules being respected and time spent on consulting on the draft Conclusions Reports being kept to an optimal minimum. Effective handling includes problem solving, good stakeholder engagement and thorough investigation and/or mediation as appropriate in any given case. The EIB-CM will continue to further develop its mediation function and use more problem solving/conflict resolution possibilities whenever this is appropriate and possible. The EIB-CM is also working on the introduction of an automated case management system with a dedicated analyst for case management, reporting and outreach.

The formal review of the EIB Complaints Mechanism will continue in 2016 with the submission of

a new draft Policy for consultation, firstly with the European Ombudsman and then with the public, with a view to a final approval by the EIB Board of Directors in 2017.

The EIB-CM notes an ever increasing delegation to intermediating entities in both the public and the private sector of the responsibility for project appraisal as a result of increasing occurrence of intermediated lending such as Global Loans, Framework Loans, equity participations in SME and start-up operations of the EIF, etc. This delegation of the responsibility for project appraisal concerns, in particular, matters concerning the environment, procurement and other areas governed by EU regulations and national law and, in general, the safeguard roles of the EIB Group. Such delegation, as well the continued increase in the complexity of financing products, are expected to provide further challenges in terms of accountability.

⁵ Critical remark: synthetic expression of the EO's criticism in decisions acknowledging the maladministration committed by the institution/body complained against.

⁶ Recommendations: in cases of maladministration, the EO may issue a draft recommendation to the institution/body to redress or correct the act of maladministration committed.

⁷ Further remark: (in cases of no maladministration) indication of good practices to the institution/body complained against with a view to enabling it to enhance its culture of service, thus preventing further escalation of complaints to the EO.

Examples of cases

Cases closed in 2015

Transmission Line Yacyreta (Paraguay)

On 16 April 2015 the president of the Paraguayan metallurgical industries' association filed a complaint with the EIB-CM concerning the Transmission Line Yacyreta project that contained three aspects: (i) the Government of Paraguay did not follow national legal procedures when it approved the guarantee in favour of the financiers of the project; (ii) the Paraguayan National Comptroller concluded that the procurement process of the project had not been in conformity with the constitutional rights of Paraguayan citizens, particularly concerning aspects related to the local content component; and (iii) the promoter did not inform the Bank of critical matters that could undermine the implementation of the project. In summary, the complainants concluded that the promoter was misrepresenting its contractual obligations with the Bank and asked the Bank to suspend the loan.

The EIB-CM conducted an assessment of such allegations. Based on interviews with relevant stakeholders, on the information gathered and on an external legal opinion regarding the issues challenged by the complainant, the EIB-CM concluded that the Bank's due diligence and monitoring of the project had been properly performed.

ELENA contract with the "Zero Emission Buses" Foundation (the Netherlands)

On 24 July 2015 EIB services requested that the EIB-CM conduct a review into a potential instance of conflict of interest in relation to contracting services within the framework of the European Local ENergy Assistance (ELENA) contract with a Dutch "Zero Emission Buses" Foundation (ZEB Foundation). The services' request was based on a European Commission draft report that asked the EIB to

verify whether the suspected contract(s) had been carried out in line with the provisions set out in Article 10 of the EIB-ELENA Contribution Agreement and in line with the EIB Guide to Procurement.

The EIB-CM carried out a review and produced an Internal Report for the attention of the services concerned. It concluded that some of the contracts in question may have suffered procurement and contracting irregularities and that it could not be excluded that the relationships (close family members) between individuals who had been bidding on service contracts procured by ZEB (the final beneficiary) and senior staff and managers of ZEB might have contributed to the occurrence of some of these irregularities. The EIB-CM recommended that the EIB follow the European Commission's recommendations to exclude from financing the contracts awarded to the indicated close family members of senior ZEB staff and managers.

Quito Metro Line (Ecuador)

On 9 September 2015 the EIB-CM received a complaint from one of the consortiums bidding for the Quito Metro Line project. The complaint concerned the EIB's non-objection to the second lowest bid in the procurement process. The consortium raised integrity issues and alleged breaches of the procurement process which would lead to the cancellation of the whole tendering process and the opening of a new one. As the final non-objection had not yet been issued at the time of the complaint, the EIB-CM declared the complaint admissible as a Preventive Complaint (PR) and requested that the Bank's services handle it.

Ultimately the EIB-CM was involved as an observer of the final due diligence process for the procurement, providing advice, as appropriate and in line with the Operating Procedures of the EIB-CM, on issues that should be taken into consideration in the event that the complainant confirmed its complaint. At the end of October the Bank's services issued the final non-objection, and the complainant did not pursue its complaint further.

Olkaria Geothermal Expansion (Kenya)

In August 2014 the EIB-CM received complaints about the involuntary resettlement of the Maasai communities affected by the Olkaria Geothermal Expansion project in Kenya; the World Bank Inspection Panel (WB-IP) subsequently received similar complaints in October 2014. The EIB-CM first undertook a Fact-Finding and Stakeholder Engagement Mission to Kenya in January 2015 as part of its Initial Assessment. This mission was carried out jointly with the WB-IP. Following this mission, and in consultation with the Bank's services, the EIB-CM's draft Initial Assessment Report was submitted to the external stakeholders in early March 2015. This Initial Assessment contained proposals for a way forward. At the same time, the WB-IP declared the eligibility of the complaint and the EIB-CM and WB-IP agreed on a joint way forward: the WB-IP took the lead on the compliance review aspect (with the participation of the EIB-CM) with a full investigation mission in the last week of March 2015. The EIB-CM took the lead regarding the problem-solving aspects providing mediation/facilitation

services aimed at improving communication between the parties and, to the extent possible, attempting to resolve the issues at stake.

In the second half of 2015 the EIB-CM finalised the investigation concerning compliance with the World Bank's policy framework of the resettlement of four Maasai communities within the project area and concluded that (i) there were several areas of non-compliance related to the implementation of the project's Resettlement Action Plan (RAP); and (ii) the lenders to the project, including the Bank, had failed to identify the need to trigger the Indigenous People Policy of the World Bank and indigenous considerations of other lenders' policies in issues related to the resettlement. The findings of the EIB-CM were aligned with those of the WB-IP, which submitted its report to the World Bank Board for discussion in October 2015.

As part of the way forward regarding non-compliance above, the EIB-CM encouraged the parties to continue using the mediation which took place in the course of 2016 (see below p.21).

View from the new village in Olkaria



Olkaria primary school



Ongoing cases in 2015

Secondary and Local Roads Programme (Albania)

This complaint, from 2013, concerns an alleged illegal expropriation procedure, the illegal modification of a project plan and damage done to the complainant's property in the course of the construction of a road in Trebisht, Albania, which is part of the 2009 Secondary Local Roads Programme in Albania.

The EIB-CM conducted a lengthy and thorough assessment and investigation process involving the Albanian Ministry of Finance, the promoter, ADF, a public socio-economic development promotion agency and the complainant, with two site visits and a mediation meeting between September 2013 and March 2015. Ultimately a mediation agreement was reached on works to be carried out by the contractor of the project under the responsibility of the project promoter, and answers were given and accepted by the complainant on outstanding administrative issues concerning the various aspects of the complaint. In May and June 2015 confirmations were received that the agreed works had been carried out to the satisfaction of the complainant, leading to the unreserved acceptance of the works in October 2015.

The EIB-CM closed the complaint in January 2016.

Belgrade By-Pass - Highway Interchange Petlovo Brdo (Serbia)

Under the responsibility of the EIB-CM's Mediation Officer, and with the collaboration of the relevant EIB services, a successful mediation was completed in Serbia.

The mediation process started following the receipt of a complaint by the EIB-CM from repre-



Belgrade By-Pass project site

sentatives of the residents of a settlement in the Belgrade area. The complaint concerned the construction of a motorway interchange in Petlovo Brdo. The interchange is part of the Belgrade By-Pass project which concerns the construction of 47 km of two-lane bypass roads located in the west and south of the city of Belgrade (ref. SERA-PIS 2006-0385). The project aims at improving traffic safety and reducing congestion on the existing urban road network. This particular interchange is considered a "black spot" with recurrent traffic accidents.

The construction of the interchange as initially planned would use 2.5 ha of a small forest next to the settlement, which is used for recreational purposes by the inhabitants of the settlement, i.e. around 10 000 people in total. Apart from this, the complainants also raised concerns related to the fact that in their opinion the project promoter should have produced an environmental impact study for this specific component of the project.

The mediation process, established between representatives of the community affected by the project and the project promoter, led to a significant reduction of the environmental impact of the project (notably only 0.7 ha, i.e. 13% of the forest would be used instead of the original 2.5 ha planned – 47% of the current forest). The mediation process also led to the improvement of the security of the access roads to the settlement and to some commercial buildings as well as to a more generous commitment by the project promoter regarding compensation for the trees cut (261 trees to be cut and 904 trees to be replanted). As a compensatory measure, the project promoter also proposed to install a new playground for children.

Following public consultation on the modified project design, the mediation agreement, containing among other undertakings the promoter's commitment to build the project in accordance with the revised design, was signed.

The EIB-CM closed the complaint in April 2016.

An important feature of this agreement is that the complainants have committed to continue interacting with the promoter throughout the con-

struction of the project, thus hopefully paving the way to a lasting partnership.

The Castor Underground Gas Storage project (Spain)

Two complaints against the Bank were filed with the EIB-CM in relation to the Castor Underground Gas Storage project in 2013, the first EIB operation financed with a Project Bond issue. The works on the project were suspended by the Spanish Government in October 2013 due to the seismic activity occurring in the area following the injection in the underground storage facility of so-called “cushion gas”⁸. One complaint was brought by a Spanish NGO located in the region, presenting extensive environmental, industrial and economic allegations. Another complaint was presented separately by an individual, first to the European Ombudsman, mainly relating to the governance of the project. The EIB-CM has brought the key aspects of the two complaints together and will focus on two issues: (i) the Bank’s due diligence and subsequent monitoring of environmental and social issues (including the seismic risk allegations); and (ii) the Bank’s due diligence of governance aspects and subsequent monitoring related to the project (e.g. technical and financial capacity of the promoter; economic analysis and the granting of licenses and permits)⁹.

The EIB-CM’s case handling is taking place amidst a series of administrative, civil and penal legal actions against regional and national authorities in Catalonia, Valencia and Spain and against companies and individual personnel and staff before local prosecutors and the local ombudsman.

The complainants agreed with the above way forward in June 2015 and the EIB-CM engaged the support of external consultants to review the Bank’s due diligence and monitoring of environmental and social issues.

Olkaria Geothermal Expansion (Kenya)

During the initial assessment phase the parties had accepted the EIB-CM proposal to start a process of mediation between the complainants and the existing project organisational structures, including the promoter. The main objective of this

problem-solving approach was to help to build trust and address the concerns raised by the complainants, with a view to resolving the issues identified. This process started in March 2015 and is being run in parallel to the investigation phase. The World Bank joined the mediation process and an MoU was signed between the EIB-CM and the WB to formalise the WB’s participation in the process.

Between March 2015 and August 2015 most of the work concentrated on reconciling the different interests within the community and on supporting the communities in determining their representation at the mediation table.

The mediation itself started in August 2015 and the first two sessions between Kengen and the community served the purpose of identifying the issues to be dealt with. The last quarter of 2015 was dedicated to the preparation by the project promoter of a package of measures aimed at addressing the concerns of the community and to be presented in the course of the mediation. The package was negotiated during the last mediation session in May 2016 and an agreement signed between Kengen and the community. Discussions are currently ongoing on how the community will fulfil the preconditions set in the agreement in order to declare it effective and start implementation.



⁸ A “cushion” of gas generating operating pressure enabling the underground storage to function.

⁹ Allegations targeting the future use of the industrial plant and the potential impact of the investment on Spanish consumers/taxpayers are the responsibility of the Spanish administration. They therefore fall outside the mandate of the EIB-CM. Furthermore, the Bank’s decisions concerning the EIB’s investment mandate, its credit policy guidelines or the EIB’s participation in financing operations and the choice of the financial instrument fall outside the EIB-CM mandate.



Institutional cooperation



Visit by President Hoyer and Vice-President Taylor to the European Ombudsman

European Ombudsman

The MoU signed between the EIB and the European Ombudsman sets provisions for regular meetings between the Bank and the EO to review its practical implementation. These meetings take place regularly at service level and once a year at EIB President and Ombudsman level. The EIB President met the Ombudsman in Brussels on 9 November 2015.

The Head of EIB-CM participated in the **European Ombudsman 20th Anniversary Colloquium** in Brussels on 22 June 2015. The Colloquium was an opportunity to discuss the position of the Ombudsman in the European political and legal order against the backdrop of a meeting bringing together academics and practitioners. It assembled an interdisciplinary audience interested in the phenomenon of the Ombudsman in the EU and critically examined, from a variety of perspectives and methodologies – historical, administrative, political, legal and comparative – the development of the Ombudsman's role in the landscape of EU institutions, bodies, offices and agencies which are involved in EU law and policy.

In a "Special report of the European Ombudsman in own-initiative inquiry concerning Frontex¹⁰⁹", dated 12 November 2013, the EO recommended that Frontex establish its own Complaints Mechanism. In the same report, the EO considered that the EIB Complaints Mechanism, which is embodied in a Memorandum of Understanding between the Bank and the European Ombudsman, is working well and has enhanced the Bank's and the Union's reputation among the international development community. The EO also underlined that the experience of the EIB Complaints Mechanism could provide a valuable source of inspiration and that the EIB-CM could offer assistance and advice in this regard.

On the basis of the EO's Special Report, on 2 December 2015 the European Parliament called on **Frontex to follow the good practice of other European bodies, such as the European Investment Bank, by establishing an appropriate complaints mechanism** to deal with individual complaints regarding infringements of fundamental rights in the course of its operations, in close cooperation with the European Ombudsman.

IAMs

The IAM network is the network of Independent Accountability Mechanisms that the various International Financial Institutions (IFIs) have set up as part of their governance structures. Since 2007 the EIB-CM has been part of the IAM network that has existed and grown since 2004 (the EO joined in 2010). The IAMs vary in size, scope, and structure, but their shared underlying *raison d'être* is to provide recourse for citizens and communities that are adversely affected by IFI-funded projects. IAMs typically focus on instances where IFIs are alleged to have failed to follow their own social and environmental



Outreach event
in Lima

safeguard policies, guidelines, standards or procedures. The IAM network currently has 17 members¹¹.

Based on the concept of “citizen-driven accountability” the IAMs have formed a network for exchanging and sharing knowledge, experiences and challenges, seeking to identify and promote ways and means of cooperation within their respective mandates, to contribute to the regular exchange of ideas and best practices, and to assist with building institutions’ accountability capacities as components of corporate governance. The network interacts on a continuous basis and holds annual meetings on a rotating basis in the headquarter cities of the different IFIs/MDBs and their respective IAMs. Indeed, the IAMs group has met at least once annually for the last 12 years, in order to have a regular exchange of ideas and best practices, and to share experiences, lessons learnt and challenges ahead. The Group also fosters a better understanding of core principles of citizen-driven accountability across the IAMs and assists with institutional capacity-building in accountability.

In 2015, the 12th Annual General Meeting of the IAMs was held in Paris, during COP 21, co-organ-

ised by the World Bank Inspection Panel, the EBRD Project Complaints Mechanism and the EIB-CM. The 12th Annual Meeting provided the opportunity for two days of intense and fruitful discussions on topics varying from reform of the various IFIs’ safeguards and policies and their impact on IAMs; to communication strategies, how to better reach potential requesters/complainants and constituencies; common standards for measuring IAMs’ effectiveness; communication and outreach strategies, technologies and media; lessons learnt and research papers on the IAMs; and protection of complainants in the course of or upstream of their complaint.

The 13th Annual Meeting of the IAMs will take place in Manila in September 2016 and will be hosted by the Asian Development Bank Accountability Mechanism.

Aarhus Convention

The EIB-CM participated in the 8th meeting of the Aarhus Convention Task Force on Access to Justice, which took place in Geneva from 15-17 June 2015. The meeting focused on substantive issues relating to the “Access to Justice” pillar of the Convention, in particular the scope of the review as well as costs and remedies available. During the meeting, delegates shared their experience in carrying out multi-stakeholder dialogue for removing barriers to access to justice.

In 2015, the Aarhus Convention Secretariat also drew attention to two public consultation processes and encouraged parties and invited stakeholders to comment on the review of the policies concerned.

¹⁰ European Agency for the Management of Operational Cooperation at the External Borders.

¹¹ The accountability mechanisms of the African Development Bank; the Asian Development Bank; the Black Sea Trade and Development Bank; the Caribbean Development Bank; the Deutsche Investitions- und Entwicklungsgesellschaft (German Investment and Development Corporation); the Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden (Netherlands Development Finance Company); the European Bank for Reconstruction & Development; the EIB; the European Ombudsman; the Inter-American Development Bank; the International Bank for Reconstruction & Development (the World Bank); the International Finance Corporation; the Japan Bank for International Cooperation; the Nippon Export and Investment Insurance; the Nordic Investment Bank; the Overseas Private Investment Corporation; and the United Nations Development Programme.



Outreach

Istanbul

In May 2015 the Inspection Panel of the World Bank (WB-IP) organised a two-day workshop in Istanbul in which the Compliance Advisor Ombudsman of IFC/MIGA (IFC/MIGA-CAO), the Project Complaint Mechanism of the EBRD (EBRD-PCM), the Black Sea Trade and Development Bank's complaints mechanism (in its compliance department) and the EIB-CM also participated. The workshop was organised by a local NGO together with the WB-IP and managed to mobilise a significant number of NGOs and CSOs from Turkey and the wider region, notably from a number of EU Eastern Neighbourhood countries.

Zagreb

In July 2015 the EIB-CM organised an outreach event in Zagreb, together with the EBRD-PCM and the WB-IP. The event was aimed at raising awareness of the EIB's activities and accountability of the EIB-CM and its peers for the NGO and CSO community in Croatia and the wider South-Eastern European area. This outreach event encountered a limited response which proves that awareness of, demand for and supply of EU, EIB and others' accountability are as yet undeveloped. The lesson learnt for the EIB-CM is that outreach to the CSO/NGO community, generally and in that region, requires a lot of development.

Lima

On 5 October 2015, the EIB-CM co-organised an "Accountability Mechanisms and Civil Society Workshop" in the city of Lima, Peru, together with three other IAMs – the WB-IP, the Independent

The IAMs group



The EIB-CM regularly organises outreach meetings and events in Luxembourg, Brussels, or elsewhere in regions where the EIB operates, and participates in outreach events organised by peer IAM organisations as and when appropriate. The objective of the EIB-CM outreach is to increase awareness about the EIB-CM, internally and externally.

Consultation and Investigation Mechanism (MICI) of the Inter-American Development Bank (IADB-MICI), the IFC/MIGA-CAO and the Regional Working Group on Financing and Infrastructure (GREFI). Collaboration from GREFI came from: the “Asociación Ambiente y Sociedad” – AAS (Colombia); Derecho, Ambiente y Recursos Naturales – DAR (Peru), Fundar Centro de Análisis e Investigación (Mexico) and Fundación para el Desarrollo de Políticas Sustentables – FUNDEPS (Argentina).

The main objectives of the workshop were to promote civil society’s access to the mechanisms, and to learn first-hand about their concerns regarding development in the region and enable civil society to become better acquainted with the IAMs and the dispute resolution and compliance services they provide.

70 civil society representatives participated in the event which was inaugurated by Mr Gabriel Quijandría Acosta, Vice-Minister of Strategic Development and Natural Resources of Peru. Mr Manuel Pulgar-Vidal, Peruvian Environment Minister, was the guest of honour at the closing reception.

Paris

The Paris annual meeting of the IAMs was followed on 9 December by a dedicated outreach and interaction day with CSOs, Think Tanks and Academia, hosted by the EIB-CM. Subjects that were discussed were grievance/accountability policies of specific climate change financial flows, e.g. the Green Climate Fund and the other UNFCCC funds; protecting complainants and whistle-blowers (on the basis of a recent report by Human Rights Watch: “*At Your Own Risk: Reprisals against Critics of World Bank Group Projects*”); trends in accountabili-



Outreach event in Istanbul

ty: reform or (r)evolution? and the presentation of a research report by a group of NGOs monitoring IAMs: “*Glass Half Full, the State of Accountability in Development Finance*”¹², how to effectively design, implement, monitor and evaluate operational-level mechanisms that fairly and effectively resolve grievances and prevent conflicts, to be published in January 2016. At the end of the outreach and interaction event, a round-table discussion was held between the IAMs and CSOs on various issues related to accountability and the work of the IAMs.

Internal

Internal outreach included new staff, through the mandatory training for all newcomers on the EIB’s control and accountability functions. For existing, longer-serving staff, ad hoc outreach events are organised on specific themes and with invited speakers/presenters, often at the specific request of the Directorates. The EIB-CM also actively participates in internal working groups such as the Environmental Assessment Group, Social Working Group, Human Rights Working Group, Procurement, Transparency and Corporate Responsibility.

¹² <http://www.somo.nl/news-en/glass-half-full>.



Annex: List of cases

Formal complaints dealt with in 2015

Reference	Project	Country	Work performed								Outcome	Recommen- dations	Closed
			Received	Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up				
Environmental and social impacts and governance aspects of financed operations													
SG/E/2011/02	TEŠ	Slovenia	28/02/11	■	■								
SG/E/2011/03	Subconcessao Pinhal Interior	Portugal	04/03/11	■	■				■				
SG/E/2011/05	Panama Canal Expansion	Panama	28/03/11	■	■			■	■				
SG/E/2011/11	Belgrade By-Pass	Serbia	23/09/11	■	■			■	■		Areas for improvement	■	■
SG/E/2012/04	Ambatovy Nickel Project	Madagascar	09/05/12	■	■				■				
SG/E/2013/01	Mariscina County Waste Management	Croatia	06/03/13	■	■			■	■				
SG/E/2013/02	Highway Interchange Petlovo Brdo	Serbia	22/03/13	■	■	■		■	■				
SG/E/2013/06	Secondary and Local Roads Programme	Albania	03/09/13	■			■	■	■				
SG/E/2013/12	Castor Underground Gas Storage	Spain	04/12/13	■	■			■					
SG/E/2014/02	Route E420 Frasnes-Bruly RTE	Belgium	22/01/14	■	■								
SG/E/2014/04	Belgrade By-Pass - Highway Interchange Petlovo Brdo	Serbia	03/03/14	■	■	■		■	■				
SG/E/2014/06	Fier Bypass	Albania	17/06/14	■	■			■			Friendly solution		■
SG/E/2014/07	Olkaria JS	Kenya	16/07/14	■	■	■		■	■		Areas for improvement	■	■
SG/E/2014/08	Olkaria SN	Kenya	01/08/14	■	■	■		■	■		Areas for improvement	■	■
SG/E/2014/09	EMS Electricity Network Upgrading	Serbia	21/09/14	■				■					
SG/E/2014/10	Municipal and Regional Infrastructure Loan	Serbia	07/10/14	■	■				■		No grounds		■
SG/E/2015/01	Cairo Metro Line 3 (Phase 3)	Egypt	30/12/14	■							Dropped by the complainant		■
SG/E/2015/02	Vladivostok CHP Project	Russia	12/01/15	■							Dropped by the complainant		■
SG/E/2015/03	Mediterranean Railway Corridor	Spain	27/01/15	■	■				■		Areas for improvement	■	■
SG/E/2015/04	Mallorca Hospital	Spain	03/03/15	■	■				■				
SG/E/2015/05/PR	ELENA Environmental Impact	Sweden	22/04/15	■							Prevention		■
SG/E/2015/06/PR	Termovalorizzatore Firenze	Italy	22/04/15	■							Prevention		■
SG/E/2015/07	A4 Motorway Zgorzelec - Krzywowa	Poland	19/05/15	■									
SG/E/2015/08	Termovalorizzatore Firenze	Italy	21/05/15	■				■					
SG/E/2015/09/PR	Vasilikos-Western Nicosia Conveyor Water Supply	Cyprus	19/05/15	■							Prevention		■
SG/E/2015/10	Sofia Municipal Infrastructure	Bulgaria	18/08/15	■									

Annex: List of cases

Reference	Project	Country	Received	Work performed							Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up				
SG/E/2015/11/PR	Trans Adriatic Pipeline	Greece	28/08/15	■						■	Prevention		■
SG/E/2015/12	EGP Powercrop Biomass	Italy	10/08/15	■									
SG/E/2015/13	NER 300 Cyprus	Cyprus	07/09/15	■									
SG/E/2015/14	S7 Expressway	Poland	24/09/15	■									
SG/E/2015/15/PR	Trans Adriatic Pipeline	Greece	05/10/15	■						■	Prevention		■
SG/E/2015/16	D4R7 Slovakia PPP	Slovakia	05/11/15	■									
SG/E/2015/17	Verona University Project	Italy	01/12/15	■									

Administrative & governance issues												
Reference	Project	Country	Received	Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up	Outcome	Recommendations	Closed
SG/F/2012/03	SG/F/2012/03	Tunisia	04/04/12	■						Friendly solution		■
SG/F/2013/01	Sulina Canal Bank Protection	Romania	30/04/13	■	■			■	■	No grounds	■	■
SG/F/2013/03	Feasibility Study & Designs	Georgia	17/05/13	■	■					Areas for improvement		■
SG/F/2014/01	Castor Underground Gas Storage	Spain	16/01/14	■	■		■	■				
EIF/F/2014/03	Jeremie - Bank of Cyprus	Cyprus	24/09/14	■	■							
EIF/F/2014/05	EIF Intermediary Bank	Bulgaria	15/12/14	■	■			■		No grounds	■	■
EIF/F/2015/01	JEREMIE	Bulgaria	14/07/15	■	■			■				
SG/F/2015/01	Transmission Line Yacyreta	Paraguay	05/02/15	■	■			■		No grounds		■
SG/F/2015/02	WAT SAN RS Ribnik	Bosnia	11/05/15	■	■			■		Dropped by the complainant		■
SG/F/2015/03	Conditions for funding SMEs	Cyprus	24/06/15							Dropped by the complainant		■
SG/F/2015/04	Transmission Line Yacyreta	Paraguay	28/04/15	■	■			■		No grounds		■
SG/G/2010/04	Africap Investment Fund - Mozambique	Regional-Africa	01/12/10	■	■		■					
SG/G/2014/02	Renewable Energy Ireland	Ireland	18/09/14	■	■			■		No grounds		■
SG/G/2015/01	Microbial Fuel Cell South Africa	Country Confidential	16/01/15	■	■					No grounds		■
SG/G/2015/02	Castilla y Leon Loan for SMEs and Mid-CAPS	Spain	02/03/15	■	■			■		No grounds		■
SG/G/2015/03	Sarajevo bypass	Bosnia and Herzegovina	10/04/15	■	■			■		No grounds		■
SG/G/2015/04/PR	ELENA/EIB Initiative	Greece	17/04/15	■						Prevention		■
SG/G/2015/05/PR	InnovFin	GB	22/10/15	■						Prevention		■
SG/G/2015/06/PR	InnovFin	EU	19/08/15	■						Prevention		■
SG/G/2015/07	Marrakech Health Care	Morocco	06/09/15	■	■			■		No grounds		■
SG/G/2015/08	Housing in Zambia	Zambia	27/07/15	■						Dropped by the complainant		■

Procurement												
Reference	Project	Country	Received	Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up	Outcome	Recommendations	Closed
SG/P/2012/03/PR	Rail Rehabilitation	Turkey	15/03/12							Dropped by the complainant		■
SG/P/2013/12	Bursa Wastewater II	Turkey	23/07/13	■	■			■		No grounds		■
SG/P/2013/16	Water Supply and Sanitation	Bosnia and Herzegovina	27/09/13	■	■			■		No grounds		■
SG/P/2013/20	NRW Seychelles	Seychelles	22/10/13	■	■			■		No grounds		■
SG/P/2014/02	Railways Rehabilitation II Section Jovac	Bosnia and Herzegovina	18/03/14	■	■			■				
SG/P/2014/03	Water and Sanitation	Bosnia and Herzegovina	24/03/14	■	■			■		No grounds		■
SG/P/2014/04	Moldova Roads II	Moldova	22/04/14	■	■							

Reference	Project	Country	Work performed							Outcome	Recommen- dations	Closed
			Received	Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/P/2014/08	WIMP II - E	Georgia	21/07/14	■	■				■			
SG/P/2014/09	WIMP II - S	Georgia	31/07/14	■	■				■			
SG/P/2014/11	Réhabilitation Urbaine Tunisie	Tunisia	03/12/14	■	■					Dropped by the complainant		■
SG/P/2015/02	Upgrading of Judiciary Buildings	Serbia	27/03/15	■	■							
SG/P/2015/03	Upgrading of Judiciary Buildings	Serbia	31/03/15	■	■							
SG/P/2015/04/PR	Hanoi Pilote Light Metro Line	Vietnam	24/04/15	■						Prevention		■
SG/P/2015/05/PR	Quito Metro	Ecuador	09/09/15	■						Prevention		■
SG/P/2015/06	Autoroute Sfax-Gabes	Tunisia	13/05/15	■	■	■			■	Friendly solution		■
SG/P/2015/07	Corridor VC Pocitelj – Bijaca	Bosnia and Herzegovina	31/07/15	■	■							
SG/P/2015/08	Sao Paulo Rolling Stock	Brazil	03/09/15	■								
SG/P/2015/09/PR	Road Modernisation Federation BIH	Bosnia and Herzegovina	02/10/15	■						Prevention		■
SG/P/2015/10/PR	Rehabilitation of Runway	Liberia	08/10/15	■						Prevention		■
SG/P/2015/11/PR	Terrestrial Telecom Cable Project	Mauritania	11/11/15	■						Prevention		■

Human Resources

SG/H/2015/01	Application feedback	N/A	25/03/15	■						Friendly solution		■
SG/H/2015/02	Recruitment Process	Poland	27/03/15	■						Friendly solution		■
SG/H/2015/03	Recruitment Process	Luxembourg	28/04/15	■						Friendly solution		■
SG/H/2015/04	Deadline for Vacancy	N/A	06/05/15	■						Friendly solution		■
SG/H/2015/05	Feedback on Selection Process	N/A	09/06/15	■						Prevention		■
SG/H/2015/06/PR	Absence of reply	Luxembourg	19/06/15	■						Prevention		■
SG/H/2015/07	Child Allowance	N/A	17/06/15	■	■				■	No grounds		■

Customer relations

SG/C/2015/01/PR	Value EIB Bonds	Italy	23/03/15	■						Prevention		■
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Own Investigation

OI/F/2015/01	Elena facility	Netherlands	24/07/15	■						Areas for improvement	■	■
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Reference	Project	Country	Received	Allegation	Decision	Date decision				
European Ombudsman										
EO/349/2014/OV *	Mopani Copper Project	Zambia	14/03/14	The EIB wrongly refused to grant access to its report into allegations of tax evasion in the framework of the Mopani Copper Mines project.	Areas for improvement	17/03/15	Critical remarks	■	■	
EO/374/2014/PL Confidential	Child Allowance	Poland	25/03/14	The EIB wrongly considered that the concept of custody of a child prevails over the concept of residence of a child and, thus, failed to comply with its own implementing rules of its Staff Regulations and the EC's implementing provisions on household and child allowances.						

* In December 2014 the EO issued a draft recommendation, closing the case with two critical remarks in March 2015.



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EIB Complaints Mechanism

Activity Report 2015

