

2023

COMPLAINTS MECHANISM



European
Investment Bank | Group

2023

COMPLAINTS MECHANISM

European Investment Bank Group Complaints Mechanism Report 2023

© European Investment Bank, 2024.

98-100, boulevard Konrad Adenauer

L-2950 Luxembourg

+352 4379-1

info@eib.org

www.eib.org

twitter.com/eib

facebook.com/europeaninvestmentbank

youtube.com/eibtheebank

All rights reserved.

All questions on rights and licensing should be addressed to publications@eib.org

This report has been written with the active assistance of many individuals across the EIB Group.

Our cordial thanks go to all of them for their support.

In nature, no organism exists without some relation to another one. Oxpeckers nourish themselves on the parasites they clean from the fur of a zebra. A clownfish shelters among the tentacles of an anemone, while fertilising it with its waste. Plovers clean the teeth of the Nile crocodile and, in doing so, feed themselves. The covers of our reports highlight these symbiotic, natural relationships this year, because they mirror the different levels on which each European Investment Bank project operates. When we finance infrastructure or innovation, we seek also to ensure that the project bolsters climate action or environmental sustainability. By investing in startups or green energy, our public finance encourages private investment that might otherwise have been withheld. In a world where humanity seems so often to be at odds with itself, we hope these images of natural collaboration will inspire readers to cross boundaries and build new partnerships.

Photo credits: EIB, GettyImages and EBRD.

Satellite images credits: Airbus Defence and Space SA.

Authorisation to reproduce or use these photos must be requested from the copyright holder.

For further information on the EIB Group's activities, please consult our websites, www.eib.org and www.eif.org

You can also contact info@eib.org. Get our e-newsletter at www.eib.org/sign-up

Published by the European Investment Bank.

Printed on FSC® Paper.

THE COMPLAINTS MECHANISM REPORT presents the main results achieved by the Complaints Mechanism of the European Investment Bank (EIB) Group¹ in 2023 to address the public's concerns about the Group's projects and activities.

As the Complaints Mechanism, our mandate is to assess these complaints and to conduct investigations if needed and/or facilitate collaborative dispute resolution. Complaints can be about a wide range of issues, including the potentially negative consequences of EIB Group-financed projects, whether social or environmental.

This report summarises the work of the Complaints Mechanism over the past year. In 2023, we proudly celebrated our 15th anniversary: 15 years of ensuring that people's voices are duly heard and that the EIB Group remains accountable for its actions and the projects it supports. We organised Accountability Days at the EIB, an opportunity to showcase the work of the Complaints Mechanism and for the EIB staff to find out more about what we do. In 2023, we continued to handle a high number of cases with an increasing level of complexity, while dealing with seven European Ombudsman cases, for which we perform a coordination role.² To further improve our work, we also set up satellite imagery services and developed a new electronic case management system.

The report is organised into chapters describing our activities in 2023, including the cases that have been closed or that we have been working on, our outreach activities and cooperation with other institutions. More details and statistics about the Complaint Mechanism activities are provided in Annex I.

We hope this report provides a good overview of what we do and how the activities of the Complaints Mechanism help to ensure that the EIB Group remains accountable to the public and duly committed to deliver high-impact projects inside and outside the European Union.

1. The EIB Group consists of the EIB and the European Investment Fund (EIF).
For more information about the EIB, see: <https://www.eib.org>
The EIF provides risk finance for small and medium businesses. For more information about the EIF, see: <https://www.eif.org>
2. For more information about the European Ombudsman, see: <https://www.ombudsman.europa.eu/en/home>

CONTENTS

vi **FOREWORD BY THE EIB PRESIDENT**

viii **FOREWORD BY THE INSPECTOR GENERAL**

x **2023 HIGHLIGHTS**

1 **2023 CASELOAD AT A GLANCE**

2 **ABOUT THE EIB GROUP COMPLAINTS MECHANISM**

8 **OUR RESULTS IN 2023**

10 **COMPLAINTS INVESTIGATION FUNCTION**

20 **DISPUTE RESOLUTION FUNCTION**

25 **MONITORING FUNCTION**

29 **EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS**

33 **OUTREACH AND OTHER ACTIVITIES**

37 **2024 OUTLOOK**

38 **ANNEXES**

38 **ANNEX I — CASE STATISTICS**

44 **ANNEX II — WORK PERFORMED ON HANDLED CASES**

47 **ANNEX III — DEFINITIONS**

FOREWORD

BY THE EIB PRESIDENT

In 2023, the EIB Group's Complaints Mechanism celebrated its 15th anniversary. Many reports have been published since the inception of this independent body, and many of the actions taken have improved our governance and our positive impact on the ground.

Listening to the concerns of stakeholders is crucial for the Group's ongoing improvement. By actively engaging with individuals and communities affected by our projects, we can better address their needs, resolve issues, and learn from these experiences.

I feel proud to have joined an institution that is strongly committed to ensuring the highest standards in all its actions and projects. Transparency and accountability are in the DNA of our institution and an open dialogue fosters trust and enables the Group to deliver results that are financially sound and also aligned with our social and environmental objectives.

Looking back on 2023, we see a year filled with uncertainty and tension but also resilience and determination to overcome our shared challenges and find innovative solutions to respond to intense change. At this juncture, investments have reached a record level.

This ambition cannot be solely measured in numbers and volumes of investment. We need to focus on the impact on the ground. The EIB Group supports high-impact projects and this requires the highest standards from an economic and financial point of view but also in terms of social and environmental sustainability.

“ I feel proud to have joined an institution that is strongly committed to ensuring the highest standards in all its actions and projects. ”



Civil society and the public at large can help maximise the positive impact of our activities and contribute to a constant improvement of our processes. This is a welcome dialogue, channelled through different instruments, that makes us stronger.

The EIB is a key driver of European priorities, supporting the twin green and digital transitions, closing the investment gaps in innovation, new technologies and physical and social infrastructure. Much progress has been achieved during these years. Let's build on this success to continue to invest in a more sustainable and inclusive future in Europe and beyond.

Nadia Calviño

FOREWORD

BY THE INSPECTOR GENERAL

The year 2023 was one of reflection, growth and continued commitment to accountability and transparency. It was my first year as Inspector General and I have fully enjoyed my role in helping to ensure that EIB financing is used in the best way, and that people benefit from our actions and projects. I would like to take the opportunity to highlight some of the remarkable achievements of the EIB Group Complaints Mechanism in 2023.

Firstly, the Complaints Mechanism's 15th anniversary is a significant milestone in its mission to ensure the EIB Group's accountability. Over the years, the Complaints Mechanism has provided individuals, communities and civil society organisations with a trusted platform for voicing their concerns and grievances related to the EIB's project financing work in particular.

Secondly, the Complaints Mechanism remains relevant and easily accessible. In 2023 it received 60 complaints, while closing an equal number of cases. Each complaint continues to be thoroughly assessed, and appropriate action has been taken to address the issues raised in the most effective manner, including through compliance reviews and dispute resolution.

Through its compliance reviews, the Complaints Mechanism identified instances where the EIB's policies, standards, or procedures were not properly applied or adhered to. In such cases, the Complaints Mechanism proposed corrective operational actions and/or made recommendations to enhance the project's outcomes. Examples in 2023 included the Flood Protection Measures project in Greece and the Banja Luka-Doboj Motorway in Bosnia and Herzegovina.

The Complaints Mechanism has also established a solid dispute resolution function in recent years and has been managing collaborative resolution processes for an increasing number of cases, when appropriate.

Thirdly, we continued developing the skills of local facilitators and mediators to support our collaborative resolution processes, significantly improved our case management system, and broadened our sources of information through the procurement of satellite imaging.

“ Over the years, the Complaints Mechanism has provided individuals, communities and civil society organisations with a trusted platform for voicing their concerns and grievances related to the EIB's project financing work in particular. ”



While celebrating the achievements of the past 15 years, we also acknowledge that there is always room for improvement. In line with the EIB Group Complaints Mechanism's Policy, the Complaints Mechanism initiated the process of a possible Policy Review, and took the necessary steps towards the end of 2023 to launch an External Review.

2023 was also the year where we said goodbye to Sonja Derkum, who took up the position of Head of the Independent Redress Mechanism of the Green Climate Fund. I take this opportunity to wholeheartedly thank Sonja for her years of dedication and excellent leadership at the helm of the EIB's Complaints Mechanism. I am also proud to announce the nomination of Vasco Amaral Cunha as Head of the Complaints Mechanism, replacing Sonja. Vasco was selected later in the year, following a competitive process that we launched internally and externally.

Finally, I would like to thank all those who have engaged with the Complaints Mechanism and have provided valuable feedback, within and outside the Bank. I would also like to thank my dedicated and talented colleagues in the Complaints Mechanism for their expertise, passion, and unwavering commitment to ensure that the Bank does things right for all those who are impacted by it. They have been the driving force behind our successes in 2023.

I am confident that the Complaints Mechanism will continue to play a crucial role in fostering the EIB Group's accountability, and ensuring that it remains a beacon of integrity and effectiveness in the global finance landscape.

Together, we can build an institution that not only delivers on its operations but also sets the highest standards in terms of governance, ethics and accountability.

Monique Koning

2023 HIGHLIGHTS

COMPLAINTS MECHANISM

Celebrated its **15th anniversary**

Closed **60 cases**

Issued recommendations and/or suggestions for improvement in **16 cases**

Registered **36** admissible **complaints from individuals**

Handled **9 dispute resolution processes**

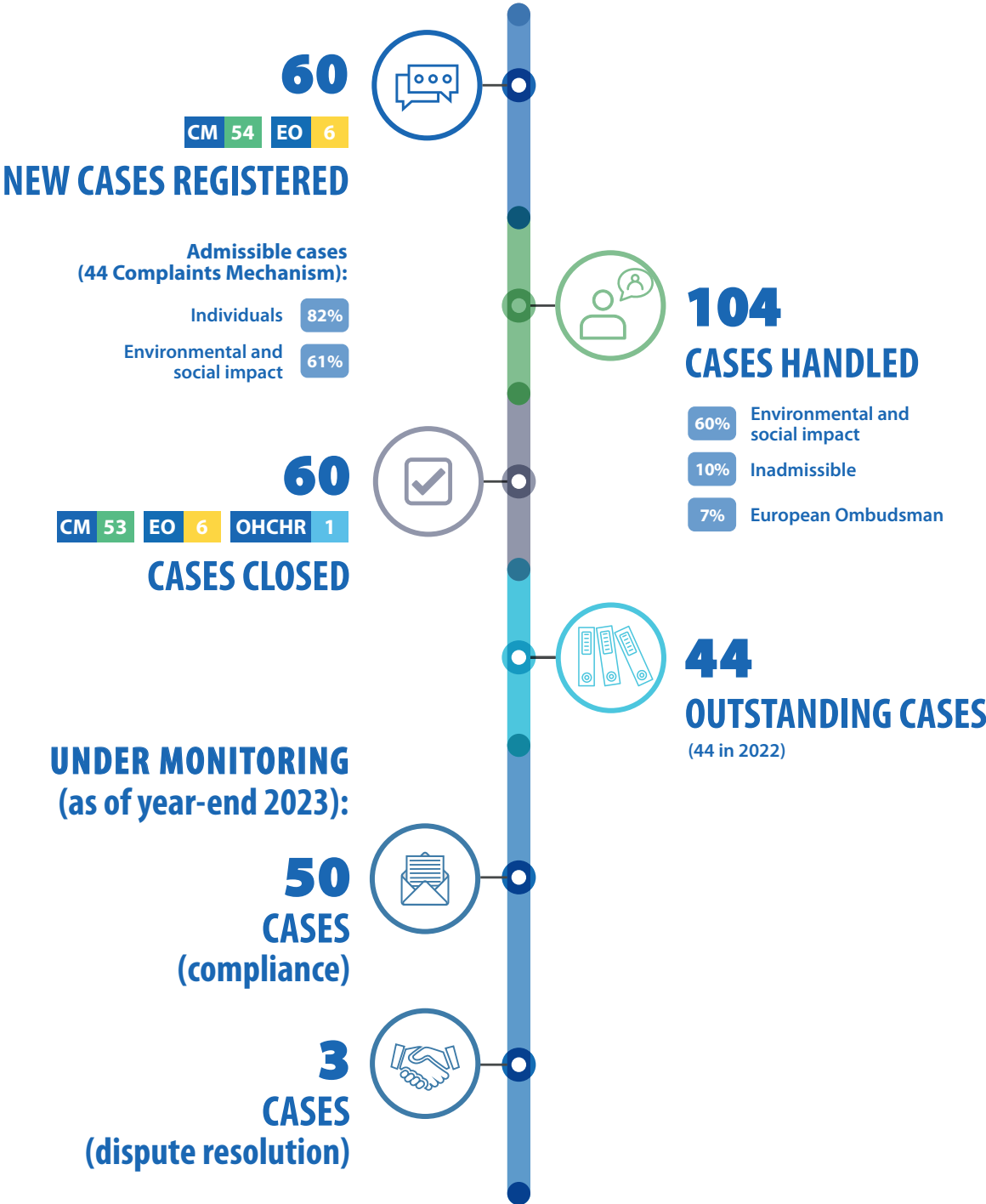
Conducted **8 site visits** in **5 countries**

Signed a framework agreement with Airbus Defence and Space S.A. for the provision of **satellite imagery**

Developed a new electronic **case management system**

2023 CASELOAD AT A GLANCE

COMPLAINTS MECHANISM



CM: Complaints Mechanism EO: European Ombudsman
 OHCHR: Office of the United Nations High Commissioner for Human Rights

ABOUT THE COMPLAINTS MECHANISM

The Complaints Mechanism is the citizen-driven accountability tool of the European Investment Bank (EIB) Group.³ It offers a platform for individuals, communities and civil society organisations to raise their concerns about the EIB Group's projects and activities, enabling them to exercise their rights to complain and be heard. The Complaints Mechanism performs its duties through a transparent and independent process.

Our mission

Our mission is to centrally and objectively handle all external complaints concerning alleged maladministration⁴ by the EIB Group, as defined in the EIB Group Complaints Mechanism Policy.⁵ By addressing people's concerns, the Complaints Mechanism demonstrates that the EIB Group is an accountable institution that strives to deliver fair and sustainable results for everyone. It also shows that the Group remains active in improving the way it operates and fulfils its mission.

We also deal with complaints against the EIB Group lodged with the European Ombudsman⁶ and all other non-judicial complaints lodged with international institutions or bodies which (directly or indirectly) concern the Group.

We handle complaints about various topics concerning EIB Group-financed operations. Examples include a potential lack of consultation with local population, environmental degradation, involuntary resettlement and related compensation matters, and threats to community health and safety. We also support complainants who encounter other issues concerning EIB Group activities, such as difficulties in accessing information or specific documents.

By number of cases handled and problems resolved, the EIB Group Complaints Mechanism is among the leading accountability mechanisms established by international financial institutions.

Our place in the EIB Group

The EIB Group is accountable for its decisions, actions and/or omissions and the Complaints Mechanism is the Group's public accountability tool, performing its duties with full independence from the operations of the EIB and the EIF. **It is one of the three independent control and accountability functions under the EIB Inspectorate General**, together with Investigations and Evaluation.

3. For more information about the EIB Group Complaints Mechanism, visit www.eib.org/about/accountability/complaints

4. Maladministration occurs when the EIB Group fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures, fails to comply with human rights, with applicable law, or with the principles of good administration. Examples of maladministration include administrative irregularities, unlawful discrimination, unjustified refusals of information, abuse of power, unnecessary delays as well as a failure by the EIB Group to comply with its own obligations in the appraisal and monitoring of projects financed by the EIB Group. Maladministration may also relate to the environmental or social impact of EIB Group activities and to project cycle-related policies and other applicable policies of the EIB.

5. For more information about the Complaints Mechanism Policy, visit www.eib.org/publications/complaints-mechanism-policy

6. For more information about the European Ombudsman, see: <https://www.ombudsman.europa.eu/en/home>

The operational independence, impartiality and effectiveness of the Complaints Mechanism are key for its functioning and are ensured by our reporting structure. The Head of the Complaints Mechanism is responsible for its management, development, implementation and monitoring. Under the Complaints Mechanism Policy, the Head of the Complaints Mechanism decides on the admissibility of complaints, the type of collaborative resolution process and/or investigation to be performed for a particular complaint, and the final version of Complaints Mechanism reports. In terms of integrity, all staff working for or supervising the Complaints Mechanism are expected to apply and uphold specific rules of conduct.

Given the EIB's activities outside of Europe, the Complaints Mechanism also supports EIB Global⁷ in its accountability efforts.

Our role in the European Union

As EU bodies, the EIB and its subsidiary, the EIF, are committed to ensuring good administration and maintaining the highest level of accountability to the public, especially project-affected person(s), that is, person(s) affected by projects in which the EIB Group is involved. The EIB Group is accountable to EU Member States as shareholders and policy setters, to investors who buy the bonds that the Group issues, to the Group's project promoters and beneficiaries, and to the project-affected person(s).

We cooperate with the European Ombudsman, which can review the decisions made by EIB Group entities. Any member of the public can access this two-tier procedure: the EIB Complaints Mechanism as an initial step and the European Ombudsman as a further possible step.⁸ This ensures an extra level of independence and accountability, making the Complaints Mechanism unique among independent accountability mechanisms of international financial institutions.

The added value of the Complaints Mechanism

The Complaints Mechanism:

- enables people affected by the EIB Group's activities and any interested individual or organisation **to seek and receive a response for their concerns about maladministration of the EIB Group**;
- enables **the Bank to be held to account for its decisions, actions and/or omissions** by querying these and requesting a response;
- **provides an impartial process to address disputes**, ensuring fair resolutions for parties involved in EIB-financed projects;
- **provides institutional learning** related to the issues investigated and detects potential systemic shortcomings.

Our approach

We listen to people's concerns about an EIB Group project or activity and enable them to exercise their rights to complain and be heard. We operate as a non-judicial, solution-driven mechanism based on the principles of independence and transparency.

7. EIB Global is the arm of the European Investment Bank responsible for activities outside the European Union. It focuses on fostering sustainable and inclusive societies worldwide. More information about EIB Global can be found at: <https://www.eib.org/en/projects/topics/global/index>

8. The European Ombudsman expressed its intention to withdraw from the **memorandum of understanding** (MoU) signed in 2008 between the European Ombudsman and the EIB. In her letter of 7 December 2023, the European Ombudsman informed the EIB that: (i) the purpose behind the MoU has largely been achieved, (ii) its terms no longer reflect the European Ombudsman's practices, and (iii) the European Ombudsman will continue to deal with complaints from outside the European Union. The letter may be read at: <https://www.ombudsman.europa.eu/en/news-document/en/179053>. This does not affect the two-tier procedure, and the European Ombudsman will continue to inquire into complaints from non-EU complainants if there are grounds to do so.

Our role is to **investigate complaints** to ensure the EIB Group complies with its policies and procedures, and to **propose corrective actions** if appropriate.

We also facilitate the pre-emptive resolution of disputes between complainants, the EIB Group, and borrowers/promoters of its financed operations. In addition, we help the EIB Group achieve the common goal of good administration by advising on possible improvements to activities.

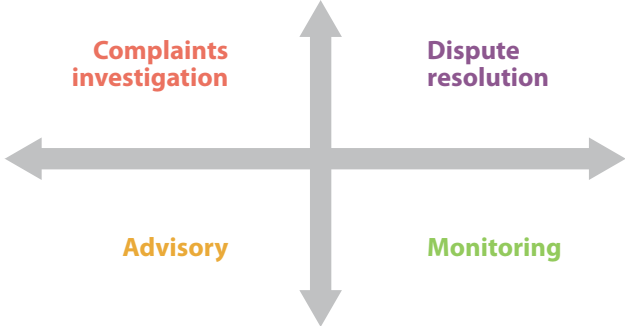
Our reports are usually publicly available – unless a complainant requests confidentiality – and provide information on the way the EIB Group operates and implements its policies.



Our core functions

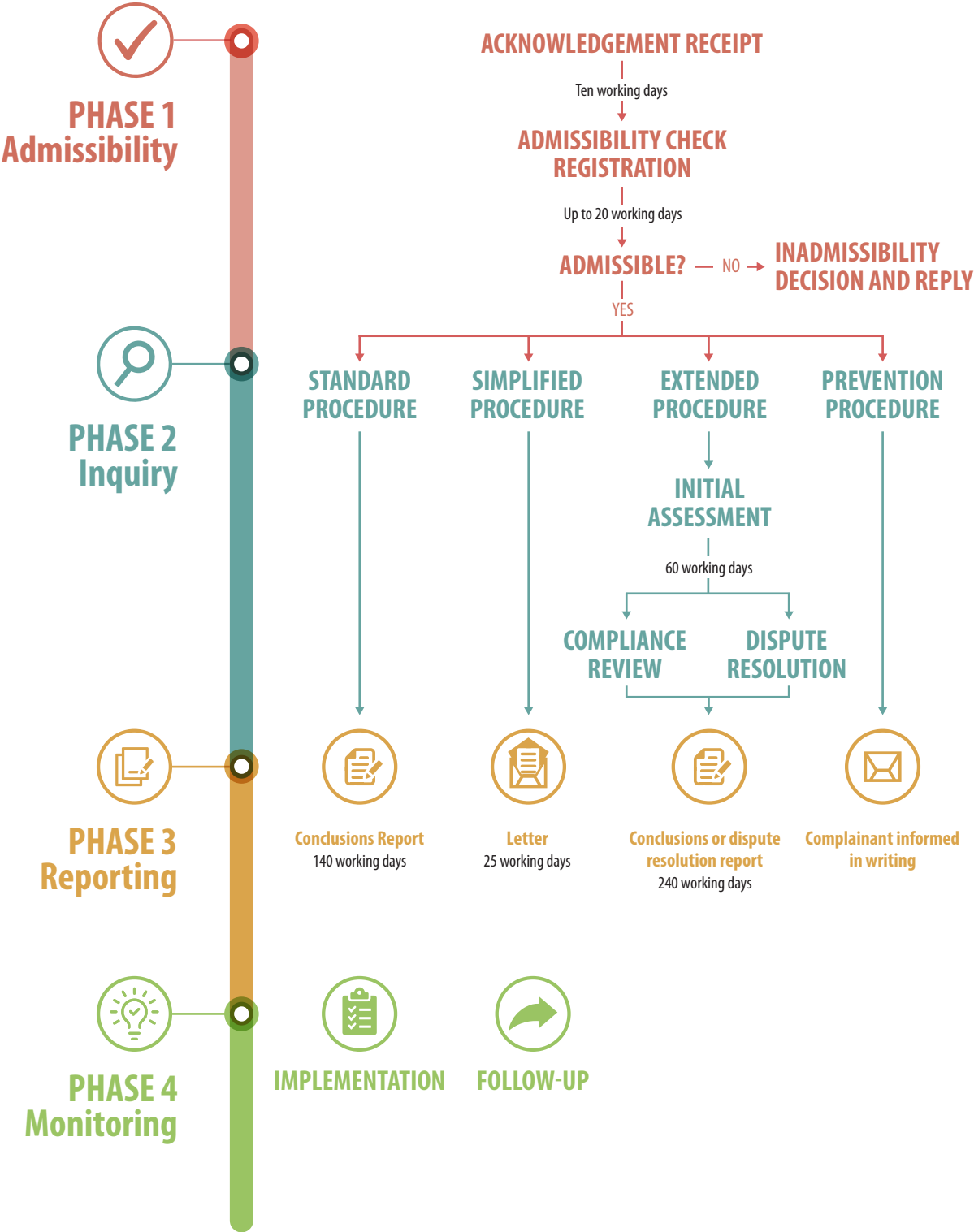
The Complaints Mechanism has four functions:

- **Investigate complaints** against the EIB Group.
- **Facilitate dispute resolution processes**⁹ between the complainant and the project promoter with the participation of national authorities and/or the relevant EIB Group services wherever appropriate.
- **Advise senior management** on issues directly or indirectly linked to cases handled, based on potential areas for improvement detected in the complaints-handling process.
- **Monitor** the implementation of agreed corrective actions and recommendations in the context of closed complaints, including agreements reached through mediation, as well as the EIB Group’s response to its advisory opinions.



9. More details about the dispute resolution work of the Complaints Mechanism may be read at https://www.eib.org/attachments/publications/cm_dispute_resolution_en.pdf

Figure 1: Complaints handling process



Our complaints handling process

The complaints handling process starts with the **admissibility of a complaint**. This phase involves assessing whether a complaint received from an individual or an organisation falls under the scope of the Complaints Mechanism's mandate. Usually, complaints can be lodged by letter, fax, email, or the online [complaints form](#).¹⁰

After deciding on the admissibility of a complaint, the Complaints Mechanism carries out a **preliminary review** of the allegations. This process includes desk reviews and meetings with EIB Group services and with external stakeholders on-site, as necessary. After gathering information, we decide whether further assessment is needed. Complex cases follow the so-called extended procedure and are given a longer time frame for response. In these cases, the preliminary review is performed during an initial assessment phase, which is closed with an initial assessment report that sets out the appropriate approach for handling the complaint. These steps can include conducting a compliance review or pursuing a collaborative resolution process.

During a **compliance review**, we investigate whether the EIB Group has followed the standards, rules and procedures that govern its operations.¹¹

Alternatively, complainants may be offered the opportunity to resolve the issues underlying their complaint through a **dispute resolution** process, if all relevant stakeholders agree. This process may involve facilitation of information sharing, dialogue, negotiation, joint fact-finding, and/or formal mediation. If the parties agree to certain actions and commitments during the collaborative resolution process, these will generally be documented together with the arranged timetable in a written agreement.

Reporting occurs once the analysis of the complaint is completed. We present the findings, conclusions and any recommendations in a conclusions report (compliance review), a dispute resolution report (dispute resolution), or a letter (simplified procedure).

We also perform **monitoring** work to ensure the follow-up measures agreed by the EIB Group and/or project promoter are adequately implemented.

Our team

Our staff members' diversity and variety of backgrounds — as well as their commitment to accountability — are our most valuable assets. We draw on their professional experience in law, environment, human rights, governance, economics, project operations, auditing, human resources, standards of the EIB Group and of international financial institutions, and communication. The team comprises members of ten different nationalities and coverage of 22 languages (as of the end of 2023).

10. The form is available in many languages in EIB's website.

11. These include the Bank's Environmental and Social Standards: https://www.eib.org/attachments/publications/eib_environmental_and_social_standards_en.pdf



Our collaboration with the global accountability network

The Complaints Mechanism is a longstanding member of the Independent Accountability Mechanisms Network (IAMnet), which represents the accountability mechanisms of international financial institutions. The Complaints Mechanism has both benefited from, and contributed to, the lessons learned and shared within this group.

IAMnet currently comprises 24 members, including the European Ombudsman. We cooperate and exchange information among IAMnet members, including on complaints and concerns related to co-financed projects. We cooperate in organising joint outreach activities,¹² and participate in working groups dealing with topics of common interest, such as reprisals or dispute resolution.

While IAMnet members share a common mission to assess complaints and respond to concerns independently, they function differently. For example, two distinct features of the EIB Group Complaints Mechanism are that (i) complainants do not have to indicate the relevant rule or policy that may have been breached, and (ii) complainants may simply refer to a negative environmental and social impact of EIB Group-financed operations. Moreover, complainants do not have to prove they are directly affected by the issue reported to the Complaints Mechanism. As mentioned earlier, another distinct feature of the Complaints Mechanism is the two-tier procedure with the European Ombudsman, and the fact that the Ombudsman can review the decisions made by EIB Group entities.

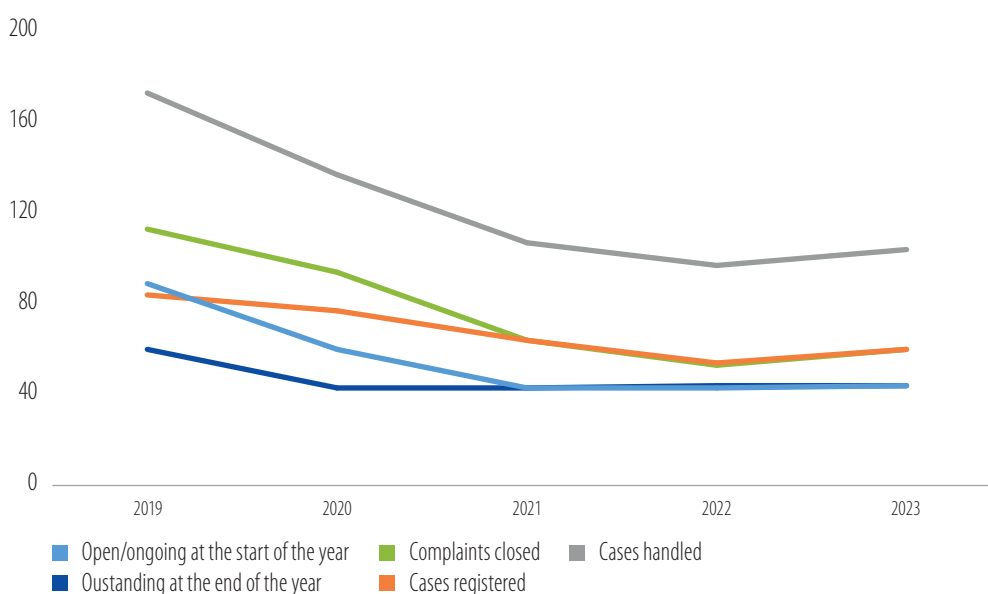
12. For more details about joint outreach activities in 2023, please consult the section titled "Outreach and other activities."

OUR RESULTS IN 2023

In 2023, our activities focused mainly on case handling and monitoring. The number of handled complaints remained high. We have kept the number of cases open at the end of the year stable for the last four years. The majority of the open cases at the end of 2023 were registered during 2023 (63%).¹³ Most of the long overdue cases were closed during the year.

We handled 104 cases and closed 60. The number of outstanding cases at the end of 2023 (44) matches that of 2022. In 2023, we coordinated seven cases against the EIB Group that were lodged with the European Ombudsman.

Figure 2: Number of complaints received, handled and closed by the Complaints Mechanism since 2019¹⁴



The number of new cases registered increased slightly in 2023, from 54 in 2022 to 60. Of the **54** new complaints submitted directly to the Complaints Mechanism in 2023,¹⁵ **44** were registered as admissible. As in other years, most of these new admissible complaints (**61%** in 2023) concern the environmental and social impact¹⁶ of EIB-financed projects, while this year the number of human resources-related complaints increased.

Most complaints in 2023 were submitted by individuals (82%), followed by civil society organisations and corporates (9% each). The complainants focused most of their allegations on the environmental and social impact of EIB-financed projects.

13. Cases submitted directly to the Complaints Mechanism.

14. The higher number of cases handled in 2019 and 2020 was due to the high number of cases received in the years before and the backlog of cases. In 2017 and 2018, the number of complaints received was abnormally high. Since 2018, we have managed to reduce the backlog of cases.

15. Note that six of the 60 new complaints in 2023 were lodged with the European Ombudsman. As the Complaints Mechanism coordinates the Bank's response to such complaints, they are included in its caseload.

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

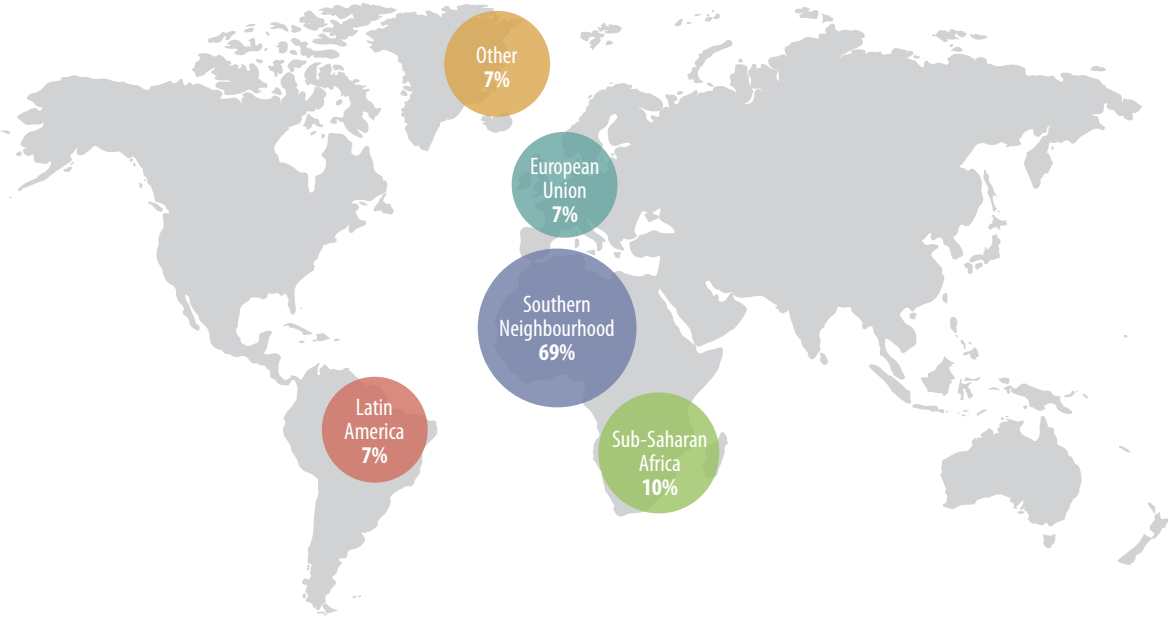
Most of the new admissible complaints received were project-related (29 of 44). By region, the majority of the project-related complaints concern projects located beyond the European Union (93%). The Zenata Urban Development project in Morocco accounts for 63% (17 out of 27) of the project-related complaints received beyond the European Union.

In 2023, we carried out several site missions and met in person with complainants, promoters and other key stakeholders in Cameroon, Morocco, Nepal, Serbia and Tunisia.

In line with the requirement for semi-annual reporting under the Complaints Mechanism Policy, we reported to the EIB Board of Directors in April and October 2023 and to the EIF Board of Directors in January and July 2023. We also reported quarterly on our activities, particularly on the outcomes of closed cases, to the EIB Management Committee, the EIB Audit Committee and the EIF Chief Executive.

For more details about our case-handling work in 2023, please consult Annex I.

Figure 3: Regional distribution of new admissible cases related to EIB-financed projects



COMPLAINTS INVESTIGATION FUNCTION

In 2023, the Complaints Mechanism completed investigation and compliance reviews for 35 cases spanning various areas, countries and issues.¹⁷ The sectors with most cases under investigation were construction,¹⁸ waste and wastewater management, and transport.

We closed a number of highly complex cases that concerned the environmental and social impact of EIB-financed projects. Representative examples are three cases related to the Flood Protection Measures operation in Greece, several cases in Tunisia (including cases related to the construction of eight grade-separated interchanges along the main inner bypass of Sfax and to the construction of a road bypass around Zarzis), two cases related to the Cairo Metro Line 3 – Phase 3 in Egypt,¹⁹ and four cases in Bosnia and Herzegovina, related to the Banja Luka-Doboj Motorway.



17. We handled around half of these cases through a simplified procedure under the Complaints Mechanism Policy.

18. This is due to the large number of complaints related to the Zenata Urban Development project.

19. SG/E/2021/25 and SG/E/2022/02. We closed eight other cases between 2014 and 2022 related to the same project.

Among the cases handled in 2023, some projects involved several ongoing complaints. For example, we continued to receive complaints (17 new admissible cases in 2023) about the Zenata Urban Development Project in Morocco. As of the end of 2023, we had registered a total of 27 complaints about this project, especially regarding its involuntary resettlement process.

We also made significant progress in handling numerous other cases, such as the Pune Metro Rail project in India, the South Regional Water Board Water Supply and Sanitation Programme in Malawi and the Mediterranean Railway Corridor (Spain), all of which are expected to be closed in the first half of 2024.

Review of cases related to EIB activities

This section provides information on a selection of closed and ongoing complaints investigations concerning EIB projects and activities. If the complaint is not confidential, the initial assessment report and conclusions report (if applicable) are published on our website, specifically on the webpage of the concrete case (as provided below).

CLOSED CASES

BANJA LUKA – DOBOJ MOTORWAY	
Region/country:	Enlargement countries/Bosnia and Herzegovina
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2019/06 , SG/E/2021/05 , SG/E/2021/06 and SG/E/2021/07

We handled four cases related to the construction and operation of the Banja Luka – Doboj Motorway. The cases concerned (i) community health and safety, (ii) involuntary resettlement, and (iii) spatial planning issues. We addressed the four cases in one conclusions report because of the similarities and overlaps of the allegations. We previously closed three other cases related to the same project ([SG/E/2016/24](#), [SG/E/2019/03](#), [SG/F/2019/03](#)). Case [SG/E/2019/06](#) first underwent a dispute resolution process, which resolved some of the issues raised. For those issues where no agreement was reached, we proceeded with a compliance review. Case [SG/E/2021/07](#) was submitted by seven complainants who claimed to be representing the inhabitants of three villages.²⁰

We found that the project-applicable standards were complied with for one allegation, concerning spatial planning (iii) but not fully complied with for the remaining two allegations, concerning community health and safety (i) and involuntary resettlement (ii). We also found that the EIB carried out its role as required in relation to the allegation concerning spatial planning (iii) but not in relation to the remaining two allegations (i) and (ii). Although the EIB did not promptly follow up with the promoter on the preparation of the relevant land acquisition and resettlement plan, the Bank has in the meantime intensified its monitoring to address the outstanding issues.

We recommended to the EIB to (i) ask the promoter to prepare a land acquisition and resettlement plan, (ii) agree on corrective actions with the promoter to improve the project’s impact on the local communities, and (iii) monitor the implementation of these two points until their completion.

At the end of the year, these cases were still being monitored.

20. Two complainants passed away during the complaints handling process.



FLOOD PROTECTION MEASURES

Region/country:	European Union/Greece
Type of complaint:	Environmental/social impact
Sector(s):	Water, sewerage
Case webpage:	SG/E/2021/12 , SG/E/2021/15 and SG/E/2021/17

Between July and September 2021, we received three complaints from several civil society organisations and an individual about the Flood Protection Measures operation in Greece, which was co-financed by the EIB. The complaints concerned a sub-project in the Erasinos river valley.

We dealt with the three cases jointly in one initial assessment report and one conclusions report. The initial assessment report presented the following allegations: (i) non-compliance of the Erasinos sub-project with national law, (ii) non-compliance of the Erasinos sub-project with EU law, and (iii) failure of the EIB to adequately assess the sub-project and comply with the EIB Environmental and Social Standards and other environmental commitments. In May 2023, we issued our conclusions report. While the first allegation was found to be ungrounded, allegations (ii) and (iii) were upheld, so we issued two recommendations and one suggestion for improvement.

In view of the sub-project's non-compliance with EU environmental law, **we recommended** that the EIB services (i) take appropriate measures in line with the finance contract, which could include a commitment from the promoter not to use any EIB funds for the Erasinos component until formal compliance with EU environmental law was achieved to the satisfaction of the Bank. We also recommended that the EIB (ii) continues to engage with the stakeholders of the Erasinos sub-project to:

- formally agree on a corrective action plan to be implemented by the promoter, as a condition for the Erasinos sub-project implementation;
- provide technical environmental expertise to the promoter, if and where needed, for the effective implementation of the corrective action plan.

The **second recommendation** was to review the way the Erasinos sub-project was presented in the Environmental and Social Data Sheet, highlighting its specific characteristics, and correct factual errors in the "Public consultation and stakeholder engagement" section. As of year-end, this recommendation had been implemented.

We suggested that the EIB environmental and social procedures (currently under review) include a framework that guides the scope of the Bank's environmental and social due diligence in EU operations, particularly focusing on the EU law infringements and verification of compliance with the Water Framework Directive.

The Council of Europe Development Bank (CEB) received a similar complaint. During the investigation and reporting on the cases, we liaised with our counterpart in the CEB. In October 2023, the CEB also closed the complaint and issued similar recommendations.

At the end of the year, these cases were still being monitored.



MODERNISATION ROUTIÈRE II

Region/country:	Southern Neighbourhood/Tunisia
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2021/03, SG/E/2021/23, SG/E/2022/13 and SG/E/2022/20

In 2023, we closed four cases related to the environmental and social impact of three road projects financed under the EIB framework loan [Modernisation Routière II](#) in Tunisia. Recurrent allegations refer to the lack of and/or shortcomings in the environmental and social impact assessment, lack of stakeholder engagement, and the lack of or inadequate financial compensation for land acquisition.

The cases relating to the construction of eight grade-separated interchanges along the main inner bypass of Sfax²¹ and to the construction of a road bypass around Zarzis²² were subject to an investigation and compliance review. For some of the allegations raised, we found the projects were not aligned with the EIB Environmental and Social Standards. In particular, the applicable regulatory and institutional framework at the national level did not allow for: (i) compensating temporary loss of revenues caused by construction works and reduced road access, (ii) land compensations at full replacement cost, and (iii) agreement on compensation outside of the judiciary system.

For these two cases, we did not find evidence of maladministration by the EIB. However, **we issued suggestions for improvement** to the EIB mainly aimed at: (i) renewing technical assistance to the promoter, (ii) clarifying the requirements for EIB staff with regard to verification and implementation of the resettlement action plan, and (iii) ensuring that the promoter adequately informs people affected by the project (especially about the revised regulatory framework, which grants them the right to claim an amicable revision of their compensation), performs an external evaluation related to the restoration of such people's livelihood, and mitigates residual impact where needed. The two conclusion reports highlight the positive role of the EIB in promoting inter-institutional cooperation and revising the expropriation law.

The two other cases concerned the project G1 Pénétrente Sud, which will widen a section of the main southern road accessing the city of Tunis and the construction of three new interchanges.²³ We followed a **problem-solving approach** for these two cases. We closed the first case by supporting a dialogue facilitation process between the parties (a joint effort of the dispute resolution and compliance teams). The promoter and the complainant (a local civil society organisation) agreed and engaged in further consultations on matters such as reforestation planning, noise and air quality monitoring, and a communication plan (which are also anchored in the EIB Environmental and Social Standards and the project's environmental impact assessment and management plans). The EIB committed to monitor the completion of the remaining actions agreed between the promoter and the complainant. The second case was closed when the complainant confirmed that he was satisfied with the revised land compensation offer.

At the end of the year, we were monitoring the implementation of the action points in three of these four cases, namely [SG/E/2021/03](#), [SG/E/2021/23](#) and [SG/E/2022/13](#).

21. [SG/E/2021/03](#).

22. [SG/E/2021/23](#).

23. [SG/E/2022/13](#) and [SG/E/2022/20](#).



ONGOING CASES

ZENATA URBAN DEVELOPMENT

Region/country:	Southern Neighbourhood/Morocco
Type of complaint:	Environmental/social impact
Sector(s):	Construction
Case webpage:	The link for each case is provided in Annex 2

In 2023, we received 18 new complaints²⁴ from individuals regarding the Zenata Urban Development Project (Morocco). The project covers the development of a new eco-city located between Casablanca and Mohammedia in Morocco and involves the resettlement of more than 40 000 people, including approximately 70% living in informal settlements.

The complainants allege various issues related to the resettlement process, such as long delays between the demolition of their house in the informal settlements and their resettlement in a new apartment in the relocation area, lack of compensation for the associated transition costs, eligibility criteria, and transparency of entitlements/compensation and of the local grievance redress mechanism.

In 2023, one of the complaints was declared inadmissible and four cases were closed.²⁵ One case is undergoing a collaborative dispute resolution process.²⁶ As of the end of 2023, the draft conclusion reports of four other cases were under consultation with the Bank's services.²⁷ Of the 20 cases still open at the end of 2023, most of them concern issues related to eligibility owing to changes in family situations. We expect to close these cases in 2024.

24. One of the complaints was declared inadmissible. A total of 27 cases have been registered regarding the Zenata Urban Development Project since 2020 (25 admissible and two inadmissible). As of the end of 2023, seven of them were closed (including the two that were inadmissible).

25. Five cases closed in 2023: SG/E/2022/08, SG/E/2023/01, SG/E/2023/02, SG/E/2023/09 and SG/INA/2023/01.

26. SG/E/2022/07.

27. SG/E/2021/08, SG/E/2022/11a), SG/E/2022/11c) and SG/E/2022/18.

METRO DE MADRID LINE 11 EXTENSION

Region/country:	European Union/Spain
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2023/21

In September 2023, two local civil society organisations submitted a complaint about a metro project co-financed by the EIB in Spain. The complaint concerns the extension of Madrid metro Line 11 between the Atocha Renfe and Conde de Casal stations.

The complainants allege that: (i) the project is non-compliant with the EIB Environmental and Social Standards and (ii) the EIB did not carry out proper due diligence. They call for the reduction of the impact of the new metro line on the green areas in Madrid, such as the stopping of tree felling in the Arganzuela park. The complainants asked the Complaints Mechanism to assist in facilitating a dialogue between them and the promoter, but the promoter was not in favour of pursuing this option.

As of the end of the year, we were finalising our initial assessment of the case with a proposal to proceed to a compliance review.



MEDITERRANEAN RAILWAY CORRIDOR

Region/country:	European Union/Spain
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2022/15

In September 2022, we registered a complaint submitted by an individual and two civil society organisations. The complaint concerns a railway section between Tarragona and Sant Vicenç de Calders under the Mediterranean Railway Corridor operation (especially the construction of the third rail). The complainants alleged significant negative environmental effects and the lack of noise mitigation measures.

At year-end 2023, the draft conclusions report of this case was under consultation with the EIB services.

KAFR EL SHEIKH WASTEWATER TREATMENT

Region/country:	Southern Neighbourhood/Egypt
Type of complaint:	Environmental/social impact
Sector(s):	Water, sewerage
Case webpage:	SG/E/2023/06

In March 2023, an individual submitted a complaint about the Al Robaa wastewater treatment plant in the village of Al-Ruba in Al-Berlus, Kafr El-Sheikh Governorate in Egypt. The complainant alleges that he owns the land on which the plant will be built and that he has never been compensated for the expropriation of the property. We had several calls and meetings with the complainant and the competent EIB services, with the aim of clarifying the ownership situation of the property.

At the end of the year, we were assessing our next actions in this case.

PUBLICATION OF PROJECT SUMMARIES AND ASSOCIATED ENVIRONMENTAL INFORMATION

Region/country:	Chile, Germany, Ireland, Italy, Spain and Poland
Type of complaint:	Access to information
Sector(s):	N/A
Case webpage:	SG/A/2023/01

This complaint relates to the delay incurred by the Bank in publishing the project summaries of seven EIB-financed operations. The complainant alleges that the EIB made excessive use of its discretionary power in postponing project summary publication on the basis of the exceptions provided for in Section 5 of its Transparency Policy, namely the exception regarding the protection of commercial interests.

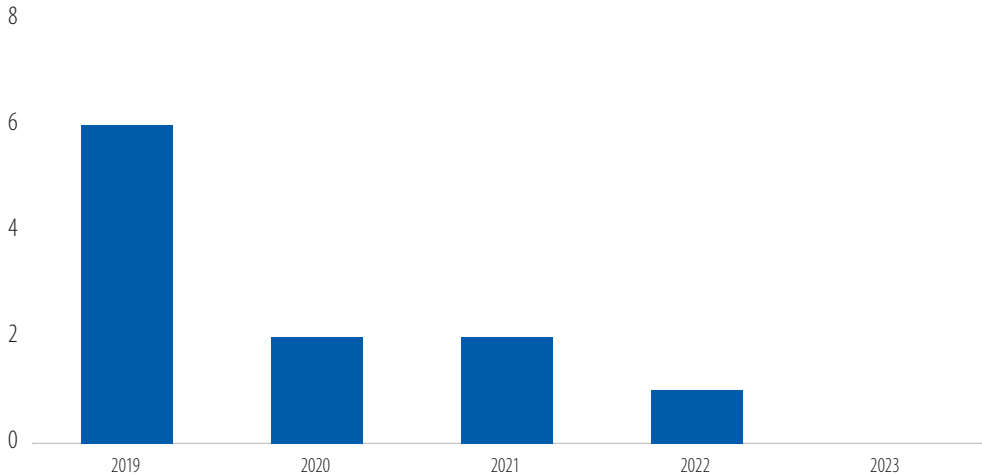
In addition, for some of the operations, the complainant claims that the EIB withheld environmental information contrary to its Transparency Policy and/or the Aarhus Convention as implemented for EU institutions and bodies by Regulation (EC) 1367/2006.

As of the end of the year, the draft conclusions report of this case was under consultation with the EIB services.

Review of cases related to EIF activities

In 2023, we handled and closed one complaint about EIF activities (received in 2022). The complainant alleged unfairness in the selection process for a financial intermediary. No complaints were received in 2023.

Figure 4: EIF complaints received between 2019 and 2023



UNFAIR SELECTION PROCESS OF A CALL FOR EXPRESSION OF INTEREST – CEETT 2021/0138	
Region/country:	N/A
Type of complaint:	Own governance/administration
Sector(s):	N/A
Case webpage:	EIF/G/2022/01

In August 2022, we received a complaint from a company concerning the selection process for a financial intermediary in the context of a call for expression of interest by the EIF. The complainant alleged that the EIF selection process was unfair and that (i) the EIF did not provide any feedback on the various stages of the selection process or the outcome, despite the complainant’s requests, and (ii) the EIF did not treat all the applicants equally.

We concluded that the two allegations were ungrounded. The information gathered did not reveal any irregularities in the selection process. The EIF performed this selection process as required, complying with its internal rules and procedures, as well as the articles described in the call for expression of interest. The EIF took appropriate care to ensure that financial intermediaries were selected in an open, transparent, proportionate, non-discriminatory and objective manner.

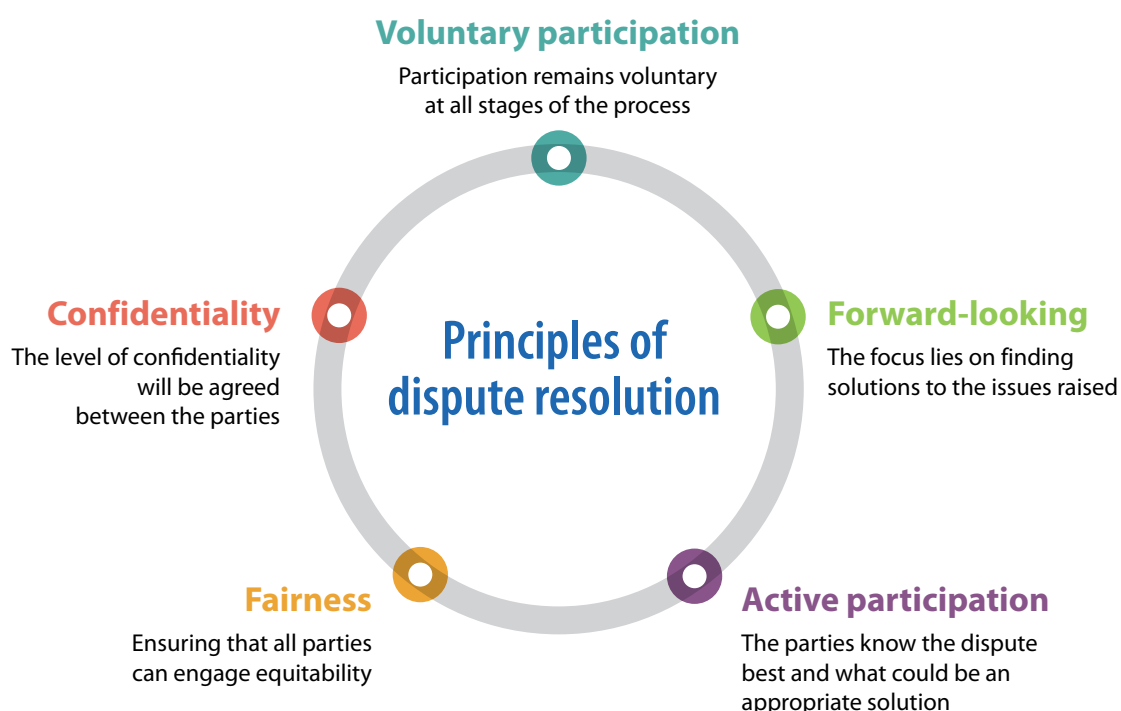
We however issued the following suggestion for improvement: “The EIF should provide a tentative timeline of the selection process for its future calls for expression of interest.” At the end of the year, we were monitoring the implementation of this suggestion for improvement.

DISPUTE RESOLUTION FUNCTION

In 2023, we dealt with a considerable number of cases through dispute resolution. We handled nine dispute resolution processes coming from nine cases and closed one of them.

The dispute resolution team of the Complaints Mechanism analyses disputes and designs and implements a collaborative resolution process as an alternative to an investigation. Whenever possible, and giving due consideration to the type of complaint, the team 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 acceptable solutions.²⁸

Figure 5: Principles of dispute resolution



The dispute resolution team uses various facilitative approaches, tailoring the options to each dispute. These include information-sharing, dialogue, negotiation, joint fact-finding, and formal mediation.

While maintaining its independence and impartiality, the dispute resolution team works closely with colleagues in the complaints' investigation and compliance review function. In some cases, this close collaboration has resulted in an early resolution of the complaint during the initial assessment phase.

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

9 DISPUTE RESOLUTION PROCESSES HANDLED

- (3) Tanahu Hydropower project (Nepal)
- (1) Pune Metro Rail project (India)
- (1) Bangalore Metro Rail project (India)
- (1) Zenata Urban Development project (Morocco)
- (1) Railway Nis Dimitrovgrad (Serbia)
- (1) Barrage Reservoir de Lom Pangar project and Nachtigal Hydropower and Plant project (Cameroon)
- (1) Appui au secteur de l'eau potable (a project to secure drinking water supply in greater Tunis) (Tunisia)

1 DISPUTE RESOLUTION PROCESS CLOSED

- (1) Bangalore Metro Rail project (India)





CLOSED CASES

BANGALORE METRO RAIL PROJECT – LINE R6

Region/country:	Asia/India
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2022/06

In March 2022, we received a complaint about the Bangalore metro rail project. Growthwatch, an Indian civil society organisation, was representing and supporting a group of affected students who studied at the Technical Training Centre for the Deaf in Bengaluru. The buildings of this centre were demolished in 2019 for the construction of an underground station that is part of the project. The association that was operating the training centre decided to discontinue its activities. The promoter organised the transfer of three teachers and the 41 remaining students to a private educational establishment in Bengaluru.

In February 2022, before we received the complaint, Growthwatch and the promoter had agreed on several actions to address the issues encountered by the students at that time. While the outcome of the dialogue was appreciated by the parties and led to the payment of stipends to the students, according to Growthwatch, the promoter had not entirely fulfilled its commitments. Building on the exchanges between the parties and the achievements reached at that point, we considered in our initial assessment that a facilitated dialogue would be beneficial to address the remaining issues encountered by the students. In particular, we noted that time was critical to ensure that the students were well prepared for their exams and obtained their certifications as soon as possible.

Growthwatch and the promoter held two facilitated in-person dialogue sessions in Bengaluru and one joint session online. The facilitation team also held numerous separate meetings with Growthwatch and the promoter. Thanks to these efforts, the parties reached an agreement on how to implement the agreed-upon actions. However, the parties did not reach an agreement on Growthwatch's latest request for financial compensation to the students for the time lost and the mental and emotional hardship faced. According to Growthwatch, this demand remained unaddressed.

We closed this complaint with the issuance of the dispute resolution report in June 2023, without further investigation. At the end of the year, we were monitoring the implementation of the actions agreed in the dispute resolution process.

ONGOING CASES

BARRAGE RESERVOIR DE LOM PANGAR AND NACHTIGAL HYDROPOWER PLANT	
Region/country:	Sub-Saharan Africa/Cameroon
Type of complaint:	Environmental/social impact
Sector(s):	Energy
Case webpage:	SG/E/2022/16

In August 2022, we received a complaint from a local cooperative. The complaint alleged poor consultation and information sharing about the negative environmental and social impact of two hydropower projects (Lom Pangar and Nachtigal) on 41 villages located between the two respective dams. In particular, the complainant stated that the assessments of the environmental and social impact only covered upstream effects of the Lom Pangar dam and not the downstream effects such as the impact on the health and livelihoods of sand miners and fishermen.

Given the parties’ openness to engage in a dialogue, our initial assessment report recommended a collaborative dispute resolution process as the way forward. We proposed to facilitate the dialogue between the parties with the help of a local facilitator. In November 2023, we visited Cameroon to meet the complainant, the affected people, and the promoters of the two projects. During our visit, the promoter of the Lom Pangar project told us that it was withdrawing from the dispute resolution process.

At the end of the year, we were finalising the report closing the dispute resolution phase and including the decision on the next steps (compliance review regarding the Lom Pangar project).



RAILWAY NIS-DIMITROVGRAD

Region/country:	Western Balkans/Serbia
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2022/14

In September 2022, we received a complaint from a local resident of Nis about the Railway Nis-Dimitrovgrad project. The complainant lives in a building that is set to be demolished to construct the bypass. The complainant's main allegation concerns the lack of an adequate housing alternative being offered.

During our initial assessment, we held meetings with the complainant, the promoter, and other stakeholders to check information and decide on the appropriate way forward. In December 2022, we issued our initial assessment report and proposed to proceed with a collaborative dispute resolution process.

At the end of 2023, the dispute resolution process was ongoing. We are facilitating dialogue between the parties with the help of a local facilitator. During 2023, we organised two meetings: the first one in May in Belgrade, and the second in December in Nis. The meetings offered the possibility for the stakeholders to interact directly and discuss the issues face to face. In addition to these meetings, various individual meetings were held with the parties and the facilitation team.

MONITORING FUNCTION

In 2023, we monitored 66 compliance cases and three agreements for dispute resolution processes.

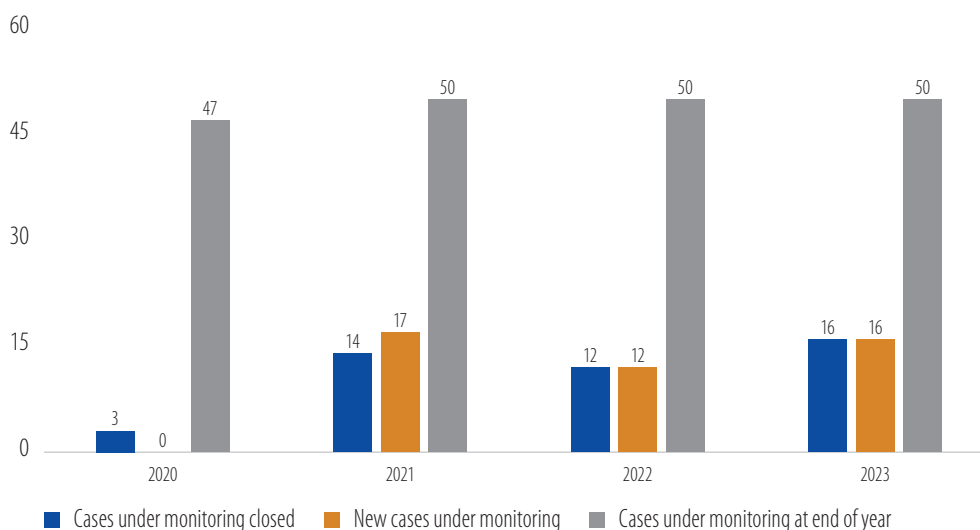
The Complaints Mechanism monitors the recommendations and suggestions for improvement (called action points) issued in its conclusions reports. It also monitors the implementation of the actions agreed by the parties in dispute resolution processes, as well as the related suggestions to the EIB services.²⁹

Compliance cases

In 2023, we monitored the implementation of action points for 66 cases (that is, cases for which the implementation of at least one action point remained open). In the year, we included 16 new cases in our monitoring registry and closed the monitoring process for 16 cases. At the end of 2023, 50 cases were still subject to monitoring with the EIB services.²⁹

Our monitoring tool enables a more systematic monitoring of the implementation of our action points. Since its launch at the end of 2020, we have closed the monitoring of 45 compliance cases.

Figure 6: Compliance cases under monitoring at the end of the year between 2020 and 2023



29. The webpage of a specific case provides information not only about the case and the timeline of the handling process but also indicates whether the case is subject to monitoring or not, and the status of the monitoring process (open/closed).

AFRICAN LION MINING FUND III & CORRIDOR CÔTIER – SECTION NORD

Region/country:	Sub-Saharan Africa/Mauritius and Senegal
Type of complaint:	Access to information
Sector(s):	Mining and construction
Case webpage:	SG/A/2019/02 and SG/A/2019/03

In 2019, a CEE Bankwatch Network member submitted two complaints about two projects: (i) African Lion Mining Fund III and (ii) Corridor Côtier – Section Nord. The two complaints concerned the Bank’s failure to provide a timely reply and disclose the requested documents.

Based on the reviewed evidence, we concluded that the Bank’s response far exceeded the time limits set forth in its Transparency Policy. In the case related to African Lion Mining Fund III, the Bank took 120 working days to provide a formal reply to the complainant instead of the 30 working days indicated in the EIB Transparency Policy (timeline applicable for exceptional cases). In both cases, we concluded that the arguments of complexity of the request for information and the need for consultation with external third parties could not be used to fully justify the excessive delay in providing the Bank’s response. In our view, the Bank could have undertaken intermediate steps (for example, handling the request for information in several batches, if not all information was available within the deadline), and that it was important for the Bank to promptly handle requests for access to environmental information.

In these two cases, **we suggested** that the Bank consider developing detailed implementation guidelines for facilitating compliance with the EIB Transparency Policy and streamlining the disclosure and consultation process for more complex requests for information (for example, workflow and processes, responsibilities, and timelines).

Once we received the evidence that the **competent EIB services had taken the necessary internal measures to provide guidance to EIB staff**, we closed the monitoring of these two cases at the end of June 2023.

POST DISASTER INFRASTRUCTURE RECONSTRUCTION

Region/country:	Sub-Saharan Africa/Madagascar
Type of complaint:	Environmental/social impact
Sector(s):	Transport
Case webpage:	SG/E/2019/11

In July 2019, we received a complaint from a road user about the health and safety risks during construction work of section 2 of the project. The complainant alleged that the promoter failed to comply with the health and safety provisions of the environmental and social management plan during construction of the sub-project.

Based on our findings, **we recommended** that the EIB ensures that the promoter continues to review and approve environmental and social management plans for future sections before the start of construction works, as it is required in the environmental permit of the project and in line with the EIB Environmental and Social Standards. Moreover, **we suggested** that the EIB (i) monitors whether the ongoing actions addressing the second allegation were closed by the promoter; (ii) raises the promoter’s awareness about the importance of implementing regular

training sessions on health and safety procedures for contractors and (iii) introduces measurable key performance indicators as part of the contracts to mitigate these risks for the remaining sections of the project.

The EIB mission in June 2022 confirmed that the obstacles that were the object of the initial complaint had been properly removed from the right-of-way. In addition, a letter from the Agence Routière on 7 February 2023 clearly indicated the **actions implemented** by the contractors to address the environmental and health and safety matters and the achievement of the desired outcome.

In addition, the EIB contributed to raising the promoter’s awareness about the importance of implementing regular training sessions on health and safety procedures for contractors and the introduction of measurable key performance indicators as part of the contracts. **As a result, the promoter has implemented a series of measures and activities related to health and safety**, including the replacement of wooden carts with trucks and the use of traffic signs. Workers on the road construction have been trained specifically in the use of personal protective equipment, emergency evacuation, and awareness of personal and collective protection. The promoter has **also started to monitor the number of health and safety-related incidents** per month. We closed the monitoring of this case at the end of March 2023.

PG ENTREPRISES TUNISIENNES V	
Region/country:	Southern Neighbourhood/Tunisia
Type of complaint:	Governance of financed projects
Sector(s):	Credit lines
Case webpage:	SG/F/2020/03

In June 2020, we received a complaint from an individual about the PG Entreprises Tunisiennes V Global Loan in Tunisia. The complaint concerned breaches of contractual conditions resulting in the unilateral termination of the contract between a financial intermediary and the complainant, as a final beneficiary.

Based on our compliance review, we found the allegation to be grounded. **We recommended** that the competent EIB services (i) perform a review of the fulfilment of the reporting duties established by the finance contract and (ii) take appropriate action concerning the financial intermediary on the basis of the finance contract, that is, the reimbursement of the amount corresponding to the allocation concerned by this inquiry. Furthermore, **we suggested** that the competent EIB services provide technical assistance to the financial intermediary to improve its reporting to the EIB and the overall effectiveness of the operation. **We also suggested that future operations** ensure that financial contracts include a requirement that grace periods and reimbursement schemes between the final beneficiary and the financial intermediary adequately reflect the purpose of the operation.

The operational EIB services fully implemented our recommendations and concluded that the financial intermediary performed its reporting obligations adequately. They also developed and rolled out a set of products and specific templates, namely templates of the multi-beneficiary intermediated loan finance contract and the respective side-letter for public and private sector entities. **These actions improve the communication and clarify the requirements** regarding the grace period, reimbursement, and reporting obligations of financial intermediaries, among other things.

Dispute resolution cases

In 2023, we monitored agreements concerning three dispute resolution processes (SG/E/2021/16 Malawi Northern Region Water Board Water Efficiency, SG/E/2021/09 B1 Pune Metro Rail project, and SG/E/2022/06 Bangalore Metro Rail project – Line 6). As of the end of the year, these agreements were still being monitored.

MALAWI NRW WATER EFFICIENCY PROJECT	
Region/country:	Sub-Saharan Africa/Malawi
Type of complaint:	Environmental/social impact
Sector(s):	Water, sewerage
Case webpage:	SG/E/2021/16

In July 2021, members of three communities in northern Malawi complained about the social impact of the Northern Region Water Board Water Efficiency project. The main issues raised in the complaint concerned stakeholder engagement, compensation, and damage to properties. In January 2022, we issued our initial assessment report and proposed proceeding with a collaborative dispute resolution process. We carried out this process with the support of two local facilitators and the involvement of the community of Kazando, a village in Malawi.

The process was concluded after a third session of dialogue facilitated by us in July 2022. **The parties reached an agreement on the following items:** (i) installation of three communal water points, (ii) payment of the remaining compensation to 13 households, (iii) rehabilitation of a hall to be used as a health centre in Kazando as part of the promoter’s corporate social responsibility efforts, (iv) maintenance of some roads in Kazando, and (v) assessment of the damage to structures and payments. In July 2022, we issued a dispute resolution report, which marked the closure of the complaint and the beginning of the monitoring phase.

To monitor the implementation of the actions, we held separate meetings with the parties. **In December 2022, we issued an interim monitoring report with the implementation progress.** The parties closed ten of the 17 action points and the other seven were ongoing. In 2023, an additional three action points were closed, mainly about communal water points and roads.

We are still monitoring the implementation of the remaining four actions, especially in relation to rehabilitating a building as a health centre in Kazando. The parties, together with the district health authorities, identified the building to be rehabilitated. The promoter performed a cost estimation and expected to obtain internal approval to include these costs under its corporate social responsibility.

EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS

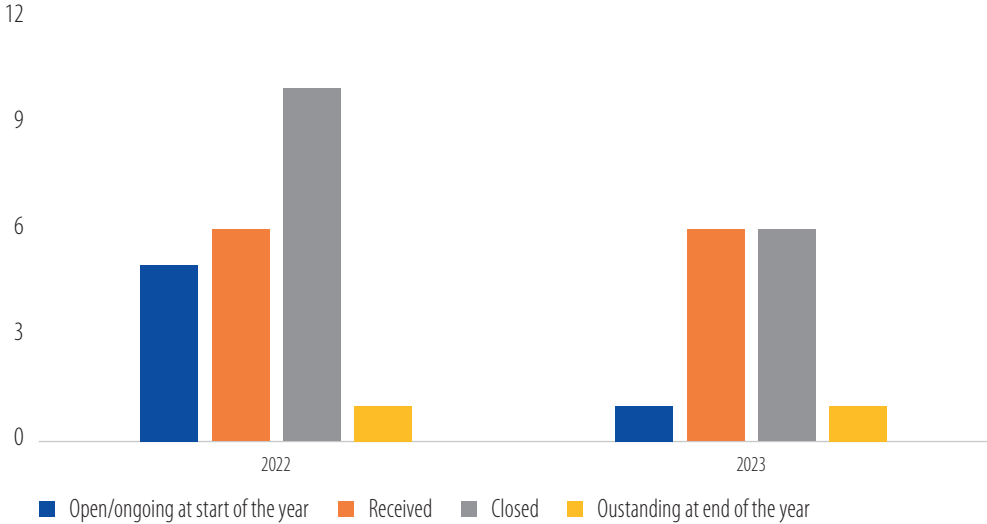
General overview

The Complaints Mechanism also deals with complaints against the EIB Group lodged with the European Ombudsman, for which we play a coordinating role. In 2023, the European Ombudsman handled seven complaints against the EIB Group and closed six of them.

In 2023, we registered six new complaints (same as in 2022) against EIB Group activities and operations lodged with the European Ombudsman. Two of these had previously been handled by the Complaints Mechanism before being escalated to the European Ombudsman (none in 2022).

Of the six complaints received, one was a personnel-related matter (two in 2022), one concerned the environmental and social impact of projects financed by the EIB (none in 2022), two were related to the EIB’s own governance (four in 2022), and two concerned access to information (none in 2022).

Figure 7: Complaints handled by the European Ombudsman



In 2023, the European Ombudsman closed six cases against the EIB Group (compared with ten in 2022), reaching the following conclusions:

- Recommendation: two cases (compared with none in 2022)
- No maladministration: one case (compared with seven in 2022)
- Settled: one case (compared with two in 2022)
- Insufficient grounds to open an inquiry: one case (compared with none in 2022)
- Inadmissible: one case (the same number as in 2022)

In the two cases with recommendation and the case with no maladministration, the European Ombudsman made suggestions for improvement.

The cases closed by the European Ombudsman:

CASE CLOSED	OUTCOME
A case concerning the EIB Group’s handling of the move of a former vice-president to become the chief executive officer of a national promotional bank. ³⁰	Recommendation and suggestions for improvement
A case about the way the EIB disclosed environmental and social information on projects prior to decisions on funding. ³¹	Recommendation and suggestion for improvement
A case about the way the EIB handled a request for public access to the summary of a project it is financing on the modernisation of an electricity distribution network in Poland. ³²	No maladministration with suggestions for improvement
A case concerning a failure to reply to the complainant’s queries. ³³	Settled
A case concerning the EIB’s reply to a complaint about the M-Birr Mobile Banking Service project in Ethiopia. ³⁴	Insufficient grounds to open an inquiry
A case about the EIB’s decision to fund a 21 km motorway called Corridor VC in Mostar, Bosnia and Herzegovina. ³⁵	Inadmissible

In addition to the European Ombudsman, complaints against the EIB Group’s activities can be submitted to the European Data Protection Supervisor or the Aarhus Convention Compliance Committee. As in previous years, no such complaints were registered by the Complaints Mechanism in 2023.

In 2023, we closed an inquiry received in 2022 from the Office of the United Nations High Commissioner for Human Rights (OHCHR). The inquiry concerned alleged incidents of intimidation reported in relation to the Nepal Power System Expansion project. Similar to the approach for complaints lodged with the European Ombudsman, the Complaints Mechanism coordinated the preparation of the Bank’s response with the relevant EIB services. The EIB’s response was sent to the OHCHR in July 2022 and published by the United Nations in August 2022. In the absence of a follow-up by the OHCHR, the Complaints Mechanism closed this case in July 2023 with the outcome, “No further follow-up by the OHCHR.”

30. EO/611/2022/KR.
 31. EO/2252/2022/OAM.
 32. EO/3/2023/OAM.
 33. EO/1455/2023/MIK.
 34. EO/1890/2023/KRW.
 35. EO/1991/2022/SF.

Cases closed by the European Ombudsman

THE EIB GROUP'S HANDLING OF THE MOVE OF A FORMER VICE-PRESIDENT TO BECOME THE CEO OF A NATIONAL PROMOTIONAL BANK³⁶

In June 2022, the European Ombudsman informed the EIB of this complaint, which concerned the move of a former EIB vice-president, who was also chair of the EIF Board of Directors, to become the chief executive officer and general manager of the national promotional bank in Italy, his country of origin.

In October 2023, the European Ombudsman sent its decision to the EIB President. The inquiry concluded: "How the EIB dealt with the risks of conflicts of interest in this case was inadequate and constituted maladministration. However, as this can no longer be remedied in this particular case, the Ombudsman closes this inquiry with suggestions for improvement that, if implemented, could help the EIB Group avoid similar issues arising in future."

The European Ombudsman's **suggestions for improvement** are:

- The EIB should ensure that, where a member of its Management Committee intends to take up a post-mandate activity in an entity that the EIB considers to perform a public-service function, and where that post may give rise to conflict of interest risks, the move should require the authorisation of the EIB's Ethics and Compliance Committee (ECC).
- When the ECC adopts decisions in relation to an EIB Management Committee member who also chairs the EIF's Board of Directors, the mitigating measures that the ECC adopts should reflect the dual role of that position-holder and refer not only to the EIB Management Committee functions but also to the functions of EIF Board of Directors.
- The ECC should remind former members of the EIB Management Committee, where they take up post-mandate activities, that they are obliged to ensure that their contracts do not contain any clause preventing them from declaring to the ECC any personal conflict of interest situation arising before the end of their cooling-off period.

In December 2023, the EIB President replied to the European Ombudsman, describing the actions the Bank has taken in relation to the suggestions for improvement.

THE EIB'S HANDLING OF A REQUEST FOR PUBLIC ACCESS TO A PROJECT SUMMARY³⁷

In February 2023, the European Ombudsman notified the EIB about a complaint from an environmental organisation about a project for the modernisation of an electricity distribution network in Poland.

When the complainant requested access to the project summary from the EIB, the finance contract for the EIB loan had not yet been signed. The EIB declined the request, citing concerns that disclosure could harm the commercial interests of the project promoter. The complainant disagreed with the EIB's stance and lodged a complaint with the European Ombudsman.

In July 2023, the European Ombudsman ruled that the EIB's reasons for denying access to the project summary were inadequate to justify the commercial interests exception. However, since the project summary had already been publicly disclosed in the meantime, no further inquiries were deemed justified.³⁸

36. EO/611/2022/KR.

37. EO/3/2023/OAM.

38. <https://www.ombudsman.europa.eu/en/decision/en/172566>

In this case, the European Ombudsman made **three suggestions for improvement**, in summary:

- The EIB should distinguish between the proactive publication of information and the handling of reactive requests for public access to documents. When assessing an individual request, the EIB should focus on applying the exceptions provided by the EIB Transparency Policy, rather than considering whether the requested document will be proactively published in the future.
- The EIB should provide detailed reasons when refusing public access to documents and reflect in its final decisions whether it examined the existence of an overriding public interest and partial access where relevant.
- When conducting third-party consultations, the EIB should emphasise public access to EU documents and adhere to the specific EIB Transparency Policy exceptions.

In October 2023, the EIB responded to the European Ombudsman and explained that:

- The EIB Transparency Policy makes a clear distinction between proactive publication of information and reactive requests for public access to documents. The EIB assessment was solely focused on the exceptions as per the EIB Transparency Policy and did not refer to the future publication of the project summary.
- The EIB assessment identified a specific and actual risk of undermining a legitimate commercial interest protected by the EIB Transparency Policy.
- The EIB is taking further measures to raise awareness about the EIB Transparency Policy and its principles and requirements.

THE EIB'S DISCLOSURE OF ENVIRONMENTAL AND SOCIAL INFORMATION ON PROJECTS PRIOR TO DECISIONS ON FUNDING³⁹

In February 2023, the European Ombudsman informed the EIB of another complaint submitted by the same environmental organisation that had lodged the case described above. It concerned (i) the EIB's refusal to give public access to the Environmental and Social Data Sheet for an EIB-financed project in Kenya before the EIB Board's approval and (ii) the EIB's practice of publishing the Environmental and Social Data Sheet only after the loan has been approved.

The EIB provided the European Ombudsman with the draft version of the Environmental and Social Data Sheet, to which public access was refused, for inspection. The EIB also explained how it had handled the complainant's specific public access request and provided clarifications in general on the EIB's proactive publication of Environmental and Social Data Sheets.

In November 2023, the European Ombudsman informed the EIB of her decision to close the case.⁴⁰ She found that the EIB had not adequately justified its decision to refuse public access to the draft Environmental and Social Data Sheet for the project in question, which translated to **maladministration**. However, given that the Environmental and Social Data Sheet had been made public in the meantime, the European Ombudsman did not issue a corresponding recommendation in this case.

Regarding the proactive publication of Environmental and Social Data Sheets, the European Ombudsman made the following **suggestion for improvement**: "The EIB should aim to disclose Environmental and Social Data Sheets proactively in advance of its Board's approval of loans, to allow the public to participate meaningfully in the EIB's assessment of environmental and social aspects of projects it considers for funding."

The EIB is expected to provide its response to the European Ombudsman in the first half of 2024.

39. [The European Investment Bank's failure to proactively disclose environmental and social information on projects prior to decisions on funding | Case | European Ombudsman \(europa.eu\)](#).

40. [Decision on how the European Investment Bank discloses environmental and social information on projects prior to decisions on funding \(case 2252/2022/OAM\) | Decision | European Ombudsman \(europa.eu\)](#).

OUTREACH AND OTHER ACTIVITIES

Reaching out to internal and external stakeholders, and continuously improving efficiency and skills are important components of the Complaints Mechanism's activities. In 2023, we participated in several events with civil society organisations and other independent accountability mechanisms. To mark our 15th anniversary, we carried out various activities targeting EIB staff to raise awareness on accountability.

We organised so called Accountability Days with two events targeting EIB Group staff in May and June, and several presentations and awareness-raising sessions with key EIB services about the importance of accountability at the EIB and the work of the Complaints Mechanism. We also continued organising and participating in outreach activities. One highlight of 2023 was a workshop in dispute resolution for facilitators/mediators based in Africa.

The year's events included:

Developing skills of local facilitators in dispute resolution

With the Office of the Compliance Advisor and the Independent Review Mechanism of the African Development Bank we organised a three-day workshop in Côte d'Ivoire, from 31 January to 2 February, for 17 francophone facilitators and mediators based in Africa. The workshop was for developing the skills of mediators from the region for resolving complex disputes arising during development projects.

FEBRUARY



Listening to civil society organisations

After the EIB Board of Directors' seminar with civil society organisations on 2 May, we held a separate hybrid meeting with representatives of ten organisations the following day, as we do every year. Seven people attended the meeting in-person and eight participated online, for a frank and constructive discussion.

Raising awareness of EIB representatives inside the European Union

We organised a virtual awareness-raising session about our mandate and activities on 17 May for the heads of the EIB external offices in the European Union.

Celebrating 15 years of Accountability

To mark our 15th anniversary, we organised an online conference on 23 May for EIB staff members on "Independent Accountability Mechanisms: A necessary nuisance or a critical necessity for responsible development?" The guest speaker was Imrana Jalal, award winner of the Ruth Bader Ginsburg Medal of Honour 2023 by the World Jurist Association, former chair of the World Bank Inspection Panel, and currently the special project facilitator at the Accountability Mechanism of the Asian Development Bank.

Human rights

Also to mark our 15th anniversary, we worked with the EIB's Environment, Climate and Social Office of the Projects Directorate to co-organise a hybrid session for EIB staff about the importance and approach of integrating human rights in EIB Group operations on 22 June.

Accountability talent training

We participated in a two-day knowledge-sharing and skill-development meeting organised by the [Independent Project Accountability Mechanism of the European Bank for Reconstruction and Development](#) in London on 22-23 June 2023. The meeting, which brought together practitioners from 14 independent accountability mechanisms linked to development finance institutions around the world, covered several topics, such as retaliation, remedy, dispute resolution, and data, technology, and tools for stakeholder management.



Training in dispute resolution

We delivered a module about effective conflict resolution in development projects at the University of Groningen summer school in the Netherlands, on land acquisition and resettlement.

Sharing knowledge and experience among the independent accountability mechanism network

We participated in the 20th annual meeting of the IAMnet on 4-6 October in London. This annual meeting was organised by the World Bank Accountability Mechanism, as the current secretariat of IAMnet, and hosted by the Independent Project Accountability Mechanism of the European Bank for Reconstruction and Development. In total, 63 people from 24 mechanisms of the IAMnet participated, with a further 19 representatives of civil society organisations (CSO) joining for the CSO day and 40 people participating online.



Raising awareness of EIB representatives outside the European Union

We organised a virtual awareness-raising session about our mandate and activities on 26 October for the heads of the EIB external offices beyond the European Union.

Further developing the skills of our staff

We organised a two-day training course for staff members to improve their report-writing skills.

Making development work for communities (Massive Open Outreach Seminar by independent accountability mechanisms)

On 6 December, we co-hosted this event with six independent accountability mechanisms⁴¹ and the Arab Watch Coalition to reach out to civil society organisations and project-affected communities in the Middle East and North Africa region and increase their awareness about independent accountability mechanisms of major development institutions.

In addition, our staff attended training and knowledge-sharing events covering various areas, such as environmental law, corporate sustainability and responsibility in the European Union, and dispute resolution.

41. The six other independent accountability mechanisms were: the Independent Review Mechanism of the African Development Bank, the Asian Infrastructure Investment Bank's Project-affected People's Mechanism, the Office of the Compliance Advisor Ombudsman, the independent Complaints Mechanism of the International Climate Initiative, the Social and Environmental Compliance Unit of the United Nations Development Programme, and the World Bank Accountability Mechanism.

Procurement of satellite imagery

In September 2023, the EIB signed a framework agreement with Airbus Defence and Space for the provision of satellite imagery for the Complaints Mechanism. Satellite images are expected to provide a better understanding of the situation on the ground and an additional source of evidence for investigation and monitoring.

We organised a full-day training on 20 September 2023 for our staff on the use of satellite images. We discussed what satellite imagery was and how it could be useful for gathering evidence and handling complaints related to environmental and social matters. The training was facilitated by four experts from Airbus Defence and Space and gathered 17 complaints officers and over ten colleagues from other divisions of the Inspectorate General.

Development of a new electronic case management system

In 2023, we developed a new electronic case management system. This centralised system will store case-related data and enable us to create and automate case workflows. The system should speed up our processes and minimise the likelihood of mistakes. The system will go live in 2024.

2024 OUTLOOK

We will continue to ensure our independence and contribute to the accountability of the EIB Group. Besides our core business of handling complaints, our work next year will focus on the following objectives:

New head of the Complaints Mechanism

Following a competitive recruitment process, Vasco Amaral Cunha was appointed as the new Head of the EIB Group Complaints Mechanism and began his new role on 1 January 2024. A lawyer by training, Vasco brings more than 20 years of experience in legal and front-line project origination, structuring, and monitoring, in addition to a strong commitment and understanding of the role and mission of the Complaints Mechanism.

Possible review of our policy and procedures

In line with section 9 of the EIB Group Complaints Mechanism Policy, we will consider the need for a review of our policy, which would then include consultation with EIB Group stakeholders.

Further digitalising our work

We will encourage further digitalisation, to improve the efficiency of our work. In particular, we expect to:

- launch the new electronic case management system;
- upgrade the current monitoring tools to a purpose-built IT software platform;
- use satellite imagery;
- explore tools using artificial intelligence;
- strengthen the digital skills of our staff;
- work towards an online annual report.

Outreach

We will continue raising awareness about the Complaints Mechanism's work, encouraging engagement and fostering trust with our external stakeholders. Among other steps, we will:

- develop the skills of local facilitators and mediators providing support to our dispute resolution work;
- raise awareness on the existence and mandate of the Complaints Mechanism in different countries and regions where the EIB Group operates.

In-reach

We will continue engaging with the EIB Group staff and governing bodies about the Complaints Mechanism's work, aiming to:

- raise awareness of our added value among the EIB services and governing bodies;
- promote better cooperation with operational teams and institutional learning from our findings.

ANNEX I — CASE STATISTICS

GENERAL OVERVIEW

CASE LOAD	2019	2020	2021	2022	2023
Open/ongoing at start of the year	89	60	43	43	44
Cases registered	84	77	64	54	60
Cases handled	173	137	107	97	104
Cases closed	113	94	64	53	60
Outstanding at end of the year	60	43	43	44	44

In 2023, the Complaints Mechanism handled 104 cases and closed 60 of them. A total of 44 cases were outstanding at the end of the year.

The Complaints Mechanism continued to handle a significant number of cases this year. The situation remained stable in the last four years in terms of outstanding cases at the end of the year.

The number of new complaints slightly increased, with 60 new cases registered in 2023. Of the 54 complaints submitted directly to the Complaints Mechanism, 44 were considered admissible. Six of the new complaints were filed with the European Ombudsman, who declared five of them admissible.

INCOMING COMPLAINTS	2019	2020	2021	2022	2023
Total complaints received	84	77	64	54	60
Complaints submitted directly to the Complaints Mechanism	74	67	56	47	54
<i>Inadmissible</i>	<i>24</i>	<i>27</i>	<i>17</i>	<i>13</i>	<i>10</i>
Admissible	50	40	39	34	44

Complaints brought before other institutions ⁴²					
European Ombudsman	10	10	8	6	6
<i>Inadmissible</i>	<i>2</i>	<i>-</i>	<i>2</i>	<i>1</i>	<i>1</i>
Admissible	8	10	6	5	5
Office of the United Nations High Commissioner for Human Rights	-	-	-	1	-

42. Complaints against the EIB Group activities can also be submitted to the European Data Protection Supervisor and the Aarhus Convention Compliance Committee. For the last five years, there was no such complaint open in the Complaints Mechanism's registry.

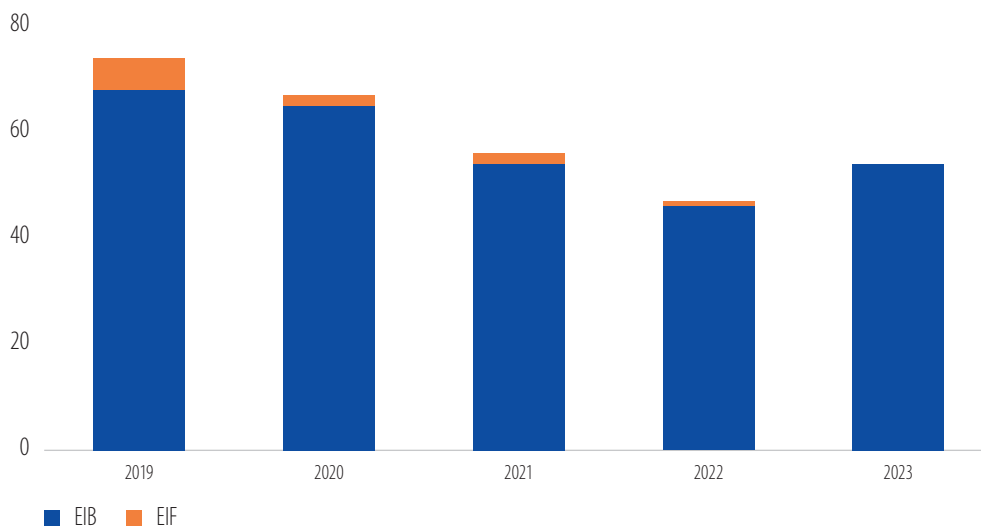
Admissible complaints are those concerning a decision, action and/or alleged omission by the EIB Group — even at early stages when the EIB Group is only considering providing support.

Inadmissible complaints include those:

- concerning fraud or corruption (which are handled by the Inspectorate General Investigation Division);
- from EIB staff members;
- concerning international organisations, EU bodies, or national and local authorities;
- that have already been brought against a member of the EIB Group before other administrative or judicial review mechanisms, or are brought subsequently, or have already been settled by other administrative or judicial review mechanisms;
- concerning project procurement (within the mandate of the EIB Project Procurement Complaints System) [Project procurement complaints](#);
- submitted anonymously (confidentiality is assured);
- that seek an unfair competitive economic advantage, or are excessive, repetitive or clearly frivolous or malicious in nature.

(Complaints Mechanism Policy, Article 4.3)

Most complaints submitted directly to the Complaints Mechanism concern EIB activities. In 2023, we did not receive any EIF-related complaints.



NEW COMPLAINTS DECLARED ADMISSIBLE BY THE COMPLAINTS MECHANISM IN 2023

Complaints by type

Complaints concerning the environmental and social impact of EIB Group-financed projects continue to represent the largest proportion of admissible complaints (61%). The proportion of human resources-related complaints increased compared to the previous year.

New admissible complaints	2019		2020		2021		2022		2023	
	n	%	n	%	n	%	n	%	n	%
Access to information (A)	4	8	2	5	1	2	2	6	2	5
Customer relations (C)	1	2	0	0	0	0	1	3	0	0
Environmental/social impact (E)	19	38	23	58	27	69	23	68	27	61
Governance of financed projects (F)	10	20	5	12	3	8	0	0	1	2
Own governance and administration (G)	11	22	7	18	3	8	7	20	7	16
Human resources (H)	5	10	3	7	5	13	1	3	7	16
Total	50	100	40	100	39	100	34	100	44	100

Project-related complaints by region

Of the complaints declared admissible by the Complaints Mechanism in 2023, 66% relate to EIB-financed projects (29 out of 44 new admissible cases). As in previous years, most of these project-related complaints concern environmental and social impact (93%). Construction is the sector with the largest number of complaints (59%),⁴³ followed by transport (17%) and water and wastewater management (18%).

In 2023, 93% of project-related complaints concerned projects located beyond Europe. The number of complaints about projects in the Southern Neighbourhood region continued to increase, with 17 of the 20 received complaints in 2023 concerning the same project in Morocco (Zenata Urban Development).

New admissible project-related complaints	2019%	2020%	2021%	2022%	2023(N)	2023%
Asia	15	7	10	4	0	0
Eastern Neighbourhood	23	10	3	0	0	0
European Union	31	45	45	16	2	7
Southern Neighbourhood ⁴⁴	4	14	12	44	20	69
Latin America ⁴⁵	0	0	10	4	2	7
Other ⁴⁶	0	0	0	4	2	7
Sub-Saharan Africa ⁴⁷	15	14	10	12	3	10
Western Balkans	12	10	10	16	0	0
Total	100	100	100	100	29	100

43. This is due to the large number of cases related to the Zenata Urban Development project.

44. Egypt, Morocco and Tunisia.

45. Bolivia and Nicaragua.

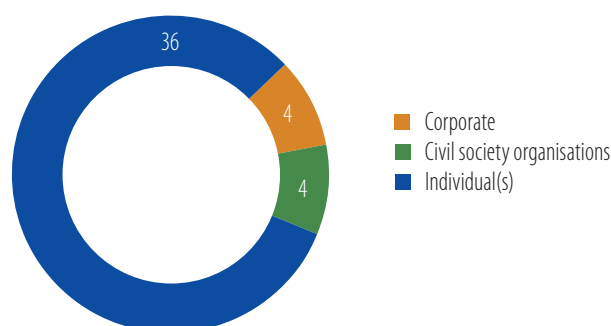
46. Iceland and the complaint SG/A/2023/01 that involves projects from several countries (Chile, Germany, Ireland, Italy, Poland and Spain).

47. Cameroon, Chad and Malawi.

Complaints by origin

Most complaints declared admissible in 2023 were lodged by individuals (82%); 67% of their allegations concerned E cases (environmental and social impact), 19% were H cases (human resources), 11% were G cases (own governance and administration), and the remaining 3% were A cases (access to information).

The proportion of complaints submitted by civil society organisations decreased to 9% of the total; their allegations mainly concerned E cases (75%). The proportion of complaints submitted by corporates remained stable (9%) and their allegations mostly concerned G cases (75%).



COMPLAINTS HANDLED⁴⁸

After handling 104 cases in 2023 (vs. 97 in 2022), the number of outstanding cases at year-end 2023 was 44 (the same as in 2022). We closed the same number of complaints as we received this year (60 complaints).

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

Handled complaints by type

Type of complaint	Complaints handled in 2022		Complaints handled in 2023	
	n	%	n	%
European Ombudsman (EO)	11	11	7	7
Access to information (A)	3	3	5	5
Customer relations (C)	1	1	1	1
Environmental/social impact (E)	53	55	63	60
Governance of financed projects (F)	3	3	1	1
Own governance and administration (G)	9	9	8 ⁴⁹	8
Human resources (H)	3	3	7	7
Inadmissible (INA)	13	14	11 ⁵⁰	10
Subtotal	96	99	103	99
Inquiry received from the Office of the UN High Commissioner for Human Rights	1	1	1	1
Total	97	100	104	100

48. This includes cases still open at the end of 2022, complaints lodged with the European Ombudsman and the inquiry received from the Office of the United Nations High Commissioner for Human Rights.

49. Including one complaint concerning EIF-financed activities.

50. Including one inadmissible case registered at the end of 2022 and closed in January 2023. An inadmissible case is not formally closed until a notification is sent to the complainant.

In 2023, more than half of the complaints handled by the Complaints Mechanism were E cases, which are generally the most complex. Some involve a high number of complainants and/or many complex allegations to investigate.

CLOSURE OF REGISTERED CASES LODGED WITH THE COMPLAINTS MECHANISM

In 2023, the Complaints Mechanism closed 60 cases: 53 had been submitted directly to us, six had been lodged with the European Ombudsman and one inquiry had been received from the Office of the UN High Commissioner for Human Rights. The majority (63%) of the 44 complaints outstanding at the end of 2023 were cases registered during that year.

Outcome of closed cases by the Complaints Mechanism ⁵¹	2023	%
<i>Admissible cases</i>		
No grounds	15	28
Friendly solution	13	24
Recommendation	8	15
Prevention	2	4
Dropped by the complainant	4	8
Sub-total of admissible complaints	42	79
<i>Inadmissible cases</i>	<i>11</i>	<i>21</i>
Total	53	100

In 12 of the closed cases, the Complaints Mechanism made suggestions for improvement.⁵²

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

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

OVERVIEW OF EUROPEAN OMBUDSMAN CASES

General overview	2019	2020	2021	2022	2023
Open/ongoing at the start of the year	8	4	4	5	1
Received	10	10	8	6	6
Closed	14	10	7	10	6
Outstanding at the end of the year	4	4	5	1	1

OUTCOME OF EUROPEAN OMBUDSMAN CASES⁵³

Outcome of closed cases	2022	2023
Inadmissible ⁵⁴	1	1
Insufficient grounds to open an inquiry	0	1
Withdrawn by the complainant	0	0
Settled	2	1
No maladministration found	7	1
Recommendations	0	2
Suggestions for improvement	6	3

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

54. Based on decisions of inadmissibility as communicated to the Complaints Mechanism.

ANNEX II — WORK PERFORMED ON HANDLED CASES

Reference number	Subject/project	Project country	Registry date	Assessment	Investigation	Dispute resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2023	Follow-up
Access to information												
SG/A/2021/01	ECP Africa Fund II PCC	Kenya	25/11/21	■	■			■	Friendly solution		■	
SG/A/2022/01	Loan for SMEs & Priority Projects II	Serbia	04/02/22	■	■			■	Friendly solution		■	
SG/A/2022/02	Akiira I Geothermal Power Plant	Kenya	09/06/22	■	■			■	No grounds	■	■	■
SG/A/2023/01	Failure to timely disclose projects summaries	Poland Italy Chile Spain Germany Ireland	12/01/23	■	■			■				
SG/A/2023/02	Disclosure of an EIB agreement	N/A	27/07/23	■	■							
Customer and investor relations												
SG/C/2022/01	EIB Bonds	N/A	24/11/22	■	■			■	No grounds		■	
Environmental, social and development impacts of financed projects/operations												
SG/E/2019/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	15/05/19	■	■	■	■	■	Recommendation		■	■
SG/E/2020/02	Nepal Tanahu Hydropower Project	Nepal	20/02/20	■		■	■					
SG/E/2021/03	S2 Denivellation de Huit Carrefours a Sfax	Tunisia	04/03/21	■	■		■	■	No grounds	■	■	■
SG/E/2021/05	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■	■	Recommendation		■	■
SG/E/2021/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■	■	Recommendation		■	■
SG/E/2021/07	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■	■	Recommendation		■	■
SG/E/2021/08	Zenata Urban Development Project	Morocco	31/03/21	■	■		■	■				
SG/E/2021/09	Pune Metro Rail Project	India	31/03/21	■	■	■	■	■				
SG/E/2021/10	Nepal Tanahu Hydropower Project	Nepal	08/06/21	■		■	■					
SG/E/2021/11	Nepal Tanahu Hydropower Project	Nepal	08/06/21	■		■	■					
SG/E/2021/12	Flood Protection Measures	Greece	16/07/21	■	■		■	■	Recommendation	■	■	■
SG/E/2021/15	Flood Protection Measures	Greece	26/07/21	■	■		■	■	Recommendation	■	■	■
SG/E/2021/17	Flood Protection Measures	Greece	23/09/21	■	■		■	■	Recommendation	■	■	■
SG/E/2021/21	Bogota Sustainable Transport FL	Colombia	28/10/21	■	■							
SG/E/2021/23	S4 Deviation ZARZIS	Tunisia	25/11/21	■	■		■	■	No grounds	■	■	■
SG/E/2021/25	Cairo Metro Line 3 (Phase 3)	Egypt	09/12/21	■	■		■	■	No grounds	■	■	■
SG/E/2021/26	MBIRR Mobile Banking Service	Ethiopia	09/12/21	■	■			■	No grounds		■	
SG/E/2022/02	Cairo Metro Line 3 (Phase 3)	Egypt	05/01/22	■	■			■	No grounds	■	■	■
SG/E/2022/03	Loan for SMEs & Priority Projects II	Serbia	04/02/22	■	■			■	Recommendation	■	■	■
SG/E/2022/05	SRWB Water Supply and Sanitation Programme	Malawi	17/03/22	■	■		■	■				
SG/E/2022/06	Bangalore Metro Rail Project - Line R6	India	31/03/22	■		■	■	■	Friendly solution		■	■
SG/E/2022/07	Zenata Urban Development Project	Morocco	31/03/22	■		■	■					
SG/E/2022/08	Zenata Urban Development Project	Morocco	02/05/22	■	■		■	■	Friendly solution		■	
SG/E/2022/09	Bogota Sustainable Transport FL	Colombia	19/05/22	■	■							
SG/E/2022/11a)	Zenata Urban Development Project	Morocco	27/06/22	■	■		■	■				
SG/E/2022/11c)	Zenata Urban Development Project	Morocco	24/11/22	■	■		■	■				
SG/E/2022/12/PR	Moldova Hospital Sector Upgrade	Romania	14/07/22	■					Prevention		■	
SG/E/2022/13	G1 Pénérante Sud	Tunisia	02/09/22	■				■	Friendly solution	■	■	■
SG/E/2022/14	Railway Nis-Dimitrovgrad	Serbia	29/09/22	■		■	■					
SG/E/2022/15	Mediterranean Railway Corridor	Spain	13/10/22	■	■			■				
SG/E/2022/16	Barrage Reservoir de Lom Pangar and Nachtigal Hydropower Plant	Cameroon	13/10/22	■		■	■					
SG/E/2022/17	Keflavik Airport Extension	Iceland	27/10/22	■	■			■	No grounds		■	
SG/E/2022/18	Zenata Urban Development Project	Morocco	27/10/22	■	■			■				

Reference number	Subject/project	Project country	Registry date	Assessment	Investigation	Dispute resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2023	Follow-up
SG/E/2022/19	Zenata Urban Development Project	Morocco	10/11/22	■	■		■					
SG/E/2022/20	G1 Pénétrante Sud	Tunisia	14/12/22	■	■			■	Friendly solution		■	
SG/E/2022/21	Belgrade Palilula Sewerage System	Serbia	22/12/22	■	■			■	Friendly solution		■	
SG/E/2023/01	Zenata Urban Development Project	Morocco	01/02/23	■					Dropped by the complainant		■	
SG/E/2023/02	Zenata Urban Development Project	Morocco	01/02/23	■					Dropped by the complainant		■	
SG/E/2023/03	Bus Rapid Transit Corridor	Nicaragua	01/02/23	■					Dropped by the complainant		■	
SG/E/2023/04	Zenata Urban Development Project	Morocco	08/03/23	■	■							
SG/E/2023/05	Zenata Urban Development Project	Morocco	30/03/23	■	■							
SG/E/2023/06	Kafr El Sheikh Waste Water Treatment	Egypt	18/04/23	■								
SG/E/2023/07/PR	Cotontchad	Chad	04/05/23	■					Prevention		■	
SG/E/2023/08	Appui au Secteur de l'eau Potable	Tunisia	04/05/23	■		■						
SG/E/2023/09	Zenata Urban Development Project	Morocco	04/05/23	■					Dropped by the complainant		■	
SG/E/2023/10	Zenata Urban Development Project	Morocco	17/05/23	■	■							
SG/E/2023/11	Zenata Urban Development Project	Morocco	05/06/23	■	■							
SG/E/2023/12	Pont de Bizerte	Tunisia	05/06/23	■	■			■	No grounds		■	
SG/E/2023/13	Zenata Urban Development Project	Morocco	20/06/23	■	■							
SG/E/2023/14	Zenata Urban Development Project	Morocco	05/07/23	■	■							
SG/E/2023/15	Zenata Urban Development Project	Morocco	05/07/23	■	■							
SG/E/2023/16	Zenata Urban Development Project	Morocco	05/07/23	■	■							
SG/E/2023/17	Malawi M1 Road Rehabilitation	Malawi	20/07/23	■				■				
SG/E/2023/19	Zenata Urban Development Project	Morocco	02/08/23	■	■							
SG/E/2023/21	Metro de Madrid Line 11 Extension	Spain	19/09/23	■								
SG/E/2023/22	Zenata Urban Development Project	Morocco	19/09/23	■								
SG/E/2023/23	Zenata Urban Development Project	Morocco	19/09/23	■	■							
SG/E/2023/24	Zenata Urban Development Project	Morocco	19/09/23	■	■							
SG/E/2023/25	Zenata Urban Development Project	Morocco	23/10/23	■								
SG/E/2023/26	Flood Protection Measures	Greece	30/11/23	■	■		■					
SG/E/2023/27	Keflavik Airport Extension	Iceland	07/12/23	■								
SG/E/2023/28	Bolivia Mi Agua Water and Sanitation	Bolivia	07/12/23	■								
SG/E/2023/29	Zenata Urban Development Project	Morocco	14/12/23	■								

Governance aspects of financed operations

SG/F/2023/01	West and Central Africa COVID 19 Rapid Response Facility	Cameroon	02/03/23	■					Friendly solution		■	
--------------	--	----------	----------	---	--	--	--	--	-------------------	--	---	--

Own governance/administration, including own procurement

SG/G/2023/01	EIB phone system	N/A	02/03/23	■	■			■	No grounds	■	■	■
SG/G/2023/02	Undue charges	N/A	02/03/23	■					Friendly solution		■	
SG/G/2023/03	Inappropriate reply by the EIB services to a loan request	N/A	18/04/23	■	■			■	No grounds		■	
SG/G/2023/04	Temporary badge	N/A	18/04/23	■	■			■	No grounds		■	
SG/G/2023/05	Logging issue	N/A	20/06/23	■					No grounds		■	
SG/G/2023/06	Call for expression of interest	N/A	20/06/23	■	■							
SG/G/2023/07	Call for expression of interest	N/A	20/06/23	■	■							

Human resources

SG/H/2023/01	Recruitment website	N/A	20/03/23	■					Friendly solution		■	
SG/H/2023/02	Application website	N/A	20/03/23	■					Friendly solution		■	
SG/H/2023/03	Application portal	N/A	20/03/23	■					Friendly solution		■	
SG/H/2023/04	Application procedure	N/A	18/04/23	■	■			■	No grounds		■	
SG/H/2023/05	Application website	N/A	14/12/23	■					Friendly solution		■	
SG/H/2023/06	Selection process EIB position	N/A	19/12/23	■								
SG/H/2023/07	Unfair selection process EIB position	N/A	19/12/23	■								

* A contracted consultant travelled to the site on behalf of the Complaints Mechanism.

Reference number	Subject/project	Project country	Registry date	Assessment	Investigation	Dispute resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2023	Follow-up
Inadmissible complaints (INA)												
SG/E/2023/18/PR	Corridor VC Zeniča	Bosnia and Herzegovina	02/08/23	■					Inadmissible		■	
SG/E/2023/20	Iberdrola Nunez de Balboa PV	Spain	04/09/23	■					Inadmissible		■	
SG/INA/2022/12	Livestock farms	Spain	14/12/22	■					Inadmissible		■	
SG/INA/2023/01	Zenata Urban Development Project	Morocco	01/02/23	■					Inadmissible		■	
SG/INA/2023/02	Flixbus Estonia Customer Service	Estonia	02/03/23	■					Inadmissible		■	
SG/INA/2023/03	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	20/03/23	■					Inadmissible		■	
SG/INA/2023/04	Water distribution criteria	N/A	20/03/23	■					Inadmissible		■	
SG/INA/2023/05	Venture Debt	France	27/07/23	■					Inadmissible		■	
SG/INA/2023/06	Akbelen forests	Türkiye	02/08/23	■					Inadmissible		■	
SG/INA/2023/07	Account closure	United Kingdom	19/09/23	■					Inadmissible		■	
SG/INA/2023/08	Customer ATM issues	Bulgaria	07/12/23	■					Inadmissible		■	

European Investment Fund (EIF)												
EIF/G/2022/01	Call for EoI – CEETT 2021/01	N/A	12/08/22	■	■			■	No grounds	■	■	■

Reference number	Subject/project	Project country	Registry date	Allegation	Date decision	Outcome	Suggestions for improvement	Closed during 2023	Follow-up
European Ombudsman									
EO/1991/2022/SF	Corridor Vc Mostar	Bosnia and Herzegovina	09/01/23	Non-compliance with the environmental law, consultation and lack of assessments	09/01/23	Inadmissible		■	
EO/3/2023/OAM	Request of public access to project summary	Poland	01/02/23	How the EIB handled a request for public access to the summary of a project it is financing on the modernisation of an electricity distribution network in Poland	17/07/23	No maladministration	■	■	■
EO/1455/2023/MIK	Failure to reply to the complainant's queries	Poland	25/08/23	Role of the European Investment Bank in examining priority investment plans and the functioning of the Polish operator of the Modernisation Fund for Green Transition	13/10/23	Settled		■	
EO/1890/2023/KRW	EIB's reply to SG/E/2021/26 MBIRR Mobile Banking Service	Ethiopia	23/10/23	How the EIB replied to a complaint concerning a project called M-BIRR mobile banking service in Ethiopia (SG/E/2021/26)	23/10/23	Insufficient grounds to open an inquiry		■	
EO/611/2022/KR	EIB's handling of a former VP's post employment	N/A	24/06/22	How the EIB handled the move of a former Vice-President to become the CEO of a national promotional bank	31/10/23	Recommendation	■	■	■
EO/2252/2022/OAM	Request of public access to draft ESDS	Kenya	22/02/23	EIB's refusal to give public access to the ESDS for the Nairobi Sustainable Transport Programme BRT3 project. EIB's practice of publishing the ESDS for projects it funds only after the loan has been approved	20/11/23	Recommendation	■	■	■
EO/802/2023/PB	Disabled person's procedure	N/A	12/07/23	EIB's lack of procedure for recognising a staff member as a disabled person					

UN Office of the High Commissioner for Human Rights cases									
OHCHR/AL OTH 35/2022	Nepal Power System Expansion	Nepal	24/05/22	Allegations of threats and intimidation	21/07/23	No further follow-up by OHCHR		■	

ANNEX III — DEFINITIONS

Work performed	
Assessment	An initial assessment is conducted to clarify the concerns raised by the complainant(s) and to better understand the complainants' allegations as well as the views of other relevant stakeholders.
Investigation⁵⁵	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 relevant EIB 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 process⁵⁶	A process facilitated by the EIB Complaints Mechanism to resolve the dispute with the active involvement of the complainants and other key stakeholders such as project promoters. The process seeks to identify sustainable solutions by building understanding and trust among the parties.
Site visit(s)	Fact-finding visits and/or investigation visits by the EIB Complaints Mechanism to the project location, often in cooperation/collaboration with the EIB services concerned.
Consultation	Consultation on the draft conclusions report or dispute resolution report with EIB services and directors general.
Follow-up	Follow-up by the EIB Complaints Mechanism on further developments and implementation of recommendations and/or suggestions for improvement, accepted by the EIB and regarding the subject under complaint.

Outcomes – European Ombudsman	
Recommendation	Following an inquiry or the refusal by the EIB Group to implement a solution proposed by the European Ombudsman, the Ombudsman issues a decision of maladministration.
No maladministration	Following an inquiry, the European Ombudsman considers that there was no instance of maladministration.
Settled	The EIB Group agrees to implement a solution proposed by the European Ombudsman or otherwise address the complainant's concerns.
Insufficient grounds to open an inquiry	The European Ombudsman does not consider it appropriate or necessary to carry out further inquiries (for example because of the arguments presented in a complaint or because of the information provided by the EIB Group).
Withdrawn by the complainant	After filing the complaint with the European Ombudsman, the complainant voluntarily withdraws it.
Inadmissible	The case does not meet the admissibility criteria, and so is dismissed.
Suggestions for improvement	Although no maladministration is found, the European Ombudsman recommends that the EIB Group takes one or more specific actions with a view to fostering good administration.

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

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

Outcomes – Complaints Mechanism

Recommendation	Allegations are grounded (for example a finding of maladministration) and the complaint is closed with one or more recommendations to EIB Group management and/or the EIF chief executive/deputy chief executive for corrective action(s) and/or improvement of existing EIB policies or procedures.
Friendly solution	Allegations are addressed during the complaints-handling process and/or in a collaborative resolution process. The problem is solved and/or the dispute is settled.
No grounds	Allegations are found ungrounded.
Prevention⁵⁷	In specific and well-defined cases, EIB Group services are given the opportunity to address the complainants' allegations, supported by the EIB Complaints Mechanism.
Dropped by the complainant	The complaint is dropped by the complainant during the complaints-handling process. No further action is required.
Financing request dropped by the promoter	The promoter/intermediary drops its request for EIB Group financial assistance for the project or component in question during the complaints-handling process. No further action is required.
Financing withdrawn by the EIB Group	The EIB Group withdraws financial assistance for the project or component in question. No further action is required.
Inadmissible	The allegations do not relate to a decision, action or omission by the EIB Group and/or are listed as inadmissible complaints.
Suggestions for improvement	The Complaints Mechanism suggests that the EIB Group takes one or more specific actions with a view to fostering good administration.

57. The prevention process applies before a decision to finance an operation is made by the EIB Group governing bodies, that is when maladministration regarding the project's environmental and social impact or governance aspects has not yet occurred (section 3 of the EIB Group Complaints Mechanism Procedures).



COMPLAINTS MECHANISM

2023