



Complaints Mechanism Activity Report

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Our mission

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

The EIB-CM provides citizens with the means to be heard and to complain in situations where the EIB allegedly fails to honour its commitment and to deliver positive results to Stakeholders in EIB financed projects. Our mission is thus to contribute to ensure “Good Administration”.



Foreword by the Vice-President



It is with great pleasure that I introduce this Annual Report of the EIB Complaints Mechanism Division.

The EIB as an institution is part of the EU framework of transparency and accountability and we put great emphasis on this in all of our decisions and actions. The Bank's own Transparency Policy is a vital component in its accountability framework. It defines stakeholder access to information, and the EIB's approach to stakeholder engagement.

The Complaints Mechanism has a crucial role to play within this policy, as it provides a means for interested parties to raise concerns and complaints of alleged maladministration by the Bank.

This 2014 edition of the Activity Report demonstrates that the EIB Complaints Mechanism is working in a transparent, independent and effective manner.

Encouragingly, the report shows that in 2014 the number of new cases registered decreased by 22% from 55 in 2013 to 43 in 2014. This is a positive indication that the EIB is on the right track in refining its processes. Including older cases, 103 cases were dealt with in 2014 altogether.

Through its activity, the Complaints Mechanism works with colleagues from across the Bank to investigate complaints, mediate with third parties and, when appropriate, issue recommendations on how to improve EIB policies and procedures.

The EIB Complaints Mechanism also works in close cooperation with the European Ombudsman (EO) through a two-tier accountability mechanism. This means complaints lodged against the Bank are first heard by the EIB Complaints Mechanism before being forwarded to the European Ombudsman.

In 2015, the policy and procedures governing the EIB Complaints Mechanism will be subject to a formal review, including a public consultation. We believe this review will provide all interested parties with an opportunity to make their contributions, ensuring that the EIB Complaints Mechanism continues to serve the interests of all stakeholders and the EIB Group alike.

Jonathan Taylor

EIB accountability

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

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

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

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

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



The EIB Group is accountable to the EU Member States as shareholders and institutional policy-setters, to investors who buy the bonds that the Group issues, to the Group's project promoters and beneficiaries as well as to 'Project-Affected People(s)'; i.e. people(s) impacted by projects in which the EIB Group is involved, and finally to citizens. The accountability of the EIB Group is the responsibility for the action or inaction taken. This means that the EIB is answerable for its decision-making process and its activities by ensuring, *inter alia*, that a participatory process is carried out whenever required, and by giving reasons for the outcome.

For the EIB Group, public accountability is the process through which it responds to and balances the needs of stakeholders in its decision-making process and activities, and the process through which it delivers against its obligations and commitment. EIB Group accountability has three components: i) transparency, i.e. to account to one's stakeholders; ii) responsiveness, i.e. to respond to stakeholders' concerns, which includes participatory processes; and iii) its grievance mechanism, i.e. to ensure that the Bank reviews specific decisions, actions or omissions challenged by stakeholders with a view to fostering good administration and positive results, including compliance with standards to which the EIB Group has voluntarily committed as well as with rules and regulations that the Group is legally bound to comply with.

Who we are



Accountability of EU institutions – the European Ombudsman

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

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

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

Established in 2004, the EIB's Complaints Office was already an internal unit designated to be responsible for the handling of complaints. The current EIB Group Complaints Mechanism (EIB-CM) was created in 2008 as an operationally independent function, now part of the EIB Inspectorate General, and rooted in and guided by a Memorandum of Understanding (MoU) with the European Ombudsman (EO). The EIB-CM's Principles, Terms of Reference and Rules of Procedure were adopted in 2010 following a process of extensive public consultation.

The EIB is the only International Financial Institution (IFI) with a two-tier recourse mechanism, which includes the European Ombudsman (see box 2). Indeed, members of the public have access to a two-level procedure, the internal EIB Complaints Mechanism and the external European Ombudsman (EO).

The EIB-CM is staffed by one Head of Division, one external Senior Advisor, five Complaints Officers, one Mediation Officer, one Communication and Outreach Programme Officer and three Administrative Assistants. Officers have various professional profiles and backgrounds.

What we do



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

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

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



How we work

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

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

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

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

The EIB-CM **compliance review** will consider compliance with EIB policies and provisions (safeguards), whether the outcomes are as desired and as predicted, or significant harm has been done that has not been properly mitigated or compensated, and whether the EIB policies and provisions (safeguards) are adequate and relevant. The compliance review will also consider

how the EIB has assured itself of the promoter's compliance with relevant policies and procedures including policies and procedures under the law. The EIB-CM will then form an independent and reasoned opinion regarding the allegations under examination.

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

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

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



2014, an overview



In 2014 the EIB-CM handled 103 cases, closing 68 and leaving 35 open at the end of the year.

At the end of 2013, 43 cases were left open, so for the second time the EIB-CM was able to reduce its stock of unfinished cases. In 2014 the emphasis on handling cases within the timeframe set by the EIB-CM Operating Procedures continued, with the increased complexity of the complaints also being taken into account. At present, the average number of open cases in the hands of each officer (between 5 and 6) seems manageable and adequate.

In 2014, in preparation for the formal review of the EIB-CM's policy and procedures², which is planned for 2015, an External Quality Review by a panel of three independent IFI accountability experts was commissioned. The objectives of the review are: to (i) assess whether the EIB-CM's mandate is being properly implemented; (ii) assess objectives and legitimate stakeholder expectations against the EIB-CM's mandate; (iii) assess the EIB-CM's institutional framework and structure, procedures and processes by which results are achieved; and (iv) provide suggestions for improvement, including operational ones. The overall objective of this Quality Review is to analyse the key issues identified and provide suggestions and recommendations to be fed into the forthcoming EIB-CM formal policy review in 2015.

Casework statistics

During 2014, 60 new cases were received (63 in 2012). Of these 60 complaints 48 were declared admissible (57 in 2012) and 5 were brought before the EO (2 in 2012).



² The EIB-CM Principles, Terms of Reference and Rules of Procedures, and Operating Procedures.

Incoming complaints

	2012	2013	2014
Complaints received	55	63	60
Inadmissible	(3)	(6)	(12)
	52	57	48
Complaints brought before other institutions:	55	63	60
European Ombudsman	(7)	(2)	(5)
European Data Protection Officer	(1)	-	-
Aarhus Convention Compliance Committee	-	-	-
Complaints registered by the EIB-CM	44	55	43

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

Inadmissible complaints may be complaints:

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

	2012	2013	2014
Complaints received			
Complaints received	55	63	60
Outstanding at year-end	54	43	35
Complaints dealt with	92	117	103

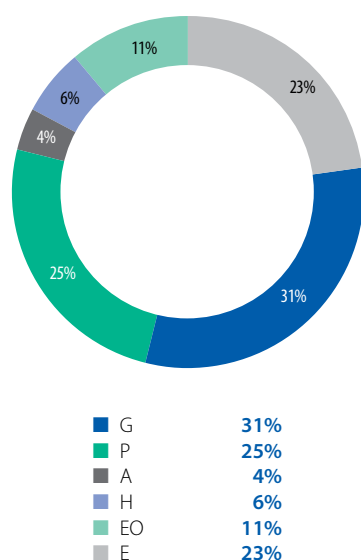
With the 60 new incoming cases in 2014 (63 in 2013) and 35 cases outstanding at the end of the year (43 in 2013), the EIB-CM handled 103 cases in 2014 (117 in 2013). This reduced the “overhang” of

open cases from 43 at the end of 2013 to 35 at the end of 2014. We continued to deal with and close a high number of cases in 2014 due to the allocation of additional resources in 2013.

Breakdown of complaints by type:

	2012	%	2013	%	2014	%
Breakdown of Admissible Complaints (EIB-CM)						
Environmental/Social/Developmental Impacts (E)	14	32	12	22	11	25
Governance (G)	7	16	11	20	15	35
Procurement-related Complaints (P)	19	43	23	42	12	28
Access to Information (A)	1	2	3	5	2	5
Human Resources (H)	2	5	6	11	3	7
Customer Relations (C)	1	2	0	0	0	0
Total	44	100	66	100	43	100

| Breakdown of complaints by type:

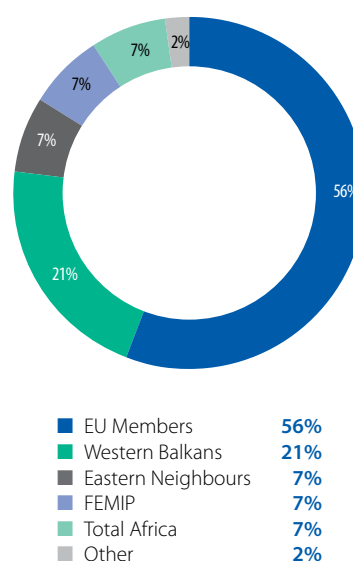


The significantly lower number of cases outstanding at year-end is to a great extent attributable to the decrease in P-complaints (minus 11 cases, or minus 14% in the overall mix of complaints); A (Access to Information), H (Human Resources) and C (Customer Relations) cases remained relatively stable over the years. These data relate merely to the number and percentages of cases handled and leave the increased complexity out of the comparison.

In summary, 2014 brought back the equilibrium in the mix of cases that existed before 2010 when an increase in the proportion of P-cases occurred that took two years to dissipate. The overall increasing trend in the percentage of G-cases continues.

The number of cases outstanding at year-end³ decreased by 8 (19%) from 2013. However, the mix of types of complaint changed significantly over the years⁴. E-complaints (Environmental/Social/Developmental Impacts) varied between 25 and 33% (with a peak of over 40% in 2011). G complaints (Governance of the Bank as well as the Bank's processes) increased steadily from under 10% in 2011 to 35% in 2014. P (Procurement) complaints peaked at over 40% in 2010 and 2011, from a trend of approximately 30% of the overall mix, to decrease to under 30% at the end of 2014.

| Breakdown of complaints by region:



³ Cases under investigation.

⁴ See also the Complaints Mechanism's Activity Reports for 2013 and 2009-2012.

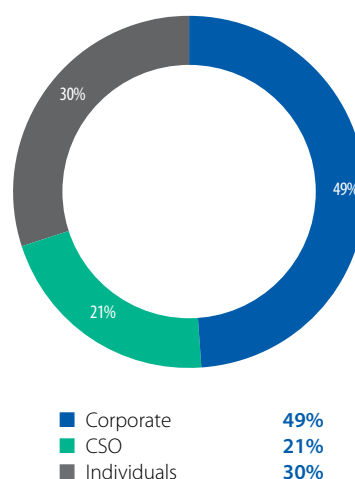
84% of cases originate from the EU Member States, the Western Balkans and the Eastern Neighbours together, which is in line with the EIB's activities. The origination from the Western Balkans may seem high, but this is due to the large proportion of P-cases precisely from that region.

There is great correlation between the percentage of cases brought by CSOs and E-cases; A, G and H-cases are mostly brought by individuals. There is also a large correlation between the corporate origin of complaints and P-cases.

Overall, the EIB-CM has been effective in addressing legitimate concerns raised by stakeholders either by helping to find friendly solutions or by identifying areas for improvement. Cases where the EIB-CM found "no grounds" for the allegations brought to it differed between a low of 31% in 2014 to 40% in 2013. In a growing number of cases, from 4% in 2009-2012 to 16% in 2014, the EIB-CM mediated in a friendly solution to the issues involved in the complaint. It is worth noting that between 2012 and 2014, in 17% of cases the response to the complainant was handled by the services⁵, with the support of the EIB-CM, so-called "PRevention". This also contributes to a culture of service and accountability across the Bank's services.

A slightly increasing percentage of cases with areas of improvement has been recorded: from 9% in 2012 to 20% in 2014, set against 23% of cases with

Breakdown of complaints by origin:



areas of improvement in 2009-2012. 20% of complaints received in 2014 were considered inadmissible (rising from 15% in 2012 and 10% in 2013).

European Ombudsman

In 2014, five new complaints against the EIB were brought before the EO – four in an escalation of previous complaints to the EIB-CM, and one staff case.

In 2014, the EO closed six cases that had been brought against the EIB: one with maladministra-

Outcomes of the cases:

In 2014, 61 complaint cases were closed (68 in 2013):

	2012	%	2013	%	2014	%
Outcome of complaints closed						
No grounds	12	36	27	40	19	31
Partially grounded	1	3	0	0	0	0
Friendly solution	2	6	7	10	10	16
Prevention*	9	27	13	19	6	10
Areas of improvement	3	9	9	13	12	20
Dropped by the complainant	1	3	5	7	2	3
Inadmissible	5	15	7	10	12	20
Total	33	100	68	100	61	100

* Resolved / handled by the EIB services with support from the EIB-CM

⁵ Within well-established criteria (in some cases when the Bank's decision has not yet been taken)

The outcome of EO cases brought against the Bank and closed between 2012 and 2014:

	2012	2013	2014
EO's Conclusion			
Maladministration by the EIB (critical remarks ⁶)	-	-	1
Recommendations / further remarks ⁷ to the EIB	-	1	2
No maladministration by the EIB	1	5	2
Case dropped by the complainant	1		
Simplified telephone procedure (settled by the EIB)	1		1
Total	3	6	6

tion found and a critical remark; one with a draft recommendation; one with a further remark; two with no maladministration found, of which one with a friendly solution; and one that was referred back to the EIB-CM. One case brought against the Bank before the European Data Protection Supervisor (EDPS) was closed in 2014.

In one case the EO formulated a draft recommendation to which the Bank shall react within the first quarter of 2015.

Outlook

In 2015 the EIB-CM's policy and procedures – EIB-CM Principles, Terms of Reference and Rules of Procedures, and Operating Procedures – will be submitted to a formal review, including a public consultation process. This review and public consultation is planned for the second half of 2015, with Board approval of the revised policy and procedures foreseen in early 2016.

In 2015, we will continue on the path of making sure that the EIB-CM handles external complaints adequately and on time, amongst other ways by cutting back on the time spent on consulting with the Bank's services on the draft Conclusions Reports. Adequate handling includes problem-solving, good stakeholder engagement and thorough

investigation and/or mediation as appropriate in any given case. We will further develop the Mediation Function and use more problem-solving/conflict resolution possibilities whenever this is the most appropriate solution.

2015 will see the introduction of a fairly automated case-management system with a dedicated analyst to assist complaints officers in their research activities for case handling.

In 2015, the meeting of Independent Accountability Mechanisms (IAMs) will take place in Paris. We will participate in this and use it among other things to promote heightened awareness and outreach activities on the African continent. In general the EIB-CM outreach schedule prepared in 2014 – with dedicated outreach events in South-east Europe in the mid-year and participation in outreach events organised by other IAMs, e.g. in Turkey and Peru – will be implemented.

The continued increase in the complexity of financing products and the continued delegation of the accountability and safeguard roles of IFIs to intermediating entities in the public as well as in the private sector, are expected to provide further challenges. The increasing delegation of accountability and safeguard functions may increasingly drive the IAMs from purely reactive to increasingly pro-active⁸ research activities.

⁶ Critical remark: synthetic expression of the EO's criticism in decisions acknowledging the maladministration committed by the institution/body complained against.

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

⁸ Such as e.g. the IFC-CAO's Audit of a Sample of IFC Investments in Third-Party Financial Intermediaries in February 2013

Examples of cases

Cases brought before the EIB Complaints Mechanism



Difficult architecture for the Cairo Metro line

Cases closed in 2014

Cairo Metro Line 3 (Phase 3), Egypt

In January 2012 residents of the Zamalek district in Cairo lodged a complaint with the EIB-CM against the construction of a metro line in their district. In the Initial Assessment Report (IAR) of September 2013 the EIB-CM proposed appointing a professional, independent mediator to facilitate a discussion of the issues raised between the complainants and the promoter. However, on 26 February 2014 the complainants rejected this proposal. The EIB-CM therefore closed this case but is following up the implementation of the other recommendations notably (i) that the tender documents should satisfactorily address the complainants' concerns, (ii) that a survey of the state of the buildings needs to be carried out before the start of the works, and (iii) that a grievance mechanism needs to be set up by the promoter, in line with the Stakeholder Engagement Plan. Moreover, the EIB-CM is currently supporting the promoter in setting up such a mechanism. Concerning point (iii), in 2014 the EIB-CM selected the consultancy company to provide technical assistance to the promoter for setting up a grievance mechanism. The consultancy works started in February 2015.

In October 2014, the same group of complainants brought a complaint before the European Ombudsman (EO) alleging that the Bank had failed to reply to their requests for additional information and documents after the EIB-CM had closed the case in February 2014. The EO undertook an own-initiative inquiry and closed the case in November 2014 with the remark "no maladministration" by the EIB.

Municipal and Regional Infrastructure, Serbia

This complaint, the repeat of an almost identical complaint that was closed in 2013, was submitted in March 2012 following a previous complaint that had been brought to the EIB-CM in 2011. Both cases concern student accommodation reconstruction works in Belgrade under a Municipal and Regional Infrastructure Framework Loan in Serbia. These renovation works, which had allegedly been carried out without prior notice, had allegedly caused significant damage to the two households residing in the basement of the building. The EIB-CM initially tried to achieve a friendly solution through a mediation process. While the mediation was positively concluded for the 2011 complaint, the idea of a mediation process had to be rejected with regard to the 2012 complaint, because of the disagreement between the promoter and the complainant on the content of a reasonable compromise. The EIB-CM thus engaged in a compliance review, which brought serious risks and impacts of the sub-project to light that had not been adequately identified by the promoter or communi-

cated to the Bank. Given that the identified non-compliance only affected one of the sub-projects, this particular sub-project was withdrawn from the list of projects financed under the Municipal and Regional Infrastructure Framework Loan. Nevertheless, the EIB services and the promoter agreed to strengthen the monitoring and coordination of technical assistance for the project with a view to ensuring that similar risks are adequately and swiftly communicated by the Project Implementation Unit to the EIB in the future.

Puerto de Sevilla, Spain

In July 2013, the EIB-CM had received a complaint that the Bank had failed to properly assess the global environmental impact of the Puerto de Sevilla project in Spain and that it had improperly split the project into sub-components in order to avoid the environmental controversy concerning the impact of the deep dredging of the Guadalquivir River in the Doñana National Park.

The EIB-CM conducted a compliance review and concluded that the Bank had followed standard practice in assessing the investment project and that the complainants' allegations were therefore not grounded. The EIB-CM confirmed that the Bank is at liberty to define the scope of its financing as long as it meets its own investment criteria. Moreover, the environmental controversy had indeed been identified by the Bank's services, although it had been only partially documented in the Bank's documents for decision.

Valencia Centros Escolares Joan Ribera, El Bracal and Severi Torres, Spain

On 13 April 2012 the EIB-CM had received the first of nine complaints concerning the Valencia Centros Escolares project, "Crea Escola". It received several similar complaints during 2012 and 2013. The Crea Escola project consists of an investment programme of the Valencia Regional Government for building or refurbishing primary schools in the Valencia region and was supposed to be implemented by December 2013.



The students still decorate the schools at the Valencia Centros Escolares

The different parts of the Crea Escola programme had been supported by the Bank since 2005 and 2007. Essentially due to the promoter's budgetary constraints, the implementation of the programme had encountered delays, with the result that more than 100 of the 400 schools originally planned had not been built within the expected timeframe.

In July 2012 the EIB-CM conducted a monitoring mission together with the operational services of the Bank to assess the progress of project implementation, engaging an expert to help provide a full report on the local situation. In December 2013, the EIB-CM conducted a further fact-finding mission to Valencia to meet with the major stakeholders, the complainants, the promoter, the parents association federation and the regional ombudsman. During these encounters, the EIB-CM emphasised the need to develop a realistic action plan to address the requirements of the schools and the need to establish an open and transparent communication strategy on the prioritisation of the investments and the works implementation schedule.

The current three complaints were brought against project implementation failures, i.e. the fact that the construction and renovation of the schools had been blocked by the lack of financial support from the promoter as outlined above, whereas the Bank had fully disbursed its loan.

Although again recognising the issues with the overall Crea Escola programme, the EIB-CM found that these three complaints against the Bank were not grounded as the Bank's funding had significantly contributed to the objectives of the programmes to the extent that they had been achieved. Moreover the Bank had established an enhanced monitoring programme for the project. In the course of handling the current three complaints, the EIB-CM formulated recommendations for the Bank's services to follow up the implementation of the action plan that they had proposed and to encourage the promoter to explore the possibility of publicly engaging with the people affected.

NFC Forestry Project, Uganda

This investigation regarding the alleged forced eviction of more than 22 000 people from their homes and land without proper compensation and/or resettlement in a forestry project was requested from the EIB-CM in October 2011 by President Maystadt. Its handling by the EIB-CM had, however, been suspended pending the results of the dispute resolution processes ongoing by then, including the mediation facilitated by the IFC/MIGA's Office of the Compliance Advisor Ombudsman (CAO).

In July 2014, the CAO process concluded with mediation agreements signed by the communities concerned, and the EIB-CM proceeded to close its investigation. However, the EIB-CM maintains the case under follow-up in close contact with the CAO, the affected communities and their representatives, to keep abreast of the successful implementation of the mediation agreements.

Emergency Flood Relief and Protection, Bosnia and Herzegovina

This case of alleged unfair handling of the procurement procedure was brought to the EIB-CM in September 2013 by a bidder who had not been successful in a tendering process for a project under the "Emergency Flood Relief and Prevention" scheme in BiH. The allegations relate to the failure to comply with deadlines in the bidding procedure, the ambiguity as to the currencies required for the bidding price, and various other lacunae in the process, notably the lack of a grievance mechanism for unsuccessful bidders.

Apart from a number of minor failings in the procedure, the EIB-CM found, not for the first time, that BiH's possibility to exempt procurement procedures involving an international lending or donor organisation from the application of BiH law can lead to a legal lacuna. This legal lacuna can then lead to potential denial of justice for bidders who wish to appeal against decisions in these procure-

ment procedures. The EIB Guide to Procurement is an informative tool that cannot on its own regulate procurement procedures for EIB-financed projects. Moreover, the EIB-CM cannot replace a judicial body and cannot function as a unique recourse mechanism.

Ongoing Cases

The Castor Underground Gas Storage project, Spain

The EIB-CM is currently reviewing two complaints brought against the Bank in relation to the Castor Underground Gas Storage project, the first EIB operation financed with a Project Bond issue. The works on the project were suspended by the Spanish Government in October 2013 due to the seismic activity occurring in the area following the injection into the underground storage facility of so-called “cushion gas”⁹. One complaint was brought by a Spanish NGO located in the region, presenting extensive environmental allegations and another complaint was presented separately by an individual complainant, first to the European Ombudsman (see below), mainly relating to the governance of the project.

This complaint has already prompted numerous actions against the local, regional and national authorities in Spain as well as before the prosecuting officers in the Spanish judiciary and the local ombudsman.



Announcing a public meeting on the Petlovo Brdo Interchange, Serbia

The EIB-CM is currently bringing the key aspects of the two complaints together with the objective of identifying the areas that might be subject to a more detailed review. Based on the Terms of Reference and the Operating Procedures of the EIB-CM, the EIB-CM will focus on possible maladministration by the EIB and its services in their action or lack of action during the appraisal and evaluation of the project.

Petlovo Brdo Interchange, Serbia

On 21 March 2013 and 3 March 2014, the EIB-CM received two complaints in connection with the construction of the Petlovo Brdo Interchange, part of the EIB-financed Belgrade bypass project in Serbia. The promoter of the project is Public Enterprise Roads of Serbia. The complainants are the inhabitants of the Petlovo Brdo settlement, situated close to the location of the future interchange. The complainants allege that the construction of the interchange, as it was planned, would pass through the Borici forest, which is next to the Petlovo Brdo settlement, and that the project would destroy the forest. Moreover, the new highway would block the road access to their businesses. In December 2013, the EIB-CM issued its Initial Assessment Report, in which it proposed a mediation procedure between the parties as a way forward in the case. The parties accepted the EIB proposal.

In the framework of the mediation, several meetings have taken place between the parties. In May 2014, a consultation meeting was organised by the promoter with the Project Affected People with the assistance of the EIB. During the meeting, the promoter presented an Environmental and Social Action Plan for the Petlovo Brdo Interchange and fielded questions from the public. The consultation process was completed later in the summer. The mediation process is ongoing and a final version of the report on the PAP consultation by the promoter is currently awaited.

⁹ A “cushion” of gas generating operating pressure enabling the underground storage to function.



Complainants waiting their turn to be heard during the fact-finding mission to the Olkaria Geothermal Expansion Project in Kenya

Olkaria Geothermal Expansion, Kenya

In August 2014 a complaint was received concerning the involuntary resettlement of the Maasai communities affected by the Olkaria Geothermal Expansion project. The EIB-CM undertook a Fact-Finding and Stakeholder Engagement Mission to Kenya in January 2015 as part of its Initial Assessment, jointly with the World Bank Inspection Panel (WB-IP). The WP-IP had received a similar com-

plaint in October 2014. Following this mission, and in consultation with the Bank's services, the EIB-CM proposed a way forward, in which the WB-IP will take the lead on the compliance review aspect with a full investigation mission in the last week of March 2015. The EIB-CM will take the lead regarding the problem-solving aspects, providing mediation/facilitation services with the aim of improving communication between the parties and, to the extent possible, resolving the issues at stake.



Meetings with the complainants in the fact-finding mission to the Olkaria Geothermal Expansion Project in Kenya

European Ombudsman cases

The Castor Underground Gas Storage project

The EO received a complaint from an individual residing in Spain concerning the Bank's financing of the Castor Underground Gas Storage project (see above). In accordance with the terms of the MoU between the EO and the Bank, the EO recommended that the complainant contact the EIB-CM, and this complaint is now one of the two complaints being handled by the EIB-CM in relation to this project.

Kyiv High Voltage Line, Ukraine

Case OI/3/2013/MHZ, regarding the Kyiv High Voltage Line, is an own-initiative inquiry¹⁰ opened by the EO into an allegation against the EIB raised by a Ukrainian NGO. This case constitutes the first application of the MoU between the EIB and the EO, according to which the Ombudsman commits to using its own-initiative power to open an inquiry, whenever the only reason not to inquire is that the complainant is not a citizen or resident of the EU. The case concerns allegations by a Ukrainian NGO that the Bank did not adequately address the complainant's concerns about the EIB's compliance with the obligation to proactively publish environmental information, which it should have done according to Article 4 of Regulation 1367/2006 (the Aarhus Regulation).

The EIB confirmed to the EO the proactive disclosure of project-related environmental information and informed it that the EIB Public Register would become available in the first quarter of 2014, demonstrating the EIB's commitment to progressively ensure the proactive dissemination of environmental information in line with the requirements of the Aarhus Convention and Regulation.

On this basis, the EO decided to close the case on 25 June 2014, concluding that the Bank had taken

the necessary measures for the matter to be settled. The Ombudsman made a further remark in its decision that "The Bank could consider adopting and publishing a publication scheme setting out the type of environmental information it intends to record in the Public Register". The Bank has accepted and implemented this recommendation.

Corridor V c, Bosnia and Herzegovina

This complaint brought before the EO against the Bank, by the construction company Pizzarotti, concerns the Bank's decision to endorse the exclusion of the complainant from a public tender for the construction of a bridge financed by the EIB in Bosnia and Herzegovina. Prior to the escalation to the EO, the complainant had lodged the complaint with the EIB-CM concerning alleged unlawful exclusion from the tender. The initial complaint to the EIB-CM was handled in 2013 and the EIB-CM concluded by recommending that the Bank review its non-objection. In its decision of 23 October 2014, the EO issued a critical remark regarding the EIB's decision to maintain its non-objection to the exclusion of the complainant's bid. The EO took the view that the exclusion and the decision to maintain the non-objection were based on a legally incorrect reading of the tender documents, thus constituting maladministration. In addition, the EO observed that the EIB had rejected the findings of its own Complaints Mechanism and endorsed the decision to exclude the complainant from the tender process.

Cairo Metro Line 3 (Phase 3), Egypt

This is another own-initiative case of the EO and concerns the EIB's failure to reply to an email of 8 February 2014 sent on behalf of the residents of the Zamalek district of Cairo. This email had raised issues with regard to the EIB's funding of the construction of metro line 3 in Cairo. On 20 November 2014 the EO closed the case with the conclusion that no maladministration had been found.

¹⁰ The European Ombudsman may open inquiries on its "own initiative" if considered justified in order to clarify any suspected maladministration in the activities of EU institutions, bodies, offices or agencies.

Mopani Copper Mines plc. Zambia

In June 2013, the EIB-CM had received a complaint brought by Christian Aid¹¹ against the Bank's refusal to disclose the findings and conclusions of its investigation (which the Bank had publicly announced in the European Parliament in 2011) into allegations that Mopani Copper Mines plc. and its parent company Glencore had evaded taxes in Zambia in relation to the Mopani Copper Mines plc. project of 2003.

The EIB-CM closed this complaint case on 25 July 2014 with the recommendation that the Bank provide the complainant with a redacted version of the investigation report, taking account of the exceptions to the presumption of disclosure of documents listed in the Bank's Transparency Policy, or – in the event that this resulted in a non-meaningful document – that the Bank complement the disclosed document with a summary of the inquiry and its outcome. The Bank's management decided not to disclose or publish documents that are related to fraud investigations into financing operations that it carries out, or has carried out, renewing the Bank's refusal to disclose the document.

On 20 February 2014 the complainant had already brought the same complaint (against the Bank's refusal to disclose the findings and conclusions of its investigation) before the European Ombudsman, together with a complaint against the Bank's inability to arrive at an answer to the complainant's complaint of June 2013.

On 5 December 2014, the EO issued a draft recommendation to the EIB: that the EIB (i) reconsider its refusal to disclose the findings and conclusions of its investigations and (ii) decide either to grant access to a redacted version of the report or, should this not be possible, to at least provide the complainant with a meaningful summary of the main findings of the investigation report.

On the second complaint brought by Christian Aid before the EO (against the Bank's failure to provide a timely answer to the complainant's complaint of June 2013) the EO recommended that the EIB take appropriate measures in the future to avoid such delays when dealing with requests for access to its documents.

¹¹ A London-based development NGO which focuses i.a. on possible tax evasion in developing countries.

Institutional Cooperation



Participants in the IAMs meeting at the EBRD's headquarters in London in September 2014

Since 2007 the EIB-CM has been part of the IAM network that has existed and grown since 2004 (the EO joined in 2010). The IAM network is the network of Independent Accountability Mechanisms that the various International Financial Institutions (IFIs) or Multilateral Development Banks (MDBs) have set up since 1993 as part of their governance structures. The IAMs vary in size, scope and structure, but their shared underlying *raison d'être* is to provide recourse for citizens and communities that are adversely affected by IFI or MDF-funded projects. IAMs typically focus on instances where IFIs/MDBs are alleged to have failed to follow their own social and environmental safeguard policies, guidelines, standards or procedures.

Based on so-called "Citizen-driven Accountability" (see box 1 on page 5), the IAMs have formed a network for exchanging and sharing knowledge, experiences and challenges, seeking to identify and promote ways and means of cooperation within

their respective mandates, to contribute to the regular exchange of ideas and best practices, and to assist with building institutions' accountability capacities as components of corporate governance. The network interacts on a continuous basis and holds annual meetings on a rotating basis in the headquarter cities of the different IFIs/MDBs and their respective IAMs.

In 2014, the 11th Annual General Meeting of the IAMs was held in London, hosted by the EBRD's *Project Complaint Mechanism*. During the IAMs' AGM, the principles for cooperation and basic criteria for participation in the IAM network that were agreed in principle the year before in Washington were confirmed. This year's AGM further focused on the synergies and/or differences between mediation and conflict resolution vs., or sequential with, the compliance reviews of the various IAMs. A lot of cross-IAM information was notably shared on the powers and problem-solving possibilities of conflict resolution and mediation. In addition

this AGM provided a very welcome opportunity to gather information on the revised policies of the EBRD's *Project Complaint Mechanism* and the Inter-American Development Bank's *Independent Consultation and Investigation Mechanism* as well as the ongoing review of the IBRD's safeguards and safeguard policies.

The IAMs' AGMs are usually combined with awareness-raising events for civil society and academia. The London annual meeting of the IAMs was preceded by an *Open Symposium on the Practice of Independent Accountability Mechanisms (IAMs)*. This was a public event that brought together IAM practitioners with other practitioners of environmental and social assessment and appraisal of projects, as well as academics in the field of "international public law" and "public rights and administrative justice".

IAM Annual General Meetings, at the headquarters of the IAM hosting the AGM in any given year, also create opportunities for the IAMs, civil society and academia to meet, discuss and network beyond the normal boundaries and geographical focus areas of all three groups. In 2014, in London, the IAMs met with i.a. the NGOs Accountability Counsel, Amnesty International, Human Rights Watch, the Center for International Environmental Law, and the Centre for Research on Multinational Corporations in an event called "Learning from our Shared Experience".

Outreach



The EIB-CM regularly organises outreach meetings and events in Luxembourg and Brussels and participates in outreach events organised by peer IAM organisations as and when appropriate. The objective of the EIB-CM outreach is to increase awareness about the EIB-CM, internally and externally, and build on the existing profile. Internal outreach included new staff, through the compulsory EIB Control Mechanisms course for all newcomers. For existing, longer-serving staff, ad hoc outreach events are organised on specific themes and with invited speakers/presenters, often at the specific request of the Directorates. The EIB-CM also actively participates in internal working groups such as the Environmental Assess-

ment Group, Social Working Group, Human Rights Working Group, Procurement, Transparency and Corporate Responsibility.

On 4-5 November 2014, the EIB-CM participated in an outreach event organised by the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC) in Brussels. The event, aimed at raising awareness of the EIB's activities, environmental and social standards and Complaints Mechanism, was attended by academics, experts from trade unions from the Western Balkans and the Eastern Neighbourhood regions and representatives of CSOs.

Annex I

List of cases

Formal complaints dealt with in 2014

Environmental and social impacts and governance aspects of financed operations

(As of 31/12/2014)

Reference	Project	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/E/2010/05	Gipuzkoa Waste Management (2009-0118)	Spain	06/07/10	✓	✓		✓	✓		Areas for improvement	✓	✓
SG/E/2011/02	TES-Thermal Power Plant Sostanj (2006-0319)	Slovenia	28/02/11	✓	✓							
SG/E/2011/03	Subconcessão Do Pinhal Interior (2008-0510)	Portugal	04/03/11									
SG/E/2011/05	Panama Canal Expansion (2006-0467)	Panama	28/03/11	✓	✓		✓					
SG/E/2011/11	Belgrade Bypass (2006-0385)	Serbia	23/09/11	✓	✓		✓	✓				
MC/E/2011/13	NFC Forestry Project and Agri-Vie Fund (2006-0582 and 2009-0430)	Uganda	20/10/11	✓	✓	✓		✓	✓	Mediation agreement by IFC-CAO		✓
SG/E/2012/02	Municipal & Regional Infrastructure Loan (2008-0083)	Serbia	01/03/12	✓	✓	✓	✓	✓		Areas for improvement	✓	✓
SG/E/2012/04	Ambatovy Nickel Project (2006-0398)	Madagascar	09/05/12	✓	✓		✓					
SG/E/2012/07	Larnaca Sewerage and Drainage I (2006-0155)	Cyprus	21/05/12	✓	✓	✓	✓	✓	✓		✓	✓
SG/E/2012/10	DTS Expressway II (2004-0679)	Poland	12/07/12	✓	✓			✓		No grounds		✓
SG/E/2012/12	Cairo Metro Line 3 (Phase 3) (2010-0613)	Egypt	05/01/12	✓	✓		✓	✓	✓	Areas for improvement	✓	✓
SG/E/2012/13	Transit Roads V Lot No 17 Road II-16 (2006-0087)	Bulgaria	14/12/12	✓	✓			✓		No grounds	✓	✓
SG/E/2013/01	Mariscina County Waste Management, framework loan "Co-financing EU IPA ISPA 2007-2011" (2011-0486 and 2010-0280)	Croatia	06/03/13	✓	✓							
SG/E/2013/02	Highway Interchange Petlovo Brdo (2006-0385)	Serbia	22/03/13	✓	✓	✓	✓					
SG/E/2013/05	Valencia Centros Escolares II – 2 (2006-0215)	Spain	05/08/13	✓	✓		✓	✓	✓	Areas for improvement	✓	✓
SG/E/2013/06	Secondary and Local Roads Programme (2007-0519)	Albania	03/09/13	✓	✓	✓	✓	✓				
SG/E/2013/07	Valencia Centros Escolares II – 2 (2006-0215)	Spain	04/09/13	✓	✓		✓	✓	✓	Areas for improvement	✓	✓
SG/E/2013/09	Puerto de Sevilla (2005-0115)	Spain	16/07/13	✓	✓			✓		Areas for improvement	✓	✓
SG/E/2013/11	Electricity Network Upgrading (2005-0462)	West Bank, Palestine	24/10/13	✓	✓		✓	✓		Friendly solution		✓

■ Cases Open

□ Cases Closed

Reference	Project	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/E/2013/12	Castor Underground Gas Storage (TEN) (2006-0184)	Spain	04/12/13	✓			✓					
SG/E/2014/01	AES Sonel - Electricity Supply (2002-0722)	Cameroon	21/01/14	✓	✓			✓		No grounds	✓	
SG/E/2014/02	Route E420 Frasnes-Bruly RTE (2012-0103)	Belgium	22/01/14	✓	✓							
SG/E/2014/03	Valencia Centros Escolares Severi Torres (2006-0215)	Spain	28/01/14	✓	✓		✓	✓	✓	Areas for improvement	✓	
SG/E/2014/04	Belgrade Bypass (2006-0385)	Serbia	03/03/14	✓	✓	✓					✓	
SG/E/2014/05/PR	Mediterranean railway corridor	Spain	14/05/14							Reviewed by the appraisal team	✓	
SG/E/2014/06	Fier Bypass (2007-0204)	Albania	17/06/14	✓	✓		✓					
SG/E/2014/07	Olkaria JS	Kenya	16/07/14	✓								
SG/E/2014/08	Olkaria SN	Kenya	01/08/14	✓								
SG/E/2014/09	EMS Electricity Network Upgrading (2007-0244)	Serbia	21/09/14	✓								
SG/E/2014/10	Municipal and Regional Infrastructure Loan (2008-0083)	Serbia	07/10/14	✓	✓							
SG/E/2014/11	Groupe OCP – Modernisation (2010-0236)	Morocco	17/11/14	✓	✓			✓		Withdrawn by complainant	✓	
SG/F/2012/03	Autoroute Sfax-Gabes (2007-0491)	Tunisia	04/04/12	✓	✓	✓		✓				
SG/F/2013/01	Sulina Canal Bank Protection (2000-0540)	Romania	30/04/13	✓	✓			✓				
SG/F/2013/03	Feasibility Study & Designs (TA2011039 GE NIF)	Georgia	17/05/13	✓	✓							
SG/F/2013/04	Voiries Prioritaires V (2007-0119)	Tunisia	24/06/13	✓	✓	✓		✓	✓	Friendly solution	✓	
SG/F/2013/06	Unfair dismissal	UK	18/11/13	✓	✓					No grounds	✓	
SG/F/2014/01	Castor Underground Gas Storage (2006-0184)	Spain	16/01/14	✓	✓							
EIF/F/2014/01	Baltic Innovation Fund (BIF)	Lithuania	13/03/14	✓	✓			✓		No grounds	✓	
EIF/F/2014/02/INA	Jeremie	Greece	04/04/14	✓						Inadmissible	✓	
SG/F/2014/02/PR	Post-Tsunami Line of Credit Sri Lanka (2005-0234)	Sri Lanka	17/02/14	✓						Prevention	✓	
EIF/F/2014/03	Jeremie - Bank of Cyprus	Greece	24/09/14	✓								
SG/F/2014/03	Bosnia Herzegovina Roads (1998-2395)	Bosnia and Herzegovina	26/02/14	✓			✓			No grounds	✓	
EIF/F/2014/04	JEREMIE	Cyprus	08/10/14				✓			No grounds	✓	
SG/F/2014/04/PR	FITAP (TA2014035 RO TAP)	Belgium	13/05/14							Prevention	✓	
EIF/F/2014/05	EIF Intermediary Bank	Bulgaria										
SG/F/2014/05	Torun City Bridge (2009-0227)	Poland	19/05/14				✓			No grounds	✓	
SG/F/2014/06	Feasibility Study for the Mediterranean Sea Maritime Development Cooperation (TA2010049 RO FTF)	Denmark	05/05/14				✓			No grounds	✓	
SG/F/2014/07/INA	Jessica HF Silesia (PL)	Poland	08/07/14							Inadmissible	✓	

- Cases Open
 Cases Closed

Administrative & governance issues

Reference	Project	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/G/2010/04	Africap II (2006-099)	Regional-Africa	01/12/10	✓	✓	✓	✓	✓	✓			
SG/G/2014/02	Renewable Energy Ireland	Ireland	18/09/14	✓	✓							
EIF/G/2014/01	Programme CIP	France	16/01/14	✓	✓				✓	No grounds		✓
SG/G/2014/01	Failure to reply by intermediary bank	Spain	02/01/14	✓					✓	No grounds		✓
SG/G/2014/03	Solventure Project Greece	Greece	08/10/14	✓					✓	No grounds		✓
SG/G/2014/04	EIB Switchboard	N/A	10/12/14	✓					✓	Friendly solution		✓

Procurement

Reference	Project	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/P/2012/03/PR	Irmak-Zonguldak Railway Rehabilitation Project (2010-0515)	Turkey	15/03/12	✓	✓	✓			✓			
SG/P/2012/13	Croatian Roads Rehabilitation II (2004-0560)	Croatia	29/10/12	✓	✓				✓	No grounds		✓
EIF/P/2013/01	WB EDIF/ENIF/2013	Croatia	04/10/13	✓	✓				✓	No grounds		✓
SG/P/2013/04	Water and Sanitation RS (2008-0556)	Bosnia and Herzegovina	19/02/13	✓	✓				✓	No grounds		✓
SG/P/2013/07	Corridor X (E-80) Motorway Phase I (2008-0546)	Serbia	17/05/13	✓	✓				✓	No grounds		✓
SG/P/2013/12	Bursa Wastewater II (2007-0513)	Turkey	23/07/13	✓	✓				✓			
SG/P/2013/14	Emergency Flood Relief and Prevention (2010-0479)	Bosnia and Herzegovina	18/09/13	✓	✓				✓	✓	Areas for improvement	✓
SG/P/2013/15/PR	Hydro Power Plants Rehabilitation	Ukraine	11/10/13	✓					✓	Prevention		✓
SG/P/2013/16	Water Supply and Sanitation (2008-0556)	Bosnia and Herzegovina	27/09/13	✓	✓				✓			
SG/P/2013/19	Corridor Vc section Svilaj-Odžak (2008-0045)	Croatia	21/10/13	✓						Withdrawn by complainant		✓
SG/P/2013/20	Seychelles Water and Sanitation (2010-0210)	Seychelles	22/10/13	✓	✓				✓			
SG/P/2013/21	Support to Non-Revenue Water Reduction in Bulgaria (TA2012050)	Bulgaria	22/10/13	✓	✓	✓				Areas for improvement	✓	✓
SG/P/2013/22	Water and Sanitation RS (2008-0556)	Bosnia and Herzegovina	22/11/13	✓	✓				✓	No grounds		✓
SG/P/2014/01/PR	Public Sector Research and Development (2009-0283)	Serbia	13/02/14							Prevention		✓
SG/P/2014/02	Railways Rehabilitation II (2004-0338)	Bosnia and Herzegovina	18/03/14	✓	✓				✓			
SG/P/2014/03	Water and Sanitation RS (2008-0556)	Bosnia and Herzegovina	24/03/14	✓	✓				✓			

■ Cases Open

□ Cases Closed

Reference	Project	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/P/2014/04	Moldova Roads II (2010-0154)	Moldova	22/04/14	✓								
SG/P/2014/05	Svilaj Bridge (2008-0045)	Croatia	19/05/14	✓		✓			✓	Friendly solution		✓
SG/P/2014/06	Water and Sanitation RS – Pale (2008 0556)	Bosnia and Herzegovina	18/06/14	✓					✓	No grounds		✓
SG/P/2014/07	Call for Tender VP 1086	Greece	14/07/14	✓		✓			✓	No grounds	✓	✓
SG/P/2014/08	Water Infrastructure Modernisation II-E (2012-0207)	Georgia	21/07/14	✓		✓						
SG/P/2014/09	Water Infrastructure Modernisation II-S (2012-0207)	Georgia	31/07/14	✓		✓						
SG/P/2014/10/PR	West metro (2009-0409)	Finland	04/09/14	✓						Inadmissible		✓
SG/P/2014/11	Rehabilitation Urbaine Tunisie (2012-0280)	Tunisia	03/12/14	✓								
SG/P/2014/12	Modernisation Routière I (2010-0295)	Tunisia	23/09/14	✓		✓			✓	Friendly solution		✓

Access to information

Reference	Project/Allegation	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/A/2013/01	Mopani Copper Project (2004-0101)	Zambia	24/06/13	✓		✓			✓	Areas for improvement	✓	✓
SG/A/2014/01/PR	Cassa di Mezzogiorno	Italy	11/02/14	✓		✓				Friendly solution		✓
SG/A/2014/02	Cassa per il Mezzogiorno II	Italy	19/03/14	✓		✓			✓	Friendly solution		✓

Human Resources

Reference	Allegation	Country	Received	Work performed						Outcome	Recommendations	Closed
				Assessment	Investigation	Mediation	Site visits	Consultation	Follow-up			
SG/H/2014/01	Failure to reply on GRAD application	Luxembourg	04/02/14	✓	✓					Areas for improvement	✓	✓
SG/H/2014/02	Failure to reply to enquiry concerning equivalence of academic qualifications	Luxembourg	02/06/14	✓						Areas for improvement	✓	✓
SG/H/2014/03	Outstanding payment	Portugal	03/09/14	✓						Friendly solution		✓

- Cases Open
 Cases Closed

European Ombudsman

Reference	Project	Allegation	Date received	Decision	Date decision
EO/374/2014/PL Confidential	Child Allowance	The EIB wrongly considered that the concept of custody of a child prevails over the concept of residence of a child and, thus, failed to comply with its own implementing rules of its Staff Regulations and the EC's implementing provisions on household and child allowances	25/03/14		
EO/0178/2014/AN Confidential	Corridor Vc-Second Phase (2008-0045)	The EIB wrongly failed to review its non-objection in the case at hand	06/02/14	Critical remark	
EO/349/2014/OV	Mopani Copper Project (2004-0101)	The EIB wrongly refused to grant access to its report into allegations of tax evasion in the framework of the Mopani Copper Mines project	14/03/14	Critical remark	23/10/2014
EO/01/3/2013/MHZ	Rivne-Kyiv High Voltage Transmission Line (2006-0447)	Alleged breach of Aarhus Regulation for failure to proactively disseminate environmental information	27/06/13	Friendly solution + Further remark	05/12/2014
EO/0863/2012/RA	Bielsko Biala Municipal Project (1999-0345)	Refusal to provide public access to environmental information	22/05/12	Friendly solution by the Bank	25/06/2014
EO/2318/2014/MHZ	Castor Underground Gas Storage (2006-0184)	Failure to reply a request for information; failure to assess properly the risks of the project	07/01/14	Allegations have to be reviewed first by the EIB-CM	27/02/2014
EO/01/16/2014/NF	Cairo Metro Line 3 (Phase 3)	Failure to provide information / documents on the project	20/11/14	No maladministration	01/01/2014

Access to information

Reference	Allegation	Date received	Decision	Date decision
EDPS/2012/0778	Breach of Regulation (EC) No 45/2001 on the processing of personal data by the Community institutions	05/12/12	EIB has infringed EU Regulation	22/07/2014

- Cases Open
- Cases Closed



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Complaints Mechanism

Activity Report 2014

