2022

COMPLAINTS MECHANISM

European Investment Bank | Group

EUROPEAN INVESTMENT BANK GROUP

2022

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European Investment Bank Group Complaints Mechanism Report 2022

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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.

The power of nature is awesome. Throughout history, people have feared its storms, its floods, droughts and eruptions. At this critical time, we realise that we must instead be in tune with nature and harness its power, if we are to beat the climate change that our own actions have caused. More than half the European Investment Bank's investments are now in climate action and environmental sustainability. Our priority is to finance the green transition to renewables powered by nature, from geothermal energy to hydroelectricity and wind power. That is why we are putting these natural forces right on the covers of our major reports this year.

The EIB wishes to thank the following promoters and suppliers for the photographs illustrating this report.

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

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THE COMPLAINTS MECHANISM REPORT offers an overview of the actions by the Complaints Mechanism of the European Investment Bank (EIB) Group[1] in 2022 to address the public's concerns regarding the Bank's projects or activities. These concerns can be about a wide range of issues, including the potentially negative consequences of EIB Group-financed projects, whether social or environmental. As the Complaints Mechanism, our job is to evaluate these complaints and to conduct investigations if necessary and/or facilitate collaborative resolutions.

This report summarises our work over the past year. One highlight of 2022 is that we were able to resume site visits and in-person meetings with complainants and other key stakeholders, including promoters, ministries, national and local authorities. We continued to handle a high number of cases, with an increasing number of those cases undergoing dispute resolution. Moreover, we handled a total of 11 European Ombudsman cases[2], for which we perform a research and coordination role.

The report is organised into sections that explain how we work and describe our activities in 2022, followed by descriptions of the cases we have closed or have been working on, including one case concerning the European Investment Fund (EIF). The report then covers cases lodged with the European Ombudsman against the EIB Group. The final section presents our outreach activities and our work with other independent accountability mechanisms and other organisations. Key figures about our activities are provided in Annex I.

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

The Complaints Mechanism is one of the three independent control and accountability functions under the EIB Inspectorate General, together with the evaluation and investigations functions. For more information on the EIB Inspectorate General, ***please consult the EIB website****.*

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

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FOREWORD
BY THE EIB PRESIDENT

It was a turbulent year for the European Union and the world, marked particularly by Russia's attack on Ukraine and the resulting energy and food crises, the continued COVID-19 pandemic, drought in East Africa, floods in Pakistan, Nigeria and South Africa, and other extreme weather events caused by climate change. The ongoing challenges require us all to work even harder to make the European Investment Bank Group fully responsive to and compassionate towards the citizens we serve.

As the European Union's climate bank, we continued to implement our Climate Bank Roadmap, which guides our climate ambition, and support the implementation of the European Green Deal, targeting carbon neutrality by 2050.

The EIB Board of Directors approved the revised Environmental and Social Sustainability Framework in February 2022. This Group-wide policy framework allows us to focus on sustainable and inclusive development, committing to support a just and fair transition to economies and communities that are climate and disaster resilient, low carbon, environmentally sound and more resource-efficient.

The EIB Group is fostering investments and partnerships to address current challenges around the world. In 2022, the EIB Group signed financing agreements totalling €72.5 billion to promote sustainability and resilience in Europe and beyond. Of these, €10.8 billion went to projects outside the European Union, through EIB's newly established development arm, EIB Global.

In this context, the mandate of the Complaints Mechanism remains as relevant as ever. The Complaints Mechanism enables citizens, businesses and civil society to make their voices heard regarding EIB financing and activities. The concerns they raise provide a valuable opportunity for the Complaints Mechanism, and the EIB Group at large, to identify areas for improvement, in turn leading to better results in terms of positive impact and/or governance.

"The Complaints Mechanism continued making important contributions to increasing the accountability of the EIB Group."

In 2022 the Complaints Mechanism handled 97 complaints, of which 55% concerned the environmental and social impact of EIB-financed projects, mostly located beyond the European Union. The Complaints Mechanism plays a fundamental role in ensuring the compliance of EIB Group projects with sustainability, human rights and other environmental and social principles and standards. It serves as an effective tool for citizens from the European Union and beyond to share their views and access remedies for acts of maladministration committed by the EIB Group. In all that we do, we always strive to do better, and the work of the Complaints Mechanism helps to identify areas of improvement and recommend any necessary remedial measures.

Looking at the diversity and complexity of today's crises, the Complaints Mechanism's mission is more crucial than ever for assuring the accountability and transparency of the EIB Group. Our ambition remains to address the most pressing needs of developing countries and advanced economies alike, as well as vulnerable groups, while also protecting the environment for current and future generations.

Werner Hoyer

FOREWORD
BY THE HEAD OF THE COMPLAINTS MECHANISM

2022 was a busy year for the EIB Complaints Mechanism. We worked on numerous cases, not only directly providing complainants with our analysis and responses to their concerns, but also contributing to institutional learning. For example, while we concluded that the A49 German motorway project complied with the applicable standards and that the EIB had fulfilled its appraisal and monitoring requirements, lessons were learned in terms of how environmental information can be better presented to the public.

Finally being able to engage with stakeholders on the ground again was a big relief. On the dispute resolution side, I would like to highlight the multi-faceted mediation process that took place in connection with the Malawi Northern Region Water Board Water Efficiency project, where a mutually satisfactory agreement was reached with the Kanzando community. The dispute resolution team also handled an extensive process concerning the Tanahu Hydropower project in Nepal — a process that was still ongoing at the end of the year.

I would like to thank the entire Complaints Mechanism team for their continued efforts and hard work in putting accountability at the heart of the EIB Group's actions, and also extend my thanks to the EIB Group Boards of Directors and the members of the Management Committee, senior management and staff for their ongoing support and cooperation.

> **"One positive development during 2022 was that we were again able to engage face to face with our stakeholders."**

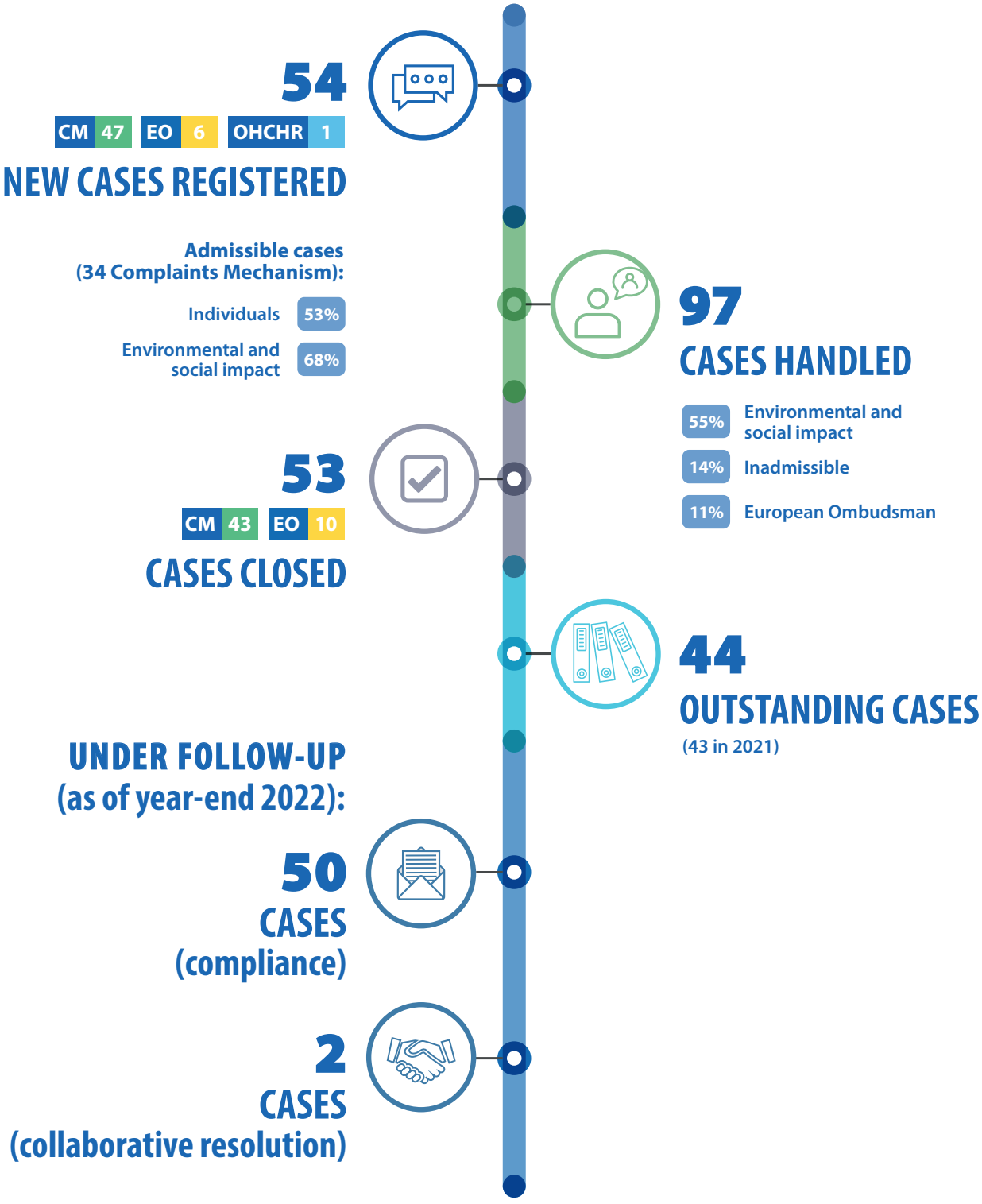
A special thank you goes to outgoing Inspector General, Jan Willem van der Kaaij, for his dedication and leadership of the independent Inspectorate General, of which the Complaints Mechanism has formed an integral part since 2010. He was instrumental in enabling the Complaints Mechanism to make a real contribution to the accountability and transparency of the EIB Group.

2023 will be an important year as we are preparing for a possible revision of the Complaints Mechanism Policy. With the goal of bringing even more value to the Bank's people-driven accountability approach, the Complaints Mechanism and other Inspectorate General functions welcome comments from civil society on areas of our work that could be further refined, just as the Bank seeks our input to improve how it operates.

Sonja Derkum

2022 AT A GLANCE

COMPLAINTS MECHANISM



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

THE EIB GROUP COMPLAINTS MECHANISM

How we work

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

Moreover, we coordinate the EIB Group's response to complaints received by the European Ombudsman[3] concerning the Group's actions, decisions or omissions. We also engage periodically in communication and outreach activities with the public and with civil society organisations.

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

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

We believe that addressing people's concerns demonstrates that we are an accountable institution that strives to deliver fair and sustainable results for everyone.

By number of cases handled and problems resolved, the EIB Group Complaints Mechanism is among the leading accountability mechanisms established by international financial institutions. With our broad mandate, we review complaints across all EIB Group activities and 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 an additional possible step. This ensures an additional level of independence and accountability, making the Complaints Mechanism unique among independent accountability mechanisms.

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

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

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

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, EIB Group and international financial institution standards, and communication. The team comprises members of ten different nationalities and coverage of 21 languages (as of the end of 2022).

How we handle complaints

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

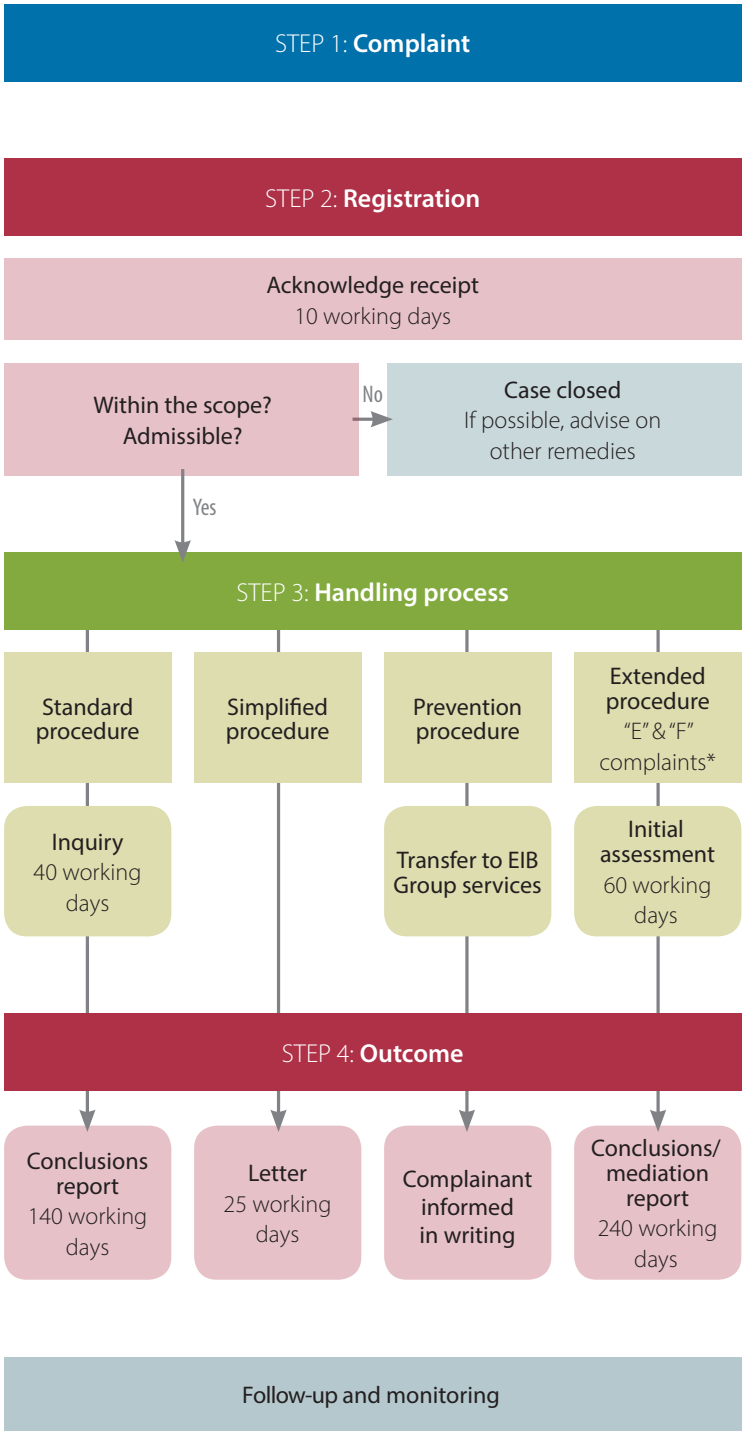
During a compliance review, the Complaints Mechanism investigates whether the EIB Group has followed the standards, rules and procedures that govern its operations.[4] We then present the findings, conclusions and any recommendations in a conclusions report.

Complainants may be offered the opportunity to resolve the issues underlying their complaint through a dispute resolution process. The Complaints Mechanism may propose and facilitate this approach if it determines that the issues could be resolved through the involved parties' participation. 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, often called a mediation agreement.

The Complaints Mechanism has two additional functions: advisory and monitoring. Based on the findings of the complaints-handling process, we may identify potential areas for improvement and advise senior management on issues directly or indirectly linked to cases handled. The Complaints Mechanism also monitors closed cases to ensure the follow-up measures agreed by the EIB Group and/or project promoter are implemented.

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

Figure 1: Complaints-handling process



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

Our place in the EIB Group

The Complaints Mechanism is the EIB Group's public accountability tool and performs its duties with full independence from the operations of the EIB and the EIF. Together with Investigations and Evaluation, we are part of the independent EIB Inspectorate General.

Our reporting structure ensures operational independence and effectiveness. 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.

Our role in the European Union

In 2008 the EIB and the European Ombudsman signed a memorandum of understanding on the handling of complaints. The memorandum states that a complainant should first have recourse to an effective internal EIB complaints procedure before approaching the European Ombudsman. Furthermore, the memorandum establishes that where the complainant is not a citizen or resident of the European Union, the European Ombudsman is committed to using its own-initiative power to open an inquiry into the matter.

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 people affected by projects.

The Complaints Mechanism is also supporting EIB Global, the EIB Group's newly established development arm, in its accountability efforts.

Working with the accountability network

As a longstanding member of the Independent Accountability Mechanisms Network (IAMnet)[5], the Complaints Mechanism has both benefited from and contributed to the lessons learned and shared within this group, which represents the accountability mechanisms of international financial institutions. IAMnet currently comprises 22 members, including the European Ombudsman.

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 Complaints Mechanism are that (i) complainants do not have to indicate the relevant rule or policy that may have been breached, and (ii) the issue cited does not need to relate directly to the EIB Group's potential non-compliance with specific policies, procedures or standards.[6] Moreover, complainants do not have to prove they are directly affected by the issue reported to the Complaints Mechanism.

5. https://www.worldbank.org/en/programs/accountability/iamnet
6. Complainants may simply refer to negative environmental and social impact of EIB Group-financed operations.

CASES IN 2022

GENERAL OVERVIEW

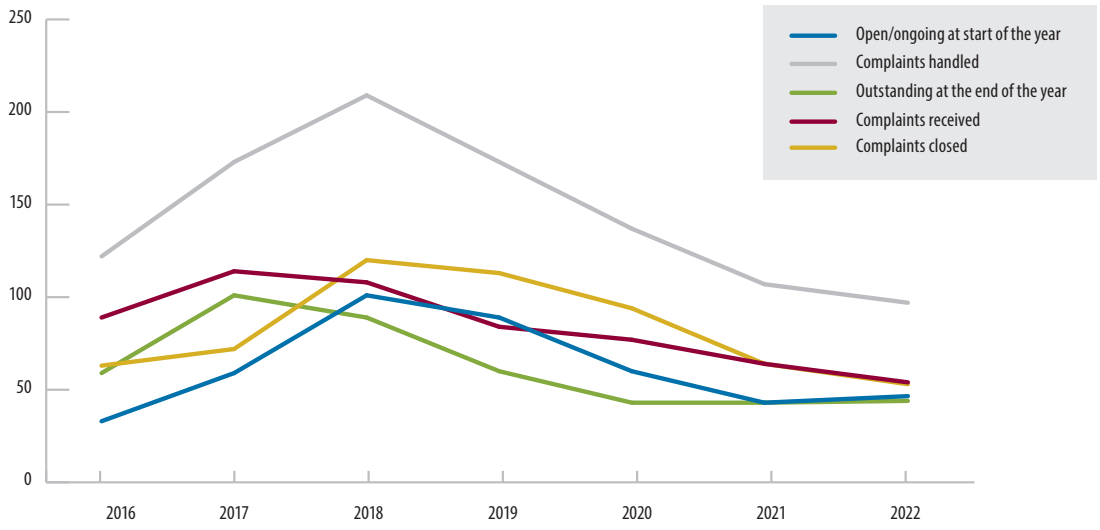
In 2022 our activities focused on case handling and monitoring. We continued to handle a high number of cases, including the coordination of 11 European Ombudsman cases. Importantly, we were able to recommence on-site visits. The majority of cases still open at the end of the year[7] were registered in 2022 (57%). Since 2020, the number of outstanding cases at year-end has been more stable.

We handled a total of 97 cases and closed 53 of them. Consequently, the number of outstanding cases at the end of 2022 was 44.

During 2022 we registered 54 cases (compared with 64 in 2021). The number of new complaints continued to show a declining trend. There are no clear explanations for this decline, other than that the COVID-19 pandemic might have altered the priorities of project-affected people. The Complaints Mechanism has made no changes to admissibility criteria and remains accessible 24/7 through various means. Complaints can be lodged by letter, fax, email or the web-based complaints form. In addition, we increased outreach activities in 2022 (for more information, please consult the section titled "Outreach and other activities").

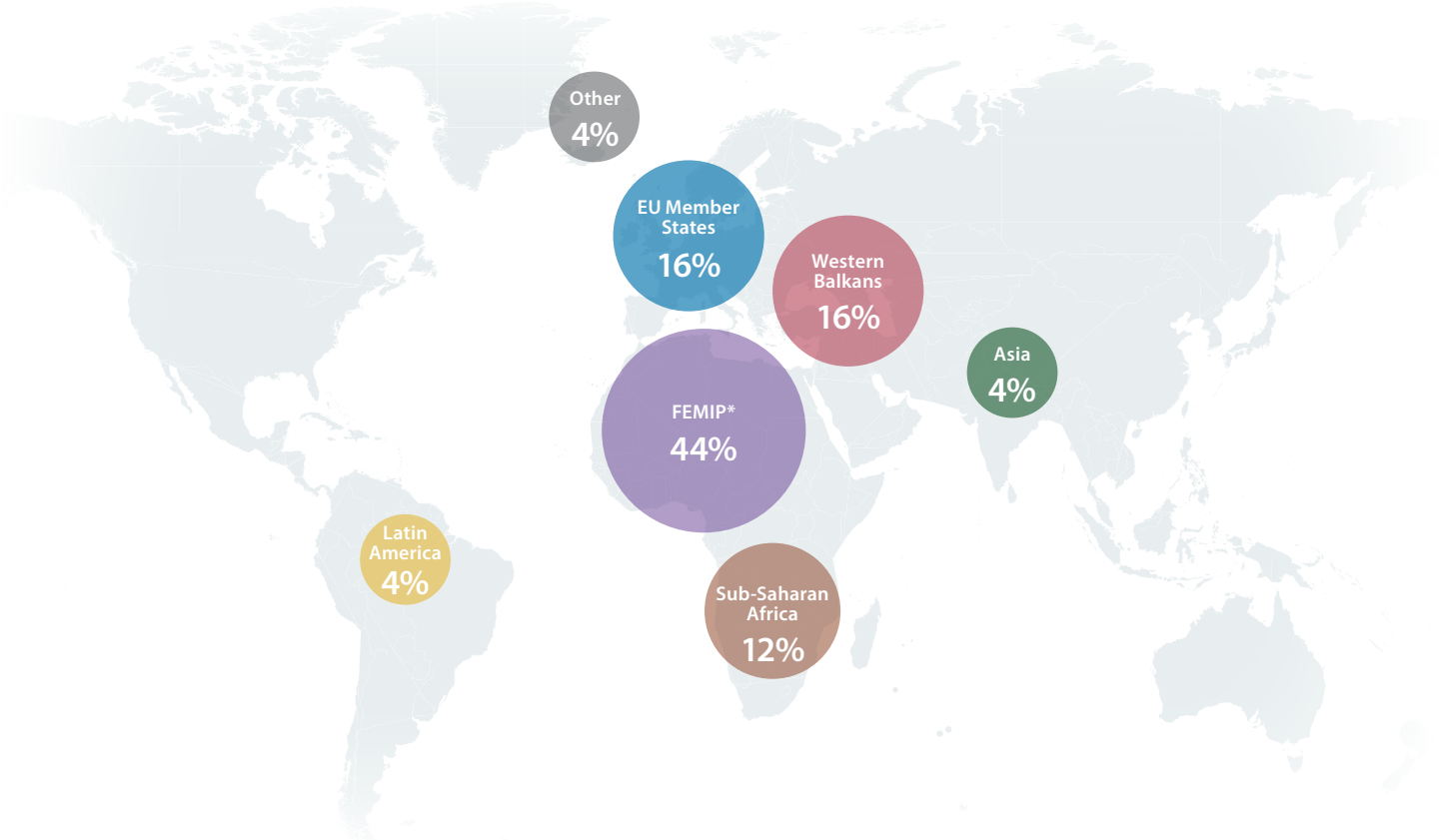
In terms of outreach and awareness-raising about the existence of the Complaints Mechanism, an important change was introduced in the EIB's Environmental and Social Sustainability Framework, approved in February 2022. Standard 2 now requires the promoter of any project located outside the European Union to make available to the public information about its project-level grievance mechanisms and the Complaints Mechanism.[8]

Figure 2: Number of complaints received, handled and closed by the Complaints Mechanism since 2016



7. Cases submitted directly to the Complaints Mechanism.
8. EIB Environmental and Social Standards 2022, Standard 2 on Stakeholder Engagement, paragraph 33e.

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



* FEMIP: Facility for Euro-Mediterranean Investment and Partnership

Of the 47 new complaints submitted directly to the Complaints Mechanism[9], we declared 34 admissible. As in other years, most of these new admissible complaints (68% in 2022) concern the environmental and social impact[10] of EIB-financed projects. The proportions of complaints about the governance of financed projects and human resources further decreased in 2022 compared to previous years.

Similar to previous years, most complaints in 2022 were submitted by individuals (53%), followed by civil society organisations (38%). These two categories of complainants focused most of their allegations on the environmental and social impact of EIB-financed projects. By region, an increased proportion of project-related complaints are about projects located outside the European Union (84%).

One highlight of 2022 was being able to resume direct engagement with stakeholders on the ground, following the end of COVID-19 related travel restrictions. We conducted several fact-finding missions, and were able to meet in person with complainants, promoters, national and local authorities, and project-affected people in India, Nepal, Mongolia, Greece, Malawi, Tunisia and Morocco.

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 September 2022 and to the EIF Board of Directors in January and July 2022. We also reported quarterly on our activities, particularly on the outcomes of closed cases, to the EIB Management Committee and the Audit Committee.

For more details about our case-handling work in 2022, please consult Annex I.

9. Note that six of the 54 new complaints in 2022 were lodged with the European Ombudsman. As the Complaints Mechanism coordinates the Bank's response to such complaints, they are included in its caseload. In 2022 we also received our first inquiry from the Office of the United Nations High Commissioner for Human Rights.
10. These are the so-called "E" complaints. Each complaint category has a corresponding code.

COMPLAINTS INVESTIGATION FUNCTION

In 2022 the Complaints Mechanism completed investigation and compliance reviews of 26 cases spanning various areas, countries and issues.[11] The transport sector has the largest number of cases under investigation. Other sectors with cases under investigation include waste and wastewater management, urban development and energy.

We closed several complex cases that were registered in 2019 and 2020, such as Marišćina County Waste Management Centre (Croatia), SE Safety Improvement (Slovakia) and Divača-Koper Second Rail Track (Slovenia, two cases).

Other examples of complex cases closed in 2022 include:

- Autobahn A49 Fritzlar-Ohmtal Dreieck (Germany, two cases);
- Cairo Metro Line 3 (Phase 3) (Egypt);
- ECP Africa Fund II PCC (three cases).

We continue to observe an increasing complexity in cases received, reflecting the number and nature of allegations raised. For example, regarding the South Regional Water Board Water Supply and Sanitation Programme (Malawi)[12], the allegations include non-compliance of the environmental and social impact assessment with the EIB Environmental and Social Standards, gaps in stakeholder engagement, issues with cultural heritage and biodiversity, and neglect of environmental, social, health and safety issues during construction works.

Among the cases handled during 2022, some projects involve several ongoing complaints. For example, we received a total of eight complaints regarding the Zenata Urban Development project (Morocco), focused on alleged problems with the resettlement process, including evictions, delays in handling resettlement files, issues with eligibility and entitlements, issues with the relocation site, and lack of adequate stakeholder engagement.[13]

Furthermore, we made significant progress in handling a number of other cases, such as Flood Protection Measures (Greece, three cases), Pune Metro Rail (India), S2 Dénivellation de Huit Carrefours à Sfax and S4 Déviation Zarzis (Tunisia).

For more details about some of the above-mentioned cases, please consult the section titled "Review of cases related to EIB activities."

11. We handled some of these cases through a simplified procedure under the Complaints Mechanism Policy.
12. SG/E/2022/05. Initial assessment report available at: www.eib.org/srwb-water-supply-and-sanitation-programme.
13. One of these cases was closed during the year (SG/E/2022/11b).

MEDIATION FUNCTION

The mediation function of the Complaints Mechanism analyses disputes and designs and implements a collaborative resolution process, as an alternative to investigation. Whenever possible, and giving due consideration to the type of complaint, the mediation function attempts to resolve the dispute by achieving a better and common understanding, improving the degree of trust between parties, and seeking to identify mutually acceptable solutions.[14]

The mediation function tailors the resolution process to the particular dispute. It uses various facilitative approaches, including information-sharing, dialogue, negotiation, joint fact-finding and formal mediation.

While working closely with colleagues in the complaints investigation function, the mediation function maintains its independence and impartiality, as per the Complaints Mechanism Policy.

In 2022 the Complaints Mechanism's dispute resolution team handled 11 collaborative resolution processes stemming from eight complaints: three concerned the Tanahu Hydropower project (Nepal), and the other five concerned the Pune Metro Rail project (India); the Bangalore Metro Rail project (India); the Malawi Northern Region Water Board (NRWB) Water Efficiency project; the Zenata Urban Development project (Morocco); and the Railway Nis-Dimitrovgrad (Serbia). We closed three dispute resolution processes concerning the Malawi NRWB Water Efficiency project and one concerning the Pune Metro Rail project.

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

MONITORING FUNCTION

Compliance cases

Since end-2020 we have used a tool enabling more systematic follow-up on the implementation by EIB services of our recommendations and suggestions for improvement (action points).

During 2022 we monitored the implementation of action points for 62 cases and closed the monitoring process for 12 cases. This left 50 cases still subject to monitoring and requiring close follow-up with EIB services.

Dispute resolution cases

Following a monitoring mission in April 2022, we closed the monitoring phase of a case concerning the Bangalore Metro Rail project by issuing a final monitoring report. During the last quarter of 2022 we also issued the final monitoring report on the concerns of the Chipambo and Geisha communities in relation to the Malawi NRWB Water Efficiency project.[15] At the end of 2022 the dispute resolution unit was monitoring agreements and suggestions to EIB services for two dispute resolution processes.

For more details about some of the monitored cases, please consult the section titled "Review of cases related to EIB activities."

14. https://www.eib.org/en/readonline-publications/eib-group-dispute-resolution.htm.
15. Final monitoring report available at: www.eib.org/chipambo-geisha-malawi-nrwb.

EUROPEAN INVESTMENT FUND

In 2022 we received one complaint alleging that the EIF had run an unfair selection process for a financial intermediary. For more information about EIF-related cases, please consult the section titled "Review of cases related to EIF activities."

EUROPEAN OMBUDSMAN

The Complaints Mechanism engaged extensively in handling European Ombudsman cases, which require research and coordination with EIB Group services.

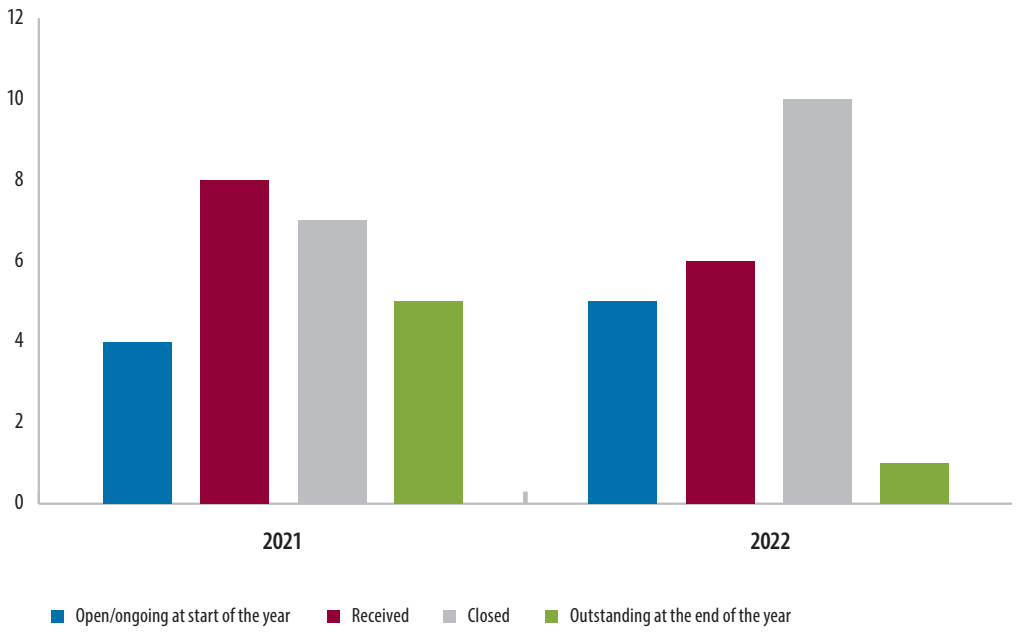
Six new cases were brought to the European Ombudsman concerning EIB Group operations and activities (compared with eight new cases in 2021). None of these new complaints had previously been handled by the Complaints Mechanism. Four concerned the EIB's own governance and two focused on human resources.

The European Ombudsman handled 11 cases in 2022 (including five registered in 2020 and 2021) and closed ten of them during the year. The handling of these 11 cases required extensive mobilisation of Complaints Mechanism resources, given our role in researching and coordinating European Ombudsman cases against the EIB Group.

As a positive outcome, the European Ombudsman did not identify any instance of maladministration by the EIB Group in the cases closed in 2022.

For more information about the Ombudsman cases, please consult the section titled "European Ombudsman and other non-judicial review mechanisms."

Figure 4: Complaints handled by the European Ombudsman



REVIEW OF CASES RELATED TO EIB ACTIVITIES

COMPLAINTS INVESTIGATION FUNCTION

This section provides information on a selection of closed and ongoing complaints investigation cases. For more information about our complaints investigation function, please consult the sections titled "The EIB Group Complaints Mechanism" and "Cases in 2022."

Closed cases

As mentioned in the section entitled "Cases in 2022," we closed a number of complex cases during the year. The Divača-Koper Second Rail Track case (Slovenia) is one of them, which is presented in detail as the first case in this section.

DIVAČA-KOPER SECOND RAIL TRACK[16]	
Region/country:	**European Union/Slovenia**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€250 million**
Total cost (approximate amount):	**€1.2 billion**
Signature date:	**N/A**
EIB-CM conclusions report for SG/E/2020/18: EIB management response for SG/E/2020/18: EIB-CM conclusions report for SG/E/2020/19: EIB management response for SG/E/2020/19:	**www.eib.org/divaca-koper-2020-18** **www.eib.org/divaka-koper-management-response** **www.eib.org/divaka-koper-2020-19** **www.eib.org/divaka-koper-management-response-2020-19**

In October and November 2020 we received two complaints concerning the Divača-Koper Second Rail Track project in Slovenia (SG/E/2020/18 and SG/E/2020/19). The cases concerned the construction of 27 kilometres of single-track railway line on a new alignment to increase rail capacity between the port of Koper and the rail junction in Divača. We issued the conclusions report for SG/E/2020/18 in October 2022 and for SG/E/2020/19 in December 2022.

In both cases, the first allegation concerned non-compliance of the project with environmental law (specifically the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive, the Water Framework Directive and the Habitats Directive). In this respect, complaint SG/E/2020/18 also concerned transboundary and public consultations, whereas complaint SG/E/2020/19 focused on compliance with appraisal procedures.

The second allegation was different in each of the complaints: While complaint SG/E/2020/18 concerned the actual scope of the project (single track versus double tracking, the latter also called “third track,” on the new alignment), complaint SG/E/2020/19 alleged that the impact of the tunnels had not been assessed.

Regarding the first allegation, the reviewed evidence showed that the project complied with procedural aspects of EU environmental law but not fully with the Bank’s project-applicable environmental and social standards. In particular, there had not been adequate cumulative impact assessment of the project, taking into account the planned developments and activities in the project’s area of influence, including the “third track”. At the time of the Bank’s pre-appraisal and appraisal of the project, the Bank had not allocated an environmental specialist to the project team.

16. SG/E/2020/18 and SG/E/2020/19.

For both cases, the respective second allegations were found to be ungrounded.

We recommended for both cases that the Bank request the promoter to (i) update the environmental management plan, (ii) report to the EIB on the plan's implementation and effectiveness, and (iii) effectively communicate with relevant stakeholders on the implementation of the plan and any new developments during project implementation.

We also suggested that the Bank amend its procedures for appraising environmentally risky projects, especially for what concerns the involvement of one or more environmental specialists in the appraisal of and monitoring of operations conducted within Natura 2000 Network protected areas. For complaint SG/E/2020/18 we also suggested that the Bank engage with the promoter to evaluate the status of the strategic environmental assessment for the "third track" and the likelihood of and timescale for this plan concretising.

The Complaints Mechanism Procedures govern how EIB services should be consulted on draft conclusion reports and the approach to follow if disagreements arise. Because of differing views between the services and the Complaints Mechanism, the matter has been brought to the attention of the Management Committee and in line with Article 1.8.3 of the procedures, the conclusion reports were accompanied by a separate EIB management response. The management response indicated that the Bank considers the recommendations and suggestions for improvement as not implementable or already fully addressed. The Bank stated that most recommendations and suggestions for improvement were based on "the factually incorrect assumption of the existence of a separate project for a second new track, which was neither approved nor existing at the time of the EIB's appraisal and approval in May 2019."

AUTOBAHN A49 FRITZLAR-OHMTAL DREIECK [17]

Region/country:	**European Union/Germany**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€264 million**
Total cost (approximate amount):	**€964 million**
Signature date:	**21 August 2020**
EIB-CM conclusions report: EIB-CM conclusions report (German):	**www.eib.org/autobahn-a49** **www.eib.org/autobahn-a49-de**

In December 2020 and February 2021, we received two complaints concerning the Autobahn A49 Fritzlar-Ohmtal Dreieck (PPP) project. The complaints concerned the design, construction, financing, operation and maintenance of a section of the A49 motorway in the German federal state of Hesse.

The complaints were addressed in one conclusions report because of their largely overlapping allegations about the project. The complainants first alleged non-compliance of the project with applicable legislation, including EU environmental law. They especially focused on shortcomings of the assessment as required by the Environmental Impact Assessment Directive, as well as flaws in joint assessments under the Water Framework Directive and the Habitats Directive, and non-compliance with noise requirements. The second allegation was non-compliance of the project with the Paris Agreement and the EIB's climate change commitments.

Having reviewed the available information, we found that the project did comply with applicable standards and that the EIB had fulfilled the requirements of its project appraisal and monitoring role.

Nevertheless, we found that in its Environmental and Social Data Sheet, the EIB did not communicate satisfactorily (i) the outcome of the appropriate assessment for the Natura 2000 site crossed by the project and (ii) details of the public consultation process, specifically the negative campaign (appeals against planning permissions and public protests). Therefore, **we suggested that the Bank** should issue an addendum to the Environmental and Social Data Sheet detailing the project's impact on the Natura 2000 site and providing information on public consultations, appeals and protests.

17. SG/E/2020/21 and SG/E/2021/02.

PEDEMONTANA LOMBARDA TOLL MOTORWAY[18]	
Region/country:	**European Union/Italy**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€550 million**
Total cost (approximate amount):	**€2.111 billion**
Signature date:	**31 August 2021**
EIB-CM conclusions report: EIB-CM conclusions report (Italian):	**www.eib.org/pedemontana-lombarda** **www.eib.org/pedemontana-lombarda-it**

In November 2021 we registered a complaint from several civil society organisations concerning the Pedemontana Lombarda Toll Motorway public-private partnership. The project entails the design, building, operation and maintenance of the B2 and C stretches of the Autostrada Pedemontana Lombarda toll motorway, including complementary roads, running through the provinces of Milan, Monza-Brianza and Bergamo in the Lombardy Region.

During the initial assessment phase, the allegation that the EIB had failed to comply with its commitments to address the climate emergency was found to be ungrounded.

Subsequently, we carried out a compliance review of the alleged failure to mitigate the project's significant environmental impact. Following a review of available information, we established that the Bank had carried out due diligence of the project as required by its environmental and social standards. We therefore closed the case with the outcome "No grounds."

18. SG/E/2021/24. One other case, a confidential complaint related to the same project, was also closed during 2022 (SG/E/2021/27).

MARIŠĆINA COUNTY WASTE MANAGEMENT CENTRE[19]

Region/country:	**European Union/Croatia**
Sector(s):	**Construction**
Proposed EIB finance (approximate amount):	**€200 million**
Total cost (approximate amount):	**€600 million**
Signature date:	**30 September 2010**
EIB-CM conclusions report:	**www.eib.org/cwmc-mariscina**

In 2019 we received a complaint about the Marišćina County Waste Management Centre project. The complainant raised allegations concerning (i) the operation of the mechanical biological treatment plant and the bioreactor landfill, (ii) methane emissions, and (iii) hydrogen sulphide ambient standards and odour.

The reviewed evidence showed that (i) the volume of mixed municipal waste being converted into fuel is significantly lower than planned, and there are issues with fuel disposal (storing the fuel in the centre) potentially reducing the lifespan of the centre; (ii) the centre does contribute to methane emission reduction; and (iii) the local population still complains about the unpleasant odour, which the operator is taking further steps to address.

With respect to the EIB, the reviewed evidence showed that the Bank (i) was not informed of some of the fuel-related challenges and had limited scope to intervene as the promoter had not opted to receive technical assistance; (ii) carried out its role as required concerning methane emissions; and (iii) carried out its role as required concerning the unpleasant odour.

We suggested that the EIB build on the experience gained in this matter when dealing with future similar projects.

19. SG/E/2019/07. Four other cases related to the same project were closed between 2019 and 2021.

SE SAFETY IMPROVEMENT[20]	
Region/country:	**European Union/Slovakia**
Sector(s):	**Energy**
Proposed EIB finance (approximate amount):	**€60 million**
Total cost (approximate amount):	**€153 million**
Signature date:	**December 2018 (operation subsequently cancelled)**
EIB-CM conclusions report:	**www.eib.org/se-safety-improvement**

In May 2020 we received a complaint from the NGO Friends of the Earth Europe, submitted on behalf of two member organisations in Austria: Global 2000 and Wiener Plattform Atomkraftfrei. The complaint concerns the SE Safety Improvement project, which covers the investment programme for equipment and system modifications, replacements and reconstruction works on the operating units of two nuclear power plants in Mochovce and Bohunice, Slovakia.

As reflected in our initial assessment report, we decided to investigate the following allegations: (i) environmental impact assessment not performed for lifetime extensions of Mochovce and Bohunice nuclear power plants (four units) stemming from "salami slicing,"[21] including the lack of stakeholder engagement; and (ii) incorrect description of "environmental aspects" in the EIB's Project Summary Sheet (published on the Bank website).

While we were preparing the conclusions report, the EIB decided to cancel the operation because the disbursement deadline had expired. Therefore, we considered the first allegation to no longer be relevant given the Bank's withdrawal of financing from the project. We found the second allegation ungrounded because the information published by the EIB adequately corresponded to its due diligence findings. Nevertheless, we issued **suggestions for improvement** concerning (i) the EIB's due diligence for complex projects with multiple components; and (ii) the information published by the EIB on this project.

20. SG/E/2020/06.
21. 'Salami slicing' is defined as artificially dividing a project into distinct sub-projects for the purpose of legal procedures, such as an environmental and social impact assessment (definition in the EIB Environmental and Social Standards, 2018).

ECP AFRICA FUND II[22]

Region/country:	**Africa**
Sector(s):	**Services**
Proposed EIB finance (approximate amount):	**€38 million**
Total cost (approximate amount):	**€325 million**
Signature date:	**15 May 2006**
EIB-CM conclusions report:	**ww.eib.org/ecp-africa-fund-ii-kenya-2**

In August 2020 we received a complaint regarding the EIB's investment in ECP Africa Fund II, a private equity fund seeking to support private African companies in low-volatility sectors. The complainants expressed dissatisfaction with the work performed by the EIB service handling investigation work in respect of its complaint concerning alleged prohibited conduct of the ECP Africa Fund II regarding one of its portfolio companies, namely Spencon[23].

We carried out a compliance review and concluded that the EIB service handling investigation work:

- did not respond as required to two of the 86 emails exchanged with the complainant;
- did not give the complainants sufficient information for them to understand the decision not to interview Spencon's management representatives or formally exercise rights of access to Spencon's documents;
- did not give the complainants sufficient information for them to understand the decision to close the case — it did advise the informants that there was insufficient evidence of fraud or any other prohibited conduct.

We made two recommendations to the EIB service handling investigation work:

- In future cases, acknowledge receipt of all letters and requests and/or respond as soon as possible.
- In this specific case, provide further explanation to the complainants on the closure decision.

Moreover, **we suggested** that the EIB service concerned follow up with the relevant authorities on developments related to Spencon.

22. SG/G/2021/02. Two other cases related to the same project were closed during 2022 (SG/F/2020/05 and SG/G/2022/03), while another case remained open at year-end (SG/A/2021/01).
23. Spencon was a company established in 1979 with its headquarters in Kenya. It offered civil engineering and construction services in East Africa, mainly in water supply and sewerage systems, civil works including roads, bridges and buildings, and power and transmission lines.

Ongoing cases

BOGOTA SUSTAINABLE TRANSPORT FL[24]	
Region/country:	**Latin America/Colombia**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**$480 million**
Total cost (approximate amount):	**$4.3 billion**
Signature date:	**6 August 2018**
EIB-CM initial assessment report: EIB-CM initial assessment report (Spanish):	**www.eib.org/bogota-sustainable-tps** **www.eib.org/bogota-sustainable-tps-es**

The Bogota Sustainable Transport Framework Loan is financing the re-organisation and improvement of the public transport network in Bogotá, centred around the construction of the capital's first metro line.

In 2021 we received a complaint from affected persons alleging that the project's land acquisition process failed to comply with Colombian legislation and the EIB's environmental and social framework, particularly regarding involuntary resettlement. The complaint's principal issues concern two themes: (i) land acquisition and compensation; and (ii) the project's grievance redress mechanism. Upon the conclusion of our initial assessment, we decided to proceed to a compliance investigation.

In 2022 we received a second (confidential) complaint in relation to the same project.

The respective accountability mechanisms of the World Bank and the Inter-American Development Bank have received similar complaints. We are coordinating with these respective mechanisms.

24. SG/E/2021/21 and SG/E/2022/09.

PUNE METRO RAIL[25]	
Region/country:	**Asia/India**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€600 million**
Total cost (approximate amount):	**€1.77 billion**
Signature date:	**22 July 2019, 7 May 2021 and 8 December 2022**
EIB-CM initial assessment report: EIB-CM dispute resolution report: EIB-CM dispute resolution report (Marathi):	**www.eib.org/pune-metro-rail-project-IAR** **www.eib.org/pune-metro-rail-project** **www.eib.org/pune-metro-rail-project-mr**

In February 2021 we received a complaint regarding the Pune Metro Rail project, which entails the construction of two metro lines totalling 31.3 kilometres and 30 stations, as well as the purchase of about 100 metro cars in Pune, Maharashtra State, India. After extensive communication with the complainant and members of affected communities, we established that the allegations concerned (i) social impact at Civil Court Station and (ii) environmental and social impact at Mandai Station.

We issued the initial assessment report in March 2022. Given the complexity and diverse nature of the issues raised, as well as the different groups of affected people, we decided to proceed in parallel with an investigation for the first allegation and a collaborative dispute resolution process for the second.

The ongoing investigation regarding Civil Court Station focuses on four issues: (a) the execution of forced evictions in a slum area; (b) limited eligibility of project-affected people for compensation; (c) inadequate compensation for project-affected people; and (d) the promoter's acquisition of unnecessary land.

As regards Mandai Station, we have initiated two parallel dispute resolution processes. One focused on three issues: (i) spice vendors; (ii) a displaced family; (iii) tree felling and the removal of places of worship; and a second process concerning the displacement of fruit vendors. The dispute resolution team is managing the processes together with a local facilitator; we convened the first in-person session of facilitated dialogue between the complainants and the promoter in Pune in April 2022.

The group of spice vendors reached an agreement with the promoter in June 2022, while the issues of the displaced family and the concerns regarding loss of trees and places of worship were also addressed by the promoter. We therefore closed this dispute resolution process. The dispute resolution process concerning the fruit vendors was ongoing at year-end 2022.

25. SG/E/2021/09. Two other cases related to the same project were closed between 2019 and 2021.

S4 DEVIATION ZARZIS[26]	
Region/country:	**FEMIP [27]/Tunisia**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€8 million**
Total cost (approximate amount):	**€19 million**
Signature date:	**N/A**
EIB-CM initial assessment report:	**www.eib.org/s4-deviation-zarzis**

In November 2021 we received a complaint from several individuals (from one representative of 20 signatories, and then also from six coordinators supposedly representing more than 100 people) concerning the S4 Déviation Zarzis project — an allocation under the Modernisation Routière II framework loan. The project entails the construction of a 21.2 km long 2x2 road bypass around the city of Zarzis in southeast Tunisia. The complaint alleges (i) a failure to sufficiently identify significant environmental and social impact and to assess alternatives; (ii) a lack of information and consultation about the project, including lack of information on the existence of a project-level grievance mechanism; and (iii) inadequate compensation for land and/or houses affected by the project.

Based on the nature of the allegations and having consulted with the complainants, the services of the Bank and the promoter, we decided to proceed to a compliance review. We published the initial assessment report in March 2022, then visited Tunisia for a fact-finding mission in September 2022, meeting with the complainants and key project stakeholders, including the promoter, local authorities and relevant ministries. As of the end of 2022, the case was still under investigation.

26. SG/E/2021/23.
27. FEMIP: Facility for Euro-Mediterranean Investment and Partnership.

ZENATA URBAN DEVELOPMENT PROJECT[28]	
Region/country:	**FEMIP/Morocco**
Sector(s):	**Construction**
Proposed EIB finance (approximate amount):	**€150 million**
Total cost (approximate amount):	**€800 million**
Signature date:	**13 November 2014**
EIB-CM initial assessment report for SG/E/2021/08 (English):	**www.eib.org/zenata-urban-development-en**
EIB-CM initial assessment report for SG/E/2021/08 (Arabic):	**www.eib.org/zenata-urban-development-ar**
EIB-CM initial assessment report for SG/E/2022/07:	**www.eib.org/zenata-urban-development**
EIB-CM website for case SG/2022/11b:	**www.eib.org/case/zenata-urban-development**

In 2021 and 2022 we registered eight complaints from individuals regarding the Zenata Urban Development Project in the municipality of Ain Harrouda, between Casablanca and Mohammedia in Morocco. The project entails site preparation and infrastructure works within the first development phase of a new urban area on a 1 660 ha site adjacent to Casablanca. The project involves the resettlement of over 40 000 persons.

The complainants alleged various problems with the resettlement process, including (i) cases of eviction, (ii) delays in handling resettlement files, (iii) issues with entitlements and/or compensation, (iv) issues with the relocation site (lack of adequate infrastructure and basic facilities, environment-related issues), and (v) the lack of adequate stakeholder engagement, in particular with the project-affected persons.

We went on a fact-finding mission in October 2022 after registering five complaints; the other three complaints were declared admissible after the mission. As of the end of 2022, one complaint had been closed[29], one was under investigation[30], one was undergoing collaborative dispute resolution[31], and the other five were in the initial assessment phase.

28. SG/E/2021/08, SG/E/2022/07, SG/E/2022/08, SG/E/2022/11a), SG/E/2022/11b), SG/E/2022/11c), SG/E/2022/18 and SG/E/2022/19.
29. SG/E/2022/11b).
30. SG/E/2021/08.
31. SG/E/2022/07.

MEDIATION FUNCTION

This section provides key information on a selection of closed and ongoing collaborative resolution cases. For more information about our mediation function, please consult the sections titled "The EIB Group Complaints Mechanism" and "Cases in 2022."

Closed cases

MALAWI NORTHERN REGION WATER BOARD (NRWB) WATER EFFICIENCY[32]	
Region/country:	**Sub-Saharan Africa/Malawi**
Sector(s):	**Water, sewerage**
Proposed EIB finance (approximate amount):	**€25 million**
Total cost (approximate amount):	**€60 million**
Signature date:	**4 July 2017**
EIB-CM dispute resolution report A - Kazando:	**www.eib.org/malawi-a-kazando**
EIB-CM dispute resolution report A - Chipambo and Geisha:	**www.eib.org/malawi-a-Chipambo-Geisha**
EIB-CM dispute resolution report B:	**www.eib.org/malawi-b**
Settlement agreement - Kazando:	**www.eib.org/settlement-agreement-kazando**
EIB-CM monitoring report A - Kazando:	**www.eib.org/monitoring-a-kazando**
EIB-CM monitoring report A - Chipambo and Geisha:	**www.eib.org/monitoring-a-Chipambo-Geisha**

In July 2021 members of three communities in northern Malawi complained about the social impact of the Northern Region Water Board (NRWB) project, raising the main issues of stakeholder engagement, compensation and damage to properties. We issued the initial assessment report in January 2022, proposing to proceed with collaborative dispute resolution. Given the complexity of the case, three processes were carried out with support from two local facilitators.

The first process concerned cracks in a house that, according to its owner, were caused by works related to the project. In February 2022 the house owner and the promoter jointly appointed an independent engineer to inspect the cracks. The engineer found insufficient evidence that the alleged damage had been caused by excavation works.

The second process was conducted with the Kazando community and concluded after a third session of facilitated dialogue in July 2022. The parties reached an agreement on five 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 several roads in Kazando; and (v) assessment of the damage to houses due to the project construction and payment of compensation for these damages.

The third process was conducted with the Chipambo and Geisha communities and concluded in July 2022 when the complainants withdrew. Despite this withdrawal, various concrete actions have been agreed as an outcome of earlier stages of dialogue. In addition, the promoter undertook various steps to address the issues raised by affected community members.

By August 2022 the three processes were closed and the dispute resolution reports were issued. We continue to monitor the open action points.

32. SG/E/2021/16.

Ongoing cases

NEPAL TANAHU HYDROPOWER PROJECT[33]	
Region/country:	**Asia/Nepal**
Sector(s):	**Energy**
Proposed EIB finance (approximate amount):	**€62 million**
Total cost (approximate amount):	**€390 million**
Signature date:	**15 May 2013**
EIB-CM Initial assessment report for SG/E/2020/02 (English): (Nepali)	**www.eib.org/nepal-tanahu-2020**
EIB-CM initial assessment report for SG/E/2021/10 and SG/E2021/11 (English): (Nepali and Magar)	**www.eib.org/nepal-tanahu-2021**
EIB-CM addendum to the initial assessment report for SG/E/2021/10 and SG/E2021/11 (English): (Nepali and Magar)	**www.eib.org/nepal-tanahu_addendum**

We received a number of complaints about the Nepal Tanahu Hydropower project, registered under three different cases. For all three cases, we are closely cooperating with the Asian Development Bank, which received the same complaints.

33. SG/E/2020/02, SG/E/2021/10 and SG/E/2021/11.

In the complaint submitted in February 2020, the complainants requested mediation and alleged (i) a lack of adequate information-sharing, meaningful consultation and participation; (ii) an incomplete land survey and inadequate, discriminatory compensation (in form and amount); and (iii) negative impact on livelihoods and access to natural resources, and on ancestral lands, cultural sites and traditional practices.

We issued our initial assessment report in April 2020 recommending a collaborative resolution process. In 2020 and 2021 we participated in various virtual meetings with the complainants and representatives of the Office of the Special Project Facilitator (OSPF) of the Asian Development Bank. After COVID-19 related travel restrictions were lifted in 2022, we met the complainants and participated in person in a joint meeting facilitated by the OSPF. As of the end of 2022, the dispute resolution process was ongoing.

In early June 2021 we received two additional complaints, one from a group of Dalit households and one from a group of indigenous households. They mainly alleged (i) a lack of information and participation; (ii) insufficient assessment of environmental and social impact; (iii) lack of compensation; (iv) inadequate grievance redress mechanism; and (v) insufficient consideration of indigenous peoples' rights and the Dalits' vulnerability status.

We issued the initial assessment report for both additional complaints in December 2021. After collecting further information on the scope of a so-called buffer zone (an area above the reservoir that provides additional protection) and its impact on the complainants, we published an addendum to the initial assessment report in May 2022, recommending a collaborative dispute resolution process and defining its scope. During 2022 our dispute resolution team held separate meetings with each party and strengthened their capacity to engage effectively in the process. In addition, our team facilitated two joint dispute resolution meetings in person with the representatives of the complainants and promoter. The complainants' advisors and representatives of the Asian Development Bank also participated as observers. As of the end of 2022, the dispute resolution process was ongoing.

MONITORING FUNCTION

This section presents selected cases for which we closed the monitoring process in 2022. Please note that we launched the Complaints Mechanism's monitoring tool at the end of 2020 to allow more systematic and consistent monitoring of action points. For more information about our monitoring function, please consult the sections titled "The EIB Group Complaints Mechanism" and "Cases in 2022."

Compliance cases

CASTOR UNDERGROUND GAS STORAGE[34]	
Region/country:	**European Union/Spain**
Sector(s):	**Energy**
Proposed EIB finance (approximate amount):	**€600 million**
Total cost (approximate amount):	**€1.698 billion**
Signature date:	**18 April 2011 and 30 July 2013**

In December 2013 we received a complaint from the Plataforma Ciutadana en Defensa de les Terres del Sénia. The allegations concerned the environmental and social impact of the Castor project, how the public consultation was carried out, and the risks associated with induced seismicity, as well as other industrial risks. The Castor project consisted of the conversion of a former oil field ("Amposta") into a major natural gas storage facility and was one of the trans-European energy networks (TEN-E) priority projects.

After reviewing the evidence, we concluded that the EIB had complied with procedural requirements. However, we also **identified a number of areas for improvement** in appraisal and monitoring. For example, we suggested that the Bank should establish appropriate guidance for assessing the meaningfulness of a public consultation process. We also suggested that the EIB should verify that any concerns and risks flagged in the stakeholder engagement process were adequately assessed and addressed by the promoter. Moreover, the Bank should adequately document the outcome of this analysis and any appropriate actions that need to be taken to properly inform the decision-making process.

The EIB implemented the suggestions for improvement, for example by issuing the Guidance Note for EIB Standard on Stakeholder Engagement in EIB Operations targeted at staff.

34. SG/E/2013/12. Conclusions report available at: www.eib.org/castor-underground-gas-storage.

GEORGIA EAST-WEST HIGHWAY[35]

Region/country:	**Eastern Neighbourhood/Georgia**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€200 million**
Total cost (approximate amount):	**€592 million**
Signature date:	**11 May 2012 and 28 November 2013**

In 2017 we received two complaints regarding the Georgia East-West Highway project. We made recommendations in response to both complaints, and ultimately closed the monitoring processes for these two cases in 2022.

The first complainant alleged in January 2017 that he had not received clear justification for the lack of project-related compensation.

We found that while the promoter had investigated the complainant's situation with a view to establishing his eligibility for compensation, additional steps should have been taken to ensure compliance with relevant EIB standards and the resettlement action plan, which applies to affected persons regardless of the legality of their existing situation.

We **recommended** that the Bank's services advise the promoter to reply to the complainant, taking into account the recent developments in 2018 and the full scope of relevant EIB standards, and considering the undocumented nature of his alleged business activities. In this regard, we recommended that appropriate methods of inquiry be applied. We also noted that the complainant had a responsibility to cooperate with the authorities, respond to requests for documentation, and provide any necessary clarifications to enable the assessment of his claim.

The responsible EIB services successfully implemented these recommendations, helping the promoter and complainant to find a solution in line with the EIB's social standards. This solution included the improvement of the existing access road, with gravel coverage and repaired drainage. The complainant expressed his satisfaction with the solution and has not submitted any further claims.

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The second complainant alleged in June 2017 that following the expropriation of part of his property, the residual land area was practically unusable for agricultural activities, causing a major loss of income for his family.

We **recommended** that the Bank's services work with the promoter to address the complainant's specific case and find an acceptable solution in line with EIB social standards.

The promoter instructed the construction contractor to implement mitigation measures including: 1) to construct a road to give the landowner uninterrupted access to both adjacent portions of his land for cultivation purposes; 2) to construct drainage to avoid flooding of the complainant's remaining agricultural land; and 3) to regularly clean channels to prevent flood damage pending the completion of drainage construction. These measures enabled the complainant to access, cultivate and otherwise use the remaining portions of his agricultural land without restrictions.

35. SG/E/2017/02 — the conclusions report is available at: www.eib.org/georgia-east-west-highway.
SG/E/2017/23 — the conclusions report is available at: www.eib.org/georgia-east-west-highway.

Dispute resolution cases

BANGALORE METRO RAIL PROJECT — LINE R[36]	
Region/country:	**Asia/India**
Sector(s):	**Transport**
Proposed EIB finance (approximate amount):	**€500 million**
Total cost (approximate amount):	**€1.634 billion**
Signature date:	**5 October 2017 and 28 September 2018**
EIB-CM final monitoring report:	**www.eib.org/bangalore-metro-rail**

In June 2019 a church congregation member supported by a local NGO submitted a complaint alleging the negative environmental and social impact of the Bangalore Metro Rail project. A more detailed version of the complaint was lodged in July 2019. Following a site visit by the dispute resolution team, the initial assessment report clarified some misunderstandings and proposed a dispute resolution process for the remaining allegations. Due to the COVID-19 pandemic, the process was carried out remotely, supported by two local facilitators.

The facilitation process aimed to (i) foster the relationship between the concerned congregation members and the promoter; (ii) facilitate a two-way exchange of information and concerns; and (iii) enable the development of an additional option to further reduce the project's impact on church land. The **parties agreed on several concrete actions**, for example to limit noise pollution from works during prayer activities. Complementing these agreed actions, we **issued suggestions for improvement** to the Bank when closing the case with the dispute resolution report in June 2021. The parties could not resolve all the issues but agreed to continue the dialogue. As a result of their continued engagement, the area of the church premises required for the project was further reduced.

We subsequently followed up with the parties and the Bank on the implementation of agreed measures and suggestions for improvement, including through a monitoring mission to Bengaluru in April 2022. During the mission, congregation members and NGO representatives expressed satisfaction about their fruitful dialogue with the promoter and the reduction of the land area required for the project. This positive feedback is also reflected in a press release[37] issued by the NGO about engagement between the parties and the win-win outcome. We closed the monitoring phase in June 2022 with the issuance of a final monitoring report.

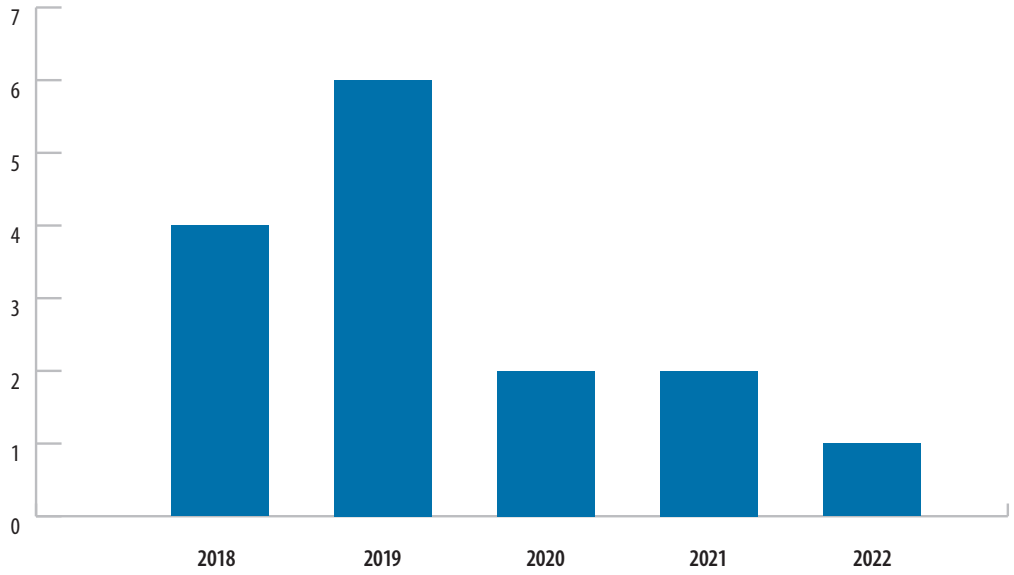
36. SG/E/2019/08. Dispute resolution report available at: www.eib.org/bangalore_metro_rail_project_-_line_r6.
37. Press release available at: https://esgindia.org/new/events/media/press-release/all-saints-church-living-heritage-of-bengaluru-saved-for-posterity/.

REVIEW OF CASES RELATED TO EIF ACTIVITIES

In 2022 we received one complaint concerning the EIF, alleging unfairness in the selection process for a financial intermediary.

As of the end of 2022, the case was under review.

EIF COMPLAINTS RECEIVED BETWEEN 2018 AND 2022



COMPLAINTS INVESTIGATION FUNCTION

Ongoing cases

CALL FOR EXPRESSION OF INTEREST — CEETT 2021/01[38]

In August 2022 we received a complaint from a company concerning the selection process for a financial intermediary. This process formed part of a call for expression of interest (CEETT 2021/01) targeting technology transfer projects in Slovenia and Croatia, to be funded under the Slovene Equity Growth Investment Programme and the Croatian Growth Investment Programme.

The complainant alleged that the EIF did not treat applicants in an equal manner, with unnecessary delays in communication and an absence of feedback.

We are currently reviewing the EIF's actions in relation to this call for expression of interest, assessing compliance with the operating guidelines and standard procedures for this type of selection process.

MONITORING FUNCTION

CALL FOR EXPRESSION OF INTEREST JER-009/8-07[39]

In 2022, we closed the monitoring process of this case. In June 2017, we had received a complaint concerning an EIF call for expression of interest from financial intermediaries (No. JER-009/8). The complainant alleged unfair evaluation of his application by the EIF and said that the evaluation procedure was not performed in accordance with the principles of transparency, equal treatment and non-discrimination. The complainant requested a fuller explanation for the rejection of his application and further details regarding the evaluation of other applicants.

The Complaints Mechanism's assessment found no evidence that the EIF had failed to select intermediaries in an open, transparent, proportionate, non-discriminatory and objective manner. The available information revealed no irregularities in the evaluation process of the complainant's application.

Pursuant to Article 18 of the European Code of Good Administrative Behaviour, we nonetheless **suggested** that the EIF consider providing more detailed and specific explanations to future applicants who explicitly request clarification on why their applications are unsuccessful.

The EIF agreed to implement this suggestion and have formalised related procedural steps internally.

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38. EIF/G/2022/01.
39. EIF/F/2017/03.

EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS

GENERAL OVERVIEW

In 2022 the European Ombudsman handled 11 complaints lodged against the EIB Group. This required the Complaints Mechanism to dedicate significant time and resources to research and coordination activities.

We registered six new complaints lodged with the European Ombudsman against the EIB Group (compared with eight in 2021): Four concerned the EIB's own governance (same as in 2021) and two concerned personnel-related cases (same as in 2021).[39]

None of the new complaints had previously been handled by the Complaints Mechanism (compared with one that had been handled by the Complaints Mechanism before being escalated to the European Ombudsman in 2021).

In 2022 the European Ombudsman handled 11 cases[40] and closed ten of them (compared with seven in 2021), reaching the following conclusions:

- No maladministration: seven cases (compared with two in 2021)
- Settled: two cases (compared with two in 2021)
- Inadmissible: one case (compared with two in 2021).[41]

In five of the seven cases with no maladministration and one of the two settled cases, the European Ombudsman nonetheless made suggestions for improvement.

39. In 2021 there was one case concerning the environmental and social impact of EIB-financed projects and one procurement-related case.
40. This includes cases notified in 2020 and 2021.
41. In 2021 the European Ombudsman closed another case with the outcome "Insufficient grounds to open an inquiry."

More details about the closed cases are presented below:

- Two cases concerning the way the EIB proactively discloses environmental information when financing projects[42] or providing financial assistance through intermediaries.[43]
  Outcome: No maladministration, with suggestions for improvement. The EIB provided information to the European Ombudsman on the follow-up given to her suggestions in October 2022.

- One case about the EIB's refusal to disclose the minutes of Management Committee meetings concerning the Curtis Biomass Project.[44]
  Outcome: No maladministration, with suggestions for improvement. The EIB provided information to the European Ombudsman on the follow-up given to her suggestions in October 2022.

- One case regarding the EIB's due diligence on the climate impact of the Trans Adriatic Pipeline (TAP) and the Trans-Anatolian Gas Pipeline (TANAP) projects.[45]
  Outcome: No maladministration.

- One case concerning the EIB's handling of the post-employment activity of a former vice-president during the cooling-off period.[46]
  Outcome: Settled, with suggestions for improvement. The EIB provided information to the European Ombudsman on the follow-up given to her suggestions in December 2022.

- One case concerning failure to reply.[47]
  Outcome: Settled.

- Two cases concerning personnel-related matters: (i) entitlements of a former staff member's dependants[48] and (ii) a recruitment procedure.[49]
  Outcomes: (i) Inadmissible; (ii) no maladministration.

- The European Ombudsman communicated to the EIB and the EIF[50] the outcome of her strategic initiative concerning the adequacy of record-keeping of texts and instant messages exchanged in a professional context within EU institutions and bodies.[51] Her suggestions have been disseminated through the relevant internal channels of EIB Group stakeholders.

As in previous years, no cases brought to the Complaints Mechanism were escalated to the European Data Protection Supervisor or the Aarhus Convention Compliance Committee in 2022.

In 2022 the EIB received its first inquiry from the Office of the United Nations High Commissioner for Human Rights. The inquiry concerns 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 with the relevant EIB services in preparing the Bank's response.

42. EO/1065/2020/PB.
43. EO/1251/2020/PB.
44. EO/1252/2020/PB.
45. EO/2030/2020/NH.
46. EO/1016/2021/KR.
47. EO/1699/2022/PB.
48. EO/837/2022/SF.
49. EO/529/2022/EIS.
50. The European Ombudsman may open a strategic initiative addressing several EU institutions and bodies at the same time. When dealing with strategic initiatives addressing more than one entity of the EIB Group, the Complaints Mechanism registers a case for each concerned entity. For this particular strategic initiative, we registered one case for the EIB and another case for the EIF.
51. SI/4/2021/MIG.

EUROPEAN OMBUDSMAN CASES

Closed cases

EIB'S HANDLING OF A FORMER VICE-PRESIDENT'S POST-EMPLOYMENT ACTIVITY DURING COOLING-OFF PERIOD[52]

In July 2022 the European Ombudsman issued her decision on how the EIB handled the move of a former vice-president to an energy utility company that had received EIB loans.[53]

Based on her inquiry, the European Ombudsman found that the EIB did not properly manage the risk of conflicts of interest when the former vice-president requested permission to begin working with the company during her cooling-off period. However, as the EIB has since made improvements to relevant ethics rules, the European Ombudsman closed her inquiry with the conclusion that no further inquiries were justified.

Nonetheless, the European Ombudsman **suggested** that the EIB should:

- publish decisions of the Ethics and Compliance Committee (ECC) shortly after their adoption;
- require former members subject to post-mandate restrictions to submit evidence that those restrictions have been shared with their new employer;
- consider broadening the membership of the ECC to include individuals with valuable experience from outside the EIB;
- amend its record-keeping practice for Management Committee meetings to ensure the formal recording of members' recusals from decisions taken by tacit approval (posing a risk of conflicts of interest).[54]

The EIB provided information to the European Ombudsman on the follow-up given to her suggestions in December 2022. In particular, the EIB explained the following:

- In 2023 the Bank expects to implement an internal communication process for sharing ECC decisions on a need-to-know basis with relevant internal staff, as a proactive monitoring approach. Regarding the publication of ECC decisions, the EIB expressed the need to carefully balance the diverse public interests at stake, weighing the obligations from its status as an EU body against those related to its banking activities as an international financial institution.
- In addition to the safeguards already contained in the ECC Operating Rules, ECC decisions will systematically include an explicit requirement for the concerned Management Committee member to supply written confirmation that the mitigating measures have been implemented, including by sharing any restrictions with the new employer.
- The ECC Operating Rules already allow the ECC to access valuable experience from external advisors on an ad hoc basis, as required. Furthermore, one ECC member is the chair of the EIB Audit Committee (a statutory body independent of the EIB Board of Directors and Management Committee and reporting directly to the EIB Board of Governors).
- EIB internal procedures already establish that any recusal from decisions made by tacit approval should be formally recorded in the minutes.

52. EO/1016/2021/KR.
53. https://www.ombudsman.europa.eu/en/decision/en/158894.
54. It is already necessary to formally record recusals from other procedures.

THE EIB'S PROACTIVE DISCLOSURE OF ENVIRONMENTAL INFORMATION PERTAINING TO ITS DIRECT AND INTERMEDIATED OPERATIONS[55]

In April 2022 the European Ombudsman issued her decisions on how the EIB discloses environmental information about projects it finances (i) directly[56] and (ii) through intermediaries.[57] She concluded that no further inquiries were justified and closed both cases.

These decisions concern a complaint submitted to the European Ombudsman in 2020 by three civil society organisations. The complainants alleged that the EIB publishes too little environmental information and too late, thereby preventing the public from fully expressing its views on environmental issues before the Bank decides whether to directly finance a project. Moreover, the complainants said that insufficient information was made available about the significant environmental impact of projects financed by the EIB through intermediaries.

The European Ombudsman first issued preliminary assessments with suggestions (June 2021). In November and December 2021, the EIB replied to the European Ombudsman, agreeing to implement some of her suggestions. Regarding the remaining suggestions, however, the EIB explained how its current practices were fully in line with regulatory transparency requirements and already consistent with the suggestions to the extent reasonably feasible and/or required by applicable rules.

In her decisions, the European Ombudsman **reiterated some of her suggestions** to the EIB. Regarding direct operations, she **also suggested** that the EIB should more visibly refer to the Aarhus Convention Implementation Guide.

In October 2022 the EIB replied to the European Ombudsman by further explaining its previous considerations of her suggestions. The Bank also updated the European Ombudsman on actions taken to implement her suggestions, including:

- the improvement of publicly available information on the EIB project cycle;
- the publication of a timeline of milestones in project summaries;
- enhanced online visibility of the Aarhus Convention Implementation Guide and other tools empowering users to exercise their right to access environmental information;
- the introduction of a dedicated section on transparency in intermediated financing in the 2022 Report on the implementation of the EIB Group Transparency Policy.

55. EO/1065/2020/PB and EO/1251/2020/PB.
56. https://www.ombudsman.europa.eu/en/case/en/57278.
57. https://www.ombudsman.europa.eu/en/decision/en/155109.

TRANS ADRIATIC PIPELINE (TAP) AND THE TRANS-ANATOLIAN GAS PIPELINE (TANAP)[58]

In April 2022 the European Ombudsman issued her decision on the EIB's consideration of environmental impact before financing the Trans Adriatic Pipeline (TAP) and the Trans-Anatolian Gas Pipeline (TANAP) projects.[59]

This case was triggered by a complaint from four civil society organisations to the European Ombudsman in 2020, alleging that the EIB had failed to ensure that the environmental impact of the two projects had been appropriately assessed.

In her decision, the European Ombudsman commented that the EIB had provided adequate explanations and carried out appropriate due diligence to ensure that the two projects' environmental impact was properly addressed. The European Ombudsman also welcomed the Bank's additional explanations in August 2021 of changes made to relevant practices since 2019.

The European Ombudsman thus closed this case with the conclusion that there was no maladministration by the EIB.

58. EO/2030/2020/NH.
59. https://www.ombudsman.europa.eu/en/decision/en/155352.

OTHER NON-JUDICIAL REVIEW MECHANISMS: INQUIRY FROM THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS

NEPAL POWER SYSTEM EXPANSION PROJECT[60]

In May 2022 the Office of the UN High Commissioner for Human Rights notified the EIB of intimidation incidents related to the Nepal Power System Expansion project. The project is operated by the state-owned Nepal Electricity Authority and funded by the EIB.

In its letter,[61] the Office of the UN High Commissioner for Human Rights asked the EIB to elaborate on its due diligence and monitoring for the project's social impact, including retaliation risks, stakeholder engagement and operational-level grievance mechanisms. The Office of the UN High Commissioner for Human Rights also requested a copy of the Complaints Mechanism's conclusions report on an earlier complaint about the project (SG/E/2018/39),[62] as well as an update on developments since its release.

The Office of the UN High Commissioner for Human Rights indicated that a communication concerning the same allegations had been sent to the Permanent Mission of Nepal and the Nepal Electricity Authority.

The EIB's response was sent to the Office of the UN High Commissioner for Human Rights on 21 July 2022 and published by the United Nations in August 2022.[63] It addressed the following points:

- Timely reaction from the EIB: As soon as it was informed of alleged intimidation incidents, the Bank contacted the relevant stakeholders (online meetings, official communication, and an on-site visit).
- Need to contextualise: The information gathered by the EIB gives diverging accounts of the circumstances surrounding the alleged intimidation. Besides the incidents alleged by some community members, the promoter reported incidents of violence and harassment directed towards a contractor's staff and the vandalising of a contractor's property by some community members.
- Acknowledgement of gaps in mitigation of the project's social impact: Identified gaps have already been addressed or are in the process of being resolved. The EIB expanded on the implementation status of corrective actions.
- Further developments following the EIB's on-site mission in June 2022: The promoter and community members in Dordi Municipality agreed on compensation for the right of way. This is perceived by the EIB as a significant step towards the long-term de-escalation of conflict and project sustainability, which the EIB continues to monitor.

The EIB will continue to liaise with the Office of the UN High Commissioner for Human Rights where any additional information or clarification is needed.

Moreover, the Complaints Mechanism continues to monitor the implementation of recommendations issued in the conclusions report for SG/E/2018/39.

60. AL OTH 35/2022.
61. Available here.
62. https://www.eib.org/attachments/complaints/sg-e-2018-39-nepal-power-system-expansion-conclusions-report.pdf.
63. For further information on the special procedures of the Human Rights Council, see: https://spcommreports.ohchr.org. See also the EIB's response to the inquiry from the OHCHR, including Annex 1 and Annex 2.

OUTREACH AND OTHER ACTIVITIES

In 2022 the Complaints Mechanism took part in several events with civil society organisations and other independent accountability mechanisms. The lifting of COVID-19 related restrictions enabled the resumption of valuable in-person meetings. The various meetings enabled raising of awareness, sharing of best practices and learning from exchanges with participants.

Reprisals were an important recurrent theme throughout the events. Other topics included case studies and presentations on dispute resolution as an effective alternative to compliance reviews.

Outreach, cooperation and training

- In April 2022 we held our annual meeting with 16 civil society organisations from different countries. During the online meeting, we discussed the Complaints Mechanism's approach to preventing and addressing reprisals, and the organisation of accessible, inclusive outreach activities.

- At the International Association for Impact Assessment Conference in Vancouver (Canada) in May 2022, we contributed to a debate about ecosystems and greenfield developments in a session chaired by the Inspection Panel of the World Bank. Sharing our experience in the European Union, we suggested that the concepts on which greenfield development is based need updating to consider climate change and impact on natural habitats.

- In June 2022 we participated in a virtual outreach event attended by more than 40 representatives of civil society organisations from various Nepali regions. The event was organised by the Asian Infrastructure Investment Bank's Project-affected People's Mechanism, with cooperation from leading civil society organisations in Nepal. Also participating were the Accountability Mechanism of the Asian Development Bank, the World Bank Accountability Mechanism and the Office of the Compliance Advisor Ombudsman (CAO).[64]

- In June 2022 we organised an in-person workshop for civil society organisations in Sarajevo, Bosnia and Herzegovina, in cooperation with CEE Bankwatch Network, the World Bank Accountability Mechanism and Inspection Panel, the Compliance Advisor Ombudsman and the Independent Project Accountability Mechanism of the European Bank for Reconstruction and Development (EBRD-IPAM). A total of 26 participants from 22 organisations based in Bosnia and Herzegovina, Croatia, Montenegro and Serbia contributed to fruitful exchanges during presentations and round-table sessions.

64. The CAO is the independent accountability mechanism for projects supported by the International Finance Corporation and the Multilateral Investment Guarantee Agency.

Group photo of IAM and CSO members at the outreach workshop in Lebanon in July 2022.

- In July 2022 we attended an in-person outreach workshop in Beirut (Lebanon) for civil society organisations of the Middle East and North Africa region. The event brought together 44 representatives of 27 civil society organisations from Egypt, Iraq, Jordan, Lebanon, Morocco, Tunisia and Yemen. The Compliance Advisor Ombudsman, in cooperation with the Arab Watch Coalition (AWC), took the lead in organising this event, joined by the World Bank Accountability Mechanism and Inspection Panel, the Asian Infrastructure Investment Bank's Project-affected People's Mechanism, and the Social and Environmental Compliance Unit of the United Nations Development Programme (SECU-UNDP).

  The interactive format enabled the participants to share their experiences of working with the mechanisms and discuss a report by Accountability Counsel and the Arab Watch Coalition titled "Our Last and Only Resort"[65], giving rise to exchanges on enhancing the effectiveness of accountability processes and transparency around development finance in the region.

- The dispute resolution team organised two online information sessions for local facilitators – one covering Southern and East Africa and one covering Asia – in April and December 2022 respectively. These two sessions aimed to strengthen the network of local facilitators supporting our work on the ground.

- In 2022 the Complaints Mechanism organised several training courses for staff: (i) training about reprisals, provided by Front Line Defenders; (ii) training on data protection in complaints handling, facilitated by the EIB Data Protection Officer; and (iii) in cooperation with the Dutch Entrepreneurial Development Bank (FMO), a tailor-made workshop from the Consensus Building Institute on best practices in dispute resolution and mediation techniques in the development context.

- In addition, our staff attended training and knowledge-sharing events covering various areas, such as gender-based violence, data protection in the European Union, human rights and environmental law. Dispute resolution team members made presentations on the use of alternative dispute resolution in international development to the European Union's Inter-Agency Legal Network and at a summer school on resettlement at Groningen University. They also presented the role, mandate and activities of the Complaints Mechanism at a legal advocacy training event for the global union federation in Kathmandu (Nepal).

65. https://www.accountabilitycounsel.org/2022/09/new-report-our-last-and-only-resort-examines-what-happens-when-development-goes-wrong-in-the-middle-east-and-north-africa/.

Group photo of IAM members at the IAMnet Annual Meeting in New York in November 2022.

Annual meeting of the independent accountability mechanisms network

The Independent Accountability Mechanisms Network (IAMnet) offers its 23 members a platform for cooperation and exchange, including on complaints and concerns related to co-financed projects.

The hybrid Annual Meeting of IAMnet took place in New York City in October 2022, hosted by the Social and Environmental Compliance Unit of the United Nations Development Programme. Representatives of independent accountability mechanisms discussed a range of topics including community access to remedies, the handling of complaints alleging sexual exploitation and abuse, and the balance between ensuring transparency while taking into account concerns about confidentiality and efficiency. The meeting also offered training on reprisals.

One day was dedicated to meetings between representatives of independent accountability mechanisms and civil society organisations from around the world. It was co-organised with Accountability Counsel and featured discussions about monitoring, independent accountability mechanism processes, reprisals, compliance review and dispute resolution.

Publications

- In 2022 we published a brochure on the Complaints Mechanism's approach to preventing and addressing reprisals. Article 2.6 of the Complaints Mechanism Policy states that complainants must not be subject to any form of retaliation, abuse or discrimination due to having exercised their right to complain. The brochure is available in English, French, Spanish, Arabic and Hindi.

- We also published a flyer describing the scope and principles of dispute resolution activities in general, and another flyer outlining the main characteristics of a mediation process.

- Lastly, we completed revisions of the German and French translations of the EIB Group Complaints Mechanism Policy and Procedures to accommodate gender-inclusive language.

ANNEX I – STATISTICS

GENERAL OVERVIEW

	2018	2019	2020	2021	2022
Open/ongoing at start of the year	101	89	60	43	43
Cases registered	108	84	77	64	54
Cases handled	209	173	137	107	97
Cases closed	120	113	94	64	53
Outstanding at end of the year	89	60	43	43	44

In 2022 the Complaints Mechanism handled 97 cases and closed 53 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 number of new complaints declined further, with 54 new cases registered by the Complaints Mechanism in 2022. Of the 47 complaints submitted directly to the Complaints Mechanism, we declared 34 admissible. Six of the new complaints were filed with the European Ombudsman, who declared five of them admissible.

The COVID-19 pandemic may have resulted in project-affected people having other priorities and remote communities having restricted access. No other explanations for the reduction in case numbers are apparent. The Complaints Mechanism is considered among the most accessible mechanisms in terms of admissibility criteria, and accepts complaints lodged by letter, fax, email or the complaints form on its website.

In 2022 we organised and/or participated in several outreach events with a view to raising awareness about the Complaints Mechanism (for more information, please consult the section titled "Outreach and other activities").

The Bank received its first inquiry from the Office of the United Nations High Commissioner for Human Rights. Following a similar approach to that used for European Ombudsman cases, the Complaints Mechanism coordinated with the relevant EIB services to prepare and finalise the EIB's reply.

	2018	2019	2020	2021	2022
Total complaints received	**108**	**84**	**77**	**64**	**54**
Complaints submitted directly to the Complaints Mechanism	**89**	**74**	**67**	**56**	**47**
Inadmissible	*14*	*24*	*27*	*17*	*13*
Admissible	**75**	**50**	**40**	**39**	**34**

Complaints brought before other institutions					
European Ombudsman	19	10	10	8	6
Inadmissible	*-*	*2*	*-*	*2*	*1*
Admissible	**19**	**8**	**10**	**6**	**5**
European Data Protection Officer	-	-	-	-	-
Aarhus Convention Compliance Committee	-	-	-	-	-
Office of the United Nations High Commissioner for Human Rights	-	-	-	-	1

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 (eib.org)*;*
- *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)

NEW COMPLAINTS DECLARED ADMISSIBLE BY THE COMPLAINTS MECHANISM IN 2022

Complaints by type

Complaints concerning the environmental and social impact of EIB Group-financed projects continue to represent the largest proportion of admissible complaints (68%). In percentage terms, complaints related to the governance of financed projects and human resources further decreased in 2022 compared to the previous years.

New admissible complaints	2018		2019		2020		2021		2022	
	n	%	n	%	n	%	n	%	n	%
Access to information **(A)**	2	3	4	8	2	5	1	2	2	6
Customer relations **(C)**	0	0	1	2	0	0	0	0	1	3
Environmental/social impact **(E)**	44	58	19	38	23	58	27	69	23	68
Governance of financed projects **(F)**	5	7	10	20	5	12	3	8	0	0
Own governance and administration **(G)**	0	0	11	22	7	18	3	8	7[66]	20
Human resources **(H)**	8	11	5	10	3	7	5	13	1	3
Own procurement **(R)**[67]	3	4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Procurement-related complaints **(P)**[68]	13	17	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	**75**	**100**	**50**	**100**	**40**	**100**	**39**	**100**	**34**	**100**

66. Including one complaint related to EIF-financed activities.
67. Following the approval of the Complaints Mechanism Policy in November 2018, complaints concerning own procurement have been classified under category G.
68. Since November 2018, complaints concerning procurement in projects financed by the Bank have been handled by the high-level, independent Project Procurement Complaints Committee, chaired by the Inspector General.

Project-related complaints by region

Of the complaints declared admissible by the Complaints Mechanism in 2022, 74% relate to EIB-financed projects. Most of these project-related complaints concern environmental and social impact (92%). Transport is the sector with the largest number of complaints (32%), followed by urban development (28%) and water and wastewater management (20%).

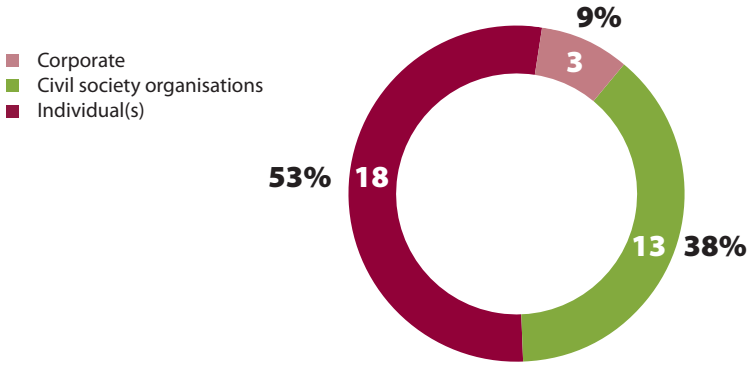
In 2022, 84% of project-related complaints concerned projects located beyond Europe (a higher proportion than in the previous four years). The number of complaints concerning projects in the Facility for Euro-Mediterranean Investment and Partnership (FEMIP) region rose from four in 2021 to 11 in 2022, although eight of those 11 complaints focused on the same project in Morocco (Zenata Urban Development).

	2018 (%)	2019 (%)	2020 (%)	2021 (%)	2022 (n)	2022 (%)
Asia	6	15	7	10	1 [69]	4
Eastern Neighbourhood	5	23	10	3	0	0
European Union	48	31	45	45	4	16
FEMIP	15	4	14	12	11 [70]	44
Latin America	0	0	0	10	1 [71]	4
Other	2	0	0	0	1 [72]	4
Sub-Saharan Africa	6	15	14	10	3 [73]	12
Western Balkans	18	12	10	10	4 [74]	16
Total	**100**	**100**	**100**	**100**	**25**	**100**

Complaints by origin

Similar to previous years, most complaints declared admissible in 2022 were lodged by individuals (53%); 77% of their allegations concerned E cases (environmental and social impact), 11% were G cases (own governance and administration), 6% were C cases (customer relations) and the remaining 6% were H cases (human resources).

Complaints submitted by civil society organisations increased to 38% of the total; their allegations mainly concerned E cases (82%), while all cases submitted by corporates were G cases.



69. India.
70. Egypt, Morocco and Tunisia.
71. Colombia.
72. Iceland.
73. Cameroon, Kenya and Malawi.
74. Serbia.

COMPLAINTS HANDLED[75]

After handling 97 cases in 2022 (vs. 107 in 2021), the number of outstanding cases at year-end 2022 was 44 (compared with 43 in 2021).

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

Handled complaints by type

	Complaints handled in 2021		Complaints handled in 2022	
	No.	%	No.	%
European Ombudsman **(EO)**	12	11	11[76]	11
Access to information **(A)**	2	2	3	3
Customer relations **(C)**	0	0	1	1
Environmental/social impact **(E)**	55	51	53	55
Governance of financed projects **(F)**	8	7	3	3
Own governance and administration **(G)**	7	7	9[77]	9
Human resources **(H)**	6	6	3	3
Inadmissible **(INA)**	17	16	13	1
Subtotal	**107**	**100**	**96**	**99**
Inquiry received from the Office of the UN High Commissioner for Human Rights	0	0	1	1
Total	**107**	**100**	**97**	**100**

In 2022, 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.

75. This includes cases still open at the end of 2021, complaints lodged with the European Ombudsman and the inquiry received from the Office of the United Nations High Commissioner for Human Rights.
76. Including one complaint concerning EIF-financed activities.
77. Including one complaint concerning EIF-financed activities.

CLOSURE OF REGISTERED CASES LODGED WITH THE COMPLAINTS MECHANISM

In 2022, the Complaints Mechanism closed 53 cases: 43 had been submitted directly to us and the other ten had been lodged with the European Ombudsman. Since 2020, the Complaints Mechanism has reached a more stable situation regarding the backlog of cases. The majority (59%) of the 44 complaints outstanding at the end of 2022 were cases registered during that year.

Conclusion of registered complaints [78]	2022	
	No.	%
Admissible cases		
No grounds	14	33
Friendly solution	7	16
Recommendation	5	12
Prevention	4	9
Financing request dropped by the promoter	1	2
Subtotal of admissible complaints	**31**	**72**
Inadmissible cases	*12* [79]	*28*
Total	**43**	**100**

In 12 of the closed cases, the Complaints Mechanism made suggestions for improvement.[80]

78. Annex III defines the outcomes for cases submitted to the Complaints Mechanism.
79. One of the 13 cases declared inadmissible by the Complaints Mechanism during 2022 was not formally closed until January 2023, when the notification was sent to the complainant.
80. In line with European Ombudsman 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

	2018	2019	2020	2021	2022
Open/ongoing at the start of the year	10	8	4	4	5
Received	19	10	10	8	6
Closed	21	14	10	7	10
Outstanding at the end of the year	8	4	4	5	1

Outcomes of closed European Ombudsman cases*

	2021	2022
Inadmissible**	2	1
Insufficient grounds to open an inquiry	1	0
Withdrawn by the complainant	0	0
Settled	2	2
No maladministration found	2	7
Recommendations	0	0
Suggestions for improvement	1	6

* Some complaints contain multiple allegations and 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.

** 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	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2022	Follow-up
Access to information												
SG/A/2021/01	ECP Africa Fund II PCC	Kenya	25/11/21	■	■			■				
SG/A/2022/01	Loan for SMEs & Priority Projects II	Serbia	04/02/22	■	■							
SG/A/2022/02	Akiira I Geothermal Power Plant	Kenya	09/06/22	■	■							
Customer and investor relations												
SG/C/2022/01	EIB Bonds	N/A	24/11/22	■								
Environmental, social and development impacts of financed projects/operations												
SG/E/2019/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	15/05/19	■	■	■	■					
SG/E/2019/07	Mariscina County Waste Management	Croatia	15/05/19	■	■			■	Recommendation	■	■	■
SG/E/2020/02	Nepal Tanahu Hydropower Project	Nepal	20/02/20	■		■	■					
SG/E/2020/04	Lebanon Round 1 Wind - Project I	Lebanon	19/03/20	■	■			■	Prevention		■	
SG/E/2020/06	SE Safety Improvement	Slovakia	07/05/20	■	■			■	No grounds	■	■	■
SG/E/2020/18	Divaca-Koper Second Rail Track	Slovenia	29/10/20	■	■			■	Recommendation	■	■	■
SG/E/2020/19	Divaca-Koper Second Rail Track	Slovenia	26/11/20	■	■			■	Recommendation	■	■	■
SG/E/2020/20	Lebanon Round 1 Wind - Project I	Lebanon	10/12/20	■	■			■	Prevention		■	
SG/E/2020/21	Autobahn A49 Fritzlar-Ohmtal Dreieck	Germany	16/12/20	■	■			■	No grounds	■	■	■
SG/E/2020/22	Cairo Metro Line 3 (Phase 3)	Egypt	16/12/20	■	■			■	Friendly solution	■	■	■
SG/E/2021/02	Autobahn A49 Fritzlar-Ohmtal Dreieck	Germany	04/02/21	■	■			■	No grounds	■	■	■
SG/E/2021/03	S2 Dénivellation de Huit Carrefours à Sfax	Tunisia	04/03/21	■	■		■	■				
SG/E/2021/05	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■					
SG/E/2021/06	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■					
SG/E/2021/07	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	18/03/21	■	■		■					
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	■	■		■					
SG/E/2021/15	Flood Protection Measures	Greece	26/07/21	■	■		■					
SG/E/2021/16	Malawi NRWB Water Efficiency Project	Malawi	26/07/21	■		■	■	■	Friendly solution		■	■
SG/E/2021/17	Flood Protection Measures	Greece	23/09/21	■	■		■					
SG/E/2021/18	AQP-Water Sector Upgrade Southern Italy	Italy	11/10/21	■	■			■	No grounds	■	■	■
SG/E/2021/21	Bogota Sustainable Transport FL	Colombia	28/10/21	■	■							
SG/E/2021/23	S4 Déviation ZARZIS	Tunisia	25/11/21	■	■		■					
SG/E/2021/24	Pedemontana Lombarda Toll Motorway PPP	Italy	25/11/21	■	■			■	No grounds		■	
SG/E/2021/25	Cairo Metro Line 3 (Phase 3)	Egypt	09/12/21	■	■		■*	■				
SG/E/2021/26	MBIRR Mobile Banking Service	Ethiopia	09/12/21	■	■							
SG/E/2021/27	Pedemontana Lombarda Toll Motorway PPP	Italy	09/12/21	■	■			■	Friendly solution		■	
SG/E/2022/01/PR	ISVAG Waste-to-Energy Plant	Belgium	05/01/22	■					Prevention		■	
SG/E/2022/02	Cairo Metro Line 3 (Phase 3)	Egypt	05/01/22	■	■							
SG/E/2022/03	Loan for SMEs & Priority Projects II	Serbia	04/02/22	■	■							
SG/E/2022/04	PV Hybrid Storage System Demo Project (EDP)	France	03/03/22	■					Financing request dropped by the Promoter		■	
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	■		■	■					

* A contracted consultant travelled on site on behalf of CM.

Reference number	Subject/Project	Project country	Registry date	Assessment	Investigation	Collaborative resolution	Site visit(s)	Consultation	Outcome	Suggestions for improvement	Closed during 2022	Follow-up
SG/E/2022/07	Zenata Urban Development Project	Morocco	31/03/22	■		■	■					
SG/E/2022/08	Zenata Urban Development Project	Morocco	02/05/22	■			■					
SG/E/2022/09	Bogota Sustainable Transport FL	Colombia	19/05/22	■								
SG/E/2022/10	Programme National Assainissement PNA II	Morocco	19/05/22	■					Prevention		■	
SG/E/2022/11a)	Zenata Urban Development Project	Morocco	27/06/22	■			■					
SG/E/2022/11b)	Zenata Urban Development Project	Morocco	27/06/22	■	■		■	■	No grounds		■	
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	■								
SG/E/2022/13	G1 Penetrante Sud	Tunisia	02/09/22	■								
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	Nachtigal Hydropower Plant	Cameroon	13/10/22	■								
SG/E/2022/17	Keflavik Airport Extension	Iceland	27/10/22	■								
SG/E/2022/18	Zenata Urban Development Project	Morocco	27/10/22	■								
SG/E/2022/19	Zenata Urban Development Project	Morocco	10/11/22	■								
SG/E/2022/20	G1 Penetrante Sud	Tunisia	14/12/22	■								
SG/E/2022/21	Belgrade Palilula Sewerage System	Serbia	22/12/22	■								
Governance aspects of financed operations												
SG/F/2020/05	ECP Africa Fund II PCC	Kenya	21/08/20	■	■			■	Recommendation	■	■	■
SG/F/2021/02	Toplofikacia CHP Project	Bulgaria	28/10/21	■	■			■	No grounds		■	
SG/F/2021/03	Post-Earthquake Reconstruction Framework Loan	Ecuador	15/12/21	■	■			■	Friendly solution		■	
Own governance/administration, including own procurement												
SG/G/2021/01	Failure to provide clear information to a loan request	Morocco	31/03/21	■	■			■	No grounds		■	
SG/G/2021/02	Shortcomings of EIB investigation on fraud allegations	Kenya	11/10/21	■	■			■	Recommendation	■	■	■
SG/G/2022/01	Media digital transformation	Belgium	17/02/22	■	■			■	No grounds		■	
SG/G/2022/02	Inclusive standards in selection process	Luxembourg	19/05/22	■	■			■	No grounds	■	■	■
SG/G/2022/03	ECP Africa Fund II PCC	Kenya	09/06/22	■	■			■	No grounds		■	
SG/G/2022/04	Failure to reply to a loan request	N/A	02/09/22	■	■				Friendly solution		■	
SG/G/2022/05	EIB investigation procedures	N/A	29/09/22	■	■			■	No grounds		■	
SG/G/2022/06	Venture debt application	N/A	24/11/22	■	■				Friendly solution		■	
Human resources												
SG/H/2021/03	Recruitment procedure	N/A	25/11/21	■	■			■	No grounds		■	
SG/H/2021/04	Eligibility criteria information	N/A	09/12/21	■	■			■	No grounds	■	■	■
SG/H/2022/01	Job application rejection	N/A	14/12/22	■	■				Friendly solution		■	
Inadmissible complaints (INA)												
SG/INA/2022/01	Attica landfill	Greece	17/02/22	■					Inadmissible		■	
SG/INA/2022/02	Payment issues	Kenya	13/04/22	■					Inadmissible		■	
SG/INA/2022/03	Reputation (anonymous)	Germany	09/06/22	■					Inadmissible		■	
SG/INA/2022/04	EU Funds	Spain	09/06/22	■					Inadmissible		■	
SG/INA/2022/05	Water Supply & Sanitation Programme	Nicaragua	27/06/22	■					Inadmissible		■	
SG/INA/2022/06	Akiira I Geothermal Power Plant	Kenya	27/06/22	■					Inadmissible		■	
SG/INA/2022/07	Radiant and Eldosol Solar PV Power Plants	Kenya	02/09/22	■					Inadmissible		■	
SG/INA/2022/08	State company	Ukraine	02/09/22	■					Inadmissible		■	
SG/INA/2022/09	SME Fund II	Syria	02/09/22	■					Inadmissible		■	
SG/INA/2022/10	Unpaid invoice	Morocco	27/10/22	■					Inadmissible		■	
SG/INA/2022/11	Magforce (EGFF)	Germany	27/10/22	■					Inadmissible		■	
SG/INA/2022/12	Livestock farms	Spain	14/12/22	■					Inadmissible			
SG/INA/2022/13	Alexandria Cement Company	Egypt	22/12/22	■					Inadmissible		■	
European Investment Fund (EIF)												
EIF/G/2022/01	Call for EoI – CEETT 2021/01	N/A	12/08/22	■								

Reference number	Subject/Project	Project country	Registry date	Allegation	Date decision	Outcome	Suggestions for improvement	Closed during 2022	Follow-up
European Ombudsman									
EO/1065/2020/PB	EIB disclosure of environmental information for direct financing	N/A	27/07/20	How the EIB discloses environmental information in relation to direct financing	21/04/22	No maladministration	■	■	■
EO/1251/2020/PB	EIB disclosure of environmental information for indirect financing	N/A	27/07/20	How the EIB discloses environmental information in relation to indirect financing through intermediaries	21/04/22	No maladministration	■	■	■
EO/1252/2020/PB	Refusal of the EIB to grant public access to minutes of meetings of the EIB Management Committee	Spain	27/07/20	Refusal of the EIB to grant public access to minutes of some meetings of the Management Committee held between December 2017 and March 2018	21/04/22	No maladministration	■	■	■
EO/2030/2020/NH	TAP-TANAP	Italy	28/05/21	Lack of climate change aspects assessment	27/04/22	No maladministration		■	
EO/1016/2021/KR	EIB's handling of a former VP's post-employment	N/A	24/06/21	EIB's handling of a former Vice-President's post-employment application to take a senior position at a national company that had received EIB loans	27/07/22	Settled	■	■	■
EO/837/2022/SF	Survivor pension	N/A	16/05/22	How the EIB deals with entitlements of former staff members' dependants	16/05/22	Inadmissible		■	
EO/529/2022/EIS	Recruitment	N/A	21/06/22	Withdrawal of a job offer as one condition was not complete	21/06/22	No maladministration		■	
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					
EO/SI/4/2021/MIG	Adequate Record-Keeping Rules and Practices	N/A	13/07/22	Recording of text and instant messages sent/ received by staff members in their professional capacity	13/07/22	No maladministration	■	■	■
EO/EIF/SI/4/2021/MIG	Adequate Record-Keeping Rules and Practices	N/A	13/07/22	Recording of text and instant messages sent/ received by staff members in their professional capacity	13/07/22	No maladministration	■	■	■
EO/1699/2022/PB	Failure to answer correspondence	N/A	12/10/22	EIB's failure to reply to a letter sent by a lawyer	10/11/22	Settled		■	

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					

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.
Investigation [81]	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: • the complaint points to a failure to comply with EIB relevant provisions; • outcomes are consistent with the desired effects of the EIB provisions; • EIB provisions are adequate to handle the issues raised by the complaint.
Collaborative resolution process [82]	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 concerned EIB services.
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.

81. www.eib.org/en/about/accountability/complaints/investigation/index.htm
82. www.eib.org/en/about/accountability/complaints/mediation/index.htm

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 take one or more specific actions with a view to fostering good administration.

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.
Prevention [83]	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/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/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 take one or more specific actions with a view to fostering good administration.

83. 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

2022

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