

ANNUAL REPORT 2018

COMPLAINTS MECHANISM

EUROPEAN INVESTMENT BANK GROUP

ANNUAL REPORT 2018

COMPLAINTS MECHANISM

European Investment Bank Group Annual Report 2018 on Complaints Mechanism

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Flowers from around the world decorate the covers of the European Investment Bank's main publications for 2019. Flowers remind us of life's diversity and beauty, and reinforce the importance of protecting our natural environment.

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The Complaints Mechanism report offers an overview of our actions in 2018 to address the public concerns that have arisen over EIB Group activities.

Established in 2008, the Complaints Mechanism is an operationally independent body that provides citizens with an outlet for complaints about the potentially negative consequences of our projects, whether they be social or environmental. Our job is to evaluate those complaints and to conduct investigations if necessary. We also provide complainants with procedures that allow their concerns to be heard and addressed.

This report is a summary of our work over the past year. It highlights areas in which we have made progress, such as dealing with a backlog of complaints and the closure of several highly complex cases, and general information about a redesign of our policies and our efforts to engage with the public.

The report is divided into sections that explain how we work and describe our activities last year, followed by descriptions of the cases we have closed or are currently working on. Cases concerning the European Investment Fund or Complaints Mechanism decisions that have been reviewed by the European Ombudsman come next. The final section of the report talks about our community outreach and our work with other accountability mechanisms. An annex at the end of the report provides an overview of our activity with key numbers and graphs.

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

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FOREWORD



Werner Hoyer
EIB President

The year 2018 marked the tenth anniversary of the European Investment Bank's Complaints Mechanism. To celebrate this important milestone for the Bank, we organised an event where representatives of the European Ombudsman, civil society, Independent Accountability Mechanisms (IAMs) of International Financial Institutions (IFIs), EIB management and other international organisations joined us in lively and open discussions on public accountability matters.

In November 2018, the boards of the EIB and European Investment Fund approved the revised EIB Group Complaints Mechanism Policy, marking another major milestone for the Complaints Mechanism. The policy underwent a public consultation with active engagement from civil society organisations and the European Ombudsman. The policy clarifies the way the admissibility of complaints is determined, while also

strengthening the independence and effectiveness of the Complaints Mechanism. In line with the good practices adopted by other IFIs, project-related procurement complaints are now handled through a separate procedure.

With 94 newly registered cases, the number of complaints received in 2018 continues to be high. The Complaints Mechanism managed to close a record 120 cases (72 in 2017), with 89 cases outstanding at the end of the year.

In 2018, we closed several very complex cases. Among them were Castor Underground Gas Storage, Ambatovy Nickel Mine, one of the Cairo Metro Line cases and the mediation process in the Mombasa Port Access Road in relation to the corrective action plan (CAP).

A particular emphasis was placed on the Mombasa mediation. This was the largest mediation exercise in the history of the Complaints Mechanism, with 316 affected persons ultimately involved and provided with access to a thorough process that they shaped themselves through mediation. This mediation concluded with the parties agreeing to implement corrective measures to redress the gaps already identified in 2017 concerning the compensation process for local communities.

At this point, we should emphasise the importance of having an independent and effective Complaints Mechanism – it is a sign of great institutional maturity. **In times of enhanced visibility of the EU bank and strong and widespread Euroscepticism, we need to hold ourselves to the highest standards of accountability.** For this, we must constantly evolve our institutional environment, identify our shortcomings and make the necessary improvements. This is very important for our institutional integrity.

We would furthermore like to congratulate our colleagues from the Complaints Mechanism for their important achievements in 2018, notably the tenth anniversary and related events, the new policy and the closing of a record number of cases, several of which were very complex. More importantly, I would like to thank them for their ongoing commitment to performing their tasks with the highest level of integrity and professionalism. To all of them, I convey the appreciation of my colleagues on the Management Committee.

HOW WE WORK

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

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

We operate as a **non-judicial and solution-driven mechanism** based on the **principles of independence and transparency**. Our role is to **investigate complaints** to ensure the EIB Group complies with its internal policies and procedures and to propose corrective actions if appropriate. Our reports are usually publicly available – when a complainant waives his or her right

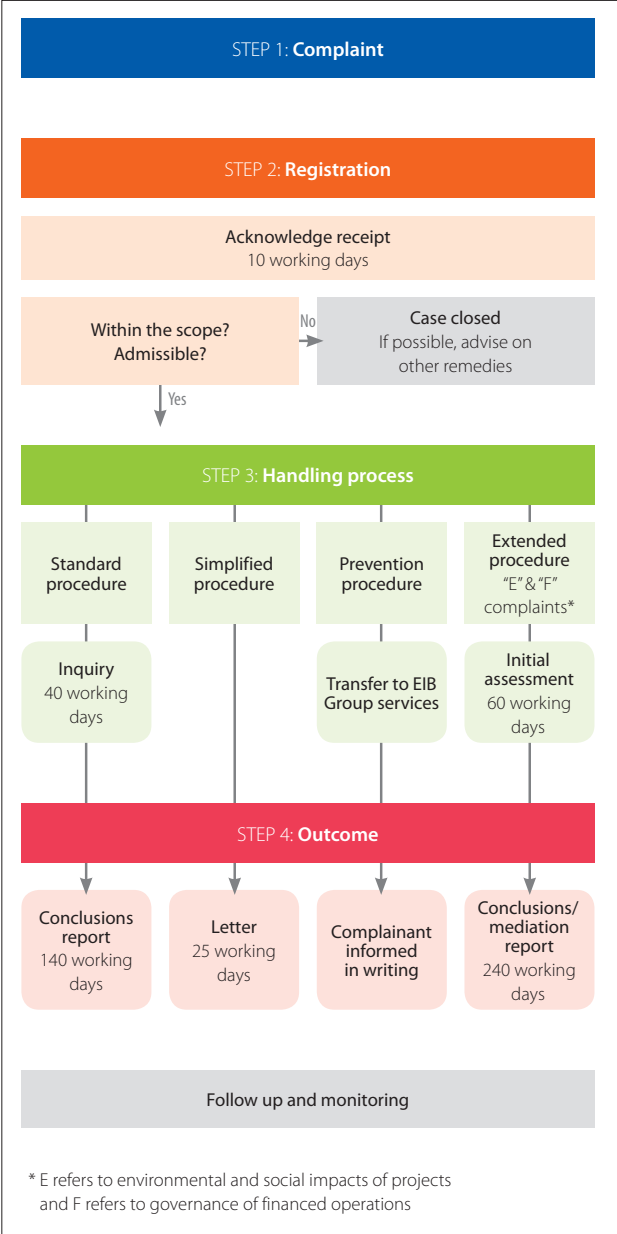


for the complaint to remain confidential – and provide information on the way the Bank operates and implements its policies. The Complaints Mechanism also enables the **pre-emptive resolution of disputes** between complainants, the EIB Group and its clients. In addition, the Complaints Mechanism helps the EIB Group to achieve the common goal of good administration by **advising on possible improvements** to its activities.

Our team receives complaints about a variety of topics concerning the projects financed by the Bank, including **a lack of consultation, environmental degradation, involuntary resettlement, and threats to community health and safety**. We also support complainants who encounter other issues in relation to EIB Group activities, such as difficulties in getting **access to information**.

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

In terms of the number of cases handled and problems resolved, the EIB Group’s Complaints Mechanism is one of the leading accountability mechanisms established by International Financial Institutions that operate under the network of Independent Accountability Mechanisms (IAMs). With our broad mandate, we review complaints across all of the EIB Group’s activities, and cooperate with the European Ombudsman, which can review the decisions made by our group. These attributes ensure a further degree of independence and accountability, making the Complaints Mechanism unique among IAM members.



THE EIB GROUP COMPLAINTS MECHANISM

OUR PLACE IN THE EIB GROUP

The EIB Group consists of the European Investment Bank (EIB) and the European Investment Fund (EIF). The Complaints Mechanism is the EIB Group's public accountability tool and performs its duties with full independence from the Bank's operations. The Head of Complaints Mechanism is also the Principal and, under the auspices of the Bank's independent Inspector General, is responsible for the management, development, implementation, and monitoring of the mechanism.

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



OUR ROLE IN THE EU

Since 2008, a Memorandum of Understanding has been in place between the EIB and the European Ombudsman on the handling of complaints. The memorandum states that a complaint about the EIB raised by the public should first be dealt with by the Complaints Mechanism. If the reply or delay is unsatisfactory, the complainant can address a complaint to the European Ombudsman. The ombudsman publishes all the cases handled and their outcomes in an annual report, taking into account the level of confidentiality of the cases.

As European Union institutions, the EIB and the EIF are committed to ensuring good administration and maintaining the highest level of accountability to the public, including people affected by projects.

WORKING WITH THE ACCOUNTABILITY NETWORK

As a long-standing member of the Independent Accountability Mechanisms Network (IAM Network¹), the Complaints Mechanism has both benefited from and contributed to the lessons learned and shared within this group, which represents the accountability mechanisms of International Financial Institutions. The IAM Network currently comprises 19 members, with the European Ombudsman also being part of the network.

While the IAM members share a common mission to independently assess complaints and respond to people's concerns, they function differently. For example, the Complaints Mechanism has distinct features in that complainants do not need to indicate the relevant rule or policy that may have been breached, and the issue cited does not need to be the direct result of a decision, action or omission by the EIB Group.

HOW WE HANDLE COMPLAINTS

After deciding on the admissibility of a complaint, the Complaints Mechanism carries out a preliminary review of the allegations. This process includes desk reviews, meetings with EIB Group services and meetings with external stakeholders on site, if necessary. After gather-

ing information, we decide whether further investigation is called for. Complex cases are given a longer time frame for response, and under the extended procedure, we can carry out an initial assessment. At the end of this process, we may prepare an Initial Assessment Report, laying out the appropriate next steps for handling the complaint. Next steps can include conducting a compliance review and/or proposing a mediation process.

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

As part of its problem-solving approach, complainants may propose to resolve the complaint through collaboration. The mechanism may also propose and facilitate this approach when it sees that the issues under consideration could be resolved with the participation of the parties involved. A mediation process can include various actions, such as the facilitation of information sharing, dialogue and negotiation, joint fact-finding and formal mediation. If an agreement is reached during mediation, a settlement agreement (which might be public or confidential) will detail the commitments and the timetable agreed by the parties participating in the process.

The Complaints Mechanism has two additional functions: advisory services and monitoring. Based on the findings of the complaints process, we are able to identify improvements. We provide our advice to senior management regarding issues of a systemic nature, together with our recommendations for resolving a specific case. The Complaints Mechanism also monitors closed complaints to ensure the follow-up measures agreed by the EIB Group and/or project promoter are implemented.

THE TEAM

The Complaints Mechanism team consisted of 18 staff members at the end of 2018. Staff members' diversity and variety of backgrounds – as well as their commitment to accountability – are our most important assets. We draw on their professional experience in law, environment, human rights, economics, project operations, audit, human resources and communication. The team's diversity includes 13 nationalities and languages spoken.

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

REVISION OF THE COMPLAINTS MECHANISM POLICY

The boards of the EIB and EIF approved the revised EIB Group Complaints Mechanism Policy in November 2018.

The revised policy improves the handling of complaints, strengthens the accessibility of the independent Complaints Mechanism and aims to ensure timely responses. In line with Article 5.3 of the former policy, the periodic revision of the policy aligns the Bank with the good practices of other accountability mechanisms.

On 29 May 2017, the Bank published a first draft of the revised policy on the EIB's website. The proposed modifications were presented to the public during a seminar organised at the Bank's office in Brussels on 29 June 2017. This draft formed the basis for the public consultation. In total, the EIB received 54 pages of contributions from 30 stakeholders, providing the Bank with rich and diverse feedback. Contributions came from representatives of non-governmental organisations and networks (28), as well as from individuals (2). The review and consultation process included two formal consultation meetings and diverse exchanges with the European Ombudsman.

The review's goal was to further improve the functioning of the Complaints Mechanism by incorporating developments and lessons learned during the implementation of the existing policy, and to make the policy more user-friendly.

In 2018, we also updated and revised our operational procedures. These include specific and stringent processing times depending on the type of process followed to handle the complaint. The revised procedures also bring more clarity to consultation time frames with internal and external stakeholders. These procedures went into effect at the same time as the new policy and are available on the Bank's website.

<https://www.eib.org/en/about/accountability/complaints/index.htm>

THE MAIN CHANGES:

- The Bank has set up a Project Procurement Complaints System to deal with project procurement complaints. A dedicated structure under the chairmanship of the Inspector General has been created outside the Complaints Mechanism and our mandate has been modified accordingly. Project procurement complaints are handled with special attention paid to processing times to allow for the potential redress of a procurement decision prior to the expiration of the tender and before the contract is signed;
- The definition of maladministration (poor or failed administration) has been reformulated to provide more clarity to this concept and how it applies to the Bank. The policy also includes examples of maladministration based on the practice of the European Ombudsman;
- The new “simplified procedure” facilitates the processing of straightforward cases that may be resolved easily in close cooperation with the services concerned;
- The policy clarifies the admissibility of complaints and the list of exceptions. It explicitly excludes from the Complaints Mechanism’s scope the admissibility of “Project Procurement complaints” and those related to the “Legality of EIB policies.” Under the new policy, the EIB’s Secretary General will address complaints challenging the legality of EIB policies approved by our governing bodies;
- The policy also more clearly defines the four functions of the Complaints Mechanism: complaints investigation, mediation, advisory and monitoring. It explicitly states that an investigation may also include a substantive review of compliance with standards. The policy also separates the Mediation Function from the Investigation Function for staffing and responsibilities;
- It expands communication with the governing bodies. The Complaints Mechanism will meet annually with the EIB Management Committee and EIF senior management. Twice a year, the Complaints Mechanism will submit a report to the EIB Board of Directors and the EIF Board of Directors. We will inform the governing bodies of the status and outcome of complaints that have been submitted to the mechanism and of complaints against the EIB Group that have been lodged with the European Ombudsman;
- The publication regime for complaints will change from a presumption of confidentiality to a presumption of disclosure, aligning it with the Bank’s Transparency Policy. Confidentiality of complaints will be maintained in specific situations (to avoid potential retaliation) or when requested by the complainant;
- As part of the consultation process, the EIB Group informed the public that it is open to establishing guidelines on tools and training at a group level for assessing retaliation risks, to prevent reprisals against complainants. In doing so, the EIB would align itself with the practices of other IFIs in the Independent Accountability Mechanism Network.

Maladministration refers to administrative irregularities, discrimination, unjustified refusals to provide information, abuse of power, unnecessary delays as well as a failure by the EIB Group to comply with its own obligations in the appraisal and monitoring of projects it finances, including those projects’ environmental and social impact.

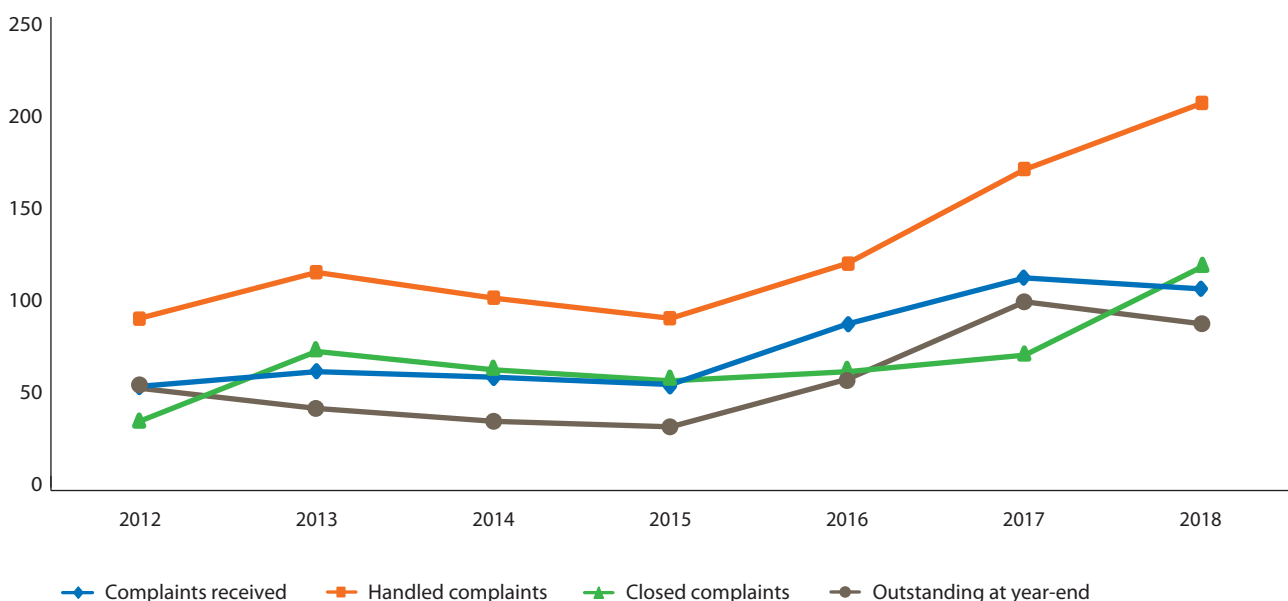


ACTIVITIES IN 2018

GENERAL OVERVIEW

As shown in the table below, the number of new complaints received remained high in 2018, despite a slight decline in new cases from 114 to 108. After handling 209 cases, the number of closed cases for the year reached 120, the highest level in the

Complaints Mechanism’s ten-year history. At 89, the number of outstanding cases at year-end remains high. We made good progress in actively addressing the backlog of cases in 2018 and efforts are underway to close all long-overdue cases during 2019.

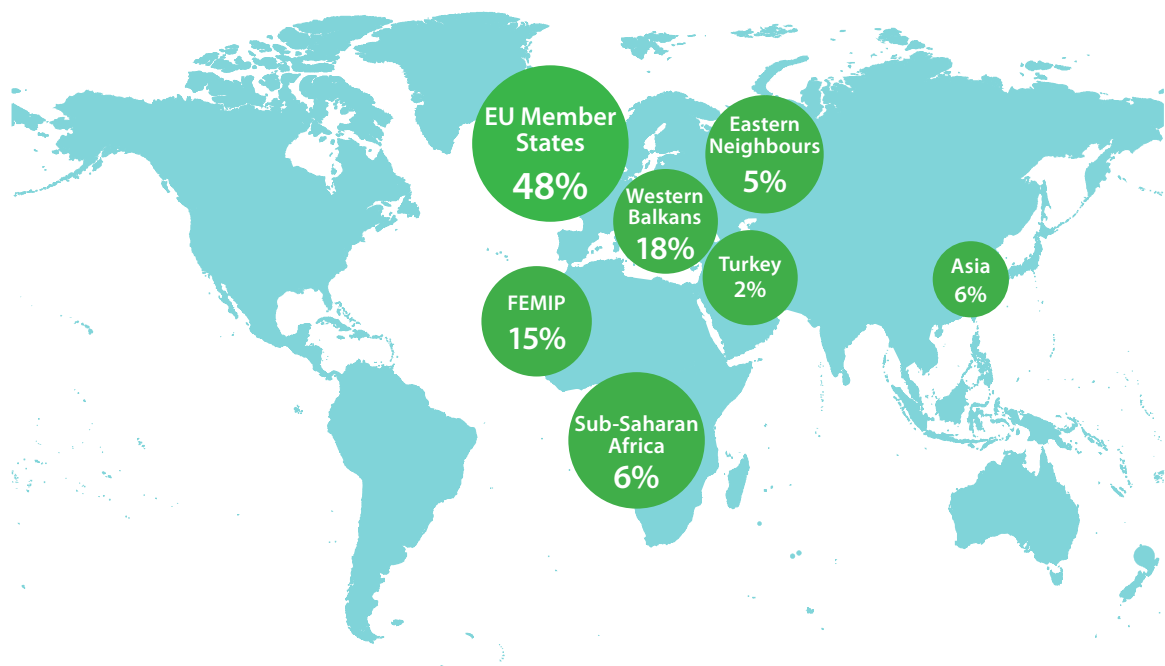




For new complaints received, the cases related to projects financed by the EIB in the categories of Environmental (E)², Procurement (P) and Governance (F) represent a large majority of complaints (82%).

Overall, individuals, followed by civil society organisations, submit the majority of complaints. These two stakeholders focus their complaints on environmental impact, while companies submit complaints mainly related to procurement.

By region³, the highest number of project-related complaints concern projects situated in the European Union (EU) (48%). Two projects financed by the EIB (the Trans Adriatic Pipeline and Spain Gas Network Expansion) account for half of complaints in the EU. The second-largest number of new complaints (17) comes from the Western Balkans. Many of those complaints relate to the transparency and fairness of procurement processes undertaken by promoters.



² The different types of complaints have a corresponding code in the registry number.

³ At an operational level, more than 90% of projects financed by the EIB are located in the EU. All of the EIF's activities take place in the EU.

COMPLAINTS INVESTIGATION FUNCTION

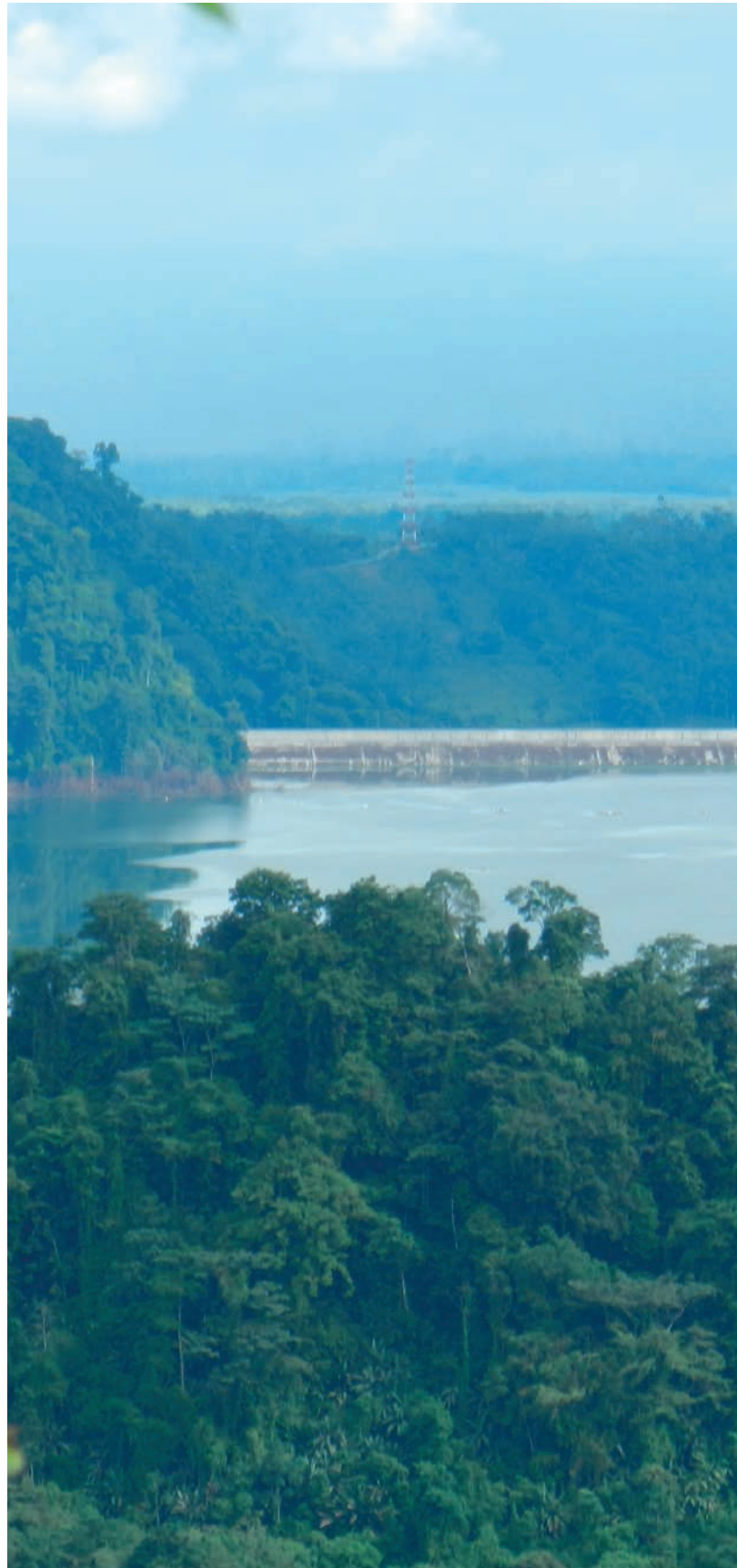
The Complaints Mechanism closed 53 cases spanning a variety of domains, countries and issues by completing an investigation and compliance review. Energy and transport are the sectors with the largest number of cases under investigation. The corresponding conclusions relate to cases that had been open for a number of years, such as Ambatovy Nickel Mining in Madagascar and Castor Underground Gas Storage in Spain. Furthermore, significant progress has been made in handling other complex cases like those concerning the Šoštanj Thermal Power Plant project (TĚS) in Slovenia and the Panama Canal Expansion project. The compliance review of the Cairo Metro Line project dealt with the evictions of traders in the suburb of Imbaba. The review was opened after an attempt to initiate a mediation process did not materialise. The case was closed in 2018 with recommendations that the Complaints Mechanism will follow up in 2019. In the transport sector, we handled several cases related to road infrastructure in Georgia, Armenia, Poland, France, Tunisia and Slovakia. Furthermore, we handled three access to information cases during 2018 (ETAP in Tunisia, Nam Theun in Laos and Nenskra HPP in Georgia).

MEDIATION FUNCTION

During 2018, our mediation officers continued their work on three mediations. In addition to the Cairo Metro Line (Egypt) and the Olkaria Geothermal Expansion (Kenya), we dedicated significant efforts to the mediation process of the Regional Mombasa Port Access Road (Kenya). The agreement reached by the parties (involving a community of mostly economically vulnerable people in Mombasa) is currently being implemented with the participation of both sides⁴. During this process, the mediation team carefully assessed the grievances of 316 individuals. Actions were coordinated with other project lenders and their respective accountability mechanisms.

We also worked closely with the Office of the Special Project Facilitator of the Asian Development Bank, which has been working with communities affected by the Ulaanbaatar Water project.

⁴ See "Mediation function" in chapter 5 for details.





EUROPEAN OMBUDSMAN

The number of cases brought to the European Ombudsman concerning EIB Group operations and activities grew significantly from 11 in 2017 to 19 in 2018, including four cases escalated to the ombudsman after the Complaints Mechanism had completed its review. Of the 29 cases handled by the ombudsman, 21 were closed. The largest portion of new cases concern issues related to EIB personnel matters (11) followed by governance (7) and access to information (1). Bearing in mind that the European Ombudsman's decisions may include more than one type of outcome, the ombudsman found in ten cases that there had been no maladministration by the Bank. The ombudsman found that eight cases had been settled by the Bank during assessment. While the ombudsman made suggestions to improve existing practices and/or policies at the Bank in six cases, it made specific recommendations in three cases. Two of these cases were related to delays in the handling of two separate complaints, which were finalised in 2018. Nevertheless, the ombudsman noted in its recommendations that changes in the revised Complaints Mechanism Policy should help reduce delays.

EUROPEAN INVESTMENT FUND

In 2018, we received four⁵ new complaints concerning the EIF's activities, which was one less than in 2017. After handling nine⁶ cases in total, eight⁷ cases were closed in 2018. Most of the complaints concerned EIF governance of its operations. More specifically, five of the complaints concerned calls for expression of interest for the selection of financial intermediaries. Three complaints were lodged by potential beneficiaries of EIF operations and one case concerned an EIF recruitment process. In two of the eight closed cases, the Complaints Mechanism identified areas for improvement.

⁵ Including one complaint that concerned both an EIB and EIF activity.

⁶ Including two complaints that concerned both an EIB and EIF activity.

⁷ Including two complaints that concerned both an EIB and EIF activity.

REVIEW OF CASES RELATED TO EIB ACTIVITIES

COMPLAINTS INVESTIGATION FUNCTION CLOSED CASES

Project: Castor Underground Gas Storage (2013)
Country: Spain
Allegations: Environmental & Social Impact [E]
and Bank's due diligence [F]



The project entailed the conversion of a former oil field ("Amposta") into a major natural gas storage facility. In December 2013, we received two complaints concerning the Bank's due diligence on the Castor Underground Gas Storage project after the Spanish authorities ordered the suspension of project activities in October 2013. The two complaints were submitted by Plataforma Ciudadana en Defensa de las Terres del Sènia (PCDTS), a local civil society association based in Alcanar, Tarragona, and an individual resident of Barcelona. The complaints concerned the Bank's appraisal of the project and environmental impact as well as issues concerning the economic, financial and legal viability of the project. Given the different regulatory framework of the allegations, the Complaints Mechanism registered and handled two separate cases.

Concerning the assessment of the environmental allegations, we found that overall the Bank appraised the project following its procedures and based on the assumption that the Member State had correctly implemented and enforced the relevant EU directives. We concluded that the allegations were unfounded, except for the absence of documentation on the internal analysis of some project effects. Based on the findings of our enquiry, we identified important lessons concerning the Bank's appraisal and monitoring activities. One of those was that the Bank should establish guidance for carrying out the assessment of whether the public consultation process was meaningful. In addition, the Bank's services should verify that the concerns and risks flagged as part of the stakeholder engagement process were adequately assessed and addressed by the promoter. During the course of the investigation, the Bank also confirmed that it had taken measures to engage geophysical consultants at the appraisal stage in the future.

Concerning the second case, the complainants challenged the Bank's project assessment of the project's investment costs, market and alternative investments. The complainants also raised issues with the Bank's review of the technical and financial capacity of the main investor and promoter of the project, and the legal framework of the concession. The Complaints Mechanism concluded that there was no maladministration by the Bank.



Project: [Ambatovy Nickel Mine \(2012\)](#)
Country: [Madagascar](#)
Allegations: [Environmental & Social Impact \[E\]](#)

The project concerned the development, construction and operation of a nickel mine. An individual residing in Madagascar filed a complaint with the Complaints Mechanism in 2012 about the environmental and social impact of the Ambatovy Nickel project.

Out of 13 allegations concerning the environmental impact, health and safety and involuntary resettlement, we concluded that the project complied with the applicable standards with respect to seven allegations. Furthermore, we concluded that issues related to four allegations had been resolved during the complaints handling procedure, including leakages of the pipeline leading to the tailings facility, where mining residue is deposited. We noted during the investigation that the promoter had taken steps to address the occurrence of leaks.

The Complaints Mechanism concluded, however, that the project was not in line with applicable EIB standards with respect to two allegations. One of them concerned the breach of standards related to the manganese levels of the project's tailings facility. The second allegation concerned occasionally high levels of sulphur dioxide. On the second allegation, we took note of recent improvements to the project's processing plant emergency preparedness and emergency response system although it was not clear whether the measures fully addressed the problems.

We therefore recommended the inclusion of the project in the EIB's implementation problem list and the enhancement of monitoring, with the aim of bringing it into line with the applicable standards. We are monitoring the implementation of our recommendation.





Project: Cairo Metro Line (Phase 3) (2016, 2017 and 2018)

Country: Egypt

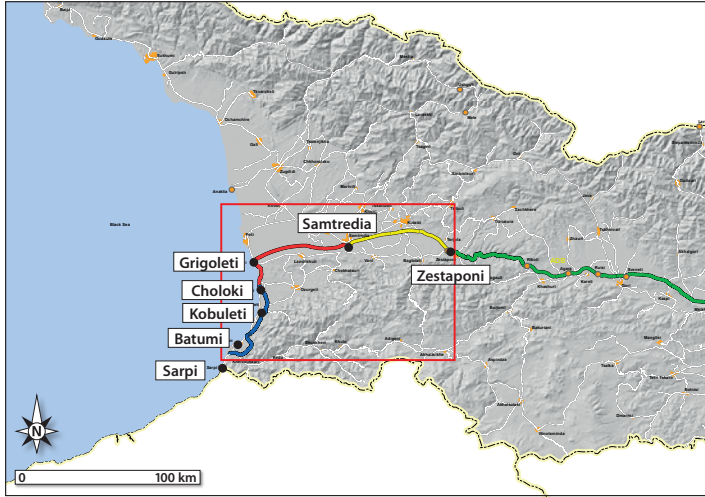
Allegations: Environmental & Social Impact [E] during the involuntary resettlement

The project involves the design, construction and commissioning of the Greater Cairo Metro Line 3 Phase 3 (15 stations), as well as the acquisition of trains and other rolling stock to be used on the line. We handled five different complaints concerning this project during 2018.

Last year, we closed the 2016 complaint concerning the involuntary resettlement of the market traders around the El Bohy station. The Complaints Mechanism had already issued an Initial Assessment Report (November 2017) and opened a formal dialogue between the parties that had to be suspended in January 2018. We subsequently performed a compliance review and found that several aspects of the implementation of the resettlement did not comply with the Bank's social standards. These concerned the forced eviction of the traders, the irregular process of public engagement, and the delay in providing adequate compensation to economically vulnerable members of the community. The Complaints Mechanism also noted that the Bank had dedicated considerable effort to resolving the issues of providing guidance and technical assistance to the project promoter.

As of November 2018, people affected by the project started to receive compensation. We recommended that the Bank prepare an action plan to monitor the implementation of compensation measures closely. During the monitoring, the Bank should focus not only on the details of the implementation and compensation but also on the overall effect that relocation had on the people affected by the project and the restoration of their livelihoods. The mechanism will follow up on these recommendations in 2019.

By year-end, four other complaints for the same project remained open and were under investigation.



Project: Georgia East-West Highway (2017)
Country: Georgia
Allegations: Environmental & Social Impact [E] as the result of expropriation

We handled two complaints regarding the Georgia East-West Highway project. The project financed by the EIB concerns the upgrading and improvement of a 52 km section of the highway between the towns of Samtredia and Grigoleti.

The two complaints relate to the expropriation of land carried out during the construction of the road. In one of the complaints, we found that the complainant, who is the owner of the expropriated land, was left with a piece of land that had been rendered inaccessible and therefore unusable. The situation violated EIB social standards that seek to mitigate the adverse effects of relocation, such as the affected person's loss of assets or access to those assets and/or restrictions of land use. As a result, we recommended that the Bank's services work with the promoter to address the complainant's specific case and find an acceptable solution to his situation in line with the EIB's social standards. We are monitoring the implementation of our recommendation.

An individual without a title to the land submitted the second complaint. The complainant alleged that his undocumented business activity was negatively affected by the project and, therefore, he should be compensated. The Complaints Mechanism found that the promoter had assessed the complainant's situation in accordance with national law. We suggested, however, that the Bank guide the promoter in carrying out a new assessment of the situation taking into account EIB social standards. The Bank standards apply to affected persons regardless of the legality of their existing situation.

Project: ETAP South Tunisian Gas (2016)
Country: Tunisia
Allegations: Access to Information [A]

CEE Bankwatch Network submitted a complaint concerning a natural gas project in Tunisia being developed by a joint venture with public and private investors. CEE, an environmental network, contested the EIB's decision to refuse to fully disclose the Results Measurement Framework ("ReM"), an EIB internal document that summarises the major economic and development impact of the projects financed outside the EU, for the ETAP South Tunisian Gas project.

The complainant alleged that the EIB's decision amounted to an instance of maladministration and claimed that the Bank should (i) disclose the full ReM of the project and (ii) establish a general practice of publishing ReMs following the signature of loan agreements.

With regard to the first claim, the Complaints Mechanism's enquiry concluded that the Bank had granted partial access to the project ReM in compliance with the EIB's Transparency Policy and the applicable EU laws. As a result of our enquiry, the Bank decided to disclose the available information on the project's estimated revenues.

With regard to the second claim, the Complaints Mechanism noted that the External Lending Mandate regulating the Bank's activities in the Neighbourhood region does not require the Bank to publish ReMs. At the same time, ReMs *per se* do not contain environmental information that falls under the Bank's transparency obligation under the Aarhus Regulation, which calls for public consultation on environmental matters, among other things. For private-sector counterparts, ReMs may contain commercially sensitive information, the disclosure of which should be thoroughly assessed on a case-by-case basis, with a view to protecting the legitimate economic interests of the Bank's counterparts.

Based on this assessment, the Complaints Mechanism closed the case in August 2018.



Project: [Nam Theun 2 Hydroelectric \(2016\)](#)

Country: [Laos](#)

Allegations: [Access to Information \[A\] and monitoring; Environmental and Social Impact \[E\]](#)

The project concerns the development, construction and operation of a dam and a large hydroelectric power plant. In 2016, CEE Bankwatch Network lodged a complaint about this project, criticising the EIB's (i) reporting on the project to the European Commission, the European Parliament, the European Council and the public; (ii) compliance with the applicable transparency requirements; and (iii) monitoring of the project's compliance with the Bank's environmental and social standards and contractual commitments.

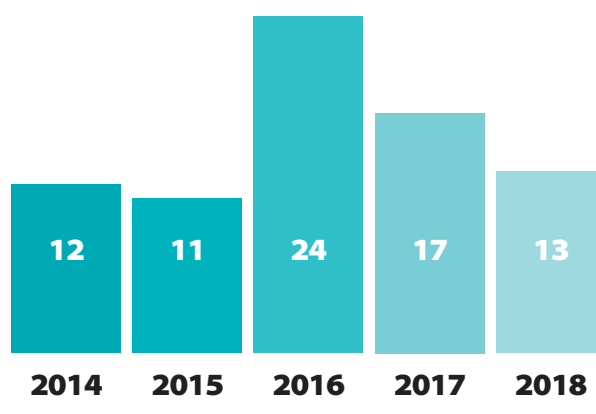
Given the scope of each allegation, we split the complaint into two parts. The first part dealt with transparency issues, and we concluded that the Bank had fulfilled its transparency obligations. Based on the considerations above, we closed the case without recommendations.

The second part dealt with the issues related to reporting to EU bodies and the monitoring of the environmental and social impact. We found that the Bank had no obligation to report the environmental and social impact to EU bodies under the framework of the External Lending Mandate. However, we noted that the Bank had taken the initiative to make some information in this area public. We also found that the monitoring framework had relied heavily on seeking synergies with other International Financial Institutions. We then concluded that the EIB was in broad compliance with its procedures and policies. As the existing monitoring framework was changing, the Bank confirmed that it would assess any future role and monitoring activities in line with its policies and contractual agreements under the new framework.

OVERVIEW OF PROJECT PROCUREMENT [P] CASES

As shown in the table below, in 2018 the Complaints Mechanism received 13 new complaints concerning procurement in EIB-financed projects. Sixteen complaints were carried over from previous years, leading to 29 complaints being handled. Of these 29 cases, 13 were handled under the Preventive⁸ (PR) window. We closed 24 cases, ten of which were preventative. Geographically, most of the complaints originated from projects in the Western Balkans, including eight handled by EIB Group services under the PR window.

REGISTERED COMPLAINTS CONCERNING PROCUREMENT OF EIB-FINANCED PROJECTS



Among the complaints fully investigated by the Complaints Mechanism, the investigations of 12 complaints led us to conclude that the allegations were unfounded, and one was closed with a friendly solution where the promoter took corrective actions to address the complaint.

One case was found to have merit. The complaint refers to the Bank's financing of water and sanitation services in Bosnia and Herzegovina, alleging irregularities in the tender procedure and challenging the transparency of the procurement procedure. In our conclusion, we stressed that in the future EIB services should require promoters to supply sufficient information showing that refusal to grant access to information about the winning bid complies with national laws.

Following the approval of the revised Complaints Mechanism Policy in November 2018, we no longer handle project procurement complaints. A new independent committee within the EIB has been established for this purpose. However, complaints lodged prior to 13 November 2018 remain under our purview until their closure. At year-end, five cases that fall under the previous policy remained to be finalised.

⁸ Prevention: When the Bank is yet to provide its non-objection to the procurement process, the allegations are transferred to the EIB Group's services for further action and to respond to the complainant. The Complaints Mechanism informs the complainants that the concerns were transferred to the appraisal team and that complainants could still consider reverting to the Complaints Mechanism if they consider the EIB's action/reply unsatisfactory. The Complaints Mechanism then follows up with the relevant service to establish that the complainant has been given a response.

ONGOING CASES



Project: [Nenskra Hydropower \(2018\)](#)

Country: [Georgia](#)

Allegations: [Access to Information \[A\]](#) and [Environmental and Social Impacts \[E\]](#)

The project involves the construction of a 130 m dam, a 3 km² reservoir and a 280 MW hydropower plant on the Nenskra River in the Svaneti region of north-western Georgia.

In March 2018, CEE Bankwatch Network filed a complaint alleging that the Bank failed to comply with its Transparency Policy, in particular Article 5.22 that provides for disclosure of requested documents within a 15 working day period. Having subsequently received a response from the Bank, the complainant further alleges that the Bank failed to interpret strictly those provisions of the EIB Group Transparency Policy that ensure the right of access to information. By December 2018, the Complaints Mechanism had initiated the consultation process of its Conclusions Report.

In June 2018, CEE Bankwatch filed a second complaint regarding this project. The group submitted the complaint on behalf of four affected individuals, who identified themselves as belonging to the Svan ethnic group. The complainants allege that the project violates EIB social standards, including a failure to categorise the Svans as indigenous peoples; a failure to assess and limit the adverse impact of the project on the Svan community; inadequate stakeholder engagement; and a failure to assess project alternatives. At year-end, we were carrying out an initial assessment of the complaint.



Project: County Waste Management Centre in Marišćina (2013)
Country: Croatia
Allegations: Environmental Impacts [E]

In 2013, we received a complaint from a Croatian NGO concerning the County Waste Management Centre project in Marišćina.

The complaint concerned the project's implementation, environmental impact, investment costs and the waste management technology used.

After a trial period, the centre began operating in February 2017. In 2018, we finalised our review of compliance with applicable project standards and initiated the consultation process of the Conclusions Report.

By year-end, we were preparing to present the report to the Management Committee.



Project: Nepal Power System Expansion (2018)

Country: Nepal

Allegations: Environmental and Social impacts [E]

In October 2018, we received a complaint from the FPIC and Rights Forum, on behalf of local communities in Nepal. The complaint was supported by the civil society organisations LAHURNIP and Accountability Counsel. The complainants submitted a request for mediation regarding the 220 kV Marsyangdi Corridor transmission line, which the EIB is funding.

Because some of the local communities affected by the project are indigenous, the complainants allege that the compensation process, benefit-sharing scheme and census do not comply with EIB standards. In addition, the groups allege that the indigenous communities were not consulted, as called for under Free Prior and Informed Consent (FPIC) rules, and criticise the lack of preparation of a complete assessment of the project's environmental and social impact.

Since receiving the complaint, the Complaints Mechanism has been in contact with the complainant and other people affected to gain a thorough understanding of the issues raised in the complaint.

By year's end, we were preparing an initial assessment and were planning to visit the site in the first quarter of 2019.



Project: Trans Adriatic Pipeline (2018)

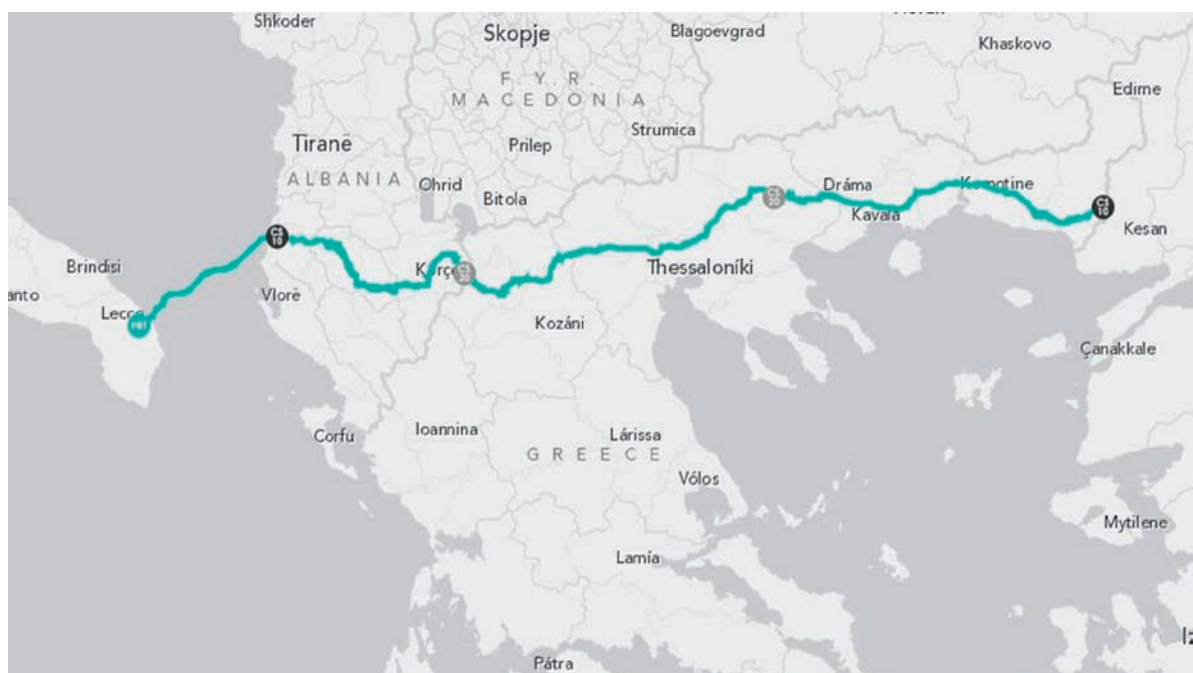
Country: Greece, Italy

Allegations: Environmental and Social impacts [E]

In 2018, we received 13 new complaints lodged by individuals from Italy (11) and Greece (2). Seven complaints filed in 2017 by individuals from Italy were carried over to 2018, increasing the number of complaints to 20.

The project consists of the construction of the Trans Adriatic Pipeline (TAP), which is the western section of the Southern Gas Corridor. An initiative of the European Union, the Southern Gas Corridor is a natural gas supply route that will stretch from the Caspian Sea to Europe. The pipeline, which is approximately 878 km long, starts at Kipoi in Greece on the Turkish border and crosses northern Greece, Albania and the Adriatic Sea before connecting to the Italian gas transmission network near Lecce in southern Italy.

The complaint concerned the impact on the environment, health and safety and poor public consultation. In 2018, the Complaints Mechanism conducted a stakeholder engagement with the complainants regarding the project section in Italy. As part of this engagement, we contacted all the complainants to gather their views, clarify their allegations and explain the mandate of the Complaints Mechanism. We finalised our initial assessment of the complaint and initiated an investigation in December 2018.



Source: Trans Adriatic Pipeline AG

Project: [Reventazón Hydroelectric \(2016\)](#)
Country: [Costa Rica](#)
Allegations: [Environmental and Social impacts \[E\]](#)

A new 305 MW hydropower plant, dam and reservoir were built on the Reventazón River in the Limón Province of Costa Rica. In September 2016, an owner of one of the farms in the vicinity filed a complaint concerning the alleged negative environmental and social impacts of the project. The complainant presented four main allegations: (i) non-compliance with the EIB's standards concerning environmental protection; (ii) failure to reconstruct the Mesoamerican Biological Corridor; (iii) non-compliance with the obligation to remove the vegetation from the reservoir area; and (iv) failure to conduct land acquisition in line with the EIB's standards.

We are assessing whether the Bank complied with the assessment and monitoring of the environmental and social impacts of the project according to the EIB's environmental and social standards. In November 2016, the Complaints Mechanism carried out a joint fact-finding mission with CAO and MICI, the accountability mechanisms of the International Finance Corporation and the Inter-American Development Bank respectively, which are also financing elements of the project. We issued the Initial Assessment Report in 2017. During the investigation, we engaged independent experts to advise on the issues related to environmental protection and climate change mitigation, raised in the complaint letter. Our investigation is ongoing.



Project: [Spain Gas Network Expansion II \(2018\)](#)
Country: [Spain](#)
Allegations: [Environmental and Social impacts \[E\]](#)

An investment programme is reinforcing and extending natural gas distribution networks across 11 Spanish regions. From 7 February to 2 March 2018, the Bank received ten complaints of similar or identical content relating to the promoter's expansion into newly licensed areas of the Canary Islands. The complaints make a number of allegations of non-compliance with EIB policy and objectives, particularly with the EIB's assessment of the project and the due diligence performed for the proposed financing. By year-end, the Complaints Mechanism was preparing its initial assessment of the case.



Project: [Grand Contournement Ouest de Strasbourg \(2016\)](#)

Country: [France](#)

Allegations: [Environmental and Social impacts \[E\]](#)

In 2016, we received a complaint from an NGO concerning a project to build a 24 km motorway that will bypass Strasbourg to the west. The complaint concerns a number of issues, such as the project's impact on biodiversity and the limited impact on traffic congestion. In August 2018, the competent French authorities authorised the works. Following the initial assessment, we initiated a compliance review of the project in 2018, looking at applicable standards and engaging a team of experts. Our investigation is ongoing.



MEDIATION FUNCTION

CLOSED CASES

Project: Regional Mombasa Port Access Road (2017)

Country: Kenya

Allegations: Environmental and Social impacts [E] during involuntary resettlement

The project concerns widening about 41 km of an existing road between the Port of Mombasa and the town of Mariakani in south-east Kenya. In November 2017, we finalised an Initial Assessment Report of 13 complaints over the compensation and valuation process as part of a 2016 corrective action plan (CAP) dealing with forced evictions that occurred in May 2015. We proposed a mediation process to deal with the complaints, which was accepted by the complainants and the promoter in late 2017.

The mediation process involves KeNHA (Kenya National Highways Authority) and the individuals concerned. With the agreement of both parties, the mediation process was extended to all subsequent complaints related to the CAP that had been filed with the Complaints Mechanism. The mediation process aired and handled the grievances of 316 people affected. This process led to the signature of a partial agreement in June 2018 and to the signature of the final settlement agreement in August 2018.

We have been monitoring the implementation of the agreements and notably the analysis of the individual complaints with a final report for each complaint to be delivered in the first quarter of 2019.

The Mediation Report is available online⁹.

⁹ <https://www.eib.org/attachments/complaints/2018-11-16-complaints-mombasa-port-access-road-mediation-report-final.pdf>



ONGOING CASES



Project: Ulaanbaatar Water, Wastewater and Sanitation (2018)

Country: Mongolia

Allegations: Environmental and Social impacts [E] during involuntary resettlement

In March 2018 OT Watch, a Mongolian environmental and human rights group, filed a complaint on behalf of 119 residents of the Ger residential district near Ulaanbaatar affected by a project to build a water, wastewater and sanitation centre. The complaint alleged that the promoter had failed to disclose information about the project and had violated property rights. Under the lead of the Asian Development Bank's dispute resolution group, the Office of the Special Project Facilitator, we are closely coordinating a dispute resolution process between the complainants and the promoter.

A Memorandum of Understanding was signed on 2 July 2018 by various project stakeholders, including the complainants and their representatives. The memorandum served as a guiding document for case-by-case negotiations initiated in June 2018 and concluded on 14 September 2018.

Out of 110 individual claims, 93 were resolved.

The Office of Special Project Facilitator of ADB will continue to monitor the agreed action plan and will proceed to close the case after all agreed actions are implemented. We are in close contact with the office to follow up on the implementation of the agreement.



REVIEW OF CASES RELATED TO EIF ACTIVITIES

In 2018, the Complaints Mechanism received four¹⁰ new complaints concerning EIF activities. Five complaints were carried over from 2017, bringing the total to nine¹¹ complaints handled in 2018. Most of the complaints concerned EIF governance of its operations. Specifically, five complaints concerned calls for expression of interest for the selection of financial intermediaries, three complaints were lodged by potential beneficiaries of EIF operations and one concerned an EIF recruitment process.

We closed eight¹² complaints last year. In four complaints, we concluded that the allegations were unfounded. One case related to the rejection of a student's request for an Erasmus and Master's degree loan. This issue was resolved during the complaints handling process as the intermediary bank ultimately agreed to provide the loan. In two complaints, the Complaints Mechanism suggested areas for improvement, although we did not identify any failure in the EIF's due diligence. One remaining case was declared inadmissible.

¹⁰ Including one complaint concerning both an EIB and EIF activity.

¹¹ Including two complaints concerning both an EIB and EIF activity.

¹² Including two complaints concerning both an EIB and EIF activity.

HIGHLIGHTS OF EIF COMPLAINTS

1) CALLS FOR EXPRESSION OF INTEREST

Two complaints lodged in 2017 and closed in 2018 concerned two different calls for expression of interest for the selection of financial intermediaries. The complainants challenged the evaluation procedure conducted by the EIF and said the EIF had not provided the specific reasons for rejecting their respective applications.

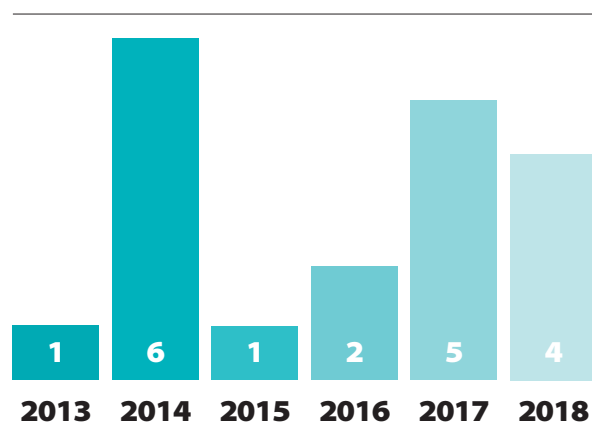
The assessment carried out on the above-mentioned complaints showed no evidence to substantiate that the EIF failed to properly ensure intermediaries were selected in an open, transparent, proportionate, non-discriminatory and objective manner. However, the Complaints Mechanism identified some areas for improvement in relation to the evaluation process. Therefore, we suggested that the EIF provide detailed explanations in writing to applicants that request clarifications on why they were not selected.

2) SELECTION CAMPAIGN

In March 2018, an applicant in an EIF recruitment campaign lodged a complaint requesting an investigation into whether the selection process at the EIF had been performed according to the Fund's applicable procedures. The complainant also challenged whether the recruitment decision was based on professional experience.

We performed a compliance review and concluded that the allegations were unfounded.

NUMBER OF RECEIVED COMPLAINTS



EUROPEAN OMBUDSMAN AND OTHER NON-JUDICIAL REVIEW MECHANISMS



GENERAL OVERVIEW

As in 2017, no cases against the Bank were brought before the European Data Protection Supervisor (EDPS) or the Aarhus Convention Compliance Committee in 2018. However, the Complaints Mechanism received 19 new complaints (11 in 2017) against the EIB lodged with the European Ombudsman. Of these new complaints, four were previous complaints handled by the Complaints Mechanism that had been escalated to the ombudsman (6 in 2017).

Of those complaints, 11 (4 in 2017) concerned personnel-related cases; seven concerned the EIB's own governance (7 in 2017) and one case related to access to information. In 2018, the ombudsman closed 21 cases (6 in 2017).

Bearing in mind that some complaints contain multiple and diverse allegations, which may result in different outcomes, the cases closed by the ombudsman in 2018 came to the following conclusions:

- Insufficient grounds to open an inquiry: 1 (0 in 2017)
- Withdrawn by complainant: 1 (0 in 2017)
- No maladministration: 10 (2 in 2017)
- Settled: 8 (3 in 2017)
- Recommendation: 3 (1 in 2017)

In six of the cases closed in 2018 (0 in 2017), the European Ombudsman made suggestions for improvement. The ombudsman often makes suggestions for improvement in the EU administration, regardless of the case outcome.

HIGHLIGHTS OF EUROPEAN OMBUDSMAN CASES

Main areas of the ombudsman's 2018 inquiries:

- the implementation of the EIB anti-harassment policy and procedures
- the Transparency Policy of the EIB
- the effectiveness of the EIB Group Complaints Mechanism
- gender equality

IMPLEMENTATION OF THE EIB ANTI-HARASSMENT POLICY AND PROCEDURES

In 2018, the ombudsman closed two cases alleging irregularities at the Bank in a Dignity at Work Procedure. In its decisions, the ombudsman concluded that the EIB had committed no maladministration in the way it had handled the contested procedure.

On the same topic, the ombudsman also launched a Strategic Initiative in 2018 that addressed 26 EU institutions and bodies, including the Bank, on Dignity at Work across the EU civil service. In addition to inquiries into specific complaints, the ombudsman can proactively work on broader strategic issues. This is done by carrying out strategic investigations – on its own initiative – aiming to draw attention to matters of public interest.

The Strategic Initiative was closed without finding maladministration. The initiative made a number of suggestions for improvement, outlining best practices in preventing and dealing with harassment and eliminating it from the EU civil service. The EIB welcomed the ombudsman's initiative. It is worth noting that the majority of best practices that the ombudsman identified are already implemented by the EIB Group. The remaining practices will be used to guide the EIB's new policy and procedures on Dignity at Work, which are currently being prepared.

THE EIB'S TRANSPARENCY POLICY

The European Ombudsman closed a complaint concerning the alleged non-compliance of the EIB's Transparency Policy with EU and international law on access to information, an allegation that the EIB decided not to address.

The ombudsman considered that the adoption of the Transparency Policy constituted no maladministration. It also concluded that through its new Complaints Mechanism Policy, the EIB had settled the issue of how to address public concerns on the legality of internal EIB policies and how it communicates the outcome of admissibility decisions by the Complaints Mechanism. The ombudsman did, however, make the following suggestions for improvement:

- (i) The Bank should remove from its Transparency Policy the presumption of confidentiality of information/documents collected or generated during inspections, investigations or audits after these have been closed;
- (ii) The Bank should clarify the provisions of the Transparency Policy concerning intermediated loans and the deadline for handling information requests;
- (iii) The Bank should inform complainants of the purpose of the acknowledgement of receipt, particularly when the acknowledgement does not communicate whether the complaint is admissible or not.

The EIB noted the suggestions, which would imply a partial redrafting of the current EIB Group Transparency Policy. A review of this policy is expected to take place in 2020 and the European Ombudsman will be invited to contribute.

With regard to the suggestion for improvement concerning information given to complainants, the Bank implemented those changes with its new Complaints Mechanism Policy and Procedures.



EFFECTIVENESS OF THE EIB GROUP COMPLAINTS MECHANISM

The European Ombudsman concluded two cases concerning the effectiveness of the Complaints Mechanism and, in particular, the Bank's delays on cases concerning the Ambatovy Nickel Mining Project in Madagascar (146/2017/DR) and the Castor Project in Spain (814/2017/PL).

In both cases, the ombudsman found that the Bank's failure to make a final decision on the complaints within a reasonable period of time constituted maladministration. The ombudsman issued the following recommendation: *"The Ombudsman welcomes the EIB's efforts to improve the rules governing how the CM deals with complaints. She expects that its new Policy and Procedures will help remedy the shortcomings identified in this inquiry. Where there are disagreements between the CM and other EIB departments, the EIB should resolve the matter as quickly as possible, submitting it to the Management Committee if necessary."*

The Bank used the opportunity presented by the review of the Complaints Mechanism Policy to reflect on the delay experienced in these cases as well as other complex cases. The new Complaints Mechanism Policy and Procedures provide a clear framework for dealing with the potential challenges of complex complaints. The Bank shall be able to process complaints with many diverse allegations in a clearer, more predictable way. The Bank's services will also have a clear and firm time frame for the internal review of the Complaints Mechanism draft Conclusions Report.

GENDER EQUALITY

The European Ombudsman closed a complaint alleging the lack of equal opportunities for EIB employees and challenging the functioning of its whistleblowing procedure (366/2017/AMF).

The ombudsman found that the manner in which the Bank dealt with the whistleblowing complaint constituted maladministration and issued a recommendation. The ombudsman said the EIB should reply to the complainant in a comprehensive fashion regarding the facts and figures cited in the whistleblower report. In its reply, the Bank should also address the general issue of gender balance. The Bank should provide the complainant with a copy of its Diversity Policy and outline the actions it has been taking and intends to take in the future to achieve gender balance. Furthermore, the ombudsman suggested that the Bank put in place a timeline for the handling of complaints under its whistleblowing policy.

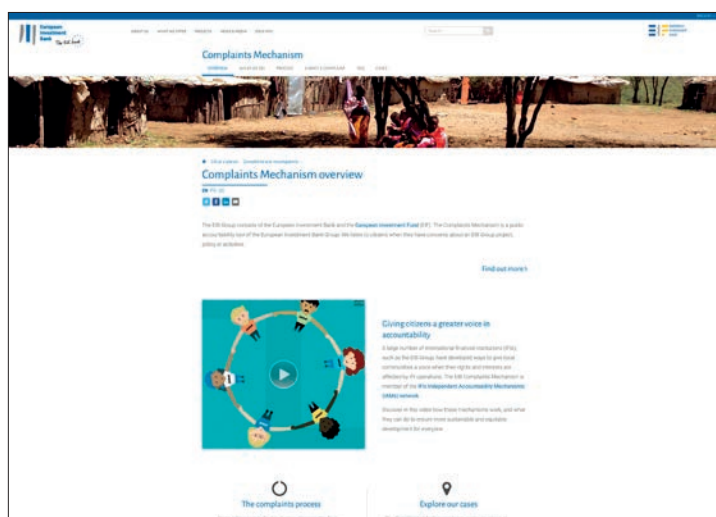
The Bank accepted and implemented the ombudsman's recommendation. The Bank took into account the ombudsman's suggestions for improvement as well as the ombudsman's decision on internal rules concerning disclosure in the public interest ("whistleblowing") in its review of the EIB Whistleblowing Policy.

The ombudsman made a further suggestion for improvement: The EIB should try harder to achieve a balanced representation of both men and women in its management positions, aiming higher than the target of 33% women in management positions by 2021. The ombudsman asked the EIB to provide a follow-up on the actions taken by 31 March 2020.

OTHER INITIATIVES

COMPLAINTS MECHANISM WEBSITE AND NEW FLYER

In November 2018, we revamped our website to facilitate the public's access to information on the Complaints Mechanism's activities and procedures. The new webpage was designed with the needs of the public in mind and reflecting the changes to the Complaints Mechanism's policy. The register of cases has a new layout. New filters have been added to facilitate the research of cases handled. To ensure compliance with EU regulations on personal data, we check personal data related to complaints carefully and remove any sensitive information that may identify persons referred to in the complaint before publication. We have also created a flyer to raise awareness on the Complaints Mechanism and to explain the new policy and procedures.



<https://www.eib.org/en/about/accountability/complaints/index.htm>





The Complaints Mechanism's ten-year anniversary.

WORKING GROUPS OF INDEPENDENT ACCOUNTABILITY MECHANISMS (IAMS)

The Complaints Mechanism has been a member of the Independent Accountability Mechanisms (IAMS) network since 2007. The network currently has 19 members, including the European Ombudsman.

We participate actively in IAM working groups. During 2018, we worked with a group coordinating the preparation of Good Practice Notes. The notes reflect the common experiences of members of the IAM Network when implementing procedures and practices on public accountability. This working group is also actively coordinating its work with SOMO, an NGO that is preparing a comparative analysis of best practices among members of the IAM Network. In addition, we participated in the working group that discussed how to strengthen coop-

eration among IAMs when the parent institutions are involved in the co-financing of projects. The results of this working group were presented first to the members of the IAM Network and then discussed with civil society organisations in an open session during the annual meetings of the IAMs that took place in Washington, D.C. We also provided input to the IAM working group on reprisals, led by MICI, the Inter-American Development Bank's accountability mechanism, which produced a toolkit¹³ to prevent and handle reprisals and retaliation aimed at complainants. This toolkit was presented during events celebrating the Complaints Mechanism's ten-year anniversary. We also participate actively in discussions and working groups related to the review of the governance structure of the IAM Network.

¹³ [http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/\\$file/guide_for_iams_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iams_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_february_2019.pdf)



OUTREACH

The Complaints Mechanism periodically organises or participates in events to publicise our activities and our public accountability.

In addition to providing a forum for exchanging experiences, IAM Network members also join forces to reach out to the public. Organising workshops with civil society organisations is one way to raise awareness on the compliance review and dispute resolution functions that Independent Accountability Mechanisms provide. Civil society participants in turn provide this knowledge to people in affected communities.

COMPLAINTS MECHANISM TEN-YEAR ANNIVERSARY

The EIB hosted a two-day event to celebrate the Complaints Mechanism's ten-year anniversary at its headquarters in Luxembourg. The event was an occasion to celebrate the creation of the Complaints Mechanism in 2008 and to discuss European and international approaches to accountability, and share lessons learned in the field.

The first day of panel discussions, which included the EIB President and the Secretary General of the European Ombudsman as keynote speakers, explored the value of

accountability and the challenges to overcome. Other speakers included representatives of civil society, members of the Independent Accountability Mechanisms (IAMs) of International Financial Institutions (IFIs), EIB management, complainants and other international organisations.

The President of the Bank, Werner Hoyer, emphasised the importance of having an effective and independent Complaints Mechanism at a time of increased visibility and Euroscepticism. The Secretary General of the European Ombudsman, Cesira D'Aniello, delivered a speech on behalf of the ombudsman and reaffirmed the importance of our group's role in assuring good administration and protecting the reputation of the Bank and the EU around the world.

During the second day of the event, we organised an "open session" for EIB staff to raise awareness about the protection of complainants, including environmental and human rights defenders. The guest speakers included representatives of the NGO Front Line Defenders, the Office of the High Commissioner for Human Rights and the Independent Accountability Mechanism Secretariat. During the event, the IAM secretariat released the toolkit to prevent and address the risk of reprisals aimed at complainants.



ULAANBAATAR

On 12 and 13 March 2018, we attended a workshop on the accountability of International Financial Institutions (IFIs) that took place in Ulaanbaatar, Mongolia, with the participation of the accountability mechanisms of six IFIs. The EBRD Project Complaints Mechanism was the lead organiser with the support of local partner Oyu Tolgoi Watch and the CEE Bankwatch Network. About 50 representatives of local civil society organisations from Central Asia (Mongolia, Kyrgyzstan, Kazakhstan, Uzbekistan, Tajikistan and Azerbaijan) as well as international civil society organisations attended the event.

We presented a case study and participated in a panel of IAM representatives that provided an overview of the Independent Accountability Mechanisms. This overview clarified the similarities and differences between different mechanisms and informed the audience about the process for filing a complaint, the eligibility criteria of complaints and further details on the handling of complaints.

At the end of the workshop, participants issued a statement that the *“communities in Central Asia face challenges arising from the pace of economic growth, competition for natural resources and climate risks and IAMs together with CSOs have a major role to play in ensuring that IFIs meet the highest standards of transparency and accountability.”*

DURBAN

We participated in events organised for the International Association of Impact Assessment (IAIA) conferences that took place in Durban, South Africa. The IAMs participated in an open session in which more than 150 practi-

tioners recounted their experiences and lessons learned from the environmental and social impact of projects. As part of the outreach events, we participated together with other IAM members in an outreach event with NGOs in Africa’s southern region. The African Development Bank’s Compliance Review Mechanism hosted the event. Representatives of 40 NGOs attended.

BEIJING

The Office of Compliance Review Panel of the Asian Development Bank organised two regional workshops in Beijing and Xiamen in the People’s Republic of China in June 2018. The goals of the two workshops were to (i) promote accountability and management of environmental and social risks among the various financial institutions of the region; and (ii) guide the establishment of a complaints mechanism within their institutions. Chinese officials and representatives of the Chinese banking community attended the event as well as the representatives of International Financial Institutions, including the EIB, World Bank, Asian Infrastructure Investment Bank, Japan Bank for International Cooperation and others.

WASHINGTON, D.C.

The Annual Meeting of the IAM Network was organised by the World Bank Inspection Panel (WB-IP) in Washington, D.C. from 12 to 14 November 2018. WB-IP was celebrating its 25th anniversary and organised a series of side events to commemorate the creation of the first accountability mechanism among International Financial Institutions (IFIs).

OTHER EVENTS

In February 2018, we gave a presentation called “Credible alternatives to judicial review in cases concerning access to information” at the United Nations Economic Commission for Europe – Task Force on Access to Justice in Geneva.

In March 2018, the Complaints Mechanism and other Europe-based accountability mechanisms were invited by civil society organisations to join their annual retreat, which took place in Amsterdam. The meeting enabled us to exchange views on the review of the Complaints Mechanism Policy as well as on the regulatory framework that governs the public accountability of International Financial Institutions in the EU.

ANNEX I

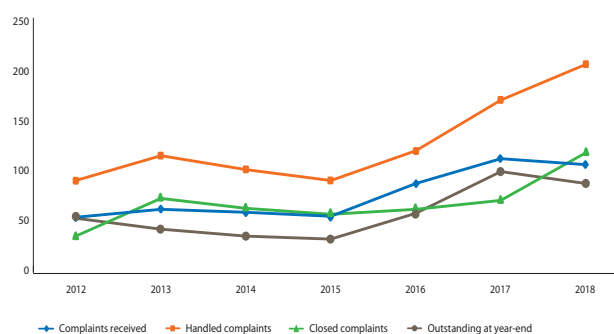
STATISTICS

GENERAL OVERVIEW

	2012	2013	2014	2015	2016	2017	2018
Complaints received ¹⁴	55	63	60	56	89	114	108
Handled complaints	92	117	103	92	122	173	209
Closed complaints	36	74	64	58	63	72	120
Outstanding at year-end	54	43	36	33	59	101	89

In 2018, the Complaints Mechanism handled 209 cases, managing to close 120. A total of 89 cases were outstanding at the end of the year.

The number of admissible complaints received decreased by 8% compared with 2017. In 2018, the Complaints Mechanism received 108 new cases, including 19 complaints that were brought before the European Ombudsman. Overall, 75 were deemed to be admissible complaints and were registered by the Complaints Mechanism.



	2012	2013	2014	2015	2016	2017	2018
Complaints received	55	63	60	56	89	114	108
Inadmissible	(3)	(6)	(12)	(7)	(5)	(12)	(14)
Admissible	52	57	48	49	84	102	94
Complaints brought before other institutions							
European Ombudsman	(7)	(2)	(5)	-	(7)	(11)	(19)
European Data Protection Officer	(1)	-	-	-	-	-	-
Aarhus Convention Compliance Committee	-	-	-	-	-	-	-
Admissible complaints registered by CM	44	55	43	49	77	91	75

¹⁴ Complaints received by the CM (inadmissible and admissible) and complaints brought before other institutions.

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

Inadmissible complaints may be complaints:

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

NEW ADMISSIBLE COMPLAINTS REGISTERED IN 2018

1) COMPLAINTS BY TYPE

The proportion of the different types of cases remained generally the same as in previous years. The number of admissible Environmental/social/developmental impact (E) complaints dropped from 53 in 2017 to 44 in 2018.

These cases still represent 58% of admissible complaints. There was a slight increase in Access to information (A) and Own procurement (R) cases.

Admissible complaints	2014	%	2015	%	2016	%	2017	%	2018	%
Access to information (A)	2	5	0	-	1	1	0	0	2	3
Customer relations (C)	0	-	1	2	2	3	0	0	0	0
Environmental/social/developmental impacts (E)	11	25	17	35	29	38	53	58	44	58
Governance of financed projects (F)	10	23	6	12	6	8	7 ¹⁵	8	5 ¹⁶	7
Own governance and administration (G)	5	12	8	16	7	9	6	6	0	0
Human resources (H)	3	7	7	14	8	10	8	9	8 ¹⁷	11
Own procurement (R)	0	0	0	0	0	0	0	0	3	4
Procurement-related complaints (P)	12	28	10	21	24	31	17	19	13	17
TOTAL	43	100	49	100	77	100	91	100	75	100

¹⁵ Including three complaints related to activities financed by the European Investment Fund (EIF) and one complaint related to both EIB and EIF operations.

¹⁶ Including two complaints related to activities financed by the European Investment Fund (EIF) and one complaint related to both EIB and EIF operations.

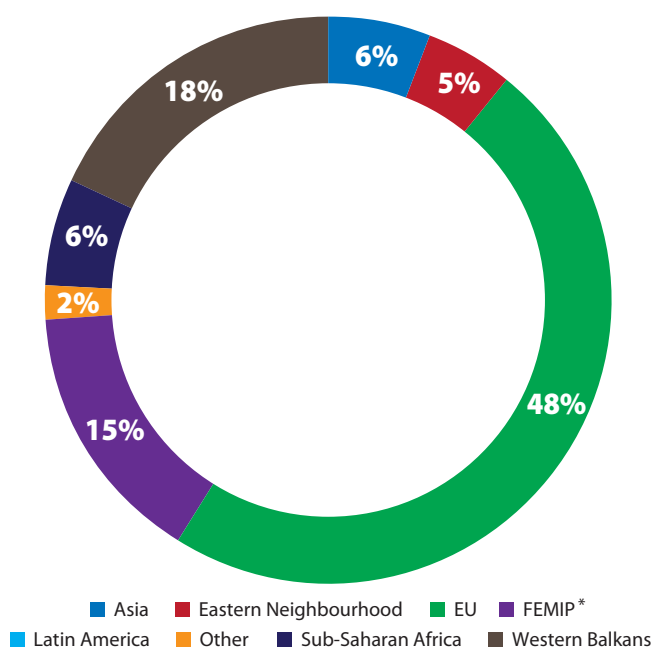
¹⁷ Including one complaint related to activities financed by the European Investment Fund (EIF).

2) COMPLAINTS BY REGION

The number of complaints relating to projects in EU Member States increased slightly. Two projects in this area accounted for half of the cases registered: **Spain Gas Network Expansion II** (10 new cases) and **Trans Adriatic Pipeline** (13 new cases).

The number of complaints relating to projects in sub-Saharan Africa dropped from 18 in 2017 to four, all of which were in Kenya.

	2012 (%)	2013 (%)	2014 (%)	2015 (%)	2016 (%)	2017 (%)	2018	2018 (%)
Asia	0	3	2	3	6	1	4	6
Eastern Neighbourhood	4	3	7	3	9	10	3 ¹⁸	5
EU	54	49	56	54	13	42	32	48
FEMIP	13	10	7	6	16	10	10 ¹⁹	15
Latin America	0	0	0	11	6	1	0	0
Other	6	8	0	0	0	0	1 ²⁰	2
Sub-Saharan Africa	6	7	7	6	4	22	4 ²¹	6
Western Balkans	17	20	21	17	47	14	12	18
TOTAL	100	100	100	100	100	100	66	100



*Facility for Europe-Mediterranean Investment and Partnership (FEMIP)

¹⁸ Georgia and Ukraine.

¹⁹ Egypt, Jordan, Lebanon, Morocco and Tunisia.

²⁰ Turkey.

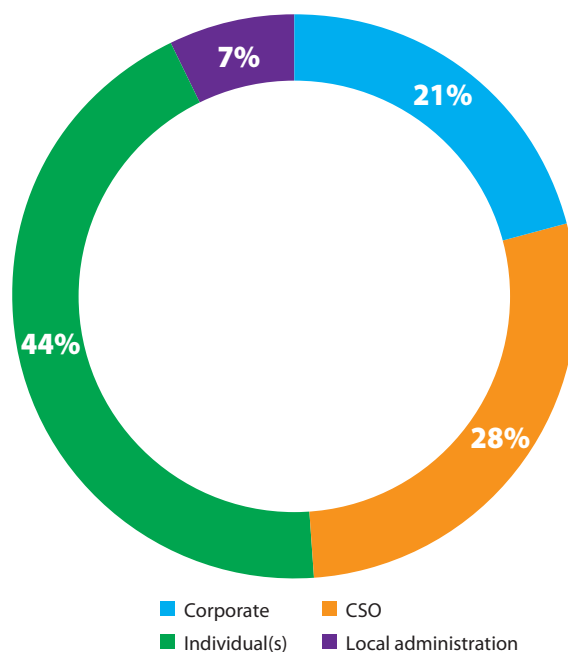
²¹ Kenya.

3) COMPLAINTS BY ORIGIN

In 2018, 44% of cases were lodged by individuals. 61% of their allegations concerned E (Environmental/social/developmental impacts) cases, with 24% related to H (Human resources) cases.

Similar to previous years, civil society organisations mainly submitted environmental cases (90%), and most of the cases with a corporate origin concerned procurement (75%).

	2018
Corporate	16
CSO	21
Individual(s)	33
Local administration	5
Total admissible cases	75



COMPLAINTS HANDLED²²

	2012	2013	2014	2015	2016	2017	2018
Open/ongoing at the start of the year	37	54	43	36	33	59	101
Complaints received	55	63	60	56	89	114	108
Outstanding at year-end	54	43	36	33	59	101	89
Overall complaints dealt with	92	117	103	92	122	173	209

The number of open cases at the beginning of 2018 was 71% higher than at the beginning of 2017.

After handling 209 cases in 2018 (173 in 2017), the number of outstanding cases at the end of 2018 was 89 (101 in 2017).

²² This includes the carry-over of open cases received before 2018 and complaints submitted to the European Ombudsman.

COMPLAINTS BY TYPE

	Number of complaints handled in 2017	% of handled complaints 2017	Number of complaints handled in 2018	% of handled complaints 2018
European Ombudsman (EO)	16	9	29	14
Access to information (A)	1	1	3	1
Customer relations (C)	0	0	0	0
Environmental/social (E)	80	46	101	49
Governance of financed projects (F)	10 ²³	6	13 ²⁴	6
Own governance and administration (G)	11 ²⁵	6	4	2
Human resources (H)	9	5	10 ²⁶	5
Procurement-related (P)	34	20	29	14
Own procurement (R)	0	0	3	1
Inadmissible (INA)	12	7	17	8
TOTAL	173	100	209	100

A record number of 120 cases were closed in 2018; 99 of those cases were lodged with the Complaints Mechanism and 21 cases with the European Ombudsman. Despite the number of cases outstanding at year-end²⁷

having decreased 12% from 2017, the backlog of cases persists because of the large number of complaints (108) received last year.

CLOSURE OF CASES LODGED WITH THE COMPLAINTS MECHANISM

Conclusion of registered complaints	2015	%	2016	%	2017	%	2018	%
<i>Admissible cases</i>								
No grounds	15	26	21	35	19	29	34	35
Friendly solution and areas for improvement	12	22	9	16	10	15	31	31
Prevention* ²⁸	16	28	23	37	26	39	14	14
Dropped by the complainant	7	12	2	3	2	3	1	1
Grounded	0	0	0	0	0	0	2	2
Sub-total of admissible complaints	50	88	55	91	57	86	82	83
<i>Inadmissible cases</i>	7	12	5	9	9	14	17	17
TOTAL	57	100	60	100	66	100	99	100

²³ Including four complaints concerning activities financed by the EIF and one complaint related to both an EIB and EIF operation.

²⁴ Including six complaints concerning activities financed by the EIF and two complaints related to both an EIB and EIF operation.

²⁵ Including one complaint concerning activities financed by the EIF.

²⁶ Including one complaint concerning activities financed by the EIF.

²⁷ Cases under investigation.

²⁸ This category included multiple complaints on the Trans Adriatic Pipeline project.

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

EUROPEAN OMBUDSMAN CASES

	2015	2016	2017	2018
Open/ongoing at the start of the year	2	1	5	10
Received	0	7	11	19
Closed	1	3	6	21
Outstanding at year-end	1	5	10	8

OUTCOMES OF EUROPEAN OMBUDSMAN CASES*

Conclusion	2015	2016	2017	2018
Inadmissible	0	1	0	0
Insufficient grounds to open an inquiry	0	1	0	1
Withdrawn by the complainant	0	0	0	1
Settled	0	1	3	8
No maladministration found	0	0	2	10
Recommendations	1	0	1	3
Suggestions for improvement	0	0	0	6

*Some complaints contain multiple allegations, which may result in different outcomes. The EO can make suggestions for improvement irrespective of the outcome.



ANNEX II

WORK PERFORMED ON CASES HANDLED

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Access to information													
SG/A/2016/01	ETAP South Tunisian Gas	Tunisia	05/01/16	■	■			■		No grounds			■
SG/E/2016/03 (Part 1)	Nam Theun 2 Hydroelectric	Laos	06/04/16	■	■			■		No grounds			■
SG/A/2018/01	Nenskra HPP	Georgia	16/03/18	■	■			■					
SG/A/2018/02	Regional Mombasa Port Access Road	Kenya	14/08/18	■						Dropped by complainant			■

Environmental and social impacts and governance aspects of financed operations													
SG/E/2011/02	TES-Thermal Power Plant Sostanj	Slovenia	28/02/11	■	■		■	■					
SG/E/2011/03	Subconcessao Do Pinhal Interior	Portugal	04/03/11	■	■			■		Friendly solution			■
SG/E/2011/05	Panama Canal Expansion	Panama	28/03/11	■	■		■	■					
SG/E/2012/04	Ambatovy Nickel Project	Madagascar	09/05/12	■	■		■	■	■	Areas for improvement	■		■
SG/E/2013/01	Mariscina County Waste Management	Croatia	06/03/13	■	■		■	■		Areas for improvement			
SG/E/2013/12	Castor Underground Gas Storage (TEN)	Spain	04/12/13	■	■		■	■	■	Areas for improvement	■		■
SG/E/2014/02	Route E420 Frasnés-Bruly RTE	Belgium	22/01/14	■	■			■		No grounds			■
SG/E/2014/09	EMS Electricity Network Upgrading	Serbia	01/10/14	■	■		■	■		Areas for improvement	■		■
SG/E/2015/08	Termovalizzatore di Firenze	Italy	27/05/15	■	■		■						
SG/E/2015/12	EGP-Powercrop Biomass Programme	Italy	02/09/15	■	■			■		No grounds			■
SG/E/2015/14	S7 Expressway	Poland	01/10/15	■			■	■					
SG/E/2015/17	Università di Verona	Italy	16/12/15	■	■			■		No grounds			■
SG/E/2016/03 (Part 2)	Nam Theun 2 Hydroelectric	Laos	06/04/16	■	■			■		No grounds			■
SG/E/2016/04	Réseau Ferroviaire Rapide	Tunisia	20/04/16	■	■								
SG/E/2016/08	Cairo Metro Line 3 (Phase 3)	Egypt	21/06/16	■	■	■	■	■	■	Grounded	■		■
SG/E/2016/10	Grand Contournement Ouest de Strasbourg	France	03/08/16	■	■		■						
SG/E/2016/18	CA CCFL Reventazón Hydropower	Costa Rica	05/10/16	■	■		■	■					
SG/E/2016/24	Banja Luka-Doboj Motorway	Bosnia and Herzegovina	19/10/16	■	■								
SG/E/2016/25	JESSICA Initiative	Bulgaria	03/11/16	■	■			■		No grounds			■
SG/E/2016/26	Réseau Ferroviaire Rapide	Tunisia	16/11/16	■	■								
SG/E/2017/02	Georgia East-West Highway	Georgia	11/01/17	■	■		■	■		Areas for improvement	■	■	■
SG/E/2017/03	Regional Mombasa Port Access Road	Kenya	25/01/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/08	Regional Mombasa Port Access Road	Kenya	01/03/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/09	Regional Mombasa Port Access Road	Kenya	09/03/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/10	Cairo Metro Line 3 (Phase 3)	Egypt	09/03/17	■	■		■						
SG/E/2017/11	Regional Mombasa Port Access Road	Kenya	31/03/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/12	Regional Mombasa Port Access Road	Kenya	31/03/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/13	Regional Mombasa Port Access Road	Kenya	31/03/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/14	Regional Mombasa Port Access Road	Kenya	12/04/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/15	Corridor VC Mostar South	Bosnia and Herzegovina	03/05/17	■	■								
SG/E/2017/16	Regional Mombasa Port Access Road	Kenya	12/05/17	■		■	■	■	■	Friendly solution			■

The actions indicated on the table reflect steps taken during the lifetime of the case.

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
SG/E/2017/17	Centrale Solaire de Ouarzazate	Morocco	23/05/17	■	■			■		No grounds			■
SG/E/2017/18	Regional Mombasa Port Access Road	Kenya	23/05/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/19	Regional Mombasa Port Access Road	Kenya	23/05/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/20	Regional Mombasa Port Access Road	Kenya	01/06/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/23	Georgia East-West Highway	Georgia	07/07/17	■	■		■	■		Areas for improvement	■	■	■
SG/E/2017/27	Regional Mombasa Port Access Road - RAP	Kenya	07/07/17	■									
SG/E/2017/28	Regional Mombasa Port Access Road	Kenya	07/07/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/29	Membrane Technology Environmental Conversion	Spain	07/07/17	■	■			■		No grounds			■
SG/E/2017/30	Regional Mombasa Port Access Road	Kenya	19/07/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/34	Cairo Metro Line 3 (Phase 3) Zamalek	Egypt	31/07/17	■	■		■						
SG/E/2017/38/PR	Trans Adriatic Pipeline	Italy	16/11/17	■						Prevention			■
SG/E/2017/39/PR	Trans Adriatic Pipeline	Italy	16/11/17	■						Prevention			■
SG/E/2017/40/PR	Trans Adriatic Pipeline	Italy	16/11/17	■						Prevention			■
SG/E/2017/41	Regional Mombasa Port Access Road - RAP	Kenya	24/11/17	■									
SG/E/2017/42/PR	Trans Adriatic Pipeline	Italy	24/11/17	■						Prevention			■
SG/E/2017/43/PR	Trans Adriatic Pipeline	Italy	24/11/17	■					■				
SG/E/2017/44	Trans Adriatic Pipeline	Italy	05/12/17	■	■								
SG/E/2017/45	Trans Adriatic Pipeline	Italy	08/12/17	■	■								
SG/E/2017/46	Regional Mombasa Port Access Road	Kenya	08/12/17	■		■	■	■	■	Friendly solution			■
SG/E/2017/47	Trans Adriatic Pipeline	Italy	21/12/17	■	■								
SG/E/2017/48	Trans Adriatic Pipeline	Italy	21/12/17	■	■								
SG/E/2017/49	Trans Adriatic Pipeline	Italy	21/12/17	■	■								
SG/E/2017/50	Trans Adriatic Pipeline	Italy	21/12/17	■	■								
SG/E/2017/51	S7 Expressway (Voivodship border and the end of the Radom bypass)	Poland	21/12/17	■	■								
SG/E/2017/52/PR	Programme National Assainissement PNA II	Morocco	21/12/17	■						Friendly solution			■
SG/E/2017/53	Cairo Metro Line 3 (Phase 3) Building N° 9	Egypt	21/12/17	■	■								
SG/E/2018/01	S3 Doublement de la MC27	Tunisia	11/01/18	■	■								
SG/E/2018/02	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/03	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/04	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/05	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/06	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/07	Trans Adriatic Pipeline	Italy	26/01/18	■	■								
SG/E/2018/08	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/09	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/10	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/11	Trans Adriatic Pipeline	Italy	08/02/18	■	■								
SG/E/2018/12	Trans Adriatic Pipeline	Greece	08/02/18	■	■								
SG/E/2018/13	Spain Gas Network Expansion II	Spain	08/02/18	■									
SG/E/2018/14	Spain Gas Network Expansion II	Spain	08/02/18	■									
SG/E/2018/15	Spain Gas Network Expansion II	Spain	22/02/18	■									
SG/E/2018/16	Spain Gas Network Expansion II	Spain	22/02/18	■									
SG/E/2018/17	Spain Gas Network Expansion II	Spain	22/02/18	■									
SG/E/2018/18	Spain Gas Network Expansion II	Spain	22/02/18	■									
SG/E/2018/19	Trans Adriatic Pipeline	Italy	22/02/18	■	■								
SG/E/2018/20	Spain Gas Network Expansion II	Spain	01/03/18	■									
SG/E/2018/21	Spain Gas Network Expansion II	Spain	01/03/18	■									

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
SG/E/2018/22	Spain Gas Network Expansion II	Spain	16/03/18	■									
SG/E/2018/23	Spain Gas Network Expansion II	Spain	16/03/18	■									
SG/E/2018/24/PR	Main Roads Rehabilitation Program	Montenegro	23/03/18	■					■				
SG/E/2018/25	Ulaanbaatar WWS	Mongolia	10/04/18	■		■							
SG/E/2018/26	Grand Contournement Ouest de Strasbourg	France	12/04/18	■	■		■						
SG/E/2018/27	Modernisation Routière I	Tunisia	26/04/18	■									
SG/E/2018/28	Road Modernization FBiH	Bosnia and Herzegovina	23/05/18	■	■								
SG/E/2018/29	Modernisation Routière I	Tunisia	23/05/18	■									
SG/E/2018/30	Modernisation Routière I	Tunisia	23/05/18	■									
SG/E/2018/31	Regional Mombasa Port Access Road	Kenya	08/06/18	■		■	■	■	■	Friendly solution			■
SG/E/2018/32	Nenskra HPP	Georgia	08/06/18	■									
SG/E/2018/33	Trans Adriatic Pipeline	Greece	26/06/18	■	■								
SG/E/2018/34	Castilla y Leon Climate Change	Spain	26/06/18	■									
SG/E/2018/35	D4R7 Slovakia PPP	Slovakia	13/09/18	■									
SG/E/2018/36/PR	Akiira Geothermal Power Plant	Kenya	13/09/18	■					■				
SG/E/2018/37	Municipal and Regional Infrastructure Loan	Serbia	04/10/18	■									
SG/E/2018/38	Devenish Nutrition	Ireland	04/10/18	■									
SG/E/2018/39	Nepal Power System Expansion	Nepal	15/10/18	■									
SG/E/2018/40	ONEE - Projet Eolien	Morocco	24/10/18	■									
SG/E/2018/41	Cairo Metro Line 3 (Phase 3)	Egypt	12/11/18	■	■								
SG/E/2018/42	Toplofikacia CHP	Bulgaria	21/11/18	■									
SG/E/2018/43	S2 Dénivellation de huit carrefours à Sfax	Tunisia	20/12/18	■									
SG/E/2018/44	Regional Mombasa Port Access Road - RAP	Kenya	20/12/18	■									

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Administrative & governance issues													
SG/F/2014/01	Castor Underground Gas Storage	Spain	16/01/14	■	■		■	■		No grounds			■
SG/F/2017/01	Paroseni Power Plant	Romania	11/01/17	■	■			■		No grounds			■
SG/F/2017/02	Las Palmas Bus Rapid Transit	Spain	12/05/17	■	■			■		No grounds			■
SG/F/2017/03	Municipal & Regional Infrastructure Loan	Serbia	23/05/17	■	■								
SG/F/2017/04	SME Initiative Romania	Romania	19/10/17	■	■			■		No grounds			■
SG/F/2018/01	SME Initiative Romania	Romania	01/03/18	■	■			■		No grounds			■
SG/F/2018/02	CGD Efficient Private Housing Programme PT	Portugal	12/04/18	■				■		No grounds			■
SG/F/2018/03	Project Niche - Contingent Loan	Germany	23/05/18	■				■		No grounds			■
SG/G/2010/04	Africap II	Mozambique	01/12/10	■	■	■		■					
SG/G/2016/01	Transparency Policy	N/A	18/02/16	■	■			■					
SG/G/2017/06/Confirmatory	Technical Assistance	N/A	19/07/17	■	■			■		No grounds			■
SG/G/2017/07	JASPERS - Railway modernisation 'Elin Pelin - Septemvri'	Bulgaria	19/07/17	■	■								

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Human resources													
SG/H/2017/06	Irregularities in Recruitment Procedure	N/A	11/10/17	■	■			■		No grounds			■
SG/H/2017/08	Application Feedback	N/A	21/12/17	■						Friendly solution			■
SG/H/2018/01	Job Interview	N/A	08/02/18	■				■		Friendly solution			■
SG/H/2018/02	Job Selection	N/A	16/03/18	■						Friendly solution			■
SG/H/2018/03	Job Selection	N/A	20/07/18	■				■		Friendly solution			■
SG/H/2018/04 Confirmatory	Job Interview	N/A	08/08/18	■	■			■		No grounds			■
SG/H/2018/05	Application Feedback	N/A	04/10/18	■				■		Friendly solution			■
SG/H/2018/06/ Confirmatory	Job Selection	N/A	12/11/18	■	■			■		No grounds			■
SG/H/2018/07	Age Discrimination	N/A	29/11/18	■	■			■					

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Inadmissible complaints before registration (INA)													
SG/INA/2017/09	Belgrade Bypass	Serbia	05/12/17	■						Inadmissible			■
SG/INA/2017/10	Protest against a non-specified project	N/A	21/12/17	■						Inadmissible			■
SG/INA/2018/01	Labour Issues	Honduras	26/01/18	■						Inadmissible			■
SG/INA/2018/02	Toplofikacia CHP	Bulgaria	26/04/18	■						Inadmissible			■
SG/INA/2018/03	Innovation Fund Ireland	Ireland	26/04/18	■						Inadmissible			■
SG/INA/2018/04	SME Fund II	Syria	26/04/18	■						Inadmissible			■
SG/INA/2018/05	Belarus E40	Belarus	26/04/18	■						Inadmissible			■
SG/INA/2018/06	ZDB IV	Zimbabwe	23/05/18	■						Inadmissible			■
SG/INA/2018/07	Single Resolution Board	N/A	28/06/18	■						Inadmissible			■
SG/INA/2018/08	Glenavy	Ireland	20/07/18	■						Inadmissible			■
SG/INA/2018/09	D1 Hubova-Ivachnova	Slovakia	04/10/18	■						Inadmissible			■
SG/INA/2018/10	D1 Hubova-Ivachnova	Slovakia	04/10/18	■						Inadmissible			■
SG/INA/2018/11	Devenish Nutrition	UK	04/10/18	■						Inadmissible			■
SG/INA/2018/12	Sava/Jaspers - Ljubljana Wastewater Collection & Treatment	Slovenia	04/10/18	■						Inadmissible			■
SG/INA/2018/13	Staff Members	N/A	04/10/18	■						Inadmissible			■
SG/INA/2018/14	New Heraklion International Airport	Greece	12/11/18	■						Inadmissible			■

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Procurement													
SG/P/2014/02	Railways Rehabilitation II	Bosnia and Herzegovina	18/03/14	■	■			■		No grounds			■
SG/P/2014/08	Water Infrastructure Modernisation II-A	Georgia	23/07/14	■	■			■		No grounds			■
SG/P/2014/09	Water Infrastructure Modernisation II-B	Georgia	06/08/14	■	■			■		No grounds			■
SG/P/2015/02	Upgrading of Judiciary Buildings	Serbia	01/04/15	■	■			■		No grounds			■
SG/P/2015/03	Upgrading of Judiciary Buildings	Serbia	01/04/15	■	■			■		No grounds			■
SG/P/2016/07	Belgrade City Sava Bridge	Serbia	02/05/16	■	■			■		No grounds			■
SG/P/2017/03/PR	Georgia East-West Highway	Georgia	23/02/17	■									
SG/P/2017/04	Upgrading of Judiciary Buildings	Serbia	01/03/17	■	■			■		No grounds		■	■
SG/P/2017/09	Tanzania Backbone Interconnector	Tanzania	03/05/17	■	■			■		No grounds			■
SG/P/2017/10	Ecotitanium	France	03/05/17	■	■			■		No grounds			■
SG/P/2017/11	Water and Sanitation Federation BiH	Bosnia and Herzegovina	09/08/17	■	■			■		Friendly solution			■
SG/P/2017/12/PR	Water and Sanitation RS	Bosnia and Herzegovina	07/09/17	■						Prevention			■
SG/P/2017/14	Vientiane Sustainable Urban Transport	Laos	28/09/17	■	■			■		No grounds			■
SG/P/2017/15/PR	Road Kijeve to Peja	Kosovo	05/12/17	■						Prevention			■
SG/P/2017/16/PR	Corridor VC Pocitelj - Bijaca	Bosnia and Herzegovina	08/12/17	■					■				
SG/P/2017/17/PR	BiH Railways II	Serbia	21/12/17	■						Prevention			■
SG/P/2018/01/PR	Road Kijeve to Peja	Kosovo	11/01/18	■						Prevention			■
SG/P/2018/02	Water and Sanitation Federation BiH	Serbia	11/01/18	■	■			■		Grounded		■	■
SG/P/2018/03	Road Modernisation Federation BiH	Bosnia and Herzegovina	08/02/18	■	■			■		No grounds			■
SG/P/2018/04/PR	Road Modernisation Federation BiH	Bosnia and Herzegovina	08/02/18	■						Prevention			■
SG/P/2018/05/PR	Water and Sanitation Federation BiH	Serbia	22/02/18	■						Prevention			■
SG/P/2018/06/PR	Lebanese Highways II	Lebanon	12/04/18	■					■				
SG/P/2018/07/PR	Emergency Flood Relief and Prevention	Bosnia and Herzegovina	26/04/18	■						Prevention			■
SG/P/2018/08/PR	Renewable Energy HPP Vranduk	Bosnia and Herzegovina	26/04/18	■						Prevention			■
SG/P/2018/09/PR	Modernisation Routière I	Tunisia	11/07/18	■						Prevention			■
SG/P/2018/10	Corridor X (E-75) Motorway	Serbia	20/07/18	■									
SG/P/2018/11	Corridor VC Pocitelj-Bijaca	Bosnia and Herzegovina	17/08/18	■	■			■		No grounds			■
SG/P/2018/12/PR	NEPAL Power System Expansion	Nepal	31/08/18	■						Prevention			■
SG/P/2018/13	Tajik-Kyrgyz Power Interconnection	Kyrgyzstan, Tajikistan, Afghanistan and Pakistan	24/10/18	■	■								

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
Own Procurement													
SG/R/2018/01	Technical Assistance TA2016005 JO NIF	Jordan	26/01/18	■	■			■		No grounds			■
SG/R/2018/02	TA Railway Reform Authority	Romania	08/08/18	■	■								
SG/R/2018/03	TA Ukraine Early Recovery	Ukraine	13/09/18	■									

Reference number	Subject / Project	Project country	Registry date	Assessment	Investigation	Mediation	Site visit(s)	Consultation	Follow-up	Outcome	Suggestions	Recommendations	Closed during 2018
European Investment Fund (EIF)													
EIF/F/2017/01	InnovFin	N/A	08/02/17	■	■			■		No grounds			■
EIF/F/2017/02	Call for Expression ESIF FoF 2016/01	Greece	07/06/17	■	■			■		Areas for improvement	■		■
EIF/F/2017/03	Call for Expression JER-009/8-07	Bulgaria	07/06/17	■	■			■		Areas for improvement	■		■
EIF/F/2018/01	Competitiveness and Innovation Framework Programme	Turkey	01/03/18	■	■								
EIF/F/2018/02	Erasmus	N/A	04/10/18	■	■			■		Friendly solution			■
EIF/G/2017/01/INA	Equi-Fund	Greece	24/11/17	■						Inadmissible			■
EIF/H/2018/01	Job Interview 104447	N/A	23/05/18	■	■			■		No grounds			■
SG/F/2017/04	SME Initiative Romania	Romania	19/10/17	■	■			■		No grounds			■
SG/F/2018/01	SME Initiative Romania	Romania	01/03/18	■	■			■		No grounds			■

Reference number	Subject / Project	Project country	Registry date	Allegation	Date decision	Outcome	Suggestions for improvement	Closed during 2018
European Ombudsman								
EO/1089/2016/BKB	Son Dureta	Spain	15/11/16	Handling of a complaint in relation to the 'Son Dureta' project	04/06/18	No maladministration		■
EO/146/2017/DR	Ambatovy Nickel Project	Madagascar	26/01/17	Lack of independence of the EIB's monitoring of a project it had financed, and handling of the complainant's complaints by the EIB's Complaints Mechanism	04/12/18	Recommendation		■
EO/1316/2016/AB	Transparency Policy	N/A	27/02/17	Shortcomings in the EIB's Transparency Policy	23/05/18	No maladministration Settled	■	■
EO/366/2017/AMF	Gender	N/A	23/03/17	Violation of the principle of gender equality	17/10/18	Recommendation	■	■
EO/427/2017/JAS	Dignity at Work	N/A	27/03/17	Handling of a staff harassment procedure	13/09/18	No maladministration	■	■
EO/642/2017/AMF	Pension Adjustment	N/A	10/05/17	Refusal of the EIB to adjust the minimum subsistence rate of pension in accordance with the annual adjustment of pensions	05/06/18	No maladministration		■
EO/814/2017/PL	Castor Underground Gas Storage	Spain	01/06/17	EIB's delay in taking a decision on a complaint concerning Castor project	19/12/18	Recommendation		■
EO/1174/2017/CEC	Failure to Reply	N/A	04/08/17	Failure to reply to the complainant's allegations of fraud and corruption related to an EIB investment project	17/01/18	Settled		■
EO/1597/2017/PL	Recruitment Procedure	N/A	05/10/17	Failure to reply and investigate a complaint on irregularities in a recruitment procedure	26/01/18	Settled		■
EO/1159/2017/TM	Recruitment Procedure	N/A	16/11/17	Handling of a recruitment procedure for the post of maritime engineer	11/10/18	No maladministration		■
EO/2265/2017/DR	Dismissal of Application 103969	N/A	22/02/18	Failure to provide feedback on the test scores and reply before end of application deadline	23/02/18	Withdrawn by complainant		■
EO/0153/2018/MDC	Irregularities in Dignity at Work procedure	N/A	16/03/18	Failure to address most of the points raised in the complainant's appeal	13/09/18	No maladministration	■	■
EO/342/2017/DR	Request for Funding	N/A	17/04/18	Rejection of request for funding under the European Fund for Strategic Investments	14/12/18	No maladministration Settled	■	■
EO/52/2018/KT	Staff Selection Procedures	N/A	23/04/18	Discriminatory treatment in staff selection procedures				
EO/SI/2/2018/AMF	Promotion of Dignity at Work	N/A	24/04/18	Promotion of Dignity at Work	17/12/18	No maladministration	■	■
EO/643/2018/MDC	Failure to launch Dignity at Work procedure	N/A	27/04/18	Failure to reply to correspondence relating to the Bank's alleged failure to initiate a harassment procedure and about alleged abuse of procedures				
EO/805/2018/THH	Access to Information	N/A	08/05/18	EIB refusal to grant public access to a report of the European Anti-Fraud Office				
EO/843/2018/JAP	Case handling	N/A	29/05/18	Failure of EIB to reply and deal with a case in a timely manner	26/06/18	Settled		■
EO/884/2018/DR	JEREMIE	N/A	06/06/18	Failure by EIB-CM to handle a complaint in a timely manner	06/07/18	No maladministration		■
EO/947/2018/MDC	Article 41 / Conciliation	N/A	13/06/18	Failure to reply to a request for conciliation under Article 41 of the EIB Staff Regulations	07/08/18	Settled		■
EO/492/2018/STI	Ongoing Conciliation	N/A	28/06/18	Failure to provide a methodology	17/07/18	Insufficient grounds to open an inquiry		■
EO/2152/2017/DR	TA on EIB project	Zambia	12/07/18	Breach of the EIB's Technical Assistance Contract	12/07/18	No maladministration		■
EO/1140/2018/STI	Medical Health Care	N/A	17/07/18	Failure to fully reply to the complainant's correspondence on the over-charging of medical invoices in Luxembourg				
EO/149/2018/STI	2017 Staff Committee	N/A	19/07/18	Irregularities concerning the election of the Staff Representatives in September 2017				
EO/402/2018/STI	2017 Staff Committee	N/A	19/07/18	Irregularities concerning the election of the Staff Representatives in September 2017				
EO/1350/2018/MDC	Conflict of Interest	N/A	07/08/18	Conflict of interest in administrative inquiry				
EO/1885/2017/DR	Family-related allowances	N/A	07/09/18	EIB's refusal to pay related allowances to a separated staff member with full custody of a child	13/11/18	Settled		■
EO/1882/2018/MH	Hospitals Convention	N/A	05/12/18	EIB's handling of correspondence about the automatic renewal of and non-compliance with an arrangement with Luxembourgish hospitals				
EO/2048/2018/AMF	Delayed reply	N/A	11/12/18	Delay in replying to a complaint	11/12/18	Settled		■

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 (see http://www.eib.org/about/accountability/complaints/initial-assessment/index.htm).
Investigation:	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.
	The objective of the investigation is to allow the EIB-CM to form an independent and reasoned opinion regarding the issues raised by the complaint.
Consultation:	Consultation of the draft Conclusions Report with services and DGs.
Mediation:	A collaborative resolution process between the complainants/requestors, on one side, and the EIB and/or project promoters and/or national authorities, on the other side by building understanding and trust (see http://www.eib.org/about/accountability/complaints/mediation/index.htm).
Site visit(s):	Fact-finding visit(s) or investigation visits to the project location, often in cooperation/collaboration with concerned EIB services.
Follow-up:	Follow-up on further developments and implementation of proposed corrective actions and recommendations, accepted by the EIB and regarding the subject under complaint.

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

Suggestion(s) for improvement	Although the EO did not find an instance of maladministration, the EO recommends that the EIB take a specific action with a view to fostering its good administration.
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COMPLAINTS MECHANISM

ANNUAL REPORT 2018



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

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