

Environmental and Social Sustainability Framework

Issues Matrix

Draft - 15 December 2021

DRAFT

Public consultation on the EIB Group Environmental and Social Sustainability Framework

Issues Matrix

This issues matrix provides a consolidated overview of the contributions to the public consultation on the EIB Group's Environmental and Social Sustainability framework (ESSF), together with the EIB's reasoned comments on the contributions.

The contributions are published in full on the [public consultation website](#). Each contribution is assigned a unique ID number, which is used on the public consultation website and in the issues matrix where individual contributors did not consent to the publication of their personal data.

The issues matrix reflects the structure of the [consultation questionnaire](#) and of the EIB-ESSF. It summarises responses to both closed and open questions of the consultation questionnaire, as well as contributions received via email. Suggestions for specific amendments are included in a dedicated section of the issues matrix. A final section contains more general suggestions and comments that did not answer specific questions or suggest specific amendments. Individual submissions or topics may thus be addressed in several parts of the matrix. Cross references are used to avoid repetition and help navigate through the document.

All project-specific issues contained in the contributions are not included in this document as they fall outside the scope of the public consultation on the Environmental and Social Sustainability Framework. Full contributions are publicly available on the EIB's website. Project-specific issues can be addressed to the EIB Infodesk (Infodesk@eib.org) and complaints can be addressed to the EIB Group Complaints Mechanism (complaints@eib.org).

Joint contributions

In the course of the consultations, several organizations made joint contributions. These are referred to in the below tables as follows:

Joint contribution 1	Joint contribution made by: Accountability Counsel, ActionAid International, Alliance of Associations Polish Green Network, Arab Watch Coalition, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), FIDH, Focus Association for Sustainable Development Slovenia, Green Liberty (Latvia), Nomogaia, Recourse, Za Zemiata (Bulgaria)
Joint contribution 2	Joint contribution made by: Accountability Counsel, ActionAid International, Alliance of Associations Polish Green Network, Arab Watch Coalition, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), FIDH, Focus Association for Sustainable Development Slovenia, Green Liberty (Latvia), Recourse, Za Zemiata (Bulgaria)
Joint contribution 3	Joint contribution made by: Accountability Counsel, ActionAid International, Alliance of Associations Polish Green Network, Arab Watch Coalition, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), FIDH, Focus Association for Sustainable Development Slovenia, Green Liberty (Latvia), International Accountability Project, Recourse, Za Zemiata
Joint contribution 4	Joint submission made by: Accountability Counsel, Alliance of Associations Polish Green Network, Arab Watch Coalition, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), Eurodad, Focus Association for Sustainable Development Slovenia, Friends of nature EKO ELEMENT Bugojno (Bosnia and Herzegovina), Global Responsibility - Austrian Platform for Development and Humanitarian Aid, Green Liberty (Latvia), Nomogaia, Organic Agriculture Association (OAO), Recourse, Za Zemiata (Bulgaria)
Joint contribution 5	Joint contribution made by: Alliance of Associations Polish Green Network, Arab Watch Coalition, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), Focus Association for Sustainable Development Slovenia, Green Liberty (Latvia), Recourse, Za Zemiata (Bulgaria)
Joint contribution 6	Joint contribution made by: ActionAid International, CEE Bankwatch Network, Both ENDS, Counter Balance, Eurodad
Joint contribution 7	Joint contribution made by: A11 - Initiative for Economic and Social Rights (Serbia), Accountability Counsel, ActionAid International, Alliance of Associations Polish Green Network, Arab Watch Coalition, Armenian Forests NGO, Bankwatch, Both ENDS, Counter Balance, Ecoaction (Ukraine), Ecolur, Environmental Paper Network, Biomass Finance Working Group, Eurodad, FIDH, Focus Association for Sustainable Development, Slovenia, Global Responsibility - Austrian Platform for Development and Humanitarian Aid, Green Armenia Environmental Education NGO, Green Liberty (Latvia), International Accountability Project, NGO Ecoclub, ReCommon, Recourse, Urganwald, Uzbek Forum for Human Rights, Za Zemiata
Joint contribution 8	Joint contribution made by: Both ENDS and Eurodad

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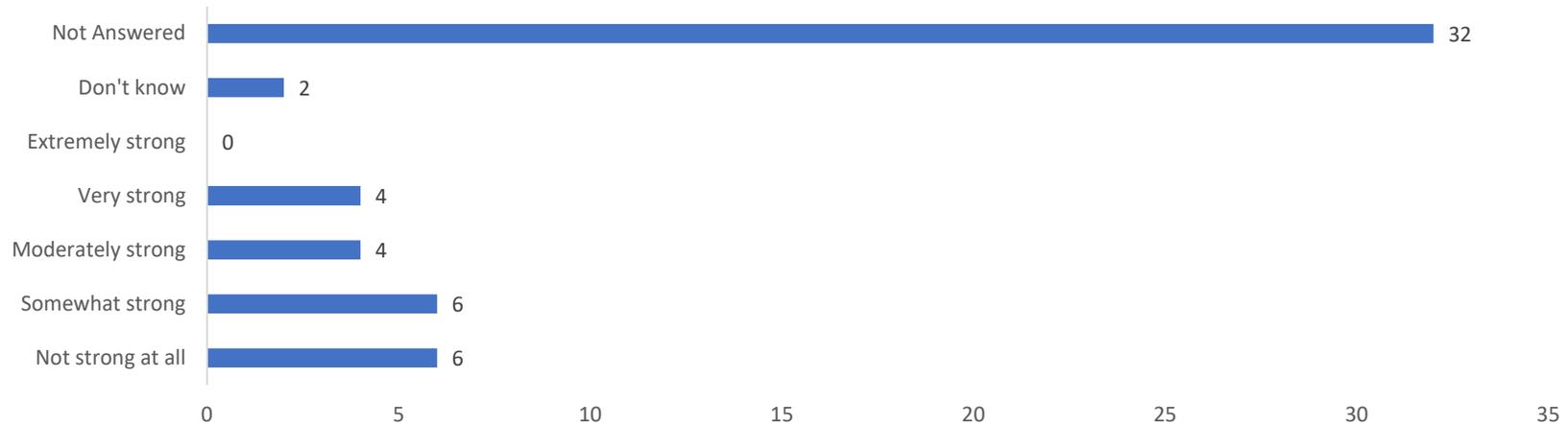
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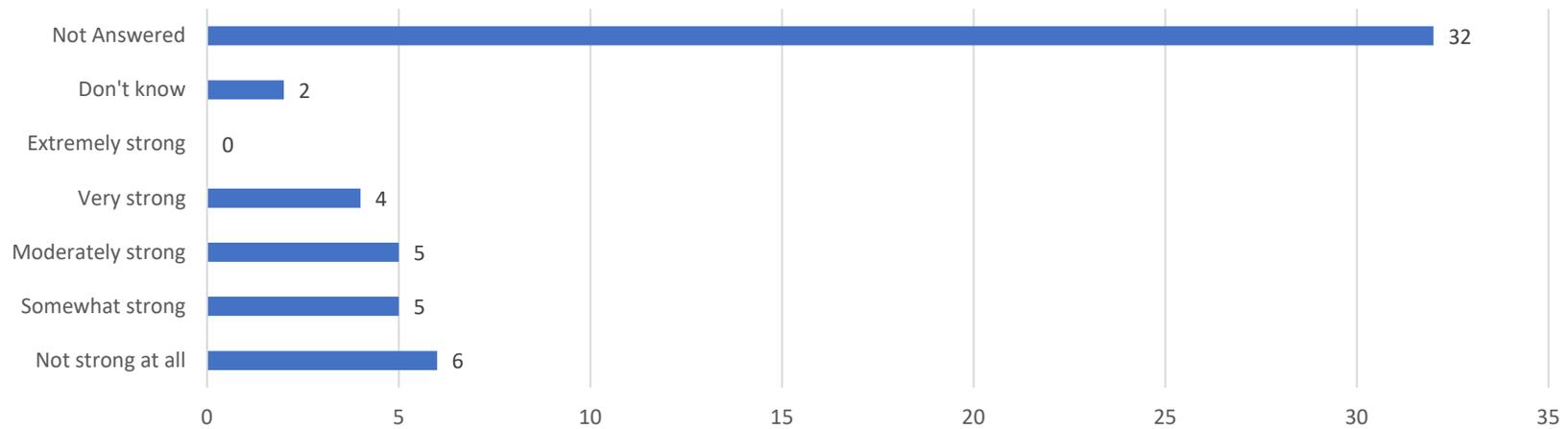
Chapter A: EIB Group Environmental and Social Policy

1. Is the EIB Group's Environmental and Social Policy strong enough to ensure that its investments adequately contribute to the objectives of EU policies and the Sustainable Development Goals (SDGs)?

EU Policies



Sustainable Development Goals



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB Group's Environmental and Social Policy does not commit the bank to actually carry out duly diligent analysis that would give it confidence that it is not violating EU policies, let alone advancing the Sustainable Development Goals. As currently drafted, the EIB Group's Environmental and Social Policy restricts the EIB's role to respecting EU policies and human rights "to the best of its knowledge" while at no point committing EIB to seek out the knowledge needed to actually do no harm, suggesting that EIB is seeking to avoid responsibility for human rights abuses by failing to internalize and actualize human rights commitments.	Nomogaia	<p>The EIB's commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 the "Policy Implementing Framework for the EIB" (specifically para 4.17) that has been revised to address relevant stakeholders' comments.</p> <p>Section 4 strengthens the requirements particularly on human rights by adding "zero tolerance" to (i) forced evictions; (ii) reprisals/retaliations; (iii) gender-based violence – see para 4.5.</p> <p>Additionally, a firm commitment to only support operations that do not significantly harm the environment and respect human rights is made in Section 3 "The Group's operating framework" where the sustainable finance model is described.</p> <p>Section 3, para 3.2.iii has been revised to align it with the vision.</p>
2	EIB has described the EIB Group's Environmental and Social Policy as a high-level and theoretical document, but this is a normative framework for engaging with clients, and it establishes no mandatory commitments by the bank to meaningfully vet clients or projects for human rights risks. It is shockingly regressive, even compared to International Finance Corporation's outdated 2012 framework, but especially Islamic Development Bank's and EBRD's newer Policy documents.	Nomogaia	<p>The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy – specifically on human rights, see para 15.</p> <p>The Preamble para 15 has been amended to ensure consistency and to strengthen the legal framework.</p> <p>Additionally, the Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1 that has been amended to strengthen the commitment.</p> <p>Additionally, a firm commitment to only support operations that do not significantly harm the environment and respect human rights is made in Section 3 "The Group's operating framework"</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>where the sustainable finance model is described (specifically para 3.2.iii.</p> <p>Additionally, the EIB is minded to develop a “human rights position statement”.</p> <p>Section 4 has been revised, strengthening the requirements particularly on human rights - see Section 4.5.</p>
3	The EIB Group’s Environmental and Social Policy is based on Impact Assessments and risk assessments. The approach still reads as being more reactive than pro-active and this is insufficient. Fundamental issues should be taken into account when defining Policy, Standards and programmes.	International Council on Monuments and Sites (ICOMOS)	<p>Impact and risk assessment is the key (and still the only one) sustainable development oriented tool in many countries. Therefore, this looking-forward instrument (including the application of mitigation hierarchy) is central to the EIB’s Environmental and Social Standards.</p> <p>However, the pro-active approach of the EIB Group’s Environmental and Social Policy is highlighted in several sections by, for example: (i) prioritising the Group’s areas of actions – see Section 2 “The Group’s Contribution”; (ii) financing and seeking to mobilise additional resources for operations that contribute to climate, environmental and social sustainability objectives - Section 3 para 3.2.ii and iv recognising the role of advisory and capacity building, as well as partnership as key elements of sustainable finance as operating mode - Section 3 para 3.2.vii.</p>
4	Inclusive and multi- stakeholder partnerships are key elements of the agenda 2030 in order to tackle global challenges and to reach the Sustainable Development Goals. The EIB Group’s Environmental and Social Policy framework could be strengthened to ensure that civil society organisations and local communities will benefit from the environmental and social outcomes of activities.	AVSI Foundation	<p>The EIB acknowledges that stronger partnerships are at the heart of the EU’s approach to deliver on Sustainable Development Goals – see Preamble para 18.</p> <p>Additionally, the development and strengthening of the partnerships has been included as one of the key elements of the sustainable finance operating model, in Section 3, para 3.2.vii.</p>
5	Many of the Sustainable Development Goals relate to occupational safety and health and labour issues. The protections of these workers should be better considered within the current framework.	Institution of Occupational Safety and Health	The specific area of actions on “Promoting Fundamental Rights at work” has been expanded to cover Occupational Safety and Health – see the new para 2.13.

Ref.	Summary of Contribution	Contributor	EIB comments
			Additionally, the specific requirements related to Occupational Safety and Health are detailed in the dedicated Standard 9 on “Health, safety and security”.
6	From an EU Policies perspective, the EIB Group’s Environmental and Social Policy should have a stronger focus on the rule of law, human rights, including labour rights, good governance and sustainability by strengthening responsible trade, human rights and sustainable development including decent work issues.	Institution of Occupational Safety and Health	<p>The EIB Group’s Environmental and Social Policy is complemented by other Policy documents that focus on rules of law and good governance (e.g. the EIB Group Anti-Fraud Policy, the EIB Group Transparency Policy, the EIB Group Complaints Mechanism Policy, etc.).</p> <p>The labour rights acknowledged in the EIB Group’s Environmental and Social Policy (see Section 2 sub-section “Promoting fundamental rights at work” paras 2.12 and 2.13), as well as the decent work issues are detailed in the dedicated Standard 8 on “Labour rights”.</p>
7	The EIB Group’s Environmental and Social Policy should encompass animal welfare to promote and support the achievement of EU Policy objectives, as set out in the Farm to Fork strategy.	<p>Compassion in World Farming</p> <p>Eurogroup for animals</p> <p>Four Paws</p> <p>Sinergia Animal</p> <p>World Animal Protection</p> <p>World Federation for Animals</p>	<p>In order to clarify and strengthen the commitment to promote the sustainable use of natural and living resources, a specific reference has been added in Section 3, para 3.2.iii.</p> <p>Additionally, the EIB has committed to develop a standalone Good Practice Note on Animal Welfare.</p> <p>Section 3, para 3.2.iii has been revised to reflect relevant elements of stakeholders’ comments.</p>
8	The European Commission has announced the entry into force of revised legislation on animal welfare in 2027, therefore the EIB should aim to support proactively the upcoming transition and ensuring that it will finance only farming systems that will still be viable after the entry into force of this new EU framework regulation.	Four Paws	

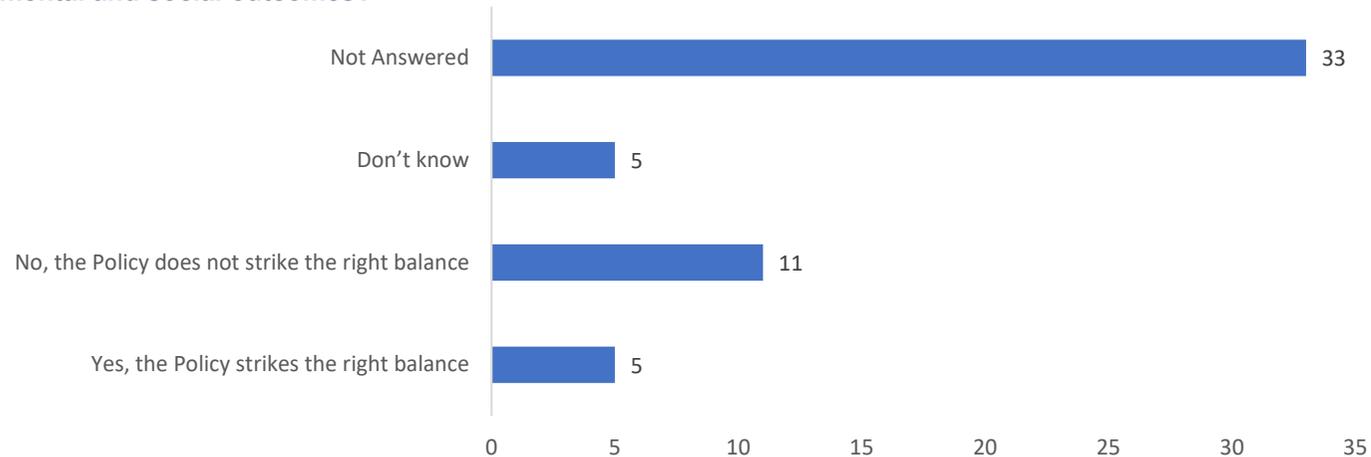
Ref.	Summary of Contribution	Contributor	EIB comments
9	Overall the lack of explicit recognition of the links between issues (e.g. animal welfare's impacts across climate, biodiversity and human health) undermines the ability to contribute to the Sustainable Development Goals, which rely on a recognition of the interrelatedness of many factors towards sustainable development.	World Animal Protection	
10	In general, allowing lower Standards for investment in client countries creates an uneven playing field and equates to the EU taking advantage of situations in other countries which have less developed environmental, social and animal welfare protections than the EU. Instead, the EIB should play a role as a Standard-setter, normalizing good practices and strong EU protections by meeting EU Standards when working in client countries.	World Federation for Animals	
11	The failure of the EIB Group's Environmental and Social Policy to recognise the detrimental impact of industrial livestock production on the environment and human health (e.g. high use of antimicrobials) means that it is out of step with Sustainable Development Goals 2,3,6,12,13, 14 & 15.	Compassion in World Farming EU	
12	The EIB Group's Environmental and Social Policy does not set any exclusions nor minimal criteria or targets that could actually ensure finance is shifted to sustainable practices.	Sinergia Animal	<p>The EIB has already a list of Excluded Activities which is publicly available - see Excluded Activities (eib.org)</p> <p>Additionally, Section 4 the "Policy Implementing Framework for the EIB" (specifically para 4.4) has been revised to address relevant elements of stakeholders' comments.</p>
13	The EIB Group's Environmental and Social Policy only mentions the ambition to contribute to the Sustainable Development Goals and to comply with EU policies, without explaining how it will do that.	Sinergia Animal	<p>The EIB's ambition to contribute to the Sustainable Development Goals and ensure its finance operation complies with EU policies by:</p> <ul style="list-style-type: none"> • Defining the key areas of contribution (see Section 2 "The Group's Contribution"); • Adopting Sustainable Finance as its operating model (see Section 3 "The Group's operating framework") and explaining "what does it mean" (see Section 3 para 3.2); • Committing to carry out and describing its environmental, climate and social due diligence / monitoring process (see Section 4 the "Policy Implementing Framework for the EIB")

Ref.	Summary of Contribution	Contributor	EIB comments
14	The EIB Group's Environmental and Social Policy does not explain how it will uphold the spirit of EU policies in the case of clients outside the EU.	Sinergia Animal	<p>specifically the Sub-section on the "EIB environmental, climate and social due diligence and monitoring".</p> <p>Section 4 the "Policy Implementing Framework for the EIB" describes the roles and responsibilities of both EIB and its Promoters. Section 4 has been revised to address relevant elements of stakeholder's comments.</p> <p>However, the detailed requirements and obligations that the Promoters should comply with are spelled out in the 11 EIB Environmental and Social Standards. These Standards have been restructured to better reflect the requirements based on the location of the project. Each Standard includes a relevant section which provides the requirements for projects located in "the rest of the world".</p>
15	For each project, several different sustainable solutions should be searched, analysed and compared through a strict Life Cycle Assessment so that the best solution can be selected at the end.	Response 808951905	<p>One of the areas of actions described under Section 2 "The Group's Contribution" is "Supporting resource efficiency and the transition to a circular economy"- see para 2.6. Reference has been made to circularity assessment to reinforce the concept.</p> <p>Para 2.6 has been revised to reflect relevant elements of stakeholders' comments.</p> <p>However, the EIB Group's Environmental and Social Policy should be read in conjunction with Standard 3 on "Resource efficiency and pollution prevention" that introduces the Life Cycle Assessment as a tool to select the best options, where applicable.</p> <p>Additionally, the EIB has committed through its Climate Bank Roadmap to develop additional environmental, climate and social risk tools, including the adoption of Life Cycle Assessment methodologies in the design, production and use of products and assets, where applicable – see Climate Bank Roadmap Section 5, "Building strategic coherence and accountability" para 5.31 (v).</p>

Ref.	Summary of Contribution	Contributor	EIB comments
16	Même si la politique environnementale et sociale du groupe BEI vise au respect des politiques de l'UE et des Objectifs de Développement Durable, Il faudrait rajouter les objectifs à moyen terme de l'UE en ce qui concerne les diminutions de Gazes à Effet de Serre d'ici 2030 comme indiqué dans la loi climat mais aussi être plus actif en ce qui concerne le soutien envers les projets risqués dans des secteurs tels que l'hydrogène.	Akuo Energy	The EIB Group's Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap and the EIB Climate Strategy. Additionally, the Preamble para 8 has been revised to address the stakeholder's comment and to better reflect the link with the EIB Group Climate Bank Roadmap.
17	Even though the EIB's Environmental and Social Sustainability Framework states the EIB's commitment "to support the EU's values and objectives laid down in EU policies through its financing, blending and advisory activities", which also encompasses the UN Convention on the Rights of Persons with Disabilities, which was ratified by the EU, the EIB provides loans to rebuild institutions for people with disabilities and mental health problems. Such investments are not only at odds to the EU Charter and the UN Convention on the Rights of Persons with Disabilities, but also to the European Union's commitment to support Governments and civil society organisations in the EU to move away from large-scale institutional care towards family-and community-based care systems.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	<p>In the projects supported by the EIB, long-term mental disability care is mostly provided in top-quality assisted living/ sheltered housing facilities and day-centres, taking into account the individual needs of the clients not only from a medical perspective, but also putting emphasis on safety, attractiveness and space requirements of the facilities used for providing care, education, sports, leisure, as well as interacting with the families and the local community. The modernized mental healthcare system aims to involve the patient's family, friends and the community into the care provided in order to potentiate the client's existing degree of autonomy to the maximum possible extent.</p> <p>Scientific evidence and international best practice show that there remain specific indications of mental disability that do require institutionalized care (where "institutionalized" means long-term intensive disability and nursing care received within the campus of a dedicated institution). When the EIB supports such an investment, the Bank verifies that the Promoter adheres to (i) United Nations Convention on the Rights of Persons with Disabilities and (ii) European Fundamental Rights Charter.</p>
18	EIB policies are not carried out in practice, nor Standards adhered to.	Response 661456814	Your comment is noted. The EIB thanks you for the feedback.
19	The draft EIB Group's Environmental and Social Policy does not bring any significant improvement to the current EIB Statement of Environmental and Social Principles and Standards.	Counter Balance	

Ref.	Summary of Contribution	Contributor	EIB comments
20	This new EIB Group's Environmental and Social Policy would do nothing to address a key challenge at the EIB, which is about closing the gap between its Standards and their implementation on the ground.	Counter Balance	Your comment is noted. The EIB thanks you for the feedback.
21	It is clearly stated that the Group will seek to stimulate investment to meet the objectives of EU policies and the Sustainable Development Goals (e.g. the temperature goal of the Paris Agreement, net-zero greenhouse gas by 2050). In EIB Group's Environmental and Social Policy, the Group also acknowledges the European Green Deal as the new EU growth strategy and supports the implementation of the actions identified in the EU roadmap to achieve the ambition of making the EU's economy sustainable with a transition that is just and inclusive for all.	Green Growth Horizontal Project Interreg MED Programme	

2. Does this Policy strike the right balance between commitments to strengthen the Group’s safeguards and the pursuit of opportunities to increase positive environmental and social outcomes?



Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	There should be no need to strike a balance between strengthening the safeguards and identifying opportunities to increase positive environmental and social outcomes. By fulsomely committing to enforce its Standards, EIB could know and show that its investments support sustainable development. The efforts to avoid direct accountability for the Environmental and Social Safeguards raises questions about EIB's commitment to its own values and goals.	Counter Balance Nomogaia	<p>The EIB's commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 the "Policy Implementing Framework for the EIB" (specifically from para 4.16 to para 4.29).</p> <p>Section 4 has been revised, strengthening the requirements and better clarifying the roles and responsibilities of both the Promoters and the EIB. Specifically, the EIB Roles and Responsibilities have been strengthened – see revised paras 4.4 and 4.5., and a new section on "Promoter Roles and Responsibilities" have been added – see paras 4.11 to 4.13.</p> <p>However, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.</p>

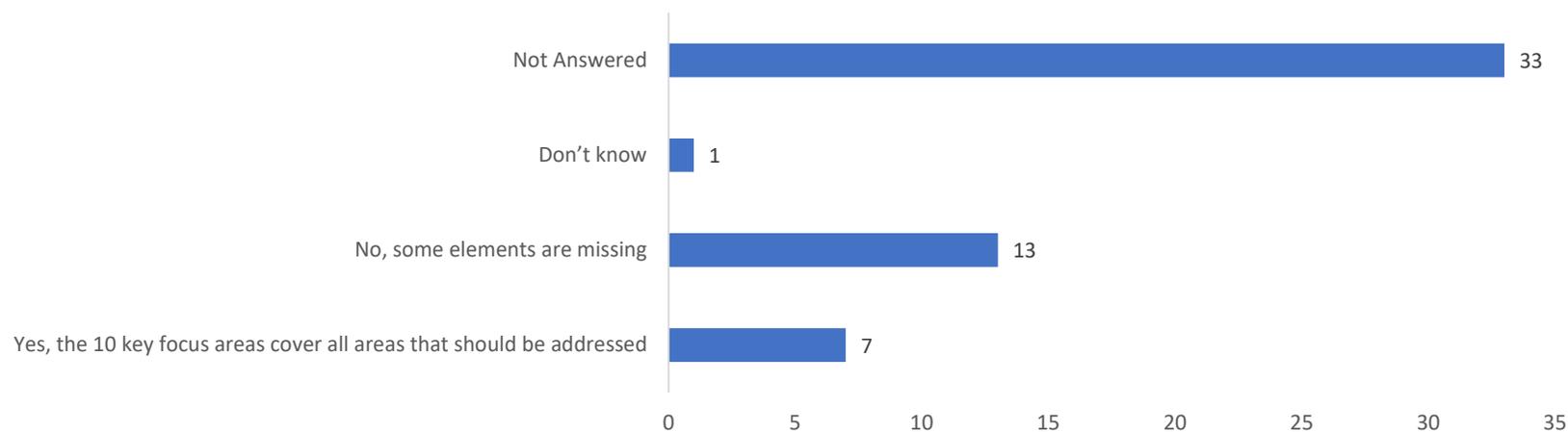
Ref.	Summary of Contribution	Contributor	EIB comments
			Additionally, the EIB is accountable for implementing its own policies and procedures as laid out in the Group's Complaints Mechanism Policy and relevant procedures.
2	I get the sense that EIB was trying to cut red tape in 4.7, delegating environmental, climate and social due diligence to other financing partners "provided that the EIB is satisfied that these are materially consistent with the requirements set out in EIB Group's Environmental and Social Policy." The requirements in EIB Group's Environmental and Social Policy are so vague that the statement hardly matters, but it is not implementable as written. For example, how does EIB determine it "is satisfied"? EIB has created no guardrails to ensure that its Environmental and Social Standards are implemented when it decides to "delegate" environmental, climate and social to other banks.	Nomogaia	<p>Para 4.7 (now 4.8) applies to the very specific situation of Mutual Resilience Initiatives and only on a case-by-case situation as provided by the text, including the quote "may"—see description of the initiative at Mutual Reliance Initiative (MRI) (eib.org).</p> <p>To clarify the situation, an explanation has been provided in the footnote.</p> <p>Para 4.8 has been amended to reflect relevant elements of stakeholders' comments.</p>
3	Indigenous peoples and other vulnerable groups are not being safeguarded nor their rights respected. Positive environmental and social outcomes were not produced in the scenarios I am most familiar with. Your policies may be fine, and look great on paper, but they are not adhered to in practice – at least they were not in the past.	Response 661456814	<p>The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce vulnerabilities are among the key areas of action – see Section 2 "The Group's Contribution" and specifically the sub-sections "Reducing discrimination and fostering social inclusion" and "Fostering gender equality and women's economic empowerment".</p> <p>The rights of vulnerable groups and Indigenous Peoples acknowledged in the EIB Group's Environmental and Social Policy are detailed in the dedicated Standard 7 on "Vulnerable groups, Indigenous Peoples and Gender".</p>
4	As the EIB Group seeks to ensure respect for human rights (see item 2.1 page 4), it is suggested to move para 14 of the preamble more upfront (e.g. after para 2 with rewording to match current para 3) and to include in the same para a reference to culture. If not, the impression is created that human rights and respect for cultures are not a priority for the EIB Group.	International Council on Monuments and Sites (ICOMOS)	<p>The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy – specifically on human rights, see para 15.</p> <p>Respect for culture remains a priority for the EIB Group and therefore a new para has been introduced in the Preamble (see para 11), recognising the value of cultural diversity and increasing protection of cultural rights, taking note of the relevant EU cultural heritage-related thematic strategies and policies.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
5	We recommend that the social elements of sustainability have more relevance in the document, where occupational safety and health can act as an enabling function for the development in the area of labour and human rights, decent work, including the changing concept of the supply chain management.	Institution of Occupational Safety and Health	<p>The specific area of actions on “Promoting Fundamental Rights at work” has been expended to cover Occupational Safety and Health – see the new para 2.13.</p> <p>Additionally, the specific requirements related to Occupational Safety and Health are detailed in the dedicated Standard 9 on “Health, safety and security”.</p>
6	Common methodologies, resources and appropriate systems identified with civil society organisations and local actors in order to identify, assess, manage and monitor the environmental and social outcomes could be strengthened.	AVSI Foundation	<p>The EIB Group recognises the role of civil society organisations to support the commitments expressed in the EIB Group’s Environmental and Social Policy. This is reflected in the Preamble para 18.</p> <p>Additionally, the development and strengthening of the partnerships has been included as one of the key elements of the sustainable finance operating framework to answer to stakeholder’s comments – see para 3.2.vii.</p> <p>Specifically, on the role of the civil society organisations, the EIB Group’s Environmental and Social Policy should be read in conjunction with the EIB’s Environmental and Social Standards (e.g. third-party monitoring in Standard 1 on “Environmental and social impacts and risks”, Standard 2 on “Stakeholder engagement”, etc.)</p>
7	To support the Group’s pursuit to increase positive environmental and social outcomes, the EIB Group’s Environmental and Social Policy needs to address financing for climate action and for ecosystem and biodiversity conservation.	Four Paws	<p>The EIB Group recognizes the climate emergency and the unprecedented biodiversity loss as some of the greatest challenges of the 21st century.</p> <p>It is also committed to address financing for climate action and biodiversity by including these in its areas of focus – see Section 2 “The Group’s Contribution”, particularly sub-sections: “Fostering the transition to a net-zero economy”, “Protecting, Preserving, Restoring and Valuing Biodiversity and Ecosystem Services” and “Building resilience to a changing climate and all type of natural disaster”.</p> <p>To be also noted that the EIB Group’s Environmental and Social Policy should be read in conjunction with other Group</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>policies, notably the EIB Group Climate Bank Roadmap and the EIB Climate Strategy.</p> <p>However, the language has been revised to strengthen the message and to address stakeholder's comments:</p> <p>Preamble para 5 has been revised to capture all relevant international agreements related to climate change and specifically biodiversity.</p> <p>As financing biodiversity is central to the EU 8th Environmental Action Programme and the EU Biodiversity Strategy, Preamble para 9 has been revised.</p> <p>The Vision has been strengthened in its para 1.3 to address the comment.</p> <p>Section 2 para 2.1 has been amended to recognize both climate emergency and biodiversity loss.</p> <p>Section 2 para 2.4 has been amended by including a relevant footnote.</p> <p>Para 2.5 has been reinforced by making reference to the long-term biodiversity goals.</p>
8	<p>The Policy needs to address the measures to exclude the financing of activities expected to produce negative impacts in one of the key areas of action defined in EIB Group's Environmental and Social Policy and to exclude practices that cause significant harm to any one of the six environmental objectives defined in the EU Taxonomy regulation.</p>	Four Paws	<p>Preamble para 7 recognizes the role of the EU Sustainable Finance agenda to implement the EU ambitions on environmental, climate and social objectives.</p> <p>The EIB Group considers "sustainable finance" as its operating framework as described in Section 3 "The Group's operating framework".</p> <p>Furthermore, Section 4 para 4.3.ii highlights that the EIB's due diligence and monitoring is designed to ensure consistency with the "Do No Significant Harm" and "Minimum Safeguards"</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>(known as well as Minimum “Social” Safeguards) principles introduced by the EU Taxonomy.</p> <p>Additionally, the EIB Group Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap where alignment to the EU Taxonomy is described.</p> <p>However, the EIB Group Environmental and Social Policy has been revised to strengthen the message and address relevant elements of stakeholders’ comments – see Section 3 para 3.2.iii.</p>
9	La nouvelle politique de la BEI ne prend pas suffisamment en compte la nécessité d’investir massivement dans la production d’énergies renouvelables afin de décarboner nos économies et remplacer les activités polluants par des activités durables.	Akuo Energy	<p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap, the EIB Climate Strategy and the EIB Energy Lending Policy.</p> <p>Additionally, the Preamble para 8 has been revised to address the stakeholder’s comment and to better reflect the link with the EIB Group Climate Bank Roadmap.</p>
10	L’arrêt des investissements dans certains projets, comme ceux liés aux combustibles fossiles, devrait être clairement énoncé.	Akuo Energy	
11	While there are some critical issues which need to be addressed, the aims of EIB Group’s Environmental and Social Policy are positive and well-balanced.	Akuo Energy	<p>Your comment is noted. The EIB thanks you for the feedback.</p>
		International Council on Monuments and Sites (ICOMOS)	
12	This Policy hardly strengthens safeguards as, due to a lack of clear criteria, it leaves a lot of room for interpretation.	Sinergia Animal	
13	At the moment the EIB Group’s Environmental and Social Policy is not ambitious enough. It appears to be an attempt to make marginal improvements to business as usual, without recognising the scope of transformation needed to achieve sustainable development.	World Animal Protection World Federation for Animals	

3. Do the 10 'key focus areas' (see paras 2.3-2.14 of the Policy) cover all areas that you believe should be addressed by the Policy?



Please explain your answer

Table 3

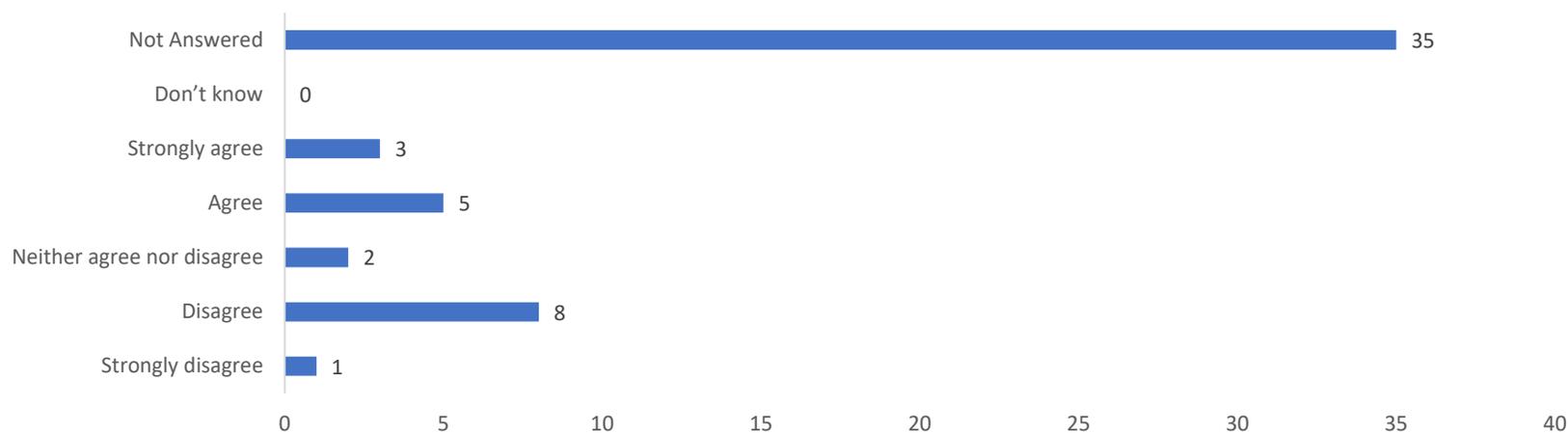
Ref.	Summary of Contribution	Contributor	EIB comments
1	The key focus areas are oddly silent on indigenous rights, with the language of para 2.8/2.9 suggesting that Indigenous Peoples should be assimilated, rather than have their lands, livelihoods, cultures and self-determination safeguarded. This is fundamentally inconsistent with the Environmental and Social Standards, to say nothing of human rights instruments.	Nomogaia	The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy – specifically on human rights see para 15. Additionally, the EIB recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1.
2	The EIB should list the promotion of human rights and fundamental freedoms in general as its key priority, in addition to those at work or those related with gender equality.	Counter Balance	The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce vulnerabilities is one of the key areas of action – see Section 2 “The Group’s Contribution” and specifically the sub-sections “Reducing discrimination and Fostering Social Inclusion”. The rights of vulnerable groups and Indigenous Peoples acknowledged in the EIB Group's Environmental and Social

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Policy, are detailed in the dedicated Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender”.</p> <p>Additionally, the EIB is minded to develop a “human rights position statement”.</p>
3	La question du Genre devrait être traitée dans une norme à part.	Mohamed Miftah	<p>The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce vulnerabilities is one of the key areas of action – see Section 2 “The Group’s Contribution” and specifically the sub-sections “Reducing discrimination and fostering social inclusion” and “Fostering gender equality and women’s economic empowerment”.</p> <p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Gender Strategy.</p> <p>Furthermore, Standard 7 on “Vulnerable groups, Indigenous Peoples and Gender” was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.</p>
4	We recommend that a specific Social Capital sustainability dimension could be considered as an additional key focus area. This could respond to a movement where human-capital related issues such as labour conditions in the supply chain, business human rights and human capital management issues that manifest in a company’s supply chain are better considered and managed.	Institution of Occupational Safety and Health	<p>The implementation of the EIB Group’s Environmental and Social Policy is supported by the EIB Environmental and Social Standards and related internal procedures and guidelines.</p> <p>Particularly, the specific requirements related to labour conditions in the supply chain are articulated in Standard 8 on “Labour rights” and Standard 9 on “Health, safety and security”.</p>
5	Animal welfare is missing and should be explicitly recognised within the focus areas, as it is inherently linked to several environmental, climate and social challenges (climate change,	Eurogroup for Animals	In order to clarify and strengthen the commitment to promote the sustainable use of natural and living resources, a specific reference has been added in Section 3, para 3.2.iii.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>environmental pollution, biodiversity loss, zoonotic disease, antimicrobial resistance etc).</p> <p>The EU's Farm to Fork Strategy (2020) stressed the "urgent need to improve animal welfare", essential to achieve a fair transition towards sustainable food systems; to help preserve biodiversity and reduce the need to use antibiotics on farms.</p>	<p>Four Paws</p> <p>Sinergia Animal</p> <p>World Animal Protection</p> <p>World Federation for Animals</p>	<p>Additionally, the EIB has committed to develop a standalone Good Practice Note on Animal Welfare.</p> <p>Section 3, para 3.2.iii has been revised to reflect relevant elements of stakeholders' comments.</p>
6	<p>If animal welfare cannot be included as a separate issue, the section "protecting, preserving, restoring and valuing biodiversity and ecosystem services" could be updated to "protecting, preserving, restoring and valuing <i>animal welfare</i>, biodiversity and ecosystem services".</p>	<p>World Federation for Animals</p>	
7	<p>Animal rights are missing – the EU recognizes animals as sentient beings, capable of feeling joy and pain. At the same time, the millions of animals can still legally be subjected to the cruelest practices, as is the case with farmed animals and animals used for tests.</p>	<p>Sinergia Animal</p>	
8	<p>A key area that is missing is threats to public health. The focus areas should include commitments to take steps to tackle non-communicable disease, antimicrobial resistance, risks of zoonotic disease emergence and further pandemics. The focus areas should also consider dietary quality as diets in the developed world and many emerging economies are often nutritionally poor with too much sugar, salt, saturated fat and highly processed food.</p>	<p>Compassion in World Farming EU</p>	<p>Public health is indeed a major EU concern and a driver for EIB projects. A series of recent initiatives prove this: COVID-19 health emergency projects, Malaria Fund, AMR initiative, projects in support of vaccines and vaccinations. Through the nature of our projects (tangible investments), the EIB cannot exclusively support Policy interventions, or "soft" interventions from the area of communication campaigns, awareness raising etc. – but the EIB does evaluate them in the context of projects that have these kind of components (not supported by EIB finance).</p>
9	<p>Cultural heritage (buildings, historic towns and villages, cultural landscapes) is not included in the 10 "key focus areas" whilst it is part of the environment and it "fosters quality employment, promotes inclusion and human dignity, safeguards health and well-being, and provides decent living Standards" (quote from para 1.2). It should preferably be integrated as a separate additional element after para 2.5 on biodiversity and ecosystems, which are natural heritage.</p>	<p>International Council on Monuments and Sites (ICOMOS)</p>	<p>Respect for culture remains of high importance for the EIB Group and therefore a new para has been introduced in the Preamble (see new para 11), recognising the value of cultural diversity and increasing protection of cultural rights and taking note of the relevant EU cultural heritage-related thematic strategies and policies.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
10	Cultural heritage is relevant to all ten areas and needs to be articulated in all of these.	International Council on Monuments and Sites (ICOMOS)	
11	Il faudrait rajouter l'objectif de diminution de 55% des Gazes à Effet de Serre d'ici 2030 (2.4).	Akuo Energy	<p>The EIB Group's Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap, the EIB Climate Strategy, the EIB Energy Lending Policy as well as with Standard 5 on "Climate change".</p> <p>Additionally, the Preamble para 8 has been revised to address the stakeholder's comment and to better reflect the link with the EIB Group Climate Bank Roadmap.</p>
12	Il faudrait rajouter la nécessité d'investir massivement dans la production d'énergies renouvelables (au-delà de l'efficacité énergétique).	Akuo Energy	
13	The key focus areas seem to suggest that EIB can focus on these areas to know they are doing good, when in reality these are interrelated and sometimes conflicting aims. The 10 key focus areas obscure the importance of analyzing these touchpoints. I strongly recommend their elimination.	Nomogaia	<p>Your comment is noted. The EIB thanks you for the feedback.</p>
14	It would be good to consider the "time" parameter. If one solution brings faster and lasting results versus the other solutions, this solution should engage the right decision.	Response 808951905	
15	Food systems are missing - A fundamental reform in the way we produce and consume food is urgent and indispensable for a transition to a sustainable future. The end of factory farming has to be a key element of this, as this sector impacts almost every Sustainable Development Goal in a negative way.	Sinergia Animal	

4. The Group has struck the right balance between the various environmental, climate and social challenges



Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	On the social front, what is particularly missing in the draft Environmental and Social Sustainability Framework is to focus on the reduction of inequalities.	Counter Balance	The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce inequalities is one of the key areas of action – see Section 2 “The Group’s Contribution” and specifically the sub-sections “Reducing discrimination and fostering social inclusion” that should be complemented by “Fostering gender equality and women’s economic empowerment”.
2	The EIB Group’s Environmental and Social Policy does not have the provisions in place to properly respond to human rights challenges	Counter Balance	The Preamble sets out the legal framework that guides the EIB Group’s Environmental and Social Policy – specifically on human rights, see para 15.
3	EIB hews to a line often used by the International Finance Corporation to claim that human rights are a subset of Environmental and Social Standards. EIB is beholden to EU law to respect human rights, so this position is untenable for it.	Nomogaia	<p>Additionally, the EIB Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1.</p> <p>Additionally, the EIB Group is minded to develop a “human rights position statement”.</p>

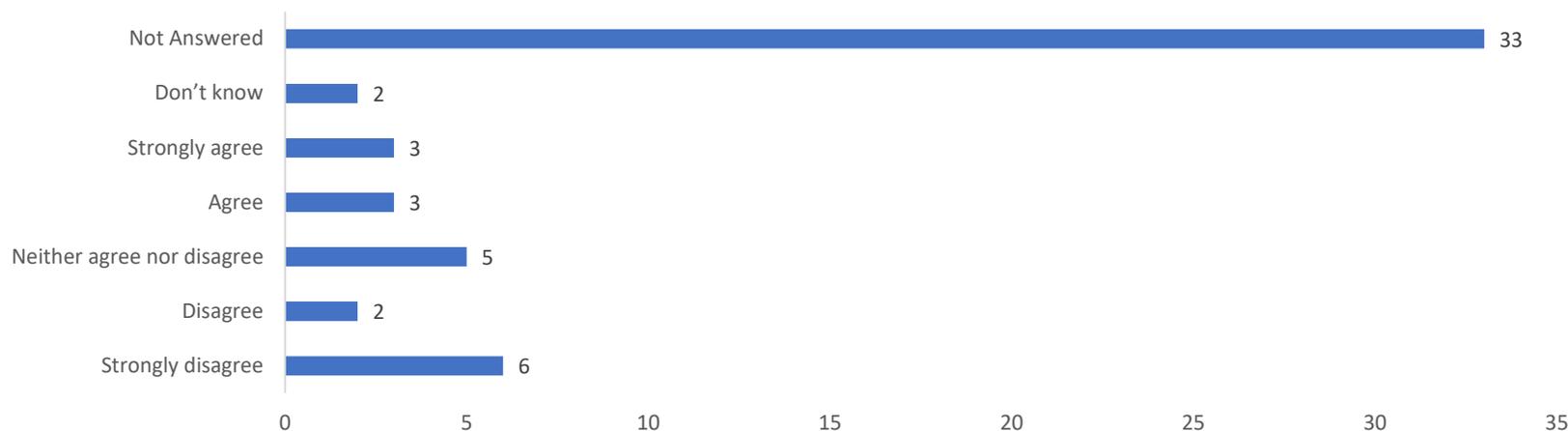
Ref.	Summary of Contribution	Contributor	EIB comments
4	The potential of the social and physical infrastructure within cultural heritage buildings, historic urban centres, rural areas and cultural landscapes is not sufficiently recognised as a significant resource to achieve the aims set out by EIB Group's Environmental and Social Policy.	International Council on Monuments and Sites (ICOMOS)	<p>Respect for culture remains a priority for EIB Group and therefore a new para has been introduced in the Preamble (see new para 11), recognising the value of cultural diversity and increasing protection of cultural rights and taking note of the relevant EU cultural heritage-related thematic strategies and policies.</p> <p>Particularly, the specific requirements related to protection of cultural heritage are articulated in Standard 10 on "Cultural heritage".</p>
5	Unless carefully designed, climate adaptation and mitigation projects can imply potential trade-offs between other economic, environmental, and social objectives. Tensions can exist between requirements of the different Standards. It is suggested that EIB Group's Environmental and Social Policy addresses this potential for tension. It should advise that projects should seek to avoid maladapted outcomes but instead pursue win-win outcomes that advance climate action and other co-benefits and minimise tensions with other economic, environmental and social objectives.	<p>International Council on Monuments and Sites (ICOMOS)</p> <p>The European Expert Group on the Transition from Institutional to Community-based Care (EEG)</p>	<p>The EIB Group's Environmental and Social Policy places "sustainable and inclusive development at the core of the Group's values". It also "recognises the interdependence of the different elements of the environment and their interaction with human life and activities" – see Section 1 "Vision".</p> <p>The EIB Group has identified the ten key areas for action by acknowledging that these "are strongly interlinked and mutually reinforcing" – see Section 2 para 2.2.</p>
6	The balance misses a focus on animal rights and welfare.	Sinergia Animal	<p>In order to clarify and strengthen the commitment to promote the sustainable use of natural and living resources, a specific reference has been added in Section 3, para 3.2.iii.</p> <p>Additionally, the EIB Group has committed to develop a standalone Good Practice Note on Animal Welfare.</p> <p>Section 3, para 3.2.iii has been revised to reflect relevant elements of stakeholders' comments.</p>
7	The purpose of the EIB Group's Environmental and Social Policy and its Standards should be to prevent any environmental, climate, social and human rights harm, not to strike the right balance between them.	Counter Balance	The EIB Group's Environmental and Social Policy is not only about "safeguarding" and should be seen as the Group's commitment to support the transition to sustainable economies and communities that are climate and disaster-resilient, low-carbon and more resource-efficient. The "safeguarding" part is clearly recognised in the Vision and detailed in Section 3 "The Group operating framework" para 3.2.i, 3.2.iii, 3.2.v.

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Furthermore, the EIB's due diligence and monitoring process is described in Section 4 the "Policy Implementing Framework for the EIB" (specifically from para 4.16 to para 4.29) that has been revised to address stakeholder's comments.</p> <p>Section 3, para 3.2.iii has been revised to align it with the "Vision".</p> <p>Section 4 has been revised, strengthening the requirements related to due diligence and monitoring, including risk categorisation.</p>
8	The EIB Group acknowledges the need to tackle pollution, climate change emergency and growing pressure on natural resources and environmental systems. However, it does not focus only on the environmental and climate challenges but also on social challenges by applying a human rights-based approach to its activities, with the aim of promoting social inclusion, reducing inequalities and risks to human health and well-being.	Green Growth Horizontal Project - Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
9	Disclosing the implementation of businesses social strategies within an effective system of corporate governance in the organization strengthens corporate sustainability performance. Social performance linked to human capital and occupational safety and health dimensions is therefore positively related to economic sustainable performance, indicating that the corporation's economic value and creating value for society are interdependent.	Institution of Occupational Safety and Health	
10	We suggest a more holistic and equitable approach to capital allocation decisions, considering the workforce, stakeholders and providers of capital.	Institution of Occupational Safety and Health	
11	Human rights are not divisible. They are relevant for all 10 'key focus areas' as is the case for cultural heritage.	International Council on Monuments and Sites (ICOMOS)	
12	The group advanced an Environmental and Social Policy commitment on human rights without internalizing any input	Nomogaia	

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>from human rights experts. Civil society and research groups have painstakingly outlined weaknesses in EIB's human rights practices, including applying our own human rights expertise to identify investments that urgently required human rights due diligence that the bank had not undertaken. Those efforts did not translate into any commitment at all by the EIB.</p>		

DRAFT

5. The EIB Group’s Environmental and Social Sustainability Framework ensures that its operating model is fully geared towards sustainable finance, as defined in Chapter 3 of the Environmental and Social Policy.



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The clearest effort to undermine this commitment is in EIB’s elimination of Policy Statement 1-10 commitments from financial institutions, general corporate finance, and capital market transactions. EIB might be aware of this weakness already, because the language of section 4.15 and 4.16 is drawn directly from EBRD’s Standards, but it deletes:</p> <ul style="list-style-type: none"> the components that require clients to align their corporate Environmental and Social Management System with Environmental and Social Standards the bank’s requirement that "The appraisal will identify whether the available information is sufficient to determine the environmental and social risks and impacts of the project and compliance with the Environmental and Social Standards" and require compliance with the Environmental and Social Standards after subscription 	<p>Counter Balance Nomogaia</p>	<p>Section 4 “Policy Implementing Framework for EIB” describes the EIB’s due diligence and monitoring process, including provisions:</p> <ol style="list-style-type: none"> where the EIB finances through financial intermediaries – see para 4.20; where the projects involve general corporate finance – see para 4.21; in case of capital market transactions – see para 4.22. <p>It should be noted that the requirements presented in Section 4 are complemented by the EIB’s Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.</p> <p>However, the requirements in para 4.20, 4.21 and 4.22 have been amended to reflect relevant elements of stakeholders’ comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<ul style="list-style-type: none"> the commitment not to finance high-risk and high-impact projects through capital market instruments. <p>In para 4.15, the following missing part should be added: [[...]]]]“the client will be required to align its corporate environmental and social management systems with the Environmental and Social Standards and develop measures at the corporate level to manage the environmental, climate and social impacts and risks associated with its business activity.”</p> <p>In para 4.16: “[[...]]]] It may have to rely solely on publicly available information to assess the Promoter’s capacity and commitment to manage the relevant impacts and risks associated with its business activities (and with the sub-projects/investments to be financed) in accordance with relevant legal requirements, EIB’s Environmental and Social Standards, and international good practice. The appraisal will identify whether the available information is sufficient to determine the environmental, climate and social risks and impacts of the project and compliance with the EIB’s Standards. After subscription, the Bank will require clients to comply with the EIB’s Environmental and Social Standards. High Risk projects (requiring Environmental Impact Assessment or Environmental and Social Impact Assessment) will be not financed through capital market transactions.”</p>		
2	<p>For too long, companies have failed to consider environmental and social risks and opportunities as core to their business. Of the environmental, social and governance-related risks, poor governance, human rights-related risk from operations and lack of independent verification (assurance) over data and claims are some of the most likely risks to alter investor and investment decisions.</p>	<p>Institution of Occupational Safety and Health</p>	<p>Section 4 “Policy implementing framework for EIB” describes the EIB’s due diligence and monitoring process, includes provisions where the projects involve general corporate finance – see para 4.21.</p> <p>However, the requirements in para 4.21 have been amended to reflect relevant elements of stakeholders’ comments.</p>
3	<p>The Policy is so weak on EIB due diligence and Promoter oversight that it is not possible for EIB to make this claim. Chapter 3 suggests that EIB can set targets for “climate-friendly investments” and automatically be climate-friendly, but</p>	<p>Nomogaia</p>	<p>The EIB Group considers “sustainable finance” as its operating model as described in Section 3 “The Group’s operating framework”.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	without fulsome evaluation of the potential risks associated with each investment, unforeseen adverse and climate-unfriendly consequences are inevitable.		Furthermore, Section 4 para 4.3.ii highlights that the EIB's due diligence and monitoring is designed to ensure consistency with the "Do No Significant Harm" principle and "Minimum Safeguards" (also known as Minimum "Social" Safeguards") principles introduced by the EU Taxonomy.
4	The aspirational tone of Chapter 3 is empty without a clear recognition that "sustainability" is impossible without first applying the "do no harm" commitment.	Nomogaia	<p>However, the EIB Group's Environmental and Social Policy has been revised to strengthen the message and address the stakeholder's comments related to do not significantly harm the environment and respect human rights. This is made in Section 3 "The Group's operating framework" where the sustainable finance model is described (see Section 3, para 3.2.iii).</p> <p>Climate and climate-risk related aspects of the Environmental and Social Sustainability Framework (ESSF) are covered specifically in Standard 5 on "Climate change", with reference to the EIB Group Climate Bank Roadmap.</p>
5	There's no Sustainability without proper human rights due diligence.	<p>International Council on Monuments and Sites (ICOMOS)</p> <p>Nomogaia</p>	<p>The Preamble sets out the legal framework that guides EIB Group's Environmental and Social Policy – specifically on human rights, see para 15.</p> <p>Additionally, the Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1.</p> <p>Section 4 para 4.15 clarifies that "the EIB pursues an integrated human rights-based approach to its ECS due diligence and monitoring. It conducts a human rights-responsive due diligence process whereby impacts and risks are screened and assessed against its E&S Standards, which in turn are grounded in human rights principles".</p> <p>Additionally, the EIB is minded to develop a "human rights position statement".</p>

Ref.	Summary of Contribution	Contributor	EIB comments
6	<p>The EIB's Operating Framework does not specify the consequences that would happen if a project being financed by the EIB results in negative environmental or human rights outcomes. To ensure that it actually achieves the goal of positive environmental and social outcomes through its financing, the EIB must clarify the consequences of non-compliance with its policies and Standards, including clear actions and optional measures that will or may be taken by the EIB where breach of Standards and related provisions of loan agreements are detected by EIB staff or reported by third parties, including victims of rights abuse and other harm.</p>	Forest Peoples Programme	<p>The EIB's commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 the "Policy Implementing Framework for the EIB" that has been revised to address stakeholders' comments.</p> <p>Additionally, a firm commitment to only support operations that do not significantly harm the environment and respect human rights is made in Section 3 "The Group's operating framework" where the sustainable finance model is described.</p> <p>Section 4 has been revised, strengthening the requirements and better clarifying the roles and responsibilities of both Promoters and EIB.</p> <p>Specifically, a new section on "Promoter Roles and Responsibilities" has been added – see para 4.11 to para 4.13.</p> <p>"EIB Roles and Responsibilities" have been strengthened – see revised paras 4.4 and 4.5.</p>
7	<p><i>"La BEI augmentera progressivement la part des financements qu'elle consacre chaque année à l'action en faveur du climat et à la durabilité environnementale pour la porter à 50% à l'horizon 2025 et au-delà".</i></p> <ul style="list-style-type: none"> • Ne faudrait-il pas définir au sein de la présente norme des objectifs intermédiaires concernant la part des financements en faveur du climat et de la durabilité? • 50% de financements verts à l'horizon 2025 est-il suffisamment ambitieux pour assurer une décarbonation rapide de nos économies ? 	Akuo Energy	<p>The EIB Group's Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap and the EIB Climate Strategy.</p> <p>Additionally, the Preamble para 8 has been revised to address the stakeholder's comment and to better reflect the link with the EIB Group Climate Bank Roadmap.</p> <p>The EIB intends to build progressively from current levels of green finance to the 2025 target and believes that the 50% target is the appropriate response for the EIB, particularly given its commitment to ensure alignment of all its financing to the goals of the Paris Agreement from the beginning of 2021. But given the scale of the challenge, the EIB remains cognisant of the need to scale up finance from all partners, particularly the private sector.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
8	Rajouter un objectif clair, concernant l'impossibilité de financer des projets en contradiction avec les politiques environnementales de l'UE, l'accord de Paris et les ODD.	Akuo Energy	<p>The EIB Group's Environmental and Social Policy acknowledges that "the Group's approach to the environmental and social dimensions of sustainability is based on the key objectives and principles set out in the relevant EU policies and legal framework, as well as on the international community's response to the global sustainable development challenges as laid down in the relevant international treaties, conventions and other instruments ratified by the European Union"- see Preamble, para 4.</p> <p>Furthermore, Section 4 the "Policy Implementing Framework for the EIB" para. 4.4 clearly makes reference to it.</p> <p>Para 4 has been amended to reflect relevant elements of stakeholders' comments.</p>
9	Is it fully geared – that is still open in my mind as it must be effectively implemented.	GoodCorporation	Your comment is noted. The EIB thanks you for the feedback.
10	The Policy sets out ambitions but does not have criteria that are strict enough to actually guarantee that it will only invest in sustainable activities.	Sinergia Animal	

6. Additional comments on the EIB Group's Environmental and Social Policy.

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	For all its operations and activities outside the EU, the EIB commits to apply a number of core environmental and social Standards. EIB-supported operations, independently of the form of financial commitment, should also apply the European Principles for the Environment and the UN Guiding Principles on Business and Human Rights	Joint contribution 8 Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB Group considers “sustainable finance” as its operating model as described in Section 3 “The Group’s operating framework”. Furthermore, Section 4 para 4.3 (ii) highlights that the EIB’s due diligence and monitoring is designed to ensure consistency with the “Do No Significant Harm” and “Minimum Safeguards” (also known as Minimum “Social” Safeguards”) principles introduced by the EU Taxonomy.
2	The Preamble should refer to the Treaty on the EU, including Article 21 on the principles underpinning EU’s external action, and the UN Universal Declaration: Art 21.1 The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. 2.The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to: [[[...]]] b) consolidate and support democracy, the rule of law, human rights and the principles of international law;	Counter Balance Joint contribution 7	When referring to Minimum “Social” Safeguards”, it should be noted that the UN Guiding Principles on Business and Human Rights is one of the key references. Footnote 38 has been added in the Section “EIB Roles and Responsibilities” of the EIB Group Environmental and Social Policy. To be also noted that the EIB Group’s Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Climate Bank Roadmap where alignment with the EU Taxonomy is described. With respect to the European Principles for Environment (dated 2006), it should be noted that it is an outdated document that does not reflect anymore the environmental, climate and social regulatory and policy landscape that has changed enormously since then. The Preamble para 15 refers to the Charter of Fundamental Rights of the European Union (integral part of Treaties of EU) as well as the principles of the Universal Declaration of Human Rights.
3	At the moment, the draft EIB Group’s Environmental and Social Policy and Environmental and Social Standards are not ambitious enough and do not sufficiently cover the links	Four Paws	The EIB Group’s Environmental and Social Policy places “sustainable and inclusive development at the core of the Group’s values”. It also “recognises the interdependence of

Ref.	Summary of Contribution	Contributor	EIB comments
	between the sectors, taking more a mitigating and segmented than proactive and comprehensive approach.	World Animal Protection	<p>the different elements of the environment and their interaction with human life and activities” – see Section 1 “Vision”.</p> <p>The Group has identified the ten key areas for action by acknowledging that these “are strongly interlinked and mutually reinforcing” – see Section 2 para 2.2.</p> <p>However, the pro-active approach of the EIB Group’s Environmental and Social Policy is highlighted in several sections by, for example: (i) prioritising the Group’s areas of actions – see Section 2 “The Group’s Contribution”; (ii) Financing and seeking to mobilise additional resources for operations that contribute to climate, environmental and social sustainability objectives - Section 3 para 3.2.ii and iii recognising the role of advisory and capacity building, as well as partnership as key elements of sustainable finance as operating model - Section 3 para 3.2.iv.</p>
4	One aspect that has not sufficiently covered is the need for a more sustainable and human-centered trade and investment as a means to achieve inclusive and sustainable economic growth and decent work through more responsible trade and investment Policy developments. This process will only succeed if key players such as the EIB engage in safer, healthier, and more sustainable investment strategies by elevating occupational safety and health Standards as part of worker-centered trade Policy and agreements such as the EIB Group’s Environmental and Social Policy.	Institution of Occupational Safety and Health	<p>The specific area of actions on “Promoting fundamental rights at work” has been extended to cover Occupational Safety and Health – see the new para 2.13.</p> <p>Additionally, the specific requirements related to Occupational Safety and Health are detailed in the dedicated Standard 9 on “Health, safety and security”.</p>
5	A “health” impact could be included.	Response 808951905	The requirements to assess the project’s health related impacts and risks, where relevant, are spelled out in the EIB’s Environmental and Social Standards, particularly in Standard 1 on “Environmental and social impacts and risks” and Standard 9 on “Health, safety and security”.
6	The Policy needs to comprise a key area of action on promoting animal welfare to ensure human wellbeing and environmental health, to increase the recognition of the intrinsic interconnection and interdependency between animal welfare, environment and sustainable development as	Four Paws	Please see Chapter A, Table 1, point 7.

Ref.	Summary of Contribution	Contributor	EIB comments
	recognized by the EU's Farm to Fork Strategy, and to ensure consistency with the practices of other international institutions, such as the International Finance Corporation, the European Bank for Reconstruction and Development and the OECD, on the other hand.		
7	The link between environmental and social sustainability and animal welfare should be better recognized in these documents, in particular in the EIB Group's Environmental and Social Policy and Environmental and Social Standards one to five, six, nine and eleven.	Four Paws	The EIB has committed to develop a standalone Good Practice Note on Animal Welfare.
8	Supporting small-scale farming systems with high animal welfare instead of intensive animal farming is imperative to ensure environmental and social sustainability, to protect our environment, mitigate climate change and protect human health and wellbeing.	Four Paws	<p>Please note that the EIB Group Environmental and Social Sustainability Framework should be read together with the EIB Group Climate Bank Roadmap where it is stated that "given the importance of livestock as a source of emissions, the EIB Group will focus support on meat and dairy industries adopting sustainable animal rearing methods that contribute to improved greenhouse gas emissions efficiency".</p> <p>Further detail on supported and non-supported activities can be found in Annex 2 of the EIB Group Climate Bank Roadmap.</p>
9	The EIB should impose the respect of EU-equivalent animal-welfare Standards and alignment with the EU's animal welfare Policy objectives as a requirement to apply for funding. Where EU legislation on animal welfare is lagging behind, existing verifiable Standards should be considered by the EIB.	Four Paws	In order to clarify and strengthen the commitment to promote the sustainable use of natural and living resources, a specific reference has been added in Section 3, para 3.2.iii. The footnote added further clarifies that "sustainable use of living resources requires the compliance with the internationally recognised "Five Freedom" Standard promoting animal welfare".
10	Including animal welfare in the new EIB Group's Environmental and Social Policy and Standards would not be a first in the world of international finance. Indeed, the European Bank for Reconstruction and Development has included animal welfare in the scope of its Environmental and Social Governance as of 2014.	Eurogroup for Animals	<p>Additionally, the EIB has committed to develop a standalone Good Practice Note on Animal Welfare.</p>
11	In a framework of supporting sustainable projects, the proposed Policy and Standards must take into account the EU's most recent commitments related to animal welfare such as the End the Cage Age (phasing out the use of cages in the farming systems), EU's desire to extending animal welfare Standards globally, as well as the EU Biodiversity Strategy .	Eurogroup for Animals	

Ref.	Summary of Contribution	Contributor	EIB comments
12	In the EIB Group Climate Bank Roadmap the EIB commits to addressing agricultural emissions (meat and dairy) to reduce the contribution of the sector to greenhouse gas emissions, hence, climate change. This important link is missing in the proposed Policy and Standards.	Eurogroup for Animals	The EIB Group's Environmental and Social Policy already makes reference to the EIB Group Climate Bank Roadmap – see Preamble, para 8. Standard 5 on Climate Change, also makes multiple references the EIB Group Climate Bank Roadmap.
13	The EIB Group's Environmental and Social Policy (and corresponding Environmental and Social Standards in the Environmental and Social Sustainability Framework) should establish clear timelines throughout the project lifecycle to promote environmental and social practice that is timely and effective. At a minimum, the EIB Group's Environmental and Social Policy should specify what types of environmental and social documentation should already be completed and included in the submission to the Governing Bodies for approval (Id., para. 4.18).	Accountability Counsel	<p>It should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include timeline references, as well as information on the completeness of the Environmental and Social studies.</p> <p>Para 4.25 has been amended to address relevant elements of stakeholders' comments by providing details on the environmental, climate and social information to be submitted to Governing Bodies.</p>
14	The main languages of the consultation are in English, French, German, Spanish, and Portuguese, limiting the ability of many marginalized groups, especially outside Europe, to understand the draft Environmental and Social Sustainability Framework and express their feedback.	Accountability Counsel	The EIB is continuously striving to improve its public consultation processes. The vast majority of previous consultations carried out by the EIB were in English only. The EIB ascertained that English, French, Spanish and Portuguese were the most relevant languages to be used for this consultation, also considering the resources it had available. The organisation of 13 individual webinars in multiple languages is also, in itself, a testament to the importance that the EIB has given to this consultation exercise and the value it places on engaging directly with its stakeholders.
15	The EIB Group's Environmental and Social Policy should provide clearer guidance on how Bank management is to assess and address the need for technical assistance on each project. The EIB Group's Environmental and Social Policy should specify that this should begin before the project is even approved. The discretionary language (Draft Policy, para. 4.17) is insufficient to ensure that Bank management consistently identifies and addresses the need for technical assistance for the projects it finances.	Accountability Counsel	<p>The EIB Group recognizes the role of advisory services and capacity building to support delivering on the commitments expressed in the EIB Group's Environmental and Social Policy and therefore has included these as a key element of its "sustainable finance" operating model – see Section 3 para 3.2.iv.</p> <p>Furthermore, the above is complemented by the specific provisions included in Section 4 para 4.23.</p>
16	The final EIB Group's Environmental and Social Policy should include more concrete guidelines for how the Bank will monitor	Accountability Counsel	It should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social

Ref.	Summary of Contribution	Contributor	EIB comments
	projects and ensure that contractual conditions are honoured. There is only a single para in the draft Policy on the Bank's monitoring role (Draft Policy, para. 4.20).		Standards and related internal procedures that are under revision and will be available in due course. The procedures include timeline references, as well as information on the completeness of the environmental and social studies and detailed monitoring requirements.
17	The EIB Group's Environmental and Social Policy should state how the EIB will conduct monitoring (e.g. by hiring external experts, reviewing information from third parties, local community and civil society organisations) and ensure monitoring is conducted routinely, at periodic intervals, including requiring the Promoter to submit periodic monitoring reports on its environmental and social performance and specifying how often the Bank will conduct site visits.	Accountability Counsel	However, Section 4 of the EIB Group's Environmental and Social Policy has been strengthened by the inclusion of a subsection on "Promoter Roles and Responsibilities" with clear reference to the breach of contractual obligations – see para 4.12. The Policy strengthens the requirements, better clarifies the due diligence process, and includes detailed requirements on mainstreaming environmental, climate and social considerations into its activities and decision-making processes.
18	The EIB Group's Environmental and Social Policy should detail how the Bank should use financial, contractual, and other forms of leverage to ensure Promoters take corrective action when gaps are identified and the escalating steps to be taken if the Promoter continues to fail to comply with its social and environmental commitments.	Accountability Counsel Joint contribution 8	Specifically, new paras have been added – see para 4.17 and para 4.18. Particularly relevant is para 4.17 that includes key elements of the appraisal process (including project risk categorisation – further detailed in para 4.18).
19	Reinforce the EIB Group's Environmental and Social Policy so that it is clear that contractual clauses enshrine the Standards in all EIB operations, enabling for suspension of contracts in case the Standards are not implemented. This is currently absent from the EIB Group's Environmental and Social Policy.	Counter Balance	
20	The EIB Group's Environmental and Social Policy should clearly state that the EIB will not approve any operation or will halt any finance until Standards are fully met, and until Environmental and Social Impact Assessments are completed.	Counter Balance Joint contribution 7 Joint contribution 8	
21	The EIB Group's Environmental and Social Policy needs to state clearly what the due diligence of the EIB should be, for instance regarding human rights. A sound due diligence demands for an implementation framework with clear statements about exactly what is required and how requirements will be operationalized (delivery mechanisms)	Counter Balance Joint contribution 8	
22	The effectiveness of EIB Group's Environmental and Social Policy will crucially depend on the ability of the EIB's bankers to integrate environmental and social risk factors into the structure of both their equity investments and debt facilities.	GoodCorporation	

Ref.	Summary of Contribution	Contributor	EIB comments
	The use of conditions precedent, covenants or similar constructs in the definitive transaction documents and promoters being held accountable for such commitments will be critical to achieving positive outcomes.		
23	The Operating Framework should clearly establish enforcement and supervision procedures, mentioning the necessity to have dedicated procedures covering compliance, as well as independent monitoring and reporting.	Counter Balance Joint contribution 7	The relevant methodologies/procedures/systems are highlighted in Section 3 para 3.2.v.
24	The EIB Group's Environmental and Social Policy should state that the EIB will undertake robust human rights due diligence at project level and require Human Rights Impact Assessment from the Promoters for all projects where Human Rights Risks have been identified by the Bank. A reference to compulsory Human Rights Impact Assessments should be added, along the following lines: " <i>The EIB should conduct dedicated ex-ante screening and Human Rights Risk Assessment (HRRRA). When risks are identified under the HRRRA, the EIB should request its clients to conduct a participatory Human Rights Impact Assessment (HRIA).</i> " Then, when risks are identified under the HRRRA, the EIB should request its clients to conduct a participatory Human Rights Impact Assessment (HRIA). Enshrining key principles in the EIB Group's Environmental and Social Policy is instrumental to make sure that the EIB delivers on its vision and objectives	Counter Balance Joint contribution 6 Joint contribution 8	<p>The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy – specifically on human rights, see para 15.</p> <p>Additionally, the Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1.</p> <p>Section 4 para 4.15 clarifies that "the EIB pursues an integrated human rights-based approach to its ECS due diligence and monitoring. It conducts a human rights-responsive due diligence process whereby impacts and risks are screened and assessed against its E&S Standards, which in turn are grounded in human rights principles."</p>
25	The EIB should develop a Human Rights Strategy and a related action plan and commit in its EIB Group's Environmental and Social Policy to do so. The Policy would then become the "EIB Group Environmental, Social and Human Rights Policy" and should describe the Human Rights Framework of the EIB, outlining how human rights specific risks and impacts will be considered, prevented and mitigated at all stages of the project-cycle, and describe how the Bank will promote a human rights-based approach among its staff, stakeholders, clients and counterparts	Counter Balance Joint contribution 8	<p>The EIB Environmental and Social Standards, particularly in Standard 1 on "Environmental and social impacts and risks", introduce requirements to carry out additional assessments/studies, including on human rights where human rights impacts and risks are identified and if deemed necessary by the EIB.</p> <p>Additionally, the EIB is minded to develop a "human rights position statement".</p>
26	A reference to the EIB developing a solid human rights risk assessment (HRIA) procedure into the Group's Risk Management Framework should be added.	Counter Balance Joint contribution 7	It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and

Ref.	Summary of Contribution	Contributor	EIB comments
			Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include requirements on mainstreaming the human rights-based approach in the EIB's environmental, climate and social due diligence and monitoring.
27	The EIB should add a dedicated section “promoting, protecting and respecting human rights”. It should specify the commitment to a rights-based approach, its role in ensuring a zero tolerance Policy against reprisals and the measures taken to ensure its activities do not link to or contribute to broader projects limiting the enjoyment of human rights.	Counter Balance Joint contribution 7	Specifically, on “zero tolerance” to reprisals – see Preamble para 17 of the Environmental Social Policy. Additionally, the EIB is minded to develop a “human rights position statement”.
28	Point 4.2: Focusing only on the impact of the project itself, defined as “works, goods, services and/or business activities for which EIB financing is sought either directly or through an intermediated financing operation” to define the obligations and safeguard to apply is not sufficient. The appraisal should place the project in context and the project financed by the EIB Group should not participate, contribute, ease, or abide to the realization of any other operations that impede human rights. Associated facilities should also be subject to the EIB's due diligence, and the Promoters should be required to apply the EIB's Environmental and Social Standards to the associated facilities.	Counter Balance Joint contribution 7	It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include requirements on addressing cumulative impacts. Specifically, on ancillary/associated works/facilities the requirements provided in Standard 1 on “Environmental and social impacts and risks”, para 22 should be considered. (“The assessment of environmental, climate and/or social impacts and risks also takes into account the impacts and risks that encompass one or more of the following, as appropriate, even if not financed by the EIB: a), b) and c)”).
29	Regarding para 1.3 of the EIB Group's Environmental and Social Policy, while acknowledging the intention to transcend a “Do No Harm” approach, the notion of limitation to the enjoyment of human rights could be problematic as it lacks sufficient definition.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The “Vision” para 1.3 has been revised and “enjoyment of human rights” has been replaced by “respect human rights”.

Ref.	Summary of Contribution	Contributor	EIB comments
30	EIB's general human rights commitment should be anchored in the responsibility to respect human rights, which is the minimum Standard of conduct for non-State entities as reflected inter alia in the UN Guiding Principles on Business and Human Rights (UNGPs). The "responsibility to respect" puts the emphasis on the identification, prevention, mitigation and accounting for negative human rights impacts, irrespective of the original intent.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The Policy has been revised to strengthen the message and address relevant elements of stakeholder's comments – see Section 3 para 3.2.iii.
31	The Bank should incorporate a full subsection on human rights as part of the EIB "Group's Contribution" in the EIB Group's Environmental and Social Policy (paras. 2.1-2.14). The lack of any dedicated subsection on human rights would seem to be at odds with the importance attributed to human rights Standards and principles in the EIB Group's Environmental and Social Policy. The content of the new subsection could be inspired by the specific chapter included in the Explanatory Note on the ESSF consultation ("The EIB's approach to human rights").	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>The EIB has reinforced the human rights language. Both at the level of the EIB Group Environmental and Social Policy and the EIB Environmental and Social Standards, the EIB has introduced explicit reference to the "Minimum Safeguards" (also known as Minimum "Social" Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions. Further, the EIB has introduced a footnote in the EIB Group Environmental and Social Policy referring to the UN Guiding Principles on Business and Human Rights.</p> <p>Human rights are a cross-cutting theme intrinsically connected to the 10 key areas of action, and for this reason the EIB has not included a specific section on this.</p> <p>However, the EIB recognizes the importance of human rights, and the EIB is minded to develop a "human rights position statement".</p>
32	Regarding para. 4.4 of the EIB Group's Environmental and Social Policy, reference to the Bank acting "the best of its knowledge" is unwarranted and may generate perverse incentives and discourage proactive information gathering on potential human rights risks in practice	Office of the United Nations High Commissioner for Human Rights (OHCHR)	As an investment bank, the EIB commits to avoid the financing of projects that would have impacts contrary to human rights standards. For this purpose, the EIB undertakes reasonable and necessary measures to assess whether a project will lead to human rights violations. Text amended in para 4.5 of EIB Group's Environmental and Social Policy.
33	Para 4.11 of the EIB Group's Environmental and Social Policy, specifically on EIB's pursuit of a human rights-based approach and human rights responsive due diligence process, further clarification, particularly given that the detailed description in	Office of the United Nations High Commissioner for	The EIB is minded to develop a "human rights position statement".

Ref.	Summary of Contribution	Contributor	EIB comments
	the consultation's Explanatory Note of how human rights are integrated into the EIB's due diligence processes has not been translated into specific requirements in the EIB Group's Environmental and Social Policy.	Human Rights (OHCHR)	
34	The restriction of the EIB's due diligence to the human rights issues covered by the Environmental and Social Standards (para 4.11) is unwarranted and should be revised. Under the Guiding Principles on Business and Human Rights, Human Rights due diligence should cover "adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships." The scope of Human Rights due diligence should therefore cover the whole spectrum of human rights that could be negatively impacted as a result of the entity's activities or business relationships.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>The EIB believes that a good quality Environmental and Social Impact Assessment with a human rights lens should be able to identify human rights impacts and risks. According to Standard 1, the assessment is not restricted to the areas of the other thematic Standards.</p> <p>The Preamble of the EIB Group Environmental and Social Policy sets out the legal framework that guides the EIB Group. Specifically, para 15 makes reference to the Charter of Fundamental Rights of the European Union, the fundamental rights and freedoms recognised by the European Convention on Human Rights, as well as the principles of the Universal Declaration of Human Rights.</p> <p>Both at the level of the EIB Group's Environmental and Social Policy and the Standards, the EIB has introduced explicit reference to the "Minimum Safeguards" (also known as Minimum "Social" Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions.</p>
35	We regret that among the ten key areas for action, the EIB does not list promotion of human rights and fundamental freedoms in general, not only at work and not only those related with gender equality.	Counter Balance Joint contribution 7	The EIB Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities, i.e. across ten key areas for action – see para 2.1.
36	There is a lack of clear anti-reprisals statements and provisions in the EIB Group's Environmental and Social Policy. The EIB should include a clear statement affirming that it will develop specific policies on human rights defenders and protocols to prevent and respond to risks of reprisals, along the following lines: " <i>The EIB has zero tolerance for reprisals, intimidation, threats, harassment, violence or any other abuse</i>	Counter Balance Joint contribution 6 Joint contribution 8	<p>The Preamble, para 17, provides a clear statement on "zero tolerance".</p> <p>However, Section 4 of the EIB Group's Environmental and Social Policy has been revised, strengthening the requirements particularly on human rights by adding "zero</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>of the rights of individuals and in particular of human rights' defenders and environmental activists".</i>		tolerance" to (i) forced evictions; (ii) reprisals/retaliations; (iii) gender-based violence – see para 4.5.
37	The Environmental and Social Sustainability Framework review offers the EIB a timely opportunity to strengthen its own policies and procedures in this area (i.e. risk of reprisals). The inclusion of specific, legally binding requirements concerning reprisals, embedded in loans and investment agreements, would help to ensure that these important commitments are implemented in practice.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
38	The provision on "Addressing fragility and conflicts" should insist on the fact that activities do not only consist of recovery but require enhanced human rights due diligence both from the bank and the EIB Group clients.	Counter Balance Joint contribution 7	<p>The EIB Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities, i.e. across ten key areas for action including "Addressing fragility and conflicts"– see para 2.1.</p> <p>Further, section 4 para 4.15 clarifies that "the EIB pursues an integrated human rights-based approach to its ECS due diligence and monitoring. It conducts a human rights-responsive due diligence process whereby impacts and risks are screened and assessed against its E&S Standards, which in turn are grounded in human rights principles."</p> <p>It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include requirements on mainstreaming the human rights-based approach in the EIB's environmental, climate and social due diligence and monitoring.</p>
39	A "do no harm" principle must be applied to ensure that the environment and biodiversity are not adversely affected by projects, and to ensure that projects do not exacerbate climate change impacts.	Counter Balance	Preamble para 7 recognizes the role of the EU Sustainable Finance agenda to implement the EU ambitions on environmental, climate and social objectives. Preamble para 7 has been strengthened.
40	The "do not cause significant harm" principle should also be changed when applying to people, so that it becomes "do no harm".	Counter Balance Joint contribution 7	

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>The EIB Group considers “sustainable finance” as its operating model as described in Section 3 “The Group’s operating framework”.</p> <p>Furthermore, Section 4 para 4.2.ii highlights that the EIB’s due diligence and monitoring is designed to ensure consistency with the “Do No Significant Harm” principle and “Minimum Safeguards” (also known as Minimum “Social” Safeguards”) principles introduced by the EU Taxonomy.</p> <p>It should be also noted that the EIB Group’s Environmental and Social Policy should be read in conjunction with other EIB Group policies, notably the EIB Group Climate Bank Roadmap where alignment with the EU Taxonomy is described.</p> <p>However, the EIB Group’s Environmental and Social Policy has been revised to strengthen the message and address the stakeholder’s comments by clarifying that the EIB only supports operations that do not significantly harm the environment and respect the human rights – see Section 3 “The Group’s operating framework” para 3.2.iii.</p>
41	<p>Gender dimensions need to be more systematically integrated in the EIB Group’s Environmental and Social Policy and the Environmental and Social Standards. The EIB needs to increase its safeguards for women and other minority groups and take intersectionality into account when assessing social and human rights impacts.</p>	Counter Balance	<p>The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce vulnerabilities is one of the key area of action – see Section 2 “The Group’s Contribution” and specifically the sub-sections “Reducing discrimination and fostering social inclusion” and “Fostering gender equality and women’s economic empowerment”.</p> <p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Gender Strategy.</p> <p>Specifically, the integration of gender considerations across the EIB Environmental and Social Standards has been one of the key drivers of the revision process.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			Furthermore, Standard 7 on “Vulnerable groups, Indigenous People and Gender” was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.
42	The Policy would need to establish/include the following provision: - the gender action plan acknowledges that for the effectiveness of the strategy, its implementation would need a system in place for ongoing sex disaggregated data collection, results measurement and monitoring, as appropriate. In addition, the EIB should be able to provide sex disaggregated data on final beneficiaries and on employment created and sustained.	Joint contribution 6	The EIB Group’s Environmental and Social Policy should be read in conjunction with other EIB Group Policies, particularly the EIB Group’s Gender Strategy and its relevant Action Plan.
43	To ensure that attention is indeed paid to gender impact and related strategies are integrated into each Standard, we would strongly recommend the EIB to make a gender impact assessment (GIA) of the EIB Group’s Environmental and Social Policy under review	Joint contribution 6	
44	The Policy should specifically address protection of non-binary and gender non-conforming peoples’ rights.	Joint contribution 6	
45	The EIB should dedicate sufficient budget and increase its expertise, especially on human rights and gender. The lack of staffing, expertise and dedicated resources is one of the main reasons explaining the gap between the EIB Standards on paper and the reality of their implementation.	Counter Balance Joint contribution 8	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants), carefully selected in line with public procurement policies and regulations.
46	Include clear transparency requirements in the Environmental and Social Policy, in particular about the EIB disclosing information on its due diligence and improving the disclosure of financial intermediaries. A specific provision on financial intermediaries should be added. The EIB requirements should also apply to sub-projects financed by financial intermediaries. Subprojects of a	Counter Balance Joint contribution 8	Preamble para 16 makes direct reference to transparency and clarifies that “the Group values the importance of sound governance, transparency and accountability as key contributors to the efficiency, effectiveness and sustainability of the Group’s activities, including through public access to information and meaningful stakeholder engagement”.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>certain size (above a EUR 25 million threshold), as well as high-risk projects of a smaller size, should be subject to due diligence by the EIB itself. In any case, the EIB shall oblige financial intermediaries to conduct sub-projects due diligence in a transparent way and should oblige intermediaries to provide to the EIB relevant environmental and social information for all subprojects which require Environmental and Social Impact Assessment . The draft Standard 11 fails to ensure these basic requirements are stated.</p> <p>This should reinforce the Transparency Policy under review in 2021.</p>		<p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group’s Transparency Policy which was revised taking account comments from the public following consultation.</p> <p>In terms of disclosure, to be also noted that the requirements presented in the EIB Group’s Environmental and Social Policy and the EIB Group’s Transparency Policy are complemented by the EIB’s Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include reporting requirements for direct as well as intermediated lending.</p> <p>Specifically, on the disclosure requirements by financial intermediaries, the relevant provisions are included in Standard 11 on “Intermediated Finance”.</p>
47	<p>Regarding Transparency, there is room for improvement in terms of information on approval procedures and access to information on submitted and ongoing projects. While the EIB Group must be equipped with resources and knowledge to review the projects, the Board of Directors should equally critically review its approval Policy. It would be valuable for the EIB to provide information on the rejection ratios by the EIB and by its Board of Directors as well as for the civil society to get clarity on the approval process.</p>	Eurogroup for Animals	<p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group Policies, particularly the EIB Group’s Transparency Policy.</p>
48	<p>The EIB should require that relevant projects comply with the Aarhus Convention, under which the EIB is obliged to ensure access to environmental information, public participation in decision-making and access to justice in the context of its activities.</p>	Counter Balance Joint contribution 7	<p>Section 4 para 4.4 reads: “The EIB shall not, to the best of its knowledge, finance [...] (i) do not comply with the relevant national environmental, climate and social (ECS) legal requirements and country obligations under relevant international treaties; or, (ii) [...]”.</p>
49	<p>In Point 4.4, the EIB should clarify that it will not finance projects that do not comply with EU law, EIB Standards, EIB’s sectoral policies, national legal requirements and international human rights law, the EU Charter of Fundamental Rights as well as the Aarhus Convention.</p>	Counter Balance Joint contribution 7	<p>Specifically, reference to the Aarhus Convention is made in para 1 of Standard 2 on “Stakeholder engagement”.</p>
50	<p>The Framework should state that the EIB will reinforce its internal culture and decision-making processes so that</p>	Counter Balance	<p>The EIB Group Policy is complemented by other Policy documents that focus on rules of law and good governance</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	management and staff can be held accountable for their compliance with the EIB Group's Environmental and Social Policy and Procedures.	Joint contribution 7	(e.g. the EIB Group Anti-Fraud Policy, the EIB Group Transparency Policy, the EIB Group Complaints Mechanism Policy, etc.).
51	In line with the Treaty provisions the EIB should also mainstream environmental, climate and social considerations through safeguarding its values, fundamental interests, security, independence, and integrity.	Counter Balance Joint contribution 7	
52	Points 4.5 and 5.7: When co-financing projects with other IFIs, the EIB should always conduct project's environmental, social and human rights appraisal, including to identify gaps between the EIB's and International financial institutions' requirements in order to agree with those international financial institutions a common approach and supplementary requirements to be compliant with the most stringent regulations and Standards that prevail. The EIB shall not be entitled to delegate environmental, social and human rights due diligence.	Counter Balance Joint contribution 7	<p>Para 4.6 on co-financing includes requirements fully harmonized with our peer institutions.</p> <p>It should be noted that the requirements presented in EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedure describes the process that needs to be followed by EIB to reach the "common approach".</p> <p>Para 4.8 applies to the very specific situation of MRI (Mutual Resilience Initiative) and only on a case-by-case situation as provided by the text, including the quote "may" – see description of the initiative at Mutual Reliance Initiative (MRI) (eib.org).</p> <p>To clarify the situation, an explanation has been provided in the footnote.</p>
53	The proposed language: "due diligence shall be proportionate to the nature and scale of the project and the likely significance of its impacts and risks" is problematic. All impacts must be clearly categorized with respect to their severity.	Counter Balance Joint contribution 7	<p>The EIB's due diligence and monitoring process is described in Section 4 the "Policy Implementing Framework for the EIB" (specifically para 4.17) that has been revised to address stakeholder's comments.</p> <p>Section 4 has been revised, strengthening the requirements related to due diligence and monitoring, including risk categorisation.</p>
54	The "Appraisal" section should state what the aim of the EIB's appraisal is and what the outcome should be.	Counter Balance Joint contribution 7	Section 4 of the EIB Group's Environmental and Social Policy has been amended to address stakeholder's comments. Specifically on "appraisal", a new para has been introduced to

Ref.	Summary of Contribution	Contributor	EIB comments
			clarify the requirements, notably on the Environmental, Climate and Social (ECS) due diligence. A new para 4.17 has been introduced to clarify the key EIB responsibilities during the pre-appraisal/appraisal stages.
55	The aim of the EIB's appraisal should be to inform the decision of financing (whether to grant financing to a project or not) and to ascertain that operations comply with the EIB policies (sectoral, horizontal policies, EIB Group's Environmental and Social Policy well as the Standards; the EU law, national law and international law).	Counter Balance Joint contribution 7	Section 4 of the EIB Group's Environmental and Social Policy refers only to the EIB due diligence and monitoring requirements related to environmental, climate and social. It needs to be read in conjunction with other EIB's policies and procedures.
56	The appraisal should identify environmental, social, human rights risks, impacts and their magnitude and mitigation measures and any relevant additional requirements and conditions for the Promoters.	Counter Balance Joint contribution 7	Specifically on the outcomes of the appraisal stage – see Section 4 para 4.24 and para 4.25 that have been amended to address relevant elements of stakeholders' comments.
57	Due diligence should establish classification of risks and monitoring requirements.	Counter Balance Joint contribution 7	It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.
58	The EIB appraisal should determine whether a project should be subject to Environmental and Social Impact Assessment (ESIA) and/or to Human Rights Impact Assessment (HRIA) in line with its Standards (all International Financial Institutions determine project categorisation during their own due diligence).	Counter Balance Joint contribution 7	
59	The aim of the appraisal should be to establish which Standards are applicable for the operation and inform the stakeholders about this.	Counter Balance Joint contribution 7	
60	The EIB due diligence and assessments should look beyond each project financed to address its environmental and social cumulative and potential broader impacts, including impact after project completion.	Counter Balance Joint contribution 7	It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include requirements on addressing cumulative impacts.
61	The proposed Policy does not spell out this 'applicability' criteria, and/or does not require a compliance review to ensure that clients' high risk sub-projects comply with EIB Standards. If (sub-) projects have to be in accordance with only those Standards the EIB or even an financial intermediary deems relevant ("applicable Standards"), it might become difficult not	Counter Balance Joint contribution 7	

Ref.	Summary of Contribution	Contributor	EIB comments
	only for the affected communities to understand the safeguards which apply to them, but also makes it difficult for the Accountability Mechanism to function and to determine compliance of (sub-) projects with Bank Policy and Standards. The EIB should require all projects and sub-projects to comply with all the requirements.		
62	The “Appraisal” section should state how and when the EIB will present the results of the project's appraisal to the public (what documents it will produce and when they will be published). In particular, it should mention that stakeholder engagement and a time bound disclosure of information are required prior to loan approval by the EIB's Board of Directors. Public disclosure allows for corrective measures to be introduced early on to inform the decision on financing.	Counter Balance Joint contribution 7	The EIB Group's Environmental and Social Policy is complemented by other Policy documents that focus on rules of law and good governance (e.g. the EIB Group Transparency Policy, etc.). It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.
63	In reference to Standard 11 improvements, comment is made that the EIB's list of excluded projects (from 2013) is out of date and needs to be updated as part of the EIB Group's Environmental and Social Policy and Standards revision. It does not even exclude coal-fired power plants, let alone newer exclusions such as virtually all other fossil fuel projects.	Counter Balance Joint contribution 4	The EIB's list of Excluded Activities is under revision and a revised version will be available in due time.
64	High risk projects require independent social and environmental experts, with site-specific expertise, not affiliated with the project to carry out the Environmental Impact Assessment and require for independent third-party monitoring (involving civil society).	Counter Balance Joint contribution 6 Joint contribution 7	Specifically, on “third party monitoring” – see Standard 1 on “Environmental and social impacts and risks” para 27.
65	In terms of definitions, it would be worthwhile to precise a definition of environment. In the context of the proposed EIB Group's Environmental and Social Policy and Environmental and Social Standards, the concept of environment is one dimensional and interpreted from an anthropocentric point of view disregarding the ecosystems, be it fauna or flora.	Eurogroup for Animals	Your comment is noted. The EIB thanks you for the feedback.
66	The EIB Group's Environmental and Social Policy should include a commitment not to finance projects where the Bank is unable to provide the technical assistance necessary to ensure adequate Promoter capacity to implement good	Accountability Counsel	

Ref.	Summary of Contribution	Contributor	EIB comments
	environmental and social practice. Such technical assistance should be provided first, rather than simultaneous to project implementation.		Your comment is noted. The EIB thanks you for the feedback.
67	La Banque gagnera à s'impliquer à travers le financement des actions de conseil et assistance technique en amont pour des stratégies dans les différents secteurs au moins dans les pays qui ont un cadre ou des capacités limités dans les aspects Environnementaux et Sociaux (E&S).	Mohamed Miftah	
68	A partnership between profit and non-profit should be enhanced for a virtuous development, in combining tools for internationalization of businesses (economic development) and those for cooperation (social and environmental development). A company that invests in a third world country can generate and share social and economic wealth if it is supported by complementary tools.	AVSI Foundation	
69	All the obligations referred to in Standard 2 and the related Guidance Note for Promoters on Stakeholder Engagement should be inserted and made explicit in contracts between the EIB and Promoters, including for intermediated operations. In the case of intermediated operations, these obligations should be transferred between clients and sub-clients. Such provision should be included in EIB Group's Environmental and Social Policy.	Joint contribution 3	
70	Regarding the EIB Group's Environmental and Social Policy preamble, para. 14, should be amended to better reflect the fact that the Universal Declaration of Human Rights formally affirms legally binding Standards (and not just principles).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
71	EIB's overarching human rights commitment is reflected in para 1.3 of the EIB Group's Environmental and Social Policy's vision (which focus exclusively on environment sustainability, resiliency and climate), which is problematic. It should be included as a stand-alone para, reflecting the importance of human rights for the Bank's policies and operations.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
72	Point 4.9: In order to properly reflect the EIB's rights-based approach and the need to strengthen the integration of human	Counter Balance	

Ref.	Summary of Contribution	Contributor	EIB comments
	rights considerations, the name of the first Standard should be changed to: Standard 1: Environmental, social and human rights impacts and risks.	Joint contribution 7	Your comment is noted. The EIB thanks you for the feedback.
73	Section 4 should be expanded to “Environmental, Climate, Social and Human Rights Due Diligence and Monitoring”. This should be reflected in Point 4.10 by committing to conduct environmental, climate, social and human rights due diligence and monitoring.	Counter Balance Joint contribution 7	
74	While the EIB’s intention to explicitly link the Bank’s due diligence processes to human rights is necessary and noteworthy, the proposed introduction of new terminology such as “human rights-responsive due diligence” may cause confusion.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
75	Encourage the EIB to implement a human rights-based approach throughout all its policies, financing and operational activities, and would suggest that this commitment could be reflected more broadly in the EIB Group’s Environmental and Social Policy, in connection with the Bank’s overall human rights Policy commitment.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
76	The list of international instruments (referenced in the preamble of the EIB Group’s Environmental and Social Policy) could reflect other international human rights instruments that are binding upon EU Member States and that have been widely ratified by non-EU countries. This includes the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
77	Beyond the project level the EIB needs to carry out a systematic routine check of the client’s track record of implementing human rights requirements prior to beginning appraisal. UN Special rapporteurs’ repositories, human rights organizations and human rights violations reporting and civil society consultations can be used as sources to inform this process.	Counter Balance Joint contribution 7	
78	The language in this section is currently not human rights-respectful, partly because the phrasing requires more specific definitions (e.g. what is “a human rights-responsive due	Counter Balance Joint contribution 7	

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>diligence process” that is scoped by Environmental and Social Due Diligence? Human rights risks are scoped through human rights analysis, not through Environmental and Social Due Diligence), and because the commitment is to “human rights principles” which are distinct from human rights.</p>		<p>Your comment is noted. The EIB thanks you for the feedback.</p>
79	<p>Point 1.2: The primary aim of the EU in all fields of international cooperation is eradication of poverty. Thus, the aim of the EIB group is not to foster economic growth (such an objective has not been established either in the Treaty nor in the EIB Statute). In line with the Treaty on EU, “economic growth” should be replaced with “sustainable economic, social and environmental development”. Fighting poverty and reducing inequalities should be added, in line with the Treaty on the EU, see the example below:</p> <p>Art 21. [[[...]]] 2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:</p> <p>[[[...]]] d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty.</p>	<p>Counter Balance Joint contribution 7</p>	
80	<p>The Point 3.2 (i) does not exhaust the ways in which EIB should mainstream environmental, climate and social considerations into its decision-making.</p>	<p>Counter Balance Joint contribution 7</p>	
81	<p>Point 4.6 In case of blending of EIB financing, the Promoter should also be required to fully comply with the EIB’s policies and Standards requirements and not merely to respect them</p>	<p>Counter Balance Joint contribution 7</p>	
82	<p>Regarding Para 4.8 of the EIB Group’s Environmental and Social Policy, more systematic referencing of relevant international instruments would be particularly useful to guide the interpretation and implementation of the Environmental and Social Standards in diverse national contexts. Para 4.8 of the EIB Group’s Environmental and Social Policy should be amended to reflect other international normative sources beyond EU legislation.</p>	<p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	

Ref.	Summary of Contribution	Contributor	EIB comments
83	The EIB has to clearly demonstrate that co-financiers provide the same level of environmental and social protections. There has to be a requirement included for the full disclosure of such an 'equivalence-testing'.	Counter Balance Joint contribution 7	Your comment is noted. The EIB thanks you for the feedback.
84	The provision on "Building economic resilience and social cohesion" should be reinforced by adding a clear reference to the need for the EIB to support essential public services accessible to all.	Counter Balance Joint contribution 7	
85	We expect the EIB to inform the public on the proposed costs and budgetary support that will be available for the EIB to implement its future Framework.	Joint contribution 8	
86	La BEI n'a pas beaucoup d'influence sur les stratégies et les choix des projets en faveur de l'environnement. Elle intervient sur des projets d'investissement qui ont déjà parcouru un long chemin de préparation. Si la performance environnementale est faible, la seule action qui reste parfois est de ne pas financer le projet.	Mohamed Miftah	
87	A sound due diligence should leave meaningful room for public comment or participation at the scoping and initial examination stage.	Counter Balance Joint contribution 7	
88	We regret that the EIB has embarked in this review without having carried out and published an independent evaluation of the implementation of the current Standards. At this stage, the EIB has not provided sufficient evidence that the proposed new Environmental and Social Policy would ultimately improve, and not weaken, environmental and social impacts of its operations on the ground.	Joint contribution 8	
89	We are disappointed and concerned that the Procedures are not subject to public consultation, despite them being a crucial element linking EIB Group's Environmental and Social Policy and Standards. This is all the more concerning when we are being told by the EIB staff during the various webinars organised in June and July 2021 that many of the civil society organisations' demands - for instance on due diligence - should be integrated into the Procedures, and not under EIB Group's Environmental and Social Policy or under the Standards. This weakens the quality of the public consultation	Joint contribution 8	

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>and leaves an entire discretion to the EIB to ignore the civil society organisations' recommendations. In addition, it was made clear that the oral comments provided during the webinars are not considered as official inputs to the consultation.</p> <p>We call on the EIB to reflect all our recommendations on the Environmental and Social Policy into its Procedures to ensure proper implementation.</p>		Your comment is noted. The EIB thanks you for the feedback.
90	I never imagined the EIB would produce such a weak Policy document in 2021, after so many years of engaging with business and human rights practitioners. My impression is that this process was dominated by the bankers who engage with the 80% of the EIB's portfolio that exists within the EU, at the expense of the hard-earned knowledge of the Civil Society team that engages with global human rights advocates and researchers, because that portfolio is so much smaller in size (though much greater in human rights impacts).	Nomogaia	
91	The EIB cannot write a one-size-fits all Policy that suits both the needs of European financial intermediaries and non-EU Borrowers. The effort to do so has resulted in watered down Standards for EIB's development efforts that are certain to heighten human rights risks. What is clearly needed is a Policy for overseeing EIB engagement with European financial intermediaries and Borrowers, which is dictated by EU laws and policies, and an entirely separate Policy overseeing EIB engagement with Borrowers outside the EU.	Nomogaia	
92	The draft Environmental and Social Sustainability Framework largely fails to address or in some cases even exacerbates, shortcomings with the Bank's current environmental and social practice.	Accountability Counsel	
93	As the European Union's bank, it is crucial that the EIB's activities and its impact reflect the current and future EU policies, while at the same time driving towards funding sustainable and progressive projects and investments. These need to be reflected in the activities of the European Investment Fund, where the EIB and the European	Four Paws	

Ref.	Summary of Contribution	Contributor	EIB comments
	Commission are a majority shareholder. This is all the more important, given the European and global scope of the EIB's financial activities.		
94	Following the 21st Conference of the Parties, where 197 nations signed, about 40 developing nations legislated to stop the sale of Internal Combustion Engines by 2030/40 and replace them with Electric Vehicles. In 2021 statistics some 600 million Internal Combustion Engines vehicles are on the roads in the USA, Europe and Japan. By 2030/40, the majority of these vehicles will be therefore, exported to developing countries and to Africa. We propose adopting a long-term Policy to ensure that Africa is not cornered into a cul-de-sac by 2030. The long-term solution is to combat air pollution and create a socially sustainable, equitable mother industry.	EcoCa Ltd	Your comment is noted. The EIB thanks you for the feedback.
95	The EIB Group's Environmental and Social Policy should reflect the following recommendation emanating from the EIB Complaints Mechanism's review of the Castor project: The Bank's services should verify that the concerns and risks flagged as part of the Stakeholder Engagement process are adequately assessed, as relevant, by the Promoter. The Bank's services should also adequately document the outcome of their analysis and the appropriate action that needs to be taken for an informed decision-making process.	Joint contribution 3	
96	During times such as pandemics, it is critical to start to seek increased safeguards for women and vulnerable groups, that unfortunately we could not see in the Bank's Policy.	Joint contribution 6	
97	The EIB should not limit its monitoring only to the contractual conditions laid out and unspecified legal requirements. The aim of the monitoring shall be to monitor and evaluate the project's implementation in accordance with relevant legal requirements, EIB policies and EIB Environmental and Social Standards (not only with the provisions of this Policy) throughout the project's implementation.	Counter Balance Joint contribution 7	

Chapter B: The EIB's approach to human rights

1. The EIB pursues an integrated human rights-based approach. Is this integrated approach to human rights sufficiently clear?



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	The wording in the policies (“to the best of its knowledge”, “pursues” its human rights-based approach instead of implementing it) does not show sufficient commitment from the EIB.	NomoGaia	The EIB has strengthened the human rights language in the EIB Group’s Environmental and Social Policy introducing, for example, the concept of respect of human rights.
2	The notion of “enjoyment of human rights” is too vague. Instead, it would be more appropriate to refer to the responsibility to respect human rights.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The following amendments have been made to the EIB Group’s Environmental and Social Policy: Section 1, para 1.3, Section 3, para 3.2.iii, and Section 4, para 4.5 (previously 4.4).
3	According to the Office of the United Nations High Commissioner for Human Rights, the restriction of EIB’s due diligence to the human rights issues covered by the Environmental and Social Standards is unwarranted and should be revised because there will always be instances where human rights concerns relating to a given project are not covered by one or more thematic Standards.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	According to Standard 1, the assessment is not restricted to the areas of the other thematic Standards. Regarding the comments around due diligence, the EIB considers that a sound Environmental and Social Impact Assessment with a human rights lens can identify human rights impacts and risks. The Preamble sets out the legal framework that guides the EIB Group’s Environmental and Social Policy. Specifically, para 15

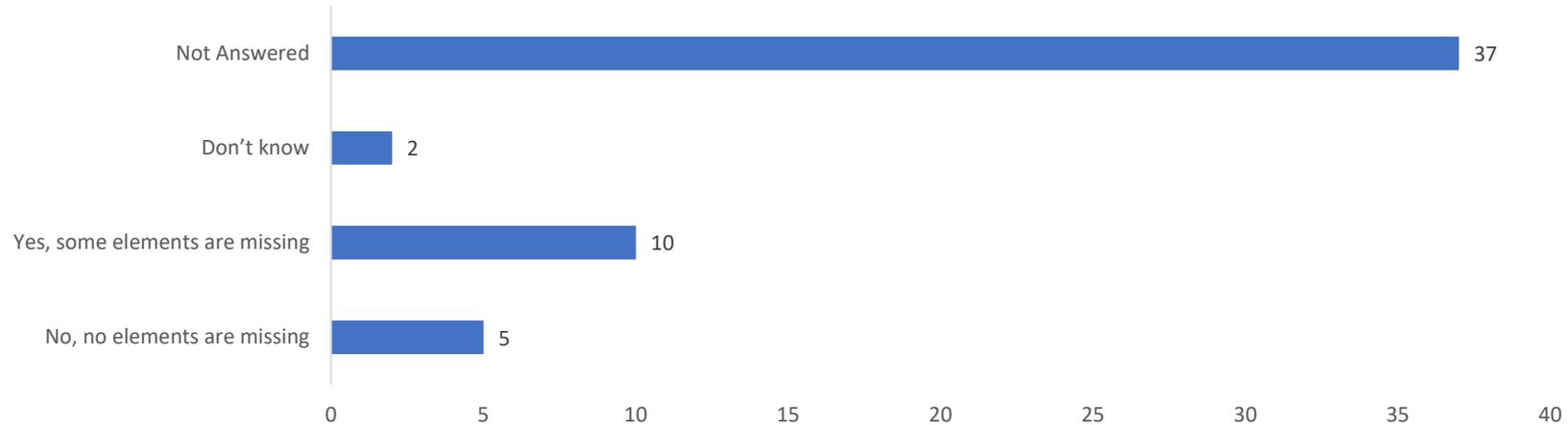
			<p>makes reference to the Charter of Fundamental Rights of the European Union, the fundamental rights and freedoms recognised by the European Convention on Human Rights, as well as the principles of the Universal Declaration of Human Rights. Both at the level of the EIB Group’s Environmental and Social Policy and the Standards, the EIB has introduced explicit reference to the “Minimum Safeguards” (also known as Minimum “Social” Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions. Further, the EIB has introduced a footnote in the EIB Group’s Environmental and Social Policy referring to the UN Guiding Principles on Business and Human Rights.</p> <p>The EIB will also develop tailored reports or Guidance Notes to cover other topics, as considered necessary. In this respect and given the challenges of the Information and Communications Technology sector for example, a paper on the telecommunication sector and human rights is under preparation and will be duly published.</p>
4	The Policy does not set enough requirement towards borrowers: it should require from them to undertake human rights impact assessment and explicitly mention that the EIB will take meaningful measures against borrowers or project Promoters that do not comply with international human rights Standards.	Forest Peoples Programme	<p>A new section on the role and responsibilities of Promoters has been introduced. Additionally, the section on the roles and responsibilities of the EIB has been amended to better capture human rights considerations. Further, the section on the EIB’s environmental, climate and social due diligence, has been amended to give additional information on the steps taken.</p> <p>See Section 4 on the “Policy Implementing Framework for the EIB” (paras 4.11 to 4.18)</p>
5	EIB’s human rights-responsive due diligence should be implemented against international human rights law, not only its E&S Standards.	Forest Peoples Programme	<p>The EIB Group’s Environmental and Social Sustainability Framework refers to the main international and European human rights instruments in its Policy as well as specific Standards. For example, this includes reference to the Minimum Safeguards which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions.</p>

			Therefore, the implementation of EIB Environmental and Social Standards ensures the respect of international and European human rights norms in projects.
6	Explicit references to certain human rights are missing.	GoodCorporation	<p>The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy. Specifically, para 15 makes reference to the Charter of Fundamental Rights of the European Union, the fundamental rights and freedoms recognised by the European Convention on Human Rights, as well as the principles of the Universal Declaration of Human Rights. Both at the level of the EIB Group's Environmental and Social Policy and the Standards, the EIB has introduced explicit reference to the "Minimum Safeguards" (also known as Minimum "Social" Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions.</p> <p>Furthermore, the EIB has introduced a footnote in the EIB Group's Environmental and Social Policy referring to the UN Guiding Principles on Business and Human Rights.</p>
7	EIB's integrated human rights approach is too weak. The EIB must undertake a human rights due diligence and require a mandatory human rights impact assessment from borrowers. EIB's Policy must indicate what are human rights risks that can trigger additional human rights impact assessment.	Counter Balance	<p>The EIB requires the borrowers to undertake an Environmental and Social Impact Assessment that should consider potential human rights risks. Moreover, the EIB integrates a human rights-based approach to its environmental, climate and social due diligence. Additional impact assessments or reports can be triggered on a case-by-case basis, depending on the country or sector context.</p>
8	EIB's "human rights-based approach" is not defined precisely enough. A checklist or guidelines shall be adopted to better understand the human rights risks that the EIB seeks to address.	<p>The European Expert Group on the Transition from Institutional to Community-based Care (EEG)</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>The Environmental and Social Policy has been amended to better reflect the role and responsibilities of the EIB and the Promoter and better explain the EIB due diligence and monitoring.</p> <p>See the new section on "Promoter Roles and Responsibilities"- paras 4.11 – 4.13, the section entitled "EIB environmental, climate and social due diligence and monitoring" as well as the new paras 4.17 and 4.18.</p>

			Additionally, the EIB is minded to develop a “human rights position statement”.
9	The EIB shall refer to the convention on the Rights of Persons with Disabilities (UNCRPD).	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	The EIB Group’s Environmental and Social Policy refers to the Charter of Fundamental Rights of the European Union, which includes the protection of persons with disability. The United Nations Convention on the Right of Peoples with Disabilities has been referenced in Standard 8 and Standard 9.
10	The EIB depends on information provided by its client. The EIB should rather commit to undertake human rights due diligence to identify salient issues from the outset, otherwise it cannot ensure efficient and reactive monitoring.	NomoGaia	<p>The EIB undertakes due diligence to identify and address human rights risks and impacts.</p> <p>Section 4 para 15 highlights that the EIB pursues an integrated human rights-based approach to its environmental, climate and social due diligence and monitoring.</p> <p>Additionally, Section 4 has been amended to address relevant elements of stakeholders’ comments (see new para 4.18).</p>
11	EIB does not have the staff that is skilled to apply a human rights-based approach to its activities.	Counter Balance NomoGaia	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants), carefully selected in line with public procurement policies and regulations.
12	The hierarchy based on mitigation and its implications are not clear and visible enough (explained in a footnote).	Forest Peoples Programme	The definition of the Mitigation hierarchy has been amended in footnote 33.
13	EIB’s Policy states that it shall not finance projects that have the effect of limiting “individual rights and freedoms” – this should be edited to read “individual or collective rights and freedoms”.	Forest Peoples Programme	Section 4 para 4.5 (previously 4.4). has been amended to reflect stakeholder’s comments.
14	Due diligence shall include social and human rights aspects at operations’ level as well as in supply chain to ensure proper identification, prevention, management and accountability on these aspects.	Institution of Occupational Safety and Health	The EIB is setting requirements that cover the working conditions and occupational health and safety of supply chain workers. For details on the supply chain please refer to Standard 8 and Standard 9.
15	Create a whole subsection on human rights, as it is for other 10 key areas of action.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights-based approach to its activities – see para 2.1. Human rights are a cross-cutting theme intrinsically connected to the 10 key areas of action, and for this reason the EIB has

			not included an additional topic 11. However, the EIB recognizes the importance of human rights, and the EIB is minded to develop a “human rights position statement”.
16	The wording "to the best of its knowledge" is unwarranted and may have a detrimental effect regarding proactive information and disclosure.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	As an investment bank, the EIB commits to avoid the financing of projects that would have impacts contrary to human rights standards. For this purpose, the EIB undertakes reasonable and necessary measures to assess whether a project will lead to human rights violations. The text is amended in para 4.5 (previously 4.4) of the EIB Group's Environmental and Social Policy.
17	EIB's Environmental and Social Policy must become “Environmental, social and human rights Policy”.	Counter Balance Joint contribution 7	Please note that the EIB is minded to develop a “human rights position statement”.
18	The intention to pursue an integrated human rights-based approach is clear and very much welcomed, however the wording and proposed methodology could result in situations where human rights are not sufficiently acknowledged or put at risk.	International Council on Monuments and Sites (ICOMOS)	Section 4 of EIB Group's Environmental and Social Policy, particularly the sub-section “EIB Roles and Responsibilities”, has been amended to further describe the due diligence process – see also paras 4.16 to 4.18.
19	Although EIB's integrated approach to human rights is sufficiently clear, it does not stress the right to a clean air (although it is recognized as a fundamental right) and should require proper measures from Promoters or public authorities.	EcoCa Ltd	The right to clean air is addressed in Standard 3, which requires the Promoters to avoid, prevent, reduce and offset significant adverse effect on the environment in relation to pollution prevention. Standard 3 notably requires Promoters to use Best Available Technology for this purpose.

2. Are there any elements missing that would strengthen the effectiveness of the integrated human rights-based approach?



Please explain your answer

Table 2

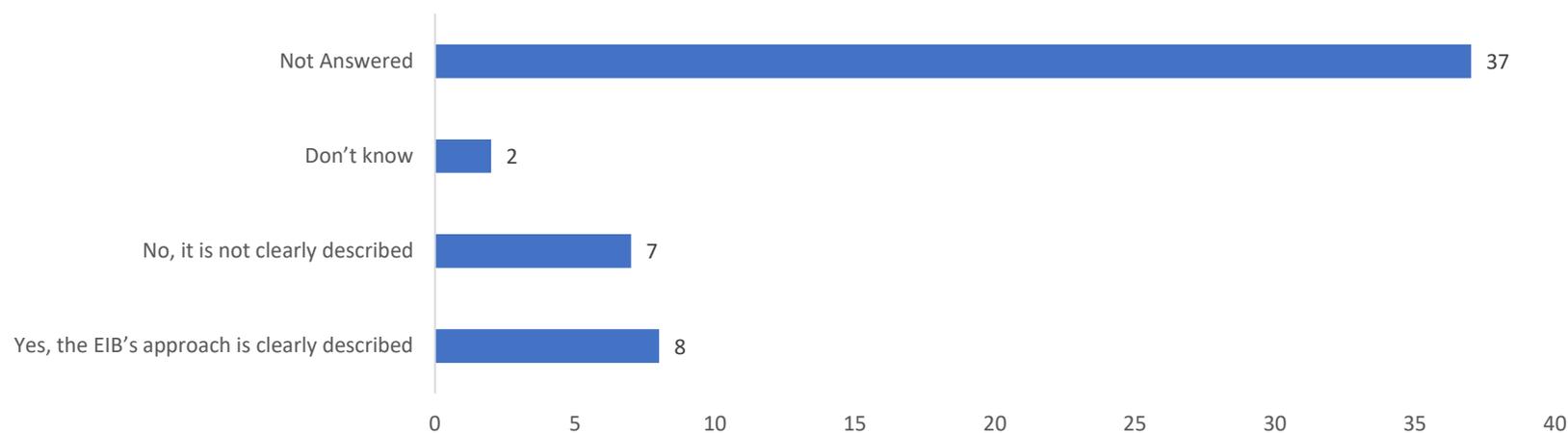
Ref.	Summary of Contribution	Contributor	EIB comments
1	Gender equality can be explained in greater detail.	EcoCa Ltd	<p>The EIB Group's Environmental and Social Policy provides the main objectives of EIB Group regarding gender equality. More detailed provisions can be found in the EIB's Environmental and Social Standards in order to tackle specific issues affecting girls and women.</p> <p>The EIB has developed resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.</p> <p>Furthermore, Standard 7 was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	EIB shall add human rights due diligence in its human rights-based approach.	NomoGaia	The EIB Group's Environmental and Social Policy has been amended to better reflect the role and responsibilities of the EIB and the Promoter and better explain the EIB due diligence and monitoring process.
3	EIB shall have staff able to undertake human rights due diligence and to assess borrowers' performance on human rights.	NomoGaia	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants), carefully selected in line with public procurement policies and regulations.
4	The wording of EIB Group's Environmental and Social Policy dilutes EIB's commitment to ensure that the projects it finances do not lead to human rights violations. The current Policy does not allow the EIB to anticipate human rights impacts since it relies only on the borrowers' risk assessment.	International Council on Monuments and Sites (ICOMOS)	The language of the EIB Group's Environmental and Social Policy has been reinforced. Para 4.5 (previously 4.4) of the EIB Group's Environmental and Social Policy has been amended to reflect relevant elements of stakeholders' comments.
5	The EIB must also assess the measures adopted by the Promoter on the project in relation to human rights (stakeholder identification and engagement) to determine whether an Environmental and Social Impact Assessment is necessary.	International Council on Monuments and Sites (ICOMOS)	Section 4 of the EIB Group's Environmental and Social Policy describes "Roles and Responsibilities". It has been amended to include new sections on "Promoter Roles and Responsibilities", "EIB Roles and Responsibilities", and "EIB environmental, climate and social due diligence and monitoring".
6	The EIB shall undertake human rights due diligence and collaborate with civil society organisations in order to not rely only on borrowers' human rights information. EIB must also conduct due diligence on companies involved in implementing sub-projects. It should also require borrowers to do the same.	Forest Peoples Programme	The EIB does not rely solely on the Borrower's information. The EIB undertakes an environmental, climate and social due diligence that integrates human rights for the timely identification of risks and impacts in order to avoid and/or mitigate adverse impacts on human rights. The EIB Group Environmental and Social Policy has been amended to address stakeholder's comments. See the new sections on "Promoter Roles and Responsibilities", "EIB roles and responsibilities", and the section entitled "EIB environmental, climate and social due diligence and monitoring".

Ref.	Summary of Contribution	Contributor	EIB comments
7	EIB shall foresee a greater role for civil society organisations in working with communities and with Promoters.	AVSI Foundation	<p>The EIB acknowledges that civil society organisations play a significant role in raising awareness on environmental and social issues and stakeholder engagement. Their participation in projects is based on the nature, issues and complexity of the projects as well as on the interest of stakeholders.</p> <p>Standard 1 and 2 explicitly states that whenever feasible, the Promoter is advised to have in place monitoring by third parties, such as stakeholder representatives, civil society or community-based organisations, affected communities, external experts, local and public authorities, think tanks or others familiar with relevant aspects of the projects.</p> <p>Furthermore, Standard 7 requires including representative bodies and organisations of affected people, such as civil society organisations, into consultation processes.</p>
8	EIB's human rights-based approach shall require borrowers and Promoters to improve corporate reporting and disclosure practice regarding supply chain, human rights, and occupation safety and health.	Institution of Occupational Safety and Health	<p>The EIB requires borrowers to undertake necessary measures to ensure proper monitoring of environmental and social issues. These include reporting measures, which should be developed based on the EU Sustainable Finance Action Plan.</p> <p>Standard 9 has been amended to better capture the need of Promoters to provide relevant information to the EIB (new para 16).</p>
9	The EIB shall add a human rights framework that includes: a human rights Policy, a human rights strategy (with a dedicated Policy on human rights defenders) and a mandatory human rights impact assessment. The EIB must also undertake human rights due diligence.	Counter Balance	<p>The EIB's commitment already integrates human rights at various stages of its operation. It undertakes due diligence integrating human rights, and it requires borrowers to undertake an Environmental and Social Impact Assessment that takes into account human rights and can require additional reports when necessary. The EIB also uses monitoring and reporting obligations to ensure that the projects do not lead to human rights violations.</p> <p>Additionally, the EIB is minded to develop a "human rights position statement".</p>

Ref.	Summary of Contribution	Contributor	EIB comments
10	A stronger statement on zero tolerance of reprisals against human rights and environmental activists must be adopted. The EIB shall respond in a timely and effective manner to threats or attacks against activists to prevent such action and ensure the accountability of those at fault.	Counter Balance	<p>The EIB has zero tolerance for reprisals against human rights and environmental activists. The EIB's integrated human rights-based approach prevents such actions.</p> <p>Section 4 of the EIB Group's Environmental and Social Policy has been revised, strengthening the requirements particularly on human rights by adding "zero tolerance" to (i) forced evictions; (ii) reprisals/retaliations; (iii) gender-based violence – see para 4.5.</p>
11	Reference to international instruments shall include treaties ratified by EU member States and UN Guiding Principles on Business and Human Rights.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Reference to the UN Guiding Principles on Business and Human Rights has been inserted in footnote 39 of the Section "EIB roles and responsibilities" of the EIB Group Environmental and Social Policy.
12	The human rights-based approach will be effective if the EIB has clear guidelines on the scope and methodology of Human Rights Impact Assessment.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	The EIB takes note of these suggestions for the development of the proposed Guidance Note.
13	For each project, it is necessary to understand the stakeholders (direct and indirect) and how these are impacted.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	Standard 2 requires the Promoter to identify and analyse different stakeholders. This includes those who are directly or indirectly affected by a project, or those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. Such identification is done in conjunction with Environmental and Social Impact Assessment undertaken as a requirement of Standard 1.

3. Is the EIB's approach to human rights, including its requirements for project Promoters, clearly described in Standard 1?



Please explain your answer

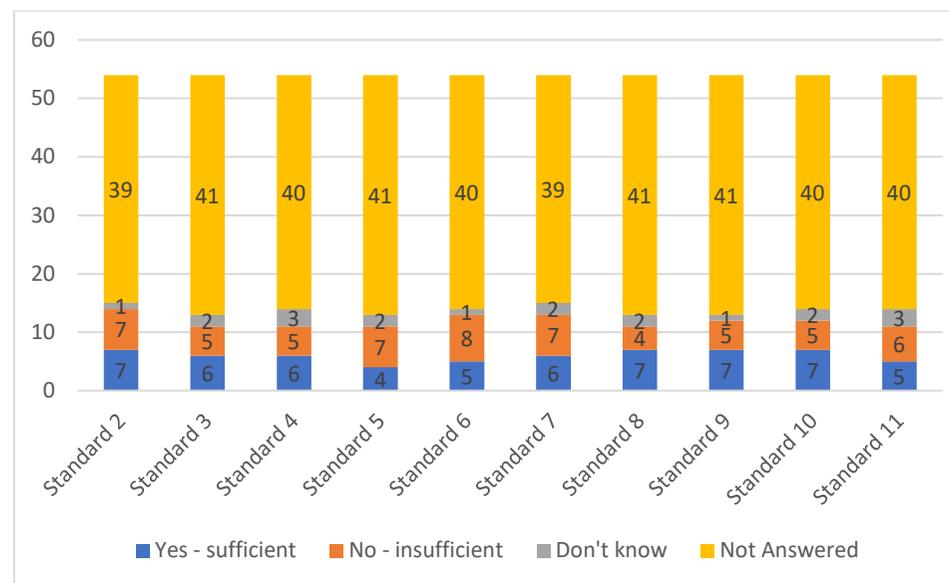
Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB shall require from project Promoters to establish an Environmental and Social Management System including human rights and encourage the development of strategic impact assessment to address impacts as early as possible.	Green Growth Horizontal Project – Interred MEG Programme	The establishment of an Environmental and Social Management System is required by Standard 1, para 29.
2	EIB's Policy is a mere declaration of intention to integrate human rights, it does not include a human rights due diligence. The current Policy foresees human rights due diligence only in contexts where the situation is known to be problematic based upon the borrower's information.	NomoGaia	<p>The EIB requires its Promoters to undertake due diligence with a human rights lens. As the UN Guiding Principles for Business and Human Rights indicate, there are different ways in which human rights due diligence can be undertaken, and in this sense, undertaking a Human Rights Impact Assessment is not always required.</p> <p>The Environmental and Social Policy has been amended to better reflect this. The proposed Guidance Notes will provide additional details.</p> <p>See the new sections on “Promoter Roles and Responsibilities”, “EIB Roles and Responsibilities”, and the section entitled “EIB environmental, climate and social due</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			diligence and monitoring” in the EIB Group’s Environmental and Social Policy.
3	The EIB does not have the required human rights expertise to ensure proper integration and mitigation of human rights impacts. The EIB shall consider advice from civil society on how to integrate human rights more comprehensively.	NomoGaia	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants), carefully selected in line with public procurement policies and regulations.
4	The EIB does not have the expertise and methodology (no benchmarking for instance) to ensure a proper integration of human rights into the impact assessment process and does not require the borrower to demonstrate such capacity.	Counter Balance	
5	EIB’s Policy and Standards dilute human rights significance. They should be mentioned in the outset as a key aspect of EIB Standards and Policy.	International Council on Monuments and Sites (ICOMOS)	<p>The Environmental and Social Policy refers to the significance of human rights in its Preamble, Vision and further in the section the “Policy Implementing Framework for the EIB”. The EIB has strengthened the human rights language in the EIB Group’s Environmental and Social Policy introducing, for example, the concept of respect for human rights.</p> <p>Para 1.3 and Section 3, para 3.2.iii have been amended to reflect relevant elements of stakeholders’ comments.</p> <p>The EIB has introduced explicit reference to the “Minimum Safeguards” (also known as Minimum “Social” Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions.</p>
6	The EIB shall require a standalone impact assessment against international Standards instead of only “integrating human rights considerations into the impact assessment process.” The EIB shall also mention in more detail key human rights aspects to be considered.	Forest Peoples Programme	<p>Human Rights Impact Assessment, standalone or integrated, can be requested based on a project’s risks and impacts. This is indeed one tool available to Promoters, but it is not the only tool or assessment that can be undertaken to consider human rights.</p> <p>See the revised text in the section entitled “EIB environmental, climate and social due diligence and monitoring” in the EIB Group’s Environmental and Social Policy.</p> <p>The proposed Guidance Notes will also provide more detail.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
7	The EIB shall also assess borrowers' capacity and past performance (as well as its contractors) regarding human rights management. When human rights violations are ongoing, the EIB shall require borrowers to cease these and provide remedy.	Forest Peoples Programme	The EIB Group's Environmental and Social Policy, Section 4 on EIB Roles and Responsibilities describes the due diligence process. However, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.
8	EIB's "requirements for project Promoters" are not being met, notably stakeholder engagement in resettlements (exclusion of women).	Response 661456814	The EIB strives to ensure that stakeholder engagement includes all groups, including women.
9	The Policy does not allow the EIB to ensure that the borrower will identify human rights issues and is not fit to ensure that EIB can ensure borrower accountability.	Counter Balance	<p>The EIB Group Environmental and Social Policy allows the EIB to require additional assessment or studies by the borrower and can rely on a range of contractual measures to ensure that the borrower manages human rights risks and impacts.</p> <p>The section of the EIB Group's Environmental and Social Policy on EIB due diligence has been expanded to give more detail. See the revised text in the section entitled "EIB environmental, climate and social due diligence and monitoring".</p>
10	EIB requires a human rights impact assessment only in cases where it is known that there is a high occurrence of human rights violations. The point of a Human Rights Impact Assessment is to anticipate such violations, not when violations are already ongoing.	Counter Balance	The EIB requires a Human Rights Impact Assessment not only when it is happening, but also based on the nature of the project and country context related risks, which allows for the anticipation of violations.
11	The Annex 1a - Criteria to determine the need for an Environmental and Social Impact Assessment – under item 1 "Characteristics of the project" shall question the project's capacity to contribute to, realize, and improve human rights.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	The risk of human rights violations is already included under point 2. The criteria are to be considered in relation to significant adverse impacts and not to positive impacts. However, if an Environmental Impact Assessment is needed, under EU law, it should describe both negative and positive impacts.
12	Project promoters are key stakeholders to prevent and manage human rights impacts.	EcoCa Ltd	Your comment is noted. The EIB thanks you for the feedback.

4. Each Standard refers to specific and relevant requirements regarding human rights. Are these references sufficient?



Please explain your answer

Table 4

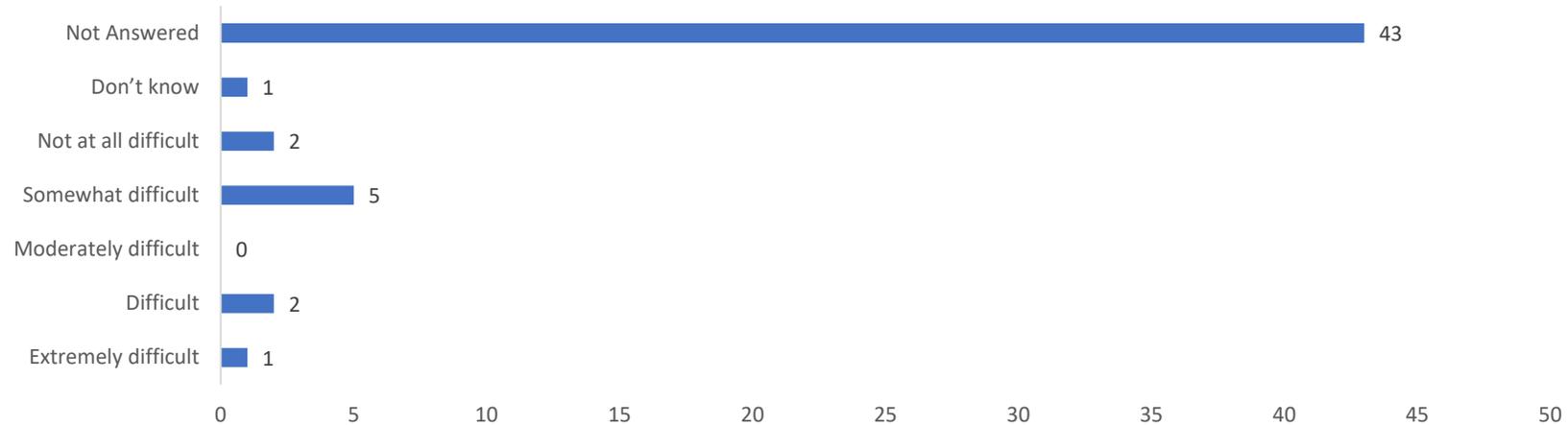
Ref.	Summary of Contribution	Contributor	EIB comments
1	The Policy needs to provide better coverage of human rights and social issues, including occupational safety and health, modern slavery and decent work aspects, along with sectoral guidance to address challenging issues such as responsible trade and investment practices.	Institution of Occupational Safety and Health	The language of the EIB Group's Environmental and Social Policy has been strengthened regarding Labour. A new para 2.13 has been added to reflect relevant elements of stakeholders' comments.
2	The current version of the Standards does not allow the EIB to get well informed on the situation of its projects, for instance when a borrower does not have the capacity to deal with human rights aspects.	NomoGaia	Assessment of the capacity of the Promoter to comply with the Standards is an important part of the role of the EIB and the EIB can support the Promoter or require the Promoter to get the adequate expertise.
3	The wordings "human rights considerations" or "considerations of potential human rights risks" appear imprecise, and in Office of the United Nations High Commissioner for Human Rights'	Office of the United Nations High Commissioner for	The EIB has amended Standard 1, para 3 (c) to refer to human rights impacts and risks instead of human rights considerations.

Ref.	Summary of Contribution	Contributor	EIB comments
	view should be replaced by simpler and more familiar terms such as “human rights risks and impacts” or “impacts on human rights”, as used in the EIB’s existing safeguards.	Human Rights (OHCHR)	
4	The requirement to include human rights in impact assessment seems to be limited to non-EU countries. The Office of the United Nations High Commissioner for Human Rights recommends including Human Rights risks and impact assessment in EU countries and candidate/potential candidate countries as well.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Indeed, in the section General Requirements of Standard 1, human rights are not explicitly mentioned for the EU and Candidate and potential candidate countries but it is understood that this can be requested by the Bank if deemed necessary in line with para 6(b).
5	Reference to human rights risks that include but are not limited to “data protection and privacy rights” is too narrow.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	It was not the intention to narrow it down. For clarity the sentence was extended to include examples of other rights.
6	Standard 1: The EIB must ensure that its staff have the required expertise to understand human rights implications in operations.	NomoGaia	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants), carefully selected in line with public procurement policies and regulations.
7	Standard 2: requirements are solid, but these do not allow the EIB to oversee how effectively the borrower proceeds.	NomoGaia	Standards are targeted at Promoters as audience and therefore do not describe EIB’s own due diligence and monitoring procedures. The EIB can request information about the detailed arrangement of consultation processes and a summary of these consultations. The EIB can therefore require from the project Promoter any action necessary to comply with Standard 2 on “Stakeholder engagement”.
8	Standard 2: Para 36.d) under “Meaningful consultation” fails to mention disability, homeless people, children (including children with disabilities) and people with mental health problems.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	Standard 2 “Stakeholder engagement” refers to several factors of disability but these are not exclusive from each other, and the wording ensures that other factors of vulnerability shall be considered in the meaningful consultation. Standard 2, para 36 (d) has been amended to reflect relevant elements of stakeholders’ comments.
9	Standard 3: human rights are not considered in relation to resource efficiency and pollution prevention, although it is a key aspect for neighbouring communities.	NomoGaia	Standard 3 on “Resource efficiency and pollution prevention” deals with pollution prevention and control and requires project Promoters to describe the proposed technology for preventing

Ref.	Summary of Contribution	Contributor	EIB comments
			or, where this is not possible, reducing emissions to air, water, soil, etc. This ensures communities' right to a safe environment.
10	Proper air quality monitoring	EcoCa Ltd	Standard 3 on "Resource efficiency and pollution prevention" of the ESSF deals with air quality and requires project Promoters to describe the proposed technology for preventing or, where this is not possible, reducing emissions. This ensures communities' right to a safe environment.
11	Standard 4: this Standard is applicable only when an Environmental and Social Impact Assessment is triggered, so many projects with an impact would not comply with the requirements. Moreover, Promoters are required to protect habitat when Indigenous Peoples use this habitat, but EIB Standards do not require Promoters to identify Indigenous Peoples.	NomoGaia	The EIB requires from project Promoters to identify the presence and/or interest of Indigenous Peoples, for projects within and outside the EU. Coupled with Standard 7 on "Vulnerable groups, Indigenous People and Gender", Standard 4 on "Biodiversity and ecosystems" seeks the protection of habitat and ecosystem services when it is used by or where Indigenous Peoples are dependent on such services.
12	Standard 5: the current version of the Standard does not mention affected rights holders and public consultations do not allow them to influence decisions before their adoption.	NomoGaia	<p>This Standard mainly deals with the technical aspects of the relations between climate and the projects. Rightsholders affected by a project are considered in Standards 6 to 10, as well as in Standard 2 on "Stakeholder engagement".</p> <p>Clear cross references have been included in new para 13 and in para 19 of Standard 5 on "Climate Change", in order to underline the importance of stakeholder engagement both in assessment of climate projects as a whole and in particular in the Climate Risk and Vulnerability Assessment process.</p>
13	<p>Standard 6: The Standard does not allow to identify critical resources for Project Affected Persons. Encroachment may affect herding corridors or migratory routes, which cannot be understood from the current version of Standard 6.</p> <p>Peoples without tenure rights cannot receive compensation for crops and occupied lands. The EIB does not require transitional assistance and the restoration of living conditions prior to displacement, which is not in line with its rights-based approach. There is no strong requirement to ensure that compensation is paid at replacement cost.</p>	NomoGaia	Please refer to the Standard 6 matrix.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>The definition of “meaningful engagement is not in line with a rights-based approach. The possibility for public authorities to carry out eviction decreases the Promoter’s capacity to ensure rights are respected.</p> <p>Finally, the current version of Standard 6 is a backslide since it does not give the EIB the authority or leverage to enforce it (compared to the 2018 version).</p>		
14	<p>Standard 7: there is no reference here to homeless people and people with mental health problems among the groups who are listed as vulnerable, marginalised, systematically discriminated against, or excluded. In addition, the document does not properly address children as a possible vulnerable group (the only reference is regarding “age” and in the definition of “sexual abuse”).</p>	<p>The European Expert Group on the Transition from Institutional to Community-based Care (EEG)</p>	<p>The list of vulnerability factors provided in the EIB Standard 7 is not exhaustive and allows to consider other factors of vulnerability based on the project and area characteristics. It already includes age and disability, and “medical condition” has now been replaced with “health status” which covers mental health. Homeless people are covered with references to property, or economic status.</p>

5. How difficult is compliance with human rights at the project level, for example in view of your local context?



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Promoting social inclusion, eliminating risks to human health and well-being, reducing inequalities.	Green Growth Horizontal Project – Interred MEG Programme	These are objectives pursued by the EIB in its investments, as mentioned in the EIB Group’s Environmental and Social Policy’s Preamble and “The Group’s Contribution” chapter.
2	In order to ensure effective compliance with human rights in a local context, the EIB shall require the borrower to conduct a human rights due diligence for all rights included in the main international instruments (UN bill of human rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, ILO conventions).	NomoGaia	<p>The EIB requires the borrower to integrate human rights impacts and risks into its Environmental and Social Impact Assessment process. The assessment of any social aspects is fully embedded in this process and should include considerations of potential human rights risks.</p> <p>The EIB Group’s Environmental and Social Policy and the Standards require consistency with the Minimum Safeguards, which in turn require alignment with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, including the principles and rights set out in the eight fundamental conventions identified in the Declaration of the International Labour Organisation on Fundamental Principles and Rights at Work and the</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			International Bill of Human Rights, which consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.
3	Some groups are not recognized as indigenous, which deprives them from the entitled protection.	Response 661456814	Standard 7 stipulates that regardless of which terminology is used in a given country, the requirements of Standard 7 shall apply to all groups meeting the definition of Indigenous Peoples in para 10. The EIB reserves the right to determine if the affected group is indigenous or not. Other groups that may require additional protections may fall under the scope of Standard 7 as vulnerable groups.
4	The EIB shall adopt proper strategies, policies, and methodologies to ensure compliance with human rights.	Counter Balance	The EIB Group Environmental and Social Policy has been amended to better reflect the role of the EIB and its due diligence process. See the section entitled "EIB environmental, climate and social due diligence and monitoring". Accompanying Guidance Notes will also be developed.
5	Clients do not allow their employees to join worker's unions.	East African Development Bank	The section on "Workers' organisations" has been amended in Standard 8.
6	The EIB would benefit from contributing to global developments on human rights due diligence, hereby ensuring better articulation of international and European initiatives.	Institution of Occupational Safety and Health	Indeed, the EIB already participates in these developments and will continue to do so.
7	Contractors and sub-contractors do not provide contracts to their employees in accordance with the ILO and National Labour Standards.	East African Development Bank	Your comment is noted. The EIB thanks you for the feedback
8	Clients may not allow human rights issues to be communicated to external parties.	East African Development Bank	
9	Chain of command, continuity, regular appraisals.	EcoCa Ltd	

6. Additional comments on Human Rights

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	The current version of EIB Policy and Standards does not sufficiently integrate human rights and will lead to human rights violation in non-EU countries, notably because of a lack of proper staffing and the lack of explicit requirements to undertake human rights assessments.	NomoGaia	<p>The EIB strives to avoid human rights impacts within projects with its solid human rights expertise and experience and by requiring the borrower to include human rights impacts and risks in the Environmental and Social Impact Assessment process. The Environmental and Social Impact Assessment can be complemented by specific assessments, including but not limited to Human Rights Impact Assessment.</p> <p>The EIB Group's Environmental and Social Policy has been amended to better reflect the role of the EIB and its due diligence process, see the section entitled "EIB environmental, climate and social due diligence and monitoring".</p>
2	The Policy shall include the human right to a viable future and an unharmed environment (access to natural resources, clean air and water, biodiversity - fauna and flora).	World Animal Protection	The EIB Group's Environmental and Social Policy is grounded in the main international and European human rights instruments. These are articulated in the Standards which address air and water quality, the protection of biodiversity, and climate change.
3	Stakeholder management shall pay greater attention to human rights violations, which will prevent and mitigate these risks while creating better relationship with other stakeholders. Civil society's role is crucial in this respect.	AVSI Foundation	<p>The new Standard 7 requires that the engagement process is respectful of human rights and highlights the risks or reprisals and intimidation and includes related provisions to address those.</p> <p>The EIB recognises that civil society organisations play a key role in raising salient human rights issues and are involved based on the nature, issues and complexity of the projects as well as on the interest of stakeholders.</p>
4	The Policy and Standards do not provide tools to ensure vulnerable peoples' participation in stakeholder engagement.	Joint contribution 2	Both the EIB Group's Environmental and Social Policy and the EIB's Environmental and Social Standards, in particular Standards 1, 2, 6 and 7, highlight differentiated needs of vulnerable persons and/or groups and the requirements to include them in the stakeholder engagement processes. Further guidance on specific tools will be provided in a Guidance Note that will be prepared to complement the standards.

Ref.	Summary of Contribution	Contributor	EIB comments
5	The current version of EIB Policy's objectives and requirements does not allow to reach Sustainable Development Goals.	Institution of Occupational Safety and Health	The Preamble of the EIB Group's Environmental and Social Policy explicitly indicates that "the Group contributes to the commitment made by the European Union to be a global partner and a frontrunner in promoting and implementing the UN's 2030 Agenda for Sustainable Development and the achievement of its Sustainable Development Goals (SDGs)."
6	The EIB has failed to prevent human rights violations in several projects. The new Policy does not give the EIB enough means to prevent these violations in the future.	Joint contribution 2	With this revision, the EIB is reinforcing its framework in order to prevent human rights violations. The revision of the internal procedures and the development of Guidance Notes and other supporting tools will provide the EIB with additional means to identify human rights risks and impacts and put in place measure to prevent their occurrence.
7	The language used in EIB Group's Environmental and Social Policy does not make the EIB or the Promoter liable for human rights violations and does not ensure that the borrower will adopt necessary measures to prevent such violations.	Joint contribution 2	The EIB Group's Environmental and Social Policy and the EIB's Environmental and Social Standards seek to ensure that projects do not violate human rights of communities and maximise positive outcomes. Contractual and monitoring obligations give the EIB the possibility to require that borrowers implement any necessary mitigation measures.
8	The Policy must require the EIB to conduct standalone Human rights risk assessment.	Joint contribution 2 Joint contribution 7	<p>The EIB pursues an integrated human rights-based approach to its ECS due diligence and monitoring. It conducts a human rights-responsive due diligence process whereby impacts and risks are screened and assessed against its E&S Standards, which in turn are grounded in human rights principles. The process is guided by considerations of likelihood, frequency, and severity of human rights impacts, thereby ordering the prioritisation of mitigation measures..</p> <p>The EIB Group's Environmental and Social Policy further explains the role of the EIB in undertaking its due diligence in the amended Section "EIB environmental, climate and social due diligence and monitoring".</p>
9	The EIB should require Promoters to conduct a Human Rights Impact Assessment based on international human rights norms, especially for high-risk projects.	Joint contribution 2 Joint contribution 7	The EIB requires the Promoter to undertake an Environmental and Social Impact Assessment when necessary, and if required, a Human Rights Impact Assessment or any other relevant assessments//studies pertaining to specific areas that may require particular attention, as per para 8 of Standard 1.

Ref.	Summary of Contribution	Contributor	EIB comments
10	Any Environmental impact assessment shall include the assessment of human rights and social issues.	Joint contribution 8	The EIB requires borrowers to consider human rights impacts and risks in its Environmental and Social Impact Assessment process. Coupled with the human rights-based approach to the EIB's due diligence process, this allows for the identification and management of human rights risks in a proactive manner.
11	Human rights should be explicitly mentioned as a part of impacts, along with environmental, social and climate. As a result, human rights impact assessments shall be systematically mentioned together with Environmental and Social Impact Assessments.	Joint contribution 1	Human rights are an overarching aspect. Human rights impacts and risks are intrinsically related to environmental, climate, and social impacts and risks. The EIB considers that a sound quality Environmental and Social Impact Assessment process with a human rights lens covers human rights impacts and risks. The EIB requires the Promoter to undertake an Environmental and Social Impact Assessment when necessary, and if required, a Human Rights Impact Assessment or any other relevant assessments/studies pertaining to specific areas that may require particular attention, as per para 8 of Standard 1.
12	The EIB shall rely on UN reports on human rights as well as reports from NGOs to take into account the diversity of human rights issues in its operations.	Joint contribution 2	Indeed, this is already the case as part of the EIB due diligence.
13	The EIB must fully take into account international human rights obligations regarding the rights of persons with disabilities (international conventions, EU Ombudsman...)	European Network on Independent Living (ENIL)	The EIB Group's Environmental and Social Policy refers to the Charter of Fundamental Rights of the European Union, which includes the protection of persons with disability. The UN Convention on the Rights of Persons with Disabilities has been referenced in Standard 8 and Standard 9 (additional reference in footnote 14).
14	The EIB should enshrine EU's international cooperation objectives in its policies	Joint contribution 2	See Preamble 12 of the EIB Group's Environmental and Social Policy.
15	According to the current Environmental and Social Policy, the EIB does not commit to acquiring the necessary knowledge to avoid the financing of projects that violate human rights, it relies only on the Promoters' information. The EIB shall conduct proper human rights due diligence otherwise it cannot be responsive.	Joint contribution 2	The EIB conducts due diligence processes that integrate human rights considerations and does not rely solely on the borrower's information. This allows the EIB to be proactive in managing human rights risks. This has been further clarified in the EIB Group's Environmental and Social Policy, in the section entitled "EIB

Ref.	Summary of Contribution	Contributor	EIB comments
			environmental, climate and social due diligence and monitoring”.
16	The Policy must require the EIB to set specific contractual obligations in relation to human rights, instead of mentioning such obligations in non-binding documents.	Joint contribution 2	<p>The EIB Group’s Environmental and Social Policy further explains the role of the EIB in undertaking its due diligence. The section on “Decision to finance” has been expanded into “Decision to finance, contract negotiation and signature”.</p> <p>When referring to the “EU Taxonomy” the EIB is de facto referring to human rights, as the EU Taxonomy requires compliance with the “Minimum Safeguards” (also known as Minimum “Social” Safeguards) which in turn refer to international human rights instruments.</p>
17	Standard 1 must explicitly mention that the Promoter must assess the potential human rights impact of the project (§3 and 7). Human rights shall systematically be included in impact assessments, not only when it is known that human rights violations are ongoing.	Joint contribution 1	Standard 1 already requires that Promoters consider human rights aspects in the Environmental and Social Impact Assessment process.
18	Standard 2 must require that the grievance mechanism is not only effective, but also legitimate, accessible, predictable, equitable and transparent. They should be co-designed by stakeholders.	Joint contribution 2	Footnote 18 of Standard 2 specifies: “As outlined in Principle 31 of the UN Guiding Principles on Business and Human Rights , the grievance mechanism will be effective, by way of being: i) verifiably legitimate; ii) accessible; iii) predictable; iv) equitable; v) transparent; vi) compatible with human rights; vii) based on engagement and dialogue; and viii) a source of learning for all stakeholders involved, including the Promoter.”
19	Standard 2 does not clarify that the Promoter is required to disclose in a timely manner the relevant information. The phrasing gives too much freedom to the Promoter to define what is a timely manner, which can lead to poor access to information.	Joint contribution 2	Standard 2 calls for disclosure of information to the public “in the most accessible way and as soon as it can reasonably be provided”, in line with the Aarhus convention, which is a benchmark for effective disclosure within the stakeholder engagement process.
20	In order to ensure human rights such as the right to information and freedom of expression, Standard 2 should better explain the requirements for project Promoters concerning disclosure of information and public participation. The Standard should clarify who is responsible to disclose information and when this should be done. Wording such as “ <i>as soon as it can reasonably be provided</i> ” leaves too much discretion to the Promoter. Moreover, Standard 2 shall require that	Counter Balance	Furthermore, upon the production of the final set of Standards, the EIB will issue Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.

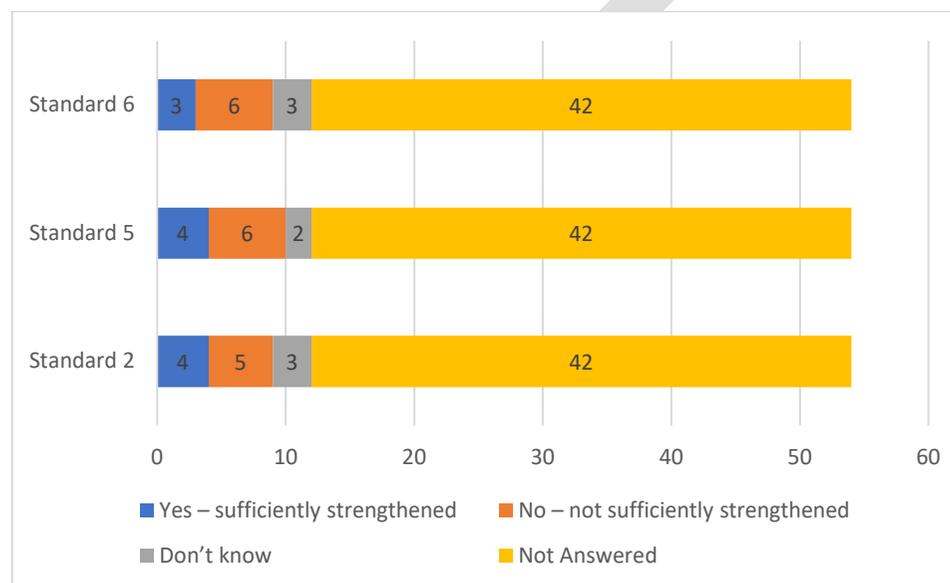
Ref.	Summary of Contribution	Contributor	EIB comments
	environmental and social information is available constantly in the public domain throughout the project implementation and operation, directly accessible through electronic means and additionally in physical form in a public place to which stakeholders have access.		
21	In Standard 11, the EIB shall mention that it will assist Financial Intermediaries with the appraisal of subprojects and will assess a Financial Intermediaries' track record on human rights on a regular basis.	Joint contribution 4	Standard 11 on "intermediated Finance" para 17 mentions that the EIB may provide support to Financial Intermediaries for managing environmental and social impacts and risks.
22	Free, Prior and Informed Consent (FPIC) must be extended to all affected communities.	Joint contribution 2	Free, Prior and Informed Consent (FPIC) is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Furthermore, neither the EU nor Standards of other International Financial Institutions currently require FPIC for engagement with non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the FPIC principles.
23	Office of the United Nations High Commissioner for Human Rights recommends the EIB to incorporate detailed requirements on protection against reprisals in the Environmental and Social Policy, Standard 2 and loans and investment agreements, for all projects within and outside the EU.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	In its new Environmental and Social Policy, the EIB clearly states that reprisals will not be tolerated. The EIB Group's Environmental and Social Policy and the EIB Environmental and Social Standards introduce provisions related to reprisals, but do not seek to set detailed requirements as they are typically project specific. Further details will be articulated in the forthcoming Guidance Note and the EIB's internal Environmental, Climate and Social due diligence and monitoring procedures.
24	Within the gender equality cross-cutting subject, the EIB Group's Environmental and Social Policy and Standards should explicitly disapprove of morality arrestations, including the death penalty.	Counter Balance Joint contribution 2 Joint contribution 7	These considerations do not relate to projects but go beyond the remit of the EIB as a policy taking institution.
25	The EIB shall create an Annex 2c describing the content of Human Rights Impact Assessment	Joint contribution 1	Your comment is noted. The EIB thanks you for the feedback.
26	Add para 24 in Standard 1: <i>"Where a human rights impact assessment is required, the Promoter shall prepare a report</i>	Joint contribution 1	

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>that takes into account all relevant stages of the project and includes, at a minimum, the information specified in Annex 2c of this Standard.”</i>		
27	The EIB shall write in its Environmental and Social Policy that it will disclose its ex-ante Environmental and Social assessments and appraisal documents to the public.	Joint contribution 2	

DRAFT

Chapter C: Cross-cutting issues

1. Have gender considerations been sufficiently strengthened throughout all the relevant Standards, specifically Standards 2 (Stakeholder engagement), 5 (Climate change) and 6 (Involuntary resettlement)?



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB should adopt a stand-alone thematic Environmental and Social Standard on Gender equality. If not, additional efforts should be made to mainstream gender and women rights' considerations throughout the Environmental and Social Sustainability Framework, particularly in the EIB Group's Environmental and Social Policy and in Standards 1 and 2.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB has integrated gender consideration in Standards where it is acknowledged that women may face discrimination or may be disproportionately affected. These include Standards on stakeholder engagement, ecosystems and biodiversity protection, involuntary resettlement, labour and Occupational Health and Safety. Guidance documents and Annexes seek to strengthen the coverage of gender aspects in EIB activities. For instance, gender issues must be included in Environmental and Social Impact Assessment, Resettlement Action Plan and Livelihood Restoration Plan.

Ref.	Summary of Contribution	Contributor	EIB comments
			Furthermore, Standard 7 was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.
2	The EIB Standards should use “ <i>men and women</i> ” instead of “communities” or “households” since men and women are assigned different skills, roles and norms in livelihood. They shall be assessed separately.	Counter Balance Joint contribution 6	Households are often considered as the economic unit in localities where a project is implemented. Direct impacts on men and women usually affect the entire household. Considering households in resettlement does not refrain to collect disaggregated data by sex or to consider specific roles and skills of men and women. These aspects are analysed in the Environmental and Social Impact Assessment, Resettlement Action Plans and Livelihood Restoration Plans.
3	The EIB shall develop guidance and tools, as the World Bank developed tools and processes (e.g. “Good Practice Note, Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works”).	Counter Balance Joint contribution 6	The EIB has developed some resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.
4	Improvements can be implemented EIB Group’s Environmental and Social Policy and Standards level. Tools and/or commitment should be included (inclusive consultations, Gender assessments and analyses, Legal Assessment Tool (LAT) for gender-equitable land tenure, gender responsive tools for prevention of violence and etc.).	Counter Balance Joint contribution 6	The EIB will incorporate gender issues in Guidance Notes for Standards, notably on stakeholder engagement and involuntary resettlement as well as in a Guidance Note on Gender Impact Assessment. Land tenure and their impact on socioeconomic vulnerable groups are considered in social baseline studies and Environmental and Social Impact Assessment. The EIB will also issue a Guidance Note on Gender Impact Assessment that will address the points raised.
5	The EIB should introduce gender budgeting and gender impact assessment as a required method for mainstreaming gender in its Policy and operations	Counter Balance Joint contribution 6	Gender issues are considered in EIB’s due diligence processes and should be included in Environmental and Social Impact Assessment. When mitigation measures and women’s empowerment programs are implemented, the EIB ensures proper budgeting. These principles will be detailed in EIB’s internal procedures as well as in a Guidance Note on Gender Impact Assessment.

Ref.	Summary of Contribution	Contributor	EIB comments
6	Gender equality and mainstreaming should be implemented through gender responsive activities plans.	Counter Balance Joint contribution 6	<p>The EIB Group's two-staged Gender Action Plan provides more detail on how the EIB Group promotes and mainstream gender equality in its projects.</p> <p>In addition, the EIB Group will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>
7	The EIB shall consider other peer best practice in this area, such as; (i) IFC's Performance Standard 4 (Community health, safety and security) practice which consider that communities vulnerable to climate change can be further affected due to project activities. These communities must be identified and protected; and (ii) When assessing a project, the EIB should consider GCF's practice which requires Accredited Entities to submit a proposal on the type of gender documentation required during the project planning, preparation and development stage.	Counter Balance Joint contribution 6	<p>Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender" pays specific attention to vulnerable groups as they can get disproportionately affected due to their socioeconomic conditions. When vulnerable groups are identified, the EIB requires specific mitigation measures and activities with appropriate planning and budgeting.</p> <p>Further reference to stakeholder engagement as per Standard 2 on Stakeholder engagement, which requires gender inclusive and responsive engagement, has been included in para 19 of Standard 5 on Climate Change, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>Also, a new para (13) has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p>
8	The EIB should require that census disaggregate data by gender to ensure that resettlement do not disproportionately affect women.	Counter Balance Joint contribution 6	<p>It is a common practice to collect disaggregated data in census and resettlement activities. With such data, the EIB ensures that women do not get disproportionately affected by resettlement and maintain their livelihood.</p>
9	Gender differentiated impacts should be further differentiated according to different economic sectors (e.g. agriculture).	Counter Balance Joint contribution 6	<p>Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender" takes into account socio-economic factors that may lead to disproportionate impacts on vulnerable groups, including girls and women. These factors are identified in the social baseline studies, Environmental Social Impact Assessment reports and considered by the EIB at project appraisal stage.</p> <p>The EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			Gender differentiated impacts will also be taken into account in the implementation of the Gender Action Plan 2.
10	There is no methodology and required data to measure gender-specific risks in the Standard 1.	Counter Balance Joint contribution 6	Standard 1 does not aim at providing a detailed methodology on measuring specific risks such as gender. The EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.
11	Standard 1 Environmental Social Impact and Risk: The gender analysis should be conducted for each project, and mandatory for projects of category A and B, which includes a gender assessment (economic gender risks in relation to livelihood, land rights, economic discrimination and/or empowerment, education, as well as gender based violence and harassments). The assessment should provide a baseline of the gender equality situation in the region, country or project area and assess the gender issues and impacts that are specific for the proposed project	Counter Balance Joint contribution 6	Gender issues are considered in each project where an Environmental and Social Impact Assessment (ESIA) is required – see Standard 1 Annex 2a.
12	Require independent expertise for high-risk projects to carry out impact assessments, and independent third-party monitoring.	Counter Balance Joint contribution 6	Specifically, on “third party monitoring” – see Standard 1 para 27 and Standard 2 para 42.
13	The EIB Standard 2 shall include a tool to ensure gender sensitive and meaningful consultation, especially in projects outside the EU. Gender data should be collected in the Environmental and Social Impact Assessment through consultation with local NGOs and women.	Counter Balance Joint contribution 6	<p>The identification and analysis of stakeholders (paras 16-20) forms a core element of Standard 2. Furthermore, para 6 states that Promoters should pay “...special attention to engagement with vulnerable, marginalised, and/or discriminated-against groups ...” which in certain cases will include women.</p> <p>Para 10 stipulates: “The engagement shall be gender responsive and inclusive, devoid of discrimination and take into account, if necessary, the different needs of and potential barriers facing the various stakeholders to ensure their equitable participation, including needs and barriers involving vulnerable, marginalised and/or discriminated-against groups, as well as those who are traditionally excluded or in need of special assistance.”</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Para 24 also specifies: “The mechanism shall also be gender inclusive and responsive, and address potential access barriers to men and women, non-binary or gender non-conforming persons, young persons and the elderly, illiterate persons, or otherwise vulnerable, marginalised and discriminated-against groups, as appropriate.”</p> <p>The meaningful consultation in para 36(d) of Standard 2 is described as being, inter alia: “inclusive of all the relevant stakeholders, including commonly underrepresented groups on account of sex, gender, age, health status, poverty, disability, educational profile or other factors.”</p> <p>Further details on how to ensure women’s participation will be provided in the Guidance Note for this Standard as well as in a Guidance Note on Gender Impact Assessment.</p>
14	Standard 2 mentions gender but provides little information on how gender issues must be integrated in practice.	Counter Balance NomoGaia	<p>The EIB Environmental and Social Standards set objectives and specific requirements for the borrowers. However, these do not aim at providing a detailed guidance on how to proceed.</p> <p>The identification and analysis of stakeholders (paras 16-20) forms a core element of the Standard.</p> <p>See the definition of “meaningful consultation” in para 36 of Standard 2, and also para 6, amended para 10, and para 24.</p> <p>Further details on how to ensure women’s participation will be provided in the Guidance Note for this Standard.</p>
15	Clearer norms are needed to integrate gender aspects in Standards 2 and 6. Usually women are not consulted in Stakeholder engagement outside of the EU.	Mohamed Miftah	Standard 2 requests for the promotor to “adopt a gender-responsive approach” and refers to gender throughout the Standard. Para 38 stipulates that: “The consultation includes culturally appropriate mechanisms and processes and is tailored to the different needs of stakeholders. It also considers diverse forms of targeted communication to facilitate the increased participation of men and women, taking also into account factors such as age, literacy, language, mobility, or vulnerability status. The timelines for engagement shall be

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>realistic and respectful of all identified stakeholders, and in particular affected persons and/or groups.”</p> <p>The stakeholder consultation section on Standard 6 states that “the Promoter shall identify and meaningfully engage in a transparent manner with all PAPs, both men and women, [...]”</p>
16	The Bank should assess the project Promoter’s efforts to engage with marginalized groups, particularly in countries with high gender inequality and violence practices	Counter Balance Joint contribution 6	<p>Standard 2 sets specific requirements for stakeholder engagement, notably meaningful consultation as well as monitoring and reporting system with third parties as relevant. The EIB may add specific requirements in the project’s contractual documentation to ensure the proper implementation of stakeholder engagement.</p> <p>The EIB has developed resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.</p>
17	Gender issues must be considered in Standards 3 and 4 because women play a specific role in environmental protection.	NomoGaia	Standard 4 (para 34) promotes a gender-sensitive approach in the identification of a project’s impact on ecosystem services and requires the involvement of local communities, Indigenous Peoples in the assessment process and in the mitigation and restoration measures, especially the vulnerable whose livelihoods and well-being rely on biodiversity and ecosystem services as men and women may place different values on ecosystems, and derive different benefits from them
18	Gender shall be referred to in Standard 4 on Biodiversity, where there is little regard to the gender dimension of biodiversity and its conservation.	Counter Balance : Joint contribution 6	<p>The EIB aims to integrate gender aspects in all Standards, in line with its Gender Strategy and Gender Action Plan. EIB requires project Promoters to address gender-related issues during the stakeholder engagement process and to take measures, as necessary, to consider women’s perspectives in the various stages of project planning, implementation, and monitoring.</p>
19	The EIB should follow the principles of Convention on the Elimination of Discrimination Against Women and put in place measures to address the effects of climate crisis-induced gender inequality. This includes ensuring that Promoters	Joint Contribution 8	The EIB acknowledges that climate change affects men and women differently.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>submit a gender and social inclusion plan, and an institutionalized participation of women, local communities and stakeholders in the Climate Risk Vulnerability Assessment methodology (CRVA).</p>		<p>Standard 5 deals with technical aspects of climate change, such as the level of Greenhouse Gas emissions. Gender issues are included in Standard 7. Within the guidance documents supporting Standard 5, there is also recognition that climate change impacts may be experienced differently by different social and cultural groups. Promoters are encouraged to address these where they are predicted to occur, and where identified within the Climate Vulnerability and Risk Assessment.</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk Vulnerability Assessment process.</p> <p>A new para 13 has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p> <p>Regarding the Convention on the Elimination of Discrimination Against Women, it has been ratified by most countries of the world and are part of countries' obligations; the EIB therefore requires its implementation in projects.</p>
20	<p>The impact assessment process should include the climate impacts on vulnerable groups and provide disaggregate data by gender, ethnicity, generation, wealth, food and water security, accessibility to finance, age and other identity markers that might affect people's equal opportunities.</p>	<p>Counter Balance Joint contribution 6</p>	<p>A new para 13 has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment (CRVA) process.</p> <p>The definition of "vulnerable groups" in the glossary, in conjunction with guidance provided for Climate Risk and Vulnerability Assessments, is a clear reference for Promoters.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
21	<p>Standard 5 does not mention gender at all, even though it clearly should, as climate impacts are likely to have disparate consequences on women and minorities.</p>	<p>Akuo Energy Counter Balance NomoGaia</p>	<p>The EIB acknowledges that climate change affects men and women differently. Standard 5 deals with technical aspects of climate change, such as the level of Green House Gas emissions. Within the guidance documents supporting Standard 5, there is also recognition that climate change impacts may be experienced differently by different social and cultural groups. Promoters are encouraged to address these where they are predicted to occur, and where identified within the Climate Vulnerability and Risk Assessment.</p> <p>A new para 13 has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p>
22	<p>Standard 5 - Climate Change: The EIB has the duty to phase out carbon emission related investment in order to protect women since these are more affected by climate crisis.</p> <p>Climate impact assessment should include social and human rights considerations.</p> <p>The definition of a project's vulnerability, based on risk as a metric, is too narrow.</p>	<p>Counter Balance Joint contribution 6</p>	<p>The EIB acknowledges that climate change affects men and women differently. Independently of this fact, the EIB has committed to stop financing fossil fuel projects by the end of 2021 and to increase its level of support to climate action and environmental sustainability to exceed 50% of its overall lending activity by 2025.</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>A new para 13 was added to highlight that all EIB Standards are to be taken into account when applying Standard 5, in particular Standard 2 on Stakeholder engagement, Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender", and Standard 10 on Cultural heritage, in order to acknowledge, inter alia, social, including gender, aspects.</p> <p>On the definition of vulnerability, the glossary sets out a sufficiently broad and widely recognised concept of vulnerability informed by the Intergovernmental Panel on Climate Change, which allows for taking local contexts, including interpretation of impacts of climate change and</p>

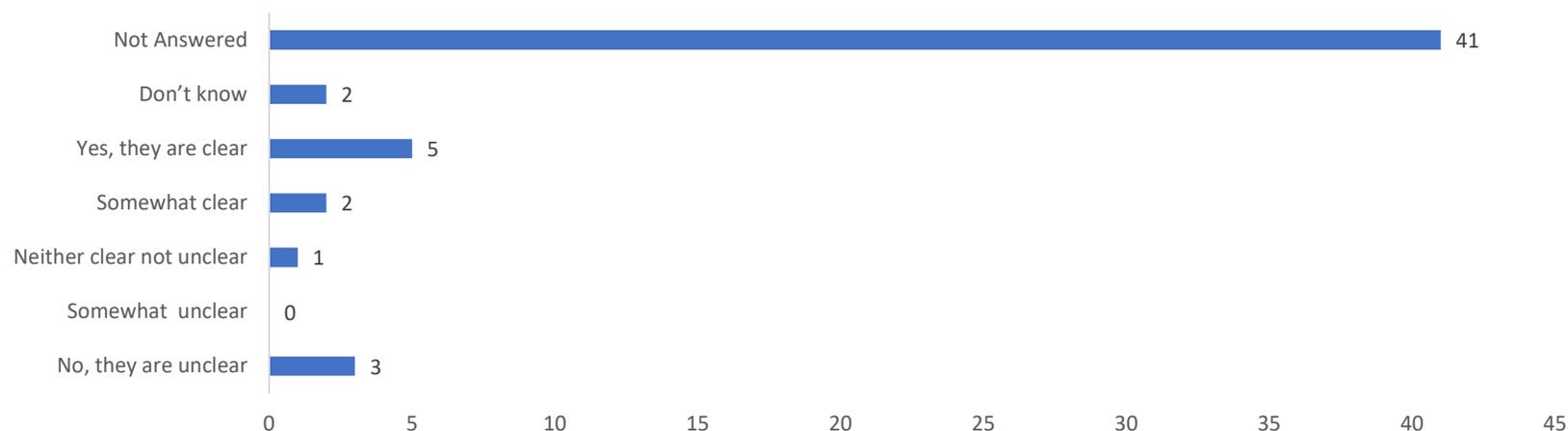
Ref.	Summary of Contribution	Contributor	EIB comments
			<p>associated risks, into account when seen in conjunction with other provisions of Standard 5.</p> <p>Furthermore, para 18 (previously para 15) requires a holistic view on climate vulnerability (“project and system”) and, footnote 20 (previously 15), references further guidance (European Financing Institutions Working Group on Adaptation to Climate Change), which is considered broad enough to inform a holistic approach to conducting Climate Risk and Vulnerability Assessments.</p>
23	Standard 6: the EIB fails to recognize that engagement in resettlement shall be intersectional (look at subgroups within women).	NomoGaia Counter Balance	Standard 6 clearly refers to engagement with both women and men and refers to Standard 2, where stakeholder engagement is detailed. Furthermore, it defines that the intra-household analyses in cases where the livelihoods of different members in a household (e.g. women and men) are affected differently.
24	Standard 6 acknowledges unequal impacts but treats women as a monolithic group. Resettlement engagement, as well as other risk assessments and engagements, needs to take other intersecting and overlapping aspects into consideration, including but not limited to social status, income levels and other forms of power relations.	Counter Balance Joint contribution 6	Standard 6 includes a specific requirement for vulnerable groups. Vulnerability is defined as the propensity of a group to be disproportionately affected based on socioeconomic factors. The vulnerability assessment takes into account three factors: exposure to risks, sensitivity to those risks and adaptive capacity. This definition of vulnerability allows to nuance the analysis of affected groups and to consider intersectional aspects of vulnerability.
25	Gender differences shall be considered throughout the resettlement cycle, such as monitoring of outcomes by sex included in contractual arrangements with the Promoter.	Counter Balance Joint contribution 6	<p>The Standard does make specific reference to women, for instance:</p> <p>Para 21 defines that the “socioeconomic baseline survey may require intra-household analyses in cases where the livelihoods of different members in a household (e.g. women and men) are affected differently.” In this para, it was also added that “Data shall be disaggregated by gender and other relevant parameters.”</p> <p>Para 44 indicates that, during engagement, special attention should be given to “illiteracy or where education differs according to age, gender or economic status”.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Furthermore, in para 45 it is requested that the Promoter pay special attention to vulnerable groups that might be disproportionately affected by the resettlement process.</p> <p>Finally, para 52 states that “During the resettlement consultation, planning and implementation process, the Promoter shall give special consideration to individuals and groups that are vulnerable, marginalised, systematically discriminated against or excluded on the basis of their socioeconomic characteristics”.</p>
26	Women happen to be left out of the stakeholder engagement either because they were not informed or because they were busy. EIB Standard 6 shall therefore ensure that women are included in consultation on Resettlement Action Plan and Livelihood Restoration Plan.	661456814	The stakeholder consultation section of Standard 6 states that “the Promoter shall identify and meaningfully engage in a transparent manner with all Project Affected Persons, both men and women (...)”.
27	Standard 6 involuntary resettlement & 7 vulnerable groups and Indigenous Peoples. EIB shall ensure that appropriate measures are in place in order to avoid the potential for women to be economically affected by a project’s impact on fragile ecosystems.	Counter Balance Joint contribution 6	<p>Standard 4 acknowledge that men and women may place different values on ecosystems and derive different benefits from them. When feasible, a gender-sensitive approach should be taken to better identify and mitigate economic impacts on women when ecosystems are affected by a project.</p> <p>For instance, gender issues must be including in the Environmental and Social Impact Assessment, Resettlement Action Plan and Livelihood Restoration Plan.</p>
28	The Bank should align with guidelines such as the Voluntary Guidelines on Land Tenure (VGGT) and best practices recommended in the Food and Agriculture Organisation’s (FAO) Free, Prior and Informed Consent (FPIC) Manual for Project Practitioners and by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). This also implies specifically recognizing rural women’s right to FPIC before projects are carried out on their land. The EIB shall also consider the land, gender-related issues and the Voluntary Guidelines on Land Tenure in due diligence processes.	Counter Balance Joint contribution 6	<p>Free, Prior and Informed Consent is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Furthermore, neither the EU nor Standards of other IFIs currently require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the FPIC principles.</p> <p>Standard 6 is aligned with the Voluntary Guidelines on Land Tenure.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			FPIC related comments are replied to in more detail in the issues matrix for Standard 7.
29	<p>Standard 9 Occupational and public health, safety and security.</p> <p>Contracts must systematically include suspensive clauses in case of gender-based violence.</p>	<p>Counter Balance</p> <p>Joint contribution 6</p>	<p>Standard 9 requires the project Promoter to consider the gender risks associated with projects such as gender-based violence, exposure to disease, and influx of workers. The EIB's Environmental and Social Standards also require the development of a grievance mechanism.</p> <p>The EIB has developed some resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.</p> <p>Contractual amendments will be further considered as part of the review of our internal processes.</p>
30	<p>Establish a culturally appropriate and gender inclusive grievance mechanism.</p>	<p>Counter Balance</p> <p>Joint contribution 6</p>	<p>Standard 9 has been amended to reflect that workers should be able to access the workplace grievance mechanism, and language related to culturally appropriate and gender inclusive grievance mechanisms have been included. The Guidance Note on Stakeholder Engagement will have additional material to support Promoters in this respect.</p>
31	<p>Consider provisions explicitly dealing with the health status of migrant workforce, health problems among migrant workers, including infectious diseases, unwanted pregnancies.</p>	<p>Counter Balance</p> <p>Joint contribution 6</p>	<p>The EIB will incorporate this into the Guidance Note that will accompany Standard 9. Migrant workers are naturally considered and all risks and impacts regarding their health and safety should be identified and addressed.</p>
32	<p>Consideration correlations between exposure to pollution and women's health risk.</p>	<p>Counter Balance</p> <p>Joint contribution 6</p>	<p>Indeed, the consequence of the exposure to substances or pollution depends on the physical characteristics or persons, and so impact on women, children or the elderly may differ substantially.</p> <p>Paras 27 (previously 24) and 45 (previously 42) of Standard 9 have been amended to reflect relevant elements of stakeholders' comments.</p>
33	<p>Standard 10: women play a different role in cultural heritage protection; this specificity shall be acknowledged in the Standard.</p>	<p>NomoGaia</p>	<p>Gender is treated as a cross-cutting issue throughout the Environmental and Social Sustainability Framework. More detail on the differentiated role of women, with regards to</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			cultural heritage protection will be followed-up in a forthcoming Guidance Note on Standard 10.
34	The EIB must not tolerate preventive use of force by security personnel in its projects.	Counter Balance Joint contribution 6	The EIB requires project Promoters to respect human rights and freedoms and to rely on international best practices. The Promoter must hire, train, equip and monitor security services in compliance with good international practice.
35	Within the gender equality cross-cutting subject, the EIB's Policy and Standards should explicitly disapprove morality arrestations, including the death penalty.	Counter Balance Joint contribution 2 Joint contribution 7	These considerations do not relate to projects but go beyond the remit of the EIB as a policy taking institution.
36	Climate and pollution in Africa have not been sufficiently addressed and monitored.	EcoCa Ltd	The EIB considers climate issues in every operation, regardless of geographic location.
37	Consider provisions explicitly dealing with the relation between growing mobility and sexually transmitted diseases.	Counter Balance Joint contribution 6	It may be better addressed in a sector specific Guidance Note or a lending policy. Your comment is noted. The EIB thanks you for the feedback.

2. Are the requirements for managing gender-based violence risks clear?



Please explain your answer

Table 2

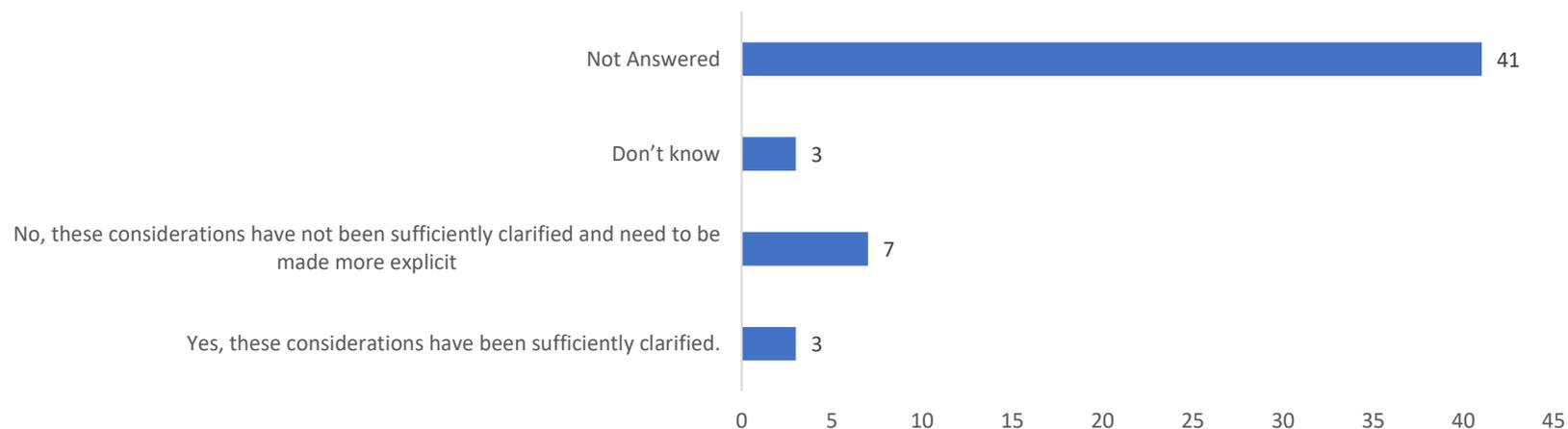
Ref.	Summary of Contribution	Contributor	EIB comments
1	The Environmental and Social Policy and the Standard fail to set requirements for identifying Gender-Based Violence risks, so the requirements to manage these risks cannot be clear enough.	NomoGaia	The EIB Group Environmental and Social Sustainability Framework sets objectives and specific requirements for the borrowers regarding Gender-Based Violence. However, these do not aim at providing detailed guidance on how to proceed. A proposed Guidance Note on Gender Impact Assessment will further specify requirements for implementing this Standard.
2	It is not clear whether the EIB will adopt a guideline on the preparation of gender responsive action plans.	Counter Balance	These aspects are covered in the specific guidance related to this Standard and which will be updated following the adoption of the new Environmental and Social Sustainability Framework.
3	Standard 1 does not explain how the EIB will assess the level of (Gender-Based Violence) GBV. Moreover, the EIB does not mention how it will ensure that the Borrower will report on Gender-Based Violence issues.	NomoGaia	The EIB has developed resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.
4	Standard 5 does not mention Gender-Based Violence.	NomoGaia	

Ref.	Summary of Contribution	Contributor	EIB comments
5	Environmental and Social Impact Assessment shall clearly refer to the need to assess gender impacts in order to elaborate an inclusive stakeholder engagement process.	Counter Balance	<p>Standard 1 defines the Environmental and Social Impact Assessment process to be carried out, where human rights impacts and risks should be taken into account, including gender impacts. Moreover, gender impacts are also covered in Standard 7 under requirements for vulnerable groups.</p> <p>Annex 2a of Standard 1 includes requirements for the content of the Environmental and Social Impact Assessment.</p> <p>Para 10 in Standard 2 has been amended to reflect relevant elements of stakeholders' comments.</p>
6	Standard 2 should cover issues that women unionizers face.	NomoGaia	<p>Gender-related issues (including discrimination and rights infractions) are treated as cross-cutting throughout the Environmental and Social Sustainability Framework, including in Standard 2, and Standards 7, 8 and 9 (that specifically deal with labour rights and Occupational Health and Safety-related issues).</p>
7	Standard 6 should mention that Gender-Based Violence happens during resettlement.	NomoGaia	<p>Standard 6 states that attention shall be paid to the specific gender dimensions of involuntary resettlement.</p>
8	Standard 9 does not require assessment and management of Gender-Based Violence risks in the workplace, construction workforce or community. Borrowers would therefore not report such issues or claim it is a cultural issue. The requirement to manage issues "to the extent possible" is not strong enough.	NomoGaia	<p>Gender based violence is considered as part of health, safety and security, and as such the Promoter is required to include it in the risks assessment that need to be undertaken.</p> <p>Standard 9 requires the borrower to assess, identify and manage Gender-Based Violence issues during the life cycle of the project, both at the level of the workforce and at the level of the community. This is done notably through the undertaking of an Environmental and Social Impact Assessment that considers human rights issues, which covers Gender-Based Violence.</p> <p>The wording has been strengthened and clarified in different parts of the Standard, to ensure that it is fully understood that Gender-Based Violence in the workplace is part of Occupational Health and Safety.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
9	EIB Group's Environmental and Social Policy shall refer to the Violence and Harassment Convention, 2019 (No. 190) in para 2.10 or 2.11.	Institution of Occupational Safety and Health	Additional references have been made in Standard 9.

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3. In your view, have considerations regarding climate change impacts been sufficiently clarified in the Standards to ensure the resilience of the project, communities and the environment, or should these requirements be made more explicit in the specific Standards?



Please explain your answer

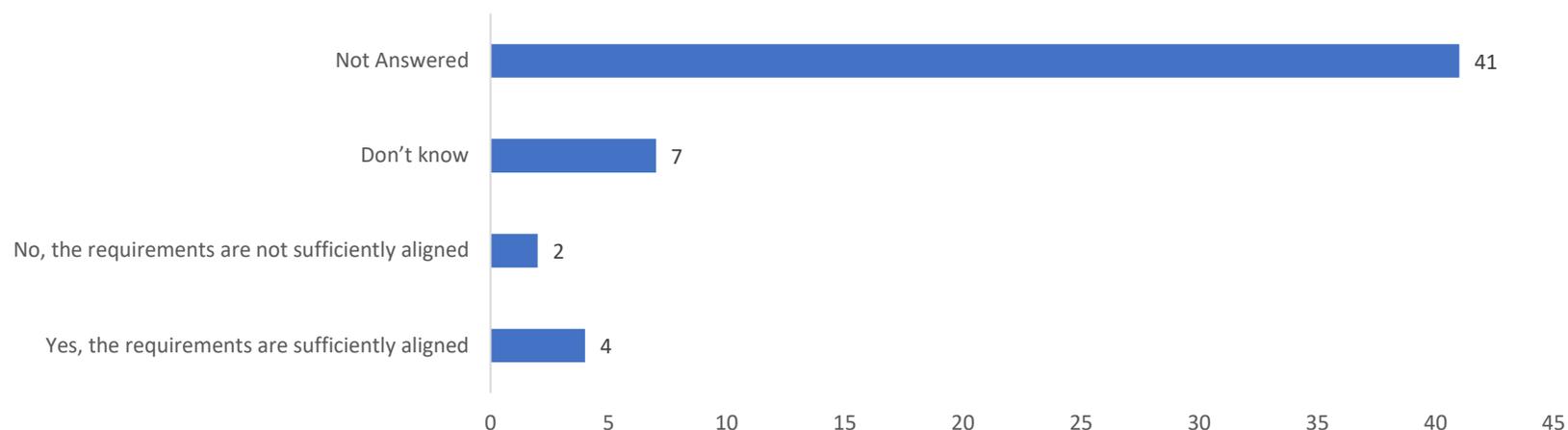
Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB shall intervene earlier in projects, at the sectors strategies level, to ensure that climate issues are fully considered.	Mohamed Miftah	<p>The EIB considers climate issues when possible, including when it delivers assistance to countries in sectoral development, although the latter is not a significant activity for the EIB.</p> <p>Further, please note that the purpose of the EIB Standards is to set out project Promoter responsibilities rather than to communicate EIB Policy commitments.</p>
2	Standard 1 and 5 shall ensure that measures to protect workers from climate change (heatwaves, exposure to UV radiations...) are adopted when workers are working outdoors or can be affected by extreme weather events.	Institution of Occupational Safety and Health	<p>The protection of workers is required in Standard 9, which sets specific requirements for health and safety based on international Standards. These include the protection from extreme weather events (e.g. access to drinking water, protection against heat and cold...).</p> <p>In addition, the EIB will require Climate Risk and Vulnerability assessments for projects at risk, which should consider</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			working conditions where necessary (see para 15 including footnotes).
3	Standard 5 refers to physical impacts and risks, but this narrows too much the scope of impacts and does not allow to include indirect threats and maladaptation. It should refer to health, economic and cultural impacts as well.	International Council on Monuments and Sites (ICOMOS)	<p>See response to similar comments in the tables for Standard 5 on “Climate change”.</p> <p>Specifically, these address the nature of likely (physical) hazards, but also the nature of direct and indirect, tangible and intangible, and cascading effects. Guidance provided for the Climate Vulnerability and Risk Assessment is considered appropriate to identify and proportionately address these impacts, and to determine appropriate (i.e. not mal-) adaptation measures.</p> <p>A new para 13 has been included in Standard 5 on “Climate change” to acknowledge the broader scope of climate-related risks by highlighting the EIB’s expectation that all EIB Standards are to be taken into account when applying Standard 5 on “Climate change”, in particular Standard 2 on “Stakeholder engagement”, Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender”, and Standard 10 on “Cultural heritage”.</p>
4	Standard 5 on climate change must refer to the role of the food industry, which accounts for a large amount of CO2 emissions. Appropriate technique shall ensure that agro-industrial projects limit emissions.	Compassion in World Farming EU	<p>Standard 5 does not set out to establish specific requirements for every sector, instead describing a more overarching reporting framework that is mandatory and covers all sectors (including the food industry), intending alignment with best practice within those sectors. Each project should be considered on its merits.</p> <p>Further sector-specific guidance is provided both in the EIB Group Climate Bank Roadmap, referenced in Standard 5 on “Climate change”, as well in related guidance criteria.</p>
5	The EIB must allow for the participation and engagement of local communities and stakeholders in the Climate Risk Vulnerability Assessment, as done by the GCF.	Counter Balance	In Standard 5 on “Climate change”, please see new para 13, referencing Standard 2 on “Stakeholder engagement”, and para 19 that stipulates: “The extent of both the CRVA and the information that the promoter shall provide to the EIB (including but not limited to scoping, risk identification, adaptation planning, monitoring, engagement of authorities

Ref.	Summary of Contribution	Contributor	EIB comments
			and stakeholder engagement in line with Standard 2 on “Stakeholder engagement”) shall be commensurate to the project’s characteristics, in particular its complexity and the availability of climate data and information”.
6	Standard 5 shall include inclusive language on gender. The current definition used in the EIB Standards footnotes on gender is too narrow and does not reflect non-binary or gender non-conforming communities. The EIB shall consider the advice of the European Institute for Gender Equity.	Joint Contribution 8	The definition of “Gender” has been amended in the Glossary, to reflect relevant elements of stakeholders’ comments.
7	Standard 7 shall tend to favour projects that improve climate resilience of Indigenous Peoples’s territories affected by a project.	Akuo Energy	The EIB’s Environmental and Social Standards do not seek to prioritize project investments. Regarding the improvement of climate resilience of Indigenous Peoples’ territories, Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender” states that projects should be seen as an opportunity to improve the situation of vulnerable groups, which includes their land when relevant.

4. Although there are some differences with our peer institutions owing to our specific mandates, have the environmental and social requirements for operations outside the European Union been sufficiently aligned with those of other Multilateral Development Banks (MDBs) so that Promoters can satisfy our respective requirements without undue burden?



Please explain your answer

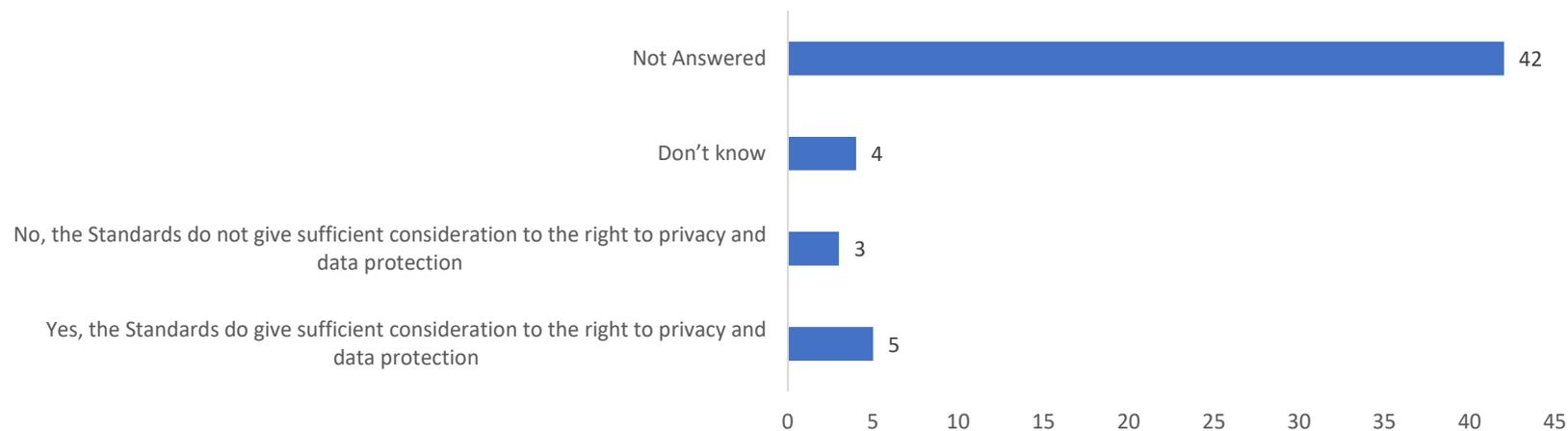
Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	Other International Financial Institutions Standards are stronger, notably on categorization of projects in relation to gender. The European Bank for Reconstruction and Development has a stronger integration of gender issues in E&S Policy, and the World Bank considers intersectional aspects of gender issues. The Covid outbreak has highlighted the need to address Gender-Based Violence, which is not noticed in the EIB Policy.	Counter Balance	<p>The EIB Group's Environmental and Social Policy states: "The Group therefore seeks to prevent, where possible, gender-based violence and harassment, promote zero tolerance of any form of abuse and provide for safe and trusted environments in its activities". Gender issues are cross-cutting to all the EIB's Environmental and Social Standards.</p> <p>Furthermore, Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender" was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	More proactive monitoring and supervision is required, particularly in developing countries.	EcoCa Ltd	Your comment is noted. The EIB thanks you for the feedback.
3	When co-funding a project, the EIB and other International Financial Institutions shall strongly demonstrate that they followed a due diligence process and disclose relevant documents.	Response 661456814	
4	Yes, requirements are harmonized but could be more harmonized on issues such as activities excluded from financing, use of the national system.	Mohamed Miftah	

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5. Do the Standards give sufficient consideration to the right to privacy and data protection aspects?



Please explain your answer

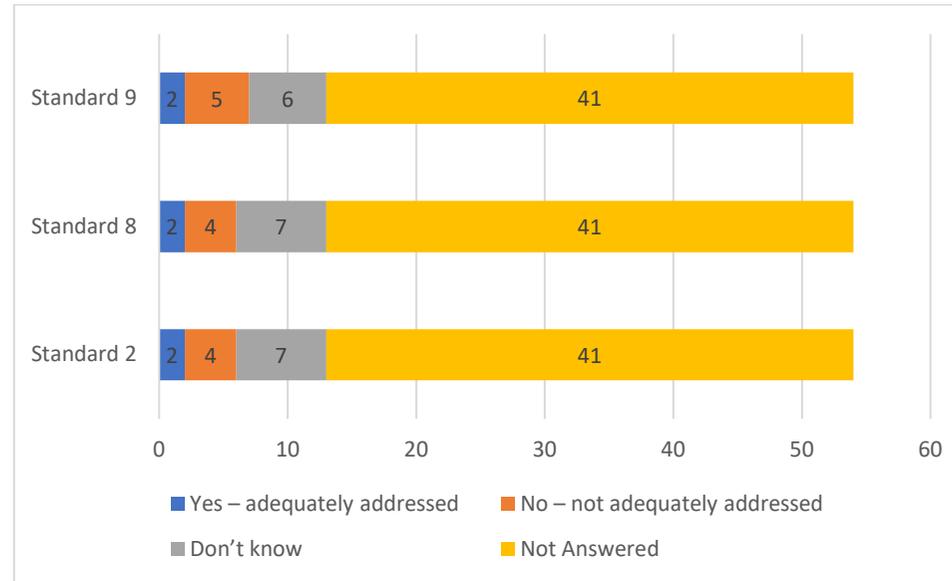
Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	It is insufficient and needs closer supervision and direction.	EcoCa Ltd	The EIB is bound by EU laws, including on the protection of privacy and personal data. Therefore, these rights apply to how the EIB functions, and to the projects it finances.
2	Except for Standard 2, the privacy and data protection aspects should be more highlighted.	Green Growth Horizontal Project – Interreg MED Programme	Privacy and data protection are considered not only in stakeholder engagement, but also in Standard 1 on “Environmental and social impacts and risks” and in Standard 6 on “Involuntary Resettlement”. The EIB will consider privacy and data protection as much as necessary to ensure the integrity of Project Affected Persons and other stakeholders.
3	The Standards do not currently include consideration of the human rights implications of Information and Communication Technologies investments.	NomoGaia	The EIB considers human rights in its due diligence processes and impact assessments based on rights guaranteed by international and European laws. These include rights to data protection and privacy, which are considered in all projects such as Information and Communication Technologies investments. The EIB can require additional assessments on this topic if it is a salient issue in a given project.

Ref.	Summary of Contribution	Contributor	EIB comments
			The EIB is currently working on a paper on the telecommunication sector and human rights that will be duly published.

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6. Are LGBTIQ-specific risks and impacts addressed adequately in the following Standards?



Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB does not require the Environmental Impact Assessment and Environmental and Social Impact Assessment to include LGBTIQ and non-binary people. These communities are therefore not included in the stakeholder engagement process, notably in countries where antidiscrimination legislation is problematic. The EIB shall assess the borrowers' capacity to identify and manage issues such as the identification and protection of non-binary people rights through the project cycle.	Counter Balance	<p>The EIB is conscious of the challenges related to the correct identification of risks and impacts to these groups. As part of our due diligence the EIB takes these into consideration, especially in countries or regions where lesbian, gay, bisexual, transgender, intersex (LGBTI) persons issues are more pronounced.</p> <p>Standard 1 defines the Environmental and Social Impact Assessment process to be carried out, where human rights impacts and risk should be taken into account. Standard 2 "Stakeholder Engagement" also requires taking into account vulnerable groups. The EIB also assesses the borrowers' capacity to deal with human rights risks and impacts, which include LGBTI persons' concerns.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender” considers gender, gender identity, sex, sexual orientation and other characteristics in its definition of vulnerability and vulnerable groups. Para 16 of Standard 7 calls for a gender-responsive approach to Environmental and Social Impact Assessment process, and para 18 of Standard 7 highlights the need to pay attention to impacts and risks on groups and individuals that may not be covered by the Environmental Impact Assessment process, such as LGBTI persons.</p> <p>Standard 8 on “Labour Rights” also addresses vulnerable groups, especially in the context of non-discrimination and equal treatment.</p> <p>The definitions of “Gender” and “Vulnerable groups” have been amended to more clearly cover LGBTI and non-binary people.</p> <p>Footnotes 15 and 16 in Standard 7 specifically highlight the need for consideration of LGBTI persons in the context of Environmental and Social Impact Assessment processes</p>
2	Stakeholder engagement is not required on a continuous basis.	EcoCa Ltd	Para 3 in Standard 2 on “Stakeholder Engagement” indicates that the core objective of the Standard is to outline “the Promoter’s responsibilities for the implementation of transparent and continuous engagement with project stakeholders”, and the Scope clarifies that specific requirements apply throughout the EIB project cycle.
3	No requirement to monitor these aspects in EIB Group’s Environmental and Social Policy.	NomoGaia	The EIB Group’s Environmental and Social Sustainability Framework requires monitoring and reporting for all applicable Standards.
4	The EIB does not have the required expertise on human rights to ensure proper management of these issues.	NomoGaia	There is strong expertise in the EIB, with staff versed in social development and human rights. The EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants),

Ref.	Summary of Contribution	Contributor	EIB comments
			carefully selected in line with public procurement policies and regulations.
5	A Standard Environmental and Social Impact Assessment (ESIA) will not allow to identify LGBTIQ risks because the legal frameworks governing Environmental and Social Impact Assessments do not require it.	NomoGaia	Standard 1 defines the Environmental and Social Impact Assessment process to be carried out, where human rights impacts and risk should be taken into account. Para 18 of Standard 7 highlights the need to pay attention to impacts and risks on groups and individuals that may not be covered by the Environmental and Social Impact Assessment process, such as LGBTI persons.
6	The LGBTIQ community is considered part of the rights-holders of all Standards, so LGBTIQ-specific risks and impacts do not need to be addressed.	Green Growth Horizontal Project – Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
7	Toxicity on long term must be further defined.	Response 808951905	

7. Additional comments on Cross-cutting issues

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB Group's Environmental and Social Policy shall recognize social factors that influence women's role in communities to ensure proper protection of women.	Joint contribution 6	<p>The principles of non-discrimination and equality for all, as well as the aim to promote non-discrimination and social inclusion, and to reduce vulnerabilities is one of the key area of action – see the EIB Group's Environmental and Social Policy Section 2 "The Group's Contribution" and specifically the sub-sections "Reducing discrimination and fostering social inclusion" and "Fostering gender equality and women's economic empowerment".</p> <p>The EIB Group's Environmental and Social Policy should be read in conjunction with other Group policies, notably the EIB Group Gender Strategy.</p>
2	The EIB's due diligence process shall seek to identify Gender-Based Violence issues. The EIB shall assess its previous performance of Gender-Based Violence issues identification in due diligence processes. The EIB shall assist borrowers and client in identifying and managing these issues.	Joint contribution 6	The EIB pursues an integrated human rights-based approach, which integrates Gender-Based Violence issues. The EIB can also assist the borrower in identifying and managing human rights issues when appropriate.
3	The EIB shall develop guidance and tools, as the World Bank developed tools and processes (e.g. "Good Practice Note, Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works").	Counter Balance Joint contribution 6	The EIB has developed resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.
4	The EIB's gender definition shall take into account intersectionality within gender groups.	Joint contribution 6	The definition of "Gender" has been updated in the glossary.
5	We suggest adding gender equality in section 1.2 of the Vision in order to mainstream gender throughout the document.	Counter Balance Joint contribution 6	The EIB considers that gender equality is part of the promotion of inclusion and human dignity, as mentioned in Section 1.2 of the Vision. See also paras 2.10 and 2.11 in the EIB Group Environmental and Social Policy.
6	Gender equality can be explicitly mentioned as one of the objectives of EIB Group's Environmental and Social Policy.	Counter Balance Joint contribution 6	Gender equality and women's economic empowerment is one of the EIB's 10 key area of action, recalling its central place in the EIB Group's operations.

Ref.	Summary of Contribution	Contributor	EIB comments
			The EIB will issue a Guidance Note on Gender Impact Assessment that assist with implementation of the Standard.
7	The proposed draft of the EIB Group's Environmental and Social Policy only seeks for protection and empowerment of women. In order to ensure that the EIB's due diligence framework is fit for purpose, the EIB shall implement a system for ongoing sex disaggregated data collection, results measurement and monitoring, as appropriate. The EIB should be able to provide sex disaggregated data on final beneficiaries and on employment created and sustained.	Counter Balance Joint contribution 6	<p>The Policy states: "The Group also promotes gender equality and seeks to enable equal access, regardless of gender, to the benefits, services and employment opportunities generated by its operations and, where possible, to support the economic empowerment of women."</p> <p>As per the new Gender Action Plan (GAP 2) sex-disaggregated data will be asked systematically from all clients building on commitments already made under GAP 1.</p>
8	The EIB should require that census disaggregate data by gender to ensure that resettlement do not disproportionately affect women.	Counter Balance Joint contribution 6	It is a common practice to collect disaggregated data in census and resettlement activities. With such data, the EIB ensures that women do not get disproportionately affected by resettlement and maintain their livelihood.
9	The impact assessment process should include the climate impacts on vulnerable groups and provide disaggregate data by gender, ethnicity, generation, wealth, food and water security, accessibility to finance, age and other identity markers that might affect people's equal opportunities.	Counter Balance Joint contribution 6	<p>A new para 13 has been included in Standard 5 on "Climate Change" to underline gender considerations in the sphere of climate change more broadly, with reference to Standard 2 on "Stakeholder Engagement" and Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender".</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>The definition of "vulnerable groups" in the glossary, in conjunction with guidance provided for Climate Risk and Vulnerability Assessments, is a clear reference for Promoters.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
10	Women should be directly engaged in the appraisal, and therefore the EIB needs to adopt gender sensitive participatory approaches. Also think of having women consultants, gender experts etc on board.	Counter Balance Joint contribution 6	The EIB strives for gender equality in its operation (through gender experts and women consultants) as well as in its day-to-day functioning. A Guidance Note on Gender Impact Assessment will be prepared and will address the points raised.
11	The EIB's Policy shall emphasize that gender equality is an objective that guides the EIB's decision to finance projects. <i>The paras 2.10, 2.11 should be changed as follows: "The Group recognises that inequality between women and men remains a stark reality. Whilst gender inequality can affect all people, the Group acknowledges that women and girls are disproportionately more exposed to economic and/or social inequality, including gender-based discrimination, risks and violence, whilst acknowledging the relevance of other socio-economic characteristics that may accentuate such risks. The Group therefore prevents gender-based violence and harassment, has zero tolerance of any form of abuse and provides for safe and trusted environments in its activities. The Group also promotes gender equality and enable equal access, regardless of gender, to the benefits, services and employment opportunities generated by its operations and to support the economic empowerment of women. The Group' decisions on the allocation of funds, operations and overall impact enhance gender equality and minimize gender gaps. Finally, the Group exercises gender equality within its governing structure and day-to-day work."</i>	Counter Balance Joint contribution 6	The EIB believes that the suggested text would be a repetition of what is already stated.
12	The EIB shall, at the minimum, evaluate a client's previous achievement on the implementation of human rights, social and environmental Standards in previous projects in order to not finance, <i>to the best of its knowledge</i> projects that do not comply with national, European and International legal requirements. Relevant sources for this purpose are Convention on the Elimination of Discrimination Against Women reporting process and Reports of the UN Special rapporteur on violence against women, and of other rapporteurs, human rights organizations.	Counter Balance Joint contribution 6	Section 4 of the EIB Group's Environmental and Social Policy sub-section on "EIB Roles and Responsibilities" describes the due diligence process. However, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.

Ref.	Summary of Contribution	Contributor	EIB comments
			A Guidance Note on Gender Impact Assessment will be prepared and will address the points raised.
13	The EIB should require that census disaggregate data by gender to ensure that resettlement do not disproportionately affect women.	Counter Balance Joint contribution 6	It is a common practice to collect disaggregated data in census and resettlement activities. With such data, the EIB ensures that women do not get disproportionately affected by resettlement and maintain their livelihood.
14	The EIB shall enquire on the impacts of future sub-projects/investments with communities, before board approval and disbursement.	Counter Balance Joint contribution 6	Standard 2 on “Stakeholder Engagement” and Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender” require women’s participation in stakeholder engagement processes to ensure that their condition is considered in projects.
15	An ex-ante contextual risk assessment can minimize the risk that implementation of the Standards is not adversely affected by discriminatory national laws.	Counter Balance Joint contribution 6	It is common practice for an Environmental and Social Impact Assessment to include a legislation gap analysis to identify laws that contradict the EIB’s Standards and lead to social, human rights or environmental concerns. The EIB does conduct a contextual risk assessment as part of its due diligence.
16	Progress is required in developing rigorous ex-ante estimations to guide project design and measurement approach in relation to gender equality outcomes and impacts of the EIB supported infrastructure projects through baseline studies of these groups’ conditions and an analysis of changes resulting from the project’s implementation.	Counter Balance Joint contribution 6	The EIB may require an additional study on gender aspects in a given project when necessary. As an investment bank, the EIB may not always provide support to project design but requires additional measures to ensure better gender equality outcomes and impacts when needed. A Guidance Note on Gender Impact Assessment will be prepared and will address the points raised.
17	It is recommended to include reference to International human rights treaties (Convention on the Elimination of Discrimination Against Women, Covenant on Economic, Social and Cultural Rights, ILO core labor Standards), which emphasize on the universality of rights, considering civil-political rights and socio-economic rights equally important.	Counter Balance Joint contribution 6	The EIB Group’s Environmental and Sustainability Framework makes reference to several international and European human rights instruments. These include the UN covenants and conventions on Human Rights, the ILO Conventions, as well as the UN Guiding Principles on Business and Human Rights.
18	The EIB should follow the principles of the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW and put in place measures to address the effects of climate crisis-induced gender inequality. This includes ensuring that Promoters submit a gender and social inclusion plan, and an institutionalized	Joint contribution by ENDS and Eurodad	The EIB acknowledges that climate change affects men and women differently. Standard 5 “Climate Change” deals with technical aspects of climate change, such as the level of Green

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>participation of women, local communities and stakeholders in the Climate Risk Vulnerability Assessment methodology (CRVA).</p>		<p>House Gas emissions. Gender issues of projects are included in Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender”. Within the guidance documents supporting Standard 5, there is also recognition that climate change impacts may be experienced differently by different social and cultural groups. Promoters are encouraged to address these where they are predicted to occur, and where identified within the Climate Vulnerability and Risk Assessment.</p> <p>The reference to stakeholder engagement as per Standard 2 on “Stakeholder Engagement”, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>Also, a new para 13 has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p> <p>Regarding the Convention on the Elimination of Discrimination Against Women, it has been ratified by most countries of the world and are part of countries’ obligations; the EIB therefore requires its implementation in projects.</p>
19	<p>The EIB shall consider other peer best practice in this area, such as; (i) IFC’s Performance Standard 4 (Community health, safety and security) practice which consider that communities vulnerable to climate change can be further affected due to project activities. These communities must be identified and protected; and (ii) When assessing a project, the EIB should consider GCF’s practice which requires Accredited Entities to submit a proposal on the type of gender documentation required during the project planning, preparation and development stage.</p>	<p>Counter Balance Joint contribution 6</p>	<p>Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender” pays specific attention to vulnerable groups as they can get disproportionately affected due to their socioeconomic conditions. When vulnerable groups are identified, the EIB requires specific mitigation measures and activities with appropriate planning and budgeting.</p> <p>A new para 13 has been included in Standard 5 “Climate Change” to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>The individual EIB Environmental and Social Standards are to be applied in conjunction with other relevant EIB Environmental and Social Standards.</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment (CRVA) process. The definition of “vulnerable groups” in the glossary, in conjunction with guidance provided for Climate Risk and Vulnerability Assessments, is a clear reference for Promoters.</p>
20	The EIB shall legally bind the approval of highly risky projects to a specific set of indicators.	Counter Balance Joint contribution 6	The EIB sets specific requirements in contractual documentation based on key performance indicators.
21	The EIB shall ensure at appraisal that resources are allocated for gender-responsive activities in order to tackle discriminations against women.	Counter Balance Joint contribution 6	<p>The EIB ensures that proper budgeting and schedule are provided for mitigation measures, including for gender-responsive activities.</p> <p>A Guidance Note on Gender Impact Assessment will be drafted and will address the points raised.</p>
22	The EIB should introduce gender budgeting and gender impact assessment as a required method for mainstreaming gender in its Policy and operations	Counter Balance Joint contribution 6	Gender issues are considered in EIB’s due diligence processes and shall be included in Environmental and Social Impact Assessment. When mitigation measures and women’s empowerment programs are required, the EIB ensures proper budgeting. These principles will be detailed in EIB’s proposed Guidance Note on Gender Impact Assessment.
23	Gender equality and mainstreaming should be implemented through gender responsive activities plans.	Counter Balance Joint contribution 6	<p>The EIB’s two-staged Gender Action Plan provides more detail on how the EIB promote and mainstream gender equality in its projects.</p> <p>In addition, the EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
24	Improvements can be implemented EIB Group's Environmental and Social Policy and Standards level. Tools and/or commitment should be included (inclusive consultations, Gender assessments and analyses, Legal Assessment Tool (LAT) for gender-equitable land tenure, gender responsive tools for prevention of violence and etc.).	Counter Balance Joint contribution 6	<p>The EIB will incorporate gender issues in Guidance Notes for Standards, notably on stakeholder engagement and involuntary resettlement as well as in a Guidance Note on Gender Impact Assessment. Land tenure and the impact on vulnerable groups are considered in social baseline studies and Environmental and Social Impact Assessment.</p> <p>The EIB will also issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>
25	Standard 1 Environmental Social Impact and Risk: The gender analysis should be conducted for each project, and mandatory for projects of category A and B, which includes a gender assessment (economic gender risks in relation to livelihood, land rights, economic discrimination and/or empowerment, education, as well as gender based violence and harassments). The assessment should provide a baseline of the gender equality situation in the region, country or project area and assess the gender issues and impacts that are specific for the proposed project.	Counter Balance Joint contribution 6	<p>Gender issues are considered in every project where an Environmental and Social Impact Assessment (ESIA) is required.</p> <p>In addition, the EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>
26	There is no methodology and required data to measure gender-specific risks in the Standard 1.	Counter Balance Joint contribution 6	<p>Standard 1 does not aim at providing a detailed methodology on measuring specific risks such as gender. In addition, the EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>
27	The EIB Standard 2 shall include a tool to ensure gender sensitive and meaningful consultation, especially in projects outside the EU. Gender data should be collected in the Environmental and Social Impact Assessment through consultation with local NGOs and women.	Counter Balance Joint contribution 6	<p>The identification and analysis of stakeholders (paras 16-20) forms a core element of Standard 2 "Stakeholder Engagement".</p> <p>Furthermore, para 6 of Standard 2 states that Promoters should pay "... special attention to engagement with vulnerable, marginalised, and/or discriminated-against groups ..." which in certain cases may include women.</p> <p>Para 10 has been amended to reflect relevant elements of stakeholders' comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Para 24 also specifies: “The mechanism shall also be gender inclusive and responsive, and address potential access barriers to men and women, non-binary or gender non-conforming persons, young persons and the elderly, illiterate persons, or otherwise vulnerable, marginalised and discriminated-against groups, as appropriate.”</p> <p>The “meaningful consultation” in para 36(d) is described as being “inclusive of all the relevant stakeholders, including commonly underrepresented groups on account of sex, gender, age, health status, poverty, disability, educational profile or other factors.”</p> <p>Further details on how to ensure women’s participation will be provided in the Guidance Note for this Standard as well as in a Guidance Note on Gender Impact Assessment.</p>
28	The Bank should assess the project Promoter’s efforts to engage with marginalized groups, particularly in countries with high gender inequality and violence practices.	Counter Balance Joint contribution 6	<p>Standard 2 “Stakeholder Engagement” sets specific requirements for stakeholder engagement, notably meaningful consultation as well as monitoring and reporting system with third parties when possible. The EIB may add specific requirements in the project’s contractual documentation to ensure the proper implementation of stakeholder engagement.</p> <p>The EIB will be issuing a Guidance Note on Gender Impact Assessment that will address the points raised.</p>
29	Ensure any consultation (and appraisal) process takes into account the needs and realities of women (e.g., availability, language, literacy...).	Counter Balance Joint contribution 6	Standard 2 “Stakeholder Engagement” requests for the promotor to “adopt a gender-responsive approach” and refers to gender throughout the Standard. The stakeholder consultation section on Standard 6 states that “the Promoter shall identify and meaningfully engage in a transparent manner with all PAPs, both men and women (...)”.

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Para 10 of Standard 2 has been amended to reflect relevant elements of stakeholders' comments. Standard 2 highlights in several places the need to tailor the engagement to special needs of different groups, including women.</p>
30	<p>Standard 5 – Climate Change: The EIB has the duty to phase out carbon emission related investment in order to protect women since these are more affected by climate crisis.</p> <p>Climate impact assessment should include social and human rights considerations.</p> <p>The definition of a project's vulnerability, based on risk as a metric, is too narrow.</p>	Counter Balance Joint contribution 6	<p>The EIB acknowledges that climate change affects men and women differently. Independently of this fact, the EIB has committed to stop financing fossil fuel projects by the end of 2021 and to increase its level of support to climate action and environmental sustainability to exceed 50% of its overall lending activity by 2025.</p> <p>The reference to stakeholder engagement as per Standard 2 on "Stakeholder Engagement", which requires gender inclusive and responsive engagement, has been included in Standard 5 para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>A new para 13 was added to highlight that all EIB Standards are to be taken into account when applying Standard 5, in particular Standard 2 on "Stakeholder engagement", Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender", and Standard 10 on "Cultural heritage", in order to acknowledge, inter alia, social, including gender, aspects.</p> <p>On the definition of vulnerability, the glossary sets out a sufficiently broad and widely recognised concept of vulnerability informed by the Intergovernmental Panel on Climate Change, which allows for taking local contexts, including interpretation of impacts of climate change and associated risks, into account when seen in conjunction with other provisions of Standard 5.</p> <p>Furthermore, para 18 (previously para 15) requires a holistic view of climate vulnerability ("project and system") and, footnote 20 (previously 15), references</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>further guidance (European Financing Institutions Working Group on Adaptation to Climate Change), which is considered broad enough to inform a holistic approach to conducting Climate Risk and Vulnerability Assessments.</p>
31	<p>Standard 6 – Involuntary resettlement & 7 – Vulnerable groups and Indigenous Peoples: The EIB shall ensure that appropriate measures are in place in order to avoid the potential for women to be economically affected by a project’s impact on fragile ecosystems.</p>	<p>Counter Balance Joint contribution 6</p>	<p>Standard 4 “Biodiversity and Ecosystems” acknowledge that men and women may place different values on ecosystems and derive different benefits from them. When feasible, a gender-sensitive approach should be taken to better identify and mitigate economic impacts on women when ecosystems are affected by a project.</p> <p>For instance, gender issues must be including in the Environmental and Social Impact Assessment, Resettlement Action Plan and Livelihood Restoration Plan.</p>
32	<p>Gender differences shall be considered throughout the resettlement cycle, such as monitoring of outcomes by sex included in contractual arrangements with the Promoter.</p>	<p>Counter Balance Joint contribution 6</p>	<p>Standard 6 “Involuntary Resettlement” includes a specific requirement for vulnerable groups. Vulnerability is defined as the propensity of a group to be disproportionately affected based on socioeconomic factors. The vulnerability assessment takes into account three factors: exposure to risks, sensitivity to those risks and adaptive capacity. This definition of vulnerability allows to nuance the analysis of affected groups and to consider intersectional aspects of vulnerability.</p> <p>Standard 6 does make specific reference to women, for instance:</p> <p>Para 21 defines that the “socioeconomic baseline survey may require intra-household analyses in cases where the livelihoods of different members in a household (e.g. women and men) are affected differently.” In this para, it was also added that “Data shall be disaggregated by gender and other relevant parameters.”</p>

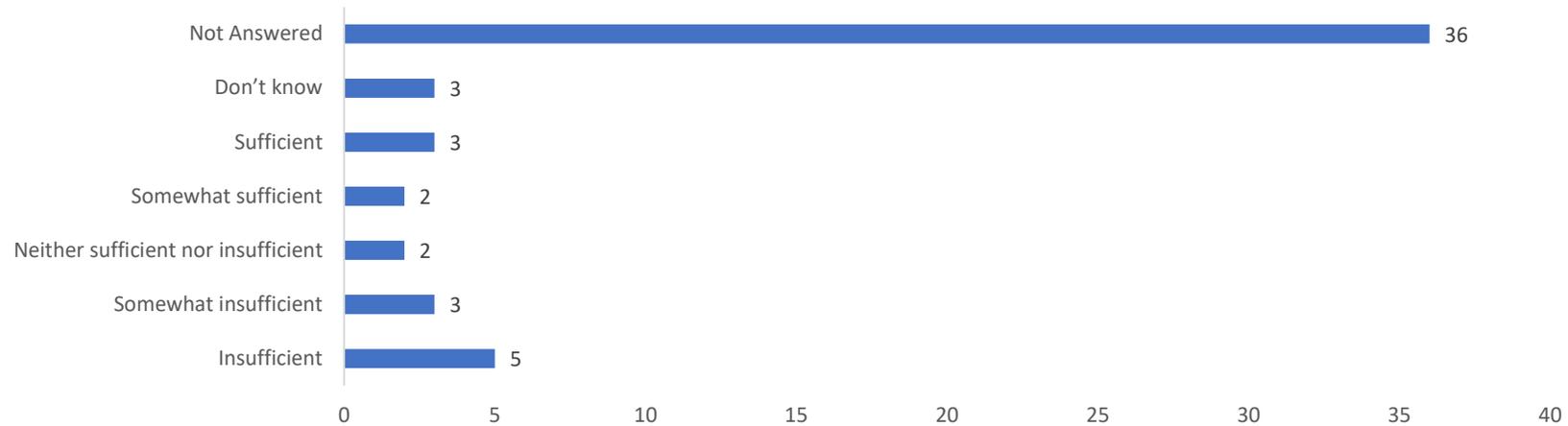
Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Para 44 indicates that, during engagement and besides gender, attention should also be given to “illiteracy or where education differs according to age, gender or economic status”.</p> <p>Furthermore, in para 45 it is requested that the Promoter pay special attention to vulnerable groups that might be disproportionately affected by the resettlement process.</p> <p>Finally, para 52 states that “During the resettlement consultation, planning and implementation process, the Promoter shall give special consideration to individuals and groups that are vulnerable, marginalised, systematically discriminated against or excluded on the basis of their socioeconomic characteristics”.</p>
33	<p>The Bank should align with guidelines such as the Voluntary Guidelines on Land Tenure (VGGT) and best practices recommended in the Food and Agriculture Organisation’s (FAO) Free, Prior and Informed Consent (FPIC) Manual for Project Practitioners and by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). This also implies specifically recognizing rural women’s right to FPIC before projects are carried out on their land. The EIB shall also consider the land, gender-related issues and the VGGT in due diligence processes.</p>	<p>Counter Balance Joint contribution 6</p>	<p>Free, Prior and Informed Consent is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Neither the EU nor Standards of other IFIs currently require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the FPIC principles.</p> <p>Standard 6 is aligned with the Voluntary Guidelines on Land Tenure.</p> <p>FPIC related comments are replied to in more detail in the issues matrix for Standard 7.</p>
34	<p>Standard 9 – Occupational and public health, safety and security: Contracts must systematically include suspensive clauses in case of gender-based violence.</p>	<p>Counter Balance Joint contribution 6</p>	<p>Standard 9 on “Health, Safety and Security” requires the project Promoter to consider the gender risks associated with projects such as gender-based violence, exposure to disease, and influx of workers. The EIB’s Environmental and Social Standards also require the development of a grievance mechanism.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>The EIB has developed some resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.</p> <p>Contractual amendments will be further considered as part of the review of our internal processes</p>
35	The EIB must not tolerate preventive use of force by security personnel in its projects.	Counter Balance Joint contribution 6	The EIB requires project Promoters to respect human rights and freedoms and to rely on international best practices. The Promoter must hire, train, equip and monitor security services in compliance with good international practice.
36	Establish a culturally appropriate and gender inclusive grievance mechanism.	Counter Balance Joint contribution 6	Standard 9 “Health, Safety and Security” has been amended to reflect that workers should be able to access the workplace grievance mechanism, and language related to culturally appropriate and gender inclusive grievance mechanisms have been included. The Guidance Note on Stakeholder Engagement has additional material to support Promoters in this respect.
37	Consider provisions explicitly dealing with the health status of migrant workforce, health problems among migrant workers, including infectious diseases, unwanted pregnancies.	Counter Balance Joint contribution 6	The EIB will incorporate this issue into the Guidance Note that will accompany Standard 9 “Health, Safety and Security”. Migrant workers are naturally considered and all risks and impacts regarding their health and safety should be identified and addressed.
38	Consideration correlations between exposure to pollution and women's health risk.	Counter Balance Joint contribution 6	<p>Indeed, the consequence of the exposure to substances or pollution depends on the physical characteristics or persons, and so impact on women, children or the elderly may differ substantially.</p> <p>Paras 27 (previously 23) and 45 (previously 41) of Standard 9 “Health, Safety and Security” have been amended to reflect relevant elements of stakeholders’ comments.</p>
39	The EIB must consider high health risks for women that typically occurs in specific sectors.	Counter Balance Joint contribution 6	The EIB always seek to ensure that communities are informed and can comment on a project’s impacts, and

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>create opportunities whenever possible through smart and adapted measures.</p> <p>Standard 9 “Health, Safety and Security”, para 27 (previously 23) has been amended to reflect relevant elements of stakeholders’ comments.</p>
40	Involve independent gender and social experts as appropriate.	Counter Balance Joint contribution 6	Gender and social experts do indeed need to be involved, as appropriate.
41	Require independent expertise for high-risk projects to carry out impact assessments, and independent third-party monitoring.	Counter Balance Joint contribution 6	Specifically, on “third party monitoring” – see Standard 1 “Environmental and Social Impacts and Risk”, para 27 and Standard 2 “Stakeholder Engagement”, para 42.
42	Consider provisions explicitly dealing with the relation between growing mobility and sexually transmitted diseases.	Counter Balance Joint contribution 6	Your comment is noted. It may be better addressed in a sector specific Guidance Note or a lending policy.
43	Promoters and finance partners should be required to provide gender documentation prior to appraisal, following GCF’s practice: Accredited Entities are requested to submit a gender and social inclusion action plan at the project preparation stage including gender responsive activities, relevant gender-performance indicators, sex-disaggregated targets, timelines, responsibility lines, and a budget for each proposed activity.	Counter Balance Joint contribution 6	A Guidance Note on Gender Impact Assessment is currently being drafted and will assist with implementation of the Standard.
44	The question is how do you make people aware of your cross-cutting measures and public awareness.	EcoCa Ltd	Your comment is noted. The EIB thanks you for the feedback.
45	The EIB shall undertake a gender impact assessment of its policies.	Joint contribution 6	
46	Projects impacts such as resettlement can hardly be considered as and turned to development opportunities.	Counter Balance Joint contribution 6	

Chapter D: Environmental and social impacts and risks (Standard 1)

1. Are this Standard's requirements sufficient to satisfy the need for an integrated approach to impact assessment and risk management?



Please explain your answer

Table 1

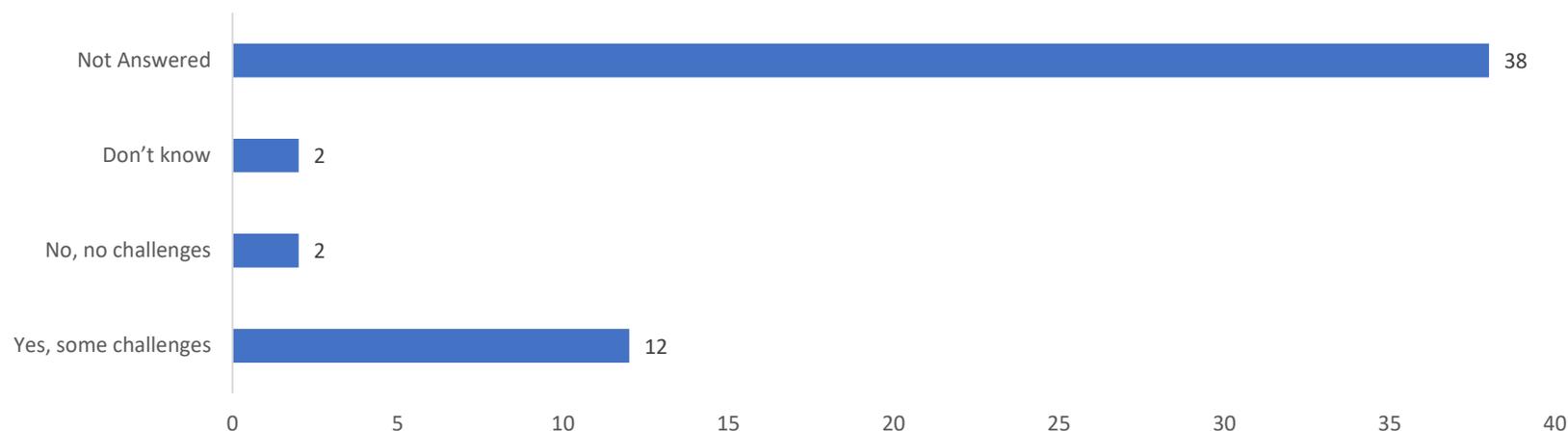
Ref.	Summary of Contribution	Contributor	EIB comments
1	It articulates no methodology for identifying the human rights risk level of a project.	Counter Balance Forest Peoples Programme GoodCorporation International Council on Monuments and Sites (ICOMOS) Joint contribution 1 NomoGaia	The EIB's integrated human rights approach requires borrowers to include human rights in their environmental and social assessment. Additional human rights assessments can be required if salient human rights impacts or risks are identified. The EIB can use a range of contractual remedies and undertakings, together with reporting and monitoring requirements, which enables the EIB to require Promoters to address any impact or risk even if not previously identified during the appraisal phase. Standard 1 clearly states that, in cases where human rights risks and impacts are identified, the EIB may decide to require additional assessments/studies – see amended para 8.

Ref.	Summary of Contribution	Contributor	EIB comments
2	<p>Annex 1 describes "criteria" for triggering an Environmental and Social Impact Assessment but does not actually benchmark them.</p> <p>Also crucially, the Environmental and Social Impact Assessment should be required before EIB's approval. Conducting the Environmental and Social Impact Assessment for projects with granted permits misses the point of conducting Environmental and Social Impact Assessment and prevents meaningful public participation and real assessment of alternatives.</p> <p>Finally, the EIB leaves determination of the Environmental Impact Assessment / Environmental and Social Impact Assessment entirely to the project Promoter. This is far from the Standard of other IFIs who determine the level of risk of operations and requirements for Environmental Impact Assessment / Environmental and Social Impact Assessment.</p> <p>The EIB should amend this provision so as this determination will be decided jointly by the EIB and the Promoter. The outcome of determination, including justification shall be communicated publicly in the EIB's appraisal documents.</p>	<p>AVSI Foundation</p> <p>NomoGaia</p> <p>Response 61456814</p>	<p>The EIB uses as benchmark the risk categorisation and therefore the classification provided by the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU (the Environmental Impact Assessment Directive), particularly Annex I and Annex II.</p> <p>Projects in Annex I of the Environmental Impact Assessment Directive are considered, by default, as likely to have significant impact while the projects in Annex II are subject to a case-by-case determination based on certain criteria.</p> <p>Outside the EU, Promoters are encouraged to perform a screening (only for those projects that fall under Annex II – see Standard 1 para 18) based on the criteria in Annex 1a, and to perform an analysis against these criteria in determining the need for an Environmental and Social Impact Assessment. Results along with information from Annex 1b should be provided to EIB to enable the EIB to carry out its own screening (which might not conform with the Promoter's results).</p> <p>The EIB's commitment to carry out due diligence and monitoring is presented in the EIB Group's Environmental and Social Policy Section 4 "Policy Implementing Framework for EIB" that includes in its para 4.17 and 4.18 clear reference to the case-by-case determination to be carried out by the EIB in case of Annex II projects.</p> <p>Furthermore, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include detailed procedural steps to "screen" the Annex II projects against the criteria listed in Annex 1a of Standard 1, as well as timeline references and information on the completeness of the environmental and social studies.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
3	Environmental Impact Assessment is limited in its consideration of cultural heritage. There is a need for Heritage Impact Assessment to be specifically articulated and defined. Therefore, we recommend that the HIA process is specifically added as part of the General Requirements, alongside the Environmental Impact Assessment/Environmental and Social Impact Assessment.	International Council on Monuments and Sites (ICOMOS)	<p>The EIB recognizes the significance of cultural heritage and respects and promotes its protection. Standard 10 addresses cultural heritage, both tangible and intangible.</p> <p>The EIB pursues the use of impact assessment as a forward-looking instrument to analyse in an integrated manner the environmental, climate and social impacts.</p> <p>However, as indicated in para 6(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries)) and para 8 (for projects located in the rest of the world), the EIB reserves the right to request additional assessments, including on cultural heritage, if deemed necessary.</p>
4	The EIB should introduce some specific and compulsory criteria for the Promoters in their engagement with stakeholders and/or third parties, such as local communities and/or NGOs, to support the implementation of monitoring requirements in order to maximise the positive environmental and social impacts.	AVSI Foundation	Public participation and engagement with stakeholders is highlighted in para 9(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries) and para 16 (for projects located in the rest of the world) of Standard 1, which cross-references Standard 2 on “Stakeholder engagement”.
5	Standard 1 should clearly state that when assessing a project, civil society organisations and those who will be directly impacted by the project should be consulted. It is important to stress that the consultation of CSOs should be required in all steps of an EIB investment, including the assessment stage.	AVSI Foundation The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	<p>Third parties’ support to the implementation of monitoring requirements is spelled out in para 27.</p> <p>On consultation during the assessment stage, see Standard 2 on “Stakeholder engagement”, para 8, which requires to engage with stakeholders early on in the decision-making process, when all options are still open.</p>
6	Impact assessment should be made throughout the life of a project and continue for some time after the EIB has ended direct involvement. So should consultation and monitoring.	Response 661456814	<p>Impact assessment is a forward-looking instrument used to ensure that environmental, climate and social considerations are addressed and taken into account in the decision-making processes.</p> <p>The engagement with stakeholders is highlighted in para 9(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries) and para 16 (for projects located in the rest of the world) of</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Standard 1, which cross-references Standard 2 on “Stakeholder engagement”. Specifically on consultation during implementation/monitoring, see Standard 2 para 3 which requires “continuous engagement with project stakeholders”.</p> <p>Promoter responsibilities for monitoring are outlined in paras 3(e), 9(d), 26, and 27.</p>
7	<p>The Standard doesn’t mention or take into account the EU’s most recent commitments related to animal welfare, either within the European Union, or abroad.</p> <p>European agriculture is set to undergo systemic change with the announced entry into force of the new EU legislation on animal welfare in 2027.</p>	<p>FOUR PAWS Sinergia Animal World Federation for Animals</p>	<p>The EIB commitment related to animal welfare is reflected in the EIB Group’s Environmental and Social Policy. In order to clarify and strengthen this commitment, specifically “to promote the sustainable use of natural and living resources”, a reference has been added in Section 3, para 3.2.iii. The footnote added further clarifies that “sustainable use of living resources requires the compliance with the internationally recognised “Five Freedom” Standard promoting animal welfare”.</p> <p>Additionally, the EIB has committed to develop a standalone Good Practice Note on Animal Welfare.</p>
8	<p>It seems to have copied language from the European Bank for Reconstruction and Development but cut the clauses within relevant paras that actually lay out concrete expectations for assessment.</p>	NomoGaia	<p>Your comment is noted. The EIB thanks you for the feedback.</p>

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



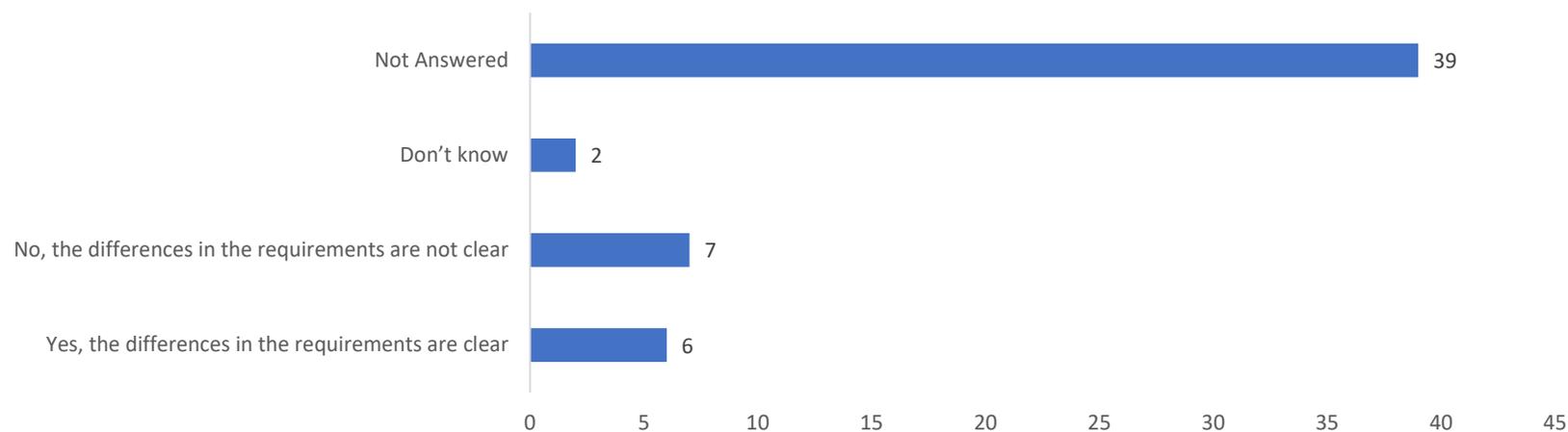
Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	There is need for constant project Monitoring and Evaluation to ensure proper implementation of Environmental and Social Management Plan (ESMP), as approved the Regulatory Authority of the Member State.	East African Development Bank	Promoter responsibilities for monitoring are outlined in paras 3(e), 9(d), 26, and 27.
2	Ensuring proper free, prior and informed consent of the affected communities, including rights holders. This includes providing clear, legible information in a transparent manner.	International Council on Monuments and Sites (ICOMOS)	Engagement with stakeholders is highlighted in para 9(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries) and para 16 (for projects located in the rest of the world) of Standard 1, which cross-references Standard 2 on "Stakeholder engagement". Additionally, the Free, Prior, and Informed Consent (FPIC) process is discussed in Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender".
3	The EIB should consider raising the Promoters' awareness and providing training on the Standard, in particular the Promoters' senior management and those responsible for	GoodCorporation	Paras 29-31 of the Standard deal with the Promoter's organizational capacity and competencies.

Ref.	Summary of Contribution	Contributor	EIB comments
	implementing the Standard on a daily basis. The EIB should verify at the early stage of its interactions with the Promoters that they have the adequate governance, clear allocation of responsibilities and sufficient resourcing and expertise to ensure that this Standard will be respected throughout the project.	International Council on Monuments and Sites (ICOMOS)	The EIB due diligence on the Promoter's capacity is highlighted in the EIB Group's Environmental and Social Policy, Section 4, para 4.19.(ii). Furthermore, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include procedural steps to check the capacity of the Promoter.
4	In the local context, that is East Africa, there is need for proper Environmental and Social Impact Assessment by the right consultants qualified for a specific project. This needs to be done at the screening stage to enable adequate and timely recommendation to the client to conduct another Environmental and Social Impact Assessment by a qualified consultancy firm with the right skill set.	East African Development Bank	Your comment is noted. The EIB thanks you for the feedback.

3. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?



Please explain your answer

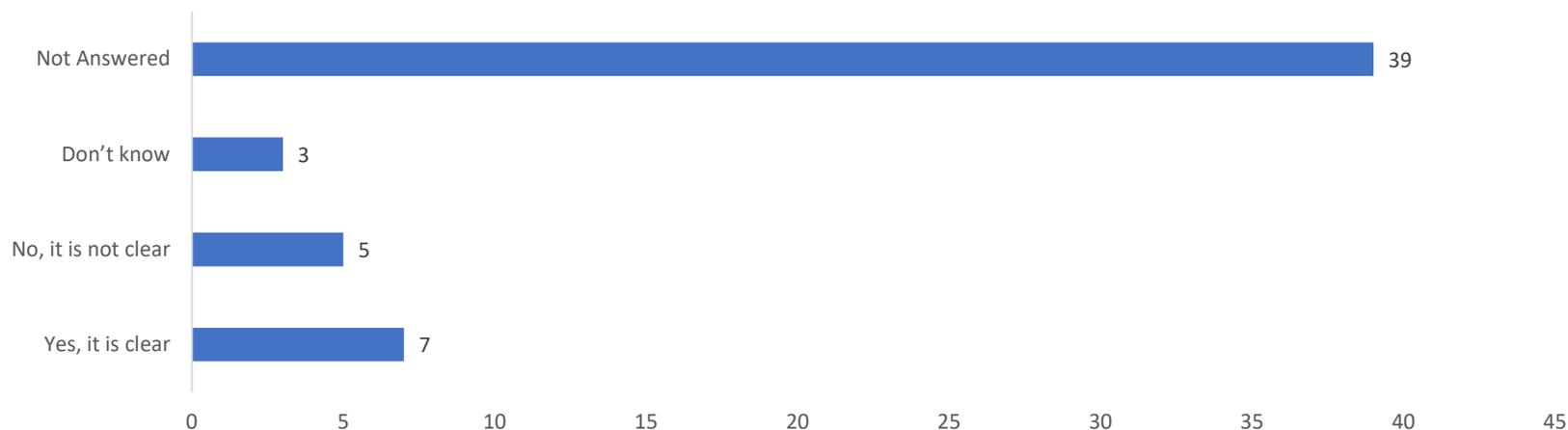
Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	The requirements should actually be the same. The EIB seems to water down its requirements outside of the EU to rely solely on local authorities and laws. This is hugely problematic, because in weak regulatory regimes outside of the EU, heightened oversight is imperative.	Counter Balance NomoGaia	EU laws and requirements do not apply outside the EU. Para 7 has been amended to reflect the fact that projects located in the rest of the world shall also comply with the core principles and essential elements for assessment and management of environmental, climate and social impacts and risks as formulated in the remaining sections of Standard 1.
2	It is however unclear why an assessment of social issues related to projects inside the EU is not required, as there may also be significant risks and impacts for instance in relation to privacy rights, discrimination, harassment and violence, etc.	GoodCorporation The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	Standard 1 makes it clear that social risks are to be assessed alongside environmental risks – see para 6(b).
3	The Environmental and Social Impact Assessment's seems to only be required for new projects, but not for expansions or for	Sinergia Animal	The EIB uses as benchmark the risk categorisation and therefore the classification provided by Directive 2011/92/EU

Ref.	Summary of Contribution	Contributor	EIB comments
	downstream companies that source from companies that cause high impacts.		<p>on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU (the Environmental Impact Assessment Directive), particularly Annex I and Annex II.</p> <p>Both Annex I and Annex II of the Environmental Impact Assessment Directive includes clear references to “any change to or extension of projects” – see Annex I point 24 and Annex II point 13(a).</p> <p>Specifically, on “supply chain”, see the provisions of Standard 8 on “Labour Rights” and Standard 9 on “Health, Safety and Security”.</p>

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4. For projects inside the European Union, is it clear from paras 5-6 and 9-13 what information needs to be provided to the EIB to demonstrate compliance with EU legislation?



Please explain your answer

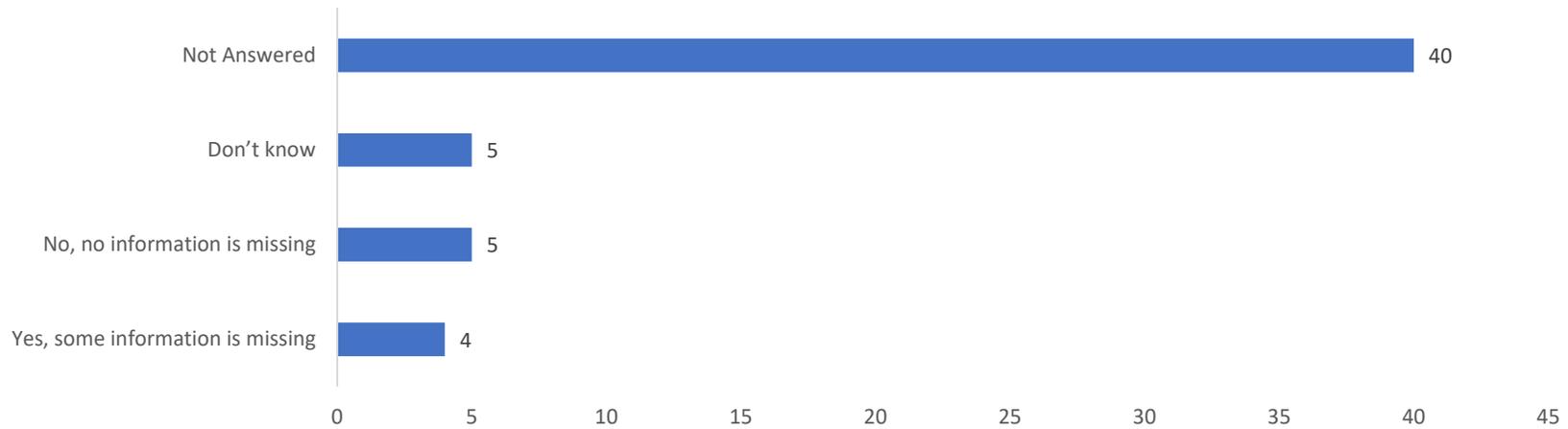
Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	In order to not leave any space for doubt, paras 5-6 and 9-13 should clearly state that all investments from the EIB must be in compliance with all EU laws and policies.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	For EU projects, it is reflected throughout the Standard that all projects shall comply with the applicable national and EU legislation.
2	Para 6b shall provide more detail about the conditions when additional studies or report are necessary, notably on climate change.	Akuo Energy	<p>The EIB applies a risk-based approach where the impacts and risks are identified early in the EIB project cycle (see pre-appraisal/appraisal of the due diligence process). The due diligence process is described in the EIB Group's Environmental and Social Policy – Section 4 “Policy Implementing Framework for EIB”.</p> <p>However, it should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. This</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>includes criteria to be used in determining the need for additional assessments/studies.</p> <p>Furthermore, Standard 1 will be complemented by a Guidance Note to detail and further explain the requirements.</p> <p>See also Standard 5 on “Climate change” for climate change-specific requirements.</p>

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5. Is there any information that you believe is missing and should be provided to the EIB to demonstrate compliance with EU legislation?



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Information on how the project negatively or positively affects animal welfare is excluded.	World Federation for Animals	<p>The EIB commitment related to animal welfare is reflected in the EIB Group's Environmental and Social Policy. In order to clarify and strengthen this commitment, specifically "to promote the sustainable use of natural and living resources", a reference has been added in Section 3, para 3.2.iii. The footnote added further clarifies that "sustainable use of living resources requires the compliance with the internationally recognised "Five Freedom" Standard promoting animal welfare".</p> <p>Additionally, the EIB has committed to develop a standalone Good Practice Note on Animal Welfare.</p>

6. The EIB is shifting from front loading prescriptive requirements towards a more risk and outcome-based approach to maximise the positive environmental and social impacts. Where and how do you think the EIB, as a bank, can make the biggest difference and where should it therefore focus its efforts.

Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>Ensure specific mechanisms such as HIA (Heritage Impact Assessment) are carried out at the outset/project conception stage.</p> <p>Recognising the central importance of culture and cultural diversity and acknowledging the value of cultural heritage.</p>	International Council on Monuments and Sites (ICOMOS)	<p>The EIB recognizes the significance of cultural heritage and respects and promotes its protection. Standard 10 on “Cultural heritage” addresses cultural heritage, both tangible and intangible.</p> <p>The EIB pursues the use of impact assessment as a forward-looking instrument to analyse in an integrated manner the environmental, climate and social impacts.</p> <p>However, as indicated in para 6(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries) and para 8 (for projects located in the rest of the world), the EIB reserves the rights to request additional assessments, including on cultural heritage, if deemed necessary.</p>
2	Ensure that financing includes funding to do proper ex ante human rights impact assessments and Free, Prior and Informed Consent (FPIC) processes where applicable.	Forest Peoples Programme	<p>The EIB’s integrated human rights approach requires borrowers to include human rights impacts and risks in their environmental and social assessment process. Additional human rights assessments can be required if salient human rights impacts or risks are identified.</p> <p>Additionally, the FPIC process is discussed in Standard 7 on “Vulnerable Groups, Indigenous Peoples and Gender”.</p>
3	Undertake robust human rights due diligence at project level and require Human Rights Impact Assessment (HRIA) for all projects where Human Rights Risks have been identified.	Counter Balance Joint contribution 1	
4	Ensure EIB conducts due diligence by independently verifying information received from Promoters about projects. It is essential that the EIB publicly disclose human rights and environmental due diligence.	Forest Peoples Programme	<p>It should be noted that the requirements presented in the EIB Group’s Environmental and Social Policy and particularly in Section 4 on “Biodiversity and ecosystems” are complemented by the EIB’s Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. This includes environmental and social due diligence disclosure requirements.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
5	The assessment of possible investments must carefully analyse whether the investment will promote inclusion of the most vulnerable and marginalised groups.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	Both EIB Group's Environmental and Social Policy and Environmental and Social Standards, in particular Standards 1 on "Environmental and social impacts and risks", 2 on "Stakeholder engagement", 6 on "Involuntary resettlement" and 7 on "Vulnerable groups, Indigenous People and Gender", highlight differentiated needs of vulnerable groups and the requirements to include them in the stakeholder engagement processes.
6	Reinforce the EIB Group's Environmental and Social Policy to clarify that contractual clauses enshrine the Standards in all EIB operations, including enabling for suspension of contracts in case the Standards are not implemented.	Counter Balance	The EIB's commitment to carry out due diligence and monitoring is presented in EIB Group's Environmental and Social Policy Section 4 "Policy Implementing Framework for EIB".
7	Specify specific conditions and requirements related to environmental and social (E&S) safeguarding that reflect the risks associated with a given project.	GoodCorporation	
8	Involvement of all stakeholders throughout the Project cycle.	East African Development Bank International Council on Monuments and Sites (ICOMOS)	Engagement with stakeholders is highlighted in para 9(b) (for projects located in EU, European Free Trade Association (EFTA), Candidate and potential Candidate countries) and para 16 (for projects located in the rest of the world) of Standard 1, which cross-references Standard 2 on "Stakeholder engagement".
9	Enhancing local participation in projects is the best way to ensure the greatest environmental and social outcomes.	Counter Balance	Specifically on consultation during implementation/monitoring, see Standard 2 on "Stakeholder engagement" para 3 which requires "continuous engagement with project stakeholders".
10	The EIB should not devolve responsibility for due diligence and adherence to Standards to co-funders.	Response 661456814	Para 4.5 of the EIB Group Environmental and Social Policy on co-financing includes requirements fully harmonized with our peer institutions. It should be noted that the requirements presented in the EIB Group's Environmental and Social Policy and particularly in Section 4 on "Biodiversity and ecosystems" are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedure describe the process that needs to be followed by the EIB to reach the "common approach".

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Para 4.7 (now 4.8) applies to the very specific situation of MRI (Mutual Resilience Initiatives) and only on a case-by-case situation as provided by the text, including the quote “may” – see description of the initiative at Mutual Reliance Initiative (MRI) (eib.org).</p> <p>To clarify the situation, an explanation has been provided in the footnote.</p>
11	The objectives outlining the Promoter’s responsibilities and scope should include the assessment of alternatives.	Counter Balance	The assessment of the alternative is fully embedded into the Environmental Impact Assessment/Environmental and Social Impact Assessment process.
12	One of the key areas could be the involvement of CSOs in sustainability schemes for the Promoters of the projects in order to create shared value by reconnecting company success with people-centred social progress.	AVSI Foundation	Your comment is noted. The EIB thanks you for the feedback.
13	Promoters should regularly report to the EIB on the project’s environmental, social and human rights performance and compliance.	Counter Balance	
14	Regulator authorities should be supported by EIB to allow for the pursuit of environmental and social opportunities.	East African Development Bank	
15	Covenants should be clear and followed by the parties.	East African Development Bank	
16	There should be regular project Monitoring and Evaluation by a Team of Experts who can report on the progress and compliance with the Regulatory requirements.	East African Development Bank	
17	There is need for capacity building of all the Promoters and refresher courses thereafter.	East African Development Bank	
18	Non-compliant projects should be penalised, for others to learn from them.	East African Development Bank	
19	The EIB could finance Indigenous Peoples’ own projects to protect their lands and territories as well as their own projects to support sustainable livelihoods.	Forest Peoples Programme	
20	Make funding contingent on verified progress on key E&S risks associated with the project.	GoodCorporation	
21	1. agriculture 2. transport	Green Growth Horizontal Project -	

Ref.	Summary of Contribution	Contributor	EIB comments
	3. industry	Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
22	Embed Quality as an essential outcome of projects (cf. European Quality Principles as a useful Standard/tool to select projects worthy of finance ¹ .	International Council on Monuments and Sites (ICOMOS)	
23	Ensure that the competencies and skills of those involved are appropriate.	International Council on Monuments and Sites (ICOMOS)	
24	Ensure the project is regularly and sufficiently monitored throughout the process from inception to completion. Post completion assessment is also important.	International Council on Monuments and Sites (ICOMOS)	
25	Unless EIB creates space to monitor a wider array of conditions beyond the elements contractually written into agreements, what is done here isn't a solution to 'front loading' but actually an overall watering down. You can't "maximise the positive" if you don't take responsibility to identify, mitigate and reverse the negative. As a bank, the EIB can make the single biggest difference by investing deeply in understanding, reporting and reversing adverse impacts as foreseen and as they occur.	NomoGaia	
26	These [parts (a) and (b)] are interrelated. Looking for opportunities without first evaluating the risks is a false path. Pursue environmental and social opportunities in an array of industries but do it all in adherence to universally applied Standards that respect human rights.	NomoGaia	
27	Nature based solutions.	Response 1028822717	
28	It should monitor and assess impact throughout the life of a project and continue after it has been determined to be completed. For stakeholders on the ground the impacts can be life-long, and often negative.	Response 661456814	

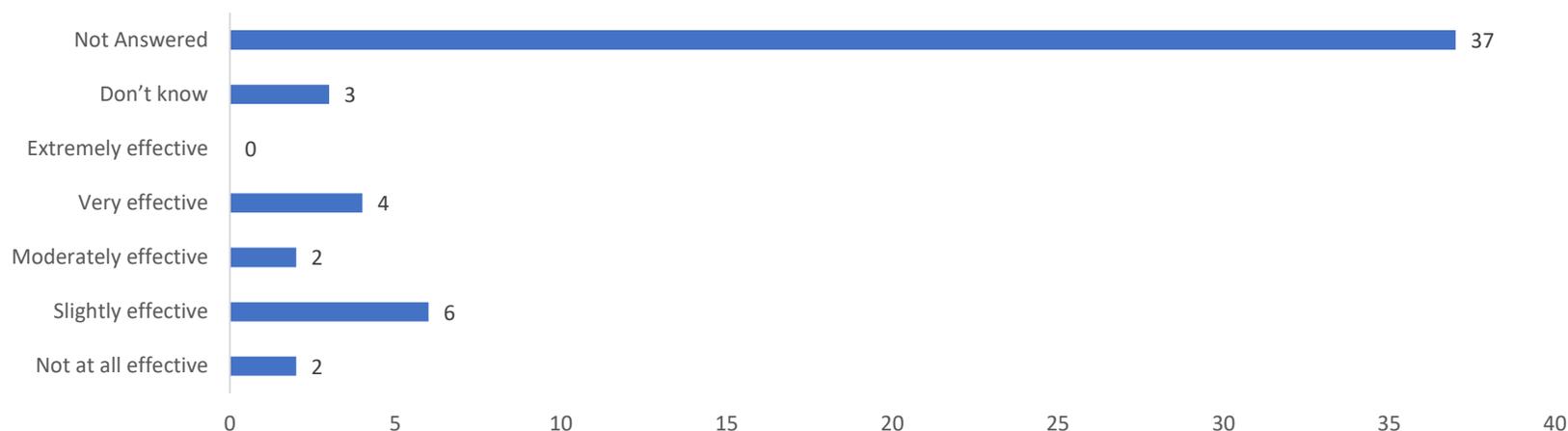
¹ <http://openarchive.icomos.org/id/eprint/2436/>

Ref.	Summary of Contribution	Contributor	EIB comments
29	1. Building 2. Packaging 3. Drugs	Response 808951905	Your comment is noted. The EIB thanks you for the feedback.
30	Manufacturing: Chemicals Industry, Plastics Industry, Construction Industry.	Response 808951905	
31	Exclude factory farming (industrial livestock) from any finance.	Sinergia Animal	
32	Invest in more sustainable and safe forms of livestock production, rather than high-input intensive production systems which contribute significantly to pollution, climate change, antimicrobial resistance, and zoonotic risk.	Sinergia Animal World Federation for Animals	
33	Projects funded by the EIB must always respect and facilitate the equal access of all people to their rights	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	
34	Support projects that aim to enhance social protection of the most vulnerable groups, such as people with disabilities, children (including children with disabilities), people with mental health problems and homeless people.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	
35	Support projects that aim to promote the transition from institutional to community-based services.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	
36	Support projects in the community (as opposed to projects that aim to provide services in closed institutions far from the community).	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	
37	Focusing on outcome-based measures can mean that the damage has already occurred and may need to be remediated down the line, requiring more investment of resources. There	World Federation for Animals	

Ref.	Summary of Contribution	Contributor	EIB comments
	are circumstances where outcomes can clearly be predicted by inputs, and in those cases prescriptive requirements should be retained.		

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7. Will this Standard be effective in maximising positive environmental and social outcomes?



Please explain your answer

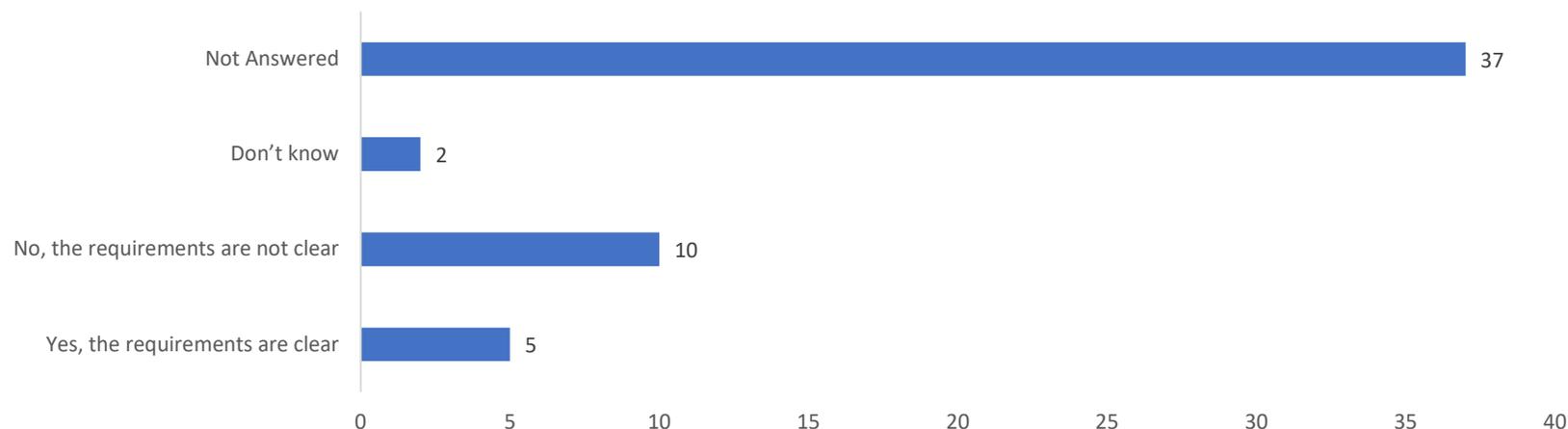
Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	It is not possible to "maximize" positive outcomes without understanding unintended consequences. The whole point of sustainability is that it's not just a matter of 'doing good' but about understanding the way systems and interventions interact. Negative consequences of negligence will pile up before EIB expects them if it doesn't first look for them and mitigate them and monitor them.	NomoGaia	The EIB Environmental and Social Standards are guided by the principle of doing no significant harm. Central to the Standards is the use of impact assessment as a forward-looking instrument to analyse in an integrated manner the environmental, climate and social impacts and risks and to apply the mitigation hierarchy and international good practice – see the EIB Group's Environmental and Social Policy Section 4 para 4.9. Specifically, the above-mentioned principle is detailed in Standard 1, para 3(b) and para 3(e).
2	It is not specific enough to ensure a shift on our food systems.	Sinergia Animal	It is not the role of the EIB Group Environmental and Social Sustainability Framework to directly promote a shift in food systems.
3	Promoters usually focus on the mitigation of negative impact rather than the strengthening of positive impacts.	Mohamed Miftah	Standard 1 has been amended to encourage the Promoter to also enhance the positive impacts – see para 3(e).

Ref.	Summary of Contribution	Contributor	EIB comments
4	<p>Today's comparison of solutions does not go deep enough. A real expertise is missing for each field.</p> <p>It will depend on how it is effectively implemented. It needs to be strengthened and made more comprehensive to contribute to a measurable shift in current trajectories.</p>	<p>GoodCorporation</p> <p>Response 808951905</p> <p>World Federation for Animals</p>	<p>Your comment is noted. The EIB thanks you for the feedback.</p>

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8. Outside the European Union, the ‘principles of EU legislation’ apply to the EIB’s projects. The revised Standard spells out what is meant by ‘the principles of EU legislation’ in different areas of legislation (see para 7). Does this description make it sufficiently clear what the Bank’s requirements for projects outside the European Union are?



Please explain your answer

Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	It would be useful to have a reference to circular economy here.	World Animal Protection	Standard 3 on “Resource efficiency and pollution prevention” addresses circular economy in the context of resource efficiency and pollution prevention.
2	At the moment, we understand that the Standard is referring to the Environmental Impact Assessment Directive and ‘the remaining sections of this Standard’. It is unclear what we mean by ‘the remaining sections of this Standard’. Promoters may need a detailed description of the ‘principles of EU legislation’ in an annex to the Standard for instance.	Counter Balance GoodCorporation	Para 7 has been strengthened to reflect that the projects located in the rest of the world shall also comply with the core principles and essential elements for assessment and management of environmental, climate and social impacts and risks as formulated in the remaining sections of Standard.
3	It is recommended to refer less to precise texts, or refer to these in annex.	Mohamed Miftah	Your comment is noted. The EIB thanks you for the feedback.

9. Additional comments on Standard 1

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	OHCHR notes that the provisions of Standard 1 apply to “to all projects likely to have significant environmental, climate and/or social impacts and risks” (para. 3), which presumably trigger the application of the thematic Environmental and Social Standards (Standards 2-11). However, the articulation between Standard 1 and the rest of the Standards does not seem to be sufficiently clear.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	It should be noted that the Environmental Impact Assessment/Environmental and Social Impact Assessment is a process that includes several steps as defined in Standard 1 – the first being “Determining the need”.
2	There are clear connections between the Environmental Impact Assessment/Environmental and Social Impact Assessment process and thematic Environmental and Social Standards in principle. The latter Standards provide a list of environmental and social questions that should be prioritized as part of the impacts and risks assessment process. Stakeholder engagement is a crucial component of this process, and, as such, Standard 2 requirements should apply to the Environmental Impact Assessment/Environmental and Social Impact Assessment process. Moreover, the Environmental Impact Assessment/Environmental and Social Impact Assessment process should not be disconnected from the requirements stemming from the Standard 7 (“Vulnerable groups and Indigenous Peoples”).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Stakeholder Engagement is an integral part of the Environmental Impact Assessment/Environmental and Social Impact Assessment process as clearly described in Standard 1. Standard 7 on “Vulnerable groups, Indigenous People and Gender” will apply in all cases where it has been identified that a project might involve vulnerable groups and/or Indigenous Peoples. As such the Promoter will be required to meet the objectives of the applicable Standards in all cases.
3	To promote more consistent and effective practice around environmental and social impacts and risks, the new Standard 1 must provide more specific and practical guidance to Promoters on conducting Environmental and Social Impact Assessment, cumulative impact assessment, and Strategic Environmental Assessments.	Accountability Counsel	The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters to support them in meeting the requirements.
4	Standard 1 should establish a firmer expectation for Promoters to conduct Strategic Environmental Assessments.	Accountability Counsel Counter Balance Joint contribution 1	In the EU, the Strategic Environmental Assessment Directive applies to a wide range of public plans and programmes that are prepared by authorities and also being required by legislative or regulatory provisions. Therefore, the direct applicability is limited to certain Promoters. However, for projects located in the rest of the world the EIB encourages the Promoter to use the Strategic Environmental

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Assessment type approach, whenever feasible, in order to enhance the efficiency of the Environmental and Social Impact Assessment at project level – see para 15.</p> <p>For projects located in EU, EFTA, Candidate and potential Candidate countries, the Standard is fully aligned with EU legislation – see para 5.</p>
5	<p>The lack of time-bound requirements can lead to situations where impact assessments remain incomplete and thus unfinalized years after a project has commenced.</p> <p>Environmental Impact Assessment/Environmental and Social Impact Assessment need to be required before EIB's approval. Conducting the Environmental and Social Impact Assessment for projects with granted permits misses the point, and prevents meaningful public participation and real assessment of alternatives. The EIB should not approve any operation until Standards are fully met, and until Environmental, Social and Human Rights Impact Assessments are completed.</p>	<p>Accountability Counsel</p> <p>Counter Balance</p> <p>Joint contribution 1</p>	<p>The impact assessment is a forward-looking instrument used to ensure that the environmental, climate and social considerations are addressed and taken into account in the decision-making processes (therefore prior to any decision to proceed with the project) – see para 1 complemented by para 4.</p> <p>Additionally, the EU Environmental Impact Assessment Directive that applies without qualification for projects located in EU, EFTA, Candidate and potential Candidate countries and represents the benchmark for projects located in the rest of the world, clearly requires the projects to be subject of an assessment before the approval is granted.</p> <p>In terms of EIB decisions to finance a project and the information to be submitted to the Governing Bodies for their approval, the requirements are spelled out in Section 4 of the EIB Group's Environmental and Social Policy, "Policy Implementing Framework for EIB".</p> <p>It should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course. The procedures include timelines reference, as well as information on the completeness of the environmental and social studies.</p>
6	<p>Plastic waste is a major global problem, and the EU Single Use Plastics Directive is merely a modest beginning to address the issue. Though the EIB in its Ocean Plastics Reduction Guide describes part of the immense impact of plastic waste, it does</p>	<p>GAIA</p>	<p>The principles of circular economy and adherence to the waste hierarchy (Directive 2018/851 amending Directive 2008/98/EC on waste) are embedded throughout Standard 3 on "Resource efficiency and pollution prevention".</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	not make a reference to the plastic problem in its EIB Group's Environmental and Social Policy.		However, the Standard should be read in conjunction with EIB Group's Environmental and Social Policy where one of the area of actions described Policy under Section 2 "The Group's Contribution" is "Supporting resource efficiency and the transition to a circular economy"- see para 2.6.
7	The previous version of Standard 1 was clearer and more detailed. Moreover, some relevant aspects have disappeared (emergency plans, management and performance monitoring). Strengthen accountability of Promoters in relation to supply chain and sub-contractors. Are there gaps between EU directives and EIB Standards on Impact Assessments?	Mohamed Miftah	<p>The Standard has been streamlined. Generic statements, guidance and repetitions have been removed. The structure and language have been made consistent and the Standard has been organised to better reflect the different specifics of EIB operations.</p> <p>Particularly, the reference and requirements related to emergency plans have been moved to Standard 3 on "Resource efficiency and pollution prevention" (where it belongs).</p> <p>EIB Standard 1 is fully aligned with the relevant EU legal framework.</p> <p>Furthermore, Standard 1 will be complemented by non-binding guidance documents to detail and further explain the requirements.</p>
8	OHCHR notes that, in keeping with EU legislation and existing EIB Standards, draft Standard 1 relies on Environmental Impact Assessments (or in the case of projects outside EU, EFTA, Candidate and potential Candidate Countries, Environmental and Social Impact Assessment, Environmental And Social Impact Assessments) as the main tool for the assessment and management of environmental, climate and/or social impacts and risks by the Promoter. The determination of the need for such studies relies, to a great extent, on the Promoter's own assessment.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB Group Environmental and Social Policy has been amended to better reflect the role and responsibilities of the EIB and the Promoter and better explain the EIB due diligence and monitoring.
9	Determining the need for Human Rights Impact Assessment: During the project due diligence, EIB should screen for specific human rights risks based on available indicators and with specific criteria linked to the nature of the project. Such criteria should be included in an additional Annex to Standard 1.	Counter Balance Joint contribution 1	The EIB's integrated human rights approach requires borrowers to include human rights impacts and risks in their environmental and social assessment process. Additional human rights assessments can be required if salient human rights impacts or risks are identified.

Ref.	Summary of Contribution	Contributor	EIB comments
10	OHCHR welcomes the reference in the Environmental and Social Sustainability Framework consultation's Explanatory Note to the requirement for stand-alone Human Rights Impact Assessment (HRIA). However, we note with concern that the expectations set forth in the Explanatory Note have not been translated into any specific requirements in Standard 1 nor in any other thematic Standard.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	As presented in Standard 1, the EIB reserves the rights to ask for additional assessments/studies, including on human rights.
11	OHCHR strongly recommends the reinstatement of an HRIA requirement under appropriate circumstances. This approach would be consistent with the UNGPs (which indicate that "a range of approaches may be appropriate for assessing human rights impacts," including either assessments focusing exclusively on human rights or "integrated" assessments), and with the practice of international human rights mechanisms and financial institutions.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
12	Moreover, there seems to be no compelling reason why the HRIA requirement (or the possibility thereof) should be limited to countries other than EU and EFTA, Candidate or potential Candidate countries, as it is the case in the current EIB safeguards Policy.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
13	The title of this chapter (i.e. Standard 1) excludes the possibility that the Promoter may be required to conduct Human Rights Impact Assessment which is separate to Environmental and Social Impact Assessment. Therefore it should be reformulated as follows: "Environmental and Social Impact Assessment and <i>Human Rights Impact Assessment</i> process for projects located in the rest of the world"	Counter Balance Joint contribution 1	
14	General Requirements: Para 7 should be changed as follows: "All projects located in the rest of the world legislation, <i>EIB's Environmental and Social Standards</i> and align with the principles of EU legislation relevant to climate, <i>human rights</i> and/or social impacts and risks, ... Those projects that are likely to have significant environmental, climate, <i>human rights</i> and/or social impacts shall be subject to an Environmental and/or Social Impact Assessment process <i>and/or Human Rights Impact Assessment</i> . The assessment of any social aspects human rights risks. EIB-supported	Counter Balance Joint contribution 1	

Ref.	Summary of Contribution	Contributor	EIB comments
	operations, independently of the form of financial commitment, apply the European Principles for the Environment and the UN Guiding Principles on Business and Human Rights.”		
15	For Projects located in the EU, EFTA, Candidate and potential Candidate Countries, under Standard 1, the determination of the need for an Environmental Impact Assessment relies exclusively on the “relevant competent authorities.”	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
16	Gender impact assessment should be mandatory for Environmental and Social Impact Assessment projects and must assess potential risks and opportunities for both men and women.	Counter Balance	<p>The EIB Group’s Environmental and Social Policy should be read in conjunction with other Group Policies, particularly the Group Gender Strategy and its relevant Action Plan.</p> <p>Standard 1 defines the Environmental and Social Impact Assessment process to be carried out, where human rights impacts and risks should be taken into account, including gender impacts. Moreover, gender impacts are also covered in Standard 7 on “Vulnerable groups, Indigenous People and Gender”.</p> <p>Annex 2a of Standard 1 includes requirements for the content of the Environmental and Social Impact Assessment.</p> <p>Para 10 in Standard 2 on “Stakeholder engagement” has been amended to reflect relevant elements of stakeholders’ comments.</p>
17	The need for a clear methodology for Gender impact assessment when determining the need for Environmental and Social Impact Assessment.	Counter Balance	The EIB will be issuing a Guidance Note on Gender Impact Assessment.
18	Gender differentiated impacts should be further differentiated according to different economic sectors.	Counter Balance Joint contribution 6	<p>Standard 7 on “Vulnerable groups, Indigenous People and Gender” takes into account socio-economic factors that may lead to disproportionate impacts on vulnerable groups, including girls and women. These factors are identified in the social baseline studies, Environmental Social Impact Assessment reports and considered by the EIB at project appraisal stage.</p> <p>The EIB will issue a Guidance Note on Gender Impact Assessment that will address the points raised.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			Gender differentiated impacts will also be taken into account in the implementation of the Gender Action Plan 2.
19	It is imperative that the impact assessment process includes an assessment of the climate impact on the most vulnerable in a society, including women, and disaggregate data by gender, ethnicity, generation, wealth, food and water security, accessibility to finance, age and other identity markers that might affect people's equal opportunities.	Counter Balance Joint contribution 1 Joint contribution 6	<p>The reference to stakeholder engagement as per Standard 2 "Stakeholder engagement", which requires gender inclusive and responsive engagement, has been included in Standard 5 "Climate change" para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>A new para 13 has been included in Standard 5 on "Climate change" to underline gender considerations in the sphere of climate change more broadly, with reference to Standard 2 on "Stakeholder engagement" and Standard 7 on "Vulnerable groups, Indigenous People and Gender".</p>
20	The EIB seems to articulate that high-risk projects (ones that require an Environmental and Social Impact Assessment) might also require an Human Rights Impact Assessment (Annex 1A of Standard 1), but even here, human rights are only a consideration if the area is already "known to have a high occurrence of... violation of human rights." The whole concept of human rights due diligence is to prevent any potential violations of human rights – this isn't restricted to situations where human rights violations are already ongoing.	Counter Balance Joint contribution 1	The EIB may require a Human Rights Impact Assessment not only when a situation is ongoing, but also based on the nature of the project and country context, which allows for the anticipation of violations.
21	If the bank has identified environmental and social impacts of the project and requires Environmental and Social Impact Assessment, Human Rights Impact Assessment should be required automatically. This is because the role of the human rights due diligence is to explain how applying the EIB's environmental and social Standards will remedy potential human rights impacts. Consequently, human rights due diligence is a prerequisite of the proper implementation of the environmental and social Standards.	Counter Balance Joint contribution 1	<p>The EIB requires the borrowers undertake an Environmental and Social Impact Assessment that should consider potential human rights risks. Moreover, the EIB integrates a human rights-based approach in its environmental, climate and social due diligence. Additional impact assessments or reports can be triggered on a case-by-case basis, depending on the country or sector context.</p> <p>The Policy has been amended to better reflect the role and responsibilities of the EIB and the Promoter and better explain the EIB due diligence and monitoring.</p>
22	Monitoring and reporting: A significant number of requirements for the Promoters were simply deleted from the new draft. Promoters should be required to monitor the environmental and social performance of the project to determine whether it	Counter Balance Joint contribution 1	The Standard will be complemented by a specific Guidance Note.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>is being implemented in accordance with the Standards, applicable legislation, and financial agreement. During the monitoring the Promoter should provide regular (not periodical) reports on:</p> <ul style="list-style-type: none"> • Any significant environmental and social risks and impacts identified during the environmental and social assessment process; • Compliance with applicable Standards; • Implementation of actions specified in the Environmental and Social Management Plan and Environmental and Social Management System; • Implementation of corrective action plans which were established, such as those agreed in the process of EIB-Complaints Mechanism. • Grievances received from workers and external stakeholders, and how they were resolved; <p>Implementation of other regulatory monitoring and reporting requirements.</p>		<p>The responsibilities of the Promoter are described in Section 4 of the EIB Group's Environmental and Social Policy – see revised version.</p>
23	<p>EIB Standard should require participatory monitoring with affected individuals for all Environmental and Social Management Plan.</p>	<p>Counter Balance Joint contribution 1</p>	<p>Please see para 27 of Standard 1.</p>
24	<p>The assessment of general corporate finance: EIB completely ignored the requirements for assessments of corporate loans which simply disappeared and were not replaced by any new provisions in this draft Standard. The current Standard includes the following provisions which should be entirely restored as follow:</p> <ul style="list-style-type: none"> • Para 32(new): “where Promoters with multi-site operations are seeking from the EIB general corporate finance, working capital or equity financing, the assessment at project level as outlined in documents may not always be appropriate. In such cases (as determined by the EIB), the Promoter will commission a qualified and experienced, external specialist to conduct a corporate audit of their current environmental and social management system (ESMS) and the company's past and current performance 	<p>Counter Balance Joint contribution 1</p>	<p>Section 4 of the EIB Group's Environmental and Social Policy entitled “Policy Implementing Framework for EIB” describes the EIB's due diligence and monitoring process.</p> <p>For projects that involve general corporate finance – see para 4.21 from the EIB Group's Environmental and Social Policy.</p> <p>It should be noted that the requirements presented in Section 4 are complemented by the EIB's Environmental and Social Standards and related internal procedures that are under revision and will be available in due course.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>against EIB's Environmental and Social Standards. The audit should:</p> <ul style="list-style-type: none"> ○ assess the Promoter's ability to manage and address all relevant social and environmental risks and impacts of its business and operations, in particular the issues identified in the Standards (including this Standard); ○ assess the Promoter's compliance record with applicable laws and regulations of the jurisdictions in which the project operates that pertain to environmental and social matters, including those laws implementing host country obligations under international agreements; ○ identify the company's main stakeholder groups and current stakeholder engagement activities." <ul style="list-style-type: none"> ● Para 33(new): "The exact scope of the corporate audit will be agreed with the EIB on a case-by-case basis." <p>Para 34(new): "The ESMP should be incorporated into the Promoter's corporate environmental and social management system. It will address any issues identified during the corporate audit by specifying time bound measures to achieve and maintain compliance with the EIB's Standards within a reasonable time frame."</p>		
25	<p>Objective (para 3):</p> <p>Suggested rewording: <i>"This Standard outlines the Promoter's responsibilities with regard to the process of assessing the potential environmental, climate, human rights and/or social impacts and risks associated with the project and its alternatives, to fully integrate them in decision-making on whether to permit proposed activity, and developing and implementing procedures for managing and monitoring these impacts and risks throughout the EIB's project cycle, specifically: [[[...]]]"</i></p>	<p>Counter Balance Joint contribution 1</p>	<p>The Preamble sets out the legal framework that guides the EIB Group's Environmental and Social Policy – specifically on human rights, see para 15.</p> <p>Additionally, the Group recognises that the advancement of human rights is central to sustainable finance, committing to apply a human rights based approach to its activities – see para 2.1.</p> <p>Section 4 para 4.15 clarifies that "the EIB pursues an integrated human rights-based approach to its environmental, climate and social due diligence and monitoring. It conducts a human rights-responsive due diligence process whereby impacts and risks are screened and assessed against its Environmental and Social Standards, which in turn are grounded in human rights principles."</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>The EIB Environmental and Social Standards, particularly in Standard 1 “Environmental and Social Impacts and Risks”, introduce requirements to carry out additional assessments/studies, including on human rights where human rights impacts and risks are identified and if deemed necessary by the EIB.</p> <p>Additionally, the EIB is minded to develop a “human rights position statement”.</p>
26	Standard 1, Para 3e: The ratio between mitigation, remedial and compensation should be clearly defined.	World Animal Protection	<p>Para 3(e) refers to the monitoring of the implementation of mitigation and/or remedial /compensatory measures. To clarify that the remedial/ compensatory measures are used as last resort, the text has been amended to address stakeholder’s comments.</p>
27	Standard 1, Para 4: The stage at which significant impacts and risks have to be taken into account should be specified.	World Animal Protection	<p>Para 4 is not related to the determination of “significance”, the EIB uses as benchmark the risk categorisation and therefore the classification provided by Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU (the Environmental Impact Assessment Directive), particularly Annex I and Annex II.</p> <p>Projects in Annex I of the Environmental Impact Assessment Directive are considered, by default, as likely to have significant impact while the projects in Annex II are subject to a case by case determination based on certain criteria.</p> <p>Outside the EU, Promoters are encouraged to perform a screening (only for those projects that fall under Annex II – see Standard 1 para 18) based on the criteria in Annex 1a, and to perform an analysis against these criteria in determining the need for an Environmental and Social Impact Assessment. Results along with information from Annex 1b should be provided to EIB to enable the EIB to carry out its own screening (which might not conform with the Promoter’s results).</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			The EIB's commitment to carry out due diligence and monitoring is presented in EIB Group's Environmental and Social Policy Section 4 "Policy Implementing Framework for EIB" that includes in its para 4.17 and 4.18 clear reference to the case by case determination to be carried out by EIB in case of Annex II projects.
28	The requirement to incorporate human rights risks and impacts within the scope of the Promoter's environmental and social risk management seems to be unduly restricted to projects outside the EU and EFTA, Candidate or potential Candidate countries (para. 7).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>It is not restricted to outside of the EU. Section 4 para 4.3.ii highlights that the EIB's due diligence and monitoring is designed to ensure consistency with the "Do No Significant Harm" and "Minimum Safeguards" (also known as Minimum "Social" Safeguards) principles introduced by the EU Taxonomy.</p> <p>When referring to Minimum Safeguards, it should be noted that the UN Guiding Principles on Business and Human Rights is one of the key references.</p>
29	In relation to the "potential human rights risks" referred to in Standard 1, para 7, footnote 10 states that these risks include, but are not limited to "data protection and privacy rights."	Office of the United Nations High Commissioner for Human Rights (OHCHR)	It was not the intention to narrow it down. For clarity the sentence was extended to include examples of other rights.
30	Specific requirements (para 9): For projects in EU, EFTA, Candidate and potential Candidate Countries, where it has been concluded that an Environmental Impact Assessment is not required, EIB should require the Promoter to always provide information to authorities on which a decision was based, and the EIB should verify if a decision complies with the EIB's Standards, and it should guarantee itself the rights to require Environmental Impact Assessment despite the authority decision.	Counter Balance	<p>Projects in Annex I of the Environmental Impact Assessment Directive are considered, by default, as likely to have significant impact while the projects in Annex II are subject to a case by case determination based on certain criteria.</p> <p>Outside the EU, Promoters are encouraged to perform a screening (only for those projects that fall under Annex II – see Standard 1, para 18) based on the criteria in Annex 1b, and to perform an analysis against these criteria in determining the need for an Environmental and Social Impact Assessment. Results along with information from Annex 1b should be provided to the EIB to enable the EIB to carry out its own screening (which might not conform with the Promoter's results).</p> <p>The EIB's commitment to carry out due diligence and monitoring is presented in EIB Group's Environmental and</p>

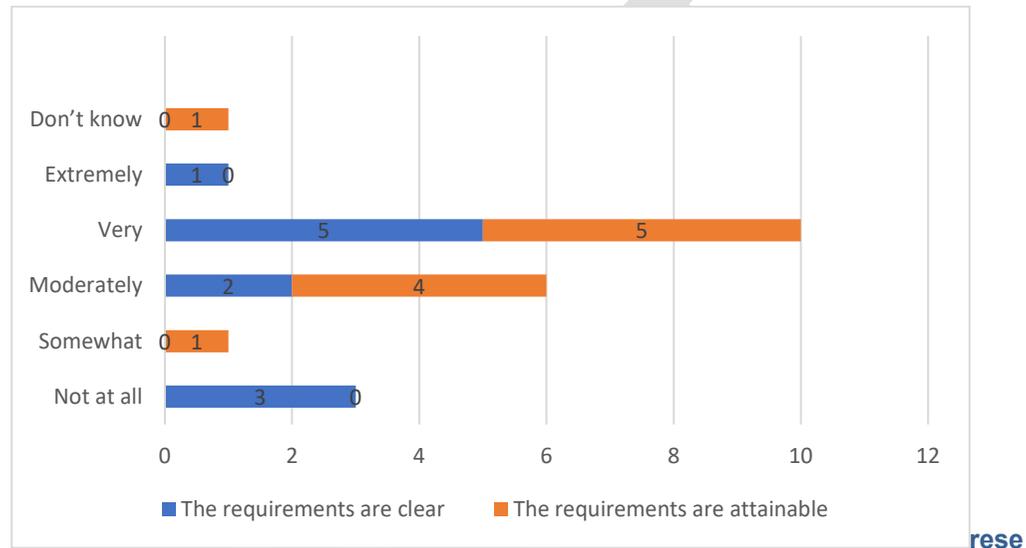
Ref.	Summary of Contribution	Contributor	EIB comments
			Social Policy Section 4 “Policy Implementing Framework for EIB” that includes in its para 4.17 and 4.18 clear reference to the case by case determination to be carried out by EIB in case of Annex II projects.
31	In para 10, “upon request” should be removed.	Counter Balance Joint contribution 1	The wording stipulates that the EIB retains the right to require Promoters to provide this information as and when requested by the EIB.
32	Suggested addition to para 10: <i>“In case the EIB’s environmental and social appraisal will determine the need for an Environmental Impact Assessment, the Promoter will be responsible to make an application to the competent authority.”</i>	Counter Balance Joint contribution 1	The responsibility of the Promoter to provide necessary documentation is implied throughout the Standard.
33	Paras 17, 18, and 19 should include “ <i>and/or human rights impact assessment</i> ” and “upon request” must be omitted from para 9.	Counter Balance Joint contribution 1	The EIB’s integrated human rights approach requires borrowers to include human rights impacts and risks in their environmental and social assessment process. Additional human rights assessments can be required if salient human rights impacts or risks are identified. As per para 8 in Standard 1, the EIB reserves the rights to ask for additional assessments/studies, including on human rights. There is no “upon request” in para 9.
34	Similarly, in relation to projects located “in the rest of the world”, draft Standard 1 proposes that the determination of the applicability of the Environmental and Social Impact Assessment should be made by the Promoter, on the basis of the criteria specific in Annex 1a of Standard 1 (para. 18).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Standard 1 should be read in conjunction with the EIB Group’s Environmental and Social Policy – see revised Section 4. The EIB’s commitment to carry out due diligence and monitoring is presented in EIB Group’s Environmental and Social Policy, Section 4 “Policy Implementing Framework for EIB”.
35	Standard 1 para 26 states that the Promoter should monitor compliance with the Environmental and Social Management Plan by first-tier contractors/suppliers. The proposed system seems to indicate that contractual obligation to abide by the Environmental and Social Management Plan would be passed down to sub-contractors or second-tier suppliers, and that monitoring duties would thence cascade down the contractual line. In practice, while this system may cover the strictly legal requirements, it risks diluting responsibilities in the case of	Matthew Arndt	Para 26 makes it clear that the Promoter is responsible for the implementation of and monitoring of Environmental and Social Management Plan requirements carried out by contractors or subcontractors.

Ref.	Summary of Contribution	Contributor	EIB comments
	multiple sub-contracting arrangements which are quite frequent for example in the construction sector. From a risk and outcome point of view, it would be preferable for the Promoter to retain overall responsibility and to be empowered to monitor compliance with the Environmental and Social Management Plan regardless of its contractual relationship with the actors involved in implementing it.		
36	Standard 1, Para 27: The Promoter should provide EIB with a list of stakeholders along with proof of their engagement, including timeframes. This would help prevent stakeholder engagement taking place too late to provide useful input.	World Animal Protection	Standard 1 outlines the Promoter's responsibilities for a continuous engagement with project stakeholders. The engagement with stakeholders is highlighted in para 9(b) (for projects located in EU, EFTA, Candidate and potential Candidate countries) and para 16 (for projects located in the rest of the world) of Standard 1, which cross-references Standard 2 on "Stakeholder engagement". Specifically, for projects located in the rest of the world, Standard 2 requires at a minimum the identification and analysis of the stakeholders and a project-level grievance mechanism.
37	The EIB should consider merging point 18 and 19 as it is unclear what is the difference between them, the determination of the need for Environmental Impact Assessment/Environmental and Social Impact Assessment should be based for all projects against the same criteria.	Counter Balance Joint contribution 1	Your comment is noted. The EIB thanks you for the feedback.
38	Scope and Level of Detail of the Assessment: Para 20: add " <i>human rights</i> " after " <i>climate</i> ".	Counter Balance Joint contribution 1	
39	<p><i>Para 21:</i></p> <ul style="list-style-type: none"> • <i>Add "human rights" after "climate"</i> • <i>21b rewording: "The prevailing socio-economic context and human rights situation in a country concerned and in the local context;"</i> • <i>Add b2: "Detailed mapping identifying stakeholders that are vulnerable, marginalised, discriminated against or excluded on the basis of their socio-economic characteristics, including evaluating the indigeneity of affected persons/groups;"</i> • <i>Add f: "The types of mitigation to be considered; and"</i> • <i>Add g: "The level of emissions of greenhouse gases."</i> 	Counter Balance Joint contribution 1	

Ref.	Summary of Contribution	Contributor	EIB comments
40	<p>Content of Human Rights Impact Assessment: In addition to requirements concerning the content of Environmental Impact Assessment and Environmental and Social Impact Assessment, the Standard 1 should also contain requirements concerning the content of HRIA.</p> <p>Therefore, the following provision should be added: Para 24 (new): <i>“Where a human rights impact assessment is required, the Promoter shall prepare a report that takes into account all relevant stages of the project and includes, at a minimum, the information specified in Annex 2C of this Standard.”</i></p>	Counter Balance Joint contribution 1	Your comment is noted. The EIB thanks you for the feedback.
41	<p>In Annex 1b of Standard 1, the EIB relies on the Promoter to provide a description of the "country context" for human rights. Often, potential borrowers are part of the systems and structures that oppress rightsholders. They are not qualified to be reporting on their home country's human rights context. HRIA should then be mandatory for all high-risk projects, which require Environmental and Social Impact Assessment and be published together with other due diligence documents.</p>	Counter Balance Joint contribution 1	

Chapter E: Stakeholder engagement (Standard 2)

1. Are the requirements of this Standard clear and attainable, specifically regarding the responsibilities of the Promoter and the competent authorities²?



Please explain your answer

Table 1

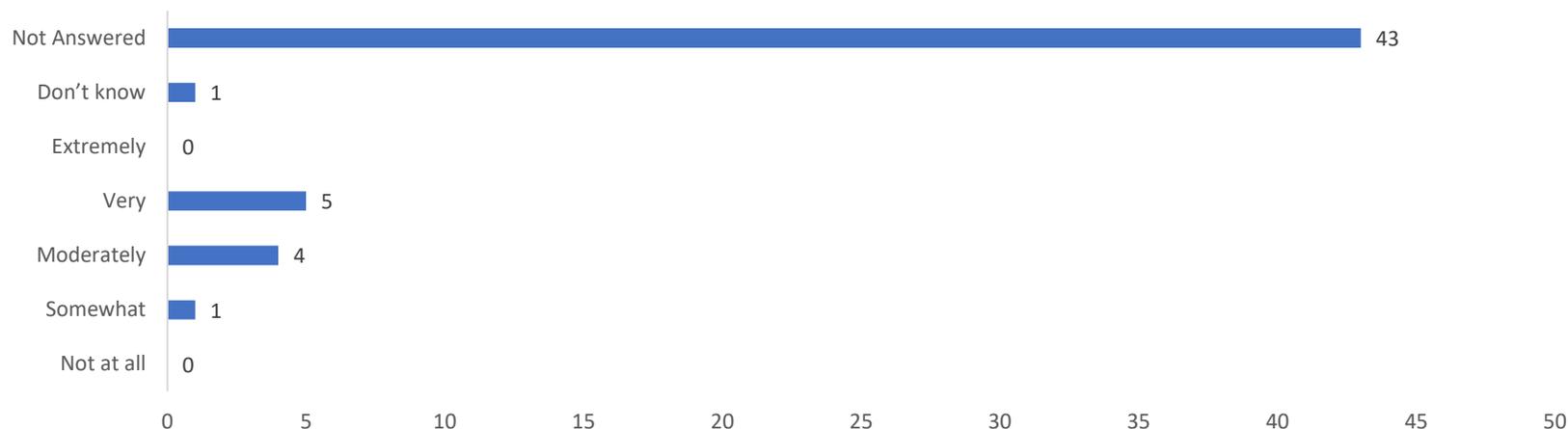
Ref.	Summary of Contribution	Contributor	EIB comments
1	The Standard, in promoting the involvement of local communities and vulnerable groups in decision making processes, should consider also digital gap of communities living in remote areas and the capacity of local authorities to effectively facilitate the communication and convey the comments of affected communities.	AVSI Foundation	Both Standard 2 on “Stakeholder Engagement” and Standard 7 on “Vulnerable Groups, Indigenous Peoples, and Gender” stress the importance of working with local community organisations/experts and specialists (Standard 7 para 21 and Standard 2 paras 18 and 42). Further relevant guidance on the digital gap will be provided in the upcoming Guidance Note on this Standard.

² For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>Since the civil society organisations that are rooted in the field and are aware of the needs of the communities, their role should be enhanced throughout all the project cycle.</p>		
2	<p>The Standard is clear. Attainability may be less certain and may depend, or benefit, from independent third-party Stakeholder Engagement facilitators.</p>	<p>International Council on Monuments and Sites (ICOMOS)</p> <p>Joint contribution 3</p>	<p>The Standard stresses the importance of working with local community organisations/experts and specialists (paras 18 and 42).</p>
3	<p>Para 16 of Standard 1 indicates that the Environmental and Social Impact Assessment "may involve" engagement with project stakeholders. Para 27 Standard 1 indicates that "The Promoter may engage with stakeholders and/or third parties... to support the implementation of monitoring requirements", suggesting that Stakeholder engagement is optional. Taken alongside Para 15 of Standard 2 requiring that, "The Promoter shall carry out a stakeholder engagement process that is proportionate to the nature and scale of the project and its potential impacts and risks," it seems that a Promoter could actually really bypass stakeholder engagement completely, especially since identification and analysis of stakeholders and even creation of a grievance mechanism can be lessened depending on the "nature and scale of the project."</p> <p>When will a client will be required to develop a stakeholder engagement Plan (Para 26-32) or how EIB expects clients to carry out "meaningful engagement" absent one?</p>	<p>Joint contribution 3</p> <p>NomoGaia</p>	<p>Standard 2 is a cross-cutting Standard which is applicable based on a project's likely environmental, climate and/or social impacts and risks (even when an Environmental Impact Assessment/ Environmental and Social Impact Assessment is not required). An amendment has been made to para 5 to clarify this further.</p> <p>Inside the EU, the competent authorities have the primary responsibility for determination of the EIA, including the implementation of the public participation process. The EIB can request any complementary measures as deemed necessary, as per para 14.</p> <p>The minimum requirements for projects located outside of the EU would be stakeholder identification and establishment of the project grievance mechanism commensurate with the nature and scale of the project and its potential environmental and social impacts and risks. The other four steps outlined in the Standard would be implemented or required depending on the specific characteristics of the project, in line with the national legislation requirements and as determined by the Promoter and the EIB.</p> <p>Para 26 has been revised to specify further when the promoters will be required to develop a Stakeholder Engagement Plan. A Guidance Note for this Standard will provide more detail.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
4	<p>An overall comment is that there is lack of oversight by the EIB at the various stages of stakeholder engagement. At the time being, the Bank is placing too much trust in the Promoter without having robust safeguards in place to ensure that the Promoter is living up to its responsibilities.</p> <p>All the obligations referred to in Standard 2 and the related Guidance Note for Promoters on Stakeholder Engagement should be inserted and made explicit in contracts between the EIB and Promoters.</p> <p>The Standard also lacks a clear framework for the consultation process, including on the timing and indications on how the Promoter is supposed to take consultation outcomes into account. This should not be left to the guidelines as they are not binding.</p>	<p>Counter Balance Joint contribution 3</p>	<p>The Standard outlines the Promoter's responsibilities for the implementation of transparent and continuous engagement with project stakeholders. The EIB's roles and responsibilities are outlined in EIB Group's Environmental and Social Policy.</p> <p>Relevant requirements with regard to compliance with the EIB's Environmental and Social Standards are integrated in the contracts with Promoters. The EIB receives regular updates on the implementation of agreed engagement activities, though continuous engagement with the Promoter, and receives reports on project implementation, including environmental and social measures. In addition, the EIB also often engages external consultants for monitoring the implementation of environmental and social requirements and received supervision report from the Lenders' Technical Adviser as relevant.</p>
5	<p>Among the responsibilities of the Promoter, Standard 2 should state more clearly that Promoters shall provide stakeholders with information in accessible formats (for example in easy-to-read language when stakeholders are people with intellectual disabilities).</p> <p>In addition, subheadings under "Projects located in the rest of the world", namely "Identification and analysis of the stakeholders", "Grievance mechanism", "Engagement planning", "Disclosure of information", "Meaningful consultation" and "Monitoring and reporting" should be followed by EU and non-EU projects.</p>	<p>The European Expert Group on the Transition from Institutional to Community-based Care (EEG)</p>	<p>Para 33 of Standard 2 requires Promoters to make available to the public the relevant information in the most accessible way, and para 34 goes on to specify that: "In its information disclosure and dissemination efforts, the Promoter shall seek to ensure that reliable and accurate information reaches stakeholders, including those who are illiterate, by making it available in readily understandable and culturally appropriate formats and languages, and adapting information for people needing special measures or assistance".</p> <p>As per para 14, the EIB can request from Promoters to supplement the formal engagement process carried out by relevant competent authorities, or otherwise needed in relation to the requirements set out in the other EIB Environmental and Social Standards, with any action specified in paras 15-44 of Standard 2.</p>

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

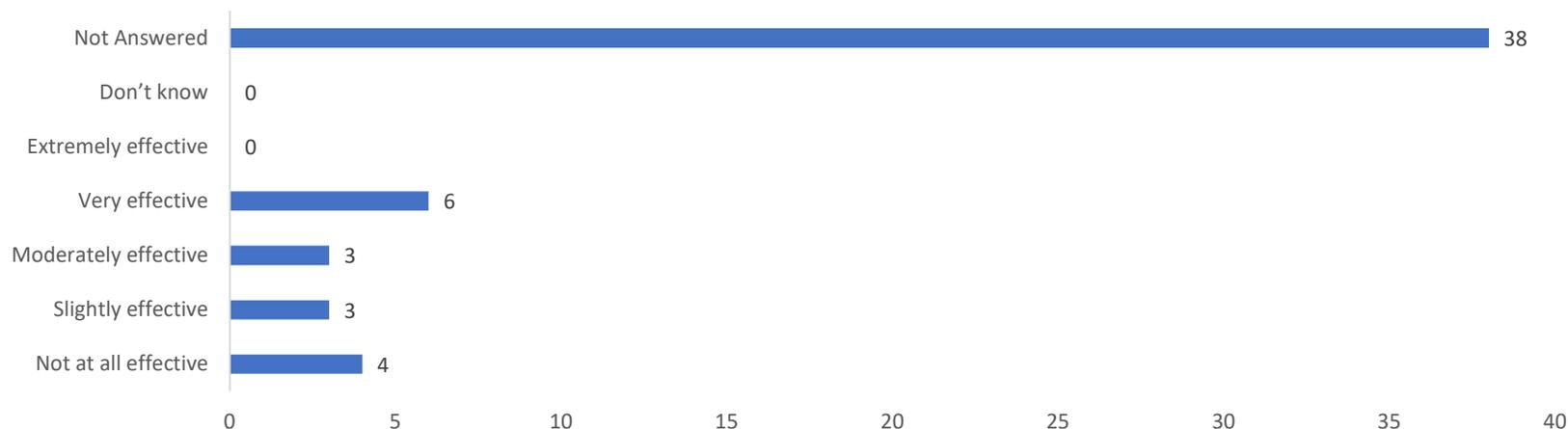
Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	The limitation of the local communities and civil society organisations' room of manoeuvre is linked not only to the restrictive legislation at country level but also to the capacity to provide effective and critical reflection on the project in order to address the environmental, climate and social impact and risks through the grievance mechanism and contribute to the design of alternatives/mitigation or remedial measures.	AVSI Foundation	The EIB agrees with your comment and believes that the requirements of Standard 2 adequately reflect these aspects.
2	In the Region, some Promoters look at stakeholder engagement as a waste of resources and only sample a few. This practice will pose a challenge to the implementation of the projects, if exhaustive stakeholder consultation is not conducted. The Financiers must therefore, scrutinise the submitted documents careful and do a due diligence before onboarding any project, to avert such challenges.	East African Development Bank	As part of its due diligence, the EIB carefully considers the stakeholder engagement needed for a given project based on its likely environmental, climate, and/or social impacts and risks, and monitors regularly implementation of any stakeholder engagement requirements during project execution.

Ref.	Summary of Contribution	Contributor	EIB comments
3	<p>The management and implementation of the stakeholder engagement process will require sufficient competencies and skills.</p> <p>Capacity building and resources will be demanding.</p>	International Council on Monuments and Sites (ICOMOS)	The EIB offers technical assistance and other types of support to public sector Promoters lacking such capacities, whenever possible.
4	<p>These comments concern the risk of reprisals. This is particularly pertinent where national law does not require consultation and indeed criminalizes statements that contradict government statements of national priorities. EIB is setting itself up to allow for watered down consultation that neither satisfies frustrated stakeholders nor aligns it with national law. If it wrote a stricter Standard it could support clients to implement it. By writing a weak Standard it has no leverage to support clients trying to do the right thing.</p> <p>The fact that there are no thresholds for when a Stakeholder Engagement Plan is required but that sometimes it's not required is vulnerable to misuse and inadequate engagement.</p>	Counter Balance Joint contribution 3 NomoGaia	<p>The EIB has introduced the reprisals related provisions in Standard 2 in order to allow for more effective addressing of reprisals risks in the context of the projects it finances.</p> <p>Standard 2 stipulates that “The promoter shall engage with stakeholders in a manner that is free from intimidation, coercion or violence against any individuals, in particular those who voice their opinion in relation to the projects,” and includes reference to the EIB’s Environmental and Social Policy (which includes zero tolerance statement) in footnote 8.</p> <p>Para 17 of Standard 2 specifically mentions that: “Taking note of the country context and the public debate about the project and the sector in question, the analysis shall also take into account any risks of reprisals against those who voice their opinion regarding the project activities or the promoter, and identify groups at risk in that respect.”</p> <p>Para 26 has been revised to specify further when the promoters will be required to develop a Stakeholder Engagement Plan. A Guidance Note for this Standard will provide more detail.</p>
5	<p>The application of Standard 2 seems to be conditioned to a determination of its “relevance” during the environmental impact assessment/Environmental and Social Impact Assessment (Environmental Impact Assessment/ Environmental and Social Impact Assessment) process. Moreover, this requirement may be inconsistent with other requirements set forth in this and other Environmental and Social Standards (e.g.. Standards 1 and 2).</p>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>Para 5 of Standard 2 has been revised to reflect relevant elements of stakeholders’ comments.</p> <p>Standard 1 is an umbrella requirement for all projects that includes screening of a project’s potential environmental and social impacts and risks. Based on those impacts and risks the appropriate levels of stakeholder engagement are required. This includes projects that may not require an Environmental</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	We recommend that para 5 be revised to remove the reference to the Environmental Impact Assessment/ Environmental and Social Impact Assessment. As an alternative, para 5 could mirror the corresponding provision in Standard 1, para 4 (“ <i>This Standard applies to all projects likely to have significant environmental, climate and/or social impacts and risks</i> ”).		and Social Impact Assessment report, but would still require adequate levels of stakeholder engagement. Further detailed guidance on these issues will be provided in the upcoming Guidance Note on this Standard.
6	If not complemented by sound due diligence and monitoring from the EIB staff, the provisions in this Standard will unfortunately do little to ensure meaningful public consultation and stakeholder engagement on the ground.	Counter Balance	The EIB carries out due diligence and monitoring of implementation of applicable environmental, climate and social standards, including related to stakeholder engagement. For more details, see the section on the “EIB Environmental, climate and social due diligence and monitoring” in the EIB Group’s Environmental and Social Policy.
7	Para 18 requires that, “[w]hen community representatives play a significant role in the engagement process, the Promoter shall verify that such persons do, in fact, represent the opinions, facilitate the communication and convey the comments of affected communities, as appropriate.” The formulation of this requirement is problematic. Para 18 should be redrafted, substituting the current approach with a more proactive statement and requirements regarding the need for the Promoters to engage with the “legitimate representatives” of the stakeholder concerned.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 18 has been amended to reflect relevant elements of stakeholders’ comments. The EIB encourages the support and expertise from community-based organisations and representatives to ensure more robust engagement process at all stage including monitoring and reporting (para 42). The upcoming Guidance Note on this Standard will provide more detail on the methodologies for engaging community representatives as part of the team.

3. Will this Standard be effective in ensuring transparent and continuous engagement with project stakeholders?



Please explain your answer

Table 3

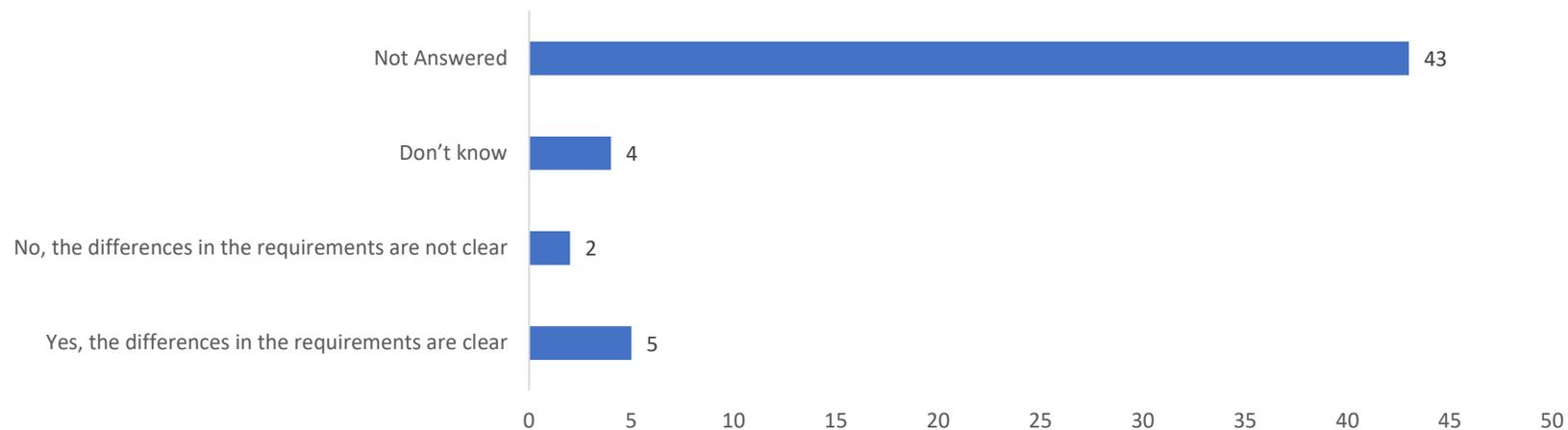
Ref.	Summary of Contribution	Contributor	EIB comments
1	Details of Implementation: The Standard will be effective in ensuring transparent and continuous engagement with project stakeholders, but the methodology of setting up a project-level grievance mechanism that may use any existing formal or informal mechanisms could be more explicit.	AVSI Foundation	Upon the production of the final set of Standards, the EIB will be drafting a set of Guidance Notes to accompany the Standards. The methodology for establishing a project-level grievance mechanism will be outlined in the Guidance Notes.
2	Footnote 1: "In line with the <i>provisions</i> , spirit and principles of the United Nations Economic Commission for Europe (UNECE)'s Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters"	FOUR PAWS	Thank you for your comment. The current wording of footnote 1 adequately covers the reference to the Aarhus Convention.
3	Recommendation regarding para 7 Proposed amendment: "All projects located in the EU, EFTA, Candidate and potential Candidate countries shall comply with the applicable national and EU legislation. All projects located in the rest of the world shall comply with the applicable national legislation and align with <i>the provisions of the United Nations Economic Commission For Europe (UNECE) Aarhus</i>	FOUR PAWS	The United Nations Economic Commission for Europe (UNECE)'s Aarhus Convention has been referenced in footnote 1 related to para 1 of the Standard, and is therefore not repeated later on.

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>Convention on Access to Information; Public Participation in Decision-Making and Access to Justice in Environmental Matters</i> and the principles of the EU legislation relevant to stakeholder engagement, as defined in the remaining sections of this Standard”.		
4	Timing of stakeholder engagement activities Recommendation regarding para 8 Proposed amendment: “The Promoter shall engage with stakeholders early on in the decision-making process, <i>and no later than the stage of drafting the characterisation of the baseline conditions</i> , when all options are still open, to allow for their meaningful contribution and ensure that their opinions, interests and concerns are taken into account to reach an optimal result.”	FOUR PAWS	The timing of Promoter engagement with stakeholders depends on the context of the project.
5	Mode of engagement/dissemination: Para 11a: The information provided to stakeholders should be disseminated electronically and via other means. Relying purely on electronic dissemination might exclude vulnerable groups who are impacted by projects.	EuroGroup for Animals FOUR PAWS World Animal Protection	While virtual (paperless) options are broadly adopted in order to minimise CO ₂ footprint during the stakeholder engagement process, the Standard provides for the use of other appropriate means to ensure effective engagement. Para 11(a) has been amended to reflect relevant elements of stakeholders’ comments.
6	Stakeholder Engagement Plan contents: Recommendation regarding para 29 Proposed amendment: “The SEP outlines the consultation process by defining: (i) the information to be disclosed; (ii) the dissemination means, tools and languages; (iii) its timing and frequency; (iv) the levels and methods used to consult each identified group; (v) the details of the time schedule for submitting opinions, questions and/or concerns; (vi) <i>and grievance mechanisms</i> .”	FOUR PAWS	Para 29 of the Standard has been amended to reflect relevant elements of stakeholders’ comments.
7	Anonymity during public consultation process: Recommendation regarding para 36(h) Proposed amendment: “Is recorded and publicly disclosed by the Promoter, <i>with the possibility of ensuring the anonymity of persons participating in the consultation process, upon their request and in line with the general data protection regulation</i> .”	FOUR PAWS	Footnote 21 has been added to reflect relevant elements of stakeholders’ comments.

Ref.	Summary of Contribution	Contributor	EIB comments
8	<p>Guidelines for meaningful consultation:</p> <p>Recommendation regarding paras 36: The notion of meaningful consultation should be defined, including the periods of consultation, the Promoter's contact person, and the minimum criteria.</p>	FOUR PAWS	The "meaningful consultation" concept is defined in para 36 of the Standard.
9	<p>Minimum requirements for stakeholder engagement:</p> <p>Effective stakeholder engagement requires all six elements noted in Article 15, namely: (i) stakeholder analysis and identification, (ii) establishment of grievance redress mechanisms, (iii) engagement planning, (iv) information disclosure, (v) meaningful consultation, and (vi) monitoring and reporting. The Standard should require Promoters to implement each of these elements. Making (iii) through (vi) optional or discretionary weakens the ability to meet the EU requirements for public participation in decision-making throughout the project life cycle.</p>	Columbia Center on Sustainable Investment	<p>The minimum requirement in projects located in the rest of the world are stakeholder identification and establishment of the project grievance mechanism commensurate with the nature and scale of the project and its potential environmental and social impacts and risks. The other steps outlined in the Standard would be implemented or required depending on the specific characteristics of the project, in line with the national legislation requirements and as determined by the Promoter and the EIB.</p> <p>The Promoter will be required to plan and outline this process within a Stakeholder Engagement Plan (or equivalent document). In order to allow the flexibility to cover a broad range of projects, the extent of the documentation to be produced is determined at the discretion of the EIB in keeping with the principles outlined in the Standard.</p>
10	<p>It's not clear which projects will be required to engage with stakeholders. It's not clear that clients will have any expectation to respond to stakeholder concerns, which can lead to communication breakdown and conflict, and the Standard doesn't seem prepared for that outcome. See the European Bank for Reconstruction and Development's definitions for meaningful consultation and modify accordingly.</p>	NomoGaia	<p>Para 14 and footnote 14 of the Standard have been amended to reflect relevant elements of stakeholders' comments.</p>
11	<p>Assistance for local communities: Effective stakeholder engagement also requires the availability of independent assistance for communities. Legal and technical assistance, including capacity building, is crucial to "empower affected individuals and communities ... to fully and effectively participate in engagement processes" (Art. 36(e)).</p>	Columbia Center on Sustainable Investment	The concept of earmarking funds to pay for community access to independent legal and technical support is a decision for Promoters.
12	<p>Standard 2 does not foresee how EIB will assess whether the stakeholder engagement has been properly conducted or not. In addition, there is no information of how the lack of effort from the Promoters to ensure stakeholder participation will be tackled by EIB.</p>	The European Expert Group on the Transition from Institutional to	The Standard sets out the EIB's expectations as to the monitoring of the stakeholder engagement process. The EIB Group Environmental and Social Policy outlines roles and responsibilities of the EIB in terms of environmental and social due diligence.

Ref.	Summary of Contribution	Contributor	EIB comments
		Community-based Care (EEG)	<p>Para 44 of the Standard has been added to reflect relevant elements of stakeholders' comments.</p> <p>In addition, the EIB will be producing a set of more detailed Guidance Notes to support the implementation of the Standards once the revision process has been finalized.</p>
13	As I've said before, your Standards may be excellent on paper but they are often not adhered to on the ground. It is no use delegating 'engagement' to mediators, either.	Response 61456814	Your comment is noted. The EIB thanks you for the feedback.

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

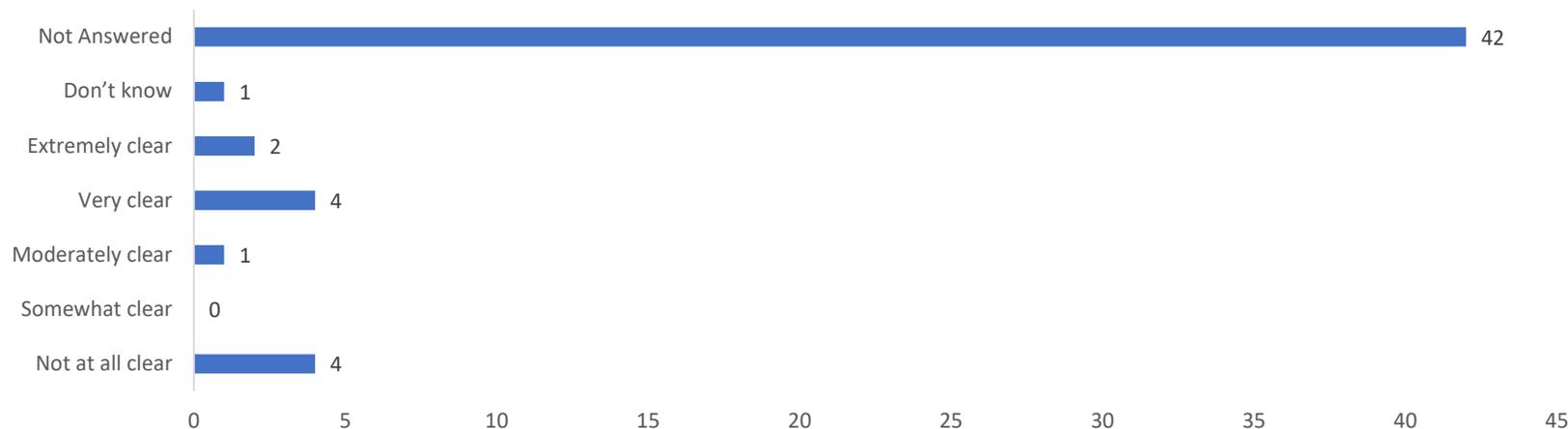


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>Again unclear why there needs to be a difference of requirements for projects inside and outside of the EU. If anything, there should be higher requirements outside of the EU where rules and legislation are often weaker.</p> <p>Outside the EU, the provisions are particularly weak: "The Promoter shall carry out a stakeholder engagement process that is proportionate to the nature and scale of the project and its potential impacts and risks". It is unclear in this statement how to measure if it is proportionate and who will determine this.</p>	Counter Balance	<p>The EU laws and requirements do not apply outside the EU. The EIB requirements for outside the EU reflect the spirit and principles of EU legislation, and are in line with similar standards of other international financial institutions.</p> <p>In its own due diligence, the EIB takes into account the location of the project, as well as the sector, Promoter capacity, their track record, any legacy issues, and any known reputational issues. The EIB ultimately verifies the appropriate levels of stakeholder engagement.</p> <p>Paras 5, 7 and 14 have been amended to reflect relevant elements of stakeholders' comments.</p>

5. Is it sufficiently clear how the level of stakeholder engagement required for a project should be commensurate with its environmental, climate and/or social impacts?



Please explain your answer

Table 5

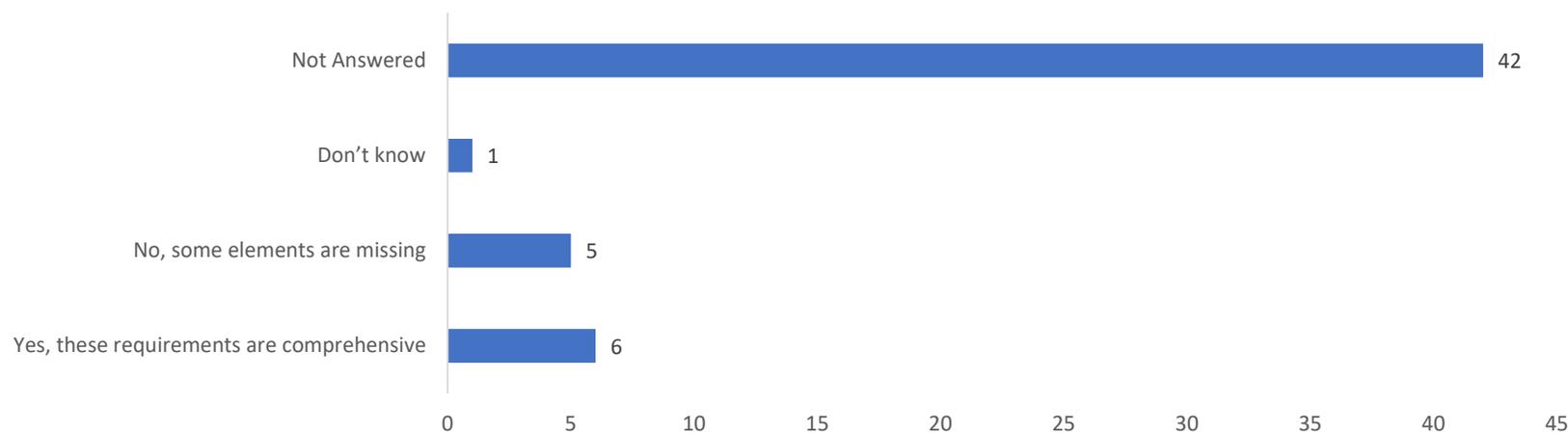
Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The Standard merely states in para 15 that the engagement process should be proportionate to the nature and scale of impacts, without specifying how that proportionality assessment should be done, and what different levels of engagement might look like.</p> <p>Although footnote 7 references Standard 7 and the need for free, prior and informed consent where Indigenous Peoples may be impacted, this Standard can make clear that 'meaningful engagement' with indigenous rightsholders requires a free, prior and informed consent process.</p>	Forest Peoples Programme	<p>The nature and extent of stakeholder engagement will reflect the nature and complexity of the project and its stakeholders.</p> <p>Of importance are the project environmental and social risks, the potential adverse impacts on individuals, communities and other stakeholders, the sector, and the country context (in keeping with the requirements of the EU Environmental Impact Assessment Directive and the Aarhus Convention).</p> <p>The stakeholder engagement processes will therefore vary depending on the project and context.</p> <p>The EIB asks Promoters to engage with stakeholders during the Environmental and Social Impact Assessment and again in determining the level of engagement regarding nature, scale, and location of the project. The process is continuous.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>The EIB reviews the process as part of its due diligence and determines whether stakeholder engagement levels are satisfactory.</p> <p>Furthermore, Standard 7 on “Vulnerable Groups, Indigenous Peoples, and Gender” outlines the Free, Prior and Informed Consent process and its application.</p> <p>Footnote 6 of Standard 2 has been amended to reflect relevant elements of stakeholders’ comments.</p>
2	<p>Sometimes, in practice, a seemingly modest impact may be quite disruptive to stakeholders/communities. This needs to be carefully monitored and perhaps articulated in the Standard.</p>	<p>International Council on Monuments and Sites (ICOMOS)</p>	<p>The nature and extent of stakeholder engagement will reflect the nature and complexity of the project and its stakeholders. As a consequence, if stakeholders consider that a project may be disruptive, then this can be raised during public consultation.</p> <p>Para 35 has been amended to reflect relevant elements of stakeholders’ comments.</p>
3	<p>Environmental, climate and social impacts of an expanded telecom network or Wi-Fi service are low or positive, but they can have vast implications for human rights defenders. They can trigger genocides (Burma/Myanmar), sectarian violence (Sri Lanka, Cambodia), Political retaliation (Indonesia). They can also open the door to police surveillance (China). Yet none of this is linked to environmental, climate and social benchmarks. So how will stakeholder engagement requirements be adequate on tech investments under this Standard? EIB does not appear to be building a future-proof Standard with the current language.</p>	<p>Counter Balance EuroGroup for Animals NomoGaia</p>	<p>The EIB Group’s revised Environmental and Social Policy emphasises specific risks to human rights defenders and environmental activists in the context of the EIB’s zero tolerance for reprisals, intimidations, threats, harassment, violence or any other abuse of the rights of individuals and in particular of human rights defenders and environmental activists.</p> <p>Whilst these stakeholders are not specifically mentioned in Standard 2, they may be considered as vulnerable in certain contexts. The definition of socioeconomic vulnerabilities in Standard 7 includes “opinion” and “activism”, which would cover human rights defenders and environmental activists in certain contexts.</p> <p>The EIB is also minded to develop reports or Guidance Notes to cover other topics, as considered necessary. In this respect, and considering the challenges of the Information and Communications Technology sector, a paper on the</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			telecommunication sector and human rights is under preparation and will be duly published.

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6. Are the requirements related to the identification and prevention of reprisals (see paras 17, 23 and 30) comprehensive?



Please explain your answer

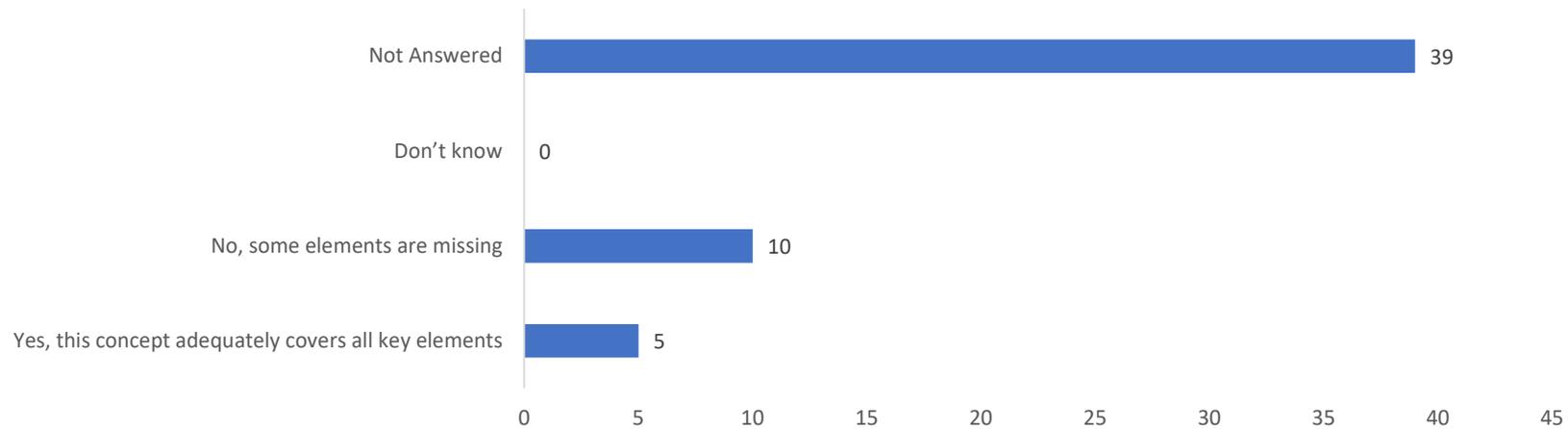
Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	The requirements related to the identification and prevention of reprisals only reference the need for 'reprisal-sensitive' engagement with stakeholders. The Standard should additionally require that the Promoter, if so desired by the affected rightsholders, engage with the competent authorities to advocate for investigation and punishment of threats and attacks against human rights defenders. The Promoter should also be required, where desired by the affected rightsholders, to provide assistance for investigations into attacks against human rights defenders.	Counter Balance Forest Peoples Programme	Para 30 of the Standard states that where reprisals risks exist or are anticipated (and as deemed necessary by the EIB), the Promoter's Stakeholder Engagement Plan shall include a strategy for both preventing and responding to reprisals, in collaboration with the at-risk groups. More guidance will be provided in the Guidance Note on Stakeholder Engagement.
2	The mechanisms for prevention of reprisals through stakeholder engagement are not so clear.	Counter Balance International Council on Monuments and Sites (ICOMOS)	The EIB Group's revised Environmental and Social Policy emphasises specific risks to human rights defenders and environmental activists in the context of the EIB's zero tolerance for reprisals, intimidations, threats, harassment, violence or any other abuse of the rights of individuals and in particular of human rights defenders and environmental activists. Whilst these stakeholders are not specifically mentioned in Standard 2, they may be considered as

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>vulnerable in certain contexts. The definition of socioeconomic vulnerabilities in Standard 7 includes “opinion” and “activism”, which would cover human rights defenders and environmental activists in certain contexts.</p> <p>Para 30 of the Standard states that where reprisals risks exist or are anticipated (and as deemed necessary by the EIB), the Promoter’s Stakeholder Engagement Plan shall include a strategy for both preventing and responding to reprisals, in collaboration with the at-risk groups.</p> <p>More guidance will be provided in the proposed Guidance Note on Stakeholder Engagement.</p>
3	<p>Regarding human rights defenders, Proponents are required to “take into account any risks of reprisals against those who voice their opinion” but it doesn't say what the Proponent will do to protect them or how EIB will safeguard them (para 17). Likewise, grievance mechanisms are required to be “free from intimidation, coercion and reprisals” but EIB doesn't say how it will verify this or how Promoters will achieve it (Para 23). EIB suggests that this will all be addressed in the SEP (Para 30), but SEPs are only required based on the “nature and scale of the projects.” If a Stakeholder Engagement Plan is required anywhere reprisal risks are present, this needs to be articulated somewhere.</p>	<p>Counter Balance NomoGaia</p>	<p>Para 26 has been amended to specify that for projects with significant environmental, climate, and/or social impacts and risks, or if otherwise deemed necessary by the EIB, the Promoter shall ensure an effective engagement process by planning it thoroughly and preparing a Stakeholder Engagement Plan (SEP) or an equivalent document.</p> <p>Para 30 of the Standard states that where reprisals risks exist or are anticipated (and as deemed necessary by the EIB), the Promoter’s Stakeholder Engagement Plan shall include a strategy for both preventing and responding to reprisals, in collaboration with the at-risk groups.</p> <p>Furthermore, upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p> <p>The proposed Guidance Note for this Standard will provide additional details on the requirements for Stakeholder Engagement Plans where reprisal risks are present.</p>
4	<p>A key issue is what the EIB does if it discovers that the Promoter does not respect its obligations or is itself involved in retaliation against local communities. The Standard should</p>	<p>Counter Balance</p>	<p>The EIB takes seriously, and follows up, as and when appropriate, on allegations of intimidation or reprisals.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	mention that a toolbox of sanctions and actions will be included into the contracts with EIB clients, including to enable the EIB to freeze disbursement of a loan or to impose additional conditions on the Promoter.		In cases of non-compliance, the EIB works with the Promoter to support them in achieving full compliance. In case of unwillingness or inability of the Promoter to achieve compliance, the EIB may use different means and ways of leverage to address this. This aspect is outside of scope of the Standards.
5	At the moment, it is unclear how the Bank would act based on a negative assessment of the quality of stakeholder engagement by the Promoter.	Counter Balance	
6	Assessing the risks of reprisals should not be the responsibility of the Promoter only.	Counter Balance	The risks of reprisals are also assessed by the EIB as part of its due diligence. Checking the Promoter's track record in that respect is an important element of due diligence.
7	The risk assessment should also be a means of checking the Promoter's track record, as they can themselves be the culprits of retaliation.	Counter Balance	
8	All finance contracts should include covenants prohibiting and sanctioning any form of intimidation and reprisals and requiring clients to ensure consistency with UN Guiding Principles on Business and Human Rights and UN Voluntary Principles on Security and Human Rights.	Counter Balance	Finance contracts include covenants requiring compliance with the EIB Group's Environmental and Social Policy and the EIB's Environmental and Social Standards, which reflect such requirements.

7. Does the concept of “meaningful consultation”, as defined in the Standard, adequately cover all the key elements that are critical for engaging meaningfully with stakeholders?



Please explain your answer

Table 7

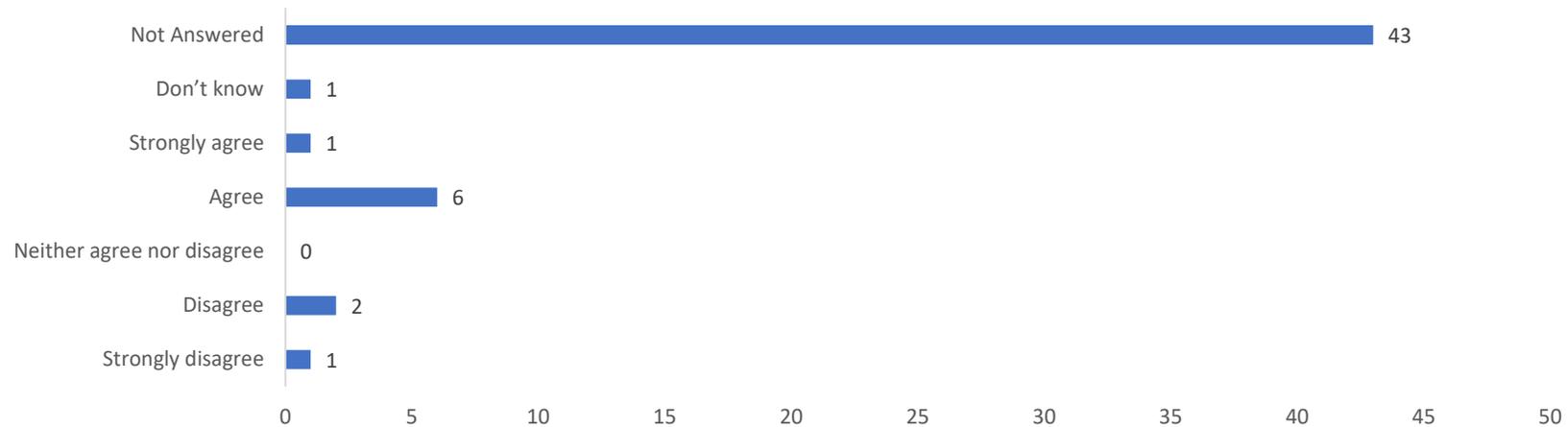
Ref.	Summary of Contribution	Contributor	EIB comments
1	It is important to note that meaningful consultation and effective participation are rights that Indigenous Peoples hold. As such, where Indigenous Peoples may be directly or indirectly affected by a project, Indigenous Peoples are not “stakeholders” but “rights-holders” who must be engaged and provided with opportunities to meaningfully participate in decision-making around the project. Para 36(a) should be clarified such that meaningful consultation should occur at the very outset of project design.	Forest Peoples Programme	The EIB recognises the legal rights of Indigenous Peoples as a unique group of stakeholders, and it is on this basis that the new Standards explicitly cover Indigenous Peoples within Standard 7 on “Vulnerable Groups, Indigenous Peoples, and Gender”. Para 6 of the Standard indicates that it should be read in conjunction with other Standards where applicable, while footnote 6 refers to specific requirements for projects affecting Indigenous Peoples in Standard 7. Para 36(a) indicates that meaningful consultation should be initiated as early as possible to allow for effective stakeholder participation in the design of project activities.
2	Again, the challenge is ensuring it is properly implemented. Independent third-party involvement may assist.	International Council on Monuments and Sites (ICOMOS)	The EIB receives regular updates on the implementation of agreed engagement activities through continuous engagement with the Promoter, and receives reports on project implementation, including environmental and social measures. In addition, the EIB also often engages external

Ref.	Summary of Contribution	Contributor	EIB comments
		Joint contribution 3	consultants for monitoring the implementation of environmental and social requirements, and receives supervision reports from the Lenders' Technical Advisers as relevant. In addition, see para 42 of the Standard.
3	Access to information: This objective could be bolstered by reinserting references to the "right to access to information, as well as public consultation and participation" that were included in the 2014 EIB Standard (Standard 10, para 3). Doing so can encourage approaches that respond to the needs of local communities, rather than unilateral decisions by Promoters.	Columbia Center on Sustainable Investment	The first para of this Standard recognises the importance of stakeholder engagement, as a means to ensure respect for the rights to: (i) access to information (ii) public participation in decision-making processes; and (iii) access to justice.
4	Broad community support and free, prior and informed consent: The removal of the concept of "broad community support" risks undermining the Standard's ability to encourage meaningful consultation, and instead reduce it to a passive information sharing or box-checking exercise. The Standard should require Promoters to obtain the free, prior and informed consent of all project-affected communities, not only Indigenous communities. Doing so will enhance the Promoter's capacity to manage operational risk, understand community priorities and concerns, and obtain social license to operate.	Columbia Center on Sustainable Investment	Free, prior and informed consent (FPIC) is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Neither the EU nor Standards of other international financial institutions require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires meaningful consultation, which strongly reflects the free, prior and informed consent principles.
5	Application of free, prior and informed consent: The draft Standard does not mention the right to free, prior and informed consent. The Standard should include provisions to ensure that the right to free, prior and informed consent is implemented in a transparent and systematic manner, documented publicly in project documentation. The right to free, prior and informed consent should also be extended to all affected communities in cases of land and natural resource-based investments, in line with the fundamental right to self-determination which includes sovereignty over natural resources.	Counter Balance Joint contribution 3	Details of the EIB's Policy on the application of FPIC are covered in Standard 7. Footnote 6 has been amended to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
6	Support for Local communities: Meaningful consultation also entails community access to independent legal and technical support. The Standard should therefore require Promoters to earmark a fraction of the project budget to pay for independent legal and technical assistance for communities. Earmarked funds should be collected and managed by an independent third party that provides grants for affected communities to access legal and technical assistance to prepare for and engage in investment-related processes, including consultations.	Columbia Center on Sustainable Investment	The concept of earmarking funds to pay for community access to independent legal and technical support is a decision for Promoters.
7	EIB's definition doesn't align with Organisation for Economic Co-operation and Development (OECD) or the European Bank for Reconstruction and Development. It doesn't appear to have been written by someone with expertise in stakeholder engagement. Consultation is meaningful if it takes stakeholder views and concerns into consideration for planning, implementing and operating a project. It's only meaningful if it is conducted in a culturally appropriate manner that accounts for the different schedules/availability of diverse stakeholders, and sub-component (f seems to suggest that if the Promoter ignores all the feedback it receives, that's fine as long as it tells people why it's ignoring them. Meaningful consultation doesn't just "consider" stakeholder feedback, it encourages it, and seeks out opposition voices. EIB should adopt the European Bank for Reconstruction and Development's 2019 language	NomoGaia	<p>In addition to the Aarhus convention, the Standard's approach to 'meaningful consultation' is in line with stakeholder engagement Standards for other organisations such as the EBRD (Environmental and Social Policy-PR 10 on Information Disclosure and Stakeholder Engagement), as well as the OECD (Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractives Sector).</p> <p>Furthermore, the Standard is in line with the approach set out within the publication "Meaningful Stakeholder Engagement" produced by the Multilateral Financial Institutions Group on Environmental and Social Standards (which includes the World Bank, African Development Bank, Nordic Development Fund, Inter-American Bank, the EDRB and the EIB).</p> <p>Para 36(f) has been amended to reflect relevant elements of stakeholders' comments.</p>
8	Early Engagement: The Standard shall aim at ensuring that public participation will have a tangible influence on the decisions related to proposed projects, that is, even the rejection of a project. Even with best public participation procedures in place, opposition to the mere existence of a project can be well justified. In these cases, the EIB should be in a position to simply refuse to finance a project. This is not all about "misconceptions" and "misunderstandings" that should be cleared through dialogue. Para 27 should specify	Counter Balance Joint contribution 3	<p>The EIB asks Promoters to engage with stakeholders early in the decision-making process, when all options are still open, in line with the principles of the Aarhus Convention, in para 8 of Standard 2.</p> <p>If the EIB considers the process was not meaningful or that some aspects have not been taken on board, it can ask the client to reopen the case. This is EIB practice both inside and outside the EU.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	that “as early as possible” means when all options are still possible, including a “No project” option.		
9	Inclusive stakeholder engagement: Standard 2 should include provisions requiring the Promoter to identify all stakeholders including local civil society and others who might have an interest in, or may influence, the project. Specific efforts are needed to include those stakeholders that may be particularly affected and those often not included in decision-making, such as women and young people.	Counter Balance Joint contribution 3	The identification and analysis of stakeholders (paras 16-20) forms a core element of the Standard. Furthermore, para 6 states that Promoters should pay “...special attention to engagement with vulnerable, marginalised, and/or discriminated-against groups ...”.
10	Paras 36, 42: The concept of meaningful consultation should be clearly defined including the periods of consultation and Promoter’s contact person.	Joint contribution 3 World Animal Protection	To align further with the language of EU guidance and Standards of other IFIs, the EIB has sought to integrate the notion and concept of meaningful consultation, rather than broad community support, and provide a definition of meaningful consultation. The “meaningful consultation” concept is defined in para 36 of the Standard.
11	It is relevant to note that item “d” of para 36 on “Meaningful consultation” does not include “disability” as one of the grounds of groups that are commonly underrepresented (as health status has nothing to do with disability). Therefore, it is important to add “disability” among the commonly underrepresented groups.	EuroGroup for Animals The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	The list indicated in para 36 is inclusive and not exclusive and ends by stating “...or other factors”. Nevertheless, para 36 has been amended to reflect relevant elements of stakeholders’ comments.

8. The potential impacts and risks related to the rights to privacy and data protection are successfully addressed in this Standard



Please explain your answer

Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	Nothing in this section suggests that EIBs' Stakeholder Engagement Standard will be applied to Information and Communications Technology (ICT) investments, where privacy and data protection risks are enormous. How will EIB ensure that ICT investments including expanded telecoms or Wi-Fi/internet networks will be considered to have a scale and scope broad enough to require a Stakeholder Engagement Plan? Can this be articulated somewhere?	NomoGaia	Such ICT implications will be covered under the social impacts to be considered within the Environmental and Social Impact Assessment. By its very nature, the Stakeholder Engagement Plan is tailored to the needs and interests of the stakeholders (para 28), which will inevitably reflect any major risks highlighted within the Environmental and Social Impact Assessment. The EIB is aware of the risks of this sector and is working on a report on human rights and the telecommunication sector, together with Office of the United Nations High Commissioner for Human Rights (OHCHR).
2	Recommendation regarding para 36(h) Proposed amendment: "Is recorded and publicly disclosed by the Promoter, with the possibility of ensuring the anonymity of persons participating in the consultation process, upon their request and in line with the general data protection regulation."	FOUR PAWS	While stakeholders may not respond to public consultations anonymously, in line with current EU Policy on public consultations they may (depending on the nature of the respondent e.g., private citizen, or representative of an organisation etc) opt to keep certain personal data confidential at the time of public disclosure. As stated earlier, a Guidance

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Note to accompany the Standards will be produced, and will cover implementation in greater detail.</p> <p>Footnote 21 has been added to reflect relevant elements of stakeholders' comments.</p>

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9. Additional comments on Standard 2.

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	The distinctive feature of civil society organisations is their ability to reach the most excluded groups; being active on the field and able to represent the instances of the communities. An effective dialogue, innovative and inclusive partnership with civil society organisations will ensure a meaningful consultation of the stakeholders and enhance their capacity to manage social, economic and environmental problems.	AVSI Foundation	Both Standard 2 and Standard 7 stress the importance of working with local community organisations/experts and specialists (Standard 7 para 21, Standard 2 paras 18 and 42).
2	To provide stakeholders with useful information, the EIB should require a plastic footprint for its investments to be calculated by the project sponsor or the financial intermediaries involved. This plastic footprint should include toxic and climate pollution stemming from plastics at any point of their lifecycle, as relevant to each project. This information should be publicly available alongside the (Supplemental) Environmental Impact Assessment before a loan is approved.	GAIA	<p>In line with the Aarhus convention, findings of the Environmental and Social Impact Assessment/ Environmental Impact Assessment will be publicly disclosed.</p> <p>While plastic pollution is not explicitly mentioned in the updated Environmental and Social Sustainability Framework, it is addressed throughout Standard 3: Resource Efficiency and Pollution Prevention, which requires projects involving the production of waste with significant environmental impact (including plastic waste) to include as part of the Environmental Impact Assessment / Environmental and Social Impact Assessment measures planned to mitigate such impacts and feasible goals and objectives for waste prevention, reuse, recycling, and recovery.</p> <p>The principles of circular economy and adherence to the waste hierarchy (Directive 2018/851 amending Directive 2008/98/EC on waste) are also embedded throughout Standard 3 of the Environmental and Social Sustainability Framework.</p>
3	The Standard should clarify the Promoter's responsibility for early disclosure of information.	Counter Balance Joint contribution 3	The EIB asks Promoters to engage with stakeholders early on in the decision-making process, when all options are still open, in line with the principles of the Aarhus Convention.
4	Para 33 should be changed as follows: "In order to ensure the effective participation of the identified stakeholders, <i>the Promoter is required to make</i> the following information available to the public in the most accessible way and as soon as it can reasonably be provided early on <i>in the decision-</i>	Counter Balance	If the EIB considers the process was not meaningful or that some aspects have not been taken on board, it can ask the client to reopen the case. This is EIB practice both inside and outside the EU.

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>making process, when all options are still open, to allow for their meaningful contribution and ensure that their opinions, interests and concerns are taken into account"</i>		Paras 33-35 of the Standard deal with information disclosure. Further details will be provided in an upcoming Guidance Note, to accompany this Standard.
5	In particular, it should mention that stakeholder engagement and a time bound disclosure of information are required prior to loan approval by the EIB's Board of Directors.	Joint contribution 7	
6	The Standard should specify that "as early as possible" means when all options are still possible, including a "No project" option. It should reflect appropriately the timeframes for public consultation by specifying acceptable timeframes. At the moment, the draft Standard leaves too much discretion to the project Promoter to rush the consultation process	Counter Balance	
7	Means of communication: Similarly, while the draft Standard 2 instructs that information be made "available to the public in the most accessible way and as soon as it can reasonably be provided" (Draft Standard 2, para 35), this mandate is unaccompanied by any actionable guidance for achieving it. Such guidance is crucial.	Accountability Counsel	As stated earlier, a Guidance Note will be developed to accompany this Standard and will cover the issue of information disclosure in detail.
8	Reprisals/intimidation: Standard 2 contains very little on the details for how the Promoter is to deal with reprisals. While this is elaborated on in the Guidance Note on Stakeholder Engagement (see Guidance Note, p. 33-35) even that document provides insufficient detail on what is expected of the Bank if such cases are escalated to the EIB. The Guidance Note simply states, "EIB management will be informed of such cases, so it can consider possible action" (Id., p. 35). The EIB wrote a letter to the Promoter in the Nepal case which was met with outright denial by the Promoter. At the minimum, the Standard should require a credible investigation by the Bank into the issues raised by communities rather than taking Promoters' claims at face value.	Accountability Counsel	The EIB's revised Environmental and Social Policy emphasises specific risks to human rights defenders and environmental activists in the context of the EIB's zero tolerance for reprisals, intimidations, threats, harassment, violence or any other abuse of the rights of individuals and in particular of human rights defenders and environmental activists. Whilst these stakeholders are not specifically mentioned in Standard 2, they may be considered as vulnerable in certain contexts. The EIB takes seriously, and follows up on, allegations of intimidation or reprisals, and seeks for further information beyond the information provided by Promoter solely.
9	The EIB should add a provision stating that the EIB will ensure in its due diligence that meaningful stakeholder's engagement has taken place. There is a lack of oversight by the EIB at the various stages of stakeholder engagement. Hence, we call on the EIB to clarify its own responsibilities and reinforce its	Counter Balance Joint contribution 7	A key tool in ensuring effective implementation is monitoring and evaluation. The EIB receives regular updates on the implementation of agreed engagement activities through continuous engagement with the Promoter, and receives reports on project implementation, including environmental and

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>monitoring over stakeholder engagement in all projects it finances.</p> <p><i>“The Bank’s services should verify that the concerns and risks flagged as part of the Stakeholder Engagement process are adequately assessed and addressed, as relevant, by the Promoter. The Bank’s services should also adequately document the outcome of their analysis and the appropriate action that needs to be taken for an informed decision-making process.”</i></p>		<p>social measures. In addition, the EIB also often engages external consultants for monitoring the implementation of environmental and social requirements and receives supervision reports from the Lenders’ Technical Advisers as relevant.</p> <p>Para 44 has been added in Standard 2 to further strengthen this aspect.</p>
10	This new Standard - in connection to the draft EIB Group’s Environmental and Social Policy - would do little to address a key challenge at the EIB, which is about closing the gap between its Standards on public participation and stakeholder engagement and their implementation on the ground. The EIB continues placing too much trust in the Promoter without having robust safeguards in place to ensure that the Promoter is living up to its responsibilities	Counter Balance Joint contribution 3	
11	All the obligations referred to in Standard 2 and the related Guidance Note for Promoters on Stakeholder Engagement should be inserted in contracts between the EIB and Promoters, including for intermediated operations. In the case of intermediated operations, these obligations should be transferred between clients and sub-clients. Such provisions also need to be included in the EIB Group’s Environmental and Social Policy.	Counter Balance Joint contribution 3	Contracts between the EIB and Promoters include provisions relating to the environmental and social requirements, including those relating to stakeholder engagement.
12	The Standard should also include provisions requiring the Promoter to identify all stakeholders including local civil society and others who might have an interest in, or may influence, the project. Special measures are needed to include those stakeholders that may be particularly affected, and which are often not included in decision-making, such as women and other marginalized groups	Counter Balance	<p>The identification and analysis of stakeholders (paras 16-20) forms a core element of the Standard.</p> <p>The Standard makes the case for inclusive stakeholder engagement, with para 6 stating that Promoters should pay “[...] special attention to engagement with vulnerable, marginalised, and/or discriminated-against groups [...]”.</p>
13	Inclusive stakeholder engagement should be the major criteria for the project stakeholder participation. The stakeholder engagement plan should clearly describe the rationale of stakeholder groups’ involvement, as well as how the project	Joint contribution 6	In addition, Standard 7 further details the EIB’s approach towards engaging vulnerable groups and was modified in order to highlight the need to promote gender equality as a basic

Ref.	Summary of Contribution	Contributor	EIB comments
	proponent engages the involvement of marginalized and vulnerable groups, including women. The Bank should assess the project proponent's efforts to reach marginalized groups, including women, especially in countries with high gender inequality and violence practices		human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.
14	Standard 2 mentions gender but provides little information on how gender issues must be integrated in practice. There are no tailored tools or procedures indicated, which would ensure gender-sensitive meaningful consultation, especially in the projects outside the EU. The Environmental and Social Impact Assessment and specifically gender data should be collected through extensive consultation with relevant gender groups, as well as local women.	Joint contribution 6	The EIB will be drafting a Guidance Note to accompany this Standard, and it will provide more information on how gender will be integrated in practice.
15	This includes ensuring that Promoters submit a gender and social inclusion plan, and that there is full participation and engagement of women, local communities and stakeholders in the Climate Risk Vulnerability Assessment methodology	Joint contribution 8	<p>The environmental and social impact assessment process described in Standard 1 determines the requirement for management planning, including the possible need for gender and social inclusion plans.</p> <p>The reference to stakeholder engagement as per Standard 2, which requires gender inclusive and responsive engagement, has been included in Standard 5 on "Climate Change" para 19, in relation to the Climate Risk and Vulnerability Assessment process.</p> <p>A new para 13 has been included in Standard 5 to underline gender considerations in the sphere of climate change more broadly, with reference to Standards 2 and 7.</p>
16	It should be the EIB's responsibility in its due diligence to determine the relevance for the application of Standard 2 (in principle the EIB due diligence should determine the application of all EIB Standards). It may not be left only to the Promoter and to the Environmental and Social Impact Assessment/Environmental Impact Assessment stage and rely only on the Promoter or national authorities' decisions. The EIB should, in its appraisal, assess whether a project requires Environmental and Social Impact Assessment and/or Human	Counter Balance	<p>Para 5 has been amended to reflect relevant elements of stakeholders' comments.</p> <p>As per the EIB's Environmental and Social Policy, the EIB undertakes the due diligence and determines the way in which the impacts and risks should be managed and monitored throughout the EIB's project cycle. More details are provided in the section on "EIB Environmental, Climate and Social Due Diligence and Monitoring."</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>Rights Impact Assessment and should determine the scope of public participation required.</p> <p>The Point 5 in the Standard 2 should be changed as follows: <i>“This Standard applies to a specific project when its relevance is determined during the EIB’s project appraisal or environmental impact assessment/environmental and social impact assessment process (as outlined in Standard 1) throughout the EIB project cycle and in line with the requirements described below. The nature and extent of the required stakeholder engagement will be determined by the EIB and shall be commensurate with the project’s likely environmental, climate and/or social and human rights impacts and risks, taking into account the type and complexity of the project, sector and country context.”</i></p>		
17	<p>Para 7 of this Standard (and the equivalent para in other Standards) requires projects to comply with applicable national legislation (and EU legislation where relevant). This however ignores the fact that there are international norms related to human rights and that these must also be complied with, even where the national legislation falls short of the international Standards. The Standards should instead require that the projects comply with norms set by international human rights law as well as with national legislation.</p>	<p>Forest Peoples Programme</p>	<p>The Preamble of the EIB Group’s Environmental and Social Policy sets out the legal framework that guides the Environmental and Social Sustainability Framework. Specifically, para 15 makes reference to the Charter of Fundamental Rights of the European Union, the fundamental rights and freedoms recognised by the European Convention on Human Rights, as well as the principles of the Universal Declaration of Human Rights.</p> <p>Both at the level of the EIB Group’s Environmental and Social Policy and the Standards, the EIB has introduced explicit reference to the “Minimum Safeguards” (also known as Minimum “Social” Safeguards) which cover the UN Guiding Principles on Business and Human Rights, the OECD Guidelines on Multinational Enterprises, the International Bill of Human Rights and the ILO fundamental conventions. Further, the EIB has introduced a footnote in the EIB Group’s Environmental and Social Policy referring to the UN Guiding Principles on Business and Human Rights.</p>
18	<p>Point 11 of the Standard should be change as follow: <i>For all projects subject to an assessment according to the Environmental Impact Assessment Directive, coordinated</i></p>	<p>Counter Balance Joint contribution 3</p>	<p>The wording stipulates that the EIB retains the right to require Promoters to provide this information as and when requested by the EIB.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>and/or supplemented with any applicable specific assessments, as defined in Standard 1, the Promoter shall support the competent authorities in carrying out the relevant public participation process, including in a transboundary context where applicable, to seek to achieve outcomes that are consistent with this Standard, and provide to the EIB (deleting "upon request").</i>		
19	We propose to add a new provision in General requirements as follows: "11. (new point in General requirements) <i>In cases of land and natural resource-based investments and projects impacting rural women, the Promoter should apply requirements laid out in Standard 7 related to vulnerable, marginalised, and/or discriminated-against groups, as well as the requirements relating to the Free, Prior and Informed Consent (FPIC).</i> "	Counter Balance Joint contribution 3	Free, prior and informed consent is granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Neither the EU nor Standards of other IFIs currently require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either.
20	The draft Standard does not mention the right to free, prior and informed consent which is an important basis for meaningful stakeholder engagement with affected communities. The Standard should include provisions to ensure that the right to free, prior and informed consent is implemented in a transparent and systematic manner, documented publicly in project documentation. For affected non-indigenous communities in cases of land and natural resource-based investments, the EIB and its Standards should at a minimum refer to the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT).	Counter Balance Joint contribution 3	For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the free, prior, and informed consent principles. Details of the EIB's policy on the application of free, prior and informed consent are covered in Standard 7 on "Vulnerable Groups, Indigenous Peoples, and Gender".
21	More robust instructions: The new draft Standard 2 retains much of the same imprecise and discretionary language from the current Standard – information disclosed "in a timely manner" (Draft Standard 2, para 11(a)); engaging throughout the project cycle "whenever necessary" (Id., para 13); supplement engagement activities "whenever applicable" and "with any action deemed necessary" (Id., para 14) – which the Nepal case has shown to be insufficient to ensure meaningful stakeholder engagement. To promote more consistent and effective stakeholder engagement, Standard 2 should be revised to provide more robust instructions on addressing	Accountability Counsel	Upon the production of the final set of Standards, the EIB will be drafting a set of Guidance Notes to accompany the Standards. The Guidance Note for Standard 2 will clarify what could currently be considered to be discretionary language.

Ref.	Summary of Contribution	Contributor	EIB comments
	reprisals, Stakeholder Engagement Plans, and means of communication.		
22	Also, the point 12 in the Standard should be changed as follows: <i>“For all projects for which the relevant competent authorities have determined that an Environmental Impact Assessment is not required, as defined in Standard 1, the Promoter shall provide to the EIB for review the rationale for this decision and evidence that this determination has been made available to the public.”</i>	Counter Balance Joint contribution 3	Such rationale is typically included in the determination by the competent authority.
23	The proposed Standard no longer includes a definition of “stakeholders” and as a result, risks limiting the understanding of this term. Therefore, we suggest that the point 16 should be changed as follows: <i>“The promoter shall identify, analyse and document the different stakeholders, those who will be or are likely to be directly or indirectly affected, positively or negatively, by a project, as well as those who might have an interest in or show an interest, or may influence, the project. In doing so, the promoter shall pay particular attention to and prioritise the identification and analysis of individuals or groups that may be differentially or disproportionately affected because of their vulnerability status. Human Rights Defenders (HRDs) and Human Rights organisations should also be considered as legitimate stakeholders.”</i>	Counter Balance Joint contribution 3	“Stakeholders”, along with other key terms, are defined in the Glossary.
24	About reprisals: A relevant provision for preventing reprisals should be added to Standard 2 as follows: <i>“Project promoters are required to ensure consistency with UN Guiding Principles on Business and Human Rights and UN Voluntary Principles on Security and Human Rights. All finance contracts with promoters will include covenants prohibiting and sanctioning any form of intimidation and reprisals.”</i> The Standard should strengthen provisions requiring promoters to identify, mitigate and prevent risk of reprisals and report the instances of reprisals to the EIB. These important	Counter Balance Joint Contribution 3	Para 30 requires promoters to develop a strategy for preventing and responding to reprisals, where such risks have been identified and as deemed necessary by the EIB. The EIB (whose Environmental and Social Standards are aligned with the UN Guiding Principles on Business and Human Rights and UN Voluntary Principles on Security and Human Rights) will have the final say in determining if provisions outlined by the promoter are adequate. In the EIB Group’s Environmental and Social Policy, the EIB articulates a zero tolerance stance towards reprisals,

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>provisions may not only be left as non-binding suggestions in the Guidance Note on Stakeholders Engagement.</p> <p>Therefore, we suggest to change the following provisions as following: "17 Based on this identification, the promoter shall further analyse and prioritise individuals and groups who may have different concerns and priorities about project impacts and risks, mitigation mechanisms and benefits, and who may require different or separate forms of engagement. (deleting: <i>"Taking note of the country context and the public debate about the project and the sector in question, the analysis shall also take into account any risks of reprisals against those who voice their opinion regarding the project activities or the promoter, and identify groups at risk in that respect."</i>)</p> <p>18 (new) <i>"Taking note of the country context and the public debate about the project and the sector in question, the analysis shall also take into account any risks of reprisals against those who voice their opinion regarding the project activities or the promoter, and identify groups at risk in that respect. The promoter's stakeholder analysis should flag specific groups, such as Indigenous Peoples, communities in the vicinity of projects in the extractives sector, forest dwellers, human rights defenders, journalists or environmental activists, who may face greater risks of reprisals. A stakeholder engagement plan (SEP) should provide secure forums for consulting these groups to promote reprisal-sensitive stakeholder engagement. It should be recognised that risks for women and men as well as for certain communities may be different, and also that risk levels may change during the project cycle. The promoter should also reiterate to all parties its zero tolerance of reprisals."</i></p> <p>19 (new) <i>"Where any such risks or claims exist or are anticipated, or where there are "at-risk" groups, the promoter should have a strategic approach to preventing and responding to reprisals in an open and non-retaliatory manner, in particular</i></p>		<p>intimidations, threats, harassment, violence or any other abuse of the rights of individuals and in particular of human rights defenders and environmental activists.</p> <p>Whilst these stakeholders are not specifically mentioned in Standard 2, they may be considered as vulnerable in certain contexts. To this end, the definition of socioeconomic vulnerabilities in Standard 7 includes "opinion" and "activism", which would cover human rights defenders and environmental activists in certain contexts.</p> <p>The EIB takes seriously, and follows up on, as and when appropriate, allegations of intimidation or reprisals, and seeks for further information beyond the information provided by Promoter solely. Beyond the elements captured in the Standard, the Guidance Note for Standard 2 will retain further detail relating to addressing of reprisals risks.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p><i>by engaging constructively with individuals and groups at risk. Mitigation measures must not include exclusion of relevant rights-holders who may be at risk.</i></p> <p>20 (new) <i>“If the promoter becomes aware of any allegation of reprisals, the promoter should share this information immediately with the EIB, subject to the consent of the affected individuals concerned.”</i></p> <p>21 (new) <i>“Responses to reprisals should be based on the principle of “do no harm”, i.e. prioritising the safety and protection of the victims or others associated with them. If there is credible information that the promoter’s staff, employees, or (sub)contractors have acted in a way that threatens, intimidates or coerces stakeholders, the promoter is expected to take firm action with the perpetrator, including the possibility of sanctions, as appropriate, and/or referral to other relevant authorities, such as an ombudsman, subject to the consent of the stakeholder(s) concerned. The EIB should be consulted and informed of actions taken by promoters to address and remedy reprisals, or the decision not to take any action and the reason why not.”</i></p>		
25	<p>The EIB’s Guidance Note on Stakeholders Engagement points that in case of complex projects it may be advisable to establish a grievance mechanism outside the project structure. The EIB Standard should include relevant provision. Also, the Standard should require that, in any case, the staff of the grievance mechanism should not have other functions in the project.</p> <p>Therefore, the point 21 should be changed as follows: <i>“Grievance mechanism refers to the system introduced and/or maintained by the promoter that enables all stakeholders, in particular affected people and communities, to channel their feedback, questions and grievances related to the environmental and social performance of the project, and access recourse and remedy. Potential conflicts of interest within the GM should be avoided by hiring independent staff</i></p>	Counter Balance Joint contribution 3	<p>Project-level grievance mechanisms are important project management tools and sources of learning for Promoters. They are also most likely to be effective if placed within project structures.</p> <p>However, for cases when it is indeed needed to place such mechanisms outside of the project structures, para 23 allows for this: <i>“The project-level grievance mechanism may use any existing formal or informal mechanisms, provided they are properly designed and implemented, and suitable for project purposes. If deemed necessary by the EIB, these may be supplemented with project-specific arrangements. The mechanism should: (i) address concerns promptly and effectively; (ii) be free from intimidation, coercion and reprisals; and (iii) be inclusive.”</i></p>

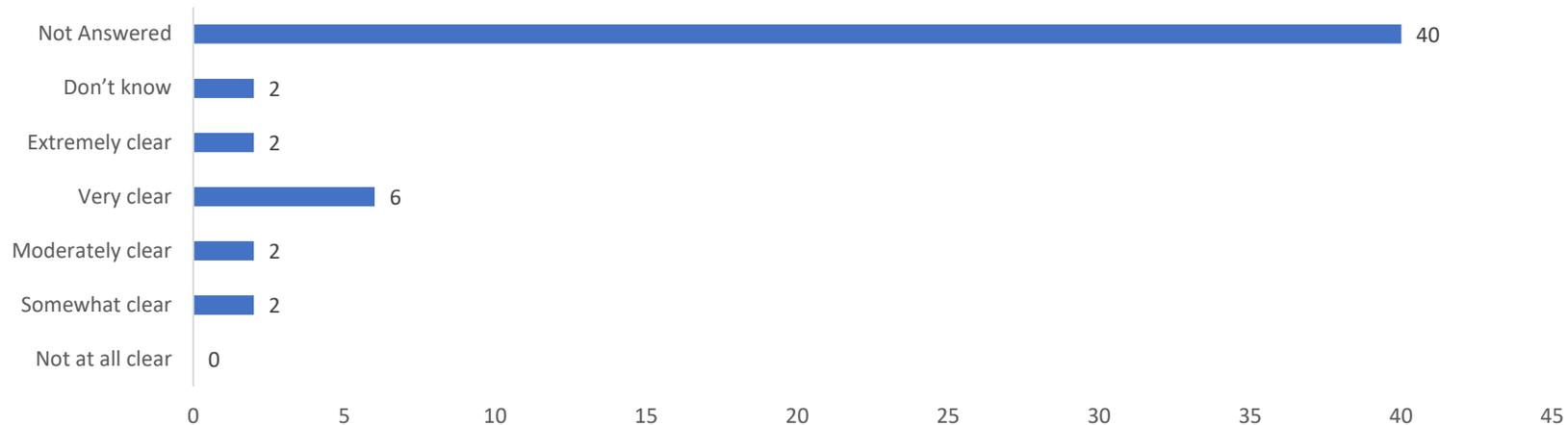
Ref.	Summary of Contribution	Contributor	EIB comments
	<i>with no ties to the preparation, design or implementation of the project. In case of complex projects with significant environmental, social or human rights impacts and risks, the EIB will require setting up grievance mechanisms outside of the project structure, such as in a local or community institution, non-governmental organisation or think tank.”</i>		
26	The EIB’s Standard should also require that Promoters establish a grievance mechanism Policy describing the grievance mechanism process and which should be known to project stakeholders and be publicly available. The Promoter should be bound to actively disseminate information about the existence of the grievance mechanism. A relevant provision shall be added as follows: “The Promoter should establish a grievance Policy describing the grievance mechanism process which should be publicly available in relevant languages on the project website, and/or in the written material about the project.”	Counter Balance Joint contribution 3	Paras 22-25 of the Standard set out parameters for the establishment, and implementation of the project-level grievance mechanism, including the requirement that stakeholders are made aware how to access it. Para 24 has been amended to reflect relevant elements of stakeholders’ comments.
27	The procedure in cases of non-compliance with the responsibilities of the Promoter should be clearly defined.	EuroGroup for Animals World Animal Protection	Upon the production of the final set of Standards, the EIB will be drafting a set of Guidance Notes to accompany the Standards. The Guidance Note for Standard 2 will clarify the stakeholder’s point.
28	The requirements for a Stakeholder Engagement Plan are unclear. In particular, it is not clear for which projects Stakeholder Engagement Plan is required and whether it is always required for all Environmental and Social Impact Assessment/Environmental Impact Assessment/Human Rights Impact Assessment projects. Therefore, we propose to change the point 26 as follows: (deleting: “ <i>Depending on the nature and scale of the projects and their potential impacts and risks, or if deemed necessary by the EIB</i> ”) The promoter shall ensure an effective engagement process by planning it thoroughly and preparing a Stakeholder Engagement Plan.”	Counter Balance Joint Contribution 3	Para 26 has been amended to reflect relevant elements of stakeholders’ comments. The minimum requirement for operations outside the EU would be stakeholder identification and establishment of the project grievance mechanism commensurate with the nature and scale of the project and its potential environmental and social impacts and risks. The other four steps outlined in the Standard would be implemented or required depending on the specific characteristics of the project, in line with the national legislation requirements and as determined by the promoter and the EIB.
29	Stakeholder Engagement Plans: The discretionary language in the draft Standard 2 extends even to the decision to prepare a Stakeholder Engagement Plan. Promoters are told to determine whether to create a Stakeholder Engagement Plan	Accountability Counsel	The promoter will be required to plan and outline this process within a Stakeholder Engagement Plan (or equivalent document). In order to allow the flexibility to cover a broad range of projects, the extent of the documentation to be

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>based on “the nature and scale of the projects and their potential impacts and risks” (Draft Standard 2, para 26), with little guidance on accurately making that determination. The Guidance Note on Stakeholder Engagement similarly prescribes general criteria – “[i]n most projects where there are moderate or significant environmental and social risks” (Guidance Note, p. 13) – without instructions on how to apply them.</p>		<p>produced is determined at the discretion of the Bank in keeping with the principles outlined in the Standard.</p>
30	<p>Although the draft Standard mentions that “meaningful consultation is a two-way process”, it does not mention the possibility for stakeholders to be proactive in the process. This is an important tool for ensuring genuine involvement of and openness to vulnerable persons.</p> <p>In order to increase the ownership of stakeholders, para 38 should be changed as follows: “The consultation includes culturally appropriate mechanisms and processes and is tailored to the different needs of stakeholders. It also considers diverse forms of targeted communication to facilitate the increased participation of men and women, taking also into account factors such as age, literacy, language, mobility, or vulnerability status. The timelines for engagement shall be realistic and respectful of all identified stakeholders, and in particular affected persons and/or groups. <i>Stakeholders should have the possibility to propose consultation methods.</i>”</p>	Counter Balance	<p>Upon the production of the final set of standards, the EIB will be drafting a set of guidelines to accompany the standards, which will cover the implementation of this standard in greater detail.</p>
31	<p>There should be stronger clauses on the evaluation and monitoring by third parties. At the moment the provision included in the draft Standard is extremely weak.</p> <p>Point 42 should be changed as follows: “The promoter shall conduct regular monitoring of the stakeholder engagement process agreed with the EIB and use this information to identify areas in which stakeholder engagement should be strengthened, including through the revision and update of the SEP or adjustments in the grievance mechanism, as needed. Whenever feasible, the promoter is advised to <i>the Promoter shall have in place monitoring by third parties, such as</i></p>	Counter Balance	<p>Your comment is noted. The EIB thanks you for the feedback.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	stakeholder representatives, civil society or community-based organisations, affected communities, external experts, local and public authorities, think tanks or others familiar with relevant aspects of the projects.”		Your comment is noted. The EIB thanks you for the feedback.
32	Standard 2 can be a key tool in ensuring that children, people with disabilities (including children with disabilities), homeless people, people with mental health problems and civil society organisations representing these groups are consulted about any projects that involve these groups.	The European Expert Group on the Transition from Institutional to Community-based Care (EEG)	
33	The EIB should strengthen the relevant provision concerning projects located in the “rest of the world”. The para 15 of the Standard should be changed as follows: “ <i>On the basis of the determination as defined in point 5 of this Standard, the promoter shall carry out a stakeholder engagement process that is proportionate to the nature and scale of the project and its potential impacts and risks, involving, at a minimum: (i) the identification and analysis of the stakeholders; and (ii) the establishment and/or maintenance of a grievance mechanism; as well as some or all of the following elements to varying degrees as deemed necessary by the EIB; iii) engagement planning; (iv) disclosure of information; (v) meaningful consultation; and (vi) monitoring and reporting.</i> ”	Counter Balance	
34	Also, in order to ensure transparency of the grievance mechanism, the EIB’s Standard 2 should require the following: “To ensure the transparency of the GM and its value in providing operational lessons, a periodic report should be prepared. It should be shared with the EIB and made public by posting on the project website and disclosed to project’s stakeholders in an agreed way.”	Counter Balance Joint contribution 3	

Chapter F: Resource efficiency and pollution prevention (Standard 3)

1. Is it clear that this Standard seeks to promote the circular economy and best available techniques in EIB-supported projects?



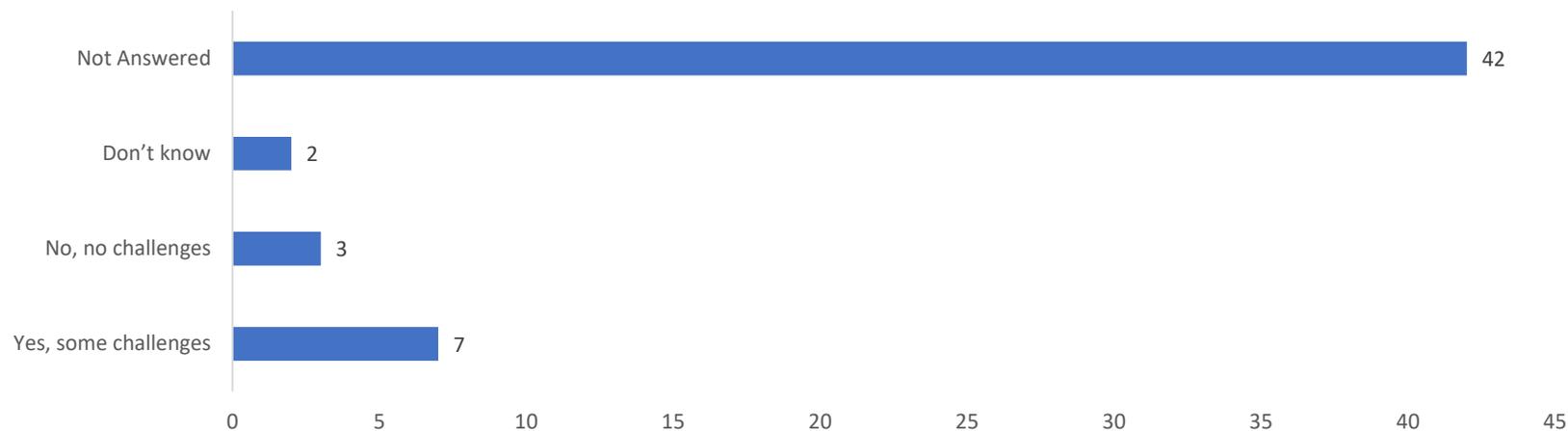
Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>It's not clear what is the alignment with the EU funding policies such as the Taxonomy Regulation, Cohesion Funds and the Just Transition Fund which have clear criteria on activities that are excluded from the scope. For example, the criteria for "Resource efficiency and circular economy" does not have any exclusion criteria by only referring to general principles. We recommend aligning the Standard with a clear-cut exclusion list for activities that are not to be supported by EU Funds such as:</p> <ol style="list-style-type: none"> 1) Residual waste treatment operations except for material recovery from residual waste for circular economy purposes. 2) Production of single-use (plastic) products. 3) Novel technologies 	Zero Waste Europe	<p>It is not the role of the Standards to ensure full alignment with the EU Taxonomy. The Standards are used as instruments to address the Do No Significant Harm criteria and therefore, specific requirements on circular economy and resource efficiency in the Standard comply with the EU Taxonomy Regulation (Article 17).</p> <p>Furthermore, it should be noted that one of the area of actions described in the EIB Group's Environmental and Social Policy under Section 2 is "Supporting resource efficiency and the transition to a circular economy"- see para 2.6 that identifies the key areas of action in terms of EIB finance.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Regarding the exclusion criteria, the EIB has already a list of Excluded Activities which is publicly available - see list of Excluded Activities.</p> <p>Additionally, Section 4 the “Policy Implementing Framework for the EIB” (specifically para 4.4) has been revised to address stakeholder’s comments.</p>
2	<p>As a general concern, it should be clarified that the full life circle of all materials should be taken into account, which should include (when applicable) the old materials to be recycled as well as the new materials that will be used for their substitution.</p>	<p>International Council on Monuments and Sites (ICOMOS)</p>	<p>The Standard introduces requirements related to circularity assessment during life cycle – see para 8, which has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>The Standard should be also read in conjunction with the EIB Group’s Environmental and Social Policy - see para 2.6.</p> <p>Additionally, reference has been made to circularity assessment to reinforce the concept.</p> <p>Additionally, the EIB has committed through its Climate Bank Roadmap (CBR) to develop additional environmental, climate and social risk tools, including the adoption of life cycle analysis (LCA) methodologies in the design, production and use of products and assets, where applicable – see Climate Bank Roadmap (CBR) Section 5, para 5.31 (v).</p>
3	<p>The lack of detail on what circularity entails in agriculture means this concept may largely be ignored in farming. Our food systems must be part of the circular economy.</p>	<p>Compassion in World Farming EU</p>	<p>The Standard promotes a transition to circular economy through development or use of existing models that increase circularity and reduce the environmental impact of resources.</p> <p>The EIB agrees that agriculture is an important sector. However, it is not the role of the Environmental and Social Sustainability Framework (ESSF) to directly promote a shift in food systems.</p>
4	<p>Yes, that intention is clear. But the implementation processes it lays out are not at all clearly designed to effectuate it.</p>	<p>NomoGaia</p>	<p>The Standard will be complemented by a dedicated Guidance Note to support the Promoters to meet the requirements.</p>

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



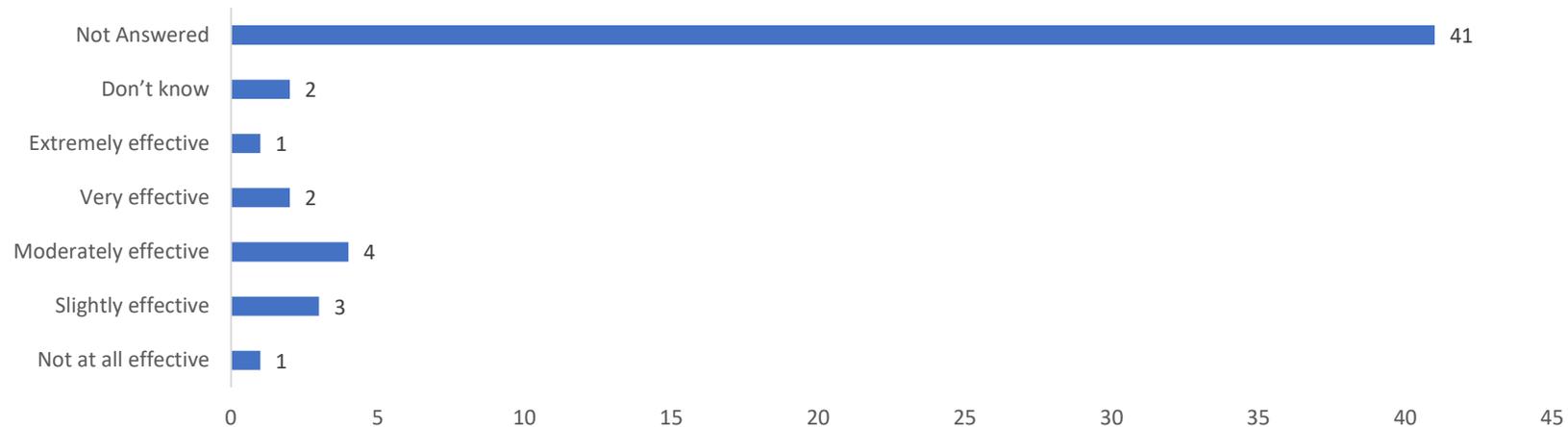
Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	Again, the default to national law creates a lacuna between EIB aspirations and on-the-ground realities.	NomoGaia	Para 7 of the Standard has been strengthened to address stakeholder's comments.
2	This Standard gives insufficient attention to upstream issues of resource efficiency and pollution.	Compassion in World Farming EU	While the EIB recognises the importance of focusing on upstream issues of resource efficiency and pollution, the purpose of the Standard is to establish safeguard requirements for Promoters. It does not attempt to guide Promoter investment decisions, although para 8 does state that ... "the Promoter assesses the effectiveness and efficiency of the project's use of materials and natural resources (e.g. land, soil, water, biodiversity), as well as energy".

Ref.	Summary of Contribution	Contributor	EIB comments
3	The Standard shall provide exception for the use of several non-recyclable materials used for wind and solar projects.	Akuo Energy	<p>The Standard introduces requirements related to circularity assessment during life cycle – see para 8, which has been amended to address stakeholder’s comments.</p> <p>The Standard should be also read in conjunction with the EIB Group’s Environmental and Social Policy - see Section 2, para 2.6 on “Supporting resource efficiency and the transition to a circular economy”. Additionally, reference has been made to circularity assessment to reinforce the concept.</p> <p>The EIB has committed through its Climate Bank Roadmap to develop additional environmental, climate and social risk tools, including the adoption of Life Cycle Analysis methodologies in the design, production and use of products and assets, where applicable – see Climate Bank Roadmap Section 5 Building strategic coherence and accountability para 5.31 (v).</p>
4	Challenges include the capacity of Promoters to adopt innovative stakeholder engagement processes; lack of asset maintenance which leads to shorter life of the asset.	Mohamed Miftah	Your comment is noted. The EIB thanks you for the feedback.
5	This is a new concept, there is need for sensitization of all the key players to embrace it. This can be achieved through capacity building of the directly financed DFIs who can in turn enlighten the clients.	East African Development Bank	
6	Immediate economic contradiction.	Response 808951905	

3. Will this Standard be effective in delivering its purpose?



Please explain your answer

Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	Consider El Salvador. The best available techniques for a sugar mill is pretty heavily polluting, and the use of bagasse (sugarcane waste material) to generate power reduces the plant's energy demand but isn't monitored by any continuous emissions monitoring and has variable emissions depending on the cleanliness of the bagasse coming through. The facility will meet Salvadorian law (which doesn't really regulate sugar mill emissions at all), but air and water emissions can be highly hazardous to neighboring communities, generating long-term damage to local health and environmental hygiene. That's not considered at all in this Standard, both because an Environmental and Social Impact Assessment probably won't be mandated, and because the Standard is likely to only be implemented according to Salvadorian law, not to actual Standards of pollution prevention.	NomoGaia	Para 7 of the Standard makes it clear that projects in the rest of the world are supposed to comply with national law, and align with the principles and Standards set out in EU legislation and policies, as well as international good practices that are relevant to environmental quality Standards and/or emission limit values. The EIB will agree with the Promoter the applicable requirements of EU Standards on a case-by-case basis taking into account local conditions and specificities. Specifically on the application of best available techniques (BAT) for projects located in the rest of the world, see para 13(b).
2	Recommendation regarding para 4 Proposed amendment: "This Standard outlines the Promoter's responsibilities to ensure an integrated approach to resource	FOUR PAWS	The purpose of para 4 is to outline the general objective of the Standard. As far as the EIB is concerned, it covers all possible

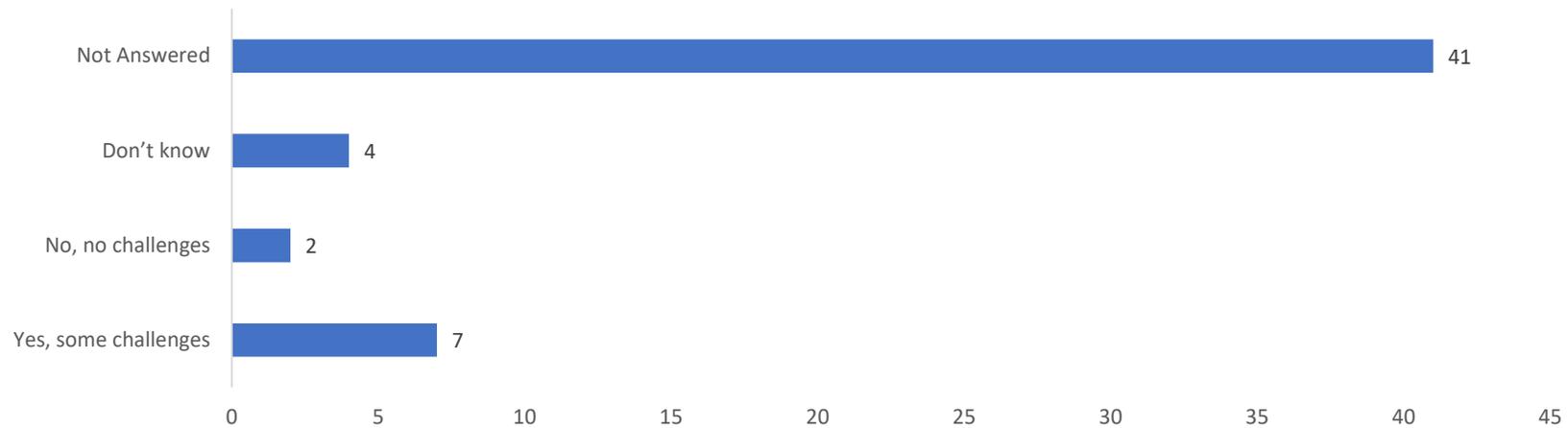
Ref.	Summary of Contribution	Contributor	EIB comments
	efficiency, pollution prevention and control of emissions to air, water and land, noise pollution, radiation, prevention of accidents, as well as waste management and the safe use of hazardous substances, pesticides, <i>antibiotic use and pollution resulting from intensive animal farming systems</i> , avoiding the shift of pollution from one environmental medium to another”		types of pollution, including pollution resulting from intensive animal farming systems.
3	Recommendation regarding para 5 Proposed amendment: “This Standard applies to a specific project when its relevance determined during the environmental impact assessment/Environmental and Social Impact Assessment process (as outlined in Standard 1) and additionally to EIB-financed projects associated with modifications and/or extensions of existing activities/facilities, for which the Promoter shall determine the appropriate requirements; <i>this Standard applies to entirety of activities pertaining to the project and its supply chain.</i> ”	FOUR PAWS	Standard 1 on “Environmental and social impacts and risks” makes it clear that the Environmental Impact Assessment/Environmental and Social Impact Assessment process, if relevant, applies to the entirety of the project life cycle.
4	Recommendation regarding para 9 Proposed amendment: “For projects associated with activities listed in Annex I to the Industrial Emissions Directive that are also subject to an Environmental Impact Assessment process, the Promoter shall provide the EIB with: a. the Environmental Impact Assessment Report, where applicable, that includes a description of the proposed technology and other techniques (including the use of best available techniques or emerging techniques) for preventing or, where this is not possible, reducing emissions to air, water and land, <i>including antibiotic residues and run-off and pollution resulting from intensive farming systems</i> , generation of waste, use of raw materials and noise, as well as enhancing energy efficiency, the prevention of accidents and restoration of the site upon closure, in line with the requirements of the IED;”	FOUR PAWS	Para 9(a) adequately covers the potential issue of pollution resulting from intensive farming systems. Specifically, the best available techniques (BAT) Reference Document for the relevant activity includes provisions related to the prohibition of the use of antibiotics as a feed additive in animal feed for growth. By providing information on the use of best available techniques for the relevant activities, the specific requirements are addressed.
5	Recommendation regarding para 11 Proposed amendment: “For projects associated with modifications and/or extensions of existing activities/facilities,	FOUR PAWS	

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>covered by Annex I to the Industrial Emission Directive (IED) that are not subject to the Environmental Impact Assessment process, the Promoter shall provide the EIB with the permit granted by the relevant competent authority and, upon request, the following information: (...) b. the raw and auxiliary materials, other substances, and the energy used or generated, as well as the waste, <i>including antibiotic residues</i>, generated and the nature and quantities of emissions into each environmental medium”</p>		
6	<p>Recommendation regarding para 12(a) Proposed amendment: “For projects associated with activities listed in Annex I to the IED that are subject to an Environmental and Social Impact Assessment process, the Promoter shall: a. provide the EIB with Environmental and Social Impact Assessment Report that includes a description of the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions to air, water and land, generation of waste, <i>including antibiotic residues</i> use of raw materials and noise, as well as enhancing energy efficiency, the prevention of accidents and restoration of the site upon closure;”</p>	FOUR PAWS	
7	<p>Recommendation regarding para 22 “When the activity includes the use of pesticides, the Promoter shall implement the general Standards of the sustainable use of pesticides by:” Proposed amendment: “When the activity includes the use of pesticides <i>in the activities pertaining to the project and its supply chain</i>, the Promoter shall implement the general Standards of the sustainable use of pesticides by:”</p>	FOUR PAWS	<p>The Standard makes reference to the Integrated Pest Management principles which should be implemented by professional users as defined by Directive 2009/128 establishing a framework for community action to achieve the sustainable use of pesticides (any persons who use plant protection products in the course of their professional activity).</p>
8	<p>The choice of projects with an efficient use of resource and limited pollution is an expensive one. Promoters hesitate between sustainable projects and budget constraints.</p>	Mohamed Miftah	<p>The Standard introduces requirements related to circularity assessment during life cycle – see para 8. The Standard should be also read in conjunction with EIB Group’s Environmental and Social Policy - see Section 2 “The</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Group's Contributions" para 2.6 on "Supporting resource efficiency and the transition to a circular economy".</p> <p>Additionally, reference has been made to circularity assessment to reinforce the concept.</p>

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4. Do you see any challenges (eg regulatory, knowledge-based or financial) in the implementation of the circular economy principle embedded in the Standard?

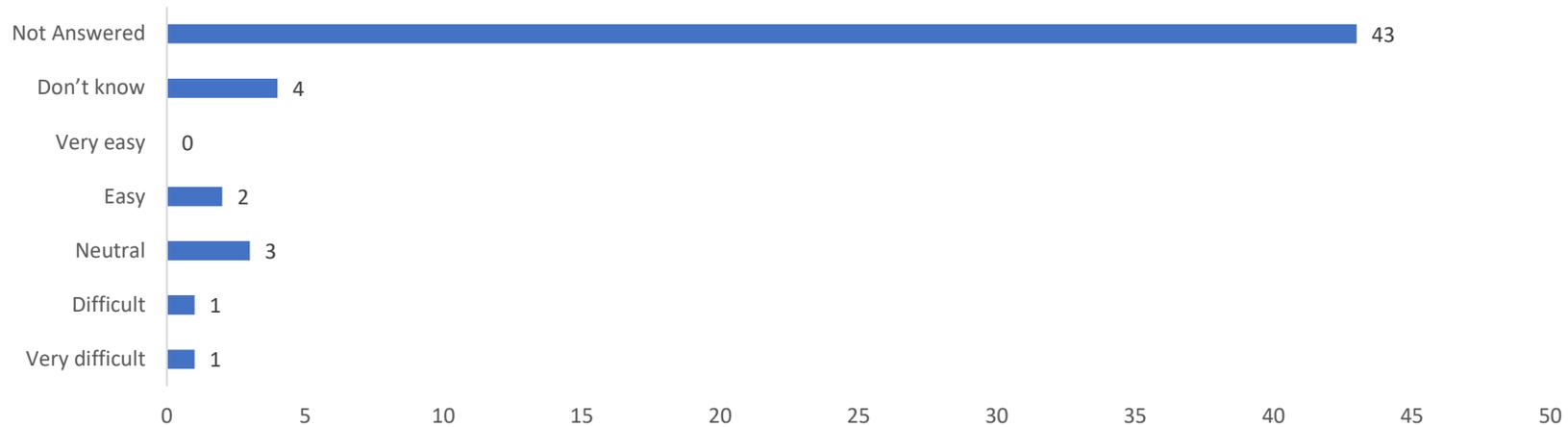


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	Private sector in Mediterranean countries consists of many SMEs who do not have the financial and institutional capacity and the know-how to invest in circular solutions, while ideas such as industrial symbiosis, that can enhance circular economy, are not yet well-known.	Green Growth Horizontal Project - Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
2	1- Most Regulatory Authorities may not have this component clearly embedded in their legal framework. 2-A number of institutions lack the technical knowledge on operationalising this aspect, hence, the need for capacity building. 3-There will also be need for financial resources for the implementation. The budget for implementation of elements outside the regular operations may pose always pose a challenge to many institutions.	East African Development Bank	
3	The lack of maintenance, coupled with a short-term vision is a challenge to implement the principle of circular economy.	Mohamed Miftah	

5. How difficult is the application of best available techniques in your local context? If relevant, please list up to three challenges you face in the implementation of best available techniques in your local context



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Specifically, the SMEs do not have the knowledge and the experience, as well as the financial capacity to apply the best available techniques. This is not the case for the industrial sector.	Green Growth Horizontal Project - Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
2	For companies not listed on a green stock exchange or without ESG assessment it will be difficult to convince traditional shareholders, using greenwashing.	Response 808951905	

6. Additional comments on Standard 3.

Table 6

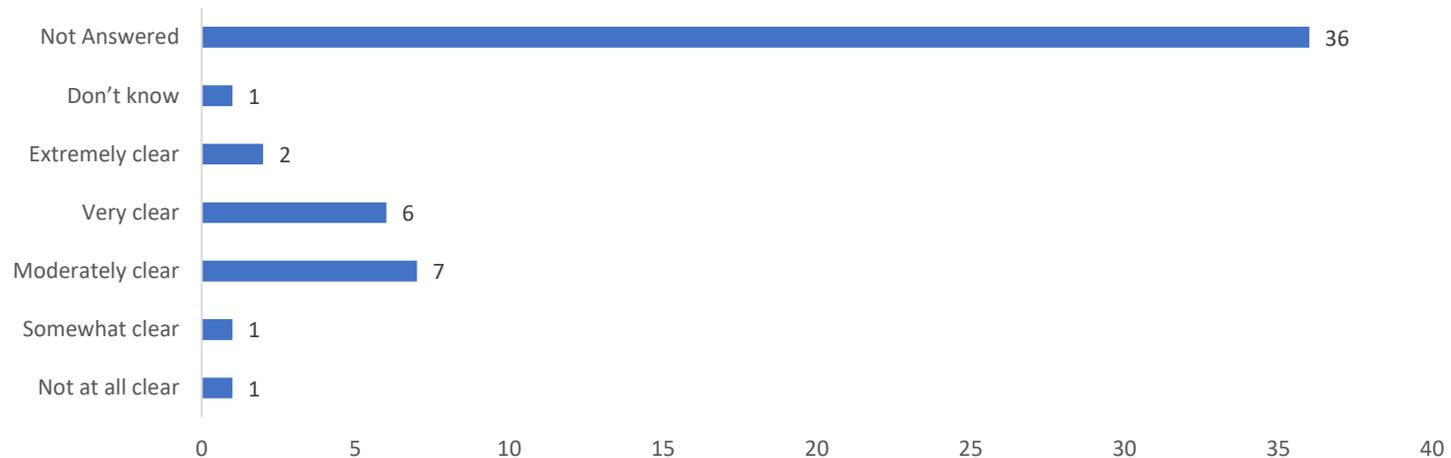
Ref.	Summary of Contribution	Contributor	EIB comments
1	EIB needs to be clear on whether this Standard (and others) is applicable only where Environmental and Social Impact Assessment (ESIA) are required. If so, EIB needs to be mandating ESIA's far more frequently than it currently is. If not, it needs to implement enormous transparency around these conditions, because the Standard itself is so blind to the human implications of pollution and resource waste that communities need to be able to weigh in.	NomoGaia	The Scope (Para 5) of the Standard indicates the type of projects it applies to, with a cross reference to Standard 1.
2	<p>Para 4: In terms of safe use of hazardous substances and pesticides, the range of substances should be expanded to the use of antibiotics in intensive farming systems due to risks it poses to human health (for more please check the One Health concept and the European Commission mission statement on Antimicrobial).</p> <p>With regards to pollution, the concept should be expanded to olfactory pollution (odour) - for details please check D-NOSES project. (Annex 1, point 5).</p>	<p>Compassion in World Farming EU</p> <p>World Animal Protection</p>	The purpose of para 4 is to outline the general objective of the Standard. As far as the EIB is concerned, it covers all possible types of pollution, including pollution resulting from intensive animal farming systems.
3	Contrary to other Standards, the specific requirements and general requirements have been merged, and this leads to confusion.	International Council on Monuments and Sites (ICOMOS)	In footnote 3, it is mentioned that the specific requirements are applicable to all projects regardless of their location unless specified otherwise.
4	The need for plastic re-use and recycling is clear, as also shown by recent EU policies. Financing of new and additional virgin plastic production is undermining the collection and use of recycled plastics, threatening the transition to a more circular economy. Virgin plastic production, plastic-to-fuel operations, and thermal treatment of plastics (e.g., incineration, co-processing, pyrolysis, gasification) should be added to the EIB exclusion list given associated climate and toxic pollution impacts.	GAIA	<p>The Standard introduces requirements related to circularity assessment during life cycle – see para 8.</p> <p>The Standard should be also read in conjunction with EIB Group's Environmental and Social Policy - see Section 2, para 2.6 on "Supporting resource efficiency and the transition to a circular economy". Additionally, reference has been made to circularity assessment to reinforce the concept.</p> <p>The Standard requires projects involving the production of waste with significant environmental impact (including plastic waste) to include as part of the Environmental Impact</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			Assessment/Environmental and Social Impact Assessment Report, measures planned to mitigate such impacts and feasible goals and objectives for waste prevention, reuse, recycling and recovery, in line with the waste hierarchy principle.
5	There is currently no reference to human rights, or to rights-holders, in draft Standard 3, although many of the issues tackled in the Standard, such as pollution and waste management, have direct impacts of internationally recognized human rights. Hazardous substances threaten a wide range of rights including the rights to bodily integrity, health and a healthy environment. A human rights-based approach (HRBA) that emphasizes the respective duties and responsibilities of States and businesses to prevent and minimize exposure to hazardous substances is needed to ensure sustainable development and the realization of human rights for all everywhere.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB has developed an integrated human rights approach to its policies and Standards. This approach ensures that human rights are considered from project appraisal through to the monitoring phase and allows a pro-active response to human rights risks and violations.
6	Central components of an HRBA to hazardous waste management are the right to access to information, participation and justice in environmental matters. These rights have been applied in environmental matters as per the Aarhus Convention (to which the EU has been a Party since 2005).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Standard 3 should be read in conjunction with Standard 2 on “Stakeholder engagement” first para which recognises the importance of stakeholder engagement, as a means to ensure respect for the right to: (i) access to information (ii) public participation in decision-making processes; and (iii) access to justice, in line with the principles of the Aarhus Convention.
7	OHCHR notes that Standard 2 is not referenced in Standard 3, and the only reference to the consultation with and participation of interested stakeholders is limited to the design of emergency plans (para 16).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Standard 3 should be read in conjunction with the other Standards, which are meant to complement each other.
8	When there are risks of irreparable harm to the human rights to health and to a health environment, the precautionary principle should apply in relation to the use and management of hazardous substances and materials, and lack of full scientific certainty or economic considerations should not be used as a reason for postponing preventative action.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The precautionary principle is one of the guiding principles of the EIB Group’s Environmental and Social Policy (see para 14) and applies to all of the EIB’s operations.

Ref.	Summary of Contribution	Contributor	EIB comments
9	In line with the comments to Standard 1, EIB should retain a monitoring role in relation to the determination of the applicability of environmental instruments. In this regard, project Promoters should be required to systematically provide the EIB (not only “upon request”) with information regarding projects associated with modifications and/or extensions of existing activities/facilities (paras. 11, 13).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Your comment is noted. The EIB thanks you for the feedback. Your comment is noted. The EIB thanks you for the feedback.
10	Further clarification of the Framework seems within reach on specific points without making the Standards more prescriptive. Where there are ambiguities in the Standards, the risk is that Promoters, and their advisors and consultants, could make false assumptions on EIB expectations, which could lead to delays and additional costs.	Matthew Arndt	

Chapter G: Biodiversity and ecosystems (Standard 4)

1. Is it clear that this Standard is seeking to achieve ‘no net loss’ and ‘a net positive impact’ on biodiversity in EIB-supported projects?



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	As written, the Standard seeks to "mitigate and manage" irreversible losses of biodiversity and to "minimize" biodiversity losses (para13). If the aim were "no net loss", the Standard would have to lay out that projects causing irreversible losses of biodiversity would not be funded.	Joint contribution 5 NomoGaia	Given that the EIB aligns with the EU Biodiversity Strategy, the principle of "no net loss" was used by the EU in its Strategy for the implementation of the Aichi targets by 2020 (target 2 notably). This is why the previous Standard was underpinned by the "No Net Loss" principle. As there is no mention or reference to a "no net loss" principle in the current EU Biodiversity Strategy for 2030 as well as the objectives and targets proposed in the new draft negotiating text for the Post 2020 Framework under the Convention on Biological Diversity, the EIB has agreed to align its policy with that of the EU and pursue a "no loss" objective given that as correctly implied in the comment, "loss" in itself already covers irreversibility. In para 13, which is now para 12, the EIB has deleted the word "irreversible".

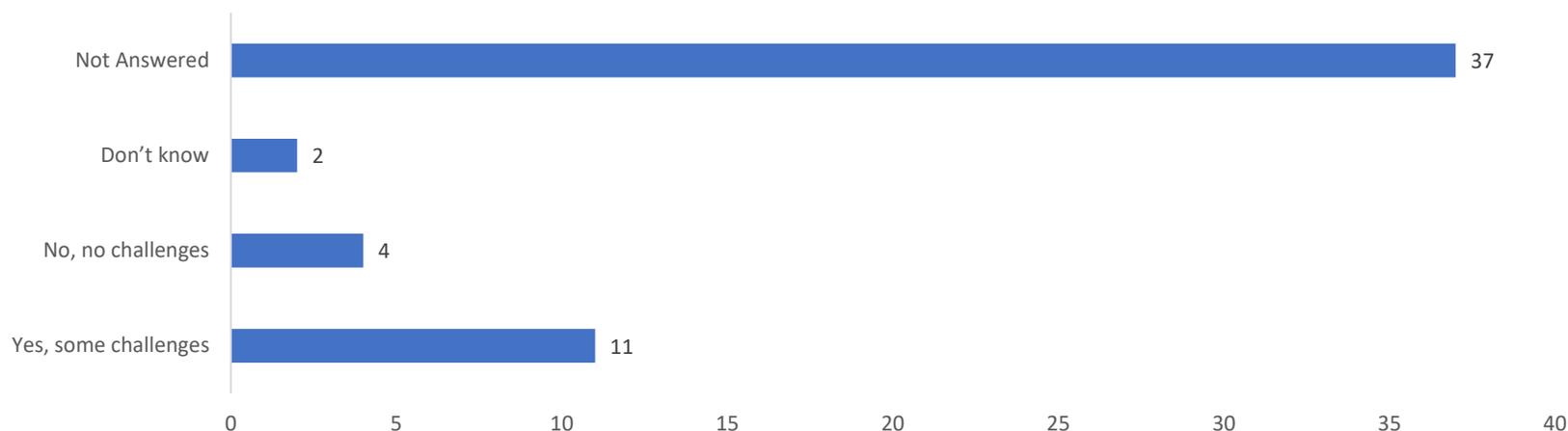
Ref.	Summary of Contribution	Contributor	EIB comments
2	The question is misguided because “no net loss” and “net positive impacts” on biodiversity should not be the goals of the Standard. The goal should always aim for no negative impact on biodiversity first and foremost, before looking to establish offsetting mechanisms.	Counter Balance EcoNatur Foundation Joint contribution 5	<p>The “No Net Loss” principle is almost always associated with the implementation of offsets when this is not the intention of the principle. As stated in this Standard in para 3(b), the EIB requires the application of the mitigation hierarchy, where compensation/offsetting for residual impacts is the last resort. The definition of the mitigation hierarchy, included in the Policy and in the Glossary, clearly states that compensation/offsets for residual impacts can only take place after full implementation of avoidance, minimisation, and remediation actions.</p> <p>To be aligned with the EU Biodiversity Strategy 2030, the post-2020 Global Biodiversity Framework as well as the “Do No Significant Harm” principles of the first Delegated Act of the EU Taxonomy Regulation, the EIB has moved from a “No Net Loss” objective to a “no loss” of biodiversity objective.</p>
3	We propose to substitute “no net loss” and “net positive impacts” with “no loss” of Habitats and Species” and “Positive Impacts on Biodiversity”. The word “net” implies the possibility to trade one habitat for another and one species for another. No habitats and species of national or international importance should be allowed to be significantly impacted by a project.	Counter Balance Joint contribution 5 WWF European Policy Office	<p>Given that the EIB aligns with the EU Biodiversity Strategy, the principle of “no net loss” was used by the EU in its Strategy for the implementation of the Aichi targets by 2020 (target 2 notably). This is why the previous Standard was underpinned by the “No Net Loss” principle. As there is no mention or reference to a “no net loss” principle in the current EU Biodiversity Strategy for 2030 as well as the objectives and targets proposed in the new draft negotiating text for the Post 2020 Framework under the Convention Of Biological Diversity, the EIB has agreed to align its policy with that of the EU and pursue a “no loss” objective.</p> <p>The EIB has decided to keep “Net Positive Impact” as “positive impacts” will address biodiversity locally of the project and not upstream or downstream of the project. The concept of “net positive impact” would require net positive impact taking into account the cumulative impacts of a project.</p>
4	Moderately clear, but insufficient ambition. “No net loss” will not achieve the transformative change that is being called for globally. More emphasis on remediation and restoration is	Joint contribution 5 Sinergia Animal	<p>Given that the EIB aligns with the EU Biodiversity Strategy, the principle of “no net loss” was used by the EU in its Strategy for the implementation of the Aichi targets by 2020 (notably, Target 2). This is why in the previous Standard was</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>crucial. Further, there are inherent risks in the “no net loss” approach--how can offsets be verified and by whom?</p>	<p>World Federation for Animals</p>	<p>underpinned by “No Net Loss” principle. As there is no mention or reference to a “no net loss” principle in the current EU Biodiversity Strategy for 2030 as well as the objectives and targets proposed in the new draft negotiating text for the Post 2020 Framework under the Convention Of Biological Diversity, the EIB has agreed to align its Policy with that of the EU and pursue a “no loss” objective.</p> <p>The “No Net Loss” principle is almost always associated with the implementation of offsets when this is not the intention of the principle. As stated in this Standard in para 3(b), the EIB requires the application of the mitigation hierarchy, where compensation/offsetting for residual impacts is the last resort. The definition of the mitigation hierarchy, included in the Policy and in the Glossary, clearly states that compensation/offsets for residual impacts can only take place after full implementation of avoidance, minimisation, and remediation actions.</p> <p>As for the verification aspect of your comment, for compensation intended to address residual impacts on high-value biodiversity and/or critical habitat, an external review of the management plan from a qualified, recognised and independent organisation or expert in the field with knowledge of biodiversity offset design and implementation may be required in agreement with the EIB (see para 22 former para 23).</p>
<p>5</p>	<p>Both terms are used frequently, including actions to reach one of both. Note that the interpretation of both terms plays a key role here. Both terms are relatively well defined, although the role of supply chains might not be fully clear in this (a focus on primary suppliers is mentioned, which limits the scope of the assessment and could mean that not all impacts (and not all dependencies) are taken into account.</p>	<p>Joint contribution 5 Partnership for Biodiversity Accounting Financials (PBAF)</p>	<p>The EIB is a project financing institution and as such the Environmental and Social Standards spell out the requirements and obligations of the Promoter. The Standard has the same objective as the International Finance Corporation Performance Standard 6 and deals with the assessment and management of risks and impacts at project level which is framed under the environmental impact assessment process. This differs in its concept from the assessment of risks and dependencies which would be the objective of a “biodiversity footprinting assessment”.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			The definition of primary suppliers that the EIB uses is aligned with its MDB peers (see Standards 8 and 9): “primary supply chain are those suppliers who, on an ongoing basis, provide goods or material essential for the core business processes of the EIB’s Promoter’s project”. The EIB has also strengthened the language to make it clear that where there are significant impacts on critical habitat and high-value biodiversity, the requirements of the Standard apply and therefore the assessment is not limited to the primary supply chain. See para 40.
6	A consistent and robust definition of the mitigation hierarchy rather than reference to it as a set of measures would help clarify the “no net loss” and net gain approach. The concept of the mitigation hierarchy should be clearly defined, including in the Glossary in both Standard 1 and Standard 4, as a best practice and a sequential steps tool to managing biodiversity risk.	Joint contribution 5 The Nature Conservancy	The term “mitigation hierarchy” is defined in the Glossary as well as in footnote 32 of the E&S Policy. , It is referenced in paras 3(b), footnote 4, 11(e), and 16(d). Para 10(e) cross-references Standard 1. The Guidance Note that will accompany the Standard will provide further detailed guidance on the application of the mitigation hierarchy
7	We think that the revision of the Standard is a good opportunity to align “no net loss” and “net positive impact” to the broader context of the EU 2030 Biodiversity Strategy.	Joint contribution 5 The Nature Conservancy	From a Policy perspective the EIB has aligned the EIB Group’s Environmental and Social Policy with the EU Biodiversity Strategy 2030. The Standard has also been aligned in terms of the requirements that need to be implemented in order to achieve the objectives underpinning the EU Biodiversity Strategy 2030.
8	We believe that in the case of industrial infrastructure (e.g.. transport, mineral extraction or energy generation), the single most effective mitigation measure is the avoidance of biodiversity-related impacts through careful and effective site selection at the initial planning stage. Avoidance is often the easiest, cheapest and most effective way of reducing negative impacts. In the early planning phase however, developers may not always have full access or understanding of strategic documents such as Strategic Environmental Assessments (SEA), River Basin Management	Joint contribution 5 The Nature Conservancy	The EIB agrees with these views, and Standard 1 requires promoters to carry out strategic environmental assessments where such plan or programme falls under the EU Strategic Environmental Assessment Directive and where this is not the case, the EIB encourages promoters to undertake a strategic environmental assessment when appropriate. In the EU, both the RBMPs and the SEA reports are subject to public consultation and are publicly disclosed. Both the EIA and Water Framework Directives require that the conclusions of the SEA, where an SEA was carried out and the relevant

Ref.	Summary of Contribution	Contributor	EIB comments
	Plans (RBMPs)) and relevant documentations to conduct detailed and careful spatial planning.		elements of the RBMP, be taken into account in the <u>assessment</u> .
9	<p>The Standard currently states that "As a last resort and in response to residual impacts, compensation measures may be implemented to reach a minimum of "no net loss" of biodiversity overall. If the project is taking place in an area of critical habitat, a "net positive impact" on biodiversity and ecosystem services must be achieved."</p> <p>It may be important for the EIB to consider, at a systemic level, whether these objectives are compatible and aligned with the global and regional goals on biodiversity, for example with calls by European Parliament for 30% of EU land and Strategic Environmental Assessments to be protected areas by 2030. This broad goal might require a greater proportion of projects to consider their "net positive impact" in order to make land available for restoration of biodiversity.</p>	<p>FAIRR</p> <p>Joint contribution 5</p>	<p>As such, the Standard has strengthened its alignment with both the European and the global framework for biodiversity protection. The Standard also takes into account the upcoming Regulation on Restoration as well as the "Do No Significant Harm" criterion under the EU Taxonomy Regulation and now refers to "no loss" of biodiversity.</p> <p>EIB projects will be required to implement measures that are consistent with achieving the global and EU targets on biodiversity especially those projects intending to substantially contribute to Objective 6 under the EU Taxonomy.</p>
10	The ambition is clearly worded. What is not clear is whether the Standard is robust enough to actually meet this goal.	World Animal Protection	The EIB believes that the requirements spelled out in this Standard, "Do No Significant Harm", if correctly implemented, should enable the Promoter to meet the objectives of "no loss" and "Net Positive Impact". To guide Promoters in the implementation of the Standard, a Guidance Note, will be developed.
11	Both terms are relatively well defined.	Ministry of Agriculture, Nature and Food Quality of the Netherlands	Your comment is noted. The EIB thanks you for the feedback.

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

Table 2

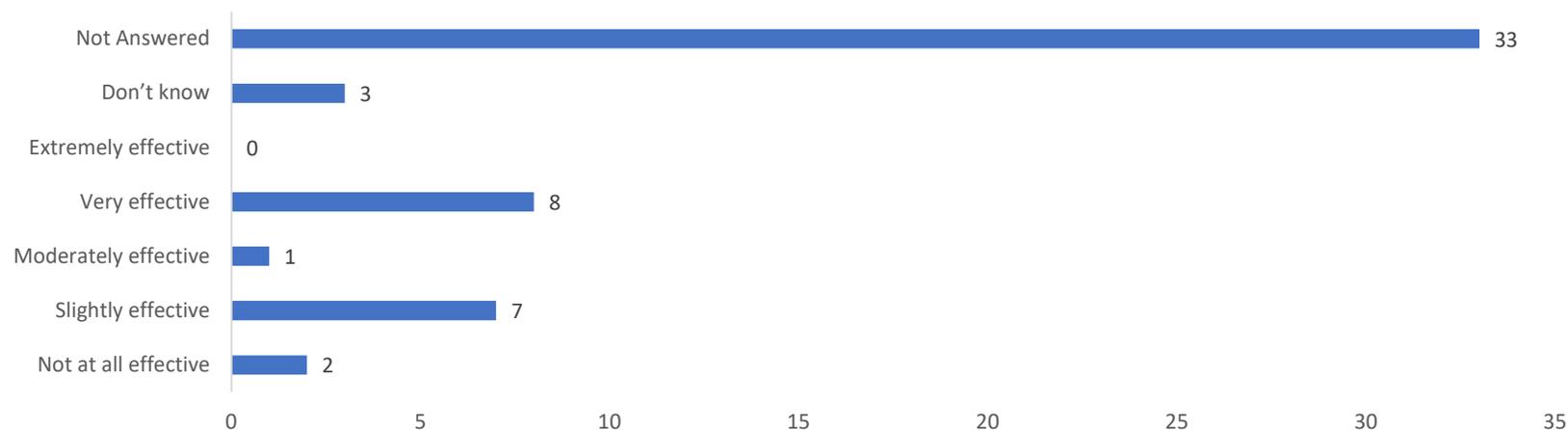
Ref.	Summary of Contribution	Contributor	EIB comments
1	Outside of the EU, the EIB must apply Standards and principles as strict as in the EU to ensure good environmental governance and a level playing field. All projects with possible significant impacts on species and habitats must go through an appropriate assessment, including in non-EU-Member States. Guidance documents should be provided to make the application of the Standard easier and more concrete. Lack of detail and general guidelines might lead to misuse of this Standard and therefore facilitate greenwashing.	Counter Balance EcoNatur Foundation Joint contribution 5 The Nature Conservancy WWF European Policy Office	EU laws do not apply outside the EU. However, it would seem that para 7, which is now para 8, led to some misunderstandings as in fact, the principles of EU law and the essential procedural elements laid down by EU legislation and Policies and that the EIB considers relevant, are applicable outside of the EU. The text in para 8 has been clarified. A Guidance Note will be developed to guide the Promoters in the application of the requirements contained in the Standard.
2	We think the Standard is not fully clear as to if projects in Candidate and potential Candidate countries should already comply with EU legislation at the time the Promoter seeks finance or comply with the timeframe agreed between the EU and the Candidate country in question to align its legislation to EU Standards (paras 7 and 8).	Joint contribution 5 The Nature Conservancy	At the time the Promoter seeks financing from the EIB, the project should be structured to comply with EU legislation that has already been transposed into national law. Where a specific timeframe has been set for a country to fully transpose a directive (which includes the administrative

Ref.	Summary of Contribution	Contributor	EIB comments
			competencies of the relevant competent authorities) the Promoter shall comply with the principles, Standards and procedural requirements laid down by this specific directive and applicable to the project.
3	Ensuring the implementation, management and permanence of compensation strategies relies on robust legal and regulatory frameworks and enforcement institutions. In countries where these are weak or lacking, we would propose that EIB does not consider projects with impacts to critical habitats and other areas of high biodiversity value.	Joint contribution 5 The Nature Conservancy	Having an impact on areas of high biodiversity value, especially in several developing countries, may be unavoidable. An essential criterion in the development of a compensation strategy is indeed the capacity of the institutions to implement and/or enforce the requirements. Where the capacity to implement and manage compensation strategies is weak, the EIB will require that compensation strategies are of last resort and the focus needs to be on the first three steps of the mitigation hierarchy. Where this is unavoidable, strengthening the capacity of the relevant authorities may be required. If this cannot be achieved, the EIB may not be able to finance the project.
4	The Standard mentions the need to take a “precautionary approach” if the developer lacks the knowledge to manage risks. The Standard should define what that precautionary approach means and/or mechanisms the Promoter should seek to be in a position to manage risks appropriately when it lacks expertise. A follow up comment is whether EIB should avoid financing projects in instances where the Promoter lacks knowledge and capacity to manage the impacts it causes.	Joint contribution 5 The Nature Conservancy	<p>The lack of knowledge does not refer to the Promoter, but to the lack of scientific data or available knowledge of the habitat which renders the assessment of risks and impacts difficult. In these cases, a precautionary approach is required.</p> <p>The EIB will provide more details on the assessment process in the Guidance Note.</p> <p>In 2015 the Multilateral Development Banks published a document “Good Practices for the Collection of Biodiversity Baseline Data”. This document is a companion to the Multilateral Development Banks’ Good Practices for Biodiversity-Inclusive Impact Assessment and Management Planning. Both documents explain the precautionary approach to be taken in the case where data is not available, or poor.</p>
5	No strategic requirements are provided in the Standard, in contrast to the bank’s 2019 Hydropower Guidelines for example which took into account cumulative impacts and broader potential harms allowing a more strategic approach. Without ensuring proper sectoral and spatial planning and the	Counter Balance EcoNatur Foundation Joint contribution 5	The EIB agrees that cumulative assessment and strategic environmental assessments are important complements to the assessment system. Standard 1 on “Environmental and social impacts and risks” references cumulative assessment in paras 3(a), 15, and Annex 2A.

Ref.	Summary of Contribution	Contributor	EIB comments
	application of strategic environmental assessment, significant cumulative impacts and fragmentation can be expected.	The Nature Conservancy WWF European Policy Office	In para 3 (b) the EIB has now included the requirement for the Promoter to take into account appropriate sectoral, land use and marine spatial planning. Para 10 (former para 10 refers to the requirement to take cumulative as well as in-combination direct and indirect impacts of the project as well as any ancillary works/facilities.
6	The availability of data will be a challenge, especially concerning impacts in supply chains. An assessment of potential impacts may require the use of indirect data, influencing the accuracy of the assessment. From this viewpoint, a section on data and transparency on data used and related limitations of the assessment result might be important. A reference to the Partnership for Biodiversity Accounting Financials could be helpful since these topics will also be covered by the Partnership for Biodiversity Accounting Financials (PBAF) and the PBAF Standard.	Ministry of Agriculture, Nature and Food Quality of the Netherlands Partnership for Biodiversity Accounting Financials (PBAF)	Indeed, the availability of data may potentially be a challenge. The Standard considers stakeholder involvement, in particular women, Indigenous and traditional communities as critical in the collection of relevant data. The EIB acknowledges that the value of the Partnership for Biodiversity Accounting Financials (PBAF) objective is slightly different from this Standard and refers to the assessment of risks and impact in the financial sector. The Standard here deals with impacts and risks at project level. See Table 1, point 45. When the Guidance Note for this Standard is developed, the relevance of a reference to the Partnership for Biodiversity Accounting Financials (PBAF) as good practice will be assessed.
7	More generally, determining biodiversity value and identifying critical habitat can vary depending on who undertakes the various studies. EIB could support consistency of approach by engaging with local and national authorities to produce land use plans to guide project developers to identify the most optimal sites. This could also help to streamline the project approval process.	Joint contribution 5 The Nature Conservancy	The Standard requires Promoters to engage with local and national authorities to ensure that measures proposed are consistent with the local, regional and national conservation and restoration objectives. Where possible and relevant the EIB is committed to support local and national authorities in delivering on their biodiversity commitments. In order to do so, as stated in the EIB Group Environmental and Social Policy, developing and strengthening partnerships is essential.
8	In various instances the Standard mentions the need to undertake certain ecosystems services assessments where practical, where feasible. Feasibility and practicability can vary on subjective considerations and be conditioned by local,	Joint contribution 5 The Nature Conservancy	The importance of ecosystem services is mentioned on numerous occasions in the Standard. In the proposed Guidance Note the EIB will refer to the EU guidance on integrating ecosystems and their services into decision-

Ref.	Summary of Contribution	Contributor	EIB comments
	political, and cultural context. EIB should always require those assessments and require the Promoter to duly justify why undertaking these is not practical or feasible if that's the case.		making, which provides important guidance on assessing ecosystems services as well as an overview of the steps and available tools to assess and integrate these benefits into policy and planning decisions.
9	EIB's Environmental and Social Sustainability Framework (ESSF) should include a provision to currently exclude investment in this new, experimental extractive industry.	Deep Sea Mining Campaign	The EIB has an Exclusion List, which does not currently include deep sea mining. The List is reviewed on a regular basis, and this issue will be considered during the next review. It is worth noting that the EIB is one of the founders of the Sustainable Blue Economy Finance Principles and has excluded deep sea mining from the definition of a sustainable blue economy.
10	Some detail on the implementation and equivalency requirements across various topics either included in the Standard or Operational Guidelines (such as Appropriate Assessment, Water Framework Directive Article 4, River Basin Management) would be helpful.	Joint contribution 5 The Nature Conservancy	The issues mentioned will be examined in the upcoming Guidance Note for this Standard.

3. Will this Standard be effective in delivering its purpose?



Please explain your answer

Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	Very effective, provided that assessments are taken seriously by the promoters and strictly enforced by the EIB group. Of course, the Standard will always leave room for interpretation and several articles refer to agreements between the promotor and the EIB. For this reason, "case law" will need to evolve providing guidance to putting the Standard into practice.	Ministry of Agriculture, Nature and Food Quality of the Netherlands Partnership for Biodiversity Accounting Financials (PBAF)	To guide Promoters in the use of the Standard, the EIB will develop a Guidance Note which will accompany the Standard.
2	Effectiveness in applying the Standard (achieving "no net loss" or net positive gain) may be challenged if impacts, mitigation, and outcomes of those mitigation measures extend beyond the project life cycle without adequate monitoring and auditing processes. Standard 4 should make reference to these processes and how requirements apply when the impacts, mitigations and/or mitigation outcomes cycle differs from the project life cycle.	The Nature Conservancy	For the monitoring of the impacts of the project throughout its life cycle please refer to paras 3(a), 13 and 30. However, the EIB takes note and will detail this point in the proposed Guidance Note.

Ref.	Summary of Contribution	Contributor	EIB comments
3	We would propose that Standard 4 includes a short note on Cumulative Impact Assessment.	The Nature Conservancy	The European Commission/DG Environment provides guidance on the assessment of indirect and cumulative impacts as well as impact interaction. However, the EIB has noted your concern and will examine how this point can be further detailed and also refer to available good practice in the Guidance Note.
4	It may be helpful in evaluating the effectiveness of the Standard to provide some definition or parameter as of what is considered “significant impacts “	The Nature Conservancy	See comments on Standard 1 on “Environmental and social impacts and risks” for further clarification on “significant impacts”. In the context of this Standard please refer to para 9 former para 10.
5	The Standard must take a “big picture” approach. Local impacts are important, but if projects overall are not contributing to positive systemic change, the Standard will not achieve the impact that is needed in our current global context.	World Federation for Animals	See revised para 3(b) where appropriate sectoral, land use and marine spatial planning should be taken into account in the assessment process, and see para 3(d) where the objective of the Standard is to “seek opportunities to enhance biodiversity and ecosystems ³ whenever possible in line with broader area-based conservation efforts where the project is located and ensuring that mitigation and restoration strategies align with relevant conservation goals and do not solely address site-level impacts”.
6	The Standard focuses too much on local, project specific impacts, and not enough, or hardly at all, on systemic impacts.	Sinergia Animal	The EIB is a project financing institution and therefore the objective of this Standard is to identify, assess and manage the biodiversity and ecosystem risks and impacts related to projects the EIB finances. With regards to systemic impacts, the EIB uses other risk management tools to address it within the remits of its mandate.
7	In order to be effective significant changes should be implemented: <ul style="list-style-type: none"> • Ensure the project is part of well-justified spatial and sectoral plans with adequate public consultation • Avoid impacts on all protected/significant species and habitats; 	Counter Balance	The EIB has amended para 3(b) to include sectoral and spatial planning. However, the EIB believes that cumulative impacts are sufficiently addressed from para 9 onwards.

³ Including Nature-based Solutions to maximise synergies towards biodiversity and climate co-benefits.

Ref.	Summary of Contribution	Contributor	EIB comments
	<ul style="list-style-type: none"> • More effective protection of protected/recognized areas outside of the EU; • Better implementation of international and regional biodiversity conventions; • Avoiding the misuse of 'adaptive management' when contradicting the precautionary principle and the Environmental Liability Directive; • Avoiding biodiversity offsetting, which is not defined by the Habitats Directive. • Anything broader than the compensation measures defined in Articles 6.4. and 6.5. of the Directive should not be allowed in any projects 		<p>We feel that the requirements spelled out in paras 15 and 16 will prioritise the avoidance of impacts on protected/significant species and habitats.</p> <p>The Environmental Liability Directive only applies to EU Member States, but "adaptive management" refers to a much broader issue. In the context of a changing climate, the promoter will need to implement adaptive management programmes to ensure that the project meets its positive conservation outcomes.</p> <p>The Environmental Liability Directive only applies to EU Member States, but "adaptive management" refers to a much broader issue. In the context of a changing climate, the EIB will need adaptive management programmes to ensure that the project meets its positive conservation outcomes.</p> <p>We have strengthened the requirements for compensation/offsets and tried to make a distinction between compensation and offset measures. We have the requirement of continued ecological functionality and that biodiversity offsets are not an acceptable measure to achieve NPI for critical habitat.</p>
8	<p>The Standard should phase out EIB financing, including through financial intermediaries, for new hydropower projects in Europe, as they are incompatible with the protection and restoration of free-flowing rivers and contribute to the fragmentation of rivers which is irrelevant to meet Europe's climate and energy targets.</p>	<p>WWF European Policy Office</p>	<p>Hydropower projects have now been excluded from SME general purpose intermediated finance. Any EIB-supported hydropower project has to be structured to meet the requirements spelled out in the EIB Environmental, Climate and Social Guidelines on Hydropower Development which will be updated to be consistent with the revised EIB Group Environmental and Social Sustainability Framework once approved.</p>
9	<p>Recommendation regarding section "Introduction"</p> <p>Proposed amendment: Introducing para 3 : <i>"This Standard also recognizes that any project with impacts that negatively affects biodiversity and ecosystems presents an increased risk</i></p>	<p>FOUR PAWS</p>	<p>All projects that negatively impact on the environment present such increased risks -increased both in terms of environmental and social sustainability and in terms of security of financial investments. It is not specific to biodiversity.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>both in terms of environmental and social sustainability and in terms of security of financial investments</i> ".		The EIB has amended the introduction (para 2) to indirectly reflect your point.
10	Recommendation regarding para 4 Proposed amendment: "This Standard applies to a specific project, including the entirety of activities pertaining to the chain of supply tied to the project, when its relevance is determined during the environmental impact assessment/Environmental and Social Impact Assessment (EIA/ESIA) process (as outlined in Standard 1), and specifically to EUB financed project which".	FOUR PAWS	An assessment of the entirety of the supply chain is not possible. The Standard as spelled out in Standard 1 apply to first tier suppliers and critical/core activities in the supply and value chain. The EIB has also strengthened the language to make it clear that where there are significant impacts on critical habitat and high-value biodiversity, the requirements of the Standard apply and therefore the assessment is not limited to the primary supply chain. See para 40. This will be further detailed in the Guidance Note.
11	Recommendation regarding para 13 Proposed amendment: "Based on the outcomes of the assessment (see para 11) of potential opportunities for, adverse impacts on and risks to biodiversity and ecosystems, the Promoter shall develop a biodiversity management plan, or equivalent. This plan shall detail the appropriate mitigation and management measures to avoid losses of biodiversity while seeking alternative solutions that prevent biodiversity losses and provide opportunities for enhancement".	FOUR PAWS	The management plan reflects the measures taken to avoid and minimize losses – prevent is another term for avoidance and this has already been stated. The EIB agrees that the drafting was awkward and have provided more clarity.
12	Para 17e assumes that Promoters will have assessed ecosystems with regards to their indigenous uses, but none of the Standards ever require this and most national laws would not encourage (let alone require) it. This is one more instance where EIB's weak approach to human rights due diligence is limiting the effectiveness of its Standards.	NomoGaia	The para in question requires that stakeholder consultation be carried out in line with the requirements set out in Standards 2 on "Stakeholder engagement" and 7 on "Vulnerable groups, Indigenous People and Gender" and also refers back to para 11, where the footnote has now been brought into the main text. The EIB had unintentionally assumed that it was clear that when referring to local communities this of course included Indigenous Peoples. For avoidance of doubt the paragraph now refers more explicitly to Indigenous Peoples. Paras 34 and 35 have been amended to reflect relevant elements of stakeholders' comments.
13	Recommendation regarding para 20 Proposed amendment: "As a last resort and in response to residual impacts, compensation measures may be	FOUR PAWS	Critical habitats are treated as a more sensitive, highly threatened or unique ecosystem. The term is not identical to

Ref.	Summary of Contribution	Contributor	EIB comments
	implemented to reach a minimum of “no net loss” of biodiversity overall. If the project is taking place in an area of <i>high-value biodiversity</i> or critical habitat, a net positive impact on biodiversity and ecosystem services must be achieved. Offsets shall not be used as a mechanism to achieve “no net loss or and positive impact until other forms of mitigation have been implemented to the fullest extent possible”.		“high-value biodiversity”, so the conditions for a project to be implemented should be of different stringency.
14	Recommendation regarding para 21 Proposed amendment: “Where a project is expected to have impacts that would compromise the viability of <i>high-value biodiversity</i> or a critical habitat or its associated features regardless of any proposed compensation or offset, the Promoter shall undertake to redesign the project to avoid the need for such compensation/offset. Uncertainty and time-delays could also make compensation/offsets unacceptable”.	FOUR PAWS	
15	Para 39 recognises to some extent the need to take account of upstream impacts but para 39 is weak in two ways: First, it is only concerned with a risk of significant conversion or degradation of “high-value biodiversity and/or critical habitat”. Second, it only requires Promoters to contract with suppliers that “abide by recognised Standards or certification schemes”.	Compassion in World Farming EU FAIRR Joint contribution 5	As indicated in para 1, the Standard aims to protect biodiversity in all of its financed projects, not just those in high-value habitat and/or critical habitat. Contracting suppliers that are not certified indeed pose a greater risk.
16	While acknowledging improvements to the Standard and the expectations that be effective in delivering its purpose, it continues to be difficult for external stakeholders to assess the effectiveness of the Standard and how it brings improvements in managing biodiversity impacts over time unless there is accessible and transparent reporting on the implementation of the Standard.	The Nature Conservancy	Your comment is noted. The EIB thanks you for the feedback.

4. Given the links between the pandemic and biodiversity loss, what, in your view, could be a practical requirement that could be undertaken by the Promoter to avoid conditions at project level that would facilitate the transmission of zoonotic diseases?

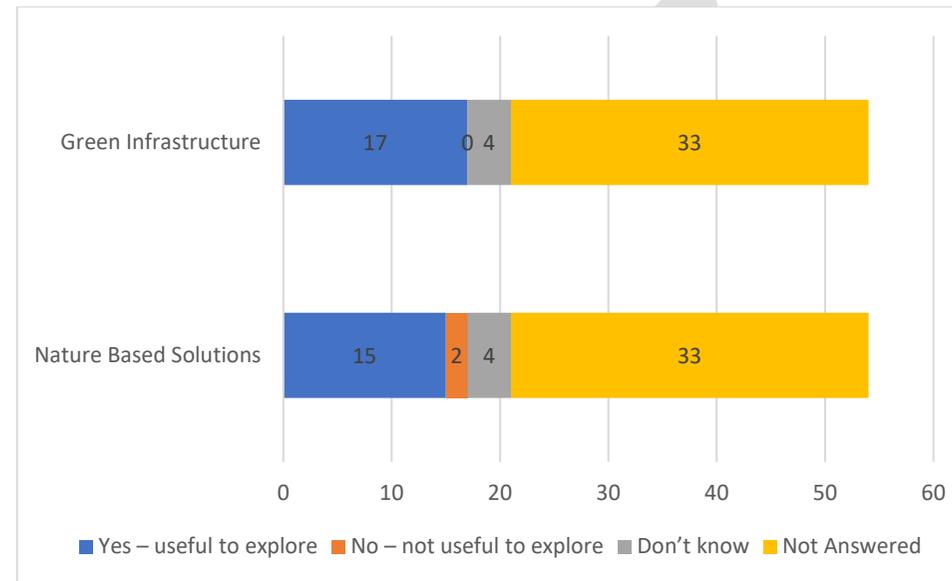
Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	The Promoters should provide strict regulations on Standard Operating Procedures set by WHO and other bodies, to avoid transmission of zoonotic diseases.	East African Development Bank	It is a Promoter's responsibility to decide on Standard Operating Procedures – please see Standards 8 on “Labour rights” and 9 on “Health, safety and security”.
2	<p>1. Do not implement projects where Indigenous Peoples or traditional communities tell you not to.</p> <p>2. Do not implement projects that promote the expansion of monoculture farming or substantial crop consolidation.</p> <p>3. Do not implement logistics projects that will encourage the expansion of agricultural monocropping in biodiverse areas.</p>	NomoGaia	<p>Standard 7 on “Vulnerable groups, Indigenous People and Gender” spells out the requirements for engagement with Indigenous and traditional communities. Please also see para 11 on the importance of engaging with Indigenous and traditional communities.</p> <p>For points 2 and 3 these suggestions do not link directly to the prevention of transmission of zoonotic diseases. However, your comment is noted.</p>
3	The most important requirement to avoid transmission of zoonotic diseases is to first and foremost strictly guarantee that habitats and species will not be misused and exploited which has been the original cause of origin of COVID-19.	EcoNatur Foundation	Paras 37 to 43 of the Standard have in place requirements that safeguard against the misuse and exploitation of habitats and species.
4	The Standard should clearly state the importance of the upstream planning phase as highlighted before (previous to the project design phase).	Joint contribution 5 The Nature Conservancy	Focus on the upstream planning phase is important. Requirements for Strategic Environmental Assessments in Standard 1 on “Environmental and social impacts and risks” reflect this concern. The EIB has also introduced the requirement to take into account appropriate sectoral, land use and marine spatial planning – please see para 3(b).
5	Yes, the Promoter should avoid conditions that facilitate the transmission of zoonotic diseases risk, such as the avoidance of deforestation and biodiversity loss. FAIRR's pandemic risk index indicated that many of the major protein producer companies are high risk when it comes to pandemic risks – both in terms of vulnerability to pandemic risk and links to pandemic drivers. To avoid these risks, protein producers could potentially be looked at specifically using the FAIRR index as a benchmark. See for more information :	FAIRR	What is suggested here is very similar to the objectives of Standard 4. In the Guidance Note, the EIB will assess how best to refer to the FAIRR index as good practice.

Ref.	Summary of Contribution	Contributor	EIB comments
	https://www.fairr.org/article/over-70-of-animal-agriculture-firms-at-high-risk-of-fostering-future-zoonotic-pandemics/		
6	<p>a) Land-Use, Deforestation, Biodiversity And Habitat Loss : Intensive farming has devastating effects on animal welfare, environment and human health.</p> <p>b) Human Health Risks: Intensive animal farming increases the risk of emergence and spreading of diseases transmitted from animals to humans.</p>	<p>Compassion in World Farming EU</p> <p>FOUR PAWS</p> <p>Sinergia Animal</p> <p>World Federation for Animals</p>	<p>a) Poorly designed intensive farming can indeed have negative impacts.</p> <p>b) Overuse of antibiotics is the primary cause of Antimicrobial Resistance</p>
7	If the EIB wishes to introduce practical requirements to limit the transmission of zoonotic diseases, it would do well to develop specific animal welfare criteria.	<p>FOUR PAWS</p> <p>World Animal Protection</p> <p>World Federation for Animals</p>	<p>Animal welfare principles and practices are enshrined in EU legislation, which EIB applies in all its projects in this sector.</p> <p>A reference to the EU and the Five Freedom Standards promoting animal welfare have been included in the EIB Group's Environmental and Social Policy.</p>
8	<p>Guaranteeing "no significant deterioration of habitats and disturbance of species" would avoid both excessive damage by projects and transmission of zoonotic diseases.</p> <p>In that regard, and given its objective to transform into the "EU Climate Bank", the EIB needs to make sure that its project do not result in biodiversity loss.</p>	<p>Counter Balance</p> <p>Joint contribution 5</p>	This concept underlies the objective of the Standard.
9	The Strategic Environmental Assessments diagnosis and detection can play important role. For projects that deal with livestock production systems and farm and market structure, routine diagnostic tests of the livestock and field observations should be included in a targeted monitoring plan for the elimination of the transmission of zoonotic diseases.	Green Growth Horizontal Project - Interreg MED Programme	Your comment is noted. The EIB thanks you for the feedback.
10	The EIB Group could consider adding an article on the transmission of zoonotic diseases based on expert input (comparable to the article on Invasive alien species).	Partnership for Biodiversity Accounting Financials (PBAF)	

5. This Standard requires Promoters to identify opportunities to enhance biodiversity. The EIB is increasingly exploring nature-based solutions (NBS) and green infrastructure as opportunities to enhance biodiversity in infrastructure projects. Are these useful paths to explore?⁴



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Yes, both can contribute to an enhancement of biodiversity, provided that they are defined and implemented in the right way. See also publications by International Union for Conservation of Nature on Nature-based Solutions and the World bank Group on Nature-based Solutions and Climate. This also means that potential synergies and trade-offs between biodiversity and climate are taken into account.	Ministry of Agriculture, Nature and Food Quality of the Netherlands Partnership for Biodiversity Accounting Financials (PBAF)	Please see the “Do No Significant Harm” criteria and principles of the EU Taxonomy.

⁴ Note: NBS and Green Infrastructure are not directly discussed in the Standard, or presented as requirements. As a consequence, specific responses are not relevant for most of the contributions. However, the contributions have been left as input for the Bank’s future consideration on these issues.

Ref.	Summary of Contribution	Contributor	EIB comments
2	<p>1) Nature based solutions in the meaning of the International Union for Conservation of Nature's Nature-based Solutions Standard (https://portals.InternationalUnionforConservationofNature.org/library/node/46191) is the idea that solutions to societal problems can be found in nature instead of the use of grey infrastructure and negatively impacting technologies. The EIB would need to provide a clear and precise definition of nature-based solutions to ensure that this aligns with the scientific consensus.</p> <p>2) Green infrastructure is based on the principle that "protecting and enhancing nature and natural processes [...] are consciously integrated into spatial planning and territorial development" (https://www.eea.europa.eu/themes/sustainability-transitions/urban-environment/urban-green-infrastructure/what-is-green-infrastructure). Interconnecting green areas that might prevent floods, landslides, or contribute to cleaner air should be encouraged and therefore financed and prioritised.</p>	<p>EcoNatur Foundation</p> <p>Joint contribution 5</p>	<p>There is no agreed definition of Nature-based Solutions – to date the EIB applies the International Union for Conservation of Nature's definition which has been aligned with the EU definition of nature-based solutions.</p>
3	<p>They are very useful to explore, and the EIB's support for their implementation should be enhanced in the Standard. The Standard further needs to recognize in its over-arching principles as well as in the further provisions the EIB's support of Nature-Based Solutions and Green Infrastructure.</p>	<p>FOUR PAWS</p>	<p>A footnote (6) in para 3(d) has been added to strengthen this point. The overarching principles are clearly spelled out in the EIB Group's Environmental and Social Policy and the EIB Group's Adaptation Plan.</p>
4	<p>"Nature-based solutions" are often financed through offsetting mechanisms, e.g.. For burning fossil fuels, since their appeal resides precisely in their "cost-effectiveness" compared to curbing destruction, as well as in their ability to provide business opportunities. In practice, companies often claim that carbon and biodiversity offsetting projects are "nature-based solutions". Large extractive industries have used the term NBS for planting artificial forest plantations, for example. But nature cannot solve problems that are created elsewhere.</p>	<p>Counter Balance</p> <p>Joint contribution 5</p>	<p>As clearly stated in the Standard, compensation/offsets are a measure of last resort. Please see para 10(e) on the application of the mitigation hierarchy. The upcoming substantial contribution criteria for objective 6 under the EU taxonomy do not consider NBS that are offsets as substantially contributing substantially to objective 6.</p>
5	<p>Nature-based solutions may provide some benefits, but overall provide a possibility for harms to be « offset » through NBS rather than reducing harms and impacts at the source. For</p>	<p>Joint contribution 5</p>	

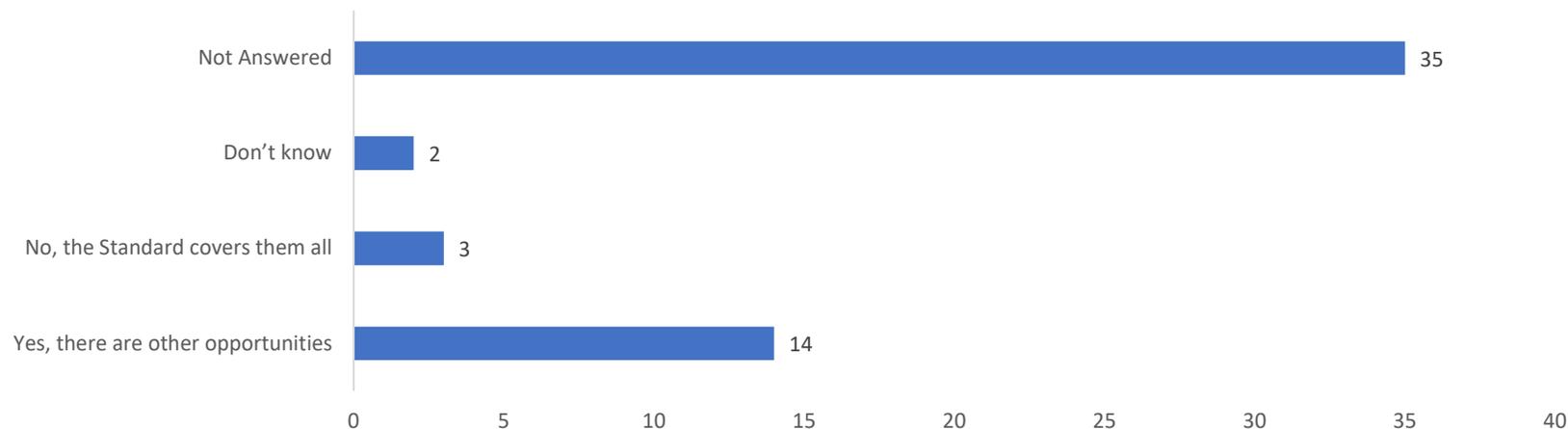
Ref.	Summary of Contribution	Contributor	EIB comments
	example, fossil fuel companies offsetting Green House Gases by planting trees. A more impactful approach would be to reduce and replace fossil fuels with alternatives and avoiding projects which contribute to further deforestation.	World Federation for Animals	
6	Nature-based solutions is an unclear term which can include both positive and problematic measures. In recent years it has often been misused, especially in the Global South. Nature-based solutions must not be used for greenwashing of business-as-usual or for setting up offsetting projects that enable companies to claim they are compensating for destructive activities.	Counter Balance Joint contribution 5	The International Union for Conservation of Nature has set the Gold Standard for Nature-Based Solutions – this is current good practice.
7	<p>In addition, for some biodiversity conservation and restoration projects, there is the issue of whether a bank is the most suitable vehicle to deliver financing. The need to create an income stream to pay back loans may create pressure to include activities that in fact damage biodiversity. We therefore find that grants and government funding are often a more appropriate means to fund biodiversity conservation and restoration, except where the project is part of a wider income-generating activity that could help to repay the loan.</p> <p>Green infrastructure could potentially be an avenue to explore but it again should not be associated with any offsetting measure or used as means of greenwashing.</p> <p>We therefore suggest exploring green infrastructure more and mainstreaming its use into other policies.</p>	Counter Balance Joint contribution 5	Your comment is noted. The EIB thanks you for the feedback.
8	The EIB shall consider nature-based infrastructures and green infrastructures such as “agrienergy”.	Akuo Energy	
9	<p>It all depends on the details.</p> <p>Green infrastructure is arguably better than non-green ones, but in many cases, no new infrastructure might even be better. Regarding Nature-based solutions – the best solution is indeed to protect and restore natural ecosystems. However, when businesses get involved in this process, there are high risks of them using this Financialization of Nature processes for profit: by bending environmental Policy to their interests,</p>	Sinergia Animal	

Ref.	Summary of Contribution	Contributor	EIB comments
	getting access to restricted natural sites, getting quick approval for financial loans, and winning reputational benefits through greenwashing. It also poses risks to the rights and livelihoods of traditional communities that depend on certain natural resources.		Your comment is noted. The EIB thanks you for the feedback.
10	Nature Based Solutions, such as regeneration agriculture, agroecology and silvo-pastoralism can help restore biodiversity allowing birds, beneficial insects such as pollinators and mammals to thrive once again.	Compassion in World Farming EU	
11	<p>Investing in Nature-based Solutions can help build resilience in the face of increasing climate change-induced risks across the continent. In particular nature-based solutions are key to achieve the following five objectives across Europe:</p> <ul style="list-style-type: none"> • Reducing risk from extreme river flooding • Reducing risk from coastal flooding or erosion • Reducing the risk of flooding in cities • Managing water scarcity and reducing risk from droughts • Improving water quality <p>For more information, see the WWF report on Working with Nature to reduce climate risks in Europe.</p> <p>Following the process of Nature-Based Solutions implementation promotes consultations of relevant stakeholders and across sectors, including national, regional and local players. It brings large scale impacts and long-term results, viable after project lifetime. Tools for planning and tracking the progress are available (International Union For Conservation Of Nature Global Standard and Self-Assessment Tool).</p>	WWF European Policy Office	
12	<ul style="list-style-type: none"> • Nature-based solutions and green Infrastructure are important tools to enhance biodiversity and manage biodiversity and climate risks and we encourage EIB to support their mainstreaming in their financing decision, not only as standalone projects. Nature-based solutions and green infrastructure can often provide a cost-effective alternative and/or complement grey infrastructure in 	The Nature Conservancy	

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>reducing flood risks, improving water quality, protecting coastal property, restoring and protecting wetlands, stabilizing shorelines, reducing urban heat, adding recreational space, and more. Effectively implemented, Nature-based solutions can also deliver additional benefits such as supporting sustainable economic growth, green jobs, and improvements to public health. Although there is a growing awareness of the potential for integrating natural and built structures to enhance biodiversity, to date, only a portion of infrastructure investments support Nature based Solutions approaches.</p> <ul style="list-style-type: none"> Scaling up Nature-based solutions implementation, especially green Infrastructure, will require joint efforts of governments, financial institutions, environmental non-governmental organisations and the private sector. EIB can play a key and leading role in encouraging procurement policies that incentivize the consideration and implementation of green solutions and the adoption of Nature-based solutions wherever possible by Promoters. As Promoters are in most cases likely to lack the capacity to incorporate Nature-based solutions or green infrastructure into projects, EIB should work closely with Promoters to identify and advise where relevant, the incorporation of Nature-based solutions in projects. In order to do this, EIB needs to commit resources and invest in building that capacity within the Bank and engage the expertise of environmental NGOs with a track record and expertise in the implementation of Nature-based solutions. EIB should incentivize the adoption of these solutions by providing technical assistance and financing support to conduct required feasibility studies, while accommodating in its investment decision cycle the sometimes more complex and lengthy design process 		<p>Your comment is noted. The EIB thanks you for the feedback.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	involved in the development of Nature-based solutions and green infrastructure solutions.		Your comment is noted. The EIB thanks you for the feedback.
13	EIB should also consider new innovative investments as nature-based solutions. For example, as FAIRR recently outlined in a recent article, looking at the land footprint of plant protein compared to animal protein, investment in sustainable protein could be considered a “nature-based solution” : www.edie.net/blog/ls-protein-diversification-the-next-clean-energy-for-the-net-zero-economy/6098931	FAIRR	
14	Fossil free feedstock	Response 808951905	
15	Yes, these are useful solutions to explore – but again, their actual use depends on the genuine impact, not on the mere use of this terminology.	World Animal Protection	
16	Both extremely useful.	Response 1028822717	

6. Are there any other opportunities to enhance biodiversity through its financial instruments that the EIB should further explore? If you have answered “Yes”, please list up to three examples:



Please explain your answer

Table 6

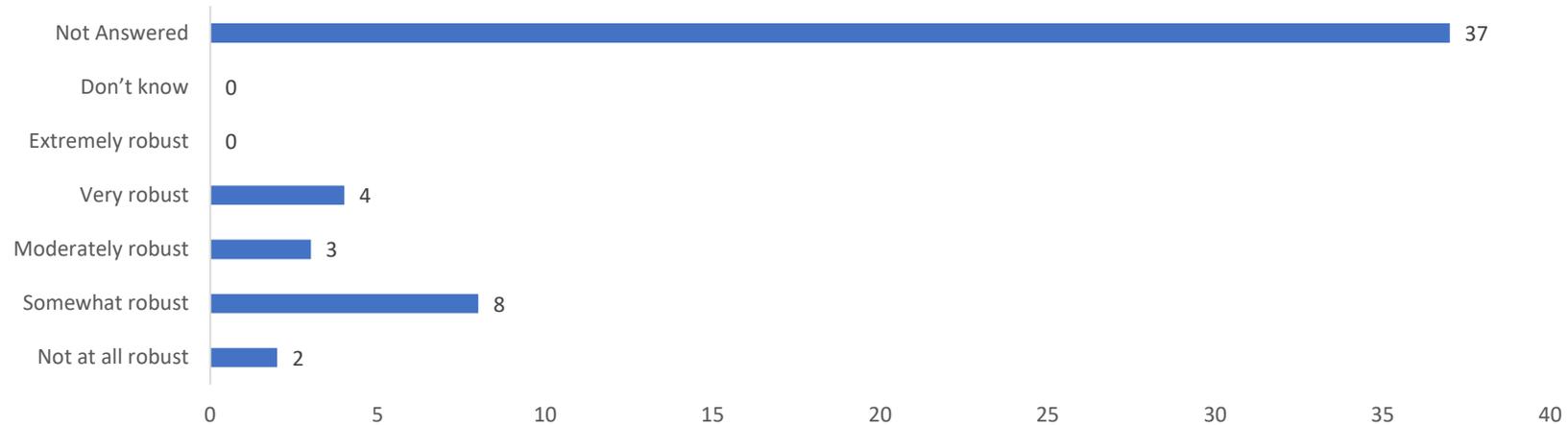
Ref.	Summary of Contribution	Contributor	EIB comments
1	The EIB should enhance biodiversity in line with the EU Biodiversity Strategy 2030 and relevant EU environmental legislations.	EcoNatur Foundation WWF European Policy Office	The Standard is fully aligned with the EU Biodiversity Strategy 2030, EU environmental legislation and the EU Taxonomy Regulation. Para 1 has been reworded to reflect relevant elements of stakeholders' comments.
2	EIB should incentivize countries to do comprehensive spatial planning by providing streamlined project approval for projects developed in accordance with a strategic environmental assessment that identify optimal siting locations.	The Nature Conservancy	The Standard requires Promoters to engage with local and national authorities to ensure that measures proposed are consistent with the local, regional and national conservation and restoration objectives. Where possible and relevant, the EIB is committed to support countries in delivering on their biodiversity commitments. In order to do so, as stated in EIB Group's Environmental and Social Policy, developing and strengthening partnerships with such relevant actors such as yourselves is essential.

Ref.	Summary of Contribution	Contributor	EIB comments
3	Incorporate environmental impacts into EIB's risk-return expectations. Adding positive biodiversity impacts may require the moderation of financial returns expectations (less focus how much is invested versus the how and on what).	The Nature Conservancy	The EIB is working on a methodology to integrate biodiversity and ecosystem externalities into its economic appraisal.
4	The EIB should focus on two major hydropower opportunities: <ul style="list-style-type: none"> • Environmental refurbishment of existing hydropower systems; • Dam decommissioning and removal. The EIB should develop a specific dam decommissioning and removal strategy with objective, science-based, robust and practical criteria. This strategy could build on Guideline n° 4 in the EIB Hydropower Guidelines. 	Joint contribution 5 WWF European Policy Office	The EIB Hydropower Guidelines will be updated to be consistent with the revised EIB Environmental and Social Standards once approved.
5	Yes, the EIB needs to enhance biodiversity by supporting ecosystem and biodiversity conservation.	FOUR PAWS	This is a policy objective of the Bank and has been reflected in the EIB Group Environmental and Social Policy.
6	Use blended financing instruments in ecosystem restoration, particularly in achieving a 25,000 km freshwater restoration target in the 2030 Biodiversity Strategy. EIB should work closely with EU institutions in providing financial support to assert the bankability of restoration opportunities.	The Nature Conservancy	Your comment is noted. The EIB thanks you for the feedback.
7	The EIB stop financing any projects that can have a negative impact on biodiversity	Counter Balance	
8	Enhancing local participation in decision making and elaboration of projects is crucial to ensure the most positive environmental and social outcomes	Counter Balance	
9	The EIB needs to strengthen the protection of indigenous people, as they are the most important steward of the environment and biodiversity and are currently not sufficiently protected under the EIB Group Environmental and Social policy and standards	Counter Balance	
10	The EIB can assist in the diversification of jobs, such as enabling forest companies and workers to participate in eco-tourism.	EcoNatur Foundation WWF European Policy Office	
11	Examples of opportunities include: (1) Nature/Landscape restoration	Partnership for Biodiversity	

Ref.	Summary of Contribution	Contributor	EIB comments
	(2) Sustainable agriculture (agroforestry, regenerative agriculture (3) Ecotourism (4) Sustainable aquaculture.	Accounting Financials (PBAF)	Your comment is noted. The EIB thanks you for the feedback.
12	Clearly exclude industrial livestock farming, industrial aquaculture, and industrial fishing from finance.	Sinergia Animal	
13	Only finance agricultural practices that use agro-ecological practices.	Sinergia Animal	
14	Actively support, at every level, the shift to more sustainable food systems.	Sinergia Animal	
15	Plants and insects can have a direct effect on the climate or even on energy production!	Response 808951905	

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7. Are the requirements in areas of critical habitat robust enough? (see paras 17-23).



Please explain your answer

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	The Standard 4 on Biodiversity and Ecosystems rightfully identifies critical habitats as the most sensitive of the high-value biodiversity features. Due to that status, these habitats should receive the highest Standard of protection. Nevertheless, several crucial habitats are not explicitly mentioned from the concept and we propose to add them: priority habitats according to the Habitats Directive, free-flowing rivers, intact primary and old growth forests, mangrove forests, wetlands, reef systems. The Standard states that if "positive conservation outcomes ("net positive impact") are achievable through appropriate compensation or offset measures for residual impacts", a project can be financed. This should always be the last resort solution.	Counter Balance EcoNatur Foundation Joint contribution 5 WWF European Policy Office	Critical habitats are correctly identified as the most vulnerable of the high-value biodiversity characteristics in the Standard. In the Guidance Note, the EIB will explain in more detail the concept of critical habitat which will indeed refer to priority habitats and old growth forests, for example. As clearly stated in the Standard compensation/offsets are indeed a last resort measure for residual impacts. Foot note 8 also states that biodiversity offsets are not an acceptable measure to achieve Net Positive Impacts for critical habitat.
2	To ensure protection of critical habitats, we propose that para 18(b)(c) be amended as follows: "In areas of critical habitat, the Promoter shall not implement any project activities unless they are activities for ecosystem and biodiversity conservation."	FOUR PAWS	The fulfilment of the condition for positive conservation outcomes (net positive impact) (para 17(e) former para 18(e)) prevails. We have also added that continued ecological functionality needs to be assured.

Ref.	Summary of Contribution	Contributor	EIB comments
3	We agree EIB shouldn't support projects in critical habitat. The requirements for areas in critical habitat are robust. However, the main objective should be to avoid any development in critical and natural habitat without exception. If exceptions are to be made, we suggest adding to the list of conditions under para 18 the need to make all available information publicly accessible.	The Nature Conservancy	Unfortunately, there are exceptions where developments do go ahead in areas of critical habitat. However, in order to do so they need to meet all the criteria in para 17. Through the requirements for meaningful stakeholder engagement in 17 (d) information is made available to the public.
4	The criteria would benefit from more detailed thresholds and metrics.	Sinergia Animal	More detailed thresholds will be outlined in the proposed Guidance Note for this Standard.
5	All protected natural habitats and habitats of species should be treated as 'critical habitat' or 'high-value biodiversity'. These include, but are not limited to habitats and species listed in Resolutions 4 and 6 of the Bern Convention, Annexes 1 and 2 of the Habitats Directive, Annex 1 of the Birds Directive and in similar international legislation outside Europe, as well as those listed in national, international or regional red data books. The methodology for defining the so-called 'critical habitat' and 'high-value biodiversity' is not defined in the Habitats Directive nor the Bern Convention and as such must not contradict their provisions, especially in cases when the project affects Natura 2000 sites, Emerald sites or other protected sites.	Counter Balance	The EIB has amended para 24 (now 23) to include "protected and/or Key Biodiversity Areas" where EIB uses the following definition for protected areas (footnote 21) "The EIB applies the protected area definition provided by the International Union for the Conservation of Nature (IUCN): "a clearly defined geographical space, recognised, dedicated and managed through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values." This includes sites protected as part of the Natura 2000 network (including Special Areas of Conservation and Special Protection Areas), potential Natura 2000 sites, sites of the Emerald Network, Ramsar sites, UNESCO Natural World Heritage sites, UNESCO Man-and-Biosphere Reserves, Important Bird and Biodiversity Areas (IBAs), sites from the Alliance for Zero Extinction (AZE), and others as relevant."
6	They seem quite strict, although: 1. The sentence "impacts are avoided and minimised to the extent possible" reads like there is still room for impact. 2. The sentence "Positive conservation outcomes (net positive impact) are achievable" reads like it is not strictly necessary to achieve this. "Are achievable" should be replaced by "is achieved".	Partnership for Biodiversity Accounting Financials (PBAF)	Not all impacts can be avoided and minimised and there will be residual impacts that need to be either mitigated or compensated for. The EIB has amended the sentence – indeed it should have read " <i>achieved</i> ".
7	We believe that the critical habitats provisions in Standard 4 can be helpful in covering EIB Group's Environmental and Social Policy and practice gap between EU and non-EU countries. Critical habitats assessment can trigger more careful appraisal of projects even if the local legislation does	The Nature Conservancy	This will be further detailed in the proposed Guidance Note.

Ref.	Summary of Contribution	Contributor	EIB comments
	not sufficiently protect nationally and globally sensitive species and habitats. Critical Habitat Assessment should have a clear outline publicly available as either Annex to Standard 4 or a part of the Operational Guidelines.		
8	To enable the evaluation of the effectiveness of the Standard in protecting critical habitats, EIB should provide transparent and accessible reporting at portfolio level and annually on projects approved that have impacts on critical habitat and a summary of how the conditions under para 18 are all met.	The Nature Conservancy	Your comment is noted. The EIB thanks you for the feedback.

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8. As a reflection of its commitment to uphold animal welfare Standards in its projects, the Bank is due to publish a good practice note on animal welfare for the operations it finances. If you do not believe this to be sufficient, where and how else would you suggest embedding animal welfare requirements?

Please explain your answer

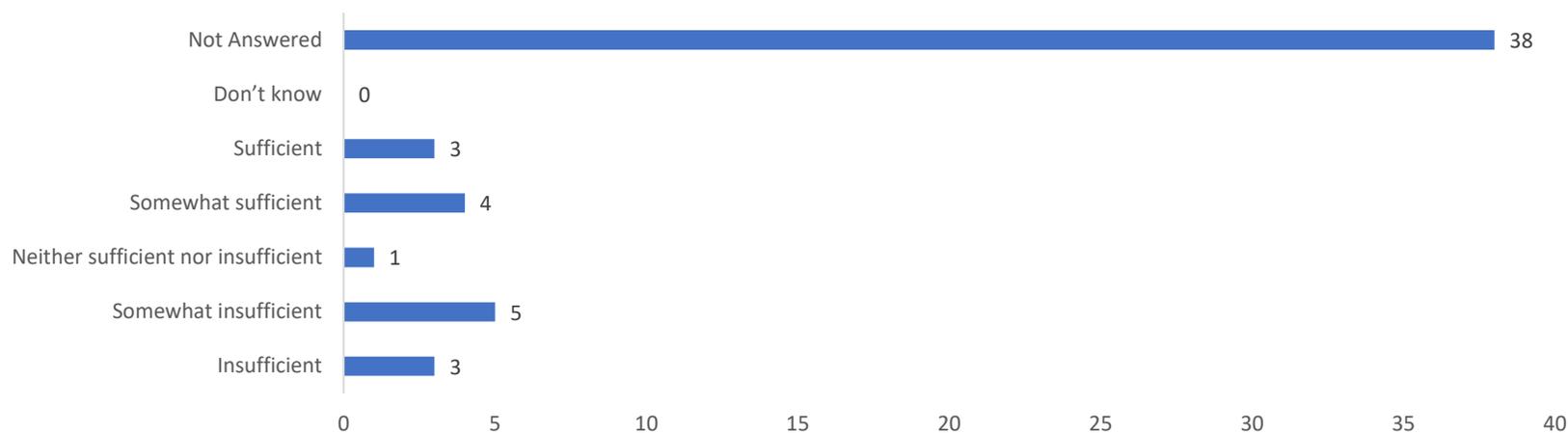
Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	Animal welfare is not relevant to biodiversity protection since animal welfare concerns how animals are treated when involved in human activities such as livestock farming, breeding etc. When addressing biodiversity and its conservation, it focuses on the wildlife. In consequence and due to its importance, animal welfare needs a specific Standard rather than an integration into this Standard. In this specific case two topics have been brought together that do not share a link.	EcoNatur Foundation World Federation for Animals	The EIB agrees that animal welfare and biodiversity protection are separate issues. Animal welfare principles and practices are enshrined in EU legislation, which EIB applies in all its projects in this sector. All Standards are aligned with EU Policy, which implies a compliance with EU Green Deal strategies for animal welfare in agriculture as well as environmentally sustainable agricultural practices. This is also part of the EIB sector eligibility criteria and is reflected in the EIB Group Climate Bank Roadmap which includes the Farm to Fork Strategy.
2	A Good Practice Note may set out an ambition, but it does not set concrete criteria which need to be met in order for the EIB to finance a project. A Good Practice Note is therefore insufficient in stimulating improvements in animal welfare. The EIB should rather devote its resources to setting out clear Standards for animal welfare which must be met for the operations it finances and commit to excluding projects which do not meet this. The FARMS Initiative Responsible Minimum Standards are a clear set of criteria based on the International Finance Corporation's Good Practice. Note, and already used by several financial institutions, therefore they're ready to be used by the EIB. Furthermore, we strongly believe that the multiple links between sustainability and animal welfare should be better recognised in this document, in particular in Chapters A, D-G, I, L, N (Standards 1-4, 6, 9 and 11).	Compassion in World Farming EU EcoNatur Foundation FAIRR FOUR PAWS Partnership for Biodiversity Accounting Financials (PBAF) Sinergia Animal World Animal Protection	The EIB has added a reference to the Five Animal Freedoms and EU Standards in the EIB Group's Environmental and Social Policy and will be detailing our approach to animal welfare in a Good Practice Note dedicated to Animal Welfare.
3	Sufficient but difficult to implement.	Response 1028822717	Your comment is noted. The EIB thanks you for the feedback.

Ref.	Summary of Contribution	Contributor	EIB comments
4	This is a good move.	East African Development Bank	

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9. Are the requirements for assessing and avoiding or minimising impacts on biodiversity and protected areas sufficient?



Please explain your answer

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	They're much better than the stipulations for social impact assessment. However, the absence of consideration of the role of humans and power dynamics is a big gap. Governments will weaponize "conservation" against populations they devalue. EIB risks triggering conflict if they allow that to happen, but they won't know any better if they exclude human rights dimensions from these assessments.	NomoGaia	<p>Please see para 2 where the EIB takes a human rights-based approach to conservation and the protection of biodiversity.</p> <p>As referred to in the Standard, stakeholder engagement is especially important for communities that depend on ecosystem services for their livelihoods, as they are keepers of knowledge on the local characteristics and sustainable use of the ecosystem services. It is also important where impacts on biodiversity or ecosystem services could affect the resource rights, well-being or culture of Indigenous Peoples.</p> <p>Efforts should be made to identify marginalised, excluded or minority groups who may have a different relationship with the ecosystems due to traditional/cultural customs and social norms. See para 11.</p> <p>Please see responses to comments on the EIB's approach to Human Rights (Chapter B)</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	The EIB should set a direction of where no-go zones should apply, in particular in very important biodiversity areas. These areas play a role in making the bank's Policy clear and saving time and energy by automatically rejecting projects which obviously should not be financed. Nevertheless, these areas are not meant to replace sound due diligence and impact assessments that should take place in general, as well as adequate spatial planning that takes into account sensitivity analysis of species and habitats to the different threats.	Counter Balance EcoNatur Foundation Joint contribution 5 World Animal Protection	The directions for no-go zones are provided in the section "Protection and conservation of critical habitat" and especially by the fulfilment of the conditions set in para 18 (now 17).
3	They are quite comprehensive, but reference could be made to the main drivers of biodiversity loss as identified in Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (in line with Partnership for Biodiversity Accounting Financials and existing impact assessment approaches). For example, invasive species are not mentioned in art. 3 and 10, but are treated in a separate article. It is not exactly clear why.	Partnership for Biodiversity Accounting Financials (PBAF)	The conditions and requirements set in para 18 (now 17) for the areas that the Promoter shall not implement any project activities are clear. Invasive species warrant a separate para due to the specific requirements associated with such assessment.
4	Clarify what is meant with "risks" (e.g. in art. 3). The consequences of impacts to people? Does this include risks resulting from dependencies (see also art. 6)? If so, it would be better to talk about " <i>assess biodiversity- and ecosystem services-related impacts and dependencies and resulting financial/project risks and risks to local communities and other stakeholders</i> ".	Partnership for Biodiversity Accounting Financials (PBAF)	The EIB is a project-financing institution, and as such the EIB Environmental and Social Standards spell out the requirements for, and obligations of, the Promoter. The Standard has the same objective as International Finance Corporation Performance Standard 6 – it deals with risks and impacts at project level.
5	Note that several articles refer to the mitigation hierarchy, but not always in the right way. It should be avoid, mitigate, restore and compensate (instead of "avoid and prevent" (art. 3, art. 24) or skip "restore" (footnote 4, art. 18 ^e , art. 20)).	Partnership for Biodiversity Accounting Financials (PBAF)	The EIB disagrees – it is avoidance, minimisation, restoration and compensation. Avoidance and prevention are synonyms – prevent comes directly from the Habitats Directive. However, to avoid confusion the EIB has reworded footnote 3 for consistency.
6	It is urgent that the EIB brings its Policy in line with the Commission's commitment to river restoration and stops financing new hydropower projects of any size in Europe (including the Balkans and the Eastern Neighbourhood countries).	WWF European Policy Office	The EIB's approach to hydropower is presented in the 2019 Environmental, Climate and Social Guidelines on Hydropower Development. These set out the EIB's requirements for investments in hydropower projects, establishing sector-specific Standards and criteria, which Promoters should meet. They also summarise best practice recommendations for

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			<p>integrating social, biodiversity, natural resource management and climate considerations into hydropower projects.</p> <p>The Hydropower Guidelines will need to be consistent with the “Do No Significant Harm” criteria and any new restoration regulation once approved. They will also be revised to reflect the revised EIB Environmental and Social Standards once approved.</p>
7	Standard 4 should define what is meant by “high-value biodiversity”. Following “critical habitat” (par 16-19), Standard 4 should include sections on “natural habitat” and “modified habitat.”	The Nature Conservancy	The EIB will provide guidance on high-value biodiversity. Natural habitat is included in the definition of areas of high-biodiversity value. The EIB does not refer to modified habitats as most of the habitat in the EU is considered modified or semi-natural. In modified habitats one can find areas of high-biodiversity including critical habitat as is the case in Europe.
8	Para 16 should be clarified to state that “the Promoter shall not implement any project-related activities unless” all of the following requirements are met. Currently, it could be interpreted by Promoters that they need only meet one of the requirements, such as obtaining an environmental permit (16b).	The Nature Conservancy	The EIB does not believe that the amendment is necessary, as the coordinating conjunction “and” is included at the end of dot point (c).
9	We recommend that all of the ocean be treated as critical habitat (as defined in para.17) in terms of investment in Deep Sea Mining until the criteria laid out in the EU Biodiversity Strategy in 2020 can be guaranteed (i.e until “the effects of deep-seam mining on the marine environment, biodiversity and human activities have been sufficiently researched, the risks are understood and the technologies and operational practices are able to demonstrate no serious harm to the environment, in line with the precautionary principle”).	Deep Sea Mining Campaign	Areas of the deep sea can be defined as ‘critical habitat’ if they meet any of the criteria listed in para 16.
10	For critical habitat, we note the clause that the project must not “lead to measurable adverse impacts that will result in any detrimental effect on the ecological and conservation status of the critical habitat”, but we were unable to find in the draft Standard a clear commitment that the bank will not finance projects where there is a significant conversion or degradation of high biodiversity value or where there are significant residual impacts on UNESCO World and Natural Heritage	Counter Balance	Impacting on areas of high biodiversity value, especially in several developing countries may be unavoidable. An essential criterion in the development of a compensation strategy is indeed the capacity of the institutions to implement and/or enforce the requirements. Compensation strategies are a measure of last resort and where the capacity to implement and manage such compensation strategies is weak, the EIB will require that the focus needs to be on the first three steps

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	<p>Sites. In our reading, the current draft rather relies on the concept of No Net Loss, which is not the same as saying the Bank will not finance projects where there is a significant conversion or degradation of high biodiversity value and where there are significant residual impacts on UNESCO World and Natural Sites. We agree these points should be there, but do not see them currently.</p>		<p>of the mitigation hierarchy. Where this is unavoidable, strengthening the capacity of the relevant authorities may be required. If this cannot be achieved, the EIB may not be able to go ahead with the financing of the project.</p>
11	<p>Regarding the existing provisions, Emerald sites must have the same protection and appropriate assessment as Natura 2000 sites. No biodiversity offsetting should be accepted. Areas particularly worthy of protection (for example proposed protected areas) should be treated the same way as designated protected areas. In protected areas outside the EU an appropriate assessment needs to be applied following the principles of Art.6.3. of the Habitats Directive in order to align with the European Principles for the Environment</p>	Counter Balance	<p>The EIB has amended para 24 (now 23) to include “protected and/or Key Biodiversity Areas” where EIB uses the following definition for protected areas (footnote 21) “The EIB applies the protected area definition provided by the International Union for the Conservation of Nature (IUCN): “a clearly defined geographical space, recognised, dedicated and managed through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.” This includes sites protected as part of the Natura 2000 network (including Special Areas of Conservation and Special Protection Areas), potential Natura 2000 sites, sites of the Emerald Network, Ramsar sites, UNESCO Natural World Heritage sites, UNESCO Man-and-Biosphere Reserves, Important Bird and Biodiversity Areas (IBAs), sites from the Alliance for Zero Extinction (AZE), and others as relevant.”</p>
12	<p>To better conserve protected areas, we propose the following amendments:</p> <p>Recommendation regarding para 24 Proposed amendment: “All projects likely to have effects on <i>legally protected and/or internationally recognised areas of biodiversity value</i>, including Natura 2000 sites(footnote16) shall be subject to an assessment according to the EU Habitats Directive(footnote17) (i.e. an Appropriate Assessment which will evaluate the project’s implications for the site in view of the site’s conservation objectives, either individually or in combination with other projects, and identify relevant measures to avoid, prevent and reduce any significant impact) “<i>areas that have been proposed for protection by a government authority or other body and for which the process of admission is ongoing (footnote: e.g.. candidate UNESCO World Heritage Sites, candidate emerald sites, etc.) are treated as designated areas</i>”. In addition, for projects located in Candidate and potential Candidate countries, any timeframes arranged with the European Union through</p>	FOUR PAWS	<p>This in fact reflects the “Do No Significant Harm” criterion.</p>

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	<p>bilateral agreements and/or action plans to achieve compliance with the mentioned Directives shall be considered.</p> <p>For all projects located in the European Union that are subject to an Appropriate Assessment, “according to para 24”, focusing on the species and/or habitats for which Natura2000 sites have been designated “or that are legally protected and/or internationally recognized for conservation”, the Promoter shall, upon request, provide the EIB with evidence of [...].</p>		
13	<p>We also suggest that EIB takes into account protected areas of biodiversity value in the process of designation. The EU'S 2030 Biodiversity Strategy explicitly requires Member States to increase areas under protection and strict protection. Also, peer institutions such as the European Bank for Reconstruction and Development recognize that project locations that require comprehensive Environmental and Social Impact Assessments including “inter alia, nature protection areas legally protected and/or internationally recognized, or proposed for such status by national governments” (EBRD PR 6, 2019,).</p>	The Nature Conservancy	
14	<p>To better conserve protected areas, we propose the following amendments:</p> <p>Recommendation regarding para 28 Proposed amendment: “The EIB shall only finance a project within a protected area, or within a nationally or internationally designated or recognised ‘or candidate area for biodiversity conservation, (footnote21) if the Promoter is able to demonstrate that the proposed development in the area is legally permitted and that the design of the project is consistent with a recognised management plan for the protected or designated conservation area. In the absence of a recognised plan, the project should be compatible with the achievement of the relevant conservation objectives used to designate the area in question. All projects likely to have effects on a protected area, or within a nationally or internationally</p>	FOUR PAWS	Paras 24 (now 23) and 28 (now 27) have been amended accordingly, along with footnotes 20 and 27.

Ref.	Summary of Contribution	Contributor	EIB comments
	designated or recognized or candidate area for biodiversity conservation, shall be subject to an assessment in line with the EU Habitats Directive (i.e. an assessment equivalent to the Appropriate Assessment which will evaluate the project's implications for the site in view of the site's conservation objectives, either individually or in combination with other projects, and identify relevant measures to avoid, prevent and reduce any significant impact)".		
15	We believe that EIB's commitment from the Draft Policy's Preamble, namely that EIB is "committed to supporting the EU's values and objectives laid down in EU policies through its financing, blending and advisory activities, in the European Union and beyond" (emphasis added) require additional safeguards for legally protected areas or internationally recognized areas of biodiversity value in non-EU countries, including those without the Candidate status.	The Nature Conservancy	The EIB believes that the safeguard requirements specified for non-EU country projects extend well beyond those usually provided for in domestic legislation.
16	To ensure equal application of EIB's Standards, EIB should require an equivalent of the Appropriate Assessment so that developers can demonstrate adequate compatibility. An Appropriate Assessment was already required in EIB's, for instance, during the Nenskra Hydropower Plant Project appraisal in Georgia. The form of such equivalent Appropriate Assessment can be detailed in the Annex to the Standard, or in the Operational Guidelines, previously known as EIB's Environmental and Social Practices and Procedures, a part of what was previously known as the "Handbook". This outline should also include an equivalent of the Article 6(4) procedure for establishing overriding public interest.	The Nature Conservancy	<p>Additional guidance will be given in the accompanying proposed Guidance Note. Furthermore, the principles of EU law and the essential procedural elements laid down by EU legislation and policies and that the EIB considers relevant, are applicable outside of the EU.</p> <p>The EIB would also refer you to a Multilateral Development Bank's good practice note on Biodiversity inclusive Impact Assessment issued by the Multilateral Development Banks in 2015.</p>
17	<p>No, they are not enough. The EIB should adopt a strict Policy that prohibits any deforestation of natural forests, conversion of natural ecosystems or developments on peat.</p> <p>Furthermore, the approach should not be focused on 'minimising impacts on biodiversity', but on maximising positive impacts on biodiversity. This would need to imply a fundamental shift in the projects the EIB finances, and shift to</p>	Sinergia Animal	The purpose of this Standard is to set minimum "safeguard" requirements for projects implemented by Promoters and not to set Policy goals which are covered in the EIB Group Climate Bank Roadmap as well as the EIB Group's Environmental and Social Policy. The Standard makes it clear that EIB projects are working towards "no loss" and "net positive impact".

Ref.	Summary of Contribution	Contributor	EIB comments
	financing only those that promote a transition to a more sustainable future.		
18	In OHCHR's view, footnote 9 (discussing the importance of stakeholder engagement for Indigenous Peoples and other communities that rely on ecosystems for their livelihoods) is particularly relevant and should be moved to the body text.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB agrees with the comment. Footnote 9 has been moved into the body of the text.
19	OHCHR welcomes the reference to stakeholder engagement as a "key part of the assessment of impacts and risks affecting biodiversity and ecosystems" (para 12), as well as the requirement to carry out this engagement according to the specifications included in Standards 2 and 7.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Your comment is noted. The EIB thanks you for the feedback.
20	Several of KenGen's geothermal plants are situated on a UNESCO World Heritage Site, Hell's Gate National Park!! What on earth was the EIB doing encouraging this site to be even further degraded? Not only is it a World Heritage Site, it is also home to threatened species of birds and other wildlife.	Response 661456814	

10. Additional comments on Standard 4.

Table 10

Ref.	Summary of Contribution	Contributor	EIB comments
1	As outlined in the EIB Ocean Plastics Reduction Guide, the impact of plastic waste and microplastics on biodiversity is disastrous. However, plastic is not merely a marine litter problem, but rather a challenge of the plastic lifecycle that needs to be tackled on land, starting from the production of polymers and plastics.	GAIA	While plastic pollution is not explicitly mentioned in the updated Environmental and Social Sustainability Framework, it is addressed through Standard 3 “Resource efficiency and pollution prevention”, which requires projects involving the production of waste with significant environmental impact (including plastic waste) to include as part of the Environmental Impact Assessments/Environmental and Social Impact Assessments measures planned to mitigate such impacts and feasible goals and objectives for waste prevention, reuse, recycling and recovery, in line with the waste hierarchy principle.
2	Standard 4 should take better into account the interrelationships between biodiversity and vulnerable social groups, particularly women and Indigenous Peoples. One of the most effective ways to safeguard biodiversity is to empower its traditional stewards to oversee its protections and manage its impacts. That there is hardly any engagement with the gender dimensions of biodiversity conservation is a major gap in the Standard as written.	Counter Balance Joint contribution 5 Joint contribution 6	<p>The EIB recognises that women and vulnerable groups and Indigenous Peoples suffer most from biodiversity losses. In para 11 the EIB elevated the footnote on stakeholder engagement to the main body of the text, which makes the gender dimension of biodiversity conservation more explicit.</p> <p>Standard 4 promotes a gender-sensitive approach in identifying the project’s impact on ecosystem services and requires that local communities are involved in the assessment process and in the definition of mitigation and restoration measures, particularly when they are vulnerable, and their livelihoods depend on biodiversity and ecosystem services.</p> <p>The EIB considers this Standard in the broader context of the EIB Group’s Environmental and Social Policy and the other Standards.</p> <p>Together with the CDC Group, the European Bank for Reconstruction and Development, and the International Finance Corporation, EIB has developed a biodiversity and gender good practice note which was presented at COP 26</p>
3	OHCHR notes the explicit reference to the impacts on the degradation of ecosystems on “vulnerable” communities and Indigenous Peoples. Indeed, The Special Rapporteur on the	Office of the United Nations High Commissioner for	Para 2 has been amended to reflect relevant elements of stakeholders’ comments.

Ref.	Summary of Contribution	Contributor	EIB comments
	issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has found that the fulfilment of a broad range of human rights depends on thriving biodiversity and healthy habitats and ecosystems. In this regard, the explicit commitment to promote “a human rights-responsive approach” to the conservation and protection of biodiversity of ecosystems is noteworthy however OHCHR would suggest that the term “human rights- based approach” be used instead, in line with international practice and the draft ESP.	Human Rights (OHCHR)	
4	OHCHR would suggest that the reference to “appropriate consultation” be substituted by “meaningful consultation,” consistent with the terminology used in Standard 2 and in the common Glossary.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Changes have been made to what is now para 15(c).
5	<p>Introduction Para 1: Delete “net” from “net loss” and replace “Biodiversity” with “habitats and species”.</p> <p>In footnote 3, replace “no net loss” with “no loss” of habitats and species refers to “no significant deterioration of habitats and disturbance of species” as in EC Guidance</p> <p>In footnote 4, delete “Net” before “Positive” “Managing Natura 2000 Sites – The provisions of Article 6 of the “Habitats” Directive 92/43/EEC</p>	Counter Balance Joint contribution 5	<p>Para 1 has been amended to reflect alignment with the EU Biodiversity Strategy 2030 and the EU Taxonomy as well as the proposed post-2020 Global Biodiversity Framework</p> <p>The EIB will however not replace biodiversity with habitats and species as the EIB uses the definition of biodiversity as spelled out in the Convention of Biological Diversity.</p> <p>The EIB has decided to keep the “net” positive impacts as “positive impacts” will only address biodiversity locally and may not take into account upstream or downstream impacts of the project. Removing “net” may also lead to the project not taking into account value and supply chains.</p>
6	<p>Objective Para 3: insert sub-para a, as follows: “appropriate sectoral and land-use planning to ensure proper justification of projects and avoidance of significant cumulative impacts” and replace “Biodiversity” with habitats and species, in sub-para c.</p>	Joint contribution 5	<p>The EIB has amended para 3(b) to include sectoral and spatial planning however the EIB believes that cumulative impacts are sufficiently addressed from para 9 onwards.</p> <p>As mentioned in the answer above, the EIB will not be changing the term “biodiversity”.</p>
7	The Standard shall take more into account impacts on the long term (see para 3a), precising whether the project cycle include its dismantling.	Akuo Energy	This covers the whole project’s life cycle, including the dismantling/decommissioning phase (see para 10 (d)).

Ref.	Summary of Contribution	Contributor	EIB comments
8	Scope Para 4: The sentence “This Standard applies to a specific project” to be followed by: <i>“financed directly by the EIB or through a financial intermediary”</i> .	Counter Balance Joint contribution 5	The EIB believes that this is clearly reflected in the Group’s Environmental and Social Policy and in Standard 11 on Intermediated Finance and does not need to be further developed here. Particular Standards (1-10) are relevant if they are “triggered” by a specific project. This is the case for projects financed directly, as well as for intermediated projects.
9	Delete “or” from point iii) and add <i>“or areas particularly worthy of protection”</i> at the same point	Counter Balance Joint contribution 5	The EIB uses the internationally recognized terminology, which is “areas of high biodiversity value”.
10	General Requirements Add a new para (para 6), as follows: “All projects need to be part of publicly consulted and coherent spatial plans and sectoral strategic plans, which have been subject to strategic environmental assessments. Sectoral strategies and plans also need to adequately justify the need for the project”.	Counter Balance Joint contribution 5	Not all sectoral strategic plans are subject to the Strategic Environmental Assessment Directive therefore the EIB does not believe this para should be added. Not all projects are therefore part of plan. However, the EIB has added in 3(b) that appropriate sectoral, land use and marine spatial planning be taken into account.
11	Para 7: <ul style="list-style-type: none"> • Replace “Biodiversity” with <i>“habitats and species”</i> • Add <i>“within the project area or outside”</i> after directly or indirectly • Add <i>“For projects affecting freshwater ecosystems, impacts on the whole river basin must”</i> at the end of the para 	Counter Balance Joint contribution 5	The relevant ecological assessment area is not limited to the project boundaries. This will be further detailed in the proposed Guidance Note for this Standard.
12	Para 8: <ul style="list-style-type: none"> • Needs to include not only EU Candidate and potential Candidate countries, but also countries which have bilateral agreements with the EU entailing environmental obligations, for example the Association Agreements signed with Georgia, Moldova and Ukraine, which include obligations to apply parts of the Water Framework Directive and Habitats Directive. • Add <i>“[...] and international biodiversity conventions.”</i> after “...legislation” • Footnote 6: <ul style="list-style-type: none"> ○ Replace “Biodiversity” with <i>“habitats and species”</i> 	Counter Balance Joint contribution 5	The relevant biodiversity conventions have been transposed into EU environmental legislation. The Standard will be complemented by a specific Guidance Note, where further information on all relevant legislation will be provided.

Ref.	Summary of Contribution	Contributor	EIB comments
	<ul style="list-style-type: none"> ○ Add “water” before “ecosystem services” ○ Add “[...] and includes, but is not limited to, the Habitats Directive, Birds Directive, Water Framework Directive, Environmental Liability Directive, Environmental Impact Assessment Directive and Strategic Environmental Impact Assessment Directive” after “living natural resources” 		
13	Para 9: <ul style="list-style-type: none"> • Delete “and” before “potential Candidate” • Add “and other” after “potential Candidate” • Add “with bilateral agreements with the EU entailing the application of EU legislation” after “countries” • Add “as binding” before “any timeframe...” 	Counter Balance Joint contribution 5	The wording proposed by the EIB has been thoroughly checked and reflects the correct, legal references to European legislation.
14	Para 10: <ul style="list-style-type: none"> • Delete “align” • Replace “good practices” with “biodiversity conventions” • Delete “Net” before “Loss” • Delete “Net” before “Positive” 	Counter Balance Joint contribution 5	The EIB believes you are referring to para 9, which has now become para 8. This has been amended. Please note that international good practices evolves from the requirements emanating from the biodiversity/nature-related conventions. Please see previous comments on “net positive impact” (Table 1, points 2, 3, and 4)
15	Footnote 7: <ul style="list-style-type: none"> • Delete the whole first sentence of the Footnot • Add “and other regional biodiversity conventions (like the Convention on the Protection of the Black Strategic Environmental Assessments Against Pollution, etc.)” at the end of the footnote 	Counter Balance Joint contribution 5	The EIB believes it has listed the key conventions and that the Standard is not the right place to list all regional conventions or conventions that include a biodiversity dimension. The Standard will be complemented by a specific Guidance Note, where further information will be provided.
16	Specific requirements Para 11: <ul style="list-style-type: none"> • Replace “habitats” with “natural habitats and habitats of Species” Add “and conservation status” after “species diversity” 	Joint contribution 5	The assessment is not limited to natural habitats only but also to modified or semi-natural habitats. Specific requirements for natural habitats are dealt with later in the Standard.
17	Para 12:	Joint contribution 5	

Ref.	Summary of Contribution	Contributor	EIB comments
	<ul style="list-style-type: none"> • Sub-para a: <ul style="list-style-type: none"> ○ Add “<i>of all species and habitats of national and international importance</i>” after “including field surveys”. ○ Amend the last sentence to read as: “<i>Any field surveys and assessments should be up-to-date and the data should be acquired for the whole area where the project may have impacts, direct or indirect, including ancillary/associated works/facilities</i>” • Sub-para d: replace “Biodiversity” with “habitats and species” • Sub-para e: <ul style="list-style-type: none"> ○ Replace the text in parenthesis to read as: “(<i>“no loss” of habitats and species and, where required, Positive Impact</i>)” ○ Delete “offsetting” ○ Add: “<i>In case compensation measures are necessary, these must be implemented before the impacts of the project are significant</i>” at the end of the sub-para. 		<p>The Standard will be complemented by a specific Guidance Note, where further information will be provided.</p> <p>Nevertheless, para 10(a) has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>Changes have been made to “no loss”; offsetting is part of the mitigation hierarchy and therefore the EIB cannot delete it. The EIB has however reiterated that offsetting is a last resort solution.</p>
18	Para 14: replace “Biodiversity” with “ <i>habitats and species</i> ”	Joint contribution 5	
19	Para 15: Amend the text to read as “ <i>In case of unpredicted significant project impacts on species, habitats, biodiversity and ecosystems over the long term, the principles of the Environmental Liability Directive must be applied. This means that restoration takes place and any damage is paid for by the project Promoter, in line with the polluter pays principle</i> ”.	Joint contribution 5	<p>The EIB believes you are referring to para 14.</p> <p>This is a requirement for all regions and the Environmental Liability Directive only applies to EU Member States. This is a much broader issue and adaptive management is key for taking into account a changing climate.</p> <p>The Standard will be complemented by a specific Guidance Note, where further information on the Liability Directive will be provided.</p>
20	<p>Para 17: insert “<i>including but not limited to species and habitats of national or international protection or importance</i>” after “<i>high-value biodiversity</i>”</p> <ul style="list-style-type: none"> • Add a new sub-para a, as follows: “<i>an appropriate assessment is carried-out on the impacts on all species</i>” 	Joint contribution 5	<p>This has been reflected in what is now para 23.</p> <p>Please see previous comment (table 10, point 17).</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p><i>and habitats protected under national legislation, EU legislation or international conventions</i></p> <ul style="list-style-type: none"> Sub-para e: delete “Net” and insert “<i>of habitats and species</i>” after “Loss” 		
21	<p>Para 18: add the following sub-paras:</p> <ul style="list-style-type: none"> “C: <i>Priority habitats and species under the Habitats Directive</i> D: <i>Free-flowing rivers, defined as bodies of water whose flow and connectivity (longitudinal, lateral and vertical) remain largely unaffected by human activities;</i> F: <i>Intact primary forests</i> G: <i>Protected or at-risk marine or coastland ecosystems, including mangrove forests, wetlands, reef systems;</i> H: <i>High status water bodies under the Water Framework Directive</i>” 	Joint contribution 5	<p>The EIB believes you are referring to para. 17.</p> <p>All these elements are captured by the critical habitat definition.</p> <p>The EIB has added the notion of habitat of priority and /or significant importance to provide more clarity under (b) and (c). It is now para 16.</p>
22	<p>Para 19:</p> <ul style="list-style-type: none"> Sub-para a: insert “<i>technology choice</i>” before location and replace “and” with “<i>or</i>” Sub-para c: delete “net” and remove footnote 11 Sub-para e: delete “net” and “or offset” Sub-para f: delete “adaptive” 	Joint contribution 5	<p>The EIB believes you are referring to para 19 which is now para 17.</p> <p>Changes have been made to (a) to reflect relevant elements of stakeholders’ comments.</p> <p>(c) Net reduction refers to the “no overall reduction in the relevant ecological scale in size, quality, or viability of the biodiversity features affected by the project”.</p> <p>Please see previous comments on net positive impacts and offsets for (e) (table 10, point 17).</p> <p>In the context of a changing climate, the EIB will need adaptive management programmes to ensure that the project meets its positive conservation outcomes.</p>
23	<p>Para 21:</p> <ul style="list-style-type: none"> Delete “net” Replace “biodiversity” with “species and habitats” Delete “until other forms of mitigation have been implemented to the fullest extent possible” 	Joint contribution 5	<ul style="list-style-type: none"> This has been amended as previously stated (please see table 10, point 17). Please see previous comments (please see table 10, points 17 and 20).

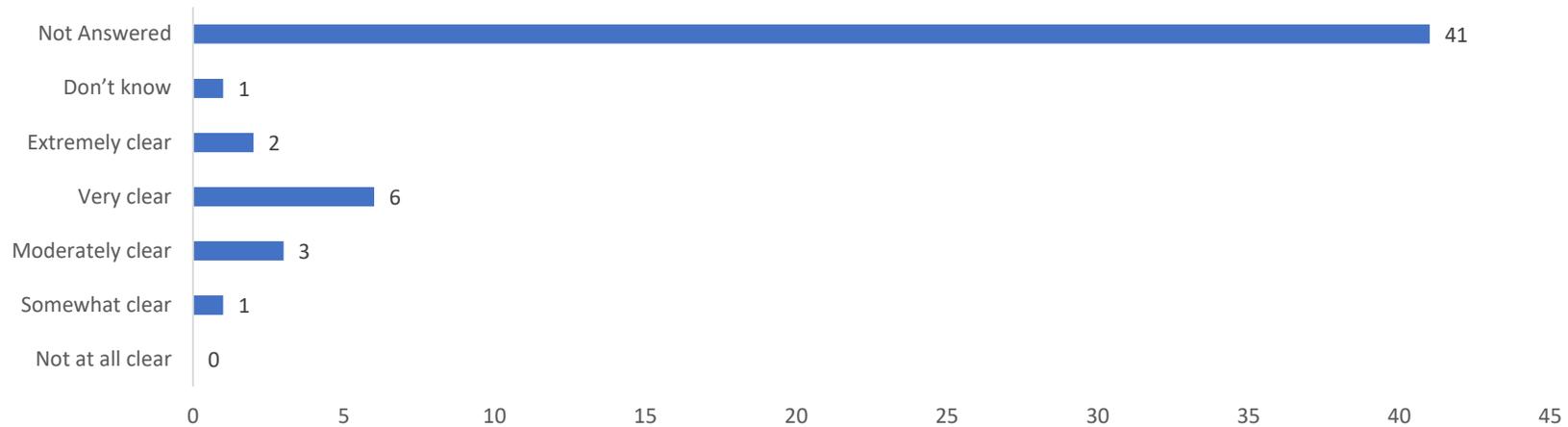
Ref.	Summary of Contribution	Contributor	EIB comments
			<ul style="list-style-type: none"> Offsets are part of the mitigation hierarchy and an element of last resort only as stated at the beginning of the para. The EIB needs to keep the reference.
24	Para 22: <ul style="list-style-type: none"> Add “and/or high-value biodiversity” after “critical habitat” Delete “offset” 	Joint contribution 5	Please see previous comments on offsets (table 10, point 17). “Including” is not the right term, however the EIB spotted an editorial mistake and it should read “biodiversity loss and ecosystems degradation”.
25	Para 23: <ul style="list-style-type: none"> Replace “offset” with “compensation” and add “including” after “degradation” 	Joint contribution 5	
26	Para 24 replace “offset” with “compensation”	Joint contribution 5	
27	Legally protected areas or internationally recognised areas of biodiversity value. Para 25: add “or Emerald site” after “Natura 2000” and add “binding for the project in question”.	Joint contribution 5	Emerald sites are included as part of the EIB’s definition of protected and/or internationally recognized areas. The addition of “binding for the project” is captured in the EIB Group’s Environmental and Social Policy and the requirements to comply with this Standard.
28	Insert a new para 26 as follows: “Projects located in a Natura 2000 site designated as special areas of conservation should only be financed if the Natura 2000 site has an appropriate management plan in place, as required by the EU Habitats Directive”.	Joint contribution 5	This is a requirement of the Habitats Directive. The Standard will be complemented by a specific Guidance Note, where further information may be provided.
29	Para 27: <ul style="list-style-type: none"> Delete “located in the European Union” Add “or Emerald site” after “Natura 2000” Add “proposed or” before “designated” Replace “offset” with “compensate for” 	Joint contribution 5	The EIB believes you are referring to para 25. <ul style="list-style-type: none"> The EIB has added legally protected and/or Key Biodiversity Areas of high biodiversity value to reflect the “Do No Significant Harm” criteria of the EU Taxonomy and therefore covers Emerald Sites which are already included in the EIB’s definition of protected areas. The EIB has added in footnote 20 that it also applies to proposed and candidate sites as required by the “Do No Significant Harm” criteria of the EU taxonomy Regulation. See previous comments on offsets (table 10, point 17)
30	Para 29 amend to read as follows: “The Appropriate Assessment defined in para 24 must be streamlined with the assessments under the EU Water Framework Directive ¹⁹ or the Marine Strategy Framework Directive, in accordance with the Commission guidance document 2016/C 273/01 on streamlining environmental assessments”.	Joint contribution 5	The wording has been amended and verified with the relevant European Commission services for consistency with terminology.
31	Para 30:	Joint contribution 5	The EIB believes that you are referring to para 28.

Ref.	Summary of Contribution	Contributor	EIB comments
	<ul style="list-style-type: none"> Add “the declaration decree” before “a recognised management plan...” Add the following sentence at the end: “<i>The project must not have negative impacts on the species and habitats for which the area is designated, and the developer must undertake the equivalent of an Appropriate Assessment, using the same methodology as in Article 6.3. of the EU Habitats Directive</i>”. 		<p>This para refers to operations outside of the EU and the EIB believes that the requirements spelled out in this Standard reflect the methodology of the Appropriate Assessment.</p> <p>The Standard will be complemented by a specific Guidance Note, where further information will be provided.</p>
32	Invasive alien species Para 37: delete “or attempt to control”	Joint contribution 5	In the marine environment, for example, the Promoter can only attempt to control invasive species that are already well established in the area.
33	Supply chains Para 44: replace “find solutions in order to address them in a manner commensurate with their degree of control and influence” with “ <i>apply articles 17 to 20 for these commodities</i> ”.	Joint contribution 5	The EIB believes you are referring to para 41 (now para 40). We have reflected the stakeholder’s comment by adding “and consistent with the requirements of this Standard.”
34	Good Standard, with some suggestions (see previous questions). A suggestion would be to refer to some of the initiatives and publications in this field directly relevant to the Standard, like the work of Partnership for Biodiversity Accounting Financials, CC and Taskforce on Nature-related Financial Disclosures. Maybe in a separate article or good practice note on ‘Impact and dependency assessment in practice’? Partnership for Biodiversity Accounting Financials would be happy to provide input.	Partnership for Biodiversity Accounting Financials (PBAF)	<p>These recommendations will be assessed during the development of the proposed Guidance Note that will assist in the further implementation of the Standard.</p> <p>The Guidance Note will be publicly available.</p>
35	<p>To develop better and more accurate ways to calculate and measure the impact and dependency on biodiversity and ecosystem services, the Ministry of Agriculture of the Netherlands has given subsidies. Below, you see two of these studies.</p> <ol style="list-style-type: none"> The Biodiversity Footprint Financial Institutions (BFFI) is a tool that is developed to measure the impact of financial institutions on biodiversity. So far, biodiversity footprinting was limited to measuring impact on biodiversity and assessments of dependencies exclude this impact. In a new report (which will be online soon), the method Biodiversity Footprint for Financial Institutions 	Ministry of Agriculture, Nature and Food Quality of the Netherlands	

Ref.	Summary of Contribution	Contributor	EIB comments
	(BFFI) for biodiversity footprinting and the tool and database of ENCORE (Exploring Natural Capital Opportunities, Risks and Exposure) for the assessment of ecosystem services are connected.		
36	<ul style="list-style-type: none"> The Standard would benefit from listing some examples of good international practice, available techniques, and international Standards that align to EU policies and EIB requirements. The Standard should include reference and a link to the Operational Guidelines for the application of the Standard and these should be publicly available. 	The Nature Conservancy	
37	This norm shall be completed by a guidance that better explains how to assess impacts on the biodiversity and ecosystems.	Mohamed Miftah	
38	Standard 4: the part on the Protection does not discourage projects in high value or critical habitat areas in any way (points 16, 18). Any project assessment (screening or appropriate) shall not only evaluate the insignificant impact on the site, but also precise what kind of impact it will have (25).	Eurogroup for Animals	Your comment is noted. The EIB thanks you for the feedback.
39	Para 33: to be added as follows: <i>"The EIB shall not finance any projects that will have a potential measurable adverse impact on any UNESCO World Heritage Site,1 nor projects listed in Annexes 1 and 2 of the Environmental Impact Assessment Directive that are located in, or likely to affect, formally designated protected areas"</i> .	Joint contribution 5	
40	There are other solutions such as technical assistance for strategic evaluations of E&S aspects, including biodiversity.	Mohamed Miftah	

Chapter H: Climate change (Standard 5)

1. Is it clear what this Standard is seeking to achieve?



Please explain your answer

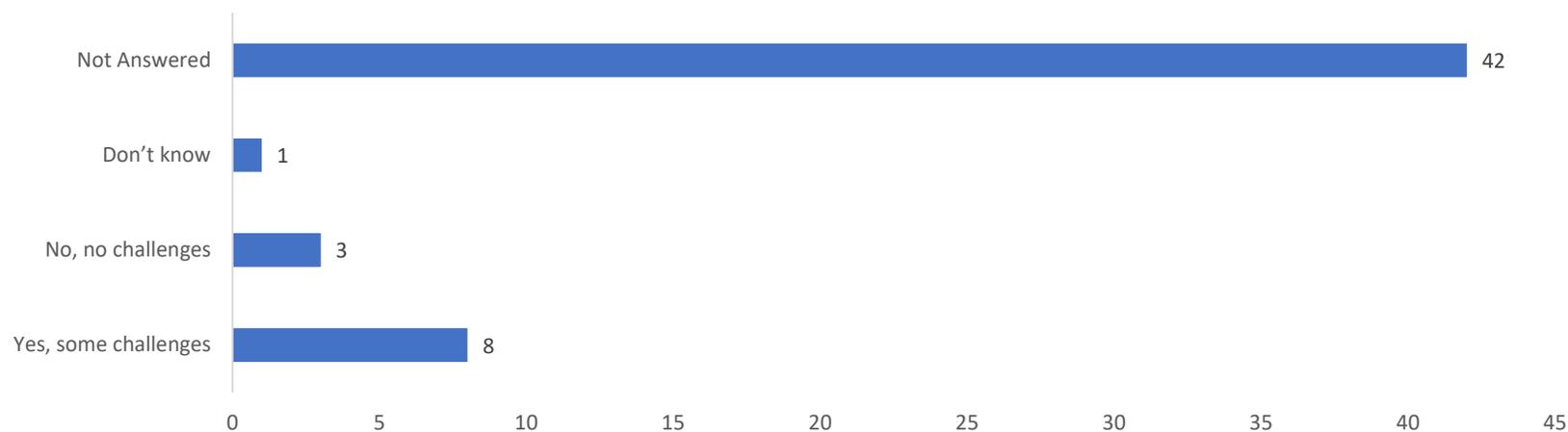
Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	It is moderately clear what the Standard is seeking to achieve, but this clarity would be improved by (1) clarifying the methodologies to be used in calculating project greenhouse gas emissions, (2) more completely harmonising the Standard with the scope and objectives of the Climate Risk and Vulnerability Assessment, and (3) clarifying how tensions between the mitigation and adaptation aims are encouraged by this Standard and other Environmental and Social Standards (such as Standard 10 on Cultural Heritage).	International Council on Monuments and Sites (ICOMOS)	<p>(1) According to the Standard's footnote 17 (previously 13), the EIB has a publicly available methodology for the assessment of Project greenhouse gas emissions.</p> <p>(2) According to paras 18 (previously 15) and 19 (previously 16), the EIB defines when a Climate Risk and Vulnerability Assessment should be carried out by the Promoter and what its extent will be. Also, according to footnote 19 (previously 15), the Climate Risk and Vulnerability Assessment methodology (European Financing Institutions Working Group on Adaptation to Climate Change) is reviewed regularly to take into account new developments.</p> <p>(3) This is now addressed in new para 13.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	<p>As it stands, the current draft Standard on Climate Change does not provide enough detail in its guidance to Promoters and does not reflect the need to address both economic and non-economic elements.</p> <p>Additionally, a few of the definitions used are too narrow and allow for very important elements of a definition to be ignored e.g. referring to women in the gender definition, but not to non-binary and gender non-conforming communities.</p>	European Network on Debt and Development (Eurodad)	<p>The EIB requires its Promoters to assess human rights and gender issues through an integrated environmental and social assessment process. Multiple aspects of human rights and gender issues in economic, social, and cultural areas are addressed and mainstreamed in the EIB's Environmental and Social Standards relating to labour rights, health, safety and security, pollution prevention, involuntary resettlement, Indigenous Peoples, cultural heritage, and stakeholder engagement.</p> <p>EIB notes some of the concerns mentioned and has amended the definition of "Gender" in the glossary in order to reflect considerations of diverse gender identities. Also in the glossary, the definition of "Vulnerable Groups" covers situations in which individuals could be more adversely affected by project impacts than others due to the existing discrimination, marginalisation, and/or exclusion on the basis of their socioeconomic characteristics, including based on their sex, sexual orientation, gender, gender identity.</p> <p>Also, a new para (13) has been included in Standard 5 to underline gender considerations in the sphere of climate change, as well as direct cross-references to Standards 2 on "Stakeholder engagement", 7 on "Vulnerable groups, Indigenous People and Gender", and 10 on "Cultural heritage".</p>
3	<p>The Standard stipulates that climate change mitigation and adaptation considerations must be explicitly addressed by Promoters, but details of how to do this remain thin. The Standard should require Promoters to set science-based targets. Setting a science-based target means Promoters adhere to the Science Based Targets initiative criteria, which require them to disclose of a full greenhouse gas emissions inventory (Scope 1, 2 and 3 greenhouse gas emissions) along with detailed target information and to set ambitious medium-term targets that lead to absolute emissions reductions.</p>	CDP Europe	<p>Para 15 (previously 13) sets out the broad expectations of the EIB, with the additional methodology referenced in footnote 17 (previously 13) setting out project-specific approach.</p> <p>Para 20 (previously 17), and associated footnote 21 (previously 17), further identify the project related data to be provided by Promoters during project appraisal.</p> <p>The methodology and requirements are expected to continue to evolve, including through the new EIB Group Paris alignment for counterparties framework, which is based on disclosure of corporate alignment plans. Guidance material will</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			make due reference to major standards and metrics such as those cited.
4	<p>OHCHR welcomes the range of improvements introduced in draft Standard 5, including its alignment with the objectives of the Paris Agreement and the EU taxonomy, as well as the EIB Group Climate Roadmap and Climate Strategy. However, OHCHR notes that the current draft contains no reference to “just transition”, the subject of the Silesia Declaration at the 24th Conference of the Parties and the Just Transition Mechanism being developed under the European Green Deal.</p> <p>Recommendation: <i>OHCHR recommends that Standard 5 should incorporate the objective of promoting a “just transition” within the meaning of the Silesia Declaration and other international Policy instruments (para. 3).</i></p>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>The principle of Just Transition is encapsulated in the EIB Group’s Environmental and Social Policy and as such this principle is considered to apply in an overarching way to all EIB’s Environmental and Social Standards and will inform EIB appraisal of projects through Standard 5, other relevant Standards and the evolving EIB approach to supporting the Just Transition.</p> <p>Further, Standard 5 now references the European Green Deal and European Climate Law in para 7, as well as policies supporting the Green Deal in footnote 9.</p>
5	The Standard seeks to establish the responsibilities of promoters of projects supported by the EIB in aligning projects with climate change mitigation and adaptation objectives - specifically the Paris Agreement and the Sustainable Finance Action Plan.	FAIRR	Your comment is noted. The EIB thanks you for the feedback.

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

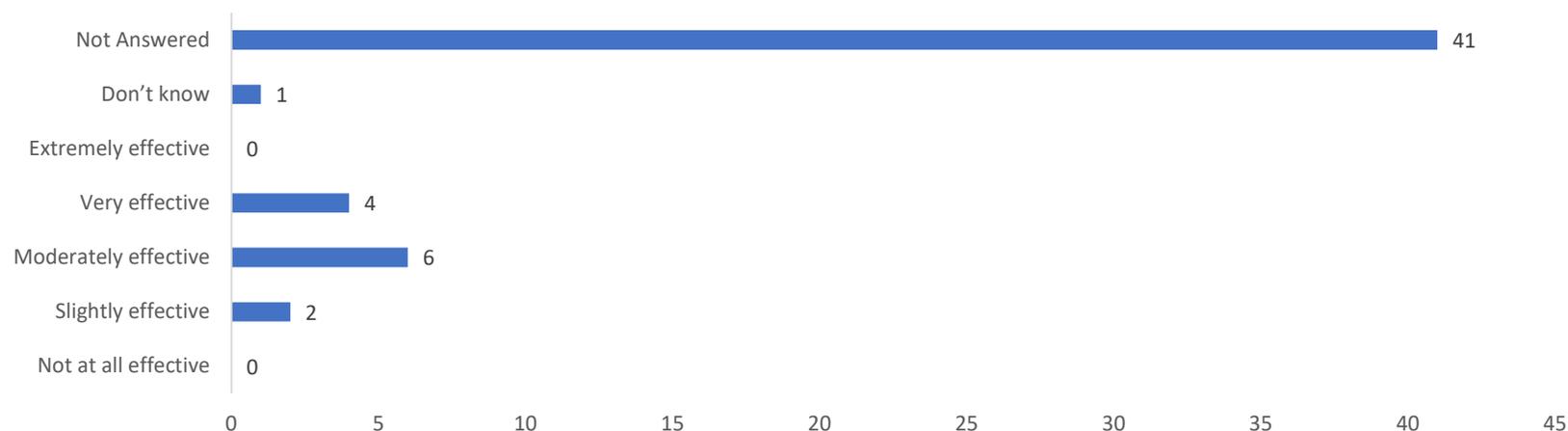
Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	This is an emerging challenging that is of global concern and yet not integrated into many financial operations. There will be resistance by a number of clients until they have realised the importance of implementation.	East African Development Bank	The EIB recognises the importance of combating climate-change and has developed Standard 5 in order to reinforce the responsibility of Promoters with respect to climate change mitigation and adaptation.
2	Unless carefully designed, however, projects (aimed at climate mitigation and adaptation) can imply potential trade-offs between other economic, environmental, and social objectives. Tensions can exist between satisfying the requirement of this Standard and those of other Standards, for example Chapter 10 on cultural heritage. It is suggested that Chapter 5 address this potential for tension. Maladapted climate action can include activities that damage cultural rights, resources and values, which undermines the resilience of communities. It should advise that projects should seek to avoid maladapted outcomes but instead to pursue win-win outcomes that advance climate action and other co-benefits and minimise tensions with other economic, environmental and social objectives.	International Council on Monuments and Sites (ICOMOS)	<p>Para 5 confirms that the Standard applies to all operations and that the specific requirements that need to be addressed are determined during the Environmental Impact Assessment / Environmental and Social Impact Assessment (EIA/ESIA) process (as outlined in Standard 1) and the EIB appraisal, based on the nature and scope of the project.</p> <p>It is important to read the EIB Group's Environmental and Social Policy and Environmental and Social Standards as a single set, applying to all EIB financed projects, meaning that projects will need to satisfy not only the climate-related considerations outlined in this Standard, but also the environmental and social considerations outlined in the other Environmental and Social Standards.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Social impact is expected to be assessed as outlined in Standard 1 (informed specifically through Standard 5).</p> <p>A new para (13) has been included, to underline the importance of considering relevant environmental and social aspects during project appraisal, with specific reference to Standards 2 on “Stakeholder engagement”, 7 on “Vulnerable Groups, Indigenous Peoples and Gender” and 10 on Cultural Heritage.</p> <p>As the Environmental and Social Standards are intended to be implemented as a suite underpinning the EIB Group’s Environmental and Social Policy, any areas which may be considered to be ‘trade-off’ would be considered on a project-by-project basis depending on the specific positive and potential negative impacts of the project in question.</p>
3	<p>Promoters could face problems leading with local authorities and communities especially when investing and operating in developing countries and especially when dealing with environment issues. Partnerships with civil society organisations may be recommended or suggested.</p>	AVSI Foundation	<p>The EIB acknowledges an important role for civil society in the promotion of sustainable development in general and its potential role in enhancing environmental and social performance of projects. Therefore Standard 2 on “Stakeholder engagements” makes several references to the importance of including civil society organisations in consultations, as well as partnering with them for monitoring, whenever feasible.</p> <p>In addition, clear cross references have been included in new para 13 and in para 19 (previously 16) in order to underline the importance of stakeholder engagement both in assessment of climate projects as a whole and in particular in the Climate Risk and Vulnerability Assessment (CRVA) process.</p>
4	<p>The Standard stipulates that all projects must comply with the EIB’s Climate Bank Roadmap which itself refers to alignment with the EU Taxonomy. Given that some areas in the Taxonomy with high impact on climate change mitigation and adaptation are still under discussion, this might create an opportunity for loopholes for certain projects and sectors. For those sectors (such as Aquaculture and Livestock production),</p>	FAIRR	<p>Standard 5 does not set out to establish specific requirements for every sector, instead describing a more overarching framework that is mandatory and covers all sectors (including aquaculture and livestock production).</p> <p>In terms of Substantial Contribution, the EIB applies climate-related eligibility criteria based on the Taxonomy,</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>adherence to the principle of “Do No Significant Harm” to climate change mitigation or adaptation objectives, as defined by the Taxonomy Regulation, is hard to comply with because the EU taxonomy is not yet finalised and may not be fully aligned with climate science. We would encourage EIB to specify which frameworks will need to be considered in the absence of this information.</p>		<p>supplemented as necessary by criteria established by the joint multilateral development banks collective.</p> <p>In terms of “Do no Significant Harm”, para 9 requires consistency with to the EU Taxonomy, while referencing also the EIB’s alignment framework, as set out in the EIB Group Climate Bank Roadmap.</p> <p>In addition, the EIB will be producing a set of Guidance Notes in the future to support the implementation of the EIB’s Environmental and Social Standards once the revision process has been finalized and will continue to update its procedures and align with the ongoing Taxonomy development process.</p> <p>Thus, while Taxonomy alignment is an evolving process, to the extent that there is work on certain aspects in the Taxonomy regulation that is still ongoing, it should be noted that its application is part of a wider process of project appraisal conducted by EIB services.</p>

3. Will this Standard be effective in delivering its purpose?



Please explain your answer

Table 3

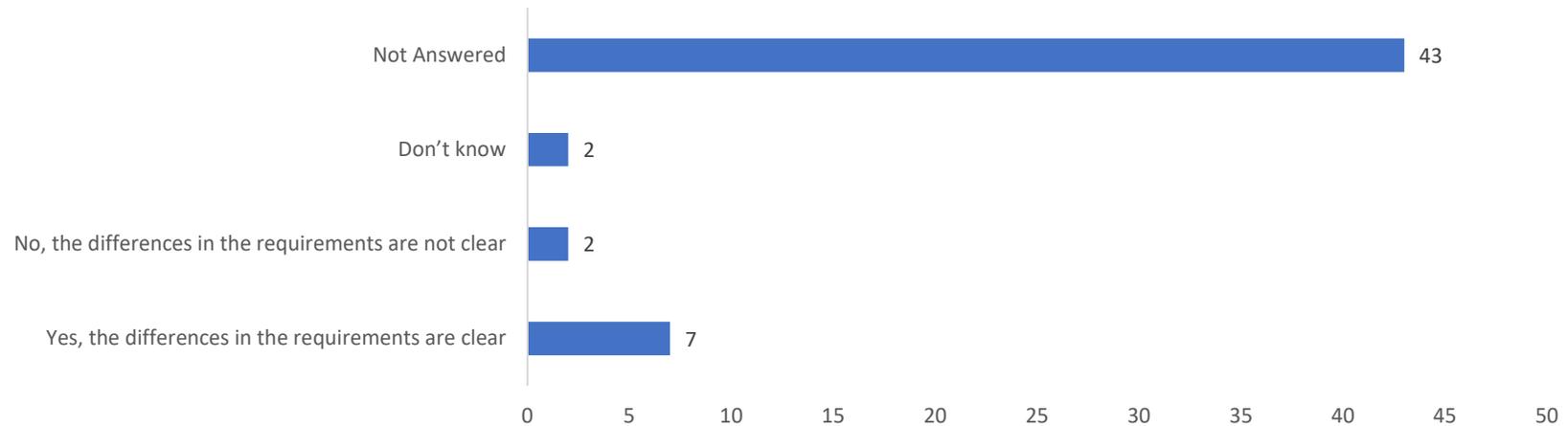
Ref.	Summary of Contribution	Contributor	EIB comments
1	Based on the challenges above, it will take time for this Standard to effective in delivering its purpose.	East African Development Bank	The EIB recognises the importance of combating climate-change and through Standard 5 outlines the responsibilities of Promoters with respect to climate change mitigation and adaptation. The EIB is also committed to working closely with Promoters in applying the Standard in order to expedite delivery of its objectives.
2	The Standard will be effective in delivering its purpose if the funds are conditioned by the respect of this Standard and not only through reporting.	AVSI Foundation	The intention of the EIB Group's Environmental and Social Policy and Environmental and Social Standards is to support the provision of finance in a way which supports delivery of its environmental and social ambitions. This is effected by requiring compliance with the Standard, including its reporting requirements.
3	Due to the main responsibility is being put on the Promoter, the Standard runs the risk of not being as effective as it could be. It is unclear how the EIB can validate the information provided by the Promoter.	Germanwatch e.V.	It is considered appropriate that the provision of information relevant to project assessment/reporting lies with a project Promoter. The EIB works closely with Promoters, appraises projects carefully, and provides guidance and additional support where necessary to ensure that the information

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>provision and project reporting requirements are proportionate but sufficient and reliable.</p> <p>The Standard also references the suite of supporting policies and procedures applied by the EIB in the review and validation of information received from Promoters, which are subject to continuous updating and refinement.</p>
4	<p>The Standard needs to reflect the provisions of the EIB Group Climate Bank Roadmap 2021-2025, in light of the European Green Deal, where the EIB has already underlined the importance of supporting sustainable animal rearing, while discouraging unsustainable intensive farming systems, given the importance of livestock as a source of emissions.</p>	FOUR PAWS	<p>The intention of the EIB Group's Environmental and Social Policy, and the associated Environmental and Social Standards, is to ensure and establish a clear framework for the presentation and consideration of projects against a Standard (non-sector specific) set of requirements.</p> <p>Clear reference is made in para 9 of the Standard to the EIB's alignment framework, established in the EIB Group Climate Bank Roadmap, where specific high-emitting activities are listed as non-supported and related requirements placed on supported activities.</p>
5	<p>The Climate Standard needs to be more ambitious, including at a bare minimum amendment according to the mentioned observations, in order to be in line with the EU Regulation (EU) 2021/1119 (European Climate Law), which sets the EU's objective of becoming climate neutral by 2050 with an intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030.</p>	FOUR PAWS	<p>Paras, 4, 7 and 8 establish the legislation, objectives and principles to which projects will be expected to adhere (whether national or international). The reference is considered to allow for evolution of those requirements over time.</p> <p>The point on requesting reference to the European Climate Law is well taken, and a reference has been included in para 7.</p>
6	<p>CDP Europe believes that a mandatory disclosure of KPIs would lead to more complete and accurate data on Promoter greenhouse gas emissions and emissions targets.</p> <p>Targets: including a quantitative and qualitative description, with special focus on dedicated strategies, approaches and timelines for pursuing climate and natural resources neutrality (for greenhouse gas emission reduction targets, see the new EU Commission non-binding guidelines for reporting climate-related information (KPI section).</p>	CDP Europe	<p>The EIB requires that Promoters establish the greenhouse gas footprint of a project according to the methodology referenced at footnote 17 (previously 13). Where above a defined threshold, a project's carbon footprint is published in the project's Environmental and Social Data Sheet (ESDS). The EIB also publishes the aggregated results annually, as part of its Carbon Footprint Exercise (CFE), in the EIB Group's Sustainability Report.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	Recommended key-performance indicators: (i) greenhouse gas absolute emissions target (in metric tons CO ₂ e achieved or % reduction), (ii) Direct greenhouse gas emissions from sources owned or controlled by the company (Scope 1, in metric tons CO ₂ e), (iii) Indirect greenhouse gas emissions from the generation of acquired and consumed electricity, steam, heat, or cooling (Scope 2, in metric tons CO ₂ e), and (iv) All indirect greenhouse gas emissions (not included in Scope 2) that occur in the value chain of the reporting company, including both upstream and downstream emissions (Scope 3, in metric tons CO ₂ e).		The methodology and requirements are expected to continue to evolve, including through the new EIB Group Paris alignment for counterparties framework, which is based on disclosure of corporate alignment plans. Guidance material will make due reference to major standards and metrics such as those cited.
7	All EU, EFTA, Candidate and potential Candidate countries must comply with the applicable national and EU environmental legislation; all other countries must comply with the applicable national legislation and align with the principles of EU legislation relevant to climate mitigation and adaptation.	FAIRR	Additional detail and guidance on applicable legislation and other reference points have been included in paras 7 and 8.
8	If Standard 5 is applied fully, it is efficient. However, the financial intermediaries do not require similar measures, EIB's requirements will not be sufficient to ensure that the project contributes to climate objectives.	Akuo Energy	Standard 11 deals specifically with financial intermediaries' environmental, climate and social requirements. Such requirements are based on those for projects financed directly by EIB, adapted to the type of intermediated finance, are identified as appropriate during the EIB's due diligence process, and are laid out in the contractual documentation.
9	Referring to Para 13: When assessing the greenhouse gas emissions and/or sequestrations, the offsets need to be taken into consideration	FOUR PAWS	Any use of offsets is a commercial decision for a Promoter, but the project itself will still generate the emissions as calculated by the methodology referenced in footnote 17 (previously 13). The expectation is that greenhouse gas emissions are reported exclusive of offset, as set out in the methodology and as standard within such reporting. Individual corporate emissions reports and accounting are considered separately from those of the project to be financed and are dealt with by the EIB Paris Alignment for Counterparties framework, referenced in new para 14.

Ref.	Summary of Contribution	Contributor	EIB comments
10	Referring to Para 14: Proposed amendment: delete “on request” from beginning of para 14.	FOUR PAWS	<p>All assessments and reporting should be proportionate to the risks presented or experienced by the projects.</p> <p>As such, requiring greenhouse gas assessment and reporting for all EIB interventions (given the nature of some of the EIB’s financing activities) is not realistic.</p>
11	<p>Recommendation regarding the section “Introduction”</p> <p>Adding Para 21: This Standard further acknowledges the Group’s responsibility to limit global warming, in line with the Paris Agreement, by excluding financing for activities that drive climate change.</p>	FOUR PAWS	<p>The EIB recognizes its responsibility with respect to promoting sustainable development, as set out in the Introduction and Objectives sections of the Standard.</p> <p>Excluded activities, however, are included not in the Standard itself, but in supporting policies and guidelines, notably the EIB Group Climate Bank Roadmap, and duly referenced in the Standard and its footnotes.</p>
12	<p>Referring to Para 6, second indent:</p> <p>With regard to the project’s resilience to physical climate risks, it is important to take into consideration that agriculture and farm animals are acutely vulnerable to climate change. The World Bank highlights that “the sensitivity of crops, livestock, and fisheries to temperature, water availability, and extreme weather events puts yields at risk, jeopardizes historical productivity gains, and exposes farmers to significant hazards”.</p>	FOUR PAWS	Your comment is noted. The EIB thanks you for the feedback.

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

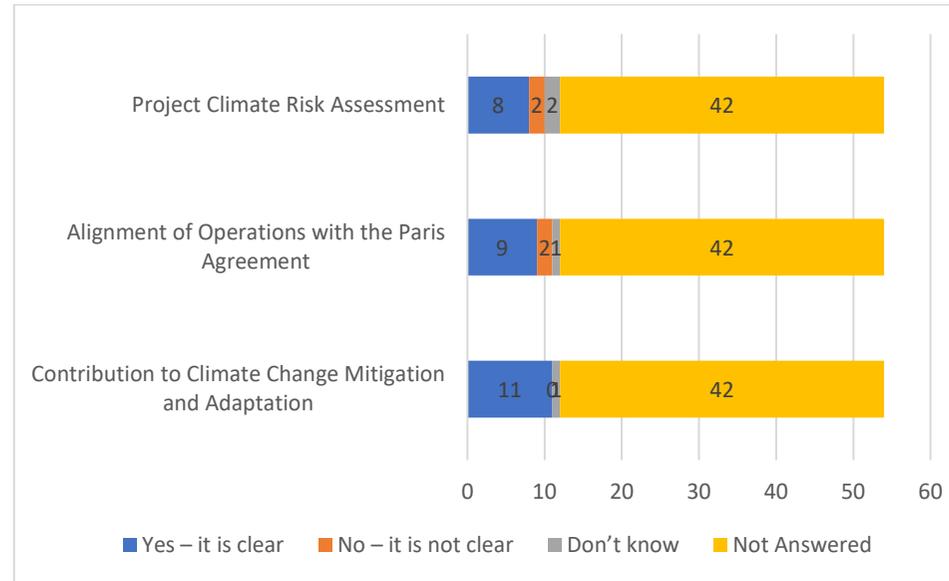


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	It is not very clear what projects in 'rest of the world' 'aligning with the principles of EU legislation' (para 8) might entail - projects that do not comply with EU environmental legislation should not be supported if all projects are to align with climate change mitigation and adaptation objectives.	FAIRR	Comment noted. Additional information relating to the point raised has been included in para 8.

5. This Standard is clear in how it supports the Bank’s commitments to decarbonisation and resilience in terms of determining the:



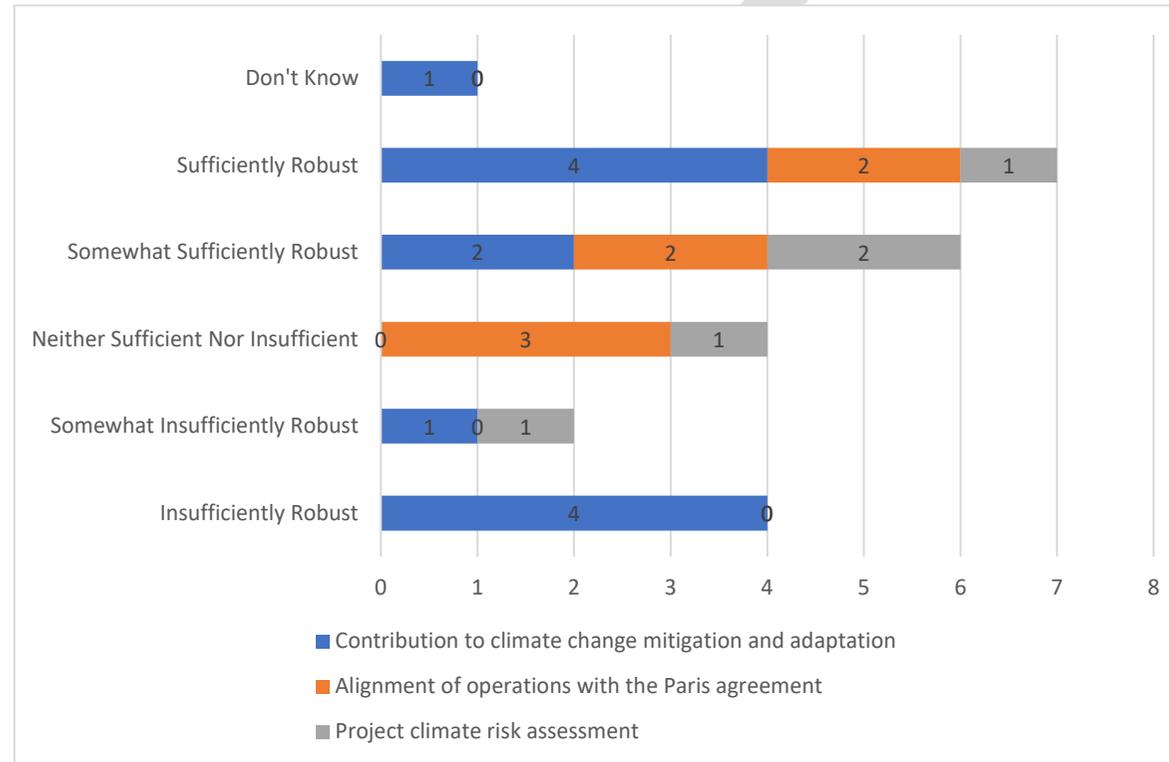
Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Where a project is determined by the EIB to be at risk, the Standard indicates that the Promoter shall carry out a Climate Risk and Vulnerability Assessment (CRVA), in line with the approach adopted by the EIB15. The Assessment is a helpful document which, among other things, expressly recognises adverse consequences on livelihoods, and social and cultural assets, as elements of climate risk. It would provide more clarity if the adaptation aspects of Standard 5 were more closely aligned with the Assessment. For example, risks arise from physical climate hazards but also from indirect and “intangible” hazards. The Assessment recognises this, but Standard 5 limits its scope to “physical climate hazards.” Revising the Standard to speak to all climate risks and not only risk from physical climate hazards would improve the	International Council on Monuments and Sites (ICOMOS)	<p>A new para (13) has been included to reflect relevant elements of stakeholders’ comments concerning a broader scope of applying Standard 5 together with all other EIB Standards, which complement Standard 5, in relation to environmental and social, including gender, aspects.</p> <p>However, one of the proposed amendments would introduce new ambiguities. The terms ‘climate risk’ or ‘climate-related risk’ may refer to both physical climate risks and transition risks associated with decarbonisation (for example in the context of Task Force on Climate-Related Financial Disclosures (TCFD) recommendations). The Standard here refers to physical climate risk only, not to transition risk.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	document and create more coherence with the Climate Risk and Vulnerability Assessment.		
2	The Standard is clear on how it contributes to mitigation and adaptation, however, its specific contribution to the alignment with the Paris Agreement are not sufficiently clear. Para 8 e.g., mentions the Paris Agreement as a reference point, but also Nationally Determined Contributions, which are often not ambitious enough for achieving the Paris Agreement.	Germanwatch e.V.	<p>The Standard specifically establishes its intention to support projects which align with the low-carbon and resilient development goals of the Paris Agreement, with paras 4 and 8 making reference.</p> <p>Para 9 further requires compliance with the EIB's alignment framework, as set out in the EIB Group's Climate Bank Roadmap.</p> <p>Nationally Determined Contributions and national strategies are also noted as reference points, in particular for 'rest of the world' projects.</p>
3	We consider the EIB Climate Bank Roadmap as being the key guiding document for the EIB. This specific Standard does not add much to the Roadmap and has to be read in connection to it. Hence, the weaknesses we identify in the Roadmap end up being reflected in this Standard. We urge the EIB to stop financing projects that are not aligned with the objectives of the Paris Agreement. This includes: (i) Highways and motorway expansions; (ii) Fossil fuel sector, including liquefied natural gas; (ii) Industrial agriculture; and (iv) Utility-scale forest biomass and biofuels.	Counter Balance	<p>Whilst the EIB recognises the points made, the EIB also recognises the need for transition and to support and enable more sustainable development through its financing and advisory activities. The Standard is part of a suite, including both the EIB Group Climate Bank Roadmap and relevant sector policies, established to implement the EIB Group's Environmental and Social Policy and cross referencing is deliberate in order to ensure a coherent framework of documents, policies and guidance.</p> <p>The EIB has sector-specific approaches to the sectors referred to in the comment, which are broadly outlined in the EIB Group Climate Bank Roadmap and dealt with in detail in sector-specific policies and guidelines, which are subject to updates in line with industry best practise.</p>

6. This Standard is sufficiently robust in supporting the Bank’s commitments to decarbonisation and resilience in terms of determining the (a) contribution to climate change mitigation and adaptation, (b) alignment of operations with the Paris agreement, (c) project climate risk assessment⁵:



Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	Regarding contributions to climate change mitigation: Perhaps the most valuable contribution the Standard makes to supporting the Bank’s commitment to decarbonisation is by	International Council on	Guidance is referenced to support Promoter responses in this regard (for example references in footnote 17 – previously 13 - to the EIB project GHG emissions methodology and in

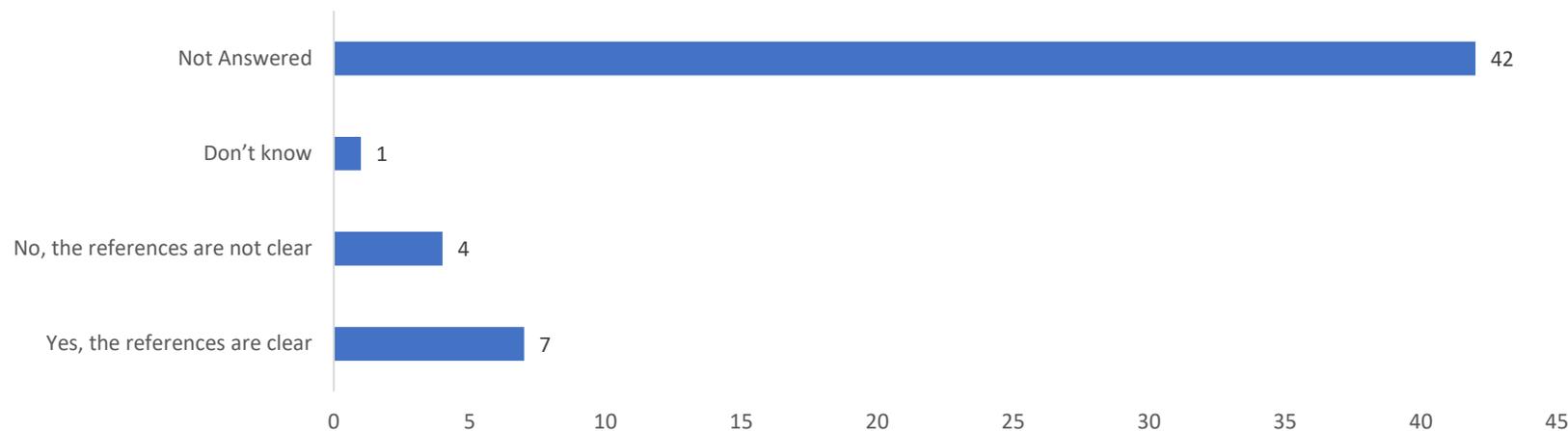
⁵ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>making it a responsibility of Promoters to align their projects with pathways to limit global warming to 1.5°C above pre-industrial levels. Ultimately, however, the robustness of the support offered by the Standard depends on the completeness of the methodologies which the EIB asks Promoters to use in computing the nature and magnitude of a project's greenhouse gas emissions.</p> <p>Regarding contributions to climate change adaptation, the Standard requires a Promoter to assess how climate change may affect the project and the system in which the project takes place, including the natural environment and the people potentially affected, "where a project is determined by the EIB to be at risk from physical climate hazards." The EIB Group's Environmental and Social Policy should be clearer about what Environmental and Social Standards will guide these determinations. For example, noting the risks poses by slow-onset events.</p>	<p>Monuments and Sites (ICOMOS)</p>	<p>footnote 20 – previously 15 - to the European Financing Institutions Working Group on Adaptation to Climate Change for adaptation).</p> <p>Guidance will be updated periodically in response to Promoter feedback and developing methodologies, regulation and best practices in the financial sector.</p> <p>Cross-references to alignment with the Paris Agreement and other national and global reductions trajectories are considered to allow for tightening of emissions allowances, as appropriate given the nature of the project, location and e.g. Best Available Techniques (BAT) over time.</p>
2	<p>The Standard should make it clear that certain activities have inherently high greenhouse gas emissions and that accordingly EIB is unlikely to fund them. For example, the production of meat and dairy entails much higher greenhouse gas emissions per unit of nutrition produced than plant-based diets. Funding of livestock projects is inconsistent with the 'Do No Significant Harm' to climate change mitigation of the Taxonomy Regulation.</p>	<p>Compassion in World Farming EU</p>	<p>The intention of the EIB Group's Environmental and Social Policy, and the associated Environmental and Social Standards, is to establish a clear framework for the presentation and consideration of projects against a Standard (non-sector specific) set of requirements.</p> <p>Furthermore, clear reference is made in para 9 of the Standard to the EIB's alignment framework, established in the EIB Group Climate Bank Roadmap, where specific high-emitting activities are listed as non-supported and related requirements placed on supported activities.</p>
3	<p>Given that the Standard depends on the EIB Group Climate Bank Roadmap and what will be included in the Taxonomy, aspects of which are still under negotiation, this might hinder the ability of the Standard to sufficiently support the Bank's commitments to decarbonisation & resilience. Moreover, the EU taxonomy scope itself has some weaknesses with regards to, for example, not including 'do not significant harm' criteria on antibiotics.</p>	<p>FAIRR</p>	<p>The concern is noted, although the EIB is keen to progress, and the Standard is considered to be suitably flexible to adapt to further Taxonomy detail as it is finalised.</p> <p>Furthermore, the EIB expects to produce further guidance to support implementation of the Environmental and Social Standards once the revision process has been finalized.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>In addition, the EIB will be producing a set of Guidance Notes in the future to support the implementation of the EIB's Environmental and Social Standards, once the revision process has been finalized, and will continue to update its procedures and align with the ongoing Taxonomy development process.</p> <p>Thus, while Taxonomy alignment is an evolving process, to the extent that there is work on certain aspects in the Taxonomy that is still ongoing, it should be noted that its application is part of a wider process of project appraisal conducted by EIB services.</p>

DRAFT

7. Are references to legislation clear?



Please explain your answer

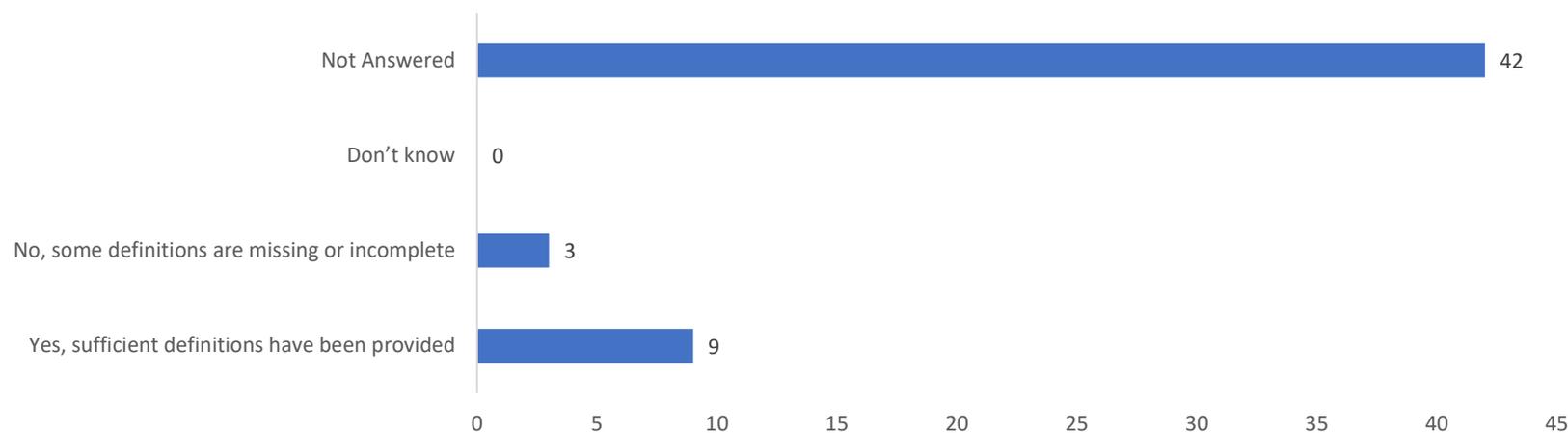
Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	They are clear although it may be problematic to comply with both, the EU legislation and policies and the national ones, especially in developing countries.	AVSI Foundation FAIRR	In para 4, the Standard promotes the alignment of all projects with the goals and principles of the Paris Agreement and the Sustainable Finance Action Plan.
2	Para 8 states that “all projects located in the rest of the world shall comply with the applicable national legislation and align with the principles of EU legislation relevant to climate mitigation and adaptation.” It is not clear what “principles of EU legislation” means and therefore should be clarified. In addition, this carries the risk that requirements end up not delivering on the goals of the Paris Agreement.	Germanwatch e.V.	<p>Para 7, now substantially reworked in response to this and related comments, then specifies the specific requirements for projects in EU, EFTA, Accession and pre-Accession countries, recognising their sometimes-varied timeframes for reaching compliance with EU climate-related legislation.</p> <p>Para 8 has also been substantially reworked to clarify the requirements for projects in the rest of the world, i.e. compliance with applicable national legislation and Standard 5.</p> <p>Furthermore, para 9 provides the general requirements relating to the EIB Group’s alignment framework, established by the EIB Group Climate Bank Roadmap, which details the</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>specific requirements for projects in the sphere of Paris alignment.</p> <p>The extent of alignment will be determined on a project-by-project basis depending on project characteristics and the scope and scale of potential climate-related impacts.</p>
3	Regarding the European Green Deal, it would be preferable to include references to relevant sectoral plans.	International Council on Monuments and Sites (ICOMOS)	By including the European Green Deal, all related sectoral plans are included. This is specified in footnote 9, which refers also to “subsequent supporting policies”.

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8. Given the complex terminology, the EIB has provided a number of definitions in the footnotes of the Standard. Are these sufficient?



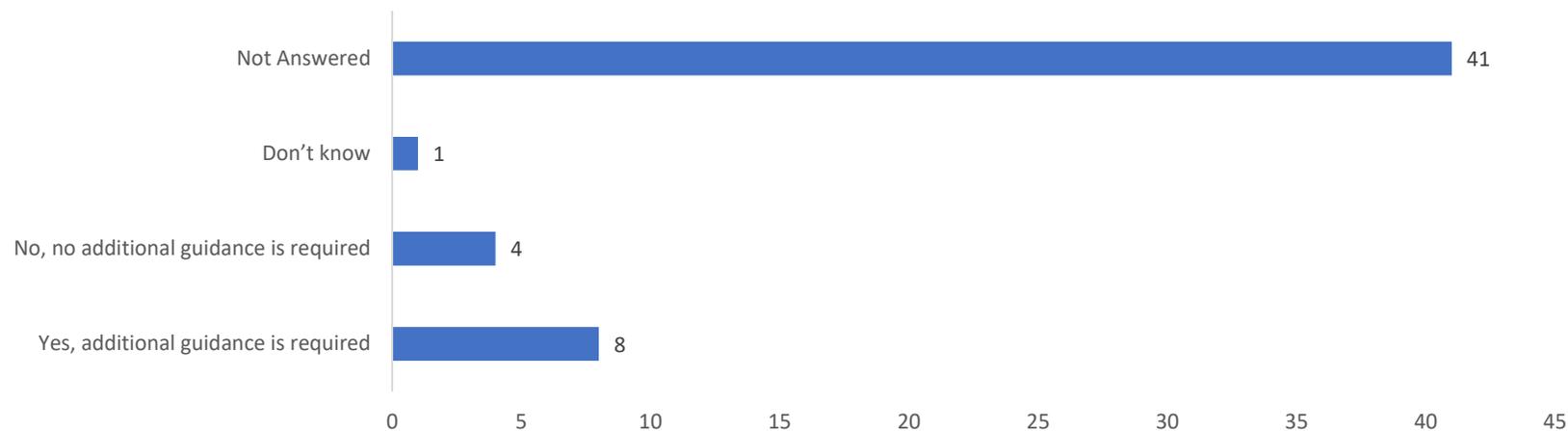
Please explain your answer

Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The definition(s) section of the draft Standard on Climate Change is a helpful tool and covers many relevant terms. However, some definitions are too narrow and Promoters' risk not fully reflecting upon the full scope of a climate, gender and/or economic aspect.</p> <p>The definition on “Do No Significant Harm” is too narrow. Narrowing the scope to ‘significant’ harm implies that only ‘noteworthy’ harm should be considered with regard to climate impacts and excludes the possibility of low to moderate harm being project outcomes. A do no harm principle must be applied to all project financing to ensure that the environment, biodiversity are not adversely affected by projects, and to ensure that projects do not exacerbate climate change impacts. As such, projects must seek to ‘do no harm’ and support counter-cyclical opportunities, including with regard to developing countries.</p>	European Network on Debt and Development (Eurodad)	<p>The “Do No Significant Harm” principle is determined by the EU Taxonomy.</p> <p>In terms of identifying, assessing and mitigating potentially adverse social and environmental project impacts, para 5 requires application of Environmental Impact Assessment/ Environmental and Social Impact Assessment (with reference to Standard 1), based on the nature and scope of the project.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	<p>The definition on 'vulnerability' is too narrow. Developing countries in the Global South often face climate shocks and impacts that further exacerbate their vulnerabilities to climate impacts, thereby derailing project implementation and sustainability, or affecting the future economic status/ rating of a country due to climate impacts. As such, risk is too narrow a metric to use for determining vulnerability. Climate impacts (physical manifestations of climate change), climate vulnerabilities (sensitivity to climate impacts) and climate risks (possible negative financial and non-financial impacts) should all be accounted for, and additionally integrated into sectoral strategies. This is because these all impact a country's fiscal space in different, mutually reinforcing ways. Resources to help develop a stronger definition include the universal vulnerability index.</p>	<p>Counter Balance European Network on Debt and Development (Eurodad)</p>	<p>On the definition of vulnerability, the glossary sets out a sufficiently broad and widely recognised concept of vulnerability informed by the Intergovernmental Panel on Climate Change, which allows for taking local contexts, including interpretation of impacts of climate change and associated risks, into account when seen in conjunction with other provisions of Standard 5.</p> <p>In addition, a new para (13) was added to highlight that all EIB Standards are to be taken into account when applying Standard 5, in particular Standard 2 on "Stakeholder engagement", Standard 7 on "Vulnerable Groups, Indigenous Peoples and Gender", and Standard 10 on "Cultural heritage", in order to acknowledge, inter alia, a broad interpretation of climate vulnerability.</p> <p>Further, para 18 (previously 15) requires a holistic view on climate vulnerability ("project and system") and footnote 19 (previously 15) references further guidance (European Financing Institutions Working Group on Adaptation to Climate Change), which is considered broad enough to inform a holistic approach to conducting Climate-Risk Vulnerability Assessments.</p>

9. Are there any elements covered in this Standard that would benefit from more detailed guidance for Promoters?



Please explain your answer

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	The Standard should provide additional clarity on what is meant by a “Project’s GHG emissions” and guidance on the methodologies which the EIB will ask Promoters to use in computing this. In particular, the Standard should make clear that not only the greenhouse gas from the operation of the project should be considered but also those from the construction and development of the project. The Standard implies that Promoters may be invited to use the EIB’s Methodologies for the Assessment of Project greenhouse gas Emissions and Emission Variations. However, this methodology largely omits so-called Scope 3 Carbon and particularly omits it with respect to construction and buildings. The use of greenhouse gas accounting protocols that exclude embodied carbon obscures the real carbon footprint of projects and creates the risk of misalignment with the circular economy aims of the European Green Deal.	International Council on Monuments and Sites (ICOMOS)	Reference is provided at footnote 17 (previously 13) to EIB guidance which addresses these points. Para 9 of the Standard also requires compliance with the EIB Group alignment framework established in the Group Climate Bank Roadmap, which provides sector-specific requirements for projects, including consideration of scope 3 emissions. These points are nevertheless well noted and the EIB Methodologies for the Assessment of Project GHG Emissions and Emission Variations are subject to revision in line with best industry practice.
2	There is a need to guide Promoters in reporting against clearly defined climate change metrics and key performance	CDP Europe	The EIB requires that Promoters establish the greenhouse gas footprint of a project according to the methodology referenced

Ref.	Summary of Contribution	Contributor	EIB comments
	indicators (KPIs) at European level. In line with the existing and emerging climate change and environmental regulation, established corporate disclosure frameworks such as CDP, climate change metrics and KPIs are readily available and are already being used by investors today. At a minimum, a set of metrics and KPIs that are key to measure and track corporate performance against the Paris Agreement should be implemented into reporting requirements for companies.		<p>at footnote 17 (previously 13). Where above a defined threshold, a project's carbon footprint is published on the project's Environmental and Social Data Sheet (ESDS). The EIB also publishes the aggregated results annually, as part of its Carbon Footprint Exercise (CFE) in the EIB Group's Sustainability Report.</p> <p>The methodology and requirements are expected to continue to evolve, including through the new EIB Group Paris alignment for counterparties framework, which is based on disclosure of corporate alignment plans. Guidance material will make due reference to major standards and metrics such as those cited.</p>
3	The EIB should ensure that there is participation and engagement of local communities and stakeholders in the Climate Risk Vulnerability Assessment methodology. This participation and engagement process must be institutionalised to ensure that Policy, decision-making and project development and implementation are based on local expertise, knowledge and needs. The EIB and Promoters should continuously seek the input and expertise of the scientific community and civil society to refresh the pool of knowledge and information that the EIB and Promoters are drawing from.	European Network on Debt and Development (Eurodad)	<p>This is included in Standard 2 on Stakeholder Engagement.</p> <p>Furthermore, participation and engagement of local communities and stakeholders is also described in the EIB-adopted approach for Climate Risk Vulnerability Assessments (para 18 (previously 15) and footnotes 19 (previously 15 in Standard 5).</p> <p>In addition, clear cross references have been included in new para 13 and in para 19 (previously 16) in order to underline the importance of stakeholder engagement both in assessment of climate projects as a whole and in particular in the Climate Risk and Vulnerability Assessment (CRVA) process.</p>
4	The Climate Risk Vulnerability Assessment methodology doesn't even mention affected rightsholders, let alone indicate that they should be included in decision-making (Para 15). Para 16 suggests that communities should be informed in "public consultation" but this is after-the-fact and gives them no apparent agency to affect decisions as they are being taken.	Counter Balance	<p>The EIB is continuously seeking dialogue with representatives of the scientific community and civil society.</p>
5	OHCHR welcomes the range of improvements introduced in draft Standard 5, including its alignment with the objectives of the Paris Agreement and the EU taxonomy, as well as the EIB Group Climate Roadmap and Climate Strategy. However, OHCHR notes that the current draft contains no reference to "just transition", the subject of the Silesia Declaration at the	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>The principle of Just Transition is encapsulated in the EIB Group's Environmental and Social Policy and as such this principle is considered to apply in an overarching way to all EIB's Environmental and Social Standards and will inform EIB appraisal of projects through Standard 5, other relevant</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>24th Conference of Parties and the Just Transition Mechanism being developed under the European Green Deal.</p> <p>Recommendation: <i>OHCHR recommends that Standard 5 should incorporate the objective of promoting a “just transition” within the meaning of the Silesia Declaration and other international Policy instruments (para. 3).</i></p>		<p>Standards and the evolving EIB approach to supporting the Just Transition.</p> <p>Furthermore, Standard 5 now references the European Green Deal and European Climate Law in para 7, as well as policies supporting the Green Deal in footnote 9.</p>
6	On para 8, additional information on how projects in ROW countries will align with EU environmental legislation.	FAIRR	Para 8 has been substantially reworked to address this and related comments received.
7	On para 9, additional guidance on requirements is needed for projects that are identified as compliant according to technical criteria set out in the EU Taxonomy but are not aligned with science-based recommendations to align investment with 1.5C and the Paris Agreement.	FAIRR	<p>According to footnote 13 (previously 11), criteria on alignment with the Paris Agreement defined in the EIB Group Climate Bank Roadmap may in some instances be more stringent than the “Do No Significant Harm” to climate mitigation criterion defined in the Taxonomy.</p> <p>Furthermore, EIB alignment criteria are subject to review, in order to reflect developing science-based recommendations and best industry practise.</p>
8	Para 10 “The Promoter shall provide the EIB with information establishing the project’s impact on greenhouse gas emissions and its exposure to physical climate change risks, as well as the its alignment with relevant low-carbon and climate-resilient pathways.” It needs to be defined what “relevant low-carbon pathways” are. There are many different pathways, which vary significantly in their level of ambition. Only pathways that are compatible with 1.5°C should be considered.	Germanwatch e.V.	<p>The Standard, in para 4, promotes project alignment with the Paris Agreement, therefore trajectories limiting global temperature increase to 2°C (requirement) and driving to 1.5°C (ambition) is implicit.</p> <p>Furthermore, para 6 requires the Promoter to assess greenhouse gas emissions at the project level and the project’s alignment with pathways to limit global warming to 1.5°C above pre-industrial levels and options to reduce transition risks.</p>
9	Para 12 under the ‘general requirements’ section (page 5 of the draft Standard) states that if any changes occur during a project’s implementation phase that this should be reported to the EIB. However, any changes that occur after project approval should be reported to the EIB, not just those made during the project implementation stage. Additionally, a new Environmental Impact Assessment / Environmental and Social Impact Assessment should be carried out to determine the impact of these different transition risks, including whether	<p>European Network on Debt and Development (Eurodad)</p> <p>Germanwatch e.V.</p>	As to changes being advised after project approval, the nature and scale of those changes would determine the most appropriate response by the EIB and/or the Promoter, including whether any additional information or indeed a further Environmental Impact Assessment/ Environmental and Social Impact Assessment may be required and/or whether additional monitoring requirements should be established, as well as whether the changes materially impact the funding decision.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>they may exacerbate or create new vulnerabilities to climate impacts, and steps should be taken to mitigate any identified transition risks. Carrying out another Environmental Impact Assessment/ Environmental and Social Impact Assessment based on the new information reported to the EIB before project implementation, will help ensure that any impacts associated with the changes can be identified and addressed before project implementation.</p> <p>It is not clear how “significantly different” is defined.</p>		<p>The point on extending the period of reporting is nevertheless well taken and will inform future EIB consideration of Promoter reporting requirements.</p> <p>Para 12 will be complemented by the EIB’s internal procedures that are under revision and will be available in due course.</p>
10	<p>On para 14, it is currently noted that ‘The Promoter shall demonstrate, on request, that due consideration has been given to alternatives to minimise project-related greenhouse gas emissions. These measures may include, but are not limited to: the use of Best Available Techniques (BAT) and/or any emerging techniques, 14 energy efficiency, resource efficiency, adoption of less carbon-intensive or renewable energy sources, or the reduction of fugitive emissions’. We feel that measures for due consideration to alternatives to minimise project-related greenhouse gas emissions should include, on top of the listed measures, low impact products.</p>	FAIRR	<p>While the EIB supports investments in the development and commercialisation of low-carbon products, para 16 (previously 14) relates to the consideration of alternatives, including resource efficiency, to minimise project-related greenhouse gas emissions for a broad range of projects, for which the consideration of low-carbon products may have little relevance.</p>
11	<p>Para 14: "The Promoter shall demonstrate, on request, that due consideration has been given to alternatives to minimise project-related greenhouse gas emissions." It does not become clear under which circumstances these alternatives are requested ("on request") to be demonstrated by the Promoter.</p>	Germanwatch e.V.	<p>As with other elements of the implementation of the suite of EIB Environmental and Social Standards, this is to be determined on a proportionate and case-by-case basis in response to the scope and nature of individual projects.</p>
12	<p>Para 15: A reference to what constitute “commensurate adaptation measures” should be added.</p>	Germanwatch e.V.	<p>Para 18 (previously 15) has been amended to reflect relevant elements of stakeholders’ comments. Guidance at footnote 19 (previously 15), specifically under Project Planning and Design, provides further information guiding the development of adaptation measures appropriate to a project being promoted.</p>
13	<p>On para 15, to assess how climate change may affect the project and the system in which the project takes place, this should include a full value chain analysis so that it accounts for relevant climate and environmental risks outside the scope</p>	FAIRR	<p>The guidance on the Climate Risk and Vulnerability Assessment is provided and seen as sufficient. It will be reviewed regularly to take account of new developments in this</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	of the direct supply chain, for example in the food/agriculture sector where this would take into account the impact of temperature increases on inputs such as feed and water supply.		field (as indicated in footnote 19 – previously 15 - of the Standard). Commensurate with the materiality of identified physical climate risks, a Climate Risk and Vulnerability Assessment may include direct and indirect, tangible and intangible, and cascading effects, which may include supply chains depending on the project context.
14	Suggestion for Para 17 “if vulnerable groups are identified, both by the Promoter and by the EIB, include systematic assessment of project impact on vulnerable groups and identify options to address the negative impacts”.	Germanwatch e.V.	Guidance at footnote 19 (previously 15), specifically under “Analysing and Explaining Risks, Costs and Benefits”, addresses this point on costs of adaptation measures being experienced differently by different social and cultural groups.

10. Additional comments on Standard 5.

Table 10

Ref.	Summary of Contribution	Contributor	EIB comments
1	In order to reduce the risk of investments and to promote projects' long sustainability, the EIB should enhance the role of civil society organisations promoting partnerships with Promoters/companies.	AVSI Foundation	<p>The EIB acknowledges an important role for civil society in the promotion of sustainable development in general and its potential role in enhancing environmental and social performance of projects in particular. Therefore Standard 2 makes several references to the importance of including civil society organisations in consultations, as well as partnering with them for monitoring, whenever feasible.</p> <p>In addition, clear cross references have been included in new para 13 and in para 19 (previously 16) in order to underline the importance of stakeholder engagement both in assessment of climate projects as a whole and in particular in the Climate Risk and Vulnerability Assessment (CRVA) process.</p>
2	<p>There are two significant employment risks in the transition to a net-zero economy: loss of employment with a failure to move displaced workers to decent work, and a lack of quality job creation. EIB finance should help prevent these risks, ensuring that projects integrate employment into planning under Standard 5 and involve workers in this process. This will both avoid risks and increase the development impact of projects. This will support execution of the EIB Climate Strategy</p> <p>We urge inclusion of just transition in the objectives of Para 4, and in the specific requirements of the Standard. Namely:</p> <ul style="list-style-type: none"> • The responsibilities of Para 6 can include assessing the employment impacts of physical and transition climate risks, and planning just transition measures through social dialogue. • Utilising the full Intergovernmental Panel on Climate Change (IPCC) definition of climate-resilient development pathways in footnote 8. The text uses 'development pathways', but the footnote provides the vaguer definition for climate-resilient pathways that does not address 	International Trade Union Confederation/Global Unions Washington Office	<p>The Standard is part of a suite establishing the specific requirements of the EIB aimed at promoting a just and fair transition set out as the vision of the EIB Group's Environmental and Social Policy.</p> <p>In addition to individual Standards on labour rights and stakeholder engagement, Preamble para 6 of the EIB Group's Environmental and Social Policy makes direct reference to just transition, which is also included in the policies supporting the European Green Deal, referred to in footnote 9 of Standard 5.</p> <p>In addition, cross reference has now been included in new para 13 in order to underline the importance of applying Standard 5 together with other EIB Standards.</p> <p>On the Intergovernmental Panel on Climate Change definition provided in footnote 8, the footnote has been amended to reflect relevant elements of stakeholders' comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>poverty and inequality, issues closely related to just transition.⁶</p> <ul style="list-style-type: none"> • Provide employment information and social dialogue processes for just transition in the information provided to EIB under Paras 10, 12, and 17. <p>Reference international labour rights and the fundamental conventions in Para 17 in relation to assessing impacts and protecting vulnerable groups. The preservation of the living wage requirement in Standard 8 will also support the goals of climate-focused projects under Para 17.</p>		
3	<p>The Standard indicates that the responsibilities of the Promoter extend to assessing, managing, and monitoring project-related greenhouse gas emissions “and transition climate risk.” The European Green Deal puts an emphasis on just transition, which pays attention to the regions, industries and workers who will face the greatest challenges. It is recommended that greater coherence be established between the “transition climate risk” concept and the concept of just transition as used in the European Green Deal. This guidance should emphasise stakeholder consultation as a means for identifying transitions risks and solutions. Grounding social dialogue around transition, and the design of transition initiatives, in the culture, heritage, creative industries, craft, and knowledge of local communities will help minimise transition risk by promoting wider acceptance of change and more durable and effective outcomes.</p>	AVSI Foundation	<p>Standard 2 on “Stakeholder engagement”, deals extensively with Promoter obligations in relation to stakeholder engagement, inter alia in the identification of environmental, climate and social risks.</p> <p>In addition, cross reference has now been included in new para 13 in order to underline the importance of stakeholder engagement in general when applying Standard 5.</p>
4	<p>Asset purchases and refinancing operations of the Promoter should be aligned with the Paris Agreement’s goals, to ensure alignment with climate objectives and to further reduce the risk of ‘stranded’ assets that have no worth in a net-zero emissions economy.</p>	European Network on Debt and Development (Eurodad)	<p>Project-related procurement by Promoters is governed by the EIB Guide to Procurement, which is subject to revision, in line with best procurement practises and the existing EIB Group Environmental and Social Policy framework. Further, as stipulated under its Climate Bank Roadmap, the new EIB Group Paris alignment for counterparties framework address</p>

⁶ The climate-resilient development pathways entry in the glossary is: “Trajectories that strengthen sustainable development and efforts to eradicate poverty and reduce inequalities while promoting fair and cross-scalar adaptation to and resilience in a changing climate. They raise the ethics, equity, and feasibility aspects of the deep societal transformation needed to drastically reduce emissions to limit global warming (e.g., to 1.5°C) and achieve desirable and liveable futures and well-being for all.”

Ref.	Summary of Contribution	Contributor	EIB comments
			the wider corporate practises of Promoters pertaining to climate change.
5	All relevant documentation – including final projects, project proposals, analyses, technical reports, financial reports, methodologies, modelling, assumptions – must be publicly available.	European Network on Debt and Development (Eurodad)	Para 15 of the EIB Group's Environmental and Social Policy document provides the Group approach.
6	The Promoter must ensure that the EIB Complaints mechanism is public and the details of it should be shared with and explained to project implementers and the communities in which the project is being implemented. It should be available in the languages of all countries where the Promoter is active; and it should be in a format that is accessible for communities. Any grievances should be handled by an independent body. Those impacted by projects must feel able to share lessons learned and seek compensation.	European Network on Debt and Development (Eurodad)	The EIB is accountable for implementing its policies and procedures as laid out in the EIB Group's Complaints Mechanism Policy and relevant procedures.
7	Plastic is the new coal, much of the plastic ends up being burned somehow, somewhere. In open fires, in incinerators, waste to energy plants or cement kilns (often as refuse derived fuels). Plastics are part of the fossil industry, which needs a major transition to get to a circular economy. The EIB recommendation to use plastic as RDF to fire cement kilns, is a clear example of choosing the wrong solution to address this problem.	GAIA	<p>The EIB Group Climate Bank Roadmap, referenced in para 9, provides the EIB alignment framework's requirements for waste to energy facilities. The EIB conducts thorough case by case assessment, to ensure alignment with regional waste management plans and that such developments do not constitute lock-in and thus not hamper transition to the circular economy.</p> <p>More generally the EIB notes that the waste sector is currently in transition and residual waste will continue to be produced, at least in the short term. Therefore, before sending such non-recyclable residual waste to landfill, alternative uses can be considered according to the waste hierarchy.</p>
8	Additional elements could include: Evaluation methods, list of non-eligible projects (to inform Promoters in advance about projects that the EIB will not finance).	Mohamed Miftah	An exhaustive list of non-eligible projects is considered unrealistic, but reference in para 9 to the alignment framework established by the EIB Group's Climate Bank Roadmap

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>provides access to lists of non-supported activities under the framework.</p> <p>Further reference to EIB approaches to the appraisal of projects are provided where relevant in the footnotes to this and other EIB Environmental and Social Standards. In order to address this and similar requests for more direct references, specific reference has been made to lists of non-supported activities in new footnote 13.</p>
9	<p>The study of the most recent recommendations, directives and EIB Group's Environmental and Social Policy guidelines promoted by the EIB Group and also by the Bank for International Settlements, the European Commission, the Financial Stability Board, and by the Network for Greening the Financial System brought to the following observations:</p> <ul style="list-style-type: none"> • There is a gap and inconsistency between the IPCC scenario formulations and the Network for Greening the Financial System scenario formulations: leading to major confusion. • The Climate Impact assessment process requires the baseline. The suggestion would be to use the current environmental, economic and social map, "freezing" it for future impact assessment, and stress it against the expected Climate Hazard Score in future. • Quantitative and qualitative definition of Climate Hazards and the calculation methodology for each type should be coordinated by the scientific community. • Climate data resources provide the insight on the expected intensity of future adverse events, the likelihood of dramatic sequences of hazards, and also the number of days per season with the complete shutdown at each geo-location. These risk metrics should be clarified in recommendations and directives. 	Maksimovich Response 55	<p>Practice and requirements are evolving in this field and will continue to do so.</p> <p>Current guidance as referenced at footnote 19 (previously 15), supplemented by additional national and international practice or regulation, which is usually referencing the findings of the Intergovernmental Panel on Climate Change, is considered to suffice for current purposes, while at the same time projects will be expected to prepare comprehensive and complete Climate Risk and Vulnerability Assessment proportionate to the specific context, including data availability, of an individual project.</p> <p>Guidance will continue to be updated as necessary.</p>
10	The EIB should strengthen the valuation models used to assign value to a climate risk and integrate a country's vulnerability into project valuation to climate change.	European Network on Debt and Development (Eurodad)	The bank has in place a Climate Risk Assessment tool (CRA), which takes a country's vulnerability context into account for appraising projects. The EIB will continue to develop its tools

Ref.	Summary of Contribution	Contributor	EIB comments
			and models in support of managing physical climate risks and reducing vulnerability, using best available climate data.
11	In defining applicable norms in non-EU countries, Standard 5 shall establish a hierarchy of applicable norms which include the SDG, Paris agreement, objectives of the Green Deal, and local norms.	Akuo Energy	Agenda 2030, the Paris Agreement, and the Green Deal are frameworks with complementary and aligned objectives, all promoting a just, inclusive and sustainable transition to zero-carbon societies. It is therefore considered that they should be considered as supplementary to one another rather than hierarchically.
12	For non-EU countries, the Standard shall precise the hierarchy of applicable norms (local, international...)	Akuo Energy	Specific reference has now been made in paras 4 and 8, that the Standard will support projects that are aligned with the goals of the Paris Agreement, which is an international framework.
13	Although Standard 5 refers to Paris Agreement, it shall precise how Paris Agreement is binding a State (in which the project is implemented) that is not party to the Agreement. Regarding climate risk, the Standard shall take into account climate risks within the whole life of the project.	Akuo Energy	Standard 5 and the EIB Group Climate Bank Roadmap referred to in para 4 and particularly in para 9 (in relation to application of the alignment framework) require Paris alignment of all projects irrespective of whether they are located in signatory states to the Paris Agreement. Climate Risk & Vulnerability Assessments should consider the whole life of a project. This is addressed in para 19 (previously 16), footnote 19 (previously 15), in particular section III. 'Guidance topics' subsection 'Assessment scoping' of the referenced EIB-adopted approach: "[...] consider planning, construction, financing, operational and design life cycles as well as decommissioning and/or removal or replacement."
14	OHCHR notes that there is only a single reference to stakeholder engagement in Standard 5, in relation to the Climate Risk and Vulnerability Assessment (CRVA) (para. 16). A reference to Standard 7 has been included in footnote 17, relating to the gender-differentiated aspects of environmental and social risks and impacts, but this reference does not appear to be connected to any participation/consultation requirement. Recommendation: <i>OHCHR recommends that Standard 3 incorporates a human rights-based approach, including the</i>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	A new para (13) has been included, to underline the importance of considering relevant environmental and social aspects during project appraisal, with specific reference to Standards 2 on "Stakeholder engagement", 7 on "Vulnerable Groups, Indigenous Peoples and Gender" and 10 on "Cultural heritage". In addition, clear cross references have been included in new para 13 and in para 19 (previously 15) in order to underline the importance of stakeholder engagement both in assessment of

Ref.	Summary of Contribution	Contributor	EIB comments
	<i>incorporation of specific references to stakeholders' participation, disclosure of information, and grievance mechanisms (e. g in paras. 16 and 17). Relevant requirements in Standard 2 and 7 should be cross-referenced.</i>		climate projects as a whole and in particular in the Climate Risk and Vulnerability Assessment process.
15	Para 8 leaves room to sidestep Paris alignment: "All projects shall also support the delivery of relevant global and national climate change mitigation and adaptation targets, pathways and strategies. Clear reference points include the Paris Agreement, national climate change mitigation and adaptation strategies and/or Nationally Determined Contributions". This would be coherent with EIB's commitments under Neighbourhood, development and international cooperation instrument-Global Europe, given that it includes the Paris Agreement among its main objectives. ⁷ It would be more direct to state ' <i>All projects shall support contribute and respect the climate change mitigation and adaptation objectives of the Paris Agreement.</i> '	International Trade Union Confederation/Global Unions Washington Office	<p>The Standard specifically establishes its intention to support projects which align with the goals of the Paris Agreement, with paras 4 and 8 making specific reference.</p> <p>Furthermore, para 4 requires Promoters to apply the approaches established by the EIB Group Climate Bank Roadmap and EIB Climate Strategy.</p> <p>Para 9 clearly requires that all projects comply with the EIB Group's Alignment Framework, as set out in the EIB Group Climate Bank Roadmap, which provides clear and specific requirements for projects.</p> <p>Nationally Determined Contributions and national strategies are also noted as reference points, in particular for 'rest of world' projects.</p>
16	Once adopted, the EIB Environmental and Social Sustainability Framework submitted to the consultation will undoubtedly become a milestone in the effective deployment of the EIB Climate Roadmap on the ground to deliver on our collective responsibility to foster a fair ecological and energy transition. We would like to take this opportunity to provide feedback on the effective implementation of the EIB Climate Roadmap including to EIF activities.	Bpifrance	Your comment is noted. The EIB thanks you for the feedback.
17	Definitions are clear but these should be in the glossary, not in footnotes.	Mohamed Miftah	

⁷ See NDICI-Global Europe, article 3.

Chapter I: Involuntary resettlement (Standard 6)

1. Are the Standard's requirements sufficient to satisfy the need to avoid and mitigate social and economic impacts from unavoidable involuntary resettlement?

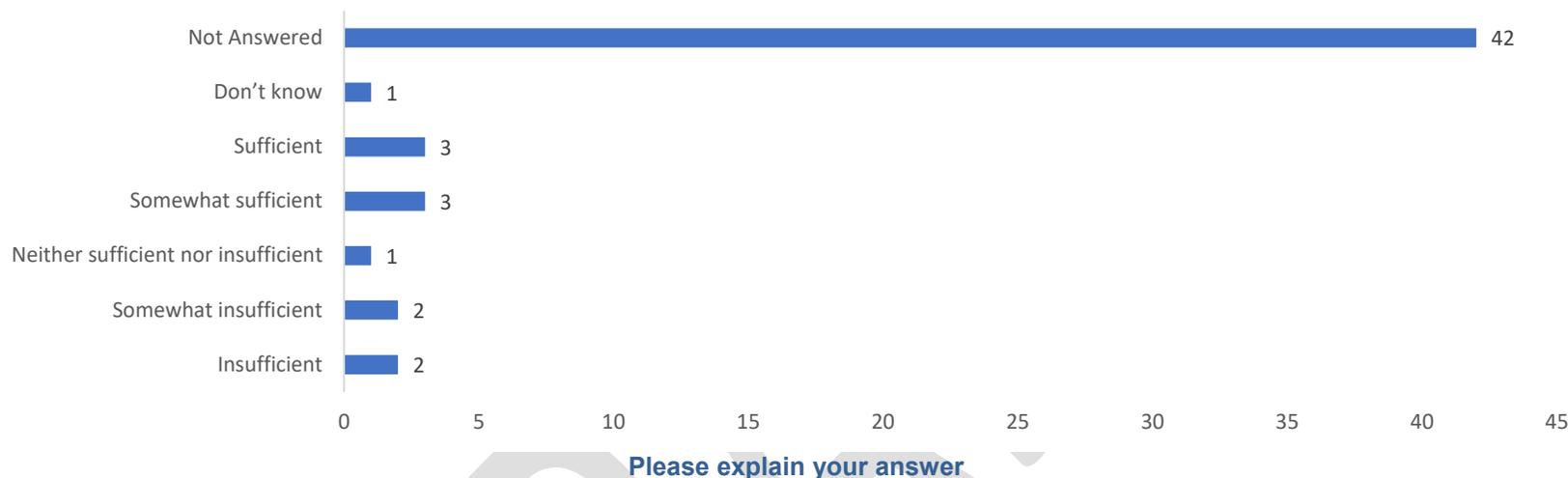


Table 1

Ref	Summary of Contribution	Contributor	EIB comments
1	Additions of "where feasible" and "when possible" must be cut because they suggest Proponent discretion.	NomoGaia	<p>"Where feasible" and "when possible" were only added in instances where the EIB knows that it might indeed not be feasible or possible to implement and are not considered a reason to not move forward with the project.</p> <p>The EIB has revised the Section 4 of EIB Group's Environmental and Social Policy, clarifying the Promoter roles and responsibilities. This is contained in a new sub-section called "Promoter Roles and Responsibilities."</p>
2	A cross reference to Standard 7 & Free, Prior and Informed Consent (FPIC) is needed.	International Council on Monuments and Sites (ICOMOS)	Specific Indigenous Peoples references are made in paras 45 and 54, with a reference to Standard 7 on "Vulnerable Groups, Indigenous Peoples, and Gender" where the specific

Ref	Summary of Contribution	Contributor	EIB comments
3	In cases of economic displacement, Para 29a almost certainly refers to Indigenous Peoples and should direct Promoters to Standard 7.	NomoGaia	requirements for projects affecting Indigenous Peoples are spelled out.
4	Though adverse impacts of a project on the physical, economic, and socio-cultural assets of affected persons are identified, corresponding measures to help restore or even improve pre project standards of living should encompass non only economic aspects but also the psychosocial issues.	AVSI Foundation	<p>This is indeed the intention of the Standard. The terms psychological and social counselling have been provided to the Project Affected Persons (PAPs) as part of resettlement assistance. Furthermore, the para was moved outside of para 30, so that it clarifies that it includes both economic and physical displacement.</p> <p>Para 31 (previously 28d) has been amended to reflect relevant elements of stakeholders' comments.</p>
5	The resettlement process must involve a mutual agreement between affected people and the Promoters, while ensuring that the process is safe and regulated. Peoples affected by resettlement should have improved Standards of living after project completion.	Counter Balance	<p>The resettlement planning documents should be done following the provisions of the Stakeholder engagement and disclosure sessions of the Standard.</p> <p>Language on the agreement to be done has been added to para 44.</p>
6	<p>Para 2 recognizes the cultural dimension in addition to the economic and social dimensions; the cultural dimension of displacements should be added to para 1 and other parts of this Standard. Involuntary displacement may lead to displacement of peoples away from their cultural heritage and ancestral lands, and enjoyment of one's cultural heritage is a human right.</p> <p>Cultural: All current references are "socioeconomic" which are almost never, in practice, implemented according to cultural sensitivities if not explicitly required. Outside of footnotes and a general intro, culture doesn't even get a mention.</p> <p>For Project Affected Persons (PAPs) with no cultural attachments to the land, the Standard seems to require the Promoter to take sufficient actions to restore the socioeconomic conditions of the PAP. It should be reiterated, however, that where the PAPs are Indigenous Peoples or other customary tenure communities, involuntary resettlement</p>	<p>Forest Peoples Programme</p> <p>International Council on Monuments and Sites (ICOMOS)</p> <p>NomoGaia</p>	<p>The EIB recognizes the significance of cultural heritage and respects and promotes its protection. Standard 10 addresses cultural heritage, both tangible and intangible.</p> <p>Nevertheless, references to cultural heritage have been added to the following paras, to reflect stakeholders' comments: Paras 5, 20 (previously 19), 30 (previously 28), 41 (previously 38) as well as Annex 1 and 2.</p>

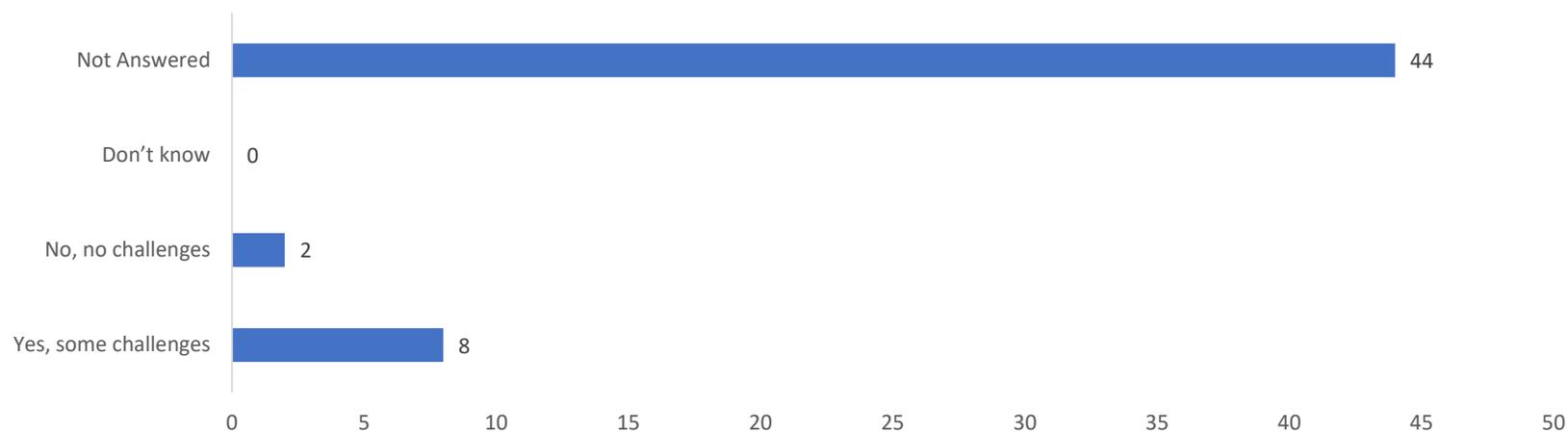
Ref	Summary of Contribution	Contributor	EIB comments
	should never be an acceptable outcome, and the cultural or spiritual value of the land would be difficult to replace if not irreplaceable. Where such communities are willing to consider relocation, Free Prior and Informed Consent discussions should include good faith negotiation and consent processes about their continuing access to cultural heritage or ways for the project to avoid disturbance to their cultural or spiritual practices and beliefs.		
7	The following components from Handbook Para 21 from the 2018 Handbook should be reinserted for clarity on scope and EIB's oversight role: <i>"This Standard applies to all components of operations financed by the EIB, including associated facilities,"</i>	NomoGaia	Para 5 retains the same meaning where it states "the Standard applies (...) to EIB-financed projects (footnote 5: And its ancillary/associated works/facilities as defined in Standard)
8	"EIB's judgment" dictates whether additional facilities <i>"are (a) directly and significantly related to the EIB-supported project; (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project."</i> The new language reads: <i>"9. This Standard does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land-use restrictions imposed by the project."</i> While EIB refers to Standard 1 to define 'direct impacts', in practice Standard 1 differentiates <i>"direct and indirect"</i> (Para 15, Annex 2A para7) and does not define either one.		The referred text is covered in para 22 of Standard 1 on "Environmental and Social Impacts and Risks". Para 5 of Standard 6 refers to Standard 1. The new language is not related to additional facilities, it is rather a clarification of the scope of the Standards.
9	2018 Para 22: <i>"Standard 6 is of particular relevance where (a) there are identified gaps between national land acquisition, expropriation and compensation Standards and practices and the present Standard; (b...; and (c) there is a risk of underestimating the scope of the required resettlement"</i> .		Para 15 has broadened the text to encapsulate adherence to this Standard, national legislation and international human rights instruments.
10	Paras 19-24 entitles the Promoter to conduct a census and baseline of displacement without consulting with displaced people to understand the spiritual/cultural and economic significance of resources to them. This approach to socioeconomic baseline risks leaving out resources that are critical to communities but not accorded financial value by the Promoter.	Counter Balance	The Stakeholder engagement and disclosure section clearly defines that Project Affected Persons should be meaningfully engaged throughout the whole process. A specific point on intangible losses has been added in para 20 (previously 19).

Ref	Summary of Contribution	Contributor	EIB comments
11	It is encouraging to see mention of legal assistance included in eligible resettlement assistance (Arts. 28(d) and 29(e)). To deepen the potential of this provision, the Standard should: <ul style="list-style-type: none"> • Change “legal assistance” to “<i>legal and technical assistance</i>,” to enable those being resettled to access other types of assistance they may need to protect their rights and interests during the resettlement process. 	Columbia Center on Sustainable Investment	Legal assistance is mentioned only as an example of possible resettlement assistance. The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters which will elaborate further on the other types of assistance that can be delivered.
12	In cases of physical displacement, current language re: the landless entitles them to "sufficient resettlement assistance for re-establishing, and possibly improving, their livelihoods and/or residence elsewhere". These people are rarely equipped to understand why they should opt for in-kind compensation, and Promoters rarely define "sufficient" to include the health, education and cultural impacts of resettlement (they just value physical assets).	NomoGaia	Informed consultation and participation are fundamental for such cases. Para 44 specifies that the Promoter shall inform Project Affected Persons about their options and rights pertaining to resettlement, and para 43 explicitly refers to Standard 2 on “Stakeholder Engagement” where related requirements are defined.
13	Involuntary resettlement of Indigenous Peoples or other local communities with customary land rights should never be an acceptable outcome of a project. Involuntary curtailment of rights, such as access to resources, should also never be an acceptable outcome of a project. Para 52 should be revised to make clear that involuntary resettlement is never an acceptable human rights outcome, and that application of Standard 7 means that resettlement is only acceptable in scenarios where the affected community/ies have given their free, prior, and informed consent.	Forrest Peoples Programme Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 54 (previously 50) has been amended to reflect relevant elements of stakeholders’ comments.
14	To ensure the independence of Promoter-funded legal and technical assistance for communities, the Standard should require Promoters to earmark a fraction of the project budget to pay for such assistance. Earmarked funds should be collected and managed by an independent third party.	Columbia Center on Sustainable Investment	Para 56 (previously 52) requires that “appropriate funds and resources (including relevant resettlement expertise as needed) shall be allocated throughout the resettlement process.”
15	Paras 61-64 suggest that resettlement should not adversely impact people but does not give the EIB any authority or leverage to enforce it – nor does the EIB Policy.	Counter Balance	The EIB’s commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 of EIB Group’s Environmental and Social Policy that has been revised, also clarifying the Promoter’s roles and responsibilities.
16	The EIB must ensure that affected people did receive correct compensations for their (material and immaterial) properties,	Counter Balance	Paras 63-66 define the main ways in which this will be ensured. The requirements of the Standard will be

Ref	Summary of Contribution	Contributor	EIB comments
	and that the new land where people will be relocated is suitable for living, culturally appropriate, and have all the basic facilities.		complemented by a dedicated Guidance Note for Promoters to support them in meeting the requirements.
17	Point 10 of Annex 1 asks the Promoter to 'briefly' describe the implementation process.' The mention of 'briefly' should be removed and more specific on the type of information that should be required (including detailed descriptions of who will be relocated, to what location, under what terms, etc.).	Counter Balance Office of the United Nations Commissioner for Human Rights (OHCHR)	"Briefly" has been taken out of Annex 1A and the paras on implementation were revised in both Annex 1A and Annex 1B. The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters to support them in meeting the requirements.

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2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



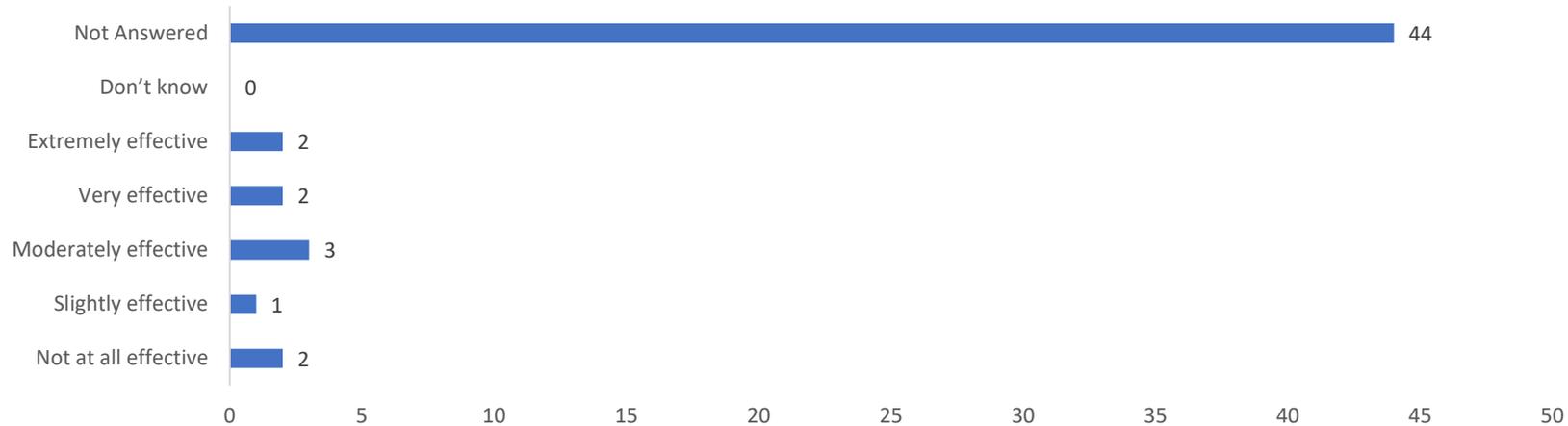
Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	The biggest challenge is associated with language allowing the government to carry out the evictions.	NomoGaia	<p>The EIB does not tolerate forced evictions and there are no circumstances in which the EIB will allow forced evictions. There are, however, evictions, which are separately defined, foreseen by law and seen as unavoidable. When evictions are unavoidable, the project Promoter must provide justification to the EIB and demonstrate that such eviction will be done in full compliance with: (i) the provisions of international human rights instruments; (ii) national law and the present Standard.</p> <p>Section 4 of EIB Group's Environmental and Social Policy has been revised, strengthening the requirements of "zero tolerance" to forced evictions.</p>
2	There is need to ensure the Promoters follow up all the requirements in this Standard to avoid what is sometimes observed which leaves the PAPs miserable.	East African Development Bank	<p>The EIB's commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 of EIB Group's Environmental and Social Policy that has been revised to address stakeholder's comments. It clarifies the Promoter's roles and responsibilities.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
3	The main challenges concern how the new resettlement site will ensure access to basic health and education services and the do not harm principle by taking into consideration also ethnic, cultural and context specific limitations and dynamics.	AVSI Foundation	Your comment is noted. The EIB thanks you for the feedback. The EIB addressed this point in the “Relocation sites” section and has added some wording in para 41(f) (previously 38).
4	The implementation of the Standard and taking into account non-financial aspects which are important for the ‘Project Affected Persons’ as well as respect for human rights are challenges.	International Council on Monuments and Sites (ICOMOS)	Your comment is noted. The EIB thanks you for the feedback.
5	Challenges include the fact that the Promoter does not want to set a precedent (too generous compensation); compensation requirements are higher in EIB Standard than in national laws so the Promoter is not comfortable in justifying different level of compensations just because the lender has higher Standards.	Mohamed Miftah	

3. Will this Standard be effective in improving or at least restoring the socioeconomic and cultural conditions of 'Project-Affected Peoples' (PAP)?



Please explain your answer

Table 3

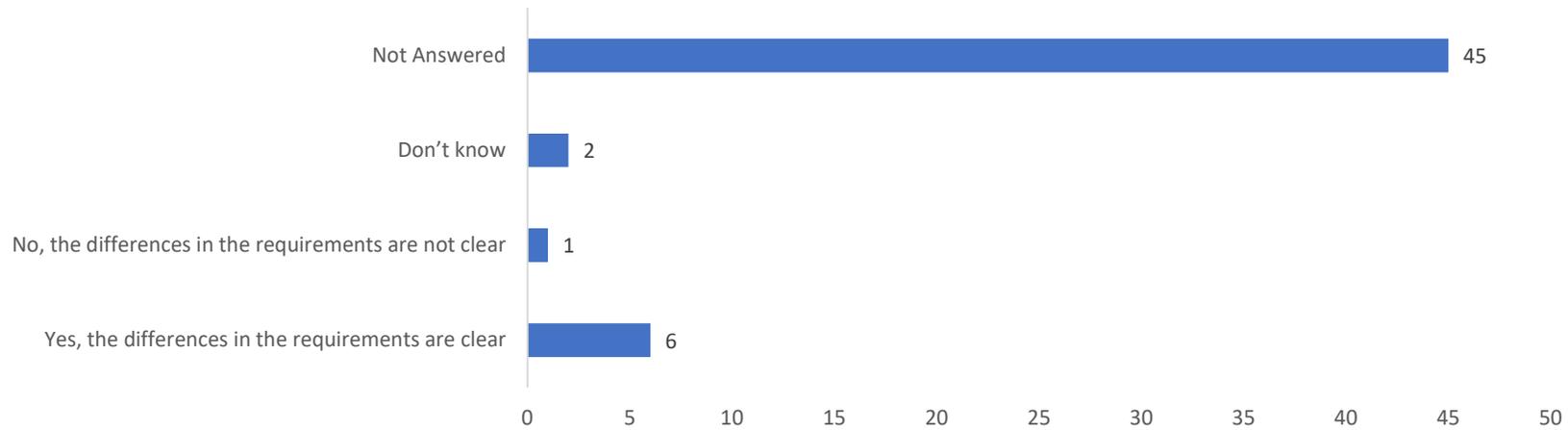
Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The Standard's scope of application, as currently articulated is too narrow and restrictive regarding "squatters" (who are often unidentified Indigenous Peoples who have already been displaced, are not acknowledged by governments and/or have migratory lifestyles).</p> <p>Relocation "assistance" does not assure their ongoing welfare.</p>	NomoGaia	<p>Note that people who occupy/use the land and/or assets but have no recognizable legal rights or claim to it would be provided with resettlement assistance for the land they occupy, but as well as other in kind or monetary compensation as defined in para 27 (previously 25).</p> <p>Para 28 (previously 26) has been updated to include "With respect to land" to clarify that this only refers to land also for Project Affected Persons who occupy/use the land and/or assets but have no recognisable legal rights or claim to it/them.</p>
2	<p>What does EIB mean by "resettlement assistance" and "sufficient" and how will it measure this and monitor them over time? How will EIB make sure the client is tracking these people?</p> <p>The idea that EIB safeguards "as a minimum, sufficient resettlement assistance for re-establishing... their livelihoods and/or residence elsewhere" suggests a high degree of</p>	NomoGaia	<p>Monitoring requirements are defined in paras 63 to 66. A specific requirement on adequacy of entitlement has been added to para 63.</p> <p>The EIB's commitment to carry out due diligence and monitoring on the projects it finances is described in Section 4 of EIB Group's Environmental and Social Policy that has been revised to address stakeholder's comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	ignorance about what it takes to restore the livelihood of an indigent and landless community.		The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters to support them in meeting the requirements.
3	Para 24 refers to encroachment without considering that its "project area" could be on a herding corridor or migratory route.	Counter Balance NomoGaia	Para 20 specifies that "the census shall include seasonal resource users who are not present at the time of the census but who have a legitimate claim to the land."
4	Para 26 & 27 denies people without tenure rights compensation for crops and occupied lands, leaving them potentially destitute in an effort to resettle. This comparatively disadvantages unacknowledged Indigenous Peoples, Adivasi communities and other marginalized groups whose indigeneity EIB doesn't require the Promoter to assess.	Counter Balance NomoGaia	<p>Paras 25, 26, 27, 29 and 30 refer to all Project Affected Persons (PAPs) regardless of tenure status. Para 28 distinguishes the different PAPs categories only when referring to the compensation of land. Additionally para 29(a) clarifies that for persons who occupy/use the land and/or assets but have no recognisable legal rights or claim to it/them, the Promoter shall provide arrangements to allow them to obtain adequate housing and pursue security of tenure.</p> <p>Para 28 has been updated to clarify that it only refers to land, also for PAPs under 18(c).</p>
5	Economic: Para 29 allows for a lot of 'justifications' for not replacing lands and livelihoods but does not mandate that "transitional assistance" actually reinstate them to the levels of health, wealth, and wellbeing prior to displacement. This is fundamentally rights adverse.	Counter Balance NomoGaia	<p>One of the Standard 6 objectives is indeed to improve displaced persons' livelihoods and/or living standards, or at least restore them to pre-project levels.</p> <p>Para 26 has been amended to reflect relevant elements of stakeholders' comments.</p>
6	The EIB often engages in projects at a late stage when there are limited margins to influence project development, notably the minimization of resettlement.	Mohamed Miftah	Para 7 states that "this Standard also applies to any resettlement activities that are already underway or finalized before the Promoter applies to the EIB for financing, if such activities were carried out in anticipation of or preparation for the project".
7	Para 31 suggests that cash compensation is provided before displacement but does not require cash compensation to be adequate to allow people to purchase new lands or settle in new locations (para 48 c. suggests that it should but offers no mechanism to safeguard it). Para 41 relies on a definition of Meaningful Engagement that is not rights respectful.	Counter Balance NomoGaia	Paras 25, 29 and 30 clarify that cash compensation should be done at full replacement cost.
8	With regard to the several compensation and income restoration measures, the compensation in kind should take	AVSI Foundation	The EIB believes that this issue is covered by the requirement for in-kind compensation set out in paras 25 to 30.

Ref.	Summary of Contribution	Contributor	EIB comments
	into consideration not only the value of the asset itself but also the services around the proposed new asset.		

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4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

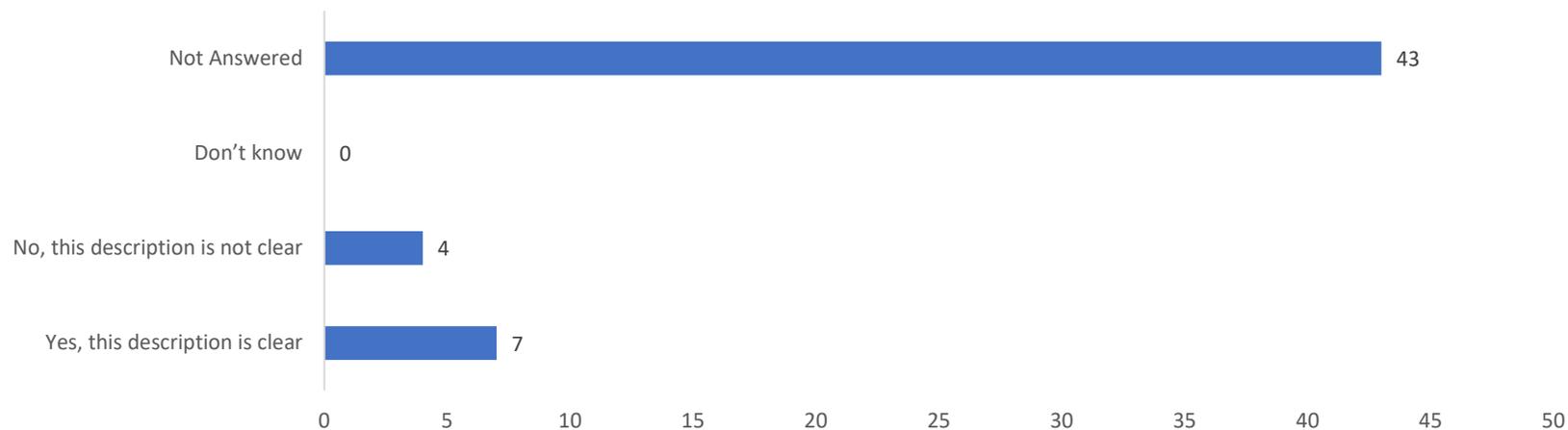


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	The difference is always that the stronger regulatory regime in Europe better protects Europeans than EIB is willing to commit to outside of Europe. It is anti-equitable.	NomoGaia	The EU laws and requirements do not apply outside the EU. Nevertheless, this Standard reflects the core principles and essential procedural elements laid down by the EU legislation that the EIB considers relevant to Involuntary Resettlement. This has been clarified in the text (see amended para 15).
2	Clearer norms are needed to integrate gender aspects in Standards 2 and 6. Usually women are not consulted in Stakeholder engagement outside of the EU.	Mohamed Miftah	Para 53 (previously 49) refers to the specific gender dimensions of involuntary resettlement, and the Stakeholder engagement section refers to the need to consult both men and women.

5. Does this Standard clearly describe who qualifies as 'Project-Affected Peoples' (PAP)?

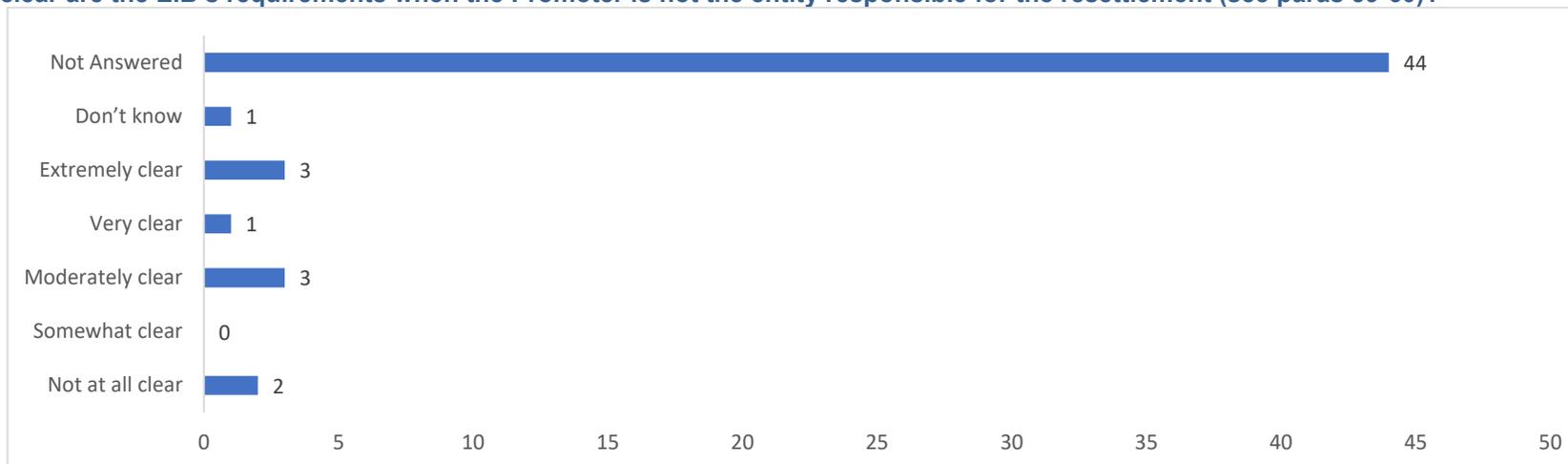


Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Yes, quite clear, and it now excludes an array of vulnerable people already harmed by existing hierarchies (of which EIB clients are beneficiaries and proponents) who were previously protected under the 2018 Standard/handbook.	NomoGaia	There have been no changes to how Project Affected Persons (PAPs) eligibility is determined. All the categories of PAPs considered in the previous Standards are also considered in the current revision.
2	The description of Project Affected Persons (PAPs) in para 18 is not entirely clear. Para 18(b) includes persons with claims to land that are "recognized or recognizable under national laws or customary and traditional rights". As written, it is not entirely clear whether the national legal framework must include recognition of customary land rights in order for persons to be considered PAPs, or whether the existence of traditional land rights as recognized under international human rights law would be sufficient.	Forrest Peoples Programme Response 661456814	Para 18(b) does mention "...recognised or recognisable under national laws or customary and traditional Rights..." Therefore, the existence of traditional land rights as recognized under international human rights law would be sufficient.

6. How clear are the EIB’s requirements when the Promoter is not the entity responsible for the resettlement (see paras 59-60)?



Please explain your answer

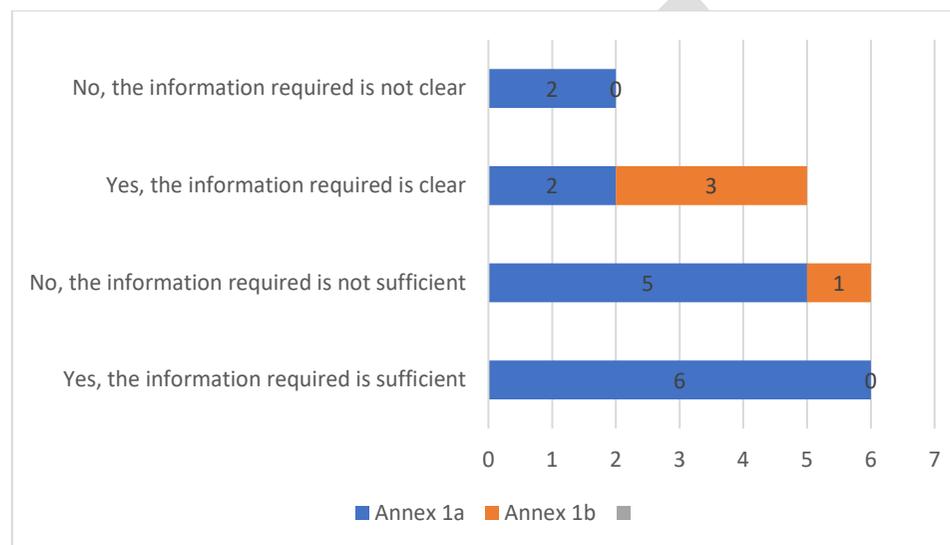
Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	Paras 59-60 suggests that state authorities might carry out evictions, which takes away Promoter leverage to assure rights-respectfulness. This is inconsistent with the Standard.	Counter Balance NomoGaia	<p>The EIB does not tolerate forced evictions and there are no circumstances in which the EIB will allow forced evictions. There are, however, evictions, which are separately defined, foreseen by law and seen as unavoidable. When evictions are unavoidable, the project Promoter must provide justification to the EIB and demonstrate that such eviction will be done in full compliance with: (i) the provisions of international human rights instruments; (ii) national law and the present Standard.</p> <p>Section 4 of EIB Group’s Environmental and Social Policy has been revised, strengthening the requirements of “zero tolerance” to forced evictions.</p>
2	In paras 60(b) and (c), it is not clear what the Promoter will be expected to do if the responsible entity does not allow the Promoter to support the resettlement planning and implementation and the responsible entity is following national laws/practices that fall short of the EIB Standards. The Standard should clarify that where the responsible entity fails	Forrest Peoples Programme	Para 61 clarifies that even if that is the case, the project shall comply with all requirements listed in this Standard.

Ref.	Summary of Contribution	Contributor	EIB comments
	to meet EIB Standards regarding resettlement, the Promoter shall at a minimum ensure that it works with affected persons to provide remedy for the rights violation.		

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7. Is the information required for the resettlement reports under Annex 1a (Resettlement Plan & Livelihood Restoration Plan) and Annex 1b (Resettlement Framework) sufficient and clear⁸?



Please explain your answer

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	It is neither clear nor sufficient with regards to how Proponents describe implementation to EIB, which could leave gaps in Proponent documentation. The specific concern is in Bullet 10 of the Annex1a: "Briefly describe the implementation process" The 2018 handbook did not call for "brevity", and language from Para 69 of the Handbook should be reinserted. Guidance should cover additional detail.	Counter Balance NomoGaia Office of the United Nations High Commissioner for Human Rights (OHCHR)	"Briefly" has been taken out of Annex 1a and the paras on implementation have been revised in both Annex 1a and Annex 1b. Monitoring requirements are defined in paras 63 to 66. The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters to support them in meeting the requirements and where more details on what to include in each point of the documents will be given.
2	How will EIB make sure the client is tracking people that have been displaced? "Loss to follow up" is a frequent excuse for	NomoGaia	

⁸ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor	EIB comments
	implementers that are not interested in the welfare of displaced people.		
3	<p>The information required for the resettlement reports under Annex 1a (Resettlement Plan & Livelihood Restoration Plan) and Annex 1b (Resettlement Framework) is not sufficient.</p> <p>The plans and frameworks should include how the cultural and social dimensions will be taken into account to ensure full respect of human dignity and human rights.</p>	<p>Forrest Peoples Programme</p> <p>International Council on Monuments and Sites (ICOMOS)</p>	

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8. Additional comments on Standard 6.

Table 8

Ref	Summary of Contribution	Contributor	EIB comments
1	EIB should consider adding the European Bank for Reconstruction and Development's requirement for socioeconomic surveys that disaggregate data by gender and other key population characteristics and adds cultural consideration to meet its Standards.	NomoGaia	Disaggregated data requirements have been added to the Standard. Para 21 (previously 20) has been amended to reflect relevant elements of stakeholders' comments.
2	Rather than using the single term "household" or the single term "community," "including both women and men" should be added. Although men and women work together in households and communities, their needs, skills, social norms, and legal restrictions can be very different in relation to land, and due diligence mandates that they be assessed separately.	Joint contribution 6	Footnote 11 defines the members of a household as "women, men, girls, boys, including several generations in the case of extended households)". "Women and men" is used several times throughout the document.
3	Planning process should be accountable and made in collaboration with local populations and authorities and stakeholders.	AVSI Foundation	Informed consultation and participation is a benchmark for Standard 2 on "Stakeholder Engagement", which is why para 43 explicitly refers to Standard 2.
4	Standard 6 should refer to climate-related resettlement.	Akuo Energy	This Standard refers to displacement that occurs as a direct result of project-related land acquisition or restriction on land use. As per para 10, this Standard is not applicable to displacement that as a direct result of a natural disaster, armed-conflict, crime or violence.
5	Regarding tenure rights (under Objectives, and note 4, p4): it is surely beyond the powers of the EIB to ensure security of tenure. In the case of the Project Affected Persons (PAPs) at RAPland, despite being promised land title they have only been offered leasehold title, for which they have to pay. They expected and continue to demand freehold title. Moreover, I am told that the tract of land shown in the title deed is not in fact RAPland. The title has been granted to a group of Maasai 'trustees' who are, in fact, not trusted by the community. With regard to the evictees who formerly lived on Akiira, they have no tenure rights whatsoever and are squatting in	Response 661456814	Under the section on Relocation sites the general principle of security of tenure has been added to the no threat of eviction. Para 41(c) (previously 38c) has been amended to reflect relevant elements of stakeholders' comments. The Standard does apply to "Persons who occupy/use the land and/or assets but have no recognisable legal rights or claim to it/them." (Para 18 (c)).

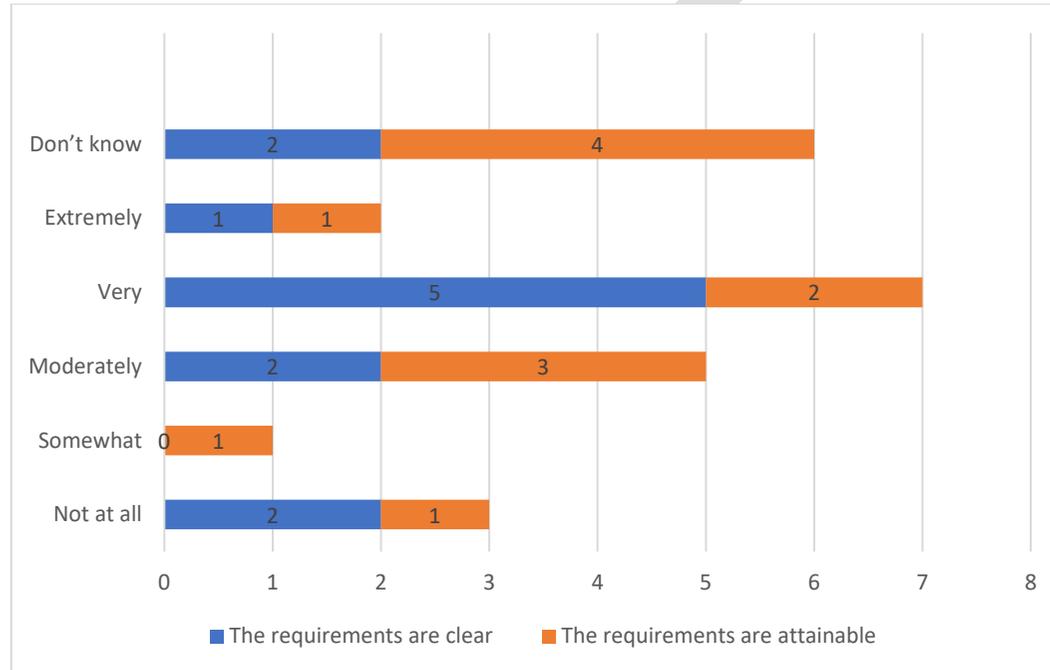
Ref	Summary of Contribution	Contributor	EIB comments
	RAPland after being forcibly evicted by AGL. If the EIB means what it says about ensuring tenure rights, including for those with 'informal rights' to land, it needs to expand its Standard to cover PAPs like these.		
6	The Bank should align with guidelines such as the Voluntary Guidelines on Land Tenure (VGGT) and best practices recommended in the Food and Agriculture Organization's (FAO) Free, Prior and Informed Consent (FPIC) Manual for Project Practitioners and by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). This also implies specifically recognizing rural women's right to FPIC before projects are carried out on their land.	Joint contribution 6	<p>Free, Prior and Informed Consent (FPIC) is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Furthermore, neither the EU legislation nor Standards of other IFIs currently require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the FPIC principles.</p> <p>Standard 6 is aligned with the Voluntary Guidelines on Land Tenure (VGGT).</p> <p>FPIC related comments are replied to in more detail in the issues matrix for Standard 7.</p>
7	OHCHR recommends that Standard 6 explicitly incorporates in para 4 the objective of conceiving of resettlement activities as a development opportunity, similar to the World Bank's Standards.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 4 has been amended to reflect relevant elements of stakeholders' comments.
8	OHCHR recommends that the provisions regarding the applicability of the UN Guiding Principles on Internal Displacement to the resettlement of refugees and internally displaced people be strengthened with an explicit prohibition of arbitrary displacement, as defined in the Guiding Principles (para 11).	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>Para 49 clearly states that the EIB does not tolerate any forced eviction.</p> <p>Section 4 of EIB Group's Environmental and Social Policy has also been revised, strengthening the requirements of "zero tolerance" to forced evictions.</p>
9	Para 1: The concept of physical displacement should list a loss of access to nature as one of the reasons for involuntary resettlement (point 1). In the event of the latter, the affected person and Promoter shall define the type of compensation in kind.	<p>EuroGroup for Animals</p> <p>FOUR PAWS</p>	Para 5 mentions that involuntary resettlement can result from: (c) Restrictions on land use that result in a loss of access to (...) natural resources. Para 30(b) defines the entitlements in such cases.
10	OHCHR recommends that the reference to "international instruments" in para 12 be amended to " <i>international human</i>	Office of the United Nations High	Para 12 has been amended to reflect relevant elements of stakeholders' comments.

Ref	Summary of Contribution	Contributor	EIB comments
	<i>rights instruments,</i> ” in line with para 15. Relevant international instruments could be referenced in a footnote.	Commissioner for Human Rights (OHCHR)	
11	OHCHR recommends that the prioritization of land-for-land compensation (para 23) be extended to all cases of physical displacement, and not only to economic displacement. The wording of this provision could be strengthened to limit the exceptions to this principle, and an explicit reference to Indigenous Peoples could be introduced.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	The para on prioritizing land-for-land compensation was now moved so that it refers to both physical and economic displacement. The wording on what is needed as a justification was also strengthened to ensure that livelihoods are not affected. Para 26 (previously 28a) has been amended to reflect relevant elements of stakeholders’ comments.
12	Para 46 on forced evictions could be amended to refer to the “basic requirements” under Standard 6.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 48 (previously 44) has been amended to reflect stakeholders’ comments.
13	It would be useful to define the monitoring period (para. 61 to 64). An independent audit (by the EIB for instance) of LRP and RAP should prevent abuses from public authorities.	Mohamed Miftah	The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters which will elaborate further on the possible monitoring timelines. Para 63 and 64 foresee independent external party audits in cases of significant involuntary resettlement impacts.
14	In 2018 EIB articulated that it would include monitoring of the Resettlement Action Plan in its legal documents with the client. The removal of this language (2018 para 70) risks obscuring EIB’s oversight role.	NomoGaia	With the provisions under the section “Monitoring and Valuation” the EIB is strengthening the monitoring requirements of Promoters.
15	Standard 6 should include more concrete guidance on developing Resettlement Action Plans (RAPs), including by when they must be completed and indications of how far in advance of the proposed resettlements these RAPs and other documentation should be disclosed to project-affected communities and consulted on.	Accountability Counsel	The requirements of the Standard will be complemented by a dedicated Guidance Note for Promoters where more details on what to include in each point of the documents will be given.
16	Standard 6 should include more guidance and support on determining fair compensation for certain types of land acquisition, such as the imposition of easements and rights of way.	Accountability Counsel	

Ref	Summary of Contribution	Contributor	EIB comments
17	Para 25: Any monetary compensation should be a subject of independent evaluation based on the expertise by a selection of independent experts (25). The Promoter shall provide information on the total impact of its portfolio on the environment.	EuroGroup for Animals FOUR PAWS	
18	Draft Standard 6 creates an imprecise mandate for Promoters regarding Resettlement Action Plans (RAPs) and other planning documents. The Standard instructs that they be “commensurate with the extent and degree of the impacts, the scope of the physical and economic displacement and the vulnerability of the affected persons” (Draft Standard 6, para. 53) but provides little indication of how to make and apply these determinations, which can lead to very inconsistent results from project to project.	Accountability Counsel	
19	Peoples affected by resettlement should have improved Standards of living after project completion.	Counter Balance	Your comment is noted. The EIB thanks you for the feedback.
20	The subsection on “Planning requirements” (paras. 53-58) could be relocated earlier within Standard 6 to ensure internal coherence and simply implementation.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	

Chapter J: Vulnerable groups, Indigenous Peoples, and gender (Standard 7)

1. Are the requirements of this Standard clear and attainable, specifically regarding the identification of vulnerable persons and/or groups and Indigenous Peoples⁹?



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	Potentially problematic connotations associated with the term “vulnerable groups” in the title of Standard 7 and throughout the text of Environmental and Social Policy Framework. We would recommend that “vulnerable groups” be replaced by a more suitable term, such as “ <i>marginalized groups</i> ” (Cf. <i>Standard 7, paras. 1, 17, 15</i>), “ <i>discriminated groups</i> ” (<i>ibid</i> ,	Office of the United Nations High Commissioner for Human Rights (OHCHR)	With Standard 7, the EIB wants to draw attention to the impacts on vulnerable groups which are often overlooked. Other Multilateral Development Banks (MDBs) also include special provisions and requirements related to vulnerable groups that are mainstreamed across their policies and Standards. To ensure better alignment and harmonisation with other MDBs, the EIB has chosen to use the same terminology.

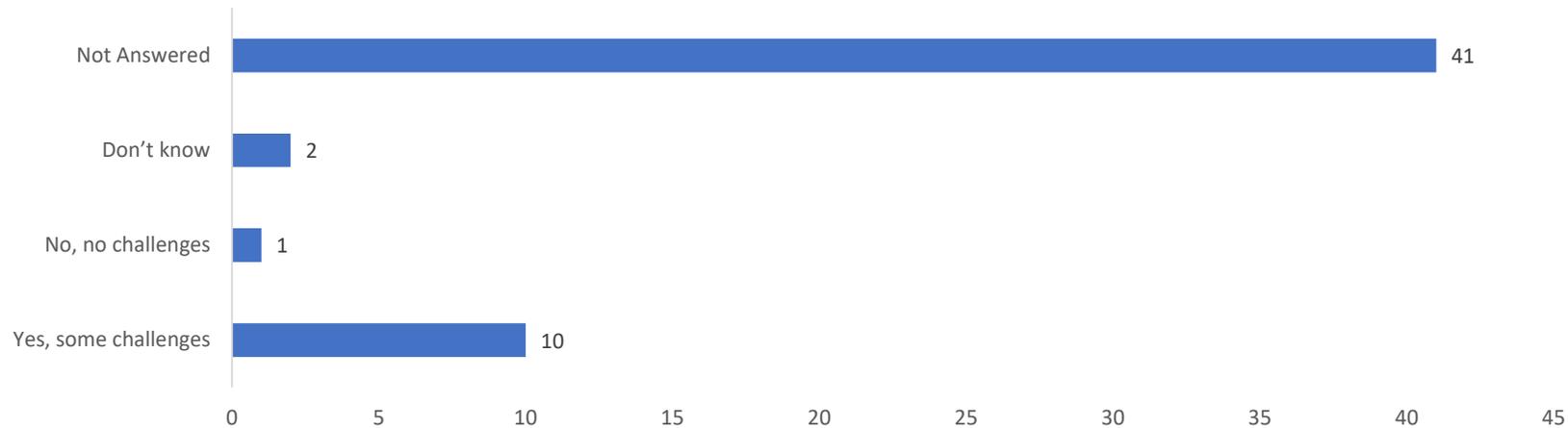
⁹ The quantitative charts

Ref.	Summary of Contribution	Contributor	EIB comments
	<p><i>paras. 15, 18), “excluded groups”, “groups at risk”, or a combination of these.</i></p>		<p>The definition in the glossary has been amended to reflect the aspects of marginalisation, discrimination and exclusion better.</p> <p>The definition of vulnerability has been amended to reflect relevant elements of stakeholders’ comments, and further references to discrimination, exclusion, and marginalisation are included in the Standard.</p>
2	<p>Rights of Indigenous Peoples: The Standard does not aim to safeguard the rights of indigenous and vulnerable peoples but to "address inequalities and other factors contributing to vulnerability". This dilutes 2018 language, which was rooted in human rights. It is also eerily close to the 1953 ILO convention aimed at assimilating Indigenous Peoples. Furthermore, it is not clear whose responsibility it is to "obtain" Free, Prior and Informed Consent in these objectives, either. As written, the objective of the Standard is to "ensure good-faith negotiation... and obtain their Free, Prior and Informed Consent." Do not you mean the objective is to "Ensure that Proponents carry out good-faith negotiation with Project Affected Persons and obtain their Free, Prior and Informed Consent"? As written, it almost seems EIB is watching Indigenous Peoples to evaluate whether they negotiate in good faith.</p>	NomoGaia	<p>The Standard draws on Organisation’s Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169). Furthermore, the Standard aims to “Ensure that projects respect the rights and interests ... Indigenous Peoples”, and “Foster their effective participation...” (para 7).</p> <p>The Promoter is responsible for conducting Free, Prior and Informed Consent (FPIC) processes. Upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p> <p>See also amended paras 6 and 8.</p>
3	<p>The definition of “Indigenous Peoples” in para 10 could be clearer.</p> <p>Misunderstanding of the definition of indigeneity and a lack of familiarity with the challenges of identifying indigenous groups that have suffered generations of marginalization and stigma. This Standard urgently needs to be reconceived.</p> <p>The definition of Indigenous Peoples in para 10 appear excessively restrictive and seem to risk excluding from the scope of Standard 7 many groups that would otherwise qualify as Indigenous Peoples according to national legislation and international practice.</p>	<p>Forest Peoples Programme</p> <p>NomoGaia</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>While the EIB acknowledges that there is no universal definition of “Indigenous Peoples”, the definition adopted by the Standards is in line with globally recognised definitions as set out by the International Labour Organisation’s Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples United Nations For Indigenous Peoples. Furthermore, the use of this definition is in keeping with Standard practice both by industry counterparts such as the World Bank, as well as leaders in the humanitarian space such as Amnesty International.</p> <p>Paras 10 and 12 have been amended to reflect relevant elements of stakeholders’ comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	We would therefore recommend that para 10 be amended as follows: <i>"In this Standard, the term Indigenous Peoples is used in a generic sense to refer exclusively to a distinct and/or vulnerable sociocultural group possessing all or several of the following characteristics (...)"</i>		
4	<p>Covering Indigenous Peoples and Vulnerable Groups in one Standard: Care of vulnerable peoples is so fundamentally different than protection of self-determination rights of Indigenous Peoples that they should be in separate Standards.</p> <p>The distinctiveness of potential risks and impacts of development projects concerning Indigenous Peoples and their traditional territories, as well as the level of the specificity of safeguard requirements affecting them, should ideally warrant a separate thematic Standard.</p>	<p>NomoGaia</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>The approach towards Indigenous Peoples and Vulnerable groups is not homogenous, and while both are addressed by the same Standard, both groups are treated separately, with paras 30-59 specifically addressing Indigenous Peoples.</p> <p>The titles of subsections under "Specific Requirements" have been amended to further distinguish the sections on Vulnerable Groups and Indigenous Peoples.</p>
5	It is unclear whether Standard 7 would apply only when an Environmental Impact Assessment/Environmental and Social Impact Assessment is necessary, but in the case of Indigenous Peoples, Standard 7 would always apply (cf. para 14 vs. paras 30 onward). The application of Standard 7 only when an Environmental Impact Assessment/Environmental and Social Impact Assessment is necessary may come too late.	International Council on Monuments and Sites (ICOMOS)	<p>Standard 7 will apply in projects where it has been identified that a project might involve Vulnerable Groups and/or Indigenous Peoples, as part of the environmental and social impact assessment process.</p> <p>The potential of any project to have an impact on vulnerable and/or Indigenous Peoples (and therefore requiring a more in-depth social analysis) is assessed during initial screening. As such, the applicability of Standard 7 can be determined independent of any decision regarding the need for an Environmental Impact Assessment/Environmental and Social Impact Assessment report.</p> <p>See also amended paras 21 and 23.</p>
6	Regarding the Specific Requirements, the use of wording such as "if appropriate" and "as deemed appropriate" is not clear and dilutes the purpose of Standard 7.	International Council on Monuments and Sites (ICOMOS)	Upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail, including how terminology such as this is best to be interpreted.

Ref.	Summary of Contribution	Contributor	EIB comments
7	A second area that is unclear is why the definition of “collective attachment” in footnote 9 requires both a “physical presence” as well as “economic ties”. There may be sacred sites that are “no-go” zones and thus have limited physical presence on site and also are not used for economic purposes, but they are nonetheless areas to which Indigenous Peoples have a collective attachment.	Forest Peoples Programme	<p>The EIB considers such spiritual and cultural ties to be covered by the definition: “...including areas that hold special significance for it, such as sacred sites.”</p> <p>Further elaboration of the meaning of the footnote will be provided in the Guidance Note for this Standard.</p>
8	It should be clear that Promoters should consult with local communities and NGOs to identify potentially affected rightsholders in the first instance. It is common for governments to fail to recognize the land rights of Indigenous Peoples. In such cases, it can be easy to overlook the possible impact of a project on those Indigenous Peoples. The need for Promoters to engage in such due diligence work should thus be a clear requirement in the Standard.	Forest Peoples Programme	Both Standard 7 and Standard 2 on “Stakeholder Engagement” stress the importance of working with local community organisations and experts (Standard 7 paras 21, 25-27; Standard 2 paras 18, 36-41 and 42).
9	Indigenous Peoples are Indigenous Peoples wherever they happen to be – in urban or rural areas. As I have previously pointed out to the EIB, there are large numbers of IP living in urban areas in Canada and New Zealand, for example. They do not cease to be First Nations or Maori.	Response 661456814	<p>The use of the term “may” in Footnote 10, implies that determination as to whether or not the Standard is applicable in an urban context will be made on a case-by-case basis in full compliance with the EIB processes and the stated definitions within the Standard.</p> <p>Upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail, including what factors are to be considered in assessing whether the Standard is applicable in any given urban context.</p>
10	The notion of “Sub-Saharan African historically underserved traditional local communities” is not a terminology that is used by any country. Recommend para 11 simply list “historically underserved communities” and “traditional local communities” on the same footing as other alternative denominations referred to in the para	Office of the United Nations High Commissioner for Human Rights (OHCHR)	In this instance, while the term “Sub-Saharan African historically underserved traditional local communities” may not be used specifically at a country level, it is used within the multilateral development banking and international development sectors (the World Bank’s Environmental and Social Standard 7.) Having said that, the suggestion is welcome, and para 11 has been amended to reflect relevant elements of stakeholders’ comments.

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>EIB relies partially on host state law to determine the applicability of Environmental and Social Impact Assessment and to dictate terms for stakeholder engagement and retains no human rights or indigenous rights expertise to differentiate between criminalized Indigenous Peoples deemed “squatters” by governments and the self-identification and self-definition of these groups. The preamble of this Standard observes that Indigenous Peoples are legally erased by their governments, yet EIB wants state Environmental Impact Assessment processes to help determine whether indigenous protections are needed. In practice, this means Standard 7 will almost never be applied.</p> <p>This issue is already apparent in EIB's existing portfolio. For example, investments in China, Vietnam and Laos rely on Environmental Impact Assessment laws, which do not require meaningful consultation and do not acknowledge land rights, let alone endow specific protections to Indigenous Peoples.</p>	NomoGaia	<p>Standard 7 will apply in cases where it has been identified that a project might involve Vulnerable Groups and/or Indigenous Peoples. This will be determined as part of the implementation of Standard 1.</p> <p>Para 11 stipulates that the requirements of this Standard apply to all groups meeting the criteria in para 10. In addition, para 32 clearly states that the EIB reserves the right to determine on its own if the project may have a potential impact on Indigenous Peoples, their traditional ways of life, may threaten the natural resources they rely upon, or may lead to their displacement and to a substantial loss of distinct cultural heritage, both tangible and intangible.</p> <p>Para 30 has been amended to reflect relevant elements of stakeholders' comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	Protecting Indigenous Peoples is extremely challenging where states are hostile to their traditional ways of life. No bank is good at this, but the language of the current draft Standard 7 sets EIB up to be among the most blind and ill-equipped.		
2	There is a challenge of Vulnerable groups and Indigenous people being overlooked by some project proponents. This, therefore, subjects them to suffer the consequences of non-compliance to the well-crafted Standard.	East African Development Bank	<p>The Standard's monitoring requirements (paras 58-59) have been set out to support the effective implementation of the Standard.</p> <p>In addition, the Standard describes requirements for a project-level grievance mechanism (paras 55-57) to allow for feedback.</p>
3	Lack of recognition of Indigenous Peoples' rights and lands in the host country will mean that it is more difficult for the Promoter to identify potentially affected Indigenous Peoples at the outset. It will thus be important for the Promoter to engage with local communities and non-governmental organizations to identify potentially affected Indigenous Peoples.	Forest Peoples Programme	Both Standard 7 and Standard 2 on "Stakeholder Engagement" stress the importance of working with local community organisations/experts and specialists (see Standard 7 para 21, 25-27; Standard 2 paras 18, 36-41 and 42).
4	The communication strategies should be better specified, considering appropriate languages, formats and media including verbal and non-literate formats adapted to each social context.	AVSI Foundation	<p>Para 49 requires the Promoter to pay attention to the representativeness and legitimacy underpinning the Free, Prior and Informed Consent process with the objective of reaching a collective decision, taking into account the capacity of communities, freedom from coercion and cultural appropriateness of the FPIC process.</p> <p>The "cultural appropriateness" consideration encompasses issues that may present themselves regarding the language used throughout the process. Further information regarding the required considerations for consultation can be seen in the meaningful consultation provisions in Standard 2 on "Stakeholder Engagement" (Paras 36-41).</p> <p>Further detail on different communication strategies will be included in the Guidance Note on this Standard.</p>
5	The role of civil society organisations could be strengthened in providing accessible and timely information to vulnerable groups and of Indigenous Peoples on programmes,	AVSI Foundation	Requirements for consultations with vulnerable groups and Indigenous Peoples are outlined in paras 25-27 and paras 41-49 respectively of Standard 7.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>procedures, structures, and processes that affect them to ensure that they can make informed decisions and choices.</p>		<p>It must be noted that Standard 7 should be read in conjunction with Standards 1 and 2. Para 38 of Standard 2 requires consultation to include culturally appropriate mechanisms and processes tailored to the different needs of stakeholders. This provision allows for civil society organisations consultation involvement.</p> <p>In a similar fashion, para 27 of Standard 7 calls for representative bodies such as civil society organisations to be included in consultations with vulnerable groups.</p>
6	<p>Some of the challenges we could identify are with regard to legitimate representatives of the Indigenous Peoples and vulnerable group, which needs to also include any Civil Society or NGO that has an interest in the subject matter, who can intervene at any stage of the proceedings.</p> <p>The EIB has an opportunity to substantiate its Standards by ensuring that these groups can acquire legal representation by allocating budget for their legal representation through independent and impartial lawyers who have no conflict of interest or connection with the project, having been selected by the indigenous or vulnerable group themselves. To preserve a clear distance here, a separate funding mechanism would benefit the bank's approach.</p>	Protimos	<p>See Standard 2, para 18 and related footnote 17 which includes civil society representatives, as well as para 49 in Standard 7 which makes provisions for access to legal support.</p> <p>While the points regarding a separate funding mechanism are salient, recommendations regarding alterations to funding mechanisms and project design strategies falls outside of the context of the consultation on the Environmental and Social Sustainability Framework.</p>
7	<p>Para 9 conditions the application of the Standard to a determination made during the environmental impact assessment/Environmental and Social Impact Assessment (Environmental Impact Assessment/Environmental and Social Impact Assessment) process, as outlined in Standard 1. This requirement is problematic and may be inconsistent with the requirements on screening specified elsewhere in the Standard.</p>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>Standard 7 will apply in projects where it has been identified that a project might involve Vulnerable Groups and/or Indigenous Peoples, as part of the environmental and social impact assessment process.</p> <p>The potential of any project to have an impact on vulnerable and/or Indigenous Peoples (and therefore requiring a more in-depth social analysis) is considered during initial screening. As such, the applicability of Standard 7 can be determined independent of any decision regarding the need for an Environmental Impact Assessment/Environmental and Social Impact Assessment report.</p>

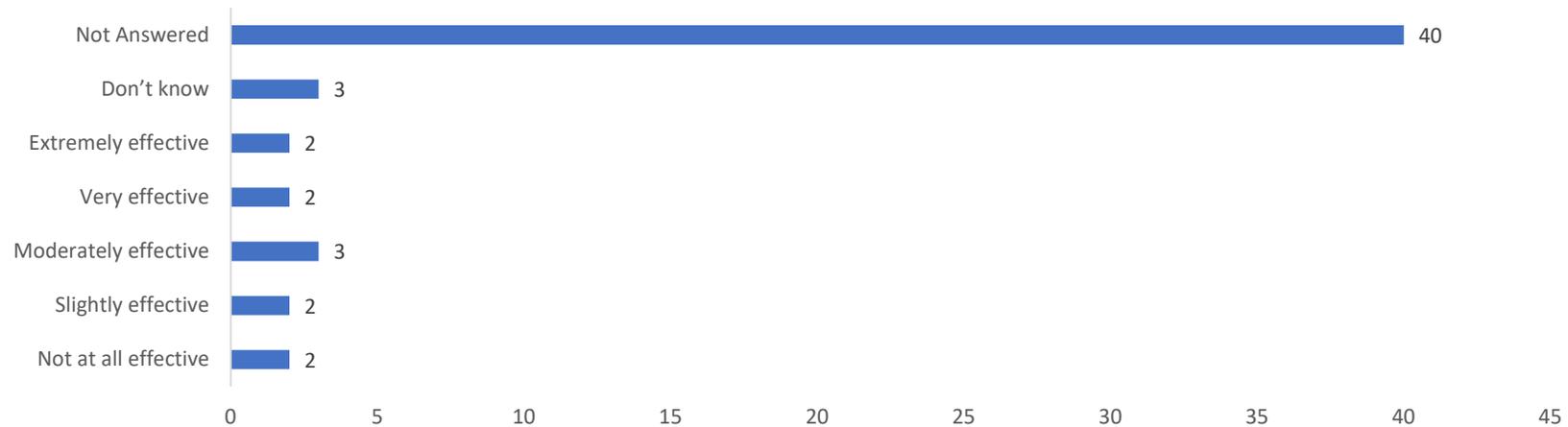
Ref.	Summary of Contribution	Contributor	EIB comments
			See also amended paras 21 and 23.
8	Paras 17-18 of the Specific Requirements refer to groups and peoples that would be “disproportionally” affected: the assessment whether or not the impact is disproportionate is culturally defined and will not be assessed in the same way by experts or the affected groups and peoples.	International Council on Monuments and Sites (ICOMOS)	<p>The general requirements of the Standard as well as the requirements for projects located in EU, European Free Trade Association, Candidate and potential Candidate countries are in line with the principles of the EU Charter of Fundamental Rights and Environmental Impact Assessment Scoping Guidance (see footnotes 11 and 14).</p> <p>Para 21 outlines the role of Promoters, stating that they will elicit the support of specialists during the screening process. Such specialists are expected to engage meaningfully with stakeholders as part of their work. Furthermore, the requirements for engagement with stakeholders defined in Standard 2, as well as in paras 25-27 of Standard 7 would allow for feedback from affected groups and peoples in case of their disagreement with assessment findings.</p>
9	The section on specific requirements as currently written within the Standard may create parallel, and to a certain extent, overlapping requirements and confusion in practice. Should the EIB decide to have a Standard embracing both Indigenous Peoples and other “vulnerable” groups, the section on specific requirements in Standard 7 should be revised to better articulate the provisions applicable in each case and cross-reference applicable requirements.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>The approach towards Indigenous Peoples and vulnerable groups is not homogenous, and while both are addressed by the same Standard, both groups are treated separately, with paras 30-59 specifically addressing Indigenous Peoples.</p> <p>More detail regarding specific requirements will be provided in forthcoming Guidance Notes for this Standard.</p> <p>The titles of subsections under “Specific Requirements” have been amended to further distinguish the sections on Vulnerable Groups and Indigenous Peoples.</p>
10	<p>Far too much responsibility is being placed on the Promoters.</p> <p>What is meant in para 32 by “the EIB reserves the right to determine on its own”? Meaning, without recourse to the Promoter?</p> <p>Re para 29: there can be issues when communities do not trust the Promoters enough to WANT to engage. There are also challenges when the company will not engage with the local IPO.</p>	Response 661456814	<p>Para 32 in Standard 7 means that the EIB reserves the right to determine on its own if the affected group is indigenous, and if it may be impacted by the project, so as to determine which requirements it would ask the Promoter to comply with.</p> <p>The EIB requires FPIC by Indigenous Peoples for projects affecting them, and supports the implementation of the FPIC process whenever feasible and relevant. The EIB acknowledges the challenging situations that project affecting</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	As for expecting Promoters to help indigenous groups seek legal advice and establish grievance mechanisms, this is also risible and unrealistic.		Indigenous Peoples sometimes face and therefore, seeks to promote best practices through its standards.
11	We recommend that para 42 be amended to state the objective of <i>“achieving the Free, Prior and Informed Consent of Indigenous Peoples regarding the proposed activities, in accordance with the requirements of this Standard.”</i>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 42 has been amended to reflect relevant elements of stakeholders’ comments.
12	As currently formulated, Standard 7 appears to see consultation and Free, Prior and Informed Consent as unrelated processes, placed under specific subheadings and without any clear relationship between the two.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	
13	If Free, Prior and Informed Consent is conceived as the objective and desired outcome of consultation and negotiation processes, the term “Free, Prior and Informed Consent process” may be confusing. We would recommend that an explicit requirement should be introduced that <i>“Free, Prior and Informed Consent should be obtained as a result of a meaningful consultation processes as defined in paras 41-42 of the Standard.”</i>	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 46 has been amended to reflect relevant elements of stakeholders’ comments.
14	The definition of Free, Prior and Informed Consent in para 43 presents a number of problems that may lead to confusion regarding the practical implementation of the Free, Prior and Informed Consent requirements. In strict terms, Free, Prior and Informed Consent/consent is not properly a “decision;” in the end, the objective of Free, Prior and Informed Consent is not other than involve Indigenous Peoples in decision-making, even if they lack formal decision powers over the proposed measure or activity. “Agreement”, in line with the language utilized in ILO Convention 169, could be viewed as a better term, with the advantage that it highlights the negotiated nature of the Free, Prior and Informed Consent.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Free, Prior and Informed Consent is considered as much as a process as it is an outcome, and para 47 of the Standard highlights both the “mutual acceptance” of the process as well as the evidence of an “agreement”. Para 43 has been amended to reflect relevant elements of stakeholders’ comments.
15	It can also be overwhelming for communities to receive large amounts of information about a project once significant	Forest Peoples Programme	Para 43 has been amended to reflect relevant elements of stakeholders’ comments.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>planning has begun and to not have been involved in the decision-making process from the project inception. As a result, it would be better for the definition of Free, Prior and Informed Consent in para 43 to consider that Free, Prior and Informed Consent is an iterative process and that “prior” requires that the community is involved in decision-making from the project’s inception rather than merely prior to authorization or commencement.</p>		<p>The EIB agrees that the earlier that potentially affected peoples can be involved in a proposed project, the better. Para 49 requires that the Promoter pay particular attention to the capacity of the communities concerned to negotiate and whether the information is provided in a culturally appropriate and timely manner.</p> <p>This provision serves to mitigate difficulties faced by communities receiving a large amount of information about a project. Further information regarding capacity building needs for communities to which FPIC applies will be provided in forthcoming EIB Guidance Notes.</p> <p>Para 36 of Standard 2 (that is to be read in conjunction with Standard 7) regarding meaningful consultation provides (among other things) that meaningful consultation is initiated as early as possible to allow for effective stakeholder participation.</p>
16	<p>There are frequently power imbalances that can undermine a Free, Prior and Informed Consent process, leading to improper pressure being put on communities to agree to a project or communities to thinking that a project will go ahead with or without their consent. There may also be language barriers such that information provided to communities is complex and communities are not given sufficient time to understand them.</p>	Forest Peoples Programme	<p>Para 46 requires the Promoter to engage qualified specialists to assist in conducting and documenting the good-faith negotiations and Free, Prior and Informed Consent process. This para also provides for the Promoter helping with capacity-building in indigenous communities to allow for their active and effective participation in the process.</p> <p>Para 49 requires the Promoter to pay attention to the representativeness and legitimacy underpinning the process with the objective of reaching a collective decision, taking into account the capacity of communities, freedom from coercion and cultural appropriateness of the FPIC process.</p> <p>The “cultural appropriateness” consideration encompasses issues that may present themselves regarding the language used throughout the process.</p>
17	<p>We recommend that para 49 be rephrased as follows: “The Promoter shall also consider the following factors:...The</p>	Office of the United Nations High	<p>Para 49 has been amended to reflect relevant elements of stakeholders’ comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	capacity of the communities concerned to negotiate <i>on an equal basis</i> .”	Commissioner for Human Rights (OHCHR)	
18	Para 56 - The Standard needs to incorporate the possibility to bring the matter to the courts in the form of a class action in parallel with the use of the project grievance mechanism. As the project grievance mechanism alone cannot possibly have the appearance of impartiality from the point of view of an indigenous group.	Protimos	<p>Para 56 ensures that the grievance mechanism shall take into account the availability and acceptability of judicial recourse and customary dispute settlement mechanisms for the affected indigenous community. As such, the grievance mechanism encompasses considerations of external dispute resolution systems.</p> <p>Para 55 makes reference to Standard 2 on “Stakeholder Engagement”, which highlights that: “The mechanism shall include appeals options and it shall not impede, or purport to impede, complainants’ access to alternative judicial or administrative channels for lodging complaints, such as the EIB Group’s Complaints Mechanism.”</p>

3. Will this Standard be effective in protecting the rights and interests of project-affected vulnerable persons and groups and Indigenous Peoples?



Please explain your answer

Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	Because of the scoping problems described above, Indigenous Peoples will essentially never be identified unless they're firmly legally protected.	NomoGaia	<p>Standard 7 will apply in projects where it has been identified that a project might involve Vulnerable Groups and/or Indigenous Peoples, as part of the environmental and social impact assessment process.</p> <p>The potential of any project to have an impact on vulnerable and/or Indigenous Peoples (and therefore requiring a more in-depth social analysis) is considered during initial screening. As such, the applicability of Standard 7 can be determined independent of any decision regarding the need for an Environmental Impact Assessment/Environmental and Social Impact Assessment report.</p> <p>Furthermore, upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	Having a Joint Standard for both Indigenous Peoples and Vulnerable Groups: If people are assessed as vulnerable, what will require the Promoter to ALSO protect them as indigenous? And if people are assessed as non-vulnerable, will they be considered, in this empowered state, for indigenous protections? EIB never examines the tension created when “vulnerability” is addressed in the same Standard as “indigeneity”.	NomoGaia	<p>The Standard highlights both Indigenous Peoples and vulnerable groups as subsets of stakeholders which require particular attention. Despite both being addressed within the same Standard, the process in dealing with each group is outlined separately. As such, groups may be identified as indigenous, vulnerable, or both, and this designation is not left at the discretion of the Promoter but guided by the articles as stated within the Standard. It is not the case that vulnerability and indigeneity are either mutually exclusive or mutually inclusive.</p> <p>As per footnote 7, the specific vulnerability of Indigenous Peoples is defined as being subject to discrimination or marginalisation either historically or presently simply for being members of their group. In extreme cases, vulnerability may also be expressed as being at risk for imposed cultural assimilation or ethnocide (i.e. the terminal undermining of the group’s way of life).</p>
3	The right of Indigenous Peoples to effective participation must begin from project inception and Indigenous Peoples should be involved earlier on in the project lifecycle.	Forest Peoples Programme	<p>Para 41 has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>The EIB agrees that the earlier that potentially affected peoples can be involved in a proposed project, the better. Para 49 requires that the Promoter pay particular attention to the capacity of the communities concerned to negotiate and whether the information is provided in a culturally appropriate and timely manner.</p> <p>Standard 2 on “Stakeholder Engagement”, para 36 (that is to be read in conjunction with Standard 7) regarding meaningful consultation provides (among other things) that meaningful consultation is initiated as early as possible to allow for effective stakeholder participation.</p>
4	That Promoters should inform Indigenous Peoples that the EIB is funding the project and provide information about how to contact the EIB to register any complaints.	Forest Peoples Programme	<p>The provisions regarding meaningful consultation and Free, Prior and Informed Consent (paras 41-49) in Standard 7 require that Indigenous Peoples that may be impacted by a project are informed in detail about the specifics of the project</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>including the funding parties prior to granting their consent for the project activities to take place. These provisions are also to be read in conjunction with the requirements of Standard 2 on stakeholder engagement.</p> <p>Para 55 of Standard 7 provides that a culturally appropriate and accessible grievance mechanism must be established (as described in Standard 2). Para 56 continues to provide that such a mechanism shall take into account the availability and acceptability of customary dispute settlement mechanisms for indigenous communities.</p> <p>These provisions operate collectively to ensure that appropriate information regarding the details of the project and grievance reporting processes is communicated to relevant stakeholders.</p> <p>Furthermore, the EIB maintains a Transparency Policy that sets out the EIB's approach to transparency and stakeholder engagement. It enshrines the EIB's commitment to openness and recognises that transparency contributes to the quality and sustainability of the projects they finance. The Policy is subject to formal review including public consultation. The updated Policy can be found at the following web address: https://consult.eib.org/consultation/tpconsultation-2020-en/</p>
5	Promoters should provide support to Indigenous Peoples to conduct land tenure and land use studies as part of their impact assessment process, in particular in relation to collective customary tenure rights, including over *untitled* lands and lands under claim and not yet officially recognized by the state.	Forest Peoples Programme	<p>Para 36 has been amended to reflect relevant elements of stakeholders' comments.</p> <p>Standard 7 allows for inclusion of (and meaningful consultation with) Indigenous Peoples throughout project implementation. Where Indigenous Peoples face potential impacts from project activities, the Free, Prior and Informed Consent provisions of this Standard apply regardless of the official recognition, or lack thereof, of customary land. Further detail regarding land tenure is included in Standard 6.</p>

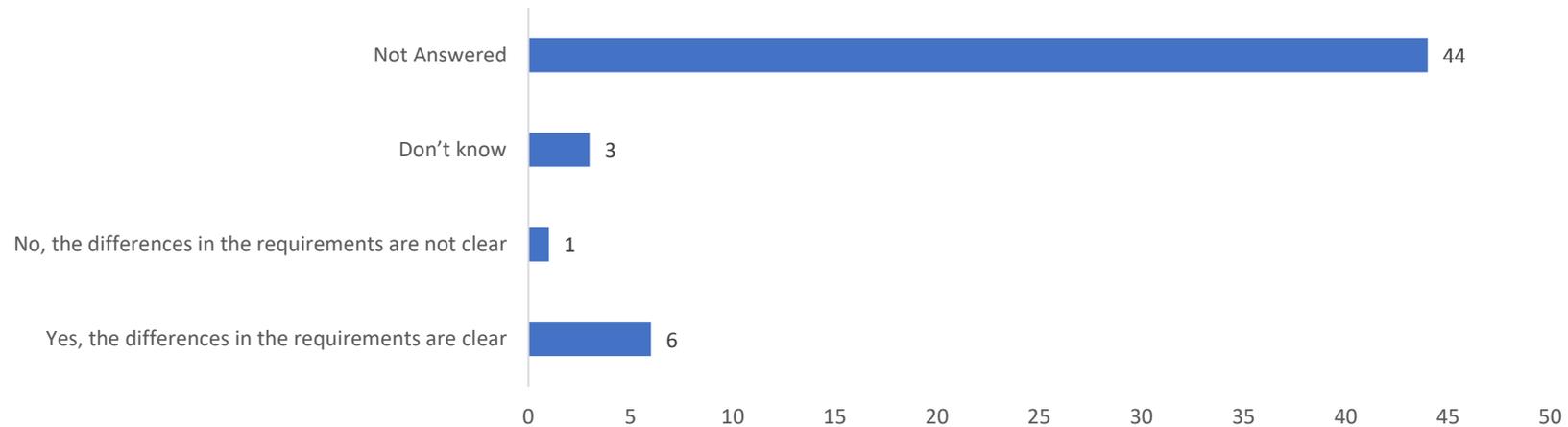
Ref.	Summary of Contribution	Contributor	EIB comments
			Para 39 of Standard 6 provides that any compensation issued for displacement must be implemented without discrimination against persons and/or groups that are vulnerable, marginalized, discriminated against or excluded on the basis of their socioeconomic characteristics.
6	Reference to primary legal instruments such as the Convention on Biological Diversity and its Nagoya Protocol might have made it far more authoritative than it is. It is a missed opportunity to build legal substance into the EIB, as the objectives of these conventions clearly deal with environmental impact assessment, access to genetic resources and the equitable sharing of its benefits with the recognition and protection of indigenous knowledge and the wide variety benefit sharing mechanisms.	Protimos	<p>The EIB's Environmental and Social Sustainability Framework refers to main international and European instruments in its Policy as well as in specific Standards. Therefore, the implementation of all of the EIB Environmental and Social Standards ensures the respect of international and European conventions and the principles contained therein.</p> <p>More explicit reference to specific conventions would not lend increased legal force to the EIB's Standards as the EIB is not a body that is charged with the promulgation or enforcement of laws.</p>
7	The consideration of women as "vulnerable groups" may be particularly problematic. Furthermore, the consideration of gender-differentiated impacts may require a different methodological approach. The Environmental and Social Sustainability Framework could benefit from a self-standing gender equality Standard, which could make it clear that a gender analysis and consideration for gender equality and women's rights should be applied across all Standards and all procedures under each Standard, and also in relation to all groups identified under Standard 7.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>Standard 7 was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.</p> <p>The mention of women as a potential "vulnerable group", acknowledges the fact the women may face a higher risk in certain contexts. This will be informed by the gender-based approaches stated within the Standard (paras 16, 23, 27).</p> <p>More detail regarding the appropriate methods to employ when instituting these gender-based approaches will be provided in forthcoming Guidance Note for this Standard.</p>
8	It would be important to ensure the systematic integration of gender and women's rights considerations in each Standard, including in particular in relation to Standard 1, and Standard 2, given their cross-cutting nature.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Standards 1 and 2 have been enhanced to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
9	<p>Para 14 requires the Promoter, not to implement the Standard, but to "take steps to ensure compliance with this Standard as early as possible" or during the Environmental and Social Impact Assessment process at the latest. First, what does that mean? Second, what if EIB does not learn about Indigenous Peoples until the Environmental and Social Impact Assessment is underway?</p>	NomoGaia	<p>This provision means essentially the same thing as requiring the Promoter to "implement" the Standard. "As early as possible" ensures that this Standard applies from the first identification of factors outlined in the scope section of the Standard (paras 9-12). If potential risks posed to Indigenous Peoples and/or vulnerable groups are identified during initial screening, the Standard must be applied from the point of this identification.</p> <p>If for any reason, Indigenous Peoples are not identified until later in the process, the Standard would be triggered upon learning about the relevant population(s).</p> <p>The project-affected persons (PAPs) will always have the opportunity to raise their concerns with the EIB's grievance mechanism.</p> <p>The EIB retains the right to ask the project Promoter to engage in dialogue and meaningful consultation with the groups that were not identified during the appraisals and to come up with corrective actions that are culturally appropriate when deemed necessary.</p> <p>The EIB and project Promoter perform monitoring activities and the Standard encourages this to be carried out in conjunction with external parties who may be experts in the particular location or field, providing the opportunity for the Promoter and/or the EIB to gain more knowledge of the situation. There are also instruments within the finance contracts of the EIB to enforce revisions and corrective actions by the Promoter where necessary.</p>
10	<p>In Para 15 EIB seems to have the Promoter "identifying" risks to Indigenous Peoples without requiring consultative processes to enable this identification.</p>	NomoGaia	<p>Paras 41-49 of Standard 7 outline the requirements for engagement with Indigenous Peoples that shall be integrated at each stage of project preparation and implementation (to be read in conjunction with and applied in accordance with the provisions of Standard 2). Relevant to this comment is the requirement to ensure the participation of representative</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>bodies and organisations. This provision (in conjunction with Standard 2) ensures that risks to Indigenous Peoples will be identified through a consultative process.</p> <p>Para 15 has been amended to reflect relevant elements of stakeholders' comments.</p>
11	<p>Para 21 on screening: suggests that indigenous/vulnerable people are always a subset of the people who are viewed as sufficiently at-risk to trigger an Environmental and Social Impact Assessment. That is not how indigenous livelihoods work. Countless Indigenous Peoples are tied to very large swathes of land and are frequently "missed" during an Environmental and Social Impact Assessment, not sitting around waiting to be counted as a subset in a village. This screen will fail to identify such indigenous groups.</p>	NomoGaia	<p>Both Standard 7 and Standard 2 on Stakeholder engagement stress the importance of working with local community organisations/experts and specialists (Standard 7 para 21, 25-27; Standard 2 paras 18, 36-41 and 42).</p> <p>Therefore, there will be an opportunity for any dispute on the presence of Indigenous Peoples to be raised.</p>
12	<p>Consultation is described in paras 25-27 they do not articulate how these consultations will help the Promoter identify vulnerable, marginalized and/or discriminated against people. This is a pervasive gap in the Standard, whereby expectations are laid out once indigenous and vulnerable people are identified, but the identification of vulnerable and/or Indigenous Peoples is glossed over as somehow easy or inevitable. EIB refers the Proponent to Standard 2 for clarification, but Standard 2 offers no articulation that stakeholder engagement is used to identify and map out structural inequalities.</p>	NomoGaia	<p>Identification of vulnerable groups and Indigenous Peoples happens at the early stages of an Environmental and Social Impact Assessment process.</p> <p>Also, Standard 2 para 16 states: "The Promoter shall identify, analyse and document the different stakeholders. In doing so, the Promoter shall pay particular attention to and prioritise the identification and analysis of individuals or groups that may be differentially or disproportionately affected because of their vulnerability status."</p>
13	<p>The final sentence in para. 47 should be amended or deleted. It risks diluting the Free, Prior and Informed Consent requirement to a requirement for nothing more than "meaningful engagement" (undefined in the Standard), without any degree of consent being provided by the community. Undermining the consent requirement reduces the Promoter's capacity to manage operational risk and obtain social license to operate.</p>	Columbia Center on Sustainable Investment	<p>Para 47 has been amended to reflect relevant elements of stakeholders' comments.</p> <p>It must also be noted that that the Standards are not intended to be a comprehensive guide for project implementation, but rather as a framework, laying out key requirements that must be met. More detail regarding the Free, Prior and Informed Consent process and best practices associated to it will be provided in forthcoming Guidance Notes.</p>
14	<p>The reference in para 48 to the agreement between the Promoter and Indigenous Peoples on "would constitute "consent"..." is problematic, as it may allow the Promoter to</p>	Office of the United Nations High Commissioner for	<p>Para 48 has been amended to reflect relevant elements of stakeholders' comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	agree with the Indigenous Peoples on requirements less stringent than those affirmed in the Standard 7, and recommend deleting this phrase.	Human Rights (OHCHR)	
15	Para 49 should be amended to require Promoters to pay for independent legal and technical assistance for Indigenous communities in order for them to prepare and participate in meaningful consultation processes, Free, Prior and Informed Consent processes, impact assessments, and other company-community negotiations. The Standard should require Promoters to earmark a fraction of the project budget to pay for such assistance. Earmarked funds should be collected and managed by an independent third party that provides grants for affected communities to access legal and technical assistance.	Columbia Center on Sustainable Investment	<p>While the points regarding a separate funding mechanism are salient, recommendations regarding alterations to funding mechanisms and project design strategies fall outside of the context of the consultation on the Environmental and Social Sustainability Framework.</p> <p>Para 49 has been amended to reflect relevant elements of stakeholders' comments.</p>
16	Specific requirements relating to grievance mechanisms and compensation/benefit-sharing in relation to projects affecting Indigenous Peoples (paras 50-2, 57-59), not included in relation to other groups covered by the Standard.	Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>While the Standard indicates some specific requirements related to compensation/benefit sharing in the context of Indigenous Peoples, Standards 1, 2, 6, and 10 cover this as it relates to project stakeholders in a broader sense.</p> <p>Reference to project-level grievance mechanism with respect to other groups has now been introduced to clarify this.</p> <p>Para 26 has been amended to reflect relevant elements of stakeholders' comments.</p>

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?



Please explain your answer

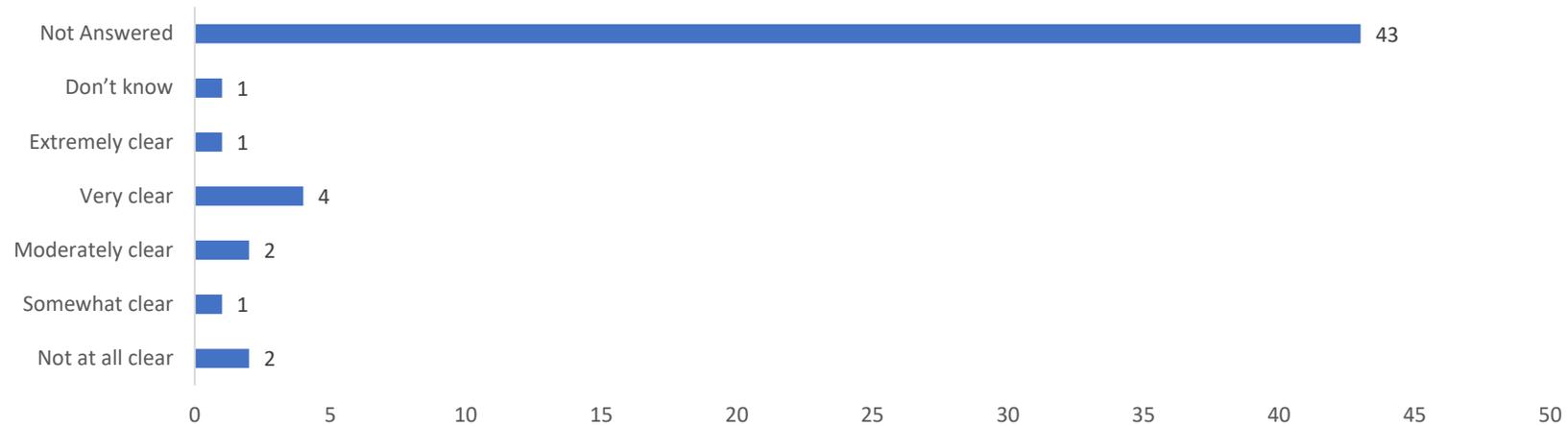
Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	The Standard does not articulate what European law actually expects of Proponents, so as someone unfamiliar with this particular body of law, I am quite in the dark based on current language.	NomoGaia	<p>The purpose of the Standard is not to provide fine-level detail on how to implement it, but rather to serve as a framework which outlines the requirements that Promoters must comply with. An accompanying Guidance Note for Standard 7 will present key implementation and background contextual information for Promoters and stakeholders alike.</p> <p>For Environmental Impact Assessment processes in the EU, the emphasis on vulnerable groups and Indigenous Peoples can sometimes be limited. However, the accompanying European Commission's Guidance for scoping for the Environmental Impact Assessment touches upon several aspects related to vulnerable groups. The level of emphasis put on these types of assessments will vary in practice from country to country. While it is the national competent authority in charge of the Environmental Impact Assessment processes in the EU, the project Promoters can assist them in making sure the relevant aspects are covered. The EIB is aware that</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			sometimes this is not the case, and when it identifies such gaps in its due diligence, it can require further handling of aspects relating to vulnerable groups in the Environmental and Social Impact Assessment as well. Para 18 was introduced to give the EIB this ability to address any identified gaps.

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5. How clear are the requirements in indicating how the Promoter should effectively take into account, and address, the vulnerability of different groups in the operations financed by the EIB?



Please explain your answer

Table 5

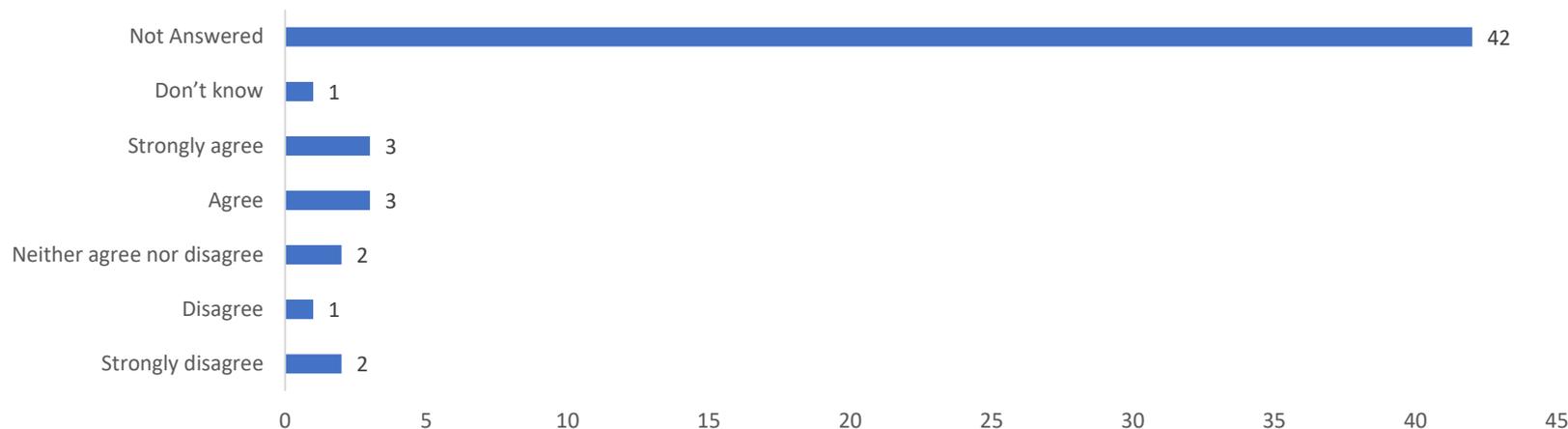
Ref.	Summary of Contribution	Contributor	EIB comments
1	The attempt to toggle between “vulnerable” and “indigenous” is too hard to follow. Then EIB needs to lay out expectations associated with vulnerable/marginalized groups. If these people will not have Free, Prior and Informed Consent rights EIB needs to justify why they are not just covered in Standard 1 (or, rather, why Standard 1 is unfit to assure their safety and what changes are needed to remedy that). Then Standard 7 can focus on Indigenous Peoples. Lumping the two together is deeply problematic and risks causing harms.	NomoGaia	<p>Vulnerable groups and Indigenous Peoples are represented in the same Standard in an effort to provide differentiated measures to those who are not Indigenous, and yet require additional protection. Inclusion of “vulnerability” within this Standard serves to ensure additional protections for such groups. Standard 7 also acknowledges intersectionality between indigenusness, and vulnerability.</p> <p>While these categories are addressed within the same Standard, distinct systems are applicable to each. The Standard does not conflate or equate the two categorisations or the requirements applicable to projects that have the potential to impact people falling within each of these respective categories.</p> <p>The reason the EIB has a Standard that highlights the potential disproportionate impacts on groups with vulnerabilities based</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>on their socioeconomic characteristics is because often it is not detected during the regular impact assessments. The Standard goes into more depth and further explains what the EIB means by vulnerabilities, what socioeconomic characteristics may be relevant, how vulnerable groups are identified and what measures are required to address the disproportionate impact on vulnerable persons and groups.</p> <p>The identification of Indigenous Peoples is not based on their socioeconomic vulnerability, which is covered by the parts of the Standard. Indigenous Peoples have rights inherent to them irrespective of their socioeconomic status. Socioeconomic status in terms of socioeconomic vulnerability is not part of the identification criteria but rather a variable that is taken into account in designing plans to mitigate adverse impacts and promote access to benefits for affected Indigenous Peoples.</p>
2	It is not clear at all what Promoters are supposed to do if they identify vulnerable people.	NomoGaia	<p>Para 24 states that Promoters shall: "... Identify appropriate measures needed and present the evidence of efforts already made, if any, by the time of the assessment to avoid, minimise, mitigate or remedy negative impacts and, as appropriate, to reinforce positive effects, including identifying opportunities and actions to promote benefit-sharing arrangements for the affected communities, including these groups; and as required by the EIB, include new and/or additional differentiated measures targeting these persons and/or groups in the ESMP or other appropriate environmental and/or social management plans, so that risks and impacts do not fall disproportionately on them and they are able to take advantage of opportunities to benefit from the project."</p>
3	Different categories of vulnerable groups are identified. This is encouraging, but the practical implications of such differentiation do not appear to have not been fully understood.	Protimos	<p>Upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p>
4	EIB just requires that leaders and advocates should get to meet and that women's concerns are heard in a "safe space" to prevent retaliation. These are very limited considerations for	NomoGaia	<p>Para 21 states that the Promoter will ascertain, with the support of qualified specialists, potential project impacts on any groups with rights that require special protection.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	assuring free and open participation. The Standard needs to explicitly say that “competent personnel” will tailor the engagement strategy to the specific vulnerabilities of each sub-population according to the needs of the affected groups.		<p>Para 27 provides that regard must be had to representative bodies and organisations in the consultation process. This provides for the participation of “competent personnel”. Para 27 has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>This Standard is also to be read in conjunction with Standard 2 on stakeholder engagement. Para 38 of Standard 2 provides that consultation must include culturally appropriate mechanisms and processes tailored to the different needs of stakeholders and expressly mentions consideration for diverse forms of targeted communication to facilitate the increased participation of men and women.</p>
5	There is too much room for interpretation because of the wording used (e.g., "as deemed appropriate") and the power given to the Promoters.	International Council on Monuments and Sites (ICOMOS)	For projects in all other countries, the Promoter will need to comply with the requirements set out in paras 19 to 29 of this Standard, as deemed appropriate by the EIB. Para 19 has been amended to reflect relevant elements of stakeholders’ comments.
6	It is not clear how two or more Standards will interact: e.g., Standards 4-10-2-6-7 could all relate to one single project and due to this ambiguity, the attention may be focused more on the administrative process than on the people and their daily environment (natural and cultural heritage).	International Council on Monuments and Sites (ICOMOS)	The Standards are intended to be read in conjunction with one another. It is very possible and expected that many projects will trigger multiple Standards. The triggering of multiple Standards does not negate the importance of them each individually. Nothing contained within the Standards precludes their operation in conjunction with one another.
7	In my experience, the Promoter does not tend to address issues around vulnerability at all.	Response 661456814	Standard 7 seeks to put more emphasis on the need to identify and address vulnerabilities within project contexts.
8	Para 24 suggests they are supposed to carry out a socioeconomic assessment, but socioeconomics do not reveal vulnerability of, e.g[...]], rich women who are abused and barred from freedoms (Saudi Arabia) or wealthy indigenous groups that face outside violence, disease, or encroachment.	NomoGaia	<p>The socioeconomic assessment covers the review and analysis of economic as well as social aspects of the stakeholders (including cultural, religious, gender-based, etc). A properly focused and intersectional socioeconomic assessment should consider vulnerabilities such as those mentioned in the comment.</p> <p>Specifically, para 24 states: “In the case of identified groups, assess the specific context, including legal and institutional</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			parameters and cultural, social and gender norms, and nature of the marginalisation, discrimination, and/or exclusion suffered by the identified population”, so rich Saudi women would be covered. Indigenous groups are treated as indigenous irrespective of their economic status.
9	<p>EIB is missing the Free, Prior and Informed Consent concept in the middle of Para 36. We propose the text be amended as follows:</p> <p><i>"Where the impacts cannot be avoided, the Promoter shall, fulsomely describe these impacts to the community and seek their consent to move forward, through a process free of coercion or misinformation and prior to the commencement of any impactful activities on their territories and resources. If consent is not given, the project will not move forward. If consent is given, through close collaboration with the affected indigenous communities, prepare an Indigenous Peoples Development Plan."</i></p> <p>Without this change, Promoters will point to para 36 as a justification to bypass Free, Prior and Informed Consent.</p>	NomoGaia	<p>Free, Prior and Informed Consent is addressed in paras 43-49 of Standard 7. Paras 25-27 and Standard 7 and paras 36-41 of Standard 2 outline requirements relating to stakeholder engagement and meaningful consultation. In a project where Indigenous Peoples are identified as stakeholders, the process of gathering their views regarding the project, as provided for in para 36 of Standard 7, must adhere to the requirements in all of these relevant provisions.</p> <p>In line with this comment, another reference to Free, Prior and Informed Consent has been introduced in para 37, as this concerns the case when the impacts cannot be avoided and therefore Free, Prior and Informed Consent is required.</p>
10	<p>Para 37 is not aligned with the principle of Free Prior and Informed Consent (Free, Prior and Informed Consent). Only when consent is given shall the Promoters go ahead with preparing an Indigenous Peoples Development Plan (IPDP), in close collaboration with the affected indigenous communities.</p>	Counter Balance	<p>Para 37 has been amended to clarify that Free, Prior and Informed Consent is needed for the preparation of Indigenous Peoples Development Plan (IPDP).</p>
11	<p>EIB does not define Free, Prior and Informed Consent until Para 43 and does not say when it is needed until Para 44, but in Para 36, EIB indicates that "impacts on Indigenous Peoples's lands or natural resources" (which, by EIB's definition, would be a Free, Prior and Informed Consent trigger, per para 44) can go forward if the Promoter prepares an Indigenous Peoples Development Plan.</p>	NomoGaia	<p>The provisions of this Standard are not to be considered in isolation from one another. As such, the expectation is that references to Free, Prior and Informed Consent and other terms with definitions included in the Standard throughout the text are considered in reference to their respective definitions provided elsewhere in the Standard regardless of where in the text these terms may first appear.</p> <p>Para 37 has been amended to reflect relevant elements of stakeholders' comments.</p>

6. The EIB's requirements for Promoters outlined in this Standard are inclusive, and effectively take into account, and address, the vulnerability of different groups in its operations.



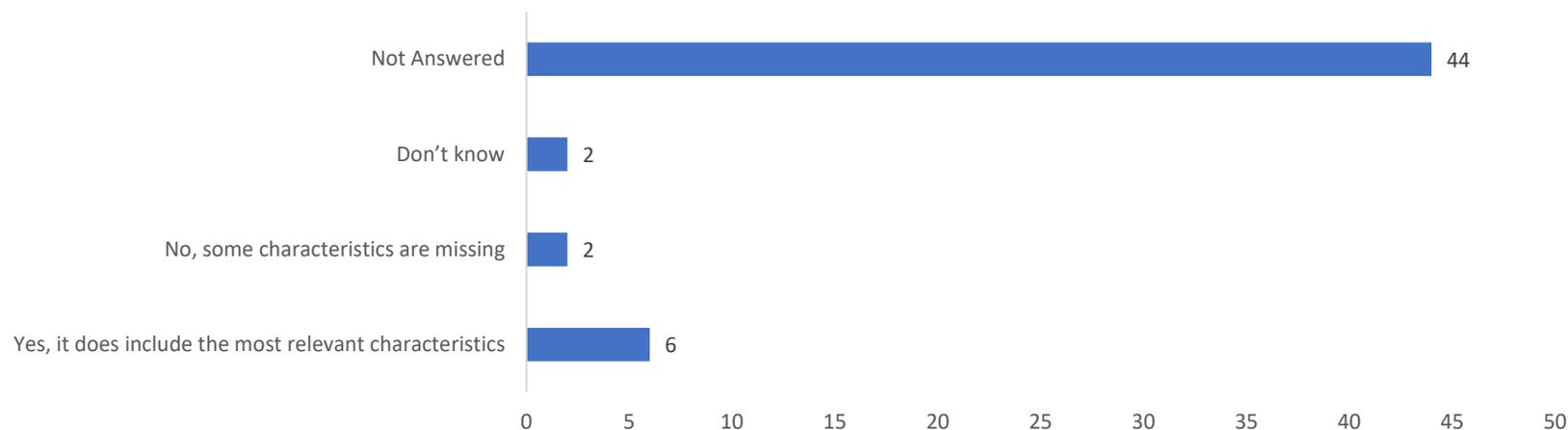
Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	What is unclear is how EIB or the proponent will actually identify Indigenous Peoples and what EIB will do to address the disincentives Promoters face to proactively considering the indigeneity of affected populations.	NomoGaia	<p>Paras 31-33 describe the screening process. Baseline guidance for the factors that constitute indigeneity is provided for in para 10 of Standard 7.</p> <p>The Standards are not intended to be a comprehensive guide for project implementation, but rather serve as a framework laying out basic requirements that must be met.</p> <p>Paras 31 and 33 have been amended to reflect relevant elements of stakeholders' comments.</p>
2	Peoples are not just made vulnerable by poverty or "socioeconomics." They are made vulnerable by civil-political structures, societal practices and the uneven implementation of laws. This is why EIB needs human rights people on staff to be "using" the "human rights lens" and "implementing" the rights-based "approach."	NomoGaia	Socioeconomics does not exclusively refer to income bracket but is inclusive of all social aspects that constitute the make-up of the individual or group (including political and cultural aspects, religion, gender, race etc). As such, a proper socioeconomic assessment is intersectional, encompassing the multitude of vulnerabilities that may occur as a result of

Ref.	Summary of Contribution	Contributor	EIB comments
			civil-political structures, societal practices and uneven implementation of laws.
3	It is not clear where and how the Promoters and the Bank should monitor the projects' impacts on Indigenous Peoples and vulnerable groups (e.g., re-assessment).	GoodCorporation	Paras 28-29 and 58-59 relate to the relevant monitoring processes. The EIB's own monitoring procedures are out of the scope of Standards, which are aimed at the Promoters. Section "EIB's Environmental, Climate and Social Due Diligence and Monitoring" in the EIB's Environmental and Social Policy includes more detail.
4	From empirical observation and experience, whatever the Standard says it is not practised on the ground. Far too much responsibility is devolved to Promoters, who often have no interest in taking into account, let alone addressing, the vulnerability of different groups affected by their operations. The situation only worsens once the EIB has decided its involvement in a project has ended. The PAPs are then subject to the mercy of the Promoters, and to nepotism, corruption and cronyism within their own ranks.	Response 661456814	While the comment regarding the level of responsibility devolved to Promoters is noted, the use of Promoters is integral to the project design strategies that the EIB uses. The EIB actively engages Promoters and seeks to build their capacity on environmental and social matters. This consultation on the Environmental and Social Sustainability Framework does not encompass recommendations for reforming project design strategies.
5	The text is indeed clear, but the limitations implicit in these requirements allow intrinsic assumptions to remain.	Protimos	The Standards are not intended to be a comprehensive guide for project implementation, but rather framework laying out basic requirements that must be met. More detail regarding proper interpretation and implementation of the Standards will be provided in forthcoming Guidance Notes.
6	The Standard is open to interpretation: e.g.. the last sentence of para 36: "This independent study can be a standalone study, or if appropriate and if it can be adequately covered, be part of the Environmental and Social Impact Assessment as defined in Standard 1." The general comments on Human Rights Impact Assessment are applicable <i>mutatis mutandis</i> .	International Council on Monuments and Sites (ICOMOS)	To a certain extent this provision is open to contextual interpretation. It is considered to be appropriate to tailor impact assessment requirements to the particulars of a given project. In some contexts, the overall risk and background of the project will only require consideration of heritage impacts to be addressed as a part of a larger Environmental and Social Impact Assessment. In other contexts, a more comprehensive, standalone impact assessment will need to be undertaken. The Standard incorporates this contextual flexibility intentionally. Para 36 has been amended to reflect stakeholders' comments.

7. Does the proposed definition of vulnerable persons and/or groups (see paras 1-4) include the most relevant socioeconomic characteristics that may result in vulnerability?



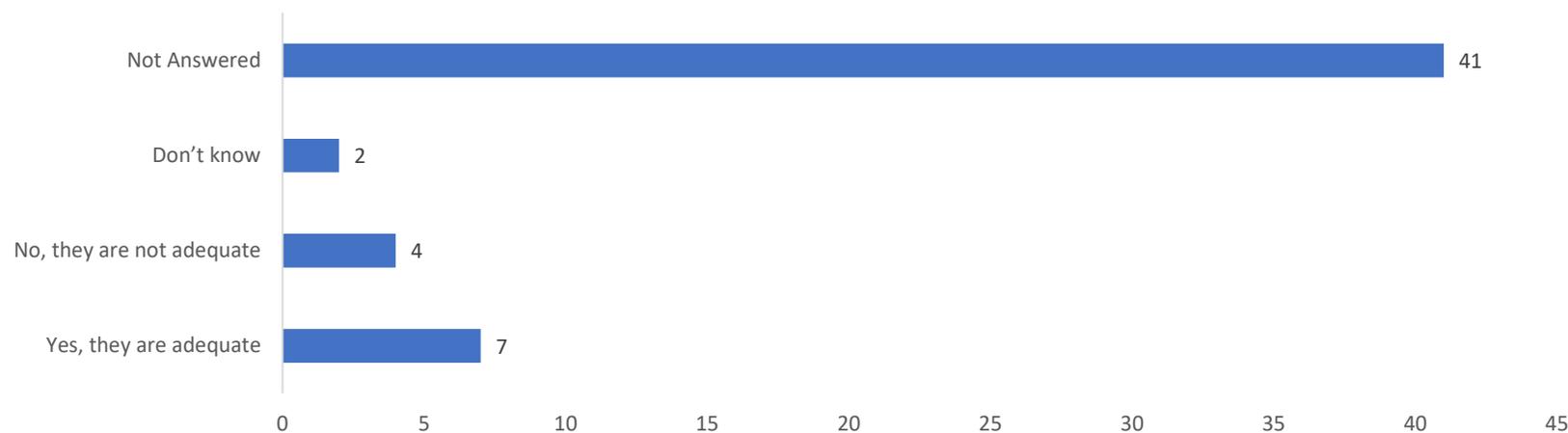
Please explain your answer

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	EIB needs to grapple with the intersection of vulnerability and indigeneity if these two are going to stay in the same Standard (which they should not). Right now, the language opens the door to Promoters to skip indigenous protections by calling people “vulnerable” OR by determining that the indigenous group is not sufficiently vulnerable for protections.	NomoGaia	<p>The Standard highlights both Indigenous Peoples and vulnerable groups as sub-sets of stakeholders which require particular attention. Despite both being addressed within the same Standard, the process in dealing with each group is outlined separately. As such groups may be identified as indigenous, vulnerable, or both, and this designation is not left at the discretion of the Promoter but guided by the articles as stated within the Standard. It is not the case that vulnerability and indigeneity are either mutually exclusive or mutually inclusive.</p> <p>Inclusion of “vulnerability” within this Standard serves to ensure protections for groups that require additional attention and differentiated mitigation measures.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			As per para 32, the EIB reserves the right to determine on its own if the project may have a potential impact on Indigenous Peoples.
2	The definition of “vulnerable groups” should strike the phrase “socioeconomic characteristics”. The definition should define “vulnerable persons or people”, since sometimes it is not clear who is in the “group” (and sometimes the only clarity comes after a violent reprisal occurs against an active proponent for those vulnerable persons).	NomoGaia	<p>Whilst the title of the Standard refers to vulnerable groups, the text of the Standard includes references to both persons and/or groups. The reason the EIB has a Standard that highlights the potential disproportionate impacts on groups with vulnerabilities based on their socioeconomic characteristics is to put more focus on them because often it is not detected during the regular impact assessments. The Standard goes into more depth and further explains what the EIB means by vulnerabilities, what socioeconomic characteristics may be relevant, how vulnerable groups are identified and what measures are required to address the disproportionate impact on vulnerable persons and groups.</p> <p>The definition of “vulnerable groups” in the glossary has been amended to reflect relevant elements of stakeholders’ comments.</p>

8. Are the proposed definition and related identification criteria provided for Indigenous Peoples (see para 10) adequate?



Please explain your answer

Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The definition of Indigenous Peoples as it stands is extremely restrictive and makes the Standard almost unusable. Bearing in mind that as per ILO Convention No. 169, Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.</p> <p>The basis for deciding whether to apply the Indigenous Peoples' Standard should be made publicly available with project documentation so that self-identifying indigenous communities can understand (and if necessary, dispute) how they are characterized by EIB clients.</p>	Counter Balance	<p>While the EIB acknowledges that there is no universal definition of "Indigenous Peoples", the definition adopted by the Standards is in line with globally recognised definitions as set out by the International Labour Organisation's Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples United Nations For Indigenous Peoples.</p> <p>Furthermore, the use of this definition is in keeping with standard practice both by industry counterparts such as the World Bank, European Bank for Reconstruction and Development, as well as leaders in the humanitarian space such as Amnesty International.</p> <p>The relevant environmental and social information about the project is made available to the public both by the Promoter and the EIB.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	As noted elsewhere, EIB is mistaken in believing that these identification criteria are cumulative. They are each, independently, sufficient to determine a group's indigeneity, though this, like so much in this Standard, requires some human rights expertise. <i>And all the "ors" need to be revised to "ands" in para 10 (see, e.g., IFC PS7 para 5).</i>	Accountability Counsel Counter Balance NomoGaia	In establishing the identification criteria as it has, the EIB has sought to align with its peer international financial institutions (IFIs) such as the European Bank for Reconstruction and Development. While the four defining characteristics of indigeneity are typically the key ones for groups that would be considered indigenous, the EIB also recognizes that some of these characteristics have weakened for different historical reasons, and therefore in practice will not require demonstration of all of them today. In specific situations and project contexts, it would be important to receive inputs both from Indigenous Peoples experts and from Indigenous Peoples who may be affected by the project. Paras 10 and 12 have been amended to reflect relevant elements of stakeholders' comments.
3	It is not clear how the identification criteria are assessed in practice.	GoodCorporation	Para 14 indicates refers to environmental and social assessment process (as outlined in Standard 1) that will determine the applicability of Standard 7, and paras 31-33 describe the screening process. In addition, as per Standard 2 the promoter will conduct a stakeholder analysis which will go some way towards identification.
4	A cross reference to para 10 is needed in paras 1-4.	International Council on Monuments and Sites (ICOMOS)	Cross-reference is provided in footnote 2. Nonetheless, the provisions of the Standards are not intended to be read in isolation from one another. As such, regardless of explicit cross-reference (or lack thereof), the provisions presented later in any given Standard are considered to have effect on provisions presented earlier in the Standard.

9. Additional comments on Standard 7.

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	The impact assessment process must include an assessment of the climate impact on the most vulnerable in a society, including women, and disaggregated data by gender, ethnicity, generation, wealth, food and water security, accessibility to finance, age and other identity markers that might affect people's equal opportunities.	Joint contribution 8	<p>The consideration of impacts and risks mentioned in para 15 covers climate change impacts (footnote 12). In addition, para 13 of Standard 5 on "Climate Change" makes reference to this Standard, and the fact that due consideration needs to be given to vulnerable groups when applying Standard 5.</p> <p>Paras 15 and 16 of Standard 5 have been amended to reflect relevant elements of stakeholders' comments.</p>
2	<p>The draft Standard only makes one reference to the UNDRIP – a crucial resolution that is of particular significance in the countries where there is no legal recognition of Indigenous Peoples within the domestic legal framework.</p> <p>As a first step, Standard 7 should re-establish its commitment to UN Declaration on the Rights of Indigenous Peoples and codify a firm expectation that Free, Prior and Informed Consent be a collective process centered on equitable and meaningful participation, effective communication, and ensuring sufficient time for Indigenous communities to make informed decisions.</p>	<p>Accountability Counsel</p> <p>Saami Council</p>	<p>One of the objectives in developing the new Standards is to streamline the existing framework. The UN Declaration on the Rights of Indigenous Peoples is cited within the document as a foundational reference point under the section on objectives which the Standard is in line with. Furthermore, the EIB is committed to ensuring that the issue of human rights (including Indigenous Peoples rights) is embedded across all Standards, with the effective implementation of Free, Prior and Informed Consent as part of that process.</p> <p>The UN Declaration on the Rights of Indigenous Peoples is mentioned in footnote 3. The footnote refers to the International Labour Organisation (ILO) Convention 169 as well as the UN Declaration on the Rights of Indigenous Peoples. Because it is a footnote in this section, the EIB did not deem it necessary to refer to it throughout the Standard.</p>
3	The EU framework must be based on the right of Indigenous Peoples to free prior informed consent (Free, Prior and Informed Consent) and must also apply to the States and investors.	Saami Council	The Standard explicitly states that the Free, Prior and Informed Consent process must be adhered to in cases involving Indigenous Peoples (paras 8 and 37), irrespective of whether the project is with the public or private sector.
4	The meaning and implications of "gender-responsive" could be specified in the "Definitions" section.	GoodCorporation	The Standard goes on to outline a "gender-based approach" as one which "takes into account the rights and interests of women and girls, and men and boys, including specific attention to the differential burdens, barriers and impacts that they might experience, including gender-based violence and harassment."

Ref.	Summary of Contribution	Contributor	EIB comments
5	<p>Inclusion of non-binary or gender non-conforming stakeholders in decision making, especially in countries where there is still problematic implementation and/or problematic execution of anti-discrimination legislation.</p> <p>Inclusiveness requires consultation, needs and specific impact studies from the Promoter and later a closer look at those issues during the due diligence processes.</p> <p>The Policy should specifically address protection of non-binary and gender non-conforming people's rights during the project's implementation, including assessing the client's ability to do, and record the performance of the client with regard to the inclusion of non-binary and gender non-conforming people.</p>	Counter Balance	<p>The EIB recognises the protection of human rights including those of gender non-conforming stakeholders, and the new Policy seeks to embed these rights across all Standards. In addition, both Standard 7 and 2 on "Stakeholder engagement" place emphasis on the role of specialists and stakeholders in supporting the implementation of risk assessments as well as the monitoring of the implementation of risk management plans. The specific references to non-binary or gender non-conforming persons have been included in the revised Standards 2 and 7.</p> <p>Furthermore, upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p>
6	<p>If the risk assessment is not done as part of the Environmental and Social Impact Assessment (through for instance a Gender Analysis, Gender Impact Assessment and Gender Action plan), and not well defined during an inclusive stakeholder engagement process, the Promoter's role will end up being superficial. In addition, there is no clear commitment that EIB will have clear guidelines on how to prepare the gender responsive action plans to address the different impacts as well as Gender-Based Violence and harassment. The whole process is left for project Promoter responsibility.</p>	Joint contribution 6	<p>Assessment of risk is a crucial part of the screening and Environmental and Social Impact Assessment process. While the Promoter does have some responsibility, the EIB retains complete oversight and uses due diligence throughout the project's lifecycle to uphold its Standards.</p> <p>Both Standard 7 and 2 on "Stakeholder Engagement" place emphasis on the role of specialists and stakeholders in supporting the implementation of risk assessments as well as the monitoring of the implementation of risk management plans.</p> <p>Furthermore, upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p> <p>The EIB has developed some resources on Gender Based Violence and Harassment (GBVH) and will be issuing a Guidance Note on Gender Impact Assessment that will also integrate GBVH risks.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>Finally, Standard 7 was modified in order to highlight the need to promote gender equality as a basic human right crucial for sustainable development by ensuring that the gender specific impacts, vulnerabilities and barriers that women and girls face are considered and addressed in the EIB financed projects, and promoting their equal ability to access the benefits and opportunities generated by EIB projects.</p>
7	<p>The Standard could make a specific reference to respecting the human rights of Indigenous Peoples and vulnerable groups.</p>	GoodCorporation	<p>Para 7 states that the Standard aims to “Ensure that projects respect the rights and interests of vulnerable, marginalised or discriminated-against persons and groups, and Indigenous Peoples”.</p>
8	<p>In order for the principles and requirements of the Standard to be upheld and implemented by the Promoter as designed in EIB Group’s Environmental and Social Policy, a legal framework is obviously necessary, and currently absent. Such a framework would contain effective and predictable monitoring and certification requirements, incorporating specific timeframes within which a Promoter would conduct their consultations with the vulnerable group and reach a solution which is lawful, and reflects the obvious compliance concerning Free, Prior and Informed Consent. Such a procedure would incorporate relevant other legal measures, where relevant, and applicable under domestic legal provisions.</p>	Protimos	<p>The EIB Standards are not intended to define national legislation in project countries, but to govern the just and effective implantation of EIB financed projects. In accordance with international best practice, should there be a disparity in the level of protection afforded by the Standards and national legislation, the more stringent of the conflicting provisions applies.</p> <p>The legal conditions suggested in the comment are project-specific and are included in the contractual documentation between the Promoter and the EIB, hence they are out of scope of this Standard.</p>
9	<p>No requirement of how adequate human and financial resources are provided to meet the Standards set out by the EIB. Often the Indigenous Peoples have limited resources and yet need to follow many different processes without any aid from the Promoter. That creates an unjust situation where the best knowledge for decision-making processes is lacking. It is crucial that the Standard address this accordingly.</p>	Saami Council	<p>Para 46 of Standard 7 provides that the Promoter shall help build the capacity of indigenous communities as appropriate to allow for their active and effective participation in the Free, Prior and Informed Consent-required activities.</p> <p>Para 49 has been amended to reflect stakeholders comments and provides that the Promoter consider the capacity of communities concerned to negotiate and assist such communities in gaining access to legal advice as regards their rights under national and international law.</p> <p>Para 42 calls for involvement of representative bodies, IP organisations, and traditional authorities.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			These provisions collectively provide sufficient safeguards against Promoters inadequately assisting with capacity-building.
10	The Saami Council also suggests that the Standard 7 use Indigenous Peoples throughout the text and avoid the term indigenous groups.	Saami Council	“Indigenous Groups” and “Indigenous Communities” have been replaced with “Indigenous Peoples” in paras 7, 37, 41, 46, 48, 49, 50, 56, 59 and in footnotes 7 and 20).
11	We would strongly encourage EIB to stop using the term “vulnerable” to refer to disabled people, or any other group, and replace it with the term “marginalised groups”. Peoples are placed in a vulnerable situation because of the barriers that prevent their full inclusion and participation in society; barriers such as lack of access to education, inequality in accessing health care services, housing, employment, living in poverty etc. Using the term “vulnerable” implies that it is their inherent characteristics that make individuals prone to exclusion.	European Network on Independent Living (ENIL)	Para 2 states that “This Standard recognises that in some cases, certain individuals or groups are vulnerable, marginalised, systematically discriminated against or excluded on the basis of their socioeconomic characteristics”, before going on to list disability as one such socio-economic characteristic that may characterise an individual as vulnerable. As such, the Standard does not equate disability with vulnerability.
12	The Bank should align with guidelines such as the Voluntary Guidelines on Land Tenure (VGGT) and best practices recommended in the Food and Agriculture Organisation of the UN’s (FAO) Free, Prior and Informed Consent Manual for Project Practitioners and by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW). This also implies specifically recognising rural women’s right to Free, Prior and Informed Consent before projects are carried out on their land.	Joint contribution 6	Free, Prior and Informed Consent is a right granted to Indigenous Peoples under international human rights law and extending it may lead to its real or perceived weakening. Furthermore, neither the EU legislation nor Standards of other IFIs currently require FPIC from non-indigenous communities, so the EIB currently does not have a strong basis to do so either. For non-indigenous communities affected by EIB projects, the EIB requires a meaningful consultation, which strongly reflects the Free, Prior and Informed Consent principles. Standard 6 is aligned with the Voluntary Guidelines on Land Tenure (VGGT).
13	It is not clear whether the draft Standard 7 provides any additional guidance to Promoters for effectively conducting this crucial step, only instructing Promoters to “seek the most reliable information” (Draft Standard 7, para 33). The Guidance Note on Stakeholder Engagement is also vague on the threshold question of how to determine the presence of Indigenous communities (see Guidance Note, p. 25).	Accountability Counsel	Para 33 stipulates: “In determining whether a group or communities should be considered indigenous, the promoter shall seek the most reliable information and consult the pertinent Indigenous Peoples as to whether they meet the applicable criteria laid out in paragraph 10.” Para 32 specifies that the EIB reserves the right to determine on its own if the Project may have an impact on Indigenous Peoples.

Ref.	Summary of Contribution	Contributor	EIB comments
			The Guidance Note on Standard 7 will provide detail on determining the presence of Indigenous Peoples.
14	<p>Indigenous Peoples must have a say in which consulting companies are contracted to do the Impact Assessments. This is to secure that the consultants have the right cultural competence and knowledge to assess the Indigenous community.</p> <p>Para 33 should acknowledge that it is the Indigenous Peoples themselves that appoint the specialist on how the consultation process shall be set up, not the Promoter.</p>	Saami Council	<p>Para 21 states that Promoters will elicit the support of specialists to support the process. It is ultimately the Promoter's responsibility to develop a Term of Reference and complete the onboarding process for Impact Assessment experts. However, the Impact Assessment process is inherently connected to meaningful consultation throughout the assessment process.</p> <p>The EIB then carries out the review of Environmental Impact Assessment/Environmental and Social Impact Assessment s conducted by the Promoters using its own in-house capacity and/or independent international and/or local experts.</p>
15	If not already the case, independent local and international experts could be appointed by the Bank to ensure appropriate Environmental Impact Assessment/Environmental and Social Impact Assessment are conducted by the Promoters.	GoodCorporation	
16	Standard 7 makes reference to Standard 2 Stakeholder Engagement. It is important to distinguish between IPs and other stakeholders as the legal basis for their right to be consulted are different. An intrinsic link to an identifiable traditional territory is the characteristic that most clearly distinguishes Indigenous Peoples from minority groups.	Saami Council	<p>The EIB recognises the legal rights of Indigenous peoples as a unique group of stakeholders, and it is on this basis that the new Standards explicitly cover Indigenous Peoples within Standard 7.</p> <p>Para 15 has been amended to reflect relevant elements of stakeholders' comments.</p>
17	Standard 1 should reiterate what Standard 4 Biodiversity and Ecosystems para 10 points to, namely when Environmental Impact Assessment on traditional land is done, assessment of indirect, cumulative and in-combination impacts of the projects should be conducted. Such an approach will contribute to even out the power imbalance between the parties as well as take some of the work burden of the Indigenous partner as the administrative capacity is limited.	Saami Council	<p>One of the objectives in developing the new Standards is to streamline the existing framework, and so while references to other Standards may not be elaborated, all the Standards of the framework are to be considered collectively in their implementation.</p> <p>Upon the production of the final set of Standards, the EIB will be producing a set of Guidance Notes to accompany the Standards, which will cover the implementation of the Standards in greater detail.</p> <p>Para 3(a) of Standard 1 specifies that the Environmental and Social Impact Assessment should cover the "likely significant effects covering the direct effects and any indirect, secondary, positive and negative effects, as well as any cumulative and</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			transboundary effects associated with the project and its ancillary/associated works/facilities, where appropriate.” This refers to traditional and non-traditional lands alike.
18	There is no clarity on how this Standard will intersect with Standard 5, how the denial of indigenous self-identification by governments increases their vulnerability to reprisal risks (as well as homelessness and landlessness).	NomoGaia	<p>While there is no explicit mention of Standard 5 on “Climate Change” within Standard 7, the considerations of risks mentioned in para 15 of Standard 7 cover climate change impacts (footnote 12). In addition, para 13 of Standard 5 refers to Standard 7, and the fact that due consideration needs to be given to vulnerable groups within the economic assessment.</p> <p>Finally, footnote 7 in para 10 in Standard 7 on the identification criteria acknowledges vulnerability specific to the Indigenous Peoples, based on their discrimination and marginalisation, bringing due attention to cases where the self-identification is denied by the governments. The Standard does not go into a level of detail to describe all implications for all cases and further details will be provided in the Guidance Note for this Standard.</p>
19	Going back to Standard 5, will EIB compensate displaced Indigenous Peoples at a lower rate than non-displaced ones? In practice it has established no oversight to make sure it is aware of the conditions of those people to differentiate them from "illegal squatters" and will trust the Promoters who has a highly vested interest in undermining indigeneity claims of ethnic “others.”	NomoGaia	<p>Squatters are recognized as a vulnerable group whereas the status of Indigenous Peoples is determined by the criteria outlined in para 10 of Standard 7. If there were project impacts on squatters then they would be provided with resettlement assistance as well as compensation for any investments that they had made on the land, in line with Standard 6 on “Involuntary Resettlement”. They would not be compensated for the land as they have no formal or informal claim to it. Indigenous Peoples, on the other hand, have a specific status under international human rights law and the right of Free, Prior, and Informed Consent. The Indigenous Peoples are compensated for the specific impacts they experience due to the project.</p> <p>The definition of indigenous groups has been streamlined in Standard 7. Standard 6 specifically refers to Standard 7 in cases of resettlement affecting Indigenous groups.</p>

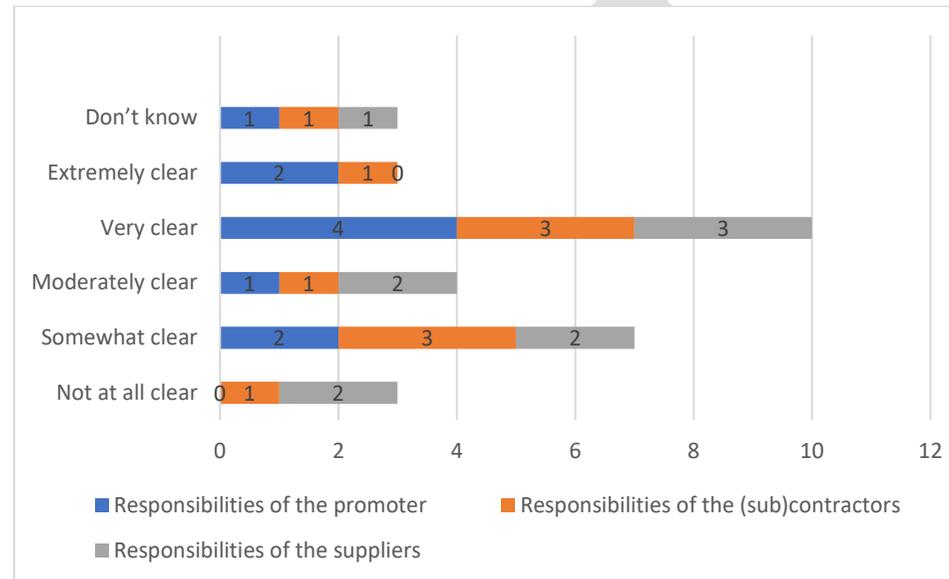
Ref.	Summary of Contribution	Contributor	EIB comments
			Furthermore, para 12 of Standard 7 clarifies that: "This Standard shall also apply to communities or groups of Indigenous Peoples who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programmes, dispossession of their land, natural disasters, or incorporation of such territories into an urban area."
20	Para 37 identifies three different planning documents that could apply whenever the Promoter identifies impacts on Indigenous Peoples: an Indigenous Peoples Development Plan (IPDP), a Community Development Plan (for projects impacting groups other than Indigenous Peoples) and an Indigenous Peoples Planning Framework (for sub-projects). For the sake of clarity, these documents could be referenced explicitly in para 40, instead of the reference to "other appropriate plans."	Office of the United Nations High Commissioner for Human Rights (OHCHR)	Para 40 has been amended to reflect relevant elements of stakeholders' comments.
21	The current situation in the Nepal case demonstrates that Standard 7 needs to more clearly specify what measures the Bank will take if the Promoter does not undertake a Free, Prior and Informed Consent process. At present, the draft Standard states that "when a Free, Prior and Informed Consent process is required, the Bank shall not be able to proceed with the financing of these activities" (Draft Standard 7, para 45). It should go further to state that the project activity should be suspended and, if the Promoter remains in noncompliance, for instance by continuing construction activities without conducting Free, Prior and Informed Consent, the Bank must exercise various forms of leverage, escalating to possible exit.	Accountability Counsel	The EIB is committed to building on lessons learnt from past projects, and investigating into any failings detected. If the Promoter is non-compliant with the EIB's requirements, the EIB works with clients to address the non-compliances and implement corrective measures. The EIB in practice has different ways of exercising leverage and uses them based on a specific situation. However, these are out of the scope of this Standard.
22	Para 46: It is true that Indigenous Peoples need additional capacity to tackle all industrial projects on their traditional land. At the same time, the Promoter also needs to strengthen their capacity on how to operate on traditional land. In such a context, the Saami Council suggests amending the para so it addresses capacity sharing among the parties as a two way process and not only something that is only for the IPs.	Saami Council	Both Standard 7 and Standard 2 on "Stakeholder Engagement" stress the importance of working with local community organisations/experts and specialists (Standard 7 para 21, 25-27; Standard 2 paras 18, 36-41 and 42). The EIB cannot impose requirements for provision of capacity building on Indigenous Peoples. However, para 36 of Standard 2 expressly refers to meaningful consultation as a two-way

Ref.	Summary of Contribution	Contributor	EIB comments
			process, and is meant to also serve as exchange of information and knowledge among the two parties.

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Chapter K: Labour rights (Standard 8)

1. Are the requirements of this Standard clear, specifically regarding the responsibilities of the Promoter, (sub)contractors and suppliers¹⁰?



Please explain your answer

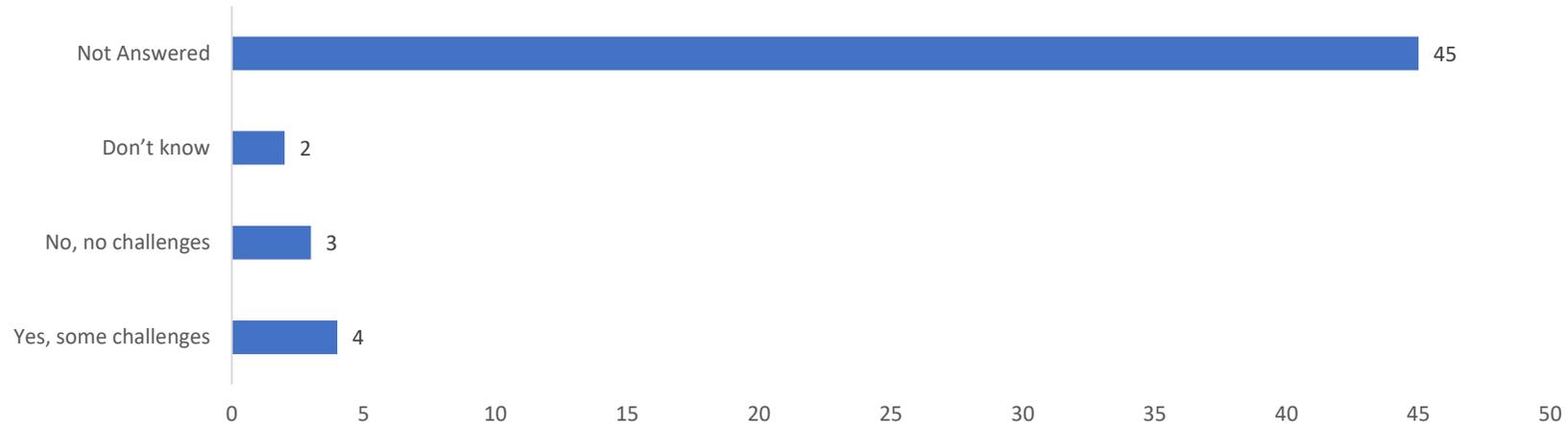
Table 1

Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	Standard does not clearly express what responsibilities the contractors and suppliers have.	FAIRR GoodCorporation	The EIB has a contractual relation only with the Promoters and thus the Standards are directed at them. For this reason, the EIB focuses on the requirements Promoters have to fulfil. Aware of the role contractors and suppliers play in labour rights, the EIB has included specific sections regarding third party workers and supply chain workers outlined in paras 52-59 of Standard 8.

¹⁰ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
			<p>In the update to Standard 8, third party workers are considered at the same level as direct workers, with paras 52-55 outlining the requirements as they relate to third party workers who have been engaged by contractors or intermediaries. The revised Standard clarifies the requirements of the Promoter to ensure contractors are reputable and includes clauses in the contract to ensure the Standards are applied.</p> <p>The EIB has sought to strengthen the language of the Standard to ensure the Promoter can influence the contractors and sub-contractors in implementing the requirements of the Standard. The EIB Guide to Procurement includes the need for bidders to sign an Environmental and Social Covenant and pass on the requirements to subcontractors and sub-suppliers.</p>
2	<p>In general, the Standard ignores the rights of employers; the Standards on any labour market are not solely addressing workers rights. To illustrate the ILO conventions 87 and 98 are also giving employers' and employers' organizations rights concerning collective bargaining and freedom of association. An example is para 38-38 in your report. However, the proposed Standards also ignore the role of workers organizations which also according to ILO Convention No. 98 have legitimate rights. The proposed Standards are not taking into account the vital role of social partners.</p>	Confederation of Danish Employers	<p>The EIB recognises the importance of employers' organisations and the EIB has added a footnote 8 in this respect in para 4. Nevertheless, the focus of the Standard 8 is on the rights of workers.</p> <p>The Standard addresses requirements and the role of worker's organizations in paras 37-39. This section of Standard 8 ensures that project workers have the right to elect workers' representatives, form or join the workers' organisations of their choosing, or engage in collective bargaining in accordance with national law and regulation. Within the framework of the Environmental and Social Sustainability Framework and its Standards, employers would fall under the category of (a) Promoters and (b) suppliers/ contractors/ intermediaries.</p> <p>Standard 8 also has direct references to ILO conventions 87 and 98, concerning collective bargaining (para 37).</p> <p>Para 2 has been amended to reflect relevant elements of stakeholders' comments.</p>

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

Table 2

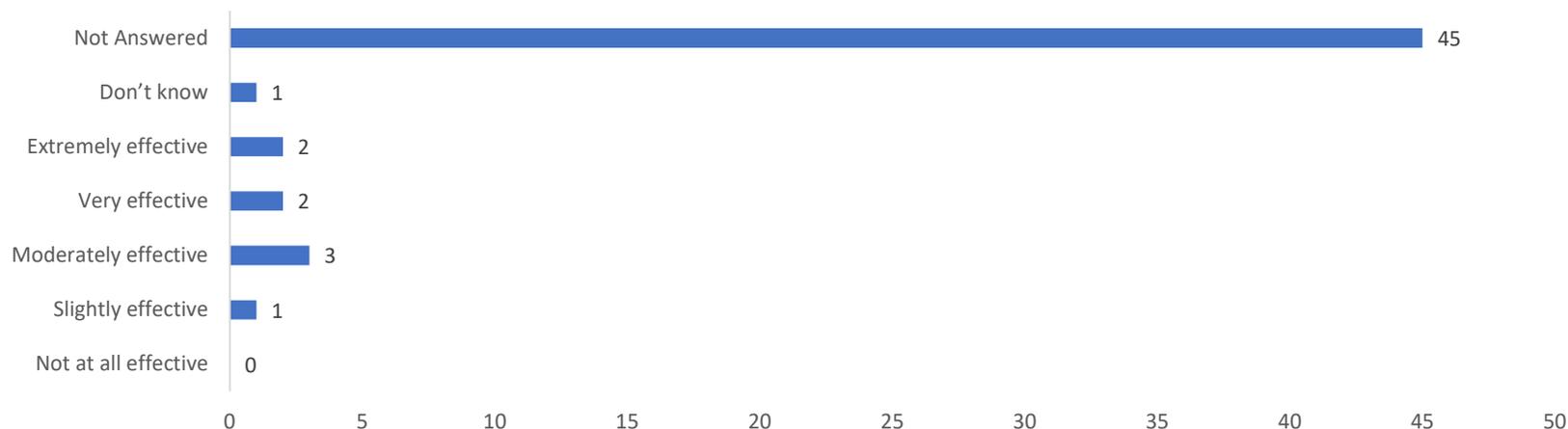
Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	There is need for close Monitoring and Evaluation of the project.	East African Development Bank	Monitoring and evaluation of the project are indeed crucial, especially for labour rights issues. In this regard, the EIB ensures that in the finance contract for any transaction, the EIB has the capacity to come on-site and request labour audits. Standard 8 should be read in conjunction with Standard 1 on “Environmental and Social Impacts and Risks” and Standard 2 on “Stakeholder Engagement”, which further outline monitoring requirements.
2	Promoters and/or contractors may not have the capacity to do the monitoring and remediation that is required of them.	FAIRR GoodCorporation	Indeed, capacity is a key point. Standard 1 on “Environmental and Social Impacts and Risks” includes a section on “Promoter’s Organisation Capacity and Competencies” that defines requirements in this respect. Regarding Standard 8 specifically, the Standard requires Promoters to assess the capacity of contractors to comply with the Standard.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
			<p>Assessing the capacity of Promoters and contractors to comply with the Standards and to undertake the monitoring and potential mitigation measures that are required of them is a key element of the EIB's due diligence process. The EIB may decide to further support Promoters or to strengthen their capacity, as needed, in order to ensure compliance.</p>
3	<p>There is nothing ensuring that these requirements are transmitted by the contractor to the subcontractor. These are the levels where problems most often arise.</p>	<p>GoodCorporation International Labour Organization (ILO)</p>	<p>The EIB has a contractual relation only with the Promoters and thus the Standards are directed at them. For this reason, the EIB focuses on the requirements Promoters have to fulfil.</p> <p>The EIB expects the Promoter to engage sub-contractors who are suitably qualified to implement the projects and the EIB will monitor this issue. Ensuring that contractors meet the requirements in the Environmental and Social Sustainability Framework (and in this instance Standard 8) is the responsibility of the Promoter.</p> <p>The EIB has strengthened the language of the Standard to ensure that the Promoter can influence the contractors and sub-contractors in implementing the requirements of the Standard. The EIB Guide to Procurement includes the need for bidders to sign an Environmental and Social Covenant and pass on the requirements to subcontractors and sub-suppliers. This is referenced in the Standard (para 52 for contractors and 56 for suppliers).</p>
4	<p>Especially concerning a labour market model like the Danish labour market governed in general not by legislation, but collective bargaining. Many of the requirements are way beyond any provision of national regulation in collective agreements or national legislation. The Standards will in many countries add a new layer of Standards. The scope of the Standard is also including almost any person in connection with the labour market regardless of any legal or formal status, which is too broad and unclear for companies to comply with.</p>	<p>Confederation of Danish Employers</p>	<p>Paras 7 and 8 clearly outline the requirements for Promoter in both EU/European Free Trade Agreement countries and non-EU countries. For EU countries, the Promoter must comply with applicable national and EU legislation and the principles enriched in the Treaties and related EU labour and employment policies, as well as with the requirements defined for supply chain workers.</p> <p>The scope includes reference to all project workers to ensure that Promoters and contractors apply the same basic Standards to all workers.</p>

Ref.	Summary of Contribution	Contributor(s)	EIB comments
5	References to national law on freedom of association have been a problem in the application of labour safeguards, creating confusion for bank staff and enabling irresponsible borrowers to interfere with pro-union workers.	International Trade Union Confederation/Global Unions Washington Office	Para 37 (previously 36) has been amended to refer to the ILO convention 87 and 98 and to eliminate reference to national law and regulations. Para 39 (previously 38) has been amended to better address the requirement in countries where national law restricts workers organisations.

DRAFT

3. Will this Standard be effective in protecting the fundamental labour rights of workers?



Please explain your answer

Table 3

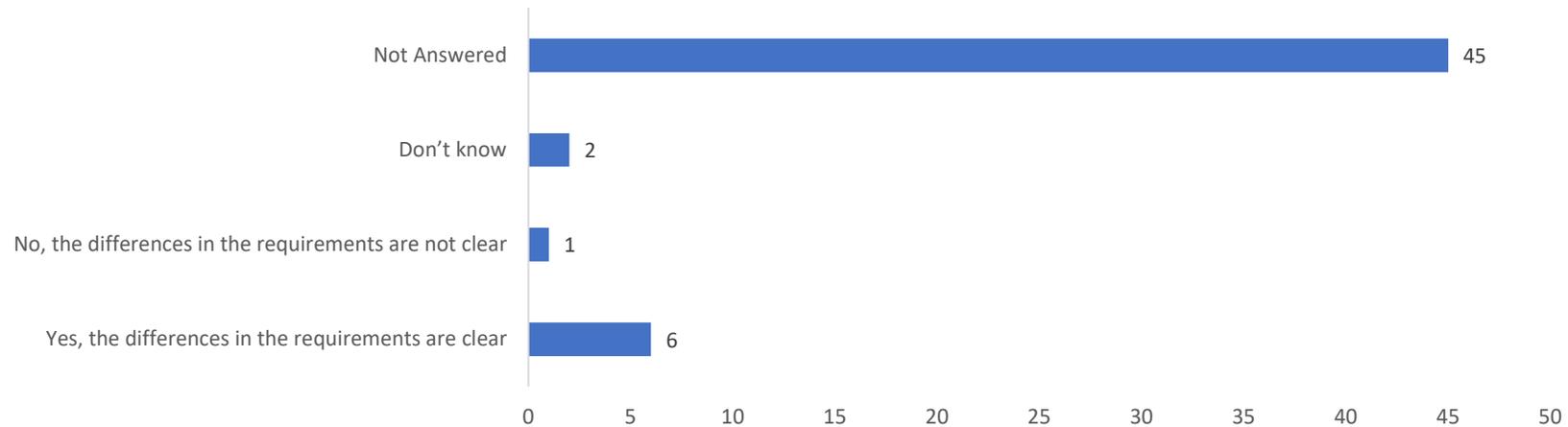
Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	Effectiveness will depend on enforcement and monitoring. The EIB should also define how it will monitor Promoters' implementation of the Standard.	FAIRR	<p>As reflected in the finance contract with Promoters, the EIB has the capacity to come on-site and request labour audits.</p> <p>The monitoring of the EIB will depend on the risks and performance of the project and can be adapted overtime if the EIB identifies problems. Further monitoring requirements are outlined in Standard 1 on "Environmental and Social Impacts and Risks" and Standard 2 on "Stakeholder Engagement", and Standard 8 should be read in conjunction with them.</p> <p>Monitoring and reporting requirements are explicitly included within the legal documentation between the EIB and the Promoter.</p>
2	Glossary - The definition on sexual harassment misses one key form of sexual harassment, so-called "quid-pro-quo" harassment.	International Labour Organization (ILO)	<p>The definition is the one from EIGE and it applies in general to sexual harassment not only in the world of work. https://eige.europa.eu/thesaurus/terms/1376</p>

Ref.	Summary of Contribution	Contributor(s)	EIB comments
	You may wish to reference the ILO Violence and Harassment Convention 190.		Reference to the ILO Violence and Harassment Convention 190 has been included in footnote 14.
3	Glossary - Clarify “stakeholders” persons to be “natural and legal persons”	International Labour Organization (ILO)	The EIB considers that the term covers both natural and legal persons.
4	Glossary - Clarify “vulnerable groups” – Should encompass “health status”. E.g., Peoples living with HIV have a particular health status without necessarily showing a medical condition.	International Labour Organization (ILO)	The EIB has replaced the term “medical condition” with “health status”.
5	It is important to ensure that funded employment schemes are in line with Article 27 of the UN Convention on the Rights of Persons with Disabilities and General Comment 5, on equality and non-discrimination. Additionally, Council Directive 2000/78/EC (on equal treatment in employment and occupation) protects persons with disabilities from discrimination and requires that reasonable accommodation is provided. This must also be complied with.	European Network on Independent Living (ENIL)	Ensuring the fair treatment, non-discrimination and equal treatment and opportunity of workers, especially vulnerable workers is explicitly referenced as a key objective of Standard 8 (para 3).
6	Retain the living wage requirement - Problems can arise when the legal minimum is used but represents a poverty or sub-poverty income. Use of the living wage avoids these problems and is consistent with the language related to cooperation in Neighbourhood, Development and International Cooperation Instrument Global Europe.	International Trade Union Confederation/ Global Unions Washington Office	Para 19 has been amended, replacing “reasonable” with “fair”. The EIB will provide more guidance in the accompanying Guidance Note.
7	Prohibit Disguised Employment – Employers frequently circumvent responsibility through misclassification, false self-employment, and other forms of disguised employment. The EIB should incorporate the prohibition on disguised employment from the Inter-American Development Bank ESPS 2.	International Trade Union Confederation/ Global Unions Washington Office	Para 4 has been amended to reflect relevant elements of stakeholders’ comments.
8	Para 3 – This is excellent. We would also point out that for the ILO, all of the fundamental rights at work have equal standing. Zero tolerance for violations of all of these should be our goal.	International Labour Organization (ILO)	Given the gravity of child labour, forced labour and sexual exploitation and abuse, the EIB has established a zero tolerance rule, but compliance with the principle of all fundamental conventions is expected from the Promoter. However, as there may be national restrictions on the other two fundamental rights that would be impossible for the Promoter to circumvent (as of course compliance with national law is required), the EIB cannot impose a zero tolerance on the other two rights.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
9	Establish a minimum age of work floor at 15 – Although light work is allowed at 13-14, it is not appropriate for this to occur on projects funded by a major multilateral institution.	International Labour Organization (ILO) International Trade Union Confederation/ Global Unions Washington Office	At this stage the EIB will comply with the age limits recognised by ILO and national laws, whichever is higher. The table has been deleted to avoid confusion.

DRAFT

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

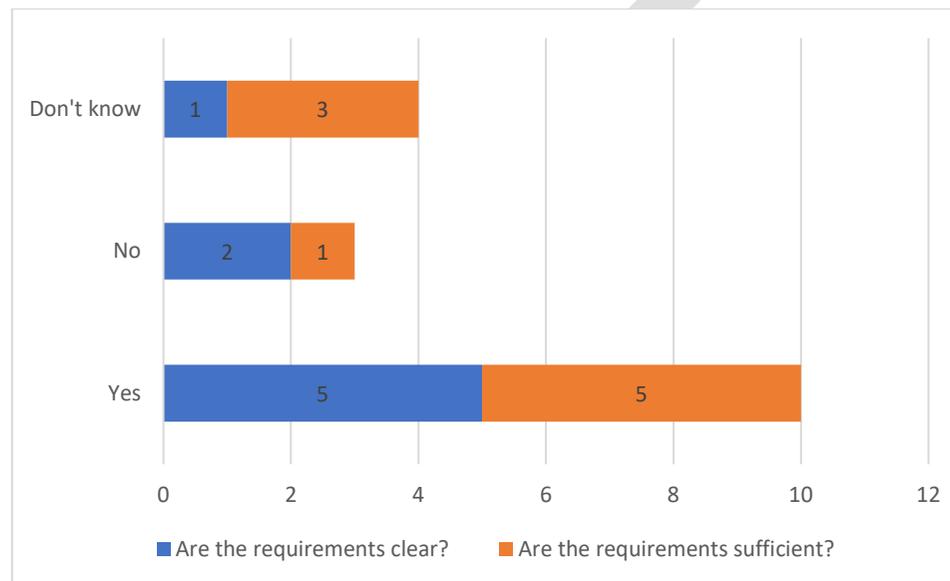


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	The only difference seems to be para 11 which applies to EU and European Free Trade Association countries. It may be useful to add a statement as to why different Standards are being used.	FAIRR International Labour Organization (ILO)	<p>The EU laws and requirements do not apply outside the EU. This is because some of the administrative requirements of EU laws only apply within the EU and cannot be translated outside the EU.</p> <p>The EIB does try to apply the principles and standards contained within EU law outside the EU, and the Standards spell out how they are operationalized. The EIB also addressed the specificity of labour law in general, stating that the moment a country ratifies international conventions such as the ILO, they are translated into national law. However, questions remain over the enforcement of these laws, and problems arise with implementation rather than the law itself. This is why the EIB has spelled out these requirements in the Standards so that they are implemented at project level.</p>

5. For projects located in countries that have not ratified or fully transposed ILO Conventions No 87¹¹ and 98¹² into national legislation, are the requirements regarding the rights to freedom of association and collective bargaining (see paras 36-38) clear and sufficient¹³?



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	In general, the Standard ignores the rights of employers; the Standards on any labour market are not solely addressing workers rights. To illustrate the ILO conventions 87 and 98 are also giving employers' and employers' organizations rights concerning collective bargaining and freedom of association. An example is para 38-38 in your report. However, the proposed Standards also ignore the role of workers	Danish Confederation of Employers	The EIB recognises the importance of employers' organisations and has added a footnote 8 in this respect in para 4. Nevertheless, the focus of the Standard 8 is on the rights of workers. The Standard addresses requirements and the role of workers' organizations in paras 37-39. This section of Standard 8 ensures that project workers have the right to elect workers'

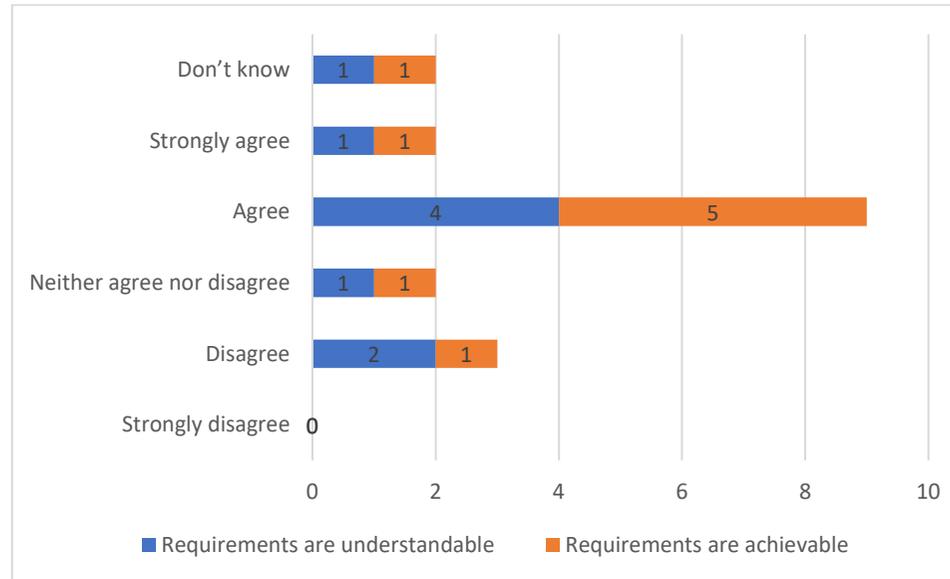
¹¹ [List of countries that have not ratified C087 - Freedom of Association and Protection of the Right to Organise Convention](#)

¹² [List of countries that have not ratified C098 - Right to Organise and Collective Bargaining Convention](#)

¹³ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
	<p>organizations which also according to also ILO 98 have legitimate rights.</p>		<p>representatives, form or join the workers' organisations of their choosing, or engage in collective bargaining in accordance with national law and regulation. Within the framework of the Environmental and Social Sustainability Framework and its Standards, employers would fall under the category of (a) Promoters and (b) suppliers/ contractors/ intermediaries.</p> <p>Standard 8 also has direct references to ILO conventions 87 and 98, concerning collective bargaining (para 37).</p> <p>Para 2 has been amended to reflect relevant elements of stakeholders' comments.</p>
2	<p>Para 3 - This qualification undermines the universality of the principles. We urge its deletion. ILO Freedom of Association Convention 87 has a specific Standard to address this issue. The rule of law is paramount and no trade union can stand above the law, but the "law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention" (Art 8 (2)).</p> <p>We note that your text is similar language to the World Bank's Environmental and Social Standard 2, which the ILO did not support. The European Bank for Reconstruction and Development's and IADB's latest Environmental and Social Policy Framework updates have preferable text on the topic.</p>	International Labour Organization (ILO)	<p>Regarding freedom of association and collective bargaining, the EIB had redrafted the section to promote compliance with the principles as much as possible in countries that have not ratified the ILO conventions; and to support compliance with these principles in countries that have ratified the ILO conventions but have difficulties in implementation.</p> <p>Paras 3 and 37 (previously 36) have been amended to reflect relevant elements of stakeholders' comments.</p>
3	<p>Para 36 - The Promoter should also report to EIB on its efforts to support project workers who wish to access their rights.</p>	FAIRR	<p>As stipulated in para 60, Promoters must conduct regular monitoring and reviews of the project's workforce, including contractors and subcontractors as well as primary supplier. In certain instances, access to, and support of, workers' rights may be included in monitoring requirements to the EIB.</p> <p>The EIB will provide more details in the proposed Guidance Note.</p>

6. The requirements regarding supply chain workers (see paras 55-59) are understandable and achievable¹⁴.



Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	Avoid a loophole through core functions – definitions in footnotes 7 and 9 (primary suppliers and third parties) are determined using the concept of “core functions of the project”. These can be manipulated to exclude workers that the Promoter (unjustly) argues are non-essential. We recommend application of the Standard to all primary suppliers, regardless of the relation of the good to the core functions.	International Trade Union Confederation/ Global Unions Washington Office	Use of the “core function” definition of primary suppliers and third-party workers is harmonised amongst most MDBs/IFIs and thus the EIB has adopted this as best practice. The idea is not to avoid key suppliers but to focus the efforts on those that are fundamental to the project (avoiding for example an assessment of the supplier of pens if the EIB is assessing a canned tomatoes factory, or a large dam)

¹⁴ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
			During its due diligence, the EIB will review the documentation and if any core supplier is not assessed, the EIB will require the Promoter to supplement its assessment.
2	It will either be a challenge or not possible to comply. The scope of supply chain workers is very wide. Such a wide scope pushes the responsibilities of companies beyond the sphere of influence.	Confederation of Danish Employers	<p>The EIB is conscious of the difficulties in this respect but also aims at tackling human rights violations in this area. A new text of the EU's Sustainable Corporate Governance Directive is expected to be proposed in 2022.</p> <p>Identification, assessment and monitoring of labour rights issues is indeed more difficult the further down the supply chain you proceed. Para 55 (previously 54) stipulates the need to conduct an assessment of any aspect relating to the Standard for the first-tier suppliers only.</p>
3	It is unclear how deep into the supply chain the Promoter is expected to be looking. Just looking at tier one suppliers (for example) is unlikely to be enough. Risks are known to exist all over the lower tiers of any supply chain.	Good Corporation International Labour Organization (ILO)	<p>Para 56 stipulates the need to conduct an assessment of any aspect relating to the Standard for the first-tier suppliers. Given the special gravity of child labour, forced labour and sexual exploitation and abuse, the Standard extends this requirement to lower tiers of the supply chain.</p> <p>The EIB will provide more details in the Guidance Note.</p>
4	Para 55 - "This Standard" being Standard 8 or the provision in this section?	International Labour Organization (ILO)	Reference is meant to indicate Standard 8 of the Environmental and Social Sustainability Framework
5	Para 56 should require Promoters to not engage with primary suppliers who do not adhere to EIB Standards. EIB could also require Promoters to report labour metrics or a set of minimum Standards for primary suppliers.	FAIRR International Trade Union Confederation/ Global Unions Washington Office	<p>For projects outside the European Union, Promoters are required to include an Environmental & Social covenant, as per the EIB Guide to Procurement, Para 3.8, that requires their suppliers to meet the Standards of the Environmental and Social Sustainability Framework.</p> <p>The EIB will include further details on the assessment of supply chain workers in the accompanying Guidance Note and the EIB will consider how to integrate reference to the items suggested.</p>

7. Additional comments on Standard 8.

Table 7

Ref.	Summary of Contribution	Contributor(s)	EIB comments
1	Para 2 - A rather passive description of workers. Workers (and employers) are both rights holders and duty-bearers. Regarding the latter, ILO Convention 155 (Article 19) and Recommendation 164 (para 12) are good examples.	International Labour Organization (ILO)	<p>Para 2 seeks to establish the objectives of Standard 8. It was not the intention to include an exhaustive description of workers as a whole, but rather explicitly state that workers have distinct rights. Hence the inclusion of the statement “workers are rights-holders” in this para.</p> <p>Para 2 has been amended to reflect relevant elements of stakeholders’ comments.</p>
2	Trade unions should be consulted as a part of project preparation to ensure observance of the safeguards. The EIB should add a similar requirement to footnote 2 of the World Bank Environmental and Social Standard 2.	International Trade Union Confederation/Global Unions Washington Office	<p>Standard 8 should be read in conjunction with Standard 2 “Stakeholder engagement” which outlines potential avenues for ongoing consultation and engagement with Promoters during project design and implementation.</p> <p>However, the EIB takes note of your comment and has included a footnote 8 (in para 4), in line with the World Bank Environmental and Social Standard 2.</p>
3	Would it be worth specifying arrangements for homebound travel? If the migrant worker cannot afford the flight home, they are dependent on the employer’s processes.	GoodCorporation	<p>Within the framework of Standard 8, this would be up to the discretion of the Promoter. Para 19 stipulates that the employment conditions of project workers (which includes migrant workers) shall not be less favourable than for the equivalent type of work in the relevant country/region of the operation and industry. The EIB will assess if this can be included in the Guidance Note to be prepared.</p>
4	What counts as “best efforts”? If the Promoter sends a formal letter requesting rectification to which the contractor replies “we would love to but it will cost too much”, does that meet the requirement of “best efforts”?	GoodCorporation	<p>What constitutes best efforts for the Promoter to ensure the project’s primary suppliers uphold the same principles will be further elaborated on in the forthcoming Guidance Note for Standard 8.</p>
5	We are disappointed that the procedures are not subject to public consultation. This leaves too much discretion to the EIB to ignore the Civil Society Organization’s recommendations.	Counter Balance	<p>The EIB’s internal procedures are under revision and will be made publicly available in due course.</p>
6	It should be made clear that contractual clauses enshrine the Standards in all EIB operations, enabling for suspension of contracts in case the Standards are not implemented.	Counter Balance	<p>It should be noted that the requirements presented in Section 4 of EIB Group’s Environmental and Social Policy are complemented by the EIB’s Environmental and Social Standards and related internal procedures that are under</p>

Ref.	Summary of Contribution	Contributor(s)	EIB comments
			<p>revision and will be available in due course. The procedures will include detailed requirements related to contractual conditions and/or undertakings.</p> <p>However, Section 4 of the EIB Group's Environmental and Social Policy has been strengthened by the inclusion of a subsection on "Promoter Roles and Responsibilities" with clear reference to the breach of contractual obligations and/or undertakings – see para 4.12.</p>
7	<p>Minimum age for work table: "children who have completed their compulsory schooling" – Light work is only permissible for children that have NOT completed compulsory schooling. Light work must be defined nationally (otherwise it is not permitted under C138) but only work that does not interfere with education can be considered "light". Asterisk should be removed from 13-14 years, since children of such an age will not have completed compulsory schooling.</p>	<p>International Labour Organization (ILO)</p>	<p>The intention was to comply with the age limits recognised by ILO and national legislations, whichever is higher.</p> <p>The table has been deleted to avoid confusion.</p>
8	<p>Minimum age for work table - This table actually sets the age floor higher than what is permitted in C138 and C182 in certain circumstances in developing countries. The table in the 2009 EIB ESS is better aligned with the Conventions.</p>	<p>International Labour Organization (ILO)</p> <p>International Trade Union Confederation/ Global Unions Washington Office</p>	
9	<p>Para 3 - ILO members are currently negotiating the addition of Occupational Safety and Health Standards to the fundamental conventions. This could happen as early as next year. For this reason you may wish to delete "eight".</p>	<p>International Labour Organization (ILO)</p>	<p>Para 3 has been amended to reflect relevant elements of stakeholders' comments.</p>
10	<p>Para 11 – Why the reference to European Labour Authority? The Promoter may not have access to labour inspection reports. The Agency will promote coordination between EU labour authorities. Not sure to what extent they will provide reports to Promoters.</p>	<p>International Labour Organization (ILO)</p>	<p>The EIB's due diligence examines the quality and capacity of national labour inspectorates, as it influences the monitoring requirements the EIB puts on the project Promoters. Labour inspectorates are one crucial aspect of the EIB's approach to monitoring and auditing labour performance. Hence the inclusion of the European Labour Authority in this section of the Standard.</p> <p>In para 11 the EIB has included the term "if available".</p>

Ref.	Summary of Contribution	Contributor(s)	EIB comments
11	Para 14 – “working time” is more readily understood to encompass paid leave and night work.	International Labour Organization (ILO)	Para 14 has been amended to reflect relevant elements of stakeholders’ comments.
12	Para 14 - One may be perfectly entitled and not be paid in proper terms (too late, irregularly, in kind, not in legal tender, in prohibited items ...).	International Labour Organization (ILO)	
13	Para 15 - Enforcement is the role of inspectors and the courts.	International Labour Organization (ILO)	Para 15 has been amended to reflect relevant elements of stakeholders’ comments.
14	Para 19 – Fair is the actual Standard, establishing a link with the value the worker is adding and not only with subsistence needs of the worker.	International Labour Organization (ILO)	<p>The provisions put forth in para 19 encompass all elements of “fair”. By ensuring that the terms of work are “no less favourable than for the equivalent type of work”, para 19 seeks to establish this link between the value added by a worker and not just their subsistence needs.</p> <p>Para 19 has been amended to reflect relevant elements of stakeholders’ comments.</p>
15	Child labour – para 24 – We strongly recommend a provision for remedy be included for cases where child labour is identified.	International Labour Organization (ILO)	A new para has been inserted in this section, to reflect relevant elements of stakeholders’ comments.
16	Para 25 - It needs to be clear that Since Convention 182 is now universally ratified, all ILO member States must have a list of hazardous occupations, activities or sectors in which it is prohibited to employ persons below 18 years of age. A risk assessment, no matter how “appropriate”, cannot exempt a project from that prohibition.	International Labour Organization (ILO)	<p>Of course, children under the age of 18 cannot undertake hazardous work. However, the risk assessment is necessary to avoid that some children are not put at risk. The EIB will clarify this further in the Guidance Note that will be prepared.</p> <p>Convention 182 is a critical aspect of the normative underpinning of Standard 8. It is referenced as one of the Fundamental Conventions of the ILO for which this Standard is aligned (para 3).</p> <p>Standard 8 also outlines the requirement for adherence to obligations deriving from the applicable international conventions and multilateral agreements signed and ratified by the host country, which would include Convention 182.</p>
17	Para 27 - We understand that this is to put pressure on the Promoter to do proper due diligence and monitoring of their contractors and supply chains. You may wish to cite ILO Protocol 29 (part of the core labour Standards) on this issue.	International Labour Organization (ILO)	Para 28 has been amended to reflect relevant elements of stakeholders’ comments.

Ref.	Summary of Contribution	Contributor(s)	EIB comments
18	Para 27 - Note that not all prison labour is forced labour. However, if the EIB wishes to avoid the risk and not use prison labour at all, this should figure in your exclusion list.	International Labour Organization (ILO)	
19	Para 27 - Delete "exploitation". Exploitation is part of the definition of trafficking of persons.	International Labour Organization (ILO)	
20	Para 28 – Not all indicators of forced labour have been mentioned here.	International Labour Organization (ILO)	The purpose of this was not to capture an exhaustive list of forced labour indicators but to provide a summary overview. More detailed information on forced labour (and its indicators) will be included in the forthcoming Guidance Note for Standard 8.
21	Para 28 - Note that restricting freedom of movement is not under all circumstances prohibited (e.g., access to certain work areas), detaining a person is a different matter. Also, discipline (that may be perceived as punishment) is permitted within certain parameters (e.g., to maintain a safe working environment).	International Labour Organization (ILO)	<p>Para 29 (previously 28) starts with the following conditionality "Taking into account security considerations and the nature of the work". Any restriction of movement based on the role/nature of work of an employee would be allowed under para 29.</p> <p>The EIB will further elaborate these clarifications in the proposed Guidance Note.</p> <p>Para 29 has been amended to reflect stakeholders' comments.</p>
22	Para 32 - Remuneration should be linked to the contents of the job. Employment-related decisions must reflect the principle of "equal pay for work of equal value".	International Labour Organization (ILO)	<p>Para 33 (previously 32) already outlines the requirement for any employment decision to be non-discriminatory and observe equal opportunities. It also further states that ... "The employment relationship must be fair and equal in all its aspects, including remuneration".</p> <p>Para 33 has been amended to reflect relevant elements of stakeholders' comments.</p>
23	Para 35 – you may wish to reference the ILO violence and harassment convention 190 again.	International Labour Organization (ILO)	Para 36 (previously 35) has been amended to reflect relevant elements of stakeholders' comments.
24	Para 36 - This should come before the right to elect workers' representatives, which is a right ancillary to the right to form organizations. It should not be misunderstood as an alternative right.	International Labour Organization (ILO)	<p>The order in which information is presented in the EIB Environmental and Social Standards does not reflect a hierarchy of importance.</p> <p>However, the EIB has changed the order and amended the text to first mention the right to form or join organisations.</p>

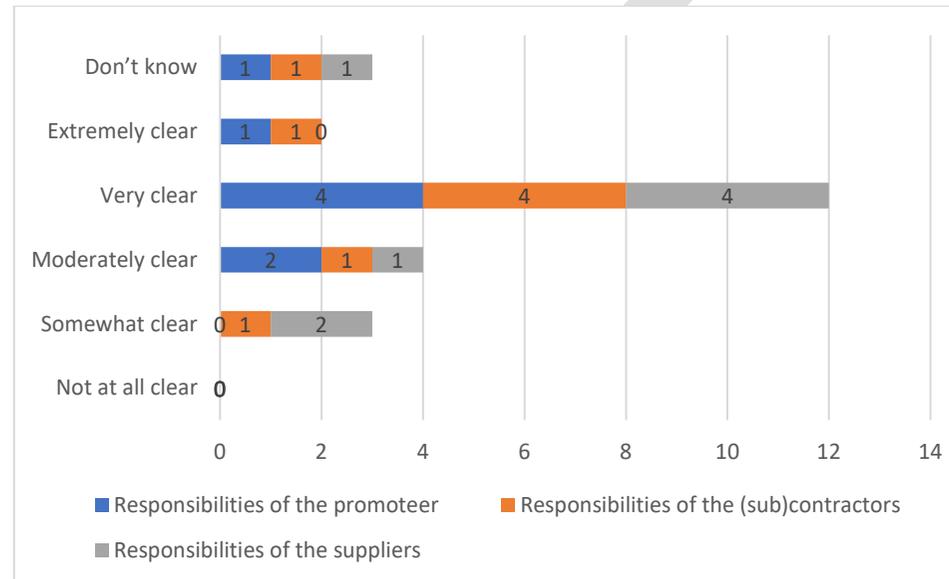
Ref.	Summary of Contribution	Contributor(s)	EIB comments
25	Para 43 – “Reasonable” is too vague.	International Labour Organization (ILO)	The EIB’s Environmental and Social Standards have been formulated as a framework from which specific requirements for Promoters are outlined. Further fine-level guidance on how to implement the requirements of the Standard will be outlined in the forthcoming Guidance Note on Standard 8.
26	Para 44 - While we do not think this provision is necessary, “ <i>proportionate</i> ” would be better here. You want to make sure that the mechanism is serious, responsive, and readily accessible to all workers.	International Labour Organization (ILO)	<p>Para 45 (previously 44) already includes language that the Grievance Redress Management should be commensurate with the level of labour-related risks/impacts.</p> <p>Additional detail on how a grievance mechanism should look like is available in Standard 2 on “Stakeholder Engagement”.</p> <p>Para 45 has been amended to reflect relevant elements of stakeholders’ comments.</p>
27	Para 51 - A private employment agency may be a legitimate enterprise but not licensed to make workers available to a user enterprise in accordance with relevant law. Workers should not have to pay an agency to get a job. An agency that is properly registered and therefore legitimate but charging recruitment fees none the less is not lawfully operating.	International Labour Organization (ILO)	Para 52 (previously 51) has been amended to reflect relevant elements of stakeholders’ comments.
28	Para 53 - Allowing third party workers to access the Promoter’s grievance mechanism poses logistical difficulties. Information additional to the notification of a grievance would need to be sought. On whom does the cost of this extra work fall? There also needs to be alignment with the relevant audit rights, to ensure that grievance notification falls into the ambit of valid audit reasons.	GoodCorporation	<p>When a Promoter procures the contracts, they should indicate the need to comply with the requirements of Standard 8 (specifying them) and requesting contractors to include the cost of this into the financial offers.</p> <p>If contractors cannot offer a grievance mechanism, then the Promoter should take the relevant actions to ensure that third party workers can access the projects grievance mechanism. It should inform workers by, for example, providing the relevant information in the work site.</p> <p>The Environmental and Social Covenant template included in the EIB’s Guide to Procurement also requires contractors to comply with Standard 8 and to facilitate the contracting authority’s ongoing monitoring and supervision of their compliance with the environmental and social obligations.</p>

Ref.	Summary of Contribution	Contributor(s)	EIB comments
29	Para 53 - the Promoter would benefit from including third-party workers in its grievance mechanism.	FAIRR	The importance of including third-party workers within the scope of workers who can access a workplace grievance mechanism is explicitly outlined in para 54 (previously 53).
30	We regret that the EIB has embarked in this review without having carried out and published an independent evaluation of the implementation of current Standards. Study by the Danish Institute for Human Rights on the review of the EIB's Social due diligence has not been mentioned.	Counter Balance	Your comment is noted. The EIB thanks you for the feedback.
31	Para 3 – pleased to see the reference to R198 in the footnote. That will be quite helpful.	International Labour Organization (ILO)	

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Chapter L: Occupational and public health, safety and security (Standard 9)

1. Are the requirements of this Standard clear, specifically regarding the responsibilities of the Promoter, (sub)contractors and suppliers¹⁵?



Please explain your answer

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	Requirements are expressed in relation to the Promoter, not the supplier.	Good Corporation Mohamed Miftah	The EIB has a contractual relationship only with the Promoters and thus the Standards are directed at them. For this reason, the EIB focuses on the requirements Promoters have to fulfil. Aware of the role contractors and suppliers play, the EIB has included specific sections regarding third party workers and supply chain workers.

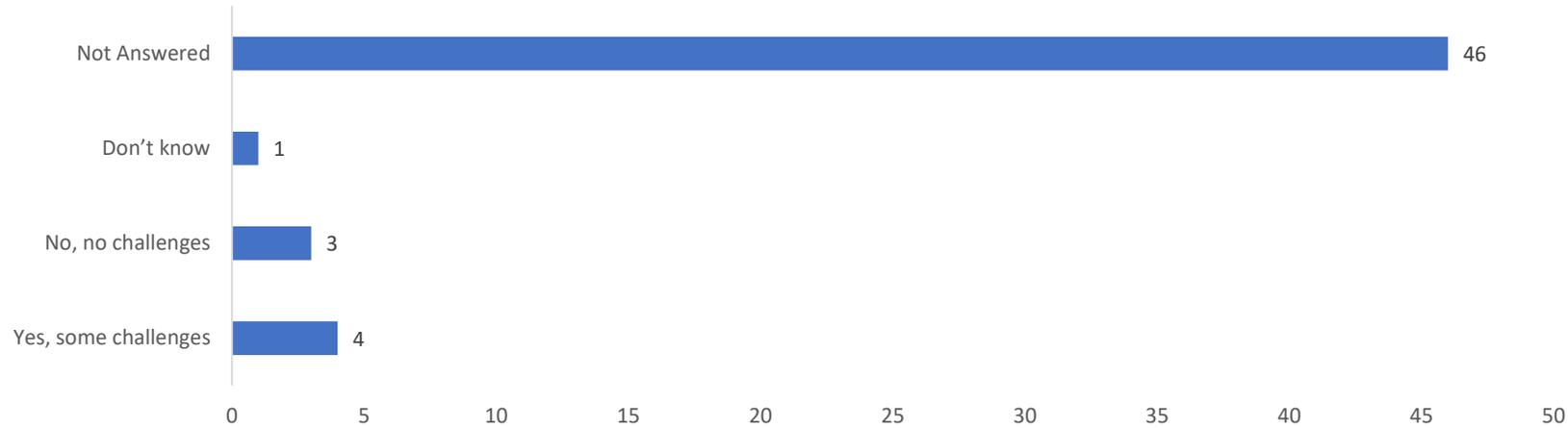
¹⁵ For formatting reasons, the quantitative data does not include the number of respondents who did not answer this question.

Ref.	Summary of Contribution	Contributor	EIB comments
			Standard 9, paragraphs 68 to 69 also set out specific requirements vis-à-vis people employed or engaged by the Promoter's primary suppliers (supply chain workers).
2	<p>The following are development opportunities where the EIB could consider playing a more significant supporting role:</p> <ul style="list-style-type: none"> - Well-established practices such as the ones led by the EU together with the ILO such as the Vision Zero Fund (VZF) on occupational safety and health in global supply chains and the Better Work programme on working conditions in the garment value chains. - Initiatives such as the 'Trade for Decent Work' (European Commission, 2021) project by the ILO and the European Commission that seek to strengthen the capacity of constituents to comply with International Labour Standards (ILS) should be extended to other trading partners to help improve application of the ILO fundamental Conventions and working conditions, contributing to achieving Sustainable Development Goal 8 through improved occupational safety and health and working conditions. 	Institution of Occupational Safety and Health	<p>These potential development opportunities are well noted by the EIB. However, this consultation is focused on content-based issues with the EIB Group's Environmental and Social Sustainability Framework.</p> <p>Comments on general EIB project implementation strategies, engagement and investment decisions are outside of the remit of this public consultation.</p>
3	Para 33 - The Promoter is unlikely to be the entity actually employing project workers. The Promoter needs to make sure the employer (contractor) is implementing Occupation Safety and Health.	International Labour Organization (ILO)	<p>This is true for the construction phase but the Standard applies to the operational phase too, where for example, a manufacturer will be directly employing the majority of the workers.</p> <p>The Standard is now giving the Promoter the responsibility to ensure that project workers whether employed by them directly or by third party (such as contractors), have the same conditions of Occupation Health and Safety applied.</p> <p>The Promoter will need to undertake an assessment of the third parties employing the third-party workers (e.g. contractors). This is fundamental to ensuring the rights of third-party workers are preserved and the Standards can be implemented.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
4	<p>Para 66 – There needs to be clarity about whose responsibility it is to prove and monitor compliance. In line with developments in mandatory due diligence in supply chains, both in the OECD and EU, it should be made clear that this responsibility lies with the Promoter, as well as the primary supplier, and that a mere assertion to that effect would not be satisfactory.</p> <p>Due diligence should cover whether suppliers are operating in countries with inadequate inspectorates and in such cases take appropriate steps to enhance monitoring.</p>	<p>International Trade Union Confederation/Global Unions Washington Office</p> <p>Institution of Occupational Safety and Health</p>	<p>Indeed, it is important that both the Promoter and the supplier duly consider their responsibilities. In the upcoming proposed Guidance Note, the EIB will provide additional detail on how the due diligence should look like.</p>

DRAFT

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

Table 2

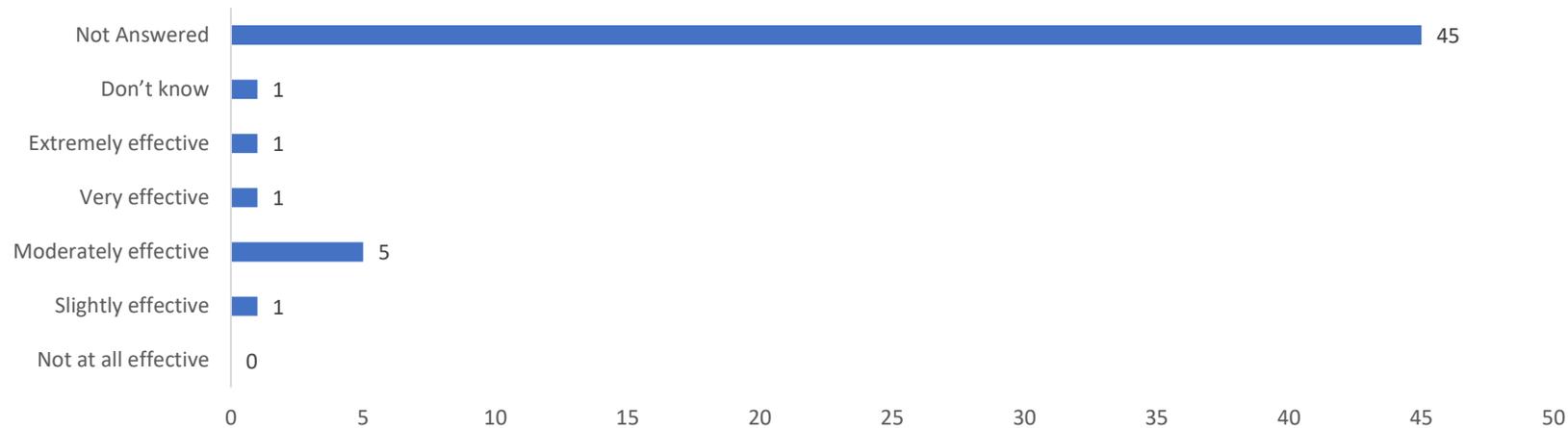
Ref.	Summary of Contribution	Contributor	EIB comments
1	Challenges include the fact that in some local contexts the Promoter may believe that Standard 9 related issues are the responsibility of the sub-contractor not the Promoter itself.	Mohamed Miftah	For this reason, the EIB has clarified that the Standard applies to all project workers and included a section on third party workers to ensure that Promoters realise their role. Also, the EIB Guide to Procurement includes the need for bidders to sign an Environmental and Social Covenant and pass on the requirements to subcontractors and sub-suppliers. This is referenced in the Standard.
2	Formal review of fundamental principles and rights at work, the integration of a legally binding instruments on transnational corporations and other business enterprises with respect to human rights and the facilitation of more effective occupational safety and health should be undertaken. This can be achieved by articulating and implementing the principles of occupational safety and health as a new fundamental principle and right at work.	Institution of Occupational Safety and Health	The EIB is legally bound by the Charter of Fundamental rights of the European union and is guided by international human rights principles among which is the UN Guiding Principles on Business and Human Rights (UNGP). The EIB recognises the need to safeguard the safety and health of workers and this has been integrated as a new para 1.

3	The area of contractual obligations needs close monitoring at the project implementation stage.	East African Development Bank	<p>This is a crucial element of Standard 9. The contractual obligations are monitored at the project implementation stage.</p> <p>The revised Standard clarifies the requirements of the Promoter to ensure contractors are reputable and includes clauses in the contract to ensure the Standards are applied.</p> <p>This is also indicated in the EIB Guide to Procurement, which includes the need for bidders to sign an Environmental and Social Covenant and pass on the requirements to subcontractors and sub-suppliers. This is referenced in the Standard.</p>
4	Para 4 - This confuses the project grievance mechanism with an Occupation Safety and Health /worker workplace grievance mechanism. They must be distinct mechanisms.	International Labour Organization (ILO)	<p>The specific Standard (Standard 9) encompasses health, safety and security concerns for both project workers and the greater community as a whole. A distinction has now been introduced to differentiate.</p> <p>Para 5 has been amended to reflect relevant elements of stakeholders' comments.</p>
5	Para 29 - Could be open to disputes where workers do not agree with Promoter/contractor assessment of risk. Could also be disputes over risk between the bank and the Promoter.	GoodCorporation	<p>Within Standard 9, the EIB has reinforced that if the workers do not feel safe on-site then they do not have to return to it until the risk has been addressed and they will not be retaliated against (para 31). If there were instances where there are disagreements between workers and Promoters about the existence of such risks, the health and safety management system of the project should address and inform the EIB of these issues.</p> <p>Para 31 has been amended to reflect relevant elements of stakeholders' comments.</p>
6	Para 34 - What happens in cases where it is under the public authorities' remit but they do not have capacity or resources? Is something required to bolster state provision?	GoodCorporation	<p>With this para, the EIB wants to ensure that there are no problems between a Promoter and the health authorities, should the health authorities consider that the Promoter is unduly stepping over public responsibilities.</p> <p>The EIB would provide more guidance on this in the Guidance Note that will accompany this Standard.</p>

			<p>The EIB has included a mark that this is in accordance with national legislation.</p> <p>Para 35 has been amended to reflect relevant elements of stakeholders' comments.</p>
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3. Will this Standard be effective in protecting the health, safety and security of workers and the community?



Please explain your answer

Table 3

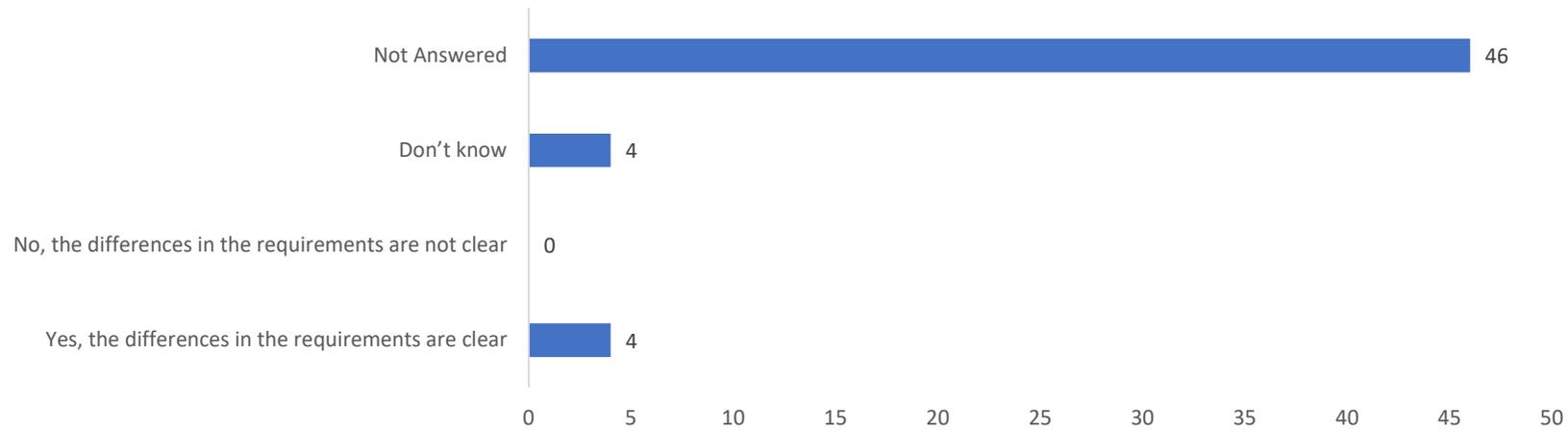
Ref.	Summary of Contribution	Contributor	EIB comments
1	Workers and their unions should be involved in crafting plans to prevent, identify, and remediate gender-based violence. This applies to both the workplace, which could be raised in para 4, and labour influx that impacts the community. By involving workers and their unions, policies to avoid negative ramifications of labour influx will be more effective.	International Trade Union Confederation/ Global Unions Washington Office	Paras 5, 26 and 38 have been amended to reflect relevant elements of stakeholders' comments.
2	The regulatory prerogatives from member states to implement and enforce regulations relies on their resourcing, ability, interest and capacity to do so. An example of this can be seen in the overwhelmed status of labour inspectorates or the existence of trade unions and workers' representatives. This leaves a fragmented regulatory system with differences between countries with robust and weaker regulatory systems respectively.	Institution of Occupational Safety and Health International Trade Union Confederation/ Global Unions Washington Office	Indeed, the role of labour inspectorates and trade unions is fundamental in the area of health and safety. The EIB's due diligence examines the quality and capacity of national labour inspectorates, as it influences the monitoring requirements the EIB puts on the project Promoters. The EIB can require the Promoter to undertake labour audits and lender advisors can undertake regular monitoring reports to examine health and safety aspects.
3	Para 16 – Include reference to having appropriate seniority in addition to resources and expertise.	GoodCorporation	Para 18 has been amended to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
4	Para 17 should include identification of such high-risk countries in the assessment process. This would be supported by adding reference to Conventions 81 and 129, which detail the Standards for labour inspectorates.	Institution of Occupational Safety and Health International Trade Union Confederation/ Global Unions Washington Office	More guidance on the identification of high-risk countries in the assessment process will be included in an upcoming Guidance Note for Standard 9.
5	Para 21 - Provide information etc. in an accessible format. Same for 58.	GoodCorporation	Paras 23 and 60 have been amended to reflect relevant elements of stakeholders' comments.
6	Para 29 - This stops short of the right to refuse work in situations of imminent danger. Language similar to the World Bank safeguard should be added.	International Trade Union Confederation/ Global Unions Washington Office	Para 31 has been amended to reflect relevant elements of stakeholders' comments.
7	Para 33 - This section should also refer to the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and perhaps the relevant ILO Code of Practice. These Standards aim to protect communities against industrial safety accidents (e.g., Bhopal or more recently Beirut) and have a separate section on responsibilities of employers.	International Labour Organization (ILO)	Para 35 has been amended to reflect stakeholders' comments (see footnote 31).
8	Para 40 - proposed amendment #1: "For projects that operate machinery, plant or equipment on public roads, the Promoter shall take the necessary measures to avoid and minimise hazards, risks and impacts to both project workers, members of the public <i>and ecosystems</i> ."	FOUR PAWS	The EIB will assess if reference to wildlife and the risks emanating from collisions with wildlife, could be integrated in the Guidance Note that will accompany this Standard.
9	Para 40 – proposed amendment #2: " <i>The exposure to antimicrobial-resistant bacteria, in industries with high use of antibiotics, should be included among the occupational health hazards.</i> "	FOUR PAWS	Para 40 is focused on traffic and road safety. Any inclusion of exposure to antimicrobial-resistant bacteria as a hazard would be captured under screening as outlined in paras 17-25.
10	Para 43 - Should separate this into two paras. The risks of exposure to diseases for project workers vs the community is likely to often be very different and require different prevention and mitigation measures.	International Labour Organization (ILO)	Indeed, workers and the community may be differently exposed and affected by hazards and the language of this para aimed at covering this. Para 45 has been amended to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
11	Para 53 - Assess security risks and threats to community also not currently specified.	GoodCorporation	Para 55 has been amended to reflect relevant elements of stakeholders' comments.
12	Para 61 - This is problematic. Different authorities would be responsible for accidents happening to workers vs accidents affecting the public.	International Labour Organization (ILO)	Para 63 has been amended to reflect stakeholders' comments (see footnote 50).

DRAFT

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

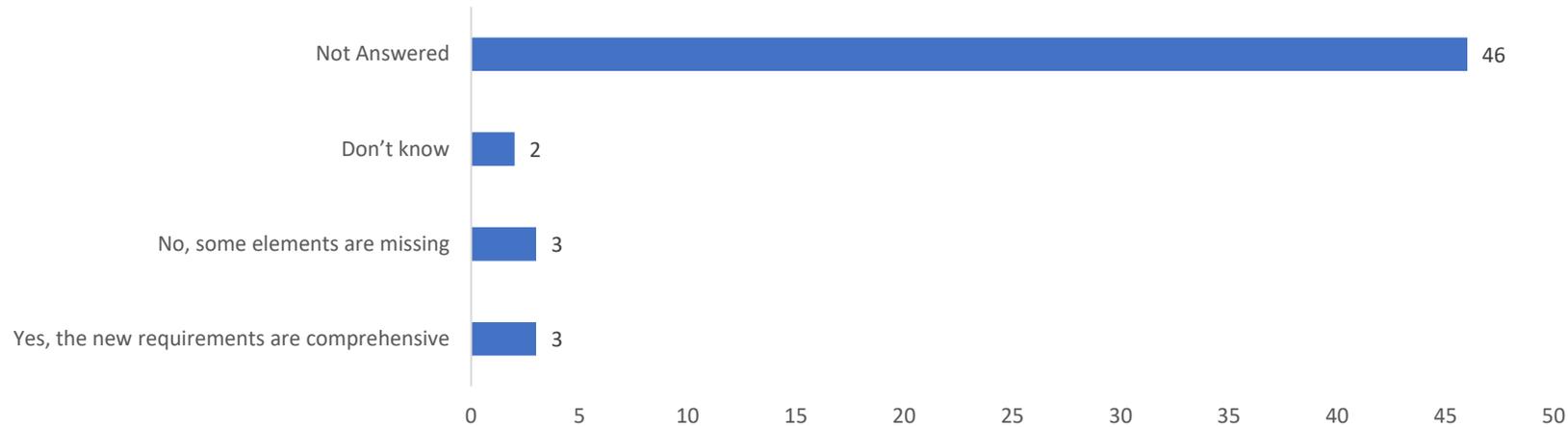


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
	No contributions received		

5. The Standard includes new requirements to address the spread of pandemics and epidemics (see para 44). Are they comprehensive enough to address the risks arising from projects?

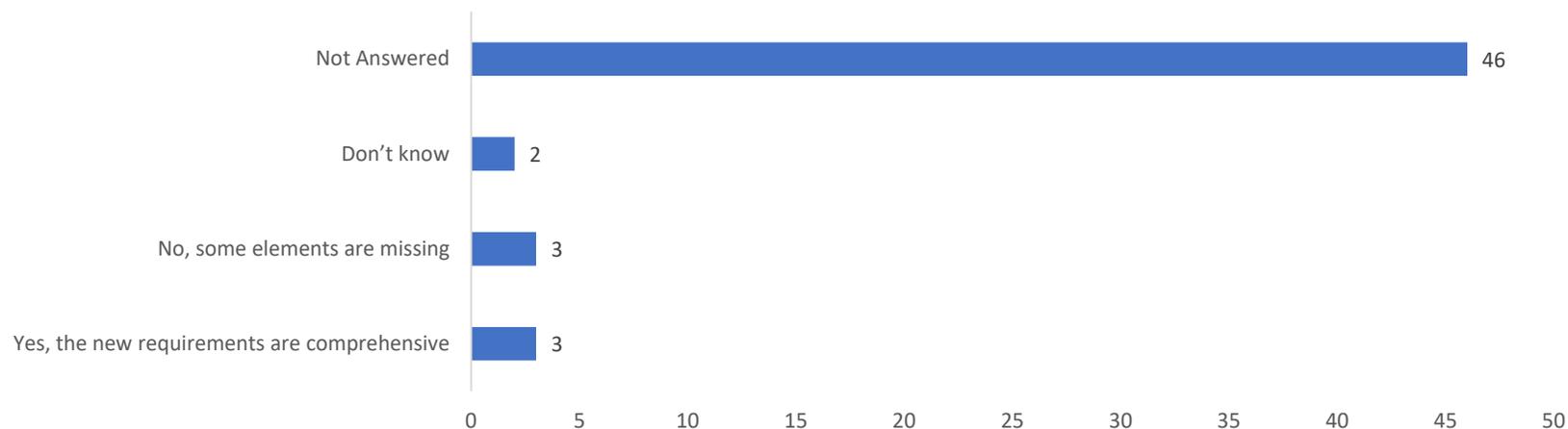


Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Safeguarding the safety and health of those workers most at-risk means that no worker should ever die as a result of occupational exposure to coronavirus or other forms of communicable disease. References could be made to existing management systems such as ISO/PAS 45005:2020 Occupational health and safety management — General guidelines for safe working during the COVID-19 pandemic.	Institution of Occupational Safety and Health	Para 46 has been amended to reflect stakeholders' comments (see footnote 37).

6. The Standard includes new requirements to address the transmission of communicable diseases (see para 44). Are they comprehensive enough to address the risks arising from projects?



Please explain your answer

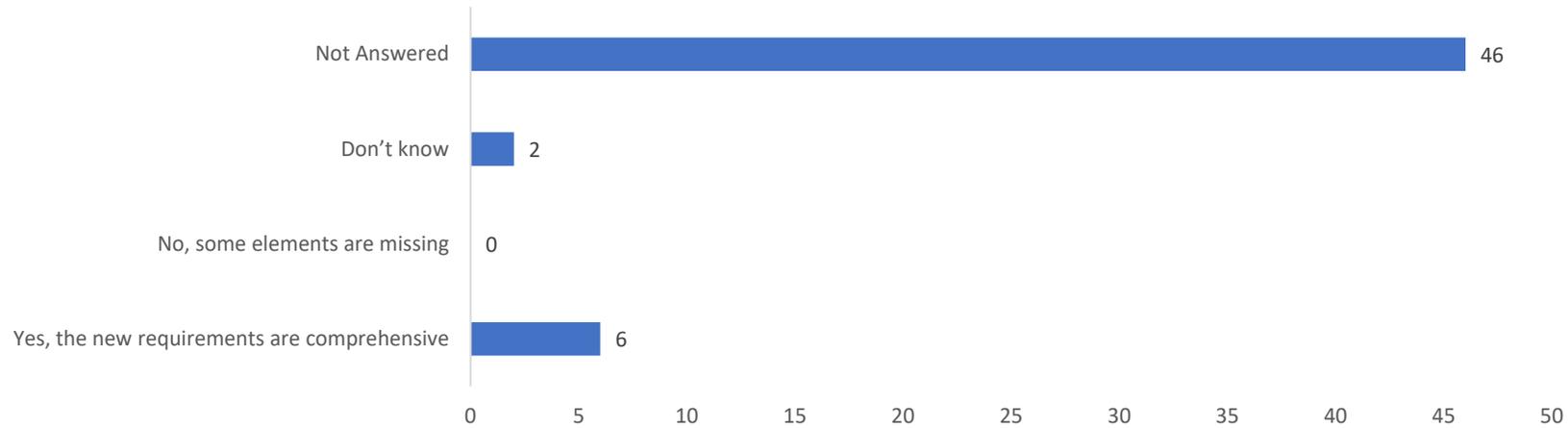
Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	EIB Policy could help to ensure all workforces are adequately protected from communicable diseases at work. This can only be done with the support of OSH professionals building collaboration and seeking to help countries and communities to support health and to prevent and tackle communicable diseases.	Institution of Occupational Safety and Health	The importance of Occupational Safety and Health professionals is well noted. Alongside having dedicated Occupational Safety and Health professionals in place, the importance of having a robust, public and transparent management system in place to ensure proper reporting of accidents and incidents on-site is also crucial. Para 45 has been amended to reflect relevant elements of stakeholders' comments.
2	The section on Exposure to Disease focuses largely on communicable disease and could better address occupational disease and hazards.	International Trade Union Confederation/ Global Unions Washington Office	Para 45 has been amended to reflect relevant elements of stakeholders' comments.
3	What do we mean by 'to the extent possible'? This would be a budgetary question and it is helpful to be very clear about what	GoodCorporation	The usage of "to the extent possible" is included under both para 46 and 37. This language is used to ensure that the

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>is mandatory. It is possible, for example, to provide every project worker and their family with mosquito nets and to eliminate mosquito breeding grounds near their homes. It is possible but it is expensive. Would this be something that Promoters would need to do or not?</p>		<p>Promoter undertakes measures/activities to address such situations (as outlined in the respective paras) but also allows for the varying operational contexts that EIB's Promoters operate in. Also acknowledging that in some contexts it may be impossible to guarantee the spread of communicable diseases among the workforce and population. More guidance on the requirements for both paras 37 and 46 will be included in the upcoming Guidance Note for Standard 9.</p>

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7. The Standard includes new requirements to address traffic and road safety (see paras 38-40). Are they comprehensive enough to address the risks arising from projects?

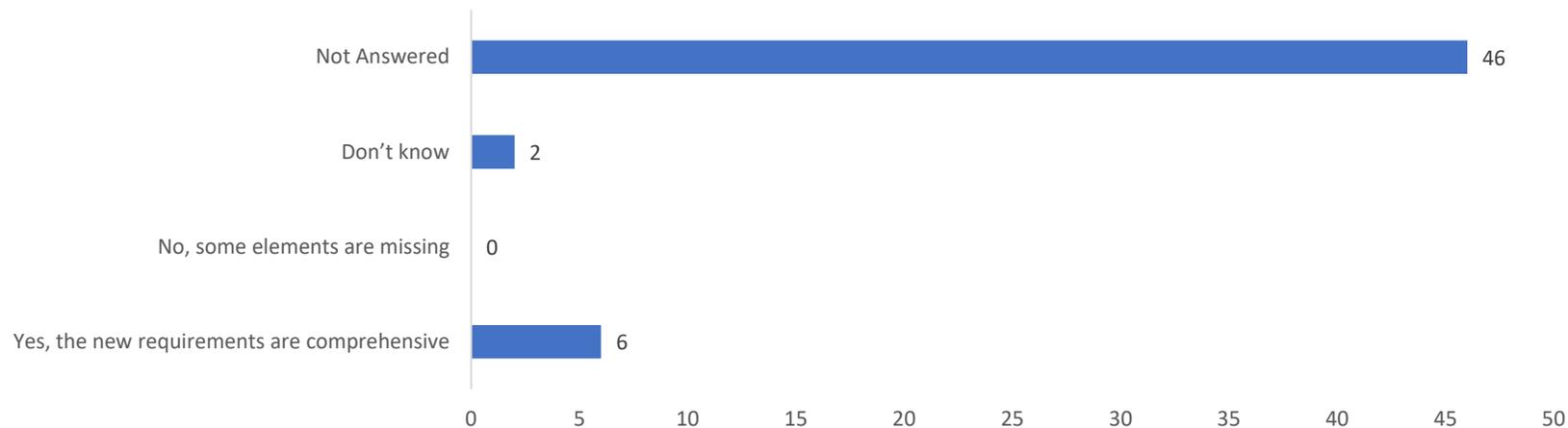


Please explain your answer

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	These new requirements are very well-formulated to contribute to the United Nations target of halving the global number of deaths and injuries from road traffic crashes by 2030.	Institution of Occupational Safety and Health	Your comment is noted. The EIB thanks you for the feedback.

8. The Standard includes new requirements to address Natural Hazards Triggering Technical Accidents (NaTech; see paras 41-42). Are they comprehensive enough to address the risks arising from projects?

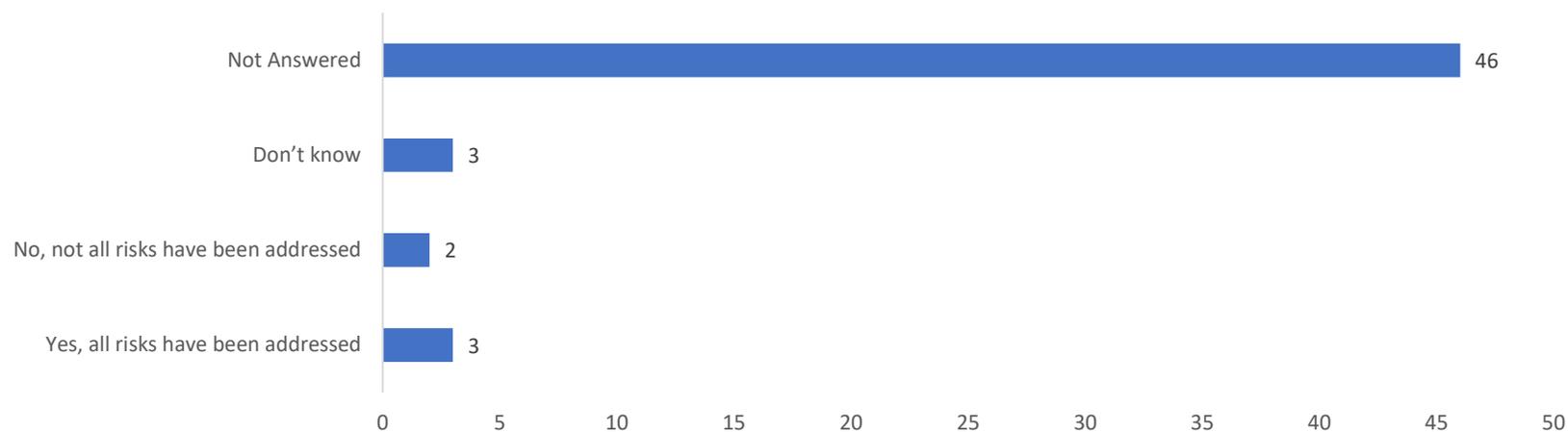


Please explain your answer

Table 8

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>The increasing frequency of weather events caused by climate change will have the potential to exacerbate occupational hazards and affect a broad range of workers.</p> <p>On a similar note, socioeconomic disruptions and ecological changes caused by climate change will adversely affect the health and well-being of many workers. Work hours, locations, conditions, opportunities, and security will change for many workers as economic sectors adjust to higher temperature, extremes of precipitation, and rising sea level.</p>	Institution of Occupational Safety and Health	New text on Natural Hazard Triggering Technological Disasters (paras 43-44) has been included in the revision of Standard 9.

9. Does this Standard address all relevant risks for projects financed by the EIB?



Please explain your answer

Table 9

Ref.	Summary of Contribution	Contributor	EIB comments
1	There has been remarkable progress on how development finance and investment institutions and multilateral development banks have committed to prevent violence and harassment at work. However other emerging and evolving social issues on the theme of workplace mental health and wellbeing and work-related psychosocial risks remain largely neglected. This is an area in which the current form of EIB Group's Environmental and Social Policy and the previously mentioned Standard falls short.	Akuo Energy Institution of Occupational Safety and Health	Workplace mental health and wellbeing are indeed important to EIB. The EIB shall consider the need for a stronger focus on the management of work-related psychosocial risks and workplace mental health and wellbeing within the framework of Standard 9. Para 26 has been amended to reflect relevant elements of stakeholders' comments.
2	The Standard can make clear the EIB rules on excluded hazardous materials and create procedures to ensure that they will not be utilised and harm workers. Asbestos should be mentioned in this as a deeply dangerous occupational health and safety threat that is unsafe in any amount. To protect workers, the Standard should make clear that asbestos containing materials should not be used on projects.	International Trade Union Confederation/Global Unions Washington Office	The EIB Group Environmental and Social Policy has been amended to address stakeholder's comments and reference to the EIB List of Excluded Activities has been added. Para 19 has been amended to include reference to hazardous materials.

Ref.	Summary of Contribution	Contributor	EIB comments
3	Para 2 - "Encourage" is not strong enough in relation to identification. Assessing occupational risks or hazards is counted among the basic principles of a national Policy to promote a safe and healthy working environment.	International Labour Organization (ILO)	<p>Paras 3 and 17 has been amended to reflect relevant elements of stakeholders' comments.</p> <p>The revised version of the EIB Group Environmental and Social Policy has been amended to address stakeholder's comments and reference to the EIB List of Excluded Activities has been added.</p>
4	Para 18 - This para is clearly Occupational Safety and Health focused, so maybe another para is necessary to focus on the separate issues of public health and the impacts on the community.	International Labour Organization (ILO)	<p>Para 4 of the "Introduction" further outlines the scope of this Standard and its inclusion of worker and community health, safety and security.</p> <p>Paras 17-25, "Health and Safety Management", are meant to cover issues relating to both workers and the community.</p> <p>Para 20 has been amended to reflect relevant elements of stakeholders' comments.</p>
5	Requirements are complete but it should focus on specific details, such as working on high constructions, which lead to more accidents.	Mohamed Miftah	<p>Fine-level detail and guidance for Promoters on how to implement and operationalise the requirements of Standard 9 will be detailed in the forthcoming Guidance Note.</p>
6	Historically, companies and financial-related organisations have neglected health hazards such as work-related carcinogens that involve a large period of time between the occupational exposures and the associated ill-health symptoms. EIB could consider including tailored strategies and policies for work-related cancer affecting blue-collar workers to help reduce the 'invisibility' of the issue.	Institution of Occupational Safety and Health	<p>Standard 9 serves as a framework for the requirements that Promoters must adhere to when receiving funds/investments from the EIB. While the contribution/suggestion for more 'tailored strategies' is well noted, this falls outside of the remit of Standard 9 and would perhaps be better suited in an additional Bank-wide Policy document.</p> <p>Para 45 has been amended to reflect relevant elements of stakeholders' comments.</p>

10. Additional comments on Standard 9.

Table 10

Ref.	Summary of Contribution	Contributor	EIB comments
1	While we welcome the implicit inclusion of the ILO Guidelines on occupational safety and health management systems (ILO-Occupational Safety and Health 2001) we would appreciate the inclusion of human and labour rights and OSH in Standards, such as ISO 26000 (social responsibility), which includes respect for human rights as one of its key principles and core subjects; and ISO 20400 (sustainable procurement), and more importantly the inclusion of occupational safety and health-related Standards such as ISO 45001 and GRI 403.	Institution of Occupational Safety and Health	Human and labour rights are covered in the “Minimum Safeguards” (also known as Minimum “Social” Safeguards), and reference to these has been included in the “Scope” of this Standard.
2	IOSH would like to see the following additional information specifically required from reporting organisations: a) Corporate occupational safety and health management performance reports; b) Corporate occupational safety and health management in supply chains reports; c) Corporate action to tackle modern slavery and human trafficking reports.	Institution of Occupational Safety and Health	A new para, as well as 2 footnotes, have been added in the “Specific requirements” section of the Standard. The EIB’s due diligence examines the quality and capacity of national labour inspectorates, as it influences the monitoring requirements the EIB puts on the project Promoters. The EIB can require the Promoter to undertake labour audits and lender advisors can undertake regular monitoring reports to examine health and safety aspects including those listed in the contribution.
3	IOSH would like to see the following additional categories related to governance and management: a) Leading indicators related to occupational safety and health training for decision-makers and corporate access to, and use of, occupational safety and health assistance; b) Leading and lagging indicators related to corporate occupational safety and health management system performance; c) Leading and lagging indicators related to the corporate protection, development and management of human capital.	Institution of Occupational Safety and Health	The direct requirements for a Promoters Health and Safety Management system are listed in paras 17-25 of Standard 9. Fine-level detail on the exact type of indicators required is not included within the auspices of the Standards, as these fall more into the operational guidance category (which will be detailed in the forthcoming Guidance Note on Standard 9).
4	Standard 9 should be in line and comply with the UN Convention on the Rights of Persons with Disabilities, the Fundamental Rights Charter and the European Disability Strategy 2021 – 2030.	European Network on Independent Living (ENIL)	Indeed, the UN Convention on the Rights of Persons with Disabilities is relevant to Standard 9 and is considered as part of the relevant international conventions, that Promoters shall comply with according to the section “General requirements”.

Ref.	Summary of Contribution	Contributor	EIB comments
			The name has been included in footnote 10 and in new footnote 13.
5	<p>Remuneration of (sub)contractors and employees should not be dependent on Health and Safety indicators.</p> <p>Maybe include something about fixing defects identified within a set timeframe, particularly if capex is involved. I would have thought you would want to see evidence that they were assessing the risks, prioritising the most important ones and setting timescales for remediation. However, if something unexpected comes up, the Promoter might divert budget to fixing that and push something less urgent into the next budget period.</p>	GoodCorporation	While remuneration is traditionally based on health and safety performance, there are several reasons for contractors not reporting health and safety-related incidents that are unrelated to remuneration. Thus, what is important is to have a robust, public and transparent management system in place to ensure proper reporting of accidents and incidents on-site. For example, the collection of statistics and incident reporting measures should provide an overview to the EIB of what is happening on-site. Having a health and safety management system is an effective tool for ensuring the proper reporting of accidents or incidents on-site.
6	Glossary – ‘mitigation hierarchy’ - Alternate phrasing suggestion: to anticipate and avoid adverse impacts on workers, communities, and the environment, or where avoidance is not possible, to minimize, and where residual impacts remain, compensate/offset for the risks and impacts.	International Labour Organization (ILO)	<p>The glossary is not specific to this Standard, and will be applicable to all Standards.</p> <p>The definition has been amended to reflect relevant elements of stakeholders’ comments.</p>
7	Glossary – ‘rights holders’ – All rights, not only fundamental rights.	International Labour Organization (ILO)	The EIB intended “fundamental rights” in the sense of the EU Charter of Fundamental Rights and not as a subset of human rights.
8	Glossary – ‘sexual exploitation’ - You may wish to incorporate the language of ILO Worst Forms of child labour Convention No. 182, which has a more tangible definition: the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances. The Optional Protocol to the UN Convention on the Rights of Child on the sale of children, child prostitution and child pornography has similar language.	International Labour Organization (ILO)	The definition is the one from the European Institute for Gender Equality and it applies in general to sexual exploitation.
9	Title – ‘Standard 9: Occupational and Public Health, Safety, and Security’ - We would recommend placing occupational safety and health in Standard 8. Otherwise, it should be clearly separated from community health and safety. Occupational Safety and Health has a well-established body of international Standards (over 40) and practice and is built on social dialogue between governments workers and employers. The rights holders and duty-bearers are different for Occupational Safety	International Labour Organization (ILO)	When considering the positioning of the Standards the EIB has considered the pros and cons of keeping Occupational Safety and Health with labour or with Public Health and Safety. The EIB has opted to keep it with Public Health and Safety, in line with the European Bank for Reconstruction and Development.

Ref.	Summary of Contribution	Contributor	EIB comments
	and Health (workers and their employers are both) than for community Health and Safety.		
10	Para 1 – separate Occupational Safety and Health from community Health and Safety	International Labour Organization (ILO)	The purpose of Standard 9 is to include provisions and requirements for both worker and community health and safety. The introductory para thus sets up the overarching scope and coverage of the Standard to include both groups of rights-holders.
11	Objectives - You may wish to add a sentence explaining exactly what OSH is aiming to achieve and how achieving a safe and healthy working environment is not an exclusive employer responsibility even if it remains predominantly located with the employer. Example: ILO Convention 187: “a national preventative safety and health culture refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.”	International Labour Organization (ILO)	Paras 4 and 5 have been amended to reflect relevant elements of stakeholders’ comments.
12	Para 4 - Separating hygiene from health is quite old-fashioned.	International Labour Organization (ILO)	Indeed, as footnote 1 indicates, the term “health” encompasses hygiene. Para 5 has been amended to reflect relevant elements of stakeholders’ comments.
13	Para 4 - Prevention of Gender-Based Violence must apply to workplaces as well. If this para is only about community Health and Safety, then Gender-Based Violence should be mentioned regarding workers in the preceding para ILO Violence and Harassment Convention 190 is a key reference here.	International Labour Organization (ILO)	Para 5 is intended to include to both workplaces and the general public as well. Para 5 has been amended to reflect relevant stakeholders’ comments and a new footnote has been added to reference ILO C190.
14	Para 5 - Seems unlikely that a project would have no occupational risks. This Standard should apply to all projects that have workers and those that have potential impacts on community health, safety and security.	International Labour Organization (ILO)	Indeed, in most EIB operations, there are workers and as such there are occupational risks. However, there are some projects within the EIB portfolio that do not in fact trigger this Standard/possess any Occupational Safety and Health - related risks. Para 6 has been amended to reflect relevant elements of stakeholders’ comments.

Ref.	Summary of Contribution	Contributor	EIB comments
15	Para 7 - Such a plan should not conflate Occupational Safety and Health management with community Health and Safety.	International Labour Organization (ILO)	When drafting the Standard considering both occupational and public health and safety, the EIB has considered that many aspects of the management of health and safety affect both workers and the public and as such they are better placed together.
16	Para 15 - OSH and community H&S must be separated, including in a management system. Legal framework and applicable regulations are not the same, technical principles are not the same, duty holders and compliance mechanisms are not the same, protected goods and groups are not the same, and referral systems are not the same.		In the case of para 17, the EIB refers to the general management system, even if there would be differentiated teams that would deal with public health and safety or community engagement.
17	Para 8 (and footnote) - The footnote is incomplete. For an authoritative list of the relevant Conventions and Recommendations, please refer to the Annex to ILO Recommendation 197. We suggest explicitly listing in footnote the 3 general framework instruments on Occupational Safety and Health + the instrument on labour inspection in industry and commerce, i.e. the Occupational Safety and Health Convention, 1981 (No. 155); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the Occupational Health Services Convention, 1985 (No. 161); and the Labour Inspection Convention, 1947 (No. 81).	International Labour Organization (ILO)	Indeed, the footnote is not complete but it does not aim to cite all relevant Conventions. When making this selection the EIB wanted to give more prevalence to the ones that are more general and more directly applicable to Promoters. In this sense, the Conventions on labour inspections seemed in our opinion rather oriented to activities not under the scope of the Promoters. Convention 155 and its accompanying recommendation R164 are already included. In order to ensure that relevant instruments are considered the EIB has cited the annex of the ILO Recommendation 197. New footnotes have been added to paras 9 and 17.
18	Para 13 - Note that labour inspectorates do not usually provide general compliance reports. And even if they do, the Promoter may not be entitled to receive it due to confidentiality and procedural rules.	Institution of Occupational Safety and Health International Labour Organization (ILO) International Trade Union Confederation/ Global Unions Washington Office	Para 14 has been amended to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
19	Para 17 - We do not consider violence and harassment as a subset of Occupational Safety and Health, so better not to juxtapose the two.	International Labour Organization (ILO)	Sexual harassment and gender-based violence in general at work are a cause of physical and mental injury. In our view, where there is a risk of work-related sexual harassment causing physical or mental injury, the Promoter should identify and address this risk.
20	Para 17 - When referring to Occupational Safety and Health, one "identifies" occupational hazards, not risks.	International Labour Organization (ILO)	The Occupational Health and Safety Framework Directive talks about risks, and the EIB has kept this wording. The general principles of prevention listed in the directive include: avoiding risks, evaluating the risks and combating the risks at source.
21	Para 20 - While this may be appropriate for other aspects of the framework, it is not appropriate for Occupational Safety and Health. It should refer to policies for taking measures based on on-going risk assessments.	International Labour Organization (ILO)	<p>The reference to the precautionary approach is to ensure that when an activity raises serious irreversible threats of harm to the environment or human health, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.</p> <p>Adaptive management practices are important to allow the project to adapt to new conditions. Of course, when this happens, a risk assessment may be required</p> <p>Para 22 has been amended to reflect relevant elements of stakeholders' comments.</p>
22	Para 21 - Training for project-affected groups?	International Labour Organization (ILO)	Yes, for example, a chemical plant may train the nearby community on how to react if there is an explosion: including closing windows and not going out.
23	Para 22 - This is one area where the distinction between OSH and public health effects is key. This information should be disaggregated in order to take appropriate action.	International Labour Organization (ILO)	Para 24 has been amended to reflect relevant stakeholders' comments.
24	Para 23 – Different mechanisms involved here.	International Labour Organization (ILO)	Indeed, there may be different mechanisms, insurance systems, etc.
25	Para 24 - Ensuring consideration of gender differences in risk management has been a long- standing issue, and we know that 'gender-neutral' approaches to risk assessment and prevention can result in risks to workers being underestimated or even ignored altogether. To this respect, novel practices by companies tackling this issue can help to demonstrate a clearer connection to financial materiality.	Institution of Occupational Safety and Health	<p>Mainstreaming gender into occupational safety and health practices and the risks of gender-neutral approaches is an area of focus for Standard 9 and gender references have been included in several paras.</p> <p>Para 26 has been amended to reflect relevant elements of stakeholders' comments.</p>

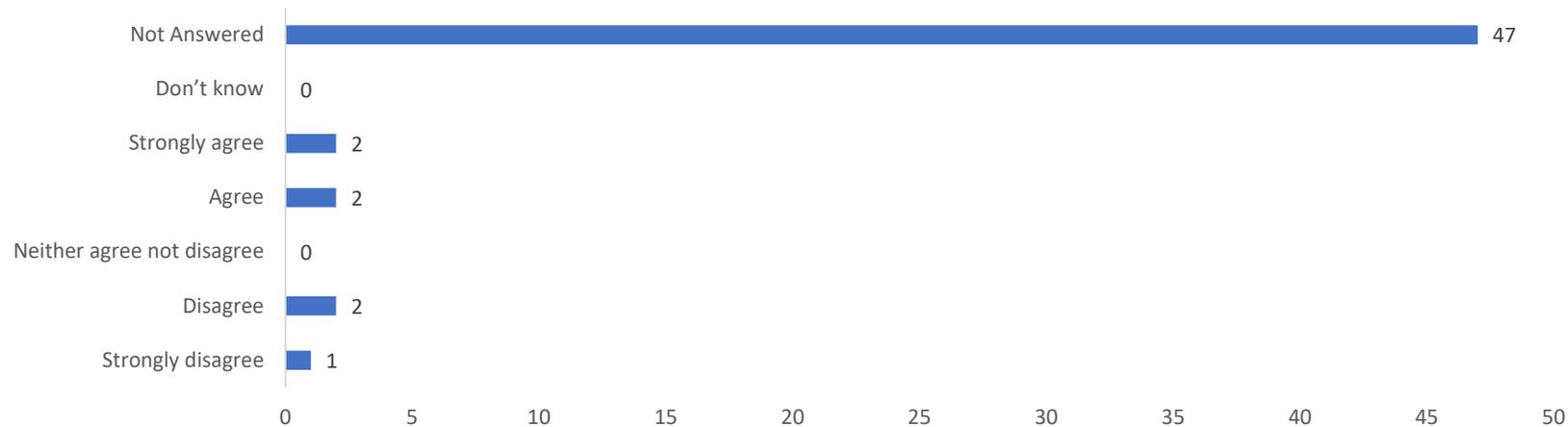
Ref.	Summary of Contribution	Contributor	EIB comments
	This is of a particular importance for sectors where women (care, healthcare, cleaning) and minorities are over-represented (construction, services, retail, catering, agriculture) or where increasing women's labour force participation rate is taking place.		
26	Para 24 – Hygienic is part of safe and healthy.	International Labour Organization (ILO)	As already deleted in para 5, the term is deleted here too.
27	Para 26 - The basic obligation should be to ensure workers get medical benefits and employment injury benefits (including for occupational diseases). Taking out public or private insurance is the preferred option but if it is not available, it remains an individual employers' obligation.	International Labour Organization (ILO)	Para 28 has been amended, and a footnote added, to reflect relevant stakeholders' comments.
28	Para 28 - Consultation of workers is an important principle. This should come before para 27 and refer to "joint safety and health committees and the designation of workers' occupational safety and health representatives". The involvement of workers' representatives in the investigation of accidents is an element of participation that should also be included (ILO Convention 155).	International Labour Organization (ILO)	The order in which information is presented in the EIB Environmental and Social Standards does not reflect a hierarchy of importance. However, para 30 has been amended to reflect relevant elements of stakeholders' comments.
29	Para 28 - Here, the EIB should expand on specific measures beyond 'consult' to encourage the creation of a joint labour-management committee, and support worker representatives related to occupational health and safety. Both should be democratically elected by workers.	International Trade Union Confederation/Global Unions Washington Office	As the Standard applies to EIB operations, and some investments can be of very small size, the EIB considered that it would not be feasible to require health and safety committees for all of its operations. However, the EIB has included language in this respect. Para 30 has been amended to reflect relevant elements of stakeholders' comments.
30	Para 29 - This para mixes up two distinct but fundamental OSH principles. First, risk assessment, which should be an obligation resting on the employer in consultation with workers. Secondly, the right of workers to refuse unsafe work, regardless as to whether a risk assessment has been undertaken. The latter is highly sensitive with employers so the "small print" matters and language is best directly taken from C155. Article 13 – A worker who has removed himself from a work situation which he has reasonable justification to believe	International Labour Organization (ILO)	Para 31 has been amended to reflect relevant elements of stakeholders' comments.

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.</p> <p>Article 19 – There must be arrangements at the level of the undertaking under which “a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.”</p>		
31	<p>Para 30 - Please make reference to the hierarchy of controls: elimination, substitution, engineering and/or administrative controls and only then PPE.</p>	International Labour Organization (ILO)	<p>Reference to the hierarchy of controls is made in para 18. This is repeated in order to ensure that it is unequivocal that the hierarchy prevails.</p> <p>Para 32 has been amended to reflect relevant elements of stakeholders' comments.</p>
32	<p>The obligation to minimise hazards shall extend to project workers, members of the public <i>and ecosystems</i> (para 40)</p>	EuroGroup for Animals	<p>The EIB will assess if reference to wildlife and the risks emanating from collisions with wildlife, could be integrated in the Guidance Note that will accompany this Standard.</p>
33	<p>Para 44 - This seems quite discriminatory against migrant workers.</p>	International Labour Organization (ILO)	<p>Para 46 does not seek to establish any discriminatory attitudes/actions towards migrant workers. This para seeks to set out the Promoter's responsibilities concerning limiting exposure to communicable diseases, particularly in situations of in-migration.</p> <p>The EIB has changed the term “inmigration” for “influx of workers” to ensure that there is no misunderstanding, as this can come from workers from nearby locations that would not be considered as immigrants.</p> <p>Para 46 has been amended to reflect relevant elements of stakeholders' comments.</p>
34	<p>Para 46 - The correct term is “welfare” instead of “wellbeing”: (refer to the Welfare Facilities Recommendation, 1956 (No. 102) – up-to-date instrument.)</p>	International Labour Organization (ILO)	<p>Para 48 has been amended to reflect relevant elements of stakeholders' comments.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
35	Para 47 - These are only some of the occupational health services referred to in the Occupational Health Services Convention, 1985 (No. 161).	International Labour Organization (ILO)	Para 49 has been amended, and a footnote added, to reflect relevant elements of stakeholders' comments.
36	Para 58 - Project workers should not be treated like other stakeholders.	International Labour Organization (ILO)	<p>This does not mean that all stakeholders will be provided the same information, but rather remind the Promoter that both workers and the public need to be considered.</p> <p>The EIB is aware that there may be differentiated teams within the employer (the Promoter or the contractor) to deal with workers and with the public.</p> <p>Also, it is important to consider that there is a specific section on training to workers that provides additional requirements regarding this area.</p>
37	Para 59 - Standard 2 says that the worker grievance mechanism should be separate, but only refers to Standard 8. Standard 8 does not refer to Occupational Safety and Health. This needs to be clarified.	International Labour Organization (ILO)	Paras 5 and 61 have been amended to reflect relevant elements of stakeholders' comments.
38	Para 59 - Add reference to labour inspectorates. In particular on Occupational Safety and Health, these will be authorities looking into complaints from workers.	International Labour Organization (ILO)	
39	Para 60 - Again, workers will use a workplace grievance mechanism. Should they use the project grievance mechanism too to report issues with security personnel?	International Labour Organization (ILO)	<p>Project workers should have access to both a workplace Grievance Redress Mechanism and a project-level Grievance Redress Mechanism. Either of these could be accessed to lodge a complaint concerning security personnel.</p> <p>Para 62 has been amended to reflect relevant elements of stakeholders' comments.</p>
40	Para 4 - It is the employer's responsibility to monitor Occupational Safety and Health and this is not the same for security.	International Labour Organization (ILO)	Your comment is noted. The EIB thanks you for the feedback.

Chapter M: Cultural heritage (Standard 10)

1. Do you agree that this Standard's requirements satisfy the need to protect cultural heritage from the potential adverse impacts of project activities?



Please explain your answer

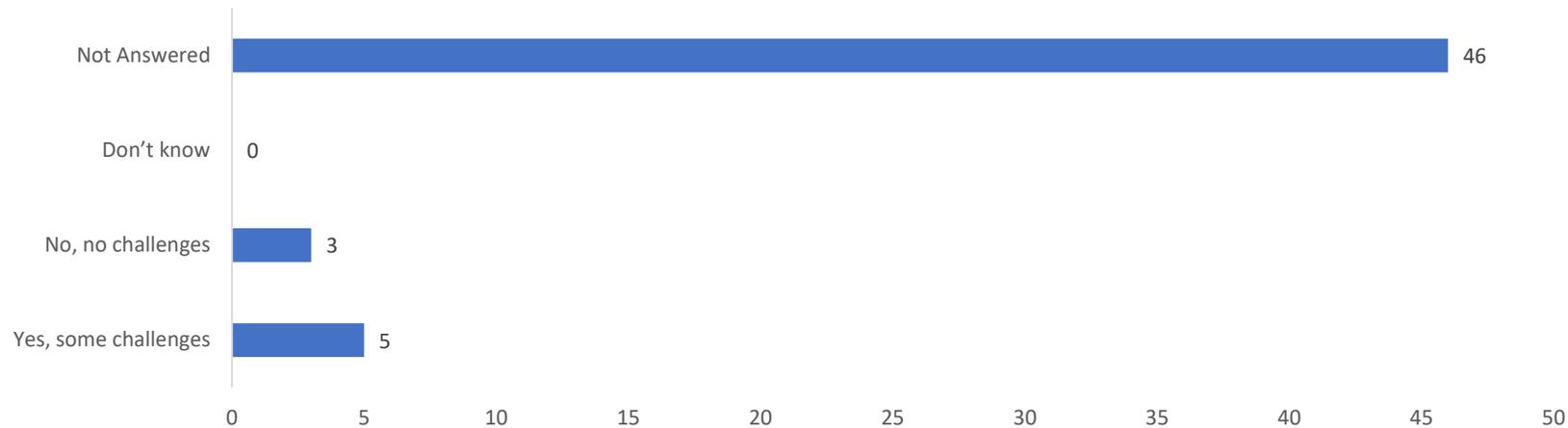
Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>Environmental Impact Assessment (EIA) is limited in its consideration of cultural heritage. There is a need for Heritage Impact Assessment (HIA) to be specifically articulated and defined. HIA needs to be robustly implemented at the early stages of the project. HIA ideally sits side by side with the EIA process, and they are interlinked. The present situation, where cultural heritage impact is embedded within the EIA process is often unsuccessfully applied, as it can be weakened. Also, it occurs too late in the overall process when fundamental decisions have already been made.</p> <p>Further, Heritage (Impact) Assessments need to take into account heritage which is not formally (legally) protected.</p>	International Council on Monuments and Sites (ICOMOS)	<p>The EIB sees HIA as a key element of assessment to be embedded in the whole EIA/Environmental and Social Impact Assessment (ESIA) process, and considered at an early stage. The Standard also explicitly covers the possibility that a project might not be subject to EIA/ESIA, but risks to, and impacts on, cultural heritage may still be a reality. Standard 1 clarifies the need to coordinate the EIA with other specific assessments / studies where necessary (para 8).</p> <p>Paras 13 and 18, and Annex 1 of the Standard allow for EIB to specifically request additional information and assessment be undertaken with respect to impacts on Cultural heritage. Para 5 of the Standard states that cultural heritage is to be considered regardless of whether or not it is legally protected.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
2	<p>The way the Standard is drafted, it seems that there is significant potential for elements of cultural heritage to be overlooked in impact assessments that are required of Promoters. The definition excludes natural heritage, which could be sacred spaces or cultural landscapes, for example. Some natural sites may have no monetary value in terms of a community's livelihood but have immeasurable value to a community or people's cultural beliefs and practices. Sites of special cultural value by their very nature cannot be "offset" by compensation or alternative sites, thus the core EIB Standard for safeguarding must be prevention of abuse or harm that may affect such (tangible or intangible) resources. The Special Rapporteur on Indigenous Peoples has previously referred to cultural heritage as encompassing tangible, intangible, and natural heritage (see the report of the Expert Mechanism on the Rights of Indigenous discussing cultural heritage and Indigenous Peoples: https://undocs.org/A/HRC/30/53).</p>	<p>Forest Peoples Programme</p>	<p>New wording has been added (paras 8 and 9) to take into account the cultural aspects of natural heritage.</p> <p>In addition, additional emphasis was given in para 21 to the need to pay attention to intangible cultural heritage during the consultation process.</p> <p>Standard 10 clearly identifies intangible cultural heritage as an element that the Promoter needs to assess and defines it in line with the related UNESCO Convention (i.e., Intangible cultural heritage refers to practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that right holders recognise as part of their cultural heritage and which are transmitted from generation to generation).</p> <p>Paras 8, 9 and 21 have been amended to reflect relevant elements of stakeholders' comments.</p>
3	<p>The EIB Standards are not entirely clear about when consultation with rights holders must occur, thus leaving open significant room for impact assessments to be ineffective because communities are not adequately participating in the process and identifying potential impacts they see arising from the proposed activities. In this Standard, for example, para 5 notes that the Standard applies when the ESIA determines that the project may have a significant impact on cultural heritage. It is thus not clear what happens if the competent authorities do not explicitly deem a cultural heritage impact assessment to be necessary. Moreover, some cultural heritage cannot be identified without the participation of Indigenous Peoples or other local communities in the impact assessment process. It is thus important that the Standards require Promoters to include the participation of potentially impacted communities in the impact assessment process in order to enable appropriate identification of actual and potential impacts.</p>	<p>Forest Peoples Programme</p>	<p>The requirement to consult stakeholders is clearly indicated in the Standard. Para 14 indicates the case where an Environmental and Social Impact Assessment (ESIA) is requested but para 18 indicates clearly what happens in case no ESIA is requested. Annex 1 has been strengthened with two new paras (7 and 9) with a clear reference to the need to provide documentary evidence of stakeholder consultation and indication of the mitigation measures agreed with stakeholders, in case further info is requested by EIB.</p> <p>The EIB recognises that cultural heritage is often overlooked, and the Standard has put particular emphasis on the need for stakeholder consultation (in line with Standard 2 on "Stakeholder engagement") to ensure that the elements emerge during dialogue with the local communities and are properly reflected in the scope of the Environmental Impact Assessment/Environmental and Social Impact Assessment.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>There is a possibility that the competent authority does not require an Environmental Impact Assessment/Environmental and Social Impact Assessment, and as such a cultural heritage element would not be covered by specific assessment. For this reason, and to avoid any loophole, the EIB has added Annex 1 to be able to request additional information from the Promoter.</p> <p>Annex 1 has been amended to reflect relevant elements of stakeholders' comments.</p>
4	<p>From empirical observation it has not been applied in practice. For example, cultural heritage includes the practice of transhumant pastoralism. How come RAPIland was fenced, and the EIB allowed it to be fenced, thus fencing in pastoralists and their stock? You need to widen your perception of what constitutes culture and heritage.</p>	<p>Response 661456814</p>	<p>Para 7 has been amended to include the concept of resources and individual buildings. In addition, para 8 has been extended to cover natural heritage recognised as a cultural element.</p> <p>More practical guidance, in line with the comment here, is something that EIB will look to provide as part of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



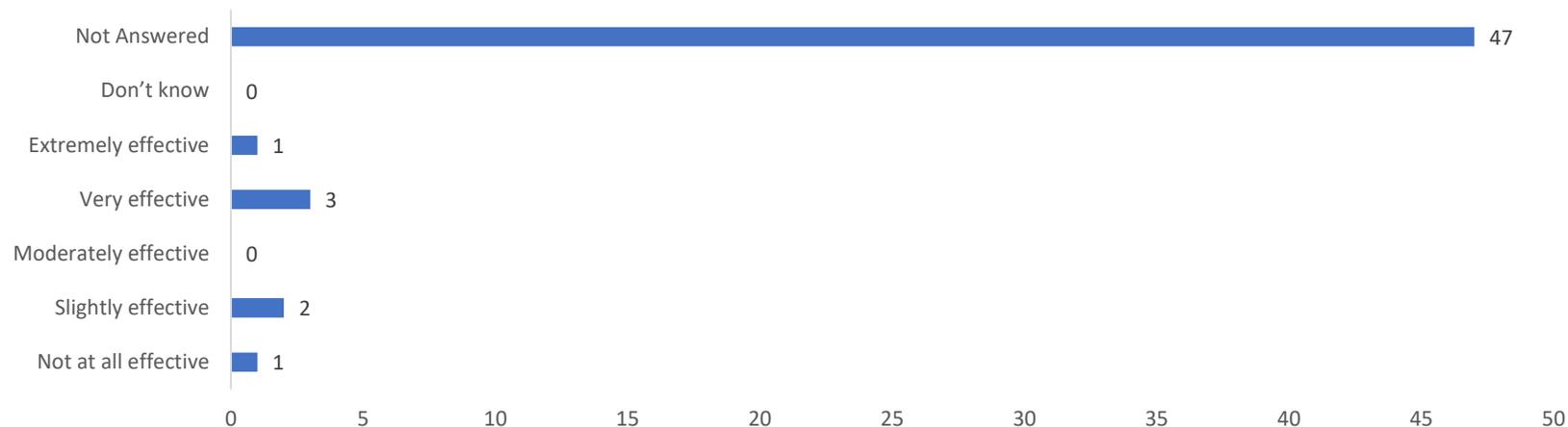
Please explain your answer

Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	Many indigenous communities' traditional lands are not formally recognized by national governments and are not formally mapped, leaving them vulnerable to being left out of consideration in impact assessments which may rely on such national government documentation to determine who the potentially impacted communities or peoples are. Where Indigenous Peoples or communities are not known as being potentially impacted by a project, their cultural heritage is also likely to be unknown to Promoters and thus left out of an impact assessment.	Forest Peoples Programme	The EIB recognises that the rights of Indigenous Peoples or other local communities may be overlooked at a National and/or Local administrative level, and that intangible cultural heritage specifically is often overlooked. As such the Standard has put particular emphasis on the need for stakeholder consultation (in line with Standard 2) to ensure that specifically the intangible elements of a peoples or communities cultural heritage emerge during dialogue with the local communities and affected groups, and that this potentially previously unknown cultural heritage is properly reflected in the scope of the Environmental Impact Assessment/Environmental and Social Impact Assessment and appropriately addressed throughout the process.
2	Possible unwillingness on the part of the Promoter to allow identification of certain cultural heritage. In the case of AGL and Akiira Ranch, the former Lorropil villagers claim that the graves of their forefathers lie on the ranch. This was part of their claim to it. Since AGL was and remains hostile to the villagers, which they forcibly evicted, they would hardly be willing to allow the evictees to identify these graves as part of their cultural heritage. The EIB should ensure that Promoters	Response 661456814	Standard 7 on "Vulnerable groups, Indigenous People and Gender" specifically addresses vulnerable groups and Indigenous Peoples. Standard 2 on "Stakeholder engagement" specifically addresses stakeholder engagement.

Ref.	Summary of Contribution	Contributor	EIB comments
	allow such identification, and subsequent protection. It is hard to imagine it being allowed in this type of situation.		Para 20 has been amended to reflect relevant elements of stakeholders' comments.
3	No, no challenges - As long as the implementation protocol is observed well.	East African Development Bank	Your comment is noted. The EIB thanks you for the feedback.
4	<p>Possible challenges in the implementation of the Standard are as follows:</p> <ul style="list-style-type: none"> • Achieving quality as a main objective • Effectiveness of the implementation • Appropriate resources, competencies and capacities • Ensuring the cultural heritage Standard is applied at the outset of any project • Ensuring that the diversity and complexity of cultural heritage is recognised and respected, and that these aspects are integrated in the project (processes and outcomes). 	International Council on Monuments and Sites (ICOMOS)	

3. Will this Standard be effective in helping the Promoters working with the EIB to identify, assess, manage and monitor impacts and risks affecting cultural heritage?

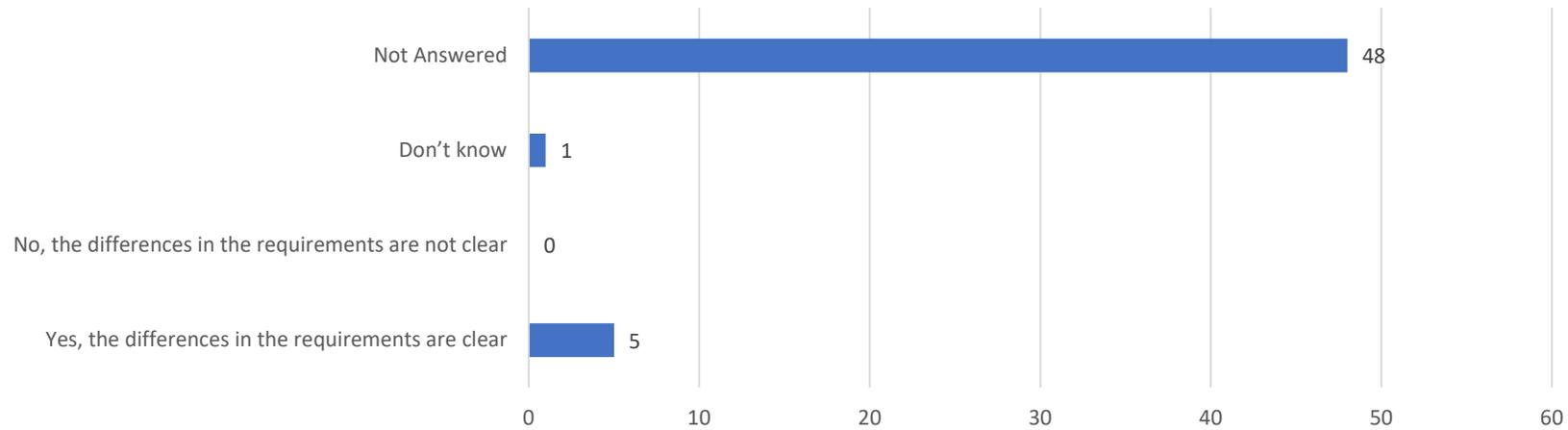


Please explain your answer

Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	There is not much practical guidance in the Standard to help Promoters understand how to identify (actual or potential) cultural heritage impacts. The Standards should make explicit, for instance, that impact assessments must engage the participation of potentially affected rights holders in order to identify the possible impacts to cultural heritage as well as ways to address those impacts – specifically, ways to prevent such impacts, and only where not possible and agreed with the rights holders, ways to then mitigate the impacts. Where there are existing adverse impacts, the Standard should explicitly require Promoters to engage directly with affected rights-holders to determine the most appropriate form of remedy.	Forest Peoples Programme	<p>The Standard itself is necessarily concise and streamlined, in line with other Standards.</p> <p>More practical guidance, in line with the comment here, is something that EIB will look to provide as part of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>
2	It has the potential to be effective when adjusted to include recommendations.	International Council on Monuments and Sites (ICOMOS)	Your comment is noted. The EIB thanks you for the feedback.

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?

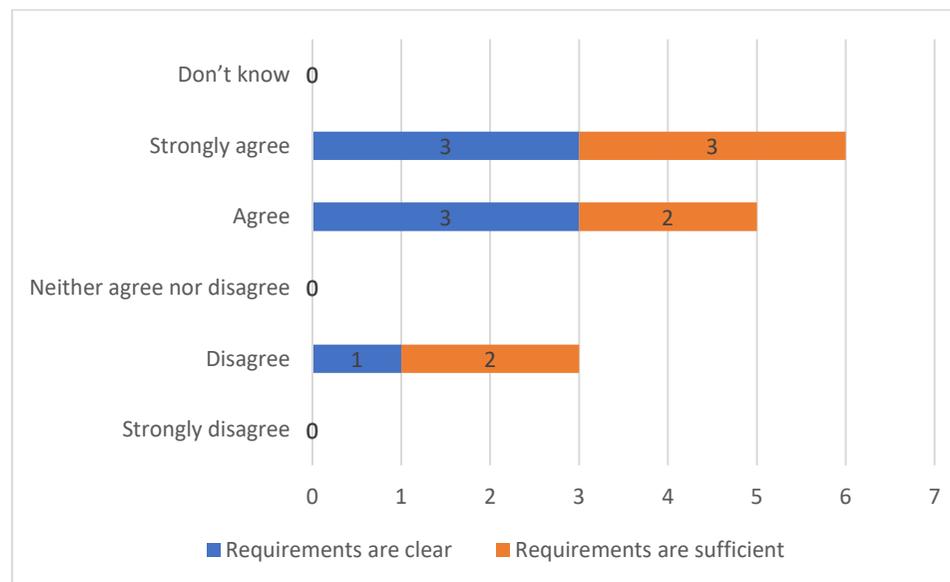


Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	Please note our recommendations with regards to Heritage Impact Assessment and European Quality Principles.	International Council on Monuments and Sites (ICOMOS)	See comments in Table 1, point 1 and Table 6, point 3 of this Chapter.

5. The minimum information required from project Promoters under Annex 1 is clear and sufficient.



Please explain your answer

Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	Annex 1 is very limited in its scope, which should be broadened. Requiring minimum information will only result in submissions with minimal responses. The Standard should focus on what is necessary to achieve the objectives of the project and the Standard.	International Council on Monuments and Sites (ICOMOS)	<p>The EIB considers the addition of Annex 1 as an important element of the Standard, but it is necessarily concise and streamlined, in line with the Standard itself and other Standards.</p> <p>Broadening of the expectations / explanations on the level of information to be provided as part of cultural heritage assessments is something that EIB will look to do as part of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>
2	Annex 1 only considers cultural heritage as a physical entity (specifically Annex 1, paras 2 and 5) and does not reflect the	International Council on	Annex 1 has been amended to reflect relevant elements of stakeholders' comments, notably paras 2 and 4 have been

Ref.	Summary of Contribution	Contributor	EIB comments
	definition provided at the outset of this Standard, under para 7 of the Scope.	Monuments and Sites (ICOMOS)	aligned more closely and consistently with the definitions provided under para 7 (Scope) of the Standard itself.
3	Evidence of the cultural significance of cultural heritage elements that are identified (para 3 refers only to association of the cultural heritage with historic events, activities, or persons, but cultural significance can be broader than that).	Forest Peoples Programme	Annex 1 has been amended to reflect relevant elements of stakeholders' comments, notably para 3 has been reworded to broaden the meaning.
4	A description of possible prevention and mitigation measures as agreed with the potentially impacted rights holders, including any rules an Indigenous Peoples or community have about disturbance to any aspect of their cultural heritage.	Forest Peoples Programme	<p>Annex 1 has been amended to reflect relevant elements of stakeholders' comments. A new para (para 7) has been added, requesting a description of possible prevention and mitigation measures agreed with stakeholders.</p> <p>This is also something that the EIB will look to include as part of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>

6. Additional comments on Standard 10.

Table 6

Ref	Summary of Contribution	Contributor	EIB comments
1	<p>Under the heading "Scope", I would add some types of heritage to the current list.</p> <p>Ochre is an important cultural resource to the Maasai, which counts as tangible heritage. The whole area takes its name from the Maa word ol-karia, meaning ochre. But it is not an object as such, nor a site. So, I suggest you add the word resources to this list.</p> <p>Maasai traditional houses are also tangible heritage. They cannot be subsumed under "groups of buildings", each house is independent. It became apparent just how important the design of such houses is to Maasai when the PAPs moved to RAPIland and found that the houses, though smart and new, were not culturally appropriate.</p> <p>Livestock are also cultural to pastoralists, especially cows, in the case of the Maasai. They are not simply a means of production, and a source of food etc., but highly significant in a cultural heritage sense. Hence they too should be added to your list of tangible heritage.</p>	Response 661456814	<p>Para 7 has been amended to include the concept of resources and individual buildings. In addition, para 8 has been extended to cover natural heritage recognised as a cultural element.</p> <p>More practical guidance, in line with the comment here, is something that EIB will look to provide as part of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>
2	<p>Introduction: For consistency with other Standards, in particular Standard 4, para 1 should read, "<i>This Standard recognises that protecting and conserving cultural heritage, which is a source of valuable historical and scientific information, an asset for economic and social development and an integral part of people's cultural rights, identity and practices, is fundamental to environmental and social sustainability</i>".</p>	International Council on Monuments and Sites (ICOMOS)	Para 1 has been amended to reflect relevant elements of stakeholders' comments.
3	<p>Objectives: We suggest an addition to para 4 to include Quality and a reference to the European Quality Principles [http://openarchive.icomos.org/id/eprint/2436/].</p>	International Council on Monuments and Sites (ICOMOS)	The European Quality Principles will be a key reference for the development of the EIB's updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.

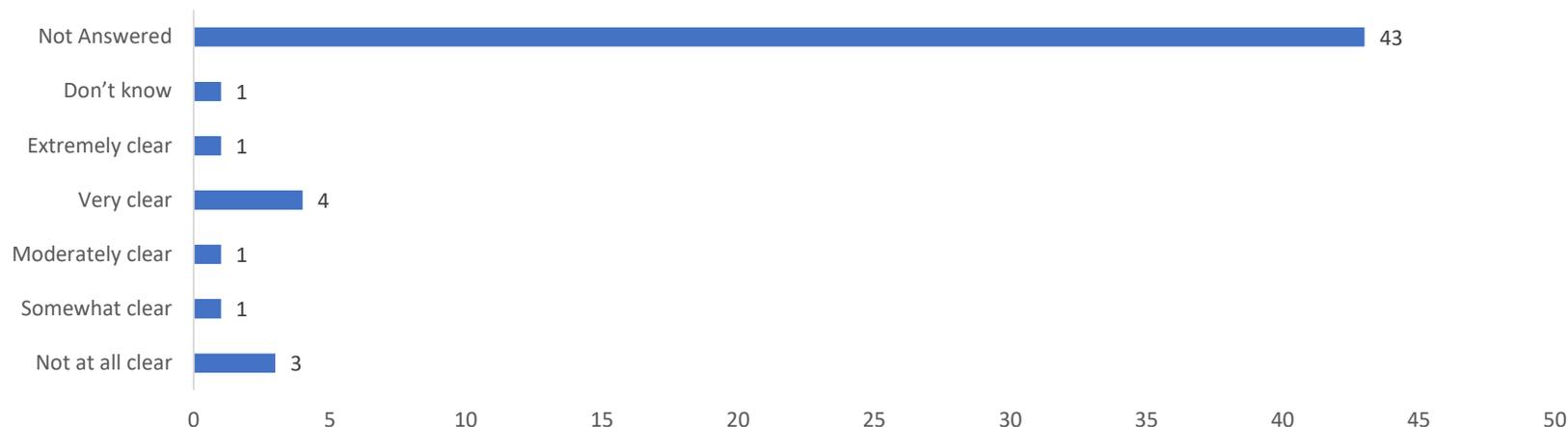
Ref	Summary of Contribution	Contributor	EIB comments
4	Paras 5 & 14. Do these align? I read as 5: this Standard applies when the Environmental and Social Impact Assessment (ESIA) says it should vs. 14: if this Standard applies, the ESIA should cover this.	GoodCorporation	<p>Para 10 has been amended to reflect relevant elements of stakeholders' comments. A new para (15) has been added to better clarify the approach outside of the EU.</p> <p>If the competent authority decides that an Environmental Impact Assessment (EIA) applies, cultural heritage should be considered in that context. Para 14 and para 18 indicate clearly what happens in case no Environmental Impact Assessment is requested.</p>
5	General Requirements: A para should be added requesting that all projects are in conformity with the obligations of the World Heritage Convention and its implementation. Regarding para 9, the international principles and Standards include ICOMOS documents: the most recent and applicable are European Quality Principles, the forthcoming Guidance for World Heritage Impact Assessment (in collaboration with ICCROM, IUCN and the UNESCO World Heritage Centre), and the European Green Paper on Cultural Heritage (with Europa Nostra).	International Council on Monuments and Sites (ICOMOS)	<p>Para 10 (previously 9) has been amended to reflect relevant elements of stakeholders' comments.</p> <p>The EIB will look to referenced guidance documents for the development of the updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>
6	Para 16c & 23. Local communities may not have the resources or capacity to negotiate effectively. Consider including a requirement for them to have an advocate and make appropriate funding available.	GoodCorporation	<p>Para 24 (previously 23) has been amended to reflect relevant elements of stakeholders' comments.</p> <p>The EIB will reiterate the importance of this in their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.</p>
7	Protected Cultural Heritage Areas: In para 20b, "Consult" is insufficient and "meaningful consultation" as defined in Standard 2 is more appropriate. This list should also include rights-holders. Please also add a reference to the World Heritage Convention.	International Council on Monuments and Sites (ICOMOS)	<p>Para 22(b) (previously 20b) has been amended to reflect relevant elements of stakeholders' comments.</p>
8	Annex 1 is very limited in its scope, which should be broadened. Requiring minimum information will only result in submissions with minimal responses.	International Council on Monuments and Sites (ICOMOS)	<p>The EIB considers the addition of Annex 1 as an important element of the Standard, but it is necessarily concise and streamlined, in line with the Standard itself and other Standards.</p> <p>Broadening of the expectations / explanations on the level of information to be provided as part of cultural heritage assessments is something that the EIB will look to do as part</p>

Ref	Summary of Contribution	Contributor	EIB comments
			of their updated set of internal procedures and Guidance Note forthcoming (relevant to Cultural heritage) to accompany the Standard.
9	Annex 1: Suggest to include a summary of stakeholder engagement/inputs also as minimum info for a CH assessment.	The Competence Centre for Environmental and Social Sustainability	Annex 1 has been amended to reflect relevant elements of stakeholders' comments (see new para 9).

DRAFT

Chapter N: Intermediated finance (Standard 11)

1. Is it clear what this Standard is seeking to achieve?



Please explain your answer

Table 1

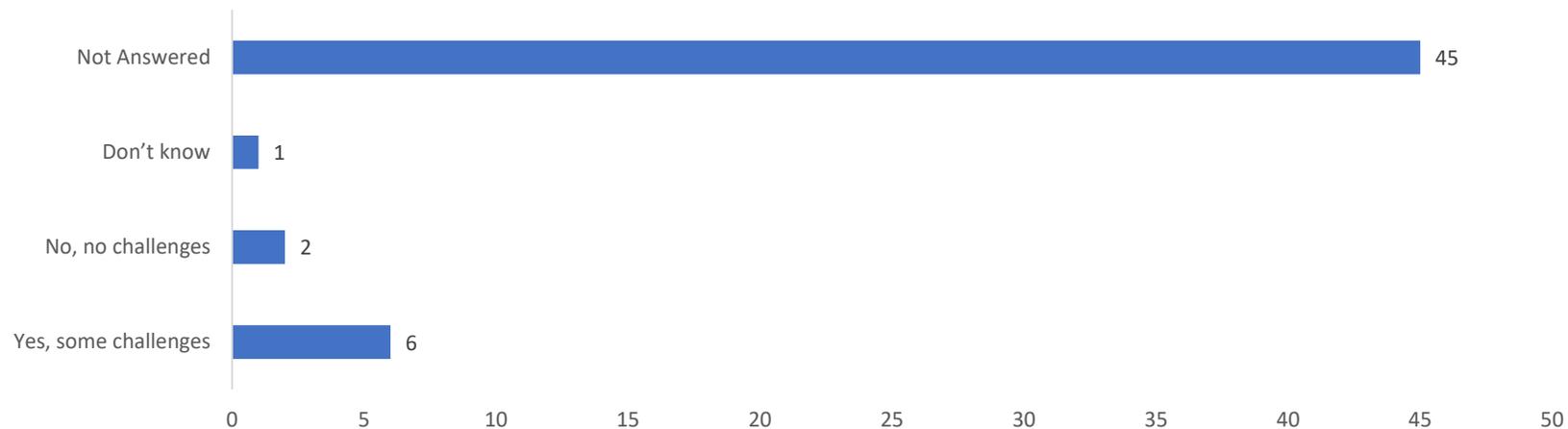
Ref.	Summary of Contribution	Contributor	EIB comments
1	To justify creating a Standard for FIs that doesn't directly align with Standards 1-10, EIB needs to articulate why FIs should be held to this demonstrably different Standard.	NomoGaia	<p>Standard 11 focuses on the general and more specific requirements that financial intermediaries must meet in order to comply with the EIB Group Environmental and Social Policy. Standard 11 is aligned with Standards 1 to 10 taking into account the fact that for intermediated finance the EIB delegates the management of environmental, climate and social (ECS) impacts and risks to the financial intermediary, which is a common approach across all IFIs.</p> <p>Standard 11 is not about the due diligence practices applied by the EIB or the system that the EIB has in place to check the compliance of sub-projects with requirements. EIB due diligence requirements are set out in the EIB Group Environmental and Social Policy, not Standard 11.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on</p>

			<p>their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required. In addition, where appropriate, sub-projects with high ECS risks, are reviewed by EIB. Standard 11 actually strengthens the EIB's environmental and social commitments and requirements in intermediated finance.</p>
2	There is no concrete articulation of heightened due diligence for high-risk Financial Intermediary (FIs or sub-projects).	NomoGaia	<p>Para 16 of the Standard indicates that, where applicable, based on the environmental, climate and social (ECS) risk management process of the financial intermediary and its capacity to implement it, sub-projects with high ECS risks shall be referred back to the EIB. Where applicable, the EIB will identify appropriate mitigating measures in consultation with the financial intermediary and implement them accordingly.</p> <p>The EIB thus has systems in place to carry out checks on sub-projects with high ECS risks and reserves the right to perform its own detailed due diligence. The EIB's commitment is spelled out in the EIBG E&S Policy, Section 4, para 4.20.</p>
3	The Standard seems particularly vague on EIB's commitments to environmental and social sustainability requirements. For example, para 8 requires the financial intermediary to comply with specific requirements "which are adapted to the intermediated finance and which are identified as appropriate in the EIB's due diligence process, also taking into account the Financial Intermediary's (FI) implementation capacity". This does not provide much guidance as to what requirements FIs are expected to comply with. It would be clearer to say that FIs are expected to at least meet or exceed requirements in the EIB's own policies, which is suggested in para 13.	Forest Peoples Programme NomoGaia	<p>Para 8 (now 10) has been amended to reflect relevant elements of stakeholders comments.</p> <p>While para 10 makes reference to EIBG E&S Policy, para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>Standard 11 actually strengthens the EIB's environmental and social commitments and requirements in intermediated finance.</p>
4	EIB may need to adjust the way disclosures occur on its website with this Standard in place. EIB doesn't currently categorize 'sectors' to indicate what investments are Financial Intermediary (FIs). The way EIB currently describes its portfolio, one would expect the exact same level of scrutiny on the sub-investments of FIs as on direct	NomoGaia	<p>Disclosures are governed by relevant provisions of the EIB's Transparency Policy.</p> <p>For intermediated finance EIB pro-actively publishes project summaries on its website.</p>

	<p>investments themselves, or else a double-Standard could emerge. This is particularly a concern when funds (i.e. non-banks) make sub-investments that directly resemble EIB's direct lending.</p>		<p>The EIB Group Environmental and Social Policy states: "Where appropriate, and consistent with its Transparency Policy, the EIB shall ensure that the ECS information which it holds related to sub-projects with high ECS risks is made available to the public."</p> <p>The EIB likewise publishes a list of financial intermediaries that it works with, available here.</p> <p>Regarding sub-projects, financial intermediaries are contractually obliged to publish information about EIB being the source of financing.</p> <p>Additional information on sub-projects financed by financial intermediaries with EIB support may be disclosed upon request.</p>
<p>5</p>	<p>While it is very welcome that the EIB is developing a Standard on how to improve the social and environmental outcomes and development impact of its intermediated finance investing, the current draft is far behind the practice of other institutions, including the EBRD, the IFC and even the AIIB. The issues regarding the EIB's intermediated operations have been raised for many years now by civil society, the parliament and by the European Ombudsman. The EIB has kept on postponing real action, and we were told that this Standard would address the issue.</p>	<p>Counter Balance</p>	<p>The EIB's operations differ substantially in comparison to other International Financial Institutions (IFIs) because more than 80% of the EIB's business is within the European Union (EU), which already has robust environmental and social standards embedded in the national legislation of its Member States. For operations outside of the EU, the EIB requires Financial Intermediaries (FIs) to comply with relevant legislation, the EIB Group Environmental and Social Sustainability Framework and relevant policies that restrict the eligibilities for the sub-projects that the EIB is financing such as the Energy Lending Policy, its Climate Bank Roadmap, PATH Framework, etc.</p> <p>Furthermore, the requirements and practice of EIB on environmental and social risk management is described in (i) the EIB Group's Environmental and Social Policy, (ii) Standard 11, (iii) the non-binding Guidance Note for FIs (in the making) and (iv) the documentation concluded between the EIB and the financial intermediary for each operation. All the above should be taken into account to compare EIB practice with other institutions. The EIB approach is very robust, especially taking into account that it is based on allocations (sub-projects), screening out sub-projects excluded from the EIB Eligibility list, and where appropriate reviewing sub-projects</p>

			<p>with high ECS risks, rather than on a portfolio approach, which is applied by most peers. This is an important distinction.</p> <p>As mentioned at the outset, Standard 11 itself is drafted in a way that enables it to cater to vastly different geographies (EU and outside of the EU), which demand a tailored approach. However, as explained above, the Standard does not stand on its own – it is embedded in a wider framework of policies and will be supplemented by accompanying guidelines for FIs which will explain in full how it is to be applied. The guidelines will be public, as is common among IFIs.</p> <p>With this in mind, the EIB is confident that Standard 11 applies international best practices aligned with Standards 1-10, which also compare favourably with those of peers.</p>
6	I don't know what intermediated finance means. So will not answer any of these questions.	Response 661456814	<p>Intermediated finance is defined as operations with Financial Intermediaries (FIs) which 'intermediate' i.e. on-lend the EIB funds to final beneficiaries (including framework loans intermediated through a financial institution), or lend funds to final beneficiaries in relation to an EIB guarantee or use EIB funds to invest in a portfolio of investee companies.</p> <p>It is key to stress that the delegated model of intermediated finance enables the EIB to reach final beneficiaries it would not be able to otherwise.</p>
7	Yes, it is seeking to apply the equivalent environmental and social Standards to the intermediaries.	GoodCorporation	Your comment is noted. The EIB thanks you for the comment.

2. Do you see any possible challenges in the implementation of this Standard, for example in view of your local context?



Please explain your answer

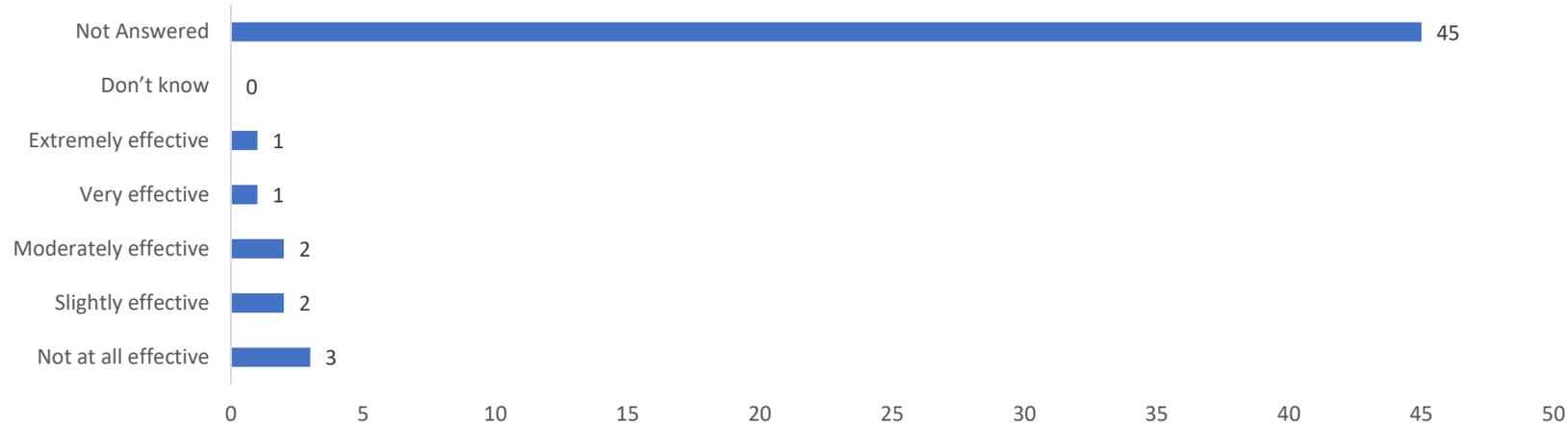
Table 2

Ref.	Summary of Contribution	Contributor	EIB comments
1	The key challenge in implementing a Standard that articulates no clear role for EIB in oversight of proponent sub-investment implementation is that EIB's Financial Intermediaries (FIs) will make investments that run directly counter to its sustainability aims, and EIB won't become aware of it until it is much too late to act.	NomoGaia	<p>The “delegated model” works on the premise that it is safe to delegate the ECS risk and impact management of sub-projects to the financial intermediary on the basis of the EIB’s due diligence on the capacity of the intermediary, as appropriate.</p> <p>The capacity of financial intermediaries to on-lend in line with EIB’s policies and Standards is assessed at the appraisal stage (in liner with EIBG E&S Policy, Section 4 para 4.20) and, when policies and procedures are not in place, financial intermediaries are asked to fill the gaps and the financial intermediary may benefit from the EIB’s technical assistance to build capacity.</p> <p>When it comes to sub-projects, a risk-based approach applies. Most high-risk sub-projects are excluded ex-ante through the EIB Exclusion list and, where applicable, sub-projects with high ECS risks are checked prior to their acceptance. The granular “allocation approach” (as compared with peers’</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>portfolio approach) is applied by the EIB as a tool in this respect.</p> <p>Importantly, while the EIB's intermediated model works on the premise of delegated responsibility, the EIB does retain oversight as per para 16 (previous 14 as amended to address stakeholders comments) of Standard 11. This is well-aligned with international best practice, which prompts all IFIs to apply stricter controls when sub-projects carry more environmental, climate and social risk.</p> <p>The full extent of EIB due diligence is not covered in Standard 11, which focuses on responsibilities of financial intermediaries. The EIB's responsibilities are described in the EIB Group Environmental and Social Policy, Section 4 (para 4.20 specifically on intermediated finance), not Standard 11.</p>
2	<p>Ensuring that intermediaries take the matter seriously and diligently and apply the Standard with a reasonably consistent degree of rigour. Many Financial Intermediaries (FIs) need capacity building through the Technical Assistance option, by qualified specialists in the field and familiar with the Region and close monitoring, since this is a new Standard.</p>	<p>East African Development Bank GoodCorporation</p>	<p>In Standard 11, the EIB due diligence and the contractual documentation concluded with the financial intermediary aim to ensure such diligence and rigour from financial intermediaries. In addition, the EIB ensures that sub-projects comply with contractual requirements pertaining to ECS risks and impact management. Where applicable, the EIB has systems in place to carry out checks on high-risk sub-projects and reserves the right to perform its own detailed due diligence.</p> <p>The rules governing this are tailored to the type of intermediary, the location (inside/outside EU) and sub-project's size, nature, socioeconomic context, location and sector, sensitivity to ECS impacts and risks, as stated in para 11.</p> <p>As for technical assistance, this can be the case with many financial intermediaries, particularly for EIB operations outside of the European Union. The capacity of financial intermediaries to on-lend in line with the EIB's policies and Standards is assessed at the appraisal stage and, when policies and procedures are not in place, financial</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>intermediaries are asked to fill the gaps and the financial intermediary may benefit from EIB's technical assistance to build capacity (see para 17).</p> <p>The EIB will provide guidance to help financial intermediaries, across all products and geographies to better understand their responsibilities under Standard 11.</p>
3	<p>The wording throughout the Standard contains many caveats, punctuated with "where relevant" - which leaves a lot of room for interpretation to the EIB and to the Financial Intermediary (FI) in deciding "where and when" the Standard will be relevant (examples, paras 4 and 7).</p>	Germanwatch e.V.	<p>Operations involving financial intermediaries cover a wide diversity of size, geography, sectors, types of financial intermediary (public sector, banks, funds, microfinance institutions, etc.) through which sub-projects are financed by the EIB. As such, the Standard gives the general orientation on the applicability of the environmental, climate and social management process without being exhaustive for each type of financial intermediary or product (loans, guarantees, equity funds).</p> <p>In this context, EIB believes that "where relevant", as it is stated in para 4 and para 7, which is now para 9(b), does not give financial intermediaries an option to 'opt out'. The terms serves to illustrate a differentiated approach between operations to which not all paragraphs of Standard 11 may be relevant. The application of the Standard is fully delineated and enforced by contractual documentation concluded between the EIB and the financial intermediary. As per para 10 that makes reference to the legal documentation concluded with the FIs and the conditions attached to.</p>

3. Is this Standard effective in setting out how environmental and social impacts and risks arising from sub-projects shall be identified, assessed, managed and monitored?



Please explain your answer

Table 3

Ref.	Summary of Contribution	Contributor	EIB comments
1	Reading Standard 11 alongside the EIB Policy to review the Financial Intermediary's (FI) "capacity" to implement its Standards, I think EIB hopes that it can identify FIs with weak governance and low implementation capacity. In practice, though, EIB has noted that it has no indigenous or human rights expertise on staff. This means that EIB will have to rely on its internal capacity which has gaps, to review the FI policies.	NomoGaia	<p>During appraisal, the EIB carries out due diligence to assess the capacity of the financial intermediary to comply with the requirements of Standard 11. This includes the financial intermediary's ability (and track record where applicable if this is a repeat client) to present only sub-projects for allocation which comply with such requirements (see EIBG E&S Policy, Section 4, para 4.20).</p> <p>These requirements are adapted to the type of intermediated finance and also take into account the implementation capacity of the financial intermediary, which may need technical assistance to this end.</p> <p>Regarding expertise, the EIB makes use both of the qualified in-house permanent staff as well as specialized and internationally recognized external advisors (consultants),</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			carefully selected in line with public procurement policies and regulations.
2	The Financial Intermediaries (FIs) are driven by national law rather than EU or human rights expectations. This is problematic in any country that legally marginalizes population sub-groups (women, gender minorities, Indigenous Peoples, linguistic minorities, ethnic or political groups). EIB can't hold these banks to EU Standards because they're beholden to national law, creating a vast grey area where legal compliance and EIB adherence are at odds, and where EIB is powerless to do anything about it.	NomoGaia	<p>Further to the point on national legislative frameworks, it should be noted that, as per para 13, now para 15, of the Standard, financial intermediaries outside of the EU are required to implement sub-projects in line with EIB E&S Standards, not just national law, which may indeed have gaps on human rights and/or protection of minorities, as raised by the stakeholders.</p> <p>As per the EIB Group's Environmental and Social Policy, the EIB takes a rights-based approach and explicit references of human rights requirements have been included in all 11 Standards. This approach should be reflected in the environmental, climate and social risk management process required of all financial intermediaries, as per para 13, previously para 11, of Standard 11.</p> <p>As part of its due diligence processes, the EIB will select and choose to work with financial intermediaries that have such a process for managing environmental, climate and social risks in place. Financial intermediaries that need support to meet EIB requirements may benefit from EIB's technical assistance.</p>
3	The EIB should update its 2013 exclusion list to ensure Financial Intermediaries do not finance the most destructive types of projects.	Counter Balance Office of the United Nations High Commissioner for Human Rights (OHCHR)	The EIB exclusion list is being updated to reflect the EIB's Climate Bank Roadmap commitments.
4	[The EIB] needs to adopt a 'referral list' approach, where higher risk sub-projects are clearly defined, and therefore automatically flagged and given higher attention, including by EIB staff. This should include sub-projects which may have human rights implications, affect indigenous or vulnerable communities, involve displacement of affected communities, support fossil fuels, or those which impact protected areas and areas of high biodiversity value. Standard 11 needs to	Counter Balance	<p>The EIB is already applying an equivalent of a "referral list" approach where high risk sub-projects are clearly defined, and therefore automatically flagged and given higher attention.</p> <p>In Standard 11, a definition of high-risk sub-projects is provided (see footnote 12) and the "referral process" is described in the EIB E&S Policy, Section 4, para 4.20. These</p>

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>specify what this enhanced attention means and should include the EIB being required to carry out site visits, to engage with affected communities and arrange third party audits.</p> <p>It is not good enough for the EIB to say that it excludes high risk subprojects, despite there being nothing about this in the Standard, and claiming that the details are in contracts with clients, which are kept secret.</p>		<p>are complemented by the requirements introduced in Standard 11, para 16.</p>
5	<p>One of the key weaknesses is the blatant lack of transparency of intermediated operations, for which the language in the new Standard is extremely weak. The EIB should commit to principles of disclosure and transparency and enshrine best practice, at least in line with other peer institutions, including:</p> <ul style="list-style-type: none"> - Requiring time-bound disclosure of sub-project information in advance of allocation list approval, in line with best practice; - Disclosure of the name, sector and location of higher risk sub-projects financed via FIs on EIB's website and on the FI client's website; - Disclosure obligations for Financial Intermediary regarding the environmental and social information - Obligation for FI to provide the EIB with environmental and social documents <p>Disclosure of EIB's involvement in sub-projects at the project sites, ensuring that it is clearly visible and understandable to affected communities.</p>	Counter Balance	<p>Disclosures are governed by relevant provisions of the EIB's Transparency Policy.</p> <p>However, there are additional provisions related to disclosure requirements in Standard 11 that establish the information that financial intermediaries should be disclosing to the public in accordance with legislative requirements. At entity level, the requirements set out in para 9 refer to sustainability-related disclosure or making available to the public information on its ECS due diligence and monitoring policies and procedures or equivalent.</p> <p>Specifically, at sub-project level, the newly introduced para 7 and 8, make reference to meaningful public consultation/stakeholder engagement that include <i>by default</i> access to environmental information.</p> <p>The requirements in Standard 11 complement the commitment made by EIB in the EIB E&S Policy, Section 4, para 4.20 related to high-risk sub-projects as part of the referral process. In addition, for intermediated finance EIB pro-actively publishes project summaries on its website.</p> <p>The EIB likewise publishes a list of financial intermediaries that it works with, available here.</p> <p>Regarding sub-projects, financial intermediaries are contractually obliged to publish information about EIB being the source of financing.</p>

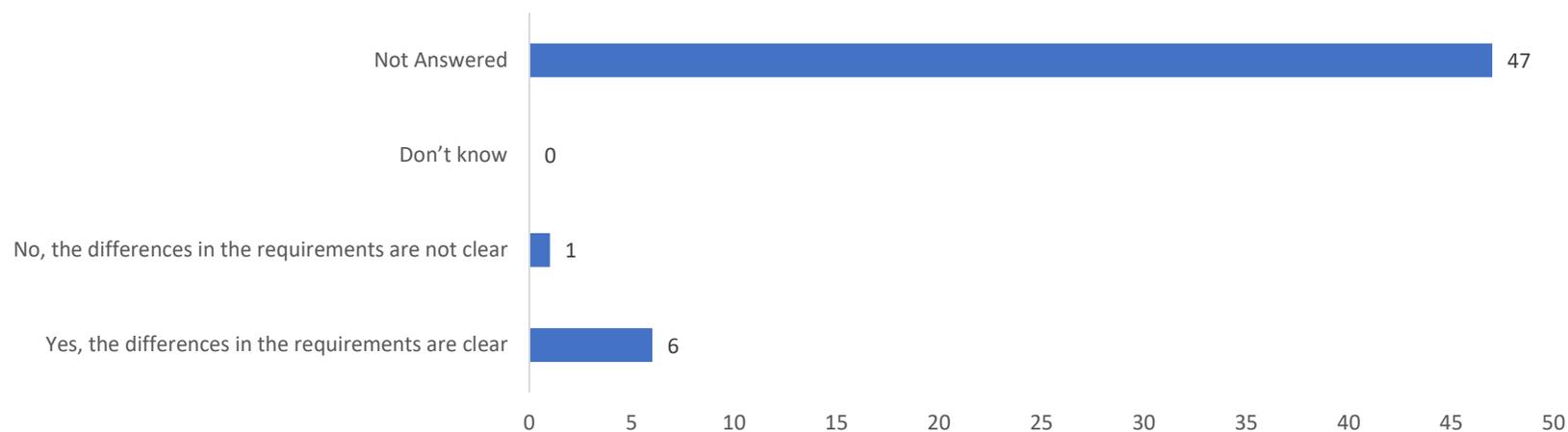
Ref.	Summary of Contribution	Contributor	EIB comments
6	<p>Standard 11 shall explicit what are the Environmental and Social Standards imposed on Financial Intermediaries (FIs) when they operate outside of the EU.</p> <p>The EIB should follow the examples of other International Financial Institutions/Multilateral Development Banks and which lists potentially relevant international Standards to higher-risk clients.</p> <p>Furthermore, if S11 does not require compliance with S5 (Climate Change) measures fully, EIB's requirements will not be sufficient to ensure that the project contributes to climate objectives.</p>	<p>Akuo Energy</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>Additional information on sub-projects financed by financial intermediaries with EIB support may be disclosed upon request.</p> <p>The documentation concluded with the financial intermediary, includes contractual clauses, specific to the operation in question, by which the financial intermediaries but also the final beneficiaries (that is the SMEs and other entities that implement sub-projects) must comply with EIB requirements.</p> <p>There is no room for interpretation therein. Financial intermediaries are also responsible for ensuring that these clauses trickle down to their contractual documentation with the final beneficiaries. Outside of the EU, these requirements also include relevant Standards (1-10) which are triggered by the nature of the supported sub-projects.</p> <p>Standard 11 does not selectively refer to Standards 1-10, as their applicability varies case by case, based on the nature of the sub-projects. This is determined by the EIB due diligence.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required.</p>
7	<p>This Standard also does not mention human rights, except for labour rights. It is important that the Standard explicitly require the Financial Intermediaries (FIs) to conduct human rights due diligence to identify, address, track, and report on their human rights impacts.</p>	<p>Forest Peoples Programme</p> <p>Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>As per the EIB Group's Environmental and Social Policy, the EIB takes a rights-based approach and explicit references to human rights requirements have been included in all 11 Standards. This approach should be reflected in the environmental and social risk management process required of all financial intermediaries, as per para 13 (previously para 11) of Standard 11. This process enables the financial intermediary to conduct due diligence on all sub-projects.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
8	Possibly too many 'subject to...' provisions, vague language leaves room for interpretation and allows hindering of effectiveness, thus increasing monitoring needs.	GoodCorporation Germanwatch e.V.	<p>Operations involving financial intermediaries cover a wide diversity of size, geography, sectors, types of financial intermediary (public sector, banks, funds, microfinance institutions, etc.) through which sub-projects are financed by the EIB. As such, the Standard gives the general orientation on the applicability of the environmental, climate and social management process without being exhaustive for each type of financial intermediary or product (loans, guarantees, equity funds).</p> <p>In this context, EIB believes that “where relevant”, as it stated in para 4 and para 7, which is now para 9(b), does not give financial intermediaries an option to ‘opt out’. The terms serves to illustrate a differentiated approach between operations to which not all paragraphs of standard 11 may be relevant.</p> <p>The application of the Standard is fully delineated and enforced by contractual documentation concluded between the EIB and the financial intermediary.</p> <p>The documentation concluded with the financial intermediary includes contractual clauses, specific to the operation in question, by which the financial intermediaries but also the final beneficiaries (that is the SMEs or other entities that implement sub-projects) must comply with EIB requirements.</p> <p>Financial intermediaries are also responsible for ensuring that these clauses trickle down to their contractual documentation with the beneficiaries. This for instance means that some sub-projects would not be eligible.</p> <p>As for effectiveness, the EIB ensures that sub-projects with high ECS risks comply with contractual requirements. The EIB has systems in place to carry out such checks and reserves the right to perform its own detailed due diligence.</p>
9	In para 11 of the new Standard, the EIB delegates all responsibility for social and environmental risk management to its Financial Intermediaries (FIs) clients, including	Counter Balance	Please, note that Standard 11 has equivalent references in para 17 to indicate that FIs receive the EIB’s support depending on their capacity, nature of the sub-projects, and

Ref.	Summary of Contribution	Contributor	EIB comments
	<p>screening, spotting, assessing and monitoring risks and impacts of sub projects. The language appears to even delegate the role of identifying ‘applicable’ Standards and then ensuring compliance. To abdicate these powers and responsibilities to FI clients – which rarely have development mandates, experiences or on-staff expertise – is quite literally a recipe for disaster.</p> <p>The EIB needs to adopt similar language to the following: “EBRD will assist FIs with the appraisal of these [referral list] subprojects. EBRD environmental/social specialists will review the due diligence information collected by the FI, determine any additional information needed, assist with determining appropriate mitigation measures and, if necessary, specify conditions under which the subprojects may proceed.</p>		<p>reporting requirements. The EIB likewise reserves the right to carry out due diligence on any sub-project by EIB environmental, climate and social specialists.</p> <p>Moreover, as per para 16 a referral process has been introduced that complements the requirements introduced in the EIBG E&S Policy Section 4, para 4.20.</p> <p>It has to be noted that the reference to language in the stakeholder’s comment is tailored to the outside EU context. The EIB operates both inside and outside of the EU, so Standard 11 has to consider both. Please note that more than 80% of EIB intermediated operations are located within the EU where financial intermediaries’ development mandate and experience would not be expected to be relevant.</p>
10	<p>The Standard only seems to require that Financial Intermediaries (FIs) themselves have a process in place for identifying, assessing, and managing environmental and social impacts and risks, without specifying any requirements for that process to ensure compliance with EIB’s own Standards and public commitments on sustainable finance.</p> <p>Para 13 shall mention which Environmental and Social Standards of the EIB potentially apply to sub-projects. Standard 11 should generally be strengthened in line with best practices with respect to risk assessment, classification, EIB due diligence, reporting obligations and screening of sub-projects against exclusion lists.</p>	<p>Akuo Energy Forest Peoples Programme Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>Standard 11 is in line with best practices with respect to risk assessment, classification, due diligence, reporting obligations and screening of sub-projects against exclusion lists and other relevant policies, such as the Energy Lending Policy, the Climate Bank Roadmap, etc.</p> <p>In particular as stated in para 13, the ECS risk and impact management process will enable the financial intermediary to carry out key steps that are described from screening sub-projects to assessing and managing the significant ECS impacts and risks.</p> <p>Standard 11 does not selectively refer to Standards 1-10, as their applicability varies case by case, and they are triggered based on the nature of the sub-projects.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB’s Environmental and Social Standards.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required.</p> <p>In addition, as stated in para 17, where possible and appropriate, the FI may receive the EIB's support for assessing, managing and monitoring, as well as reporting on ECS impacts and risks.</p>
11	Para 14 "Where appropriate, the FI may be required to report to the EIB on potential significant environmental and social impacts and risks arising from specific sub-projects" – should be phrased using stronger language, such as "will be required to report to EIB [...]" - otherwise the EIB runs the risk of being left unaware of potential negative impacts.	Germanwatch e.V.	<p>The "where appropriate" formulation is necessary to cater to specific requirements of intermediated finance, and generally refers to cases where not all requirements of Standard 11 would apply to all types of intermediated finance. The exact reporting requirements depend on the nature, size, location, sector, etc. of the sub-projects undertaken.</p> <p>Paras 16 and 17 (previously 13 and 14) have been amended to reflect relevant elements of stakeholders' comments.</p>
12	Para 15: if risks have been identified and the EIB is providing financing, then the requirement to manage social and environmental impacts and risks should be made.	Germanwatch e.V.	<p>Para 11, previously para 9, of the Standard makes it clear that financial intermediaries are responsible for establishing a process for managing environmental and social impacts and risks of sub-projects. Para 12, previously para 10, makes it clear that the EIB has the right to review such a process.</p> <p>In addition, para 16 now states that high risk sub-projects are referred to EIB for prior review and approval.</p>
13	Para 16: The wording in this para which states that "FIs may be subject to additional requirements" should be converted into a requirement.	Germanwatch e.V.	<p>Para 18, previously para 16, refers to intermediated finance in pursuit of environmentally and/or socially sustainable objectives.</p> <p>Para 18 has been amended to reflect relevant elements of stakeholders contributions and now states that the FI "shall" be subject to additional requirements.</p>

4. Are the differences in the requirements for projects inside the European Union and projects outside the European Union clear?



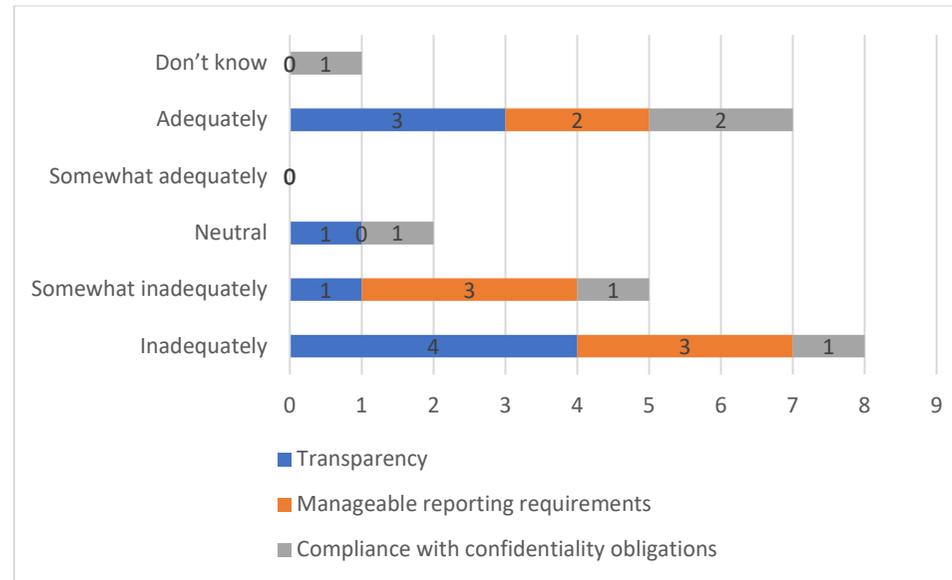
Please explain your answer

Table 4

Ref.	Summary of Contribution	Contributor	EIB comments
1	As written, EU clients will comply with EU law while EIB relinquishes responsibility for the environmental, social and human rights abuses committed by Financial Intermediaries (FIs) operating outside of the EU, because the FI will adhere to "applicable national legislation and the relevant EIB Environmental and Social Standards," but Environmental and Social Standards are only applicable based on the "FI's implementation capacity." In essence, it appears that FIs will adhere to national law, and low-capacity FIs will do essentially no more, leading to potential requirements being less sufficient for sub-projects implemented outside of the EU.	Akuo Energy Counter Balance NomoGaia Office of the United Nations High Commissioner for Human Rights (OHCHR)	<p>Paras 10 and 11 of Standard 11 clearly state that financial intermediaries need to comply with specific environmental and social requirements (including reporting requirements), and have in place a process of managing environmental, climate and social impacts and risks which is adapted to the type of intermediated finance and which is identified as appropriate in the EIB's due diligence process.</p> <p>Standard 11 is in line with best practices with respect to risk assessment, classification, due diligence, reporting obligations and screening of sub-projects against exclusion lists and other relevant policies, such as the Energy Lending Policy, the Climate Bank Roadmap, etc.</p> <p>In particular as stated in para 13, the ECS risk and impact management process will enable the financial intermediary to carry out key steps that are described from screening sub-</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>projects to assessing and managing the significant ECS impacts and risks.</p> <p>Standard 11 does not selectively refer to Standards 1-10, as their applicability varies case by case, and they are triggered based on the nature of the sub-projects.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required.</p> <p>Compliance with EIB's own Standards and commitments is ensured via contractual documentation, which holds the financial intermediary accountable.</p>
2	<p>FIs supported by the EIB should go beyond national legislation and implement all of the EIB Standards, not only the "relevant" ones. This is particularly important for projects outside of European Union.</p>	Counter Balance	<p>Outside of the EU, EIB requirements do go beyond national legislation. However, particular Standards (1-10) are only relevant if they are "triggered" by a specific sub-project. This is the case for projects financed directly, as well as for intermediated projects. Hence, in para 15 the reference to "relevant EIB Standards" indicates those Environmental and Social Standards applicable to a given sub-project. For example, Standard 10 on cultural heritage would not be triggered for all sub-projects.</p>

5. Does this Standard adequately reflect the need for transparency, manageable reporting requirements and compliance with confidentiality obligations?



Please explain your answer

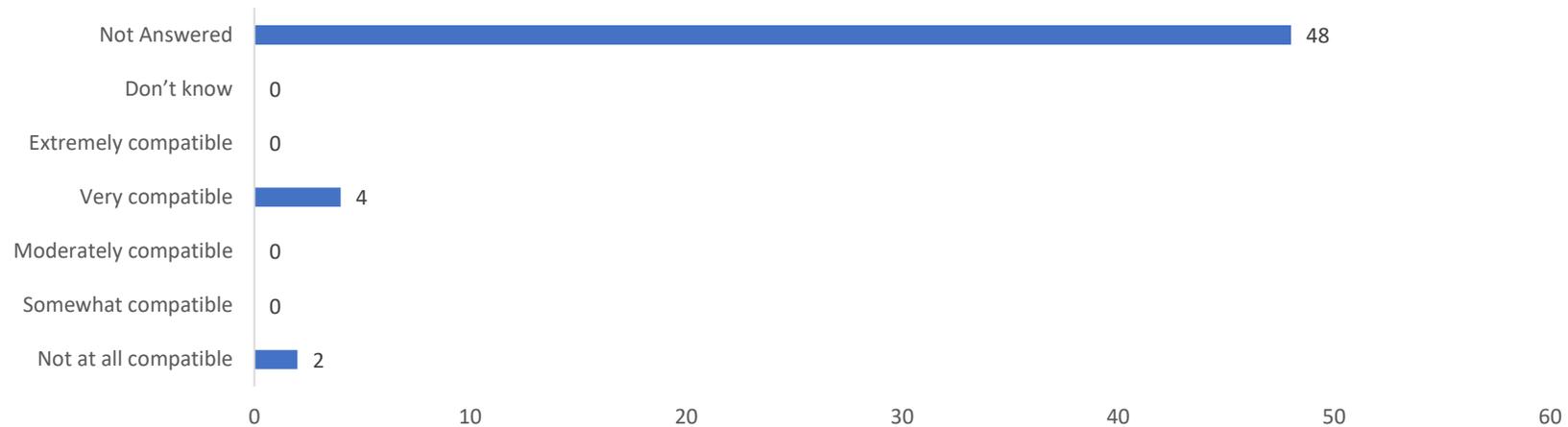
Table 5

Ref.	Summary of Contribution	Contributor	EIB comments
1	EIB needs to set two separate Standards for the 'investment bank' function within the EU, and for the "development bank" function outside the EU. As an EU body it has transparency requirements that far exceed the average investment bank's, and its 'confidentiality obligations' are overstated. While EIB is sensitive to the complaints of clients that don't wish to carry out fulsome reporting, the reality is that opacity in the financial sector is an underlying factor in human rights abuses worldwide. This opacity has made western investors complicit in genocides in both Myanmar and Xinjiang in recent years. If EIB fails to account for the human rights impacts of the money it on-lends to the banks of oppressive	Forest Peoples Programme NomoGaia	As of today, activities inside the EU and outside the EU are carried out by the same institution and subject to the same Standards. However, their application is differentiated by the context as described in the Standard. Outside of the EU, Standards 1-10 clearly apply to account for financial intermediaries' potential lower capacity and more challenging legislative/regulatory environments. Regarding potential human rights issues in intermediated financing, the EIB applies a rights-based approach per its Environmental and Social Policy. The correct application of EIB Standards, which refer to international human rights documents, will allow it to address human rights impacts.

Ref.	Summary of Contribution	Contributor	EIB comments
	authoritarian states, it will fail in its environmental, social and human rights mandates.		<p>There is strong expertise in the EIB, with staff versed in social development and human rights. If needed, the EIB draws on additional expertise from outside the EIB. The EIB is rolling out capacity building and awareness raising within the EIB on human right issues.</p> <p>In line with its risk based approach, please note that the EIB has no intermediated operations in China or Myanmar.</p>
2	Reporting: where social and environmental impacts exist, stricter reporting requirements for Financial Intermediaries (FIs) should be implemented.	Germanwatch e.V.	<p>This is already the case in para 10 of Standard 11.</p> <p>In addition, para 16 now states that high-risk sub-projects are referred to EIB for prior review and approval.</p>
3	Confidentiality obligations: the Standard does not make an explicit reference to compliance with confidentiality obligations.	Germanwatch e.V.	<p>Compliance with confidentiality obligations is a standard feature in contractual documentation of any regulated financial institution. Standard 11 is not the place to discuss it given its focus on the management of ECS risks in FIs sub-projects.</p>
4	On transparency (Para 7), this language is entirely inadequate. The EIB is entitled to set its own disclosure requirements, supplemental to national/EU laws. Other Multilateral Development Banks already do this – for example the World Bank and Asian Infrastructure Investment Bank – which require the name, sector and location of sub projects to be disclosed.	Counter Balance	<p>Disclosures are governed by relevant provisions of the EIB's Transparency Policy.</p> <p>However, there are additional provisions related to disclosure requirements in Standard 11 that establish the information that financial intermediaries should be disclosing to the public in accordance with legislative requirements. At entity level, the requirements set out in para 9 refer to sustainability-related disclosure or making available to the public information on its ECS due diligence and monitoring policies and procedures or equivalent.</p> <p>Specifically, at sub-project level, the newly introduced para 7 and 8, make reference to meaningful public consultation/stakeholder engagement that include <i>by default</i> access to environmental information.</p> <p>The requirements in Standard 11 complement the commitment made by EIB in the EIB E&S Policy, Section 4, para 4.20 related to high-risk sub-projects as part of the referral process.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			<p>In addition, for intermediated finance EIB pro-actively publishes project summaries on its website.</p> <p>The EIB likewise publishes a list of financial intermediaries that it works with, available here.</p> <p>Regarding sub-projects, financial intermediaries are contractually obliged to publish information about EIB being the source of financing.</p> <p>Additional information on sub-projects financed by financial intermediaries with EIB support may be disclosed upon request.</p>
5	<p>Without such transparency, there is no possibility of affected communities having access to EIB's accountability mechanism should they suffer harm – in breach of EIB's obligations.</p>	Counter Balance	<p>Disclosures are governed by relevant provisions of the EIB's Transparency Policy.</p> <p>Specifically, at sub-project level, the newly introduced para 7 and 8, make reference to meaningful public consultation/stakeholder engagement that include <i>by default</i> access to environmental information.</p> <p>The requirements in Standard 11 complement the commitment made by EIB in the EIB E&S Policy, Section 4, para 4.20 related to high-risk sub-projects as part of the referral process.</p> <p>The EIB discloses the list of financial intermediaries it cooperates with in every country on its website. Likewise, information on sub-projects can be disclosed by the EIB upon request and in line with the EIB Group Transparency Policy (EIB-TP).</p> <p>Finally, the EIB Group's Complaints Mechanism (the EIB Group's public accountability tool) can be used to express citizens' concerns on EIB Group's projects, policies or activities.</p>

6. How compatible is this Standard with the legislative framework you operate in?

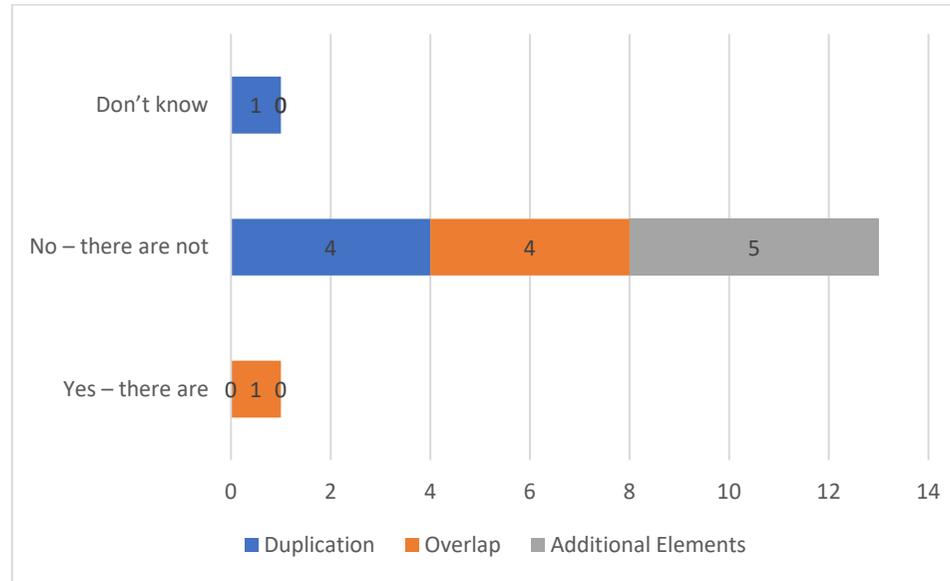


Please explain your answer

Table 6

Ref.	Summary of Contribution	Contributor	EIB comments
1	This question, while certainly of interest to Financial Intermediaries (FIs) seeking EIB money, is irrelevant with regards to the establishment of Environmental and Social Standards, which are designed set a bar above regulation to demonstrate adherence to higher principles.	NomoGaia	As this is a public consultation, it was open to all members of the public, including financial intermediaries. This question was included to get feedback from this potential audience as well.

7. Do you see any duplication of and/or overlap with Standards 1-10, or any additional elements to be taken into consideration?



Please explain your answer

Table 7

Ref.	Summary of Contribution	Contributor	EIB comments
1	<p>Does Standard 1 apply to Financial Intermediaries (FIs)? Do Standards 2-9? Standard 11 is fundamentally incompatible with those Standards, since it sets such an incredibly low bar for FIs. While there are contradictions if somehow FIs are also going to be applying Standards 1-10, there is certainly no increase in expectations in Standard 11.</p> <p>Article 6 of the Standard shall also refer to respecting Standards 3 and 5 (on top of Standard 8 and 9) since these are probably more stringent than local norms.</p>	<p>Akuo Energy NomoGaia</p>	<p>Standard 11 does not selectively refer to Standards 1-10, as their applicability varies case by case, and they are triggered based on the nature of the sub-projects.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required.</p>

Ref.	Summary of Contribution	Contributor	EIB comments
			Compliance with EIB's own Standards and commitments is ensured via contractual documentation, which holds the financial intermediary accountable.
2	EIB's intermediated operations should be subject to the same environmental and social Standards, due diligence, monitoring and transparency as its direct lending.	Counter Balance	<p>The Standard makes it clear that financial intermediaries are subject to the same Standards as direct lending (see paras 14 and 15).</p> <p>Due diligence, monitoring, and transparency requirements differ, due to the nature of intermediated financing, which uses a delegated model to reach smaller beneficiaries that the EIB would not be able to support directly.</p> <p>Para 16 ensures that the EIB maintains oversight over sub-projects, especially those with high environmental, climate and social risks.</p>
3	Duplication and overlap is necessary in this context.	GoodCorporation	Your comment is noted. The EIB thanks you for the feedback.

8. Additional comments on Standard 11.

Table 8

	Summary of Contribution	Contributor	EIB comments
1	The list of excluded projects should be updated to include intensive farming production which would not comply with the European Commission's Standards, as well as any other relevant legislation.	FOUR PAWS World Animal Protection	<p>The EIB shares concerns with regards to unsustainable agricultural practices and would like to confirm and emphasise that as an EU institution, the EIB aligns its lending with EU and its Member States' legal and Policy framework relating to environmental and social protection as well as sustainable food production systems. This includes the most recent EU Green Deal strategies for agriculture.</p> <p>Rather than prohibiting or excluding certain types of agricultural practices, the EU and its Member States agreed to put the focus on the compliance with environmental and social conditionality criteria as well as animal welfare and sustainable agricultural standards that are based on good agricultural practice considerations.</p> <p>Reliant on such legal provisions as well as its own Environmental, Social, and Governance Standards, the EIB carries out a comprehensive due diligence on intermediated counterparts where related sub-projects are funded, and requires its Promoters to apply stringent environmental and social protection measures.</p>
2	Double intermediation is insufficiently covered. It seems unlikely that Financial Intermediaries (FIs) and subsequent FIs would have the capacity, resources or even inclination to fulfil responsibilities. How well do FIs flow these requirements down? What process is there to make sure that they flow the requirements down? The FI could be required to evidence to EIB that model contracts flow the requirements down.	GoodCorporation	<p>The EIB takes note of the stakeholder's comments.</p> <p>Additional requirements have been included in section 4.20 of the Environmental and Social Policy to reflect relevant elements of stakeholders' comments.</p> <p>Furthermore, following EIB approval, when the EIB concludes documentation with the financial intermediary, it includes contractual clauses by which the financial intermediaries but also any subsequent financial intermediary and the final beneficiaries (e.g. SMEs and other entities that implement sub-projects) must comply with EIB requirements. Such principle is captured in para 4(b) of Standard 11. Standards of other International Financial Institutions require the same.</p>
3	The scope of application appears to cover only tier 1 Financial Intermediaries (FIs) rather than FIs further down the chain. Sub-projects are mentioned but tier 2 (subsequent) FIs are not explicitly included.	GoodCorporation	<p>The EIB takes note of the stakeholder's comments.</p> <p>Additional requirements have been included in section 4.20 of the Environmental and Social Policy to reflect relevant elements of stakeholders' comments.</p> <p>Furthermore, following EIB approval, when the EIB concludes documentation with the financial intermediary, it includes contractual clauses by which the financial intermediaries but also any subsequent financial intermediary and the final beneficiaries (e.g. SMEs and other entities that implement sub-projects) must comply with EIB requirements. Such principle is captured in para 4(b) of Standard 11. Standards of other International Financial Institutions require the same.</p>

	Summary of Contribution	Contributor	EIB comments
			The scope of application thus covers tier 1 as well as tier 2 (subsequent) financial intermediaries.
4	The Standard is vague in many places using phrasings such as “where/as relevant”, “where requested”, “in justified cases”, “where possible and appropriate”. This makes it difficult to assess the scope and effectiveness of the Standard.	Germanwatch e.V.	<p>Such formulations are necessary to cover cases in which not all requirements would apply to all types of intermediated finance in both geographies that the EIB covers.</p> <p>There is a wide diversity of operations through which sub-projects are financed by EIB – they vary by size, geography (EU and non-EU), sector, type of Financial Intermediary (FI) (public sector, SMEs, commercial banks, microfinance institutions, etc). This is why it is not possible to go into extensive detail per type of FI or product (loans, guarantees, equity funds) and to be exhaustive in Standard 11.</p> <p>A Guidance Note will be prepared for financial intermediaries with further details.</p>
5	EIB’s development of Standard 11 is much welcomed. However, it is of high importance to reflect in the Standard that it explicitly covers EIB group as a whole, that is both the EIB and the EIF (whose operations are intermediated).	Counter Balance Joint contribution 4	Standard 11 does not cover the EIF. The EIF has its own Environmental, Social & Governance Principles.
6	Development of clear and mandatory requirements for Financial Intermediary (FI) investing matters. Despite often thought of being small and harmless, there can be significant individual and cumulative impact.	Counter Balance Joint contribution 4	The comprehensive requirements presented in the Standard are relevant for all intermediated investments.
7	The EIB in the Standard 11 needs to improve screening, scoping, due diligence, monitoring and supervision of high-risk clients and sub-projects. EIB needs more, not less, oversight of its intermediated finance investments and the proposed Standard 11 even seems to reverse from commitments made in previous years. Specific recommendations for Standard 11 changes include: <ul style="list-style-type: none"> Updating of the EIB’s List of Excluded projects, defining exactly which E&S Standards intermediated projects need to follow, particularly for the outside of EU projects; Improving due diligence process with regards to classification of risks and monitoring requirements, and requiring bank staff to retain responsibility for due 	Counter Balance Joint contribution 4	<p>Standard 11 is in line with best practices with respect to risk assessment, classification, due diligence, reporting obligations and screening of sub-projects against exclusion lists and other relevant policies, such as the Energy Lending Policy, the Climate Bank Roadmap, etc.</p> <p>In particular as stated in para 13, the ECS risk and impact management process will enable the financial intermediary to carry out key steps that are described from screening sub-projects to assessing and managing the significant ECS impacts and risks.</p>

	Summary of Contribution	Contributor	EIB comments
	<p>diligence of high-risk projects, rather than delegating that responsibility to the Financial Intermediary (FI) client (alike to that of IFC/World Bank or EBRD);</p> <ul style="list-style-type: none"> ○ Adopt a 'referral list' approach (similarly to EBRD approach), where higher risk sub-projects are clearly defined, and therefore automatically flagged and given higher attention, including by EIB staff; ○ Defining more closely monitoring and supervision responsibilities which are currently too vague and lack concrete EIB's role and responsibility in supervising, monitoring and mitigating risks; ○ Mandating compliance review to ensure that high-risk projects comply with the EIB Standards; ○ EIB's proposed language does not require FIs to establish environmental and social management 'systems,' which are a defined term, but instead requests that they develop vaguely articulated 'processes' ○ Classify all FIs (regardless of the legal personality (EIB or EIF) and of the mode of finance, equity and debt, loan, or other financial instruments) as FI and thus subject to FI requirements; ○ Stop providing general-purpose loans to FI clients as IFC has done and instead, implement ring-fencing of FI investments to support specific projects that are low-E&S risk and have genuine development impact; <p>Mandate an established Environmental and Social Management System and oversee its placement in the Borrower's governance structure to increase confidence in implementation as IDB has done.</p>		<p>Standard 11 does not selectively refer to Standards 1-10, as their applicability varies case by case, and they are triggered based on the nature of the sub-projects.</p> <p>The term "process" is used to account for a wide variety of financial intermediaries that the EIB cooperates with, including microfinance institutions.</p> <p>Standard 11 para 14 and 15 clearly refer to the legal framework that the sub-projects shall comply with based on their location and fully aligned with the approach followed in other EIB's Environmental and Social Standards.</p> <p>This means that inside the EU, EU and national law apply while in the rest of the world compliance with applicable EIB E&S Standards is required.</p> <p>These paras in Standard 11, along with the EIB due diligence, and contractual documentation concluded with the financial intermediary aim to ensure that diligence and rigour are applied by financial intermediaries. In addition, the EIB ensures that sub-projects comply with the contractual requirements. It has systems in place to carry out checks and reserves the right to perform its own detailed due diligence, particularly on high-risk sub-projects.</p> <p>Additional requirements have been included in section 4.20 of the Environmental and Social Policy.</p> <p>Note that the EIB does not provide general purpose loans to financial intermediary clients like the IFC. Instead, it provides financing for clearly defined sub-projects.</p>
8	<p>Transparency requirements in Standard 11 falls far short of accepted practice at other development finance institutions and it constitutes a setback even in comparison to the current transparency requirements as described in the EIB's environmental and social procedures. Particularly, relying on legal obligations is meaningless as many intermediaries are</p>	<p>Counter Balance Joint contribution 4</p>	<p>Disclosures are governed by relevant provisions of the EIB's Transparency Policy.</p> <p>However, there are additional provisions related to disclosure requirements in Standard 11 that establish the information that financial intermediaries should be disclosing to the public in</p>

	Summary of Contribution	Contributor	EIB comments
	<p>commercial banks have no legal obligation to disclose information about individual sub-projects. Standard 11 should promote transparency in order to properly identify and address risks at a stage when they can still be mitigated, as well as ensuring that public money is properly used.</p> <p>Suggestion for improvements:</p> <ul style="list-style-type: none"> ○ Requiring time-bound disclosure of sub-project information in advance of allocation list approval, in line with best practice; ○ Disclosure of the name, sector, beneficiary, location, and planned approval/signing date of higher risk sub-projects financed via Financial Intermediaries (FIs) on EIB's website and on the FI client's website; ○ Disclosure obligations for the Financial Intermediary regarding environmental and social information about individual sub-projects ○ Obligation for the FI to provide the EIB with environmental and social documents <p>Disclosure of EIB's involvement in sub-projects at the project sites for high risk projects, ensuring that it is clearly visible and understandable to affected communities.</p>		<p>accordance with legislative requirements. At entity level, the requirements set out in para 9 refer to sustainability-related disclosure or making available to the public information on its ECS due diligence and monitoring policies and procedures or equivalent.</p> <p>Specifically, at sub-project level, the newly introduced para 7 and 8, make reference to meaningful public consultation/stakeholder engagement that include <i>by default</i> access to environmental information.</p> <p>The requirements in Standard 11 complement the commitment made by EIB in the EIB E&S Policy, Section 4, para 4.20 related to high-risk sub-projects as part of the referral process.</p> <p>In addition, for intermediated finance EIB pro-actively publishes project summaries on its website.</p> <p>The EIB likewise publishes a list of financial intermediaries that it works with, available here.</p> <p>Regarding sub-projects, financial intermediaries are contractually obliged to publish information about EIB being the source of financing.</p> <p>Additional information on sub-projects financed by financial intermediaries with EIB support may be disclosed upon request.</p>
9	<p>The Green Climate Fund (GCF) is a highly relevant institution for the purposes of comparison with the EIB's financial intermediary lending. Transparency requirements can be improved when working with other multilateral financial institutions, as in the case of GCF's cooperation with the EBRD on Green Cities Project.</p>	<p>Counter Balance Joint contribution 4</p>	<p>As reported in para 4.20 of the EIB Group Environmental and Social Policy, consistent with its Transparency Policy, and in-line with para 9 of Standard 11, the EIB shall ensure that the environmental, climate and social information related to sub-projects with high environmental, climate and social risks is made available to the public.</p> <p>Specifically, at sub-project level, the newly introduced para 7 and 8, make reference to meaningful public</p>

	Summary of Contribution	Contributor	EIB comments
			<p>consultation/stakeholder engagement that include <i>by default</i> access to environmental information.</p> <p>In case of co-financing with other multilateral institutions or entities, the EIB would like to reassure the stakeholder that this is already the case.</p>
10	<p>Access to Remedy - Standard 11 contains no mentioning of the EIB's accountability mechanism - the Complaints Mechanism (CM) - which ensures the right to be heard and the right to complain of EIB Group stakeholders and Grievance Redress Mechanisms. Coupled with limited transparency requirements, the EIB effectively denies complainants their right to be heard and to access redress. Recommendations for improvement:</p> <ul style="list-style-type: none"> ○ The EIB should require its Financial Intermediary (FI) clients to disclose the EIB's involvement in sub-projects at the project sites, ensuring that it is clearly visible and understandable to affected communities. ○ Additionally, the EIB should ensure information about the CM is disclosed at project sites, including how affected communities can contact the mechanism; <p>The EIB must monitor its FI clients' adherence to this requirement.</p>	<p>Counter Balance Joint contribution 4 Office of the United Nations High Commissioner for Human Rights (OHCHR)</p>	<p>The EIB ensures the right to be heard and the right to complain through the EIB Group Complaints Mechanism, the EIB Group's public accountability tool, which is used to express citizens' concerns on EIB Group's projects, policies or activities.</p> <p>Information on sub-projects can be disclosed by the EIB upon request and in line with the EIB Transparency Policy (EIB-TP).</p>
11	<p>Human Rights abuses cannot be a side effect of development projects, whether "green" or not.</p>	<p>Counter Balance Joint contribution 4</p>	<p>We agree with the comment. As per its Environmental and Social Policy, the EIB takes a rights-based approach and explicit references of human rights requirements have been included in all 11 Standards. This approach should be reflected in the environmental, climate and social risk management process required of all financial intermediaries per para 13 of Standard 11. This process enables the financial intermediary to conduct due diligence on all sub-projects</p>
12	<p>It is regretful that the EIB did not even mention the existence of a study commissioned to the Danish Institute for Human Rights on the review of the EIB's social diligence and internal procedures from a human rights perspective, and did not communicate about the findings of this study.</p>	<p>Counter Balance</p>	<p>Your comment is noted. The EIB thanks you for the feedback.</p>

	Summary of Contribution	Contributor	EIB comments
13	The Procedures are not subject to public consultations, and hopes that Civil Society Organizations' recommendations on EIB Group's Environmental and Social Policy will be reflected in the Procedures. This is all the more concerning as many of the civil society organisations' demands - for instance on due diligence - should be integrated into the Procedures, and not under the Policy or under the Standards. This weakens the quality of the public consultation and leaves an entire discretion to the EIB to ignore the civil society organisations' recommendations.	Counter Balance Joint contribution 4	The Environmental and Social Sustainability Framework has been subject to an extensive public consultation exercise. All formal comments have been collected and responded to. The EIB's internal environmental, climate and social due diligence and monitoring procedures are under revision and will be made publicly available in due course.
14	Reinforce Standard 11 to ensure that EIB's intermediated operations are subject to the same environmental and social Standards, due diligence, monitoring and transparency as its direct lending. Specific recommendation is to require financial Intermediaries to conduct sub-projects due diligence in transparent manner and submit relevant Environmental and Social Impact Assessment information to the EIB.	Counter Balance Joint contribution 4	The Standard makes it clear that financial intermediaries are subject to the same standards as direct lending (see paras 14 and 15). Due diligence, monitoring, and transparency requirements differ, due to the nature of intermediated financing, which uses a delegated model to reach smaller beneficiaries that the EIB wouldn't be able to support directly. Para 16 ensures that the EIB maintains oversight over sub-projects, especially those with high ECS risks.
15	EIB, through the Environmental and Social Sustainability Framework, failed to show true leadership in becoming the "EU Climate Bank" and to increase its role outside of EU.	Counter Balance Joint contribution 4	Your comment is noted. The EIB thanks you for the feedback. However, we do not necessarily see how the EIB's climate and development mandates fail to be supported by the EIB Group's Environmental and Social Sustainability Framework, which is robust (as per the clients' feedback), reflects the high standards embodied in EU legislation and caters to the EIB's varied mandates inside and outside of the EU.
16	Recommendation regarding para 6 Proposed amendment: "In order to meet the requirements of the EIB Environmental and Social Policy, the FI shall establish protections, both in its direct operations (e.g., labour force protections, Standards 8 and 9) and in its sub-projects (Standards 1-10)."	Counter Balance Joint contribution 4	Para 6 has been amended to reflect relevant elements of stakeholders' comments.
17	Recommendation regarding para 7a Proposed amendment: "comply with sustainability disclosure requirements under national and EU legislation"	Counter Balance Joint contribution 4	Para 9 (previously para 7a, b and c) has been amended to reflect relevant elements of stakeholders' comments.

	Summary of Contribution	Contributor	EIB comments
	<p>Recommendation regarding para 7b</p> <p>Proposed amendment: “make available to the public information on its due diligence policies and procedures for assessing and managing the environmental and social impacts and risks of sub-projects where relevant “</p> <p>Recommendation regarding para 7 – addition of para 7c</p> <p>Proposed addition: “make available to the public the key outcomes of above-mentioned environmental and social due diligence implementation as well as sub-projects environmental and social documents collected during the due diligence process “</p> <p>Recommendation regarding para 7 – addition of para 7d</p> <p>Proposed addition: “At minimum for higher risk projects (Annex I and II of the EIA Directive), publish the project name, sector, location, beneficiary and planned date of approval/signing“.</p>		
18	<p>Recommendation regarding para 8</p> <p>Proposed amendment: “The FI shall comply with specific environmental and social requirements (including reporting requirements) which are identified as appropriate in the EIB’s due diligence process”.</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 10 (former para 8 has been amended to reflect relevant elements of stakeholders’ comments.</p>
19	<p>Recommendation regarding para 9</p> <p>Proposed amendment: “The FI shall have in place an Environmental and Social Management System (ESMS) process for managing environmental and social impacts and risks. This process shall be commensurate with the size, nature, socioeconomic context and location of the sub-projects, as well as the sector’s sensitivity to environmental and social risks. Such a process can either be distinct from or integrated in any existing systems operating within the FI, such as the FI’s regular credit/investment processes.”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 11 (former para 9) has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>The term “process” is used to account for a wide variety of financial intermediaries that the EIB cooperates with, including microfinance institutions.</p>

	Summary of Contribution	Contributor	EIB comments
20	<p>Recommendation regarding para 10</p> <p>Proposed amendment: “The FI shall provide the EIB with information related to (1) its ESMS, and (2) its capacity to fulfil it. The ESMS will include a requirement that the FI report to EIB about any proposed sub-investment with severe environmental and social risks (see Para 14).”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 4.20 of the EIB Group Environmental and Social Policy has been amended to reflect relevant elements of stakeholders’ comments.</p>
21	<p>Recommendation regarding para 11</p> <p>Proposed amendment: “In particular, this process will enable the FI to perform the following steps, with EIB oversight as appropriate:”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>As per delegation of responsibilities, the EIB will assess the capacity of the financial intermediary to assess and manage potential environmental, climate and social impacts and risks of sub projects.</p> <p>See paras 16 and 17.</p>
22	<p>Recommendation regarding para 11a</p> <p>Proposed amendment: “screen all sub-projects against the EIB’s list of excluded activities, as regularly amended, EIB’s sectoral policies and any other environmental and social undertakings as set out in the documentation concluded between the FI and the EIB. The eligibility of sub-projects may be further restricted in justified cases”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 13(a) (previously 11a) has been amended to reflect relevant elements of stakeholders’ comments.</p>
23	<p>Recommendation regarding para 11c</p> <p>Proposed amendment: “require that the sub-projects comply with the applicable EIB standards and legislation as described in paragraphs 12 and 13 below.”</p> <p>Recommendation regarding para 13</p> <p>Proposed amendment: “For sub-projects outside the European Union, the FI shall require that they be implemented in line with the applicable national legislation, EU environmental principles, practices and standards, including those enshrined in bilateral agreements with the EU, and the EIB Environmental and Social Standards.”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Paras 13(c) (previously 11c), 14 and 15 have been amended to reflect different requirements for operations within the EU and outside the EU.</p>

	Summary of Contribution	Contributor	EIB comments
24	Additional comments on Standard 11, para 13: In comparison to environmental and social standards (2013, online October, 2018 version) and the EIB Environment and social Handbook (2013), the newly proposed (2021) Standard 11 seems to be a dilution of the existing language for two reasons: 1) Standard 11 no longer requires an assessment of FIs' capacity and 2) reference to the specific principles as outlined in the Statement is no longer made.	Counter Balance Joint contribution 4	Assessment of the financial intermediaries' capacity is described in the EIB Group Environmental and Social Policy, para 4.20. Standard 11 makes a reference to the EIB Environmental and Social Policy in para 6.
25	Recommendation regarding para 14 Proposed amendment: "The FI will be required to report to the EIB on potential environmental and social impacts and risks arising from specific sub-projects where these risks are significant. Subprojects from the list of higher-risk projects below must be referred back to the EIB due, for example, to their size, nature, socioeconomic context and location, as well as the sector's sensitivity to environmental and social risks. Appropriate mitigating measures shall be identified by the EIB in consultation with the FI, and implemented accordingly. Insert Referral List for higher risk sub-projects here"	Counter Balance Joint contribution 4	Paras 16 and 17 have been amended to reflect relevant elements of stakeholders' comments.
26	Para 14. "appropriate mitigating measures shall be identified by the EIB in consultation with the Financial Intermediary, and implemented accordingly." The contract between the (Financial Intermediary (FI) and the sub-project must cover this situation to avoid a legal tangle.	GoodCorporation	Contractual documentation does play a crucial role in defining EIB-financial intermediary-final beneficiary relationship. EIB has a strong track record in specifying and monitoring financial intermediary obligations through contractual terms. The EIB will be producing a Guidance Note, which will cover the implementation of this Standard in greater detail for all types of financial intermediaries.
27	Recommendation regarding para 15 Proposed amendment: "The EIB follows up on individual allocations and reserves the right to carry out its own, detailed due diligence for other sub-projects as well. The FI may receive the EIB's support for managing environmental and social impacts and risks."	Counter Balance Joint contribution 4	Para 16 has been amended to reflect relevant elements of stakeholders' comments. The EIB has systems in place to carry out checks and reserves the right to carry out due-diligence, particularly on sub-projects with high ECS risks.

	Summary of Contribution	Contributor	EIB comments
28	<p>Addition of new paragraph underneath para 15</p> <p>Proposed addition: “For sub- projects of more than EUR 25 million and smaller high-risk projects (as identified above) due diligence will be conducted by the EIB’s services in line with the EIB’s procedures for direct investments.”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>The EIB thanks the stakeholder for the comment. As detailed in paras 16 and 17, sub-projects with high ECS risks, <u>regardless of the proposed amount</u>, shall be referred to the EIB for review and approval.</p> <p>Where applicable, appropriate mitigating measures shall be identified by the EIB in consultation with the financial intermediary, and implemented accordingly.</p>
29	<p>Recommendation to delete the sub-headline “Intermediated finance in pursuit of environmentally and/or socially sustainable objectives” under the headline “Specific Requirements”</p> <p>Recommendation regarding para 16</p> <p>Proposed amendment: “The EIB is committed to environmentally and socially sustainable objectives. As such, the FI may be subject to additional requirements, including reporting and undertakings, to demonstrate that its processes and systems adequately factor sustainability risks into investment decisions”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>The EIB would like to maintain thin sub-heading as the section delineates specific requirements for FIs undertaking sub-projects with environmentally and socially sustainable objectives to demonstrate that their processes and systems adequately factor sustainability impacts and risks into investment decisions in line with the EU Taxonomy.</p> <p>Para 18 (previously para 16) has been amended to reflect relevant elements of stakeholders’ comments.</p>
30	<p>Recommendation regarding para 17</p> <p>Proposed amendment: “The FI shall put in place an environmental and social management system (ESMS) commensurate with the risk exposure that the Fund Entity is expected to manage.”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 19 (previously para 17) has been amended to reflect relevant elements of stakeholders’ comments.</p> <p>The EIB uses the word ‘process’ to account for a wide variety of financial intermediaries that it cooperates with, including microfinance institutions.</p>
31	<p>Para 17. What is the difference between this and requirement 9?</p>	<p>GoodCorporation</p>	<p>The requirement in para 9 (now para 12) refers to financial intermediaries in general (as defined in footnote 2), while para 17 (now para 20) refers specifically to equity funds.</p>
32	<p>Para 18. What is the difference between this and requirement 11b?</p>	<p>GoodCorporation</p>	<p>Whereas para 11b (now 13(b)) refers to financial intermediaries in general (all types), para 18 (now para 20) refers to equity funds in particular.</p>
33	<p>Recommendation regarding para 18</p> <p>Proposed amendment: “FI shall ensure the implementation of the above ESMS, including environmental and social procedures as well as the</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 20 (previously para 19) has been amended to reflect relevant elements of stakeholders’ comments.</p>

	Summary of Contribution	Contributor	EIB comments
	monitoring of the environmental and social performance of its investees”		The EIB uses the word ‘process’ to account for a wide variety of financial intermediaries that it cooperates with, including microfinance institutions
34	<p>Recommendation regarding para 19</p> <p>Proposed amendment: “The FI shall document implementation of the above procedures and publicly report on risk management at the sub-investments of these funds, including human rights risks associated with the contexts where sub-investments or their supply chains are located.”</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Disclosures are governed by relevant provisions of the EIB’s Transparency Policy.</p> <p>Consistent with the Transparency Policy, the EIB shall ensure that the environmental, climate and social information related to sub-projects with high environmental, climate and social risks is made available to the public.</p> <p>However, there are additional provisions related to disclosure requirements in Standard 11 that establish the information that financial intermediaries should be disclosing to the public in accordance with legislative requirements. At entity level, the requirements set out in para 9 refer to sustainability-related disclosure or making available to the public information on its ECS due diligence and monitoring policies and procedures or equivalent.</p> <p>Sub-investment with high environmental, climate and social risks in supply chain are automatically excluded in the allocation process as included in the EIB excluded activities list.</p>
35	<p>Recommendation regarding para 20</p> <p>Proposed amendment: “Microfinance Service Providers (MSPs), which include microfinance institutions and banks (MFIs) or more broadly inclusive finance providers, are characterised by their small-scale operations and specific mission. MSPs shall ensure that their approach to engaging with and managing environmental and social impacts and risks will consider the risks of exclusionary lending and the potential secondary environmental and social impacts associated with microcredit-funded enterprises. Since the MSPs typically focus on clients from the poorest socioeconomic groups, who</p>	<p>Counter Balance</p> <p>Joint contribution 4</p>	<p>Para 21 (previously para 20) has been amended to reflect relevant elements of stakeholders’ comments.</p>

	Summary of Contribution	Contributor	EIB comments
	are usually vulnerable to social risks, they shall operate in alignment with strict client protection principles.”		
36	Overall, the contribution speaks of general concerns regarding EIB’s ignorance of civil society’s contributions or recommendations in drafting current Environmental and Social Sustainability Framework, particularly related to Human Rights and approach to financial intermediaries.	Counter Balance Joint contribution 4	The EIB has taken due note of Civil Society’s feedback during the public consultation and adjusted Standard 11 accordingly. Additional details will be provided in the upcoming Guidance Note.
37	Contributor’s condensed and overarching message is that Human Rights abuses cannot be a side effect of development projects, whether “green” or not.	Counter Balance Joint contribution 4	We agree with the comment. As per its Environmental and Social Policy, the EIB takes a rights-based approach and explicit references of human rights requirements have been included in all 11 Standards. This approach should be reflected in the environmental, climate and social risk management process required of all financial intermediaries per Para 13 of Standard 11. This process enables the financial intermediary to conduct due diligence on all sub-projects.
38	Contributor is disappointed and concerned that the Procedures are not subject to public consultations, and hopes that Civil Society Organizations’ recommendations on the Policy will be reflected in the Procedures.	Counter Balance Joint contribution 4	The Environmental and Social Sustainability Framework has been subject to an extensive public consultation exercise. All formal comments have been collected and responded to. The EIB’s internal environmental, climate and social due diligence and monitoring procedure is under revision and will be made publicly available in due course.
39	EIB failed to provide point of reference for the new Environmental and Social Sustainability Framework compared to current Standards, i.e. by failing to carry out and publish an independent evaluation of the implementation of current Standards, and by providing evidences that proposed new Policy would ultimately improve impacts of its operations.	Counter Balance Joint contribution 4	Your comment is noted. The EIB thanks you for the feedback.

Chapter O: Additional comments

Table 1

Ref.	Summary of Contribution	Contributor	EIB comments
1	Standards appear weaker than IFC, EBRD, ADB and IDB. Appear to miss on the ground realities in non-EU countries/regions of investment.	NomoGaia	During the development of the updated EIB Group Environmental and Social Sustainability Framework, a preliminary benchmarking exercise was undertaken comparing the EIB Environmental and Social Sustainability Framework with the requirements of comparator Multilateral Development Banks/Multilateral Financial Institutions to ensure consistency/complimentarily between each of these Environmental and Social frameworks.
2	The numbering is an indication of the importance given to any topic as demonstrated by the fact that former Standard 10 - Stakeholders has become Standard 2. Moving the Cultural Heritage Standard from Standard 5 defeats any logical grouping apart from maintaining numbers 6-9 unchanged and giving a lower priority to Standard 10 Cultural Heritage.	International Council on Monuments and Sites (ICOMOS)	The order/numbering of the standards does not represent a hierarchy of importance.
3	So far, the EIB's policies and practices have been insufficient to adequately address the plastic crisis.	GAIA	One of the area of actions described under Section 2 "The Group's Contribution" of the EIB Group Environmental and Social Policy is "Supporting resource efficiency and the transition to a circular economy"- see para 2.6. Reference has been made to circularity assessment to reinforce the concept. The EIB Group Environmental and Social Policy should be read in conjunction with the other EIB Group Policies such as the EIB Group Climate Bank Roadmap where one of the focuses for green investments is "Eliminating pollution" – see Chapter 2 para 2.34.
4	The European Investment Bank should start developing and implementing publicly documented and comprehensive plastic financing and investment policies as soon as possible, primarily with regard to disposable plastics and along the entire plastic lifecycle. Such a Plastic Policy could be developed as an addition to the EIB Energy Lending Policy and the EIB Climate Strategy.	GAIA	
5	In co-financing situations, but also more generally by virtue of experience gained with other IFIs, Promoters may need to	Mathew Arendt	Harmonization and complementarity between Multilateral Development Banks/Multilateral Financial Institutions

Ref.	Summary of Contribution	Contributor	EIB comments
	adapt their processes to meet EIB expectations. If harmonization of standards is not possible, it would be important for Promoters to have a very clear vision of the residual differences between standards of different institutions, which are sometimes perceived as being much starker than they really are.		<p>safeguard frameworks were a strong consideration during the updating of the EIB Group's Environmental and Social Sustainability Framework.</p> <p>The EIB Group's Environmental and Social Policy Section 4 "The Implementation Framework for EIB" clarifies the requirements in case of co-financing – see para 4.6.</p>
6	The Policy in its paragraph 2.12 states that the Group '... has zero tolerance of forced and child labour and promotes the protection of workers from discrimination, exploitation and violation of core labour rights'. There seems to be a distinction or a form of 'red line' drawn between forced and child labour on one hand, and the protection of workers from discrimination, exploitation and violation of core labour rights on the other. This could be interpreted as a form of tolerance of some forms of discrimination, exploitation and violation of core labour rights. As such, it may be worth clarifying the intention behind the differential wording.	Mathew Arendt	<p>Standard 8 specifies the requirements in alignment with the rights and principles of the Fundamental Conventions of the International Labour Organisation (ILO).</p> <p>The EIB recognises that there may be national legislations that may restrict the full application of the principles of the Conventions 87 and 98, or 100 and 111. As promoters have to comply with national law, the Bank cannot impose a zero tolerance on the other two rights. However, a promoter is in full control of not employing forced labour or child labour.</p>
7	For countries outside of the EU, applicable norms should be more precise	Mohammed Miftah	For all Standards the respective paragraphs have been revised to strengthen the message.
8	<p>Glossary: The same glossary is provided for each Standard. <i>We suggest adding the following terms to the glossary:</i></p> <ul style="list-style-type: none"> • <i>Duty-bearers</i> • <i>Free, Prior and Informed Consent (FPIC)</i> • <i>Heritage Impact Assessment</i> • <i>Meaningful consultation</i> • <i>Quality objectives</i> • <i>Rights-based approaches</i> 	International Council on Monuments and Sites (ICOMOS)	The general definitions provided in the Glossary are complemented by specific definitions included in relevant Standards (e.g. FPIC, meaningful consultation, etc.)
9	Standard 1 paragraph 26 states that the Promoter should monitor compliance with the ESMP by first-tier contractors/suppliers. The proposed system seems to indicate that contractual obligation to abide by the ESMP would be passed down to sub-contractors or second-tier suppliers, and that monitoring duties would thence cascade down the contractual line. In practice, while this system may cover the	Mathew Arendt	Ultimately, it is the promoter's responsibility to monitor and ensure compliance to the EIB's requirements throughout its supply chain (via contractual obligations to adhere to an Environmental and Social Management Plan). In this sense, EIB's role is described in the Environmental and Social Policy, supplemented by internal procedures. Environmental Impact Assessments (EIA) and ESAs are routinely assessed during

Ref.	Summary of Contribution	Contributor	EIB comments
	strictly legal requirements, it risks diluting responsibilities in the case of multiple sub-contracting arrangements which are quite frequent for example in the construction sector.		<p>due diligence and inform the decision on project conditions and monitoring. The EIB has the ability to ask for further information in the ESIA and as to monitoring and reporting lines/procedures outlined in any ESMP.</p> <p>For projects outside the European Union, promoters are required to include an Environmental & Social covenant, as per the EIB Guide to Procurement, Para 3.8, that requires their contractors/suppliers to meet the standards of the ESSF and to pass on these requirements to the lower levels. Standard 8 further includes requirements on how to manage contractors and suppliers.</p>
10	The EIB should provide guidance on how to draft an adequate ESMS.	Mohammed Miftah	<p>The requirements to set up an Environmental and Social Management System (ESMS) is described in Standard 1 – see para 26 to 28.</p> <p>Furthermore, Standard 1 will be complemented by non-binding guidance documents to detail and further explain the requirements.</p>
11	<p>Standard 3 paragraph 7: ‘The EIB shall agree with the promoter the applicable requirements of EU standards on a case-by-case basis taking into account local conditions and specificities’.</p> <p>This formulation could create the impression that all emissions standards are negotiable, generating a risk that project components developed before agreement is reached with EIB will be based on false assumptions.</p>	Mathew Arendt	<p>Standard 3 encourages the identification, design and use of the appropriate technologies, processes and services to achieve environmental quality objectives, including the use of Best Available Technique (BAT) or emerging techniques. Projects located in the rest of the world shall comply with the applicable national legislation and shall align with the principles and standards set out in EU legislation and policies.</p>
12	<p>Standard 4 paragraph 20 ‘As a last resort and in response to residual impacts, compensation measures may be implemented to reach a minimum of No Net Loss of biodiversity overall.</p> <p>If the project is taking place in an area of critical habitat, a Net Positive Impact on biodiversity and ecosystem services must be achieved. Offsets shall not be used as a mechanism to achieve No Net Loss or a Net Positive Impact until other forms</p>	Mathew Arendt	<p>The EIB Group Climate Bank Roadmap (CBR) ensures that activities do not expand into areas of high carbon stock or high biodiversity value.</p> <p>In addition, the Bank’s critical habitat assessment leads it to exclude projects that bring about a net reduction of vulnerable, endangered and critically endangered species. In the same way, Standard 4 includes “buffer zones” around projects developed near critical habitat and protected areas.</p>

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	<p>of mitigation have been implemented to the fullest extent possible.'</p> <p>It is not clear whether the final sentence refers to critical habitats or to the use of offsets in general – as is the paragraph can be read as allowing offsets for projects in areas of critical habitats if other forms of mitigation have been implemented to the fullest extent possible. It might be useful to dedicate a specific paragraph to the topic of offsets for projects taking place in an area of critical habitat.</p> <p>In any event, the formulation of 'last resort' or 'fullest extent possible' could create the impression that the use of offsets is negotiable, generating a risk that project components developed before agreement is reached with EIB will be based on false assumptions.</p>		<p>Concerning the use of offsets, there is a variety of offsets that can be used in projects. When it is possible to achieve ecological equivalence, on-site offsets can be effective. In addition, the Bank is cognisant of the flaws and difficulties with offsets but, particularly in a developing context, offsets can have a positive impact by protecting areas which were not previously protected.</p>
13	<p>Standard 5 requires Promoters, in paragraph 6, to align with pathways to 1.5° and climate-resilient pathways. Paragraph 9 requires them to comply with the EIB alignment framework. It is not clear how Promoters are meant to demonstrate compliance with the EIB alignment framework, and what their specific responsibilities and obligations will be in this respect. If this is meant to be specified in other documents such as Guidance Notes, perhaps it should be mentioned in the Standard.</p>	Mathew Arendt	<p>Further details on how promoters are to demonstrate compliance with the EIB alignment framework, including their responsibilities and obligations, will be included in an upcoming Guidance Note for Standard 5.</p>
14	<p>In non-EU countries, vulnerability intersects closely with indigeneity and landlessness, but the EIB considers these three issues separately and without regard to their intersectionality.</p>	NomoGaia	<p>The EIB agrees that this point intersects closely and both Standards 6 and 7 have references to each other in relevant points.</p>
15	<p>EIB is going to cause harms to vulnerable people as its Proponents violate indigenous rights while averring that the displaced populations were 'illegal squatters.</p>	NomoGaia	<p>A new definition of indigenous groups has been streamlined in Standard 7 and Standard 6 specifically refers to Standard 7 in cases of resettlement affecting Indigenous groups.</p> <p>Squatters are considered eligible PAPs under Standard 6, as per provision 18 (c) "Persons who occupy/use the land and/or assets but have no recognisable legal rights or claim to it/them." Furthermore, paragraph 12 of Standard 7 clarifies</p>

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			<p>that: "This Standard shall also apply to communities or groups of Indigenous Peoples who, during the lifetime of members of the community or group, have lost collective attachment to distinct habitats or ancestral territories in the project area, because of forced severance, conflict, government resettlement programmes, dispossession of their land, natural disasters, or incorporation of such territories into an urban area."</p>
16	<p>Standard 8 remains ambiguous, as far as contractors and suppliers along the supply chain are concerned, as to the responsibilities of the Promoter and the actions the Promoter is meant to undertake. It is not clear how the Promoter's influence on its suppliers is meant to be assessed; the overall impression is that, in the absence of clear requirements, the Promoter could always be in a position to invoke a lack of influence on its suppliers.</p>	Mathew Arendt	<p>The reference to level of influence is also in recognition of how complex this topic is and the fact that markets in which goods are sold operate in different ways.</p> <p>During its due diligence the EIB will review the documentation and will assess if it is legitimate from a promoter to indicate that they do not have the capacity to influence the supplier and what actions can be taken.</p> <p>Detailed guidance aimed at the role of promoters and their relationship with their own supply chain will be included in an upcoming Guidance Note on Standard 8.</p>
17	<p>EIB should not fund industrial livestock production as this involves many detrimental impacts</p>	Compassion in World Farming EU	<p>Alignment with EU policy, which is one of the key principles across the Standards of the ESSF, also means aligning with EU Green Deal strategies for agriculture, relating to animal welfare and environmentally sustainable practices in agriculture, while recognizing the importance of priority of food security. This consideration is also included as part of the EIB sector eligibility criteria and reflected in the EIB Group Climate Bank Roadmap (CBR), the Farm to Fork Strategy being one of the focus areas. The EIB sector eligibility criteria and the CBR contribute to achieving the objectives of the EU Farm to Fork Strategy that addresses comprehensively the challenges of sustainable food systems while recognizing the inextricable links between healthy people, healthy societies and a healthy planet.</p>
18	<p>Antimicrobials: The standards pay insufficient attention to the public health implications of projects funded by EIB. For example, EIB should not fund livestock projects unless they</p>	Compassion in World Farming EU	<p>This is a very important aspect, but this is better suited for sector lending policies or sector Guidance Notes.</p>

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	are given clear evidence that they will comply with Article 107 of the Regulation on Veterinary Medicines (2019/6) which comes into force in January 2022. Article 107 prohibits all routine use of antimicrobials in farming and prohibits the prophylactic use of antimicrobials in groups of animals.		
19	Given the many links between natural and cultural heritage, which should be considered jointly in EIA/ESIA and HIA, it is suggested to group the Standards on natural heritage (biodiversity and ecosystems) and cultural heritage; these should then be followed by the Standard on Climate Change because both natural and cultural heritage are impacted by climate change, and cultural heritage is an important contributor to climate action (see the European Green Paper on Cultural Heritage).	International Council on Monuments and Sites (ICOMOS)	Your comment is noted. The EIB thanks you for the feedback.
20	Early involvement of EIB within the project cycle allows the Promoter to integrate critical elements such as the examination of project alternatives, including with public consultation if required, and possibly to identify and avoid some of the highest impacts through its upstream decisions.	Mathew Arendt	
21	Gaps between national legislation and EIB standards are usually recurrent and concentrated on a small number of critical points, but the knowledge may be spread between different Promoters. As a result, the work done to develop operational solutions is not always capitalized upon, which results in delays and additional costs. It would be very useful for Promoters to be able to turn to a country-specific reference document pointing to recurrent gaps and describing the ways in which solutions were developed for past EIB interventions	Mathew Arendt	
22	The revision of the Framework has on the whole provided useful clarifications on EIB expectations and on the role of Promoters in meeting those expectations.	Mathew Arendt	
23	Harm to populations affected by the emissions of Promoters that are fully in line with the local legal regime but would be immediately shuttered by the environmental agency of any European state	NomoGaia	
24	The EU investments and non-EU investments are fundamentally different, but EIB takes the position that it can	NomoGaia	

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	write a one-size-fits-all standard that's heavily reliant on legal regimes, regardless of how disparate those regimes are		
25	This consultation reflects a blatant disregard for project affected people at the same time the draft standards, ironically, claim to require Proponents to carry out "meaningful engagement"	NomoGaia	

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