

Public Consultation on the EIB Group's Environmental and Social Framework

Webinar on **Standard 10: Cultural Heritage**

Thursday, 8 July 2021

Summary of Discussion

Objective

The European Investment Bank (EIB) is hosting a series of 13 webinars in the context of the public consultation on the EIB Group Environmental and Social Sustainability Framework (ESSF), open from 3 June to 6 August 2021. The overall objective of the webinars is to facilitate dialogue with stakeholders on the EIB Group Environmental and Social Policy (hereinafter “the Policy”) and Standards.

On 8 July 2021, the EIB hosted a webinar on Standard 10: Cultural Heritage. The Standard outlines the responsibilities of the promoter with regard to identifying, assessing, managing and monitoring cultural heritage-related impacts and risks associated with the projects for which EIB financing is requested.

Introduction

The EIB welcomed the 30 webinar attendees (23 external, 7 EIB Group staff) and explained the webinar housekeeping rules and arrangements to ensure an effective discussion, noting that participant statements would not be attributed to individuals or organisations in the summary report and any comments made during the discussion would not be considered as formal contributions. The EIB invited participants to submit their written contributions to the public consultation by 6 August 2021 on the public consultation [website](#).

The EIB then delivered a [presentation](#) on Standard 10: Cultural Heritage. It summarized the background to the public consultation, the ESSF currently in force, and the main changes to the Standard under consideration. The floor then opened for discussion.

Discussion

A participant requested more information about **impact assessments** and when they would be considered or requested. EIB explained that the requirements of the Standard varied depending on location. Within the EU, EFTA, candidate and potential candidate countries, the tangible part of cultural heritage is covered by the EU's Environmental Impact Assessment (EIA) Directive and were part of the impact assessment process. If there was intangible cultural heritage not covered by the EIA, EIB could ask for an additional assessment to be carried out. In the rest of the world, the cultural heritage impact assessment is part of the Environment and Social Impact Assessment (ESIA)/EIA process, when deemed necessary by the competent authority and covered by local legislation. This standard is applicable also when cultural heritage is not covered by local legislation. In this case, the EIB could ask for additional studies that could be in the form of a cultural heritage assessment, the content of which is in the Annex 1 and paragraph 15 of the Standard.

A participant noted that in the revised Standard, **compensation for loss of cultural heritage and commercialization** needed to be agreed with the affected communities, who may not have the capacity or the ability to know the value of what they are negotiating (paragraphs 16 and 23). A reference should be included to ensuring the presence of (or provision for) an advocate for the affected communities. The EIB explained that every time that there was a use or potential use of a cultural heritage for commercial purposes, good faith negotiations would be entered into, with the involvement of a social specialist or person

who retains the confidence of the people and is knowledgeable about the importance and significance of the cultural heritage to the community. The EIB took note and will reiterate the importance of this in the guidance note.

Regarding **fair and equitable sharing**, a participant pointed out that sharing needs to be fair and equitable *within* the affected communities, as well as *between* the promoter and the affected communities. EIB explained that when talking about good faith negotiations with an acceptable outcome for the parties, the fair and equitable sharing was implicitly covered.

Another participant asked the panel to **elaborate on the EIB's Cultural Heritage Management Plan requirements** (paragraphs 15 and 17). EIB explained that the purpose of the plan is to ensure that any mitigation measures identified during the impact assessment were implemented in practice. The management plan defines in detail how the implementation of the mitigation measures would be carried out. The plan is an obligation associated with the approval of the project by the competent authority. The plan is context- and location-specific, so the mitigation measures vary from case to case.

A participant noted that the definition of cultural heritage did not include **natural sites**, which might be sacred spaces for Indigenous Peoples, and asked what protections are there for such types of cultural heritage. EIB explained that there is reference to natural sites in Standard 4 on biodiversity and ecosystems and in Standard 7 on vulnerable groups and indigenous peoples.

A participant made a comment for the footnotes related to UNESCO definitions. The footnotes should be adjusted to reflect a wider range of cultural heritage assets and not just exceptional ones. EIB accepted the remark and would consider adjusting the wording.

A participant noted **a possible contradiction** in the wording between paragraphs 5 and 14 of the revised Standard. In paragraph 5 it says "...will apply when its relevance is determined during the ESIA/EIA process" and paragraph 14 seems to say that the impact on cultural heritage is duly considered in the ESIA process, if deemed necessary by the competent authorities. EIB explained that there is a possibility that the competent authority does not require an EIA and such a cultural heritage element would not be covered by specific assessment. For this reason, and to avoid any loophole, EIB has added Annex 1 to request additional information from the promoter.

A participant suggested adding the word **decommissioning** to paragraph 10. The EIB noted that it said "during construction and operation", but it should say throughout the project cycle. Decommissioning sites are to be considered alongside the construction and operation sites. If it is not clear, the wording could be reconsidered during the Standard's revision. EIB suggested the participant provide the suggested wording in their written contribution to the consultation.

A participant noted the **gap between the EIA, which is compulsory, while heritage impact assessment was not**. Heritage impact assessment should be included in the EIA. The participant provided information about a study on this that their organization had carried out in EU countries and asked the EIB if it can use its influence to make the heritage impact assessment compulsory. EIB explained the role of the EIB and showed interest in the study. It noted that the heritage impact assessment was a minor requirement. For this reason, the revised Standard included a provision to require additional information for EFTA, candidate and potential candidate countries.

Concluding remarks

The EIB thanked participants for their constructive participation, which allows the review of the ESSF to benefit from the expertise of a wide range of individuals and organisations. The EIB reiterated the invitation to submit written contributions by 6 August 2021 on the public consultation [website](#). After this date, the EIB will start publishing the written contributions received. 15 working days ahead of the Board of Directors meeting during which the revised ESSF will be discussed, a draft revised EIB-ESSF, reasoned responses to the contributions and a draft consultation report will also be published.