

## Public consultation on the EIB Group Transparency Policy

### Issues matrix

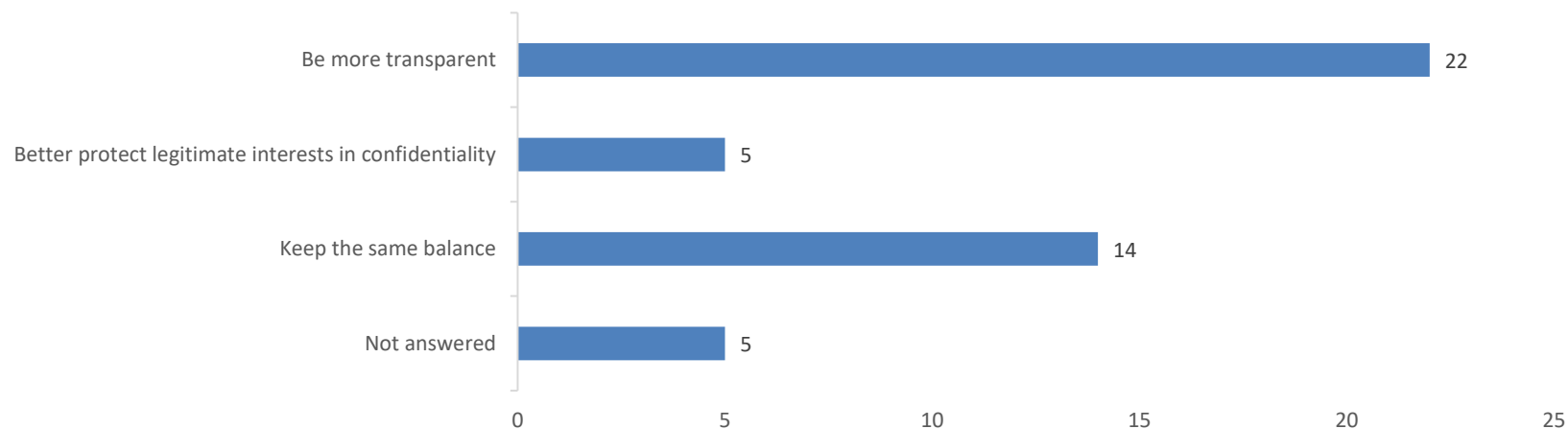
This issues matrix provides a consolidated overview of the contributions to the public consultation on the EIB Group Transparency Policy (EIB-TP), together with the EIB's reasoned comments on the contributions.

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.

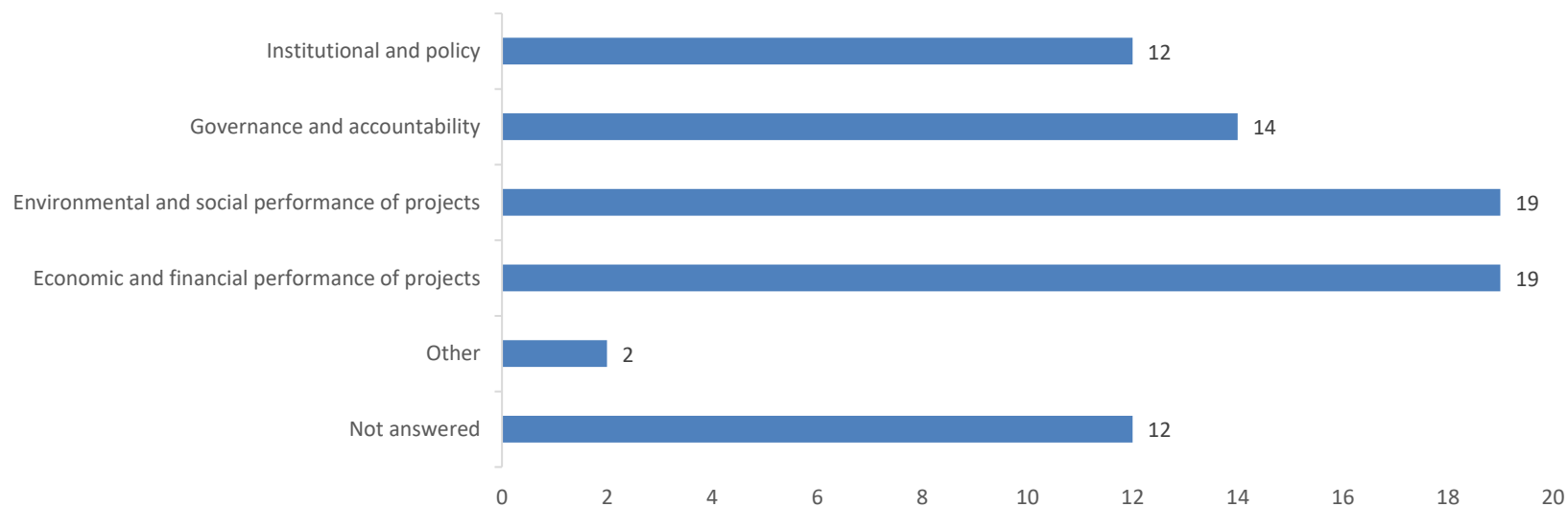
The issues matrix reflects the structure of the [consultation questionnaire](#) and of the EIB-TP. It summarises responses to both closed and open questions of the consultation questionnaire, as well as contributions received via email. Suggestions for specific amendments are included in a dedicated 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.

#### [Understanding respondents' needs](#)

##### 1. When it comes to transparency, respondents would like the EIB to...



2. If you would like the EIB to be more transparent, what types of information or documents interest you most?



Please explain how additional transparency of the type(s) of information/documents that you selected would help fulfil your needs:

Table 1

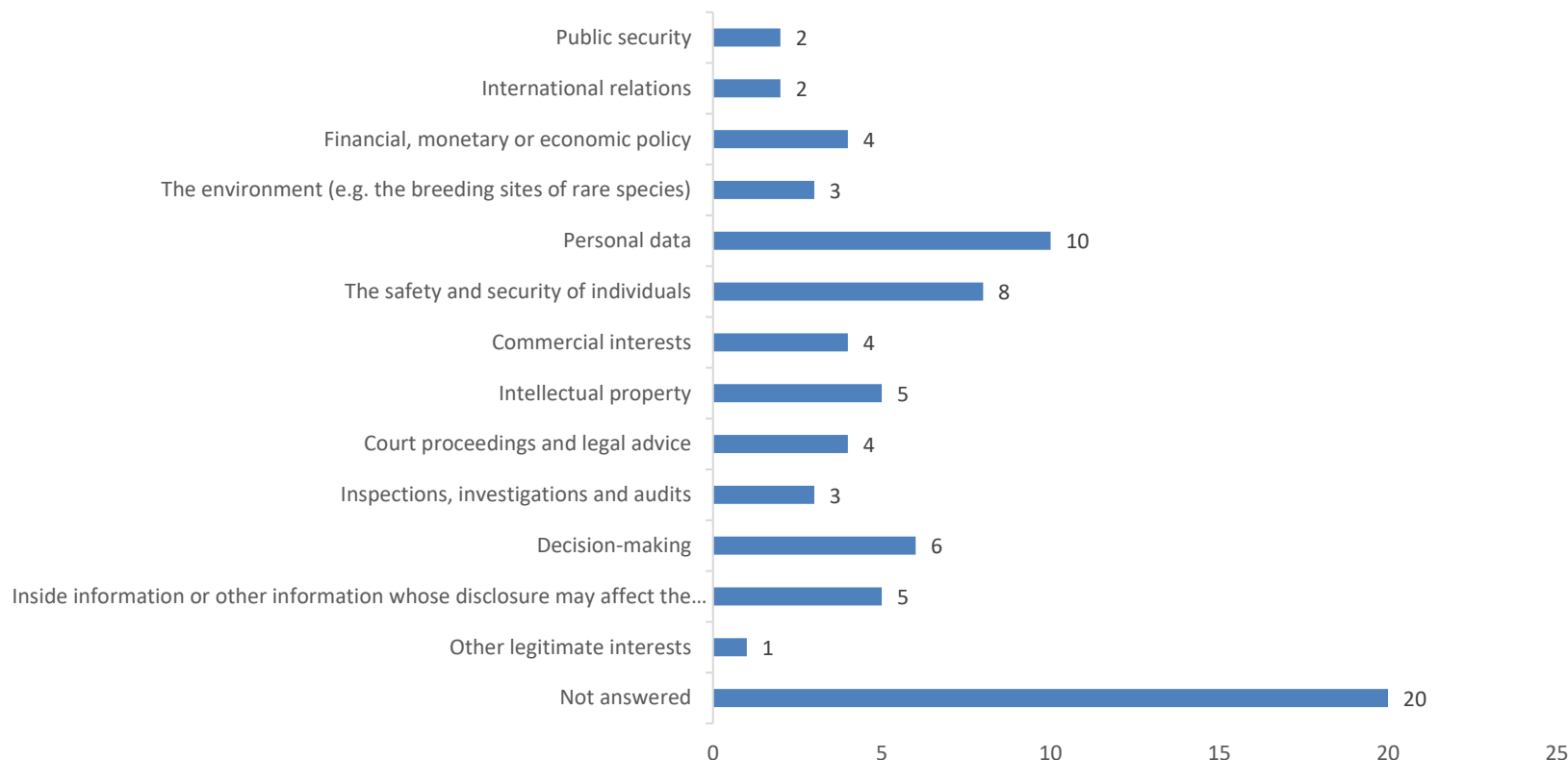
	Summary of contributions	Contributions	EIB comments
1	Staff policies; grievances; freedom of association; code of conduct; how the EIB implements internally staff welfare, European Union (EU) social and labour standards	Staff Council EBRD  Asociación de Profesionales de las Relaciones Institucionales	These matters fall under the scope of other EIB policies more than the EIB-TP. In particular, the <a href="#">Staff Regulations</a> lay down the staff's general conditions of employment at the EIB. They include provisions on the settlement of disputes. The <a href="#">EIB Group Staff Code of Conduct</a> sets out the rules applicable in matters of professional ethics and behaviour.
2	Public agendas	Asociación de Profesionales de las Relaciones Institucionales	The EIB publishes the agendas and the minutes of the meetings of the Board of Directors on its <a href="#">website</a> . Please also see table 17, row 10.
3	Mandatory transparency registers	Asociación de Profesionales de las Relaciones Institucionales	The Transparency Register for organisations and self-employed individuals engaged in EU policy-making and policy implementation was established by an interinstitutional agreement between the European Parliament and the European Commission. It is based on Art. 11 of the Treaty on European Union (TEU). It covers activities "carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making processes of EU institutions". The EIB is an independent EU body and therefore, the Register and its underlying rationale are not applicable to the EIB.
4	Complaint procedures	Asociación de Profesionales de las Relaciones Institucionales  Partnership for Transparency Europe	The <a href="#">EIB Group Complaints Mechanism</a> (EIB-CM) is the citizens' driven accountability tool of the EIB Group. Its functions include investigating complaints to ensure that the EIB Group complies with the applicable regulatory framework including its internal policies and procedures and to propose corrective actions, as well as enabling alternative and pre-emptive resolution of disputes between complainants and the EIB Group. The EIB-CM <a href="#">Policy</a> and <a href="#">Procedures</a> are publicly available on our website. The EIB-TP contains several provisions concerning complaints, notably in Section 6.
5	Policy footprints	Asociación de Profesionales de las Relaciones Institucionales	The EIB is not policy-making institution. The policies it adopts are high-level documents illustrating how the EIB seeks to fulfil its mission in a particular area or sector. Nevertheless, the EIB carries out ex post evaluations, including of its policies, as explained on our <a href="#">website</a> .
6	Sub-projects financed by financial intermediaries; information on what projects the Bank finances through intermediate-financing and what environmental information it holds in relation to these projects	Recourse  CEE Bankwatch Network	Please see table 11, row 1.

	Summary of contributions	Contributions	EIB comments
7	More environmental, social and governance (ESG) information	Staff Council EBRD	Information on ESG aspects can be found in Environmental and Social Data Sheets (ESDS) published in the <a href="#">Public Register</a> of environmental and social (E&S) documents, as well as in the EIB <a href="#">sustainability reports</a> .
8	Environmental and greenhouse gas (GHG) emissions savings performance of projects, demonstrating the EIB's contribution to decarbonising the economy and integrating environmental factors into the financial system, and explaining how the EIB addresses any adverse project impacts	POINTNER Wolfgang  Comité pour une Paix Juste au Proche-Orient asbl  Bundesparte Bank und Versicherung, Wirtschaftskammer Österreich	The EIB publishes an ESDS for each project, which includes the E&S information pertaining to the project, as applicable. The ESDS provides information for example on GHG performance and other E&S factors, explaining how adverse impacts are addressed.  As regards the integration of environmental factors into the financial system, the EIB pioneered the green bonds market by issuing the world's <a href="#">first Climate Awareness Bond (CAB)</a> . In its annual CAB Framework, the EIB publishes an impact report (GHG and non-GHG) on the CAB-recipient projects, which is validated by an independent external auditor. The CAB-impact report indicates EIB's share in the total project cost and provides quantitative information on ten impact indicators: Renewable electricity capacity added (MW-e), Renewable electricity capacity rehabilitated (MW-e), Renewable heat capacity added (MW-th), Renewable electricity produced (GWh-e/y), Renewable heat produced (GWh-th/y), Primary energy savings (GWh/y), Total transmission lines (km), Smart energy meters installed, Absolute GHG emissions (ktCO <sub>2</sub> e) and Relative GHG emissions (ktCO <sub>2</sub> e).
9	An exhaustive E&S Impact Assessment (ESIA) report, well in advance to the project's approval to allow different stakeholders, concerned parties and civil society to participate effectively in decision-making	Arab Watch Coalition	As a general rule, the EIB publishes ESIA reports (for projects outside of the EU) no later than 30 days before approval by the Board of Directors and EIA reports (for projects inside the EU) no later than 10 days before approval by the Board of Directors.  In accordance with the EIB E&S Standards and EU law (e.g. the EIA Directive) as applicable, primary responsibility for public information, consultation and the handling of grievances at project level lies with project promoters.
10	A Citizens Engagement Plan requiring the provision of information to and consultation of affected communities. Minutes of these consultations must be published on the EIB's website	Arab Watch Coalition	The EIB publishes documents concerning the E&S aspects of projects on its <a href="#">Public Register</a> . These can include, for example, Environmental and Social Management Plans (ESMP), Resettlement Action Plans (RAP), Stakeholder Engagement Plans (SEP), Livelihood and Restoration/Compensation Plans, Resettlement Policy Frameworks, Indigenous Peoples Development Plans, as relevant.  The EIB cannot proactively publish the minutes of stakeholder consultation at project level. It may not systematically hold these documents. Moreover, they would often include sensitive information

	Summary of contributions	Contributions	EIB comments
			that, if disclosed, would undermine legitimate interests, e.g. by revealing the identity of intervening parties, exposing them to retaliation or otherwise endangering their privacy and safety. This would undermine stakeholders' ability to freely take part in the consultations. However, documents held by the EIB that are not proactively published can be requested in line with the provisions of the EIB-TP.  Please also see row 9.
11	ESIA, RAP, ESMP and other impact assessment and management plans. These documents enable human rights due diligence, framing methodologies for human rights evaluation, and establishing meaningful connections with communities. In this regard, the EIB lags behind other Development Finance Institutions (DFIs)	NomoGaia	Please see rows 9 and 10.
12	Project documents should be available and accessible in the official language of the country of operation	Arab Watch Coalition	The environmental studies received from the project promoter are typically published in the <a href="#">Public Register</a> in the national languages. Please also see row 13.
13	Contact information at the local level should be disseminated and accessible to the public	Arab Watch Coalition	In accordance with the EIB E&S Standards and EU law (e.g. the EIA Directive) as applicable, primary responsibility for public information, consultation and the handling of grievances at project level lies with project promoters.  The EIB's organisational structure, identifying colleagues responsible for different work areas, is published on our website. Enquiries and comments concerning the EIB's involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a> . Relying on centralised contact points allows better handling and monitoring of communications, also considering that project staff can change over time or be temporarily unavailable.
14	Show how consultation results (on the Climate Bank Roadmap) translate into funding opportunities for innovative projects	485792591	The EIB has dedicated a section of its website to <a href="#">climate and environmental sustainability</a> . It provides information on the Climate Bank Roadmap, key figures about the EIB's financing dedicated to climate change and environmental sustainability, as well as related news, publications, videos, reports, and other materials. It includes notable examples of innovative green projects.
15	Provide a better picture of the importance of each project in the real economy	PARAJON COLLADA Vicente	Suggestion implemented in the draft revised EIB-TP. For all projects approved since the beginning of 2021, the EIB will publish an Additionality Impact Statement (AIS) showing how the EIB delivers additionality and impact through the projects it invests in. The AIS provides information, comprising (i) why the EIB intervenes in the project, (ii) what the expected results and impacts of the project are,
16	Additional transparency about the economic and financial performance of projects would help the private sector understand relevant requirements, empower entrepreneurs and enable citizen participation. It would foster trust in the EIB and understanding of its objectives	MANGULIA Lucie	

	Summary of contributions	Contributions	EIB comments
17	Whilst country reports are published, it would be useful to also publish a company-level breakdown about the contribution to policy objectives (e.g. research, innovation, etc.)	FFG – Österreichische Forschungsförderungsgesellschaft	and (iii) how the EIB specifically contributes to facilitating or strengthening the project.
18	Facilitate comparisons among projects to enable cross-learning	585233681	Numerous projects are approved for financing each year (e.g. over 500 in 2020), each with its own specific features. It is therefore difficult to compare individual projects. However, the EIB's Operations Evaluation (EV) carries out independent ex post evaluations of our activities with two aims: (i) Accountability: to assess whether our activities have been in line with our policy mandates and the strategies that have derived from them, and if these activities have delivered as expected; and (ii) Lessons learned: identifying possible areas of improvement that can be applied to Group activities to increase performance in the future. More information and relevant publications are available on our <a href="#">website</a> .
19	Transparency in governance and accountability; help government act openly; cooperate with citizens, governments and the private sector to address corruption through improved transparency	MANGULIA Lucie	Within the limits of its mandate, the EIB promotes transparency, good governance, accountability and stakeholder participation through e.g. the EIB-TP, the EIB E&S Standards, the EIB Group Complaints Mechanism Policy and the Anti-Fraud Policy. As previously announced, a public consultation on the EIB E&S Standards took place this year.
20	We have witnessed significant shortcomings in access to information at the bank, with crucial environmental and social information failing to be systematically disclosed. Most decision-making processes are still taking place behind closed doors. The EIB should raise the bar on transparency	Joint contribution from 53 organisations	Annual reports on the implementation of the EIB-TP consistently show a high level of proactive publication of information and documents, including on the E&S aspects of projects, and of disclosure upon request. For example, the <a href="#">latest report</a> shows that the EIB published project summaries for 91% of the projects approved in 2020. Moreover, in the course of that year the EIB published 988 E&S documents in the <a href="#">Public Register</a> , including 426 ESDs, 391 EIA/ESIA reports, 155 Environmental and Social Completion Sheets (ESCS) and 11 RAP. The Public Register now holds over 6 000 E&S documents. In addition, in 2020 the EIB handled 97% of the queries received from civil society within the deadlines set out in the EIB-TP and provided total or partial disclosure of the requested documents in 81% of cases.
21	The EIB selects and helps fund projects that inform the future of Europe. It should be easy for European citizens to check if the direction of travel is congruent with that agreed by other EU institutions	132923188	The EIB publishes project summaries providing information on each project financed or under consideration for financing, as well as links to relevant documents, notably on the E&S aspects of each project as relevant. In addition, relevant EIB publications such as <a href="#">sustainability reports</a> give an oversight of EIB activities. The EIB requests the European Commission's opinion on all financing operations within the framework of the procedure provided for in Article 19 of the Statute of the EIB. Please also see rows 15-18.

3. If you would like the EIB to better protect legitimate interests in confidentiality, which legitimate interest do you care about most?



Please explain why the confidentiality of the type(s) of information/documents that you selected is important:

Table 2

	Summary of contributions	Contributions	EIB comments
1	Staff welfare; staff rights with respect of freedom of association and freedom of collective bargaining; measures to increase staff representation	Staff Council EBRD	Please see table 1, row 1.
2	Information that is commercially too sensitive and could harm the economic position of the company; information that could harm people's safety; such kind of information is very limited	585233681	The EIB-TP provides that disclosure shall be refused, inter alia, when it would undermine (i) the commercial interests of a natural or legal person or (ii) the privacy and integrity of the individual. The draft revised EIB-TP further reinforces the protection of individuals with new provisions against retaliation and express references to

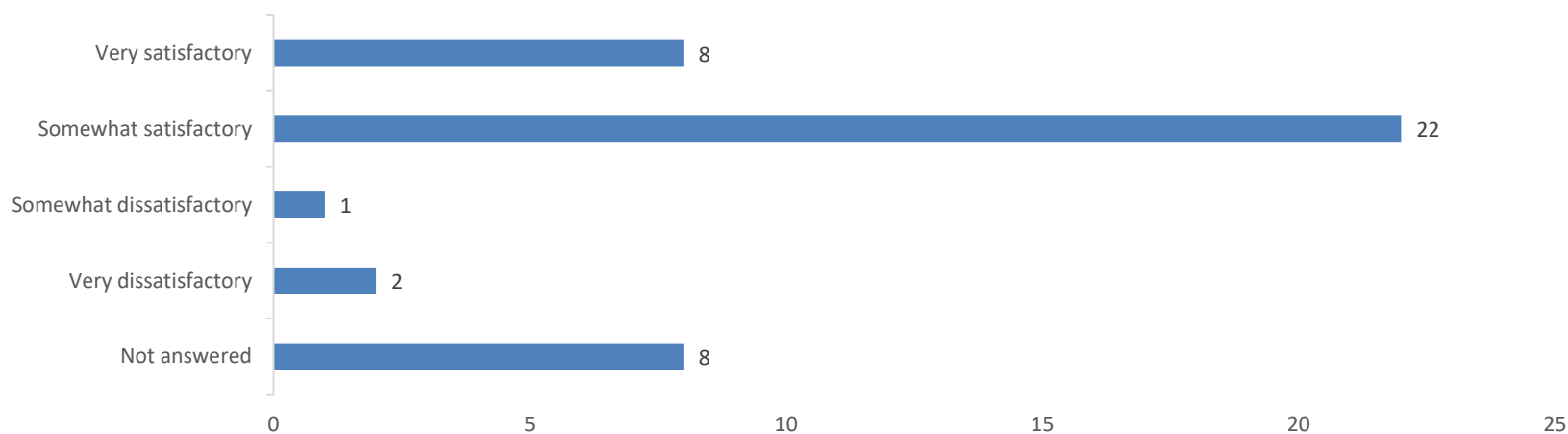
	Summary of contributions	Contributions	EIB comments
			their safety and security. To note that, in line with the EIB-TP, the exception on the protection of commercial interest shall apply unless there is an overriding public interest in disclosure. In particular, an overriding public interest in disclosure shall be deemed to exist where the information requested relates to emissions into the environment. Also, the grounds for refusal, in particular as regards access to environmental information/documents, should be interpreted in a restrictive way, taking into account the public interest served by disclosure and whether the information requested relates to emissions into the environment.
3	Protect personal data. The safety of those who voice grievances or report wrongdoing, at project level or before the EIB Group Complaints Mechanism	MANGULIA Lucie  POINTNER Wolfgang  Joint contribution from 53 organisations  NomoGaia	<p>The EIB-TP protects the privacy and the integrity of the individual, in particular in accordance with EU legislation regarding the protection of personal data. Please see row 2.</p> <p>Project-level grievances fall within the scope of the EIB E&amp;S Standards. As previously announced, a public consultation on the EIB E&amp;S Standards took place this year.</p> <p>Personal data of complainants and other complaint-related persons are protected by the EIB-CM <a href="#">Policy</a> and <a href="#">Procedures</a>, which are publicly available on our website. Furthermore, the EIB-CM Policy stipulates the EIB's commitment against retaliation/reprisals. A similar commitment is now also included in the draft revised EIB-TP.</p>
4	Information requested by a third party could be misused or used maliciously, e.g. by competitors. The credit analysis by the EIB involves rigorous due diligence requiring critical commercial, financial and technical information, including intellectual property. We are concerned that transparency could entail the disclosure of such information. The refusal to disclose it should be legitimate. Request for information other than the general project information, loan amount and total CAPEX should be duly supported. The application and the names of the applicants should also be disclosed. EU legislation ensures transparency and the protection of the legitimate commercial interests of investors	Iberdrola, S.A.	<p>The EIB-TP is based on the guiding principles of openness, ensuring trust and safeguarding sensitive information, as well as willingness to listen and engage.</p> <p>The EIB-TP recognises the obligation to protect information of the kind covered by the duty of professional secrecy (Art. 339 of the Treaty on the Functioning of the European Union, TFEU) and provides that disclosure shall be refused, inter alia, when it would undermine commercial interests or intellectual property. The draft revised EIB-TP expressly states that the EIB cannot disclose information in violation of EU law such as the Market Abuse Regulation and provides non-exhaustive examples that illustrate common cases of commercial interests. To note that, according to the EIB-TP, and in line with Regulation (EC) No 1367/2006, the exception on the protection of commercial interest shall apply unless there is an overriding interest in disclosure. As regards third-party information/documents, the EIB always consults the third party to assess whether any disclosure exceptions are applicable, unless it is clear that the information/document shall or shall not be disclosed.</p>



	Summary of contributions	Contributions	EIB comments
			<p>Consistently with the general framework on access to documents applicable to EU institutions, applicants are not obliged to state the reasons for disclosure requests.</p> <p>In handling disclosure requests, the EIB must comply with EU law on the protection of personal data. It may therefore not be able to disclose, for example, the names of the natural persons requesting the disclosure of information/documents.</p>

### Fulfilling respondents' needs – Proactive publications

4. Before this public consultation, how would you have described your understanding of what information and documents the EIB proactively publishes on its website?



Please explain your answer:

Table 3

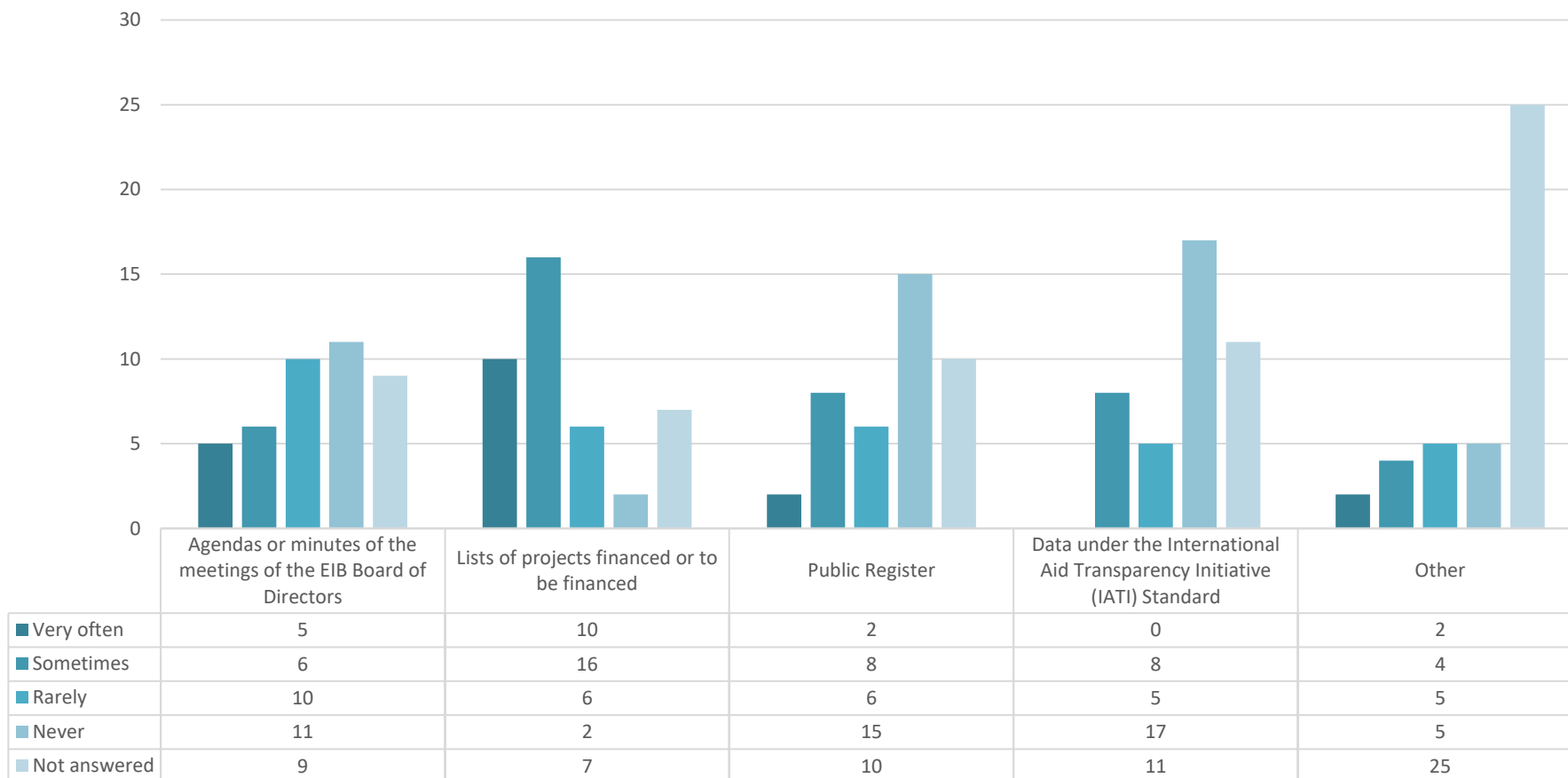
	Summary of contributions	Contributions	EIB comments
1	Published in time and easy to understand	LECLERCQ Marc-Olivier	We take note of the positive feedback.

	Summary of contributions	Contributions	EIB comments
2	I found the information I was always looking for relatively quickly on the EIB website	POINTNER Wolfgang	
3	It allows to appreciate the decisions of the EIB	PARAJON COLLADA Vicente	
4	We are regularly consulting the EIB website and searching for documents and information on it	Joint contribution from 53 organisations	
5	There seems to be a lot of information available, but navigating takes expertise	132923188	
6	The EIB is an important issuer and therefore well known to us	Bundesparte Bank und Versicherung, Wirtschaftskammer Österreich	
7	The EIB is making progress towards being a bank whose policies are directed towards the future (financing climate adaptation and projects with a social impact). However, the NGOs that I follow remain critical. The new transparency policy of the EIB should be amongst the most progressive in the world	GISTELINCK Joren	We take note of the positive feedback. The review of the EIB-TP provides an opportunity to reflect on the key lessons learned over the last five years of experience and to make the appropriate improvements, listening to the suggestions of stakeholders and the members of the public that participated in the public consultation.
8	It is not easy to understand the procedure by which recipients are selected for financing	MANGULIA Lucie	<p>EIB financing is demand-driven. For example, a project promoter applies for a loan and, if eligibility conditions are met, the project can in principle receive EIB financing. More information on what we offer and how to apply is available on our <a href="#">website</a>.</p> <p>Moreover, the EIB seeks to make a difference by offering financing conditions that cannot be provided by the market alone, and by supporting project preparation and implementation. This difference between the EIB contribution and market alternatives is defined as additionality. We support projects which have an impact on citizens and businesses in the European Union, its neighbourhood and beyond. The commitment to additionality is embedded in Article 16 of the EIB Statute, which prompts the Bank to provide financing "to the extent that funds are not available from other sources on reasonable terms." Please also see table 1, row 15-17.</p>
9	EIB lags behind its peer institutions in disclosing sub-projects funded via financial intermediaries. It is extremely difficult to know where money ends up and so to ensure communities affected by EIB investments have access to remedy	Recourse	Please see table 11, row 1.
10	Sign boards installed at the enterprises financed by the EIB would help people know who is involved and get in contact easily if something goes wrong	Balkanka	The EIB mainly provides interest-bearing repayable loans, not grants, and never finances the entirety of a project cost. The EIB is not therefore in the position to decide on behalf of and impose on project promoters to provide the public with such type of information. However, promoters are free to provide information on the financiers of their projects. Furthermore, enquiries and comments concerning

	Summary of contributions	Contributions	EIB comments
	Benefits would include the EIB becoming more popular, the EIB and its clients becoming more accountable, local people being able to contact the financier, project monitoring becoming more reliable		<p>the EIB's involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a>. Relying on centralised contact points allows better handling and monitoring of communications, also considering that project staff can change over time or be temporarily unavailable.</p> <p>With regard to accountability, the EIB has established its Complaints Mechanism, giving citizens the right to lodge complaints concerning alleged maladministration by the EIB Group in its decisions, actions and/or omissions, in line with the EIB-CM <a href="#">Policy</a>.</p>
11	<p>Project summaries and ESA are insufficient. They do not include detailed information on citizen engagement plans, target beneficiaries, environmental and social impacts or compensatory measures.</p> <p>The absence of contact information from project documents hampers dialogue between civil society, the EIB and the project-related parties.</p> <p>Effective engagement with local communities is necessary to identify and address any potential adverse project impacts.</p> <p>Good governance requires the establishment of inclusive mechanisms allowing affected parties to express their concerns, in an accessible format and language.</p>	Arab Watch Coalition	<p>The EIB publishes documents concerning the E&amp;S aspects of projects on its <a href="#">Public Register</a>. These can include, for example, ESDS, full ESIA Studies/Statements/Reports, ESMP, RAP, SEP, Livelihood and Restoration/Compensation Plans, Resettlement Policy Frameworks, Indigenous Peoples Development Plans, as relevant.</p> <p>Please also see row 10 and table 1, rows 4 and 13.</p>
12	Our association met with high-level officers, who listened to our questions with great attention, tried to reply and promised to forward our questions to competent officers. We received little follow-up and would like to raise our questions again	Comité pour une Paix Juste au Proche-Orient asbl	Please send your query to <a href="mailto:civilsociety@eib.org">civilsociety@eib.org</a> – we will ensure follow-up in line with the provisions of the EIB-TP.
13	I knew what you were, but very little about how you worked and what priorities you have	1000867770	Our <a href="#">website</a> provides information on <a href="#">who we are</a> , <a href="#">what we offer</a> , <a href="#">our priorities</a> and how to <a href="#">contact us</a> .
14	As per our understanding, EIB has to publish some information on its investment projects allowing the public to check the positive impact of its lending activities on the countries in which it invests. Also, this publication concerns confidential information if required by the borrower, based on local regulations (banking secrecy). But to protect both institutions, we require from our clients to waive their banking secrecy rights enabling EIB to apply and implement its TP as required.	Fransabank SAL	<p>Under the EIB-TP, the EIB notably publishes project summaries of its investment projects as well as documents concerning the E&amp;S aspects of projects on its <a href="#">Public Register</a>.</p> <p>Please also see table 2, row 4.</p>
15	Constant flow of information; Participation in various meetings; Partner banks	Senat	Interested members of the public can subscribe to <a href="#">our newsletter</a> to receive updates of the EIB Group's activities in Europe and around the world, and to the <a href="#">Civil Society mailing list</a> to be informed about

	Summary of contributions	Contributions	EIB comments
			the upcoming events and activities with relevance to civil society and wider stakeholder community. Our website also provides information on relevant <a href="#">events</a> .

## 5. Before this public consultation, which EIB publications did you use, and how often?

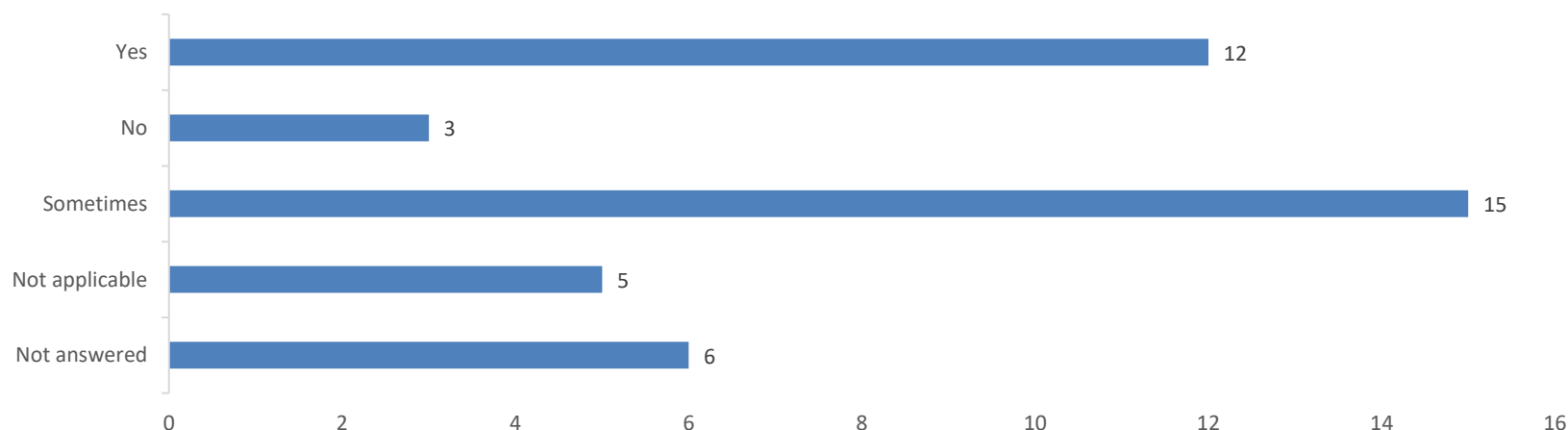


If other, please specify:

Table 4

	Summary of contributions	Contributions	EIB comments
1	Staff compensation and benefits	Staff Council EBRD	Thank you for the feedback. Well noted.
2	Publications related to upcoming conferences/seminars/webinars	STRUBEN Willem	
3	EIB policies, procedures, and other general information	585233681 Joint contribution from 53 organisations	
4	Research papers	POINTNER Wolfgang	
5	Reports and evaluations	Joint contribution from 53 organisations	

6. Could you find what you were looking for among the information and documents that the EIB proactively publishes?



Please specify what you were looking for:

Table 5

	Summary of contributions	Contributions	EIB comments
1	While it may not be possible to publish an exhaustive list, the list published on the website of the types of information and documents held by EIB should be as complete as possible.	Aarhus Convention Secretariat	Information about the type and scope of the environmental information held by the EIB, the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained is published on our website.

	Summary of contributions	Contributions	EIB comments
	Article 5(2)(a) of the Aarhus Convention requires each Party to ensure that environmental information is “effectively accessible” by “providing sufficient information to the public about the type and scope of environmental information held,...the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained.”		See, in particular, the <a href="#">FAQ page</a> of the <a href="#">Public Register</a> and the <a href="#">Guide to accessing environmental and social information/documents held by the EIB</a> .
2	<p>Environmentally harmful projects should become public before the loan is approved. In this way local stakeholders will be able to share their concerns on time</p> <p>Information on directly financed and FI projects, existing and future, should be available and easily accessible on the EIB’s website. We are not talking here about the full documentation, which can be received upon request, but a list of the projects supported directly or through FIs</p>	Balkanka	As a general rule, the EIB publishes project summaries of all investment projects on its website at least 3 weeks before the project is considered for approval by the EIB Board of Directors. Project information can be found via the lists of <a href="#">projects financed</a> and <a href="#">under consideration for financing</a> . The lists are searchable by keyword and can be filtered by a number of parameters. Clicking on an entry displays additional information about each project, including the project summary sheet and related documents on the E&S aspects of the project, as relevant. With regard to sub-projects financed through financial intermediaries, please see table 11, row 1.
3	<p>Not all projects are uploaded on the website before approval and signature. Too little information is published before Board approval</p> <p>For direct loans, the EIB should publish the following documents in a timely manner and, in any event, before the loan is approved by the Board of Directors:</p> <ul style="list-style-type: none"> <li>- Project appraisal reports, containing the carbon footprint assessment, as well as the additionality impact measurement forms, and the overall environmental and social assessment forms</li> <li>- Proposals from the Management Committee to the Board of Directors</li> <li>- The opinions and underlying rationale of the European Commission and of the Member State where the project is located</li> <li>- The date of the Board meeting during which the project may be approved</li> <li>- Contact information of EIB project leads and clients</li> <li>- Information on the beneficial ownership of EIB clients</li> </ul> <p>The minutes of the meetings of the Board of Directors are often published late and are a summary of the decisions taken. They</p>	Joint contribution from 53 organisations	Please see table 1, rows 13 and 20, and table 17, rows 10, 18 and 22.

	Summary of contributions	Contributions	EIB comments
	should be published after each meeting and not only after the following meeting or later		
4	<p>The following project documents:</p> <p>Environmental and Social Assessments, including the minutes of public consultations</p> <p>Citizens Engagement Plans, including notice of time/date and location of the public consultation</p> <p>Contact information of the EIB's and project promoters' staff working on each project</p> <p>An accessible mechanism allowing affected parties to express their concerns</p>	Arab Watch Coalition	Please see table 1, rows 4, 10 and 13, and table 3, row 11. With specific regard to the last point of the comment, the EIB has established its Complaints Mechanism, giving citizens the right to lodge complaints concerning alleged maladministration by the EIB Group in its decisions, actions and/or omissions, in line with the EIB-CM <a href="#">Policy</a> .
5	Project assessments and management plans across Category A and Category B projects are not always available	NomoGaia	The EIB does not use the mentioned project categories. The EIB publishes documents concerning the E&S aspects of projects on its <a href="#">Public Register</a> . The <a href="#">FAQ page</a> of the <a href="#">Public Register</a> and the <a href="#">Guide to accessing environmental and social information/documents held by the EIB</a> explain how to request access to documents held by the EIB and not published in the Public Register.
6	Sub-projects funded through EIB intermediary investments	Recourse	Please see table 11, row 1.
7	Information on investment in, and policy on natural resources sector is sparse	Geoscience Ireland	These matters are mainly covered by the EIB E&S Standards and initiatives such as the <a href="#">Natural Capital Financing Facility (NCFF)</a> .
8	Equal distribution to projects run by and for women	1000867770	As the EU bank, it is our duty to ensure that the projects we finance protect all parts of our communities. Women, men, girls and boys must have the opportunity to benefit from them equally and equitably. Our <a href="#">website</a> explains how we promote gender equality and women's economic empowerment.
9	Role of civil society in EIB activities: policies, project design and implementation	STRUBEN Willem	<p>Involving civil society across all its activities and being transparent is of utmost importance to the EIB. We believe that being open improves the quality and sustainability of the projects we finance and increases our accountability towards all our stakeholders. Please see the relevant provisions in Section 7 of the EIB-TP.</p> <p>We engage with civil society on three levels: Board of Directors' level, policy level and project level. You can find out more on the <a href="#">section of our website dedicated to civil society</a>.</p>
10	EIB-funded water projects in Israel and Palestine to enquire about the ways they take into account negative effects	Comité pour une Paix Juste au Proche-Orient asbl	Our website provides information on our <a href="#">regions</a> and <a href="#">sectors</a> of activity. More information on what we offer and how to apply is available on our <a href="#">website</a> .

	Summary of contributions	Contributions	EIB comments
11	Lists of projects financed or to be financed by the EIB and how to make a request for financing of a primary school in developing countries	MANGULIA Lucie	Our website lists the <a href="#">projects financed</a> and <a href="#">under consideration for financing</a> . The lists are searchable by keyword and can be filtered by a number of parameters. Clicking on an entry displays additional information about each project, including the project summary sheet and related documents on the E&S aspects of the project, as relevant.  Enquiries and comments concerning the EIB's involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a> .
12	Information about the due diligence and financing of projects or initiatives treated by us as comparable to projects / initiatives for which our company would like to apply for long term financing	585233681	
13	Information about EIB-financed projects would enable other banks to contribute and propose similar projects that may interest the EIB	Fransabank SAL	
14	Trying to go beneath the surface of claimed priorities, about technology-driven projects with possible dual use	132923188	
15	Staff welfare; trade union contacts	Staff Council EBRD	Please see table 1, row 1.

7. When it comes to governance, the EIB wants to ensure transparency whilst also allowing the exchange of frank opinions. How do you think that the EIB should strike this balance?

Please explain how you would balance these two interests and provide any relevant good practice example:

Table 6

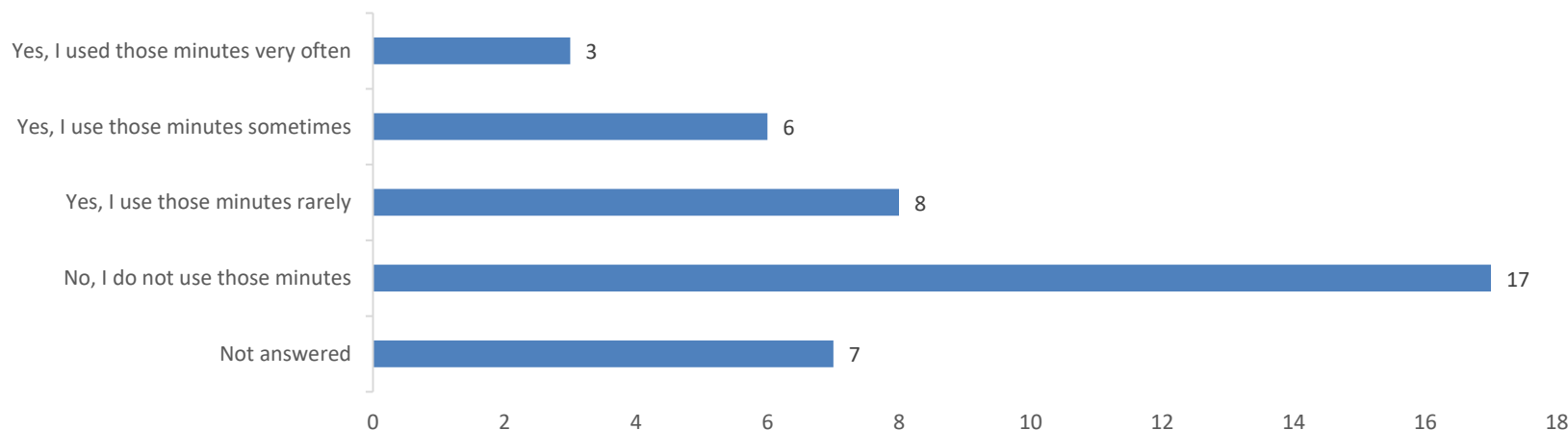
	Summary of contributions	Contributions	EIB comments
1	Transparency should prevail, unless transparency harms the interests of individuals and legitimate organisations	1000867770	The EIB-TP is based on the guiding principles of openness, ensuring trust and safeguarding sensitive information, as well as willingness to listen and engage. Consistently with this, the EIB-TP sets out a presumption of disclosure, according to which all information and documents held by the EIB are subject to disclosure upon request, unless disclosure exceptions apply to protect legitimate interests. In line with the EIB-TP, the grounds for refusal, in particular as regards access to environmental information/documents, should be interpreted in a restrictive way, taking into account e.g. the public interest served by disclosure. If only parts of the requested documents are covered by exceptions, the remaining parts are disclosed. Specific exceptions, which are indicated in the EIB-TP shall apply unless there is an overriding public interest in disclosure.
2	Transparency should prevail, unless confidentiality really applies to the documents concerned	STRUBEN Willem	
3	The transparency of the EIB's governing bodies and decision-making process is low. Hence, there is no need to strike a particular balance at this stage, but rather to open up to scrutiny, also considering the EIB's growing macroeconomic and political role	Joint contribution from 53 organisations	Please see table 1, row 2.
4	Frank discussions within government bodies deserve protection to ensure their candour and achieve the best outcome for all. The same is not true of "deliberative documents" determining whether a project	NomoGaia	The Board of Directors is competent for approving projects for EIB financing. The EIB publishes the agendas and the minutes of the meetings of the Board of Directors on its <a href="#">website</a> . Information about



	Summary of contributions	Contributions	EIB comments
	should be financed. With very narrow exceptions, the deliberative processes undertaken by a public development finance institution beholden to transparency principles and financed by taxpayers to carry out “development aims” in a rights respectful way should be open to public input. The EIB should eschew private banking sector tendencies		the EIB’s <a href="#">capital</a> and <a href="#">financial resources</a> is available on our website. To note that the EIB is entrusted with a specific financial mission (the aim of which is to contribute to the development of the internal market in the interest of the Union and to help pursue EU objectives). This requires that the EIB maintain the confidence and trust to their clients, co-financers and investors. Please also see table 5, row 9.
5	Transparency could be ensured about general project purposes, loan amounts and total CAPEX. Requests for additional information should be restrained, the application and the names of the applicants should be disclosed	Iberdrola, S.A.	Please see table 2, row 4, table 3, row 14 and table 6, rows 1-2.
6	The interests of clients should prevail. The EIB must ask advice before publication	Piraeus Port Authority S.A.	
7	Consent. Properly edited reports make information accessible as long as individuals concerned have vetted how they are quoted or represented.	132923188	
8	The exchange of frank opinions should prevail over transparency – the identities of specific companies or persons should not be revealed	585233681	
9	Anonymise the contributions by name, but publicise the name (or type of) institution	NTW	Respondents to this public consultation were given the option to give or withhold consent for the EIB to publish their personal data. Information on the type of stakeholder does not constitute personal data and is therefore published.
10	International relations should be protected, but is also necessary to listen to questions and criticism and answer them as soon as possible	Comité pour une Paix Juste au Proche-Orient asbl	The EIB-TP provides that disclosure shall be refused, inter alia, when it would undermine the public interest as regards international relations. Enquiries and comments concerning the EIB’s involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a> . The EIB will deal with such requests in accordance with the EIB-TP.
11	Project promoters could consent, in specific cases, that good practice examples and experience from their projects be shared with other EIB clients	585233681	This type of information can be found in our latest publications, economic studies, data and learning material on our <a href="#">website</a> .
12	Continue with surveys such as this and with public seminars. Circulate policy updates via e-newsletters	Geoscience Ireland	We take note of the positive feedback. Please see table 3, row 15.
13	Through a structured online consultation process that allows all stakeholders to engage meaningfully	Partnership for Transparency Europe	
14	Hold frequent webinars, more events in Luxembourg, have confidentiality clauses signed	Senat	
15	Involve civil society in project selection	PARAJON COLLADA Vicente	EIB financing is demand-driven. For example, a project promoter applies for a loan and, if eligibility conditions are met, the project can in principle receive EIB financing. Our website lists the <a href="#">projects</a>

	Summary of contributions	Contributions	EIB comments
			<a href="#">financed</a> and <a href="#">under consideration for financing</a> . Enquiries and comments concerning the EIB's involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a> .
16	Local communities should be informed and consulted well in advance of project approval. They should receive the relevant project contacts. Mechanisms should be in place to enable them to safely share their opinions and recommendations  The EIB should promote the application of the EU's standards of good administration through its operations outside of the EU	Arab Watch Coalition	Please see table 1, row 13. With specific regard to the last point of the comment, the EIB has established its Complaints Mechanism, giving citizens the right to lodge complaints concerning alleged maladministration by the EIB Group in its decisions, actions and/or omissions, in line with the EIB-CM <a href="#">Policy</a> . The EIB has also concluded a <a href="#">Memorandum of Understanding with the European Ombudsman</a> .
17	Transparency and the exchange of frank opinions are not contradictory – transparency entails allowing frank opinions on projects and their impacts	Fransabank SAL	We take note of the feedback. Indeed, the EIB-TP acknowledges the importance of openness and stakeholder engagement.
18	The rationale for appointments to statutory bodies should be made public to enable scrutiny of any illegitimate interests	GISTELINCK Joren	Information on the EIB's governance and structure is available on our <a href="#">website</a> . This includes information on how members of the governing bodies are appointed, their CVs and declarations of interest, as relevant. Press releases provide additional details about appointments to the Management Committee.

8. Do you use the minutes of decision-making bodies of other EU institutions, bodies and agencies and/or of other international financial institutions? We would be interested to know which aspects of the minutes you use and how often.

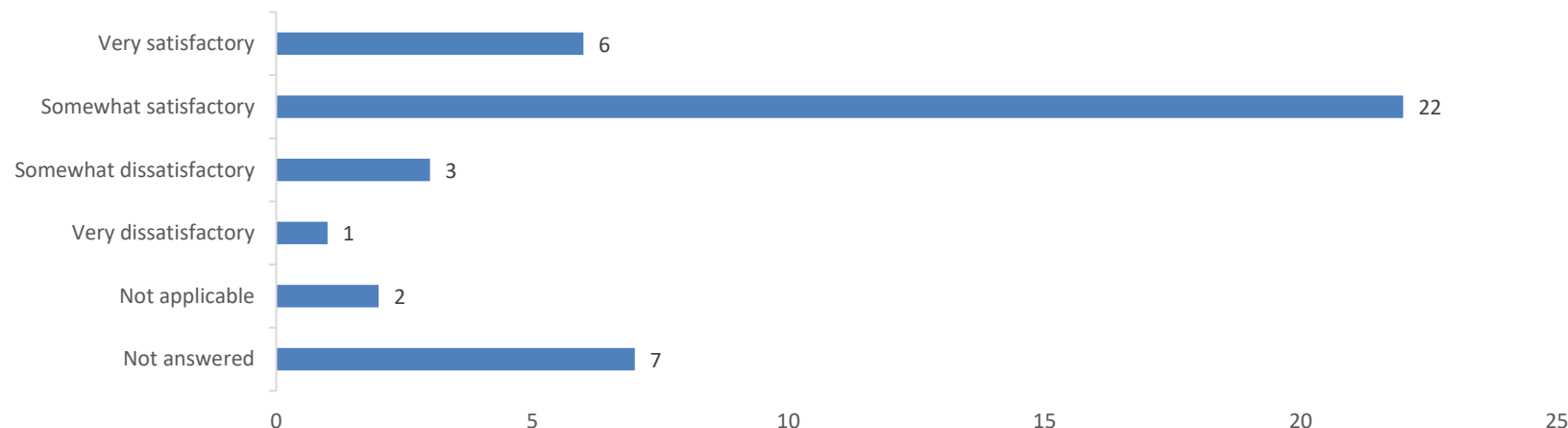


Please explain which aspects of the minutes you use:

Table 7

	Summary of contributions	Contributions	EIB comments
1	The minutes of the plenary sessions of the European Parliament and of the meetings of the European Commission allow us to follow decisions about EU-Egypt relations  The minutes of the meetings of the World Bank's Board of Directors provide updates about their decisions on projects	Arab Watch Coalition	Thank you for the feedback. Well noted.
2	The agendas and reports of the meetings of the European Commission and the European Council; the EIB group lunch conferences	MANGULIA Lucie	
3	Funding approval decisions, needed for our company's own internal approval procedures	585233681	<p>The status of a project (whether it is "under appraisal", "approved" or "signed") is part of project summaries accessible via of <a href="#">projects financed</a> and <a href="#">under consideration for financing</a>.</p> <p>The Board of Directors takes decisions on behalf of the EIB, notably project approvals. The EIB publishes the agendas and the minutes of the meetings of the Board of Directors on its <a href="#">website</a>.</p> <p>The EIB's overall strategy is presented in the EIB Group Operational Plan, which is published on our <a href="#">website</a>.</p> <p>Please also see table 1, rows 15-17.</p>
4	We try to understand what projects have been financed, and this information is available. But there is no clarity about the underlying rationale for such decisions  Information about discussions on the overall direction and strategy of the EIB is redacted and does not show Member States' positions. Therefore a significant part of the EIB's decision-making still falls outside of public scrutiny	Joint contribution from 53 organisations	
5	The EIB requires from clients a true copy of the decision-making bodies' approval to borrow from the EIB. Reciprocity would entail that clients should also receive a copy of the financing decisions of the EIB's competent bodies, increasing transparency on the conditions applied to the client	Fransabank SAL	
6	Projects	PARAJON COLLADA Vicente	
7	Equality issues	1000867770	Please see table 5, row 8.

## 9. How would you rate the accessibility and user-friendliness of the information and documents that the EIB proactively publishes?



Please explain your answer:

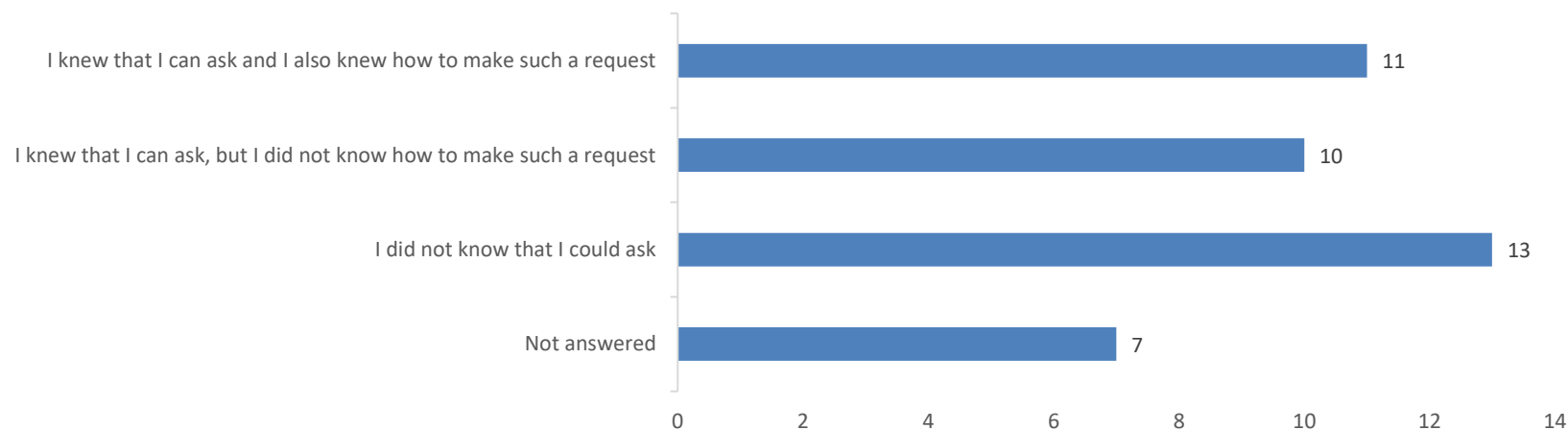
Table 8

	Summary of contributions	Contributions	EIB comments
1	The amount of information available to EU bodies is so large that its publication can always be improved. Insofar as the EIB is concerned, information is very well shared on its website	Fransabank SAL	We take note of the positive feedback.  The EIB publishes documents concerning the E&S aspects of projects on its <a href="#">Public Register</a> . These can include, for example, ESDS, full ESIA Studies/Statements/Reports, ESMP, RAP, SEP, Livelihood and Restoration/Compensation Plans, Resettlement Policy Frameworks, Indigenous Peoples Development Plans, as relevant.
2	The documents are informative and well structured	585233681	
3	Very good website, good meetings, very good representative offices in the capitals	Senat	
4	It is good enough for me	LECLERCQ Marc-Olivier	
5	It is all easy to find. More information on the sustainability of financing would be desirable	Bundesparte Bank und Versicherung, Wirtschaftskammer Österreich	The Public Register was established by the EIB to enhance the transparency of its operations. In accordance with Regulation (EC) No 1367/2006, Community institutions and bodies shall organise the environmental information which is relevant to their function and which is held by them, with a view to its active and systematic dissemination to the public.
6	The Public Register is not quite fit-for-purpose from a human rights standpoint. It does not enable sorting projects for human rights risks or the presence of indigenous peoples, for example	NomoGaia	

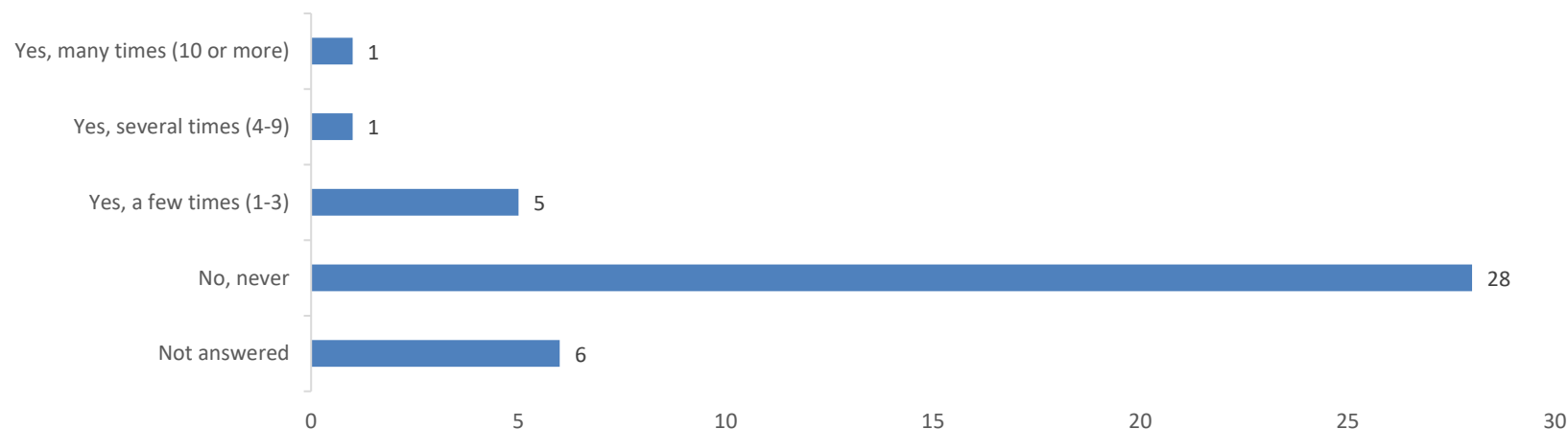
	Summary of contributions	Contributions	EIB comments
7	<p>It is clear that the EIB has made efforts over the last years to improve the reporting on its activities and make it more reader-friendly</p> <p>Still, the minutes of the meetings of the EIB Board of Directors are unsatisfactory and the EIB does not always disclose all relevant project-related documents in a timely manner</p> <p>Project summaries provide very limited information about the scope and impacts of the project. They do not include environmental and social information collected by the EIB at the project appraisal stage</p> <p>The draft Transparency Policy leaves it to the EIB's discretion to decide which project information/documents will be held by the EIB, and if and when they will be published. It does not include a list of the minimum information that must be published for all projects</p>	Joint contribution from 53 organisations	<p>Suggestion partially implemented in the draft revised EIB-TP. The provision on the Public Register explicitly states the main types of project-related E&amp;S documents held by the EIB that are published on the Register.</p> <p>Section 4 of the EIB-TP provides which information/documents the EIB publishes, and when. For example, it lists the project-related information that, as a general rule, must be published for all investment projects at least 3 weeks before a project is considered for approval by the Board of Directors in accordance with Article 4.7 of the EIB-TP.</p> <p>Please see table 1, rows 15-17 and 20, as well as table 17, rows 18 and 22.</p> <p>The EIB publishes documents concerning the E&amp;S aspects of projects on its <a href="#">Public Register</a>. These can include, for example, ESDS, which reflect the EIB's E&amp;S appraisal of individual projects. Which project-related documents the EIB should obtain depends on the characteristics of each project. This matter falls under other EIB policies, notably the EIB E&amp;S Standards. As previously announced, a public consultation on the Standards took place this year.</p>
8	The economic consequences of the projects are not shown	PARAJON COLLADA Vicente	Please see table 1, rows 15-17.
9	The website is not user-friendly at all, it is very hard to find information/documents about specific projects financed by the EIB	Arab Watch Coalition	Please see table 3, rows 1-2 and table 5, rows 10-13. We also note that 73% of responses to this public consultation rated the understanding of what information and documents the EIB proactively publishes on its website to be "very satisfactory" or "somewhat satisfactory" (question 4). Two thirds (66%) stated that it was possible to find the information/documents sought (question 6).

### Fulfilling respondents' needs – Disclosure upon request

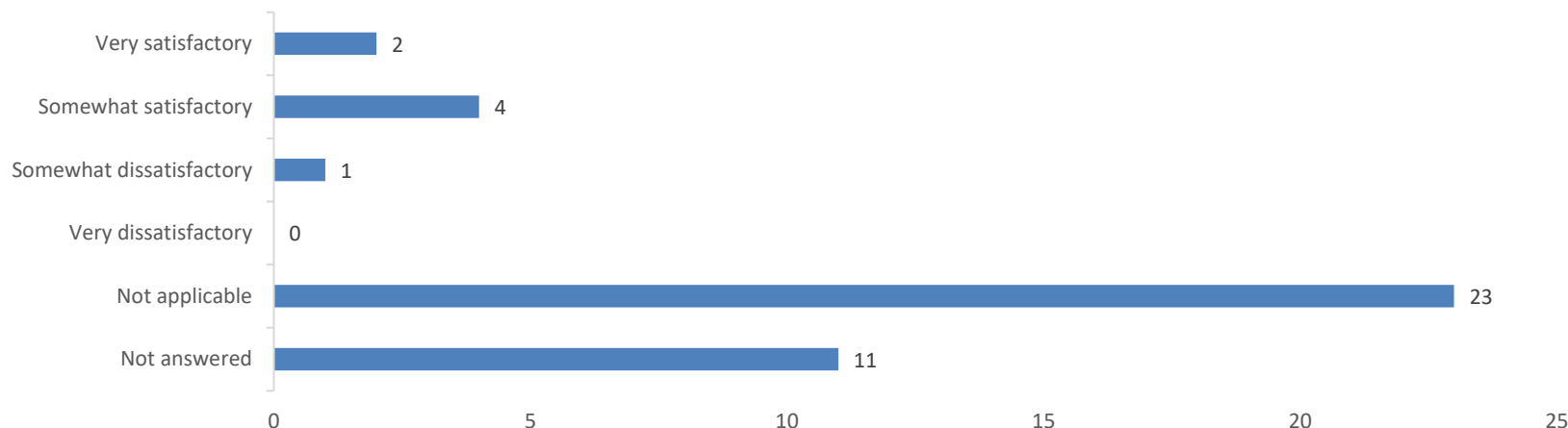
10. Before this public consultation, did you know that you can ask the EIB to disclose information and documents that it holds, and how to make such a request?



11. Have you ever made a disclosure request to the EIB?



## 12. How was your experience as a requester?



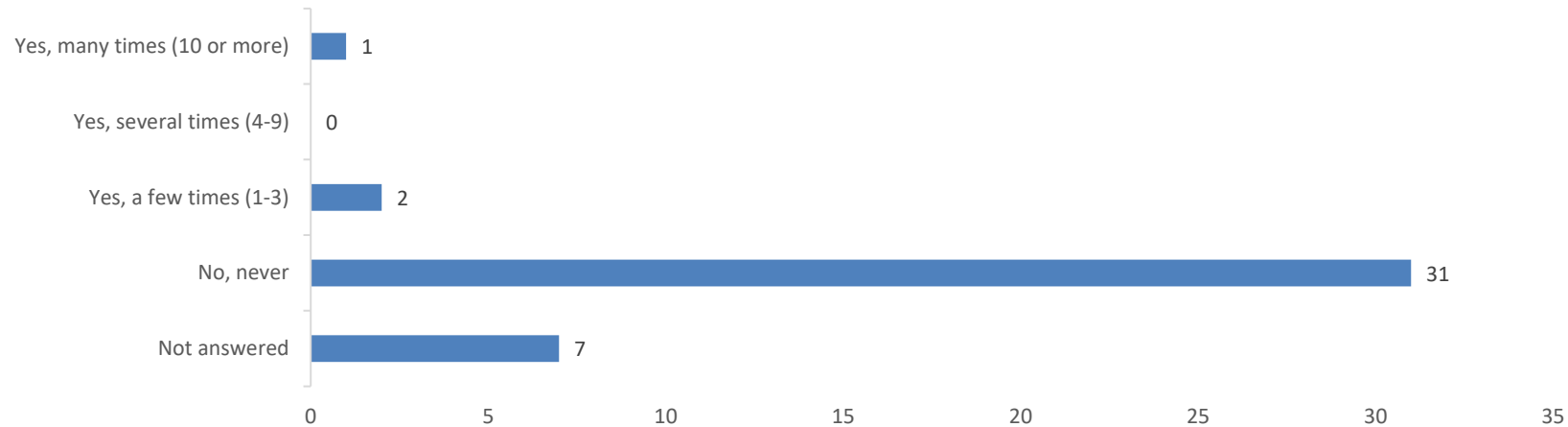
Please explain your answer and how your experience could have been made better:

Table 9

	Summary of contributions	Contributions	EIB comments
1	Friendly and competent answers	Senat	We take note of the positive feedback.
2	A member company rated it as very good, it was part of a roadshow. All questions were answered	Bundesparte Bank und Versicherung, Wirtschaftskammer Österreich	
3	In my experience, the EIB has been very responsive to document requests, but I do not think that most rights holders would think to make an information request, limiting this service's usefulness for the most important stakeholder group	NomoGaia	Suggestion implemented in the draft revised EIB-TP. Text is included in the provision on project summaries stating that they inform the public about how to submit enquiries, comments and complaints.
4	Often replies arrive too late beyond the timeline set out in the Transparency Policy  Ultimately, we got access the majority of documents that we requested. But in several cases the EIB decided not to disclose a document despite the existence of an overriding public interest. The EIB is making an extensive use of the exceptions to disclosure under its Transparency Policy	Joint contribution from 53 organisations	The EIB handles disclosure requests in line with the EIB-TP. In 2020 the EIB handled 97% of the queries received from civil society within the deadlines set out in the EIB-TP and provided total or partial disclosure of the requested documents in 81% of cases. Please see table 1, row 20 and table 6, row 1. Under the EIB-TP, in case of full or partial refusal of a disclosure request, the requester has the right, among others, to submit a confirmatory application or to lodge a complaint with the EIB-CM concerning alleged maladministration by the EIB.
5	The answers received were quite vague and not convincing	Comité pour une Paix Juste au Proche-Orient asbl	

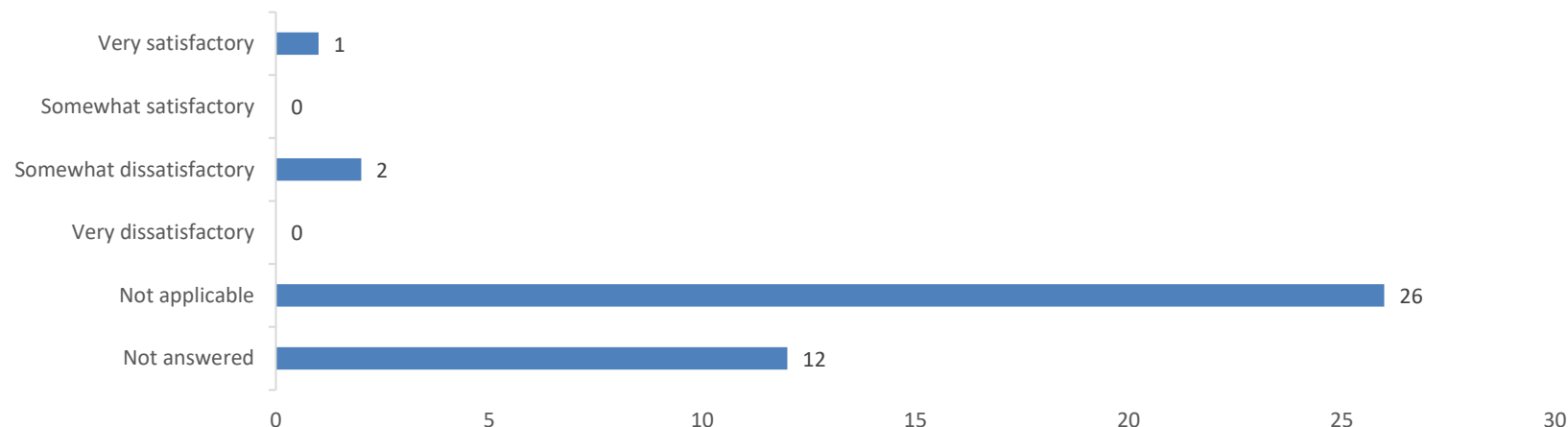
	Summary of contributions	Contributions	EIB comments
6	The reply took long to arrive and was not very informative	Geoscience Ireland	
7	We would like to know how to make a disclosure request	585233681	Please see the section of our website dedicated to <a href="#">transparency and access to information</a> .

### 13. Have you ever been consulted, as a third party, in relation to a disclosure request received by the EIB?





#### 14. How was your experience as a consulted third party?

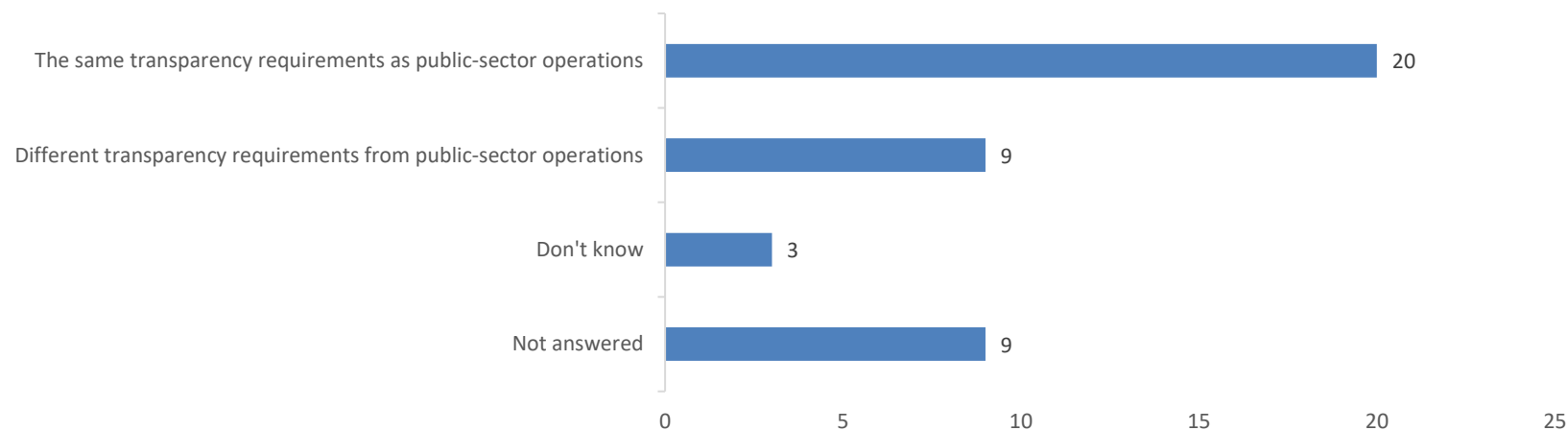


Please explain your answer and how your experience could have been made better:

Table 10

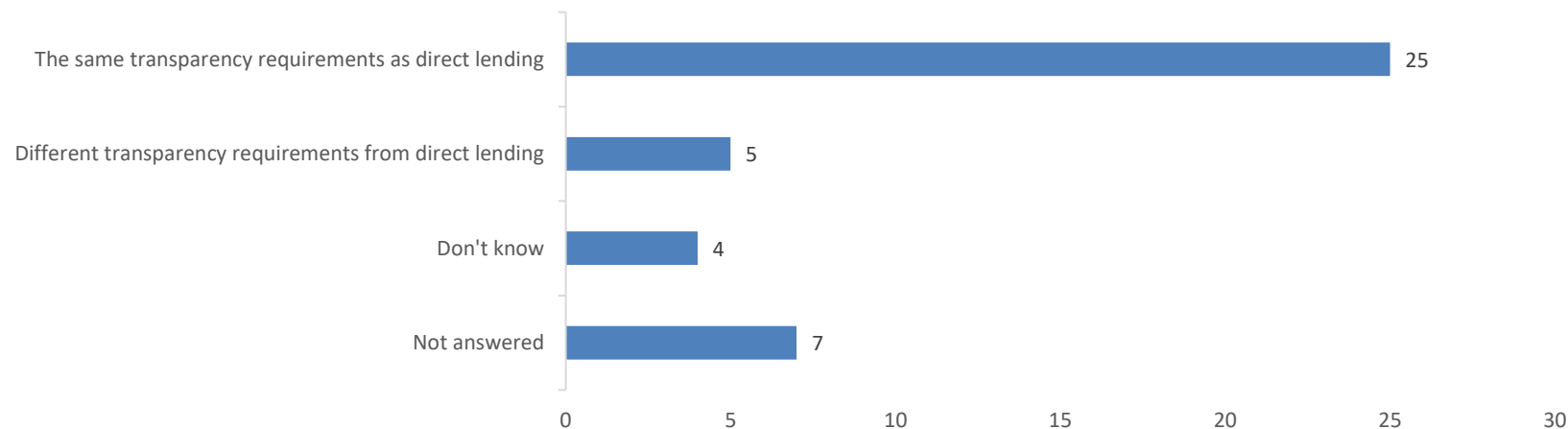
	Summary of contributions	Contributions	EIB comments
1	I find they private sector has better staff representation through the EU Works Directive	Staff Council EBRD	Please see table 1, row 1.
2	The application of EU law in the financial sector is a core competence of the EIB and ours	Senat	We take note of the feedback. The EIB-TP sets out the EIB Group's approach to transparency and stakeholder engagement. The application of EU law in the financial sector more generally is beyond its remit.
3	Insufficient protection, raising concerns that some information of strategic commercial interest could have being disclosed  Requests for information beyond general project information should be duly supported and the disclosure of strategic financial or technical information of commercial relevance refused	Iberdrola, S.A.	Please see table 2, row 4.

15. Public authorities are generally expected to be more transparent than market operators. Do you consider that private-sector operations should be subject to...

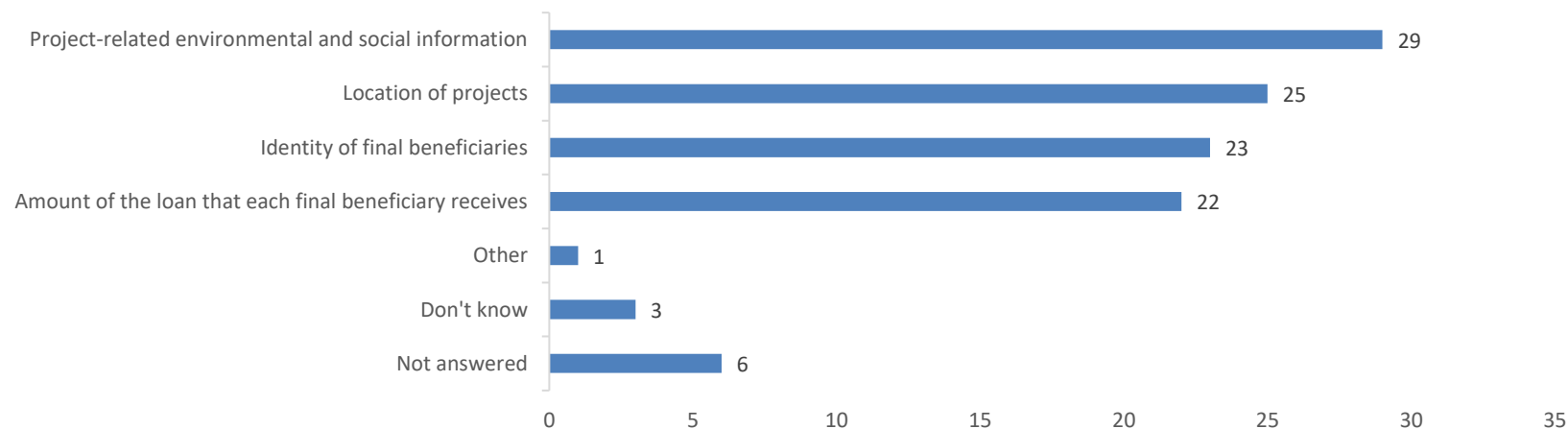


[Focus on intermediated lending](#)

## 16. Should intermediated lending be subject to...



## 17. With regard to intermediated lending, what types of information or documents interest you most?



Please explain why transparency about the type(s) of information/documents that you selected is important:

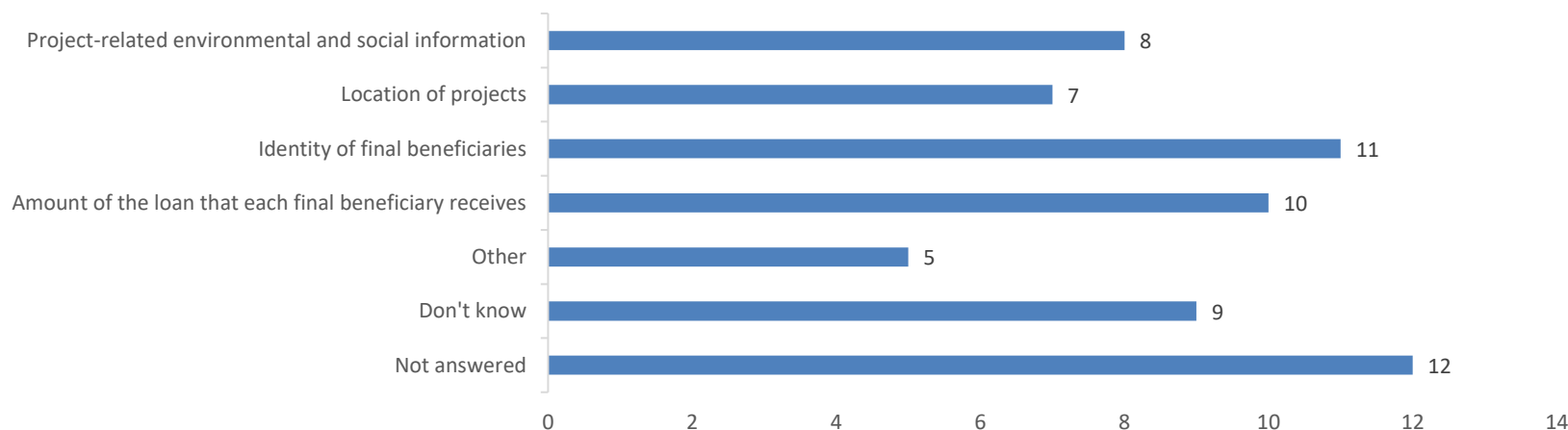
Table 11

	Summary of contributions	Contributions	EIB comments
1	<p>The EIB needs to commit to proactively disclose the following information on financial intermediaries' projects, starting with projects appearing in Annex I and II of the Environmental Impact Assessment (EIA) Directive:</p> <ul style="list-style-type: none"> <li>- the name of the final beneficiary,</li> <li>- the amount received,</li> <li>- the type of project and</li> <li>- related environmental information.</li> </ul> <p>All private equity sub-projects need to be disclosed, as there is no client confidentiality barrier.</p> <p>Disclosure on intermediated projects should preferably happen before the sub-project is signed, in order to allow any concerns to be raised at a stage when issues can still be resolved. It is important for the EIB to disclose this information itself, and not only to require the intermediary to do so, because of the need to be transparent and accountable for the use of public money. Requiring intermediaries to disclose information is important, but the information will be very scattered and in different languages.</p> <p>The EIB needs to clearly state in its Transparency Policy what it will require of its clients in terms of disclosure. The forthcoming Financial Intermediary Standard, and the rest of the Environmental and Social Standards, should provide more details on what should be disclosed in terms of environmental documentation and at what stage of the process, but the Transparency Policy should state the minimum disclosure obligations.</p>	<p>Recourse</p> <p>CEE Bankwatch Network</p>	<p>Suggestions partially implemented in the draft revised EIB-TP.</p> <p>A new provision would commit the EIB to publish on its website project summaries of the sub-projects it finances through financial intermediaries with a total project cost greater than EUR 50m (considering that the EIB typically finances only up to 50% of project costs, the related EIB loan would normally be EUR 25m or higher).</p> <p>The provision would apply to all relevant sub-projects, regardless of risk levels or the applicability of the EIA Directive.</p> <p>The EIB-TP provisions on the publication of project summaries would apply. In accordance with Article 4.8 of the draft revised EIB-TP, the EIB would therefore publish, inter alia, the name of the sub-project, its location, a sub-project description, its objective(s), its environmental and, if relevant, social aspects, proposed EIB finance, the total sub-project cost, etc. Project summaries inform the public about how to submit enquiries, comments and complaints. When applicable, links will be provided to environmental information as early as possible in the project cycle.</p> <p>Moreover, the project summaries of sub-projects would be published as a general rule at least 3 weeks before approval in accordance with Article 4.7 of the draft revised EIB-TP.</p> <p>The EIB-TP applies to the EIB. The last paragraph of the contribution therefore falls under the scope of the EIB E&amp;S Standards. As previously announced, a public consultation on the EIB E&amp;S Standards took place this year.</p>
2	These are basic data that should be available for each project above a certain size	Geoscience Ireland	
3	Environmental and social information and location are useful for the development and funding of our own projects – to see what the difficulties with other projects have been, how have they been overcome and how long it took, how environmental and social requirements are implemented in the most efficient manner	585233681	
4	Transparency about the location of projects and the identity of final beneficiaries helps avoid discrimination between countries and between beneficiaries	MANGULIA Lucie	

	Summary of contributions	Contributions	EIB comments
5	Public institutions such as funding agencies should be informed about local beneficiaries that are served by intermediaries. Current aggregated data is not enough	FFG – Österreichische Forschungsförderungsgesellschaft	
6	Environmental and social information, location and identity of beneficiaries are among the best means to evaluate the side effects of projects	Comité pour une Paix Juste au Proche-Orient asbl	
7	It is important to know whom to contact and the real impact of the project	LECLERCQ Marc-Olivier	
8	To identify the gender equality aspects of projects	1000867770	
9	Climate change physical risk assessments	Willis Towers Watson	
10	The common wisdom is that this is small-volume financing for small businesses that have little potential to cause social or environmental harm. But in the rare cases where it has been possible to track the financing, this has proven to be wishful thinking	CEE Bankwatch Network	
11	The International Finance Corporation (IFC), Green Climate Fund (GCF) and European Bank for Reconstruction and Development (EBRD) have been able to ensure higher levels of transparency than EIB  The IFC discloses all sub-projects funded via private equity funds as well as the name, sector and location of all high-risk sub-projects now, as does the GCF	Recourse	
12	At present, it is impossible for the public to know where a significant part of EIB funding is going  A list of final beneficiaries for each intermediated operation should be published by the EIB. For high-risk sub-projects, the EIB should disclose information in the same way as for a direct operation	Joint contribution from 53 organisations	
13	Transparency about the location and the environmental and social impacts of financed projects is important  The disclosure of loan amounts and the identity of the final beneficiary can affect market conditions (prices of production, selling prices, etc.). Competitors can change their commercial conditions, benefiting consumers. It can also lead to further financing requests by other companies  However, the disclosure can also have a negative impact on competitors that do not benefit from such financing	Fransabank SAL	
14	Financial intermediaries are more beholden to national law than to the EIB. Therefore, if the EIB wants to state that its sustainability framework is applied equally by financial intermediaries as in its own direct lending, it must make the same commitments to transparency	NomoGaia	

	Summary of contributions	Contributions	EIB comments
15	Intermediated lending should be treated in the same way as direct lending. EIB funding is obtained from the same sources, there is only a different assignment of risk	Iberdrola, S.A.	
16	To what extent does the EIB control/understand where its money is going when an intermediary is used? To what extent can it ascertain that its standards are respected? Does it have all the information that the people call it to be transparent about? If so, the EIB should oblige the intermediaries to make the beneficiaries accept that the EIB will publish this information. If not, this is a risky situation that should be resolved	GISTELINCK Joren	
17	Academics or NGOs may need this information to check how their homegrown KPIs would pan out	132923188	

18. With regard to intermediated lending, what types of information or documents should be considered confidential and not disclosed?



Please explain why confidentiality of the type(s) of information / documents that you selected is important:

Table 12

	Summary of contributions	Contributions	EIB comments
1	Personal data according to EU law	GONZALEZ PASTOR Dolores	The EIB-TP protects, inter alia, (i) the commercial interests of natural or legal persons and (ii) the privacy and the integrity of the individual,

	Summary of contributions	Contributions	EIB comments
2	Only the identity of the final beneficiaries may stay confidential; other information should be enough for interested parties	585233681	in particular in accordance with EU legislation regarding the protection of personal data.
3	All the aforementioned non-exhaustive choices must be disclosed, including contact intermediaries contact information, reports, minutes of public consultations, detailed ESIA and beneficiaries' information	Arab Watch Coalition	This protection is ensured in accordance with Section 5 of the EIB-TP. It applies both to proactive publications according to Section 4 and to disclosure upon request according to Section 5.
4	This information is generally covered by banking secrecy laws	Fransabank SAL	
5	This information is not necessary for aggregate evaluation and may be provided upon request	132923188	
6	Confidentiality should prevail regarding all commercial, strategic information provided to EIB. Its disclosure could impair the interests of project promoters	Iberdrola, S.A.	Under the EIB-TP, all the information/documents that are not proactively published are in principle available upon request in accordance with Section 5.  Please also see table 11.
7	The EIB should ensure that financial intermediaries pass on transparency requirements to final beneficiaries. In this way, both the intermediary and the EIB would be in a position to proactively disseminate information	Joint contribution from 53 organisations	The EIB-TP applies to the EIB. This contribution therefore falls under the scope of the EIB E&S Standards. As previously announced, a public consultation on the EIB E&S Standards took place this year.
8	Lending to financial intermediaries blurs the line between development finance and private finance. If banks need capital injections badly enough that they seek it from public institutions like the EIB, they should expect to be open to public scrutiny	NomoGaia	The EIB would like to clarify that it does not provide "capital injections" to banks.

## 19. Is there any good practice example of transparency in intermediated lending that the EIB could draw inspiration from?

Please describe the good practice and identify the source of the good practice:

Table 13

	Summary of contributions	Contributions	EIB comments
1	<p>At the EIB, disclosure of project-related information at pre-approval stage is almost non-existent. Other IFIs, such as the EBRD, IFC and the World Bank, publish project environmental and social documents significantly in advance of project approval</p> <p>The EBRD publishes Project Summary Documents (equivalent to the EIB's ESDS), the expected transition impact, the EBRD's additionality, information on grant financing and technical assistance, at least 30 or 60 calendar days (for private and state projects respectively) before scheduled Board approval. In the case of a project subject to environmental assessment, the EBRD also publishes the ESIA at least 60 and 120 calendar days (for private and state projects respectively) before scheduled Board approval. The EBRD publishes ESIs and other environmental and social</p>	Arab Watch Coalition	Thank you for the information provided. Please see table 11.

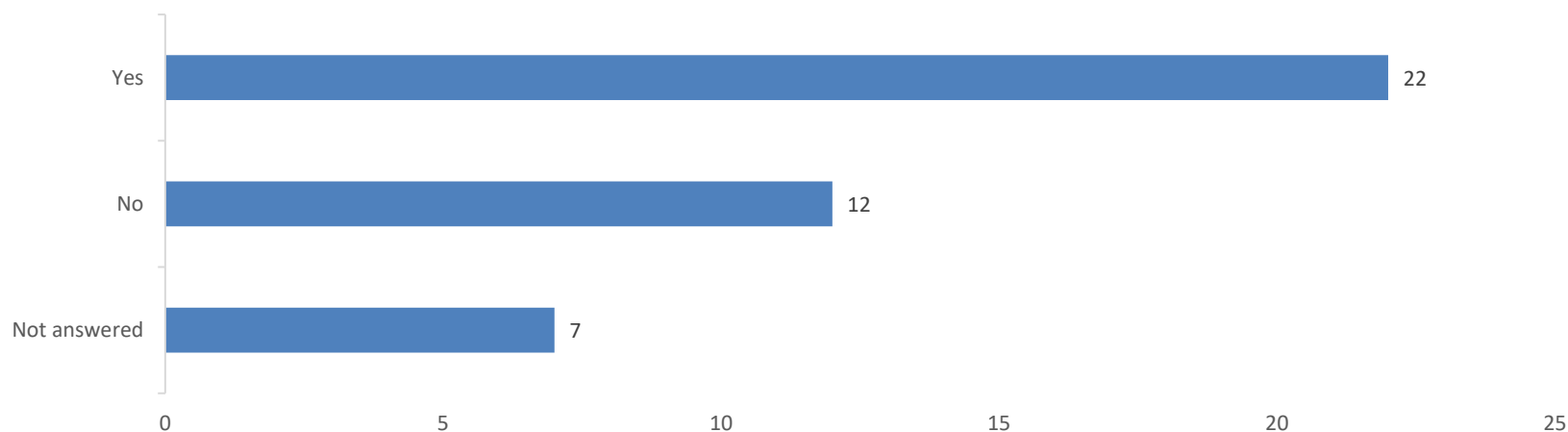
	Summary of contributions	Contributions	EIB comments
	<p>documents for the purpose of public disclosure and consultation, irrespective of its client's obligation to conduct public consultations</p> <p>The IFC publishes at pre-approval stage the summary of its review findings and recommendations, the Environmental and Social Review Summary (ESRS), guidance on how and where information about the proposed project can be obtained locally; the Summary of Investment Information (SII), including information about the shareholders of the project or investee company, the projected date for a decision on the investment by IFC Board of Directors, the expected development impact of the project or investment, the IFC's categorisation of the project or investment for environmental and social purposes and the rationale for such categorisation. Where applicable, the IFC discloses a summary of the process outlining how it determined "Broad Community Support" prior to consideration of the investment by the IFC Board of Directors</p>		
2	<p>The EIB could increase the transparency of intermediated lending by inserting relevant clauses in its contracts</p> <p>The IFC has taken steps to improve the transparency of its operations via private equity funds and, more recently, via commercial banks. The EIB has not taken any steps on either fronts</p> <p>The EIB guidelines on hydropower projects show that it is feasible for the EIB to start disclosing the identity of its final beneficiaries, in particular for projects likely to have significant environmental impacts</p> <p>Another positive example relates to EU Cohesion Funds and its Open Data portal (<a href="https://cohesiondata.ec.europa.eu/">https://cohesiondata.ec.europa.eu/</a>), which provides a detailed breakdown of financed operations</p>	Joint contribution from 53 organisations	
3	At a minimum, EIB should publish all sub-projects in its private equity portfolio	NomoGaia	
4	In the green finance sector, disclosing information on the added value of the financing in terms of reducing negative impacts on the environment is important for all stakeholders (private sector, clients, governments, competition, etc.)	Fransabank SAL	
5	Please see the comparative analysis provided in this briefing which explores good practice at peer institutions: <a href="https://www.re-course.org/wp-content/uploads/2021/03/Submission-to-European-Investment-Bank-review-of-its-Transparency-Policy.pdf">https://www.re-course.org/wp-content/uploads/2021/03/Submission-to-European-Investment-Bank-review-of-its-Transparency-Policy.pdf</a>	<p>Recourse</p> <p>CEE Bankwatch Network</p>	
6	The EIB should draft inspiration from information on monetary policies. Information should be publicly disclosed on a preannounced schedule to promote market efficiency	MANGULIA Lucie	The EIB would like to clarify that it does not carry out monetary policy and that considerations underlying monetary policy do not necessarily apply to the EIB's activities.



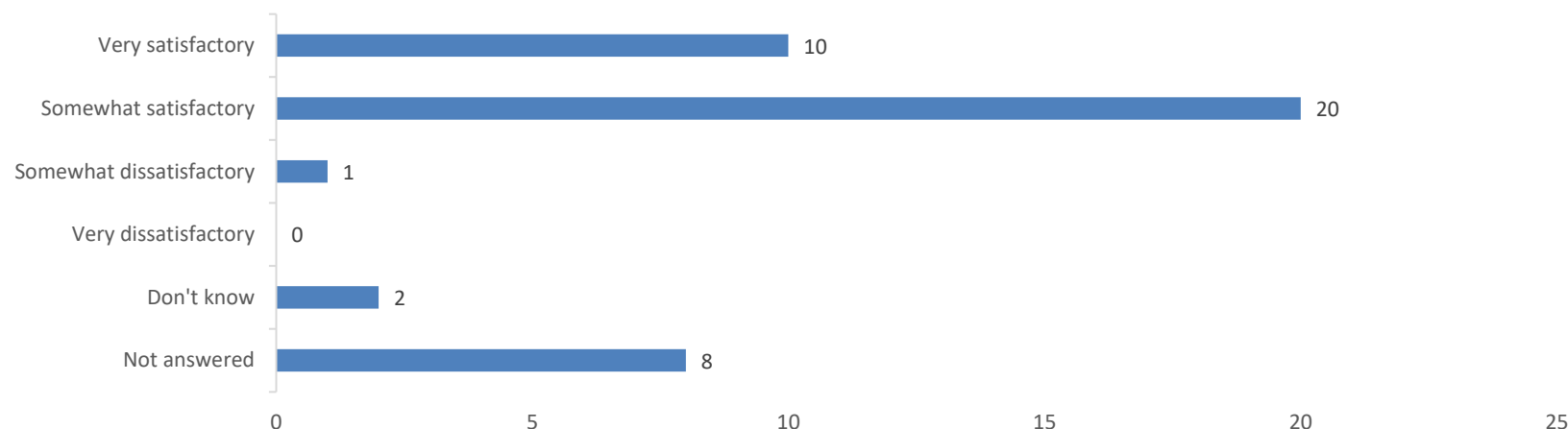
	Summary of contributions	Contributions	EIB comments
	Transparency in the mandates of financial intermediaries, clear rules and procedures for their operations, roles, responsibilities and objectives can help resolve conflicts between EIB and financial intermediaries		The EIB-TP applies to the EIB. The last paragraph of the contribution therefore falls under the scope of the EIB E&S Standards. As previously announced, a public consultation on the EIB E&S Standards took place this year.
7	For some listed companies, the annual report is the good source of information. For others, tax authorities may impose data disclosure requirements	Piraeus Port Authority S.A.	We take note of the feedback.

### Focus on public consultations

20. Is this the first time that you participate in an EIB public consultation?



## 21. How would you rate the quality of EIB public consultations?



Please explain your answer and how your experience could be made better:

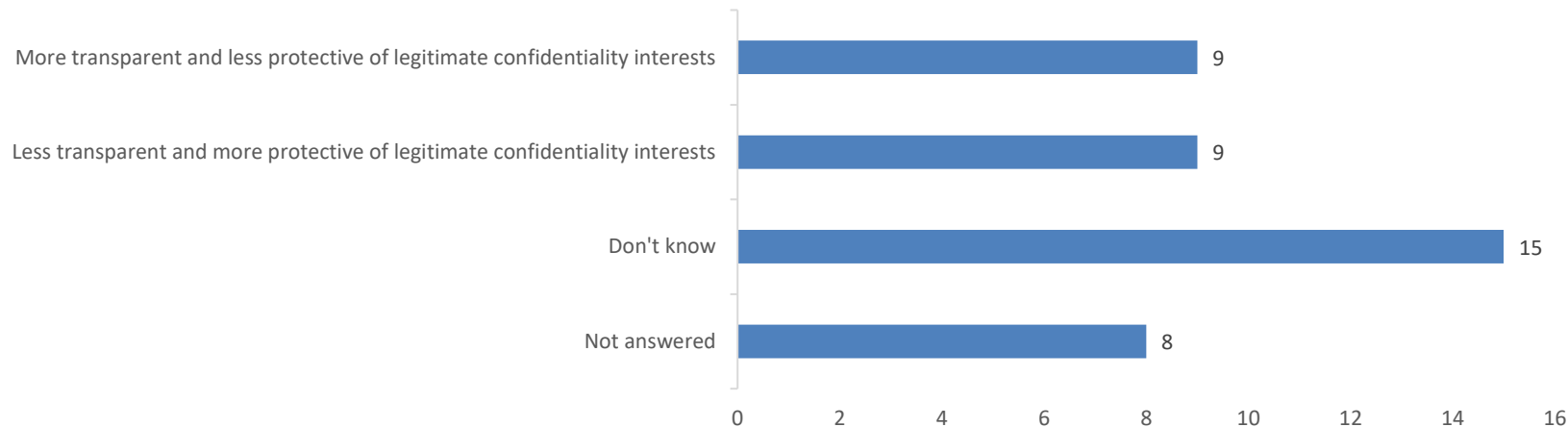
Table 14

	Summary of contributions	Contributions	EIB comments
1	The quality of the EIB's public consultations is very satisfactory because they are very well organised and very inclusive. Views are sought from individuals as well as organization, allowing all those interested to present their arguments  The EIB takes care to provide background documents and publish the results of consultations. A kind of real participatory democracy. Nothing to add	MANGULIA Lucie	We take note of the positive feedback.
2	I find this consultation quite interesting and courageous if the results are published, discussed with the participants and viewed by better practices	Comité pour une Paix Juste au Proche-Orient asbl	
3	The EIB's commitment to public consultation is welcome and exceeds that of many similar IFIs	Geoscience Ireland	
4	The questions were relevant	NTW	
5	Clear questions	Senat	
6	Public consultations are difficult in Covid times. In-person engagements are much more effective at helping diverse viewpoints coalesce around common principles and outcomes. However, the EIB has offered good timelines for engagement and a clear roll-out	NomoGaia	

	Summary of contributions	Contributions	EIB comments
7	Public consultation meetings on any of the EIB policy documents should be conducted closer to the local stakeholders. If you really want to hear local people, come closer	Balkanka	We strive to reach as many relevant stakeholders and members of the public as possible. One of the many challenges posed by the COVID-19 pandemic was that in-person meetings were not possible. However, the pandemic also offered an opportunity to use modern communication technology (and limit travel emissions). We were pleased to register record numbers of participants in this public consultation and in the related webinar, spanning several global regions, which would have been hard to reach through in-person meetings only.
8	A questionnaire is by necessity one-size-fits-all. It makes it uneasy occasionally	132923188	In an effort to promote the widest possible participation in the public consultation, we made available a questionnaire that could be filled in online or downloaded and sent via email. The questionnaire comprised closed and open questions, and allowed respondents to provide additional free-text comments. Like other supporting information, the questionnaire was made available in three languages. Respondents who did not wish to use the questionnaire were allowed to send their contributions via email. We were pleased that our efforts resulted in unprecedented levels of participation in the public consultation.
9	<p>We appreciate the fact that the EIB is regularly holding public consultations about its policies</p> <p>Two problems regularly emerge. Too often, the EIB only allows one phase of public consultation, without opening up to comments on revised drafts of the EIB's strategies or policies under consultation. This is for example the case for this public consultation</p> <p>In some cases, the EIB does not organise full-fledged public consultations, but seeks written comments and/or organises meetings, without transparency about the next steps in the decision-making process</p>	Joint contribution from 53 organisations	<p>EIB public consultations are intended to offer the public opportunities to participate in the preparation and review of policy documents. The EIB strives to provide adequate information enabling the public to participate effectively and reasonable time frames (at least 45 working days) for such participation. At least 15 working days prior to the approval of the relevant governing body, the EIB transparently publishes the contributions received, the EIB's comments thereon, a consultation report and the draft revised policy. In our understanding, this represents best practice in the field.</p> <p>Stakeholder engagement can take different forms appropriate to the circumstances of each case (e.g. the nature of the subject matter, level of public interest, relevant stakeholders, etc.). For example, public consultations are appropriate for certain policies, as opposed to other types of documents or initiatives.</p>
10	The return of information could be better	LECLERCQ Marc-Olivier	
11	It would help to facilitate engagement with EIB departments and experts	EUCED - European Economic Interest Grouping / EU Official Interests Representative Institution	The EIB's organisational structure, identifying colleagues responsible for different work areas, is published on our website. Enquiries and comments concerning the EIB's involvement in a project or the financing facilities, activities, organisation and objectives of the EIB can be sent to the <a href="#">EIB InfoDesk</a> or to our <a href="#">external offices</a> . Relying on centralised contact points allows better handling and monitoring of communications.

## Comparison with peers

### 22. Compared to EU institutions, bodies and agencies, the EIB is...



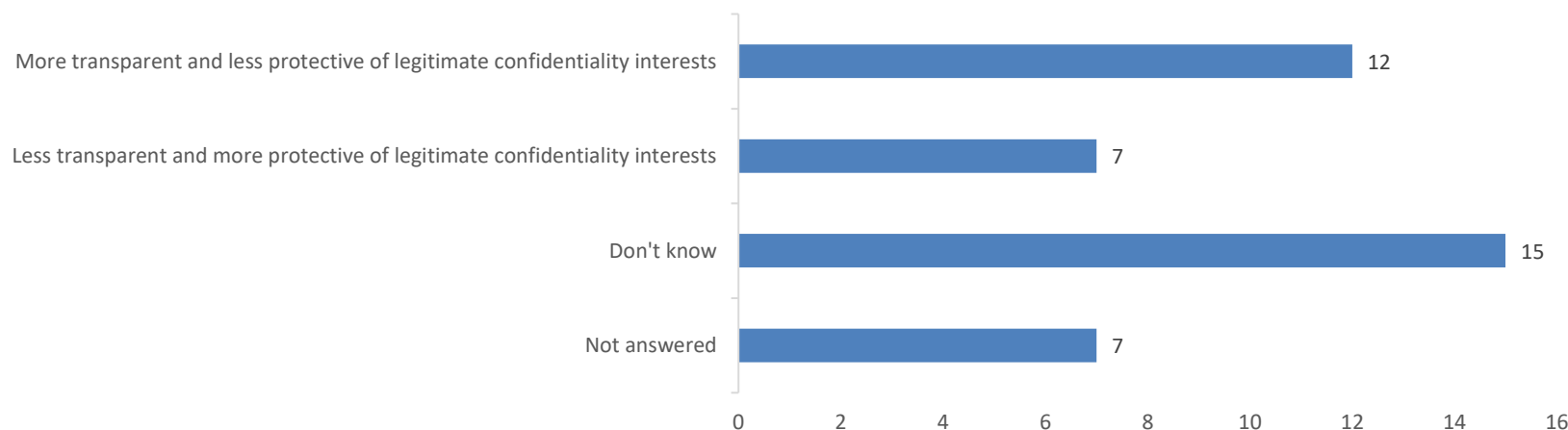
Please explain your answer, giving specific good practice examples:

Table 15

	Summary of contributions	Contributions	EIB comments
1	I feel close to EIB rather than other European institutions which I consider too bureaucratic and far from the average citizen	MANGULIA Lucie	We take note of the positive feedback.
2	The Bank is more transparent than e.g. the European Commission, even though the EIB focuses on practical issues and deals with sensitive information, while the European Commission is more focused on policy	585233681	
3	EIB is readier than the European Commission to meet, listen to critical questions and search for pertinent answers	Comité pour une Paix Juste au Proche-Orient asbl	
4	As transparent as EU institutions	LECLERCQ Marc-Olivier	
5	All the EU Institutions have transparency policies, inspired by the same objectives, but each Institution has its own purpose and activities. As a financial institution, the EIB has to apply certain financial standards that do not concern non-financial institutions	Fransabank SAL	Insofar as disclosure upon request is concerned, the provisions of the EIB-TP are modelled on the general framework applicable to EU institutions, while taking into account the specificity of the EIB as bank. Please also see table 2, row 4.

	Summary of contributions	Contributions	EIB comments
	Nevertheless, the EIB should be "more transparent", as the funds under its management have to follow the requirements of European Union public programmes and mandates and, at the same time, it shall protect as much as possible its clients' legitimate interests		The EIB-TP goes beyond disclosure upon request and foresees, for example, the proactive publication of a broad set of information and documents including e.g. institutional information, policies and strategies, project-related information, procurement information and tender notices for the EIB's own account, accountability, risk management and governance related information, evaluation reports, environmental, sustainability- and climate-related information. Moreover, the EIB-TP also includes provisions on stakeholder engagement, including public consultations, and promoting transparency more broadly.
6	No comparison is possible. The various EU institutions, bodies and agencies are in very different situations	Senat  Joint contribution from 53 organisations	We take note of the feedback.

## 23. Compared to other international financial institutions, the EIB is...



Please explain your answer, giving specific good practice examples:

Table 16

	Summary of contributions	Contributions	EIB comments
1	The EIB is not an ordinary commercial bank – serving the purposes set out in the EU Treaties, it has established a level of transparency that is beneficial to the society and the public interest, which is not	585233681	We take note of the positive feedback. Please also see table 2, row 4.

	Summary of contributions	Contributions	EIB comments
	typical for private companies whose commercial interests prevail over the public interest		
2	The EIB is the financial arm of the EU and is governed by EU policies and regulations, which is not the case of other IFIs. As such, the "transparency" laws and regulations followed by the EIB are more stringent than those of the IFIs  In the EU, transparency seems more important than legitimate confidentiality interests. But outside the EU, it will not be easy to apply its transparency standards in the same way	Fransabank SAL	
3	It is very unfortunate that, given that Regulations 1049/2001 and 1367/2006 apply to the EIB, that the Bank still ranks below other IFIs operating under less demanding legal frameworks. This lack of progress is visible in the Aid Transparency Index, an independent measure of aid transparency produced by Publish What You Fund. In 2020, the EIB only scored "fair" (58/100 points)	Joint contribution from 53 organisations	The EIB-TP sets out the EIB Group's approach to transparency and stakeholder engagement. Unlike several other IFIs, the EIB operates both inside and outside of the EU, and not all of the EIB's operations outside of the EU involve aid. In the referenced 2020 Aid Transparency Index, the EIB was the only IFI that obtained a full score for the quality of its transparency policy. To note that the EIB regime regarding transparency is disciplined in the EIB-TP (which takes into consideration Regulation (EC) No 1367/2006) and not by Regulation (EC) No 1049/2001.
4	The Asian Development Bank (ADB) and IFC are far more transparent with regard to project documentation	NomoGaia	We take note of the feedback, which however is too generic for us to respond to.
5	Financial institutions cannot disclose commercial or confidential information unless a Court request is duly ruled	Iberdrola, S.A.	Please see table 3, row 14 and table 6, rows 1-2.
6	<a href="https://www.re-course.org/wp-content/uploads/2021/03/Submission-to-European-Investment-Bank-review-of-its-Transparency-Policy.pdf">https://www.re-course.org/wp-content/uploads/2021/03/Submission-to-European-Investment-Bank-review-of-its-Transparency-Policy.pdf</a>	Recourse	The claims contained in these documents were discussed as part of the consultation and further detailed elsewhere in this document.
7	<a href="https://counter-balance.org/news/eu-bank-failing-on-transparency-and-openness-warns-civil-society">https://counter-balance.org/news/eu-bank-failing-on-transparency-and-openness-warns-civil-society</a>	GISTELINCK Joren	

## Suggestions for specific amendments

Table 17

	Summary of contributions	Contributions	EIB comments
	<i>Section 1 – Background and Purpose</i>		
1	1.1 The Bank of the European Union (EU) recognises its special responsibility to be open and transparent towards EU citizens and the public at large. Transparency contributes to the quality, <b>accountability</b> and sustainability of the projects we finance and helps to build trust in the EU Bank...	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Accountability is ensured through the relevant EIB E&S Standards (notably their provisions on stakeholder engagement and project grievance mechanisms). In addition, the <a href="#">EIB Group Complaints Mechanism</a> (EIB-CM) is the citizens' driven accountability tool of the EIB Group, giving citizens the right to lodge complaints concerning alleged maladministration by the EIB Group in its decisions, actions and/or omissions, in line with the EIB-CM Policy.

	Summary of contributions	Contributions	EIB comments
2	1.4 1.4 The Policy was approved by the EIB's Board of Directors on [date]...It shall apply from the above-mentioned date, without prejudice to <del>processes</del> <b>transparency-related procedures</b> that are ongoing on the date of adoption.	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP. The comment accompanying the proposed amendment clarified that its purpose is to make clear that it is only ongoing tasks under the EIB-TP that will continue to be dealt with under the 2015 EIB-TP. The draft revised EIB-TP therefore refers to "processes falling within the scope of this Policy".
	<i>Section 2 – Guiding Principles</i>		
3	2.1 This Policy is guided <b>by the public right of access to documents</b> , openness and the highest possible level of transparency...	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. Whilst the suggested edit is not included in the draft revised EIB-TP, the public right of access is expressly set out in the Policy. In effect, the Policy is based on a presumption of disclosure, meaning that all information and documents held by the EIB are subject to disclosure upon request, unless covered by limited disclosure exceptions (see, in particular, Art. 2.1 and 5.1(a) of the draft revised EIB-TP). Moreover, the Policy expressly refers to the right of public access to documents, as set out in Art. 15(3) TFEU, and acknowledges its nature as a fundamental right recognised by Art. 42 of the Charter of Fundamental Rights of the European Union (see, in particular, Art. 3.6 of the draft revised EIB-TP).
4	2.1 ...Information concerning the EIB Group's operational and institutional activities will be made available to third parties (the public) unless it is subject to a defined exception ("presumption of disclosure", <del>see</del> ) <b>in accordance with</b> section 5 of this Policy <del>and the respective disclosure section of the EIF Transparency Policy</del> , <b>based on the principle of non-discrimination and equal treatment and in line with EU legislation")</b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The Guiding Principles of the EIB-TP apply to the EIB Group. The rest of the EIB-TP applies to the EIF only. The EIF has established its own implementation framework, which considers the specific business and governance context of the EIF and also makes reference to the principle of non-discrimination and equal treatment. It is therefore appropriate to maintain the reference to the EIF-TP. Non-discrimination and equal treatment are key principles stemming from EU Treaties that are relevant for the whole EIB Group. It is therefore important to refer to them in the Guiding Principles of the EIB-TP.
5	2.2 The member institutions of the EIB Group consider that due to their dual character as financial and public institutions, being transparent about how they make decisions, work and implement EU policies strengthens their credibility and accountability to <del>citizens</del> <b>the public</b> . Transparency also contributes to increasing the efficiency, effectiveness and sustainability of the EIB Group's operations, reinforcing its zero-tolerance approach on fraud and corruption, <b>and its commitment to equal treatment and non-discrimination, while</b> ensuring adherence to environmental and social standards linked to financed projects, and promoting accountability, and good governance.	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. The reference to "citizens" has been replaced with a reference to "the public", as suggested. The reference to the principles of equal treatment and non-discrimination has not been included in this provision because it is already made in the previous provision of the EIB-TP.
6	2.8 ...Within the framework of this Policy, the EIB Group does not tolerate retaliation, <b>in any form</b> , against individuals or organisations for exercising their rights under this Policy	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP.

	Summary of contributions	Contributions	EIB comments
	<i>Section 3 – The Institutional Framework</i>		
7	3.4 This Policy is consistent with the legal obligations of the EIB in respect of the principle of openness and the right of public access to <b>information</b> /documents...	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP.
8	<b>3.8 The Policy shall also be consistent with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted in Aarhus, Denmark, on 25 June 1998 and ratified by the European Union on 17 February 2005, which imposes on Parties, and their public authorities, the obligations to ensure access to information, public participation and access to justice with respect to environmental matters. In this regard, the Policy shall also be consistent with Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies</b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Whilst the suggested text has not been included in the draft revised EIB-TP, the Policy does refer to the Aarhus Convention (see in particular Art. 5.1(b)), as implemented by the Aarhus Regulation, which lays down rules to apply the Aarhus Convention to EU institutions and bodies, including the EIB. It is also worth noting that, unlike the Aarhus Convention and Regulation, the EIB-TP applies to all information/documents and to all public consultations held by the EIB, not only those on environmental matters.
	<i>Section 4 – Publication of Information</i>		
9	4.1 ... The EIB routinely publishes a broad set of <b>information and</b> documents including e.g.: ...	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP.
10	4.1 (...) In particular, the EIB publishes <del>the agendas and minutes of the meetings of the Board of Directors following information</del> as soon as <del>possible after</del> they are finalised: <ul style="list-style-type: none"> <li>- <b>agendas of the Board of Governors meetings;</b></li> <li>- <b>agreements and decisions reached by the Board of Governors and statements of the Governors made at the Annual Meeting;</b></li> <li>- <b>a schedule of meetings and agendas of the Board of Directors as soon as they are agreed upon;</b></li> <li>- <b>detailed minutes of the Board of Directors;</b></li> <li>- <b>agendas of the Management Committee meetings;</b></li> <li>- <b>minutes of the Management Committee.</b></li> </ul> <p><b>The minutes of the Board of Directors meeting shall be finalised within a month of the meeting and reflect the results of votes and explanations of votes by members of the Board of Directors, as well as their statements relating to the adoption of the plans or programs relating to the environment and institutional documents of public interest.</b></p>	Joint contribution from 53 organisations	<p>Suggestion partially implemented in the draft revised EIB-TP. Provision is made for the EIB to publish calendars of the meetings of the Board of Directors, of the Management Committee and of the Audit Committee.</p> <p>The EIB already publishes the dates, meeting agenda and summary of decisions of the Board of Governors.</p> <p>The EIB also publishes the agendas and the minutes of the meetings of the Board of Directors. The minutes can only be finalised after they are approved at the next meeting of the Board of Directors and published only after they are reviewed in line with the EIB-TP. This process necessarily takes some time, but the EIB endeavours to publish the minutes as soon as possible. Subject to the EIB-TP, the minutes are published in full.</p> <p>In line with the EIB Statute, the Management Committee is responsible for the current business of the EIB, under the authority of the President and of the Board of Directors. It is also responsible for preparing the decisions of the Board of Directors. The agendas and</p>



	Summary of contributions	Contributions	EIB comments
			<p>the minutes of the Management Committee typically contain information that could be covered by the exceptions in the EIB-TP.</p> <p>We note that the contributions to the public consultation do not provide evidence of a significant public interest in the documents mentioned in this comment. For example, most (51%) contributions to this public consultation stated that the agendas and the minutes of the meetings of the Board of Directors are used only “rarely” or “never”; only 5 (12%) stated that they are used “very often” (question 5). Similar levels of interest emerge from replies to question 8.</p>
11	<p>4.3 In compliance with the Aarhus <b>Convention and the Aarhus Regulation</b>, environmental information held by the EIB is made available through the EIB Public Register of documents that the EIB has set-up on its website...The EIB is developing this register to ensure that environmental information is progressively made available and disseminated to the public <b>in a timely manner</b>.*</p> <p>* The “Frequently Asked Questions” (FAQ) page of the EIB Public Register contains...a regularly updated list of the types of <b>information</b>/documents published in the Register.</p>	Aarhus Convention Secretariat	<p>Suggestion not implemented in the draft revised EIB-TP. With regard to the first suggested edit, please see row 8. With regard to the timing of publication, please see table 9, row 1. The information accessible through the Public Register, including environmental information, is contained in documents. Therefore it is appropriate to refer to documents published in the Register.</p>
12	<p>4.4 In order to promote the accessibility of information, the EIB is committed to a language regime that takes into account the public’s needs. EIB’s statutory documents are available in all official EU languages. Other key <b>information</b>/documents with a particular importance for the public, such as this Policy itself, are also published in all official EU languages, while some others are available in English, French and German. Translation into other languages can be considered depending on the type of <del>the</del> document, <b>and the information contained therein</b>, and the public interest.</p>	Aarhus Convention Secretariat	<p>Suggestion partially implemented in the draft revised EIB-TP. Instead of “document, and the information contained therein”, reference is made to “information/document” for shortness and consistency with the rest of the Policy.</p>
13	<p>4.5 ...All other information/documents are <del>in principle</del> available upon request <b>in accordance with Section 5 below</b>.</p>	Aarhus Convention Secretariat	<p>Suggestion partially implemented in the draft revised EIB-TP. The words “in principle” are maintained, but the reference to Section 5 is added as suggested.</p>
14	<p>4.6 A project summary is <del>usually</del> posted on the Project List on the EIB’s website when the EIB formally requests the opinions of the Member State or the project host country and the European Commission, as required under Article 19 of the EIB Statute... <b>The webpage of EIB’s Project List informs the public of the possibility to get access to further information related to the listed projects upon request in accordance with section 5 below</b>.</p>	Aarhus Convention Secretariat	<p>Suggestion partially implemented in the draft revised EIB-TP.</p> <p>Explanations accompanying the suggested edit state that the word “usually” creates uncertainty about whether or not a project summary will be published. However, this provision only concerns the timing of the publication of project summaries, and is further specified by the subsequent provision.</p> <p>The second proposed edit is implemented as explained in table 9, row 3.</p>

	Summary of contributions	Contributions	EIB comments
15	<p>4.7 The EIB shall publish project summaries of all investment projects at least <del>3 weeks</del> <b>30 days</b> before the project is considered for approval by the EIB's Board of Directors. <del>However, a limited number of project summaries are may not be published before Board approval and, in some cases, not before loan signature in order to protect justified interests based on the exceptions to disclosure laid down in Section 5 of this Policy. These exceptions must be interpreted restrictively, taking into account the public interest served by its disclosure and whether the information relates to emissions into the environment.</del> The EIB cannot publish project-related information if the publication of <del>such that</del> specific information would violate European Union law such as the Market Abuse Regulation.</p>	Aarhus Convention Secretariat	<p>Suggestion partially implemented in the draft revised EIB-TP.</p> <p>The suggested replacement of "3 weeks" with "30 days" has not been included in the draft revised EIB-TP. However, the reference to 30 working days appears in Section 5 on "Disclosure of Information" (see, in particular, Art. 5.24 of the draft revised EIB-TP). It can be noted that, in practice, in the five-year period 2016-2020, projects summaries were on average published 95 days before approval.</p> <p>The word "however", the replacement of "are" with "may...be" and the reference to Section 5 have been included in the draft revised EIB-TP as suggested.</p> <p>The suggested edit on the restrictive interpretation of exceptions has not been included in this provision of the draft revised EIB-TP, but it is correctly set out in Art. 5.9 of the draft revised EIB-TP.</p> <p>The suggested replacement of "such" with "that" has not been made in the draft revised EIB-TP, because it does not appear to make a material improvement.</p>
16	<p>4.7 The EIB shall publish project summaries <b>and Environmental and Social Data Sheets</b> of all projects <del>at least 3 weeks</del> before the project is considered for approval by the EIB's Board of Directors. <del>However, a limited number of projects summaries are not published before Board approval and, in some cases, not before loan signature in order to protect justified interests based on the exceptions to disclosure laid down in this Policy. The EIB cannot publish project-related information if the publication of such specific information would violate European Union law such as the Market Abuse Regulation. The ESDS shall be disclosed in accordance with the timelines set out below:</del></p> <p><b>- 60 calendar days prior to consideration of the Project by the Board of Directors for projects likely to have significant effects on the environment, human health and well-being and which may have an impact on human rights, which may be subject to an assessment according to the EU EIA Directive 2011/92/EU</b></p> <p><b>- 30 calendar days for other projects.</b></p> <p><b>Project summaries and Environmental and Social Data Sheets are also published in a language of a country where a project is located.</b></p>	Joint contribution from 53 organisations	<p>Suggestion not implemented in the draft revised EIB-TP.</p> <p>The suggested deletion of "at least 3 weeks" would weaken transparency by removing the timeline for the publication of project summaries. This would such publication to be delayed beyond cases justified in the light of disclosure exceptions.</p> <p>The suggested deletion of the references to disclosure exceptions and European Union law neglects that one of the Guiding Principles of the EIB-TP is ensuring the trust of counterparts and safeguarding sensitive information held by the EIB as part of its banking activities.</p> <p>With regard to the suggested edits proposing timelines for the publication of ESDS, EIA and ESIA, accompanying explanations justify them based on other IFIs' policies. However, in accordance with the EIB E&amp;S Standards and EU law (e.g. the EIA Directive) as applicable, primary responsibility for public information, consultation and the handling of grievances at project level lies with project promoters. Therefore, the rationale underlying the proposed timelines does not equally apply in the EIB's case. As previously announced, a public consultation on the Standards took place this year.</p>

	Summary of contributions	Contributions	EIB comments
	<i>In addition to the client disclosure obligations, the EIB shall publish Environmental Impact Assessments or Environmental and Social Impact Assessments for public disclosure and consultations at least 60 calendar days prior to consideration of the Project by the Board of Directors.</i>		<p>Moreover, not all projects require an ESDS, EIA or ESIA.</p> <p>However, the draft revised EIB-TP further clarifies the types of documents published on the Public Register.</p> <p>Moreover, in practice, in the five-year period 2016-2020, projects summaries were on average published 95 days before approval.</p> <p>With regard to languages, please see table 1, row 12.</p>
17	4.8 Project summaries generally include...its environmental and, if relevant, social aspects, <b>including potential environmental/social risks and impacts</b> ,...When applicable, links are provided to environmental information ( <b>including Environmental and Social Impact Assessments and/or Non-Technical Summaries</b> ), as early as possible in the project cycle	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. However, the draft revised EIB-TP further clarifies the types of documents published on the Public Register.
18	4.8 Project summaries <b>must mandatorily</b> include the name of the project, the project promoter or financial intermediary (for intermediated loans), the location of the project, the sector it represents, a project description, its objective(s), its environmental and, <del>if relevant</del> , social impacts, procurement data, proposed EIB finance, the total project cost, and the status of the project, noting whether it is “under appraisal”, “approved” or “signed” <b>and information on the proposed date of the Board meeting during which the project may be approved, contact information for both EIB project leads and clients, the opinion (and the underlying rationale) of the European Commission issued under the so-called Article 19 procedure and of the State where project is located, information on the beneficial ownership of EIB client.</b>	Joint contribution from 53 organisations	<p>Suggestion not implemented in the draft revised EIB-TP.</p> <p>Not all projects have relevant environmental or social impacts, therefore it would be misleading to delete “if relevant” or add “must mandatorily”.</p> <p>The European Commission’s and Member State’s opinions are published as part of the minutes of the meetings of the Board of Directors.</p> <p>It is recalled that Art. 30(5) of the Anti-Money Laundering (AML) Directive is directed to Member States and already requires them to ensure that the information on the beneficial ownership is accessible to, among others, any member of the general public. Please note that Art. 30(9) sets out limitations/exemptions to the rule. Ultimate Beneficial Owner (UBO) information constitutes personal data submitted to the EIB Group under the EIB Group AML-CFT Framework and its implementing procedures. This data is processed in accordance with Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. Data on UBOs is collected exclusively for AML-CFT purposes. The processing of such data for purposes other than AML-CFT would not be considered lawful for the purposes of the Data Protection Regulation (Art. 5(1)(a) Regulation (EU) 2018/1725; Art. 43 AMLD). The disclosure of beneficial ownership to the public cannot be unilaterally extended by the EIB</p>

	Summary of contributions	Contributions	EIB comments
			<p>beyond the existing legal framework, as it could raise issues related to the privacy rights of beneficial owners.</p> <p>With regard to the dates of the meetings of the Board of Directors, please see row 10. With regard to contact information, please see table 1, row 13.</p>
19	<p>4.9 Information on any intermediated financing of the EIB is published on the Project List on the EIB's website. <b><i>The EIB moreover publishes:</i></b></p> <ul style="list-style-type: none"> <li>- <b><i>the name of the final beneficiary, the amount received and the type of project;</i></b></li> <li>- <b><i>Environmental Impact Assessments (EIAs) and Environmental and Social Impact Assessments (ESIAs) related to final beneficiaries;</i></b></li> <li>- <b><i>Declaration Forms for Sites of Natural Conservation (forms A and B);</i></b></li> <li>- <b><i>fiches submitted by the intermediary of mid-cap loans,</i></b></li> <li>- <b><i>environmental management capacity of promoters and/or fund managers,</i></b></li> <li>- <b><i>environmental and risk management capacity of the intermediary for global loan operations,</i></b></li> <li>- <b><i>environmental information contained in reports from Bank monitoring missions, assessments,</i></b></li> <li>- <b><i>reviews and reports commissioned by the EIB with third parties regarding the environmental aspects of the Bank's projects,</i></b></li> <li>- <b><i>environmental information contained in project evaluation reports,</i></b></li> <li>- <b><i>documents received by the Bank from the promoter under para. 40 of the EIB Statement of Environmental and Social Principles and Standards</i></b></li> <li>- <b><i>environmental information collected for final allocations for funds of EUR 25-50 million.</i></b></li> </ul> <p>In addition, and to the extent possible, the EIB releases, on request, aggregate data on intermediated loan financing, including country and sector breakdowns.</p>	Joint contribution from 53 organisations	<p>Please see table 11, row 1.</p>
20	<p>4.10 If applicable, project summaries include links to environmental and social <b>information</b>/documents in the EIB Public Register, project data sheets, press releases, related projects, and/or other relevant information/ <b>or</b> documents published on the EIB's website.</p>	Aarhus Convention Secretariat	<p>Suggestion not implemented in the draft revised EIB-TP. It is correct to state that the links included in project summaries are to documents. The suggested replacement of "/" with "or" does not appear to make a material improvement. Also, the reference to</p>

	Summary of contributions	Contributions	EIB comments
			"information/documents" is made consistently across the EIB-TP. Please also see row 11.
21	4.10 <b>If applicable, For Category A and B investments</b> , project summaries include links to environmental and social documents in the EIB Public Register ( <b>e.g. EIAs, Resettlement Action Plans, Conflict Risk Assessments, Human Rights Impact Assessments and other due diligence required under EIB's ESPS</b> ), project data sheets, press releases, related projects, and/or other relevant information/documents published on EIB's website.	NomoGaia	Suggestion not implemented in the draft revised EIB-TP. We do not use the mentioned categories. However, the draft revised EIB-TP further clarifies the types of documents published on the Public Register.
22	4.10 <b>If applicable, Project summaries provide links to environmental as social information/documents held in the Public Register including:</b>  <ul style="list-style-type: none"> <li>- <b>Appraisal report containing the Carbon Footprint Assessments of projects where relevant,</b></li> <li>- <b>Additionality Impact Measurement Sheet,</b></li> <li>- <b>Overall Environmental and Social Assessment Form,</b></li> <li>- <b>The proposal from the Management Committee to the Board of Directors,</b></li> <li>- <b>Other environmental and social documents, such as Environmental and Social Management/Action Plans, Stakeholders Engagement Plans, Indigenous Peoples Development Plan,</b></li> <li>- <b>EIB project environmental and social monitoring reports, and similar reports provided by the project promoters,</b></li> <li>- <b>Project Completion Reports.</b></li> </ul>	Joint contribution from 53 organisations	Suggestion partially implemented in the draft revised EIB-TP.  The <a href="#">Public Register</a> makes available several of the mentioned documents, including for example: ESDS that reflect the EIB's project appraisal and contain the output of the carbon footprint exercise (the calculation <a href="#">methodology</a> is available on the EIB website); ESMP, SEP, Indigenous Peoples Development Plans, ESCS, etc. The draft revised EIB-TP further clarifies the types of documents published on the Public Register.  Several of the other documents mentioned are working documents that typically contain information other than E&S information, and to which disclosure exceptions may apply. Whilst it would not be feasible to systematically publish these documents, they can be disclosed upon request in line with the EIB-TP. We also note that other responses to this public consultation do not provide evidence of a significant public interest in these documents. For example, most (51%) responses to this public consultation stated that documents published on the Public Register are used only "rarely" or "never"; only 2 (<5%) stated that they are used "very often".  Not all projects have relevant environmental or social impacts, therefore it would be misleading to delete "if applicable".  With regard to additionality, please also see table 1, rows 15-17.
23	4.11 ... <b>The webpage of EIB's financed project list informs the public of the possibility to get access to further information related to the financed projects upon request in accordance with section 5 below.</b>	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP. Please see table 9, row 3.
	<b>Section 5 – Disclosure of Information</b>		
24	5.1(b) The present Policy applies without prejudice to the right of public access to information/documents held by the EIB in line with:	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Please see row 8.

	Summary of contributions	Contributions	EIB comments
	<p>i. <del>The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998, as implemented by The Aarhus Convention, and</del> Regulation (EC) No 1367/2006; the EIB shall pay particular attention to all requests for the disclosure of information/documents, especially those concerning environmental information;</p> <p><del>or</del> <b>and</b></p> <p>ii. Other instruments...</p>		
25	<p>5.2 Non-discrimination and equal treatment: Every member of the public has the right to request and receive timely information/documents from the EIB <del>without suffering from any retaliation</del>. When considering <del>such</del> a request for information/documents, the EIB does not discriminate or give special privileged access to information/documents.</p> <p><b>Non-retaliation: EIB does not tolerate retaliation against individuals or organisations for exercising their rights under this Policy.</b></p>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The explanations accompanying the suggested edit indicate that non-retaliation should not be lumped together with non-discrimination and equal treatment, as these are different issues with different actors involved. Consistently with this reasoning, it would not be appropriate to present non-retaliation as a separate principle for the disclosure of information/documents by the EIB.
26	<p>5.3 While the EIB is committed to a policy of presumption of disclosure and transparency, it also has a duty to respect confidentiality in compliance with European <b>Union</b> laws, <b>including</b> the obligation not to disclose information...There are therefore certain <del>limits</del><b>constraints</b> on the disclosure of information/documents</p>	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. The suggested replacement of "limits" with "constraints" has not been made in the draft revised EIB-TP, because it does not appear to make a material improvement.
27	<p>5.3 While the EIB is committed to a policy of presumption of disclosure and transparency, it also has a duty to respect confidentiality in compliance with European laws, the obligation not to disclose information of the kind covered by the obligation of professional secrecy in accordance with Article 339 TFEU, as well as legislation to protect personal data. <del>National regulations and banking sector standards covering business contracts and market activity may also apply to the EIB.</del> There are therefore certain limits on the disclosure of information/documents.</p> <p>In applying the exceptions to disclosure the EIB, <del>shall, in line with article [updated cross references] above, have due regard for its specific role and activities, and the need to protect its legitimate interests and the legitimate interests of its clients, and thus the</del></p>	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The suggestion neglects that one of the Guiding Principles of the EIB-TP is ensuing the trust of counterparts and safeguarding sensitive information held by the EIB as part of its banking activities.



	Summary of contributions	Contributions	EIB comments
	<del>confidentiality of the relationship between the EIB and its clients and other relevant counterparts. In particular, under this Policy the EIB cannot disclose information in violation of European Union law such as the Market Abuse Regulation.</del>		
28	<p>5.3 While the EIB is committed to a policy of presumption of disclosure and transparency, it also has a duty to respect confidentiality in compliance with European laws, <del>the obligation not to disclose information of the kind covered by the obligation of professional secrecy in accordance with Article 339 TFEU, as well as legislation to protect personal data</del>. National regulations <del>and banking sector standards</del> covering business contracts and market activity may also apply to the EIB. <del>There are therefore certain limits on the disclosure of information/documents.</del></p> <p>In applying the exceptions to disclosure the EIB shall, in line with article [updated cross references] above, have due regard for its specific role and activities, and the need to protect its legitimate interests <del>and the legitimate interests of its clients, and thus the confidentiality of the relationship between the EIB and its clients and other relevant counterparts</del>. In particular, under this Policy the EIB cannot disclose information in violation of European Union law such as the Market Abuse Regulation.</p>	NomoGaia	Suggestion not implemented in the draft revised EIB-TP. The suggestion neglects that one of the Guiding Principles of the EIB-TP is ensuring the trust of counterparts and safeguarding sensitive information.
29	<p>5.4 Notably, access shall be refused where disclosure would <del>jeopardise undermine the protection of:</del></p> <p><del>a. the public interest, as regards:</del></p> <ul style="list-style-type: none"> <li>- public security;</li> <li>- <del>international relations domestic or international peace agreements;</del></li> <li>- the financial, monetary or economic policy of the EU, its institutions and bodies or a Member State;</li> <li>- the environment, such as breeding sites of rare species.</li> </ul>	NomoGaia	Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank.
30	<p>5.5 Access to information/documents shall also be refused where disclosure would undermine the protection of commercial interests of a natural or legal person.</p> <p><del>Business, financial, proprietary or other non-public information/documents created or received by the EIB; Information/documents relating to negotiations, legal documentation and related correspondence; Information/documents covered by a confidentiality agreement or in relation to which a third party has legitimate expectations that they would not be disclosed.</del></p>	Joint contribution from 53 organisations	<p>Suggestions not implemented in the draft revised EIB-TP.</p> <p>The text at issue expressly provides non-exhaustive examples that illustrate cases of commercial interests that are common in banking, without modifying the disclosure exception. The examples mentioned are all pertinent and maintained in the draft revised EIB-TP.</p> <p>It is important to consider that the audience of the EIB-TP includes parties who are not transparency experts. It is in the interest of</p>

	Summary of contributions	Contributions	EIB comments
31	<p>5.5 Access <del>to information/documents</del> shall also be refused where disclosure would undermine the protection of commercial interests of a natural or legal person.</p> <p>The following non-exhaustive examples illustrate common cases of commercial interests:</p> <ul style="list-style-type: none"> <li>- <del>Business, financial, proprietary or other non-public commercially sensitive information/documents</del> created or received by the EIB;</li> <li>- <del>Information/documents relating to negotiations, legal documentation and related correspondence;</del></li> <li>- <del>Information/documents</del> <b>Commercially sensitive information</b> covered by a confidentiality agreement* or in relation to which a third party has legitimate expectations that they would not be disclosed.</li> </ul> <p>* ...commercial interests can be protected even after the expiration of the confidentiality agreement <b>if they are still otherwise protected under EU law</b></p>	Aarhus Convention Secretariat	<p>transparency and good administration to help them understand the EIB-TP.</p> <p>Providing examples common in banking can also promote consistency and improve timeliness in the assessment of the disclosure of the relevant information/documents.</p> <p>Moreover, the examples, like the exception more generally, remain subject to Article 5.8 (overriding public interest in disclosure) and Article 5.9 (restrictive interpretation) of the draft revised EIB-TP. Indeed, the EIB would continue to analyse each case individually to determine whether there are public interests at stake that override the protection of legitimate interests.</p> <p>The EIB-TP does not use the term “commercially sensitive”, which is therefore not defined. Introducing this term in the examples in Art. 5.5 could suggest that “commercial sensitivity” is an inherent characteristic of certain types of information/documents. Instead, the exception applies depending on whether disclosure of the information/document at issue would undermine the protection of commercial interests.</p>
32	<p>5.5 Access to information/documents shall also be refused where disclosure would <del>jeopardise undermine the protection of</del> commercial interests of a natural or legal person.</p> <p>The following non-exhaustive examples illustrate common cases of commercial interests:</p> <ul style="list-style-type: none"> <li>- Business, financial, proprietary <del>information/documentation or other non-public information/documents created or received by the EIB;</del></li> <li>- Information/documents relating to negotiations, legal documentation and related correspondence;</li> <li>- Information/documents covered by a confidentiality agreement <del>or in relation to which a third party has legitimate expectations that they would not be disclosed.</del></li> </ul>	NomoGaia	<p>The draft revised EIB-TP expressly quotes Recital 15 of Regulation (EC) No 1367/2006, which acknowledges the relevance of confidentiality agreements for bodies acting in a banking capacity. The exception can however apply whether or not a confidentiality agreement exists. The footnote therefore correctly clarifies that the expiry of a confidentiality agreement does not necessarily exclude the applicability of the exception. Indeed, as already mentioned, the exception applies depending on whether disclosure would undermine the protection of commercial interests. This is the case independent of whether the same interests are also protected under EU law.</p>
33	<p>5.6 Access <del>to information/documents</del> shall also be refused where disclosure would undermine the protection of:</p> <p>...</p> <ul style="list-style-type: none"> <li>- the purpose of inspections, investigations and audits.</li> </ul> <p><del>Disclosure of information/documents related to inspections, investigations and audits shall be presumed to undermine the protection of the purpose of the inspections, investigations and audits.</del></p> <p>Requests for disclosure of information/documents relating to finalised investigations will be assessed in light of all the relevant</p>	Aarhus Convention Secretariat	<p>Suggestion partially implemented in the draft revised EIB-TP.</p> <p>The words “consider providing” have been replaced with “provide”, as suggested.</p> <p>The other suggested edits have not been included in the draft revised EIB-TP. In particular, it is appropriate to protect the purpose of inspections, investigations and audits. At the same time, the presumption regarding finalised investigations has been removed.</p>



	Summary of contributions	Contributions	EIB comments
	<p>circumstances of each case, <b>taking into account the public interest in disclosure.</b></p> <p>Without prejudice to the above or any provisions of this Policy, the EIB may <del>consider providing</del> <b>provide</b> a summary of the findings of investigations.</p> <p>Any disclosure made under the previous subparagraphs shall be assessed in light of all the relevant circumstances of each case, notably taking into account the provisions of this Policy and of other EIB policies, <b>the public interest served by disclosure and</b> the need to protect the effectiveness and the purpose of ongoing and future investigations by the EIB or other parties.</p>		<p>With regard to the suggested inclusion of references to public interest in disclosure, it is noted that the provision expressly requires taking into account “the provisions of this Policy”. Because the public interest is relevant generally, not only in this specific case, it is appropriate to maintain the cross reference to the generally applicable provisions.</p>
34	<p>5.6 Access to information/documents shall also be refused where disclosure would <del>jeopardise undermine the protection of:</del></p> <ul style="list-style-type: none"> <li>- intellectual property;</li> <li>- court proceedings and legal advice;</li> <li>- the purpose of <b>ongoing</b> inspections, investigations and audits.</li> </ul> <p><b>While inspections, investigations and audits are underway, disclosure of information/documents related to them inspections, investigations and audits shall be presumed to jeopardise undermine the protection of their purpose of the inspections, investigations and audits.</b></p> <p>Requests for disclosure of information/documents relating to finalised investigations will be assessed in light of all the relevant circumstances of each case.</p> <p><del>Without prejudice to the above or any provisions of this Policy, the EIB may consider providing a summary of the findings of investigations.</del></p> <p><del>Any disclosure made under the previous subparagraphs shall be assessed in light of all the relevant circumstances of each case, notably taking into account the provisions of this Policy and of other EIB policies, the need to protect the effectiveness and the purpose of ongoing and future investigations by the EIB or other parties.</del></p>	NomoGaia	<p>Suggestion not implemented in the draft revised EIB-TP. Please see row 29. The explanation accompanying the suggested edit states that there should be a presumption of public interest in the disclosure of the outcomes of inspections, investigations and audits. Whilst there may be a public interest in certain cases, the alleged general presumption has no basis in EU law or the EIB-TP.</p> <p>The provision of a summary enables striking an appropriate balance between transparency and the need to protect the purposes of investigations.</p> <p>The last subparagraph provides important clarifications, notably the need to consider all circumstances of the case, to protect investigations by the EIB or other parties, and to take into account “the provisions of this Policy”, notably covering the public interest. In this regard, please see row 33.</p>
35	<p>5.6 Access to information/documents shall also be refused where disclosure would undermine the protection of:</p> <ul style="list-style-type: none"> <li>- intellectual property;</li> <li>- court proceedings and legal advice;</li> </ul>	Joint contribution from 53 organisations	<p>Suggestion partially implemented in the draft revised EIB-TP.</p> <p>Explanations accompanying the suggested edit selectively quote the decision of the European Ombudsman in case 1316/2016/TN. The draft revised EIB-TP implements the European Ombudsman's</p>

	Summary of contributions	Contributions	EIB comments
	<p>- the purpose of inspections, investigations and audits. <del><b>Disclosure of information/ and documents collected and generated during related to inspections, investigations and audits shall be presumed to undermine the protection of the purpose of the inspections, investigation sand audits even after these have been closed, or the relevant act has become definitive and the follow-up action has been taken. Requests for disclosure of information/documents relating to finalised investigations will be assessed in light of all the relevant circumstances of each case.</b></del> Without prejudice to the above or any provisions of this Policy, the EIB <del><b>should systematically and proactively may consider providing provide</b></del> a meaningful summary of the findings of the evaluation on its website.</p>		<p>suggestion to remove the presumption of non-disclosure related to investigations, including after these have been closed. The draft revised EIB-TP thus narrows down the scope of the disclosure exception, as previously formulated, thus increasing transparency. Please also see row 34.</p> <p>EIB evaluations are published on our <a href="#">website</a>.</p>
36	<p><del><b>5.7 Access to information/documents, drawn up by the EIB for internal use or received by the EIB, which relates to a matter where the decision has not been taken by the relevant organ of the EIB, shall be refused if disclosure of the document/information would seriously undermine the EIB's decision-making process.</b></del></p> <p>Access to information/documents containing opinions for internal use as part of deliberations and preliminary consultations within the EIB or with Member States/other stakeholders shall be refused even after the decision has been taken if disclosure of the information/document would seriously undermine the EIB's decision-making process.</p>	NomoGaia	<p>Suggestion not implemented in the draft revised EIB-TP. It is important to protect the decision-making process when the relevant decision has not yet been taken. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank.</p>
37	<p><del><b>5.8 The exceptions under Articles 5.5, 5.6 and 5.7 shall apply unless there is an overriding public interest in disclosure. As regards Article 5.5 and the first and third bullet points of Article 5.6 with the exception of investigations, an overriding public interest in disclosure shall be deemed to exist where the information requested relates to emissions into the environment.</b></del></p>	NomoGaia	<p>Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on Art. 6 of Regulation (EC) No 1367/2006, while taking into account the EIB's specificity as a bank.</p>
38	<p><del><b>5.9 If only parts of a requested document are covered by any of the exceptions, the remaining parts of the document shall be released.</b></del></p>	Aarhus Convention Secretariat	<p>Suggestion implemented in the draft revised EIB-TP.</p>
39	<p>5.9 <del><b>The</b></del>All grounds for refusal, in particular as regards access to environmental information/documents should be interpreted in a restrictive way...</p>	Aarhus Convention Secretariat	<p>Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on Art. 6 of Regulation (EC) No 1367/2006.</p>
40	<p>5.10 As regards third-party information/documents the EIB shall consult with the third party(ies) <del><b>on whether the information/document is confidential according to this Policy with a view to assessing whether an exception in paragraphs</b></del></p>	Joint contribution from 53 organisations	<p>Suggestion implemented in the draft revised EIB-TP. The term disclosure exceptions is used for clarity (more than one exception may apply in a single case).</p>

	Summary of contributions	Contributions	EIB comments
	<b>5.4-5.7 is applicable</b> , unless it is clear that it shall or shall not be disclosed.		
41	5.10 As regards third-party information/documents, the EIB shall consult with the third party(ies) on whether the information/ <del>document</del> is confidential according to this Policy unless it is clear that it shall or shall not be disclosed. <b><i>In all cases, the final decision on disclosure lies with the EIB.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The wording of the provision is modelled on the general framework on access to documents applicable to EU institutions, which does not include the suggested clarification. Based on the EIB's experience, such a clarification is not necessary, as it is generally well understood that decisions on disclosure requests are EIB decisions.
42	5.11 A Member State or an EU institution, body or agency may request the EIB not to disclose information/documents originating from them without their prior agreement, setting out the reasons for their objection by reference to the exceptions referred to in <b>Section 5</b> of the present Policy	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP.
43	5.11 A Member State <del>or an EU institution, body or agency</del> may request the EIB not to disclose information/documents originating from a Member State without <del>its their</del> prior agreement, setting out the reasons for <del>its their</del> objection by reference to the exceptions referred to in the present Policy.	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The explanation accompanying the suggested edit presents the provision as granting a "veto right". Case law and the requirement to justify objections by reference to disclosure exceptions clarify that this is not the case.
44	5.12 <del>The EIB occasionally co-operates closely with other IFIs and bilateral European development finance institutions and has broadened and deepened this co-operation especially by partial or full delegation of project appraisal and monitoring. Documents relating to such common projects prepared by another IFI and/or bilateral European institution could be disclosed by the other parties themselves or by the EIB with the prior agreement of the relevant other IFI or bilateral European institution.</del>	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The provision used to appear in Art. 4.10 of the EIB-TP. It has been moved to Section 5 of the draft revised EIB-TP because it refers to disclosure rather than publication. Deleting this provision would hamper the possibility for the EIB to cooperate with other IFIs and bilateral European development finance institutions.
45	5.13 ...Confidential information, <del>in line with</del> <b>within the</b> exceptions laid down in this Policy, relating to individual investors or banks will not be disclosed...	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Explanations accompanying this suggestion indicate that the edit aims to clarify that this provision does not introduce a new ground of exception from disclosure. The EIB would like to confirm that indeed this is not a new ground of exception. Based on the EIB's experience, this is generally well understood and the suggested edit does not appear to make a material improvement.
46	5.14 The exceptions will only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of <b>20</b> years. After <b>20</b> years, a document becomes subject to review for public archiving. In the case of documents covered by the exceptions relating to the protection of personal data or commercial interests of a natural or legal person including intellectual property, the exceptions may, if necessary, continue to apply after this period. In general, information	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank. It is linked to e.g. public archiving rules. Moreover, the long maturity of EIB loans should also be taken into account.

	Summary of contributions	Contributions	EIB comments
	shall only be held by the EIB until the end of the retention requirements has been reached.		
47	Replace the term "application(s)" with the term "request(s)"	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Both terms are used in the EIB-TP and in practice. The term (initial and confirmatory) application is also used in the general framework on access to documents applicable to EU institutions. Based on the EIB's experience, the use of these terms is generally not problematic and the suggested edit does not appear to make a material improvement.
48	5.15 <del>Applications</del> <b>Requests</b> for <del>access</del> <b>information</b> should be preferably addressed to the EIB information desk (infodesk@eib.org). They can also be sent to any of the EIB <del>mailpostal</del> addresses, including its External Offices.	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. The other suggested edits have not been included in the draft revised EIB-TP. In this regard, please see row 47.
49	5.17 <del>Applications</del> <b>Requests</b> for <del>access</del> <b>shall information should</b> preferably be made in writing, for reasons of recording, handling and reporting in accordance with the provisions of this Policy. <del>EIB staff remains available to respond informally to oral requests. They can also be made orally.</del>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank. Moreover, our experience shows that disclosure requests are made in writing.
50	5.19 <del>If information has already been released by the EIB, the applicant shall be informed of how to obtain the requested information.</del>	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. Comments accompanying this suggestion express the concern that the applicant is not provided with the requested information/document, but only told how to obtain it elsewhere. The provision has been further clarified.
51	<b><i>In the event that EIB does not hold the information requested but is aware of the entity that may do so, the EIB shall, as promptly as possible, inform the applicant of the entity that may hold the information.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The EIB complies with relevant provisions of Regulation (EC) No 1367/2006. In particular, Article 7 of the Regulation provides that " <i>Where a Community institution or body receives a request for access to environmental information and where this information is not held by that Community institution or body, it shall, as promptly as possible, but within 15 working days at the latest, inform the applicant of the Community institution or body or the public authority within the meaning of Directive 2003/4/EC to which it believes it is possible to apply for the information requested or transfer the request to the relevant Community institution or body or the public authority and inform the applicant accordingly.</i> "
52	5.21 Requests are replied to without delay, and in any event no later than 15 working days following receipt*.  5.22 In exceptional cases, for example in the event of an application relating to a very long document or when the information is not readily available and complex to collate, * the time-limit <b>for providing the information</b> may be extended <del>and the correspondent. The applicant shall be informed accordingly</del> <b>of the need for an</b>	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. The time-limit is to provide a reply, which may grant or refuse access to the requested information/documents, as applicable. The requirement to inform the applicant about the extension and reasons thereof is included in the footnote, which has been moved to the end of the second provision.

	Summary of contributions	Contributions	EIB comments
	<b>extension of time and the reasons justifying it</b> no later than 15 working days following receipt.		
53	5.23 The EIB shall, however, endeavour to provide a reply to such complex requests no later than 30 working days following receipt. <b><i>In all circumstances, a reply will be provided no later than two months following receipt.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank. Please also see rows 8 and 54.
54	5.23 The EIB shall, however, <del>endeavour to</del> provide a reply to such complex requests no later than 30 working days following receipt.	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. Given the EIB's specificity as a bank, some flexibility may be needed in certain cases. In the interest of transparency, it is also preferable, in justified cases (please see row 52), to disclose the requested information/documents within a reasonable timeframe, rather than refusing disclosure in order to send a reply within a hard deadline.
55	5.24 ... <b><i>A refusal of a request shall be in writing if the request was in writing or the applicant so requests. A refusal shall be made as soon as possible and at the latest within 15 working days, unless the complexity of the information justifies an extension of up to 30 working days. The applicant shall be informed of any extension and the reasons justifying it.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Whilst the proposed text is not used as suggested, various provisions of the Policy substantially address the suggestion. For example, the draft revised EIB-TP states that "requests are replied without delay". It refers to the 15- and, for complex requests, 30-working days' timelines. It also requires the EIB to inform the applicant about delays and their reasons. Please also see rows 49, 52 and 54.
56	5.25 Information shall be supplied in <del>an existing version and format, or, if feasible, the form requested unless it is already publicly available in a format according to the specific needs of another form or it is otherwise reasonable for the requester.</del> <b><i>EIB to make it available in another form, in which case reasons shall be given for making it available in that form.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The wording of this provision is modelled on the general framework applicable to EU institutions, while taking into account the EIB's specificity as a bank.
57	5.27 Only the costs of producing and sending copies may be charged to the applicant. The charge shall not exceed the real costs of producing and sending the copies. <b><i>A schedule of such charges will be made available on the EIB website, indicating the circumstances in which the charges may be levied or waived and when the supply of information is conditional on advance payment of the charge.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The EIB typically discloses information/documents in electronic form, without charging any cost to the applicant. Therefore, establishing and publishing a schedule of charges does not appear necessary and may discourage interested members of the public from exercising their right of access to information/documents.
58	5.28 The handling of requests shall be carried out in compliance with rules on the protection of individuals with regard to the processing of personal data as laid down in <b><i>EU law Regulation (EU) 2018/1725.</i></b>	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP. The reference to the Regulation is included in a footnote.
59	5.29 The EIB retains the possibility of refusing <del>to follow up an application a request</del> that is <del>excessive or manifestly unreasonable, for example</del> repetitive. <del>The same applies to applications that are or</del> clearly frivolous <del>requests or requests that are</del> malicious or commercial in nature.	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Explanations accompanying the suggestion state that " <i>to fairly determine what is excessive, EIB needs to know the reason why the information is sought (which it is not entitled to do)</i> ". This argument could also apply to the suggested term "manifestly unreasonable". Also, whilst "excessive" can properly refer to the scope of the request, "manifestly unreasonable" can further extend the scope of the provision, as made clear by the "for example". In the interest of



	Summary of contributions	Contributions	EIB comments
			transparency, it would be preferable that this provision should continue to apply only to specified cases. Please also see row 47.
60	5.32 In the event of a total or partial refusal following a confirmatory application, the EIB shall inform the applicant of the remedies open to him or her, namely making a complaint to the Complaints Mechanism, <b>making a complaint to the European Ombudsman</b> or initiating court proceedings against the EIB before the Court of Justice of the European Union.	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The prior administrative approach, needed to submit a complaint to the European Ombudsman (irrespective of whether the applicant/requester has decided to make use of the voluntary confirmatory application procedure), is the recourse to the EIB Group Complaints Mechanism, which ensure an operationally independent review of the EIB Group's decisions.
	<i>Section 6 – Provisions for Complaints and Appeals</i>		
61	6.4 In case of dissatisfaction with the outcome of a complaint lodged at the EIB Complaints Mechanism <b>or with the EIB decision on a confirmatory application under Article 5.31</b> , EU citizens or any natural or legal person residing or having its registered office in an EU Member State can, in accordance with article 228 TFEU and regardless of a direct concern in the alleged maladministration, make a complaint to the European Ombudsman. (...)	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. Please see row 60.
62	6.5 Any member of the public has the right to submit communications to the Aarhus Convention Compliance Committee <b>against the European Union</b> concerning alleged non-compliance with the Convention <b>by the European Union, including alleged noncompliance by EIB.*</b>  * <b>Further details on this compliance review mechanism are available</b> For further information on <del>the web page of</del> the Aarhus Convention Compliance Committee, <b>see:</b> <b><a href="https://unece.org/env/pp/cc">https://unece.org/env/pp/cc</a></b>	Aarhus Convention Secretariat	Suggestion partially implemented in the draft revised EIB-TP. Responsibility for alleged breaches of the Convention lies with the European Union, which is represented by the European Commission.
	<i>Section 7 – Stakeholder Engagement and Public Consultation</i>		
63	7.1 The underlying objective of EIB's principles on stakeholder engagement is to ensure stakeholders are heard, and that <b>due account is taken of</b> their concerns <del>will be adequately addressed</del> .	Aarhus Convention Secretariat	Suggestion implemented in the draft revised EIB-TP
64	7.6 Stakeholder engagement at project level, including information disclosure, <del>meaningful consultation as relevant public participation</del> and access to <del>grievance justice</del> , is governed by relevant provisions of EU law <del>and by, the Aarhus Convention and</del> the EIB Environmental and Social Standards, which confirm the EIB's commitment to the principles on stakeholder engagement and encourage project promoters to <b>comply with these standards as well as to</b> follow good practices in project design, implementation and monitoring.	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The EIB E&S Standards contain references to the Aarhus Convention as appropriate. As previously announced, a public consultation on the Standards took place this year. Please see rows 8 and 65.
65	7.7 The primary responsibility for information and engagement with <del>local</del> <b>the public concerned and other relevant</b> stakeholders on a project basis <del>lies rests</del> with the project promoter and/or borrower.	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. The provision has general scope, not limited to the environmental field, in which the term "public concerned" is used. Please also see row 8.

	Summary of contributions	Contributions	EIB comments
	The EIB <b>encourages</b> supports their efforts in accordance with the EIB Environmental and Social Standards.		
66	<p>7.7 The primary responsibility for information and engagement with local stakeholders on a project basis rests with the project promoter and/or borrower. <del>The EIB supports their efforts in accordance with the EIB Environmental and Social Standards. The EIB works closely with its clients to provide sufficient information about the environmental and social risks and impacts arising from projects and to engage with stakeholders in a meaningful, effective, inclusive and culturally appropriate manner consistent with the Environmental and Social Standards. The EIB commits itself to include in its contracts provisions which require that its clients:</del></p> <ul style="list-style-type: none"> <li>- Where relevant, make Environmental Impact Assessments, Environmental and Social Impact Assessments, Environmental and Social Management/Action Plans, Stakeholders Engagement Plans, Indigenous Peoples Development Plans and other project related environmental and social information effectively accessible to the public in a language understandable by the project impacted people before decisions on activities are made, in order to allow for the interested public to participate in the decision-making.</li> <li>- Notify project impacted people and interested public that a project or program expected to affect them is under preparation and inform them as to when and how they can take part in public consultations organized by the relevant local authorities. They shall also inform the public concerned about the availability of project related environmental and social information/documents, and must inform the public about the way in which they will be disseminated and made accessible to the public.</li> </ul>	Joint contribution from 53 organisations	Suggestion not implemented in the draft revised EIB-TP. The EIB-TP applies to the EIB. Transparency by project promoters falls within the scope of applicable laws and the EIB E&S Standards. As previously announced, a public consultation on the Standards took place this year.
67	7.8 ...Engaging with stakeholders can contribute to the legitimacy of a project and their trust, knowledge and understanding of local issues can help improve <del>the</del> its performance and <b>sustainability, as well as</b> minimise the risks of a project.	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Whilst the suggested edit is not included as proposed, several provisions of the Policy acknowledge that transparency contributes to projects' sustainability (see in particular Articles 1.1 and 2.2). The addition of another reference to sustainability does not appear to make a material improvement.
68	7.10 The EIB is open to explore further potential ways of engagement with <b>the public concerned and other relevant</b> stakeholders on projects with high environmental and social, including human rights, risk potential.	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Please see row 65.

	Summary of contributions	Contributions	EIB comments
69	7.11 The EIB is committed to engage, <del>on a voluntary basis,</del> in <del>formal</del> <b>meaningful and effective</b> public consultation on selected policies. This participatory process allows <del>external</del> <b>the public as well as other relevant</b> stakeholders and EIB staff to participate in the preparation and review of policy documents, contributing to their quality <del>and,</del> credibility <del>and acceptance...</del>	Aarhus Convention Secretariat	<p>Suggestion not implemented in the draft revised EIB-TP. Explanations accompanying the suggested edits clarify their rationale.</p> <p>The explanation for the suggested deletion of “on a voluntary basis” is that “<i>When preparing policies related to the environment, EIB is bound by article 7 of the Aarhus Convention to endeavour to provide opportunities for public participation.</i>” In this regard, it should be noted that, unlike the Aarhus Convention and Regulation, the EIB-TP applies to all information/documents and to all public consultations held by the EIB, not only those on environmental matters. Within the scope of environmental matters, the EIB is bound to comply with the provisions of the Aarhus Regulation on the application of the provisions of the Aarhus Convention to EU institutions and bodies.</p> <p>The explanation for the suggested replacement of “formal” with “meaningful and effective” is that “<i>Public consultation should not just be “formal”. It should be “effective” and “meaningful”.</i>” It should be clarified that the term “formal” is used in the meaning of “<i>done publicly or officially</i>” rather than “<i>in appearance or by name only</i>” (definitions quoted from <a href="#">Cambridge Dictionary</a>). The rest of the provision indeed ensures that public consultations are effective and meaningful, thus addressing the rationale for the suggested edit.</p> <p>The explanation for the suggested replacement of “external stakeholders” with “the public as well as other relevant stakeholders” is that “<i>This section is called “public consultation”. It should thus be clear that the consultation is open to the public at large, and not just selected stakeholders.</i>” It is indeed clear from the rest of the Section as well as the EIB’s practice that public consultations are open to all members of the public. Therefore, the suggested replacement does not appear to make a material improvement.</p> <p>The suggested insertion of the word “acceptance” is not accompanied by explanations and does not appear to make a material improvement.</p> <p>Please see row 8.</p>
	<b>Section 8 – Promoting Transparency</b>		
70	8.3 ... The EIB <b>strongly</b> encourages the project promoters and/or borrowers and other competent parties to make environmental and social information on EIB-funded projects available <b>at an early stage</b> to the public, to be open and transparent on their relationship and	Aarhus Convention Secretariat	<p>Suggestion not implemented in the draft revised EIB-TP.</p> <p>The suggested insertion of the word “strongly” does not appear to make a material improvement.</p>



	Summary of contributions	Contributions	EIB comments
	arrangements with the EIB and to follow the transparency principles detailed in this Policy in the context of the financed projects. <b><i>This should be done without prejudice to the legitimate interests of the EIB and other third parties, as well as to the applicable laws and regulations.</i></b>		<p>With regard to the suggested insertion of “at an early stage”, it is clarified that specific provisions on transparency by project promoters falls within the scope of applicable laws and the EIB E&amp;S Standards. As previously announced, a public consultation on the Standards took place this year.</p> <p>With regard to the suggested deletion of the last sentence, the EIB cannot be seen as encouraging its counterparts to disregard legitimate interests, applicable laws or regulations, as the deletion could suggest.</p>
	<i>Section 9 – Responsibilities</i>		
71	9.3 At least every five years, the EIB will consider the need to launch a review of this Policy, including <b><i>consultations with the public consultation with EIB Group and other relevant stakeholders</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Please see row 8.
72	9.4 The EIB shall publish annually a report for the preceding calendar year on the implementation of this Policy. The report covers the publication of project summaries, the progressive development of the EIB Public Register, the handling of information/documents disclosure requests under this Policy, complaints and appeals related to this Policy, and other notable activities to promote transparency, if any. <b><i>Information related to the handling of information/disclosure requests under the Policy will include e.g. the number of information requests handled, the number of cases in which the Bank refused to grant access to information, the reasons for such refusal, the type and number of appeals filed with different appeal mechanisms, the adherence to the deadlines specified for responding to information requests and for publishing project related information on the website.</i></b>	Aarhus Convention Secretariat	Suggestion not implemented in the draft revised EIB-TP. Whilst the proposed text is not included in the Policy as suggested, it should be noted that the annual reports already cover the mentioned relevant information items. It is appropriate for the provision to be sufficiently flexible as to accommodate possible future improvements in the content of the reports.

## Additional comments

Table 18

	Summary of contributions	Contributions	EIB comments
1	<p>The EIB should adopt and institute the following in Transparency Policy:</p> <ul style="list-style-type: none"> <li>- Recognise and embed the right to information at the core of the Transparency Policy. The right to information is a fundamental human right. Regional advancements, including the UNECE Aarhus</li> </ul>	Joint contribution from 5 organisations	Please see table 1, rows 9, 10 and 20, table 6, rows 1-2, table 7, rows 3-6, table 11, row 1, and table 17, rows 8, 10, 16 and 21.

	Summary of contributions	Contributions	EIB comments
	<p>Convention, are particularly relevant and the Policy should reflect this. The purpose of information disclosure as fulfilling the rights of communities and bettering development outcomes should be reflected as well throughout its provisions. While we welcome the EIB's recognition of the rights to information, participation, and remedy as part of Sec. 7.4, these rights should frame the policy as a whole</p> <p>- Re-orient the Transparency Policy around the internationally endorsed principles on right to information, including the principle of maximum disclosure, which dictates that all information held by EIB be subject to disclosure unless falling under a narrow list of clearly defined exceptions. We recommend shifting from a presumption of disclosure to automatic disclosure. The exceptions outlined in the Transparency Policy are wide-ranging and serve to prioritize commercial interests over the rights of the communities. We advise the EIB to formulate limited and reasonable exceptions that should relate to a legitimate aim. When determining to withhold information, the information in question should be taken as a substantial threat to this aim, and the harm to the aim must be greater than the public interest in accessing the information. In accordance with the principle of maximum disclosure, we urge the Bank to disclose all information in its possession by default, unless it falls under a narrowly defined field of exceptions</p> <p>- Codify environmental and social information disclosure practices, including timelines for disclosure and translation. In line with a people-centered approach, the significance of environmental and social information for those affected by Bank operations warrants the clear regulation of its disclosure practices within the Policy. The current provisions in Sec. 4.8 of the draft Transparency Policy should be amended to remove vague and discretionary language, and provide clear timelines for disclosure of all environmental and social documents, among other project-related information. Based on our collective experiences supporting communities to engage with EIB projects, the Policy should specify the proactive disclosure of:</p> <p>- Rationale for project risk categorization to encourage participation and transparency prior to Board approval;  - All environmental and social documents prior to Board approval, and provide explanations when certain documents are considered inapplicable or not required;</p>		

	Summary of contributions	Contributions	EIB comments
	<ul style="list-style-type: none"> <li>- Information about which policies are considered applicable for each project, including a list of relevant standards likely to be triggered and explanations for those that are considered inapplicable;</li> <li>- Timely updates about the status of a project within the project cycle, anticipated date of project approval, and about the status of consultations and FPIC processes; and</li> <li>- Information pertaining to sub-projects of all financial intermediary investments, especially those deemed high-risk</li> </ul> <p>The Transparency Policy should also provide for the regular and proactive translation of project information and environmental and social documents into local and indigenous languages and in formats accessible to the communities affected</p> <ul style="list-style-type: none"> <li>- Recognise the EIB's responsibility to ensure that communities' rights to information and participation are meaningfully fulfilled within their operations. We urge the EIB to amend Sec. 7.7 and associated relevant provisions to recognise the EIB's obligations under international law to protect and fulfill human rights. The primary responsibility for disclosure and consultation must be borne by the Bank. The revised Transparency Policy should clearly reflect this responsibility and delineate provisions for oversight of disclosure and consultation at the community-level</li> <li>- Include provisions that serve to proactively create an enabling environment for communities to safely access information, express their opinions, and meaningfully participate and lead project processes</li> </ul>		
2	<p>Please note that EIB's obligations under the Aarhus Convention are not limited to the exercise of its administrative tasks.</p> <p>Pursuant to article 2(2) of the Convention only "bodies acting in a legislative or judicial capacity" are exempt from the Convention's obligations of access to information.</p>	Aarhus Convention Secretariat	The scope of the EIB-TP is not limited to the EIB's administrative tasks.
3	<p>The new language that is proposed to add to article 5.5 of the policy threatens to undermine the EIB's approach to exceptions</p> <p>Firstly, these examples are not interests, rather they are types of document/information. For exceptions relating to commercially sensitive information we would expect the policy to clearly define the legitimate interest being protected and for the exception to be limited to protecting that interest against harm</p>	Publish What You Fund	<p>Please see table 17, rows 30-32.</p> <p>The draft revised EIB-TP clearly defines the legitimate interest being protected. Examples cannot be interests (otherwise they would be disclosure exceptions). The exception is limited to protecting interest against harm (harm test).</p> <p>The relevance of confidentiality agreements is set out in EU law. Legitimate expectations (example) deserve protection when</p>

	Summary of contributions	Contributions	EIB comments
	<p>Second, allowing a confidentiality agreement or the expectation of a third party to invoke non-disclosure undermines the limited approach to exceptions. In both of these cases there is no requirement to subject information disclosure to an objective test for harm of legitimate interests</p> <p>Adding this new language to the policy would be a significant step back in the EIB's commitment to transparency</p>		<p>disclosure would undermine the protection of commercial interests (disclosure exception, based on harm test).</p> <p>The text at issue does not modify the disclosure exception, therefore it does not entail any reduction in transparency. It expressly states that it only provides non-exhaustive examples that illustrate common cases of commercial interests.</p>
4	My contribution is to point out the lack of efforts to bring EIB initiatives and impact on society to common public visibility. Asked in the street if he knows the World Bank and the IMF, the average citizen will answer yes; ask the same question about the EIB, the answer is no. The bank is going towards a Climate Bank Roadmap, this has to be widely known. Therefore, "communication" is the key – the bank should get closer to the public by proactive communication and its commitment to Climate Bank Roadmap	Change in Congo (CIC)	We take note of the comment, which however relates more to the EIB's communication strategy and initiatives than to the EIB-TP.
5	Congratulations. I hope that we will continue to be involved in this and future consultations	Comité pour une Paix Juste au Proche-Orient asbl  MANGULIA Lucie	Thank you for the feedback. Please see table 3, row 15.
6	As for the business request, it might be built up follow-up and adjustment mechanism in order the disclosure and decision is up to time in the actual situation of the financed projects.	Piraeus Port Authority S.A.	We understand the comment as referring to operational procedures rather than the EIB-TP. From an EIB-TP perspective, disclosure requests are replied as soon as possible and within 15 working days. In case of complex requests, the EIB endeavours to reply within 30 working days.
7	<p>InvestEU:</p> <p>For the centrally managed financial products (H2020 / InnovFin, CoSME, Central Europe, etc.) brought together under InvestEU from 2021 onwards, it would be desirable to receive similar information about their possible applications and monetary dimensions as before.</p> <p>It is not enough to say that there is this and that instrument, companies need planning security: which instruments are available in which dimensions in principle. For comparison, Horizon 2020: here the range for loan amounts was clearly communicated, e.g. for InnovFin SMEG, midcaps, large projects, etc.</p> <p>A similar orientation under Invest EU would be very helpful so that this is not a "black box".</p>	FFG – Österreichische Forschungsförderungs-gesellschaft	We understand the comment as referring to communication about financing opportunities under InvestEU, rather than the EIB-TP. More information on is available on the <a href="#">InvestEU website</a> .