



Emily O'Reilly

Ms Anaïs Berthier
CLIENTEarth - Justice for the Planet

Strasbourg, 27/02/2017

Complaint 1316/2016/AB

Dear Ms Berthier,

On 6 September 2016, you submitted a complaint to my Office against the European Investment Bank (EIB) concerning alleged shortcomings in the EIB's Transparency Policy as well as in the manner in which the EIB responded to your original complaint made on 16 February 2016.

I understand that you are concerned that:

1. the EIB's Transparency Policy is not compatible with the Aarhus Convention, the Aarhus Regulation and Regulation 1049/2001 regarding public access to documents; and
2. the EIB declared inadmissible most of the original complaint you lodged with the EIB Complaints Mechanism (EIB-CM).

I understand you would like (1) the EIB to accept that the role of the EIB-CM includes examination of the adequacy and legality of the EIB's policies; and (2) the EIB amend its Transparency Policy to comply with the Aarhus Convention, the Aarhus Regulation and Regulation 1049/2001.

I have contacted the EIB and asked for a reply on the following points:

Concerning the EIB's decision to declare most of your complaint inadmissible, I have asked the EIB to clarify its reasoning and to explain why it believes that Article 3.1 of the EIB-CM Principles and Articles 1.1, 4.2 c) and 4.2 g) of the Terms of Reference render the complaint inadmissible.

I have also asked the EIB to comment on your understanding that the acknowledgment of receipt, sent by the Bank on 1 March 2016, conveyed that your original complaint was admissible.

Finally, I have asked the EIB to explain why, if it deemed your original



complaint as inadmissible, it did not address your concerns outside the scope of the EIB-CM, for example by referring them to another department.

Concerning that part of your complaint relating to the compatibility of the EIB's Transparency Policy with the Aarhus Convention, the Aarhus Regulation and Regulation 1049/2001, I have suggested to the EIB that, in accordance with the principles of good administration, it should reply to the matters you have raised (except for the allegations regarding the compliance of the EIB's activities with the EIB's policy framework set out under point 1.2.2 of your original complaint, if it is the case that the EIB-CM is still examining them).

I will get back to you as soon as the EIB sends me its reply.

If you have any questions, please feel free to contact Ms Alice Bossière, who can be reached at +32 2 283 34 01 and by email at alice.bossiere@ombudsman.europa.eu.

Yours sincerely,

Emily O'Reilly
European Ombudsman