

Decision in case 175/2019/PL on how the European Investment Bank handled a complaint about a project it financed in Spain

Decision

Case 175/2019/PL - Opened on 12/04/2019 - Decision on 23/03/2020 - Institution concerned European Investment Bank (No maladministration found) |

The case concerned the time it was taking the European Investment Bank (EIB) to investigate a complaint about irregularities in a project called “Castilla y León Climate Change”, which the Bank financed.

In the course of the inquiry, the EIB informed the Ombudsman that it had concluded the investigation.

The Ombudsman finds that the time it took the EIB to investigate the matter was reasonable considering the complexity of the issue. Thus, the Ombudsman closes the inquiry finding that there was no maladministration.

Background to the complaint

1. In June 2018, the complainants, two associations in the region of Castilla y León in Spain, complained to the European Investment Bank (EIB) about the project “Castilla y León Climate Change”. They argued that several of its subprojects were unsustainable and in breach of the terms of the loan given by the EIB.
2. On 29 June 2018, the EIB’s Complaints Mechanism (EIB-CM) informed the complainants that the complaint was admissible and that it would reply, at the latest, by 8 January 2019.
3. In January 2019, the EIB-CM informed the complainants that the investigation was taking more time than originally anticipated.
4. The complainant turned to the Ombudsman on 11 January 2019.

The inquiry



5. The Ombudsman opened an inquiry into the time the EIB was taking to investigate the complaint about the “Castilla y León Climate Change” project.

6. The Ombudsman kept the inquiry open until the EIB's investigation was concluded.

Arguments presented to the Ombudsman

7. The EIB-CM said that the investigation had taken longer due to the complexity of the case, its technical aspects and the type of loan involved. In the course of the inquiry, the EIB-CM met with the EIB's operational units, spoke to the complainants and to the promoter of the project. It then decided to investigate further, which entailed gathering and reviewing more information from the EIB's operational units, the complainants and the promoter.

8. The EIB-CM noted that new evidence that required a further assessment did not become known until July 2019. This coincided with organisational changes within the EIB-CM that delayed the inquiry.

The Ombudsman's assessment

9. The EIB's timeframe for dealing with complaints depends on the complexity of the matter. In this case, the timeframe given to the complainants in the admissibility letter suggests that, initially, the EIB envisaged opening a standard investigation into the complaint. However, the complexity of the matter led it to carry out further investigations, via a so-called 'extended procedure' [\[1\]](#) [\[Link\]](#).

10. According to the rules, the timeframe for these investigations is 140 days after communicating about admissibility. It can be extended by another 100 days after a holding reply has been sent. This means that the investigation should have been concluded, at the latest, by mid-June 2019.

11. The EIB-CM concluded its investigation into the complaint in February 2020.

12. While this delay is regrettable, the EIB-CM has given a reasonable explanation for the time it took to carry out the investigation. In addition, the EIB has kept the Ombudsman's Office informed of the progress in the investigation. The Ombudsman, in turn, kept the complainants informed.

13. In the course of this investigation, the EIB has reviewed the Policy and Procedures that apply to the work of the EIB-CM. The new *Procedures* set strict deadlines for departments to provide comments on matters under investigation, while the new *Policy* ensures that these deadlines are met. The Ombudsman trusts that under the new rules, the EIB will respect the strict deadlines.



14. In view of this, the Ombudsman finds that the time it took the EIB to investigate the matter was, albeit long, reasonable, considering the complexity of the matter. She therefore closes the case with a finding of no maladministration.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

There was no maladministration by the European Investment Bank.

The complainants and the European Investment Bank will be informed of this decision .

Emily O'Reilly

European Ombudsman

Strasbourg, 23/03/2020

[1] [Link]Point 5.1 of the EIB Complaints Mechanism - Operating Procedures of 2013, applicable to this case available at:

https://www.eib.org/attachments/strategies/complaints_mechanism_operating_procedures_2013_en.pdf
[Link].