



The European Investment Bank's failure to proactively disclose environmental and social information on projects prior to decisions on funding

Case 2252/2022/OAM - Opened on 22/02/2023 - Decision on 20/11/2023 - Institution concerned European Investment Bank (Maladministration found) |

The complainant, a non-governmental organisation, asked the European Investment Bank (EIB) to give public access to a document concerning environmental and social information (the Environmental and Social Data Sheet - ESDS) on a transport project in Nairobi. The EIB refused to disclose the document until after a decision had been taken to grant a loan. In doing so, it invoked an exception under the applicable rules, arguing that disclosure could undermine the decision-making process related to the project. The complainant took issue with the failure to disclose this document in advance and was concerned that the EIB does not systematically publish such documents in advance of decisions on funding.

Concerning the refusal of access to the assessment, the Ombudsman found that the EIB did not give adequate explanations to justify its decision. This was maladministration. However, given that the document in question is now public, there is no need for the Ombudsman to issue a recommendation concerning its disclosure.

On the more general issue, the [Ombudsman suggested \[Link\]](#) that the EIB reflect on the



possibility of disclosing its environmental and social assessments proactively before the approval of loans. This would allow the public to participate meaningfully in the assessment of environmental and social aspects of projects it is considering for funding.