

Dr Werner Hoyer
President

Ms Emily O'Reilly
The European Ombudsman
1, avenue du Président Robert Schuman
67001 Strasbourg
France

Luxembourg, 10 November 2021

Inquiry 1016/2021/KR

Dear Ms O'Reilly,

I refer to your letter of 23 June 2021 informing me of your decision to launch an inquiry on the way the EIB had handled the post-employment application of a former Vice-President to take a senior position at (a subsidiary of) a Spanish company that had received EIB loans.

On that occasion, you also communicated your decision to carry out a remote inspection of documents as part of the inquiry. Furthermore, you requested that the EIB reply to a list of questions annexed to your letter.

On 6 October 2021, the EIB services have provided your inquiry team with the documents requested in the context of the remote inspection.

Please find attached the EIB's response to your further questions, which complements the information already communicated to your inquiry team during the remote inspection.

I trust that this satisfies your request and remain available for any further clarification.

Yours sincerely,



Enclosures: 1



Annex – EIB’s response to EO’s questions in inquiry 1016/2021/KR

Q1: When was the former Vice-President offered the job as non-executive board member of Iberdrola Spain, and, from when was the former Vice-President aware of a job opportunity with Iberdrola?

If the EIB does not have this information on file, it should ask the former Vice-President to provide it with the information.

A1: From the information shared with the EO as part of the remote inspection, it results that the request submitted by the former Vice-President featured a high degree of time-sensitivity, in view of the potential starting date of her new employment (see A3 below). The EIB understands that the request was sent as soon as the former Vice-President had received the offer from Iberdrola Spain, i.e. during the cooling-off period. The EIB does not have any documentary evidence that would contradict the above-mentioned understanding.

In relation to the Ombudsman’s statement that the EIB “*should ask the former Vice-President to provide it with the information*”, the EIB wishes to emphasise that the procedure before the Ethics and Compliance Committee (ECC) concerning the former Vice-President’s request is now closed. Therefore, it is not clear on which basis the EIB should ask the former Vice-President to provide further information, which in any event the ECC would no longer be in a position to consider at this stage.

Q2: Did the EIB’s Board of Directors delegate any of its functions to the Management Committee in relation to any of the financing agreements with Iberdrola Group, or any of the companies that fall under it including sub-holding companies and head of business companies, during the mandate of the former Vice-President?

If so, what were the terms and conditions for this delegation and how was its execution supervised?

A2: The EIB can confirm that, during the mandate of the former Vice-President, the EIB’s Board of Directors did not delegate any of its functions to the Management Committee in relation to any of the financing agreements with Iberdrola Group or any of the companies that fall under it, including sub-holding companies and head of business companies.



Q3: The former Vice-President is reported to have started her new job in December 2020, a few months after her departure on 15 October 2020. The EIB's Management Committee code of conduct includes a one-year "cooling off period". The EIB told the complainants that "a comprehensive analysis of the context and related potential conflict of interest situation" in relation to the former Vice-President's intended new job was conducted on 26 November 2020, prior to the EIB's decision to approve the new job subject to conditions.

Did this analysis include the possible appearance of a conflict of interest, to which the aforementioned code of conduct also refers?

A3: From the information available at the time of the request before the ECC, the former Vice-President was expected to start her new position in early January 2021 (document 1.1). The Opinion of the Office of the Chief Compliance Officer to the ECC dated 23 November 2020 (OCCO Opinion) was provided to the EO as part of the remote inspection (document 1.2). The OCCO Opinion recommended to the ECC a list of measures mitigating (potential) conflict of interest. OCCO's assessment, including the list of mitigating measures, was confirmed in the decision of the ECC dated 26 November 2020 (document 1.3). Therefore, in its letter of 8 December 2020 (document 1.4), the ECC informed the former Vice-President that her appointment in Iberdrola Spain did not raise specific concerns of conflict of interest situations as on the date of its decision and subject to her compliance with the list of mitigating measures.