[redacted]

From: [redacted]
Sent: 02 March 2023 10:54
To: Euro-Ombudsman
Cc: [redacted]
Subject: Private: RE: Complaint 611/2022/KR
Attachments: MC_Oversight.pdf; Management_Committee_Lead_Oversight.pdf

And last, I should like to submit the responsibilities of members in the Management Committee (latest version, where by VP Vilgiotti overtook all responsibilities of former VP [redacted]) and an earlier version applicable as from 2019)
It includes the financing of SMEs and mid-caps equity and equity-type products, as well as the financing of all operations in Italy and the Chair of the EIF Board. In that capacity he had access to all insider information for all operations pertinent to CPD as well as CDP's competing operations in Italy, including the EIB's and EIF's (risk) pricing, risk appetite, strategic priorities etc.

[redacted]

From: [redacted]
Sent: Wednesday 01 March 2023 10:58
To: 'Euro-Ombudsman' <EO@ombudsman.europa.eu>
Cc: [redacted]
Subject: RE: Private: RE: Complaint 611/2022/KR

Apologies, I forgot to add, with relevance to questions/answers under points 1 and 5, the following:

1. Cassa Depositi e Prestiti and the EIB team up to support access to credit for Italian businesses (cdp.it). On 13 July 2021, that is a little over a month after he took up his functions at the CDP, Mr. [redacted] committed CDP to a guarantee agreement under the framework of the European Guarantee Fund (EGF). The preparation of that deal within the Bank took months, and in his capacities as member of the MC responsible for lending operations in Italy, he contributed to submitting the deal to the EIB's Board of Directors. Mr. [redacted] never stepped down or suspended his responsibility for lending in his home country, let alone CDP. To the best of my knowledge, there is no evidence that Mr. [redacted] ever raised a Conflict of Interest during the meetings of the Management Committee on this operation. Furthermore, the links between Mr. [redacted] and CDP go back a long time. In this press release by CDP (CDP-EIB: Social Impact Italia) we see him in the picture concluding an earlier guarantee agreement under EGF already in 2017. There was thus prima facie evidence of insider information being available to Mr. [redacted].
2. In this press release by CDP Sisma Centro Italia: From CDP Arrives €4.5 Billion in Reconstruction Funds confirms that VP [redacted] and the CEO of CDP de facto signed deals. Mr. [redacted], as responsible for lending operations in Italy, had a certain influence on the contractual terms. This press release CDP and EIB together for schools indicates that VP [redacted] also signed a memorandum for the construction of schools over the period 2018-2020 with CDP
3. The minutes of the EIF's Board meeting of May 1 2021 (board_of_directors_minutes_20210511_en.pdf (eif.org)) do not record that the Chairman of the Board of the EIF declared a Conflict of Interest on the approval of point 12 "Cassa Depositi e Prestiti S.p.A. (Italy) . Pan-European Guarantee Fund – Capped Counter-Guarantee". The annual report 2021 (eif-annual-report-2021.pdf) will indicate on p. 13 that "a strong market demand" in Italy "*prompted a substantial increase in the existing capped counter-guarantee volumes provided by the EIF to Cassa Depositi e Prestiti (CDP)*" and lead to a "*historical deal*". On p. 29 of the same report, one reads that *"One of the most recent developments in our relationship with NPIs concerns a*

new model of cooperation called "partial delegation". In 2021 Cassa Depositi e Prestiti (CDP) became the first partner for the new model."

I hope this is of assistance.
Wkr
[redacted]

From: [redacted]
Sent: Tuesday 28 February 2023 20:00
To: 'Euro-Ombudsman' <EO@ombudsman.europa.eu>
Cc: [redacted]
Subject: Private: RE: Complaint 611/2022/KR

Dear Ms. Ombudsman,
[redacted]

Thank you for the update.

I should like to comment as follows:

On Question Nr. 1.

The reassurances the Bank claims it had on the VP committing to the obligations under the CoC raise some issues that come out, inter alia, of the publicly available minutes of the Board of Directors, from meetings after the former VP approached the Bank on his possible nomination, notably in the meetings of 22 April 2021, and 12 May 2021.

It is to be noted that the Chair of the Board of Directors, Mr. W. Hoyer, asks under point 2 of those meetings to declare conflicts of interest. Mr. [redacted] did not declare any. It must also be appreciated that the VP responsible for operations in his country of oversight (for Italy: Mr. [redacted]) defends the proposal before the Board.

Board of Director minutes of 22 April 2021 ca_minutes_20200311.pdf (eib.org) indicate an approval, without Conflict of Interest declared by Mr. [redacted], for

- An investment loan to Telecom Italia (TIM) (point 12)
  CDP was, at the time, the second biggest shareholder in TIM (see phrase under the box "latest updates" in Italy's Enel approves Open Fiber sale to state investor CDP, Macquarie | Reuters, an article published on 30 April 2021

Board of Director minutes of 12 May 2021 ca_minutes_20200422.pdf (eib.org) indicate an approval, without Conflict of Interest declared by Mr. [redacted] for

- An investment loan to E-distribuzione S.p.A. (point 12). In the annual report of this Italian borrower (ED_Bilancio_31_12_2021_Assemblea_e_Relazioni.pdf (e-distribuzione.it)) we read subsequently on p. 164 (emphasis added) that

  "Gli altri oneri finanziari si riferiscono principalmente alle commissioni su fidejussioni rilasciate a favore del MISE per alcuni progetti finanziati e a favore di BEI e CDP su alcuni finanziamenti a medio e lungo termine, pari complessivamente a euro 1.395 migliaia (euro 1.520 migliaia nel 2020) e alle perdite sui crediti finanziari per accise e addizionali sul consumo di energia elettrica pari a euro 14 migliaia (euro 7 migliaia nel 2020)."

  and further, on p. 223

> Nel mese di giugno 2021, la Società ha stipulato una linea di credito con la BEI per il Progetto e-grid per un importo massimo complessivo fino a euro 600.000 migliaia e contestualmente ha attivato il primo contratto di
> finanziamento, pari a euro 300.000 migliaia, che è stato interamente erogato in due tranches.
> (…)
> Inoltre, tali voci accolgono per euro 625.333 migliaia due prestiti concessi dalla Cassa Depositi e Prestiti (CDP).

VP [redacted] did not decline, from the moment he became aware of his nomination, to be in charge of the lending operations in Italy in the Bank's Management committee, nor at the EIF.

On Question Nr. 2

If VP [redacted] already knew the recommendations from the ECC in 2018, how come he did not adhere to them when he became aware of his nomination in 2021?

On Question Nr. 3

Please see attached email exchange on the "further information"

On Question Nr. 5

VP [redacted] was indeed a member of the Management Committee, with oversight for the operations in Italy. The Bank's web-site informs the public that the role of VPs is as follows: [The Management Committee (eib.org)]

The Management Committee is the Bank's permanent collegiate executive body. It has nine members. Under the authority of the President and the supervision of the Board of Directors, it oversees the day-to-day running of the EIB, prepares decisions for Directors and ensures that these are implemented. The President chairs the meetings of the Management Committee. The members of the Management Committee are responsible solely to the Bank; they are appointed by the Board of Governors, on a proposal from the Board of Directors, for a renewable period of six years.

The VP can thus propose, accelerate, delay, and deny projects for financing in the Management Committee. It would therefore be inaccurate to say that a VP has no role in individual project negotiations and implementations.

On Question Nr. 7

1. The "secondments" to the CDP were not internally published (as is obligatory for secondments in the Bank's interest, to which the reply refers)
2. To the best of my knowledge, all EIB Staff Members that moved to the CDP had an Italian nationality;
3. The reply seems to indicate that the VP joined the CDP after the Staff Members had joined. The reality is the reverse!

I remain of course at your service for further clarifications should you require them

Please be assured, dear Madam, Sir, of my highest esteem.

With best regards,
[redacted]

From: Euro-Ombudsman <EO@ombudsman.europa.eu>
Sent: Tuesday 28 February 2023 14:40

To: [redacted]>
Cc: [redacted]
Subject: Complaint 611/2022/KR

[redacted]

Please find attached the Ombudsman's request for comments regarding your complaint.

Best regards,

Secretariat

European Ombudsman
Directorate for Administration

eo@ombudsman.europa.eu
T. +33 3 88 17 23 13
www.ombudsman.europa.eu

Management Committee Oversight | **21 February 2023**

MC members have sectorial oversight responsibilities for financing operations and policies, with one Vice President being in lead and another Vice President assigned as an alternate to replace and back-up the lead Vice President in the case of his or her absence. As agreed in 2020, the lead oversights are as follows: SMEs; Climate; Development; Blue-economy; Housing and urban development; Bio-economy; Transport; Energy; Health and life sciences; Cohesion; Science, education, innovation and digital economy. Other key horizontal files for the Bank and the Group where lead responsibilities have been assigned are related to different EU initiatives/programs.
Each Vice-President shall have a lead oversight of at least one of the above sectors. Vice Presidents may also build on synergies, their respective experience and know-how and subsequently agree between themselves to share the lead of oversights.
The Vice Presidents in lead:
1. follow the relevant economic sectors closely, maintaining and developing general business links which may support pipeline creation and better understanding of gaps and needs in overseen economic sectors.
Once a project is selected for appraisal by the EIB services, MC members do not involve themselves in the due diligence, negotiation, implementation and restructuring process of individual operations. When needed, individual MC members may be requested to support contractual negotiations or restructuring of projects.
2. lead, manage or undertake marketing or institutional relationships in relation to their responsibilities, including with NPB/Is and relevant Civil Society Organisations, and promote EIB activities;
3. assess and ensure coherence of policies under their responsibility with relevant Operational Plan objectives and priorities as well as other Board of Directors decisions.
4. maintain smooth working relations with the services as regards the areas under the lead sectorial oversight and ensure a proper information flow and feedback to the services on the above three points.
5. in case of need ensure an appropriate information flow to the Alternate Vice President to allow for a smooth replacement.
MC members will be informed of and follow the project pipeline in the area of their oversights in order to be able to propose corrective measures to the MC, for example when a policy target risks not to be achieved.
Promoting and increasing the visibility of the EIB Group and, in doing so for the EU, is an important task of the MC Members. Vice Presidents typically sign contracts in their home countries; otherwise signatures are agreed between the MC members having regional and sectorial oversights - to benefit from experience, already existing networks and knowledge of media.

	Lead	Alternate (in support of lead-VP)	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)	Internal Task Forces/WG
President					General Secretariat Personnel Internal Audit Planning, Budget & cost (support of VP Fayolle) Compliance & Control Functions, Risk Management	World Economic Forum (Davos) EU Institutions LTIC ECB-SSM	President of LTIC Alternate E F Board Member		
VP Vigliotti	SMEs	Housing/Urban Development, BioEconomy	Italy, Malta	Libya, Egypt, Palestine, Israel, Jordan, Lebanon, Syria	Financing SMEs, Midcaps Equity & equity-type products New Products and Special Transactions, Microfinance E B - E F cooperation Counterpart Monitoring and Restructuring		Chair of EIF Board		EIB-EIF co-ordination group with Ops, RM, EIF and SG and VP Fayolle (E B-EIF Steering Committee)
VP Fayolle	Climate Development (incl. NDICI)	Blue Economy	France Germany	ACP (Africa & Pacific except the Caribbean States and CELAC, shared with VP Östros) OCTs Republic of South Africa	Financing Environment, Climate Action and Circular Economy (including biodiversity) EFSI (until end 2020) EIB Global (development policy together with VP Östros; preaccession policy is with VP Pavlova)	International Financial Institutions (IMF/WB) MDB coordination ECB	EFSI Steering Board Member E F Board Member	Chair EGF Contributors Committee	Climate Strategy Implementation Steering Committee E B-EIF co-ordination group with Ops, RM, EIF and SG and VP nominated by taly (EIB-EIF Steering Committee) Sustainable Development Steering Committee Budget Task Force (with VP Peeters, VP Pavlova) Transition to EIB Global - temporary Steering Committee (with VP Östros VP Pavlova)
*Temporarily covered by President****	Housing/Urban Dev. Bio Economy	Energy, Health&LifeScience	Ireland Romania Greece Denmark	EFTA (Norway, Iceland, Liechtenstein, Switzerland) India, Pakistan, Sri Lanka, Maldives, Bangladesh, Nepal, Bhutan, Afghanistan, Iraq, Iran*, Yemen	Future Relationship with the UK Financing Urban Development, Housing & Social Housing Financing Water, Agribusiness and Bioeconomy Evaluation & Impact Assessment EIB Institute, E B Campus	Asian Development Bank (ADB)	Chair of Marguerite Fund Supervisory Board (vacant)		Agriculture and Bioeconomy Sector Team Initiative EIB Institute Steering Group Budget Task Force (with VP Fayolle, VP Peeters and VP Pavlova) Building Steering Committee Internal WG Additionality&Impact (in consultation with VP Mourinho Félix)
VP Östros	Energy Health & LifeScience	Development	Finland Sweden Estonia Austria Latvia Lithuania	Relations with Gulf Countries Russia** ACP (Africa & Pacific except the Caribbean States and CELAC, shared with VP Fayolle)	Financing Energy Financing Health&LifeScience E B Global (development policy together with VP Fayolle; preaccession policy is with VP Pavlova) Legal - lending operations Corporate Responsibility, Diversity & Inclusion OLAF Ombudsman	Central Banks Debt Management Offices African Development Bank (AfDB)/Islamic Development Bank (IsDB) Nordic Investment Bank (N B)	Governor of the EBRD	Relations with Audit Committee	Transition to EIB Global - temporary Steering Committee (with VP Fayolle and VP Pavlova)

Management Committee Oversight					21 February 2023				

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2. lead, manage or undertake marketing or institutional relationships in relation to their responsibilities, including with NPB/Is and relevant Civil Society Organisations, and promote EIB activities;
3. assess and ensure coherence of policies under their responsibility with relevant Operational Plan objectives and priorities as well as other Board of Directors decisions.
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	Lead	Alternate (in support of lead-VP)	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)	Internal Task Forces/WG
VP Ricardo Mourinho Félix	Blue Economy, Funding, MFF	Climate InvestEU	Spain Portugal	Latin America Cuba Caribbean States and CELAC (Community of Latin American and Caribbean States) Algeria, Morocco, Tunisia	Financing Migration response, Blue Economy Funding & Treasury MFF, InvestEU (Implementation, together with VP Czerwińska), Just Transition Mechanism (*on project level in consultation with sectorial oversights*), Recovery & Resilience Facility Projects eligibility, technical & economic assessment ECON	Rating Agencies National Promotional Institutions (NPBs) ELTI IADB, Caribank Eurostat OECD WTO BIS Think Tanks		Chair of FEMIP (Facility for Euro-Meditarranean Investment & Partnership) Committee WG LEVI	Mandate Management Steering Committee Internal Working Group on Just Transition Mechanism (Chair)
VP Pavlova	Cohesion Advisory	Transport	Slovakia Bulgaria Czech Republic Slovenia Cyprus	Western Balkans/WBIF Turkey	Cohesion policy - Financing Economic and Social Cohesion Advisory, Jaspers & EIAH, JESSICA IT & Data Governance Danube Region Strategy E B Global (preaccession policy; development policy remains with VP Fayolle and VP Östros)	Vienna Initiative Black Sea Trade and Development Bank (BSTDV)	Alternate Governor of the EBRD		Advisory Services Task Force Internal Working Group on Cohesion Internal Working Group on Just Transition Mechanism (Alt.) IT Governance Committee Budget Task Force (with VP Fayolle, VP Peeters) Transition to EIB Global - temporary Steering Committee (with VP Fayolle and VP Östros)
VP Peeters	Transport	Science, Education, Innovation & Digital Economy, SMEs	Belgium Netherlands Luxembourg	ASEAN countries	Transport financing Security & Defense	European Parliament NATO	LTIC (with the President leading)		Budget Task Force (with VP Fayolle, VP Pavlova)
VP Czerwińska	Science, Education, Innovation & Digital Economy, InvestEU	Cohesion, Advisory	Poland, Hungary, Croatia	Eastern Partnership (Ukraine, Belarus, Moldowa, Armenia, Azerbaijan, Georgia) Central Asia & China, Mongolia	Financing Science, Education & Innovation, "Digital Economy" InvestEU (Implementation, together with VP Mourinho Félix who has overall MFF responsibility) Implementation of 3LoD	Asian Infrastructure Investment Bank (AIIB)	InvestEU Steering Board (or Advisory Committee depending on final setup)		Chair 3LoD Steering Committee

* the Bank currently doesn't have any operations in Iran
** the EIB follows the EU decision on economic sanctions against Russia
*** except Chair of Marguerite Fund Supervisory Board

Management Committee Oversight	17 January 2019	

In the absence of 2 Vice-Presidents, please take note of the below temporary measures.

No geographical oversight will be performed for the BENELUX countries. Services are requested to consult the MC member who has the **sectorial** oversight.
No clearance to AFSs and Board Reports will be provided by President's office anymore.

President Hoyer delegates temporarily the following activities to :

VP FAYOLLE :
- ACP/OCT countries (except Caribbean states and CELAC) and Republic of South Africa

VP MCDOWELL :
- Turkey & Greece
- Audit Committee relations
- Vietnam, Cambodia, Laos

VP HUDAK:
- Transport Financing
- Cyprus

VP NAVARRO :
- Caribbean States and CELAC (Community of Latin American and Caribbean States)

VP STUBB :
- China, Mongolia, Indonesia, Malaysia, Myanmar, Philippines and Thailand

Those temporary measures are reflected in blue in the below oversight table.

	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)
President			General Secretariat Personnel Risk Management Policy & Strategy Communication Legal Institutional External Offices Internal Audit Planning, Budget & cost (support of VPs Fayolle & McDowell) Basel III Implementation Compliance & Control Functions	World Economic Forum (Davos) EU Institutions LTIC SSM Bridge Forum OLAF Ombudsman European Court of Auditors		Best Banking Practice Implementation
VP [redacted]	Croatia Italy Malta	Albania, Bosnia & Herzegovina, Kosovo, Montenegro, Serbia, WBIF (Western Balkans Investment Framework) Libya, Egypt, Palestine, Israel, Jordan, Lebanon, Syria	Financing SMEs, Midcaps Equity & equity-type products Migration Counterpart Monitoring & Restructuring EIB - EIF cooperation Adriatic Sea Strategy	LTIC shared with President leading	Chair of EIF Board	

Management Committee Oversight			17 January 2019			

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	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)
VP Fayolle	France Germany	ACP (Africa & Pacific except the Caribbean States and CELAC) OCTs Republic of South Africa	Financing innovation, science, education, digital, health & technology New Products and Special Transactions, Microfinance EFSI Development (policy and horizontal issues) Planning, Budget & cost support to President (with VP McDowell)	International Financial Institutions	EFSI Steering Board Member EIF Board Member	
VP McDowell	Ireland Austria Romania Greece	EFTA (Norway, Iceland, Liechtenstein, Switzerland) FYROM (former Yugoslav Republic of Mecedonia) Asia (India, Pakistan, Sri Lanka, Maldives, Bangladesh, Nepal, Bhutan, Afghanistan, Iran, Iraq, Yemen and Vietnam, Cambodia, Laos) WBIF (Western Balkans Investment Framework) shared with VP [redacted] leading Turkey	Financing Energy Black Sea Strategy Evaluation & Impact assessment ECON General Mandate Policy EIB Campus Planning, Budget & cost support to President (with VP Fayolle) Financing Natural Resources and Agribusiness/Bio-Economy	Eurostat ECB (other than SSM) OECD WTO BIS Think Tanks		Relations with Audit Committee

Management Committee Oversight	17 January 2019	

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- Audit Committee relations
- Vietnam, Cambodia, Laos

VP HUDAK:
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- Cyprus

VP NAVARRO :
- Caribbean States and CELAC (Community of Latin American and Caribbean States)

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- China, Mongolia, Indonesia, Malaysia, Myanmar, Philippines and Thailand

Those temporary measures are reflected in blue in the below oversight table.

	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)
VP Hudak	Slovakia Bulgaria Czech Republic Hungary Poland Slovenia Cyprus Croatia shared with VP [redacted] leading	Ukraine Armenia Azerbaijan Georgia Belarus Moldova Central Asia	Financing Economic & Social Cohesion Transport financing MFF related to Cohesion and ELM Advisory, Jaspers & EIAH Strategy for the Danube Region JESSICA IT & Data Governance	Vienna Initiative	Alternate Governor of the EBRD	
VP Stubb	Finland Denmark Sweden Estonia Latvia Lithuania	Russia Relations with Gulf Countries Asia (China, Mongolia, Indonesia, Malaysia, Myanmar, Philippines and Thaïland)	Funding & Treasury MFF Projects eligibility, technical & economic assessment Security & Defence Financing Urban Development, Housing & Social Housing Legal - lending operations Corporate Responsibility Diversity & Inclusion Baltic Sea Strategy	Central Banks Rating Agencies Debt Management Offices	Governor of the EBRD	

Management Committee Oversight	17 January 2019	

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- Turkey & Greece
- Audit Committee relations
- Vietnam, Cambodia, Laos

VP HUDAK:
- Transport Financing
- Cyprus

VP NAVARRO :
- Caribbean States and CELAC (Community of Latin American and Caribbean States)

VP STUBB :
- China, Mongolia, Indonesia, Malaysia, Myanmar, Philippines and Thailand

Those temporary measures are reflected in blue in the below oversight table.

	EU	Outside EU	Horizontal	Institutional Relations	Nominations (external)	Nominations (internal)
VP Navarro	Spain Portugal	Latin America Cuba Caribbean States and CELAC (Community of Latin American and Caribbean States) Algeria, Morocco, Tunisia	Financing Environment, Climate Action and Circular Economy EIB Institute	National Promotional Institutions ELTI	Chair of Marguerite Fund Supervisory Board	Chair of FEMIP (Facility for Euro-Meditarranean Investment & Partnership) Committee
Vacant (BENELUX)						
Vacant (former UK)						