

From: Anna Roggenbuck
CEE Bankwatch Network

To:
Mr Hakan Lucius
Head of the Public Information
and Relations with Civil Society Organizations Division

Mr Juan Manuel Sterlin Balenciaga
Head of the Civil Society Unit

European Investment Bank

Dear Mr Lucius and Mr Sterlin Balenciaga,

I refer to your letter of 5 October 2009 sent in a response to my request for information of 4 September 2009.

In your letter you wrote that *“as for the languages of project’s Non-technical Summaries (NTS) published in the Bank’s website, please note that project’s NTS are documents produced by the project’s promoters and not by the EIB. These documents are therefore normally made available in the national language of the promoter or of the country where the project is located. While Project Summaries are available in the Bank’s working languages, the EIB does not intend to translate the NTS documents it publishes at this stage”*.

EIB Transparency Policy

The EIB’s Transparency Policy states at 5.1.3 that

“...the Bank is committed to a language regime that takes into account the public’s needs.”

It goes on to state:

“...key documents with a particular importance for the public, such as this Policy itself, are also published in all official EU languages, while others are available in, at least, English, French and German. Translation into other languages can be considered whenever a wide interest arises for a particular document.”

The same wording was included in the Public Disclosure Policy which preceded the Transparency Policy.

The test for whether this provision applies to a document is whether it is ‘key’ and has ‘particular importance for the public.’ This is not restricted only to documents produced by the EIB. According to this policy, all key documents should be made available in all official EU languages. Important documents not considered ‘key’ should be made available at least in English, French and German

The Bank's website makes clear that the two working languages the Bank uses are English and French. To enable Bank staff to be able to understand important documents they should therefore be available at the very least in both French and English.

Non-technical summaries (NTS) of Environmental Impact Assessments

Annex 1 to the Bank's Transparency policy makes clear that the Bank should routinely publish either an electronic version of, or a link to, the NTS of an Environmental Impact Assessment (when this is relevant) as part of the Project Summary. For projects outside the EU the Bank should publish an equivalent of the NTS along with the Environmental Impact Study/Statement.

The Bank's internal policies therefore oblige the Bank to publish the NTS as part of the Project Summary when an Environmental Impact Assessment has been conducted.

Project Summaries are the main source of information for members of the public seeking details of the Bank's lending activities. They are key documents for those seeking environmental information and should be treated as having 'particular importance for the public.'

You noted in your letter that Project Summaries are available in the Bank's working languages, however for anyone seeking information on the environmental impact of the Bank's lending, the Project Summary is of very limited use without the NTS being available in a suitable language. The NTS is integral to the Project Summary for anyone seeking information on the environmental impact of a project and it should therefore be made available in the same languages as the Project Summary, those being the working languages of the Bank, English and French.

The aim of the Transparency Policy is to enhance the accountability of the Bank. A continued failure to publish Non-Technical Summaries in the Bank's working languages undermines this intention. To increase the availability of information on the Bank's activities and to facilitate public scrutiny it is imperative that the Bank makes NTS's available at the very least in the Bank's working languages, English and French.

Review of Environmental Impact Assessments by the EIB

According to the EIB's Environmental and Social Practices Handbook the EIB is responsible for reviewing the Environmental Impact Statements, including Non-Technical Summaries. Point 128, page 45 of the Handbook states:

"In order to judge the quality of an EIA for EIB purposes, PJ should take into account whether the following aspects have been adequately covered:

- *A description of the project, including in particular (a) a description of the physical characteristics of the whole project and the land-use requirements during construction and operational phases;...*
- *An outline of the main alternatives studied by the promoter and an indication of the main reasons for this choice, taking into account the environmental and associated social effects;*

- *A description of the aspects of the environment likely to be significantly affected by the proposed project...*

Point 131 Handbook further states:

"It should be noted that the size, content and quality of the NTS varies a great deal from project to project and PJ should assess whether the NTS is appropriate for the size and nature of the project."

During the appraisal process the EIB's duty is to read, understand and assess the Environmental Impact Statement and NTS.

I would like to know whether, to carry out this assessment, the Bank requires project promoters to provide the EIS and the NTS in the Bank's working languages. If not how does the Bank carry out this assessment?

Yours sincerely,

A handwritten signature in black ink that reads "Anna Roggenbuck". The signature is written in a cursive style with a large initial 'A'.

Anna Roggenbuck