Environmental and Social Safeguards Policy

CORPORATE POLICIES

COUNCIL OF EUROPE DEVELOPMENT BANK
BANQUE DE DÉVELOPPEMENT DU CONSEIL DE L'EUROPE

Environmental and Social Safeguards Policy

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INTRODUCTION

1. The CEB has a specific mandate to conduct its operations in favour of socially and environmentally sustainable development. Under the supreme authority of the Council of Europe, which laid the foundations of its social vocation, and through the progressive development of its financial activities, the Bank has become an important contributor to the European solidarity framework.

2. Pursuant to its social vocation and privileged relationship with the Council of Europe, the Bank endorses the human rights values and principles enshrined in the Council of Europe Conventions.

3. Article II of the Bank's Articles of Agreement stipulates that solving the social problems of "victims of natural or ecological disasters" is among the CEB's social priorities. In the face of more frequent and severe exposure to catastrophic meteorological events, such as storms, floods and droughts, the Bank recognises that populations are both potential victims as well as active stakeholders.

4. Unsustainable human activities inevitably lead to disturbance in natural equilibriums, which in turn creates global environmental imbalances such as climate change and the depletion of natural resources including biodiversity. For these reasons, the Bank recognises that the development of sustainable communities can only be meaningfully achieved through the appropriate integration of environmental and social considerations in its lending operations.

5. The Bank has underlined its commitment to promote good environmental practices by signing the Declaration "European Principles for the Environment" (EPE). The EPE, whose principles are derived from European Union (EU) environmental policy and legislation, were developed in partnership with other European-based Multilateral Financial Institutions (MFIs) and endorsed by the European Commission. The EPE thus underpin the environmental safeguards approach of this policy.

6. The Environmental and Social Safeguards Policy (ESSP) develops and formalises the Bank's commitment to promoting environmentally and socially sustainable projects. The policy outlines the principles on which the approach to environmental and social safeguard review and management by the Bank is based, and sets out the environmental and social safeguard requirements applicable to each Project.

7. The ESSP is complemented by Safeguard Standards providing detailed requirements that apply if triggered by the Bank's environmental and social due-diligence process. The Standards form part of the Handbook for the Preparation and Implementation of Projects and include detailed requirements for:

    - Environmental and Social Safeguard Assessment.
    - Management of Land acquisition, Economic Displacement and Involuntary Resettlement.
    - Screening of activities excluded from CEB financing (Environmental and Social Exclusion List).

DEFINITIONS

8. When the Environmental and Social Safeguards Policy (ESSP) uses the terms "Borrower" and "Project" it refers to the definitions stated hereunder:

    - "Borrower" refers to the recipient of the Bank's financing for a Project and any other entity responsible for the implementation of the Project.
    - "Project" means the specific set of lending or non-lending activities for which Bank financing is provided, as defined in the agreement governing such financing, irrespective of the financing instrument or whether the Project is financed as a whole or in part by the Bank.

OBJECTIVES

9. The objectives of the Environmental and Social Safeguards Policy (ESSP) are to:

- Support decision-making by the Bank.
- Provide for environmental and social screening and categorisation of Projects.
- Evaluate potential environmental and social risks and adverse impacts to Projects.
- Identify actions to avoid, minimise, mitigate, offset or compensate for adverse environmental and social impacts.
- Provide a mechanism for managing environmental and social risks and adverse impacts throughout the Project cycle.
- Support clients in identifying and managing environmental and social risks and adverse impacts.
- Provide a robust framework for managing the Bank's operational and reputational risks related to environmental and social safeguard matters.
- Facilitate cooperation on environmental and social safeguard matters with joint-financing partners

SCOPE OF APPLICATION

10. **The ESSP covers all Projects**. The Bank requires each Borrower to manage the environmental and social risks and adverse impacts related to a Bank-funded Project in a manner consistent with the requirements of the ESSP.

11. **Third party funds administered by the Bank.** If a Project is financed with funds[1] administered by the Bank on behalf of other financiers, the Bank may consider applying supplementary environmental and social safeguard requirements of the other financiers, provided that the Bank has established that they are consistent with the ESSP and the Bank's policy framework.

12. **Joint financing with partner institutions.** The Bank may, on a case-by-case basis, agree to apply the environmental and social safeguard policies and procedures of other Multi-lateral Development Banks and/or specific requirements of grant-providing institutions that participate in the financing of the Project. This approach requires that the Bank be satisfied that the partner-institution's safeguards and/or specific requirements are consistent with the ESSP and that appropriate monitoring modalities are foreseen. In such cases, the Bank may rely upon the partner-institution's assessment of compliance with the applied policies and procedures.

13. **Operational integration.** The Environmental and Social Safeguards Policy is complemented by Safeguard Standards presented in the Handbook for the Preparation and Implementation of Projects and by internal procedures, tools and supporting documents ensuring the integration of the requirements in all relevant aspects of Project-related operations.

POLICY UPDATES AND USE OF COMPLEMENTARY STANDARDS

14. The Bank will update this Policy as needed to reflect the evolving needs of its stakeholders and new developments in MFI good practices. To address emerging environmental and social safeguard issues that are not covered under the present Policy, the Bank may refer to safeguards in use by other MFIs or to other relevant international good practices.

[1] e.g. trust funds

1. General Principles

15. The CEB operates within an institutional framework established under the supreme authority of the Council of Europe and therefore endorses its social and environmental priorities and principles aimed at protecting human rights and the environment.

16. The CEB is committed to promote social responsibility and sustainable development through the Projects it supports and actively seeks to finance Projects that yield tangible social and environmental benefits. The approach and sector-specific eligibility criteria which guide the Project identification process, and which reflect the Bank's explicit social mandate, are contained in its Loan Policy.

17. The Bank's approach in terms of social safeguard review and management draws upon the principles enshrined in the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter. The principles specifically emphasised in Project operations are those related to:

- Conditions and rights of workers
- Protection of vulnerable groups
- Forced labour and child labour
- Gender equality and non-discrimination
- Protection of livelihoods and housing
- Community health and safety
- Stakeholder information and consultation

18. As a signatory of the EPE, and subject to its mandate, geographic scope of operations and the specific conditions of this policy, the CEB applies the relevant EU principles and substantive standards to all Projects. The EPE principles include, in particular, the precautionary principle, the prevention principle, the principle that environmental damage should as a priority be rectified at source, and the "polluter pays" principle. The CEB may apply the precautionary principle when it considers that the potentially adverse effects of a Project are not adequately mitigated or that the likely residual environmental impacts outweigh the expected social benefits.

19. The EPE emphasises in particular the need to be consistent with the principles and relevant EU substantive environmental legislation as regards:

- Principles, standards and practices related to the environmental impact assessment of Projects;
- Environmental principles, substantive standards and practices foreseen in EU Directives on industrial emissions, water and waste management, air and soil pollution, floods, occupational health and safety, and the protection of nature.

20. Through its environmental and social safeguard assessment and monitoring processes, the CEB will seek to ensure that the Projects it finances are designed and implemented in such a way as to:

- Optimise social and environmental benefits.
- Minimise adverse environmental and social impacts.
- Comply with appropriate social and environmental standards.

21. The CEB will not knowingly finance Projects which:

- Are identified as harmful to human beings or undermining human rights protected in the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.
- Are likely to cause significant and irreversible negative environmental and/or adverse social impacts.

- Fail to meet the environmental and social safeguard requirements of the CEB.
- Are listed in the "Exclusion list" presented in the Loan Policy.

2. Requirements

2.1 Environmental safeguard requirements

22. The CEB requires that all projects be designed and implemented in a way that ensures consistency with substantive standards and practices enshrined in relevant Multilateral Environmental Agreements (MEAs) and Council of Europe conventions incorporated into the applicable laws (e.g. biodiversity, climate change, the ozone layer, wetlands, persistent organic pollution, trans-boundary air pollution, endangered species and environmental information).

23. When located in EU member states, EEA countries, EU Candidate and potential Candidate Countries and countries in the EU Neighbourhood who have signed association or other forms of agreement with the EU, CEB-funded Projects shall be designed and implemented so as to be consistent with EPE principles (paragraph 19) and the relevant EU substantive environmental legislation[2], with particular emphasis given to:

    - Principles, standards and practices related to the environmental impact assessment of projects;
    - Environmental principles, substantive standards and practices foreseen in EU Directives on industrial emissions, water and waste management, air and soil pollution, occupational health and safety, and the protection of nature, where these can be applied to specific Projects.

24. When financing projects in all other countries, the Bank requires that projects be designed and implemented so as to be consistent with EPE principles to the best possible extent taking into consideration the costs of application as well as local specificities. In cases where these countries' environmental standards are less stringent than the relevant EU environmental standards, the Bank may consider accepting the host country's standard for:

    - Projects which provide significant human health and/or environmental benefits compared to the Project's "ex-ante" baseline but which are not able to cost-effectively meet the most stringent EU standards given the socio-economic context of the country.
    - Projects implemented in consecutive stages that allow progressive convergence with EU standards within a reasonable timeframe.

    However, these projects should not involve the transfer of polluting activities from countries with higher environmental standards.

2.2 Social safeguard requirements

25. The CEB requires that all Projects be designed and implemented in a manner to ensure that they are in line with the relevant principles of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.

26. The Bank requires the Borrower to address Project-related Community Health and Safety matters and Stakeholder Information and Consultation in accordance with the ESSP and the applicable Safeguard Standards indicated in the Handbook.

2.3 Disclosure of environmental and social safeguards information and public consultation

27. The CEB requires that the Borrower of CEB-funded Projects facilitates the availability of environmental information to concerned stakeholders, in accordance with the provisions of the Aarhus Convention on access to information and public consultation, where the latter is applicable or when the CEB deems it appropriate.

[2] Save for any derogation accepted by the CEB for the purpose of a Project based on any agreement between the host country and the EU or other duly justified transitional arrangements.

28. The CEB also requires that the Borrower ensure that relevant information on the Project's social risks and adverse impacts is made accessible and understandable to the Project-affected stakeholders so as to afford them the possibility to provide useful input into the design and implementation of the Project. This particularly concerns Projects involving land acquisition, economic displacement and/or involuntary resettlement.

29. The CEB will make Project-related environmental and social safeguard information public when appropriate and in accordance with the conditions stated in its Public Information Policy. For all Projects that are categorised "A" and for Projects categorised "B" which are subject to an Environmental Impact Assessment (EIA) or an Environmental and Social Impact Assessment (ESIA), a non-technical summary shall be made accessible through the CEB web site at least thirty (30) days in advance of the CEB Administrative Council decision.

30. The CEB will publish on its web site a Project summary of FI or PI operations which are likely to contain sub-projects requiring an EIA. The Project summary will be posted at least thirty (30) days in advance of the CEB Administrative Council decision.

2.4 Addressing Climate Change

31. The CEB acknowledges the significance of the conclusions issued by the UN Intergovernmental Panel on Climate Change (IPCC), in particular, that climate change is unequivocal and that the bulk of global warming can be linked to anthropogenic Green House Gas emissions (GHG). Consequently, the Bank acknowledges that the carbon footprint of its Projects can influence the extent of climate change in the near future.

32. To address the challenges of climate change and to support the transition to a low carbon economy, the Bank carries out screening of proposed Projects to identify potential climate change risks and impacts as well as opportunities for climate change mitigation and adaption. The screening process determines if, and which climate considerations are relevant and whether further analysis is needed to assess them. The four climate change parameters considered are as follows:

- **Carbon footprint potential**, to determine if the Project is expected to generate significant volumes of Green House Gas (GHG) during its economic lifetime. A detailed assessment is required if the expected GHG emissions exceed the threshold indicated in the Handbook.
- **Climate change sensitivity**, to determine the likely vulnerability of the Project or its target population to climate change and whether further climate risk analysis should be considered.
- **Mitigation potential**, to identify the Project's potential for contributing to climate change mitigation, typically in terms of the reduction of GHG emissions. The Bank strives to target Projects with high mitigation potential and to contribute to developing the mitigation potential of Projects wherever feasible and practical.
- **Adaptation potential**, to identify the Project's potential to contribute to adaptation to climate change, typically by making the target population or infrastructure more resilient to the effects of climate change. The Bank strives to target Projects with high adaptation potential and to contribute to developing the adaptation potential of Projects wherever feasible and practical.

2.5 Protection of nature and biodiversity

33. As regards biodiversity, the CEB recognises the social value of ecosystems and the services they provide to humanity. The Bank is also aware that human activity can cause the destruction of natural habitats and the extinction of associated species and that the loss of biodiversity is likely to accelerate over the next decades as a consequence of climate change. Therefore, and in line with the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats, the Bank will not finance Projects that may cause the loss of critical natural habitats and endangered species.

2.6 Sectors conducive to environmental and social risks

34. As a general rule and in accordance with its specific social focus, the CEB shall not finance large-scale industrial operations that have the potential to generate important social and environmental risks and adverse impacts. This limitation particularly concerns investments in the extractive industries[3] sector, including in particular:

- Mining of coal or lignite
- Extraction of crude petroleum and natural gas
- Mining of metal ores

35. For the purpose of supporting job creation and preservation, the CEB may finance productive investment projects in micro, small and medium-sized enterprises (MSMEs). However, these investments shall exclude the activities listed in the Exclusion list presented in the Loan Policy.

36. To support the transition towards a low carbon economy, the Bank may finance small-scale renewable energy Projects and energy efficiency Projects. The Bank requires that eligible renewable energy Projects be in line with the "specific conditions for renewable energy Projects" presented in the Handbook. Eligible energy efficiency Projects related to primary energy production must exclude investments in coal-fired power plants.

37. The CEB may consider financing small-scale water retaining dikes and related structures in the context of rural development, small hydropower plants and the prevention of floods. Whenever appropriate, the Bank will apply the recommendations of the World Commission on Dams (WCD). The Bank also requires that hydropower Projects be designed and implemented so as to be consistent with the requirements for hydropower Projects referred to in paragraph 36.

38. The CEB shall not finance dams or associated infrastructure which are:

- Likely to create conflicts between populations sharing the water courses concerned by the Project.
- Foreseen to involve large-scale involuntary resettlement or voluntary resettlement without fair compensation.
- Likely to create significant irreversible adverse environmental and social impacts.

3. Screening and categorisation

39. Although the ultimate responsibility for environmentally and socially sustainable Project implementation lies with the Borrower, the CEB applies Project appraisal, due diligence and monitoring systems to ensure that environmental and social safeguard considerations are appropriately taken into account by the Borrower. This process starts with screening and categorisation.

3.1 Purpose of screening and categorisation

40. The Bank carries out the screening and categorisation of each Project at entry to define the nature and level of environmental and social safeguards review and the type of information disclosure applicable to the Project. Categorisation considers the Project's characteristics and the sensitivity of the location, and takes into account the significance of the likely adverse environmental and social impacts. The screening process also serves to determine whether Environmental and Social Safeguard Standards (ESSS) apply and, if so, which. The Bank will review existing documentation where an environmental and social safeguard assessment has already been undertaken and will, in such cases, determine if complementary environmental and social safeguard assessment is needed.

[3] This refers to the activities addressed in the World Bank Group Extractive Industries Review for further reference see: www.ifc.org.eir

3.2 Categorisation process

41. The Bank classifies the Project in one of five categories (A, B, C, FI and PI), reflecting the Project's characteristics and the estimated degree of environmental and social risks. Projects consisting of several components, or well-identified sub-Projects will be classified in the category of the component or sub-Project with the highest environmental and/or social risks. The Bank may revise the Project's categorisation if environmental and/or social risks evolve during the lifetime of the Project.

42. The process for categorising environmental risks is based on the methodology of the EU EIA Directive[4]. The categorisation of social risks takes into account the likely exposure of vulnerable groups to adverse impacts linked to the safeguard issues referred to in paragraph 17.

43. For internal reference the Bank distinguishes five levels of categorisation:

- Category A, the Project is likely to cause significant adverse environmental and/or social impacts which may be irreversible, cumulative, diverse or unprecedented. Environmental and Social Impact Assessment (ESIA) is mandatory for such Projects.

- Category B, the Project is considered to have a limited number of potentially adverse environmental and social impacts, which are generally site-specific, largely reversible, and readily addressed through mitigation measures. Such Projects may be subject to a full ESIA or to an abbreviated assessment focussed on specific environmental and/or social risks and adverse impacts.

- Category C, the Project is likely to have minimal adverse environmental and social impacts. Category C Projects generally do not require environmental or social impact assessment. However, standard environmental and health and safety precautions may apply to such Projects, e.g. those involving small construction sites.

- Category FI refers to lending operations through financial intermediaries (FIs) which allocate the Bank's loan proceeds to sub-Projects, or to end beneficiaries. For FI loan operations the Bank requires that the financial intermediary have appropriate due-diligence systems in place to ensure that sub-Projects are in line with the ESSP and respect national environmental and social law. To each loan operation categorised as FI, the Bank assigns a risk classification ranging from 1 to 3 (1 being the highest, 3 the lowest) to reflect the estimated degree of environmental and social risk. The risk classification is based on the investment characteristics, the host country's systems and on the Bank's due-diligence of the financial intermediary.

- Category PI refers to programme lending operations administered by a Public Institution (PI) for the financing of sub-Projects within national, regional or municipal investment programmes. Such programmes are generally implemented within the EU policy framework, and are subject to EU environmental and social requirements including Strategic Environmental Assessment. For PI loan operations the Bank relies upon the implementing institution to ensure that sub-Projects respect the applicable environmental and social law. To each loan operation categorised as PI, the Bank assigns a risk classification ranging from 1 to 3 (1 being the highest, 3 the lowest) to reflect the estimated degree of environmental and social risk. The risk classification is based on the type and scale of the targeted investments and the host country's systems. PI loan operations targeting sub-Projects that are likely to be subject to EIA are categorised as PI-1.

[4] Directive 2014/52/EU

4. Environmental and Social Due Diligence

44. Environmental and social due-diligence is undertaken as an integral part of the Bank's Project appraisal process. It supports the decision-making process as to whether the Bank should provide financing, and if so, how the Bank expects the Borrower to address environmental and social risks in the preparation and implementation of the Project. The Bank's due-diligence scope reflects the characteristics of the Project and is proportional to the degree of environmental and social risks and potential adverse impacts associated with the Project. It may include both desk reviews and on-site missions and may involve third-party experts where deemed necessary.

45. The Bank's environmental and social due-diligence of financial intermediary operations focuses on the FI and on the characteristics of investments expected to be financed with the CEB loan proceeds. The FI due-diligence process seeks to determine whether the FI has the appropriate systems in place to ensure that Bank-financed sub-Projects are in line with the requirements of the ESSP. The process includes the use of questionnaires, visits to the intermediary and incorporates results of monitoring missions of FI-operations under implementation.

46. The Bank's environmental and social due-diligence of programme lending operations administered by Public Institutions for the financing of sub-Projects within national, regional or municipal investment programmes focuses on the implementation framework for environmental and social safeguards and includes the review of the institution's implementation capacity when deemed necessary by the Bank. The process generally includes the use of questionnaires, visits to the intermediary and incorporates results of monitoring missions of investment programmes implemented by the same institution.

5. Environmental and Social Safeguard Assessment

47. The Bank generally requires the Borrower to adopt an integrated approach to the assessment of environmental and social risks and adverse impacts, as these safeguard issues are cross-cutting, interrelated and need appropriate coordination during Project planning and implementation. However, the Bank recognises that, in certain countries, applicable legislation requires the preparation of separate environmental and social documentation. In such cases, the Bank will review the environmental and social documentation provided by the Borrower to determine whether it appropriately covers the assessment of environmental as well as social risks and adverse impacts and whether it foresees mitigation and monitoring measures.

6. Environmental and social safeguard monitoring

48. The Bank and the Borrower have complementary but distinct monitoring responsibilities. The extent of the environmental and social safeguard monitoring activities, including their scope and frequency, is proportional to the Project's risks and impacts.

6.1 The Borrower - E&S Safeguards Monitoring and Reporting

49. The Bank requires the Borrower to monitor and report on the management of environmental and social safeguard issues as described in the environmental and social safeguard assessment documentation (e.g. Environmental and Social Management Plan, ESMP), and in line with the requirements indicated in the Handbook.

50. For direct investment Projects where the environmental and social safeguard assessment process has identified the need for specific safeguard measures, the Bank requires the Borrower to ensure that the following actions are undertaken:

- Establish and maintain appropriate procedures for monitoring implementation of the required environmental and social safeguard measures
- Allocate appropriate resources or contract third party specialists to ensure that the monitoring and reporting tasks are carried out in an orderly and timely manner
- Verify whether the environmental and social safeguard measures are implemented correctly and in timely manner and whether they are effective

- Document and report the monitoring results in accordance with the requirements for "disclosure of environmental and social safeguards information" in the ESSP. The periodicity of reporting should be proportional to the significance of the issues but shall not be less than bi-annually
- Indicate corrective actions where needed and follow-up on the implementation of these actions
- Provide the Bank with periodic monitoring reports on environmental and social safeguard measures in one of the Bank's official languages

51. In the case of FI operations, the Bank requires the financial intermediary to report sub-Projects that are subject to environmental and/or social impact assessment. Depending on the Project's characteristics and setting, the Bank may require a review of the assessment documentation before allocation of the Bank's loan proceeds to the sub-Project.

52. For PI operations, the Bank requires the Borrower to provide the Strategic Environmental Assessment documentation if applicable.

6.2 The Bank - E&S Safeguards Monitoring and Reporting

53. The Bank reviews the Project's performance on the basis of the Borrower obligations stipulated in the Loan Agreement governing the Project. An implementation review of social and environmental safeguard measures may be undertaken as part of the Bank's standard Project monitoring and on-site review procedures if issues are few and minor. Specific monitoring arrangements will be applied to Projects that carry higher environmental and social safeguard risks.

54. Annual Monitoring Reports summarising the social and environmental safeguard performance of the reviewed Projects and highlighting identified issues are submitted to the Bank's Administrative Council as part of the Annual Monitoring Report.

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