



Council of the
European Union

195808/EU XXVII. GP
Eingelangt am 11/09/24

Brussels, 11 September 2024
(OR. en)

13182/24

Interinstitutional File:
2024/0803(CNS)

ECOFIN 968

PROPOSAL

From:	B. BALKE, Secretary General, European Investment Bank J. M. FERNÁNDEZ MARTÍN, General Counsel, European Investment Bank
date of receipt:	28 August 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
Subject:	Amendment of the EIB's Statute - Request to launch the Article 308 procedure

Delegations will find attached the European Investment Bank (EIB) request to launch the Article 308 of the TFEU procedure in order to amend the EIB's Statute.

HAVING REGARD TO Article 308 of the Treaty on the Functioning of the European Union, pursuant to which the European Investment Bank (EIB) may request the Council to amend the Statute by special legislative procedure,

HAVING REGARD TO Article 16.5 of the Statute of the EIB establishing a limit on the total signed debt operations (Gearing Ratio), a limit on disbursed equity operations and a specific allocation of reserve for special activities,

WHEREAS the European Investment Bank was subject to the G20 commissioned review of Multilateral Development Banks' capital adequacy frameworks (the CAF Review),

WHEREAS one of the recommendations stemming from the CAF Review was that Multilateral Development Banks remove statutory lending limits from their statutes,

WHEREAS other Multilateral Development Banks are taking action to amend their statutes in respect of statutory lending limits, in response to the CAF Review recommendation,

WHEREAS the CAF Review recommendation on removing fixed lending limits from the statutes of Multilateral Development Banks is carried by the intention to give Multilateral Development Banks' relevant governing bodies full authority over risk management metrics and leverage metrics,

WHEREAS there is a unanimous call for the EIB Group to play an even more important role to close Europe's investment gap, to strengthen Europe's productivity, social and territorial cohesion, climate action, peace, security and open strategic autonomy, to respond to global challenges and reinforce its voice in the new geopolitical context,

WHEREAS the EIB Group's 2024-2027 Strategic Roadmap is intended to heed this call by enabling the EIB Group to deploy its capital in an efficient manner, while at the same time safeguarding its financial strength and preserving adequate capital buffers,

WHEREAS it is expected that the EIB Group's activities under the 2024-2027 Strategic Roadmap would be severely constrained by the Gearing Ratio, which currently limits the size of the Group's overall nominal exposure to 250%, without accounting for the quality of the EIB Group's portfolio, nor credit enhancements such as guarantees from the EU budget, and especially penalises equity investments, such as those of the European Investment Fund,

WHEREAS the establishment of consensus amongst the shareholders of the EIB is desirable prior to any adjustments to the Gearing Ratio, thereby justifying the requirement of a unanimous approval of the Gearing Ratio by the Board of Governors,

WHEREAS the Board of Governors unanimously decided on 21 June 2024 to increase the Gearing Ratio limit to 290%, in order to enable the EIB Group to build on its strong capital position, robust risk management and governance framework and deploy its full potential in support of EU priorities and close the investment gap, this increase being subject to the approval, and entry into force, of the hereby proposed amendment of Article 16, paragraph 5, of the Statute of the EIB by the Council,

THE BOARD OF GOVERNORS OF THE EUROPEAN INVESTMENT BANK HAS THEREFORE DECIDED TO SUBMIT THE FOLLOWING REQUEST TO THE COUNCIL IN ACCORDANCE WITH ARTICLE 308 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION:

The European Investment Bank hereby requests the Council, in accordance with the procedure set out in Article 308 of the Treaty on the Functioning of the European Union, to amend Protocol (No. 5) on the Statute of the European Investment Bank as follows.

Article 16, Paragraph 5, first sub-paragraph, shall be amended to read as follows:

‘The aggregate amount outstanding at any time of loans and guarantees granted by the Bank shall not exceed a maximum ratio in respect of its subscribed capital, reserves, non-allocated provisions and profit and loss account surplus to be established by the Board of Governors acting unanimously. The latter aggregate amount shall be reduced by an amount equal to the amount subscribed (whether or not paid in) for any equity participation of the Bank.’

The remaining sub-paragraphs of Article 16, Paragraph 5, shall remain unchanged.
