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**CEE Bankwatch Network
comments
on the EBRD 2006
Public Information Policy
Review**

April 2006

**CEE Bankwatch Network
www.bankwatch.org**

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Introduction

In 2006 the European Bank for Reconstruction and Development (EBRD) announced the revision of its Public Information Policy (PIP), thus opening the third such review process in its history. CEE Bankwatch Network welcomed the EBRD's commitment to enhance the transparency of its operations and to promote good governance. Having experienced both the limited nature of the previous PIP reviews and, conversely, the valuable consultations during the 2005 review of the EBRD's Energy Policy, Bankwatch presented EBRD Secretary General Reichenbach with suggestions on how to make the 2006 PIP review process more inclusive and responsive to external comments. Regrettably, the EBRD Management ignored Bankwatch's recommendations on organising a set of dedicated consultation meetings with NGO representatives, inviting the Aarhus Convention secretariat to participate in the meeting and disclosing external comments in their original form.

On January 31, 2006 Bankwatch submitted to the EBRD a set of preliminary recommendations identifying priority points for the PIP review. These elements contained the disclosure of Board meeting minutes including a record of Executive Directors' votes, the adoption of procedural guidelines on the information request and appeal processes, the introduction of regular public consultations within the EBRD policy reviews, and the timely release of social and environmental reports throughout the project cycle. On March 1, 2006 the EBRD released the PIP 2006 review draft (the Draft) for external comment. Alas, only one of Bankwatch's preliminary recommendations was reflected in the Draft, and not even in its entirety. Although the EBRD agreed to release Board meeting minutes, it refused to disclose the voting records of Executive Directors thus preventing the public from holding the directors accountable for key decisions on projects and operations. Furthermore, the report on implementation of the Public Information Policy for 2005 was released only *five* days before the end of the consultation period, leaving hardly any time for proper assessment of it.

We commend the EBRD for incorporating new elements in the PIP draft that strengthen the transparency, accountability and good corporate governance of the EBRD. Notably, we appreciate the EBRD's intention to publish the minutes of board meetings, to release draft country strategies and translate Project Summary Documents. While we welcome the opportunity to comment on the PIP draft, observing the process we have growing doubts whether this so far restrained review process can bring substantial changes in the areas of transparency and accountability in the EBRD. We strongly believe that only unobstructed public participation in decision-making can generate an environment of credibility and cooperation among interested stakeholders; in return these stakeholders can support greater effectiveness of the EBRD's mandate.

Given the constraints attached to the consultation process, we suggest that the new draft policy, consultation report and detailed Management response are released to the public before their consideration by the EBRD's Board of Directors. Such an approach – the release of final draft and consultation report before board approval – is becoming normal practice in other similar institutions; most recently it was applied by the European Investment Bank in the consultation on its new information policy.

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1. Basic principles

The EBRD is a public body that according to its own words strives to enhance transparency and receptiveness. If the EBRD truly wishes to raise its public profile it should operate in line with the highest standards of information disclosure and make every effort to ensure the implementation of presumption of disclosure. We recognise that the EBRD has taken steps to extend the disclosure of documents by committing in the draft PIP to release Board minutes and draft Country Strategies. However, to truly follow the presumption of disclosure and to get closer to the public it serves, the EBRD should disclose ALL the information held, unless there is a compelling reason for confidentiality. The information and documentation should be released routinely with only a limited range of clearly defined exceptions to disclosure. The EBRD will not be able to achieve real outcomes in the implementation of transparency objectives unless it sets up systematic instruments for dealing with requests for information and for lodging appeals in cases of undue processing of the request. Ensuring maximum, routine and systematic disclosure should strengthen the EBRD's credibility and accountability.

1.1. Presumption in favour of disclosure of information

Based on the Universal Declaration of Human Rights - "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" - the EBRD should adopt comprehensive policies and instruments that remove any procedural obstacles that might prevent maximum transparency. Specifically:

- The policy should ensure that all information held by the EBRD is subject to disclosure upon request unless there is a compelling reason for confidentiality;
- The regime of exceptions to disclosure should be limited and narrowly and clearly defined;
- The harm to commercial confidentiality should be weighted against public interest for disclosure.

1.1.1. Clearly defined list of exceptions

We commend the EBRD to open its PIP with a principle of transparency and presumption of disclosure. The EBRD claims that it is "guided by the underlying presumption that, whenever possible, information concerning the Bank's operational activities will be made available to the public in the absence of a compelling reason for confidentiality". Such a statement however hardly manages to balance the public right to information and business confidentiality. In order to avoid confusion for external public seeking information and EBRD staff handling the requests, the PIP should set out a well defined list of exceptions to presumed disclosure.

Furthermore, the exceptions should be based on a test which would indicate explicitly the precise harm that would result from disclosure. Exceptions should be governed by a principle of public interest override so that, where relevant and considering all of the circumstances, information will be released despite a risk of harm to a legitimate interest, where this serves the overall public interest. To provide for knowledgeable public engagement in the decision-making process, the EBRD should ensure that social and environmental information crucial to projects and operations are not included in the list of exceptions.

Recommendations:

- ✓ *The PIP should set up clear criteria for confidentiality.*
- ✓ *The PIP should lay out a clearly defined and narrow list of exceptions to information disclosure.*
- ✓ *The exceptions from information disclosure should undergo a harm test.*
- ✓ *The principle of public interest should be considered as a primary factor in pondering confidentiality of information.*

1.2. Information request process

Whereas we are happy to see the EBRD commitment to “open communication” and “willingness to listen to third parties”, we believe that such goals must be accompanied by procedural guidelines if they are to deliver effective results. The presumption of disclosure should be backed by an operational system that would specify clear procedures on where requests for information are to be sent, in what form they should be submitted, how and according to what specific timeframe they will be processed. The information request process should also describe how the requestor can lodge a complaint in case he/she feels the request for information was not dealt with according to the formal standards adopted by the EBRD. Not only will these new provisions support accountability and promote public confidence in decision-making but they will also enhance the EBRD’s own implementation of the PIP commitments.

Recommendations:

- ✓ *The EBRD should adopt procedures on where requests for information are to be sent, in what form they should be submitted, how and according to what specific timeframe they will be processed and answered and a requirement to provide written reasons for any refusals to provide information.*
- ✓ *The request for information could be presented orally or in writing by post, e-mail or fax.*
- ✓ *In case of written request the responsible official should confirm a receipt of the request within five working days.*
- ✓ *The requester should be sent information or presented an explanation of why the information was not disclosed as soon as possible, but not later than 20 working days after the receipt of the request.*
- ✓ *The PIP should offer means of appeal in case of denial of information so that the requestor can appeal if he/she feels that the denial was unreasonable and in breach of the Bank’s PIP.*

1.2.1. Appeal mechanism

To observe the presumption in favour of disclosure and accountability, the EBRD should establish an independent and authoritative body to review appeals against non-application of the policy. Anyone who feels that his request for information was not dealt with according to the formal standards adopted by the EBRD should have the right to lodge a formal complaint.

We understand that article 6.1. of the current PIP contains provision for an appeal mechanism (“The Secretary General, assisted as necessary by the General Counsel and other Members of the Executive Committee, will oversee and verify compliance with the Policy”). Nevertheless, it fails to specify procedures on how this appeal should be handled. Therefore, the EBRD should adopt clear procedural guidelines on reviewing the public appeals. The procedures should clearly define

a timeline for responses, a form in which they should be presented to the requester, and set up an obligation to explain the decision taken and publicly disclose all the appeals received.

The Secretary General should acknowledge receipt of a request within five working days. In considering denials of requested information or documents, the Secretary General should consider the public interest in the disclosure of the information. The Secretary General should inform the person lodging the complaint of the decision in writing, stating the reasons, immediately after the decision has been made but in any event no later than 30 calendar days after receiving the appeal. The Secretary General should release a list of appeals describing the nature of the request and the decision taken. The list of appeals should be updated for new requests no later than a week after the decision has been made.

Recommendations:

- ✓ *The EBRD should adopt strict procedures for the functioning of the administrative appeals.*
- ✓ *Receipt of a request of information should be acknowledged within 5 working days.*
- ✓ *Written response stating reasons should be released no later than 30 calendar days after receiving the request.*
- ✓ *List of appeals should be made publicly available.*

1.2.2. The Independent Recourse Mechanism

The Independent Recourse Mechanism (IRM) set up to review the compliance of "the project-specific provisions of the Public Information Policy" should in theory serve as an independent appeals body. Unfortunately, the current design limits the possibility of the IRM to function as a true compliance mechanism for PIP because:

- it applies only to the "project-specific provisions" of the PIP, which excludes all the other areas;
- it requires that an appeal is filed by a "group of two or more individuals from an Impacted Area", so individuals whose request for information is rejected are not entitled to complain to the IRM;
- it requires that the adverse and material effect of the project on the common interest are proved.

As this creates a major hurdle for using the IRM, we believe that the EBRD should create a special window for complaints to the Chief Compliance Officer (CCO) under the Independent Recourse Mechanism (IRM) for the Public Information Policy. Members of the public that would feel that their appeal had unreasonably been turned down by the Secretary General could refer their complaint to the CCO.

Recommendations:

- ✓ *The EBRD should change the procedures of the Independent Recourse Mechanism to allow the raising of complaints on the implementation of the Public Information Policy that would review the appeals turned down by Secretary General.*

1.3. Routine disclosure

The EBRD should disclose all three categories of information specified in the PIP (general institutional information, information on policies and strategies, project-related information)

routinely, in a timely fashion and in such a language and form that ensure effective access by the various stakeholders.

Recommendations:

- ✓ *The PIP should provide for routine and timely disclosure of information.*
- ✓ *The information should be released in adequate language and form that enable effective participation.*

2. General institutional information

2.3. Board minutes

We welcome the EBRD's decision to release the minutes of board meetings that include "(i) the names of attendees; (ii) a record of the approval of the Minutes of the previous meeting; (iii) titles of the agenda items; and (iv) agreements and decisions reached". We agree it is an important step towards good governance. However, we firmly believe that citizens should have the right to see how they are represented at the board and hold Executive Directors accountable for their decisions. In the spirit of true accountability, the Bank should also include (v) a record of voting; (vi) opinions expressed; and where relevant (vii) written statements prepared by the Executive Directors among the information disclosed under Board meeting minutes.

The Board minutes should be released in a timely fashion after the Board of Executive Directors approves the minutes at the next meeting but no later than 15 working days after their approval. While the minutes provide a legal record of the decisions taken, they do not reflect the discussion in its entirety. For this reason the EBRD should also publish summaries and transcripts of board meeting discussions.

Recommendations:

- ✓ *The PIP should require that the minutes of board meetings include a record of voting, opinions expressed and written statements prepared by EDs where applicable.*
- ✓ *The Board minutes should be released after their approval by the board. The disclosure date should not exceed 15 working days from the effective date.*
- ✓ *The EBRD should release the summaries and transcripts of board discussions within 15 and 30 days of the meeting, respectively.*

2.4. Organigram of the EBRD

We appreciate the EBRD's efforts to publish an organigram of the Bank with all its departments and component parts. To make this organigram truly comprehensible, the EBRD should indicate the hierarchy of the institutional structure and add a detailed description of the various departments and components and decision-making procedures inside them. If the size and conception of the organigram does not allow this, the description of departments, their activities and hierarchy within should appear under a relevant webpage of the EBRD website.

Recommendations:

- ✓ *The EBRD should disclose a description of Bank departments, their activities and hierarchy.*

2.5. Staff directory

The current EBRD website does not list full contacts to all the Bank staff. Notably, the website overview of Executive Directors lacks any contacts whatsoever. In the light of the EBRD's proclaimed "willingness to listen to third parties", such an absence of contacts comes as an alarming oversight. To enable the public to communicate with their representatives, the EBRD should release and regularly update e-mail, telephone and fax contacts to all the staff on its website. In case of not releasing the contacts, the EBRD should offer compelling reasons why it chose not to do so.

Recommendations:

- ✓ *E-mail, phone and fax contacts to all the EBRD staff, especially to the Executive Directors, business sector, programme units, senior management offices, local and regional offices should be made publicly available through the EBRD's website.*

2.6. Visits of EBRD staff to countries of operation

Conducting meetings of Board delegations traveling to EBRD countries of operation (COO) with local NGOs is becoming a regular practice in the EBRD. In some cases though, the EBRD staff responsible for preparation of the program of the visits omits to organise meetings with NGOs and calls only meetings with country officials and business partners. When the public learns about the visit of EBRD representatives from the media, the program is set and requests for organizing a meeting are refused. We believe that the meetings have proved to have a positive effect on the dialogue between the EBRD and stakeholders, which has become more inclusive and constructive. For this reason, we recommend that the PIP requires that the EBRD visits to COO include a meeting with local civil society groups. The PIP should also ensure that the public is duly notified about the visits of the EBRD President and senior management with sufficient notice.

Recommendations:

- ✓ *The PIP should require the disclosure of a schedule of President, EDs and senior management visits to countries of operation with adequate anticipation.*
- ✓ *The PIP should ensure that President, ED and senior management visits to countries of operation include a meeting with local civil society groups.*

3. Information on policies and strategies

We welcome the EBRD's intention to enhance procedures for the development or review of a policy or strategy, notably to release the draft country strategies and to keep a running list of policies and strategies it expects to review a year ahead. While these changes will surely enable broader and more considerate participation of stakeholders, the draft PIP should include more systematic guidelines for the development or review of a policy or strategy. The EBRD should thus disclose a detailed plan outlining the nature of the process, the possibilities for consultations and face-to-face meetings and a timeline. The EBRD should release all the materials that will be presented in the decision-making - such as external comments, Management's response to comments, report on implementation of the existing policies and second draft - soon after their elaboration but always prior to the Board meeting.

3.1. Disclosure of public comments

If the EBRD seeks the active and thoughtful participation of stakeholders during the development and review of its strategies and policies, it should let the public know whether their comments and other external input were received and how they have been reflected. Until now, the external comments have not been subject to public scrutiny in their full extent and during the review process. The EBRD should therefore release all incoming public comments in their original form in the course of the policy or strategy review on a dedicated website.

Recommendations:

- ✓ *The PIP should ensure that all incoming public comments are released in their original form in the course of policy or strategy reviews.*

3.2. Public consultations

The current PIP provides a 45-day long consultation period for draft sectoral policies and other policies subject to public review. During this period, the public can comment in writing on existing policies, without having any opportunity to influence the shape of the first or any consequent drafts. During the 2005 Energy Policy review, the EBRD divided the consultation period into two stages. In the first stage the public was granted the opportunity to comment in writing and orally on the shape of the future draft of a new energy policy. For this, the EBRD organised a set of consultation workshops in London, Sofia and Moscow. During the second stage that followed in 2006, the public could comment on the first draft of the new policy. In comparison to the limited nature of the PIP consultation process, the precedent established by the Energy Policy review is viewed as a progressive step towards a more inclusive and effective way of going about EBRD consultation processes.

The current PIP does not make any explicit provisions for public comments on the policy prior to disclosure of the draft and the announcement of the consultation period. Thus no guarantees exist to ensure that the comments received will be reflected in the policy draft. Therefore, we suggest that the EBRD further develops procedures for more inclusive policy consultations and enables the public to comment on policies prior to the release of the first drafts of policies. We also recommend that the EBRD extends these requirements to the review of corporate policies and strategies.

Recommendations:

- ✓ *The EBRD should conduct the first phase of policy consultations prior to developing the drafts of new revised policies.*
- ✓ *The department responsible for the policy review should announce the first phase policy consultation and invite stakeholders to comment on the existing policy. The first phase policy consultation period should last at least 30 days and precede discussion of the policy by the Financial and Operational Policies Committee of the board.*
- ✓ *The EBRD should disclose the management response to external comments received during the first phase of the policy consultation, during the 45-day policy draft commenting period.*

3.3. Comprehensive list of policies and strategies

We are happy to see the draft PIP intention to maintain a rolling list of policies and strategies scheduled to be reviewed in the coming year. Items should be added to the list soon after the development or review concept is approved by the Management.

Recommendations:

- ✓ *New policies and strategies development and reviews should be listed as soon as their concept is approved by the Management.*

3.4. Disclosure of second draft policies and strategies

The current PIP does not require that a second draft policy or strategy be released. As a result, the public gets to know how external comments have been incorporated only after the Board's approval which prevents them from further engagement in the decision-making process. To encourage a constructive and continued dialogue with the stakeholders throughout the review, the EBRD should offer a second draft of policies and strategies for external comments. The draft should be made publicly available at the minimum 10 working days prior to board approval.

Recommendations:

- ✓ *The EBRD should disclose second draft policies and strategies 10 working days prior to their board approval.*

3.5. Disclosure of Management's response to comments

Timely disclosure of Management's response to comments is another element of an effective consultation process. The EBRD should release the Management's response to comments prior to the board approval, at the time the final draft policy or strategy is released.

Recommendations:

- ✓ *Management's response to comments ought to be released prior to the Board approval, at the time the final draft policy or strategy is released.*

3.6. Draft Country Strategies

We appreciate the draft PIP recommendation to improve the revision process of Country Strategies (CS) by facilitating a draft CS for public commenting for a period of 30 calendar days. To allow in-country stakeholders to contribute broadly to the strategy review, the draft CS should be made available in the relevant national language.

Recommendations:

- ✓ *To encourage participation as well as understanding of the CS development process, the EBRD should facilitate translation of the draft CS into the relevant national language.*

3.6.1. Country Strategy Action Plans

If the development of CS is to bring effective results, the EBRD should include an action plan on the implementation of the given strategy in the CS documents. As a competent partner consulted in the decision-making process, the public should have a right to get familiar with the CS implementation.

Recommendations:

The EBRD should include an action plan on implementation of the strategy within the Country Strategy documents.

3.7. Translation of Environmental Procedures

Bankwatch applauds the EBRD's decision of 2003 to "translate, on a progressive basis, the Public Information Policy, the Independent Recourse Mechanism and the Environmental Policy into the relevant official national languages." However, we are unhappy to find that the Environmental Procedures are not part of this translation list. Environmental Procedures is a document containing a set of EBRD requirements for the environmental aspects of projects and activities. As such they should be understandable to project sponsors and the general public in countries of operation; the possibility for different interpretations from different parties should be excluded. It is worth noting that while the 2003 Environmental Procedures are available only in English, the 1996 Environmental Procedures are available in all of the EBRD's working languages.

Recommendations:

- ✓ *The EBRD should translate Environmental Procedures into the relevant national languages.*
- ✓ *Environmental Procedures need to be translated into the Russian language first. The document should be then gradually translated in other languages used in the EBRD's countries of operation. Priority in translating the documents should be given to those countries with the highest number of projects being financed and developed.*

4. Project-related information

To ensure greater transparency, the EBRD should expand the array of information and documentation it releases about its public and private sector operations and ensure their timely disclosure. The need for expanded documentation disclosure is felt especially in the area of project-specific information. Disclosure of both public and private sector project relevant documents should start early in project preparation, so that the views of affected people can be addressed adequately in the project design. The disclosure of project specific information should be done routinely, in a timely fashion and continue during the preparation, implementation and evaluation stages of the project.

Regrettably, the EBRD uses no Internet-based tool for tracking project status and archiving project-related information. Such a tracking mechanism would bring together relevant project information and documents in all phases of the lending cycle and make these documents readily available through an updated and searchable database.

Recommendations:

- ✓ *The PIP should ensure a routine disclosure of project based information throughout the complete project cycle.*
- ✓ *The Bank should establish an Internet based resource for tracking project status and all the relevant project based information and documents.*

4.1. Project assessment

The public should have a chance to become acquainted with projects brought under Bank consideration for financing and to participate with its comments in the project assessment. To enable this, the EBRD should disclose all the documents related to the initial phase of the project. If additional project specific documents are released by a project sponsor (such as Environmental

Impact Assessment released under national legislation), the EBRD should link to it from the Project Summary Document or otherwise specify where and how this document can be obtained.

4.1.1. Private Project Summary Documents minimum release

Whereas public sector PSDs require a minimal disclosure period of 60 days, private sector PSDs need to be released only 30 days prior to consideration by the Board. To allow effective engagement of citizens in EBRD project financing, the EBRD should extend the disclosure period of private sector PSDs to 60 days and ensure that they are released immediately after the project has passed its Initial Review by Bank Management.

Recommendations:

- ✓ *Private sector PSDs should be released 60 days prior to the board meeting and soon after the project has passed its Initial Review by Bank Management*

4.1.2. Translation of Project Summary Documents

Bankwatch recognises the EBRD's intention to make PSDs accessible to all the interested parties, and the general public by providing for their translation into national languages.

4.1.3. Routine disclosure of factual and technical documents related to project preparation

As aforementioned, the automatic disclosure of project related information in all the phases of the project is a key element in effective public participation in decision-making process. The current PIP has no provisions for disclosure of factual and technical documents prepared in the early stages of a project, which prevents timely response and comments from the affected communities. This documentation should be made publicly available through the online PSDs or, more conveniently, inside a project profile within the project tracking system.

Recommendations:

- ✓ *Project based factual and technical documents should be available online and linked to the project PSD.*

4.1.4. Initial discussion papers

The EBRD should disclose in its entirety all the initial discussion papers, including the Concept Clearance Memorandum, Concept Review Memorandum, Environmental Screening Memorandum, draft Environmental Summaries, Initial Environmental Examinations, Final Review Memorandum.

Recommendations:

- ✓ *Initial discussion papers should be made available in their full extent and at the time they are produced.*

4.1.5. Loan contracts

The EBRD should disclose all documents related to the loan agreement between the EBRD and the project sponsor, including the client's Environmental Action Plan, loan contract and social and environmental impact assessment documents.

Recommendations:

- ✓ *The EBRD should disclose all documents related to the loan agreements between the EBRD and the project sponsor.*

4.1.6. Board reports for private sector projects

The current policy contains provisions for the release of board reports for public sector projects only. Bankwatch sees the absence of such provision for private sector projects as unjustified and discriminatory.

Recommendations:

- ✓ *The EBRD should make publicly available board reports for private sector projects. If the reports contain any confidential information, this can be excluded from the reports.*

4.2. Project implementation

Once a project is approved, the public should have the right to know about the way the project is developed according to a design. The EBRD should disclose all the environmental and social implementation documents produced by the Bank or the project sponsor. The monitoring reports should be posted on the EBRD website and distributed locally to affected communities so that they can hold the EBRD and project sponsors accountable for any deviations from commitments made during the initial stage of the project. The documents disclosed at this phase of the project should include Annual Environmental Reports, Periodic Environmental Audits, site visit reports, Exit Audits and reports about any unexpected social and environmental impacts of the project.

Recommendations:

- ✓ *The EBRD should disclose all the social and environmental project implementation reports soon after they are produced or submitted to the Bank.*

4.3. Project completion and evaluation

To enable well informed participation at the final stage of the project, it is crucial that the public is informed about project results and evaluation carried out by the Bank. The Bank should disclose full reports produced by the Project Evaluations Department, including Operation and Performance Evaluation Reports. The reports should be released at the time of their submission to the Board for approval.

Recommendations:

- ✓ *The EBRD should disclose all project evaluation reports in their entirety and at the time of their submission to the Board.*

5. Accountability and governance

We recognise the EBRD's efforts to strengthen good corporate governance and accountability in the PIP framework, notably by releasing the fraud and corruption black list and the annual Anti-Corruption report. Even though this is a certain step forward for transparency at the EBRD, the EBRD should adopt stronger anti-corruption requirements if it wants to effectively promote good corporate governance.

5.1. Fraud and corruption blacklist

The current Draft proposes that EBRD can put a client on a publicly available blacklist provided he "had engaged in fraud or corruption in seeking a financing contract with the Bank". While we welcome the EBRD decision to bar clients that commit acts of corruption and fraud when requesting financing from the Bank from future engagement, we believe that blacklisting should be applied to cases of client engagement in any fraud or corruption activities related to the project.

Secondly, the EBRD should commit to a cross-debarment initiative with other MDBs. Within the framework of such an initiative, the EBRD should communicate its blacklisting to other banks and refrain from engaging with clients that have been put on a blacklist by its sister institutions. A client that is debarred by any other MDB should be subject to a presumption of ineligibility to conduct business with the EBRD.

Recommendations:

- ✓ *The EBRD should blacklist all clients engaged in fraud or corruption when seeking a financing contract with the Bank or in project development and operations.*
- ✓ *The EBRD should engage in a cross-debarment initiative and refrain from engaging with clients that were put on a blacklist by its sister institutions.*

5.2. Annual Anti-Corruption Report

We welcome the EBRD's decision to make its Anti-Corruption Report publicly available on a one year basis. In order to contribute meaningfully to EBRD integrity, the report should include general information on allegations of fraud and corruption filed against EBRD staff or EBRD-financed operations, their current review status, the key findings of investigation, and a description of how the complaints were addressed.

Recommendations:

- ✓ *The Anti-Corruption Report should include general information on allegations of fraud and corruption filed against EBRD staff or EBRD-financed operations, their current review status, key findings of investigation, and description of how the complaints were addressed.*

5.3. Project Evaluation Department Documents

We commend the EBRD intention to encourage the participation of stakeholders in the completion phase of the project cycle by disclosing selected documents of the Project Evaluation Department (EvD). By stipulating its right to hold the EvD documents disclosure protected by commercial confidentiality, the EBRD limits the full and well informed participation of stakeholders in the decision-making process. The business confidentiality interest should not override the public right to information. The EBRD should therefore clear the disclosure of EvD documents from any exception clauses.

Recommendations:

- ✓ *The documents produced by the Project Evaluation Department should be released in their entirety and without confidentiality exceptions.*

6. Implementation and monitoring of the Policy

The EBRD correctly recognises that a key element of the PIP is its proper implementation. We strongly believe that policy compliance is impossible without adjustments outlined in chapter one of the present comments. The EBRD should namely adopt information request and appeal procedures which would guarantee that the staff handles information requests systematically, equally and in accordance with PIP standards.

6.1. Timely disclosure of the Report on Implementation of the Public Information Policy

We welcome the EBRD's systematic monitoring of the implementation of its PIP and periodical disclosure of the Report on Implementation of the Public Information Policy. However, past experience has shown that the EBRD tends to publicly release the Report with delays which prevents the continued accountability of the EBRD's management and stakeholders engagement. The Report on Implementation of the Public Information Policy should become publicly available soon after it is presented to the Board but no later than 30 working days after its approval. To allow meaningful participation in the consultation process, the Report must be available prior to the announcement of the PIP review.

Recommendations:

- ✓ *The Report on Implementation of the Public Information Policy should become publicly available soon after it is presented to the Board but no later than 30 working days after its approval.*
- ✓ *The EBRD should ensure that the Report on Implementation of the Public Information Policy will be available prior to the announcement of the PIP review process.*

6.2. Timely announcement and outlining of the PIP review process

We welcome the EBRD's intention of periodically enhancing its transparency and its communication with stakeholders. The revision of the PIP should abide by the same transparency standards as those proposed for all the policies and strategies. The EBRD should disclose a detailed PIP review plan outlining the nature of the process, the possibilities for consultations and face-to-face meetings and a timeline soon after its development.

Recommendations:

- ✓ *The PIP review should follow the same transparency standards proposed for policies and strategies development and review processes.*
- ✓ *A plan outlining the nature of the PIP review process, possibilities for consultations and face-to-face meetings and a timeline should be released soon after its development.*