



European Bank
for Reconstruction and Development

STRICTLY CONFIDENTIAL

Mr. Marcel Szary
President, Inicjatywa Pracownicza
Ul. Gorecka 154
61-424 Poznan
POLAND

Mr. Jaroslaw Urbanski
National Committee Member, Inicjatywa Pracownicza
Ul. Gorecka 154
61-424 Poznan
POLAND

6 October 2005

Dear Mr. Szary and Mr. Urbanski,

IRM Complaint – Kaufland Polska

On 30 October 2005, I received the complaint dated 23 September 2005 that you submitted on behalf of the trade union Inicjatywa Pracownicza to the European Bank for Reconstruction and Development's ("the EBRD's") Independent Recourse Mechanism ("the IRM"). The union's complaint is that Kaufland Polska, a company in which the EBRD has made a financial investment, fails to safeguard the employment rights of its employees.

As part of my responsibilities under the IRM, I am required by IRM, RP 16 to make an initial determination as to whether any submitted complaint is eligible for registration. I have duly considered the complaint advanced by Inicjatywa Pracownicza and I have concluded that it is manifestly ineligible for review. Accordingly, this letter is addressed to you as the representatives of Inicjatywa Pracownicza and serves as your written notice that the union's complaint will not be registered under the IRM.

My determination that the submitted complaint is ineligible for registration is based on the fact that, in my view, it fails to comply with all of the mandatory elements of a complaint, as prescribed by IRM, RP 8. Significantly, Inicjatywa Pracownicza, as a trade union, is not of itself an 'affected group' for the purposes of IRM, RP 8(g). Affected Group is defined by IRM, RP 1(a) as "a group of *two or more individuals* from an Impacted Area who have a common interest and claim that a Project has, or is likely to have, a direct adverse and material effect *on their* common interest" [emphasis added]. In effect, Inicjatywa Pracownicza is asserting in its complaint the



potential for harm to the existing and prospective employees of Kaufland Polska; it is not asserting that its common interest is in anyway affected by the alleged acts and omissions of the supermarket chain.

Furthermore, the complaint advanced by you on behalf of Inicjatywa Pracownicza fails to include the information required by IRM, RP 8 (b), (c), (e) and (h).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Enery Quinones', written in a cursive style.

Enery Quinones
Chief Compliance Officer