

Amsterdam, 24.07.03

Eberhard Uhlmann  
Secretary General, European Investment Bank  
Bld Konrad Adenauer 100  
L-2950 Luxembourg

Re: Complain on the access to information on D8 motorway loan to the Czech Republic,

Dear Mr. Uhlmann,

With this letter we would like to register our complaint related to the EIB handling the information on the loan for D8 motorway for the Czech Republic.

We would like to complaint about:

- The information on the EIB loan for D8 motorway in the Czech Republic not being released on the EIB's web site prior to the Board decision;
- Information about the Board decision to approve the loan, which took place in April not being released on the web site until now (as of July 23<sup>rd</sup>);
- Refusal of the EIB's staff to indicate any timeline when the loan would be discussed at the Board;
- EIB's information policy allowing the Bank's client to fully decide what information about the Bank's financing will be released or not;
- EIB's information policy which describes the rules on access to information in such a vague way that it allows the Bank not to release information in any situation it is convenient for the Bank and its client;
- EIB's information policy which does not give right to the public to be informed about transactions between two public institutions (in this respect the European Investment Bank and the Government of the Czech Republic).

On January 31<sup>st</sup> Magda Stoczkiewicz, acting on behalf of two environmental non governmental organizations: CEE Bankwatch Network and Friends of the Earth International sent a request for information to Ms. Yvonne Berghorst, Senior Information Officer. The request among others consisted of the question: "Is the project going to be presented for Board approval at the meeting on February 25<sup>th</sup>?"

In the response received on February 14<sup>th</sup> I was informed that Ms. Berghorst is "not in a position to comment on the timetable for financing the D8 motorway" as well as "before its commitment to a project (based on loan signature) the EIB publishes a range of factual data on a project in a summary linked to the project pipeline list on its website." After consulting with the web site I found out that the project in question was not mentioned in the projects in pipeline.

Therefore I got back to Ms. Berghorst on February 24<sup>th</sup> noting that I did not find the project on the web site and with further questions on the matter, specifically asking: “According to the EIB information policy that would mean that the project promoter asked the bank not to put it [the project] on the list for commercial confidentiality reasons. I would like to know if that is the case. If not what is the reason for not putting the D8 project on the web?”

In response I received a letter from Mr. Marty-Gauquié on March 10<sup>th</sup> revealing that the information can not be provided due to the fact that the “Czech Government has asked the Bank not to publicize public sector projects until the Parliament has approved them. The reason being that the Parliament has the sole authority for committing the Czech Republic”.

After investigation in the country we could not find any legislation which would be relevant in supporting the above mentioned explanation from Mr. Marty-Gauquié. Furthermore, Czech state authorities (Ministry of Environment, Ministry of Finance, Government office) were not able to proof the existence of such commitment (Min. of Environment recommended to ask Government office, that further recommended to ask Ministry of finance, that didn't reply to us at all).

At the same time we have learned very recently that the EIB's Board approved the loan for D8 motorway on its session in April. The information about the loan is still not available at the EIB web site (as of July 23<sup>rd</sup>).

We believe that financial matters between two public institutions can not be a subject of confidentiality as it compromises the citizens' rights to information.

We demand that the EIB's information policy is changed so that information about ALL projects considered by the Bank for financing is available on the Bank's web site at least 120 days prior to the Board decision, and that all the decisions about Board approvals are released within days after the Board's meetings.

Technical matter:

According to the EIB's Code of Good Administrative Behavior complaints can be presented to the Secretary General “within 2 months of the date of the correspondence which is the subject of the complaint”. However our complaint is based on the information which we received only this week revealing that the Board approved the loan in April. So the delay in the complaint is due to the Banks own secretive behavior and can not be put on us.

We are looking forward to your response

Sincerely Yours

Magda Stoczkiewicz  
CEE Bankwatch Network/  
Friends of the Earth International

Pavel Pribyl  
Hnutí Duha/  
FoE Czech Republic