

Access to EBRD information



CEE Bankwatch Network's mission is to prevent environmentally and socially harmful impacts of international development finance, and to promote alternative solutions and public participation.

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Foreword

Historically, the international financial institutions (IFIs) have operated on the margins of international law and benefited from both limited public involvement in their decision-making and low accountability. As a result of ongoing pressure from civil society organisations and grassroots movements for responsible and informed use of public funds, the IFIs have adopted their own environmental, social, transparency and accountability standards.

Civil society organisations have sought to make the public interest case for full transparency regimes at the international financial lenders by pointing to the following facts:

- The IFIs are public institutions funded with public money, and their activities affect the natural environment and the lives of communities;
- The shareholders and members of the executive bodies of the IFIs are the governments of member countries, and these governments are in turn accountable to their electorates for the activities of the IFIs;
- The general public has the right to know how responsibly public funds are being used, hence they ought to be able to demand full insight into the operations of the IFIs regardless of whether these take place in the private or public sector.

As with other multilateral development lenders, stakeholder engagement and disclosure practices at the European Bank for Reconstruction and Development (EBRD) have evolved slowly, from initial non-participation and 'bare bones' disclosure – materially mostly upon request if at all – to public consultations on strategies, policies and the routine disclosure of selected information and materials. In spite of certain major advances, the process towards full and unlimited disclosure and accountability at the EBRD is still far from completion.

The concept of expanded disclosure at the IFIs has also been proposed by the international Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) which applies to state institutions as well as to inter-governmental organisations. However, as a predominantly private sector lender, the EBRD has been juggling the competing concerns of public accountability and the business confidentiality of its private sector clients, though inclining heavily to protect the interests of its clients.

This manual is designed to provide – in an ongoing way – concerned citizens and civil society organisations with an up-to-date guide on the state of access to information at the EBRD. It includes an overview of information possessed and produced by the EBRD and its clients that is currently available to the public. The manual also lists practical hints and tips on obtaining information from the EBRD, with a focus above all on project-related data.

The EBRD's Public Information Policy

The EBRD adopted its first standards on access to information with the publication of its Public Information Policy (PIP) in 1996. In doing so it followed the lead of other major IFIs, including the World Bank, the Inter-American Development Bank and the Asian Development Bank, whose disclosure, participatory and accountability principles were being adopted and revised largely due to pressure from social and environmental movements in the early 1990s.

As with the other multilateral development lenders, since the beginning and through its subsequent PIP reviews the EBRD has sought to balance the benefits and costs of greater transparency with the confidentiality needs of its clients. During these reviews, civil society has strived to expand the scope of information available to the general public and to open up participation for stakeholders. Civil society organisations have called on the EBRD to adopt a 'presumption in favour of disclosure' and narrowly and to specify clearly defined exceptions to disclosure where release might compromise confidentiality.

The last EBRD PIP review took place in 2007/2008 at the same time as parallel reviews of interrelated transparency and governance policies: the Environmental and Social Policy (ESP) and the Procurement Policies and Rules. The stakeholder consultation process held in five regional capitals across central and eastern Europe brought, however, no substantial but rather formal changes to the new PIP.

The major formal policy change was the distinction between the bank and client-related disclosure and consultation requirements and their respective inclusion in the PIP and the Environmental and Social Policy (ESP). The distinction went in tandem with the EBRD philosophy that while a client bears the responsibility for communicating and engaging with the public, the EBRD sets up the standards and acts as a guarantor of their compliance.

The trouble with such an approach is that the client-oriented benchmarks established by the EBRD are general, vague and often have taken the character of recommendations and encouragements rather than obligations. The way in which the policy requirements are now set thus provides leeway for the project sponsor, with minimum explicit transparency and stakeholder commitments.

Further to this, it is questionable to what extent the EBRD is capable of fulfilling its watchdog role over its clients' respect for the standards given its restricted human resources capacities. Bankwatch experience has also shown that the EBRD's overall ruling over projects, and its willingness to insist on robust changes during the implementation phase and after the disbursement of money to the client, are rather low.

The existing EBRD PIP, which entered into force on 1 September 2008, lists all the commitments related to the bank's disclosure of information. Instead of putting forward routine disclosure of maximum information possessed, the policy details what specific EBRD documents are made available to the public.

With this logic, it is rather unlikely that the EBRD will release any document which is not explicitly listed in the PIP as a publicly free type of document. This is unfortunate from the point of view of public access to information, as the EBRD is usually in possession of numerous project-related materials which are highly significant for project development and, hence, public knowledge and understanding. These documents include feasibility studies, cost analyses, and environmental monitoring reports, in which public interest in disclosure often outweighs any confidentiality component.

The current PIP provisions do allow for exceptional cases in which the EBRD has the right to disclose confidential information if the disclosure is likely to "avert imminent and serious harm to public health or safety, and/or imminent and significant adverse impacts on the environment". Bankwatch experience has shown, however, that appealing through the EBRD internal appeal system against bank-related non-disclosure of documents that are outside of the PIP purview and

demonstrating public interest in the disclosure can only achieve the release of a part of the desired document.

For disclosure of project-related documents produced by the client, the EBRD is likely to refer the requester to the client directly. The requester may get trapped in the vicious circle of submitting the disclosure request to the client, waiting, not receiving an answer or being rejected, complaining to the EBRD, waiting for the EBRD to communicate with the client, etc.

The full PIP is available from the EBRD website¹. The Russian version of the Policy is available from the Russian language section of the website. For an electronic or paper copy of the policy, you can alternately make a request to the Publications Desk or contact the EBRD resident office in your country. The EBRD does not keep older versions of the Policy on its website. In view of those important reference tools for researchers and other stakeholders for retrospectively tracking the EBRD's progress in the area of transparency, Bankwatch has uploaded the historical documents to its website².

What information is available?

The EBRD PIP distinguishes four categories of information that are released to the public:

1. institutional information
2. information on policies and strategies
3. project-related information, and
4. accountability and governance related information.

Further to that, the EBRD ESP lays out performance requirements for clients to follow in the area of transparency and public participation. Specifically, Performance Requirement 10 on Information Disclosure and Stakeholder Engagement details the release of information and documents on projects that receive financial support from the EBRD. Note that the disclosure provisions of the current ESP relate only to projects that received a Concept Clearance (the EBRD Management's initial consent) after November 12, 2008.

¹ See the "Our strategies and policies" in the "What we do" section at:

<http://www.ebrd.com/pages/about/what/policies/pip.shtml>

Or, check the Publications section:

<http://www.ebrd.com/pages/research/publications/policies/publicinfo.shtml>

² <http://www.bankwatch.org/project.shtml?apc=147579-759644o440903-2&d=o>

Following in the table below is an overview of information made available to the public by either the EBRD or its clients on a routine basis or upon request, as laid out by the current PIP and the ESP. It specifies at what stage of the project cycle the document is released, what party makes it available and under what terms. The table also refers to several documents whose terms of public disclosure are unclear and disputable.

| PROJECT-RELATED INFORMATION | | | | |
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| Document | Released by | Description | When available | Notes |
| Project Summary Document (PSD) | EBRD | The PSD outlines project background information. It includes such things as project objectives and expected transition impacts, project description, project costs and financing, environmental and social information, contact information for responsible sponsor and bank officials, and information related to the timeline for project development. It also specifies project environmental category. PSDs are available in both English and the official language of the country of operation. | Private sector projects: at least 30 days before consideration by the Board of Directors (“unless the Bank’s client or co-financing institution provides sound reasons for not releasing the document”). Public sector projects: at least 60 days before consideration by the Board of Directors. | Release of project-related information requires the consent of the project sponsor and co-financing institution. Derogations to the timely release of PSDs may be granted in circumstances outlined in the policy. Derogations must be authorised by management. The board of directors must be notified of the derogations. PSDs will “as soon as practicable after the posting of the English version” be translated into relevant official national languages and posted on the EBRD’s website. Translated PSDs should also be made available in the relevant resident offices. PSDs should get updated, if material changes are approved by the board. For PSDs that have been released on the EBRD website, go to: http://www.ebrd.com/pages/project/psd.shtml EBRD related queries on a project should be directed to the Operational Leader or to the EBRD NGO Unit. |

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| <p>Environmental and Social Impact Assessment (EIA/SIA)</p> | <p>Client [full version]; EBRD [non-technical summary]</p> | <p>EIA/SIA studies are conducted in order to determine the likely environmental and social impacts of a proposed project, to review possible alternatives, and to create environmental and social mitigation plans. Environmental assessment is undertaken prior to the project approval or authorisation. EIA/SIAs are conducted for "Category A" projects that are expected to result in significant adverse social and environmental changes.</p> | <p>Private sector projects: at least 60 days prior to consideration of the project by the Board of Directors. Public sector projects: 120 days prior to consideration of the project by the Board of Directors.</p> | <p>Project sponsors are responsible for timely release of full length EIA/SIA studies in the official language of the country of operation to the public. Most project EIA/SIAs are prepared also in English. The EIA/SIA must stay available to the public until the completion of the project, but they "can be amended, from time to time, with additional information". Paper copies of the EIA/SIA should be available at, or near, the project site. It has been standard practice that a sponsor also releases an electronic copy of the full EIA/SIA report on its website. Inclusive, well-informed and culturally appropriate consultation should be conducted as a part of the EIA/SIA process. The EBRD keeps copies of full length EIA/SIAs in their Business Information Centre in London and in the EBRD Resident Office in the country of the project's location. Notifications of the availability of EIA/SIA are posted on the EBRD website. It has been standard practice for the EBRD to make available online also electronic copies of EIA/SIA</p> |

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| | | | | <p>non-technical summaries and Public Consultations and Disclosure Plans for Category A projects. Both these documents are available in English and the official language of the country of the operation. For listings of these documents see: http://www.ebrd.com/pages/project/eia.shtml</p> |
| <p>Strategic Environmental Assessment (SEA)</p> | <p>Not specified</p> | <p>SEA studies are undertaken to examine the environmental implications of public plans, policies and programmes prior to their approval or authorisation.</p> | <p>Disclosure and consultation provisions for SEA studies are not defined in either of the EBRD's policies.</p> | <p>Since the EBRD observes the implementation of environmental international law, conventions and relevant EU Directives, it also supports the Council Directive on Strategic Environmental Assessment. The ESP, however, does not put forward any provisions on SEA disclosure and consultations. It mentions rather vaguely that "in exceptional circumstances, a regional, sectoral or strategic assessment may be required".</p> |
| <p>Public Consultations and Disclosure Plan (PCDP)</p> | <p>Not specified</p> | <p>A PCDP outlines the character of the environmental assessment process, its timeline, the opportunities for consultation meetings and disclosure. PCDPs are usually prepared for the due-diligence process of environmental category A projects.</p> | <p>Disclosure provisions for PCDP are not defined in either of the EBRD's policies. However, it has been standard practice for the EBRD to release PCDPs for environmental category A projects</p> | <p>The ESP specifies that the "nature of any specific consultation will be agreed with EBRD based on the stakeholder identification, analysis and detailed project description". The consultation process should be "inclusive, culturally appropriate and meaningful". The minimum process requirements as per the policy are:</p> <ul style="list-style-type: none"> - to be undertaken in the language of the affected parties - to be tailored to the needs of any disadvantaged or |

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| | | | together with the non-technical summary of the EIA/SIA on its website. | <p>vulnerable groups</p> <ul style="list-style-type: none"> - to include other interested parties - to be documented as part of the public commitment of the client - participants in the public consultation process to be informed by the sponsor in a timely manner of the final decision on the project, associated environmental and social mitigation measures and any benefits of the project for the local communities, along with reasons and considerations on which the decision is based, and the grievance or complaint mechanism or process available. |
| Stakeholder Engagement Plan (SEP) | Client | An SEP is prepared during the scoping process on Category A projects. It describes how the client will communicate with the identified stakeholders throughout project preparation and implementation. It also specifies the type of grievance the stakeholders can use. | The SEP should be released and consulted during the scoping process. | The ESP states that “as part of the scoping process, stakeholders should be able to provide comments and recommendations on the draft Stakeholder Engagement Plan and any other scoping documents”. |
| Consultation process protocol | Client | Document capturing opinions expressed by stakeholders during the consultation process. | Provisions for disclosure of the consultations protocol are not defined by either of the EBRD's | The ESP requires the client to document the consultation process as part of the public commitment. Disclosure provisions for the consultations protocol however are not defined. |

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| Environmental and Social Action Plan (ESAP) | Client | An ESAP outlines social and environmental issues related to the project and it documents actions that the client needs to take to address them as a condition of the investment. The ESAP documents how the client will implement, manage and monitor agreed standards for the operation; it will also contain the implementation schedule and an estimate of the associated costs. The ESAP is prepared for Category A projects. | The ESAP is prepared during the project due-diligence. The ESP states that the ESAP should be disclosed "early in the environmental and social appraisal process". It provides no closer timeline for disclosure than this. | A full ESAP is to be disclosed by the client for environmental category A projects. In all other cases, the client may disclose a non-technical summary only. The ESAP should be released "in the local language(s) and in a manner that is accessible and culturally appropriate" and also on the client's website. |
| Environmental analysis | Client | An Environmental analysis assesses potential future impacts associated with the proposed project, identifies improvements, and recommends measures needed to avoid, minimise, or mitigate adverse impacts. The Environmental analysis is one out of a variety of due diligence examinations for Category B projects. | The Environmental analysis is prepared during the project due-diligence. The ESP sets no provisions for its disclosure. | Bankwatch believes that the document should be released publicly on a routine basis during the project assessment phase. |
| Environmental audit | Client | The Environmental audit assesses the environmental and | The Environmental audit is | Bankwatch believes that the document should be released publicly on a routine basis |

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| | | social impacts of past and current operations of the existing facilities. It is one out of a variety of due diligence examinations for a Category B projects. | prepared during the project due-diligence. The ESP sets no provisions for its disclosure. | during the project assessment phase. |
| Project board report [only for public sector projects] | EBRD | A document that is presented to the EBRD's board of directors when making its final decision with regards to the financing of a project. It includes the details of the project and project sponsor, financial and economic analyses, summary of public participation process, key environmental issues, areas of risk, past experiences with the sector, and the EBRD President's recommendation. | After project approval by the Board. | <p>Board reports for public sector projects are made available to the public upon request after the project approval by the board of directors. Confidential information may be removed from the document.</p> <p>Board reports for private sector projects are not released.</p> <p>Bankwatch is of the opinion that the EBRD should release public sector project board reports on a routine basis. We also believe that 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 document.</p> |
| Evaluation documents | EBRD | Certain documents prepared by the EBRD's Evaluation Department that may involve individual projects are publicly released in their full or summary version. These include summaries of Operational Performance Evaluation Review (OPER) on investment operations; Evaluation Special | Most of the evaluation documents are available after the project completion, or when certain programmes are being implemented. | Evaluation reports on investment operations are disclosed when it is usually too late or very difficult to influence the project. Their purpose is thus rather to gather and transfer lessons learned. |

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| | | Studies, on themes such as sectors and programmes; OPER reports on technical cooperation operations; Final Work Programme of Evaluation Department and the Work Programme Completion Report; Annual Evaluation Overview Report (AEOR); and the Evaluation Policy | | |
| Operational Performance Evaluation Review (OPER) [Summary] | EBRD | The OPER is a document prepared by the EBRD's Evaluation Department that evaluates whether the project contributed to fulfilment of the EBRD's mandate and whether it has met its original objectives. An OPER analyses a project's economic rate of return, and rates the project's performance (from Excellent to Highly Unsatisfactory) overall using economic, financial and also environmental criteria. | Evaluation on projects and technical cooperation is carried out ex-post, after their completion. No specific timeline for disclosure is given by the EBRD's policies. | The EBRD withholds the name of the project and other details which may help to identify the project from the OPERs. OPERs are not disclosed in their entirety – only the summary is available. |
| Resettlement Action Plan (RAP) [Summary] | Client | A Resettlement Action Plan is a document in which a client specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and | The ESP provides no specific timeline for the disclosure of the summary RAP. | In line with the ESP, the character of the summary RAP for public disclosure should “ensure that affected people understand the compensation procedures and know what to expect at the various stages of the project (e.g., when an offer will be made to them, how long they will have to respond, grievance procedures, legal |

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| | | communities to be physically displaced as a result of an investment project. | | procedures to be followed if negotiations fail)". A summary RAP is regarded by Bankwatch as insufficient to provide full information about the resettlement process. The stakeholders are therefore encouraged to request disclosure of the full length document. |
| Monitoring reports | Client | Monitoring reports inform about the quality of project implementation. | On-going throughout the project implementation. | Terms of reference for the project monitoring are set up during the scoping process. The ESP obliges the client to provide ongoing information about project implementation to identified stakeholders without any detailed timeline. The frequency and communication channels for external reporting should be determined in the SEP. Additionally, the client is encouraged to publish regular reports on the environmental and social performance, for example as part of the Annual Report. |

| POLICIES AND STRATEGIES | | | | |
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| Document | Released by | Description | When available | Notes |
| List of forthcoming strategy and policy reviews and updates | EBRD | The EBRD discloses a list of impending strategy and policy reviews in order to give adequate advance warning of the posting of draft reviews and updates. | Permanently | The list of forthcoming Strategy and Policy reviews is available at: http://www.ebrd.com/pages/about/what/policies.shtml The list is often only indicative. Delays against the schedule are frequent. |
| Draft sectoral strategy | EBRD | A sectoral strategy outlines the EBRD's priorities and procedures for a particular business sector. Environmental and social information is included in a summary format. The EBRD invites the public to provide input into the proposed new strategy put forward by the institution's management before the approval by the Board of Directors. | The draft sectoral strategy is made available after having been endorsed by the Executive Committee and discussed by the Financial and Operations Policies Committee of the board of directors. The draft sectoral strategy is posted on the EBRD's website for 45 calendar days to allow for public comment. | The EBRD releases public announcement informing stakeholders that it has disclosed a draft strategy and soliciting external input. A summary of public comments received and staff responses is made available to the board of directors in a Report on the Invitation to Comment before the final approval by the Board. After the strategy's approval, the Report on the Invitation to Comment is posted on the website along with the Final Sectoral Strategy. While the EBRD claims it considers constructive public comment as part of the review process, it maintains strong control over the content of the policies and strategies. |

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| <p>Final sectoral strategy</p> | <p>EBRD</p> | <p>The sectoral strategy approved by the board of directors, ideally with a specification of the date when the strategy enters into force.</p> | <p>The Final sectoral strategy is released following the public consultation process and an approval by the board of directors.</p> <p>A specific timeframe for public release is not given.</p> | <p>The overview of the EBRD's sectoral strategies is available at: http://www.ebrd.com/pages/about/what/policies.shtml</p> |
| <p>Draft country strategy</p> | <p>EBRD</p> | <p>Every three years for each of its countries of operation, the EBRD develops a country strategy to set up priorities for its activities in a country of operations. Environmental and social information is included in summary format.</p> <p>The EBRD invites the public to provide input into the reviewed strategy put forward by the institution's management before approval by the board of directors.</p> | <p>The draft country strategy is made available after having been endorsed by the Executive Committee and discussed by the Financial and Operations Policies Committee of the board of directors.</p> <p>The draft country strategy is posted on the EBRD's website for 45 calendar days to allow for public</p> | <p>The EBRD releases a public announcement informing stakeholders that it has disclosed a draft strategy and soliciting external input. The draft strategy is available in the vast majority of cases in the English language only, which restricts input from local stakeholders.</p> <p>A summary of public comments received and staff responses is made available to the board of directors in a Report on the Invitation to Comment before final approval by the board. After the strategy's approval, the Report on the Invitation to Comment is posted on the website along with the Final country strategy. While the EBRD claims it considers constructive public comment as part of the review process, it maintains strong control over the content of the</p> |

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| Final country strategy | EBRD | Country strategy approved by the board of directors, ideally with a specification of the date when the strategy enters into force. | The Final country strategy is released following the public consultation process and an approval by the board of directors. A specific timeframe for public release is not given. | An overview of EBRD country strategies is available at: http://www.ebrd.com/pages/about/what/policies.shtml The EBRD commits to translating each approved country strategy into the relevant official national language. |
| Policies and procedures subject to periodic public review [Public Information Policy, Environmental and Social Policy, Procurement Policies and Rules, Project Complaint Mechanism] | EBRD | The Public Information Policy, Environmental and Social Policy, Procurement Policies and Rules and the Project Complaint Mechanism are subject to periodic – triennial – review. | Usually every three years. | Despite the formalised consultation process for operational policies and procedures, it has been the standard practice since the parallel PIP and ESP review in 2008 that the EBRD has organised a quasi two-stage review. First, the EBRD launches a public announcement informing stakeholders of the two step format of the consultation process. In the first stage, the public is invited to provide input on the basis of the existing policy or procedure, usually available both in English and Russian. Once approved by the Executive Committee and discussed by the Financial and Operations Policies Committee of the board of directors, the |

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| | | | | <p>draft policy or procedure is disclosed for the solicitation of external input.</p> <p>Draft texts are posted on the EBRD's website for 45 calendar days for public comment. A summary of public comments received and staff responses are made available to the board of directors in a Report on the Invitation to Comment before final approval by the board. Final policies and procedures are released together with the Report on the Invitation to Comment after approval by the board.</p> <p>While the EBRD claims it considers constructive public comment as part of the review process, it maintains strong control over the content of the policies and strategies.</p> <p>Translation of the PIP into national languages can be provided upon request. A Russian version is available online, as is the Russian translation of the ESP. The EBRD will translate the ESP into other national languages on a progressive basis over time.</p> |
| <p>Other strategies and institutional reviews</p> | <p>EBRD</p> | <p>The EBRD's operations are guided by other periodically reviewed strategies such as the five-yearly Capital Resources Review, the annual Medium Term Strategy Update, the annual Strategic</p> | <p>Summaries of these documents are made available on the EBRD's website after board approval of the final document.</p> | <p>Although no formal consultations on these strategies are carried out, public input is accepted.</p> |

| | | Portfolio Review, and the annual Business Plan & Budget. | | |
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| INSTITUTIONAL INFORMATION | | | | |
| Document | Released by | Description | When available | Notes |
| EBRD statutes and by-laws | EBRD | <p>The Basic Documents outline the mandate of the institution, conditions for membership and sets forth the general principles governing its management and operations. The document contains:</p> <ul style="list-style-type: none"> – Agreement Establishing the European Bank for Reconstruction and Development – Chairman’s Report on the Agreement Establishing the European Bank for Reconstruction and Development – By-Laws of the European Bank for Reconstruction and Development – Rules of Procedure of the Board of Governors – Rules of Procedure of the Board of Directors – Headquarters Agreement | Permanently | <p>The Basic Documents is available online at: http://www.ebrd.com/pages/research/publications/institutional/basicdocs.shtml</p> <p>Alternately, see the publications archive at: http://www.ebrd.com/pages/research/publications.shtml</p> |
| Organisational structure | EBRD | The organigram of the EBRD contains a description of the | Permanently | The organigram of the EBRD structure is available online at: http://www.ebrd.com/pages/a |

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| | | various departments and component parts that make up the institution. | | <p>bout/who/structure.shtml#Pres</p> <p>The organigram lacks an explanation of individual department functions and how the component parts relate to one another.</p> <p>Some insight into the EBRD Management's structural functions is provided at: http://www.ebrd.com/pages/about/principles/corporate/management.shtml</p> <p>An overview of EBRD resident offices is available at: http://www.ebrd.com/pages/about/contacts/regional.shtml</p> <p>It does not contain e-mail contacts.</p> <p>General, departmental and resident office contacts, consisting usually of phone, fax and e-mail details, are available from: http://www.ebrd.com/pages/about/contacts.shtml#dep. A complete EBRD staff contact directory is lacking from the EBRD website.</p> |
| Board of governors structure and procedures | EBRD | The Basic Documents of the EBRD contains Rules of Procedure of the board of governors. This document governs the appointment, composition and functioning of the board of governors. | Permanently | <p>The overview of the board of governors structure is available online at: http://www.ebrd.com/pages/about/who/structure/governors.shtml</p> <p>The overview of the board of governors does not provide contact details.</p> |
| Board of directors structure, | EBRD | The Basic Documents of the EBRD contains the Rules of Procedure of the board of directors. | Permanently | The structure of the board of directors and email contacts to respective constituencies are available online at: |

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| <p>procedures and contacts</p> | | <p>This document governs the appointment, composition and functioning of the board of executive directors.</p> <p>The Code of Conduct for Officials of the board of directors is available from the EBRD website.</p> <p>The EBRD publishes the Terms of Reference of the Board Committees (Audit Committee; Budget and Administrative Affairs; Financial and Operations Policies).</p> <p>This document comes accompanied with an overview of the membership of the Board Committees and the Board Steering Group.</p> | | <p>http://www.ebrd.com/pages/about/who/structure/directors.shtml</p> <p>The online contact directory however does not provide phone and fax details. Bankwatch believes that the public should have access to detailed contact information for the representatives on the EBRD's board of directors.</p> <p>The Terms of Reference of the Board Committees is available at: http://www.ebrd.com/downloads/board/tor.pdf</p> <p>An overview of Members of the Committees of the board of directors is available at: http://www.ebrd.com/downloads/board/tor.pdf</p> |
| <p>Schedule of forthcoming board discussions</p> | <p>EBRD</p> | <p>The EBRD posts online the schedule for board of directors discussions on investment projects, country strategies, sector strategies, operation policies under review, etc that are coming up for board voting.</p> | <p>No specific timeline for disclosure is given by the EBRD's policies. The schedule is to be updated on a monthly basis.</p> | <p>The schedule is available online at: http://www.ebrd.com/pages/about/what/policies.shtml#Board</p> |
| <p>Board minutes</p> | <p>EBRD</p> | <p>A record of official business conducted and formal decisions taken during a meeting of the board of directors. The</p> | <p>Board minutes are available after their approval at the next meeting</p> | <p>The board minutes are available online at: http://www.ebrd.com/pages/about/what/policies.shtml#Board</p> |

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| | | board minutes contain at the minimum the names of attendees, a record of the approval of the minutes of the previous meeting, titles of the agenda items, and agreements and decisions reached. | (usually from two weeks to a month). No specific timeline for disclosure is given by the EBRD's policies. | <p>The minutes do not provide details on board discussions about the projects. They do not mention the opinions expressed during the board meetings nor do they specify votes taken by the individual directors on investment operations. Some of the constituencies (such as the US or Canada) release their directors' votes on the relevant ministry websites.</p> <p>Bankwatch is of the opinion that the board minutes should include a record of voting, opinions expressed and written statements prepared by directors, where applicable.</p> |
| Board consultation visits | EBRD | The online schedule of the EBRD's board consultation visits to the countries of operations, during which meetings with civil society organisations may take place. | Not specified | For the schedule of EBRD board visits to the country of operations and meetings with civil society organisations, see: http://www.ebrd.com/pages/about/workwith/civil/working.shtml#bcv |
| Annual report | EBRD | The Annual report provides an overview of the EBRD's activities across all sectors in its region of operations over the given fiscal year. | Annually, usually ahead of the EBRD annual meeting in May | See the publications archive at: http://www.ebrd.com/pages/research/publications.shtml |
| Financial report | EBRD | The Financial report provides the approved and audited financial statements over the given fiscal year. | Annually, usually ahead of the EBRD annual meeting in May | See the publications archive at: http://www.ebrd.com/pages/research/publications.shtml |

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| Donor report | EBRD | The Donor report provides an update on the role of donors in the EBRD's activities over the given fiscal year. | Annually, usually ahead of the EBRD annual meeting in May | See the publications archive at: http://www.ebrd.com/pages/research/publications.shtml |
| Salaries of senior management and directors | EBRD | The EBRD discloses the salaries of the president, vice-presidents, directors and alternate directors and the range of salaries for senior management. | Annually, usually ahead of the EBRD annual meeting in May | Salaries of senior management and directors are included in the EBRD's Annual Financial Report. |
| Administrative tribunal | EBRD | The EBRD Administrative tribunal is a grievance mechanism established to resolve employment issues and disputes. | Permanently | Details of the EBRD's Administrative tribunal, as well as copies of its decisions, are available from: http://www.ebrd.com/pages/about/principles/integrity/tribunal.shtml |

ACCOUNTABILITY AND GOVERNANCE RELATED INFORMATION

| Document | Released by | Description | When available | Notes |
|---|--------------------|---|---|---|
| Public Information Policy: reports on implementation | EBRD | The Secretary General's report to the board on implementation of the policy. | Annually, usually ahead of the EBRD annual meeting in May | The report should be available in English and Russian from the EBRD website. With the launching of the new EBRD website in June 2010, the reports are no longer accessible from the EBRD's website. |
| Anti-corruption reports | EBRD | Anti-corruption reports describe strategy and measures taken by the EBRD to promote integrity and prevent fraud and corruption. | Permanently | Anti-corruption reports are available at: http://www.ebrd.com/pages/about/principles/integrity.shtml |

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| Annual sustainability report | EBRD | An annual report on the implementation of the Environmental and Social Policy | Annually, usually ahead of the EBRD annual meeting in May | The Annual sustainability report is available from the publications archive at the EBRD website: http://www.ebrd.com/pages/research/publications.shtml |
| List of ineligible entities | EBRD | A blacklistlist of entities that the EBRD has determined to be ineligible for financing because of engagement in prohibited practices, including corrupt or fraudulent practices. | Permanently | The EBRD is a member of the IFI Anti–corruption Task Force which has an agreement on mutual debarment. |
| Project Complaint Mechanism (PCM) documents | EBRD | The following PCM related documents are publicly available: – the Rules of Procedure of the PCM; – PCM Annual Reports; – PCM Eligibility Assessment Reports; – Compliance Review Reports and Problem–solving Completion Reports; – a roster with information on PCM experts. | Permanently | |
| Annual procurement review | EBRD | The document reviews public sector procurement contracts signed in the respective fiscal | Not specified | An annual review, subject to the removal of confidential material, is available at: http://www.ebrd.com/pages/workingwithus/procurement/pro |

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| | | year, funded by the EBRD and procured by the bank's clients. | | ject/reports.shtml |
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Availability of project-related information

The Information about planned EBRD investments can be found from various sources such as state authorities, national and international media, EBRD country strategies and other bank materials. Once you face a project which the EBRD may consider or has considered for financing, you can ask or get hold of the project information and documents in the following order:

- Initially, you can check whether the EBRD has expressed **interest in financing the project** by submitting an official inquiry to the bank itself.
- If the EBRD provides you with a negative answer, it does not mean that it will be totally disengaged in the project. The bank may be at very initial stages of negotiations with the client. It may also decide to enter the project at a later stage, so it is worthwhile to keep an eye on developments.
- If the EBRD confirms an interest in financing the project, you may ask for basic project details. It may however be the case that the bank is reluctant to share more than elementary information with you, claiming that the project is in the early pre-concept exploratory stage. At this stage, the EBRD should at the minimum be in possession of information on outstanding environmental and social issues associated with the project and their proposed mitigation.
- Once the initial talks between the EBRD and the project sponsor are finalised, the project enters a 'Concept review' stage. At this stage, environmental screening of the project, standards setting for project environmental due diligence and stakeholder engagement take place. Key concerns with the project should be communicated to EBRD officials at the earliest possible moment, if possible no later than at the concept review stage.
- The EBRD officially informs the public of its consideration of a project for financing through the **Project Summary Document (PSD)** which is posted online. The PSD outlines basic investment details, including a summary of environmental and social risks and their management. The PSD may be released at the end of the concept review stage, which may well be 4–5 months prior to voting on the project by the board, but this is more often only 30–60 days ahead of the board meeting. If you come across a project at this stage, do not despair. It is not too late to inquire about the project and to discuss project details.
- For projects with high environmental impact (Category A projects), the EBRD releases an announcement of the availability of the **Environmental Impact Assessment (EIA)**. The EIA report contains complex information about the project and its environmental and social management. The EIA announcement includes links to the **EIA non-technical summary** and **Public Consultations and Disclosure Plan (PCDP)** posted at the EBRD website, as well as

reference to the full EIA report, usually posted at the client's website. The announcement usually appears after releasing the PSD, however there have been cases in which EIA announcement preceded the release of the PSD.

- A **Stakeholder Engagement Plan** is prepared during the scoping process on Category A projects. It describes how the client will communicate with the identified stakeholders throughout project preparation and implementation. The stakeholders should be invited by the client to provide comments and recommendations on the draft Stakeholder Engagement Plan and any other scoping documents.
- Environmental due diligence on category A projects should produce an **Environmental and Social Action Plan (ESAP)**. This plan identifies the key environmental issues associated with the project and the actions to be taken to address them adequately. The ESAP is a precondition for EBRD financing and it ought to be released in a full version and in the local language at the client's website. A non-technical summary of the ESAP is released on other environmental category projects.
- Environmental due diligence on category B projects may involve a variety of investigations such as an **Environmental Analysis** or an **Environmental Audit**. The ESP sets no provisions for disclosure of these documents. However, as a backbone of environmental assessment, Bankwatch believes that the documents should be released routinely.
- Having concluded environmental assessment, the project enters the Final Review stage. The Bank's Operations Committee pre-approves the project before it is submitted to the board, and it specifies any outstanding issues that still need to be addressed.
- You should be able to learn when the project is expected to undergo voting by the EBRD board of directors from the PSD or from the more up-to-date online **schedule of forthcoming board discussions**.
- Once the project has been voted on by the board of directors, you can learn about the result of the voting through the PSD or the electronic **board minutes**. If you are interested in the position taken on the project by the handful of constituencies that disclose their votes such as the US and Canada, check their respective ministry websites. Also try to approach your own country representative at the bank.
- If you are interested in finding out how a public sector project and its related environmental concerns were presented to the board of directors, you can request a **board report for a public sector project** after the project has been voted on.
- The environmental monitoring of the project is carried out by the client, the EBRD or a third party until the time at which the loan has been repaid. The client should release periodic (annual) **environmental monitoring reports** on project implementation to the affected communities. Frequency and communication channels for external reporting on Category A projects should be determined in the Stakeholder Engagement Plan.
- If you would like to acquaint yourself with how successfully a project has met the EBRD's transition and environmental mandate, you can access a Summary **Evaluation report** carried out ex-post, after the project's completion.

How to request information from the EBRD

EBRD information is either made available routinely or upon request. The routinely released materials are available in electronic version from the EBRD website (<http://www.ebrd.com>). Paper copies of some materials are accessible at the EBRD's Business Information Centre in London. EBRD resident offices are also in possession of some materials, particularly those relevant for the EBRD's activities in the respective country of operation. For an overview of the routinely available documentation ruled by the PIP and the ESP, see the table above.

Requesting information from the EBRD

The disclosure of general information released upon request is determined by the 'Implementing procedural provisions for information requests and appeals' that act as an annex to the PIP.

Requests for general information as well as specific information listed in the PIP can be made through the online information request form at:

<http://www.ebrd.com/pages/about/contacts/form.shtml>

Requests may also be made by fax: +44 207 338 6102, or post to the EBRD's Communications Department (One Exchange Square, London, EC2A 2JN, United Kingdom), or to the EBRD resident office in the country of operation.

General EBRD project enquiries not related to procurement can also be made to the following contacts: Tel: +44 20 7338 7168; Fax: +44 20 7338 7380; Email: projectenquiries@ebrd.com

Information requests should preferably be submitted to the EBRD in one of the institution's four working languages – English, Russian, German or French. Communication in official languages of the countries of operation is accepted too but may cause delays in handling the request due to translation requirements.

The EBRD should acknowledge receipt of a request generally within five working days, but in any case not more than 10 days. The EBRD may ask the communicant for clarification if the request is deemed imprecise. The EBRD will then respond 20 working days after receiving the request or clarification.

In its response, the EBRD will either provide the requested information or deny the request entirely or in part. In the case of a denial, the reasons for the decision ought to be given. A communicant whose request for information has not been satisfied can appeal against the denial.

Appealing against denial of information

Internal appeal to EBRD senior management

An appeal against an EBRD staff refusal to disclose information should be submitted by post (One Exchange Square, London, EC2A 2JN, United Kingdom), e-mail (SecretaryGeneral@ebrd.com) or by fax (+44 207 338 6488) to the Secretary General. It must be lodged within 30 working days of the receipt of the decision which is the subject of the appeal.

Appeals should preferably be submitted to the EBRD in one of the institution's four working languages – English, Russian, German or French. Communication in official languages of the countries of operation is accepted too but may cause delays in handling the request due to translation requirements.

The Secretary General should acknowledge receipt of the appeal within five working days. The Secretary General may ask the appellant to provide clarification if the appeal is deemed imprecise. The appellant should receive a response to the appeal in 20 working days from sending the appeal or clarification.

When considering the appeal, on the one hand the Secretary General is bound by the PIP and the “presumption that information concerning the Bank's operational activities will be made available to the public in the absence of a compelling reason for confidentiality”. On the other hand, the Secretary General must respect the exceptions to disclosure on the basis of the confidentiality. It is therefore highly unlikely that a document which is outside of the disclosure purview provided by the PIP would be released upon an appeal.

The Secretary General's decision on the appeal is final. Even though an appellant may not agree with the Secretary General's assessment that information disclosure is covered by an exception in the PIP, there is no second level independent appeal mechanism at the EBRD.

Independent appeal to the EBRD Project Complaint Mechanism

If a requester has a reason to believe that he/she, communities living in a project-impacted area or the environment has suffered or is likely to suffer harm due to the non-disclosure of project-related information by the EBRD, he can lodge a complaint to the EBRD Project Complaint Mechanism which acts independently from the EBRD's management. For the detailed Rules of Procedure on the Project Complaint Mechanism, see:

<http://www.ebrd.com/downloads/integrity/dproc.pdf>

Website

The EBRD website is available in English (<http://www.ebrd.com>) and Russian (<http://www.ebrd.com/russian>). However, the Russian site has fewer materials than the English site as many of the documents are available in English only.

The website can be difficult to navigate. A lot of useful information, including the country strategies and policies, can be found in the 'About the EBRD' section, in the main menu.

You can receive general EBRD e-mail alerts informing on various topics, including press releases, the announcements of new Project Summary Documents and newly released policies and strategies. To be subscribed to these EBRD e-mail alerts, visit:
<http://www.ebrd.com/pages/news/journalists/email.shtml>

Civil society engagement unit

The EBRD has a dedicated contact point and section on its website for communications with Civil Society Organisations (CSOs). See:
<http://www.ebrd.com/pages/about/workwith/civil/working.shtml>

The EBRD CSO unit maintains a mailing list through which it provides information about CSO related events such as meetings, policy and strategy consultations, etc. To be subscribed to the list go to: <http://www.ebrd.com/pages/about/workwith/civil/news/form.shtml> or write to: CSO@ebrd.com.

The unit also publishes a quarterly newsletter covering recent and upcoming ebrd-related developments. For an online archive of the EBRD NGO newsletter, visit:
<http://www.ebrd.com/pages/about/workwith/civil/news/newsletter.shtml>

Publications desk

The Publications desk provides a wide range of publications produced by the EBRD, such as corporate reports, research papers, brochures, newsletters, factsheets, policies, strategies and other institutional documents. Most of the publications are available free of charge and can be downloaded in PDF format.

Printed copies of the EBRD's publications can be ordered through an online free publications request form at: <http://www.ebrd.com/pages/research/publications/form.shtml>

A list of publicly available publications is available here:
<http://www.ebrd.com/pages/research/publications.shtml>.

For any publications-related inquiries, contact the Publications desk at:

Publications and Web

Unit Head: Jane Ross

Email: pubsdesk@ebrd.com

Tel: +44 20 7338 7553

Fax: +44 20 7338 6102

Resident offices

The resident offices keep copies of full EIA/SIAs and translated Project Summary Documents for projects that are located in the particular country. The offices also keep a translated country

strategy for the relevant country as well as EBRD policies and procedures. For contacts to the EBRD resident office in your country, see: <http://www.ebrd.com/pages/about/contacts/regional.shtml>

Business Information Centre

The EBRD Business Information Centre archives full project EIA/SIAs. The Centre is located in the EBRD headquarters in London, on the main reception floor. It is open from 9:00–17:00, Monday to Friday. You must give 24 hours notice if you want to view a document. The documents cannot be taken away from the Business Information Centre and no photocopying facilities are provided.

Tips on requesting information from the EBRD

Make use of the local offices in country

The resident office in each country of operation ought to have a lot of information. Approach them first. It is likely to be faster to obtain information from them than it is through the headquarters in London. Contact details for resident offices can be found at:

<http://www.ebrd.com/pages/about/contacts/regional.shtml>

It is often easier to receive information from the national resident office than from the project sponsor.

Approach the Operational Leader on project technicalities

If you need specific and rather technical information about a project financed – or to be financed – by the EBRD, it is better to contact the respective EBRD Operation Leader who oversees the project over its lifetime. The names of Operation Leaders along with email contacts are listed at the bottom of the Project Summary Document.

However, note that Operation Leader's name and contacts are publicly announced only with the release of the PSD, that is in the final phase of the project preparation. If you want to request project details in an earlier phase of the project cycle, send an information inquiry through the online form, a resident office or the relevant sector department (<http://www.ebrd.com/pages/about/contacts.shtml#dep>).

Act quickly

There can be as little as 30 days to provide comments on projects (in the case of private sector projects) that are in line for the approval of the EBRD's board of directors. It is therefore crucial to access information on a project as early in the project cycle as possible. To understand the project cycle stages, see: <http://www.ebrd.com/pages/workingwithus/projects/process.shtml>

Ideally, you should provide well-informed and thoughtful input on an investment by the time the project reaches the Final review by the EBRD's Operations Committee.

Seek information from multiple sources

When inquiring about project details, check first what company or institution is likely to possess the information. If you look for a specific publication, make sure to verify what institution produced or commissioned it. Approach this institution with a request for information first.

If you encounter problems in obtaining information from a company or state, do not give up, keep trying. It may be that the institution has not received such an information request before and does not know how to respond adequately.

If an EBRD client turns down your information request or fails to respond to it, contact the EBRD. In order to get well informed, try to approach all the other relevant sources of information including the co-financiers and international agencies.

Keep information requests in a written form

It is worthwhile to submit a request for information in writing. This creates a paper trail that you can refer to if you encounter problems with the project or troubles in the communication with the EBRD and stakeholders.

Make problems known

If you encounter problems in accessing information quickly and easily, you should contact the CSO unit:

Head of Civil Society Engagement Unit: Biljana Radonjic Ker-Lindsay

Email: CSO@ebrd.com

Tel: +44 20 7338 7912

Fax: +44 20 7338 6102

If you feel your right of access to information has been denied by the EBRD unjustly, you may consider submitting an appeal to the Secretary General (see the section above).

If adverse environmental or social impacts are caused or are likely to be caused because of the lack of timely and fulsome information disclosure on EBRD projects either by the bank itself or by the client, you may raise a complaint with the EBRD's grievance body which operates independently from the bank's management. Note that special Rules of Procedure govern the terms of submission of complaints and their processing by the mechanism. For basic information, see: <http://www.ebrd.com/pages/project/pcm/how.shtml>. For the detailed Project Complaint Mechanism Rules of Procedure, go to: <http://www.ebrd.com/downloads/integrity/dproc.pdf>

Grievance

Project Complaint Mechanism

PCM Officer: Anoush Begoyan

Email: pcm@ebrd.com
Fax: +44 20 7338 7633

If you are aware of potential or existing environmental or social problems with a project, contact:
Environment and sustainability
Corporate Director: Alistair Clark
Email: environmentandsocial@ebrd.com
Tel: +44 20 7338 6020
Fax: +44 20 7338 6848

If you become aware of procedural issues with a project, you may wish to bring it to the attention of the EBRD's Evaluation department:
Evaluation
Chief Evaluator: Fredrik Korfker
Tel: +44 20 7338 7019
Fax: +44 20 7338 6726

When engaging in such correspondence, provide the EBRD's staff with as many details of the problems as possible, including dates, people you have dealt with, copies of past communication, etc.

In the case of serious project shortcomings, it is useful to also inform the executive director that represents your country. A list of executive directors can be found at:
<http://www.ebrd.com/pages/about/who/structure/directors.shtml>

Responsibility for implementation and monitoring of the Public Information Policy

It is the EBRD's Secretary General, assisted when necessary by the General Counsel and other Members of the Executive Committee, who oversees and verifies compliance with the PIP. The Secretary General has responsibility for initiating reviews of the PIP. The Secretary General reports annually to the board of directors on implementation of the PIP. This report is posted on the EBRD's website. However, since the launching of the new EBRD website in June 2010, the reports are no longer accessible on the EBRD's website.

Policy review

The EBRD is committed to triennial reviews of the PIP as well as the issuing of an annual report on the policy's implementation. The next PIP review should be launched in 2011.

CEE Bankwatch Network strives to raise transparency and accountability standards at the EBRD and to improve the quality of the PIP's implementation, and would therefore like to hear of any suggestions or problems you may have experienced with access to information from the EBRD and its clients.

For more information

CEE Bankwatch Network

Na Rozcesti 6

Prague 9, 190 00

Czech Republic

Email: main@bankwatch.org

Website: www.bankwatch.org