



*Mr. Nikiforos Diamandouros  
The European Ombudsman  
1 Avenue du Président Robert Schuman  
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FR - 67001 Strasbourg Cedex  
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**Feb 24, 2006**

**Re: Complaint 3501/2004 PB**

Dear Mr. Diamandouros,

Thank you for given opportunity to make observations regarding the European Investment Bank replay to your letter from 28 September 2005 and 17 November 2005.

With the following letter we would like to uphold our claims regarding the EIB maladministration concerning disclosure of information regarding the D8 Motorway project in Czech Republic expressed in our correspondence from June 2005. We acknowledged Czech Ministry of Finance letter from October 2001, disclosed on European Ombudsman request, but can not consider it as relevant to our case.

First of all, the Czech Ministry of Finance letter reffers to "Prague motorway ring" and "Pilsen motorway bypass", not mentioning "D8 Motorway" project. At the same time confirmation made by Czech Minister of Transport from Ferbruary 2005 that in the past "he had recommended to publish information about the transport project on the EIB website only after the Parliament's approval of the loan", from our point of view, is not sufficient. We claim that the EIB can not take a decisions to disclose or not-disclose information on public projects on the basis of Minister of Transport recommendation.

Secondly, as we already stated, loking carefully at Czech law we could not find any legislation that would be relevant to decision on non-disclosure of information regarding public projects until its approval by Czech Parliament. Mentioned Act no 218/2000 Coll. in the Czech Ministry of Finance letter from October 2001, according to our knowledge, can not be considered as relevant for non-disclosure of information on public project appraisal process. We did not have a chance to prove is since the EIB in replies to our inquire have never reffered to particular legislation. Nevertheless, our observation in some extend is supported by the Czech Ministry of Finance letter from August 2003, where Hnutí DUHA was assured that Czech Government did not request EIB for not providing public with information on projects/loans that need to be approved by Parliament.