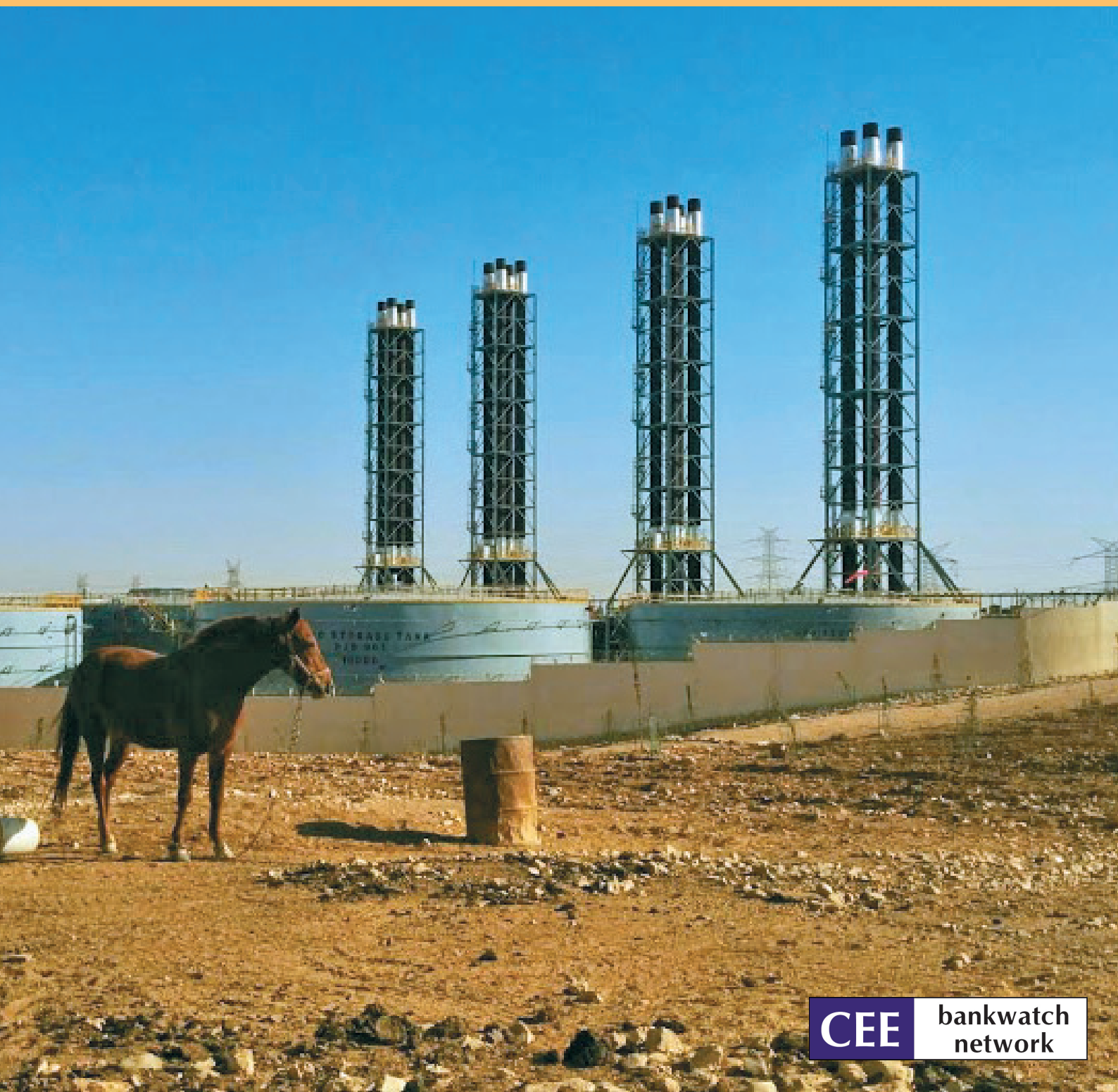


# Toolkit on the Project Complaint Mechanism of the European Bank for Reconstruction and Development





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## About the EBRD

The European Bank for Reconstruction and Development (EBRD) was established in 1991 to promote privatisation and market economies in eastern Europe and Central Asia. It is single largest investor in Central Europe and Central Asia. Since 2012 it began lending in the MENA region, including Jordan, Egypt, Morocco and Tunisia. There are expectations that a number of other MENA countries will join the EBRD.

The EBRD's mission is "to promote market economies that function well – where businesses are competitive, innovation is encouraged, household incomes reflect rising employment and productivity, and where environmental and social conditions reflect peoples' needs." The EBRD promotes its mission by "investing primarily in private sector clients whose needs cannot be fully satisfied by the securities industry" in order to "[foster] transition towards open and democratic market economies."<sup>1</sup>

EBRD projects too often fail to benefit the people in these countries. Some projects are carbon-intensive and environmentally-damaging, while others contribute to increasing the concentration of wealth or causing harm for particular individuals like through resettlement. To protect against the impacts of its projects, EBRD has a number of policies like its Environmental and Social Policy and Performance requirements and its Public Information Policy.

## Accountability, integrity and anti-corruption

According to the EBRD website, its **Office of the Chief Compliance Officer promotes good governance and ensures that the highest standards of integrity are applied to all actions of the Bank in accordance with international best practice**<sup>2</sup>. In particular, it deals with conflicts of interest, corruption, confidentiality and money laundering. To preserve the independence from all operational departments, the Chief Compliance Officer reports directly to the President and holds broad and complimentary admittance to the EBRD's Audit Committee.

The Chief Compliance officer reviews and investigates allegations of fraud, corruption and misconduct. Suspected fraud and corruption by bank officials, employees or consultants should be reported to the Chief Compliance Officer online through filling its form. Anyone can submit such a case.

- The online forms allows for anonymity. But in such cases the CCO during the investigation cannot request further information.
- If you ask for confidentiality, your personal details will not be disclosed by the bank to anyone involved in the investigation, but you can remain in conacty with the CCO.

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<sup>1</sup> "Our Mission," European Bank for Reconstruction and Development, accessed 17 October 2012, <http://www.ebrd.com/pages/about/what/mission.shtml>.

<sup>2</sup> <http://www.ebrd.com/integrity-and-compliance.html>

## How the EBRD defines fraud, corruption and misconduct

- Fraud is the deliberate use of deception to secure an advantage.
- Corruption involves the abuse of public or individual office for personal profit. It includes bribery, that is to say the giving or receiving of a payment or advantage in order to influence the action of an official.
- Misconduct includes any knowing or negligent failure to abide by the Bank's rules and standards of conduct.

## The Project Compliance Mechanism

The Project Compliance Mechanism (PCM) is the bank's accountability mechanism for the assessment and follow-up of complaints about bank-financed projects. It covers the bank's Environmental and Social Policy and aspects of the Public Information Policy. The PCM is a grievance mechanism for civil society, local groups and individuals that may be directly and adversely affected by a bank project.<sup>3</sup>

In May 2014 new rules of procedures for the PCM were approved by the EBRD Board of Directors. Under the new rules, complaints may be submitted regarding violations of different bank policies: "2014 Environmental and Social Policy and Performance Requirements, 2008 EBRD Environmental and Social Policy and Performance Requirements, previous EBRD environmental policies, and or project specific provisions of the 2014 Public Information Policy and previous Public Information Policies and any Policies approved in the future by the Board of Directors".

The EBRD's Chief Compliance Officer oversees the PCM office. The PCM includes of a board-appointed PCM Officer who is "responsible for the day to day administration of the PCM, including receipt of complaints, registration, eligibility and problem-solving functions."<sup>4</sup>

The PCM also has up to ten board-appointed experts who serve as "Eligibility Assessors, Compliance Review Experts, or Problem-solving Experts, and may be responsible, upon delegation by the PCM Officer, for any follow-up monitoring and reporting."<sup>5</sup> The PCM has one office located in London, UK.

As of October 2014, the PCM registered 16 complaints since it began in 2010.<sup>6</sup> 43 complaints have been rejected or not registered but rather dealt with by the relevant departments of the EBRD.

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<sup>3</sup> PCM replaces the EBRD's first grievance mechanism for affected people set in 2004 - Independent Recourse Mechanism. It was operated until March 2010, when the new grievance mechanism PCM becomes operational. <http://www.ebrd.com/work-with-us/project-finance/project-complaint-mechanism/about.html>

<sup>4</sup> Ibid, 15.

<sup>5</sup> Ibid., 13.

<sup>6</sup> "PCM Register," European Bank for Reconstruction and Development, accessed 17 October 2012, <http://www.ebrd.com/pages/project/pcm/register.shtml>.

## The function of the PCM

The PCM acts in two ways:

- Problem-solving, which aims to restore dialogue between the Complainant and the Client to resolve the issue(s) underlying a Complaint;
- Compliance review, which seeks to determine whether or not the EBRD complied with a relevant EBRD policy with respect to an approved project.

## When to submit a complaint

If you are affected by an EBRD funded project in a way described above, you can submit a complaint; However, you should keep in mind that **it is better to submit the complaint after you have already attempted “good faith” communication with the project sponsor or EBRD staff.**

- **You should clearly define the potential or actual harm that the EBRD project caused, the violations to EBRD policy and which function (or both) you want to pursue.**
- **You should define exactly what the desired results for using the PCM are: will it really meet your expectations, have you considered other possible grievances?**

Keep in mind that while you can use a number of grievance mechanisms, the PCM will take their status in to consideration when assessing the eligibility of the complaint; in cases where complaints about the same project are submitted to another complaint mechanism, the PCM will usually seek coordination with that body.

***If you are campaigning on the project, keep in mind that you should ensure enough time and resources to engage with the PCM complaint process, and as well as to monitor the implementation of the PCM findings after the case is concluded.***

If you are not sure about some aspects of the complaint, you can contact the PCM officer before submitting it. Writing your complaint clearly will save time later: if you need to ask the PCM officer a question, it just takes a phone call or a few e-mails to sort it out, but if the PCM officer needs to ask you for clarifications or changes in the complaint, then more formal procedures must be followed, all of which takes time.

***The shorter the complaint, the better.*** The complaint still needs to have enough information to include background, like what efforts have been made to resolve the complaint. You should include things that may be obvious to you but not to someone who has never been to the place in question.

## Remember that:

- **The submission of the complaint does not mean that all of your problems will be solved, and be aware that the process takes time. The recent experience shows that it can take more than two years to finalise a case and publish the findings.**
- **The submission of a complaint does not mean that you will get judicial conclusions, like injunctions or monetary compensation.**
- **Even if the PCM will find contradictions between EBRD policies and its actions, it does not mean that these findings will have a direct impact on the project.**
- **even in cases of full non-compliance and serious, irreparable harm the PCM is still making just recommendations to the board or the president.**
- **the complaint does not need to be the resort to change a project, it is one tactic in a campaign, and the process and findings can make an interesting story for the media.**

## Who can submit complaints and what can be the subject of complaints

According to the rules of procedure: “One or more individual(s) located in an Impacted Area, or who has or have an economic interest, including social and cultural interests, in an Impacted Area, may submit a Complaint seeking a Problem-solving Initiative” and “One or more individual(s) or Organisation(s) may submit a Complaint seeking a Compliance Review.”<sup>7</sup>

***That means that problem-solving is applicable only to people directly affected economically, socially or culturally in the project area,*** because the subject in this case is the potential or actual harm caused by the EBRD project. The complainant in this case asks the PCM to resolve the problem through dialogue or mediation between those affected, the company and/or the EBRD.

***Any person or group may request a compliance review about whether the EBRD has failed to comply with relevant policies for approved projects.*** If a compliance review is requested, the subject of the complaint should be the potential or actual harm being caused by the EBRD’s failure to comply with relevant policies during the design, appraisal or implementation of the project.

In a number of cases, the potential or actual harm caused by the project sponsor may be the result of a failing on the side of the EBRD to require its client to observe or implement relevant policies. ***In these cases it is better to ask for a problem-solving and compliance review together.***

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<sup>7</sup> Project Complaint Mechanism (PCM) Rules of Procedure, <http://www.ebrd.com/downloads/integrity/pcmrules2014.pdf>

## How to submit complaints

Complaints may be submitted in any written form, and there is a sample on the EBRD website ([http://www.ebrd.com/downloads/integrity/sample\\_complaint\\_form.pdf](http://www.ebrd.com/downloads/integrity/sample_complaint_form.pdf)). The PCM officer can also be contacted for advice when preparing the complaint.

**The complaint can be submitted any of the bank's official languages (English, Russian, French, and German) or in an official language of the bank's countries of operation.**

The communication between the PCM and complainant will be both in English and/or the local language. Processing complaints that are not submitted in English may require additional response time due to the translation, and this would be communicated by the PCM to the complainant.

**When affected individuals or a group of people are represented by an authorised representative, written proof that the authorized representative has authority to represent and act on behalf of the complainant in relation to the complaint should be provided to the PCM officer.**

Individual complainants can request confidentiality when the complaint is submitted. However, in case the "PCM officer reasonably believes that maintaining confidentiality will prevent a review of the Complaint, then the PCM Officer will immediately notify the Complainant and will either agree with the Complainant on how to proceed, or, if agreement on how to proceed is not possible, will terminate the process."

## When complaint will be registered

In order to be registered the complaint should include the following information:

1. **The name and contact information or the in case of an authorised representative, their contact information.** This is required so that the PCM Officer is able to communicate with the complainant;
2. **The name or a description of the EBRD project that you are complaining about.**
3. **What is requested from the PCM** – problem solving, compliance review or both and what is the anticipated result of the submission;
4. **Description of the problems related to the project, and the harm or potential harm that the project has caused,** or is likely to cause in case of problem solving;
5. **In case of the compliance review** – description of the relevant EBRD policies that the bank has not complied with;
6. **Description of "good faith efforts"** to address the issues with the bank and/or the client, and the results of these efforts prior to the submission. If no effort has been undertaken a description of "why such efforts were not possible";
7. **Proof of interaction with the bank or client** (including letters, emails or videos).

Additional requirements for further processing of the complaint may be needed:

1. **For projects not yet approved**, complaints may be brought **only if the EBRD has made a “clear indication that it is interested in financing the Project,”** meaning the project “passed Final Review by the Bank’s Operations Committee”;
2. **In case of problem solving**, the complaint should be submitted **within twelve months following the last disbursement date of EBRD funds**, or in the case of equity funding, where the bank has not sold or exited from its investment.  
**In cases of compliance review**, the complaint should be submitted **“within 24 months after the date on which the Bank ceased to participate in the Project;”**

**Often is difficult to assess this information , best way is to simply ask the PCM officer.**

## Processing the Complaint

### *Phase I - registration*

**The registration of the complaint will happen 10 days after submission.** After the registry of the complaint, bank management will be given twenty-one business days to prepare a written response to the complainant.

In order to take a decision regarding the registration of the complaint, the PCM officer will check that:

1. All necessary information described above is provided. If such information is missing, the PCM officer may contact a complainant to provide the additional information in a reasonable time and postpone the registration decision.
2. The PCM officer may waive the requirement that the complainant make good faith efforts to resolve the issues in the complaint with the client if, in his/her view, such efforts would be harmful to the complainant or futile.”

**If the PCM officer finds that the complainant has not undertaken any efforts to address the issues with the bank and/or client without explanation, it will not register the complaint.** However, in consultation with the complainant, the PCM officer can “forward the Complaint to the relevant department in the Bank to address the issues raised without registering the Complaint at that stage. When good faith efforts have subsequently been made, suspension may be lifted if such efforts, in the opinion of the PCM Officer, have not yielded positive results.”

**After registration of the complaint and notification of the relevant parties, the complaint will be available on the PCM register and publicly available on the EBRD’s PCM page’;**

### *Phase II – eligibility assessment*

According to the rules of procedure, after registering the complaint, within the next five business days the PCM officer “will appoint a PCM expert to work jointly with the PCM officer to conduct an Eligibility Assessment.”



The eligibility report should be issued not later than forty business days after the bank's management responds to the complaint.

Based on the bank's eligibility criteria, it will assess whether "the Complaint is eligible for a Problem-solving Initiative, a Compliance Review, for both, or for neither." In doing so, the assessors "will take into account the PCM function requested by the Complainant." It will also take into account the written response of the bank to complainant.

The eligibility criteria for the complaint in case of the problem solving function will consider the following:

- If its filed by an individual or individuals located in an impacted area, or who has or have an economic interest, including social and cultural interests, in an impacted area;
- It raises issues covered by a relevant EBRD policy;
- "Whether the Problem-solving Initiative may duplicate, or interfere with, or may be impeded by, any other process brought by the same Complainant (or where the Complainant is a group of individuals, by some members of the group) regarding the same Project and/or issues."
- If the PCM finds that its involvements will assist to resolve the dispute, or is likely to have a positive result;

The eligibility assessment will also assess whether a problem solving initiative "may duplicate, or interfere with, or may be impeded by, any other process brought by the same Complainant (or where the Complainant is a group of individuals, by some members of the group) regarding the same Project and/or issues." It will assess the issues raised by the complainant under the "Client's dispute resolution or grievance mechanism, or with the complaint or accountability mechanism of a co-financing institution, or before a court, arbitration tribunal or other dispute resolution mechanism".

### **Eligibility criteria in case of a compliance review include:**

- **Actions or inactions that are the responsibility of the bank;**
- **If it "relates to a Relevant EBRD Policy" or is a "minor technical violation of a Relevant EBRD Policy unless such technical violation is alleged to have caused harm; "**
- **A failure of the bank to monitor client commitments pursuant to a relevant EBRD policy.**

## When complaints are found ineligible

Complaints will be found ineligible during the eligibility assessment if:

- ‘it was filed fraudulently or for a frivolous or malicious purpose;’
- If the complainant seeks “competitive advantage through the disclosure of information or through delaying the Project;”
- In cases of problem solving, other complaint mechanisms or the PCM have sufficiently assessed the issue already, unless there are new circumstances;
- “it relates to the obligations of a third party, such as an environmental authority and the adequacy of their implementation of national requirements, or relating to the obligations of the country under international law”

Eligibility assessment report must include:

- A. “a description of the steps taken in the Eligibility Assessment;
- B. a summary of the facts and positions of the Relevant Parties;
- C. a determination of whether the Complaint is eligible for a Problem-solving Initiative, Compliance Review, both (with a decision regarding the order in which they should be conducted), or neither.
- D. terms of reference for either a Compliance Review, Problem-solving Initiative, or both” if complaint found eligible<sup>8</sup>”

According to the procedure, the eligibility assessors will consult with the relevant parties in the drafting of the terms of reference where feasible.

If the PCM finds a complaint ineligible, the eligibility report will go to the Board of Directors (in case of approved projects) or to the President (if the project is not yet approved) in order to approve the recommendation to close the complaint. The board or president also may not approve the recommendation and send it back to the PCM.

**If found eligible, in the case of a problem solving initiative the eligibility report will go to the president.** The eligibility assessment report and president’s decision will be publicly released and posted on the PCM website within five days of the decision. The PCM will notify the parties that the problem solving initiative has been launched.

**If found eligible in the case of a compliance review, the eligibility assessment report will be sent for information to the relevant parties as well as the president and the board.** It will be publicly released and posted on the PCM website within five days of circulating the eligibility assessment.

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<sup>8</sup> IBID

## **Problem solving initiative: how it works**

**After the president's decision to start a project solving initiative, an expert will be appointed to deal with the process.**

After completion the expert will issue a problem-solving completion report that will outline the issues considered, methods used, and results of the process. If any issue is unresolved it will be highlighted.

The report will serve as the basis of future monitoring if needed.

According to the EBRD website, "The PCM Officer will circulate the Problem-solving Completion Report for information to all Relevant Parties, as well as to the President and the Board. Within five (5) Business Days of circulation, and if the Relevant Parties so agree, the Problem-solving Completion Report will be publicly released and posted on the PCM website. If the Relevant Parties do not agree to the release of the Report due to confidentiality concerns, a summary of the Report will be publicly released and posted on the PCM website"

## **Compliance review: how it work**

**A compliance review expert will oversee the process and be involved with a desk review, site visit, the hiring of experts, consultations with relevant parties and other actions as needed.** The time frame for the review is set in the eligibility assessment report, which includes a terms of reference.

If it is found that the EBRD has not complied with its policies, project management must submit a Management Action Plan within 30 days of receiving the draft report.

**The complainant has 20 business days to comment on the draft report and Management Action Report.**

The final compliance review report (including the Management Action Plan and the complainant's comments) will be made public within five days of the report being accepted by the board or president (depending on whether the project has been approved).

## Practical tips for submitting the complaint

- If requested, the PCM will endeavour to keep the names of complainants confidential; however, anonymous requests are not allowed;
- Remember if your complaint raises issues of corruption, fraud and misconduct please contact the CCO instead;<sup>9</sup>
- Collect all communications with the project sponsor or EBRD staff that you've had while working to solve your complaint (letters, emails, photos, videos, reports, meeting notes, media clips);
- Check carefully the PCM rules of procedure and its safeguard policies to understand well the violations;
- Once a complaint has been filed, it is important to continue to provide the PCM with updated information about your complaint;
- It is also important to monitor your complaint to ensure that the accountability mechanism is following its own procedural rules.

### How the complaint can help

- At a minimum, if you file a complaint, your voice will be heard at the international level.
- **You may have good media campaign of the complaint and its processing, as well as the findings;**
- **You may prevent existing or potential harm;**
- It is possible that the filing of a complaint may only result in the creation of a record of the harm;
- **The project's environmental and social impacts can be considered by independent experts;**
- **It may help communities ensure better public consultation in the project area;**
- **It may result in specific recommendations, remedies or financial compensation to address the issues;**
- **In cases of irreparable harm it may recommend to the board or president that the project be stopped;**
- **Support complainants in problem solving to receive proper compensation.**

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<sup>9</sup> Project Complaint Mechanism: Annual Report 20102-13, available on [ebrd.com](http://ebrd.com)

## Annex. EBRD policy that falls under PCM

According to the rules of the procedure the following policies falls under the PCM – “2014 Environmental and Social Policy and Performance Requirements, 2008 EBRD Environmental and Social Policy and Performance Requirements, previous EBRD environmental policies, and/or project-specific provisions of the 2014 Public Information Policy and previous Public Information Policies and any Policies approved in the future by the Board of Directors designated to be included in this Definition”.

### Environmental and Social Policy<sup>10</sup>.

The current Environmental and Social Policy was adopted in May 2014 and entered force in November 2014. If the project appraisal procedures in the Bank began before this, the project most likely falls under the 2008 policy, however in exceptional cases it may fall under the 2003 policy.

According to the policy EBRD committed to promoting “environmentally sound and sustainable development” in the full range of its investment and technical cooperation activities. The Bank believes that environmental and social sustainability is a fundamental aspect of achieving outcomes consistent with its transition mandate and recognises that projects that foster environmental and social sustainability rank among the highest priorities of its activities.”<sup>11</sup>

All projects financed by EBRD should be “structured” to meet requirement of the policy and specific Performance Requirements (PR). In addition, EBRD, “as a signatory to the European Principles for the Environment<sup>12</sup>, is committed to promoting the adoption of EU environmental principles, practices and substantive standards by EBRD financed projects, where these can be applied at the project level, regardless of their geographic location. When host country regulations differ from EU substantive environmental standards, projects will be expected to meet whichever is more stringent.”

The Performance Requirements is designed for following directions:

- PR1. Environmental and Social Appraisal and Management;
- PR2. Labour and Working Conditions;
- PR3. Pollution, Prevention and Abatement;
- PR4. Community Health, Safety and Security;
- RR5. Land Acquisition, Involuntary Resettlement and Economic Displacement;
- PR6. Biodiversity Conservation and Sustainable Natural Resource Management;
- PR7. Indigenous Peoples;
- PR8. Financial Intermediaris
- PR9. Cultural Heritage;
- PR10. Information Disclosure and Stakeholder Engagement.

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<sup>10</sup> <http://www.ebrd.com/pages/about/principles/sustainability.shtml>

<sup>11</sup> *ibid*

<sup>12</sup> [http://www.eib.org/attachments/strategies/european\\_principles\\_for\\_the\\_environment\\_en.pdf](http://www.eib.org/attachments/strategies/european_principles_for_the_environment_en.pdf)

The new policy 2014, continues the trends for past years, when the almost all responsibility over the impact assessment, preparation of management plans, public consultations, monitoring and implementation of mitigation measures has been the the responsibility of the client. That already leads to the situation when the EBRD was approving the EIA's that even does not existed in English, or the clients does not provided all relevant information and/or management plans to EBRD.

**If you are not sure, which environmental and social policy editions applied at the time of the project approval, it is best to contact the Project Complaint Mechanism and ask.**

**Do read the wording of the policy clauses very carefully as they are often not very clearly written and can easily be misinterpreted if one is not used to such language.**

## **Public Information Policy<sup>13</sup>**

The Public Information Policy (PIP), which was updated in July 2014, describes what information is disclosed routinely or by request and what information is kept confidential and not available to the public. Information available to the public includes the following:

- 1) Institutional information such as upcoming Board agendas and minutes, strategy and policy review documents, Board membership information, organizational structure, salaries of senior management and directors and decisions by the EBRD's Administrative Tribunal, which hears complaints concerning personnel issues.
- 2) Information on strategies and policies including country and sector strategies and all operational policies. When strategies and policies are subject to review, the EBRD publishes drafts on its website for public comments. When strategies and policies are finalized, the EBRD publishes a summary of public comments received during the review.
- 3) Project-related information such as Project Summary Documents (PSDs) which provide a factual outline of the main elements of a given project, including a summary of environmental and social issues associated with the project. Board Reports for public sector projects can be released upon request and after the project has been approved. For "Category A" projects (i.e. those that may have potentially significant and diverse future environmental and/or social issues and impacts) , the assessments are made available at the EBRD's London office and the relevant (host country) Resident Office. If the project is located in a country without a Resident Office, an alternative means of disclosure will be found and publicized on the EBRD's website.

To access current PSDs, go to: [www.ebrd.com/saf/search.html?type=project](http://www.ebrd.com/saf/search.html?type=project)

To access current ESIA's, go to: [www.ebrd.com/saf/search.html?type=eia](http://www.ebrd.com/saf/search.html?type=eia)

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<sup>13</sup> [www.ebrd.com/pages/about/policies/pip.shtml](http://www.ebrd.com/pages/about/policies/pip.shtml)

- 4) Accountability and governance-related information such as list of entities and persons barred from doing business with the EBRD, the EBRD’s Anti-Corruption Reports, and evaluations (or summaries of evaluations) prepared by the Evaluation Department. A number of other documents that are issued annually such as the EBRD’s Sustainability Report and the Financial Report are also disclosed. This category of information disclosure also includes what the PCM must disclose, including the PCM rules and related brochures, annual reports, registered complaints, eligibility assessments, Problem-solving Initiative Completion Reports (or summaries), Compliance Review Reports, and information regarding PCM experts.

If an information request is denied, you can request a review in a process that is not affiliated with the PCM by submitting a written appeal within 30 working days of the denial to: Secretary General, One Exchange Square, London, EC2A 2JN, United Kingdom, Email: [SecretaryGeneral@ebrd.com](mailto:SecretaryGeneral@ebrd.com), Fax: (+44) 207 338 6488.

## Project related information under the Public Information Policy

Bank is preparing and publishing Project Summary Documents (PSDs) for public and private projects, and it should provide the following information:

- The identity of the project company;
- Total project cost (where applicable);
- The project location;
- A brief description of the project and its objective;
- The amount and nature of EBRD’s investment;
- The target date for a decision on the project by the Board of Directors;
- The anticipated transition impact, and for public sector projects, expected transition impact rating;
- A summary of environmental and social impacts associated with the project and agreed mitigation measures;
- If applicable, details of project related technical cooperation funding and grant financing;
- Contact points for the project sponsor and the EBRD operation leader.

In case of the projects that does need to be approved by Bank Board<sup>14</sup>, the PSD will be prepared only “if there are significant environmental or social issues.

For “Category A” projects approved under a Framework Project<sup>15</sup>, either a separate PSD will be prepared, or the Framework PSD will be Updated;“

For the projects financed under the specific EBRD funds the PSDs will be available on the fund web pages on the EBRD website.

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<sup>14</sup> Projects below a certain size and without sensitive features in terms of environmental, social or other impact, are approved by management under delegated approval.  
<http://www.ebrd.com/downloads/policies/pip/pip-comment.pdf>

<sup>15</sup> Framework projects group smaller projects with certain common features relating to a particular sector or project size. *ibid*

However, Bank keeps right to “delay the disclosure of certain information that it would otherwise make publicly available because of market conditions or timing requirements,” that means that quite some information including the parts of PSDs may be known by public on very late stage.

PSDs for private sector projects should be published at least 30 calendar days and 60 calendar days for public sector projects.

For public sector projects are recommended to released information as soon as possible after the Concept review by the Bank’s management; and Board reports for public projects will be available on the request after approval of the project.

In case of the private projects „if client or co-financing institution provides sound reasons for not releasing the document“ the PSDs may be released only prior of disbursement of funds.

**Its also important to remember „that for projects A category the EIA reports should be avialbe on Bank’s web site, in its headquarter in London and in the relevant EBRD Resident Office a minimum of 60 calendar days prior to consideration of the project by the Board of Directors for private sector projects and 120 calendar days prior to Board consideration for public sector projects“<sup>16</sup>**

In general, keep in mind that **according to Aid Transparency report<sup>17</sup> EBRD is one of the non-transparent and non-accountable organizations among the IFIs.** E.g. it does not commits to publish social and environmental appraisals of the projects on routine way. While in theory, the presumption of transparency exists, the bank will only disclose “confidential information in exceptional circumstances where the Bank considers it necessary to in order to ”avert imminent and serious harm to public health or safety and /or imminent and significant adverse impacts on the environment”.

In overall, the EBRD’s Public Information policy is weak and does not provide genuine transparency and accountability.

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<sup>16</sup> <http://www.ebrd.com/downloads/policies/pip/pipe.pdf>

<sup>17</sup> <http://ati.publishwhatyoufund.org/donor/ebrd/>



