

**DOCUMENT OF THE EUROPEAN BANK
FOR RECONSTRUCTION AND DEVELOPMENT**

**PUBLIC INFORMATION POLICY:
REPORT ON THE INVITATION TO THE
PUBLIC TO COMMENT**

PART A: Comments received from Stakeholders during the Bank’s public consultations meetings in Budapest (26 March), Belgrade (28 March), Moscow (28 March), Tbilisi (1 April), Bishkek (4 April) and London (April 8)

Reference	Comment	EBRD Response
1. General remarks		
1.1	Stakeholders generally welcomed the EBRD initiative to bring forward the review the Public Information Policy. It was noted, in this respect, that the decision to revise the Policy showed the Bank’s desire to be more open and transparent.	
1.2	The PIP should clearly state that its purpose is to ensure the Bank’s support to the human right of access to information about the EBRD’s activities which could or are now impacting the environment and human health and welfare. (Bis-GS)	While supporting the public’s right of access to information about EBRD activities, this right has to be framed within the terms of the Bank’s mission.
1.3	The reference in the current Policy to the Aarhus Convention has been removed from the revised Policy. The Aarhus Convention should be a cornerstone of the PIP (Bis-GS)	The reference to the Aarhus Convention was that “the general spirit, purpose and ultimate goals” of the Convention “are subscribed to by the Bank in the implementation of its Environmental Policy”; consequently this reference is more appropriately found in the revised Environmental and Social Policy (ESP).
1.4	The definition of “Categories of Information” should include Environmental Information. (Bis-GS)	Reference to environmental information is included in Categories 2 and 3 of the PIP. It should be noted that the disclosure requirements on the part of the Bank are set out in the PIP, and the environmental and social requirements for Bank clients are set out in the ESP.
1.5	It would be helpful for the public in accessing the various documents referred to in the Policy to give their locations on the Bank’s website. (Bis-OHRLC)	Website locations will be identified wherever possible.
1.6	The draft Policy contains a number of terms which require definition and explanation. For example “legitimate concerns”. (Bis-OHRLC)	Such terms have to be read and understood in the context of the specific provision in which they are found and therefore are not susceptible to generic definition.
	Section C of the Policy “Basic Principles” contains a phrase	The Bank’s purpose is set out in Article 1 which states the

1.7	“...which could affect their willingness to work with the Bank”. The existence of that phrase in such an important statement of principle is evidence that the Bank is mainly actuated by commercial objectives in its activities, forgetting about stable development and clear adherence to its democratic principles. (Bis-OHRLC)	following: “... to foster the transition towards open market-oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European countries committed to and applying the principles of multiparty democracy, pluralism and market economics”.
1.8	How does the Bank identify relevant stakeholders? What principles are applied in this process? (Tbilisi)	In inviting “public” comment, the Bank leaves the identification of potential stakeholders open. In addition, the Bank makes direct contact via its NGO Outreach programme to those national and international entities and groups active on relevant issues, including those who previously expressed their interest in receiving the information and engaging in dialogue with the Bank.
1.9	There have been many positive improvements. The step towards greater transparency, is helpful. Translation to the national languages very welcome. There are some avenues of information limiting stakeholder engagement. Such as ITC and application of such information. What is clients’ experience? (Consultants, London)	The Bank is seeking to enhance ways to provide access to information on its website, as well as other means of communicating in its countries of operations. Most major publications and many documents are currently available at ROs and 22 Depository libraries across the region in hard copy, in most cases without charge. The Bank will attempt to enhance the availability of information of interest in hard copy locally.
1.10	The presence of a representative from EBRD’s Banking Department in such consultation meetings would be helpful, in order to give feedback and impressions on what extent the suggestions/comments are realistic and how much time would be needed for implementation of these. (Moscow)	The Head of the Resident Office opened most of the consultation meetings and a member of the RO team was present for the discussions. A debriefing was provided to the Banking Department following the consultations and the Banking Department’s feedback has been obtained on all comments received. Senior representatives of various banking units also meet NGOs during consultation meetings to discuss issues of interest and concerns regarding projects and policies during the NGO programme at Annual Meetings.
1.11	The question was raised by CEE Bankwatch/GTI about the reason for public consultation on this draft of the PIP? It was	The comments of CEE Bankwatch/GTI received in December 2007, in response to EBRD’s <i>Invitation to</i>

	stated that other institutions had made more progress in public disclosure. The two organisations therefore had chosen not to provide comments in the London public consultation process. (London)	<i>Comment</i> on the current PIP, are addressed in Part B.
2. Institutional Information		
2.1	Regarding the public release of Board Minutes, it is essential to state deadlines for their publication and to be exact about the language in which the minutes are to be published. Also the website location of the released Minutes should be given. (Bis-OHRLC)	The Minutes of each Board Meeting are posted on the website in English immediately following approval. This approval is normally given at the next meeting of the Board. Board meetings are usually held once every two weeks and, on occasion, approval of Board Minutes may be postponed to a later meeting. The website location of the Minutes is given in the revised PIP.
2.2	Voting records of Board of Directors should be released. Also, although the minutes of the Board are made publicly available, there are not details contained in there. More details and parameters should be visible. (Hun)	What is published is the full extent of what has been authorised by the Board in accordance with the <i>Rules of Procedure of the Board of Directors</i> .
2.3	EBRD should update its contact list. (Hun)	Every effort is made to update the organigram of the Bank, which identified key personnel in the various Bank departments
3. Information on Policies and Strategies		
3.1	The language in 2.1.1 leaves it unclear as to whether the draft Country Strategies will only be posted after consultation with the national authorities “if such consultation is requested”. Please clarify what this sentence means. What happens if the consultation of the authorities is not forthcoming? (Bis-GS) (Tbilisi)	As there has been some confusion over the wording of this reference to consultations with national authorities, it has been removed from the revised text. The Bank always consults with the relevant national authorities concerned when developing Country Strategies.
3.2	The reference to the removal of “confidential information” from Country Strategies before public posting should be deleted. (Bis-	This reference has been removed.

	TajNGOs)	
3.3	Country Strategies are so important the public comment period should be extended from 30 days to 60 days. (Bis-TajNGOs)	The requirement for the website posting of draft Country Strategies for 30 days for public comment has increased the gestation period for these documents. To lengthen the timeframe to 60 days would prolong this process to the point that the material in the Strategies would become very dated.
3.4	The Bank's political dialogue with the authorities in the countries of operations should be more open, especially as it has a considerable effect on a given socio-economic situation. (Bis-TajNGOs)	The nature of policy dialogue demands that it be conducted in a discrete and effective manner, which would not be best served by public discussion.
3.5	The Policy should contain a procedure under which the Bank will notify NGOs concerning proposed consultations on Country Strategies. (Bis-OHRLC)	Such a procedure is in place. At the beginning of each year a timetable for Country Strategy reviews for the upcoming year is posted on the Bank's website with indicative dates of the different stages in the review process. When a draft Strategy is ready for posting on the Bank's website for public consultation, the Bank's NGO Relations Officer informs national and international NGOs of the posting.
3.6	There has been a negative experience of working with IMF and the World Bank in Armenia. The documents of the Washington Consensus on reforms in Armenia has been signed without informing the public and the reforms were approved without public participation and taking into consideration the opinion of our experts saying that shock therapy would not work in our country. Now we face the negative consequences of this policy. Therefore we demand to ensure public information on, and participation in, the development of the Country Strategy. (Tbilisi)	A process is in place for commenting on draft Country Strategies so as to give the opportunity for the public to take stock of the draft strategy's orientation and to provide comment which can be taken into account before finalisation and approval of the Strategy.

3.7	While the Bank need not enter into individual correspondence with individuals who have commented on draft Country Strategies, the Bank should notify the individual of its reaction to such comments. The individual should be informed of the website location of the staff responses. Does this mean that the public is not informed whether or not their comments are accepted or rejected? (Bis-OHRLC) (Tbilisi)	At the conclusion of each public consultation exercise, a <i>Report on the Invitation to Comment</i> is posted on the Bank’s website in which those individuals/groups from whom comments have been received are acknowledged, and the staff responses to these comments are provided, though not necessarily on an individual basis.
3.8	The Policy says that Country Strategies will be translated into the official national language. Kazakhstan is one country that has two official languages Kazakh and Russian. Since the Kazakh Strategy is translated into Russian does this mean that it will not be translated into Kazakh. (Bis-OHRLC)	In countries, such as Kazakhstan, where there is more than one official national language, and where one of those languages is a designated working language of the Bank, the translation is provided in the Bank’s working language. In the case of Kazakhstan, the document will therefore be translated into Russian but not into Kazakh.
3.9	There has to be a clearer definition of what constitutes a “reasonable amount of time” for the translation of approved Country Strategies, the Public Information Policy, and the Environmental and Social Policy (Bis-GS) (Bis-OHRLC) (Bis-TajikNGOs)	In translating documents into Russian, where the Bank has its own in-house resources, there is a degree of certainty in setting deadlines. However, when it comes to the official national languages of the other non-Russian speaking countries of operations the timeframe is less certain. This has to do with availability of translators, the quality of translations, and the need for quality control.
3.10	The override sentence on translations stating that the Bank does not guarantee the authenticity or reliability of translations surely casts doubt on the usefulness of these translations. (Tbilisi)	This override applies to translations into languages other than the four official working languages of the Bank. To avoid potential misunderstanding, it is necessary to indicate, in the case of a contradiction between two language versions, which language provides the definitive text.
3.11	There has to be a clear definition of what constitutes “a number of years” over which the Environmental and Social Policy will be translated into official national languages. (Bis-GS) (Bis-TajikNGOs)	Translations will be arranged on a progressive basis, beginning with those countries where it is most likely that Bank projects may have environmental and social considerations to be taken into account.

4. Project-related Information		
4.1	PSDs for both private and public sector documents should be released in the same timeframes, ie 60 days. (Bis-GS) (Bis-TajNGOs)	The timeframe is different as private sector clients, especially small and medium size, require a more rapid decision making process than in the public sector.
4.2	The PSD release derogation for “likelihood of substantial changes at Final Review” should be dropped as the public should be informed of such “substantial changes” and have the opportunity to comment on them. (Bis-GS)	Some projects undergo substantial changes in project design at the stage of Final Review, and therefore, it is neither in the interests of the client nor the Bank to issue a PSD which may be substantially different from the project which has passed final review.
4.3	As project implementation proceeds, PSDs should include information on the project’s implementation and its environmental impact. (Bis-GS)	The Bank endeavours to update PSDs when there are material changes to the original project. The draft Environmental and Social Policy proposes more regular updates to local stakeholders on environmental and social performance.
4.4	The need to inform the public about proposed projects at the very early stage was underlined by all participants. The PSD should include information about project activities in the context of surrounding territories and publish a map on the Bank’s site. (Moscow)	The Bank is assessing the feasibility of providing a map locating projects on its website to facilitate location of projects.
4.5	There is a difference in the timeframe of posting different documents. PSDs for private sector projects have a 30 days timeframe and for public sector projects the timeframe is 60 day. At the same time EIAs for private sector projects have a 60 days timeframe while those for public sector have 120 days. What is the reason for these different timeframes? And since there is a difference in the timings of the PSDs and the EIAs what is the justification of this? (Tbilisi)	These are two different exercises: the release of the PSD and the release of the EIA. As regards the release of the PSD, the timeframe for private sector projects is 30 days before Board approval because private sector projects are generally time sensitive; for public sector projects the timeframe is 60 days. As regards EIAs, the time sensitivity of private sector (Category A) projects dictates that there be a 60 day timeframe, while for public sector projects, which have a longer gestation period, it is 120 days.

4.6	Public Sector Board Reports should be made publicly available irrespective of whether or not their release has been requested. (Bis-GS) (Bis-OHRLC)	The provision in the Public Information Policy for the release of public sector Board Reports on request has been in force since the first review of the Policy in 1999. Since then, there has been only one request for the release of such a report.
4.7	There should be public access to private sector project Board Reports. (Bis-TajNGOs)	Private sector projects contain confidential commercial and other information and, as such, are not appropriate for public release.
4.8	The Bank should be accountable not only to its shareholders, but to host countries where projects are being developed and implemented. (Tbilisi)	The publication of PSDs and other documents is designed to address issues of accountability. Moreover, Article 13(iii) of the Agreement Establishing the Bank specifies that “the Bank shall not finance any undertaking in the territory of a member if that member objects to such financing”.
4.9	Agreements on Technical Assistance (TA) projects should be made public. The public is entitled to know what the funds are being used for and what are the results of TA projects. (Bis-TajikNGOs)	In projects which have a Technical Assistance (TA) element, the source of the TA and its purpose will be included in the PSD. Details of TA are contained in a designated annex in each Country Strategy and in the Annual Donor Report.
4.10	The Bank’s website should include a separate page for posting all cancelled and inactive projects for at least 5 years. (Bis-GS)	The Bank removes PSDs on cancelled and inactive projects from the website to avoid potential reputational risk to the Bank.
4.11	The PIP section on Environmental and Social Information should include a detailed list of EBRD documents accessible to the public, first of all environmental information relating to specific projects: EIAs; ESAPs; ESAP implementation reports; general assessment of the project’s environmental and social performance and of environmental changes resulting from implementation. The Bank should ensure access to these documents with reference to the availability of the client’s information sources as well as availability of the documents in ROs.(Bis-GS)	The Environmental and Social Policy (ESP) documents to be released by the Bank are identified in the PIP. Documents to be released by Bank clients are identified in the ESP.

4.12	The release timeframe for ESIA's for private sector "Category A" projects should be increased to 120 days. (Bis-TajikNGOs)	Private sector projects are generally time sensitive and the Bank believes that 60 days is an appropriate timeframe for the release of EIAs for "Category A" private sector projects.
4.13	The Bank should post Environmental and Social Impact Assessments on its website.(Bis-GS)	The revised PIP will provide for the Bank to post summaries of EIAs on its website.
4.14	In section D paragraph 3.4.1 this should include the mandatory notification of the forthcoming release of such documents through the local media. The release of EIAs for "Category B and C) projects should also be included in this regard. (Bis-TajikNGOs)	Only Category A projects have EIAs. More requirements for information disclosure on Category B projects is proposed in the draft ESP. Category C projects will now be defined as having little or no environmental or social impact.
4.15	PSDs should include more detailed information about the environmental aspects of projects, or the relevant references to the Bank's information sources where information can be studied in detail.(Bis-GS)	The PSDs contain a summary of the environmental information concerning projects. In the case of an environmentally sensitive project, further information will be provided in the EIA.
4.16	With regard to the reference that disclosure of project information was the responsibility of clients, the Bank too should assume responsibility as clients do not always take a responsible attitude to this requirement. (Bis-GS) There should be an established principle that the Bank's client should be held liable for non-compliance with the requirement to publish project information. (Bis-OHRLC) (Bis-TajikNGOs) (Moscow)	While the Bank makes every effort to encourage clients to adhere to disclosure requirements, it is ultimately the responsibility of the client to fulfil disclosure obligations. The Bank encourages clients to become more responsive to stakeholders and to serve as a first point of contact for interested and concerned parties.

5. Accountability and Governance		
5.1	Released Evaluation Department documents should contain the full text of the reports. Special attention should be paid to the environmental impact of private sector projects. The Bank should abandon the practice of removing text to protect the identity of clients. (Bis-GP)	The independent Evaluation Department (EvD) determines what is contained in the reports it releases to the public. EvD co-ordinates the process within the Bank which determines what material is commercially confidential or sensitive and therefore removed from such released reports. This is necessary to ensure that EvD is able to fulfil its important independent evaluation role in the Bank and provided “lessons learned” to the Bank. The Chief Evaluator has the final say in determining the text that will be published by EvD.
5.2	The Report on implementation of the Environmental and Social Policy should be augmented with more detailed information to supplement Project Information Reports. (Bis-GS)	The content of the Report on Implementation of the Environmental and Social Policy is determined by the Bank’s Environmental and Social Department.
5.3	It is essential to state in the Policy the website locations for each of the offices responsible for implementation and the published materials. (Bis-OHRLC)	Website locations will be identified wherever possible.
6. Information considered confidential		
6.1	The Bank must ensure that all information “relating to environmental measures included in projects financed by it, to their impact on human health and welfare and to the violation of the human right to a wholesome environment is readily available”. (Bis-GS)	Bank requirements for clients on disclosure of environmental and social information is found in the ESP.

6.2	The Bank should exclude from the defined confidential information “contractual documentation relating to technical assistance projects”. (Bis-GS) (Bis-TajikNGOs)	Technical Assistance (TA) projects are often undertaken by private companies and, as such, it would not be appropriate to disclose the legal documentation relating to such projects. However, as noted above, in projects which have a TA element, the source of the TA and its purpose will be included in the PSD. Details of TA are contained in a designated annex in each Country Strategy and in the Annual Donor Report.
6.3	It is impossible to understand the Bank’s statement in Section E paragraph 1.4 that information should not be disclosed which could seriously undermine the political dialogue between the Bank and a specific country which is a shareholder of the Bank. (Bis-OHRLC)	The aim of the Bank in engaging or fostering policy dialogue is to advance the transition process. The nature of policy dialogue may involve matters of political sensitivity to the governments involved and therefore requires that it be conducted in a discrete and purposeful manner. Accordingly, the paragraph provides that the Bank may not disclose material which in its view would seriously undermine policy dialogue with any member country.
6.4	Regarding Section E paragraph 1.5 this is covered in Principles 29 and 30 of the Syracuse Principles. (Bis-OHRLC)	This comment is not clear to the Bank.
6.5	Negotiations between the EBRD and its clients should be excluded from the list of information deemed confidential. (Bis-TajikNGOs)	The policy seeks to draw an appropriate balance between disclosure and respect for legitimate expectations as to confidentiality and to enable parties to enter into and conduct negotiations in an open and effective manner.
6.6	There should be an addition in Section E paragraph 3 to make it clear that in exceptional circumstances confidential information may be disclosed if, not only the EBRD management, but also the public considers that the disclosure of certain confidential information would likely avert harm to public health and safety and/or to the environment. (Bis-TajikNGOs)	EBRD management may be addressed by interested parties in relation to paragraph 3 issues. However, as the decision in question would be to make disclosure outside of the usual boundaries, it is appropriate that it be made by EBRD.

6.7	<p>Part E. Paragraph 1.8. <i>The Bank does not disclose legal documentation, including all contractual documentation relating to a project, operation or technical assistance project, or correspondence pertaining to Bank-financed projects (whether financed by donors in whole or in part), including documents or information relating to negotiations between the Bank and its clients, donors, co-financiers and other contractual counterparties relating to a project.</i> Although the public can get this information from a public administration organization at national or local level, often they provide unreliable translations of these documents, or some parts or annexes are missing. According to almost all national legislation, public procurement contractual documents are open and public. The Bank policy should be changed with regard to public projects in accordance with the national legislation which require disclosure of contractual documents related to public sector projects.</p>	<p>Given the number of the Bank’s members and the consequent variety of legal regimes which may apply, it would not be possible to provide for disclosure in accordance with all national legislation.</p>
6.8	<p>Paragraph 1.3: <i>Privileged information such as legal advice and correspondence with legal advisers; any information the disclosure of which might prejudice an investigation or any legal or regulatory proceedings, or subject the Bank to an undue risk in any contested matter, e.g. litigation or arbitration.</i> The term “undue risk” is very general. It should be specified what information and what sources can cause undue risk. (Tbilisi)</p>	<p>It is, unfortunately, not possible to anticipate all circumstances which this provision seeks to address. Accordingly, each instance will need to be judged on a case by case basis.</p>
6.9	<p>Comment on Part E. For example: the organization may not want to disclose information about its top managers who purchased land on the site of project implementation. Information which is considered confidential should be specified to prevent investors from hiding information which is to be disclosed. (Tbilisi)</p>	<p>The issue raised by this comment is not fully clear. The Bank has specified that information which it considers to be confidential. Bank staff are bound by their terms of engagement not to place themselves in a position of potential conflict of interest.</p>

6.10	Does EBRD apply the Article 4, point 4 of the Aarhus convention on confidential information? (Tbilisi)	The Bank's mode of implementation for international conventions is as set out in its Environmental and Social Policy.
6.11	In connection with the PIP there was a request from participants to give more clear definition of "confidentiality". There was also proposal to elaborate the list of information which can not be "confidential" under any condition. (Moscow)	The Bank believes this has been done through the specificity of Section E of the PIP, which acts as a self-contained description of what is not to be disclosed.
6.12	What is the liability of a client that presents false or incorrect information about a project? (Moscow)	This would depend on the nature of the information, the mode and addressee(s) of the disclosure, the purpose underlying and false or incorrect disclosure, the identity of the client and the applicable legal regime. In certain circumstances, the presentation of such information may give rise to the Bank being able to exercise contractual remedies. In some instances, ineligibility for Bank finance may be a consequence.
7. Implementation and monitoring of the PIP		
7.1	Apart from the information posted on the website, the Bank should expand the means of disseminating information. Drafts of documents should be disseminated through the local media and hard copies should be available in the Resident Offices and public places. For the rural communities, the radio is an important medium. NGO networks could also provide a means of communication. (Bis-TajikNGOs)(Bel) (Moscow) (Tbilisi)	The Bank is exploring means, other than its website, to communicate in the countries of operations, such as making available hard copies of major documents and publications at ROs and Depository Libraries.
7.2	Regarding the "procedural provisions for information requests and appeals", who will devise the regulations. In what language will the provisions be published? (Bis-OHRLC) Timelines for handling information should be made clear as well as a clear independent appeals mechanism. (Bis-TajikNGO)	The "Implementing procedural provisions for information requests and appeals" have been in force since 1 January 2007. They are available in English and Russian and set out time frames, modes of response and information on the appeals mechanism.

7.3	There is no mention for the translation of the Report on Implementation of the PIP into the languages of interested parties. (Bis-OHRLC)	The annual Report on Implementation of the Public Information Policy is only released in Russian and English.
7.4	What is the policy of EBRD with regard to NGOs? The same experts are involved in different projects funded by EBRD. The Bank works closely with the governments who provide it experts from government affiliated NGOs. Please contact the independent NGOs and ask them to advice experts. Does the Bank have a database of NGOs active in the region? How do you select NGOs to work on specific projects? (Tbilisi)	The EBRD has been engaged in an ongoing dialogue with a variety of civil society stakeholders, mainly with local communities and NGOs, including those focused on environment, human rights, democracy, social issues and business development. The Bank also engages in dialogue with think tanks, professional associations, academics and other groups that are both affected by and interested in the Bank’s activities. The Bank’s contacts with NGOs are made independently.
7.5	The Bank does not provide an explanation of “reasonable requests” for information. There is need to define what is a “reasonable request for information”. What are the criteria? (Bis-OHRLC) (Moscow) (Bel)	The qualification “reasonable” has been deleted from the text of the revised Policy.
7.6	The Bank should make clear in the revised Policy the date when it comes into force. (Bis-OHRLC)	The revised Policy will come into effect as of 1 June 2008, and this is specified in Section F (ii).
7.7	In addition to training EBRD staff in the implementation of the Public Information Policy and Environmental and Social Policy, the Bank should have a training programme for Russian banks and other national FIs. This should be through FIs with special seminars. (Moscow)	As part of the implementation of the revised Public Information Policy, a training programme is being planned in conjunction with the Environmental and Social Department, which will encompass Resident Offices and HQ staff responsible for advising clients about new requirements.

PART B: Comments received from *CEE Bankwatch Network* and *Global Transparency Initiative* on the Public Information Policy Review in December 2007 in response to the Invitation to Comment on the PIP review process

Reference	Comment	EBRD Response
1. General remarks		
1.1	<p>1. Moving to a true presumption of disclosure A commitment should be made to provide “reasonable” assistance to requesters who are having difficulty formulating their request</p>	<p>It is not clear what is meant by this. The mechanism for handling requests for information ensures that, if the Bank does not understand the request, the Bank will seek further clarification from the requester as to what exactly is the information being sought.</p>
1.2	<p>Requests should be able to be submitted to any Bank official</p>	<p>A mechanism for handling information requests and appeals has been provided in response to a request by NGOs. Although information requests can be submitted to any Bank official, the mechanism provides the most efficient channel for handling information requests as well as a tracking system to ensure efficiency.</p>
1.3	<p>The policy should establish a positive commitment on the part of the Bank to respond to requests in the form stipulated by the requester whenever this is reasonably possible</p>	<p>Responses will be provided in the same mode or form as the request received unless the requester stipulates a different form of communication.</p>
1.4	<p>A list of key documents and other records held by the EBRD should be made available over the Internet and updated regularly</p>	<p>The Bank does not have a single comprehensive list of key documents, but such documents are readily accessible through the Bank’s website and are updated regularly.</p>
1.5	<p>The time limit for responding to requests should be reduced to 15 days, which may be extended in exceptional cases, by a further 15 days</p>	<p>This would not be practicable. The time-frame for the mechanism was designed to ensure that the Bank, where staff are frequently on mission, can nonetheless deliver its obligations.</p>

1.6	The Bank should make a commitment to allocate reasonable resources for the translation of documents where this is in the public interest	The Bank considers that it allocates adequate resources for translation. Approved Country Strategies and Project Summary Documents (PSDs) are translated into relevant official national languages. Other key documents are translated into Russian as a matter of course. All Country Strategies are now available in relevant official national languages and, since September 2006, more than 250 PSDs have been translated.
1.7	2. Exceptions The exceptions in Box 2 should be redrafted in terms that are clear and narrow	In response to an earlier request from NGOs, the information on confidentiality has been redrafted to provide greater clarity and is now included in Section E of the revised Policy.
1.8	All exceptions should include a harm test and the following specific changes should be made to reflect this. Administrative classification of a document by a Bank official should be irrelevant to the question of disclosure, which should be decided by direct reference to the regime of exceptions in the policy.	It is not feasible for the Bank to adopt such a harm test approach. The administrative classification of a document is of less material significance than the fact of whether it contains information which, in substantive terms, is considered to be confidential.
1.9	The exception for internal documents should be replaced by an exception or exceptions which protect legitimate interests, such as the free and frank exchange of ideas.	This is dealt with in Section E of the revised PIP which sets out to balance the legitimate interests of all concerned, including those of the Bank's business clients.
1.10	The system of originator/subject control should be replaced by an exception which protects the legitimate commercial and other interests (such as privacy) of third parties.	This is not clear.

1.11	The public interest override should be substantially strengthened. It should be mandatory rather than discretionary in nature and it should apply in the context of all, or at least a far greater range, of overriding public interests.	The public interest over-ride is captured in Section E, paragraph 3 of the revised PIP. This states that the Bank reserves the right to “disclose confidential information protected by confidentiality criteria” if “in connection with a project in which the Bank has invested, the Bank’s management determines that the disclosure of certain confidential information would be likely to avert imminent and serious harm to public health or safety, and/or imminent and significant adverse effects on the environment”.
1.12	3. Appeals The Policy should provide for an independent appeal system, which operates rapidly and easily, for information related complaints.	The mechanism for handling information requests and appeals against denials of requests provides for an independent appeal mechanism.
2. Institutional Information		
2.1	Board Minutes (i) The PIP should require that the minutes of the board meetings include a record of voting, opinions expressed and written statements prepared by EDs where applicable (ii) The Board minutes should be released after their approval by the Board. The disclosure date should not exceed 15 days from the effective date. (iii) The EBRD should issue summaries and transcripts of Board discussions within 15 and 30 days of the meeting, respectively.	What is published is the full extent of what has been authorised by the Board in accordance with the <i>Rules of Procedure of the Board of Directors</i> . Board meetings are usually held once every two weeks. The Minutes of each Board Meeting are posted on the website immediately following approval. This approval is normally given at the next meeting of the Board. However, on occasion such approval may be postponed.
2.2	Organigram of the EBRD The EBRD should disclose a description of Bank departments, their activities and hierarchy.	The Bank is exploring ways of enhancing the organigram on the website.

2.3	<p>Staff Directory</p> <p>(i) A complete staff contact directory, including contact e-mails for Resident and other Local Offices, should be made publicly available through the EBRD's website.</p> <p>(ii) The EBRD should disclose the fax and telephone numbers of the Constituency offices so that the public can better communicate with their representatives.</p>	<p>(i) Through the existing organigram the public can identify key individuals. As regards Resident Offices, the contact details are already provided on the website.</p> <p>(ii) At the request of NGOs, the Bank has provided the e-mail addresses of the Constituency offices. The fax numbers of Constituency offices are also provided.</p>
2.4	<p>Visits of EBRD staff to country of operations</p> <p>The PIP should require the disclosure of a schedule of President, EDs and senior management visits to countries of operations with adequate anticipation.</p>	<p>The travel schedule of the President, Directors and senior management can be subject to frequent change and it would not be practical to attempt track the travel arrangements of such a wide range of individuals. Where this is feasible, the NGO Liaison Officer informs stakeholders of such visits.</p>
<p>3. Information on Policies and Strategies</p>		
3.1	<p>The PIP should introduce common guidelines for reviews and developments of policies and strategies.</p>	<p>This is in place.</p>
3.2	<p>Public Consultations and Disclosure Plan</p> <p>(i) EBRD should disclose a detailed Public Consultations and Disclosure Plan outlining the character of the review or development process, its timeline, the opportunities for consultation meetings and disclosure</p> <p>(ii) The EBRD should release all the relevant materials including the second draft, external comments and Management's response prior to the Board meeting over the strategy or policy.</p>	<p>(i) This is done in the case of sensitive policies such as the Environmental and Social Policy, Public Information Policy, the Energy Operations Policy and the Independent Recourse Mechanism.</p> <p>(ii) The PIP has established the process which the Bank considers appropriate for such consultations.</p>

3.3	<p>Several Stage Review Process EBRD should adopt a several stage policy/strategy review and development process consisting of commenting on two subsequent drafts or a well elaborated issues paper and a draft and a consultations meeting.</p>	<p>The Bank has outlined its approach to public consultation in the PIP which has to take into account the balance between the importance of public consultation and the need to take account of the views of shareholders, represented on the Board of Directors, and the efficient delivery of the Bank's objectives.</p>
3.4	<p>Disclosure of public comments The PIP should ensure that all incoming public comments are released in their original form in the course of the policy or strategy reviews.</p>	<p>The Bank always provides a summary of public comments received in response to the website invitations to comment. However, for the ease of the reader, the Bank may combine a series of comments from different individuals/NGOs which cover the same issue. The Bank will always strive to fairly reflect the original comments received.</p>
3.5	<p>Disclosure of Second Draft Policies or Strategies The EBRD should disclose second draft policies and strategies 10 working days prior to their Board approval.</p>	<p>The Bank always provides management and the Board of Directors with all public comments received on a draft Policy or Strategy. At the point of decision, it is the responsibility of management and Directors to take account of these views in deciding on the final proposal for consideration.</p>
3.6	<p>Disclosure of Management's response to Comments Management's response to comments ought to be released prior to the Board approval, at the time the final draft policy or strategy is released.</p>	<p>As noted above, management and the Board are appraised of what comments have been received. Following Board approval, the report on public comments received and staff responses is published for, among other reasons, purposes of public accountability. This enables those who have provided public comments to assess whether appropriate consideration has been given to their views.</p>

3.7	<p>Comprehensive list of Policies and Strategies New policies and strategies review should be listed as soon as their concept is approved by Management.</p>	At the beginning of each year a timetable for Country Strategy reviews for the upcoming year is posted on the Bank's website with indicative dates of the different stages in the review process. As far as new Sectoral Strategies and those for review, drafts are posted on the website for public comment as soon as they have passed internal review.
3.8	<p>Country Strategy Action Plan The EBRD should include an action plan on implementation of the strategy within the Country Strategy documents.</p>	Country Strategies are not business plans but are intended to provide guidance and a set of parameters for banking operations in the relevant country.
3.9	<p>Translation of Environmental Procedures The EBRD should translate Environmental Procedures into the relevant national languages.</p>	The Environmental & Social Department translates this document into Russian and will translate into other official national languages on a progressive basis.
4. Project-related Information		
4.1	The PIP should ensure a routine disclosure of project based information throughout the complete project cycle.	In accordance with the PIP, the Bank already provides the full amount of project based information which it judges to be appropriate for public release.
4.2	The EBRD should keep an overview of the environmental information and documentation that is disclosed routinely or upon request by the institution and its clients.	The EBRD tracks responses to requests for information. Communication on environmental and social information with the client or external parties is filed with the project information in electronic format as part of the Bank's recordkeeping
4.3	The Bank should establish an Internet based resource for tracking project status and all the relevant project based information and documents.	The EBRD, as a financial institution promoting the development of the private sector, has a duty to respect the confidential information provided to the Bank by project sponsors and clients.
4.4	<p>Private PSDs Minimum Release Private sector PSDs should be released 60 days prior to the Board meeting and soon after the project has passed the initial review by Bank Management.</p>	The timeframe is different from that for public sector PSDs as private sector clients, especially small and medium size, require a more rapid decision making process than in the public sector.

4.5	<p>Translated Project Summary Documents</p> <p>(i) Translated Project Summary Documents should bear the same amount of information as the English originals</p> <p>(ii) Translated PSDs should get routinely updated.</p>	<p>(i) The translated PSD are intended to contain the same information as in the original English language version.</p> <p>(ii) Although there is a provision for the English language PSD to be updated this is currently not done for translated versions. The Bank is assessing whether it is possible to provide updated versions of translated PSDs.</p>
4.6	<p>PSDs for Financial Intermediaries Projects</p> <p>(i) EBRD should disclose the list of subprojects financed through FIs in the PSDs and should expand on the environmental and social impacts of these projects.</p>	<p>Given the number of sub-projects for FI projects (489,000 outstanding in 2006 including those for microfinance), this would be not be feasible.</p>
4.7	<p>Routine Updating of Project Summary Documents</p> <p>EBRD should update PSDs for new information on implementing and changes in the project as soon as they occur. With active projects the EBRD should update the PSDs at a minimum annually.</p>	<p>There is a standing instruction to staff that PSDs should be updated when there have been material changes to a project. The Bank is looking into the process of the updating of PSDs.</p>
4.8	<p>Routine Disclosure of Factual and Technical Documents Related to Project Preparation</p> <p>Project based factual and technical documents should be available online and linked to the project PSD</p>	<p>Apart from the environmental information which is routinely released and can be extremely detailed, the Bank does not release project documentation of this nature.</p>
4.9	<p>Initial Discussion Papers</p> <p>Initial discussion papers should be made available in their full extent and at the time they are produced.</p>	<p>The Bank does not have such a category of documents.</p>
4.10	<p>Loan contracts</p> <p>The EBRD should disclose all documents related to the loan agreements between the EBRD and the project sponsor.</p>	<p>The release of such documents would violate client confidentiality.</p>

4.11	<p>Board Reports for Private Sector Projects 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 reports.</p>	The Bank does not release Board Reports on private sector projects.
4.12	<p>Project Implementation Reports The EBRD should disclose all project implementation reports, including Annual Environmental Reports, Periodic Environmental Audits and Exit Audits.</p>	The disclosure of environmental and social information belonging to the clients is covered in the Environmental and Social Policy.
4.13	<p>Environmental Action Plans The EBRD should systematically disclose Environmental Action Plans, particularly for Category A projects.</p>	This is a requirement of the Environmental and Social Policy.
4.14	<p>Monitoring Reports We advise the EBRD to follow the good example of the EIB and release at the minimum upon request the environmental information gathered by the Bank during the project monitoring. This includes:</p> <ul style="list-style-type: none"> • Monitoring Mission Reports; • Project Progress Reports; • Project Completion Reports; • Environmental studies, provided by a project promoter or their third party 	<p>With respect to the request to disclose; Monitoring Mission Reports, Project Progress Reports and Project Completion Reports; It is agreed that it is important for the Bank to inform the public of ongoing project development which it does through Project Summary Documents. The EBRD as a financial institution promoting the development of the private sector has a duty to respect the confidential information provided to the Bank by project sponsors and clients.</p> <p>Environmental and social information provided by the client is covered in the Environmental and Social Policy. Some information is released in full, and some in summary, depending on the category of the project.</p>

5. Accountability and Governance		
5.1	<p>Accountability and Governance The Anti-Corruption Report should include general information on allegations of fraud and corruption filed against EBRD staff or EBRD-financed operations, their current review status, key findings of investigation, and description of how the complaints were addressed.</p>	<p>The Anti-Corruption Report will include general information on investigations undertaken by the Bank in response to allegations of fraud and corruption received with respect to Bank staff or Bank-financed projects.</p>
5.2	<p>Project Evaluation Department Documents The documents produced by the Evaluation Department should be released in their entirety and without confidential exceptions.</p>	<p>The independent Evaluation Department (EvD) determines what is contained in the reports it releases to the public. EvD co-ordinates the process within the Bank which determines what material is commercially confidential or sensitive and therefore removed from such released reports. This is necessary to ensure that EvD is able to fulfil its important independent evaluation role in the Bank and provided “lessons learned” to the Bank. The Chief Evaluator has the final say in determining the text that will be published by EvD.</p>