

**PUBLIC INFORMATION POLICY:
REPORT ON IMPLEMENTATION 2005**

Public Information Policy: Report on Implementation 2005

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PUBLIC INFORMATION POLICY: REPORT ON IMPLEMENTATION 2005

Introduction

The EBRD's *Public Information Policy (BDS03-32 (Final))* commits the Bank's management to report to the Board of Directors on an annual basis on implementation of the *Public Information Policy*, with the findings to be made available on the Bank's Web site. The first report on implementation of the current policy was made in July 2004, one year after the policy came into effect. Since then there has been one more report. This implementation report covers the period 1 January to 31 December 2005.

In the interests of clarity and consistency the report addresses each PIP obligation and its implementation in the order in which these appear in the policy.

Implementation record

The Bank was compliant with most requirements of the Public Information Policy in the 12 months reporting period, as detailed below with two exceptions: (a) the official recorded posting periods of the Management Notes for the strategies for Uzbekistan, Latvia and Romania were marginally shorter than the normal 8 weeks although, in practice, the Invitations to Comment remained on the website for several weeks beyond the formal cut-off date as in the case of all strategy reviews; (b) the publication of the EIA for one state sector project, the Odessa High Voltage Grid Upgrade in Ukraine, was 7 days short of the required 120 days because of technical reasons.

1. Sectoral Policies

PIP requirements

According to the Policy all draft Sectoral Policies - following endorsement by the Executive Committee and a subsequent issues-oriented discussion at the Financial and Operations Policies Committee - are to be posted on the Bank's Web site for a period of 45 calendar days for public comment. Comments received are summarised and, together with and staff responses, distributed to Directors before discussion and final approval of the relevant policy. The approved Sectoral Policies are then posted on the Bank's Web site, together with the *Summary of Public Comments and Staff Responses*.

Implementation

In the period under review, the *Micro, Small and Medium-sized Enterprises Strategy* was posted on the Bank's Web site for 45 days and public comment invited.

At the time of the posting, the Outreach/NGO Relations Unit alerted NGOs in the Bank's database to the fact.

On 20 May 2005 the Bank posted the draft *Micro, Small and Medium-sized Enterprises Strategy* on its Web site and invited public comment to be provided not later than 4 July 2005. Comments were received from five individuals, two with specialist knowledge of the Micro and Small to Medium-sized Enterprises sector.

The comments from the two sector-specialist correspondents were constructive and generally supported the focus and strategic orientation of the strategy paper. A number of specific suggestions were made. The team, in summarising the comments in the Addendum “Public Comments and Staff Responses”, acknowledged the helpful and supportive nature of the input. Following Board approval of the strategy, the Report on the comments received during the 45 days website posting and the staff responses were posted, along with the approved strategy, on the Bank’s website.

2. Country Strategies

2.1 Inviting public input to the preparation of Country Strategies

PIP requirements

Comments are invited from the public as input into the preparation of each new Country Strategy based on the existing Country Strategy (already available on the Web site) and an accompanying Invitation to Comment (or Management Note) outlining the main areas to be focused upon in the review. Comment is to be provided by a specified date, normally 8 weeks after the posting on the Web site of the Invitation to Comment. An Addendum, summarising the public comments received and the relevant team’s responses, is provided to the Executive Committee, ahead of its discussion, as well as to Directors ahead of consideration at the relevant Country Strategy Workshop. The Addendum is posted on the Web site following Board approval of the Strategy.

As part of the review process a schedule of impending Strategy reviews is posted on the Web site.

Implementation

In order to collate public comments a dedicated e-mail address was set up at the Bank for each Strategy under review, with access given to the Banking team, the relevant staff in the Office of the Chief Economist and the Office of the Secretary General.

In the two years, 2004 and 2005, the Bank had issued 33 invitations to comment. In the review period to 31 December 2005, 12 Country Strategies were reviewed: Croatia; Bosnia & Herzegovina; Ukraine; Azerbaijan; Moldova; Uzbekistan; Tajikistan; Czech Republic; Bulgaria; Latvia, Hungary and Romania. Invitations to Comment were posted for each review immediately following the Executive Committee’s consideration of the respective Strategy outlines.

The official recorded posting periods of the Management Notes for the strategies for Uzbekistan, Latvia and Romania were marginally shorter than the normal 8 weeks although, in practice, the Invitations to Comment remained on the website for several weeks beyond the formal cut-off date as in the case of all strategy reviews. At the time of the posting, the Outreach/NGO Relations Unit alerted NGOs in the relevant country as well as all other NGOs in the Bank’s database to the fact.

Table 1: Web site posting of Invitation to comment on Country Strategy review (Management Note)

Country	Date Posted	Posting ended	Comments received
Croatia	16.10.04	01.12.04	One comment received
Bosnia&Herzegovina	04.01.05	31.03.05	Two comments received : one from Helsinki Committee for Human Rights in B&H and second from a consultant
Ukraine	31.01.05	25.04.05	Once comment received : Human Rights watch
Azerbaijan	04.02.05	01.04.05	Four comments received : Human Rights Watch ; Oil Workers' Rights Protection Committee ; Centre for Civic Initiatives ; BIC and CEE Bankwatch Network
Moldova	15.04.05	15.06.05	none
Uzbekistan	22.04.05	10.06.05	Eight comments received : private citizen ; two consultants ; Environmental Justice Foundation ; May 13 Campaign ; Human Rights Watch; Open Society Institute ; International Secretariat for Water
Tajikistan	20.05.05	15.07.05	Two comments received : Stucky Limited ; private individual
Czech Republic	05.07.05	01.09.05	none
Bulgaria	06.07.05	08.09.05	Three comments received: two from individual members of the public and one from CEE Bankwatch
Latvia	14.07.05	09.09.05	none
Hungary	01.08.05	26.09.05	One comment received :CEE Bankwatch Hungary
Romania	22.09.05	11.11.05	One comment received : TERRA Mileniul III

2.2 Final Country Strategies

PIP requirements

Final Country Strategies are to be posted on the Web site after approval by the Board of Directors.

Implementation

In the period under Review the 12 Board-approved Country Strategies were posted on the Web site (see Table 2). In line with the policy, a timetable for the Strategy reviews in 2004 was also posted on the Web site at the beginning of the year and updated as appropriate.

At the time of the posting of the approved Strategies, the Outreach/NGO Relations Unit alerted NGOs in the relevant country as well as all other NGOs in the Bank's database to the fact.

Table 2: Approved Country Strategies posted on the Web site

Country	Date approved	Posted on web
Croatia	03.03.05	17.03.05
Bosnia&Herzegovina	03.05.05	09.05.05
Ukraine	16.05.05	19.05.05
Azerbaijan	16.05.05	19.05.05
Moldova	25.07.05	10.08.05
Uzbekistan	25.07.05	29.07.05
Czech Republic	03.10.05	12.10.05
Hungary	14.11.05	21.11.05
Latvia	14.11.05	02.12.05
Tajikistan	14.11.05	21.11.05
Bulgaria	12.12.05	08.02.06
Romania	12.12.05	22.02.06

3. Translation of Country Strategies

PIP requirements

The Bank will translate each approved Country Strategy into the relevant official national language as prescribed in the relevant laws. The responsibility for the translation, other than in Russian, rests with the local Resident Office, which selects competent translators. Russian language translation is organised by the Language Services Unit at London Headquarters.

Implementation

The Bank's official working languages are English, French, German and Russian, and there is no in-house professional translation expertise in most of the relevant official national languages of its countries of operations. Given the sensitive and technical nature of aspects of EBRD Country Strategies, translation into official national languages proved to be a learning experience for all concerned.

In the majority of cases, Resident Offices have received favourable comment on having provided a version of the Strategy in the relevant official national language.

In this reporting period the 9 Strategies listed in Table 3 below were translated into relevant official national languages, with three more still in the process of being translated.

At the time of the posting of the translated Strategies, the Outreach/NGO Relations Unit alerted NGOs in the relevant country as well as all other NGOs in the Bank's database to the fact.

Table 3. Translated Country Strategies posted on the Web site

Country	Date Strategy approved	Date of Web posting of translated Strategy
Bosnia&Herzegovina	03.03.05	08.06.05
Ukraine	16.05.05	27.06.05
Moldova	25.07.05	06.08.05
Uzbekistan	26.07.05	31.08.05
Czech Republic	03.10.05	06.01.06
Hungary	14.11.05	16.01.06
Bulgaria*	12.12.05	15.03.06
Croatia	03.03.05	15.03.06
Romania*	12.12.05	15.03.06
Tajikistan**	14.11.05	
Latvia**	14.11.05	
Azerbaijan**	16.05.05	

* Translations commissioned in 2005 but not completed until 2006.

**Commissioned translations still in pipeline.

Dissemination of the translated Strategies

The Outreach/NGO Relations Unit notified the NGO Community of the Web posting of each translated Country Strategy. At the same time, where practicable, Resident Offices sought to promote a wide local readership of the translated Strategy, either through e-mailing targeted audiences, providing links to the Bank's website, or making hard copies available to interested parties.

4. Translation of the PIP, the IRM and Environmental Policy

PIP requirements

The Bank - on a progressive basis – is to translate into the relevant official national languages the three documents which prescribe the framework for its interaction with the public: the *Public Information Policy*, the *Independent Recourse Mechanism*, and the *Environmental Policy*.

Implementation

Following Board approval, the *Public Information Policy*, *Environmental Policy* and *Independent Recourse Mechanism* were first translated into Russian. During the course of 2004, the *Public Information Policy* and *Environmental Policy* were translated into Romanian, Polish, Czech and Slovak. There was a delay in starting the full translation process for the *Independent Recourse Mechanism* since the *IRM Rules of Procedure and Guidelines*, which are fundamental to the mechanism, were not activated until 1 July 2004.

In 2005, the Bank continued translating the three documents into relevant official local languages. which will be rolled out over a number of years. In addition to English, the documents are currently available in the following languages:

Table 4: Translation of EP, PIP and IRM

Language	Translation posted on Web	Translation at quality control stage
Bosnian	EP, PIP	IRM
Croatian	EP, PIP	IRM
Czech	EP, PIP	IRM
Estonian	EP	PIP, IRM
Hungarian		EP, PIP
Lithuanian	EP, PIP	IRM
Polish	EP, PIP	IRM
Romanian	EP, PIP	
Russian	EP, PIP, IRM	
Serbian	EP, PIP	IRM
Slovak	EP, PIP, IRM	
Slovenian	EP, PIP	IRM

Translation of the three documents has proved to be a difficult and demanding exercise, especially given the length and complexity of the documents and the need for complete accuracy and quality control. The Bank has found that, while there is a demand for local language versions of the EP and to a lesser extent the IRM, there has not been a demand for local language versions of the PIP. Nonetheless, the Bank believes that translation of the key elements of the PIP is a practical measure which, if requested, the Bank should endeavour to provide as it explains to people in their own language how they can interact with the Bank. In such instances the Bank will translate the core text as shown in the relevant box of the PIP document.

Although it was the original intention of the Bank to translate the EP, IRM and PIP as a package, the different terminologies of the three documents have proved problematic in treating them as translation packages. In order to ensure a more efficient approach to their individual translations in the future, each will be treated separately and will be addressed within their own annual review processes.

At the time of the posting of the translated documents, the Outreach/NGO Relations Unit alerted NGOs in the relevant country as well as all other NGOs in the Bank's database to the fact.

5. Project Summary Documents

PIP requirements

A Project Summary Document (PSD) is prepared for each project for posting on the Bank's Web site. PSDs for private sector projects are to be released at least 30 days prior to consideration of the project by the Board of Directors, unless the Bank's client or a co-financing institution provide a sound reason for delaying the Web site posting, based on the need for confidentiality or other reasons as prescribed in the Policy. PSDs for public sector projects are to be released by the Bank's management and at least 60 days before Board discussion.

Examples of PSDs that may not be subject to normal release rules include:

- capital markets transactions (e.g. an IPO or listed company or bond issue) where the security laws or Stock Exchange regulations or other bodies inside or outside the Bank's countries of operations restrict, limit or prohibit distribution of information contained in a PSD;
- legitimate sponsor or client concerns about confidentiality; or
- concern about the likelihood of substantial changes or rejection at Final Review which might then seriously embarrass the sponsor and prejudice their ability to raise alternative funding.

The *Public Information Policy* states that derogations can be authorised by management and that the Board of Directors will be notified. Appropriately authorised derogations are deemed to be in conformity with the *Public Information Policy*. Each relevant department is responsible for ensuring accountability in this respect.

Implementation

In the period under review, 181 projects (144 private sector and 37 public sector) were prepared for Board consideration. All private sector and public sector projects were compliant with the Policy during the 12 month period.

Of the 144 private sector PSDs, there were 2 derogations to the 30 days release timeframe, all of which were authorised within the terms of the Policy: these derogations were due to sponsor/client request for confidentiality. There were no derogations sought in respect of public sector PSDs.

Table 5: PSDs published 1 January 2005 - 31 December 2005

A: PRIVATE SECTOR PROJECT	Number
• Compliant with policy	142
• Derogations in accordance with PIP	(2)
<i>Because of:</i>	
Changes expected at Final Review	
Sponsor confidentiality (2)	
• Non-compliant with PIP	0
Total private sector projects	144
B: PUBLIC SECTOR PROJECTS	
• Compliant with policy	37
• Derogations in accordance with PIP	(0)
• Non-compliant with PIP	0
Total public sector projects	37

6. Environmental Impact Assessments

PIP requirements

Environmental Impact Assessments (EIAs) must be submitted to the Bank as part of due diligence for all “Category A” operations. The release period must conform to national legislation and the Bank’s requirements, which are:

- for public sector projects: a minimum of 120 days before Board consideration; and
- for private sector projects: a minimum of 60 days before Board consideration.

The project sponsor must make the EIA publicly available for comment in a location/s near the project site, in the relevant EBRD Resident Office, and in the Bank’s Business Information Centre (BIC). Project sponsors are required to translate into the relevant official national language the whole EIA and are encouraged to release the EIA on their own Web site.

Implementation

During the review period, a total of 11 “Category A” projects initiated disclosure or went to the Board in 2005. All 11 had full EIA documentation available in the relevant official national language. Nine of the 11 projects had full documentation available on a website in local language, at least during the active consultation period. Two projects did not have website disclosure :

- M6 Motorway affected small villages and farmland, whose interested parties had limited internet access. The EIA was put in village halls for their convenience.
- Belgrade-Novı Sad Motorway Project - client did not have a project website in 2004. The client has now developed a website and is currently being requested to post the EIA for the construction period.

All 11 had Executive Summaries available on the EBRD’s website and linked to the client’s website, where available. Eight of these projects progressed to the Board during 2005. Seven of the eight projects which proceeded to the Board complied with the number of days required to be in the public domain prior to the Board.

One project, Belchatow II, was delayed several days in posting to the EBRD website. Following verification that the Environmental Impact Assessment was in the public domain, the project team submitted the Executive Summary to the Board of Directors for their information on 2 August 2005, which is 120 days prior to the Board of Directors’ meeting on the project, and therefore conforms to the Environmental Policy Requirements.

One state sector project, Odessa High Voltage Grid Upgrade, did not comply with the 120 requirement. The sponsor of the Odessa High Voltage Grid Upgrade project released the draft environmental impact assessment (EIA) documentation to the local public in Ukraine and on the company's website on 29 July 2005. Public meetings on the draft EIA were held in September 2005 in the four districts affected by the transmission line. The electronic version of the Executive Summary was not circulated until 9 August, and was not posted on the Bank's website until 17 August. The Board, therefore had the Executive Summary for 113 days, and the EBRD website posted the notification 105 days prior to the Board meeting, instead of the 120 days required under the Environmental Policy. The Board of Directors was notified of the timing discrepancy; and were reassured that the public consultation in the region had been fully compliant with the Policy.

Relevant local and international NGOs (listed on the Bank's database) were also advised of the newly published EIAs to enable them to comment.

**Table 6: EIA released for public comment in EBRD Resident Offices and BIC
(1 January 2005-31 December 2005)**

**Number of days EIAs were available prior to Board Availability of EIA in relevant
official national language
Electronic availability**

Country	Project Name	Sector	Date EIA in BIC/RO	Date of Board	Days available (before Board)	Language of available EIA in region	Electronic Availability /Language
Albania	Fier-Tepelene Road Rehabilitation	State	2 July 2004	17 May 2005	320 days	Albanian	Website in Albanian, English.
Bulgaria	Maritza East 1 Power Co.	Private	31 March 2005	26 July 2005	118 days	Bulgarian	Website in Bulgarian, English during active consultation period.
Hungary	M6 Motorway	Private	4 March 2005	17 May 2005	74 days	Hungarian	Hardcopy only—Hungarian, English.
Poland	Belchatow II	State	5 August 2005 (Board received 2 August)	29 Nov. 2005	117 days posted on website (120 days Board review)	Polish	Website in Polish, English.
Romania	Constanta Bypass	State	1 July 2005	15 Nov. 2005	138 days	Romanian	Website in Romanian, English.
Russia	Sakhalin II Phase 2	Private	20 Dec. 2005	Not yet scheduled	N/A	Russian, parts in Japanese	Website in Russian, English; some info in Japanese.
Russia	Berezitovy Gold Project	Private	19 Dec. 2005	Not yet scheduled	N/A	Russian	Website in Russian.
Russia	Trans Siberian Gold	Private	1 July 2005	Not yet scheduled	N/A	Russian	Website in Russian, English.
Serbia and Montenegro	Sava River Crossing	State	19 July 2005	29 Nov. 2005	134 days	Serbian	Website in Serbian, English.
Serbia and Montenegro	Belgrade-Novigrad Motorway Project	State	20 Feb. 2004	19 April 2005	424 days	Serbian	Hardcopy only—Serbian.
Ukraine	Odessa High Voltage Grid Upgrade	State	17 August 2005 (Board received 9 August)	29 Nov. 2005	105 days posted on website; (113 days Board review)	Ukrainian	Website in Ukrainian.

7. Publication of other documents

7.1 Public Sector Project Board Reports

PIP requirements

Once a public sector project has been approved by the Board of Directors, the Board report can be made available to the public on request. Any text or information in the Board report that falls within the definition of confidentiality set out in Box 2 of the PIP is to be removed.

Implementation

There were no requests for the release of public sector Board reports during the period under review.

7.2 Evaluation Documents

PIP requirements

The Bank is to release and post on the Web site, subject to clearance in respect of commercial confidentiality, certain evaluation reports prepared by the Evaluation Department (EvD). The following documents are to be disclosed: summaries of *Operational Performance Evaluation Review (OPER)*; *Evaluation Special Studies*, on themes such as sectors and programmes; *OPER reports on TC operations*; the *Work Programme of EvD*; and the *Annual Evaluation Overview Report (AEOR)*.

Implementation

The following EvD documents have been posted on the Bank's Web site:

OPER Summaries

- Istil (2003)
- Vseobecna Uverova Banka Pre-privatisation Equity (2003)
- EU/EBRD SME Facility
- Georgia SME Credit Line
- OTP Equity Investment
- Sofiyska Voda (Sofia Water)
- Budapest Waste Water Services Privatisation
- Hotel Kyrgyzstan
- Syrdarinskaya Power Plant Rehab (1)
- MobiFon
- Eesti Uhiispank (1)
- Kazakhtelecom
- Pulkova
- Huhtamaki
- Balkan Gastransit
- Kosovo Reconstruction Equity Fund
- Mosenergo
- VIP Net
- Alkaloid AD (Macedonia)
- Dalkia ESCO MPF II
- Europejski Fundusz Leasingowy SA (Poland)

- RAO UES Restructuring Loan
- Tallinn Water
- Russian Railways Modernisation
- Turan Alem Towers
- St Petersburg Water
- Ukraine International Airlines
- Astral Telecom, Romania
- Kazakhstan Small Business Programme

Special studies

- Russian Agricultural Commodity Programme
- Russia Small Business Fund
- TAM Special Study
- Extractive Industries
- Grain Receipts Programme
- Power Sector Review

Miscellaneous

- AEOR 2004
- Evaluation Policy 2004
- Slovak Country Strategy Evaluation
- Work Programme 2004
- Croatia Country Strategy Evaluation
- AEOR 2005

All of the Web postings followed internal circulation and, where appropriate, consideration by the appropriate Board Committee.

7.3 Posting on Web site of schedule of forthcoming Board discussions

PIP requirements

The Bank is to collate in a dedicated Web site location the programme for Board discussions of forthcoming Country Strategies and Sector Policies, with a link to the Web site location of Project Summary Documents which specify the envisaged Board date for project approval. The schedule is to be updated on a monthly basis.

Implementation

The programme of Board discussions was updated on the Bank's Web site throughout 2005 on a monthly basis.

7.4 Medium-term strategy documents

PIP requirements

Summaries of the Bank's medium and long term strategies are to be made available on the Bank's Web site after Board approval of the main document.

Implementation

Summaries of the *2006 Budget, Strategic Portfolio Review, Transition Report* and *Transition Impact Retrospective* were posted on the Bank's website.

8. NGO Relations

Through its Outreach/NGO Relations Unit, the EBRD further developed its channels of communication with non-governmental organisations and increased the involvement of the Resident Offices.

Meetings were held with local NGOs and think tank organisations during the Board Consultation Visits to Armenia, Georgia, Kazakhstan, Tajikistan, Russian Far East and Ukraine. In addition, at the request of NGOs, meetings were held at the Bank's headquarters and in the region to discuss specific projects.

As part of the 2005 Annual Meeting in Belgrade, the Bank organised a comprehensive NGO programme. As in previous years, the programme consisted of discussions across the spectrum of the Bank's operations: the political dimension, energy issues, implementation of the Environmental Policy and the Public Information Policy, the evaluation function, and infrastructure issues (transport, waste and water management). In addition, the Bank held discussions with business organisations and chambers of commerce – including a separate meeting about SME finance and the TAM and BAS programmes. There were also meetings with the Board Directors and a final overview meeting with the President.

The Outreach/NGO Relations Unit informed NGOs about the consultation process for the development of the revised Energy Operations Policy. The unit organised well-attended public consultation meetings related to the Bank's energy policy review in the first part of 2005, in London, Moscow and Sofia.

Throughout the year, the Unit continued to inform NGOs and the Board of Directors about developments on the Sakhalin project, including meetings to hear the views of NGOs on the project and its impact.

The Unit alerted NGOs to Invitations to Comment on Country Strategy reviews and of the publication of approved and, subsequently translated, Strategies. At project level, the Outreach/NGO Relations Unit systematically informed the relevant NGOs about the release of Environmental Impact Assessments for A level projects. The Unit coordinated with various teams across the Bank in order to respond to NGO queries.

During the year, a new area was developed on the NGO web page to provide advice to NGOs and other interested stakeholders on how to engage in a dialogue with the EBRD.

In order to increase the flow of information to the NGO community, the Unit launched and published a quarterly NGO Newsletter in English and Russian. This is a tool providing information relevant to NGOs on how the Bank operates. It describes the activity of various Bank teams as well as highlights the meetings organised at the request of NGOs throughout the year.