

# Public Information Policy





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## A. Mandate of the Bank

The EBRD is guided first and foremost by its mandate as set out in the Agreement Establishing the European Bank for Reconstruction and Development. As stated in Article 1 of the Agreement “...the purpose of the Bank shall be to foster the transition towards market-oriented economies and to promote private and entrepreneurial initiative... in countries committed to and applying the principles of multiparty democracy, pluralism and market economies”. The Bank believes that transparency and accountability are fundamental to fulfilling its mandate and to strengthening public trust in the EBRD.

## B. Purpose of the Public Information Policy (PIP)

The EBRD is committed to enhancing transparency and accountability and fostering good governance in all its activities, so as to promote economically and environmentally sustainable transition in its countries of operations, with emphasis on the private sector.

The PIP sets out how the EBRD discloses information and consults with its stakeholders so as to promote better awareness and understanding of its strategies, policies and operations. At the same time, the PIP establishes clear lines of demarcation to distinguish information which is made publicly available (either on a routine basis or upon request) from information which may not be disclosed on the grounds of being confidential. This is to ensure that mutual trust is maintained between the Bank, its business clients and other partners.

## C. Basic principles

The Policy is founded on the following principles:

**1. Transparency.** *The EBRD is guided by the underlying presumption that, whenever possible, information concerning the Bank’s operational and institutional activities will be made available to the public in the absence of a compelling reason for confidentiality.*

Openness helps to promote the Bank’s impact on transition in its countries of operations. In order to support the principle of transparency, the Bank seeks to provide accurate and timely information regarding its operational activities. Furthermore, by providing information to economic decision-makers the Bank also helps to improve the stability and efficiency of markets, and promotes adherence to internationally-recognised standards.

**2. Accountability and governance.** *The EBRD is committed to reinforcing its accountability to shareholders, and to ensuring high standards of corporate governance.*

As an international financial institution, entrusted with public monies to promote transition in its countries of operations, the Bank is accountable to its shareholders who remain at the heart of policy design and strategic decision-making.

The Bank has a number of mechanisms to enhance accountability and governance. The Office of the Chief Compliance Officer (OCCO) is responsible for: investigating allegations of fraud and corruption both internal as well as external to the Bank; identifying and handling of reputational risks to the Bank; and ensuring that the Bank operates to the highest ethical standards. The Bank’s Independent Recourse Mechanism (IRM) allows members of the public, in certain circumstances, to file complaints with the Bank with respect to Bank financed projects. The Evaluation Department (EvD) provides independent evaluations of the implementation

of projects undertaken by the Bank and its sectoral and operational strategies, with sole accountability to the Board of Directors.

### **3. Willing to listen and receptive to comment.**

*Through its commitment to open communication, the Bank demonstrates its willingness to listen to third parties so as to benefit from their contributions to its work in fulfilling its mandate.*

The Policy seeks to broaden and deepen the Bank's relationship with all stakeholders, taking into account the different nature and significance of specific interests and pursuits. The interaction with external stakeholders, given their diverse interests, their large number and their global spread, will be flexible.

**4. Safeguarding the business approach to implementing the mandate.** *A business-sensitive partnership with sponsors and contractual counterparties is necessary to allay concerns about client confidentiality which could affect their willingness to work with the Bank.*

As a financial institution, with the majority of its operations in the private sector, the Bank must maintain the confidence and trust of its clients and co-financiers. A business-sensitive approach is necessary to allay concerns about the treatment of confidential information which, otherwise, could affect these partners' willingness to work with the Bank. The Bank's approach in this regard is governed by the clarifications regarding confidential information (Section E).

## **D. Categories of information for disclosure**

The Policy recognises four distinct categories of information:

1. Institutional information
2. Information on strategies and policies
3. Project-related information
4. Accountability and governance-related information.

## **1. Institutional information**

### **1.1 Schedule of forthcoming Board discussions.**

The Bank will post in a dedicated web site location the schedule for Board discussions of forthcoming country strategies, sector strategies and projects. The projects scheduled for discussion will have a link to the Project Summary Documents (PSDs) already posted on the web. The schedule will be updated on a monthly basis. It should be noted that the precise scheduling of individual items can change.

**1.2 List of forthcoming strategy and policy reviews and updates.** The Bank will post on its web site a list of impending reviews in order to give adequate advance warning of the posting of draft reviews and updates.

**1.3 Board minutes.** The Bank will release minutes of meetings of the Board of Directors which will contain the following: (i) the names of attendees; (ii) a record of the approval of the minutes of the previous meeting; (iii) titles of the agenda items; and (iv) agreements and decisions reached.

**1.4 Board committees.** The Terms of Reference and membership of the committees of the Board of Directors will be posted on the web site.

**1.5 Organigram of the Bank.** The Bank will post on its web site an organigram of the EBRD identifying the various departments and component parts of the institution.

**1.6 Salaries of Senior Management and Directors.** The Bank will disclose the salaries of the Presidents, Vice Presidents, Directors and Alternate Directors and the range of salaries for senior management in the Bank's annual *Financial Statements*.

**1.7 Administrative Tribunal.** The Bank will post on its web site details of the Bank's Administrative Tribunal as well as copies of its decisions.

## 2. Information on strategies and policies

### 2.1 Country strategies

The Bank develops country strategies for its activities in each country of operations. The object of the country strategies is to provide guidance and a set of parameters for banking operations in the relevant country. As appropriate, environmental and social information is included in summary format in such strategies.

**2.1.1 Draft country strategies.** The Bank will invite the public to provide input to the preparation of country strategies on the basis of a draft country strategy document.

The draft country strategy will be publicly released and posted on the Bank's web site, following a process which includes consultation with the country concerned. The draft country strategy will be posted for a period of 45 calendar days, during which time the public is invited to send comments to the Bank.

A summary of public comments received will be made available to the Board of Directors in a *Report on the Invitation to Comment* before final approval by the Board of the Country Strategy.

**2.1.2 Final country strategies.** After the country strategy has been approved, the *Report on the Invitation to Comment*, containing the summary of public comments received and staff responses will be publicly released and posted on the Bank's web site. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received.

**2.1.3 Translation of approved country strategies.** The Bank will translate each approved Country Strategy into the relevant official national language as prescribed by the relevant national laws. In those countries 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 will be provided only in such working language. Translated country strategies will not be considered official Bank documents as they are prepared only for the convenience of local communities and other interested parties. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations. The translated country strategies will be made available in the relevant Resident Office and posted on the Bank's web site.

The translation of the country strategies into the relevant national language is not intended, and should not be seen, in any way to modify, alter or impact upon the Bank's practice of working in the following four languages: English, French, German and Russian.

### 2.2 Sectoral strategies

The Bank develops sectoral strategies for its operations in the key business sectors in which it promotes transition. The object of the sectoral strategies is to provide guidance and a set of parameters for banking operations in the relevant sectors. As appropriate, environmental and social information is included in summary format in such strategies.

**2.2.1 Draft sectoral strategies.** The Bank will invite the public to provide input to the preparation of sectoral strategies on the basis of a draft sectoral strategy document.

The draft sectoral strategy will be publicly released and posted on the Bank's web site for a period of 45 calendar days, during which time the public is invited to send comments to the Bank.

A summary of public comments received and staff responses, will be made available to the Board of Directors in a *Report on the Invitation*

to *Comment* before final approval by the Board of the sectoral strategy.

**2.2.2 Final sectoral strategies.** After the sectoral strategy has been approved, the *Report on the Invitation to Comment*, containing the summary of public comments received and staff responses, will be publicly released and posted on the Bank's web site. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received.

The following sectoral strategies currently provide guidance for the Bank's operations in the relevant sectors:

- Telecommunications, informatics and media
- Transport
- Property operations
- Municipal and environmental infrastructure
- Energy operations
- Shipping operations
- Financial sector operations
- Agribusiness operations
- Micro, small and medium-sized enterprises.

When additional sectoral strategies are developed the same treatment will apply for their release to the public.

### **2.3 Policies and procedures subject to public review**

**2.3.1** The PIP, Environmental and Social Policy, Procurement Policies and Rules and the IRM are subject to periodic review. Draft texts will be posted on the Bank's web site for 45 calendar days of public comment. A summary of public comments received and staff responses will be made available to the Board of Directors in a *Report on the Invitation to Comment* before final approval by the Board.

**2.3.2** Following approval by the Board of Directors, the *Report on the Invitation to Comment*, containing the summary of public comments received and staff responses will be publicly released and posted on the Bank's web site. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received.

**2.3.3** The above consultation procedure does not apply to any other of the Bank's other policies.

**2.3.4 Translation of the PIP.** The Bank will, on request, translate the Policy into the relevant official national language of the given country of operations. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations. The translated text will be publicly released and posted on the Bank's web site.

**2.3.5 Translation of the Environmental and Social Policy.** A Russian translation of the Policy and the performance requirements will be publicly released and posted on the Bank's web site. Other documents supporting the Policy, such as guidance notes and procedures, will be made available in English and Russian.

The Bank will also endeavour to provide translations of the Policy and the performance requirements into relevant official national languages in the region on a progressive basis over a number of years. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations.

## 2.4 Disclosure of other strategies and institutional reviews

2.4.1 The Bank's operations are guided by such documents as the five-yearly Capital Resources Review, the annual Medium Term Strategy Update, the annual Strategic Portfolio Review, and the annual Business Plan & Budget. Summaries of these documents will be made available on the Bank's web site after Board approval of the main document. In addition, a summary of approved annual staff compensation and benefits adjustments will be included as part of the summary of the annual Business Plan & Budget to be made available on the Bank's web site at: [www.ebrd.com/about/strategy/general/budget.htm](http://www.ebrd.com/about/strategy/general/budget.htm).

## 3. Project-related information

The Bank will inform the public of project development through PSDs. At the same time, project sponsors and clients entrust confidential information to the Bank, which the Bank, as a financial institution promoting the development of the private sector, has an obligation to respect.

### 3.1 Project Summary Documents (PSDs)

3.1.1 A PSD will be prepared for each private and public sector project. PSDs provide a factual summary of the main elements of a given project and potential investment which includes the following information: (i) the identity of the project company; (ii) total project cost (where applicable); (iii) the project location; (iv) a brief description of the project and its objective; (v) the amount and nature of the EBRD's investment; (vi) the target date for a decision on the project by the Board of Directors; (vii) the anticipated transition impact; (viii) a summary of environmental and social issues; (ix) if applicable, details of project-related technical co-operation funding and grant financing; and

(x) guidance on how and where information about the project can be obtained, including contact points for the project sponsor and the EBRD Operation Leader.

3.1.2 For private sector projects, the PSD will be released at least 30 days prior to consideration of the project by the Board of Directors, unless the Bank's client or co-financing institution provides sound reasons for not releasing the document.

3.1.3 For public sector projects, the PSD will be released as soon as possible after the project has passed its Concept Review by the Bank's management (typically four to five months before Board consideration), and at least 60 days before Board discussion.

3.1.4 PSDs are posted in three categories (date/country/sector) on the Bank's web site at: [www.ebrd.com/projects/psd/](http://www.ebrd.com/projects/psd/).

3.1.5 Derogations to the timely release of PSDs may be granted in certain circumstances, for example:

- capital market transactions (e.g. IPO, listed company or bond issue) where security laws, Stock Exchange regulations or other bodies restrict or prohibit distribution of information as per the PSD
- legitimate sponsor concerns about confidentiality (as per Section E)
- likelihood of substantial changes in project design at Final Review.

3.1.6 PSDs will be updated, if material changes as approved by the Board, are made to the project following the release of the original PSD. Information considered confidential, as set out in Section E of the Policy, will be excluded from the PSD.

3.1.7 In order to make information available about the Bank's operations in a given country, PSDs will, as soon as practicable after the posting of the English version, be translated into relevant official national languages and publicly released and posted on the Bank's web site. Translated PSDs will also be made available in the relevant Resident Offices. While the Bank cannot guarantee the accuracy of such translation, other than in English and Russian, every effort will be made to provide reliable translations.

### 3.2 Public sector projects

Board reports for public sector projects will be made available to the public on request, once the project has been approved by the Board of Directors. Information considered confidential, as set out in Section E of the Policy, will be removed from the released documents.

### 3.3 Cancelled, rejected or inactive projects

PSDs will be removed from the web site as soon as the associated project is cancelled, rejected or if inactive for a year. However, where a PSD is for a "Category A" project, with an associated Environmental and Social Impact Assessment, the PSD will be removed six months after the date on which it would otherwise have been removed. The Bank, however, may at its discretion, leave such PSDs on the web site for a longer period.

### 3.4 Environmental and social information relating to projects

The EBRD releases a significant amount of information on the environmental and social issues associated with its projects. The Bank may, at its discretion, disclose other environmental and social reports and studies that it commissions from time to time, for public comment or for information, on its web site.

3.4.1 The Bank will make available Environmental and Social Impact Assessments on "Category A" projects in its Business Information Centre in London and in the relevant EBRD Resident Office at least 60 days prior to consideration of the project by the Board of Directors for private sector projects and 120 days prior to Board consideration for public sector projects. Notification of the documents' availability will be posted on the EBRD web site.

3.4.2 Environmental and social issues, including the categorisation of the project and planned mitigation measures will be summarised in PSDs.

3.4.3 The disclosure of project information is the responsibility of clients. The EBRD requirements for disclosure of project information by the client are contained in the EBRD Environmental and Social Policy.

## 4. Accountability and governance-related information

In order to strengthen the Bank's corporate governance, the following information will be disclosed and posted on the Bank's web site.

### 4.1 Compliance documentation

4.1.1 **List of ineligible entities.** A list of entities, which the Bank has determined to have engaged in prohibited practices (including corrupt or fraudulent practices) and consequently are ineligible for Bank financing and/or Bank financed contracts, will be publicly released and posted on the Bank's web site at: [www.ebrd.com/oppo/procure/guide/fraud.htm](http://www.ebrd.com/oppo/procure/guide/fraud.htm).

4.1.2 **Anti-Corruption Reports.** The Reports will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/integrity/anticrpt.htm](http://www.ebrd.com/about/integrity/anticrpt.htm).

#### 4.1.3 Independent Recourse Mechanism (IRM).

The following documents will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/integrity/](http://www.ebrd.com/about/integrity/).

- the Rules of Procedure of the IRM
- IRM Annual Reports
- IRM Eligibility Assessment Reports, once approved
- Compliance Review Reports and Problem-solving Completion Reports, subject to the provisions of the IRM
- a roster with information on IRM experts.

#### 4.2 Evaluation documentation

4.2.1 Subject to clearance in respect of commercial confidentiality (a process steered by EvD), certain evaluation reports prepared by EvD will be publicly released and posted on the Bank's web site at: [www.ebrd.com/projects/eval/showcase/](http://www.ebrd.com/projects/eval/showcase/).

The following documents will be disclosed:

- summaries of Operational Performance Evaluation Review (OPER) on investment operations
- Evaluation Special Studies, on themes such as sectors and programmes
- OPER reports on TC operations
- the Final Work Programme of EvD and the Work Programme Completion Report
- the Annual Evaluation Overview Report (AEOR)
- the Evaluation Policy.

4.2.2 In respect of OPER reports on investment operations, where project particulars in high profile projects cannot be easily disguised in order to preserve confidentiality, an exception will be made and a summary of the report will not be disclosed.

4.2.3 Prior to the disclosure of any evaluation report EvD will consult the respective staff in the Banking Department and the Office of the General Counsel (OGC) to screen reports in order to secure necessary commercial confidentiality.

4.2.4 The comments from management in respect of any of the foregoing documents (summaries and reports etc.) are publicly released and posted in full on the Bank's web site at the same time as the document to which they relate. The document is also edited in order to avoid identification of client companies and to preserve commercial confidentiality.

4.2.5 Although the Board of Directors is kept informed about the findings of EvD reports and discusses details in the Audit Committee, it is the responsibility of the EvD to determine what is contained in the reports it releases to the public. This is necessary to ensure that EvD is able to fulfil its important independent evaluation role in the Bank and provide lessons learned.

#### 4.3 Other documentation

4.3.1 **Annual Sustainability Report.** An annual Report on the implementation of the Environmental and Social Policy, will be publicly released and posted, in English and Russian, on the Bank's web site at: [www.ebrd.com/pubs/general/series/sustain.htm](http://www.ebrd.com/pubs/general/series/sustain.htm).

In addition, summaries of the meeting of the Bank's Environmental and Social Advisory Council will be publicly released and posted on the Bank's web site in English, following the approval of the summary by the Council.

4.3.2 **Annual Procurement Review.** An annual review, subject to the removal of confidential material, will be publicly released and posted on the Bank's web site at: [www.ebrd.com/oppor/procure/awards](http://www.ebrd.com/oppor/procure/awards).

#### 4.3.3 Annual report on Engagement of

**Consultants by EBRD.** An annual report, subject to the removal of confidential material, will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/policies/procure/](http://www.ebrd.com/about/policies/procure/).

**4.3.4 Annual Purchasing Review.** An annual review, subject to the removal of confidential material, will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/policies/procure/](http://www.ebrd.com/about/policies/procure/).

**4.3.5 Public Information Policy: reports on implementation.** The Secretary General will report to the Board on implementation of the Policy on an annual (calendar year) basis and such reports, in English and Russian, will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/policies/pip/report.htm](http://www.ebrd.com/about/policies/pip/report.htm).

**4.3.6 Annual Financial Report.** The annual *Financial Statements*, which forms part of the Bank's *Annual Report*, will be publicly released and posted on the Bank's web site, in conjunction with the *Annual Review* at: [www.ebrd.com/pubs/general/ar07.htm](http://www.ebrd.com/pubs/general/ar07.htm).

## E. Information considered confidential

1. Notwithstanding any other provision of this Policy, the Bank will not disclose:

*1.1 Documents intended for internal purposes only, or classified under the Bank's internal classification regime.*

*1.2 Board documents, unless Board approval for release is given.*

These categories of documents referred to in paragraphs 1.1 and 1.2 (immediately above) include documents relating to the Bank's own decision-making processes (except for agendas and minutes of the Board of Directors' meetings) and related internal documents, memoranda and other communications that are prepared

for, exchanged in connection with, or derived from the Bank's deliberative or decision-making processes, including any internal documents, memoranda, or other communications that are issued by or between members of the Bank's Board of Directors, the advisers and staff of the Bank's Board members, members of the Bank's management, its staff, or its consultants, attorneys, or agents.

*1.3 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.*

*1.4 Information which, if disclosed, in the Bank's view would seriously undermine the policy dialogue with a member country.*

This includes any documents, memoranda, or other communications which are exchanged with member countries, with other organisations and agencies, or with or between members of the Bank's Board of Directors (or the advisers and staff of the Bank's Board members), where these relate to the exchange of ideas between these groups, or to the deliberative or decision-making process of the Bank, its member countries, its Board of Directors or other organisations, agencies or entities with whom it cooperates.

*1.5 Information that, if disclosed, could violate the law, or prove a threat to the national security of a member country; information, the disclosure of which would contravene the Agreement Establishing the Bank.*

*1.6 Information in the Bank's possession which was not created by the Bank and is identified by its originator as being sensitive and confidential, or when the originator legitimately has requested that its release be restricted.*

*1.7 Information related to procurement processes, including pre-qualification information submitted by prospective bidders, tenders, proposals or price quotations (other than the total contract price), or records of deliberative processes.*

*1.8 Financial, business or proprietary information received by the Bank in the analysis or negotiation of any investment authorised under Article 11 of the Agreement Establishing the Bank, any treasury operation or any donor funded or technical assistance project, unless permission is given by the entity or entities concerned to release this information.*

Categories 1.6, 1.7 and 1.8 apply to any information received from any private or state owned enterprise or other sub-sovereign entity or their representatives or any external consultant(s) in the analysis of any project considered or financed by the Bank or in the negotiation of any investment, loan or other operation. Likewise, 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.

*1.9 Information regarding staff members, former staff members or prospective staff members (except as provided for in Section D, paragraphs 1.6 and 1.7), including staff records and medical information, as well as proceedings of internal grievance and appeals mechanisms, investigations into suspected misconduct, and disciplinary procedures.*

2. In limited circumstances, the Bank may delay the disclosure of certain information that it would otherwise make publicly available because of market conditions or timing requirements, such as conditions or information relating to publicly listed companies, securities offerings or connected with a commercially sensitive transaction involving, for example, an acquisition or a financial restructuring.

3. In exceptional circumstances, the Bank reserves the right to disclose confidential information protected by the confidentiality criteria set out above which it would ordinarily not release to third parties. The Bank may exercise this right 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 impacts on the environment. Any such disclosure by the Bank would be on the most restricted basis necessary to achieve the purpose of the disclosure, such as notice to the appropriate regulatory authorities. If the confidential information has been provided by or relates to a Bank client, the Bank would make such disclosure only after informing the client of its concerns and considering the client's plans to address and mitigate the potential harm involved.

4. The foregoing principles apply equally to proposed and existing investments as to projects in which the Bank's investment is to be, or has been, repaid, sold or otherwise concluded. The Bank will not disclose information about projects which it considered but in which it ultimately did not invest.

## F. Implementation and monitoring of the PIP

1. The Secretary General, assisted as necessary by the General Counsel and other members of the Executive Committee, will oversee and verify compliance with the Policy.
2. The Secretary General has responsibility for issuing implementing procedural provisions for information requests and appeals and, in the event of an appeal decision to refuse the release of information (which has been the subject of an appeal) will, as appropriate, inform the Board. The *Implementing procedural provisions for information requests and appeals* will be publicly released and posted on the Bank's web site at: [www.ebrd.com/about/policies/pip/report.htm](http://www.ebrd.com/about/policies/pip/report.htm).
3. Any derogations from the Policy, concerning the release of PSDs due to sponsor confidentiality, business sensitivity or market restrictions, must be authorised by management. The Board of Directors must also be notified.
4. The Secretary General will report to the Board on implementation of the Policy on an annual (calendar year) basis and the Report will be publicly released and posted on the Bank's web site.
5. The Policy will be subject to review on a three-year cycle, with a public consultation process. Such review will include a benchmarking exercise against other IFIs and best practices in the areas of disclosure, consultation and accountability.
6. Between triennial reviews, the Board may approve revisions to the PIP without the need for public consultations where the revisions are: (a) non-substantive in nature; or (b) arise as a result of changes to another Bank policy itself the subject of public consultation.
7. The Bank has an Independent Recourse Mechanism (IRM) to receive complaints from groups who are, or are likely to be, directly and adversely affected by a Bank-financed project to determine whether there has been material non-compliance by the Bank with specified policy requirements, or when the Bank could play a constructive role in problem solving. The IRM's focus is to examine project-related issues. If appropriate, a group filing a complaint with the IRM may indicate that, in their opinion, the Bank has failed to comply with a project-specific requirement of the PIP.
8. The Bank has a dedicated contact point for communications with NGOs and other stakeholders. The Bank endeavours to respond, as appropriate, and after consultation with relevant parties, to reasonable requests for information on other aspects of the Bank's work, subject to the clarifications regarding confidential information set out in Part E of the Policy.
9. In recognition of the importance of the EBRD web site ([www.ebrd.com](http://www.ebrd.com)) in communicating information to stakeholders and the general public, the Bank will continue to enhance access to the site and to the information posted on it. The Bank will also continue to explore ways in which more country specific information can be translated for posting on the web site. At the same time, the Bank will explore means, other than its web site, to communicate in its countries of operations, through the public release of documents in its Resident Offices and depository libraries.
10. As part of the monitoring process, the Bank will maintain close contact with other IFIs, benefiting from feedback on their experiences in the application of public information policies, learning from this exercise, and adapting its approach where appropriate, taking into account its particular mandate and business profile.
11. The revised PIP is effective as of 1 September 2008.

## Annex

### Implementing procedural provisions for information requests and appeals

#### 1. Introduction

As stated on page 11, F.1 and F.2, “the Secretary General, assisted as necessary by the General Counsel and other members of the Executive Committee, will oversee and verify compliance with the Policy. The Secretary General has responsibility for issuing implementing procedural provisions for information requests and appeals and, in the event of a decision to refuse the release of information... will, as appropriate, inform the Board”.

Such implementing procedural provisions are set out as follows:

#### 2. Making a request for information

(i) **Contact point:** Requests for information covered by the PIP may be made online through the information request form. Requests may also be made by fax: +44 20 7338 6102, or regular mail to the Bank’s Communications Department at One Exchange Square, London, EC2A 2JN, United Kingdom, or to one of the Bank’s Resident Offices. The Bank will not address requests that are submitted anonymously.

(ii) **Mode of communication:** Responses will be transmitted in the same mode as the request unless the requester stipulates a different form of communication.

(iii) **Languages:** Requests should preferably be submitted to the Bank in one of the Bank’s four working languages – English, Russian, German or French – in which case the response will be in the language of the request. Alternatively, requests for information covered by the PIP may be submitted in any of the official national

languages of the Bank’s countries of operations. In such cases, requests will, in the first instance, be referred to the relevant Resident Office for the purpose of translation and the time required to obtain such translation will be taken into account when processing the request; the response will be in the language of the request. Requests made in languages other than those above will be responded to in English. When a requester specifies a language preference for a document, the Bank will comply if it holds the documents or information requested in that language.

(iv) **Acknowledgement of requests:** The Bank will acknowledge receipt of a request generally within five working days, but in any case not more than 10 days.

(v) **Clarification of requests:** If a request is not sufficiently precise so as to identify the document or information sought, the Bank may ask the applicant to provide clarifications.

(vi) **Decision:** The Bank will normally respond within 20 working days after receiving the request or clarification or, if a timely explanation for a further delay is provided (within 10 working days following receipt), no later than 40 working days. The Bank’s response shall either provide the requested information or a denial of the request in whole or in part. In the case of a denial, the reasons for the decision will be given. An appeal against this can be made as set out below.

#### 3. For appeals against denials of requests

(i) **Contact point:** A member of the public whose request for information covered by the PIP has not been satisfied may lodge a formal appeal with the Secretary General, who is responsible for overseeing the implementation of the PIP. Such an appeal should be submitted by letter to the Secretary General at:

One Exchange Square  
London, EC2A 2JN  
United Kingdom

by email to [SecretaryGeneral@ebrd.com](mailto:SecretaryGeneral@ebrd.com), or  
by fax: +44 20 7338 6488  
within 30 working days of the receipt of the  
decision which is the subject of the appeal.

**(ii) Languages:** Appeals should preferably be submitted to the Bank in one of the Bank's four working languages – English, Russian, German or French – in which case the response will be in the language of the request. Alternatively, appeals may be submitted in any of the official national languages of the Bank's countries of operations. In such cases, appeals will, in the first instance, be referred to the relevant Resident Office for the purpose of translation and the time required to obtain such translation will be taken into account when processing the appeal; the response will be in the language of the appeal. Appeals made in languages other than those above will be responded to in English.

**(iii) Acknowledgement of appeal:** The Secretary General will acknowledge receipt of an appeal within five working days of receiving it.

**(iv) Clarification of appeals:** If an appeal is not sufficiently precise the Bank will ask the appellant to provide clarifications.

**(v) Decision:** The Secretary General will notify the appellant in writing of his decision on the appeal, giving the reasons, no later than 20 working days after receiving the appeal or clarification. In considering each appeal, the Secretary General, assisted by the General Counsel and other members of the Executive Committee, will be guided by the PIP and in particular the “presumption that ...information concerning the Bank's operational... activities will be made available to the public in the absence of a compelling reason for confidentiality”. In this respect, the Secretary General is bound by

the Bank's needs for confidentiality as set out in Section E of the Policy. The decision of the Secretary General shall be final. However, in certain cases, the Bank's handling of project-related information may be the object of a complaint by an affected group to the IRM for non-compliance with the relevant policy.

**(vi) Information to the Board:** In the event of a decision to refuse the release of information, the Secretary General will, as appropriate, inform the Board.

## 4. Reporting

In the annual *Public Information Policy: Report on Implementation*, which is posted on the EBRD web site, the Bank will report on its handling of requests and will provide a record of responses. The reports would typically cover such matters as: the number of requests made, granted in full or part, or refused; compliance with response time frames; the number of appeals against refusal of requests and the outcome of those appeals; other facts which indicate efforts made to abide by the spirit and intentions of the PIP.





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The EBRD uses the tools of investment to help build market economies and democracies and promote entrepreneurship in 29 countries from central Europe to central Asia.

## Abbreviations

The Bank, EBRD	The European Bank for Reconstruction and Development
AEOR	Annual Evaluation Overview Report
EvD	Evaluation Department
IFI	International financial institution
IPO	Initial public offering
IRM	Independent Recourse Mechanism
OCCO	Office of the Chief Compliance Officer
OGC	Office of the General Counsel
OPER	Operational Performance Evaluation Review
PIP	Public Information Policy
PSD	Project summary document
TC	Technical cooperation

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Printed in England by Purbrooks Limited on Revive 50:50 Special Silk contains 50% recovered waste and 50% virgin fibre and is certified as an FSC mixed sources product. The paper mill is certified to ISO14001 environmental management standard. This product is CarbonNeutral.®



Contains fibre from forests  
meeting the FSC principles  
and criteria

