

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

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

## **Introduction**

The review of the Public Information Policy was launched in parallel with the reviews of the Environmental and Social Policy and the Project Complaint Mechanism.

A draft revision of the PIP was posted on the Bank's website for public comment for 45 days. At the same time, public consultation meetings were held in Almaty, Casablanca, Kiev, Moscow, Sofia, Tbilisi and London, as well as a videoconference with CSOs in Serbia.

This report summarises the comments received from CSOs and other interested parties during the consultation period.

	Issue	Comment	Staff Response
1.	<b>Institutional Information</b>	The EBRD web site is not very user friendly. It is difficult to find board schedule and it is not updated regularly. No links to project summary documents are provided. It was suggested to have Board agenda published on the web site for two meetings ahead. There are also certain delays with the provision of information requested.	The issues with the website have been acknowledged. They are currently being addressed and a more user-friendly website is expected to go live in May-June 2014. Forward visibility on Board agendas will also be provided to the extent possible.
2.		Are there policy documents in other languages but English?	The PIP lists several policies that are translated into the Bank's official languages. Country strategies are always translated into the official language of the country concerned. Other policies and sector strategies are translated on a demand basis. Special attention is given to the governance policies in PIP 2.3.4, and the Environmental and Social Policy, for example is in multiple languages.
3.		Is there a Bank list or set of criteria for organizations and people in order to assess their integrity? Can this information be made public?	The Bank has very comprehensive integrity due diligence structures and procedures. Information on persons with potential integrity issues cannot be disclosed for legal reasons.
4.		Bank discloses salaries of senior staff and some other expenses. Is it possible to disclose how much the Bank pays for local offices lease, for example in [our country]?	The Bank always pays market rates for local office leases.
5.		How are public comments taken into account? How is the Bank informing the public on the results of the consultations? Is it under the Aarhus Convention?	<p>The results of public consultation are made available to the EBRD Board of Directors to take into account in their decision-making. Following the Board consideration, a consultation report is publicly disclosed on the EBRD website. The EBRD Civil Society Engagement Unit notifies civil society organisations registered with the Bank upon disclosure.</p> <p>While the Bank is not party to the Aarhus Convention, it states in the PIP and ESP that it supports the principles and aims of the Aarhus Convention.</p>
6.		In [our country] there is no regulation for Aarhus 2 <sup>nd</sup> pillar on public participation. How is the Bank dealing with differences between the Bank's rules and national regulations?	In accordance with the EBRD Environmental and Social Policy and Performance Requirement 1, EBRD requires potential projects to meet both the national requirements and EBRD standards. The requirements for public consultation during environmental and social impact assessment process are in PR10. EBRD requirements are applied, no matter whether the country is at an early or advanced state of implementing international convention requirements.
7.	<b>Information on strategies and policies</b>	It was requested to disclose to the public records of discussions with CSOs on sectoral policies and strategies. E.g. the entire record of discussion with CSOs on the energy policy was not presented to the public, but the summary version of it. The Bank has to be more transparent and disclose complete records of discussions with the public.	The Bank often receives very high volumes of comments, both during consultation meetings and in written form. This is especially true for policies attracting a lot of public interest, such as the energy policy. In such cases, it is not practical and user friendly for the public to have all the detailed records put on the web and the Bank summarises the key points and the answers.
8.		It was also recommended to invite more senior executives and board members for the EBRD consultation meetings.	The Bank acknowledges the need for public consultations to be held by staff with sufficient seniority and decision-making powers.
9.		Does PIP take into account local languages, such as Berber language?	For every project the EBRD considers, the Bank publishes project summary documents (PSDs) on its website, which are also translated into the official language of the country where the project is located.

	Issue	Comment	Staff Response
10.		The EBRD has always supported the Extractive Industries Transparency Initiative. Why does the updated policy not say any word about this initiative?	The Bank is indeed very supportive of the EITI. The PIP does not mention it as the EITI does not pose requirements on the Bank but on countries with large extractive industries. With its projects and policy dialogue, the Bank strongly supports its goals.
11.		We meet with the Bank only at the time of the policy discussion; we do not meet to discuss questions on the implementation of projects. We do not see an interest of the Bank in working with the public and having an open dialogue.	The Bank acknowledges that implementation issues are important and will continue making an effort to involve external stakeholders and seek their input during project implementation stages.
12.		There is no stipulated commitment to use local languages in the policy documents of the Bank. The wording of the documents is quite complicated. Main project beneficiaries are local people and they might not understand English or Russian languages.	The Policy has provision to translate important policies into local languages on a demand basis.
13.		Development of special plans to increase potential of CSOs in the countries and more cooperation with the CSO sector is required. Training on how to submit complaints is needed. Does the Bank plan to have more meetings with CSOs? Are there any plans to strengthen the capacity of NGOs?	<p>The Bank has a dedicated unit for dealing with CSOs, which pro-actively engages with them and provides relevant information to help their engagement with the Bank.</p> <p>In general, the EBRD does not offer grant support to strengthen the capacity of CSOs, However, the Bank is exploring ways to build closer partnerships with CSOs and raise awareness to a particular theme that the Bank is trying to promote through its investment projects, such as energy efficiency, renewable energy, climate adaptation etc.</p>
14.		It is written that the translation of a country strategy can't be perceived as official.	The Bank makes every effort to have correct translations of its country strategies. However, sometimes local translators might not understand certain technical language which could result in translations deviating from the original sense of the text. In such cases, the original English version takes precedence.
15.		Companies should indicate the impact of their projects as well as make their contracts more transparent, including awarding licenses and main beneficiaries.	The clients have disclosure requirement on environmental and social impacts and mitigation measures. EBRD is also reviewing the level of detail in PSDs and where possible, will provide non-technical summaries of projects.
16.		There is a need to improve the ways of informing the public in a transboundary context.	Under the Espoo Convention, it is the responsibility of a government to notify another government of a potential impact. EBRD has incorporated requirements for the assessment of transboundary issues into the ESP and PRs.
17.	<b>Project Related Information</b>	There is a lack of information for the public on the environmental and social appraisal of projects.	We acknowledge this concern and are working to improve the amount of environmental and social information disclosed, particularly on Category B projects.
18.		The new draft ESP and PIP transpose a lot of responsibility on the client with regard to impact assessment, preparation of management plans, public consultation implementation, and monitoring, that take the form of an agreement between the Bank and the client, but it is not clear how much responsibility falls on the client to make this information available to the CSOs and to disclose it in due time.	The client is required to disclose information on environmental and social impacts and mitigation measures. The Bank appraises the project prior to Board and then monitors it during project implementation The requirements refer to both affected stakeholders and also to interested stakeholders.

19.	High impact and risk projects in energy and extractive sectors will continue to attract interest from the public and input from stakeholders, which will improve the quality of due diligence, and implementation of mitigation measures. For this, the public should be given quality information, with sufficient notice to participate, and the current changes of the PIP do not provide for this. Therefore the Bank should either change the rules on categorization of projects between A and B, or improve the disclosure and public participation provision for category B projects.	For Category A projects, the Bank will disclose the ESIA documents on the EBRD website in addition to the client's disclosure locally. The Bank intends to improve its disclosure on Category B projects.  Categorisation of projects is covered in the Environmental and Social Policy.
20.	Is EBRD ready to communicate about project failures (negative impact on environment, violation of human rights, etc.)?	The Project Summary Document and disclosure of summaries of environmental and social information should be clear about potential impacts and mitigation measures. The Bank includes in the PSDs if a project is unable to meet the ESP requirements.
21.	Does the Bank require its clients and beneficiaries to be efficient and transparent when communicating about the use of loans?	The Bank has very developed performance requirements for its clients in these areas.
22.	Clients should provide more information for category A and B projects. Meanwhile CSOs would like to see more information on the Bank's independent monitoring.	For Category A projects, the Bank will disclose the ESIA documents on the EBRD website in addition to the client's disclosure locally. The Bank intends to improve its disclosure on Category B projects.  For Category A projects approved by the Board after the date the PIP goes into force, the PSD will be updated annually on environmental and social information.
23.	Revised PIP should strengthen the obligation of Client on disclosure of information and ensure the transparency of information provided.	Requirements for clients are in the Environmental and Social Policy.
24.	There are improvements on disclosure of information for category A projects but there are many more projects classified under B category and disclosure on category B projects is limited.	The Bank intends to improve its disclosure on Category B projects.
25.	Suggestion of compromise solution on category B projects was provided. As routine disclosure takes a lot of capacity, as a first step, project B disclosure should be done on request of stakeholders, the same approach as with Board documents disclosed on request.	The Bank intends to improve its disclosure on Category B projects. If there are significant stakeholder impacts, concerns with a Category B project, stakeholders should raise this with the client in the Stakeholder Engagement Plan and request more frequent information on the issues of concern.
26.	Technical cooperation project documentation funded by European Commission has to be disclosed to public.	Funding by bilateral donors is subject to separate donor agreements and is not covered by the PIP. However, project summary documents with TC components identify the source of the TC funding.
27.	What is the responsibility of clients for negative consequences of their projects?	One of the purposes of the Bank's appraisal of projects is to identify the potential adverse impacts of projects to people and the environment, and to agree mitigation measures to prevent or address these issues. Clients are also required to have a grievance mechanism for the public.
28.	Is EBRD/PIP considering a similar appeals mechanism to the PCM that would be specific for project disclosure grievances (vs. writing to the Secretary General)?	The appeals mechanism to the Secretary General is rarely used, and therefore no need for a more elaborate system has been identified.
29.	Can some obligations be introduced that clients have to post certain information on their web pages, concerning environmental and social impact of projects?	The requirements for client disclosure of environmental and social information are in the Environmental and Social Policy, PR10.

30.		If the client does not disclose information regarding project information that we feel should be disclosed, can we approach EBRD/ESD directly?	Yes, this is the case; however, you should first request environmental and social information from the client. Secondly, if the country (in which the project is located) has ratified the UNECE Aarhus Convention, you should be able to request it from the relevant environmental authority.
31.		What procedure is EBRD using for organization of public consultations? What are the criteria for public consultations and disclosure of information within them?	EBRD's requirements for public consultation are mainly in the ESP, PR10. In addition, there are guidance notes for clients on stakeholder engagement plans, and other issues. If there is a specific suggestion, please contact <a href="mailto:environmentandsocial@ebrd.com">environmentandsocial@ebrd.com</a> .
32.		It is suggested that EBRD's ROs should be responsible for organizing public consultations in each country of the region.	The Bank intends to conduct more training for ROs on public outreach and information disclosure.
33.		It is not clear what is the difference between projects approved by board of directors, framework projects, and delegated approval projects.	Projects below a certain size and without sensitive features in terms of environmental, social or other impact, are approved by management under delegated approval. Framework projects group smaller projects with certain common features relating to a particular sector or project size.
34.		It is proposed to add language on how the public will be informed in a neighbouring country if EBRD supports a project with a transboundary impact in the other country.	Stakeholders in neighbouring countries should be identified during the scoping stage of an ESIA, in accordance with the requirements in the Environmental and Social Policy and PRs. The Stakeholder Engagement Plan should then identify how communication will work, and in what languages. Sometimes the agreement is between the governments involved, regarding languages, deadlines, etc. This must be defined on a case by case basis.
35.	<b>Accountability and governance</b>	Does the PIP develop new tools and mechanisms to ensure involvement of CSO in activities of the Bank? Though public participation is important only few relevant people get invited to consultations. Public involvement tools should become more intensive and effective.	The Bank has a dedicated unit for dealing with CSOs, which pro-actively engages with them and provides relevant information to help their engagement with the Bank. CSOs registered with the EBRD receive regular updates regarding the Bank's activities in a country. The Bank encourages CSOs themselves to further disseminate information about the Bank's activities to their counterparts in order to involve all those interested in relevant consultations.
36.	<b>Confidentiality</b>	Section E 1.4 is vague; a lot of documents could fall within it. The Bank should provide an indicative list of documents that would fall under this section.	The Bank has to take into account considerations of commercial confidentiality in order to have solid working relationships with its private sector clients. However, the Bank also agrees that its confidentiality provisions should not be used too broadly and has applied them only when strictly necessary.
37.		What was the reason for not providing some parts of a public sector board document? Information about loan's conditionality and additionality was classified as confidential as it is financial information received by the Bank. The revised policy should include some provisions as to which part of the board document disclosure to the public is obligatory and not be classified as confidential.	The information was not provided as the Banking team identified important issues of client relationship in this case.
38.		There is conflict between economic efficiency and democratic legitimacy in the Bank mandate.	This is a more general mandate comment rather than public disclosure one. In fulfilling its mandate, the Bank has to balance various priorities, although the issue of democratic legitimacy is among the leading priorities.

39.		There is protection of whistleblowers by the EBRD. Sometimes such people are repressed and get isolated from society by administrative measures, including arrests of environmental activists. Are those activists protected by the Bank? Which protections mechanisms are used?	If activists or any member of the public use the Bank's whistleblowing mechanism, their identity is fully protected through strict confidentiality procedures by the Bank.
40.		What if the information subject of disclosure is a matter of national security?	The PIP has a provision for protection of information that is a matter of national security.
41.	<b>Implementation and monitoring of the PIP</b>	Is there any monitoring of the efficiency of the interaction with the public?	<p>In the annual Public Information Policy: Report on Implementation, which is posted on the EBRD website, the Bank endeavours to report on its handling of information requests and other correspondence received from the members of public and civil society organisations.</p> <p>In addition, the Bank reports on its interactions with civil society organisations in its Annual Report and Sustainability Report, which are available on the EBRD website.</p>
42.		If the Bank has conducted analysis of its activities and efficiency of its PIP, can main positive and negative finding be disclosed to public?	Comment noted. The Bank will consider a possibility to conduct an analysis of the efficiency of its PIP.
43.		Proposed to shorten days for response to information requests by half.	The current deadlines are there to allow a thorough involvement of all relevant Bank staff in addressing complex information requests. However, the Bank strives to respond earlier than the indicated deadlines whenever feasible.
44.	CSO involvement	EBRD has to clearly indicate CSOs involvement procedures at all stages and ensure their participation in monitoring and evaluation of the projects	<p>A dedicated publication "<i>Working with EBRD: A guide for Civil Society Organisations</i>" provides a comprehensive overview of key opportunities for CSO involvement in the Bank's work, including its investment projects.</p> <p>As part of its commitment to environmental and social sustainability, the Bank also promotes good practices in information disclosure and stakeholder engagement among its clients. Performance Requirement 10 of the EBRD Environmental and Social Policy outlines a systematic approach to stakeholder engagement that helps the Bank's clients build and maintain a constructive engagement with locally affected communities, CSOs and other interested stakeholders throughout the entire project cycle.</p>
45.	Public Involvement	The public is rarely involved in the preparatory stage of any project.	The Bank discloses on an ongoing basis information about its projects and performance on environmental and social issues via project summary documents (PSDs) and Environmental and Social Impact Assessments (ESIAs) on its website. The Bank encourages the public to provide comments on the disclosed documents within the timeframe specified in Section 3 of the Public Information Policy.

46.	Public participation	If the Bank has a direct feedback from NGOs it will have more opportunities to check the performance of clients. The more information is exchanged, the greater the trust between the Bank and CSO sector would be.	<p>The Bank has a dedicated unit for dealing with CSOs, which pro-actively engages with them and provides relevant information to help their engagement with the Bank.</p> <p>The Bank offers a variety of opportunities to exchange views and raise concerns during the entire project cycle via written correspondence and meetings with senior management, staff and EBRD Board of Directors in EBRD Headquarters and Resident Offices. The Bank also hosts a dedicated Civil Society Programme at the EBRD Annual Meeting every May that provides an opportunity for in-depth discussion of civil society concerns between the Bank's staff and senior management.</p>
47.	Public participation	The Bank should agree on its national priorities not only with the national governments but CSOs sector as well.	CSOs play a significant role in EBRD country strategy reviews. In 2013, the Bank piloted an early-engagement approach in consulting with civil society stakeholders during the pre-drafting stage of the country strategies. The relevant provisions are specified in Section 2.1.1 of the Public Information Policy.