EPS

REQUEST NUMBER:

Management Action Plan

European Bank
for Reconstruction and Development

www.ebrd.com

1. Introduction

EBRD Management welcome the opportunity to provide this Management Action Plan, prepared in accordance with the 2014 PCM Rules of Procedure. Pursuant to a finding of non-compliance, the EBRD Management submits a Management Action Plan for the Complainant's comments and the Board of Director's acceptance.   The PCM Officer is mandated to monitor the implementation of the recommendations of a Compliance Review Report subject to the timetable and estimate of resources as set in the Management Action Plan. PCM monitors the implementation of recommendations of Compliance Review Reports, and prepares Monitoring Reports at least biannually or until the PCM Officer determines that the implementation issues are concluded.   The Recommendation on this project has been divided into its sub-points for easier reporting.

2. PCM Expert Recommendations and Proposed Management Actions

PCM Recommendation 1 a: Recommendations to address the findings of non-compliance at the level of EBRD systems or procedures

The recommendations will address both the need to establish a defined process for dealing with the request for disclosure of public sector Board Reports and the need for this process to ensure that ESD is enabled to effectively implement the 2014 ESP, in particular the commitment to stakeholder engagement and meaningful dialogue.

In its response, the Bank indicates that it had identified a gap in consistency with respect to the process for dealing with the request for disclosure of public sector Board Reports and that it had already started to address this gap. In particular, the Bank Management indicates that the Secretary General's Office will begin work on a 'guidance note' to clarify the appropriate timelines for responding to a request for information in accordance with the PIP obligations and that this proposed 'guidance note' will form a part of the existing PIP Implementation Guidelines.[1]

The Compliance Review Expert welcomes these efforts and calls on the Bank Management to submit a Management Action Plan (MAP) to ensure that the preparation of this 'guidance note':

(a) is inclusive and participatory, specially that the Secretary General's Office (i) liaises with ESD to guarantee that the timelines and procedures enable ESD to effectively implement the 2014 ESP; and (ii) engages with relevant stakeholders, in particular with civil society organisations to ensure a comprehensive understanding of their needs and concerns when it comes to timely access to information relating to public sector Board Reports.

Management Response to 1a

Bank Management welcomes and accepts the general recommendation to draft a guidance note that is inclusive and participatory; that involves all the relevant teams including ESD and that engages with civil society organisations to ensure their needs and concerns are known.

The guidance note will cover internal distributions, management of documents within the Bank, clarify the timing commitments in the PIP and strengthen the process to ensure timely responses to requests in the future.

Management Action 1 a:

Bank Management will develop a guidance note on managing requests for public sector Board Reports in consultation with all relevant teams in the Bank, including ESD. It will include clarifying the timetable to respond and an oversight function to make sure timing requirements are met.

The number of public sector Board reports requested and the number responded to within the timelines set out in the PIP will be included in the Annual PIP Implementation Report starting in 2017 (for calendar year 2016). The report is published online and this disclosure will allow

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[1] Bank Management Response, Annex 2 to the EAR, p. 16.

external review of implementation, and identify the need for any further action.   The guidance note will be finalised by Q2 2017.

MAP 1 a: [date] Progress Report (1)

PCM comments	

PCM Recommendation 1 b

(b) takes into account relevant good international practice. In this respect, the Compliance Review Expert suggests considering the recommendations of the "Task Force on Access to Information"[2] as well as whether a proactive disclosure of public sectors Board Reports would be convenient in light of the number of such requests received over the previous year.[3]

Management Comment 1 b

Bank Management welcomes and accepts the recommendation that the guidance take into account good international practice. The UNECE Task Force on Access to Information is one potential source of this information.

On the suggestion for proactive disclosure of public sector Board reports, the PIP states that these will be available *on request.* The PIP is due to be reviewed in 2018-2019 when all policy enhancements will be considered. From 2011-2016, the Bank received 14 requests for public sector Board reports, all of which met the timing requirements (including the 6 requests made in 2016), with the exception of this case

Management Action 1 b

Bank Management will:
1) discuss issues with relevant stakeholders and take good international practice into account in preparing the internal guidance note, including benchmarking against similar practices in peer institutions (2017).
2) enhance its website content to make the process of requesting public sector Board reports more accessible (2017).
3) consider proactive disclosure of public sector Board reports in the forthcoming review of the Public Information Policy in 2018-2019 and will report on how these comments have been taken into account.

MAP 1 b [date] Progress Report (1)

PCM comments	

PCM Recommendation 1 c:

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[2] Among others, the Task Force on Access to Information purports to "Continue[s] strengthening implementation of the Convention's provisions on access to information, including through promoting exchange of information, experiences, challenges and good practices concerning public access to information on the matter." See http://www.unece.org/env/pp/tfai.html.

[3] While the Bank Management indicates that an average of 50 public sector projects are approved per year and that only six requests for Board reports have been received in total, including the request referred to in the Complaint, it is important to highlight that all of these requests have been in the past year alone. This might signal an increase in interest and consequent number of requests.

(c) "includes a mechanism to review periodically the effectiveness of the guidance."

Management Action 1 c:

Responding to requests for public sector Board reports will become a key performance indicator in the annual PIP Implementation Report, beginning with the 2016 Implementation Report which will be published in 2017.

Results of implementation will be taken into account in the review of the Public Information Policy review scheduled for 2018-2019. Increasing the transparency of performance will assist stakeholders to make recommendations.

MAP c: [date] Progress Report (1)

PCM comments	

PCM Recommendation 1 d:

In addition, the Bank Management should take note of the issues raised and addressed in this complaint for future revisions of the 2014 PIP in order to reinforce its procedures and make of them useful tools for implementing its commitments under the ESP.

Management Action 1 d:

This is noted for future policy revisions.

MAP c: [date] Progress Report (1)

PCM comments	

PCM Recommendation 2:   Monitoring and reporting on the implementation of any recommended changes

The Bank Management should report on the progress and development of the 'guidance note' and on the outcome of this process.

Management Action 2:   Monitoring and reporting on the implementation of any recommended changes

The Bank will report to the PCM Office on a 6 monthly basis, until issues have been closed out.

MAP 2: [date] Progress Report (1)

PCM comments	