ABOUT THE EBRD

THE EBRD IS INVESTING IN
CHANGING PEOPLE’S LIVES
AND ENVIRONMENTS ACROSS
A REGION THAT STRETCHES
FROM CENTRAL EUROPE TO
CENTRAL ASIA, THE WESTERN
BALKANS AND THE SOUTHERN
AND EASTERN MEDITERRANEAN.
WORKING TOGETHER WITH THE
PRIVATE SECTOR, WE INVEST IN
PROJECTS, ENGAGE IN POLICY
DIALOGUE AND PROVIDE
TECHNICAL ADVICE THAT
FOSTERS INNOVATION AND
BUILDS SUSTAINABLE AND
OPEN-MARKET ECONOMIES.
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Executive Summary

The Project Complaint Mechanism (PCM) has been established to assess and review Complaints about projects financed by the European Bank for Reconstruction and Development (EBRD). It gives individuals, Organisations and local groups that may be adversely affected by a project a means of raising Complaints with the Bank, independently from banking operations.

This User’s Guide sets out the rules about how Complaints may be filed, who can file a Complaint, what issues can be raised and addressed through the PCM. It also explains the Complaint review process, timelines, reporting requirements, confidentiality provisions and other details of the procedures. In addition, it includes full text of the Rules of Procedure of the PCM, as approved by the Board of Directors of the EBRD in May 2014.

The PCM has two ways of addressing Complaints: a Compliance Review which assesses whether the Bank has complied with Relevant EBRD Policies, and a Problem-solving Initiative, which aims to resolve the problem underlying a Complaint, usually through a mediated agreement between the Complainant and the EBRD Client.

Complaints are reviewed with the assistance of the PCM Experts – international experts who specialise in areas such as the environment, social development and law and operate externally to the Bank.
# Roles and Responsibilities

A number of officials and individuals are involved in how the PCM works. This section of the guide describes what they do.

<table>
<thead>
<tr>
<th>Role</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Board of Directors of the Bank</strong></td>
<td>The Board appoints the PCM Experts. The Board also accepts or rejects the conclusion in an Eligibility Assessment Report that a Complaint is ineligible, as well as the Management Action Plan developed in response to the recommendations made in Compliance Review Reports for Board-approved projects.</td>
</tr>
<tr>
<td><strong>Chief Compliance Officer (CCO)</strong></td>
<td>The CCO is the head of the office in which the PCM is located. S/he is responsible for ensuring that the PCM Officer carries out the PCM functions according to the PCM Rules of Procedure.</td>
</tr>
<tr>
<td><strong>PCM Expert(s)</strong></td>
<td>A roster of independent experts (up to 10 experts) appointed by the EBRD Board of Directors, and any expert appointed by the Board of Directors on an ad hoc basis to serve as Eligibility Assessors together with the PCM Officer; Compliance Review Experts (individually) or Problem-solving Expert (individually or with the PCM Officer). Experts may also be responsible, upon delegation by the PCM Officer, for any follow-up monitoring and reporting. Each PCM Expert is competitively selected and will not have worked for the Bank for at least two years prior to appointment. Further, a PCM Expert can only be removed by the Board for cause.</td>
</tr>
<tr>
<td><strong>PCM Officer</strong></td>
<td>The PCM Officer is a full-time employee of the Bank, who is nominated by a committee and appointed by the President. The PCM Officer is responsible for the overall day-to-day functioning of the PCM. The PCM Officer registers the Complaints, selects a PCM Expert to jointly conduct Eligibility Assessments, assesses whether an eligible Complaint could benefit from a Problem-solving Initiative, ensures that timelines are met or approves extensions, provides information and responses to all relevant parties at each stage of the PCM process and monitors and reports on the implementation of follow-up activities, including reporting to the President and the Board on an annual basis. The PCM Officer is also responsible for outreach and training on the PCM.</td>
</tr>
<tr>
<td><strong>President of the Bank</strong></td>
<td>The President accepts or rejects the conclusion of an Eligibility Assessment that a Complaint is ineligible and a recommendation that the Complaint be closed, as well as the Management Action Plan developed in response to the recommendations made in Compliance Review Reports for projects that do not require Board Approval or have not yet been approved. The President also accepts or rejects a recommendation in an Eligibility Assessment Report that the Bank undertakes a Problem-solving Initiative.</td>
</tr>
</tbody>
</table>
Guide to the EBRD Project Complaint Mechanism

About the Project Complaint Mechanism

The EBRD has established the PCM as part of its commitment to the transparency and accountability of its operations. If you have a problem with a project that the EBRD has financed or has expressed an intention to finance and you believe that project has caused or is likely to cause harm, you may file a Complaint to the PCM.

The PCM may be able to help you in two ways:

1. You may ask the PCM for help in resolving a problem you have with the project – for example, this could include a dispute with the company sponsoring the project. In this case, the PCM may begin a Problem-solving Initiative to try to resolve the problems underlying the Complaint. This might include fact-finding, mediation, conciliation, dialogue facilitation, investigation or reporting; and/or

2. You may ask the PCM to investigate whether the EBRD has failed to comply with its Environmental and Social Policy (all editions) and/or the project-specific provisions of the EBRD Public Information Policy in relation to an approved project of the Bank. In this case, the PCM may undertake a Compliance Review to assess whether or not the Bank has complied with the requirements of these policies.

You may request a Problem-solving Initiative, a Compliance Review, or both, provided that your Complaint satisfies the relevant eligibility requirements. However, the PCM will make the decision on which (or both) of the PCM functions would be most suitable for addressing the raised concerns.

The PCM can address your Complaint in two ways: by attempting to resolve the issues raised in your Complaint and/or by investigating whether or not the EBRD has complied with its relevant policies.

For additional information about the PCM and a full version of the PCM Rules of Procedure, please visit: www.ebrd.com/pcm.

A full version of the PCM Rules of Procedure can also be found in Section 2 of this booklet.
Who administers the PCM?

The PCM is independent from the EBRD’s banking operations and the Bank’s Environment and Sustainability Department. The Project Complaint Mechanism Officer (PCM Officer) coordinates all PCM processes and, together with an independent expert, undertakes eligibility assessments of Complaints once registered. If a Compliance Review is warranted, a member of the roster of PCM Experts will carry it out. If a Problem-solving Initiative is needed, then subject to prior approval of the Bank’s President, the PCM Officer and/or a PCM Expert will facilitate the process.

Functions of the PCM independent experts include the assessment, in conjunction with the PCM Officer, of the eligibility of Complaints, the undertaking of Compliance Reviews or Problem-solving Initiatives and follow-up monitoring.

These international experts specialise in areas such as the environment, social development and law. They operate externally to the Bank and are appointed for renewable terms of three years.

Who may submit a Complaint?

One or more persons located in a project area, or who has or have economic, social or cultural interests in a project area, may submit a Complaint for a Problem-solving Initiative.

One or more persons, or organisation(s) may submit a Complaint for a Compliance Review.

In both cases, you must have information that a project financed or to be financed by the EBRD has caused, or is likely to cause, harm.
When to submit a Complaint

If you are seeking a Problem-solving Initiative, you can submit the Complaint:

• only after the EBRD has clearly shown that it is interested in financing the project; and

• no later than 12 months after the last disbursement of EBRD funds, or in the case of equity funding, where the Bank has not sold or exited from its investment.

If you are seeking a Compliance Review, you can submit the Complaint:

• only after the EBRD has approved the project, and

• not later than 24 months after the date on which the Bank ceased to participate in the project.

Prior to filing a Complaint, the PCM encourages the Complainants to make efforts to bring the issues underlying the problem to the Bank’s and/or the Client’s attention. A Complaint should be filed with the PCM only if communication with the Bank’s management and/or the Client did not resolve the issue or if such communication was not possible. In both cases, you may contact the PCM Officer or the relevant EBRD Resident Office for assistance if you are uncertain as to the period within which a Complaint must be filed:

Project Complaint Mechanism
Attn: PCM Officer
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
United Kingdom
Phone: +44 20 7338 7813
Fax: +44 20 7338 7633
E-mail: pcm@ebrd.com

For a list of EBRD Resident Offices and their contact information, go to: www.ebrd.com/contacts.html

Related publications

Project Complaint Mechanism Guidance leaflet
EBRD Environmental and Social Policy (all editions)
EBRD Public Information Policy

Copies of publications can be obtained from all EBRD offices.

You may submit a Complaint in English, French, German, Russian or in any of the other official languages of a country in which the EBRD operates.

Alternatively, send your requests to the Publications Desk.
Tel: + 44 20 7338 7553
Fax: + 44 20 7338 6102
Email: pubsdesk@ebrd.com

You may submit a Complaint in English, French, German, Russian or in any of the other official languages of a country in which the EBRD operates.

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Alternatively, send your requests to the Publications Desk.
Tel: + 44 20 7338 7553
Fax: + 44 20 7338 6102
Email: pubsdesk@ebrd.com
How to submit a Complaint and what to include

1. In addition to the information provided in this section, you may use the Sample Complaint Form at the end of this brochure or on the PCM website (www.ebrd.com/downloads/integrity/sample_complaint_form.pdf) to guide you through the information that you will need to include in your Complaint. You are also welcome to contact the PCM Officer for help on how to submit a Complaint.

2. **Language of Complaint:** The Complaint may be made in English, Russian, German, French or in any of the official languages of a country in which the EBRD operates. Complaints not submitted in English will require additional response time.

3. You may submit the Complaint by yourself or you may use an *authorised representative* to submit the Complaint for you. If you use a representative, your Complaint will need to include the authorised representative’s signature and proof that you have given the representative permission to act on your behalf (for example, this could be in the form of a letter signed by you giving the representative such permission).

4. If you want the PCM to treat your Complaint *confidentially*, you must clearly state that in your Complaint and provide the reason for the request. All reasonable efforts will be made to maintain the confidentiality requested and information will not be disclosed without your explicit permission.

5. In order for the PCM to start processing your Complaint, the PCM Officer will make sure that you have included all the information needed for the first stage of the PCM process, namely, registration. **In particular, your Complaint should include:**

   a. *your name and contact information* and, if you have an authorised representative, their contact information as well. This is required so that the PCM is able to communicate with you;

   b. *the name or a description of the EBRD project* that you are complaining about;

   c. description of the impacts of the project on you or on environment, including likely future impacts; and

   d. if you are requesting the Problem-solving function, a description of how you attempted to communicate your concerns to the Bank and/or the client and what the results were.

    If you believe that communicating with the Bank or the Client would cause you harm or would be pointless, your Complaint may still be registered, but you must state the reasons why you have not made such attempts.

    If you did not communicate about your concerns in the Project and did not provide an explanation why it was not possible, the PCM Officer, in consultation with you, will postpone the registration of your Complaint and will forward it to the relevant team within the Bank, who will try to address the issues you are raising. If the efforts to address the concerns do not bring positive results, the PCM Officer will register your Complaint.

6. Once registered, your Complaint will still need to be assessed for eligibility to ensure that it meets all necessary criteria for a Compliance Review or a Problem-solving Initiative. **If possible, your Complaint should also include:**

   a. an indication of which PCM function you are requesting and what outcome you would like to achieve;

   b. copies of all letters, emails or notes, or other materials related to your communications with the Bank or the Client, about your concerns; and
c. an indication of the EBRD Policy, which you think the Bank did not comply with.

7. If you have any **other information** about the issues raised in your Complaint, please include this information and any relevant documents. This information is helpful but **not required**.

8. The Complaint can be sent using the online form on the PCM website (www.ebrd.com pcm eform) or you may send it by post, email or fax to:

**Project Complaint Mechanism**
**Attn: PCM Officer**
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
United Kingdom
Fax: +44 20 7338 7633
Email: pcm@ebrd.com

Alternatively, you may also mail or hand-deliver your Complaint to any of the EBRD Resident Offices to be forwarded to the PCM. For a list of EBRD Resident Offices and their contact information, go to: www.ebrd.com/contacts.html

**Before submitting a Complaint to the PCM you are encouraged to make efforts to resolve the issue with the EBRD and/or the company responsible for carrying out the Project.**
What to expect after submitting your Complaint

1. The PCM Officer will contact you within 10 business days of receiving your Complaint to let you know that it was received and to let you know whether or not your Complaint has been registered.

   **NOTE:** If your Complaint cannot be registered because, for example, it is missing some required information or is unclear, the PCM Officer will inform you and will allow you time to provide the missing information or clarifications. Once it is received, the PCM Officer will continue the Registration process.

   - Once registered, you may track the status of each stage of your Complaint on the PCM website at: www.ebrd.com/pcm/register

   - Following the Registration, Bank Management will be given 21 business days to provide the PCM with its response to the Complaint.

2. The PCM Officer and an independent PCM Expert (together they are called “Eligibility Assessors”) will review the Complaint once it is registered. Together they will decide whether it satisfies the requirements for further processing (this is called the “Eligibility Assessment” stage). It is expected that this review will take place within 40 business days after the submission of the Bank Management response to the Complaint. The Eligibility Assessors will likely contact you during this time to discuss with you any questions they may have about your Complaint.

3. The Eligibility Assessors will write a Report containing their decision as to whether or not your Complaint can be further processed under the PCM Rules of Procedure. They will decide whether:

   - the Complaint is eligible for a Problem-solving Initiative; and/or

   - the Complaint is eligible for a Compliance Review.

   Review to examine whether EBRD complied with its applicable policies; and/or

   - both exercises may be appropriate; or

   - whether your Complaint does not meet the criteria and cannot be considered further by the PCM.

   Once a decision has been made about whether or not your Complaint is eligible, the decision will be posted on the PCM website and you will receive a copy of the Eligibility Assessment Report.

4. If Eligibility Assessors decide that your Complaint is not eligible, the report will be sent to the Board of Directors of the EBRD for approval. The case will be closed if the Board approves that decision. Otherwise, the Complaint will be sent back to the Eligibility Assessors and they will be asked to consider it again. You will be notified about the decision of the Board.

5. If your Complaint is found to be eligible, the Eligibility Assessors may consult with you regarding the next steps, which may include the following:

   - **Eligible for Problem-solving Initiative:** if the issues in your Complaint are eligible for a Problem-solving Initiative, and the President of the EBRD agrees to allow a Problem-solving Initiative to be undertaken, a facilitator will be appointed and that person will contact you at the start of the Problem-solving Initiative.

   - **Eligible for Compliance Review:** if your Complaint is found eligible for a Compliance Review, an independent Expert will be appointed to investigate the EBRD’s compliance with its relevant policies. The Expert will contact you to discuss in more detail the issues raised in your Complaint.
6. **Conduct of a Problem-solving Initiative:** The Problem-solving Initiative will depend on specific issues raised in your Complaint and may involve fact-finding, dialogue with the project sponsor, mediation, negotiation, or other methods to try to address your Complaint.

7. **Conduct of a Compliance Review:** To establish whether the Bank complied with its relevant policies an investigation of the specific project will take place and may include a visit by the Expert to the project area and interviews with you, the project sponsor, EBRD staff and other community members. The PCM may only review whether or not the EBRD has complied with the 1996 Environmental Policy and Procedures or the 2003 EBRD Environmental Policy or the 2008 EBRD Environmental and Social Policy and Performance Requirements or the 2014 EBRD Environmental and Social Policy and Performance Requirements, and/or the project-specific provisions of the EBRD Public Information Policy. These policies may be found on the EBRD website at: [www.ebrd.com/esp](http://www.ebrd.com/esp) and [www.ebrd.com/pip](http://www.ebrd.com/pip).

8. At the **end of the process** of Problem-solving and/or Compliance Review, a final Report will be issued and posted on the PCM website.

9. The Problem-solving Initiative will end when an agreement is reached addressing the issues raised in the Complaint, or where it becomes clear that no agreement about the issues is possible.

10. At the conclusion of a Compliance Review, if the Expert finds that the relevant policies had been complied with, the Complaint will be closed.

11. However, if the Expert finds that the Relevant EBRD Policy or Policies had not been complied with, the Expert will propose certain remedial actions. In response, the Bank Management will prepare a Management Action Plan explaining how they will implement those recommendations. You will be given an opportunity to comment (within 20 business days) on the Expert’s recommendations and the Management Action Plan. It may be that the action plan is focused strictly on preventing similar issues in future Projects and it may not be possible or practical to propose any actions that address the specific Project that you are complaining about. The Expert will take your comments into consideration when finalising his recommendations. The final **Compliance Review Report and Recommendations**, the Management Action Plan and your comments will be sent to the EBRD Board of Directors, who will decide whether or not to approve the Management Action Plan.

12. Whatever the outcome of the Compliance Review, you will receive a copy of the Compliance Review Report and it will be posted on the PCM website.

13. The PCM will **follow-up by monitoring your case** to make sure that any agreements reached through the Problem-solving Initiative have been implemented and/or that any actions needed to address the EBRD’s non-compliance have been taken. The PCM will write **public reports** on its follow-up until it is satisfied that no further monitoring is required.

The PCM will monitor the implementation of any agreements reached through Problem-solving Initiative and/or any actions needed to address the EBRD’s non-compliance.

The PCM will issue public reports on its follow-up until it is satisfied that no further monitoring is required.
What happens after a Complaint has been received?  
Problem-solving Initiative

- Registration of the Complaint (10 business days)
- Eligibility Assessment (40 business days)
- If eligible, President’s Decision (within 10 business days of submission of the recommendation)
- PSI approved: the PCM Officer appoints PSI Expert, PSI starts
- PSI completed when the Relevant Parties reach an agreement or when PSI Expert concludes that an agreement cannot be reached
- PCM Officer circulates the PSI Report to the Relevant Parties and the President
- The PSI Report or a summary is publicly disclosed and posted on the website within 5 business days after circulation
- The PCM Officer monitors the implementation of the agreements reached and produces a PSI Monitoring Report at least biannually or until monitoring is not needed

Complaint is found ineligible – case closed

PSI not approved: Complaint is closed; decision and the Eligibility Assessment are posted on the website
What happens after a Complaint has been received?

**Compliance Review**

- **Registration of the Complaint (10 business days)**
- **Eligibility Assessment (40 business days)**
- **Complaint is found eligible – PCM Officer appoints one of the PCM Expert as a CR Expert**
- **Compliance Review (CR)**
- **Non-compliance – draft CR report sent to the Bank Management**
- **Management prepares a Management Action Plan in response to the recommendations of the Expert: (within 30 business days)**
- **CR Report and Management Action Plan are sent to the Complainant for comments (within 20 business days)**
- **Final CR Report, the Management Action Plan and the Complainant’s comments are sent to the Board**
- **The Board approves the Management Action Plan**
- **The Board rejects, the Management Action Plan and it is returned to the Management for appropriate amendments**
- **Final CR Report is publicly released within 5 business days after the Management Action Plan is accepted by the Board**
- **The PCM Officer monitors the implementation of the Management Action Plan and produces Monitoring Reports at least biannually or until no further monitoring is needed**

Compliance – Complaint is closed, results are publicly released.
What does the PCM not deal with?

There are cases when the PCM will not deal with a Complaint. A Complaint will not be registered if:

- it raises allegations of fraud or relates to procurement matters (in this case your Complaint will be redirected to the appropriate team within the Bank to provide you with a response);

- it relates to Article 1 of the Agreement Establishing the Bank, the Portfolio Ratio Policy or any other policy, not included in the remit of the PCM;

- it relates to the adequacy or suitability of EBRD policies;

- your concerns have already been processed by the PCM or its predecessor the Independent Recourse Mechanism (IRM) in a previous Complaint, unless there is new evidence or circumstances.

A Complaint will not be eligible for either a Problem-solving Initiative or a Compliance Review if:

- it was filed fraudulently or for a frivolous or malicious purpose;

- its primary purpose is to seek competitive advantage;

- it does not relate to responsibilities of the EBRD or its Client, or issues are not under their control;

- or, if you are requesting a Problem-solving Initiative, it raises issues that have already been dealt with by an accountability mechanism of any co-financing institution and the PCM Officer is satisfied that the Complaint was successfully resolved, unless there is new evidence or circumstances. If you are seeking a Compliance Review, a review by another accountability mechanism will not disqualify the Complaint from being processed.
Project Complaint Mechanism: Rules of Procedure

Rules of Procedure as approved by the EBRD (Board of Directors) in May 2014

Definitions and abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Authorised Representative</td>
<td>The Person or Organisation given authority by a Complainant to represent and act on behalf of the Complainant in relation to a Complaint to the PCM.</td>
</tr>
<tr>
<td>Bank or “EBRD”</td>
<td>The European Bank for Reconstruction and Development.</td>
</tr>
<tr>
<td>Board</td>
<td>The Board of Directors of the Bank.</td>
</tr>
<tr>
<td>Business Days</td>
<td>The days on which the Bank is open for business in London.</td>
</tr>
<tr>
<td>Chief Compliance Officer or “CCO”</td>
<td>The head of the Office of the Chief Compliance Officer.</td>
</tr>
<tr>
<td>Client</td>
<td>The entity or entities that is/are responsible, directly or indirectly, for carrying out and implementing all or part of a Project.</td>
</tr>
<tr>
<td>Complainant</td>
<td>The Individual(s) or Organisation(s), as the case may be, submitting a Complaint to the PCM.</td>
</tr>
<tr>
<td>Complaint</td>
<td>The written request submitted by a Complainant to the PCM pursuant to these rules of procedures.</td>
</tr>
<tr>
<td>Compliance Review</td>
<td>The process to determine whether the Bank has complied with a Relevant EBRD Policy in respect of a Project.</td>
</tr>
<tr>
<td>Eligibility Assessment</td>
<td>The process of determining whether a registered Complaint is eligible for a Compliance Review and/or a Problem-solving Initiative, or neither.</td>
</tr>
<tr>
<td>Eligibility Assessors</td>
<td>The PCM Expert and the PCM Officer who jointly conduct the Eligibility Assessment.</td>
</tr>
<tr>
<td>Impacted Area</td>
<td>The geographical area which is, or is likely to be, affected by a Project.</td>
</tr>
<tr>
<td>Organisation</td>
<td>Any entity, association or group around which civil society voluntarily organises itself which represents a range of specific interests. Organisations may include community-based organisations, indigenous peoples' organisations and non-governmental organisations.</td>
</tr>
<tr>
<td>PCM Experts (each a PCM Expert)</td>
<td>The experts on the roster of experts and, where appointed, the expert appointed on an ad hoc basis to assist or carry out an Eligibility Assessment, a Problem-solving Initiative or a Compliance Review.</td>
</tr>
<tr>
<td>PCM Officer</td>
<td>The person responsible for the day-to-day administration of the PCM, including receipt of Complaints, Registration, eligibility and Problem-solving functions.</td>
</tr>
<tr>
<td>PCM Register</td>
<td>The public log on the PCM website listing all Registered Complaints and their status.</td>
</tr>
<tr>
<td>President</td>
<td>The President of the EBRD.</td>
</tr>
<tr>
<td>Problem-solving Initiative</td>
<td>The process carried out to assist in the resolution of the issues underlying an eligible Complaint, including mediation, conciliation, dialogue facilitation or independent fact-finding.</td>
</tr>
<tr>
<td>Project</td>
<td>A Bank-financed activity for which a Project Summary Document (PSD) is prepared pursuant to the Bank’s Public Information Policy or a Bank activity that is subject to the application of a Relevant EBRD Policy with the exception of those activities that are expressly exempted from the application of these rules by a Board decision.</td>
</tr>
<tr>
<td>Project Complaint Mechanism or PCM</td>
<td>The EBRD’s accountability mechanism governed by these rules of procedure.</td>
</tr>
<tr>
<td>Registration</td>
<td>The process of noting on the PCM Register that a Complaint has been received and meets the Registration criteria per Paragraphs 11-13 of these rules.</td>
</tr>
<tr>
<td>Relevant EBRD Policy</td>
<td>2014 Environmental and Social Policy and Performance Requirements, 2008 EBRD Environmental and Social Policy and Performance Requirements, previous EBRD environmental policies, and/or project-specific provisions of the 2014 Public Information Policy and previous Public Information Policies and any Policies approved in the future by the Board of Directors designated to be included in this Definition.</td>
</tr>
<tr>
<td>Relevant Parties</td>
<td>The parties with a direct interest in a Complaint, including, but not limited to, the Complainant and/or the Authorised Representative, if any, the relevant Bank department, team, or unit, the Client, and/or any other project financiers.</td>
</tr>
</tbody>
</table>
Introduction and purpose

The Project Complaint Mechanism (PCM) provides an opportunity for an independent review of Complaints from one or more individual(s) or Organisation(s) concerning a Project which allegedly has caused, or is likely to cause, harm. The goal is to enhance the EBRD’s accountability through the PCM’s two functions:

- the Problem-solving function, which has the objective of restoring a dialogue between the Complainant and the Client to resolve the issue(s) underlying a Complaint without attributing blame or fault.

- the Compliance Review function, which seeks to determine whether or not the EBRD has complied with a Relevant EBRD Policy in respect of an approved Project.

These rules of procedure set out who may file a Complaint, how a Complaint may be filed with the PCM, where a Complaint is to be addressed and, if found eligible, how it will be processed by the PCM through a Compliance Review, Problem-solving Initiative, or a combination of both. They also set out the requirements relating to timelines, reports, disclosure of and access to information, training, outreach and other issues relevant to the administration of the PCM.

Who may submit a Complaint

1. One or more individual(s) located in an Impacted Area, or who has or have an economic interest, including social and cultural interests, in an Impacted Area, may submit a Complaint seeking a Problem-solving Initiative.

2. One or more individual(s) or Organisation(s) may submit a Complaint seeking a Compliance Review.

How to submit a Complaint

3. A Complaint to the PCM may be submitted in any written format. Guidance on how to write and submit a Complaint may be found in the PCM’s Sample Complaint Form, available on the PCM website and in hard copy in the PCM brochure, which can be obtained at EBRD offices. The PCM Officer may also be contacted for guidance on how to write and submit a Complaint.

4. The Complaint must identify the Individual(s) or Organisation(s) filing the Complaint (the “Complainant”). A Complainant who is not an Organisation may ask that the identity of some or all of the individuals be kept confidential. The request for confidentiality, and the reasons for the request, must be submitted with the Complaint. The request will be considered by the PCM Officer as soon as possible following receipt of the Complaint and, in any event, prior to the PCM Officer making a decision as to the Registration of the Complaint. All reasonable efforts will be made to maintain the confidentiality requested. If, however, the PCM Officer reasonably believes that maintaining confidentiality will prevent a review of the Complaint, then the PCM Officer will immediately notify the Complainant and will either agree with the Complainant on how to proceed or, if agreement on how to proceed is not possible, will terminate the process.

5. If the individuals filing the Complaint have used an Authorised Representative to assist them in filing the Complaint, the Authorised Representative must provide written proof (such as a signed letter by the Complainant) of the Authorised Representative’s authority to represent and act on behalf of the Complainant in relation to the Complaint. The Authorised Representative will be the point of contact for all formal communications between the PCM Officer and the Complainant. The PCM Officer will communicate directly with the Complainant as necessary and appropriate, and shall keep the Authorised Representative and Complainant informed about the status of the Complaint.
Language of Complaints

6. Complaints may be submitted in any of the working languages of the Bank, that is, English, French, German or Russian, or in any of the official languages of the Bank’s countries of operations. All of the PCM’s correspondence with the Complainant or its Authorised Representative, if any, will be in both English and the language of the Complaint and, in the event of any discrepancy between the two versions, the English version will prevail. The PCM Officer will communicate with Complainants in a culturally appropriate manner.

7. Processing of Complaints not submitted in English will require additional response time due to the need for translation. The PCM Officer will notify the Complainant or its Authorised Representative, if any, in a timely manner, of any delays required for translation.

Where to submit a Complaint

8. A Complaint may be submitted to the PCM Officer, by post, fax, electronic mail (“email”) or hand delivery, at:

   **Project Complaint Mechanism**
   Attn: PCM Officer
   European Bank for Reconstruction and Development
   One Exchange Square
   London EC2A 2JN
   United Kingdom
   Fax: +44 20 7338 7633
   Email: pcm@ebrd.com

9. Alternatively, a Complaint may be delivered, by post or by hand, at any one of the Bank’s Resident Offices, indicating that it is for transmission to the PCM. The addresses for the Bank’s Resident Offices can be found at www.ebrd.com/contacts.html.

10. As soon as possible, but at least within five (5) Business Days, the PCM Officer will notify the Complainant of the receipt of the Complaint.

Registration of Complaints

11. Within ten (10) Business Days following receipt of a Complaint by the PCM, the PCM Officer will make a decision regarding Registration of the Complaint. The PCM Officer will Register a Complaint, if the Complaint:
   a) identifies the Complainant
   b) identifies the Authorised Representative, if any, and provides proof of the authorisation
   c) includes contact information for the Complainant and the Authorised Representative, if any, (including residential and/or mailing address and, to the extent possible, telephone number, email address and fax number)
   d) includes the name or a description of the Project at issue and describes the harm, or potential harm which the Project has caused, or is likely to cause.

Additional Registration criteria

12. Where the Problem-solving function is requested, the Complaint:
   a) must relate to a Project where the Bank has provided – and not withdrawn – a clear indication that it is interested in financing the Project (such indication would usually be provided if the Project has been approved by the body which has been delegated authority to give approval or has passed Final Review by the Bank’s Operations Committee)
   b) must relate to a Project where the Bank maintains a financial interest in the Project, in which case the Complaint must be filed within twelve (12) months following the last disbursement date of EBRD funds, or in the case of equity funding, where the Bank has not sold or exited from its investment
   c) should describe the good faith efforts the Complainant has taken to address the issues in the Complaint, including with the Bank and/or the Client, and a description of the result of those efforts, or an explanation of why such efforts were not possible. The PCM Officer may waive the requirement that the Complainant make good faith efforts to resolve the issues
in the Complaint with the Client if, in his/her view, such efforts would be harmful to the Complainant or futile.

13. Where the Compliance Review function is requested, the Complaint must relate to a Project that has either been approved for financing by the Board or by the body which has been delegated authority to give approval to the financing of such Project.

14. The PCM Officer will not register a Complaint if it:
   a) raises allegations of fraud or relates to procurement matters (in which case the Complaint will be redirected to the appropriate office within the Bank)
   b) relates to Article 1 of the Agreement Establishing the Bank, the Portfolio Ratio Policy or any other specified policy as may be identified by the Board from time to time
   c) relates to the adequacy or suitability of EBRD policies
   d) relates to matters in regards to which a Complaint has already been processed by the PCM or its predecessor IRM, unless there is new evidence or circumstances not known at the time of the previous Complaint.

**Suspension of Registration**

15. If within ten (10) Business Days following receipt of a Complaint, the PCM Officer decides not to register a Complaint due to failure of the Complaint to meet one or more of the Registration criteria of Paragraphs 11-13 and if, in the opinion of the PCM Officer, this failure can be remedied, the PCM Officer will so notify the Complainant or its Authorised Representative. The PCM Officer will then suspend the Registration decision and allow the Complainant a reasonable opportunity to correct the failure and resubmit the Complaint.

16. If the failure is not corrected, or if a failure cannot be remedied, the PCM Officer will inform the Complainant or its Authorised Representative of the decision not to register the Complaint and the reason for the decision, and will close the Complaint. The PCM Officer may, where appropriate, also inform the relevant Bank department, team or unit of the decision.

17. If the Complainant did not make good faith efforts to address the issues with the Bank and/or the Client and did not provide an explanation of why such efforts were not possible as per Paragraph 12(c), the PCM Officer will, in consultation with the Complainant, forward the Complaint to the relevant department in the Bank to address the issues raised without registering the Complaint at that stage. When good faith efforts have subsequently been made, suspension may be lifted if such efforts, in the opinion of the PCM Officer, have not yielded positive results.

**Actions taken following Registration**

18. Upon Registration, the PCM Officer will notify the Relevant Parties and may, in the course of notification, verify with the Complainant or its Authorised Representative, if any, whether the Complainant is seeking a Problem-solving Initiative, a Compliance Review, or both.

19. The Bank Management will be given twenty-one (21) Business Days from the date of Registration of the Complaint to provide its written response to the Complaint.

20. After notification of Registration to the Relevant Parties, the Complaint will be noted on the PCM Register and a copy of the Complaint will be publicly released and posted on the PCM website.

21. Information on the PCM Register for all registered Complaints will include the date the Complaint was received by the PCM, the name and location of the Project about which the Complaint was filed, and, if there is no confidentiality requirement, the identity of the Complainant.

22. Within five (5) Business Days following Registration of a Complaint, the PCM Officer will appoint a PCM Expert to work jointly with the
PCM Officer to conduct an Eligibility Assessment of the Complaint.

Cooperation with other financial institutions

23. Once the PCM Officer registers a Complaint, if the Project at issue in the Complaint is subject to co-financing by other institutions, the PCM Officer may notify the accountability mechanism(s) of the co-financing institution(s) of the Registration of the Complaint and may communicate and cooperate with the accountability mechanisms of such institution(s) so as to avoid duplication of efforts and/or disruption or disturbance to common parties. Where appropriate, the PCM will consider establishing a written cooperation agreement with the accountability mechanism of co-financing institution(s) addressing such issues as confidentiality and sharing of information.

Determining eligibility of Complaints

24. An Eligibility Assessment is a preliminary process that must be satisfied before a Complaint is deemed eligible for further processing under the PCM. Based on an evaluation of the eligibility criteria set out below, the Eligibility Assessors determine whether the Complaint is eligible for a Problem-solving Initiative, a Compliance Review, for both, or for neither. At any time during the Eligibility Assessment, the Bank may decide to agree that certain criteria are satisfied in order to expedite the determination of eligibility. The Eligibility Assessors do not judge the merits of the allegations in the Complaint and do not make a judgement regarding the truthfulness or correctness of the Complaint. In making their determination, the Eligibility Assessors take into account the PCM function requested by the Complainant.

a) To be held eligible for a Problem-solving Initiative, the Complaint must:
   i) be filed by an individual or individuals as referred to in Paragraph 1
   ii) raise issues covered by a Relevant EBRD Policy.

b) To be held eligible for a Compliance Review, the Complaint must be filed within 24 months after the date on which the Bank ceased to participate in the Project and must relate to a Relevant EBRD Policy.

25. In both cases, the Complaint should also include, if possible:

   a) an indication of which PCM function the Complainant expects the PCM to use to address the issues raised in the Complaint (in particular, whether the Complainant is seeking a Compliance Review, Problem-solving Initiative, or both)
   b) an indication of the outcome(s) sought as a result of use of the PCM process
   c) copies of all correspondence, notes or other materials related to communications with the Bank or other Relevant Parties
   d) if applicable, details of the Relevant EBRD Policy at issue in the Complaint.

26. Where the Complaint raises issues appropriate for a Problem-solving Initiative, the Eligibility Assessors will also consider whether a Problem-solving Initiative may assist in resolving the dispute, or is likely to have a positive result, in particular:

   a) whether the Complainant has raised the issues in the Complaint with the Client’s dispute resolution or grievance mechanism, or with the Complaint or accountability mechanism of a co-financing institution, or before a court, arbitration tribunal or other dispute resolution mechanism and, if so, the Eligibility Assessors will also consider the status of those efforts
   b) whether the Problem-solving Initiative may duplicate, interfere with or be impeded by any other process brought by the same Complainant (or where the Complainant is a group of individuals, by some members of the group) regarding the same Project and/or issues.

27. Where the Complaint raises issues appropriate for a Compliance Review, the Eligibility Assessors will, in their determination of eligibility, also consider whether the Complaint relates to:
a) actions or inactions that are the responsibility of the Bank
b) more than a minor technical violation of a Relevant EBRD Policy unless such technical violation is alleged to have caused harm
c) a failure of the Bank to monitor Client commitments pursuant to a Relevant EBRD Policy.

28. A Complaint will not be eligible for either a Problem-solving Initiative or a Compliance Review if:
   a) it was filed fraudulently or for a frivolous or malicious purpose
   b) its primary purpose is to seek competitive advantage through the disclosure of information or through delaying the Project
   c) in the case of a request for a Problem-solving Initiative, the subject matter of the Complaint has been dealt with by the accountability mechanism of any co-financing institution and the PCM Officer is satisfied that the Complaint was adequately considered by such mechanism, unless there is new evidence or circumstances not known at the time of the previous Complaint. In the event that a Complaint is seeking a Compliance Review, a review by another accountability mechanism will not disqualify the Complaint from being processed under these rules.
d) it relates to the obligations of a third party, such as an environmental authority and the adequacy of their implementation of national requirements, or relating to the obligations of the country under international law or treaty, rather than to issues that are under the control of the Client or the Bank.

29. In conducting the Eligibility Assessment, the Eligibility Assessors will consider the Bank management response to the Complaint and the Client’s response to the Complaint (if applicable), and will also examine key documents and consult with the Relevant Parties. The Eligibility Assessors may also carry out a site visit and employ such other methods as they may deem appropriate.

30. Once eligibility has been determined and no later than forty (40) Business Days after the submission of the Bank management response to the Complaint, the Eligibility Assessors will issue an Eligibility Assessment Report. The Eligibility Assessment Report will attach an English only copy of the Complaint as well as the Bank management response, Client’s response (if applicable) and will also include:
   a) a description of the steps taken in the Eligibility Assessment
   b) a summary of the facts and positions of the Relevant Parties
   c) a determination of whether the Complaint is eligible for a Problem-solving Initiative, Compliance Review, both (with a decision regarding the order in which they should be conducted), or neither.

31. Where the Eligibility Assessors conclude that the Complaint is ineligible, the Eligibility Assessment Report will be submitted to the Board (for Projects already approved by the Board) or to the President (for Projects that do not require Board approval or which have not yet been Board approved) to approve their recommendation that the Complaint be closed. If the recommendation is approved, the PCM Officer will close the Complaint; if the recommendation is not approved, the Board or President will send the Complaint back to the Eligibility Assessors for further consideration. Once the recommendation is approved, the Eligibility Assessment Report and the decision will be sent for information to the Relevant Parties and will be publicly released and posted on the PCM website.

32. If the Eligibility Assessors find the Complaint eligible, the Eligibility Assessment Report must also include the terms of reference for either a Compliance Review, Problem-solving Initiative, or both. Where possible, the Eligibility Assessors will consult with the Relevant Parties in the drafting of the terms of reference.
   a) The terms of reference for a Problem-solving Initiative will set out the methods to be used and the time frame for the initiative and will identify the type of expertise required.
   b) The terms of reference for a Compliance Review will identify the type of expertise required to carry out the review, as well as the scope and time frame for the review.
33. The Eligibility Assessment Report will be sent for information to the Relevant Parties as well as to the President and the Board.
   a) When a Complaint is determined to be eligible for a Compliance Review, the Eligibility Assessment Report will be publicly released and posted on the PCM website within five (5) Business Days of circulating the Eligibility Assessment Report to all Relevant Parties.
   b) When a Complaint is found eligible for a Problem-solving Initiative (with or without eligibility for a Compliance Review), the Eligibility Assessment Report will be publicly released and posted on the PCM website within five (5) Business Days of the President’s decision under Paragraph 36. The sending of the Eligibility Assessment Report to the President pursuant to Paragraph 36 will also be noted on the PCM Register.

34. If the Eligibility Assessors find the Complaint ineligible because it fails to meet one or more of the eligibility criteria, and the failure may be remedied, the Eligibility Assessors may suspend issuing their Eligibility Assessment Report and afford the Complainant ten (10) Business Days to remedy the failure.

**Effect of Complaint on Bank Projects**

35. The fact that a Complaint has been registered and/or found eligible for either a Compliance Review and/or a Problem-solving Initiative will not, of itself, have the effect of suspending the Bank’s interest in the Project. However, if at any time during the processing of a Complaint, the PCM Officer believes that serious, irreparable harm will be caused by the Bank’s continued processing of the Project or disbursements in respect of the Project, the PCM Officer may make an interim recommendation to suspend further Bank processing of the Project or, if possible, disbursements in respect of the Project. The decision on the recommendation will be made by the body vested with the power to make such a decision and only if the Bank has the right to suspend or cancel its interest in the Project. The PCM Officer’s recommendation and the decision thereon will be noted on the PCM Register.

**Approval and conduct of a Problem-solving Initiative**

36. Where a Complaint has been held eligible for a Problem-solving Initiative, the Eligibility Assessors will submit the Eligibility Assessment Report to the President with a recommendation that the PCM undertake a Problem-solving Initiative and the reasons supporting their recommendation. The President will decide within ten (10) Business Days of submission of the recommendation whether to accept it. If the President approves the recommendation, the Problem-solving Expert will begin the Problem-solving Initiative as soon as practicable following the President’s decision. The decision of the President, and the reason(s) for the decision, will be publicly released and posted on the PCM website alongside the Eligibility Assessment Report, and the PCM Officer will notify the Relevant Parties that a Problem-solving Initiative is launched.

37. The Problem-solving Initiative will be considered completed when the Relevant Parties reach an agreement or when, in the opinion of the Problem-solving Expert, no further progress towards resolution of the dispute is possible. Upon completion, the Problem-solving Expert will issue a Problem-solving Completion Report describing the issues raised in the Complaint; the methods used in the Initiative; and the results of the Initiative including any issues that remain outstanding. The Report will also identify the need for any follow-up monitoring and reporting by the PCM Officer.

38. The PCM Officer will circulate the Problem-solving Completion Report for information to all Relevant Parties, as well as to the President and the Board. Within five (5) Business Days of circulation, and if the Relevant Parties so agree, the Problem-solving Completion Report will be publicly released and posted on the PCM website. If the Relevant Parties do not agree to the release of the Report due to confidentiality concerns, a summary of the Report will be publicly released and posted on the PCM website.
39. The PCM Officer will monitor the implementation of any agreements reached during a Problem-solving Initiative. The PCM Officer will submit draft Problem-solving Initiative Monitoring Reports to the Relevant Parties who will be given reasonable opportunity to comment on such Reports. If the PCM Officer receives comments from the Relevant Parties, the PCM Officer will have five (5) Business Days from the day the last comments are received to finalise the Report and will send the final Report to the President and to the Board. Within five (5) Business Days thereafter, the Problem-solving Initiative Monitoring Report will be publicly released and posted on the PCM website. The PCM Officer will issue Problem-solving Initiative Monitoring Reports at least biannually or until the PCM Officer determines that monitoring is no longer needed.

Conduct of a Compliance Review

40. Where a Complaint has been held eligible for a Compliance Review, the PCM Officer will appoint a PCM Expert, who was not the Eligibility Assessor, to act as the Compliance Review Expert and to conduct the Compliance Review.

41. The objective of the Compliance Review will be to establish if (and if so, how and why), any EBRD action, or failure to act, in respect of an approved Project has resulted in non-compliance with a Relevant EBRD Policy and, in the affirmative, to recommend remedial changes in accordance with Paragraph 44 of these rules. The Compliance Review may not recommend the award of compensation to the Complainant beyond that which may be expressly provided for in the Relevant EBRD Policy.

42. In conducting the Compliance Review, the Compliance Review Expert will examine key documents and consult with the Relevant Parties who will have an opportunity to comment. The Compliance Review Expert may also carry out a site visit and employ such other methods as the Expert may deem appropriate. The Compliance Review Expert will prepare a draft Compliance Review Report, allow the Relevant Parties opportunity to comment, and consider these comments when finalising the Report.

43. If the Compliance Review Expert concludes that the Bank was in compliance with the Relevant EBRD Policy, the PCM Officer will, as soon as practicable, submit the Compliance Review Report for information to the Relevant Parties and to the President (if the Project does not require Board approval), or to the Board. As soon as possible thereafter, the PCM Officer will close the Complaint file, and the Compliance Review Report will be publicly released and posted on the PCM website.

44. If the Compliance Review Expert concludes that the Bank was not in compliance with a Relevant EBRD Policy, the Compliance Review Expert will issue a Compliance Review Report which will include recommendations to:
a) address the findings of non-compliance at the level of EBRD systems or procedures in relation to a Relevant EBRD Policy, to avoid a recurrence of such or similar occurrences, and/or
b) address the findings of non-compliance in the scope or implementation of the Project, taking account of prior commitments by the Bank or the Client in relation to the Project
c) monitor and report on the implementation of any recommended changes.

45. Upon a finding of non-compliance and receipt of the Compliance Review Report:
a) The PCM Officer will send the Compliance Review Report to the Bank Management to allow it to prepare a Management Action Plan, which will address whether the recommendations contained in the Compliance Review Report are appropriate. The Management Action Plan should include a timetable and estimate of the human and financial resources required to implement those recommendations considered appropriate.
b) The Bank Management may also, if it deems it appropriate, prepare a management response to findings, which will address the findings of
the Compliance Review Report.

47. The PCM Officer will monitor the implementation of the Management Action Plan subject to the timetable and estimate of human and financial resources as set therein. The PCM Officer will issue Compliance Review Monitoring Reports at least biannually or until the PCM Officer determines that monitoring is no longer needed. In the preparation of each report, the PCM Officer will consult with the Relevant Parties as appropriate. The Compliance Review Monitoring Report will be submitted to the President and to the Board for information and, within five (5) Business Days thereafter, will be publicly released and posted on the PCM website.

Roles of the CCO, PCM Experts and PCM Officer

48. Role of the EBRD Chief Compliance Officer (CCO). In support of the PCM’s objective of providing independent review of the Complaints concerning Bank Projects, the role of the CCO, as the head of the Office in which the PCM is located, is limited to ensuring that the PCM Officer carries out the PCM functions and administrative responsibilities according to these rules of procedures.

49. Role of the PCM Experts. The PCM Experts will be responsible for serving as Eligibility Assessors, Compliance Review Experts or Problem-solving Experts, and may be responsible, upon delegation by the PCM Officer, for any follow-up monitoring and reporting.

50. Nomination of PCM Experts. Up to ten (10) PCM Experts will be nominated by a committee and appointed by the Board on the recommendation of the President. The nomination committee, to be established by the President, will comprise five members, both internal and external to the Bank, and will solicit nominations for the position of PCM Expert through a public and transparent process as per the Bank’s procurement rules applicable to consultants. The nomination committee will make decisions based on a majority vote. The committee will select nominees based on the candidates’ experience, particularly in
economic, legal, social, environmental and related fields; proven ability to interpret and apply rules and resolve disputes thoroughly and fairly; demonstrated integrity and independence; ability to interact effectively with Relevant Parties and civil society; and experience with operations of the Bank or similar institutions.

51. **Term of appointment of PCM Experts.** PCM Experts will be appointed to the roster for renewable terms of three (3) years. The PCM Experts will not have worked for the Bank (either as a staff member, Bank official, Director, Alternate Director, Director’s Adviser or consultant) for at least two (2) years prior to being hired as a PCM Expert. The PCM Expert, upon completion of his or her term of service, will not be entitled to work for the Bank (either as a staff member, Bank official or consultant) at any point in the future. The remuneration and term of appointment of the PCM Experts will be included in the President’s recommendation to the Board. PCM Experts may be removed by the Board for cause. If a PCM Expert appointed to conduct an Eligibility Assessment, Problem-solving Initiative, or a Compliance Review resigns or is unable to complete such assignment, the PCM Officer will assign the completion of the assignment to another PCM Expert. Where such assignment is not possible due to urgent timing or unavailability of PCM Experts:
   a) if such event occurs during an Eligibility Assessment, the PCM Officer will be solely responsible for the completion of such Eligibility Assessment
   b) if such event occurs during a Problem-solving Initiative or a Compliance Review, the PCM Officer will decide on the course of action to be undertaken to ensure the prompt completion of the Problem-solving Initiative or the Compliance Review.

52. **Training for PCM Experts.** The PCM Experts will be required to attend training meetings organised by the PCM Officer for up to five (5) days in each calendar year to enhance their knowledge of the Bank’s policies, procedures and operations and to discuss the functioning of the PCM. The PCM Officer will notify the PCM Experts of any such meetings and will set the agenda.

53. **Ad hoc appointment of Experts.** If at any time no PCM Expert from the roster is available or has the particular specialisation required to undertake or complete an assignment, the PCM Officer may recommend the ad hoc appointment of an expert who is not on the roster but meets the same eligibility criteria. Such experts shall be appointed, on a no-objection basis, by the Board on recommendation by the President, to undertake or complete the particular assignment. Such ad hoc appointments may be made by way of a direct selection process regardless of the expected value of the contract for the appointment.

54. **Impartiality of PCM Experts.** When performing PCM functions, PCM Experts will serve in their individual, personal capacity and will be subject to the same privileges and immunities, relevant Code of Conduct provisions, conflict of interest rules and confidentiality provisions as experts performing missions for the Bank. PCM Experts will be required to act impartially and independently and will not participate in the assessment or review of any Complaint related to any matter in which they have or have had a personal interest or significant involvement in any capacity. PCM Experts will immediately disclose to the PCM Officer:
   a) any circumstances which might affect their impartiality or independence in the discharge of their PCM functions
   b) any attempt to interfere with or improperly influence their performance of PCM functions.

55. **Communication by PCM Experts.** PCM Experts will not make any statement, whether private or public, to parties other than the Complainant or its Authorised Representative, if any, the Client, or the relevant Bank department, team or unit on matters under consideration by the PCM. Nothing in this paragraph will prevent a PCM Expert from undertaking any type of public consultation he or she considers necessary as part of an Eligibility Assessment, Problem-solving Initiative or Compliance Review.

56. **Role of the PCM Officer.** The PCM Officer is responsible for the day-to-day administration of the PCM, including: outreach and training; maintenance of the PCM website and Register;
Registration of Complaints; selection of PCM Experts to determine eligibility; conduct Compliance Reviews and/or Problem-solving Initiatives; monitoring and reporting on the implementation of follow-up activities; reporting to the President and the Board on an annual basis and on such other occasions as may be necessary; and communications with the local communities, civil society organisations and other accountability mechanisms.

57. **Appointment of the PCM Officer.** The PCM Officer will be nominated by a committee and appointed by the President. The nomination committee will comprise five members, both internal and external to the Bank, and will solicit nominations for the position of PCM Officer through a transparent process. The nomination committee will make decisions based on a majority vote. The committee will select the nominee(s) based on experience, particularly in economic, legal, social, environmental and related fields; proven ability to resolve disputes thoroughly and fairly; demonstrated integrity and independence; the ability to interact effectively with Relevant Parties and civil society; and experience with operations of the Bank or similar institutions.

58. **Term of office.** The PCM Officer will serve as full-time employee of the Bank on a five- (5) year renewable contract. The PCM Officer will not have worked for the Bank (either as a staff member, Bank official, Director, Alternate Director, Director’s Adviser or consultant) for at least two (2) years prior to being appointed as the Officer. The PCM Officer, upon completion of his or her term of service, will not be entitled to work for the Bank (either as a staff member, Bank official, Director, Alternate Director, Director’s Adviser or consultant) for at least two (2) years prior to being appointed as the Officer. The PCM Officer, upon completion of his or her term of service, will not be entitled to work for the Bank (either as a staff member, Bank official, Director, Alternate Director, Director’s Adviser or consultant) for at least three (3) years immediately following. The PCM Officer may be removed for cause with the approval of the President.

59. **Additional expertise.** The PCM Officer will obtain additional expertise if necessary for the successful performance of PCM duties and responsibilities. The selection and appointment of any consultants, researchers, interpreters, translators and/or other technical experts will be made subject to the EBRD procurement rules regarding the selection and appointment of consultants, and they will act under the supervision of the PCM Officer.

60. **Outreach and training.** The PCM Officer will conduct outreach about the PCM within the EBRD, throughout the EBRD’s countries of operations, and among civil society generally. The PCM Officer will provide training to EBRD staff (including those in London and the Resident Offices) about the PCM as required. The PCM Officer will develop and implement an outreach programme to effectively inform people in EBRD countries of operations, non-governmental organisations and civil society groups about the PCM. Outreach efforts will also include cooperation with other institutions’ accountability mechanisms as appropriate, presentations, and upon request, information sessions regarding how to file a Complaint to the PCM.

61. **Publication of PCM materials.** The PCM Officer will create and distribute printed materials about the PCM. Such materials will include an information pamphlet for EBRD staff and Clients about what is required of each once a Complaint is registered, and a brochure for people in the EBRD’s countries of operations with information about how to file a Complaint. The brochure and pamphlet will be made available on the PCM website, as well as in the EBRD’s London and Resident Offices, in English, French and Russian, and will be translated into official languages of the countries of operations on a progressive basis.

62. **Proceedings generally.** All PCM activities will be carried out as promptly as possible without compromising the integrity or comprehensiveness of the process. The PCM Officer will take into account the need to include the views of any Bank staff, Complainant, Client, and other interested parties who may have relevant information. The PCM Officer will use best efforts to minimise the disruption to the daily operations of all parties concerned.
63. **Access to staff, information and confidentiality.** When conducting an Eligibility Assessment, Problem-solving Initiative or Compliance Review, the PCM Officer and/or PCM Experts will have full access to relevant Bank staff and files, including electronic files, cabinets and other storage facilities. Bank staff will be required to fully cooperate with the PCM. However, the PCM Officer’s and PCM Expert’s use and disclosure of information gathered during their respective activities will be subject to the Bank’s Public Information Policy and any other applicable requirements to maintain sensitive information as confidential. No PCM staff member, PCM Expert, consultant, researcher, interpreter, translator or other technical expert engaged by the PCM may release a document, or information based on that document, without the express written consent of the party who has provided such document and/or the Bank.

64. **Related Complaints.** Where two or more Complaints are received from the same or different Complainants in relation to the same Project, and the substance of the Complaints is reasonably related, the PCM Officer will notify the relevant Complainant(s) and may require either that the Complaints be reviewed together, or may suspend the further processing of any Complaint(s) received after the first one, pending the results of the review of the Complaint first received. The PCM Officer may adjust the time periods for responding to any Complaint in order to take into account the joint review of the Complaints or the suspension of processing the subsequent Complaints.

65. **Time extensions.** Any time period referred to in these Rules may be extended by the PCM Officer for as long as is strictly necessary to ensure full and proper processing of Complaints. The PCM Officer will promptly notify all Relevant Parties of any extensions, and will note the extension on the PCM Register. The extensions should be time-bound, and if they need to be further renewed, all Relevant Parties should be informed. In considering whether an extension is required, the PCM Officer will take into account factors such as the location of the Project site, the need for Bank staff to participate in the process, any time-sensitive issues relating to the Project, the availability of PCM Experts and consultants, and the need for translation.

66. **Annual report.** The PCM Officer will prepare an annual report describing the activities of the PCM during the preceding year. The report will be submitted to the President and to the Board for information, and will be publicly released as soon as possible thereafter and posted on the PCM website.

**General provisions**

67. **Legal matters.** The General Counsel will, upon request, provide all legal information and advice needed regarding the Bank’s policies and procedures and the Bank’s rights and obligations regarding the Project at issue in a Complaint.

68. **Budget.** The Bank will provide budgetary resources to the PCM sufficient to allow all of the activities permitted by these Rules to be carried out. The PCM Officer, in consultation with the CCO, will prepare the annual budget indicating the level of resources required for the forecasted activities of the PCM for the coming year and will be responsible for determining the allocation of resources.

69. **Language of reports.** All reports to be issued by either the PCM Officer or any of the PCM Experts and posted on the PCM website will be in the English language. The reports may be translated into the language(s) of the country where the Complaint originated.

70. **Amendment and effect of the rules.** These rules may be amended by the Board. These rules will prevail in the event of any inconsistency between these rules and any other EBRD document and in the absence of an express provision to the contrary.
71. **Governing language.** These rules will be translated into French and Russian. If there is any discrepancy between the English version of these rules and any other version, the English version will govern.

72. **Review of the PCM.** The PCM will be reviewed by the Board every five (5) years or as needed.

73. **Entry into force.** These rules of procedure will enter into force six (6) months after approval by the Board of Directors and shall supersede the Rules of Procedure approved in 2009. Complaints registered under the Rules of Procedure 2009 prior to the entry into force of these rules will normally be dealt with in accordance with those rules.
# Complaint Form

In order for the PCM to address your complaint, you must provide the following information:

<table>
<thead>
<tr>
<th>1. Name of the Person(s) or Organisation(s) filing the Complaint (“the Complainant”).</th>
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| 2. Contact information of the Complainant (please include email address and phone number if possible). |
|………………………………………………………………………………………………………………………………………………………|
| ……………………………………………………………………………………………………………………………………………… |
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| 3. Is there a representative making this Complaint on behalf of the Complainant? |
| -- Yes □ (if yes, please provide the Name and Contact information of the Representative): |
|………………………………………………………………………………………………………………………………………………………|
| ……………………………………………………………………………………………………………………………………………… |
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Please attach proof that the Representative has been authorised by the Complainant to file the Complaint. For example, this can be in the form of a letter signed by the Complainant giving permission to the Representative to make the Complaint on his behalf.

| No □ |
| ……………………………………………………………………………………………………………………………………………… |
| ……………………………………………………………………………………………………………………………………………… |

| 4. Are you requesting that this Complaint be kept confidential? |
| -- Yes □ (if yes, please explain why you are requesting confidentiality) |
|………………………………………………………………………………………………………………………………………………………|
| ……………………………………………………………………………………………………………………………………………… |
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| No □ |

| 5. Please provide the name or a description of the EBRD Project at issue. |
|………………………………………………………………………………………………………………………………………………………|
| ……………………………………………………………………………………………………………………………………………… |
| ……………………………………………………………………………………………………………………………………………… |

| 6. Please describe the harm that has been caused or might be caused by the Project (please continue on a separate sheet if needed): |
|………………………………………………………………………………………………………………………………………………………|
| ……………………………………………………………………………………………………………………………………………… |
| ……………………………………………………………………………………………………………………………………………… |

Please write on a separate sheet wherever needed.
7. If you are requesting the PCM’s help through a **Problem-solving Initiative**, you must have made a genuine effort to contact the EBRD or Project Sponsor regarding the issues in this complaint.

a. Have you **contacted the EBRD** to try to resolve the harm caused or expected to be caused by the Project?

   - **Yes** ☐ (If yes, please list when the contact was made, how and with whom):

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

     Please also describe any response you may have received.

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

   - **No** ☐ (please go to question 8)

   Is the written record of this contact with the EBRD attached to your complaint?

   - **Yes** ☐ (please list)

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

   - **No** ☐ (if not, please arrange for all relevant documents to be delivered to the PCM Officer as soon as possible).

b. Have you **contacted the Project Sponsor** to try to resolve the harm caused or expected to be caused by the Project?

   - **Yes** ☐ (If yes, please list when the contact was made, how and with whom)

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

     Please also describe any response you may have received.

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

   - **No** ☐ (please go to question 8)

   Is the written record of this contact with the Project Sponsor attached to your complaint?

   - **Yes** ☐ (please list)

     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….
     - …………………………………………………………………………………………………………………………………………………………….

   - **No** ☐ (if not, please arrange for all relevant documents to be delivered to the PCM Officer as soon as possible).

8. If you have not contacted the EBRD and/or Project Sponsor to try to resolve the harm or expected harm, please explain why.

   - …………………………………………………………………………………………………………………………………………………………….
   - …………………………………………………………………………………………………………………………………………………………….
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Please write on a separate sheet wherever needed.
Although not required, it would be helpful to the PCM if you could also include the following information:

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<tr>
<td>9. If you believe the EBRD may have failed to comply with its own policies, please describe which EBRD policies.</td>
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<td>10. Please describe any other complaints you may have made to try to address the issue(s) at question (for example, court cases or complaints to other bodies).</td>
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<td>11. Are you seeking a Compliance Review where the PCM would determine whether the EBRD has failed to comply with its Relevant Policies? Yes ☐ No ☐</td>
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<tr>
<td>12. Are you seeking a Problem-solving Initiative where the PCM would help you to resolve a dispute or problem with the Project? Yes ☐ No ☐</td>
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<td>13. What results do you hope to achieve by submitting this Complaint to the PCM?</td>
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<td>Required:</td>
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<td>Name of Complainant *:</td>
<td>Date:</td>
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<tr>
<td>Or</td>
<td></td>
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<tr>
<td>Name of Authorised Representative *:</td>
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</tbody>
</table>

Please send your Complaint to: Project Complaint Mechanism
Attn: PCM Officer
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
Fax: +44 20 7338 7633
E-mail: pcm@ebrd.com

Alternatively, a Complaint may be delivered by post or hand, at any one of the EBRD’s Resident Offices, indicating that it is for transmission to the PCM.

* Note: Please attach proof that the Representative has been authorised by the Complainant to file the Complaint. For example, this can be in the form of a letter signed by the Complainant giving permission to the Representative to make the Complaint on his behalf.

Please write on a separate sheet wherever needed.
The PCM is independent from the EBRD’s banking operations and the Bank’s Environment and Sustainability Department.