

10 March 2017

To: David Simpson
Project Complaint Mechanism
European Bank for Reconstruction and Development
1 Exchange Square, London, United Kingdom

Dear Mr Simpson,

Thank you very much for the opportunity to comment on the Management Action Plan (MAP) on the 2016 EPS Restructuring complaint concerning the disclosure of the project's Board Document.

Before commenting on the MAP, the complainant would like to acknowledge the excellent Compliance Review report, which confirms the important role the PCM can play in clarifying and improving the implementation of the EBRD's policies. The findings of the PCM Compliance Review are highly appreciated by the complainant, as it clarifies the practical reasons for the delay in disclosure of the EPS Restructuring Board Document and proposes steps to address the non-compliance at the level of EBRD's systems and procedures, taking into account relevant good international practice. These were the specific outcomes that the complaint anticipated.

Furthermore, the Compliance Review provides valuable insights regarding the EBRD's commitment to implement its projects in accordance with the spirit, principles, purpose and ultimate goals of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Justice in Environmental Matters. Due to the limited scope of the complaint, regrettably, these findings are not translated into recommendations and management actions that can clarify the currently vague policy commitments. While we are mindful of the resistance to possible 'scope creep' in PCM compliance reviews, we consider this a missed opportunity for providing clear policy interpretations and wider improvements in transparency on environmental matters beyond board documents disclosure.

This said, we note and appreciate the commitment in the MAP to consider proactive disclosure of board documents in the forthcoming review of the Public Information Policy (PIP). We also recommend that Management should consider additional clarifications on the implementation of the Aarhus Convention in EBRD projects during the revision of the Environmental and Social Policy (ESP) in 2018-2019.

We also welcome the development by Management of a guidance note, which should clarify the appropriate timelines for responding to requests for information in accordance with the PIP and the ESP obligations, and which is expected to become a part of the existing PIP Implementation Guidelines. In this regard, Bankwatch is looking forward to the consultations on this guidance note, in line with the PCM recommendations and the management commitments in the MAP.

Sincerely,

Fidanka Bacheva-McGrath
CEE Bankwatch Network