



Project
Complaint
Mechanism

COMPLAINT: JVARI - KHORGA INTERCONNECTION PROJECT, GEORGIA

REQUEST NUMBER: 2017/02

ELIGIBILITY ASSESSMENT REPORT – August 2017

The Project Complaint Mechanism (PCM) is the independent accountability mechanism of the EBRD. PCM provides an opportunity for an independent review of Complaints from one or more individual(s) or organisation(s) concerning an EBRD Project, which allegedly has caused, or is likely to cause harm. PCM may address Complaints through two functions: Compliance Review, which seeks to determine whether or not the EBRD has complied with its Environmental and Social Policy and/or the Project-specific provisions of the Public Information Policy; and Problem-solving, 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. Affected parties can request one or both of these functions.

For more information about PCM, contact us or visit www.ebrd.com.

Contact information

Inquiries should be addressed to:

The Project Complaint Mechanism (PCM)
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
Telephone: +44 (0)20 7338 6000
Fax: +44 (0)20 7338 7633
Email: pcm@ebrd.com

<http://www.ebrd.com/work-with-us/project-finance/project-complaint-mechanism.html>

How to submit a Complaint to the PCM

Complaints about the environmental and social performance of the EBRD can be submitted by email, telephone or in writing at the above address, or via the online form at:

<http://www.ebrd.com/work-with-us/project-finance/project-complaint-mechanism/submit-a-complaint.html>

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Unless otherwise indicated capitalised terms used in this report are those as set forth in the PCM Rules of Procedure.

EXECUTIVE SUMMARY

The Project Complaint Mechanism (PCM) received a Complaint in relation to the EBRD's financing of the Jvari-Khorga Interconnection Project in Georgia. The Complainant alleges he did not receive payment during the six months he worked as Project Manager for Jyoti Structures Ltd, a subcontractor of the Project (Contractor), and that he was terminated from his employment without receiving his salary. The Complainant requested that both Problem-solving and Compliance Review be undertaken by the PCM.

The Eligibility Assessors have determined that a Problem-solving Initiative undertaken by PCM is unlikely to assist in resolving the concerns raised by the Complainant or achieve positive results.

The Eligibility Assessors have determined that the Complaint is eligible for a Compliance Review. The Complainant raises issues that fall within the scope of the 2008 Environmental and Social Policy – in particular Performance Requirement 2, Labour and Working Conditions – and which trigger Bank responsibilities under the Policy.

The PCM Eligibility Assessors find that the Complaint does not satisfy the criteria for a Problem-solving Initiative. However, the Complaint is considered to be eligible for a Compliance Review as set out under the PCM Rules of Procedure (PCM RPs).

I. BACKGROUND

1. On 21 April 2017 the PCM received a Complaint regarding the Jvari-Khorga Interconnection Project in Georgia.¹ The Complainant requested both a Problem-solving Initiative and a Compliance Review. The Complaint was registered by the PCM Officer on 8 May 2017 in accordance with paragraphs 11-13 of the PCM Rules of Procedure (RPs), and was subsequently posted in the PCM Register pursuant to paragraph 20 of the PCM RPs. On 8 May 2017 Mr Neil Popovic was appointed as an Eligibility Assessor to conduct the Eligibility Assessment jointly with the PCM Officer, in accordance with paragraph 22 of the PCM RPs.
2. The Project constitutes a EUR 60 mln sovereign loan co-financed with KfW for the construction of (i) a new 500kV/220kV substation at Jvari, (ii) a double circuit 500kV/8km transmission line from the Kavkasioni line to the Jvari substation and (iii) a double circuit 220kV/60km transmission line between Jvari and Khorga.
3. The Borrower is the Government of Georgia, who has on-lent to Georgian State Electrosystem (GSE), the state-owned transmission and dispatching company. GSE subsidiary EnergoTrans is implementing the Project. The Bank has a direct relationship to GSE through a Project Agreement.
4. The Project was approved by the EBRD Board of Directors on 16 October 2013 and is categorised “A” under the 2008 Environmental and Social Policy.²

II. STEPS TAKEN IN THE ELIGIBILITY ASSESSMENT

5. The Eligibility Assessors have undertaken a general examination of the Complaint, and additional information provided by the Complainant and EBRD Management to determine if the eligibility criteria as set out in the PCM RPs for a Problem-solving Initiative and/or Compliance Review are met.
6. A site visit was not considered necessary for the purposes of this Eligibility Assessment as the Assessors deemed it sufficient and adequate to determine eligibility through primarily a document-based review.
7. PCM has continuously engaged with the Complainant, Bank staff and the Client since first receiving a communication from the Complainant in April 2017.

III. SUMMARY OF THE RELEVANT PARTIES' VIEWS

1. Complainant

8. The Complainant worked as Project Manager for Jyoti Structures Ltd., a subcontractor of the Jvari-Khorga Interconnection Project. The Complainant asserts that he was not paid any salary from September 2016, and that when he demanded his salary be paid in January 2017 his services were terminated (with effect from 2 February 2017).³ The Eligibility Assessors understand that, as of the date of this report, the Complainant's salary has not been paid.

¹ Complaint Number 2017/02, available at <http://www.ebrd.com/work-with-us/project-finance/project-complaint-mechanism/pcm-register.html> and attached in annex to this report.

² The Bank Management response is annexed to this report.

³ Complaint.

2. Bank Management

9. Bank Management submitted its written response in relation to the Complaint to the PCM Officer on 5 July 2017. According to the response, the Project has been structured to comply with the requirements of the 2008 Environmental and Social Policy applicable to category “A” projects and the relevant Performance Requirements. The response states that all actions required to implement the Project in compliance with the Environmental and Social Policy are reflected in the Environmental and Social Action Plan for the Project, which was agreed with the Client prior to the approval of the Project by the EBRD Board of Directors. According to the response, the Bank has been closely and regularly monitoring the Project, including site visits and frequent meetings with GSE and EnergoTrans.

10. In response to the Complaint, EBRD Management states that:

- The Management was informed about the concerns raised by the Complainant at the time the Complainant filed a complaint with the PCM.
- Based on the communications EBRD has received from EnergoTrans, the issue of non-payment of salary to the Complainant would be part of a wider mix of issues, possibly related to financial difficulties faced by the Contractor. Reportedly, other employees as well as Georgian sub-contractors experienced late or missing salaries/payments.
- The Contractor stated in a communication to EnergoTrans dated 22 May 2017 that the dispute between the Contractor and the Complainant in relation to the termination of the Complainant’s appointment (including the payment of the outstanding salary) is expected to be resolved through the court in India, as both the Contractor and the Complainant are located in India.
- EnergoTrans has been aware of the case since mid-January 2017 and since that time has been engaging with the Complainant and the Contractor to resolve the problem.
- EBRD is monitoring the issue.⁴

11. In a recent communication from the Bank Management, the PCM was informed about the start of administrative proceedings regarding the insolvency of Jyoti Structures Ltd. A public announcement was issued in India inviting creditors including employees to lodge claims for payments due by Jyoti Structures Ltd.⁵

IV. DETERMINATION OF ELIGIBILITY

12. The Eligibility Assessors have examined the Complaint to determine whether the relevant eligibility criteria are met under paragraphs 24-28 of the PCM RPs, and considered the response of EBRD Management to the Complaint in accordance with paragraph 29 of the PCM RPs. PCM has also received additional information from the Complainant as well as Bank staff (in particular, the Banking and Environment & Sustainability Department) since the Complaint was filed.

⁴ See Bank Management response, annexed to this report.

⁵ According to the communication, the insolvency proceedings provide the exclusive forum for resolving claims against Jyoti Structures Ltd. Presumably such claims would be adjudicated pursuant to the applicable law and procedures.

13. Pursuant to paragraph 24 of the PCM RPs, 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 on eligibility.

14. The Eligibility Assessors have also determined that the criteria outlined in paragraph 25 of the PCM RPs have been met:

- The Complainant has indicated in his Complaint that he expects both functions to be undertaken by the PCM to address the issues raised in the Complaint.
- The Complainant has indicated the outcomes he seeks as a result of use of the PCM process:

Payment of my salary and revenant benefits as per the agreement with Jyoti Structures Ltd i.e. salary payment from Sept 2016 to 2 Feb 2017 plus payment of notice period as per the agreement with Jyoti Structures Ltd.⁶

- The Complainant has submitted correspondence exchanged with the Client and the Contractor relating to his Complaint.
- The Complainant has provided sufficient information to enable the Eligibility Assessors to identify a Relevant EBRD Policy, namely the Environment and Social Policy – in particular Performance Requirement 2, Labour and Working Conditions.

15. Pursuant to paragraph 28 of the PCM RPs, the Eligibility Assessors do not consider that the Complaint was filed fraudulently or for a frivolous or malicious purpose, or that its primary purpose is to seek competitive advantage through the disclosure of information or through delaying the Project.

1. Determination of Eligibility for a Problem-solving Initiative

16. In accordance with paragraph 24(a) of the PCM RPs, to be eligible for a Problem-solving Initiative, the Complaint must be filed by one or more individuals located in an impacted area, or who has or have an economic interest, including social and cultural interests, in an Impacted Area.

17. Impacted Area is defined in the PCM RPs as “the geographical area which is, or is likely to be, affected by a Project.” As a direct employee of a subcontractor for the Project, the Eligibility Assessors consider that this requirement is satisfied.

18. Further, the Complaint raises issues covered by the EBRD’s 2008 Environmental and Social Policy, meeting the second part of the requirement in paragraph 24(a). The Complainant’s allegations in relation to non-payment of salary fall within the scope of Performance Requirement 2 – Labour and Working Conditions. PR 2.12 holds: “Wages, benefits and conditions of work offered should, overall, be comparable to those offered by equivalent employers in the relevant region of that country/region and sector concerned.” The Eligibility Assessors must assume that non-payment for work carried out by an individual cannot be a justifiable practice in Georgia.

19. The Eligibility Assessors further note that paragraph 28(c) is not applicable. The subject matter of the Complaint has not been dealt with by the accountability mechanism of any co-financing institution.

⁶ Refer to the Complaint in annex to this report.

20. PCM's problem-solving function has the objective of restoring a dialogue between a Complainant and Client to resolve the issues underlying a Complaint without attributing blame or fault. In the present case, the Eligibility Assessors have considered whether PCM involvement may assist in resolving the present dispute, or is likely to have a positive result, taking into account previous or ongoing efforts to resolve the issues. The Eligibility Assessors have considered that the Complainant no longer works for the Contractor, and that the dispute between the Company and the Complainant in relation to the termination of his appointment (including the payment of the outstanding salary) may be resolved through proceedings in India, where the Complainant and his former employer are both resident, and where the Contractor is involved in insolvency proceedings. A PCM Problem-solving Initiative under these conditions would be unlikely to lead to a durable solution in regards to the issues raised by the Complainant.
21. Based on this assessment, the Eligibility Assessors have concluded that the Complaint is ineligible for a Problem-solving Initiative.

2. Determination of Eligibility for a Compliance Review

22. In considering if the Complaint meets the eligibility criteria for a Compliance Review, the Eligibility Assessors have considered the requirements set out in paragraph 24(b) of the PCM RPs.
23. First, the Complaint must be filed within 24 months after the date on which the Bank ceases to participate in a Project. The Complaint meets this requirement, as the Project remains active.
24. Second, the Complaint must relate to a Relevant EBRD Policy. The Eligibility Assessors consider that the Complainant's allegations in relation to non-payment of salary can be said to relate to PR 2 – Labour and Working Conditions – of the EBRD 2008 Environmental and Social Policy.
25. Further, the Eligibility Assessors must consider paragraph 27 of the PCM RPs, which provides:

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.

26. Although the issues raised by the Complaint are contemplated by the 2008 Policy, there is no direct link between the Bank and Jyoti Structures Ltd, a subcontractor for the Project. The Bank's responsibility to ensure adequate due diligence for the Project and monitor commitments would clearly extend to the beneficiary of the loan, in this case GSE, with whom the Bank has a contractual relationship.
27. A key question for the determination of eligibility is, does the Bank's obligation to ensure adequate due diligence and to monitor the implementation of commitments relating to PR 2 extend to include the conduct of subcontractors?
28. PR 2.19 of the 2008 Policy provides the following:

In the case of non-employee workers engaged by the client through contractors or other intermediaries to work on project sites or perform work directly related to the core

functions of the project, the client will: (i) ascertain that these contractors or intermediaries are reputable and legitimate enterprises; and (ii) require that they apply the requirements stated in paragraphs 6 to 16 and 18 above....”

29. As such, “Working conditions and terms of employment (PR 2.7) and “Wages, benefits and conditions of work” (PR 2.12) fall within the parameters of PR 2.19. Accordingly, in the view of the Eligibility Assessors, the Bank’s responsibility includes adequate due diligence and monitoring of GSE’s commitment under the 2008 Policy, to ensure that contractors satisfy the relevant requirements of the Policy, including in relation to terms of employment, wages, benefits and conditions of work.
30. The Eligibility Assessors have considered that the Complainant’s concerns regarding non-payment of salary and termination constitute more than a minor technical violation of the Environmental and Social Policy.⁷
31. Based on this assessment, the Eligibility Assessors have found the Complaint eligible for a Compliance Review.

V. CONCLUSION

32. On the basis of the information set out above, the Eligibility Assessors have found that the Complaint does not satisfy the eligibility criteria in the PCM RPs for a Problem-solving Initiative, but does satisfy the criteria for a Compliance Review.

⁷ Although the Compliance Review will likely have to consider whether Complainant is entitled to payment of salary and benefits from his former employer, the PCM does not have authority to order Complainant’s employer to pay his salary and benefits.

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Request: 2017/02

TERMS OF REFERENCE FOR A COMPLIANCE REVIEW

Application

1. These Terms of Reference apply to any inquiry, action or review process undertaken as part of the Compliance Review, with a view to determining, as per PCM RP 41 if (and if so, how and why) any EBRD action, or failure to act, in respect of the Project has resulted in non-compliance with a Relevant EBRD Policy, in the present case, the EBRD's 2008 Environmental and Social Policy. If it is determined that there has been non-compliance, the Compliance Review will recommend remedial changes in accordance with PCM RP 44.
2. Activities carried out as part of the Compliance Review, and subject to these Terms of Reference, are subject to modifications which the Compliance Review Expert and the PCM Officer may, at any time, expressly agree upon, except any modification that may prejudice the interests of any Relevant Party or is inconsistent with accepted review practice.

Compliance Review Expert

3. In accordance with PCM RP 40 the PCM Officer will appoint a PCM Expert who was not the Eligibility Assessor as Compliance Review Expert.
4. The Compliance Review Expert shall conduct the Compliance Review in a neutral, independent and impartial manner and will be guided by principles of objectivity and fairness giving consideration to, *inter alia*, the rights and obligations of the Relevant Parties, the general circumstances surrounding the Complaint and due respect for EBRD staff, Complainant and the Client.

Time Frame

5. The Compliance Review will commence as soon as possible following the posting of the Eligibility Assessment Report containing these Terms of Reference in the PCM Register on the EBRD website.
6. Every effort shall be made to ensure that the Compliance Review is conducted as expeditiously as circumstances permit, and it is intended that the Compliance Review shall be concluded within 60 Business Days of its commencement. At the request of the Compliance Review Expert, the PCM Officer may extend this time period for as long as necessary to ensure full and proper conduct of the Compliance Review. Any such extension shall be promptly notified to all Relevant Parties.

Scope of Compliance Review

7. Based on the issues raised in the Complaint, the Compliance Review Expert will determine which provisions of applicable Relevant EBRD Policies apply, and examine core compliance issues (such issues being limited to matters raised in the Complaint), particularly:

- Did EBRD satisfy its obligations on the environmental and social due diligence in relation to the requirements regarding the complaint on wage non-payment as per Performance Requirement 2, Labour and Working Conditions?
- More specifically, did the Bank carry out sufficient due diligence and adequately monitor the Client commitments as determined in PR 2.19, in relation to the non-employee workers engaged by the client through contractors or other intermediaries to work on project sites or perform work directly related to the core functions of the project to (i) ascertain that these contractors or intermediaries are reputable and legitimate enterprises; and (ii) require that they apply the requirements stated in paragraphs 6, 7, 12 and 18.

Procedure: Conduct of the Review

8. The Compliance Review Expert may conduct the Compliance Review process in such a manner as he/she considers appropriate, taking into account the PCM Rules of Procedure, the concerns expressed in the Complaint and the general circumstances of the Complaint.
9. Specifically, the Compliance Review Expert may:
 - a) Review the Complaint to frame the compliance issues to be included in the Compliance Review;
 - b) Review all documentation relevant to the Complaint;
 - c) Consult with EBRD staff involved in the Project, including personnel from the Bank's Environment and Sustainability Department, the Project Team, and the relevant EBRD Resident Office;
 - d) Solicit additional oral or written information from, or hold meetings with, the Complainant, the Client, any other Relevant Party and, further, any interested person or party as may be appropriate for the conduct of the Compliance Review;
 - e) Identify any appropriate remedial changes in accordance with PCM RP 41, subject to consideration of any restrictions or arrangements already committed to by the Bank or any other Relevant Party in existing Project-related agreements; and
 - f) Take any other action as may be required to complete the Compliance Review within the required time frame and in consultation with the PCM Officer, as appropriate.

Procedure: General

10. The Compliance Review Expert shall enjoy, subject to the provision of reasonable notice, full and unrestricted access to relevant Bank staff and files, and Bank staff shall be required to cooperate fully with the Compliance Review Expert in carrying out the Compliance Review.
11. In conducting the Compliance Review, the Compliance Review Expert shall take care to minimize any disruption to the daily operations of all involved parties, including relevant Bank staff.
12. Generally, all Relevant Parties shall cooperate in good faith with the Compliance Review Expert to enable the Compliance Review to be carried out and concluded as expeditiously as possible and, in particular, endeavour to comply with requests from the Compliance Review Expert for obtaining access to sites, submission of written materials, provision of information and attendance at meetings. The Compliance Review Expert will advise the PCM Officer of

situations where the actions or lack of action by any Relevant Party hinders or delays the conduct of the Compliance Review.

13. Access to, and use and disclosure of, any information gathered by the Compliance Review Expert during the Compliance Review process shall be subject to the Bank's Public Information Policy and any other applicable requirements to maintain sensitive commercial and/or other information confidential. The Compliance Review Expert may not release a document, or information based thereon, which has been provided on a confidential basis without the express written consent of the party who owns such document.

Compliance Review Report

14. In accordance with PCM RP 42, the Compliance Review Expert shall prepare a Report. The Report may include a summary of the facts and allegations in the Complaint, and the steps taken to conduct the Compliance Review. The Relevant Parties shall be provided an opportunity to comment on the draft Report, and the Compliance Review Expert shall consider the comments of the Relevant Parties when finalizing the Report. In addition, in cases of non-compliance, the Report shall include recommendations according to PCM RP 44.
15. The recommendations and findings of the Compliance Review Report shall be based only on the circumstances relevant to the present Complaint and shall be strictly impartial.
16. Prior to submitting the Compliance Review Report to the Relevant Parties and to the Board in accordance with PCM RP 43, or sending the draft Compliance Review Report to the Bank's Management and the Complainant in accordance with PCM RP 45, the PCM Officer will verify that there are no restrictions on the disclosure of information contained within the Report, and will consult with the Relevant Parties regarding the accuracy of the factual information contained therein.

Exclusion of Liability

17. Without prejudice to the privileges and immunities enjoyed by PCM Experts, the Compliance Review Expert shall not be liable to any party for any act or omission in connection with any Compliance Review activities undertaken pursuant to these Terms of Reference.

ANNEXES

Annex 1: Complaint

Annex 2: Bank Management Response

Annex 1: Complaint

Project Complaint to PCM

Date/Time 21/04/2017 03:45

Name/Organisation R. Pandey

Address [REDACTED]

Country GEORGIA

Phone number [REDACTED]

Email [REDACTED]

Is there a representative making this Complaint on behalf of the Complainant? No

If yes, please provide the Name and Contact information of the Representative N/A

Are you requesting that this Complaint be kept confidential? No

If yes, please explain why you are requesting confidentiality N/A

Please provide the name or a description of the EBRD Project at issue. R. Pandey was working on the Project Jvari – Khorga Interconnection Project, 220 kV D/C and 500 kV D/c Transmission Line Project since June 2015 as Project Manager, under contractor Jyoti Structures Ltd, Client Georgian Sate Electro System, Consultant Fichtner. The company didn't paid my salary since Sept 2016, when in Jan last I asked my salary the company Jyoti Structures Ltd terminated my services with immediate effect i.e 02 Feb 2017 without pay my salary and as on date i.e 19 April 2017 the company didn't paid my salary

Please describe the harm that has been caused or might be caused by the Project. Non Payment of Salary since Sept 2016.

Have you contacted the EBRD to try to resolve the harm caused or expected to be caused by the Project? No

If yes, please list when the contact was made, how and with whom N/A

Please also describe any response you may have received N/A

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 3 Feb 2017, [REDACTED]

Please also describe any response you may have received. Be kindly informed that all financial obligations from Energotrans towards Jyoti structures Limited are met and donor funds are transferred in a correct manner. Internal relationship between company and its staff will be discussed during the upcoming progress meeting, meanwhile please take care of Mr. Pandey and other staff members in Georgia according to your working contracts.

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

If you believe the EBRD may have failed to comply with its own policies, please describe which EBRD policies. n/a

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). n/a

Are you seeking a Compliance Review where the PCM would determine whether the EBRD has failed to comply with its Relevant Policies? Yes

Are you seeking a Problem-solving Initiative where the PCM would help you to resolve a dispute or problem with the Project? Yes

What results do you hope to achieve by submitting this Complaint to the PCM? Payment of my salary and revenant benefits as per the agreement with Jyoti Structures Ltd i.e. salary payment from Sept 2016 to 2 Feb 2017 plus payment of Notice period as per the agreement with Jyoti Structures Ltd.

Annex 2: Bank Management Response

1. Introduction

EBRD is co-financing with KfW a EUR 60 mln sovereign loan for the construction of (i) a new 500kV/220kV substation at Jvari, (ii) a double circuit 500kV/8km transmission line from the Kavkasioni line to the Jvari substation and (iii) a double circuit 220kV/60km transmission line between Jvari and Khorga.

The Borrower is the Government of Georgia, who has on-lent to Georgian State Electrosystem (GSE), the state-owned transmission and dispatching company. GSE subsidiary EnergoTrans is implementing the Project. The Bank has a direct relationship to GSE through a Project Agreement.

The Project was approved by the EBRD Board of Directors on 16 October 2013 and is categorised “A” under the 2008 Environmental and Social Policy.

The Complainant is an individual (Indian national and resident) who was working on the Project Jvari – Khorga Interconnection Project, 220 kV D/C and 500 kV D/c Transmission Line Project since June 2015 as Project Manager, under contractor Jyoti Structures Ltd (Contractor). The Complainant claims that Jyoti Structures Ltd did not pay his salary after Sept 2016 and then terminated his contract on 02 Feb 2017 without paying his salary.

The Complaint does not indicate which policies the Complainant believes the EBRD may have failed to comply with.

2. Management Response

The Project has been structured to comply with the requirements of the 2008 Environmental and Social Policy applicable to an EBRD category A project and the relevant EBRD Performance Requirements (“PRs”). An Environmental and Social Impact Assessment meeting EBRD requirements was disclosed for 120 days, starting from May 20th 2013. All actions required to implement the Project in compliance with EBRD's ESP are reflected in the Project's Environmental and Social Action Plan (ESAP) that has been agreed with the Company prior to EBRD Board approval. The Bank has been closely and regularly monitoring the Project, including site visits and frequent meetings with GSE and Energotrans.

In response to the Complaint registered by the PCM on May 8th 2017 in relation to the unpaid salaries, the EBRD's Management considers the following:

- The Management was informed about the concerns raised by the Complainant at the time the Complainant filed a complaint to the PCM (April 19th 2017).
- Based on the communications EBRD has received from Energotrans, the issue of non-payment of salary to the Complainant would be part of a wider mix of issues, possibly related to financial difficulties faced by the Contractor. Reportedly, other employees as well as Georgian sub-contractors experienced late or missing salaries/payments.
- The Contractor stated in a communication to Energotrans (22.05.2017) that the dispute between the Company and the Complainant in relation to the termination of his appointment (including the payment of the outstanding salary) is expected to be resolved

through the Court in India, as both the Company and the Complainant are located in India.

- Energotrans has been aware of the case since mid-January 2017 and since that time has been engaging with the Complainant and the Contractor to resolve the problem.
- EBRD is monitoring the issue.