

From: [PCM - Project Complaint Mechanism](#)
To: [PCM - Project Complaint Mechanism](#)
Subject: New Project Complaint
Date: 16 February 2016 14:18:58

Project Complaint to PCM

Date/Time

16/02/2016 14:18

Name/Organisation

Fidanka McGrath, CEE Bankwatch Network

Address

31 Shar planina str., Blagoevgrad 2700

Country

BULGARIA

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Email

fidankab@bankwatch.org

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.

EPS Restructuring, 2015

<http://www.ebrd.com/work-with-us/projects/psd/eps-restructuring.html>

Please describe the harm that has been caused or might be caused by the Project.

The harm that has been caused by previous EBRD investments in EPS has been the subject of several previous PCM complaints. The compliance review for the last complaint (2013/03 Project name: EPS Emergency Power Sector Reconstruction Loan, EPS Power II and EPS Kolubara Environmental Improvement) concluded non-compliance of the EBRD with its own policies. It still remains to be seen if the current EPS Restructuring project can help remedy harm done by EPS operations. For CSOs, such as Bankwatch and its member group CEKOR, access to information is crucial for meaningful engagement with the Bank and its client.

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

1) e-mail request From: Fidanka McGrath Sent: 29 October 2015 12:59 To: EBRD Civil Society Subject: request for disclosure of the Board document on EPS restructuring 2) e-mail on 30 Nov. 2015, to cso@ebrd.com and cc: [REDACTED] 3) e-mail on 8 Jan.2016, to [REDACTED], cc: cso@ebrd.com

Please also describe any response you may have received

1) confirmation of receipt of request from CSO Unit on 4 Nov. 2015 2) e-mail from CSO Unit on 26Nov.2015 that additional 20 days are required. 3) e-mail from 8Jan.2016 with apologies and promise to send it 'next week'.

Have you contacted the Project Sponsor 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

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

The Board document on the EPS Restructuring loan is an EBRD document, so the request was directed to the EBRD. Bankwatch member group CEKOR is in regular contact with the Project Sponsor to discuss harm and expected harm caused by the project.

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

Directly the EBRD has failed to comply with its Public Information Policy, in particular Section D, paragraph 3.2. Indirectly the complaint concerns paragraph 15 of the Environmental and Social Policy, as well as the EBRD's commitment to the spirit, principles and ultimate goals on public disclosure and stakeholder engagement comprised in the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

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?

No

What results do you hope to achieve by submitting this Complaint to the PCM?

I hope to 1) generally improve the transparency and disclosure practices of the EBRD, namely to prevent future delays on requests for information, 2) receive the Board Document on the EPS Restructuring project, in order to 3) engage more meaningfully in dialogue with the EBRD Management, the PCM and EBRD's decision makers (with regards to the implementation of the current project and the PCM MAP on the 2013/03 on the EPS Emergency Power Sector Reconstruction Loan, EPS Power II and EPS Kolubara Environmental Improvement).

EBRD SECURITY NOTICE

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