

**DOCUMENT OF THE EUROPEAN BANK
FOR RECONSTRUCTION AND DEVELOPMENT**

**PUBLIC INFORMATION POLICY:
REPORT ON THE INVITATION TO THE
PUBLIC TO COMMENT**

Public Information Policy Review: report on the invitation to the public to comment

In response to the initial *Invitation to Comment* posted on the Bank's website, written comments were received from CEE Bankwatch, Green Salvation (Kazakhstan); Kazakh International Bureau for Human Rights and Rule of Law (Kazakhstan); Kyrgyz Bureau for Human Rights and Rule of Law (Kyrgyz Republic); NGO Environment – People – Law (Ukraine) and NGO Blago (Kazakhstan).

Public consultation meetings were held at dedicated workshops in Moscow (27 April, 2011) and London (10 May, 2011), and at the Annual Meeting in Astana (21 May, 2011), where many comments were made. New written comments were received subsequently from CEE Bankwatch and the Article 19 (UK) on behalf of the Global Transparency Initiative; Revenue Watch (UK); One World Trust (UK); Green Salvation (Kazakhstan); SEE Change Network (Bosnia and Herzegovina) and Said Yakhyoev, an independent expert for Bank Information Center/CEE Bankwatch (Tajikistan).

The table below presents the comments and the staff responses.

Issue	Comment	Staff Response
1. Aarhus Convention	1.1. The PIP contains no reference to the Aarhus Convention 1 and Almaty Guidelines ² . The PIP should clearly state that its purpose is to ensure the Bank’s support to the human right of access to information and about the EBRD’s activities which could or are now impacting the environment and human health and welfare as well as promote public participation.	Although the Bank is not a party to the Aarhus Convention, the Bank’s commitment to the spirit and principles of the Aarhus Convention is set out in the 2008 Environmental and Social Policy. Confirmation that the EBRD recognises the importance of the principles of the Aarhus Convention will also be included in the revised PIP. The PIP is consistent with much of the Aarhus Convention, in so far in so far as it relates to an institution, but since the Bank is not a governmental authority, it cannot directly apply to the EBRD.
2. Definitions	2.1. The definition of “Categories of Information” should include environmental information.	The categories of information are (i) Institutional and (ii) Project related. Environmental information is already included in both of these categories.
	2.2. The Bank should create a glossary of terms which require definition and explanation to avoid misinterpretation: “compelling reason”, “confidentiality”, “legitimate concerns”, “material changes”	Defining these would not be appropriate as it is not possible to categorise all information and documents or to provide an exhaustive list of cases. There will be instances when information or the projects to which the information pertains would need to be assessed on a “case-by-case” basis. This approach is in line with the basic principles on which the policy is founded. Stakeholders should have confidence that other appropriate safeguards are put into place to ensure accountability of the shareholders and high standards of corporate governance, not only through the PIP. (ref. Section C, para. 2.2)
	2.3. The Bank should incorporate a definition of ‘environmental information’ and the principles of access to environmental information.	The PIP specifies environmental and social documents that the Bank requires to be in the public domain. The disclosure requirements for the Client are in the Environmental and Social Policy (2008); in particular, PR10.
	2.4. The EBRD should modify its language in relation to sustainable development as, under current, understanding, the phrase “economically &	The EBRD’s environmental mandate is part of the founding agreement of the Bank, and uses the phrase “environmentally sound and sustainable development.” Comments on the 2008 Environmental

¹ Access to information, public participation in decision-making and access to justice in environmental matters

² on promoting the application of the principles of Aarhus Convention in international forums

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	environmentally sustainable development” would be considered an oxymoron.	and Social Policy are welcomed and the policy will be reviewed in 2013.
	2.5. Paragraph 1.5 “threat to national security” should be clarified.	There is an element of judgement to be exercised by the Bank in the assessment, so these terms should not be defined.
3. Website Upgrade	3.1. Location of information on website – There should be a direct, permanent link to the list of impending reviews and updates on strategies and policies.	This should not be a problem, and will be implemented. For CSOs, there is already an alert system in place. The Civil Society Engagement Unit notifies all CSOs registered with the Bank about posting of PSDs and ESIA’s for Category A projects, country and sectoral strategies.
	3.2. Given the complexity of the current EBRD website, the EBRD should set up a visitor registration system for automatic email notifications in relation to posting of new data on specified projects, countries and sectors.	This suggestion will be explored. For CSOs, there is already an alert system in place.
4. PIP Principles	4.1. The EBRD should revise Principle 1 of the Policy to further emphasise the Bank’s commitment to transparency and openness and reduce excessive reference to confidentiality.	The Bank’s commitment to transparency is fundamental to its way of operating and Principle 1 makes this clear. Commercial confidentiality is however, necessary to enable the Bank to fulfil its mission of attracting private capital for delivery of public goods.
5. Disclosure of Studies	5.1. EBRD should release topic-specific studies and analyses elaborated or commissioned from independent experts and consultants such as the recent gender analysis (would follow the example of EIB for instance).	Such studies could be published. The rationale for the publication would be considered on a case by case basis.
6. International Standards	6.1. The PIP should also mention the EBRD’s commitment to the Extractive Industries Transparency Initiative.	The forthcoming review of the EBRD Mining Strategy will elaborate on the Bank’s commitment to EITI.
	6.2. EBRD should establish guidelines for reporting on all common types of revenue payments irrespective of the magnitude of an investment or its returns.	As above, EITI reporting will be reviewed within the Mining Strategy.
7. Disclosure Test of public interest	7.1. EBRD should adopt a more general public interest test such as adopted in the UK Freedom of Information Act.	The PIP contains such a clause in Section E – Information considered confidential – paragraph 3 specifies the cases where the Bank reserves the right to disclose confidential information.

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8. Accountability NGO	8.1. EBRD might decide to delegate an NGO to provide information and assistance to anyone seeking information on EBRD, as currently done by World Bank, who cooperates with The International Bank Information Center (BIC).	The EBRD has a dedicated Civil Society Engagement (CSE) Unit which provides information about the EBRD and engages in dialogue with relevant and interested CSOs. The levels of engagement with different CSOs vary. For example, CEE Bankwatch normally serves as a coordinator for CSOs participating at the Civil Society Programme which takes place during the EBRD's Annual Meetings. There are no plans to delegate a CSO for the purpose suggested in the comment.
9. Integrity	9.1. PIP should be supplemented by a provision providing for an anti-corruption hotline.	The Bank had a Hotline from 2002 until the end of 2010 when the service was discontinued. In the 8 years it was in service, the Hotline received less than 10 calls in total, of which less than 5 calls warranted any investigation. In the same period the Bank regularly received, and acted upon, reports of corruption and/or misconduct received by email at compliance@ebrd.com which is accessible on the Bank's internet site home page.
10. Disclosure methods	10.1. The EBRD should carefully consider media and NGO networks to disseminate information as in a few cases it failed to inform stakeholders in a timely manner, due to the inappropriate communication channels chosen.	The EBRD makes direct contact via the Civil Society Engagement (CSE) Unit with national and international civil society organisations and networks, including those who previously participated in the consultation meetings and events and expressed their interest in receiving the information. The CSE Unit regularly provides targeted notifications about the Bank's activities of interest to civil society and encourages CSO networks and local organisations to share information with all other interested parties.
11. Translations	11.1. The Russian translation of the PIP should be revised to better reflect the nuances of the English terms used in the specific context.	Russian translations are produced by dedicated staff to a high professional standard. Suggestions for specific wording are welcomed and will be considered by the translation team.
	11.2. Translation of the PIP: clear timeframe should be included.	Translations of the PIP will be undertaken on a demand driven basis.

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	<p>11.3. Translation of the ESP: instead “over a number of years” – there should be a clear timeframe included, e.g. over 1 or 2 years.</p>	<p>The Environmental and Social Policy was initially published in English and Russian in 2008. Seven additional languages were added in 2009 and three in 2010 (posting of the Polish translation is still pending a quality control review). Further language translations depend on requests from Resident Offices, clients, and civil society. The EBRD very rarely has any feedback (positive or negative) on the availability of the translations in local languages, so it is difficult to justify committing to significant translation costs without demonstrating that it is a useful and usable tool. Further translations will be provided on a demand-driven basis.</p>
	<p>11.4. There should be a clear mechanism and time limits for translation of the PIP Implementation Report into the Bank’s official languages and it should be explored whether translation into the languages of other stakeholder countries could be considered.</p>	<p>The Report is not currently translated and feedback is rarely received; it is not clear whether translations are necessary as key users are the Bank’s Shareholders.</p>
	<p>11.5. The revised version of PIP should specify the exact day of its entry into force.</p>	<p>An exact date of entry into force will be provided, as has been done in the case of previous policy revisions.</p>
<p>12. Institutional Information</p>	<p>12.1. Online staff directory or at least emails for point of contact in the ROs should be published.</p>	<p>Email addressees of Heads of ROs and CSO focal points in the ROs are available on the Civil Society web pages.</p>
	<p>12.2. A list of forthcoming strategy and policy reviews should be regularly updated and posted on website one month in advance.</p>	<p>This will be provided.</p>
<p>13. Board Information</p>	<p>13.1. Board minutes should include information on votes; updated straight after the Board meetings or should at least not exceed 15 working days from the effective date (currently published with long delay – more than 2 months); transcripts of Board meeting discussions should be released within 30 working days. Release of Board minutes is welcomed as important step towards good governance, yet not enough information is given.</p>	<p>The purpose of Board Minutes is to record the final decision of the Board on a proposal under consideration, and therefore reflect the outcome of the process which is intended to reinforce a consensual approach to decision making.</p>

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	13.2. A Link to a dedicated webpage with Board Minutes should be created (currently hard to locate).	This will be provided.
	13.3. The schedule of EBRD senior management visits to countries of operations should be published.	This is not practicable for security and logistical considerations. The CSE Unit works with Board of Directors' trips to the region of operations and with management on request to set up meetings in the region with CSOs.
14. Country Strategies	14.1. EBRD should introduce Annual Balanced Score Cards for each country of operation, with a strong emphasis in those score cards away from simple monetary calculations, towards measuring the contribution made towards sustainable development.	The Bank does employ scorecards which include significant non-monetary components.
	14.2. EBRD should publish aggregated promotion data for decision makers, linked to the results of Balance Score Cards for countries/ business units in which the team member has responsibility.	This information cannot be made public since it is personal data.
	14.3. Draft country strategies should be translated into local languages; CS should include an Action Plan for their implementation; translation of approved strategies within 3 months.	The translation of draft country strategies into local languages is seen as an important step in enhancing outreach to local communities, and the Bank believes that this should be accommodated on a phased basis. Country strategies are not business plans but are intended to provide guidance and a set of operational priorities and parameters for banking operations in the relevant country. The EBRD, as a private-sector orientated MDB, must take account of market realities and respond to demand from clients, which make Action Plans incompatible with its operations. Where feasible, such as in the sustainable energy sector, an annex is provided, detailing timelines and business volumes and ways in which the Bank intends to cooperate with the national authorities to put in place an adequate framework to promote investment in energy saving technology across relevant sectors.

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	14.4. It would be useful not only to provide and translate the draft country strategies in the national languages but also the respective comments received.	Alongside final country strategies, available in English and relevant national languages, the Bank publishes a Summary of public comments and staff responses, which is currently only available in English. Consideration will be given to translating the summaries into relevant national languages.
	14.5. PIP should contain a clause on the procedure for informing NGOs participating in the consultation process.	A procedure is already in place. As soon as a draft country strategy or policy is published on the Bank’s website, CSE Unit informs national and international NGOs and other civil society organisations about the start of consultation process via email notifications. The notifications contain information about the location of the draft document on the website, deadline for public comments and additional opportunities for CSOs to comment, such as consultation workshops/dedicated meetings with staff (if applicable).
	14.6. PIP should contain a clause that the Bank will encourage the country concerned to hold public consultations on the draft strategy and give evidence of such consultations.	The CSE Unit has encouraged Heads of ROs to hold consultation workshops with civil society on selected CSs. In the 2008-2010 consultation period, workshops took place in Belarus, Croatia, Mongolia, Kazakhstan, Tajikistan, Turkmenistan and Russia (St Petersburg). Summaries of such consultations were included in the Reports on the Invitation to Comment.
	14.7. A quasi two stage consultation process on draft policies should be established – full two stages consultation process should be incorporated into policy reviews and the final draft should be disclosed 10 days before the Board.	A two stage consultation process is already in place for some Policies and Strategies. The conduct of the consultation process for those policies falling within the ambit of 2.3.1 should be left to the discretion of the Bank/ responsible department.
	14.8. Public comments should be disclosed in their original form in the course of strategy/policy review; management responses should be disclosed before the Board approval.	The current practice is to disclose a summary of public comments received in <i>the Report on the Invitation to Comments</i> , and where possible, reports contain an Annex with public comments in their original form. Many comments are repetitive, and it is useful to group them by topic and respond to all the comments regarding that topic. It is not clear what the benefit would be to uniformly publish public comments in their original form, given the likelihood of repetition and submissions in various languages. Comments and staff responses are

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		posted following Board consideration.
15. Website Archive	15.1. An online policy archive containing old policies and strategies should be established.	An archive section containing earlier policies and strategies will be provided on the Bank’s website.
16. Project Summary Documents	16.1. PSDs should be reviewed/updated on an annual basis.	The resource implications of this suggestion are considerable. The current portfolio is over 1000 projects and rising.
	16.2. Bank equity projects - PSDs should list the Bank’s exit strategy from the project	This would be commercially sensitive and therefore not appropriate.
	16.3. PSD should be disclosed after the Initial Review for Category B projects – more consistent approach to stakeholders engagement.	Category B projects differ greatly: some are simple, straightforward projects with few stakeholders affected, and others are very complex and have impacts on local communities and the environment over an extended period of time, so much more needs to be done in terms of information and communication. PSDs cannot be released following Initial Review, as that is the start of due diligence and the acquisition of information.
	16.4. Translated PSDs should bear the same amount of information as English originals and should be routinely updated	Every effort will be made to ensure that translated PSDs will contain the same information as the original version in English.
	16.5. PSDs should include more information about the environmental aspects of the project.	The current practice is to provide several paragraphs about the environmental and social impacts of the project and a summary of mitigation measures agreed. The client on all Category A and normally on Category B projects will be disclosing additional information locally.
	16.6. The published PSDs should be supplemented by justifications for the approval of projects.	Projects are approved because they meet the core principles of the EBRD. PSDs also contain information on transition impact.
	16.7. For projects where approval is not sought from the Board of Directors but is provided under delegated approval, a PSD should be prepared and published in the same manner as for other projects requiring Board of Directors’ approval. (Section 3.1.2)	PSDs for projects under delegated approval will be prepared when they are environmentally or socially sensitive.
	16.8. Derogations to the timely release of PSDs should be abandoned, since the public should be informed	These are in fact deferrals, rather than derogations. It is proposed that the Policy wording be changed accordingly.

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	about substantial changes to the project and should be given the opportunity and the time to study and discuss these changes (Section 3.1.7).	
	16.9. PSDs should be provided in two versions: A technical document and one for the general public in plain language, describing the potential environmental and social risks.	There are resource constraints for producing different versions of PSDs. Additional information is released locally on environmental and social aspects of Category A and most Category B projects, in accordance with the Environmental and Social Policy. Regular reporting to the public is also encouraged, and required at least annually.
	16.10 Derogations to timely release of PSD: More details about derogation to be reflected in PIP Implementation report (full names of projects as well as reason for derogation)	The PIP Implementation Report will provide aggregate data on PSDs released on the regular schedule and the deferred schedule, and will provide more details.
17. Project Information	17.1. Board reports for private sector projects should be publicly available.	These are internal documents, often with commercially confidential and market-sensitive information.
	17.2. The Bank should disclose the Environmental and Social Action Plans or should keep an overview and disclose in cases of significant public interest.	The requirement in the Environmental and Social Policy (2008) is that Category A projects disclose ESAPs and that Category B projects disclose a summary of the ESAP. The EBRD has a philosophy that disclosure of project information should be primarily the responsibility of the client, and that this helps them to identify stakeholders, engage with them, manage information flow, and handle complaints. They have real-time information about a project and we want them to develop the transparency and accountability appropriate for their project. If members of civil society do not believe that disclosure according to EBRD requirements has happened with regard to a particular project, they should contact environmentandsocial@ebrd.com and the EBRD can investigate.
	17.3. The Bank should routinely disclose AERs as stand-alone documents and linked from the project's PSD.	As above, the EBRD would like the client to develop the capacity to manage stakeholder engagement in a meaningful way and have them take the responsibility for disclosure.
	17.4. This section should include a detailed list of	For Category A projects, the EBRD will consider listing the

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	EBRD documents accessible to public (RO to hold copies of EIA, ESAP, ESAP Implementation Reports).	documents that comprise the ESIA Disclosure Package on the ESIA webpage.
	17.5. ESIA's should be posted on the EBRD website.	In most cases, EBRD clients do post the ESIA's on their website, and the EBRD ESIA webpage then contains a link to the relevant documents. As above, the EBRD wants to build client capacity to understand that disclosing environmental and social information and engaging with stakeholders is a normal business practice.
	17.6. PIP should contain a clause that the client will be liable for non-compliance with the requirement to disclose the project-related info.	This possibility is provided through the PCM. The EBRD's Project Complaint Mechanism (PCM) states in the Definitions section that "the project specific provisions of the EBRD Public Information Policy may be subject of a complaint"; i.e., a Compliance Review. The PIP 2008 states in F7 that the PIP is subject to the Independent Recourse Mechanism (now replaced by the PCM) and a compliance complaint is possible on project-specific requirements.
	17.7. If project information is required by EBRD from the client in order to qualify for EBRD support, then the EBRD should also make that information directly available (Section 3.4.3).	As above, with regard to environmental and social information.
	17.8. Public Information Policy disclosure timeframes should be based on the potential project risk and not on whether they are private- or public-sector projects.	Request noted, will be taken into account in the 2013 review.
	17.9. EBRD should disclose clients' community engagement documents, affected community support for sensitive projects and proposed mitigation measures.	The EBRD will consider posting the Stakeholder Engagement Plans for Category A projects on the project's ESIA page. The EBRD will also consider linking to clients' websites on project contact information.
	17.10. PIP should require project-level disclosure of project's transition impact in order to be able to demonstrate EBRD's added value.	Information on transition impact at the project level is already available in PSDs. The EBRD will provide annual information at the portfolio level on the transition impact of projects, which will include aggregate results on transition impact ratings and risks for both the flow of new projects and the stock. Similar information disaggregated by sector and by region will also be provided. This reporting will be

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		made in the annual PIP Implementation Report.'
	17.11. EBRD should disclose qualitative, independent evaluation of FI activities to increase accountability and assess the extent to which the EBRD is achieving its stated goals with FI projects.	EvD special studies are public, including in FI area.
	17.12. The PIP should specify the responsibilities of client's subcontractors in relation to the community engagement.	Contractor management, with regard to environmental, social, health and safety requirements is covered in the Environmental and Social Policy.
	17.13. Dissemination of information about projects with significant environmental and social impacts does not take place in the initial application stage, but only later when its implementation has already progressed. The Bank should undertake efforts to involve the public in the decision-making process actively and in a timely manner.	Projects come to the EBRD at different stages, some at an early stage, and others well advanced. During the early part of the appraisal process, EBRD is gathering and reviewing information and is not in a position to summarise issues and mitigation measures.
	17.14. Regarding the responsibility of the clients on disclosure of project information, the PIP should clearly state disclosure requirements and possible sanctions for non-compliance (Section 3.4.3).	The client's disclosure requirements are set out in the Environmental and Social Policy. The Public Information Policy deals with the EBRD's disclosure requirements.
	17.15. The Bank should also consult public and affected communities on the categorisation of the projects.	This is an Environmental and Social Policy issue.
18. Cancelled Projects	18.1. For cancelled, rejected or inactive projects, the website should include a separate page for posting these projects (for the last 5-10 years)	The Bank cannot provide information from a company with which it has had no relationship, or no longer has a relationship.
19. Evaluation	19.1. In the case of high profile projects there can be no question of making an exception and preventing access to EvD reports. This clause should be deleted from the PIP. (Section 4.2)	EvD continues to believe that there can be strong justification for non-disclosure in limited specific cases.
	19.2. Since the information constituting commercial secrets will be excluded from the documents to begin	EvD continues to believe that removing the names of clients helps to ensure confidentiality.

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	with, there is no need to remove the names of client companies, and the second sentence should therefore be deleted. (Section 4.2.4)	
	19.3. OPER reports should be disclosed within 6 months from the evaluation mission.	OPER reports, edited for confidentiality, are normally disclosed within 6 months of completion and distribution to the Board.
	19.4. The EvD should address this and similar disclosure issues in the context of a forthcoming overall review of the Bank’s Evaluation Policy. Any changes arising from this should be incorporated into the PIP at the next PIP review in two years.	EvD reports are subject to the same confidentiality restrictions as those placed on the Bank, therefore EvD only releases generic data in its reports.
	19.5. Documents produced by EvD should be released without confidentiality exceptions.	See answer above.
20. Benchmarking	20.1. There is a need for EBRD to consult with World Bank and IFC as EBRD is way behind some of these IFIs’ policies: requirement for the client to disclose environmental & social impact of projects and the inclusion of a public consultation plan (PCP) as well as a risk management plan into PSDs.	The EBRD undertook a benchmarking exercise as part of the PIP review. For Category A projects, the EBRD will consider including the Stakeholder Engagement Plan and Environmental and Social Action Plan on the EBRD website, along with the non-technical summary.
21. Delegated Approval	21.1. Regarding projects that receive delegated approval, the PIP does not clearly state how and who will evaluate whether a project will have significant environmental or social impact.	At present, it is envisaged that the Environmental and Sustainability Department will advise management if there are significant environmental and social issues and a PSD needs to be prepared for projects subject to delegated approval.
22. Editorial	22.1. There is a need to clarify in the PIP whether document deadlines are either working days or calendar days.	Agreed.
23. Accountability and Governance-related information	23.1. Annual Anti-Corruption reports should include general information on allegations of fraud and corruption filed against EBRD staff or operations, their current review status, key findings of investigation, description of how it was addressed.	This information is already provided in the Bank’s Annual Anti-Corruption Report to the extent permitted by the relevant underlying Bank policy.
24. Section E: Information considered	24.1. The Bank should form a list of information which cannot be confidential (e.g. environmental and social).	As above, there are occasions when any category of information could be confidential, for example, details of compensation for individual

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confidential		households on resettlement, locations of sacred cultural heritage sites, etc.
	24.2. The role of copyright as a reason to justify the denial of information should be clarified.	EBRD does not own information provided to it by third parties for the purposes of project appraisal or monitoring. The requirements for client disclosure are in the Environmental and Social Policy.
	24.3. Subsection E. may limit other PIP provisions: It would be reasonable if the Bank demands client agreement on EBRD’s confidentiality policies harmonized with the Aarhus Convention.	EBRD is not a signatory to the Aarhus Convention and does not assume the role of an authority with regard to provision of information.
	24.4. The reference to the Aarhus Convention is entirely missing from this section (Section E) of the PIP.	As above.
	24.5. EBRD policy on ethics for staff should also be accessible to CSOs. Furthermore, there should be a special recourse mechanism in the PIP covering misbehaviour of EBRD staff (Section 1.9).	The Bank’s Codes of Conduct are available on the Bank’s internet site. Under the terms of the Bank’s Conduct and Disciplinary Rules and Procedures, the President may, subject to obtaining the necessary waiver of applicable immunities, authorise disclosure of the findings in disciplinary matters to parties outside the Bank should he conclude that such disclosure is in the interests of the Bank.
	24.6. Par.1.7. Information about tenders should be transparent and open in order to prevent corruption in tendering process.	This is regulated in the Bank’s Procurement Policy and Procedures
25. Section F: Implementation and Monitoring of Public Information	25.1. Section F: Implementation and Monitoring of the Public Information Policy should include a yearly evaluation of the implementation of the policy. The yearly produced reports are merely factual. An evaluation would entail a more in-depth analysis and review of the successes and challenges experienced by the EBRD in implementing the PIP. The evaluation should also include performance of regional EBRD offices with regard to meeting PIP standards. Ideally the evaluation would be undertaken by an external	The annual implementation reports are intended to provide a factual record of implementation for the year to which the report relates. The assessment proposed is more appropriate for consideration in the overall policy review process.

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	consultant.	
	25.2. As there seems to be a gap between the PIP and its implementation and published reviews are mainly factual, the question arises whether the EBRD intends to hold a more profound review or analysis of the PIP implementation.	This will be undertaken in the context of the next review of the Policy in 2013.
	25.3. The EBRD should include a clear statement in section F that for the next review of the PIP will entail the same consultative process as done this year	Agreed
	25.4. The PIP should include a description of the appeal process against the decision of the Secretary General to refuse the release of information	In the case of an Appeal, the Secretary General takes account of the specifics of the request, the status of the information requested and the interests of the parties involved. The decision of the Secretary General is final.
	25.5. Annex, Par.2 (vi): The criteria for an extension to the Bank's response time should be specified in the PIP.	As specified in the Annex to PIP, the Bank strives to respond to requests for information covered by the PIP within 20 working days. In case of a delay, the Bank always notifies the requester and provides an explanation for a further delay. It is, unfortunately, not possible to anticipate all circumstances in which a delay in providing the requested information could occur.
26. Miscellaneous	26.1. Institutional reviews should be subject to public consultation.	It is not clear what is meant by institutional reviews.
	26.2. The Bank should establish an Internet-based resource for tracking project status and all relevant information.	As above, continuous updating of project-related information would require a very significant demand in terms of resources.
	26.3. Initial discussion papers (CCM, CRM, ESM, FRM); loan agreements (EAP, loan contract and social and environmental impact assessment); project implementation reports should be disclosed.	The EBRD does not disclose internal processing documents, such as the Environmental and Social Summary or legal contracts. The environmental and social information required to be released on projects is covered in the Environmental and Social Policy and is the responsibility of the client for the reasons outlined above. CCM, CRM, FRM are internal documents, loan agreement and other

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		agreements are confidential documents.
	26.4. Monitoring reports and topic-specific studies should be disclosed.	Most reports prepared by consultants and consultancy services contain provisions to the effect that reports are for the purposes of the Bank and cannot be disclosed to third parties.
	<p>26.5. EBRD should clearly require disclosure of key contractual agreements for oil, gas, and mining projects that it finances.</p> <p>EBRD should require the disclosure of contracts of all natural resource projects, without regard to any threshold size or scope</p>	This will be addressed in forthcoming Mining Strategy.
	<p>26.6. Paragraph 1.4. Information which, if disclosed, in the Bank’s view would seriously undermine the policy dialogue with member country:</p> <ul style="list-style-type: none"> • should include “except environmental information” • “undermine policy dialogue” should be clarified 	<p>There is no value in special treatment of environmental information. It would be rare for environmental information in policy dialogue to be considered confidential, but the Appeal Mechanism can be used to challenge non-disclosure.</p> <p>Please see comment above as to difficulty in defining/specifying more precisely certain terms and the requirements to adhere to all principles on which the PIP is founded. The Bank should retain some discretion in this respect. Means of recourse are provided for in the PCM.</p>