

PUBLIC

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

**PUBLIC INFORMATION POLICY:
REPORT ON IMPLEMENTATION 2009**

PUBLIC

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Public Information Policy: Report on Implementation 2009

Executive Summary

The Public Information Policy (PIP) establishes how the EBRD discloses information and consults with its stakeholders so as to promote better awareness and understanding of its strategies, policies and operations. The PIP¹ commits the Bank's management to report annually to the Board of Directors on implementation of the PIP, with the findings to be posted on the Bank's Website. This implementation report covers the period 1 January to 31 December 2009.

In 2009, the Bank was in compliance with most PIP requirements:

Institutional information

- This was posted on the web as required.

Strategies and policies

- Public consultation was conducted on seven Country Strategy reviews and one Sectoral Strategy review.

Project related information

- 154 private sector Project Summary Documents (PSDs) were posted on the web. Three were not compliant. No requests were received for the release of public sector projects.

Translations into official national languages

- All approved Country Strategies and PSDs were translated as required. There were delays in the posting of some translated Country Strategies due to administrative and technical problems in the translation process. While the majority of translated PSDs were posted in a timely fashion, there were some incidences of lag time. Mechanisms have been introduced to flag potential delays and identify any shortcomings at an early stage in the translation process.

Environmental and social information

- Environmental and Social Impact Assessments (ESIAs) on all "Category A" projects were made available in a local language.

Accountability and governance information

- This was posted as required.

Requests for information

- These were responded to promptly. There were no appeals against decisions regarding refusals to requests for information that the Bank was unable to release.

¹ The Policy was most recently reviewed and updated in 2008, with the new provisions applying from 1 September 2008.

Implementation record: 1 January 2009 - 31 December 2009

Each PIP obligation and report on its implementation is addressed below, in the order in which these appear in the Policy.

1. Institutional information

1.1 Schedule of forthcoming Board discussions

PIP requirements:

“The Bank will post in a dedicated website location the schedule for Board discussions of forthcoming Country Strategies, Sector Strategies and projects. The projects scheduled for discussion will have a link to the Project Summary Documents (PSDs) already posted on the web. The schedule will be updated on a monthly basis. It should be noted that the precise scheduling of individual items can change.”

Implementation:

The programme of Board discussions of forthcoming Country Strategies, Sector Strategies and Projects was updated on the Bank’s website throughout 2009 on a monthly basis. In addition, specific information was provided on the items to be discussed at each of the next two Board meetings.

1.2 List of forthcoming Strategy and Policy reviews and updates

PIP requirements:

“The Bank will post on its website a list of impending reviews in order to give adequate advance warning of the posting of draft reviews and updates.”

Implementation:

The Bank’s website was kept up to date with impending reviews of the forthcoming Strategies and Policies for 2009.

1.3 Board Minutes

PIP requirements:

“The Bank will release Minutes of meetings of the Board of Directors which will contain the following: (i) the names of attendees; (ii) a record of the approval of the Minutes of the previous meeting; (iii) titles of the agenda items; and (iv) agreements and decisions reached.”

Implementation:

The Minutes of the 23 Board Meetings held in 2009 were posted on the website following approval of these Minutes by the Board. These Minutes were for the Meetings on the following dates: 13 and 26 January; 10 and 24 February; 10 and 24 March; 7 and 21 April; 6 and 20 May; 2, 16 and 30 June; 14 and 28 July; 8, and 22 September; 6 and 20 October; 3 and 17 November; 10 and 15/16 December.

1.4 Board Committees

PIP requirements:

“The Terms of Reference and membership of the Committees of the Board of Directors will be posted on the website.”

Implementation:

Terms of Reference and membership of Committees of the Board of Directors were posted on the website soon after the annual approval by the Board on 21 October 2009 of the new composition of the Committees.

1.5 Organigram of the Bank

PIP requirements:

“The Bank will post on its website an organigram of the EBRD identifying the various departments and component parts of the institution.”

Implementation:

Throughout the year the Bank updated the departmental organigrams and administrative structures posted on the website.

1.6 Salaries of Senior Management and Directors

PIP requirements:

“The Bank will disclose the salaries of the President, Vice Presidents, Directors and Alternate Directors and the range of salaries for senior management in the Bank’s Annual Financial Statements.”

Implementation:

This information was contained in the 2008 Bank Annual Financial report, which was posted on the website in May 2009.

The 2009 Annual Financial Report is currently in preparation and, when published in May 2010, will be posted on the website.

1.7 Administrative Tribunal

PIP requirements:

“The Bank will post on its website details of the Bank’s Administrative Tribunal as well as copies of its decisions.”

Implementation:

Information on the Administrative Tribunal was posted on the web and updated as required.

2. Information on strategies and policies

2.1 Country Strategies

The Bank develops Country Strategies for its activities in each country of operations. The object of the Country Strategies is to provide a brief review of the Bank's operations to date, an assessment of the operational environment and transition challenges, and an indication of strategic priorities for banking operations in the relevant country. As appropriate, environmental and social information is included in summary format in such Strategies.

Draft Country Strategies

PIP requirements:

“The Bank will invite the public to provide input to the preparation of country strategies on the basis of a draft country strategy document.”

“The draft country strategy will be publicly released and posted on the Bank's website, following a process which includes consultation with the country concerned. The draft country strategy will be posted for a period of 45 calendar days, during which time the public is invited to send comments to the Bank.”

“A summary of public comments received will be made available to the Board of Directors in a Report on the Invitation to Comment before final approval by the Board of the country strategy.”

Implementation:

Strategies for seven of the Bank's countries of operations came up for review in the period of January 1 to December 31 2009, and the public were invited to comment on each of the drafts which were posted on the website for 45 days.

In order to collate public comments, a dedicated e-mail address was set up for each Strategy under review, with access given to the Banking team, the relevant staff in the Office of the Chief Economist and the Office of the Secretary General.

At the time of the posting, the Civil Society Engagement Unit alerted NGOs in the relevant country, as well as all other NGOs in the Bank's database, to the fact (See Page 23 *Relations with Civil Society*). The following responses were received to the Bank's invitation to comment:

Table 1: Website posting of Invitation to comment on Country Strategies

Country	Date Posted	Posting ended	Comments received
Albania	14.09.09	31.10.09	yes
Armenia	17.02.09	03.03.09	yes
Belarus	02.10.09	16.11.09	no
Estonia	22.06.09	07.08.09	no
Lithuania	06.07.09	28.08.09	no
Mongolia	10.08.09	24.09.09	yes
Russian Federation	15.07.09	29.08.09	yes

Strategy for Albania

The draft strategy was posted on the Bank's website on 14 September 2009 with public comments requested by 31 October 2009. The Bank received three sets of comments during the consultation period: written comments were received from the Albanian Ministry of Finance and the OSCE office in Albania. In addition, a memo was received from the Environmental Centre for Development, Education and Networking (EDEN Centre). The Ministry of Finance provided up-dated macro-economic data which was reflected in the final version of the strategy. The OSCE comments were broadly supportive of the strategy, although they indicated some project-specific issues which would be taken into consideration by the Bank in implementing projects. The Bank indicated that the comments from EDEN Centre would also taken into consideration in the implementation of projects. In addition, the strategy was revised to reflect OSCE and EDEN Centre comments on Albania's sensitivity to Climate Change and the Aarhus Convention, in line with the Bank's 2008 Environmental and Social Policy.

These comments were addressed in the *Report on the Invitation to Comment* which became an addendum to Strategy which was approved by the Board of Directors on 17 November 2009.

Strategy for Armenia

The draft strategy was posted on the Bank's website on 17 February 2009 with public comments requested by 3 March 2009. Written comments were received from one NGO, Human Rights Watch, which included eight specific recommended reform steps for the Armenian authorities to undertake, as well as supporting argumentation regarding human rights concerns in Armenia, together with a link to a February 2009 Human Rights publication on this matter. Because of a significant overlap in the content of the three comments received from this source, the Bank replied to all three comments received in one response.

These comments were addressed in the *Report on the Invitation to Comment* which became an addendum to Strategy which was approved by the Board of Directors on 21 March 2009.

Strategy for Belarus

The draft strategy was posted on the Bank's website on 2 October 2009 with public comments requested by 16 November 2009. No comments were received during the public consultation period. The strategy was approved on 8 December 2009 and posted on the Bank's website.

Strategy for Estonia

The draft strategy was posted on the website on 7 July 2009 with an Invitation to the Public to Comment no later than 22 August 2009. No comments were received during the public consultation period. The strategy was approved by the Board on 8 September 2009 and posted on the Bank's website.

Strategy for Lithuania

The draft strategy was posted on the Bank's website on 6 July 2009 with comments requested to arrive no later than 28 August 2009. No comments were received during the public consultation period. The strategy was approved on 22 September 2009 and posted on the Bank's website.

Strategy for Mongolia

The draft strategy was posted on the website on 10 August 2009 with an Invitation to the Public to Comment no later than 24 September 2009. In addition to the web invitation for comments, the EBRD also organised a consultation workshop on 9 September 2009 at the EBRD's Representative Office in Ulaanbaator. The purpose of the workshop was to provide Mongolian civil society with an additional opportunity to learn about and discuss the EBRD's new draft country strategy for Mongolia. The workshop was attended by the representatives of several local NGO's, including environmental and anti-corruption NGOs. Written comments were received from a Mongolian citizen and staff responded to those comments. Comments were examined by the relevant Banking teams and management and responses were provided in *Strategy for Mongolia: Report on the Invitation to the public to comment* which became an addendum to Strategy which was approved by the Board of Directors on 20 October 2009.

Strategy for the Russian Federation

The draft strategy was posted on the Bank's website on 17 July 2009. The public was invited to submit comments, no later than 31 August 2009. Comments were received from Social Environmental Movement "Save Yuntolovo" and Human Rights Watch. These comments were examined by the relevant Banking teams and Management and responses were provided in *Strategy for the Russian Federation: Report on the Invitation to the public to comment* which became an addendum to Strategy which was approved by the Board of Directors on 17 November 2009.

Final Country Strategies

PIP requirements:

"After the country strategy has been approved, the Report on the Invitation to Comment, containing the summary of public comments received and staff responses will be publicly released and posted on the Bank's website. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received."

Implementation:

In the period under review, the seven Country Strategies approved by the Board in 2009 were posted on the website as required by the PIP (see Table 2). In line with the Policy, a timetable for the Strategy reviews in 2009 was also posted on the website at the beginning of the year and updated as appropriate.

At the time of the posting of the approved Strategies, the NGO Relations Unit alerted NGOs in the relevant country as well as all other NGOs in the Bank's database to the fact.

Table 2: Approved Country Strategies posted on the website in 2009

Country	Date approved	Posted on web
Albania	17.11.09	29.11.09
Armenia	21.04.09	24.04.09
Belarus	08.12.09	17.12.09
Estonia	08.09.09	10.09.09
Lithuania	22.09.09	25.09.09
Mongolia	21.10.09	29.10.09
Russian Federation	17.11.09	23.12.09

Translation of Approved Country Strategies**PIP requirements:**

“The Bank will translate each approved country strategy into the relevant official national language as prescribed by the relevant national laws. In those countries where there is more than one official national language, and where one of those languages is a designated working language of the Bank, the translation will be provided only in such working language. Translated country strategies will not be considered official Bank documents as they are prepared only for the convenience of local communities and other interested parties. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations. The translated country strategies will be made available in the relevant Resident Office (RO) and posted on the Bank's website.

“The translation of the country strategies into the relevant national language is not intended, and should not be seen, in any way to modify, alter or impact upon the Bank's practice of working in the following four languages: English, French, German and Russian.”

Implementation:

In this reporting period, the seven approved Country Strategies (listed in Table 3 below) were translated into relevant official national languages.

Posting on the web of the translations of the strategies for Albania, Lithuania and Mongolia were subject to delays because of administrative and technical problems in the translation process. While the onus for translations is on the respective Resident Offices, steps are being taken to reduce the risk of an occurrence of such delays in the future.

Table 3. Translated Country Strategies posted on the website

Country	Date approved	Date of web posting of translated Strategy
Albania	17.11.09	02.04.10
Armenia	21.04.09	29.06.09
Belarus	08.12.09	17.12.09
Estonia	08.09.09	09.12.09
Lithuania	22.09.09	24.03.10
Mongolia	21.10.09	01.04.10
Russian Federation	03.12.09	26.02.10

At the time of the posting of the translated Strategies, the NGO Relations Unit alerted NGOs in the relevant country, as well as all other NGOs in the Bank's database, to the fact.

2.2 Sectoral Strategies

The Bank develops Sectoral Strategies for its operations in the key business sectors in which it promotes transition. The object of the Sectoral Strategies is to provide an updated assessment of transition challenges as well as an indication of strategic priorities for banking operations in the relevant sectors. As appropriate, environmental and social information is included in summary format in such strategies.

Draft Sectoral Strategies

PIP requirements:

“The Bank will invite the public to provide input to the preparation of sectoral strategies on the basis of a draft sectoral strategy document.

“The draft sectoral strategy will be publicly released and posted on the Bank's website for a period of 45 calendar days, during which time the public is invited to send comments to the Bank.

“A summary of public comments received and staff responses will be made available to the Board of Directors in a Report on the Invitation to Comment before final approval by the Board of the sectoral strategy.”

Implementation:

One Sectoral Strategy, the Property Sector Strategy, was reviewed during the period 1 January to 31 December 2009.

Property Sector Strategy

The draft Property Sector Strategy was posted on the website for 45 days from 3 August to 18 September 2009. Written comments were received from one NGO, CEE Bankwatch Network. All substantive comments on the draft paper were duly analysed and addressed either by amending the relevant sections of the draft Strategy.

Final Sectoral Strategies

PIP requirements:

“After the sectoral strategy has been approved, the Report on the Invitation to Comment, containing the summary of public comments received and staff responses will be publicly released and posted on the Bank’s website. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received.

“The following sectoral strategies currently provide guidance for the Bank’s operations in the relevant sectors:

- *Telecommunication, Informatics and Media*
- *Transport*
- *Property Operations*
- *Municipal and Environmental Infrastructure*
- *Energy Operations*
- *Shipping Operations*
- *Financial Sector Operations*
- *Agribusiness Operations*
- *Micro, Small and Medium-sized Enterprises*

“When additional sectoral strategies are developed the same treatment will apply for their release to the public.”

Implementation:

The Property Sector Strategy was approved by the Board on 9 March 2010, and posted on the Bank’s website on 15 March 2009 along with a summary of the comments received during the public consultation period.

2.3 Policies and procedures subject to public review

PIP requirements:

“The Public Information Policy, Environmental and Social Policy, Procurement Policies and Rules and the Independent Recourse Mechanism are subject to periodic review. Draft texts will be posted on the Bank’s website for 45 calendar days of public comment. A summary of public comments received and staff responses will be made available to the Board of Directors in a Report on the Invitation to Comment before final approval by the Board.

“Following approval by the Board of Directors, the Report on the Invitation to Comment, containing the summary of public comments received and staff responses will be publicly released and posted on the Bank’s website. While all comments received by the Bank during this exercise will be considered, and the senders acknowledged, the Bank will not respond to individual public comments or communications received.

“The above consultation procedure does not apply to any other of the Bank’s other policies.”

Implementation:

Review of the Independent Recourse Mechanism

During 2009, the EBRD completed its review of the Independent Recourse Mechanism (IRM) which had begun in 2008 following the Bank's revision of its Environmental and Social Policy and review of its Public Information Policy (which are, in part, the relevant Bank policies for purposes of this mechanism). The main purpose of the review was to evaluate whether, in light of experience, the IRM was fulfilling its objectives, and whether and how its functions, processes, and or procedures could be enhanced and made more efficient and effective. The mechanism, established in 2004, provides complainants with two possible recourses: a problem-solving function to resolve problems arising in Bank-financed projects that have allegedly caused (or are likely to cause) harm, and an independent compliance review function to determine whether or not a project had complied with the relevant Bank policies.

In early 2009, the Bank launched a public consultation on the existing IRM. This was exceptionally for a 60 days period due to the holiday season. Comments were received from 21 different representatives of civil society.

The results of the review process and of the public consultation confirmed for the Bank the importance of the IRM and highlighted several opportunities to improve on the mechanism's capacity for the reporting and independent handling of complaints. The Bank was also alerted to the fact that the procedures were considered by many not to be user friendly or sufficiently well known (either internally or externally to the Bank).

As a result, the Bank overhauled the mechanism and changed its name to Project Complaint Mechanism (PCM) in order to better communicate the nature and purpose of the mechanism both in English and in the various languages spoken in the Bank's countries of operations. Other key changes include:

- The appointment of a dedicated PCM Officer responsible for the day to day administration of the mechanism
- Greater accessibility to the mechanism - easier registration of complaints
- An expanded universe of potential complainants. One or more individuals located in the impacted area or having an economic interest in the area could submit a complaint requesting either a problem solving initiative or compliance review; CSOs may now bring a request for a compliance review.
- Compliance reviews are now possible with regard to a failure of the Bank to monitor Client commitments pursuant to relevant Bank policies
- Greater transparency in the process.

The new Project Complaint Mechanism was approved by the EBRD's Board in May 2009 and was expected to become active in March 2010 following the appointment of a PCM Officer and four Experts to the Panel.

The *Report on Invitation to Comment and Bank response to Comments* and the Board approved PCM Rules of Procedure can be found on the Bank's website at <http://www.ebrd.com/about/integrity/irm/pubcomm.pdf> and <http://www.ebrd.com/about/integrity/irm/dproc.pdf> respectively.

Translation of the Public Information Policy

PIP requirements:

“The Bank will, on request, translate the Policy into the relevant official national language of the given country of operations. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations. The translated text will be publicly released and posted on the Bank's website.”

Implementation:

So far the Bank has not received any requests for a translation into the relevant official language of any country of operations. However, a translation of the PIP have been made available in Russian on the Bank's website.

Translation of the Environmental and Social Policy

PIP requirements:

“A Russian translation of the Policy and the performance requirements will be publicly released and posted on the Bank's website. Other documents supporting the Policy, such as guidance notes and procedures, will be made available in English and Russian.

“The Bank will also endeavour to provide translations of the Policy and the performance requirements into relevant official national languages in the region on a progressive basis over a number of years. While the Bank cannot guarantee the accuracy and authenticity of any such translation, which will carry a disclaimer, every effort will be made to provide reliable translations.”

Implementation:

In 2009, the 2008 Environmental and Social Policy was translated into nine official national languages of EBRD countries of operations. Below are the currently available language versions of the policy:

- | | |
|---------------------|-------------|
| · English* | · Albanian |
| · Bosnian | · Croatian |
| · Georgian | · Serbian |
| · Romanian/Moldovan | · Russian |
| · Turkish | · Ukrainian |

*Please note that the English language is the official text.

These translations are currently available on the Bank's website at <http://www.ebrd.com/about/policies/enviro/policy/index.htm>

2.4 Disclosure of other Strategies and Institutional Reviews

PIP requirements:

“The Bank’s operations are guided by such documents as the five-yearly Capital Resources Review, the annual Medium Term Strategy Update, the annual Strategic Portfolio Review, and the annual Business Plan & Budget. Summaries of these documents will be made available on the Bank’s website after Board approval of the main document. In addition, a summary of approved annual Staff Compensation and Benefits adjustments will be included as part of the summary of the annual Business Plan & Budget to be made available on the Bank’s website at www.ebrd.com/about/strategy/general/budget.htm.”

Implementation:

In the period under review, the Bank was still in the Third Capital Resources Review (CRR3) cycle. However, in 2009 the Bank was engaged in the process of developing the Fourth Capital Resources Review (CRR4) to assess the EBRD’s operational strategy and capital adequacy for the period 2011-2015.

In order to ensure an open exchange of views with all its stakeholders on the development of this key strategic document, in early 2010 the Bank invited comments from civil society organisations, its clients, partners and all interested parties. Along with this invitation, background documents to the CRR4 process were posted on the Bank’s website. Comments were requested by 5 March 2010 so that they could be taken into account ahead of a consultation workshop on 10 March 2010 at the Bank's HQ in London to provide the opportunity for regional and international civil society stakeholders - including NGOs, think tanks, academics and other parties - to discuss strategic aspects of CRR4.

As regards the other documents to be posted, the annual Business Plan and Budget Summaries were posted in April 2009. The Strategic Portfolio Review was posted in August 2009. The Medium Term Strategy Update is no longer prepared.

3. Project-related information

The Bank will inform the public of project development through Project Summary Documents (PSDs). At the same time, project sponsors and clients entrust confidential information to the Bank, which the Bank, as a financial institution promoting the development of the private sector, has an obligation to respect.

3.1 Project Summary Documents (PSDs)

PIP requirements:

“A Project Summary Document (PSD) will be prepared for each private and public sector project. PSDs provide a factual summary of the main elements of a given project and potential investment which includes the following information: (i) the identity of the project company; (ii) total project cost (where applicable); (iii) the project location; (iv) a brief description of the project and its objective; (v) the amount and nature of EBRD’s investment; (vi) the target date for a decision on the project by the Board of Directors; (vii) the anticipated transition impact; (viii) a summary of environmental and social issues; (ix) if applicable, details of project related technical co-operation funding and grant financing; and (x) guidance on how and where information about the project can be obtained, including contact points for the project sponsor and the EBRD Operation Leader.

“For private sector projects, the PSD will be released at least 30 days prior to consideration of the project by the Board of Directors, unless the Bank’s client or co-financing institution provides sound reasons for not releasing the document.

“For public sector projects, the PSD will be released as soon as possible after the project has passed its Concept Review by the Bank’s management (typically 4-5 months before Board consideration), and at least 60 days before Board discussion.

“PSDs are posted in three categories (date/country/sector) on the Bank’s website at www.ebrd.com/projects/psd/index.htm.

“Derogations to the timely release of PSDs may be granted in certain circumstances, for example:

- Capital market transactions (e.g. IPO, listed company or bond issue) where security laws, Stock Exchange regulations or other bodies restrict or prohibit distribution of information as per the PSD.*
- Legitimate sponsor concerns about confidentiality (as per Section E).*
- Likelihood of substantial changes in project design at Final Review.*

“PSDs will be updated if material changes, as approved by the Board, are made to the project following the release of the original PSD. Information considered confidential, as set out in Section E of the Policy, will be excluded from the PSD.

“In order to make information available about the Bank’s operations in a given country, PSDs will, as soon as practicable after the posting of the English version, be translated into relevant official national languages and publicly released and posted on the Bank’s website. Translated PSDs will also be made available in the relevant Resident Offices. While the Bank cannot guarantee the accuracy of such translation, other than in English and Russian, every effort will be made to provide reliable translations.”

Implementation:

In the period under review, 204 projects (154 private sector and 50 public sector) were prepared for Board consideration. Only three PSDs for private sector projects were not in compliance with the PIP during the period under review, while all PSDs for public sector projects were in compliance with the policy.

Table 4: PSDs published 1 January 2009 - 31 December 2009

Private sector projects	Number
Compliant with policy	151
Derogations in accordance with PIP *	23
Capital markets transaction (18)	
Legitimate sponsor concerns on confidentiality (14)	
Likelihood of substantial changes at Final Review (14)	
Non-compliant with PIP	3
Total private sector projects	154
Public sector projects	
Compliant with policy	50
Derogations in accordance with PIP	0
Non-compliant with PIP	0
Total public sector projects	50

* While the actual number of derogations to the policy was 23, stated legitimate reasons for these derogations total 46 because in numerous cases there was more than one reason for the request.

Each PSD reflects the state of EBRD financing on a particular project at the time of Board approval of the project, other than material changes in the financial structure of the project occur as approved by the Board. PSDs are not designed to provide further information or updates on the subsequent development of a project and, therefore, do not necessarily provide an up-to-date reflection of the subsequent state of EBRD investments.

Of the 154 private sector PSDs, there were 23 derogations to the 30-day release timeframe, all of which were authorised within the terms of the Policy. There were no derogations for public sector project PSDs.

There were three non-compliant PSDs. In two cases the Board date was brought forward but the PSDs had not been issued. Therefore, one was published two days late and the other a week late. In the other case, the OL was ill the day the PSD was to have been published. It was issued the following Monday, a Bank Holiday, making the PSD two days late.

In the reporting period from 1 January - 31 December 2009, 170 PSDs were translated into the relevant official national languages². The following is the country breakdown: Albania (3); Armenia (2); Azerbaijan (5); Belarus (1); Bosnia & Herzegovina (8); Bulgaria (7); Croatia (7); Estonia (1); Georgia (10); Hungary (5); Kazakhstan (11); Kyrgyz Republic (2); Latvia (3); Lithuania (2), Moldova (1); Mongolia (3); Montenegro (3); Poland (8); Romania (5); Russian Federation (36); Serbia (8); Slovak Republic (3); Slovenia (2); Tajikistan (1); Turkey (9); Turkmenistan (1); Ukraine (22). There were 18 PSDs for regional projects that did not require translations.

² Please note that PSDs for Regional Projects are not translated since they often relate to a wide geographical region and would require multiple translations many of which would not be relevant.

Translations of 13 PSDs remained outstanding at the end of the period under review.

74% of PSDs were translated within a month of the English PSD being posted, 19% were translated after a month and 7% remained outstanding.

3.2 Public Sector Projects

PIP requirements:

“Board Reports for public sector projects will be made available to the public on request, once the project has been approved by the Board of Directors. Information considered confidential, as set out in Section E of the Policy, will be removed from the released documents.”

Implementation:

There were no requests for the release of Public Sector Project Board reports during the period under review.

3.3 Cancelled, Rejected or Inactive Projects

PIP requirements:

“Project Summary Documents (PSDs) will be removed from the website as soon as the associated project is cancelled, rejected or if inactive for a year. However, where a PSD is for a “Category A” project, with an associated Environmental and Social Impact Assessment, the PSD will be removed six months after the date on which it would otherwise have been removed. The Bank, however, may at its discretion, leave such PSDs on the website for a longer period.”

Implementation:

Eight PSDs were removed from the website during the year.

3.4 Environmental and Social Information relating to Projects

PIP requirements:

“The EBRD releases a significant amount of information on the environmental and social issues associated with its projects. The Bank may, at its discretion, disclose other environmental and social reports and studies that it commissions from time to time, for public comment or for information, on its website.

“The Bank will make available Environmental and Social Impact Assessments on “Category A” projects in its Business Information Centre in London and in the relevant EBRD Resident Office at least 60 days prior to consideration of the project by the Board of Directors for private sector projects and 120 days prior to Board consideration for public sector projects. Notification of the documents’ availability will be posted on the EBRD website.

“Environmental and social issues, including the categorisation of the project and planned mitigation measures will be summarised in Project Summary Documents.

“The disclosure of project information is the responsibility of clients. The EBRD requirements for disclosure of project information by the client are contained in the EBRD Environmental and Social Policy.”

Implementation Summary for 2009

- There were 20 “Category A” projects which were in active consultation periods during 2009.
- All 20 projects had full Environmental and Social Impact Assessments (ESIA) documentation available in local language.
- All 20 of the projects disclosed full ESIA documentation electronically on their websites, as well as in hard copy.
- All 20 projects had ESIA Executive Summaries available on EBRD’s website in English and in local language. Many projects also posted Public Consultation and Disclosure Plans or Stakeholder Engagement Plans, and other documents, although these are not specifically required to be on the EBRD’s website.
- 10 of the 20 projects progressed to the Board of Directors for approval during 2009.
- 9 of the 10 projects proceeding to Board complied with the relevant number of days required for public consultation.

For the Rustavi Solid Waste project in Georgia, the documents had been in the public domain for over a year when the Bank was approached, and the landfill had been included in the public discussions held by BP on its adjacent landfill in 2008. There had been no comments during the year disclosure period. An EBRD decision was needed, and Board approved the project with a derogation to the 120 day timing requirement; however, no funds were dispersed until the 120 day requirement had been met.

Table X: Summary of Category A Disclosure in 2009

Country	Project Name	Sector	Date EIA BIC/RO	Board Date	Days available (before Board)	Language of EIA in region	Electronic Availability
Albania	Tirana Outer Ring Road	State	17/02/09	--	--	English, Albanian	http://www.tirana.gov.al/projekte/090219_TORR_final.pdf http://www.tirana.gov.al/common/images/090218_TORR_annex.pdf
Azerbaijan	Garadagh Expansion	Private	19/11/08	06/05/09	169	English, Azeri	http://www.garadagh.com
Bulgaria	Nikopol Biomass Project	Private	15/12/09	--	--	English, Bulgarian	http://riewpleven.eu
Croatia	Istria Regional Waste Management Programme	State	20/07/09	--	--	English, Croatian	www.kastijun.hr
Georgia	Tbilisi Railway Bypass project	State	03/09/09	--	--	English, Georgian	http://www.railway.ge/index.php?option=com_content&view=category&layout=blog&id=47&Itemid=120&lang=ka
Georgia	Black Sea Energy Transmission System	State	13/05/09	21/10/09	162	English, Georgian Summary also available in Armenian and Azeri	http://www.minenergy.gov.ge/
Georgia	Rustavi Solid Waste Management Project	State	27/03/09	06/05/09	41*	English, Georgian	www.rustavi.ge
Georgia	Adjara Solid Waste Project	State	22/12/08	--	--	English, Georgian	http://www.dnr-adjara.ge/
Mongolia	Energy Resources	Private	10/12/08	10/02/09	63	English, Mongolian	http://www.energyresources.mn/index.php?option=com_content&view=article&id=24&Itemid=58&lang=en
Mongolia	Energy Resources Phase 2	Private	16/10/09	--	--	English, Mongolian	http://www.energyresources.mn/index.php?l=e&p=88&t=7
Poland	A1 Motorway	Private	14/07/09	--	--	English, Polish	http://www.autostrada-poludnie.com.pl
Romania	Petrom Power Plant	Private	20/02/09	21/04/09	60	English,	http://www.petrom.com/portal/01/petro

PUBLIC

						Romanian	mcom/berd_documents
Russia	Lukoil/TGK-8 Energy Efficiency Loan	Private	04/03/09	08/09/09	189	English, Russian	http://www.tgk-8.ru
Russia	Irkutsk Oil and Gas Company	Private	19/12/08	10/03/09	82	English, Russian	http://irkutskoil.ru/ecology_social
Russia	RusVinyl	Private	15/02/08	--	--	English, Russian	http://www.solvinpvc.com/aboutus/ourplants/russia/0,,62163-2-0,00.htm and http://www.sibur.ru/
Serbia	K10	State	27/03/09	29/07/09	125	English, Serbian	http://www.putevi-srbije.rs/strategijapdf/finaleiae80srp.pdf
Slovak Rep	D1 Motorway Phase 1	Private	23/11/09	--	--	English, Slovakian	http://www.telecom.gov.sk/index/index.php?ids=69402
Slovak Rep	R1 Motorway	Private	18/02/09	14/07/09	147	English, Slovakian	http://www.telecom.gov.sk/index/index.php?ids=45691
Slovenia	Sostanj Thermal Power Plant	State	6/11/09	--	--	English, Slovenian	http://www.te-sostanj.si/default.asp?id=192
Ukraine	South Ukraine Transmission Line Project	State	04/08/09	08/12/09	127	English, Ukrainian	http://www.ukrenergo.energy.gov.ua/ukrenergo/control/en/publish/article?art_id=74887&cat_id=36968

*Derogation on timing

Project Summary Documents contained a brief overview of environmental and social issues and mitigation measures.

4. Accountability and governance related information

In order to strengthen the Bank's corporate governance, the PIP states that the following information will be disclosed and posted on the Bank's website.

4.1 Compliance documentation

List of ineligible entities

PIP requirements:

"A list of entities, which the Bank has determined to have engaged in prohibited practices (including corrupt or fraudulent practices) and consequently are ineligible for Bank financing and/or Bank financed contracts, will be publicly released and posted on the Bank's website at www.ebrd.com/oppo/procure/guide/fraud.htm."

Implementation:

No entries were made in 2009.

Anti-Corruption Reports

PIP requirements:

"The Reports will be publicly released and posted on the Bank's website at www.ebrd.com/about/integrity/anticrpt.htm."

Implementation:

The Anti-Corruption Update Report for the year 2008 was released and posted on the Bank's Website in November 2009. In future, it is intended that the Bank issues its annual update each spring.

Independent Recourse Mechanism (IRM)

PIP requirements:

"The following documents will be publicly released and posted on the Bank's website at www.ebrd.com/about/integrity/index.htm:

- *the Rules of Procedure of the IRM;*
- *IRM Annual Reports;*
- *IRM Eligibility Assessment Reports, once approved;*
- *Compliance Review Reports and Problem-solving Completion Reports, subject to the provisions of the IRM; and*
- *a roster with information on IRM experts."*

Implementation:

There have been no complaints registered or processed in 2009 and hence no new Eligibility Assessment Reports, Compliance Review Reports, or Problem-solving Completion Reports released or posted in the year. Nor has there been any change in the information posted regarding the IRM Roster of Experts.

As part of the IRM review completed in 2009, a separate webpage was created at <http://www.ebrd.com/about/integrity/irm> titled “ Review of IRM” to facilitate the release and publication of the following documentation throughout the exercise:

- First Draft of the Revised IRM Rules of Procedure (date of posting 16.12.08)
- Public Consultation Period (date of posting 16.12.08)
- Invitation to comment (date of posting 16.12.08)
- The revised stakeholder consultation and disclosure plan (date of posting 9.12.08)
- PCM Rules of Procedure (date of posting 27.05.09)

In the above circumstances, there was no IRM Annual Report for the period ending 30 November 2009 prepared. Going forward, the PIP requirements regarding the publication of documents relating to the IRM will be applied to the Project Complaint Mechanism (PCM), mutatis mutandis, once that mechanism enters into force at the end of the first quarter of 2010. A new webpage devoted exclusively to the PCM will be created. 4.2

4.2 Evaluation documentation

PIP requirements:

“Subject to clearance in respect of commercial confidentiality (a process steered by the Evaluation Department (EvD)), certain evaluation reports prepared by EvD will be publicly released and posted on the Bank’s website at www.ebrd.com/projects/eval/showcase/index.htm.

“The following documents will be disclosed:

- *summaries of Operational Performance Evaluation Review (OPER) on investment operations;*
- *Evaluation Special Studies, on themes such as sectors and programmes;*
- *OPER reports on TC operations;*
- *the Final Work Programme of EvD and the Work Programme Completion Report;*
- *the Annual Evaluation Overview Report (AEOR); and*
- *the Evaluation Policy*

“In respect of OPER reports on investment operations, where project particulars in high profile projects cannot be easily disguised in order to preserve confidentiality, an exception will be made and a summary of the report will not be disclosed.

“Prior to the disclosure of any evaluation report EvD will consult the respective staff in the Banking Department and the Office of the General Counsel (OGC) to screen reports in order to secure necessary commercial confidentiality.

“The comments from management in respect of any of the foregoing documents (summaries and reports etc.) are publicly released and posted in full on the Bank’s website at the same time as the document to which they relate. The document is also edited in order to avoid identification of client companies and to preserve commercial confidentiality.

“Although the Board of Directors is kept informed about the findings of EvD reports and discusses details in the Audit Committee, it is the responsibility of the EvD to determine what is contained in the reports it releases to the public. This is necessary to ensure that EvD is able to fulfil its important independent evaluation role in the Bank and provide lessons learned.”

Implementation:

The following EvD documents subject to the conditions set out in the PIP were posted on the Bank’s website in 2009:

OPER Summaries:

- Rosvodokanal, Russia
- LLC Lenta, Russia
- Olivaria, Belarus
- Togliatti Urban Transport project, Russia
- Regional Europolis Portfolio - regional
- Soufflet MPF - regional
- Russian Road Sector Reform
- Chumak, Ukraine
- Albania Power Sector Reconstruction/Distribution Rehabilitation
- Tulpar-II, Kyrgystan
- Kazakhstan Road Sector Development project
- Federal Grid Company Modernisation project, Russia
- Macedonia Municipal & Environmental Action Programme
- APA NOVA Water Treatment Plant, Romania
- Agrokor Equity, Croatia
- Botnia SVIR
- Pokrov Glass Plant-Ufa Glass Packaging Plant
- Cora

Technical Cooperation OPERS

- Kazakhstan Atyrau Airport Project
- TC: MBASK Insurance Company Institutional Strengthening Programme, Azerbaijan
- Bucharest Multi-Sector Project, Romania
- Komi Municipal Water Services, Russia
- Pre-Privatisation Loan for Kombinat Aluminium Podgorica

Special Studies

- Japan-Europe Cooperation Fund

Key Evaluation Documents

- Annual Evaluation Overview Report for 2008
- Evaluation Department Work Programme Completion Report for 2007

All of the web postings followed internal circulation.

4.3 Other documentation

Annual Sustainability Report

PIP requirements:

“An Annual Report on the implementation of the Environmental and Social Policy will be publicly released and posted, in English and Russian, on the Bank’s website at www.ebrd.com/pubs/general/series/sustain.htm.

“In addition, summaries of the meeting of the Bank’s Environmental and Social Advisory Council will be publicly released and posted on the Bank’s website in English, following the approval of the summary by the Council.”

Implementation:

The Bank issued its *2008 Sustainability Report* in July 2009. The 2008 Report covers a wide range of EBRD investments and achievements and these include the Bank’s Sustainable Energy Initiative, investment in municipal infrastructure, micro and small business finance and donor support. The Report also looks at the way in which the EBRD operates and how the Bank engages with its stakeholders. The special focus chapter looks at the water and wastewater sector in the Bank’s countries of operations, the impact of EBRD financing and the remaining challenges and implications for the future. The 2008 Sustainability Report in English is posted on Bank’s website at <http://www.ebrd.com/pubs/general/sr08e.pdf> and in Russian at <http://www.ebrd.com/pubs/general/sr08r.pdf>.

Annual Procurement Review

PIP requirements:

“An annual review, subject to the removal of confidential material, will be publicly released and posted on the Bank’s web site at: www.ebrd.com/oppo/procure/awards”

Implementation

Review of Procurement Policies and Rules

A review of the Bank’s *Procurement Policies and Rules (PP&R)* was approved by the Board of Directors in May 2009 and subsequently published on the Bank’s website. The PP&R comprise principles and standards that must be adhered to by clients and tenderers in both the public and private sector.

Annual Procurement Review

The Annual Procurement Review 2008 was published on the Bank's website in April 2009.

Annual Report on Engagement of Consultants by EBRD

PIP requirements:

"An annual report, subject to the removal of confidential material, will be publicly released and posted on the Bank's website at www.ebrd.com/about/policies/procure/index.htm."

Implementation:

In April 2009 the Annual Report on Engagement of Consultants by EBRD 2008 was posted on the Bank's website
http://www.ebrd.com/oppo/procure/awards/csu_awards.htm.

Annual Purchasing (Corporate Procurement) Review

PIP requirements:

"An annual review, subject to the removal of confidential material, will be publicly released and posted on the Bank's website at www.ebrd.com/about/policies/procure/index.htm."

Implementation:

The 2008 Annual Corporate Procurement Review was posted on the Bank's website in May 2009
http://www.ebrd.com/oppo/procure/awards/cpu_awards.htm.

Public Information Policy: Reports on implementation

PIP requirements:

"The Secretary General will report to the Board on implementation of the Policy on an annual (calendar year) basis and such reports, in English and Russian, will be publicly released and posted on the Bank's website at www.ebrd.com/about/policies/pip/report.htm."

Implementation:

The PIP Implementation Report for 2008 was presented to the Financial and Operations Policies Committee (FOPC) on 9 April 2009.

Annual Financial Report

PIP requirements:

"The Annual Financial Review, which forms part of the Bank's Annual Report, will be publicly released and posted on the Bank's website, in conjunction with the Annual Report at www.ebrd.com/pubs/general/ar06.htm."

Implementation:

The Annual Financial Report was posted on the Bank's website in May 2009.

5. Information considered confidential (Section E of the PIP)

Section E of the PIP states that certain information considered confidential will not be disclosed. It includes categories of information that are considered confidential.

Out of the 235 PIP related requests for information received by the Communications Department³, only 7 PIP-related requests were not responded positively due to confidentiality issues (5 related to information about former staff members; 2 requesting access to documents intended for internal purposes only).

6. Implementation and monitoring of the Public Information Policy (Section F of the PIP)

“The Secretary General, assisted as necessary by the General Counsel and other Members of the Executive Committee, oversees and verifies compliance with the Policy..... The Secretary General to report to the Board on the implementation of the Policy on an annual (calendar year) basis and the Report will be publicly released and posted on the Bank’s web site”.

Implementation:

As the revised PIP became effective on 1 September 2008, the Office of the Secretary General undertook measures to inform Bank staff about the revised policy and to give implementation guidance. In September 2008, OSG issued a Staff Guidance Document to assist Bank staff in the implementation of the PIP.

The *Implementing procedural provisions for information requests and appeals* have been publicly released and posted on the Bank’s website at www.ebrd.com/about/policies/pip/requests.htm.

The Secretary General reported to the Board (Financial and Operations Policies Committee) on implementation of the Policy on 9 April 2009.

Relations with civil society

“The Bank has a dedicated contact point for communications with NGOs and other stakeholders. The Bank endeavours to respond, as appropriate and after consultation with relevant parties, to reasonable requests for information and aspects of the Bank’s work, subject to the clarifications regarding confidential information as set out in Part E of the Policy.”

³ This only refers to the Requests that were submitted to the Communications Department. This includes mostly the requests for information that came to the Bank via web forms.

Implementation:

The EBRD has continued its active engagement with civil society stakeholders, including NGOs, community-based organisations, policy think tanks, women's groups, academic research institutes, business development organisations, and other relevant organisations.

In 2009, via the Civil Society Engagement Unit, the EBRD maintained an ongoing dialogue with civil society through a variety of consultation meetings and workshops in London and in the countries of operations. The EBRD has also regularly informed CSOs about the latest developments in the Bank of interest to civil society via dedicated webpages for CSOs on its website, quarterly EBRD – NGO Newsletter (available in English and Russian) and targeted email notifications and alerts.

In line with the PIP, relevant CSOs are systematically informed about the release of Environmental and Social Impact Assessments (ESA) for Category A projects and are invited to send their comments to the Bank and its clients.

During 2009, the Bank invited public comments on seven draft country strategies in accordance with the PIP. In order to improve the scope and quality of the input from civil society into the preparation of the EBRD's country strategies, the Bank held consultation workshops in Belarus, Russia, Mongolia and Kazakhstan. The main purpose of these workshops was to provide an additional opportunity for civil society groups to discuss the new draft strategies and encourage them to provide their feedback. The workshops were attended by the representatives of the local environmental NGOs, women's groups, microfinance and business development organisations, think tanks and academics.

In March at the EBRD's Headquarters in London, representatives of international CSOs met the Bank's new President, together with EBRD's senior management, to exchange views on transparency and accountability of the Bank and its clients, human rights issues in Central Asia and the implication of the global economic crisis on the Bank's activities.

In May, some 40 representatives from international and local organisations from 19 countries attended the Civil Society Programme held in parallel with the Annual Meeting of the Board of Governors and the Business Forum in London.

In 2009 the discussions of the Civil Society Programme mainly focused on broader policy-related issues, such as rethinking transition priorities, transparency and accountability, and environmental and social issues in the Bank's projects in the context of the global economic crises. As in previous years, other consultation sessions addressed topics such as sustainable energy, project evaluation, municipal and environmental infrastructure and transport investments.

CSOs appreciated the Bank's commitment to follow up on the major issues raised during the previous year's Annual Meeting in Kiev, such as the development of the Gender Action Plan and engagement with stakeholders on health & safety issues in mining and heavy industries.

In 2009, the EBRD's Board of Directors undertook Board Consultations Visits (BCVs) to Albania, Belarus, FYR Macedonia, Kazakhstan, the Kyrgyz Republic, Russia, Turkey and Ukraine. In each country the Directors met representatives of civil society, usually environmental NGOs, women's groups, microfinance and business development organisations, think tanks and academics to exchange views on the recent developments in the countries.

7. **Implementing procedural provisions for information requests and appeals (Annex to the PIP)**

PIP requirements:

"The Secretary General will issue implementing procedural provisions for information requests and appeals and, in the event of a decision to refuse the release of information will, as appropriate, inform the Board."

The Policy also specifies that in the annual *Public Information Policy: Report on the Implementation*, which is posted on the EBRD website, the Bank will report on its handling of requests and will provide a record of responses.

An Annex to the PIP sets out more detailed how information request are to be handled and also how appeals are dealt with.

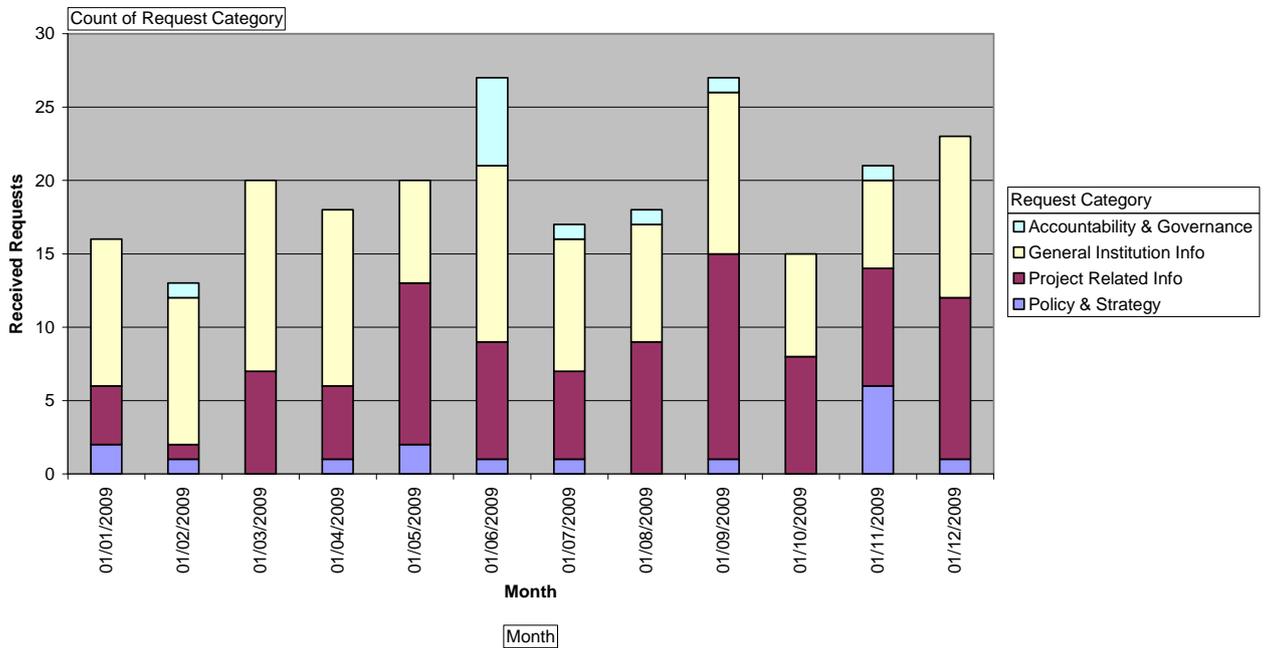
Implementation:

Handling Information Requests

The handling of the information requests was consistent with the Implementing Procedural Provisions for public information requests. The Bank fulfilled obligations regarding responses and timeframes of responses to information request.

The dedicated unit in the Communications Department responded to 645 different items of correspondence (480 were received via on-line information request form) during 2009 and logged them into the database. Only 235 were related to Public Information Policy, including 116 requests for institutional information (out of which 71 requesting contact details of the Bank's staff and 23 requesting the EBRD-related research data and statistics); 92 project-related letters (out of 7 requesting specific documents, 5 were responded to positively and 2 referred to the client; 13 include protest correspondence); 16 letters related to policies and strategies (5 related to Environmental and Social Policy and 5 related to a revision of country strategies); and 11 letters related to accountability and governance, including 4 request for information about evaluation. The Civil Society Engagement Unit coordinated with various teams across the Bank in order to prepare comprehensive responses to the PIP-related public queries.

Categories received vs. Month

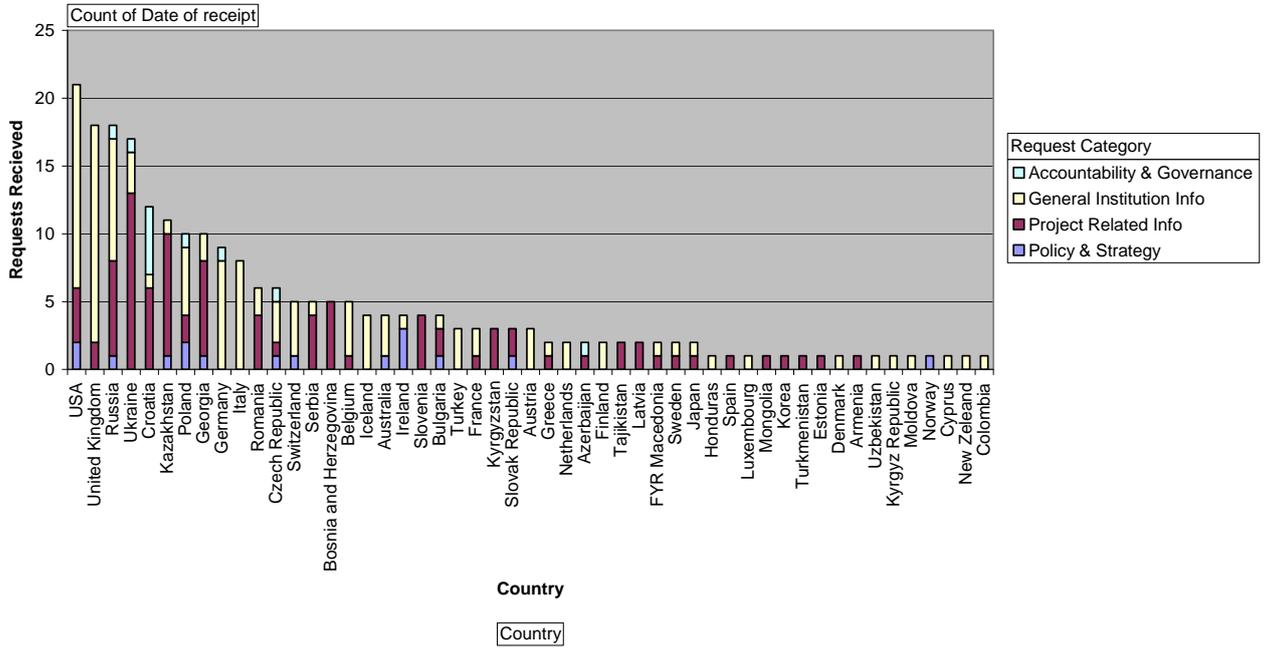


Of the 77 PIP-related requests a third were received from civil society representatives. Members of the private sector sent 59 information requests to the Bank, more than half requesting contact details of EBRD staff; 34 queries came from academics and students; 18 from member of public; 9 from governments; and 38 from other sources.

In geographic terms the main sources of requests were from six countries: 21 were received from the USA; 18 each from Russia and the UK; 17 from Ukraine; 11 from Kazakhstan and 10 each from Poland and Georgia. The remaining sources of requests were either from other countries of operations or other geographical areas. 21 requests were received in the Russian language and the Bank responded in Russian.

PIP Yes

Categories Received vs Country



Only 19 PIP-related requests were not responded to inside the stipulated timeframe of 20 working days, mainly due to the fact that relevant staff responsible for preparing responses were travelling for extensive periods of time, or that some individual requests required the clarification from the Bank’s clients. In each case a timely explanation for a further delay was provided.

The rest of correspondence received and responded to – 410 items - was of general non-PIP related nature. These included enquiries and applications for employment, internships and consultancies, project finance, procurement and purchasing, funding and scholarships, publications, events and visits to the Bank, media and non-EBRD-related research data and statistics. Additionally, 12 requests for information were received from other IFIs and sister organisations. As a matter of good practice, the Communications Department responded to this type of correspondence according to the same timeframes and language requirements applicable to the PIP-related information requests.

The number of information requests and responses covered in this section reflects only the limited amount of correspondence received by the Bank either via an information request online form or forwarded to a dedicated team in the Communications Department by various EBRD teams for the coordination of responses. It does not reflect the total amount of correspondence EBRD conducts with external audiences.

Enhancing access to the Bank's website

“In recognition of the importance of the EBRD website (www.ebrd.com) in communicating information to stakeholders and the general public, the Bank will continue to enhance access to the site and to the information posted on it. The Bank will also continue to explore ways in which more country specific information can be translated for posting on the website”.

Implementation:

In 2009, the Communications Department and IT began work on the web redesign project. As one of the EBRD's principal channels of communication, the new site will aim to enhance the EBRD's visibility, encourage policy dialogue and generate business and investment opportunities. In particular, the site will feature improved navigation, access and information availability in English, Russian (and other relevant languages). Technical functionality is being introduced to make it easier when posting updates to add a translated version of an English text, thus increasing the scope for publishing translations into official national languages. In addition there is to be improved functionality for “flipping” between English and Russian versions of texts as every page will have a link to a Russian-language equivalent on a given site.

The new EBRD web site will be launched in June 2010, but work to further develop and improve the site is on-going. Among additional technical improvements under consideration are increased language functionality and a new availability of templates (i.e. different page layouts) which will make it more feasible to develop a higher number of sections and resources relevant to the Bank's Resident Offices and their clients across EBRD's countries of operations.

Appeals to the Secretary General against Information Request Refusals

No requests for information resulted in the requester invoking the right of appeal to the Secretary General.