European Bank for Reconstruction and Development | Independent Project Accountability Mechanism

Submit your Request

The European Bank for Reconstruction and Development (EBRD)'s Independent Project Accountability Mechanism (IPAM) reviews **environmental**, **social** or **transparency** issues raised by individuals or organisations concerning Bank-financed projects which they believe to have caused, or likely cause, harm.

Step 1: Required Information

This information is mandatory for IPAM to review and consider your request.

1. Who is submitting this Request? Please provide your name(s) or the name of your organisation.

CEE Bankwatch Network

2. IPAM is committed to protecting your identity, if you fear reprisals. Do you want your name(s) (or the name of your organisation) to be kept **confidential throughout this process?** Why do you require confidentiality?

Bankwatch does not require confidentiality. We ask that personal information about Bankwatch staff involved in the complaint will not be disclosed publicly or shared with Uzbek authorities without prior consultation, due to risks and concerns about potential difficulties during future travel to the country for project monitoring purposes.

Note. IPAM will share the concerns raised in your request with Bank staff and the Client, but your name and other details that would identify you will not be shared. *

3. Do you fear you or other risk retaliation for sharing your concerns with IPAM? Please provide details. (**Let us know if this information should be treated confidentially.)**

Yes, some experts in Uzbekistan are under risk of retaliation and would not directly contact IPAM.

4. Country

Uzbekistan

5. Please provide your contact information

a. Telephone number

+420 777 995 515

b. Email address

main@bankwatch.org

c. Mailing address

Heřmanova 1088/8. Prague 7, 170 00. Czech Republic

d. How can we best contact you?

Via personal emails and phone. Personal contact details will be shared with IPAM outside of this form.

6. Please name or describe the **EBRD Project(s) that** raises concerns. If you don't know the Project name, you can include details like the name of the company in charge of the Project, its location, or the activities it involves that are affecting you.

Zarafshon Wind (also known as Zarafshan Wind Project).

Capacity: 500 MW

Sponsor: Shamol Zarashan Energy (SZE) FE LLC, owned by Abu Dhabi Future Energy Company PJSC - Masdar)

Lenders: EBRD, ADB, IFC, JICA, Dutch Entrepreneurship Development Bank, Natixis, First Abu Dhabi Bank.

7. What harm do you believe has been caused, or might be caused, by the Project? Please include details.

The part of Tamdytau mountain most important for biodiversity was not established as a protected area

The Zarafshon wind project was developed in parallel with the process of moving the Aktau-Tamdy state reserve away from the scientifically proposed borders.

Construction of wind turbines with Mount Aktau in the background. CEE Bankwatch Network, February 2024

The Tamdytau mountains surrounding the Zarafshon project site were proposed for protection after extensive research carried out by several projects, including the UNDP-GEF project entitled Strengthening the Sustainability of the National Protected Area System by Focusing on Strictly Protected Areas.

The results of the UNDP-GEF project[1] were endorsed by the Uzbek government and include on pages 110-112 a map and description from 2013, where it is clearly visible that the protected area called Aktau (Tamdy) in the Tamdy district should be located around the highest peak in the Kyzylkum desert – Mount Aktau. Decades of research have shown the importance of the area; it is the last remaining habitat of argali sheep in central Uzbekistan, it contains many nests of threatened birds and is home to endemic flora. Part of the area was declared an Important Bird Area in 2007 and later a Key Biodiversity Area.

[1] Natalya Beshko, V. Zagrebin, A. Popov, Furkat Khassanov, O. Mitropolskaya and K. Magdiev, 'Рекомендации По Расширению Системы Охраняемых Природных Территорий в Узбекистане', Baktria Press, December 2013.

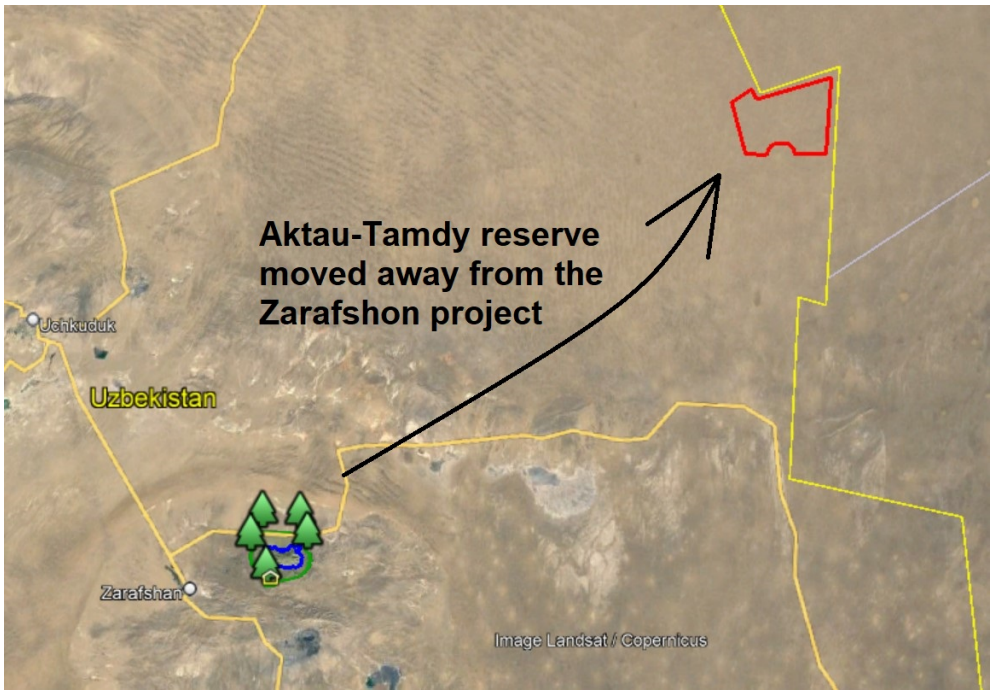
Map 1. Proposed location of Aktau (Tamdy) protected area. Source: UNDP-GEF, 2013.

When in February 2022, a presidential decision[2] declared a 40,000-hectare piece of pastureland in the Tamdy district to be the Aktau-Tamdy state reserve, without specification of the exact location, Uzbek and international experts thought that Mount Aktau would be finally protected in line with the recommendations of years-long scientific research.

However, in a written communication to Bankwatch from 17 August 2022, the EBRD claimed that the Aktau-Tamdy state reserve would not be located within the project site, but more than 100 kilometres away. A map provided by SZE/Masdar on 8 October 2022 confirmed that the new protected area would be located in the Tamdy district, but next to the border with Kazakhstan. This is part of the Kyzylkum desert, away from the Tamdytau mountains, in a place that had never previously been proposed for protection and, to the best of our knowledge, has no geographical names related to 'Aktau'.

On 8 November 2023, the EBRD finally confirmed in a response to Bankwatch that "the area of the planned nature reserve in Aktau was supposed to be adjacent to the Wind Farm" and "the area of the Aktau-Tamdy nature reserve was moved to the north closer to the Kazakh border". This information came after a meeting between consultants hired by the sponsor and a lead specialist at the Nature Reserve Department, Ministry of Ecology, Environment Protection and Climate Change of Uzbekistan.

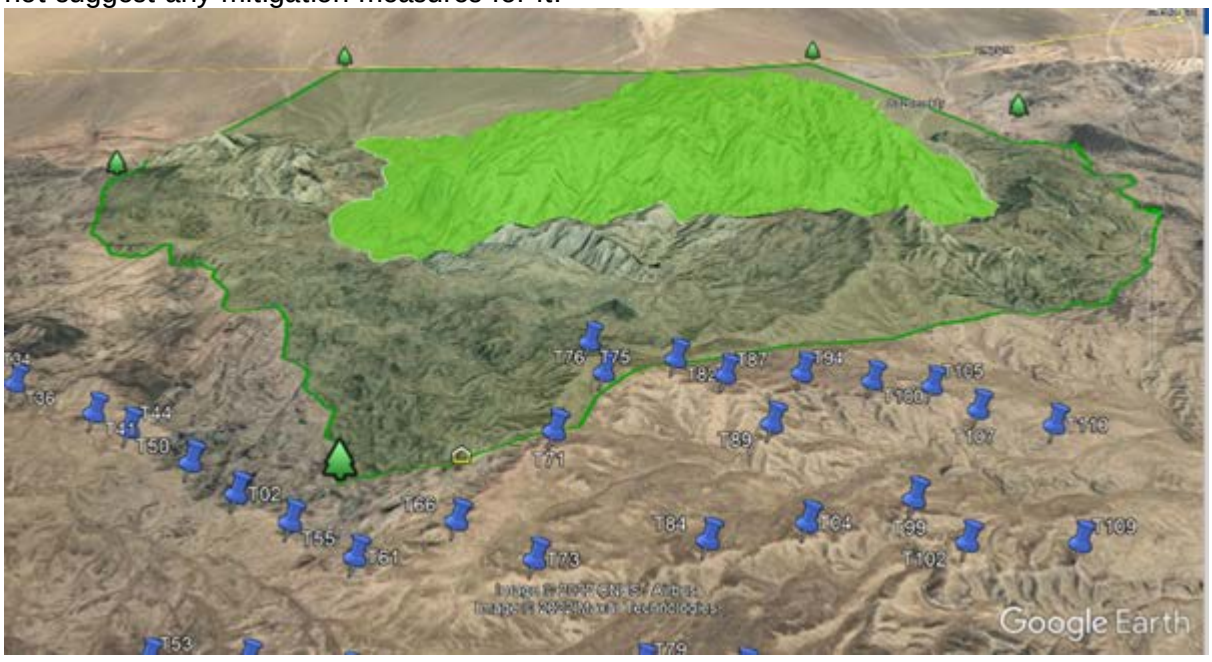
[2] President of the Republic of Uzbekistan, Decision of the President of the Republic of Uzbekistan, on measures for the creation of protected natural areas (including translation to English), 16 February 2022.



Map 2. Original borders of Aktau-Tamdy reserve (in green) and the borders changed in 2022 (in red). Sources: Masdar, UNDP-GEF, Google Earth.

Despite the significant scientific evidence justifying the establishment of a protected area, it seems that the Aktau-Tamdy state reserve's location has been changed at the last moment before the proclamation to avoid conflicting with different projects. Although in the response to Bankwatch, the EBRD referred to the area's natural resources potential gold and uranium resources as a reason for the proposed protected area relocation, the Zarafshon project might have significantly contributed to such decision (two of the turbines are now located within the original borders of the Aktau-Tamdy proposed state reserve).

It is not clear how the EBRD and other lenders assessed and justified the impact on biodiversity during the project's due diligence. Environmental and Social Impact Assessment lacks information on the potential impact of the Zarafshon wind project on the proposed protected area and does not suggest any mitigation measures for it.



Map 3. Turbines T75A and T76 are within the borders of the planned Aktau-Tamdy protected

area (wide green line). Mount Aktau Important Bird Area is 3.5 km further away (light green polygon). Sources: Zarafshan wind project ESIA, UNDP-GEF, Google Earth.

As a result, one of the most important areas for biodiversity in Uzbekistan will remain unprotected for many years ahead, and probably be damaged by the project operation. EBRD explained in the November response that SZE/Masdar "in good faith" supports activities "for protecting portions of or the entirety of the originally proposed Aktau-Tamdy protected area", but this protection could happen not earlier than 2 years after the start of monitoring, and it is unclear when monitoring could start. Furthermore, the protection of Aktau would not be possible as a strict reserve, but possibly as a soft-regime protected area (zakaznik for conservation of specific species). In a field visit to the project site with the participation of experts from IFC, ADB and EBRD, organised by SZE/Masdar in February 2024, the latter announced that there was no progress after a second meeting with the Nature Reserve Department. Consequently SZE/Masdar are considering not to support the proclamation of the protected area due to high costs and uncertainty of the results.

Moreover, the above-mentioned problem is systemic and goes beyond the Zarafshon wind project. For example, similar problems are expected with the Dzhankeldy wind power project – half of the project is located on the Kuldzhuktau ridge, which was proposed as a protected area by the same UNDP-GEF project for paleontological, botanical and zoological reasons.

Impacts on threatened bird species as a result of wrong placement of the turbines, lack of alternative locations assessment, lack of cumulative impact assessment; and lack of effective mitigation measures.

The Zarafshon project is located in core areas of globally and nationally threatened bird species, with especially significant impacts expected during construction and exploitation of turbines situated close to nests of Egyptian, cinereous and bearded vultures, and golden eagles, and saker falcons.

In a response to Bankwatch dated 15 November 2022, the IFC acknowledged that '[the Zarafshon project area] is an important area for a number of raptors' and committed to 'implementing the mitigation hierarchy, starting with avoidance by moving 15 turbines'. However, as Masdar explained to Bankwatch during a workshop in November 2022, these turbines were moved away based on old findings, not on the most comprehensive nest survey finalised in 2022, which found new nests in areas close to proposed turbine sites.

The Bankwatch experts visited the area of Zarafshon during the breeding seasons of 2022 and 2023 and found nests of threatened birds a few hundred metres from wind turbine locations. Those nests were reported to the lenders and the client, but turbine locations were not moved away before construction began. Moreover, Bankwatch requested the 2022 nest survey data and Masdar and the lenders promised to provide it by November 2022, but this was only done in December 2023 - when construction of the project had already started.

The best international practices (on-time nest search, core area delineation, satellite telemetry) were not used when assessing the impacts on nesting birds. The core area is recognised as the most vital area for population survival. Consequently, its biologically meaningful delineation is of great importance for robust conservation decision-making and spatial planning. Scientific articles[3] and standards[4] recommend excluding the entire core zone of threatened species, identified, for

[3] Dimitris Vasilakis, D. Philip Whitfield, Stefan Schindler, Kostas Poirazidis, and Vassiliki Kati, 'Reconciling endangered species conservation with wind farm development: Cinereous vultures (*Aegypius monachus*) in south-eastern Europe', Biological Conservation 196 (2016), 10-17, 2016.

[4] U.S. Fish and Wildlife Service, Region 6, Recommendations for Avoidance and Minimization of Impacts to Golden Eagles at Wind Energy Facilities, 2022

example, by tracking the pairs for at least one year.

The wind turbines were not moved away from the core areas of the key species, but rather some minimal buffers of 500 metres from active nests were proposed for the Zarafshon project (750 metres in the case of the Bash project and 750 metres 'where possible' for the Dzhankeldy project). The recommended buffers were not based on scientific studies on the ground or good international practices. Moreover, the only impact that the mitigation measures tackled was the possible collision with turbines, but other impacts like displacement of birds were not taken into account, besides extensive scientific data on that problem.[5]

Probably the most underestimated impact within the ESIA studies is on the globally endangered saker falcon - four to six pairs may be displaced by the project. According to the latest information, Uzbekistan is the only country hosting the desert subspecies of saker falcon (*Falco cherrug coatsi*), which apparently is very close to extinction now, with only a few hundred pairs at maximum. Hungarian studies show that adult sakers avoid wind turbines, meaning that those areas between the wind turbines are lost habitats for them, even if there is plenty of food there. Juvenile sakers are less afraid of wind turbines, which makes them more at risk of collision.[6] Besides their fast flight, there is recent data showing that two falcons were killed in Austria after colliding with wind turbines, and at least one pair was displaced in Romania by a wind project.

Saker falcon nest 570 m from turbine T108A and 700 m from T106A. CEE Bankwatch Network, May 2023

Egyptian vulture nest 520 m from T106A and 620 m from T108A. CEE Bankwatch Network, May 2023

[5] Anne Tolvanen et al., How far are birds, bats, and terrestrial mammals displaced from onshore wind power development? – A systematic review, 2023

[6] Convention on the Conservation of Migratory Species of Wild Animals, Proposal for inclusion of species on the Appendices of the Convention, accessed 18 December 2023.

Cinereous vulture nest 530 m from T106A and 680 m from T96A. CEE Bankwatch Network, June 2022
Golden eagle nesting less than 400 m from T108A. CEE Bankwatch Network, February 2024

One important improvement is that a modern and expensive shutdown-on-demand system called IdentiFlight will be installed to halt the operation of specific turbines if priority bird species fly close by. However, this system has significant limitations and cannot solve the problems of the problematic location of turbines:

• The shutdown-on-demand system could decrease bird mortality but cannot eliminate it. The wind project in Tasmania (Australia) is given as the best example of Identiflight but has already killed two endangered Tasmanian wedge-tailed eagles.[7]

• The system does not work during the night, leaving bats and birds that fly at night unprotected from collision.

• The system is also not effective enough when birds come from below and when nests are too close to turbines.[8]

• It cannot mitigate the abandonment of nests, the main risk for the globally endangered saker falcon (Falco cherrug), because of disturbance and wind turbine area avoidance.

One of the 111 turbines of Zarafshon and one of the Identiflight devices. CEE Bankwatch Network, February 2024

As above, the problem goes wider than the Zarafshon wind project as it is part of promoting practices of locating wind turbines closer than 1 km from large raptor nests. The same problems with wind turbines next to nests of threatened raptor species were described by Bankwatch for the Bash and Dzhankeldy wind projects, also financed by EBRD. Those practices are not entirely in line with Good International Practice (GIP). For example, for the golden eagle (also nesting in the area of the Uzbek wind projects), GIP exists in:

[7] Goldwind Australia, Cattle Hill Wind Farm Annual Environmental Review 2022, Cattle Hill Wind Farm, October 2022.
[8] Janine Aschwanden and Felix Liechti, Testing of the automatic bird detection system Identiflight on the WindForS test field as part of nature conservation research (NatForWINSENT), Swiss Ornithological Institute, Sempach, 2020.

- Catalonia (Spain)[9] where wind projects are prohibited at less than 1 km from occupied nests or nests abandoned after 1973 and additionally in core areas of each pair that should be defined after one year of radio-tracking of the pair;
- Region 6 of the USA (Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Kansas)[10] where the U.S. Fish and Wildlife Service recommends that no wind turbines should be constructed within 2 miles (3.2 km) of occupied golden eagle nests and within 800 m from unoccupied (historical) nests.

With regards to the failure of lenders and the client to promote GIP, there is also a significant systemic problem that comes from the failure to assess the cumulative impact of wind projects on species. This creates a significant cumulative impact of the Zarafshon, Bash and Dzhankeldy projects which might put at risk the long-term survival of some bird populations in the Kyzylkum desert (saker falcon and Egyptian vulture). Additionally, the new transmission lines for the Bash and Dzhankeldy projects might pose a significant collision risk for the Asian houbara bustard (*Chlamydotis macqueenii*). We were informed that MIGA withdrew from these two projects, and one of the main reasons could be the biodiversity offsetting of the expected houbara deaths with captive breeding programme, unacceptable for the World Bank Group. The Bash project has 34 turbines located on the edge of the Ayakagytma lake Important Bird Area, potentially threatening a variety of water birds.

No proper assessment of alternative locations for the Zarafshon project was done as the land for it was allocated by the Uzbek government based on the wind potential, geological factors, existing infrastructure and interconnection to the grid, with no consideration of the environmental risks or impacts. Moreover, the land for such a large project with 111 turbines was so limited that, as pointed out by the client and the lenders, only minimal changes (a few hundred metres) to the turbine locations were possible and done for 15 turbines which didn't significantly decrease the overall risks for bird nests. The cumulative impact of all wind projects in Uzbekistan was also not assessed and taken into account.

As such, the EBRD and other lenders had almost no way to avoid the impacts caused by poor placement and follow the mitigation hierarchy, apart from not investing in the project, which should also be an option when the risks are high. Even more, the EBRD was approached to finance the Zarafshon project after the project received its permits from the host country. Therefore, the Bank's appraisal should have included a gap analysis of the project design and implementation against the PRs to identify whether any additional studies and/or mitigation measures are required to meet the EBRD requirements. However, the project was approved before these additional studies were finalised - the 2022 bird nest survey was sent to the EBRD only after the July Board decision.

Note: There is no adopted legislation for strategic environmental assessment (SEA) in Uzbekistan, only a draft law,[11] and there is a lack of overall awareness of SEAs and capacity to coordinate them among government authorities. In November 2023, Bankwatch was informed by the EBRD that a consultant was working to develop an unofficial lenders-led Strategic Environmental and Social Assessment (SESA) of renewable projects in Uzbekistan. We fully support this initiative. Unfortunately, this assessment does not include the four wind projects already approved for financing by the EBRD - Zarafshon, Bash, Dzhankeldy and Karakalpakstan.

One of the major problems with the Zarafshon ESIA report is the disclosure of the exact locations

[9] Generalitat de Catalunya, Criteria for making renewable energies compatible with conservation of golden and Bonelli's eagles, July 2022.
[10] U.S. Fish and Wildlife Service, Region 6, Recommendations for Avoidance and Minimization of Impacts to Golden Eagles at Wind Energy Facilities, 2022
[11] Government of the Republic of Uzbekistan, Drafted Law of the Republic of Uzbekistan on strategic environmental assessment, UNECE, accessed 18 December 2023.

of nests of saker falcon, eagles and vultures, thus giving information to poachers. The lenders promised to update the ESIA report of the Zarafshon project with the 2022 data and to hide the GPS locations of the nests, as Bankwatch signalled that this could attract poachers and nest robbers. In the ESIA version downloaded on 18 December 2023 from the Masdar website, this was not done, exposing the birds at risk for three consecutive breeding seasons.

Egyptian Vulture (*Neophron percnopterus*) – IUCN Endangered

Egyptian Vulture are a widespread summer breeding species within Uzbekistan. This species migrates in the spring and autumn and does not overwinter in Uzbekistan. No nests of this species were noted within the Project area although nesting of this species was confirmed in 2021 at two locations outside the site boundary (64°30'10.47"E, 41°33'49.32"N) and (64°22'5.46"E, 41°33'13.57"N). These points are 930 m and 1.8 km respectively from the nearest proposed WTG. Breeding is also likely within the IBA to the

Example of nest location from the ESIA study, page 135, downloaded 18 December 2023 from Masdar website

Nest robbing is a common practice in Central Asia[12] and one of the main reasons saker falcon is an endangered species.

More details about the impacts of the wind projects financed by the EBRD in Uzbekistan could be found in:

- the Bankwatch briefing (December 2022)[13];
- the Bankwatch update before the EBRD AGM (May 2023)[14].

8a. Are you directly or personally affected by the Project?

No. Bankwatch's vision is an environmentally, socially and economically just world, built on solidarity, participation and respect for ecological limits. We work to prevent the environmentally and socially harmful impacts of international development finance. Therefore, in line with its mission, Bankwatch steps in defence of species and biodiversity that face harm by the Zarafshon Wind Project. The EBRD has commitments and relevant policies to ensure the protection of biodiversity and should be held accountable when biodiversity is harmed, even if people are not directly affected.

8b. Are you submitting this Request as a Representative of a person or group affected by the Project?

No, as explained above, the complaint does not concern affected people or communities, but biodiversity that the EBRD should protect in line with its policies, and with respect to national and international law. Bankwatch submits the request in line with its missio [redacted]

[12] Radio Free Europe, Kazakhstan Thwarts Smuggling Of Endangered Falcons, 24 October 2017
[13] CEE Bankwatch Network, A false start for wind energy in Uzbekistan?, 1 December 2022
[14] CEE Bankwatch Network, Wind projects in Uzbekistan (2023 update), 9 May 2023

8c. Are you submitting this Request as an Organisation that is not directly or personally affected by the Project?

As described above, Bankwatch has a mission to protect biodiversity and to keep international financiers accountable. Therefore, the harm caused by the project directly concerns our work.

[redacted]

9. Have you ever **contacted the EBRD** or the **EBRD Client** to try to raise and voice your concerns?

Since June 2022, we have been in regular communication with the client and the EBRD. We met with the EBRD in April 2023 in London. We also had several online meetings with the EBRD, other lenders, the client and other stakeholders. We had several meetings during our visits to Uzbekistan in June 2022 and May 2023. We tried to approach the government of Uzbekistan (a short meeting in May 2023 and a follow-up email to the deputy Minister of environment), but never got a reply. We have sent our December 2022 briefing and updates to the EBRD, the client and other lenders. We have raised our concerns also via extensive email communication with the EBRD management, Board and client. While there was progress with a new Strategic Environmental and Social Assessment (SESA) currently developed, there was no real progress on turbine locations, bird nest protection and protection of Aktau Mountain.

We can submit a copy of our correspondence with EBRD staff upon request.

Field visit to Zarafshon project under construction with Masdar, IFC, EBRD, ADB, BirdLife and Bankwatch. CEE Bankwatch Network, February 2024

Note. IPAM is a 'tool of last resort' so, unless there is fear of retaliation, before submitting a Request to IPAM, you should first voice your concerns:

- with **EBRD staff** by sending your concerns to cso@ebrd.com, or
- with the **EBRD Client** that is responsible for the Project.

Note: All supporting documentation must be sent via email to IPAM (ipam@ebrd.com).

Step 2: Additional Information if available:

10. What do you hope to achieve through the IPAM process?

a) Real and long-term protection of the Aktau mountain with active rangers and reduced threats to species, habitats and internationally-recognised areas (IBA, KBA).

b) Avoided extinction of endangered, vulnerable and near-threatened species in the Kyzylkum desert, by ensuring that the number of nests of vultures, eagles and falcons and the long-term nesting success is not decreased compared to 2022.

c) Scientifically-sound, publicly-available and independent monitoring of the Zarafshon wind project's impact on birds and bats - collision with turbines, birds nesting success and satellite telemetry, mitigation measures success. This data should be published (ideally as a series of scientific articles), so that it can be used to improve the project as part of the claimed adaptive management and in order to improve the site selection, construction and management of future wind projects.

d) Relocation/curtailment of some wind turbines and setting a successful model at Zarafshon for better placement of wind turbines in Uzbekistan and Central Asia, avoiding the most important areas for biodiversity.

e) Improved EBRD ESP and project due diligence and appraisal process of the EBRD.

11. IPAM has two paths for reviewing your concerns.

Path 1– Problem Solving: IPAM can act as a neutral third Party to help find mutually-satisfactory resolutions through flexible, consensus-based problem solving approaches.

Path 2 – Compliance Review: IPAM engages with Project-affected people, Bank staff, Clients and others to determine whether the Bank has met the provisions of its Environmental and Social Policy and/or Access to Information Policy. The Compliance function only deals with compliance of the Bank, not that of the Client.

At this point, and subject to obtaining more information, what would be your preference?

I am interested in both the Problem Solving and Compliance Review options.

Bankwatch is interested in a facilitated dialogue with the client, the lenders and, if possible or necessary, with the relevant Uzbek authorities, therefore we request Problem Solving. We hope to find solutions for all the issues mentioned above in point 10.
If Problem Solving is not possible or not successful in finding solutions, then we would expect a Compliance Review.

12. Please list the Policy requirements you believe the EBRD has not met on this Project if you are familiar with the Environmental and Social Policy or Access to Information Policy.

In 2022 when the loans to the Zarafshon, Bash and Dzhankeldy projects were being approved, the 2019 EBRD Environmental and Social Policy was valid. The overarching requirement is that all projects must comply with the lenders' standards, national law and country obligations under relevant international treaties, conventions and agreements. We believe the following articles of the ESP were not met:

Section III: Scope

***Article* 2.2.** As a signatory to the European Principles for the Environment,2 EBRD is committed to ensuring that projects are structured to meet EU environmental principles, practices and substantive

standards, where these can be applied at the project level, regardless of their geographic location. When host country regulations differ from EU substantive environmental standards, projects will be required to meet whichever is more stringent.

Footnote 3 explains: Substantive environmental standards of the EU are comprised in EU secondary legislation, e.g., regulations, and directives.

Article 2.8 EBRD will require its clients to be precautionary in their approach to the protection, conservation, management and sustainable use of living natural resources. Clients are required to ensure that relevant projects include measures to safeguard and, where feasible, enhance ecosystems and the biodiversity they support with the aim of achieving no net loss of biodiversity as well as to sustainably manage and use living natural resources.

Article 3.1. EBRD has adopted a comprehensive set of specific Performance Requirements (PRs) for key areas of environmental and social sustainability that projects are required to meet. Central to the PRs is the application of the mitigation hierarchy and good international practice.

Article 4.12 When EBRD is approached to finance a project that is under construction, or where the project has received its permits from the host country, including the approval of local environmental and social impact assessments, the Bank's appraisal will include a gap analysis of the project design and implementation against the PRs to identify whether any additional studies and/or mitigation measures are required to meet EBRD's requirements.

EBRD Performance Requirement 1: Assessment and Management of Environmental and Social Risks and Impacts.

EBRD Performance Requirement 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.

Article 11. Where the assessment has identified potential project related impacts to biodiversity, the client will manage its risks in accordance with the mitigation hierarchy and GIP.

The requirements on the protection and conservation of biodiversity, priority biodiversity features (PBF) and critical habitats (CH) are violated.

Article 13*. Where the assessment has identified that the project could have significant, adverse and irreversible impacts to priority biodiversity features, the client shall not implement any project related activities unless:*
• the client can demonstrate that there are no technically and economically feasible alternatives;
• stakeholders are consulted in accordance with PR 10;
• the project is permitted under applicable environmental laws, recognising the priority biodiversity features; and
• appropriate mitigation measures are put in place, in accordance with the mitigation hierarchy, to ensure no net loss and preferably a net gain of priority biodiversity features and the habitats and ecological functions that support them over the long term to achieve measurable conservation outcomes.

Article 15*. Critical habitat shall not be further fragmented, converted or degraded to the extent that its ecological integrity or biodiversity importance is compromised. Consequently, in areas of critical habitat, the client will not implement any project activities unless the following conditions are met:*
• no other viable alternatives within the region exist for development of the project in habitats of lesser biodiversity value;
• stakeholders are consulted in accordance with PR 10;

• the project is permitted under applicable environmental laws, recognising the priority biodiversity features;
• the project does not lead to measurable adverse impacts on those biodiversity features for which the critical habitat was designated as outlined in paragraph 13;
• the project is designed to deliver net gains for critical habitat impacted by the project;
• the project is not anticipated to lead to a net reduction in the population of any endangered or critically endangered species, over a reasonable time period; and
• a robust and appropriately designed, long-term biodiversity monitoring and evaluation program aimed at assessing the status of critical habitat is integrated into the client's adaptive management program.

***Article 21**. Where the project occurs within or has the potential to adversely affect an area that is legally protected, and/or is internationally recognised, or proposed for such status by national governments, the client shall identify and assess potential project-related impacts and apply the mitigation hierarchy so that impacts from the project will not compromise the integrity, conservation objectives and/or biodiversity importance of such an area.*

EBRD Performance Requirement 10: Information Disclosure and Stakeholder Engagement

13. Have you submitted any complaints to other organisations in relation to the concerns raised in your Request?

Yes, to the IFC and the ADB.

14. Any other information you consider relevant:

Please send the completed form to IPAM along with supporting documents. (email: ipam@ebrd.com).