

## **Preamble**

• For the purpose of ensuring the compliance of the Japan Bank for International Cooperation (hereinafter referred to as the“Bank”) with the Bank’s Guidelines for Confirmation of Environmental and Social Considerations (hereinafter referred to as the “Guidelines”), the Bank hereby establishes the Examiner for Environmental Guidelines (hereinafter referred to as the “Examiner”) that is under the direct control of the Governor and is independent of the Bank’s departments responsible for individual lending or investment projects, and environmental analysis (hereinafter referred to as the “Operational Department”), and sets forth the following summary of procedures to submit objections concerning the Guidelines (hereinafter referred to as the “Summary”).

• The Summary is based on discussions and various opinions obtained from developing countries and from Public Consultation Forums first held in June 2002, which continued with the wide participation of the general public including academics, industry circles, the Japanese Government ministries and NGOs. A study of the practices at Multilateral Development Banks and Export Credit Agencies of major countries was also made to establish the Summary.

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## **I. Purpose of the Procedures to submit Objections (hereinafter referred to as the “Procedures”)**

- To investigate facts as to whether or not the Guidelines have been complied with by the Bank, and to report the results thereof to the Governor, in order to ensure the Bank’s compliance with the Guidelines.

- To encourage dialogues between the parties concerned based on their consent, namely, dialogues between the requester who submitted objections (hereinafter referred to as the “Requester”) and the entity which carries out the project (hereinafter referred to as the “Project Proponent”), in order to assist early resolution of disputes concerning specific environmental and/or social problems which are caused by the project for which the Bank provides funding and which arose due to the Bank’s non-compliance with the Guidelines.

## **II. Basic Principles**

### **• Independence**

The Examiner will be appointed as an organ working under the direct control of the Governor and independent of the Operational Department.

### **• Neutrality**

The Examiner must hear the opinions of all parties impartially from a neutral standpoint without taking the part of the Operational Department, the party who carries out the project or the party who submitted objections to the project.

### **• Efficiency**

The Examiner must efficiently process the objections submitted.

### **• Promptness**

The Examiner must promptly complete the Procedures and must complete his/her activities by submitting a report, in principle, within three (3) months after the acceptance of a request.

- **Transparency**

The activities of the Examiner, while considering the purpose of encouraging dialogues between the parties concerned and the confidentiality of business secrets and other secrets to be protected of the borrower and the other parties concerned, must, in principle, be open to the public and must contribute to the furtherance of the Bank's accountability.

### **III. Powers and Duties of the Examiner**

- In order to attain the above-mentioned purposes, the Examiner shall have the following powers:

- \* to freely access to the information necessary for his/her activities including, but not limited to, documents and records possessed by the Bank;
- \* to interview the Bank's personnel and to ask that they submit relevant documents;
- \* to ask relevant departments of the Bank to make arrangements to interview the third parties including persons other than the Bank's personnel and to request submission of relevant documents; and
- \* to use the facilities of the Bank's head office to the same extent as the Bank's personnel.

- In order to faithfully perform his/her duties, the Examiner shall have the following obligations:

- \* to take due care of the human rights and business interests of the Requester and other parties concerned, and not to behave in such a manner as to unduly injure the Requester and other parties concerned; and
- \* to comply with the procedures prescribed in the Summary.

#### **IV. Requirements to commence the Procedures**

##### 1. Projects coming under the Procedures

- A request to raise objections (hereinafter referred to as the “Request”) may be submitted with respect to the projects in which the Bank provides funding and in which substantial damage has actually been incurred or is likely to be incurred in the future, due to the Bank’s non-compliance with the Guidelines.

##### 2. Qualifications of a Requester

- A Request must be submitted by two or more residents of a country who have suffered actual and direct damage or who are likely to suffer damage in the future as a result of the Bank’s non-compliance with the Guidelines with regard to the project which the Bank provides funding.

- If, in view of the particular circumstances of the region in question, etc., it is unavoidable to do so, a Request may be submitted by an agent, provided that, if a request is submitted by an agent, the names of principal (Requester) must be identified and the agent has been duly authorized by the Requester.

##### 3. Period

- A Request may be submitted during the period prescribed below.

- \* A Request pointing out any Bank’s non-compliance with the Guidelines may be submitted during the period, 1) between the time when the Bank indicates the result of its appraisal of the project in question and the time when disbursement is completed in the case of an ODA Loan,<sup>1</sup> which requires procedures by the Japanese government, or 2) between the time when a loan agreement is executed and the time when disbursement is completed in all other cases, respectively.

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<sup>1</sup> ODA Loan means the Bank’s Yen loan provided under its Overseas Economic Cooperation Operations.

- \* If, prior to the time when the period for submitting a Request starts as set forth above, the Examiner receives comments concerning doubt of the Bank's non-compliance with the Guidelines from an outside person, the Examiner may transfer the case, as necessary, to the Operational Department requesting that the Operational Department appropriately respond to the comments, and report to the Governor. If the case is so transferred, the Operational Department must faithfully deal with the comments in accordance with the Guidelines, convey the comments to the Project Proponent and report the results of its response to the Governor. The Examiner may receive from the Operational Department the results of its response, and convey the results to the person who furnished the comments or take other actions, as necessary.
  
- \* After the completion of disbursement, a Request pointing out the fact of the Bank's non-compliance with the monitoring provisions of the Guidelines may be submitted during the period in which the Bank is monitoring the matter pursuant to the Guidelines.

#### 4. Contents of a Request

- A Request must state the following contents or information in Japanese, English or the official language of the relevant country. If the Request is written in the official language of the relevant country, it is necessary for the Examiner to translate the Request into the Japanese or English language before commencing the Procedures and, therefore, it may take some time before the acceptance of Request is notified.

(A) Names of the Requester;

(B) Address or place of contact of the Requester;

A Request must be submitted in the real name and a contact address must be specified, provided that, unless otherwise required by law, the information on the Requester shall not be disclosed to outside persons. If the Requester desires not to disclose their names to the Project Proponent, the Requester may set forth such desire in the Request.

- (C) Project with respect to which the Request is submitted;
- \* Name of country
  - \* Project site
  - \* Outline of the project
- (D) Description of substantial damage actually incurred by the Requester or substantial damage likely to be incurred by the Requester in the future as a result of the Bank's non-compliance with the Guidelines with regard to the project which the Bank provides funding;
- (E) Relevant provisions of the Guidelines considered by the Requester to have been violated by the Bank and the facts constituting such non-compliance alleged by the Requester;
- (F) Causal nexus between the Bank's non-compliance with the Guidelines and the substantial damage;
- (G) Resolution desired by the Requester;
- (H) Facts concerning the Requester's consultation with the Project Proponent;

In order to encourage dispute resolution through the parties' own efforts, the Requester is requested to endeavor to have dialogues with the Project Proponent prior to the submission of a Request. For this reason, it is necessary to state in the Request date and time, names of persons with whom the Requester had dialogues, the contents of response by the other party and other detailed facts concerning the Requester's endeavors to have dialogues with the Project Proponent. If, however, there were unavoidable reasons by which the Requester could not endeavor to have dialogues with the Project Proponent, such reasons should be stated.

- (I) Facts concerning the Requester's consultation with the Operational Department; and



The Requester is requested to have communication with the Operational Department prior to the submission of a Request. For this reason, it is necessary to state in the Request date and time, names of persons with whom the Requester had communication, the contents of response by the Operational Department and other detailed facts concerning the Requester's communication with the Operational Department. The Requester may also state the reasons why the Operational Department's response was considered to be insufficient.

The Bank's public relations department must, if it receives an inquiry from an outside person, promptly introduce to that person the relevant Operational Department handling the project in question so that dialogues with the Operational Department can be conducted expeditiously and adequately. The Operational Department must conduct screening and environmental review pursuant to the provisions of the Guidelines, recognizing the importance of information furnished by stakeholders.

- (J) If a Request is submitted by an agent, the Requester must set forth the necessity to submit the Request by an agent and evidence must be attached that the agent has been duly authorized by the Requester.

## **V. Process of submitting a Request**

### 1. Acceptance of a Request and Notifications to the Requester and the Project Proponent

• The Examiner shall, so long as the names and the place of contact are stated in the Request, notify the Requester, the borrower, the Project Proponent and the Operational Department of the acceptance of the Request using the sample form attached hereto, in principle, within five (5) business days after the receipt of Request, provided that, if the Requester desires not to disclose their names to the Project Proponent, no information on the Requester shall be disclosed to the Project Proponent.

## 2. Preliminary Investigation

- The Examiner shall check the Request to confirm whether or not all of the required matters are fully set forth in the Request. If the descriptions are insufficient or otherwise inadequate, the Examiner may request that the Requester rectify the deficiencies.
- The Examiner may interview the persons concerned with respect to the facts of whether or not the Requester is qualified to submit a Request, as necessary.
- The Examiner shall, from the viewpoint of preventing abuse, check the Request to confirm that the Request was submitted in good faith and adequately in conformity with the purpose of the Procedures. Abuse of the Procedures will include, but are not limited to the cases in which
  - \* the Request is submitted for the purpose of unduly obtaining compensation;
  - \* the Request is submitted solely for the purpose of delaying the implementation of the project;
  - \* the Procedures are utilized for the purpose of damaging the credit or reputation of the Project Proponent;
  - \* the Request is submitted for political purposes unrelated to the project; and
  - \* the Request contains material falsehood.
- Unless there is a special circumstance which prevents the Examiner from doing so, preliminary investigation will, in principle, be completed in approximately one (1) month after the acceptance of a Request, and the decision will be made whether to commence the Procedures or not.

## 3. Decision to commence the Procedures

- The Examiner shall, if he/ she deems, in accordance with the examination form attached hereto, that the Request satisfies the requirements to commence the Procedures and that the descriptions in the Request are fairly reasonable, make a decision to commence the Procedures, and inform the Governor, the Requester, the borrower and the Project Proponent

of the decision in writing.

- If a decision not to commence the Procedures is made, the Examiner shall inform the Governor and the Requester of the decision and reasons thereof in writing. Even if the decision not to commence the Procedures is made, the Examiner may, if he/she deems that it is useful for the examination and monitoring of the project, transfer the Request to the Operational Department. Such transfer by the Examiner to the Operational Department shall be notified to the Governor and the Requester.

- The Examiner may suspend to make a decision to commence the Procedures or not, if a dispute concerning the project is pending before, or already adjudicated by, judicial or administrative proceedings in Japan or in the relevant country or proceedings of an international organization or other dispute resolution proceedings and if the Examiner deems that the issue involved in such dispute resolution proceedings and the issue involved in the Procedures are substantially identical. In either case in which the decision to commence the Procedures is suspended or the decision not to commence the Procedures is made, such decision shall be notified to the Requester. If, after the grounds for suspension have ceased to exist, the intention of the Requester to continue the Procedures is confirmed, the Examiner may decide to commence the Procedures. Even if the decision not to commence the Procedures is made, a new Request may be submitted if it is based on a new fact or issue not known at the time of the prior Request.

- In view of the legal principle of *non bis in idem*, if a Request was submitted in the past concerning the same damage, the decision not to commence the Procedures may be made, provided that this shall not apply to a new Request based on a new fact not known at the time of the prior Request.

- The Requester may submit his/her opinion in writing to the Examiner if the decision not to commence the Procedures is made. The Examiner must faithfully consider such opinion submitted by the Requester and shall transfer such opinion to the Operational Department, as necessary.

#### 4. Investigation and Encouragement of Dialogues

##### (1) Investigation on the facts of compliance with the Guidelines

- In order to investigate the facts of the Bank's compliance with the Guidelines, the Examiner may meet with the Requester and directly hear what the Requester tells about the matters with respect to which the Request is submitted.

- The Examiner shall interview relevant persons in the Operational Department and ascertain the facts concerning (i) the confirmation of environmental and social considerations conducted on or before the execution of the relevant loan agreement and (ii) monitoring.

The Examiner may inspect any and all materials used by the Operational Department in conducting the confirmation of environmental and social considerations and monitoring.

- When necessary, the Examiner may interview residents having the same view as that of the Requester, residents having different views from that of the Requester, the Project Proponent, specialists, the government of the host country and other persons concerned, provided that if Examiner intends to interview the Project Proponent, the borrower or the government of host country, the Examiner will initially make arrangements to conduct interviews through the Operational Department.

##### (2) Encouragement of dialogues in an attempt to resolve disputes

- In order to resolve disputes, the Examiner may not only mediate dialogues for purposes of encouraging the dialogues between the Requester and other residents adversely affected on the one hand and the Project Proponent on the other hand, but also may conduct individual interviews.

- The Examiner must listen to the opinions of the persons concerned in a well-balanced manner, and must conduct individual interviews in such a manner as not to diminish the people's trust in the Examiner's "neutrality".

(3) Matters handled cautiously in implementing investigation and activities to encourage dialogues

- The Examiner may temporarily suspend investigation and activities to encourage dialogues if a dispute concerning the project becomes pending before a judicial or administrative proceedings in Japan or in the relevant country or proceedings of an international organization or other dispute resolution proceedings and if the issue in such a dispute resolution proceedings and the issue in these Procedures are substantially identical. Such suspension of the Procedures shall be notified to the Requester. If, after the grounds for suspension cease to exist, the intention of the Requester to resume the Procedures is confirmed, the Procedures shall be resumed.

5. Report to the Governor

- Within three (3) months after the acceptance of the Request, the Examiner shall prepare a report, using the sample form attached hereto, setting forth the results of investigation of the facts of compliance with the Guidelines, the progress of dialogues and the agreement between the parties concerned if a settlement is reached, and submit such report to the Governor.

- If the Examiner determines that the Guidelines have not been complied with by the Bank, the Examiner may recommend to the Governor possible measures to cure such non-compliance, as necessary.

- If the Examiner is unable to ascertain the facts as to whether or not the Guidelines have been complied with by the Bank or if the parties have agreed to dispense with the investigation by the Examiner of the facts of the Bank's compliance or non-compliance with the Guidelines, the Examiner shall report to the Governor the progress of dialogues and said agreement between the parties concerned.

- If the Examiner considers that more time is required for investigation or encouragement of dialogues, the Examiner may report to the Governor the particulars of further activities required and the reasons why such activities are indispensable. Upon receipt of such a report, if the Governor considers that there are a fair amount of unavoidable reasons to extend the

period, the Governor may extend the period for a further period of up to two (2) months.

- The Examiner's report shall be immediately sent to the parties concerned. The parties concerned may submit to the Examiner their opinions on the contents of the report. The Examiner shall pay due respect to such opinions and, if he/she deems that the opinions contain matters useful for the monitoring of the project in question, may transfer the opinions to the Operational Department.

#### 6. Opinion of the Operational Department

- Within one (1) month after the submission of the Examiner's report to the Governor, the Operational Department shall submit its opinion in writing to the Governor setting forth its opinions on the Examiner's report and, in the case that the Examiner concluded in their report that the Guidelines have not been complied with by the Bank, measures to be taken from then on for the Bank's compliance with the Guidelines, as necessary.

#### 7. Follow-up

- Instructions issued by the Governor in consideration of the Examiner's report, the opinion of the Operational Department and the opinion of the parties concerned shall be implemented by the Operational Department.

- The Examiner shall be informed of the status of implementation by the Operational Department of the instructions issued by the Governor and report it to the Governor in the Examiner's annual report of activities. If the Examiner deems it to be necessary, he/she may report to the Governor at any time and from time to time the status of implementation by the Operational Department of the instructions issued by the Governor. Also, the Examiner may, based on the results of investigation on the individual cases in which it was concluded that the Guidelines were not complied with by the Bank, state his/her opinion on the measures to be taken to ensure the Bank's compliance with the Guidelines and other matters in the Examiner's annual report of activities, as necessary.

## **VI. Disclosure of Information**

- Information on the Procedures shall be disclosed in accordance with the following:
  - (A) Upon submitting of a Request, the Examiner shall notify the Requester, the borrower and the Project Proponent in writing of the acceptance of the Request, in principle, within five (5) business days after the receipt of the Request using the sample notice attached hereto.
  - (B) If, with respect to a Request submitted, preliminary investigation is completed and the decision to commence the Procedures is made, or the decision not to commence the Procedures is made, the Requester, the borrower and the Project Proponent shall be informed of that fact in writing. If the decision not to commence the Procedures is made, the reasons for such a decision shall be given in writing using the sample notice attached hereto.
  - (C) The Examiner's report and the opinion of the Operational Department shall be sent to the parties concerned and promptly publicized to the public on the website, after confirming that they do not contain any individual, corporate or other information the disclosure of which is not required by statute.
  - (D) The Examiner shall publicize the status of acceptance of the requests and the progress of procedures on the website, exercising precautions that they do not contain any individual, corporate or other information the disclosure of which is not required by statute.

• Since the Examiner's report and the opinion of the Operational Department must, in principle, be publicized, they must be prepared so as not to contain any individual, corporate or other information the disclosure of which is not required by statute. If, in order to make the report meaningful, it is indispensable to state in the report any individual, corporate or other information the disclosure of which is not required by statute, the prior consent of the parties concerned must be obtained.

- Other information to which the Examiner has had access in performing of his/her duties shall be publicized to the public pursuant to the provisions of applicable laws.

- The Examiner shall prepare an annual report of activities using the sample form attached hereto and publicize it on the Bank's website. Since the annual report of activities is a document prepared to be publicized, it must be prepared so as not to contain any individual, corporate or other information the disclosure of which is not required by statute.

- The Examiner shall publicize his/her contact address on the Bank's website, and endeavor to have his/her presence and activities widely known to the public by preparing and publishing pamphlets and posting information on the Bank's website, etc. in collaboration with the Bank's public relations department.

## **VII. Review of the Summary and Interim Provisions**

- The Summary shall be reviewed, in principle, concurrently with the review of the Guidelines. Such review shall be conducted in consideration of the opinions given and evaluations made by the users and the Examiner accumulated up to the time of such review.

- The Summary shall become effective on October 2003 and shall be applied to the projects in which a substantive request for funding is made on or after October 1, 2003.

[THE END]

N.B. If there is any ambiguity in the English version and/or any inconsistency with the Japanese version, the Japanese version prevails.



**Sample Request**

Date: \_\_\_\_\_

To: The Examiner for Environmental Guidelines  
Japan Bank for International Cooperation (the “Bank”)

(A) Names of the Requester

\_\_\_\_\_

(B) Place of contact of the Requester

Address:

TEL:                      FAX:

E-mail:

**【if the Requester uses an agent】**

Name of the agent

\_\_\_\_\_

Place of contact of the agent

Address:

TEL:                      FAX:

E-mail:

We wish to keep our names not disclosed to the Project Proponent.

Yes    •    No (Circle either one)

(C) Project with respect to which the objections are submitted

\* Name of country

- \* Project site
  - \* Outline of the project
- (D) Substantial damage actually incurred by the Requester or substantial damage likely to be incurred by the Requester in the future as a result of the Bank's non-compliance with the Guidelines with regard to the Project which the Bank provides funding
- (E) Relevant provisions of the Guidelines considered by the Requester to have been violated by the Bank and the facts constituting the Bank's non-compliance alleged by the Requester
- (F) Causal nexus between the Bank's non-compliance with the Guidelines and the substantial damage
- (G) Resolution desired by the Requester
- (H) Facts concerning the Requester's consultation with the Project Proponent
- (I) Facts concerning the Requester's consultation with the Bank's Operational Department
- (J) If a Request is submitted by an agent, the Requester must set forth the necessity to submit the Request by an agent and evidence must be attached that the agent has been duly authorized by the Requester.

The Requester hereby covenants that all the matters described herein are true and correct.

[THE END]

APPENDIX 2

**Sample Notice of Acceptance**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner for Environmental Guidelines  
Japan Bank for International Cooperation (the“Bank”)

We hereby notify you that your request to raise objections dated \_\_\_\_\_ was accepted as of \_\_\_\_\_.

Upon completing preliminary investigations, we will make a decision, in principle, within one (1) month, as to whether or not we will commence the Procedures. We will notify you in due course of our decision whether to commence the Procedures or not.

We may wish to interview you for purposes of preliminary investigations. In that case, we will contact you for the necessary arrangement.

If, as a result of preliminary investigations, it is decided that the Procedures be commenced, we will investigate the facts of the Bank’s compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the “Summary of Procedures to Submit Objections concerning Japan Bank for International Cooperation Guidelines for Confirmation of Environmental and Social Considerations.” For these purposes, we may wish to interview you. In that case, we will contact you for the necessary arrangement.

Reports to be prepared by us and opinions prepared by the Bank’s Operational Department will be publicized on the website, except for the individual, corporate or other information the disclosure of which is not required to be publicized by statute.

For details of the Procedures, please see <http://www.jbic.go.jp/english/environ/> or make inquiry to us.

[THE END]

**Sample Notice to commence the Procedures**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner for Environmental Guidelines  
Japan Bank for International Cooperation (the“Bank”)

We hereby notify you of our decision to commence the Procedures with respect to your request to submit objections dated \_\_\_\_\_ (accepted as of \_\_\_\_\_) as described below. For details, please refer to the enclosed Results of Examination.

For approximately two (2) months from now, we will investigate the facts of the Bank’s compliance or non-compliance with the Guidelines and encourage dialogues between the parties, pursuant to the “Summary of Procedures to Submit Objections concerning Japan Bank for International Cooperation Guidelines for Confirmation of Environmental and Social Considerations.” For these purposes, we may wish to interview you. In that case, we will contact you for the necessary arrangement.

Reports to be prepared by the Examiner for Environmental Guidelines and opinions prepared by the Bank’s Operational Department will be publicized on the website, except for the individual, corporate or other information the disclosure of which is not required to be publicized by statute.

For details of the Procedures, please see <http://www.jbic.go.jp/english/environ> or make inquiry to us.

[THE END]

**Sample Notice of Decision not to commence the Procedures**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner for Environmental Guidelines  
Japan Bank for International Cooperation (the“Bank”)

We hereby notify you of our decision not to commence the Procedures against your request to submit objections dated \_\_\_\_\_ (accepted as of \_\_\_\_\_). For details, please refer to the enclosed Results of Examination.

[Reasons for decision not to commence the Procedures will be stated. Further, examination and monitoring procedures by the Bank’s Operational Department will be described, as necessary.]

Thank you very much for your attention .

[THE END]

### Sample Results of Examination

#### 1. Formality requirements of the request

All items are written in Japanese, English or the official language of the country in which the Requester resides.	
There are items the descriptions of which are insufficient. (Items the descriptions of which are insufficient: _____)	

#### 2. Requirements to commence the procedures

##### (A) Requirements regarding the Requester

The request has been submitted by two or more residents in the country in which the project is implemented.	
The request does not satisfy the above requirement.	
The fact that the request has been submitted by the Requester cannot be confirmed.	

##### (B) Project with respect to which the objections are submitted

As a result of identifying the project based on the request, it has been confirmed that it is a project for which the Bank provides funding.	
As a result of identifying the project based on the request, it has been confirmed that it is not a project for which the Bank provides funding.	
The project cannot be identified based on the request.	

##### (C) Period

The request was submitted during the period between the time when the Bank indicates its assessment of the project in question and the time when disbursement is	
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completed in the case of an ODA Loan.	
The request was submitted during the period between the time when a loan agreement is executed and the time when drawdown is completed in all other cases.	
The request was submitted on or before the time when the Bank indicates its assessment of the project in question in the case of an ODA Loan, or the time when a loan agreement is executed in all other cases, respectively and, therefore, it is appropriate to transfer the request to the Operational Department for examination.	
The request was submitted after the completion of disbursement and the Bank's non-compliance with the Guidelines concerning the Bank's monitoring is pointed out.	
The request was submitted after the completion of disbursement but the Bank's non-compliance with the Guidelines concerning the Bank's monitoring is not pointed out.	

(D) Substantial damage actually incurred by the Requester or substantial damage being likely to be incurred by the Requester in the future as a result of the Bank's non-compliance with the Guidelines with regard to the project which the Bank provides funding

Substantial damage actually incurred or substantial damage being likely to be incurred in the future is described.	
Substantial damage actually incurred or substantial damage being likely to be incurred in the future is not described.	

(E) Relevant provisions of the Guidelines considered by the Requester to have been violated by the Bank and the facts constituting the Bank's non-compliance alleged by the Requester

Provisions not complied with and the facts of non-compliance are fairly reasonably described.	
Provisions not complied with and the facts of non-compliance are not fairly reasonably described	

(F) Causal nexus between the Bank’s non-compliance with the Guidelines and the substantial damage

Description of causal nexus is fairly reasonable.	
Description of causal nexus is not considered to be fairly reasonable.	

(G) Facts concerning the Requester’s consultation with the Project Proponent

The Requester has endeavored to have dialogues with the Project Proponent.	
There is an unavoidable reason for the Requester that prevents the Requester from endeavoring to have dialogues with the Project Proponent.	
As the Requester has not fully endeavored to have dialogues with the Project Proponent, the Requester should first propose to have dialogues.	

(H) Facts concerning the Requester’s consultation with the Bank

The Requester has had communication with the Bank’s Operational Department.	
As the Requester has not fully endeavored to have communication with the Bank’s Operational Department, the Requester should first propose to have dialogues.	

(I) Prevention of abuse

There is no concern that the request was submitted for abusive purposes.	
There is a concern that the request was submitted for abusive purposes and, therefore, it is inappropriate to commence the procedures.	
There is a serious false description in the request	

(Describe the reasons why the request is considered to have been submitted for abusive purposes or the matters that are considered to be false.)

[THE END]



**Sample Notice to Requester**  
**of Examiner's Report**

Date: \_\_\_\_\_

To: (Name of the Requester)

The Examiner for Environmental Guidelines  
Japan Bank for International Cooperation (the "Bank")

We hereby notify you that we made a report to the Governor of the Bank on \_\_\_\_\_  
\_\_\_\_\_ with respect to your request to raise objections dated \_\_\_\_\_ (accepted  
as of \_\_\_\_\_).

Opinions on said report were submitted by the Bank's Operational Department pursuant to the  
"Summary of Procedures to Submit Objections concerning Japan Bank for International  
Cooperation Guidelines for Confirmation of Environmental and Social Considerations."

The Examiner's report and the opinions of the Operational Department are as set forth below.  
The report and the opinions, respectively, will be publicized in due course except for the  
individual, corporate or other information the disclosure of which is not required to be  
publicized by statute.

[THE END]

## **Sample Form of Examiner's Report**

(A) Summary of request accepted

- (1) Name of country;
- (2) Name of city in which the project is located;
- (3) Name of project;
- (4) Alleged damage; and
- (5) Alleged non-compliance with the Guidelines.

(B) Results of preliminary investigations (Results of examination are attached.)

(C) Results of investigations on relevant facts; encouragement of dialogues

- Record of interviews with the Bank's Operational Department personnel for purposes of investigating the Bank's compliance/non-compliance with the Guidelines

- Date and time of interviews
- Contents of interviews

- Results of investigations on the facts concerning the Bank's compliance/non-compliance with the Guidelines

- Damage actually incurred
- Facts concerning compliance/non-compliance with the Guidelines
- Causal nexus between the damage actually incurred and the facts concerning compliance/non-compliance with the Guidelines

- Final results
  - (If the Guidelines are not complied with) Possible measures to cure the non-compliance in that particular case
- 
- Agreement between the parties on the encouragement of dialogues and record of dialogues held between the parties
- 
- Date and time of dialogues
  - Contents of dialogues
- 
- Contents of agreement reached between the parties, if any
- 
- Necessity of further mediation

(D) List of materials on which Examiner's judgment was based

[THE END]

**Sample Form of**  
**Examiner's Annual Report of Activities**

1. Summary of activities conducted during the current business year

- Number of Requests accepted
  
- Number of decisions to commence the Procedures and number of decisions not to commence the Procedures
  
- Analysis of the reasons for decisions not to commence the Procedures (such as reasons for decisions not to commence the Procedures which appeared frequently)
  
- Number of reports prepared by Examiner in Charge of Environmental Guidelines
  
- Analysis of items with respect to the non-compliance with the Guidelines have been pointed out (such as provisions the non-compliance with which were frequently pointed out)

2. Opinions by users

- Opinions by the Requester
  
- Opinions by the Project Proponent
  
- Opinions by the Bank's Operational Department

3. Status of implementation of instructions issued by the Governor

- Report from the Operational Department on the status of implementation of instruction

issued by the Governor

- Examiner's Opinions on the report made by the Operational Department

#### 4. Administration and implementation systems

[THE END]

### The Procedures Flowchart

