

WORLD BANK SANCTIONS PROCEDURES

As adopted by the World Bank on April 15, 2012

ARTICLE I

World Bank has established a regime for the sanctioning of firms and individuals that are found to have engaged in specified forms of fraud and corruption in connection with Bank-Financed Projects (as hereinafter defined, and serves as a deterrent upon those who might otherwise engage in the misuse of the proceeds of Bank financing.

(b) Approval by Executive Directors . The Executive Directors of the Bank approved, on July 9, 2004 and August 1, 2006, certain recommendations pertaining to the reform of the World Bank sanctions regime, including the adoption of a two-tier sanctions process conducted by an Evaluation Officer and the World Bank Group Sanctions Board.² The Executive Directors of the Bank approved the mutual enforcement of debarment decisions among multilateral development banks on March 19, 2010. The Executive Directors of the Bank further approved, as of October 28, 2010, the expansion of the sanctions regime to include cases involving fraud and corruption in connection with the are embodied in these Procedures.

¹ The World Bank consists of the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA).

² The Executive Directors also endorsed, on August 1, 2006, the establishment of a Voluntary Disclosure Program (VDP). For information regarding the VDP, please go to www.worldbank.org/vdp.

(c) Cases Subject to these Procedures These Procedures set out the procedures to be followed in cases involving Sanctionable Practices:

(i) in connection with projects and programs financed by the Bank and J R Y H U Q H G E \ W K H % D Q N . V Procurement Guidelines, Consultant Guidelines or Anti-Corruption Guidelines (such projects and programs being hereinafter referred to, collectively, as ' % D - G i n e 3 U R M H F W V μ

(ii) on the basis of which the Director, General Service Department (GSD) has determined, in accordance with the World Bank Vendor I1aine849(det)-3(er)-5(mi)4(ned,)-74

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6DQFWLRQV %RDUGµ PHDQV WKH :RUOG %DQ
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the Chair of said Board. In respect of cases where the
Sanctions Board Chair has convened a panel pursuant
to Articles VII or VIII of the Sanctions Board Statute,
and unless the context otherwise requires, the term
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VR FRQYHQHG DQG 6DQFWLRQV PHDQV
Chair of said Panel.

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support a reasonable belief, taking into consideration
all relevant factors and circumstances, that it is more
likely than not that the Respondent has engaged in a
Sanctionable Practice.

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Executive Directors on August 1, 2006, as the same
may be modified from time to time, or any successor
program.

Practice against a Respondent and that it is highly likely that the investigation will be successfully concluded and a Statement of Accusations and Evidence will be presented to the Evaluation Officer within a maximum period of one year, INT may present to the Evaluation Officer a Request for Temporo the toRep-7(l7e)-2((er)c)148(Ev)vyicion (ill)

(d) Withholding of Certain Evidence . The Evaluation Officer may, in his or her discretion and upon request by INT, withhold from the Respondent particular materials submitted in evidence upon a showing by INT that there is a reasonable basis to conclude that (i) the disclosure of such evidence would have a material adverse effect on the investigation, and (ii) the Respondent would retain the ability to mount a meaningful response to the accusations against it notwithstanding the withholding of such evidence. The Evaluation Officer shall inform INT of his or her decision and allow INT an opportunity to request the withdrawal of the Request for Temporary Suspension if the Evaluation Officer determines that such materials should not be withheld.

Section 2.02. Effect of Temporary Suspension.

Upon issuance of the Notice of Temporary Suspension by the Evaluation Officer, the Respondent⁵ shall be temporarily suspended from eligibility, with the same effect as if it had been debarred under Section 9.01(c) below Except as specified above, the provisions of Section 4.02(d) and (e) shall apply to temporary suspensions under this Article II.

Section 2.03. Explanation in Opposition to Temporary Suspension.

Within thirty (30) days after the date of delivery of the Notice of Temporary Suspension, the Respondent may explain in writing to the Evaluation Officer why it believes that, notwithstanding the evidence set forth in the Notice of Temporary Suspension, such Notice should be withdrawn. Within thirty (30) days after receipt by the Evaluation Officer of the Preliminary Explanation and upon consideration of the arguments and evidence presented therein, the Evaluation Officer may decide to withdraw the Notice upon concluding that there is manifest error or other clear basis for supporting a finding of insufficiency of evidence against the Respondent.

⁵ Any Affiliate of the Respondent for which the Evaluation Officer would

Section 2.04. Duration.

(a) Initial Duration and Renewal . A temporary suspension under this Article II shall have an initial duration of six (6) months. Not later than five (5) months after the commencement of the temporary suspension, INT may request an extension thereof, for a further period not exceeding six (6) months, by submitting to the Evaluation Officer (i) a description of the current progress of the ongoing investigation, including any evidence that remains to be gathered, together with a good faith estimate of the time required to complete its investigation , and (ii) a representation that the investigation of the Respondent is still ongoing and is being pursued with due diligence and dispatch. The Evaluation Officer shall inform the Respondent of any such extension not later than the last day of the initial period of suspension.

(b) Extension Pending Final Outcome of Sanctions Proceedings Upon submission of a Statement of Accusations and Evidence to the Evaluation Officer under Section 3.01, a temporary suspension under this Article II shall be automatically extended pending the final outcome of sanctions proceedings, subject to the operation of Section 4.02.

(c) Expiration . If a Statement of Accusations and Evidence is not submitted to the Evaluation Officer prior to the end of the period of temporary suspension under this Article II, the suspension shall automatically expire.

(d) Early Termination . The Evaluation Officer may, at any time during the period of temporary

Board and the Integrity Vice President of such termination and the reasons therefor.

ARTICLE III
REFERRALS TO THE EVALUATION OFFICER

Section 3.01. Referrals to the Evaluation Officer.

- (a) INT may seek to initiate sanctions proceedings, if:
 - (i) as a result of investigation by INT, the Integrity Vice President believes that there is sufficient evidence to support a finding of one or more Sanctionable Practices in connection with a Bank Financed Project;
 - (ii) after a determination by the Director, GSD of non-responsibility based on a Sanctionable Practice in

(iv) the evidence in support of its accusations, together with any exculpatory or mitigating evidence, as required by Section 3.02.

Section 3.02. Disclosures of Exculpatory or Mitigating Evidence.

In submitting a Statement of Accusations and Evidence to the Evaluation Officer, INT shall present all relevant exculpatory evidence in possession subsequently, such evidence shall be disclosed by written submission to the Evaluation Officer or Sanctions Board, as the case may be.

ARTICLE IV
COMMENCEMENT OF PROCEEDINGS

Section 4.01. Issuance of Notice of Sanctions Proceedings .

(a) Issuance of Notice. If the Evaluation Officer determines that the Accusations and Evidence are supported by sufficient evidence, the Evaluation Officer shall issue a Notice of Sanctions Proceedings to the Respondent, with copies to the Sanctions Board Chair and the Integrity Vice President.

(b) The Notice shall:

- (i) set out the sanction(s) recommended by the Evaluation Officer in accordance with Section 4.01(c);
- (ii) if applicable, inform the Respondent of its temporary suspension and the manner in which it may provide an Explanation;
- (iii) inform the Respondent of the manner in which it may contest the accusations and/or the recommended sanction⁶ in the Notice;

⁶ The Respondent may not contest the recommended sanction in a case involving a violation of a Material Term of the VDP Terms & Conditions.

Section 4.02. Temporary Suspension .

(a) **Effect of Temporary Suspension.** In cases where the Evaluation Officer recommends a sanction including a minimum period of debarment exceeding six (6) months, the Respondent,⁹ effective from the date of issuance of the Notice until the date of the final outcome of the sanctions proceedings, shall be temporarily suspended from eligibility with the same effect as if it had been debarred under Section 9.01(c) below.¹⁰

(b) **Respondent's Explanation.** Within thirty (30) days after delivery of the Notice, the Respondent may provide a written explanation to the Evaluation Officer as to why the Notice should be withdrawn or the recommended sanction revised by the Evaluation Officer pursuant to Section 4.03. The Explanation shall consist of a single document not exceeding twenty (20) single-sided pages, unless the Evaluation Officer approves a longer submission, and shall present arguments by the Respondent and attach any credible evidence in support thereof. The provisions of Sections 5.02 (a) and (b) and 5.03 shall apply, mutatis mutandis to the Explanation.¹¹ The Evaluation Officer shall provide the Integrity Vice President and the Secretary to the Sanctions Board with a copy of any Explanations received.

(c) **Termination of Temporary Suspension.** Within thirty (30) days after receipt of the Explanation, and upon consideration of the arguments and evidence presented therein, the Evaluation Officer may decide to terminate the temporary suspension. The Evaluation Officer shall promptly notify the Respondent, the Chair of the Sanctions Board, and the Integrity Vice President of such termination and the reasons therefor.

⁹ Any Affiliate of the Respondent for which the Evaluation Officer recommends a sanction including a minimum period of debarment exceeding six months shall likewise be subject to temporary suspension.

¹⁰ The temporary suspension shall not apply to a case involving an alleged violation of a Material Term of the VDP Terms & Conditions. However, in lieu of an Explanation, the Respondent may provide the Evaluation Officer with the reasons it believes that the Evaluation Officer should withdraw the Notice.

¹¹ For purposes of this Section 4.02, the Evaluation Officer shall provide the Integrity Vice President and the Secretary to the Sanctions Board with a copy of any Explanations received.

Section 4.04. Sanctions in Uncontested Proceedings.

If the Respondent does not contest the accusations or the sanction recommended by the Evaluation Officer in the Notice within ninety (90) days after delivery of the Notice in accordance with Section 5.01(a), the sanction(s) recommended by the Evaluation Officer in the Notice shall enter immediately into force. The Evaluation Officer shall promptly notify the Respondent, the Secretary to the Sanctions Board and the Integrity Vice President thereof.

ARTICLE V

REFERRALS TO THE SANCTIONS BOARD

Section 5.01. Written Submissions to the Sanctions Board .

(a) *Respondent's Response to Notice of Sanctions Proceedings.* Within ninety (90) days after delivery of the Notice, the Respondent may contest the case by submitting to the Sanctions Board, through the Secretary to the Sanctions Board, a written response to the accusations and/or the recommended sanction contained in the Notice WKH 5HVS RQVH μ LQFOXGLQJ ZULWWHQ DUJX evidence. The Secretary shall notify the Sanctions Board Chair, the Evaluation Officer and the Integrity Vice President of the receipt of such Response, together with a copy thereof, and the matter shall be referred to the Sanctions Board for its review and decision pursuant to its Statute and these Procedures.

(b) *INT's Reply in Support of the Notice of Sanctions Proceedings.* Within thirty (30) days after the Secretary to the Sanctions Board delivers the Response to INT, INT may submit to the Sanctions Board, through the Secretary, a written reply to the arguments and evidence contained in WKH 5HVS RQVH WKH 5HSO \ μ

(c) *Submission of Additional Materials.* In the event that additional material evidence becomes available to INT or to the Respondent after the applicable deadlines for the submission of written materials have passed, but prior to the conclusion of any hearing to be held on the matter, the

with the schedule for written submissions set forth in these Procedures.

Section 5.04. Distribution of Written Materials .

(a) Distribution of Materials to INT and the Respondent. The Secretary to the Sanctions Board shall provide to INT and the relevant Respondent, in a timely manner, copies of all written submissions and evidence, and any other materials received or issued by the Sanctions Board relating to the proceedings against said Respondent not previously provided by the Evaluation Officer, except as otherwise provided in this Section 5.04.

(b) Distribution of Materials to Other Respondents in Sanctions Proceedings. The Secretary may, at any time and upon approval of the Sanctions Board, make materials relating to sanctions proceedings against a particular Respondent available to other Respondents in sanctions proceedings involving related accusations, facts, or matters.¹³ In determining whether to approve the disclosure of such materials, the Sanctions Board shall consider, among other factors, the standard for withholding sensitive materials set forth in Section 5.04(c).

(c) Distribution of Sensitive Materials. The Sanctions Board may, in its discretion and upon request by INT, agree

presented to the Respondent or the Sanctions Board, by: (i) removing references to WBG staff; and (ii) removing references to other third parties (together with other material that would permit such third parties to be identified), in cases where the identity of such parties is either not relevant or not germane to the case. The Respondent may challenge such redaction in its Response under Section 5.01(a), in which case the Sanctions Board shall review the unredacted version of such evidence to determine whether the redacted information is necessary to enable the Respondent to mount a meaningful response to the allegations against it. In the event that the Sanctions Board determines that the redacted information is necessary, the unredacted version of the evidence in question will be made available to the Respondent in accordance with paragraph (e) below, and the Respondent shall be afforded an opportunity to comment thereon in an additional submission under Section 5.01(c).

providing or receiving legal advice and writings reflecting the mental impressions, opinions, conclusions or legal theories of an attorney in connection with a legal representation shall be privileged and exempt from disclosure.

Section 7.03. No Discovery.

Except as expressly provided for in these Procedures, the Respondent shall have no right to review or obtain any

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ARTICLE VIII

DECISIONS BY THE SANCTIONS BOARD

Section 8.01. Sanctions Board Decisions.

The Sanctions Board shall determine, based on the record, whether or not it is more likely than not that the Respondent engaged in one or more Sanctionable Practices; and:

(a) if the Sanctions Board determines that it is not more likely than not that the Respondent engaged in a Sanctionable Practice, the proceedings shall be terminated.¹⁵

(b) if the Sanctions Board determines that it is more likely than not that the Respondent engaged in one or more Sanctionable Practices, it shall impose an appropriate sanction or sanctions on the Respondent, which sanction(s) shall be selected from the range of possible sanctions identified in Section 9.01. In determining the appropriate sanction(s), the Sanctions Board shall not be bound by the recommendation of the Evaluation Officer.

In either case, the Sanctions Board shall issue awritten

determination as to the culpability of the Respondent, any sanction to be imposed on the Respondent and its Affiliates and the reasons therefor.

Section 8.02. Determinations by the Sanctions Board.

(a) Record as Sole Basis for Determinations. The review and deliberation of the Sanctions Board shall be restricted to the record consisting of the Notice, the Explanation (if any), the Response, the Reply, all other related written submissions of arguments and evidence, and all arguments presented at any hearing before the Sanctions Board. The record shall be confidential and not be available to the public.

(b) Standard and Burden of Proof.

(i) Standard of Proof. The Sanctions Board shall determine whether the evidence presented by INT, as contested by the Respondent, supports the conclusion that it is more likely than not that the Respondent engaged in a Sanctionable Practice upon consideration of all the relevant evidence, a preponderance of the evidence supports a finding that the Respondent engaged in a Sanctionable Practice.

(ii) Burden of Proof. INT shall have the burden of proof to present evidence sufficient to establish that it is more likely than not that the Respondent engaged in a Sanctionable Practice. Upon such a showing by INT, the burden of proof shall shift to the Respondent to demonstrate that the Respondent's conduct did not amount to a Sanctionable Practice.

Section 8.03. Entry into Force and Final Nature of Sanctions Board Decisions.

The decision of the Sanctions Board shall be final and without appeal, and shall be binding on the parties to the proceedings. The decision

ARTICLE IX
SANCTIONS

Section 9.01. Range of Possible Sanctions.

- (a) Reprimand. The sanctioned party is reprimanded in
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S D U W h e n c t.

The ineligibility resulting from debarment shall extend across the operations of the World Bank Group. Debarment arising out of an IFC, MIGA or Bank Guarantee Project shall also result in ineligibility on the same terms , and to the same extent, as set out above in respect of BankFinanced Projects.

(d) Debarment with Conditional Release . T

(e) mitigating circumstances, including where the sanctioned party played a minor role in the misconduct, took voluntary corrective action or cooperated in the investigation or resolution of the case, including through settlement under Article XI;

(f) breach of the confidentiality of the sanctions proceedings as provided for in Section 13.06;

(g) in cases brought under Section 1.01(c)(ii) following a determination of non-responsibility, the period of ineligibility decided by the Director, GSD;

(h) the period of temporary suspension already served by the sanctioned party; and

(i) any other factor that the Evaluation Officer or Sanctions Board, as the case may be, reasonably deems responsible in relation to the Sanctionable Practice.

Section 9.03. Compliance with Conditions for Non - Debarment and Release from Debarment.

(a) Notification of Conditions . As soon as practicable after a sanction of conditional non-debarment or debarment with conditional release is imposed by the Evaluation Officer or the Sanctions Board, an officer designated for such purpose shall notify each sanctioned party to advise them as to the requirements for meeting the conditions, including, where applicable, the adoption or improvement and implementation of an integrity compliance program acceptable to the World Bank Group.

(b) Monitoring of Compliance. The Integrity Compliance Officer shall have the right to monitor compliance by each sanctioned party with the conditions for release or non-debarment. The Integrity Compliance Officer may impose on the sanctioned party such requirements as may be reasonably necessary, including (but not limited to) periodic reporting by the sanctioned party, the appointment of an independent monitor, external auditing and inspection of the books and records of the sanctioned party.

(c) Application . No earlier than one hundred and twenty (120) days prior to (i) any deadline for compliance with conditions for non -debarment under Section 9.01(b) or (i) the last day of the minimum period of debarment under a debarment for conditional release under Section 9.01(d), but

Compliance Officer of non-compliance with conditions for non-debarment, a debarment with conditional release (the conditions for release being those originally stipulated for non-debarment) would automatically become effective for a period of time established by the Evaluation Officer or the Sanctions Board, as the case may be, with such debarment also resulting in debarment across the World Bank Group as outlined in Section 9.01(c). In the case of a determination of non-compliance with conditions for release, the Integrity Compliance Officer shall specify a continuation of the period of debarment, for a period not to exceed one (1) year, after which the sanctioned party may again apply for release in accordance with paragraph (c) above. A written determination of non-compliance, with reasons therefor, will be issued to the sanctioned party. In the case of a determination by the Integrity Compliance Officer that the sanctioned party has complied with all conditions for non-debarment or release, as applicable, the sanctioned party shall, from the date of such determination or such other date as the Integrity Compliance Officer may specify, be released from further obligation under the terms of the conditional non-debarment or debarment with conditional release, as the case may be.

(e) Appeals of Compliance Determinations . Determinations of non-compliance by the Integrity Compliance Officer may be appealed by a sanctioned party as follows:

(i) No later than thirty (30) days after a determination of non-compliance by the Integrity Compliance Officer, the sanctioned party may request in writing that the Sanctions Board review such determination. Any such request shall set forth the reasons why the sanctioned party believes that in making his/her determination the Integrity Compliance Officer committed an abuse of discretion. The sanctioned party shall append to its request the determination of non-compliance. The sanctioned party shall also submit additional evidence and arguments in response to the

Officer and/or the Sanctions Board available to another

may be extended any number of times, provided that the total length of the stay does not exceed ninety (90) days.

(c) Requests for a stay of proceedings shall be granted as a matter of course.

(d) All time periods specified in these Procedures shall be tolled during the pendency of a stay of proceedings.

Section 11.02. Submission and Review of Settlements.

(a) At any time prior to or during sanctions proceedings and prior to the issuance of a decision by the Sanctions Board under Section 8.01, whether or not a stay has previously been granted, INT and one or more Respondents may submit a signed copy of any settlement agreement to which they are parties to the Evaluation Officer for review, together with a certification by both parties that the Respondent(s) entered into said agreement freely and fully informed of the terms thereof, and without any form of duress. Such submission shall automatically stay sanctions proceeding then pending with respect to any case or cases so specified in the settlement agreement, including any proceedings before the Sanctions Board.

(b) The Evaluation Officer shall review the settlement agreement to ensure that the terms of the agreement do not manifestly violate Sections 9.01 or 9.02 or any guidance issued by the Bank in respect thereof.

(c) Upon confirmation by the Evaluation Officer that the terms of the settlement agreement do not manifestly violate Sections 9.01 or 9.02 or any guidance issued by the Bank in respect thereof, the Evaluation Officer shall impose the sanction therein stipulated and promptly inform INT and the Respondent(s) thereof, whereupon the agreement shall become effective immediately or as of any other such date specified in said agreement.

(d) If the Evaluation Officer finds that the terms of the settlement agreement manifestly violate Sections 9.01 or 9.02 or any guidance issued by the Bank in respect thereof, or that, notwithstanding the certification provided under Section 11.02(a), any Respondent did not enter into the

(e) Any other term of the settlement agreement shall be given such effect as may be specified in the agreement.

Section 11.04. Compliance with Settlement Agreements.

Unless the settlement agreement expressly provides otherwise, all determinations as to the compliance by the Respondent(s) with the terms and conditions of the settlement agreement, and any controversy between the parties as to the interpretation or performance thereof, shall be taken by INT, subject to a right of appeal in accordance with the provisions of Section 9.03(e) mutatis mutandis. In the case of settlement agreements providing for a deferral of proceedings under Section 11.03(b), if INT determines that any Respondent has violated the settlement agreement, the case shall be reopened and resume at the point at which it had been deferred.

ARTICLE XII

ENFORCEMENT OF DEBARMENT DECISIONS BY OTHER MULTILATERAL DEVELOPMENT BANKS

Section 12.01. Multilateral Development Bank Mutual Enforcement Agreement .

The WBG may enforce debarment decisions taken by other multilateral development banks in accordance with its policies and procedures.

Section 12.02. Effect of Enforcement.

Any decision by the Bank to enforce the debarment decision of another multilateral development bank shall have the same effect as if the firm(s) or individual(s) debarred by said institution had been debarred by the Evaluation Officer or the Sanctions Board in the manner described in Section 9.01(c) or Section 9.01(d), as applicable.

Section 12.03. Dissemination of Enforcement Decisions .

The decision to enforce debarment by another multilateral development bank shall be disseminated in the manner prescribed in Section 10.01.

ARTICLE XIII
ADDITIONAL PROVISIONS

Section 13.01. Effective Date .

(a) These Procedures are effective as of the date first above written

(i)

and unappealable, and shall be binding on all parties to the proceedings.

Section 13.06. Confidentiality . Neither the Respondent (including any Affiliate thereof) nor the Bank shall disclose to, or discuss with, any third party any part of the record, or information relating thereto, except as follows:

(a) The Respondent may disclose any part of the record in its possession in accordance with these Procedures if to

SANCTIONABLE PRACTICES

A. 2006 Definitions

The following definitions of Sanctionable Practices apply to cases brought under the October 2006 May 2010 and January 2011 versions of the Procurement, Consultant or Anti -Corruption Guidelines:

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harming, or endeavoring to impair or harm,
directly or indirectly, any party or the property of the party to influence
improperly the actions of a party;¹⁹

´ &ROOXVLYH SUDFWLFLHµ LV DQ DUUDQJHPHQW EHWZHHQ
achieve an improper purpose, including to influence improperly the actions of
another party;²⁰

´ &RUUXSW SUDFWLFLHµ LV DQ DUUDQJHPHQW EHWZHHQ
giving, receiving or soliciting, directly or
indirectly, of anything of value to influence improperly the actions of another
party;²¹

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knowingly or recklessly misleads, or attempts to mislead, a party to obtain a
financial or other benefit or to avoid an obligation;²² and

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concealing of evidence material to the investigation or making false statements to
investigators in order to materially impede a Bank investigation into allegations
of a corrupt, fraudulent, coercive or collusive practice; and/or threatening,
harassing or intimidating any party to prevent it from disclosing its knowledge
of matters relevant to the investigation or from pursuing the investigation, or (ii)

¹⁹)RU WKH SXUSRVH RI WKH %DQN·V 3URFXUHPHQW DQG &RQVXOWDQW *XLGHOL
the procurement or selection process or contract execution.

²⁰)RU WKH SXUSRVH RI WKH %DQN·V 3URFXUHPHQW DQG &RQVXOWDQW *XLGHOL
the procurement or selection process (including public officials) attempting to establish bid prices at artif icial, non
competitive levels.

²¹)RU WKH SXUSRVH RI WKH %DQN·V 3URFXUHPHQW DQG &RQVXOWDQW *XLGHOL
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