

OECD National Contact Point 2020 Activity Report



- 1. Dissemination of the OECD Guidelines**
- 2. OECD activities**
- 3. Institutional activities and legislative development**
- 4. Regulation (EU) 2017/821 on 3TGs**
- 5. Management of the Specific Instances**

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Dissemination of the OECD Guidelines

OECD Guide on Due Diligence for Responsible Business Conduct

<https://pcnitalia.mise.gov.it/index.php/it/due-diligence>

Report: Due Diligence for Responsible Corporate Lending and Securities Underwriting

<https://mneguidelines.oecd.org/due-diligence-for-responsible-corporate-lending-and-securities-underwriting.htm>



In collaboration with the members of the NCP Committee

- Dissemination of the OECD Guidelines and the mechanism of specific instances through the websites of the NCP Committee Members
- Events and workshops for the dissemination of the OECD Due Diligence Guidance for Responsible Business Conduct
- Focus on the OECD Due Diligence Guidance for Responsible Business Conduct and promotion of Responsible Business Conduct according to the practical parameters proposed by the Guidance
- Training internship in collaboration with universities and research centers

NCP website

- Update of the OECD annual and periodic reports section
- Information on seminars and conference on RBC topics

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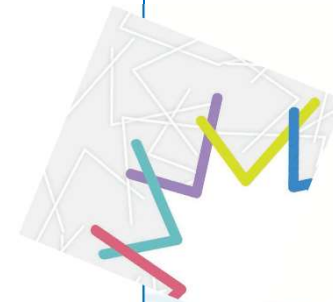
OECD activities

- 2.1 Institutional meetings and shared works
- 2.2 OECD studies on Covid-19
- 2.3 OECD Thematic Forums
- 2.4 OECD Milestones
- 2.5 Stocktaking on the 20° anniversary of the creation of the NCPs: Data

2.1 Institutional meetings and shared works

Participation to the following Institutional meetings:

- *Working Party on Responsible Business Conduct (WPRBC) (03-04/03 and 08/12/2020)*
- *OECD Policy Makers Round Table (28/10 and 6/11/2020)*
- *Annual Meetings of the NCP Network (4 - 27/11/2020)*
- *NCP Specific Instances Exchange Meeting (27/11/2020)*
- *COVID-19 and Responsible Business Conduct (RBC): Joint statement supporting the capacity of the NCP in the current COVID-19 crisis (07/2020)*



Covid-19 and RBC

<https://mneguidelines.oecd.org/COVID-19-and-Responsible-Business-Conduct.pdf>

Covid-19 Joint OECD Statement: Tackling Coronavirus-19 – contributing to a common effort

<https://www.oecd.org/dac/development-assistance-committee/DAC-Joint-Statement-COVID-19.pdf>

Covid-19: Six actions to be taken to avoid the worst development crisis of the Century

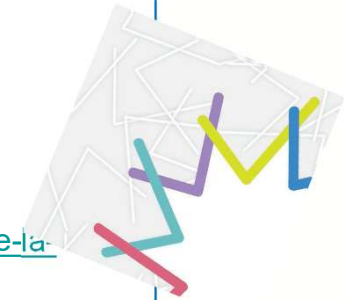
<http://www.oecd.org/italy/covid-19-sei-azioni-che-possiamo-realizzare-subito-per-contribuire-ad-evitare-la-peggiore-crisi-dello-sviluppo-di-questo-secolo.htm>

Statement: "COVID-19 – Call to Action for Responsible Mineral Supply Chains" – Call to Action for Responsible Mineral Supply Chains

<https://mneguidelines.oecd.org/COVID-19-Call-to-Action-for-Responsible-Mineral-Supply-Chains.pdf>

COVID-19 Crisis: Joint Stakeholder Declaration (BIAC – OECDWatch-TUAC) in support of the full development of NCP skills

<https://pcnitalia.mise.gov.it/attachments/article/2036019/BIAC-TUAC-OECDWatch%20StatementCov19.pdf>



2.3 OECD Thematic Forums

Thematic Forums:

- **OECD Forum on due diligence in the garment and footwear sector (11-13/02/2020)** <http://mneguidelines.oecd.org/forum-on-due-diligence-in-the-garment-and-footwear-sector.htm>
- **Forum on responsible mineral supply chains (April 2020) - Thematic webinar events available on the OECD website:** <https://www.oecd.org/investment/forum-responsible-mineral-supply-chains.htm>
- **8th Edition: OECD Global Forum on Responsible Business Conduct : Promoting Business Responsibility in a post-Covid-19 World (19/05 and 17/06/2020)** [OECD Global Forum on Responsible Business Conduct : Promoting Business Responsibility in a post-Covid-19 World – OECD](#)
- **RBC and Green Public Procurement Seminar on leveraging responsible business conduct through public procurement”, organized by the OECD (05/03/2020) -** https://www.oecd.org/gov/public-procurement/seminar_rbc_public_procurement.pdf



2.4 Milestones

20th anniversary of the creation of the OECD NCPs:

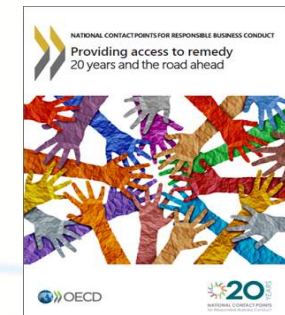
<http://mneguidelines.oecd.org/ncps/ncps-at-20/>

- Records of the event available on YouTube:

https://www.youtube.com/watch?v=q1PwYAY8FoY&feature=emb_title

- Presentation of a report on the results and next steps in the activity of the promotion of the Guidelines and management of specific instances

<http://mneguidelines.oecd.org/NCPs-for-RBC-providing-access-to-remedy-20-years-and-the-road-ahead.pdf>



60th anniversary of the signing of the OECD Convention (14 – 16/12/2020):

OECD Leaders Event: <https://www.oecd.org/about/upcoming-events/60th/leaders-commemoration-event.htm>

A New Societal Contract for the Recovery: *OECD Forum Live* (14 and 15/12/2020):

<https://oecd-events.org/forum-2020/en/sessions>



NCPs FOR RESPONSIBLE BUSINESS CONDUCT



National Contact Points (NCPs) are agencies established by governments. They promote the OECD Guidelines for Multinational Enterprises and related due diligence guidance, and handle cases - "specific instances" - as a non-judicial grievance mechanism. 49 governments have an NCP for RBC.



UNIQUE MECHANISM

NCPs for RBC are the only internationally recognised non-judicial grievance mechanism for RBC.

NCPs can handle cases involving companies operating 'in & from' their territory.



THEMES

Since 2011 the 3 most prevalent themes were:

- Human rights (51%)
- General policies of the Guidelines (49%)
- Employment & industrial relations (37%)



SUBMITTERS

Since 2011 the primary submitters of cases to NCPs have been:

- NGOs (38%)
- Trade Unions (27%)
- Individuals (23%)



RESULTS

Since 2011 36% of concluded cases by NCPs resulted in agreement and 33% of all concluded cases have resulted in a company policy change.



GLOBAL COVERAGE

49 Guidelines adherent countries account for over 70% of global FDI, which highlights the global reach of NCPs.

Since 2000 NCPs have handled over 500 cases in over 100 countries and territories.

3

Institutional activities and legislative development

- 3.1 Activities of the NCP related to the NAP BHR
- 3.2 Promotion of the DD by the NCP
- 3.3 Projects for the textile and clothing sector

3.1 Activities of the NCP related to the NAP BHR

Contribution to the works:

- ❑ Inter-ministerial Committee for Human Rights (CIDU)
- ❑ Business and Human Rights Working Group (GLIDU)

Meeting attendance:

- CIDU GLIDU
- Multi-Stakeholders Round Table

Semi-annual and annual activity Report



Participation to the United Nations BHR Forum

[OHCHR | 2020 UN Forum on Business and Human Rights](#)



3.2 Promotion of DD by the NCP

- **Workshop Business and Human Rights – the role of businesses for Sustainable Development Speech at the Poste Italiane Convention with a focus on Due Diligence in the financial sector** (Rome, 29 January 2020)
- **CSRMEd Forum, 21 – 23 October 2020 – Naples –online event : The Due Diligence and the OECD National Contact Point**
- **Participation in the Roadshow, an update event for the implementation of the “Milan Pact”,** Rome, 17 February 2020 at the Rome Chamber of Commerce
- Participation to the **Due Diligence in Italy survey as part of a study by Grimaldi and VVA for the European Parliament.**
- Contribution to the **UNI’S U&C Magazine** on the Due Diligence in Italy
- NCP’s contribution to the Italian visit of the **United Nations Special Rapporteur on the right to food, Hilal Elver**, January 20-31, 2020

3.3 Projects for the textile and clothing sector

UNECE “Traceability for Sustainable Garment and Footwear”

- **Policy Recommendation** (Part I); **Guidelines** (Part II) and **Call for Action** published on the **UN/CEFACT website** <https://unece.org/trade/traceability-sustainable-garment-and-footwear> for the public consultation which will be concluded on **December 20, 2020**
- **Multi Stakeholder Policy Dialogue** on Policy Recommendation progress, technical standards, blockchain technology and Call for Action (23- 24 November 2020)

Blockchain project for the traceability of the Made in Italy Mi&D - IBM pilot Project

- Pilot project for the verification of the application of Blockchain technology for the traceability of the textile sector in terms of origin, quality and sustainability.
- **Public report available on the MED's website.**

4

Regulation (EU) 2017/821 – 3TG

- 4.1 National Competent Authority
- 4.2 Regulation (EU) 2017/821

4.1 National Competent Authority - Reg. (EU) 2017/821

Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017, establishing supply chain due diligence obligations for Union importers of tin, tantalum and tungsten and their minerals, and of gold, originating in conflict-affected or high-risk areas

**Mandatory Due Diligence Obligations for Union importers
from 1 January 2021**

Ministry of Economic Development - National Competent Authority
Responsible for ex-post checks on the compliance with the obligations set by the Regulation

Law No. 117 of 4 October 2019 - Delegation to the Government for the transposition of European directives and the implementation of other EU acts (including regulation (EU) 2017/821).

- Legislative decree scheme setting provisions for the adaptation of national legislation for the implementation of the Regulation (EU) 2017/821
- Consultations with the competent Administrations:; Presidency of the Council of Ministries in charge of the European Affairs, Ministry of Foreign affairs and international cooperation, Ministry of Economy and Finance, Ministry of Justice, and Customs and Monopoly Agency
- **The decree scheme obtained a favorable opinion from the Chamber and the Senate committees**





At EU level

- Member State Expert Group meeting (meeting of 03/03/2020 and 27/11/2020)
- Delegated Act (EU) 2020/1588 of 25 June 2020 amending Annex I of Regulation (EU) 2017/821 for defining the thresholds relating to the volumes of tantalum or niobium ores and their concentrates, gold ores and their concentrates, oxides and hydroxides of tin, tantalates and tantalum carbides

At National level

- Consultations with the Trade Associations on the adaptation of national legislation to the provisions of Regulations (EU) 2017/821 (MiSE, conference call 11 March 2020)
- Activities with stakeholders for the REMIS platform and collaboration activities for the launch of the EC portal DueDiligenceReady!
- Assistance to Trade Associations and companies and sensitization about the obligations for Union's importers

5

Management of the Specific Instances

- 5.1 Closed Instances
- 5.2 Closed Instances with a request for a Report
- 5.3 Collaboration with other NCPs

Currently, there is no open procedure at the Italian NCP

Magna Pax Law Partners / NAOC and ENI S.p.A. (9/7/2020)

- Procedure closed by choice of the parties, in an attempt to reach an agreement outside the NCP (1/10/2020)

Three former employees of the company Pharmakina SA / Pharmeg Holding Sa and its subsidiary in Congo Pharmakina SA (13/7/2020)

- WPRBC Declaration (13/3/2020)
- OECD Secretariat Roadmap
- Email by the WPRBC Chair (September 2020)
- Withdrawal of the application from the parties (15/10/2020)
- Involvement of the Chair of the WPRBC
- Closure of the case

Ali Enterprises Factory Fire Affectees Association (AEFFAA) et al. / RINA Services S.p.A. (11/9/2018)

- Agreement not reached (Conciliator's Report of 16/4/2019)
- Final Declaration published (11/12/2020)
- Request for the preparation of a Report on the development of the activities on the ground to be submitted within one year from the publication of the Final Declaration

During Follow-up:

Chima Williams & Associates (CWA) et al. / ENI S.p.A. (15/12/2017)

- Agreement signed on the 8/7/2019
- Start of drainage works
- Publications of the Report (19/11/2020) and its withdrawal due to dissent between the parties
- The NCP tries to favor a solution

5.3 Collaborations on instances submitted to other NCPs

Leading Brazilian NCP: **ADERE-MG / al. et illy Caffè** - 21/8/2018 Final Declaration on Illy

- The complaint against **illy Caffè** was closed as its due diligence management system along the supply chain was judged to be correct and satisfactory.

Leading Brazilian NCP: **FLINTO / ENI**

- New instance in the Brazilian NCP (15/07/2020)
- Positive initial assessment
- Online meeting between the Brazilian and the Italian NCP to define the collaboration of the Italian NCP (24/11/2020)



Leading Chilean NCP: **Family of deceased at work / various companies including the Italian AES / ATB RIVA CALZONI / STRABAG**

- Online meeting between Chilean and Italian NCP to define the collaboration of the Italian NCP (18/12/2020)

Leading Chilean NCP: **Heirs of the deceased buried in the Quepuca Aralco cemetery / ENEL and ENEL Chile**

- The Chilean NCP intends to propose to the parties that a museum be built on the cemetery to preserve the memory of the dead and the sacred place.



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