

OECD National Contact Point Activities 2021



NCP Committee session in December 17th 2020

1. OECD Activities
2. Diffusion of the OECD Guidelines – Tools
3. Institutional activities and normative evolution - Policy Coherence
4. Regulation (EU) 2017/821 – 3TG
5. Towards a DD obligation at EU level
6. Proposal for a collaboration between the NCP Committee Members

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OECD Activities:

- 1.1 NCP institutional activity and new topics
- 1.2 OECD Activities

1.1 NCP institutional activity and new topics

Activities involving Due Diligence and complaints mechanism:

- Participation in the activities of the *Working Party on Responsible Business Conduct (WPRBC)* and *Roundtable*
- Participation to the *Roundtable WPRBC for Policy Makers*
- NCP Network
- Participation in sector-based Fora



News on diverse subjects

- Covid-19 and RBC
- Tools on Policy Coherence
- RBC in international investment treaties (IIA e BIT)
- RBC & Digitalization – AI
- Environmental challenges within the Guidelines
- RBC & Public Procurement

Analysis of the adjustments of the Code of conduct

Supervision process and cooperation activities in accordance with article 5 and the following of the Minister of Justice's Decree June 26 2003, n. 201

1.2 OECD Activities and thematic studies

OECD developments:

- Draft Instrument on Government Policies and Policy Coherence for Responsible Business Conduct
Probable DD Recommendation for the countries which signed the Declaration on investments;
- Roadmap for a stocktaking of the OECD Guidelines for Multinational Enterprises
- Launch of pour parler at the OECD level in order to organize a Ministeriale on RBC in **May/June 2022**.

Covid-19 and RBC (constant update)

- Tackling Coronavirus (Covid 19): contributing to a global effort
<https://www.oecd.org/coronavirus/en/>
- Economic Outlook: Turning hope of recovery into reality <http://www.oecd.org/economic-outlook/december-2020/>

RBC and new technologies:

- Recommendation by the Council on Artificial Intelligence
- GOING DIGITAL project <https://goingdigital.oecd.org/en>

Covid-19 and RBC

Which RBC actions have been put in place to protect businesses from the disruptive effects of Covid-19

- Government's Interventions/studies
- Interventions/studies of the NCP members
- Healthcare sector: Public/Private relationship
- Business
- Digitalization

Creating an ad hoc Working group with the members of the NCP Committee in order to share experience and develop lines of intervention

Creating a dedicated page on the NCP website

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Diffusion of the OECD Guidelines – Tools

- 2.1 DD implementation in business practice
- 2.2 Textile and garment supply chain

2.1 DD implementation in business practice

OECD Due Diligence Guidance for Responsible Business Conduct, available (also) in Italian on the NCP website

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

In cooperation with the members of the NCP Committee:

- Promotion of the DD General Guidance on the NCP Committee members' websites
- Events and workshops aiming at the circulation of the new Due Diligence General Guidance

In cooperation with academic institutions:

- Focus on Due Diligence Guidance and promotion of responsible business conduct according to the parameters proposed by the General Guidance
- Training internship in partnership with Universities and research centres

Concerning Stocktaking report on the NCPs' activity:

- Consulting Members of the NCP Committee on Stocktaking (January 2021)
- Promoting the results of the report on NCPs' work and the next steps

2.2 Textile and garment supply chain

Participation in UNECE project:

Transparency and traceability of sustainable value chain in the garment and footwear sector

Working group on UNECE project on traceability for the transparency and sustainability of the textile and garment supply chains

**Adoption of the Policy Recommendation and Guidelines to the Plenary session
UN/CEFACT (April 2021)**

Next steps:

Adoption and promotion of the UNECE/UNCEFACT Recommendations

**Continuation of the OECD activities concerning Due Diligence in
textile and garment sector.**

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Institutional activities and regulatory evolution

Implementation of NAP-BHR

Partnership with:

- **Inter-ministerial Committee for Human Rights (CIDU)**
and the activities of
- **Working Group on BHR (GLIDU)**
 - Writing and implementing the **2nd NAP BHR**



Partnership with the Ministry of the Environment and the Protection of Land and Sea:

- **Social criteria in public procurement**



Cooperation with the **control room «benessere Italia»** supported by Prime Minister's Office:

- **SDGs/ MED**



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Regulation (EU) 2017/821 – 3TG

- 4.1 ACN and implementation of Reg. (EU) 2017/821 – 3TG
- 4.2 National legislation and EU news

4.1 ACN and implementation of Reg. (EU) 2017/821 – 3TG

MED – National Competent Authority (ANC)
autoritacompetente.3TG@mise.gov.it



Development of normative activities in coordination with Inter-ministerial Committee chaired by MED-DGPIIPMI and composed of the following representatives:

- Prime Minister's Office;
- Ministry of Economy and Finance;
- Ministry of Foreign Affairs and International Cooperation;
- Ministry of Justice;
- in addition, Customs and Monopolies Agency can be invited.

Under Inter-ministerial Committee

- Definition of the legislation: the **Legislative Decree** implementing the Regulation (EU) 2017/821 as to AC *ex-post* checks is under approval.
- **Promoting the due diligence principles and raising business awareness on the obligations introduced by the Regulation with a view to its implementation from January 1 2021**

4.2 National legislation and EU news

Next steps:

- Enactment of Decreto direttoriale dell'Autorità di approvazione del programma annuale dei controlli *ex post*, after approval by the Committee;
- Legislative Decree for adapting the national legislation to the provisions of the Regulation: discussion on coordinating activities for presenting the report to the European Commission within June 30 of every year and for the effective application of the Regulation under approval in Parliament.
- Permanent dialogue with the professional associations representing the economic operators and the sectors impacted by the Regulation



- Engaging **Businesses and stakeholders**: meetings, consultations, events;
- Upcoming launch of Piattaforma **ReMis**;
- Publication of the handbook **CAHRAs**: <https://www.cahraslist.net/>
- Meetings for **coordination at EU level and with other European ANC**;
- Second phase of development of Piattaforma **DueDiligenceReady!**

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Towards a DD obligation at EU level?

5.1 EU preamble and international framework

5.2 Preliminary studies and EU decision-making process

5.1 EU preamble and international framework

Commissioner Reynders' speech during the webinar RBC on due diligence (EESC-2020-02926-00-00-AS-TRA-IT) 08/09/2020

- Mandatory Due Diligence – European Economic and Social Committee (exploratory opinion) 18/09/2020
- Law on duty of vigilance of French MN («Loi relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre », n. 2017-399 of March 27 2017)
- British anti-slavery law («Modern Slavery Act» del 2015)
- Strong push by the German EU presidency: Discussions on mandatory Human Rights Due Diligence legislation - “Responsible Business Conduct For Children” 02/09/2020



International framework

- United Nations treaty on «Business and Human Rights»;
- International Charter of Human rights;
- European Convention of Human Rights;
- European Social Charter and EU Charter of Fundamental Rights
- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) ILO.
- Project of an instrument for mandatory DD at OECD

5.2 Preliminar studies and EU decision-making process

Studies taken into account by the project:

- Study on due diligence requirements in supply chains, European Commission, January 2020, page 16.
- Study by the Agency for fundamental rights, «Improving access to remedy in the area of business and human rights at the EU level», Vienna 2017.
- Study on due diligence requirements along the supply chain – final Report – European Commission January 2020



Decisional process at EU level:

- Opinion issued by the European Economic and Social Committee on: «A binding UN treaty on business and human rights» (own-initiative opinion) 2020/C 97/02 ;
- European Parliament resolution of 4 October 2018 on the EU's input to a UN Binding Instrument on transnational corporations and other business enterprises with transnational characteristics with respect to human rights (2018/2763(RSP);
- GU C 303 of 19.8.2016, page 17; GU C 97 of 24.3.2020, page 9 and EESC opinion on the issue of sustainable supply chains and decent work in international trade (cfr. page XX of GU).



Discussion on mandatory Due Diligence proposal with the NCP Committee members

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Proposals for collaboration with the NCP Committee

- 6.1 Proposals for collaboration
- 6.2 Collaboration on OECD work
- 6.3 New initiatives and conclusion of the previous ones



6.1 Proposals for collaboration

In partnership with the NCP Committee members:

Organizing an event for promoting the adoption of DD in businesses: awareness level and expectations of the civil society:

- *Elements: developments at EU level; RBC OECD (NCP & NCP Network); UN Guiding Principles; ILO (Company-Union Dialogue);*
- *Theory and practice;*
- *Involvement of Italian and international stakeholders;*
- *Indicative timeframe Q4 2021.*

Study in partnership with the NCP Committee members, each member for his own sector, on Covid-19 and RBC

- *Sharing studies undertaken by the members of the Committee*
- *Crisis*
- *Opportunities*
- *Perspectives for the future*

In partnership with universities and academic institutions:

- *Focus on Due Diligence Guidance and promotion of responsible business conduct, according to practical parameters set by the Guidance*
- *Promotion of DD in agriculture, mining, textile and shoemaking sectors, new developments of DD in financial sector.*

OECD developments:

1. Draft Instrument on Government Policies and Policy Coherence for Responsible Business Conduct
 - Probable Recommendation on DD for countries which signed the Declaration on investments, adhering countries and beyond.
 - **Consultation of NCP Committee** in order to obtain a feedback on the text structure and contents (December 2020-January 2021)
2. Roadmap for a stocktaking of the OECD Guidelines for Multinational Enterprises
 - Report on the findings of NCP experience.
 - **Consultation of NCP Committee** on the first draft of the document which will be presented to the Investments Committee.
3. Launching the pour parler at OECD level for the organization of a Ministeriale on RBC during the period May/June 2022.
 - **The NPC Committee** will be updated on the case evolution. *Involving the Italian and international stakeholders;*
 - *Indicative timeframe Q3 2021.*



Ministero dello Sviluppo Economico

Punto di Contatto Nazionale dell'OCSE

Via Molise, 2 00187 Roma

Tel. +39 06 47052366

Fax +39 06 47052109

Email pcn1@mise.gov.it

<http://pcnitalia.mise.gov.it>