

**DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

**Annual Meeting of the National Contact Points for the OECD Guidelines for
Multinational Enterprises**

**OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES:
REPORTS BY THE NATIONAL CONTACT POINTS**

This document is a compilation of the NCP reports submitted by delegations as of 22 July, 2010, which has been used to draft the report of the Chair of the 2010 Annual Report on the OECD Guidelines for Multinational Enterprises. [DAF/INV/NCP(2010)1/REV1]

This revised document now includes updated reports from the NCPs of Belgium, Ireland, Morocco, Romania and the Slovak Republic.

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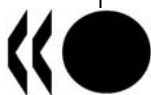


TABLE OF CONTENTS

ARGENTINA / ARGENTINE	4
AUSTRALIA / AUSTRALIE	8
AUSTRIA / AUTRICHE	12
BELGIUM / BELGIQUE	14
BRAZIL / BRESIL	17
CANADA	21
CHILE / CHILI	33
CZECH REPUBLIC / RÉPUBLIQUE TCHEQUE	39
DENMARK / DANEMARK	41
EGYPT/ EGYPTÉ	44
ESTONIA / ESTONIE	48
FINLAND / FINLANDE	53
FRANCE	57
GERMANY / ALLEMAGNE	63
GREECE / GRECE	71
HUNGARY / HONGRIE	74
ICELAND / ISLANDE	78
IRELAND / IRLANDE	79
ISRAEL / ISRAËL	84
ITALY / ITALIE	86
JAPAN / JAPON	94
KOREA / COREE	99
LATVIA / LETTONIE	101
LITHUANIA / LITUANIE	105
LUXEMBOURG	109
MOROCCO / MAROC	110
MEXICO / MEXIQUE	113
NETHERLANDS / PAYS-BAS	116
NEW ZEALAND / NOUVELLE-ZELANDE	129

NORWAY / NORVEGE	135
PERU / PEROU	140
POLAND / POLOGNE	146
PORTUGAL	149
ROMANIA / ROUMANIE	154
SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE	162
SLOVENIA / SLOVENIE	164
SPAIN / ESPAGNE	166
SWEDEN / SUEDE	171
SWITZERLAND / SUISSE	179
TURKEY / TURQUIE	186
UNITED KINGDOM / ROYAUME-UNI	189
UNITED STATES / ETATS-UNIS	205
EUROPEAN COMMISSION / COMMISSION EUROPEENNE	210

ARGENTINA / ARGENTINE

A. Institutional Arrangements

I) The ANCP, based on the existent structure and the acquisition of experience during the discussion of subjects, presentations and “Specific Instances”, came to the following conclusions with regard to the part of the process prior to the formal admissibility of a presentation.

- a) It is convenient for the ones who present the complaint, especially taking into account the length of the Argentinean territory, that they have a long established tradition and/or territorial representation that best enable them in their pretension to represent a concrete situation given in a certain area.
- b) The ones that presented the “Complaint” should then, as well as proving their territorial relevance where a possible non-observation of the OECD Guidelines for Multinational Enterprises could have occurred, have a strong representative role among society –in the case of NGOs –because, even when the legal formalities are fulfilled, the implications of a process that inevitably acquire international visibility requires a careful evaluation on behalf of the ANCP about the representative role invoked by the ones that presented the “Complaint”.
- c) Our country has a federal structure and not every province (State) have the same legislation. Only the matters considered core subjects are codified at federal level.

II) With regard to the treatment of the “Complaint”, once accepted, it has been considered useful to take advice from other organs and governmental agencies that, for its competences, should know best the examined matters. That is the reason why the ANCP planned an “advisory” mechanism to seek advice in two different moments, namely:

- a) The ANPC may seek advice at the moment of accepting dealing with a “Complaint”, with regard to the realm of the subjects that it comprises. The reason for this is that in many cases, the “Complaints”, trying to comprise all the aspects that arise from the conflicting situation, involve several facets and refer, as foundation, to different chapters of the Guidelines. This does not seem conducive to a practical approach, capable at the same time of adjusting to the Law.
- b) Once the “Complaint” has been factually and formally limited in scope to the really relevant matters (and possibly the enquiries widen to other social sectors that exceed the governmental framework), the matters subjected to a possible Good Offices procedure on behalf of the ANCP are specified and the ANCP, through an appropriate notice, informs the Multinational Enterprise subject to the “Complaint”, the actual range of the possible non-observance of the Guidelines for which it was summoned.
- c) In case the procedure is accepted –keeping in mind the voluntary character of the Guidelines- and according to the development of the Specific Instance, the ANCP is enabled to seek advice among the above mentioned organs and/or governmental agencies about those matters that, because of their specificity, are beyond the scope of its knowledge and capacities..

III) The above mentioned considerations have led the ANCP to formulate a transparent, operative and reliable procedure. This procedure was positively analyzed and evaluated by the technical and legal areas of the Ministry of Foreign Affairs, International Trade and Worship. Considering that the NCP usually

involves in its procedure several Ministries and other departments of the executive branch, the following step is the issuing of a decree, that must be signed first by several ministers and then by the President.

B. Information and Promotion

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I) A Spanish version of the OECD Guidelines for Multinational Enterprises is available at the web page of the Ministry of Foreign Affairs, International Trade and Worship.

II) The ANCP maintains regular contact with the NGOs that work on Corporate Responsibility.

III) In 2009-2010, the ANPC participated in four events held in Buenos Aires related to Corporate Responsibility, in which it had the opportunity to promote the OECD Guidelines for Multinational Enterprises:

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- a) September 2009 – Seminar on Corporate Responsibility organized by the Norwegian Embassy in Argentina, supported by the Ministry of Foreign Affairs, International Trade and Worship and the Ministry of Labour, Employment and Social Security . NGOs, Norwegian and Argentinean enterprises also participated in the seminar.
- b) October 2009 – Latin American – European Union Forum on Corporate Responsibility and multi-sector alliances: contribution to competitiveness, innovation and sustainable development.
- c) December 2009 – Argentinean NGOs Forum on Corporate Responsibility and the OECD Guidelines for Multinational Enterprises organized by CEDHA (Centre for Human Rights and Environment) and INCASUR (National Institute of Studies and Social Formation of the South).
- d) March 2010 – Argentinean NGOs Forum on Corporate Responsibility and the OECD Guidelines for Multinational Enterprises organized by CEDHA (Centre for Human Rights and Environment) and INCASUR (National Institute of Studies and Social Formation of the South).

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IV) The ANCP usually responds to NGOs' enquiries regarding Corporate Responsibility.

C. Implementation in specific instances

Specific Instance ACCOR/Recalde – Wortman Jofre

1. The request to consider the specific instance was received on November 28th, 2007
2. The specific instance was raised by National Deputy Dr. Héctor P. Recalde and his legal representative, Dr. Hugo Wortman Jofre
3. The chapters of the Guidelines cited in the specific instance are:
 - II General Policies
 - IV Employment and Industrial Relations
 - VI Combating Bribery
4. The specific instance does not involve business activities in a non-adhering country.
5. Sector of activity: Corporate Services Sector.
6. The specific instance was accepted.
7. The specific instance concluded on March 5th, 2009

8. The outcomes were conveyed to the public through a paid announcement published in two broadsheet newspapers of nation-wide circulation.
9. Throughout the process of Good Offices, the parties worked cooperatively. This made it possible to reach an agreement that the ANCP considers to be mutually satisfactory. The information handled throughout the specific instance corresponded to the written documents presented by the parties during the instance. Besides, the ANCP contributed through proposals of its own and prepared minutes of the meetings that were held. It is hereby stated, for informative purposes, that at the beginning of the instance a parallel judicial process regarding the conduct of an official that had been linked to ACCOR Company already existed, but this situation did not hinder the development of the instance and its adequate conclusion, which was published in the main journals of Argentina.

Specific Instance
SKANSKA/CIPCE

1. The request to consider the specific instance was received on September 19th, 2007
2. The specific instance was raised by The Center for Investigation and Prevention of Economic Criminality
3. The chapters of the Guidelines cited in the specific instance are:
 - VI Combating Bribery
 - X Taxation
4. The specific instance does not involve business activities in a non-adhering country.
5. Sector of activity: Construction.
6. The specific instance was accepted.
7. The specific instance concluded on September 26th, 2008, due to an alleged breaching in the non-disclosure agreement. On May 20th, 2009, a new presentation was made by CIPCE based on alleged new elements considered by them to be in relation to the specific instance. The ANCP attempted to make the enterprise reconsider its position, but the latter was not willing to do so, arguing that it had lost confidence in the NGO's intentions. In conclusion, the specific instance finalized on the 26th of September, 2008.

Specific Instance
SHELL/ INPADE-Amigos de la Tierra

1. The request to consider the specific instance was received on May 28th, 2008
2. The specific instance was raised by The Institute for Participation and Development of Argentina and Foundation Friend of the Earth of Argentina
3. The chapters of the Guidelines cited in the specific instance are:
 - II General Policies
 - III Disclosure
 - Environment
4. The specific instance does not involve business activities in a non-adhering country.
5. Sector of activity: Energy (petroleum).

6. The complaint was presented to the Argentinean and the Dutch National Contact Points by FOCO/INPADE and Friends of the Earth. The Argentinean National Contact Point (ANCP) notified the enterprise in due time.

On September 9th 2008, formal admissibility of the complaint was declared.

The ANCP held separate meetings with both parties. From the beginning, the enterprise did not accept the Argentinean National Contact Point's good offices, arguing that doing so could affect its position in the Argentinean Federal Courts, due to the existence of parallel proceedings of judicial nature on the same matters.

The enterprise requested the ANCP to put on hold the proceedings until the resolution of the ongoing judicial causes.

Considering the situation, the Dutch National Contact Point suggested that the parties could try to hold a dialogue on the issues that were not covered by the judicial causes, tackling some issues of 'supra legal' nature.

Regarding this initiative, shared by the ANCP, the parties did not reach an agreement on the scope and content of a possible dialogue.

The complainants insisted on giving priority to the discussion of the matters included in the complaint as well as any other topic that could possibly arise over the course of this dialogue, even though they were not included in its formal presentation.

The enterprise, in turn, expressed again the reason of the existence of parallel proceedings not to accept informal conversations, informing that the company had already been carrying out social development activities in the neighborhood close to the refinery, to help its residents.

For the time being, in view of the deep differences between the parties, both NCPs (the Argentinean and the Dutch National Contact Points) decided that waiting for the decision of the courts is now the best option.

AUSTRALIA / AUSTRALIE

The 2009-2010 Annual Report of the Australian National Contact Point is presented to the OECD Investment Committee in accordance with the Common Framework for Annual Reporting by National Contact Points (NCPs).

The activities of the Australian NCP during the period have focused on the assessment of a continuing specific instance, together with business and community consultations. The Australian NCP is continuing to consider how to enhance the promotional activities of the Guidelines.

A. INSTITUTIONAL ARRANGEMENTS

(Annexes 1 and 2 to the Common Framework for Annual Reporting by National Contact Points do not require updating.)

1. The Australian NCP for the OECD Guidelines is the Executive Member of the Foreign Investment Review Board (FIRB). The Executive Member of the FIRB also represents the Australian Government on the OECD Investment Committee. The contact details are as follows:

The Executive Member
Foreign Investment Review Board
c/- The Treasury
CANBERRA ACT 2600
Telephone: (02) 6263 3763
Facsimile: (02) 6263 2940
E-mail: ancp@treasury.gov.au
Website: www.ausncp.gov.au

2. The FIRB is a four member non-statutory body that advises the Australian Government on foreign investment policy and its administration. Executive assistance to the Board and the NCP is provided by the Foreign Investment and Trade Policy Division of the Commonwealth Department of the Treasury. In addition to its function as a secretariat, the division advises the Government on international investment issues.
3. The ANCP liaises with other government departments as necessary.
4. The ANCP holds regular community consultations with business and other members of civil society, including representatives from Non Government Organisations (NGOs). The consultations aim to provide a forum for interested parties to raise issues relevant to the Guidelines with the Australian NCP, to facilitate discussion on OECD Investment Committee work programmes, and to provide ideas and assistance with the promotion of the Guidelines.

B. INFORMATION AND PROMOTION

INFORMATION

1. The ANCP's primary method of informing the public about the Guidelines and other OECD Investment Committee work is through the ANCP's website at <http://www.ausncp.gov.au>
2. A new website was launched in 2010. The website provides a range of information including: core documents such as the text of the Guidelines and the Risk Awareness Tool; basic procedural information such as the NCP's service charter, procedures for lodging specific instances and the NCP's deliberation procedures; links to other relevant websites. The new website includes a special section on the Guidelines updates where stakeholders can register their interest in being involved in consultations.
3. The ANCP is committed to maintaining this website as an effective and a current source of information on the Guidelines in Australia and links to relevant parties;
4. The ANCP released a new guide to the Guidelines and the role of the ANCP in October 2007. The guide explains the status of the Guidelines in Australia and the role of the ANCP in promoting the Guidelines to business and in dealing with specific instances. The guide is distributed to business and to Government officials who can assist in promoting the Guidelines, particularly officials being posted overseas. The guide is also available on the website.

PROMOTION

The ANCP wrote to a large number of major business and NGO stakeholders in April 2010 to arrange stakeholder consultations on the update of the Guidelines. There is strong interest in the update and meetings are being arranged to take place before the NCP annual meeting in June.

1. The ANCP held other ad-hoc bilateral meetings with business and NGOs during 2009/2010 on matters of interest to the parties.
2. Other activities by the ANCP in 2009-10 include:
3. Continued promotion of the Guidelines through Australian embassy and consular networks. This includes briefing senior Australian diplomats prior to their postings;
4. Including information on the Guidelines on the website of the Australian Government Export Finance and Insurance Corporation (EFIC), and Austrade;
5. Provision of information on the Guidelines and the NCP in all foreign investment approvals for business proposals;
6. Participating in corporate social responsibility conferences and meetings hosted by other organizations, such as:
 - The Australian Centre of Corporate Social Responsibility, Export Finance and Insurance Corporation and various NGO's.

C. IMPLEMENTATION IN SPECIFIC INSTANCES

1. The ANCP has detailed procedures for handling specific instances, consistent with the OECD's procedural guidance for dealing with specific instances. The procedures are available at <http://www.ausncp.gov.au>;

Specific Instances considered by NCPs to date

(Annex 4 to the Investment Committee Common Framework for Annual Reporting by National Contact Points requires updating)

1. A specific instance was launched in September 2009 and is currently under consideration;
 - 1.1. This specific instance was lodged by an Australian trade union on behalf of a related New Zealand union. The New Zealand union has lodged a specific instance with the New Zealand NCP concerning employment of technicians as employees as opposed to contractors by an Australian company operating in New Zealand. The Australian company is part owned by a German multinational and a similar specific instance has been lodged with the German NCP.
 - 1.2. The New Zealand NCP is managing this specific instance and is involving the Australian NCP in responding to the specific instance.
2. In June 2009, the ANCP released its final statement on the specific instance involving BHP Billiton and its involvement in the Cerrejon Coal Mine in Colombia. The final statement is available on the ANCP's website. While under the terms of the final statement the ANCP has no further formal role, we have maintained a watching brief on the resolution of this case.
3. The GSL specific instance was the first specific instance to be raised with the ANCP since the 2000 review of the Guidelines. The GSL specific instance raised in June 2005 was successfully concluded in early April 2006.
4. The ANZ specific instance was raised in August 2006 and concluded in September 2006.

D. OTHER

1. Other activities such as efforts to promote the Guidelines through Australian embassy and consular networks and to foreigners investing in Australia are also good examples of how the ANCP has been operating in accordance with the core criteria for the operation of NCPs.
2. The planned update of the Guidelines provides a focus for engaging stakeholders, particularly business, on the Guidelines. This may help to improve awareness of the Guidelines in Australia.

E. LOOKING BACK AT THE PAST TEN YEARS

1. Since the Guidelines were last reviewed in 2000, the ANCP has increased its promotional efforts, establishing a dedicated website and undertaking regular stakeholder consultations. Despite these efforts, raising awareness of the Guidelines, particularly amongst the business community remains challenging.
2. However, Australia has received four specific instance complaints in the period since the last review. The handling of these complaints has generally been a positive experience for the ANCP and the parties involved.
3. Australia's institutional arrangements for managing specific instances have worked well over the past ten years. Australia's government structure allows for a whole of government approach to dealing with specific instances when required.

Australian National Contact Point
May 2010

AUSTRIA / AUTRICHE

A. Institutional Arrangements

The Austrian National Contact Point is located at the Federal Ministry of Economy, Family and Youth, as an integral part of the Export and Investment Policy Division.

Mailing adress: Bundesministerium für Wirtschaft, Familie und Jugend, Abteilung C2/5, Stubenring 1, 1011 Wien, Österreich

Phone number: +43 1 71100 5180 or 5792

Fax number: +43 1 71100 15101

E-mail adress: POST@C25.bmwfj.gv.at

The Contact Point is supported by an **Advisory Committee**, chaired by the Head of the Export and Investment Policy Division, and composed of representatives from

- other divisions of the Federal Ministry of Economy, Family and Youth concerned
- the Federal Chancellery and other Federal Ministries concerned
- the Austrian Economic Chamber, the Austrian Federal Chamber of Labour, the Austrian Federation of Trade Unions, the Federation of Austrian Industry
- some NGOs interested in the OECD Guidelines

The Advisory Committee has its own rules of procedure and in the period under review has held 3 meetings (on 14 July 2009, 1 October 2009 and 30 April 2010). The Advisory Committee has discussed all relevant business, as presented by the Contact Point or by the members of the Committee, including the present annual report.

B. Information and Promotion

The OECD Guidelines are available on several Austrian websites, e.g. on a special website of the Federal Ministry of Economy, Family and Youth www.oecd-leitsaetze.at, on the website of the Federal Ministry of Finance https://www.bmf.gv.at/wipoeuint/exportfrderung/investierenimauslan_8563/start.htm?q=OECD%20leitsaetze%20für%20multinationale%20unternehmen, and on the websites www.wko.at/eu/handel/oecd.htm and www.akwien.at.

The Contact Point has edited a publication on the OECD Guidelines in German language in three parts, consisting of

- a folder
- a brochure with the full text of the OECD Guidelines and the commentary (second edition)

- a brochure presenting the OECD Guideline

Moreover, Oesterreichische Kontrollbank AG (OeKB), Austria's main provider of financial and information services to the export industry and the capital market, actively contributes to the promotion of the OECD Guidelines by

- providing information about the OECD Guidelines to its customers within the framework of the Export Promotion Act,
- publishing references to the OECD Guidelines on the OeKB website www.oekb.at,
- amending on behalf of the Federal Minister of Finance the application forms for investment guarantees and bill guarantees for investments, introducing a declaration by the applicant that he takes notice of the OECD Guidelines and confirms his intention to take the OECD Guidelines into consideration to the best possible.

On 17 June 2009, the Oesterreichische Kontrollbank AG (OeKB) hosted a discussion, where John Ruggie, UN Special Representative of the Secretary-General on the issue of Human Rights and Transnational Corporations and other Business Enterprises, delivered a keynote about "Business and Human Rights".

On 23 March 2010, the Austrian NCP had a very interesting and constructive exchange of views with representatives of the Ministry of the Economy of the Republika Slovenija, in charge with the establishment of a Slovenian NCP.

C. Implementation in specific instances

Final statements have been issued in two specific instances in the period under review.

The first case was about business activities in a non-adhering country. It had been introduced in March 2006 by trade unions and concerned alleged violations of the Employment and Industrial Relations Chapter of the Guidelines in Sri Lanka by a subsidiary of an Austrian enterprise. Despite the NCP's efforts it was not possible to reach a consensual approach. Therefore the NCP issued a unilateral final statement including appropriate recommendations.

The second case dealt with business activities in Austria. It had been introduced in February 2008 by trade unions and concerned alleged violations of the Employment and Industrial Relations Chapter of the Guidelines by an Austrian subsidiary of a multinational enterprise. Following extensive consultations, both parties expressed their support for the final statement issued by the NCP.

BELGIUM / BELGIQUE

A. ORGANISATION INSTITUTIONNELLE

Le Point de Contact National belge se situe au sein du SPF Economie, PME, Classes moyennes et Energie,
Direction Générale Potentiel Economique,
Rue du Progrès 50
1210 Bruxelles
Belgique
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E-mail : colette.vanstraelen@economie.fgov.be

Le Point de Contact National belge a une triple structure composée comme suit :

Président du Point de Contact National : Monsieur M. Van Hende, Directeur général du SPF Economie, PME, Classes moyennes et Energie.

Secrétariat : Mme C. Vanstraelen du SPF Economie, PME, Classes moyennes et Energie.

Un représentant des services publics fédéraux cités ci-après :

- SPF Economie, PME, Classes moyennes et Energie
- SPF Emploi, Travail et Concertation sociale
- SPF Justice
- SPF Finances
- SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement
- SPF Affaires étrangères

Un représentant de chaque autorité régionale :

- Région flamande
- Région wallonne
- Région de Bruxelles-Capitale

Un représentant des organisations patronales suivantes :

- FEB (Fédération des Entreprises de Belgique)
- Agoria (Fédération de l'Industrie technologique)
- Essenscia (Fédération belge des Industries chimiques)

Un représentant des organisations syndicales suivantes :

- CSC (Centrale des Syndicats Chrétiens)
- FGTB (Fédération Générale du Travail de Belgique)
- CGSLB (Centrale Générale des Syndicats Libéraux de Belgique)

B. INFORMATION ET PROMOTION

La source d'information essentielle sur les Principes directeurs de l'OCDE et le PCN est le site web (www.ocde-principesdirecteurs.fgov.be), qui est constamment mis à jour et qui sert de référence. Un lien permet d'attirer l'attention sur l'instrument de l'OCDE "Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones".

Outre cette source d'information électronique, existe également depuis la fin 2007 un dépliant chargé de promouvoir les Principes directeurs de l'OCDE. Le dépliant est disponible en français et en néerlandais. Il s'agit d'un instrument de promotion utile qui augmente la visibilité lors de séminaires et conférences concernant la responsabilité sociétale des entreprises. Des représentants du PCN, agissant en tant que conférencier ou simple participant pour attirer l'attention sur les Principes directeurs de l'OCDE, y participent régulièrement.

La responsabilité sociétale des entreprises est souvent dans l'actualité e.a. concernant les droits de l'homme. Dans ce cadre, les Principes directeurs de l'OCDE sont un élément clé.

Un flux permanent d'informations vers les entreprises est garanti par la représentation des organisations d'employeurs et de travailleurs au sein du PCN. Par leurs canaux, les services publics, membres du PCN, contribuent également à la promotion des Principes directeurs de l'OCDE.

C. MISE EN ŒUVRE DANS DES CIRCONSTANCES SPECIFIQUES.

Un dossier a été introduit en 2009 relatif à un projet pour lequel l'ONG estime que les Principes Directeurs ne seraient pas respectés en ce qui concerne le chapitre 'environnement', ainsi que le principe général de développement durable.

Un comité d'évaluation a été mis en place et des informations complémentaires étaient rassemblées e.a. via l'ambassade, et via diverses voies de communications électroniques. Le PCN s'est mis d'accord concernant la recevabilité de ce dossier.

Un changement de président du PCN a entraîné un peu de retard dans la discussion de cette affaire, ainsi que le « volcan ».

Cette instance spécifique n'est pas encore clôturée, mais est sur le point de l'être.

En général, le monitoring des résultats n'est pas fait systématiquement. Un simple mail est parfois envoyé afin de connaître l'évolution.

D. DIVERS

Le PCN accorde beaucoup d'attention aux critères de base, notamment la visibilité, l'accessibilité, la transparence et la responsabilité. Le site web et le dépliant augmentent la visibilité des Principes directeurs de l'OCDE et assurent également l'accessibilité à l'instrument. Les communiqués de presse, publiés sur le site web, répondent à la demande de transparence et de responsabilité.

E. RETOUR AUX 10 DERNIERS ANNEES

La structure de notre PCN est une structure tripartite, et n'a pas changé fondamentalement depuis le début des années '80. Cette structure nous donne satisfaction et assez de confiance pour garantir l'indépendance du PCN.

C'est également une façon d'augmenter la visibilité puisque chaque membre doit y jouer un rôle.

Cependant la promotion de l'instrument manque de moyens humains pour être aussi ambitieux qu'on l'eût souhaité.

Les défis les plus importants rencontrés en travaillant sur les instances spécifiques et surtout celles qui se sont manifestées dans le passé sont relatifs à plusieurs domaines.

L'appréciation de l'exactitude de l'information reçue est apparue très complexe et surtout si l'information a trait à des pays à faible gouvernance. La manque d'une réelle connaissance du terrain est également perçu comme un handicap.

L'attention que les entreprises attachent à la responsabilité sociétale des entreprises est plus importante qu'en 2000.

Une collaboration plus étroite ainsi qu'un échange d'information entre les PCN est d'une importance primordiale pour aboutir à un fonctionnement plus uniforme des PCN. Il me semble que des discussions en petites équipes seront plus efficaces et plus fructueuses.

BRAZIL / BRESIL

A. Institutional Arrangements

The OECD Guidelines for Multinational Enterprises were formally implemented in Brazil in May 2003. The Secretariat for International Affairs of the Ministry of Finance is in charge for coordinating the National Contact Point (NCP) in Brazil.

Other ministries are also full members of the NCP: the Ministry of Foreign Affairs, the Ministry of Labour and Employment, the Ministry of Planning, Budget and Management, the Ministry of Justice, the Ministry of Environment, the Ministry of Science and Technology, the Ministry of Development, Industry and Trade, the Ministry of Agriculture and the Brazilian Central Bank.

The fact that the NCP in Brazil has a widespread representation among government entities enables the group to count with specialized feedback in almost all relevant areas covered by the Guidelines. If any specific case demands further representation of any other public institution, the NCP is authorized to invite it to participate in its meetings. An invitation can even be extended to join the NCP group on a permanent basis.

Despite the pervasive representation within the public sector, the NCP still lacks formal representation channels among civil society entities. This gap is partly offset by the intense activity of some NGO's – like the ETHOS Institute –, the National Confederation of Industry – CNI – and labour unions – like CUT, the largest labour union in Brazil — with good communication with the government. Nevertheless, several social segments that are less vocal are rather underrepresented in their claims towards the NCP. To partly remedy this, the Brazilian NCP created a mailing list, which is open to membership to all interested parties and allows fast and direct consultation to its registered members. Even though this rather informal channel does not substitute formal ones, it has the advantage of being expeditious, open to immediate membership and immune to bureaucratic impediments. This channel has been largely used by civil society members to make inquiries about the NCP activities.

In this context, one of the NCP's challenges is to establish formal communication channels with all relevant social actors. The NCP constantly invites civil society representatives to join their regular meetings, allowing them to express their concerns, present their criticisms with respect to the functioning of the group and also to orally support their claims in specific instances. Also, the Labour Union CUT has been regularly invited to the NCP meetings.

Name of Responsible Officer: Isabela Moori de Andrade

Address: Secretaria de Assuntos Internacionais - Ministério da Fazenda

Esplanada dos Ministérios, Bloco “P”, Sala 223

70048 – 900 Brasília – Distrito Federal - Brasil

Telephone: (+5561) 3412 1910

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E-mail: pcn.ocde@fazenda.gov.br; isabela.andrade@fazenda.gov.br

The OECD Liaison Office of the Brazilian Embassy in Paris has a supporting role regarding the Guidelines and its implementation. The OECD Liaison Office is responsible, within the Brazilian Embassy in France, for the follow-up and coordination of all activities related to the cooperation between Brazil and OECD.

Name of Responsible Officer: Ricardo Guerra de Araujo

Address: Ambassade du Brésil – OECD Liaison Office

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E-mail: ocde@bresil.org

B. Information and Promotion

The OECD Guidelines and the Implementation Procedures are available in Brazil and the translations of the text into Portuguese are provided in the website of the Ministry of Finance (<http://www.fazenda.gov.br/pcn>). The NCP has been frequently contacted through the Internet by organizations and individuals which come across the issue of corporate social responsibility. The website also contains a link to the OECD homepage and to other important multilateral and bilateral agencies, labour union confederations, science and technology institutions, industry and trade confederations, chambers of commerce and industry, consumer protection agencies, among others.

Concerning the disclosure and promotion, the Brazil NCP realizes that this task should be expanded and improved. The Secretariat for International Affairs of the Ministry of Finance, as coordinator of the NCP, is developing a proposal to enhance its activities in Brazil with a broad and ongoing disclosure to the representative bodies of Brazilian civil society.

Another important initiative is to disseminate the OECD guidelines amongst multinationals to entice them to operate more accordingly with its dispositions. Most multinationals in Brazil ignore the existence of the OECD guidelines. The disclosure of information related to the topic among parties affected by formal offences to the guidelines is much more intense if compared to those potentially responsible for them, i.e., the multinationals. This occurs because NGO's and trade unions help to divulge the topic among the possible complainants while the dissemination work directed towards multinationals rests uniquely dependent upon the NCP.

Therefore, as an initiative to disseminate the guidelines among the business community, the Brazilian NCP is going to implement a database with the name of the multinational enterprise and the person in charge for the Corporate Social Responsibility Department.

C. Implementation in specific instances

1. Itau/Unibanco

Complainant: “Central Única dos Trabalhadores – CUT” – Brazilian labor union.

Complaint: Prevention of manifestation of bank strike.

Norm: Chapter IV, articles 7 and 8 of the OECD Guidelines.

Date that specific instance was received: September 2009.

Sector of activity: Banking sector.

Present situation: Under analysis by the Interministerial Group of the Brazilian NCP.

2. Grupo Santander Brasil

Complainant: “Central Única dos Trabalhadores – CUT” – Brazilian labor union.

Complaint: Use of legal loopholes to prevent the presence of union leaders at the bank.

Norm: Chapter I, article 7 and Chapter IV, article 8 of the OECD Guidelines.

Date that specific instance was received: September 2009.

Sector of activity: Banking sector.

Present situation: Under analysis by the Interministerial Group of the Brazilian NCP.

3. BASF S.A.

Complainant: “Central Única dos Trabalhadores – CUT” – Brazilian labor union.

Complaint: Prevention of dialogue between the workers union and the company in the case of a dismissal of an employee.

Norm: Chapter IV of the OECD Guidelines.

Date that specific instance was received: April 2010.

Sector of activity: Chemicals company.

Present situation: Under analysis by the Interministerial Group of the Brazilian NCP.

Apart from these complaints, one other has been formally cancelled by the complainant due to agreement between the parties.

Since some specific instances have not yet been formally accepted, according to NCP Resolution N° 01/2007, their disclosure remain confidential aiming not to unduly affect the parties’ image. When the current coordinator took office in the beginning of this year, a number of cases from previous years were still pending conclusion. Due to the fact that the new complaints were filed in a context of limited resources available, the Brazilian NCP decided to focus on the new cases and on institutional activities. The old complaints are expected to be gradually concluded. This decision aimed at privileging a pragmatic approach to the issues before the Brazilian NCP and represented a need to maximize efforts in an effective way subject to our current working restraints.

Updates have being made at the Annex 4 of the Report.

D. Other

NCP Brazil recognizes that more work needs to be done to increase the visibility of the Guidelines and the activities of implementation in specific instances. The current endeavours in the institutional domain are particularly important to assure long-lasting public policies, cooperation structures and channels aimed to continue, independently of cabinet reshuffles and political changes. In this sense, we hope to have positively contributed and expect to inaugurate hereinafter a continuous improvement path.

The work ongoing among the federal bodies evolved in the process of the Guidelines update aim to better fit them to the country specifications.

E. Looking back at the past ten years

Since its creation, Brazilian NCP has been dealing with some institutional difficulties (reduced staff, high turnover of focal points) which impact its ability to meet expeditiously the demands of trade union and non-governmental entities.

Another obstacle is that the Guidelines are poorly disseminated due to the fact that the Brazilian NCP is a relatively new institution and there are few people working on the issue.

Regarding the Guidelines Update, it is important that it be improved to better reflect the particularities of each country, for example, in Brazil, some sessions of the Guidelines are not supported by national laws, which tends to create difficulties regarding the application and interpretation of the Guidelines in resolving issues involving multinational corporations.

On the other hand, the Brazilian NCP is gathering expertise from other NCPs at international events, which have allowed more detailed knowledge of the reality of the operational issues by the Contact Points in different countries through the exchange of experiences, as well as direct discussions with labour representatives.

CANADA

1. Introduction
2. The Canadian Policy Context
3. Update on the Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector
4. Peer Review of the NCP of the Netherlands
5. Institutional Arrangements
6. Information and Promotion
 - 6.a. Information and Promotional Tools
 - 6.b. Promotion with Social Partners
 - 6.c. Promotion with the Government
 - 6.d. Updating the Guidelines
7. Inquiries
8. Submissions and Implementation in Specific Instances
9. The Past Decade
10. Concluding Remarks
11. Glossary

1. Introduction

The OECD Guidelines for Multinational Enterprises (Guidelines) is an instrument of the Organisation for Economic Cooperation and Development (OECD). The recommendations set forth in the Guidelines are a voluntary, multilateral framework of standards and principles on responsible business conduct.

As a member of the OECD and signatory to the Guidelines, Canada is obligated to establish a National Contact Point (NCP). The role of the NCP is to promote awareness of the Guidelines and ensure their effective implementation. This report provides a summary of the activities undertaken by Canada's NCP in the past year (June 1, 2009 – May 31, 2010).

2. The Canadian Policy Context

The Guidelines continue to be an important element of the Government's approach to promoting corporate social responsibility (CSR). A number of federal government departments are active in this area, through activities such as promotion of awareness, information dissemination, facilitation of dialogue among interested parties, promotion of CSR in international fora (such as the G8, OAS, UN, APEC and the Francophonie) and support for the development of international norms. The Guidelines are a central part of these activities, their contribution heightened by the fact that they represent the shared views of forty-two national governments on what constitutes appropriate corporate behaviour.

The business community in Canada is promoting CSR as well, with an increasing number of associations and enterprises adopting codes of ethical, environmental and social conduct and related management strategies. The Guidelines offer a frame of reference for private sector initiatives and the NCP serves as a mechanism to facilitate cooperation between the Government and the business community in the promotion of CSR. The Guidelines and NCP also provide a forum for engagement with other key stakeholders, such as labour groups and non-governmental organizations (NGOs) on CSR issues.

The Guidelines make an important contribution to the Government's policy on promoting sustainable development. Achieving sustainable development requires the responsible engagement of all sectors of society, including the business community. The Guidelines encourage corporations' contribution to sustainable development and help to strengthen the basis of mutual confidence between enterprises and the communities in which they operate.

Thus, while the Canadian NCP has a clear mandate to implement the Guidelines, its activities also support broader policy objectives of the Government.

3. Update on the Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector

While adherence to the OECD Guidelines constitutes a core component of Canada's overall CSR approach, the promotion of CSR is a comprehensive undertaking which involves policies, programs, initiatives and projects that are complementary and far-reaching in a variety of fields.

On March 26, 2009 the Government of Canada announced the adoption of a new CSR strategy named *Building the Canadian Advantage: A CSR Strategy for the Canadian International Extractive Sector*. The text of the strategy may be found at: www.csr.gc.ca.

The four components of the strategy were described in last year's NCP annual report. There have been a number of key developments in the implementation of the strategy since it was announced.

The first component of the strategy involves supporting initiatives to enhance the capacities of developing countries to manage the development of minerals and oil and gas, and to benefit from these resources to reduce poverty. This component is being led by the Canadian International Development Agency (CIDA). CIDA has established an internal focal point with expertise in extractive sector development issues and continues to provide support to developing countries to enhance their capacity to manage their extractive sectors.

The second component of the strategy involves the promotion, in addition to the Guidelines, of the following CSR performance guidelines with Canadian extractive companies operating abroad:

International Finance Corporation (IFC) Performance Standards on Social & Environmental Sustainability for extractive projects with potential adverse social or environmental impacts;

Voluntary Principles on Security and Human Rights (Voluntary Principles) for projects involving private or public security forces; and,

Global Reporting Initiative (GRI) for CSR reporting by the extractive sector to enhance transparency and encourage market-based rewards for good CSR performance.

The promotion of these CSR performance guidelines is being done primarily through the Department of Foreign Affairs and International Trade (DFAIT) and Natural Resources Canada (NRCan). Each of the three performance standards are recognized in the Strategy for their particular relevance to the extractive sector and are complementary to Canada's commitments under the Guidelines as well as to *the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones*.

In March 2009, Canada was welcomed as an Engaged Government in the Voluntary Principles on Security and Human Rights, a set of guidelines to help companies in maintaining the safety and security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. Following the submission of its Work Plan, Canada was officially accepted as a full participating member of the VPs on March 19, 2010, during the VP's tenth Annual Plenary in London, UK. As such, Canada is now a member of the VPs Steering Committee and, among other initiatives, will be working with the organization on the Implementation Guidance Tools project that will create clear, practical guidelines for on-the-ground action for its members.

The third component of the strategy involves supporting the development of a CSR Centre of Excellence within an existing institution outside of government. The purpose is to encourage the Canadian international extractive sector to implement these voluntary performance guidelines, including the OECD Guidelines, by developing and disseminating high-quality CSR information, training and tools. The Centre serves as a forum through which sector stakeholders can provide timely access to high-quality CSR tools and information for clients in industry, civil society and government, at home and abroad. The Canadian Institute of Mining, Metallurgy and Petroleum (<http://www.cim.org>) is the host organization for this centre. The Centre for Excellence in CSR was launched on January 13, 2010. The website is: <http://www.cim.org/csr/>

The fourth component of the strategy involves the establishment of the Office of the Extractive Sector CSR Counsellor ("Counsellor") to assist stakeholders in the resolution of CSR issues pertaining to the activities of Canadian extractive sector companies abroad. The mandate of the Counsellor relates exclusively to the activities of Canadian extractive sector companies operating abroad. The Counsellor reviews the CSR practices of Canadian extractive sector companies operating outside Canada; and, advises stakeholders on the implementation of endorsed CSR performance guidelines. The Counsellor reports directly to the Minister of International Trade.

The Counsellor and the NCP operate as two separate and distinct bodies. Canada's NCP for the OECD Guidelines continues to be responsible for promoting the effective implementation of the Guidelines across all industry sectors, as well as reviewing any specific instances which it receives, including those in the extractive sector. The NCP remain the primary authority with respect to the OECD Guidelines. The Counsellor and the NCP will ensure that overlapping activities are closely coordinated. The first Extractive Sector CSR Counsellor was appointed in October, 2009. The Office of the Counsellor website is www.international.gc.ca/csr-counsellor.

4. Peer Review of the NCP of the Netherlands

During the summer of 2009 the Dutch NCP invited the NCPs of Canada, Chile, France, Japan, and the U.K. to participate in a peer review of the Dutch NCP. The Canadian NCP viewed the invitation as a good

opportunity to engage in peer learning and contribute to the evolution and strengthening of the NCPs. A member of the Canadian NCP Secretariat was designated as the Canadian NCP representative and acted as chair of the peer review team. The peer review took place between September, 2009 and March, 2010.

The objectives of the peer review were to: (1) evaluate the structure, practice, effect and results of the Dutch NCP; (2) to create a learning process for all participating NCPs; (3) to assess issues which may serve as useful input into any possible future revision of the OECD Guidelines; and (4) to provide a review report which may be used as input for the Dutch NCP's preparation of its own evaluation report for the Dutch Parliament in June 2010.

The peer review team carried out the review through a series of meetings with stakeholders, a questionnaire survey, review of documents, and discussions. The peer review team was impressed by the Dutch NCP's performance and standards. A final report was issued in March 2010 containing twenty-eight recommendations. This report was presented to the Working Party of the OECD Investment Committee at its meeting in March 2010. The peer review report may be obtained at the following website <http://www.oecdguidelines.nl/get-started/peer-review/>.

The peer review proved to be a useful learning opportunity which has had an impact on the operations of the Canadian NCP. The Canadian NCP is currently developing a number of documents, including a Terms of Reference for the Interdepartmental NCP Committee and a Procedures Guide, to make its operations more robust.

5. Institutional Arrangements

The key responsibilities of Canada's NCP are to promote the Guidelines, respond to inquiries and contribute to the resolution of specific instances of corporate conduct in relation to the Guidelines. Important guiding principles for the NCP's activities include visibility, accessibility, transparency and accountability.

The NCP is an interdepartmental committee chaired by DFAIT at the Director-General level. Partner members include Industry Canada (IC), Human Resources and Skills Development Canada (HRSDC), Environment Canada (EC), Natural Resources Canada (NRCan), Finance Canada (FIN) and the Canadian International Development Agency (CIDA). The Secretariat of the NCP is located in the Trade Commissioner Service Support Division.

The Trade Commissioner Service Support Division has a team that advises trade commissioners in Canada and abroad on CSR and coordinates an annual CSR-related program, which includes training and financial support for trade commissioners on CSR-related activities. Given the trade commissioners' contributions to the project, coupled with the usage of extensive networks both domestically and abroad, Canada's NCP has been able to raise awareness of the Guidelines and effectively promote their implementation.

The Canadian NCP's key business and labour interlocutors on the Guidelines are the Canadian Chamber of Commerce (CCC), the Canadian Labour Congress (CLC) and the Confédération des syndicats nationaux (CSN). The NCP also has frequent contact with domestic and international NGOs.

6. Information and Promotion

6. a. Information and Promotional Tools

The Canadian NCP web site is a useful tool for promoting the Guidelines (www.ncp.gc.ca (English), and www.pcn.gc.ca (French)). It has also become an efficient way to communicate information on the

Guidelines to overseas missions. Canadian embassies, high commissions and other DFAIT offices in Canada and abroad have been informed of the Guidelines and the importance of this instrument for the promotion of CSR.

Overall, the web site offers a convenient point of reference for a growing number of Canadian organizations and businesses that are seeking information on CSR. Between January 2009 and March 2010 inclusive the website received an average of 500 views per month.

Various other federal government web sites promote the Guidelines, including the Trade Commissioner Service's internal web site, DFAIT's CSR web site, and the sites of other departments and agencies, such as IC and NRCan.

The NCP has also been promoting awareness of the existence of the *OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones*. The "What's new" section of the NCP website indicates that the tool is recommended for companies operating in weak governance zones and provides a link to the document on the OECD web site.

6. b. Promotion with Social Partners

Primary focus is being given to the extractive sector (mining, oil and gas). Because Canada is a major player in the global extractive sector, both the Canadian Government and the Canadian industry share an interest in maintaining a positive image of Canada in this sector, and ensuring that Canadian businesses contribute positively to the broader social and environmental objectives of the communities in which they operate. Promoting the Guidelines in this sector is a concrete way for the Government to engage Canadian companies in supporting these objectives.

Canadian embassies, high commissions and other DFAIT offices in Canada and abroad provide support and services to Canadian firms interested in expanding their international business operations. As a result, DFAIT offices are an excellent vehicle for the promotion of the Guidelines in cooperation with the business community. DFAIT offices incorporate CSR-relevant information, including references to the Guidelines, in the business briefings to Canadian clients. In addition, they communicate the Government of Canada's commitment to CSR to both Canadian, local business audiences and relevant stakeholders.

Officials from Canada's NCP were present at the annual Prospectors and Developers Association of Canada (PDAC) International Convention, Trade Show and Investors Exchange in Toronto on March 8-10, 2010, to promote awareness of the Guidelines. This event is widely considered to be among the most important mining conferences in the world.

DFAIT has undertaken a number of initiatives to enhance the capacity of its officers through information and training sessions, as well as an Intranet Web portal offering guidance, reference material, inventory of national and international experts, best practices and other learning tools on CSR.

DFAIT has created a CSR Fund to assist Canadian offices abroad and in Canada to foster and promote CSR to clients and engage with host-governments, communities, indigenous organizations, NGOs and other stakeholders in CSR-related initiatives (e.g. CSR seminars, the development of mining toolkits and the other CSR tools, etc.). In 2009 the CSR Fund's \$180,000 was used to fund 35 CSR-related projects at Canadian missions around the world. This year, the CSR Fund's resources have been increased to \$250,000 which is being used to fund 49 CSR-related projects.

Communications and marketing materials have been developed to promote CSR within the Government and to Canadian stakeholders. DFAIT is also increasing its ability to engage in policy development through a series of research analysis projects aimed at understanding the CSR context internationally.

In Latin America, CIDA and NRCan have provided assistance to resource-rich developing countries to improve their governance capacity in the extractive sector. Canada has also held discussions with free trade agreement (FTA) partners, including Colombia and Peru, on how best to address CSR in the context of negotiations. The FTAs with both these countries include CSR provisions that are directed at the parties, encouraging them to promote voluntary principles of responsible business conduct with their business communities. In addition, the Labour Cooperation Agreements (LCAs) – which are parallel agreements to the FTAs with Colombia and Peru – explicitly recognize the importance of encouraging voluntary practices of CSR within the territories of the parties in order to ensure coherence between labour and economic objectives.

Canada is also active in promoting CSR-related principles in the financial arena. The Canada Investment Fund for Africa (CIFA) publicly discloses its principles related to business integrity, and social, environmental, and health and safety objectives. The CIFA fund managers also report periodically to the Government of Canada on CSR measures implemented in specific investments and reference to these measures is included in CIDA's Departmental Performance Report, submitted annually to Parliament. Canada also supports the consistent implementation of the World Bank Group International Finance Corporation (IFC) Performance Standards. Canada is a State Party to the UN Convention against Corruption.

In February 2007, Canada endorsed the EITI, which seeks to ensure revenue transparency in the extractive sector. After which Canada has held three national outreach sessions on the initiative (the only supporting country to have done so) in order to promote the EITI's principles as well as its application to the extractive sector. Most recently, on the margins of the 2010 Globe Conference in Vancouver, Canada hosted an EITI session to help develop the Government of Canada's contribution to the EITI Board meeting that will examine the evolution of the initiative.

Industry Canada (IC) continues to promote the Guidelines as part of its CSR activities to strengthen the capacity of Canadian business to develop and use CSR practices, tools and knowledge towards positive economic, environmental and social performance results, and ultimately towards greater competitiveness of Canadian companies. IC participated in a meeting of Canadian industry associations in October 2009 and promoted the Guidelines at that time. Links to the Guidelines and the NCP appear on the department's CSR website, which receives about 7000 hits per month.

Industry Canada finalized the implementation of commitments made in its Sustainable Development Strategy (2006-2009), including those related to CSR. Accordingly, IC supported and disseminated the results of the following research and other activities: the development of a management tool to help Boards of Directors integrate CSR principles into their decision-making processes; a learning tool to help companies conduct marketing for sustainability; further development of the SME Sustainability Roadmap through the addition of a social dimension, and modules on buildings, transportation and services; a tool to help companies effectively embed sustainability principles within and across corporate structures; research on the materiality of GRI indicators for institutional investors; and research on the integration of sustainability curricula at Canadian universities' faculties of business, engineering, and actuarial sciences.

Industry Canada also supported research in support of the development of a North American framework for sustainable consumption and production (SCP) under the United Nations-led Marrakech Process. Central to IC's work on SCP is the view that sustainable consumption and production practices

can enhance competitiveness, innovation and productivity. SCP is a key pillar in research work being supported by IC under the Pathways to Low Carbon Society project, led by the Policy Research Initiative. IC also supported research on the identification and development of an Actor and Activity Map for SCP in North America.

Environment Canada (EC) is actively collaborating with the private sector, academia, non-governmental organizations and other departments to accelerate corporate engagement in sustainability. Environment Canada's engagement around business sustainability includes defining and supporting research projects clarifying the link between sustainable governance practices and competitiveness and building on projects outputs to develop information products and tools for Canadian businesses.

In collaboration with Industry Canada, Environment Canada has supported the development of the Corporate Social Responsibility (CSR) Governance Guidelines. These Guidelines provide guidance to board of directors and senior management on a best practice approach for CSR governance. It includes an assessment tool to help boards of directors identify current practices and gaps and a roadmap to help board of directors develop a CSR governance framework or methodology. It also includes a list of CSR questions for Senior Management to help board of directors understanding the firm's approach to CSR management.

EC also promotes the use of clear and measurable targets to achieve corporate sustainability based on its Canadian Environmental Sustainability Indicators. Canadian companies can use these indicators to measure their progress towards reducing the environmental impact of their activities within Canada. Environment Canada has also released in 2009 an *Environmental Code of Practice for Metal Mines* (<http://www.ec.gc.ca/ceparegistry/documents/code/metal/tdm-toc.cfm>). The Code describes operational activities and associated environmental concerns of this industrial sector. The document applies to the complete life cycle of mining, from exploration to mine closure, and environmental management practices are recommended to mitigate the identified environmental concerns.

The Canadian social partners for the OECD Guidelines include the Canadian Chamber of Commerce (CCC), the Canadian Labour Congress (CLC) and the Confédération des syndicats nationaux (CSN). Each of these three partners was invited to contribute to this report with a description of their activities promoting the Guidelines. In 2009, the Canadian Chamber of Commerce promoted the Guidelines and the NCP to its members across Canada, Members of Parliament, Senators and the general public in the context of discussions regarding legislation and policies governing responsible business conduct. The Canadian NCP will be meeting with each of these social partners to discuss future initiatives and means by which the objectives of raising awareness of the Guidelines and their successful implementation can be further achieved.

In 2006, Natural Resources Canada (NRCan) developed a *Mining Information Kit for Aboriginal Communities* in collaboration with indigenous communities and the mining industry with a view to strengthen indigenous communities and their capacity to better understand and take advantage of the opportunities offered by mining development in their region. This approach has been well received both domestically and internationally. The *Mining Information Kit for Aboriginal Communities* has been adopted by a number of countries (the Philippines, Australia, New-Caledonia, Norway, Guatemala, Ecuador, Chile, Democratic Republic of Congo, Mali, Senegal, Burkina Faso) and it has been adapted for a number of other countries (Peru, Mexico and Colombia).

Given the success of this Tool Kit within Canada and uptake by several other countries, NRCan is working with the Arctic Council to develop a *Circumpolar Mining Tool Kit for Indigenous Peoples and Northern Communities*, which will be applied to the circumpolar arctic region and based on the experience of the original Canadian Information Kit.

6.c. Promotion within the Government

Promoting the Guidelines within the government is an essential aspect of the NCP's responsibility to raise awareness of the instrument. A number of departments and agencies interact directly with the business community, labour groups and NGOs through their programs and consultative activities. This is an important channel for alerting these groups of Canada's commitment to support the Guidelines. The interdepartmental structure of the NCP greatly facilitates promotion within government.

Foreign Affairs and International Trade Canada (DFAIT) provides information sessions on the Guidelines for overseas trade officials. Indeed, Canada's Trade Commissioner Service recognizes the importance of including CSR as an element of its promotional activities. Responsible business conduct by Canadian companies abroad reinforces the positive effects that trade and investment can have on human rights, the environment and competitiveness. Canada's trade commissioners are encouraged to incorporate the promotion of CSR (including the OECD Guidelines) into the delivery of the core services provided to Canadian companies operating abroad. DFAIT is, with that perspective in mind, enhancing the capacity and knowledge of government officials on CSR through training and development tools.

One example of information sessions is the CSR workshop that DFAIT held for approximately 55 trade commissioners who were attending the Prospectors and Developers Association of Canada (PDAC) International Convention, Trade Show and Investors Exchange in Toronto on March 8-10, 2010. The workshop included an overview of the government's CSR policies, as well as a learning exercise involving the discussion of several hypothetical and realistic scenarios involving multiple CSR-related themes. The workshop this year was enhanced by the participation of a number of academics, consultants and representatives of NGOs who exchanged views and contributed to the peer to peer learning experience.

During the past year DFAIT held a number of information sessions for purposes of informing trade commissioners and Heads of Missions of the Government's CSR policies and the obligations under the OECD Guidelines, including the role and function of the NCP. Similar information sessions have also been regularly organized for officers at DFAIT headquarters in Ottawa. DFAIT also regularly invites visiting guests to speak to the staff of DFAIT and other government departments about various aspects of CSR and, in the process, participating officials articulate government engagement in the CSR file, including commitments with respect to the OECD Guidelines. Further, DFAIT officials, up to the Director-General level, have regularly travelled to various regions of the world and participated in CSR-related presentations and workshops which included Canadian officials working abroad and the local stakeholders. These presentations addressed the government's CSR policies as well as the OECD Guidelines and the NCP.

Industry Canada (IC) continues to promote the Guidelines internally with a view to improving the department's understanding and awareness of the business case for CSR and sustainability and its related economic benefits within companies, sectors and the economy as a whole. Within the department, CSR and sustainability related training, seminars and workshops are regularly featured and the Guidelines are often referenced at that time. IC participates in an interdepartmental working group under the CSR Memorandum of Understanding.

Industry Canada is the lead for the Government of Canada and the Government Stakeholder Group within the Canadian Advisory Committee on the development of the ISO guidance standard on Social Responsibility (SR 26000). IC consults widely across government on the formulation of the government's position on various issues related to the standard. IC has worked to ensure that the Guidelines will be referenced in the Annex to the Standard as a useful tool for companies and others in the development of their CSR policies.

Environment Canada participates in several interdepartmental initiatives aimed at promoting CSR and improving coherence of governmental CSR actions. These include the CSR Memorandum of Understanding, interdepartmental working groups for the implementation of the CSR strategy, the development of ISO 26000, the management of NCP's activities, the review of the OECD guidelines. In the context of the preliminary assessment of the need for a review of the Guidelines, EC has introduced and circulated the Guidelines to a numerous audience within the department.

Environment Canada is actively promoting governmental action and initiatives on CSR within the Department through intradepartmental meetings and news releases. Environment Canada has published a news release to inform departmental employees of the launch of the Centre for Excellence in CSR and of the resources made available through the Centre.

The Labour Program of Human Resources and Social Development Canada (HRSDC), which is part of the Canadian NCP, has specific expertise and particular interest in labour-related principles. The Labour Program manages Canada's participation in the International Labour Organization (ILO) and promotes compliance with the Declaration on Fundamental Principles and Rights at Work, which encompasses the following fundamental principles and rights: freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment. The principles are embodied in the OECD's Guidelines and in the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy.

A member of the Secretariat of Canada's NCP made a presentation on the Guidelines at a federal-provincial-territorial governments' workshop on Canada-ILO issues at an annual meeting, held in March 2010, in the offices of the Labour Program of HRSDC. The meeting was attended by representatives of provincial and territorial ministries of labour. The meeting served as a forum to raise awareness of the Guidelines with provincial and territorial counterparts and to discuss different aspects of the Guidelines.

6.d. Updating the Guidelines

From January 25 to March 25, 2010, the Canadian NCP underwent a stakeholders' consultations process in order to develop its position on the relevancy and terms of reference of the impending revision of the OECD Guidelines. In total, twenty-one umbrella organizations representing various groups of interest were consulted formally, including through letters, e-mails and direct interactions, including industry associations, labour associations, academia, aboriginal groups, and other interested non-governmental organizations. Notices were also posted in the Canada Gazette as well on federal government departmental websites namely: Foreign Affairs and International Trade Canada, Industry Canada, and Environment Canada. Canada's provincial governments' representatives were also notified of Canada's consultations process. Finally, the Guidelines review process was advertised in various meetings, including at the Canadian Environmental Network-IP Multi-Stakeholder Dialogue on CSR, held on March 3rd, 2010. A number of organizations, including Canada's social partners the Canadian Labour Congress and the Canadian Chamber of Commerce, provided extensive and very useful comments which informed Canada's position on the impending review's terms of reference, and will inform Canada's position on the review itself, when it takes place.

7. Inquiries

A number of inquiries about the Guidelines were received by the NCP in the past year. Inquiries received via e-mail are often from think-tanks and academic institutions looking for information on Canada's experiences with the Guidelines. Other inquiries come through meetings with businesses or NGOs. Canadian embassies, high commissions, and other DFAIT offices in Canada and abroad have also

requested information on the Canadian NCP. Often such inquiries are about the nature of the Guidelines and their possible application in certain situations. As well, the Guidelines are occasionally raised in public correspondence with Ministers.

Inquiries were also received from other NCPs regarding the institutional structure of the Canadian NCP and the procedures used in dealing with different issues. The Canadian NCP also consulted with a number of other NCPs on similar matters.

8. Submissions and Implementation in Specific Instances

The Canadian NCP was involved in four specific instances during the past year.

In the first specific instance the Canadian NCP was contacted by several community and NGO organizations shortly after a Canadian company acquired a minority interest in a consortium that is developing an offshore gas field project in Ireland. The consortium consists of three companies from three different adhering countries. One of the companies has been acting as the project manager. The community and NGO organizations had previously raised issues about possible non-observance of the OECD Guidelines with the NCPs of each of the companies' home country as well as the NCP of Ireland. The Commentary on the Guidelines provides that issues are to be dealt with by the NCP in whose country the issues have arisen, in this case Ireland. The Canadian NCP consulted with the NCPs that were involved in the matter and the Canadian company. As the Irish NCP was already acting as the lead NCP, the Canadian NCP offered its assistance and requested to be kept informed of developments.

In the second specific instance the Canadian NCP was contacted by the NCP of Norway and asked for an assessment of issues raised in relation to the operation of a subsidiary of a Norwegian aquaculture company operating in Canada. The initial submission of a request for review was made by Norwegian NGOs with the Norwegian NCP in relation to a Norwegian multinational enterprise with subsidiaries in other countries. The Canadian NCP reviewed the documents received from the NGOs and the Norwegian parent company. The NCP further consulted with federal and provincial officials involved in the regulation of the aquaculture industry. A reply was sent to the Norwegian NCP with a summary of the Canadian NCP's views on the issues raised and whether they merited further examination. The Norwegian NCP currently has the lead on the matter. The Canadian NCP asked to be kept informed of developments.

The third specific instance involved the receipt of a submission from a community group and an environmental NGO who raised a number of issues relating to the observance of the Guidelines by a Canadian mining company at a particular mine in Guatemala. The NCP has conducted an initial assessment and informed the parties that the issues raised were considered to merit further examination. The NCP's good offices were offered for purposes of facilitating a dialogue between the parties with a view to resolving the issues raised.

The fourth specific instance involved the receipt of a submission from an NGO in Mongolia regarding the development of a mining project involving a Canadian mining company. A number of environmental issues were raised relating to the observance of the Guidelines. At the time of writing the NCP is conducting an initial assessment.

9. The Past Decade

Since the last revision of the Guidelines in 2000 Canada has maintained an NCP which has evolved and strengthened over the years. The institutional arrangement has always consisted of an interdepartmental committee, chaired by DFAIT where the Secretariat resides. While this structure has not changed, recently consideration has been given to expanding the membership by inviting another federal

government department with expertise in indigenous peoples' issues to join the interdepartmental committee on a permanent basis.

In terms of promotion of the Guidelines, the NCP has acquired more and more experience with the promotional task and increasingly pursues opportunities to raise awareness of the Guidelines in as efficient a manner as possible.

With respect to the handling of specific instances, although the number of specific instances that the Canadian NCP has dealt with over the past decade has been modest, valuable experience was acquired and practical lessons were learned in each case. During a period of not having any cases the NCP's relevance was sustained through its promotional work and responding to inquiries about the Guidelines. However, the recent increased number of requests for review has raised awareness of the Guidelines and the NCP among governments offices and stakeholders. Thus, the NCP continues to offer a unique and valuable mechanism by which to raise and resolve issues of concerns relating to observance of the Guidelines. A key challenge for the NCP continues to be the allocation of appropriate resources to the NCP given the difficulty in predicting the number of submissions that may be received and the unique circumstances of each situation.

10. Concluding Remarks

The OECD Guidelines for Multinational Enterprises continue to be a central element of the Government's approach to promoting CSR, domestically and internationally. The interdepartmental structure of the NCP facilitates the promotion of the Guidelines within the Government and other departmental constituencies, including business, labour and NGOs. Throughout the coming year, the NCP looks forward to new opportunities to promote the Guidelines and contributing to any possible updating of the Guidelines with a view to making them increasingly more relevant in this rapidly changing environment.

11. Glossary

APEC: Asia Pacific Economic Co-operation

CIDA: Canadian International Development Agency

Counsellor: the Extractive Sector CSR Counsellor

CSR: Corporate Social Responsibility

DFAIT: Foreign Affairs and International Trade Canada

EC: Environment Canada

EDC: Export Development Canada

EITI: Extractive Industries Transparency Initiative

Francophonie: Francophonie Countries

G8: Group of Eight

GRI: Global Reporting Initiative

HRSDC: Human Resources and Skills Development Canada

IC: Industry Canada

IFC: International Finance Corporation

MNE: Multinational Enterprise

NGOs: Non Governmental Organisations

NRCan: Natural Resources Canada

OAS: Organization of American States

Voluntary Principles: Voluntary Principles on Security and Human Rights

UN: United Nations

CHILE / CHILI

A. Organisation institutionnelle

Les Annexes 1 et 2 montrent, respectivement, la "Structure des Point de contact nationaux" du rapport du Président, 2009, et la liste des coordonnées des PCN qui est disponible sur le site web des Principes directeurs. Les PCN sont priés de faire la mise à jour de ces annexes, si nécessaire.

La mise à jour a été faite

Les PCN pourraient vouloir fournir des informations supplémentaires concernant l'organisation institutionnelle du PCN (par exemple, la composition du PCN, les comités de conseil,...).

On a mis en place un modèle où le PNC est dans le Département OCDE qui dépend du Ministre des Affaires Etrangères. Le PNC a la responsabilité de la coordination et le suivi des cas spécifiques. Les autres instances de l'Administration Publique prennent la responsabilité de traiter les cas selon les thèmes concernés par chaque cas soumis au PNC.

Quel est le lien entre le PCN et d'autres agences gouvernementales ?

Avec les autres instances que se coordonnent avec les PNC les relations sont permanentes, particulièrement pour traiter des cas spécifiques

Quel est le lien entre le PCN et les partenaires sociaux (des milieux d'affaires et des organisations syndicales) impliqués dans le fonctionnement du PCN ?

Avec la Confédération de la Production et du Commerce, CPC, (principale organisation nationale des entrepreneurs chiliens) et avec les deux Centrales de Travailleurs la relation est liée aux informations fournies par l'OCDE/PNC et vice versa.

Avec la Centrale Unitaire des Travailleurs du Chili (CUTCH) il y a une relation historique qui a été établie depuis plusieurs années.

Quel est le lien entre le PCN et d'autres organisations telles les ONG associées au PCN ?

Avec certaines ONGs liées à l'Environnement il y a une bonne relation, tel est le cas avec CHILE SUSTENTABLE, ECOSISTEMAS, et DEFENDAMOS LA CIUDAD.

Quel est le lien entre le PCN et d'autres initiatives de responsabilisation des entreprises (i.e. la Déclaration des principes tripartite de l'OIT sur les entreprises multinationales et la politique sociale, le Pacte Mondial de l'ONU et les organisations locales affiliées) ?

Le PNC collabore avec le Groupe (Tripartite) qui participe à l'élaboration de la ISO 26.000 sur la Responsabilité Social Corporative. Le partenaire chilien du Groupe International est le « Comité Espejo Nacional de Chile ISO 26000 ».

Est-ce que des changements ont été apportés ou sont envisagés afin d'améliorer la performance du PCN ? Est-ce que ces changements portent sur la structure du PCN ou concernent les procédures d'examen des instances spécifiques ? Est-ce que les changements adoptés ou envisagés ont été ou sont inspirés par des changements dans l'organisation institutionnelle de d'autres PCN ou de recommandations des parties prenantes ? Pouvez-vous élaborer les raisons et l'impact anticipé de ces changements ?

Ces changements portent sur structure du PCN.

B. Information et promotion

Comment les Principes directeurs ont-ils été rendus accessibles dans votre pays ? (traduction, création d'une page web, d'un site web, etc.) ?

La Page WEB de la Direction de Relations Economiques Internationales contient les Directrices en permanence, ainsi que toutes les activités du PNC. Les Principes Directeurs ont été envoyés par Email à des centaines d'entreprises, de syndicats et d'entreprises.

Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée ? (consultations, diffusion des Principes directeurs, séminaires, etc.)

Pendant les dernières années le PNC a organisé au moins une dizaine des Rencontres et des Séminaires destinés à promouvoir les Principes Directeurs parmi les Syndicats de travailleurs, des organisations d'entrepreneurs et des ONGs.

Le PNC a aussi participé à plusieurs rencontres organisées par diverses institutions. La participation du PNC a été toujours liée aux principes et aux normes repris par les Principes Directeurs

D'autres activités d'information et de promotion ont-elles été organisées ? (séminaires, conférences, publications ou guides, coopération avec les agences de promotion de l'investissement, les écoles de commerce, etc....)

Promotion des Principes Directeurs au niveau international, en Amérique Latine :

Rencontre sur la mise en place des Directrices, organisée par le TUAC et la Fondation Friedrich Ebert, Novembre 20-21, 2008, Buenos Aires.

Rencontre sur « Impact des Principes Directeurs et des Points Nationaux de Contact en Amérique Latine, Novembre 27, 2008, organisée par la Confédération Andine des Syndicats (CSA).

Séminaire sur « Le Pérou et la OCDE : Défis et perspectives pour les entreprises et la Société civile. Réflexions sur les PNCs. Organisée par PLADES, la Fondation Friedrich Ebert et la Confédération Andine des Syndicats, 29-30 Avril, 2009.

Promotion des Principes Directeurs au Niveau National :

Rencontre avec 20 représentants des entreprises multinational à la Confédération de la Production et du Commerce. Santiago de Chile, novembre, 2009.

Séminaire de formation sur l'OCDE, les Directrices et le PNC, L'Université Catholique à la ville de Talca, Décembre, 2009.

Rencontre avec la Commission de Transparence du Pacte Global. Organisation qui représente plus de 30 entreprises dans la matière de la RSE. Santiago de Chile, Janvier, 2010

Rencontre avec différentes entreprises pour analyser l'impact pour les entreprises avec intégration du Chile à l'OCDE. Janvier 2010.

Rencontre à la Confédération de la Production et du Commerce avec 20 CEO des entreprises pour discuter sur l'OCDE et le Secteur Privé. Santiago de Chile, janvier, 2010

Est-ce que l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance a été disséminé ou référé par ailleurs dans le cadre d'interactions avec les entreprises et autres parties intéressées?

L'annexe 3 présente le tableau 1 du Rapport du président 2009 ("Liens entre les principes de l'OCDE et les programmes de crédit à l'exportation, de garantie des investissements à l'étranger et de promotion des investissements de l'étranger"). Les PCN sont priés de faire la mise à jour de ce tableau. Si aucune mise à jour n'est nécessaire, veuillez l'indiquer. Veuillez indiquer séparément si l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance est également référencié dans ces programmes.

Des demandes d'information ont-elles été reçues de la part a) d'autres PCN ; b) des milieux d'affaires, des organisations syndicales, d'autres organisations non gouvernementales, du public ; c) de gouvernements de pays n'ayant pas adhéré aux Principes directeurs ?

C. Mise en œuvre dans des circonstances spécifiques

Les PCN souhaiteront peut-être communiquer les informations suivantes sur les dossiers concernant des circonstances spécifiques déposés et/ou réglés durant l'exercice juin 2009-juin 2010. Les PCN sont responsables pour veiller à ce que les informations notifiées conformément au Modèle soient présentées sous une forme qui se prêterait à leur dissémination. En outre, sous réserve de respecter leur engagement de fonctionner conformément aux critères essentiels de visibilité, d'accessibilité, de transparence et de responsabilité, les PCN peuvent communiquer les informations qu'ils souhaitent (y compris aucune information).

En Septembre 2009, le PNC du Chili est informé par le PNC de la Norvège de la plainte présentée par deux ONG norvégiennes contre l'entreprise CERMQ ASA. Ce conflit serait la violation de trois chapitres des Principe Directeurs de l'OCDE : il y a involucrés des thèmes du travail, de l'environnement et l'absence de communication avec des communautés local. Le PNC du Chili a répondu que la plainte s'adressait à la maison maire en raison de l'absence de « due diligence » de la part de celle-ci. Due diligence qu'implique essayer d'éviter certaines pratiques qu'elle n'aurait pas permis en Norvège. Le principal destinataire de la plainte était donc le PNC du pays d'origine de la maison maire. En aucun cas le PNC du pays où les filiales réalisent leurs activités. Néanmoins, le PNC du Chile a informé qu'il était ouvert à coopérer avec le PNC de la Norvège.

Date de réception de la requête

Aucune plainte a été soumise au PNC pendant l'année 2009-2010

Auteur de la requête (entreprise, organisation syndicale, ONG).

Chapitres des Principes directeurs cités dans le dossier. Si possible, mention également des recommandations particulières couvertes par la requête.

Mention du fait que les circonstances spécifiques ont trait à des activités commerciales menées dans un pays non signataire. Les circonstances spécifiques ont-elles impliquées plusieurs juridictions et d'autres PCN ?

Secteur d'activité industries extractives (quelle industrie ?) ; agriculture ; autres branches du secteur primaire ; secteur manufacturier (quelle branche ?), services financiers ; commerce de détail ; transports ; autres services. Les circonstances spécifiques ont-elles été acceptées ou rejetées ?

Mention de l'acceptation ou du rejet de la requête (si possible, description des arguments invoqués en cas de rejet).

Dans l'hypothèse où la requête a été acceptée, date à laquelle une issue a été trouvée.

Mention du fait que le résultat de la procédure est communiqué ou non au public et, dans l'affirmative, mode de communication.

Informations complémentaires sur les dossiers relatifs à des circonstances spécifiques que les PCN souhaitent communiquer, notamment sur la façon dont les données sur les circonstances spécifiques ont été recueillies et sur l'accueil réservé à la décision par l'ensemble des parties. Est-ce que les questions de l'accès à des informations fiables ou la confidentialité de ces informations posent problème ? Est-ce que toutes les parties impliquées dans des circonstances spécifiques ont donné leur accord sur le contenu du communiqué final du PCN ?

Circonstances spécifiques examinées par les Points de contact nationaux

L'annexe 4 présente un récapitulatif des cas spécifiques dont les PCN ont été ou sont actuellement saisis jusqu'au juin 2010. Les PCN sont priés de faire la mise à jour de cette liste, si nécessaire.

D. Divers

Comment les caractéristiques des PCN prévues par les Principes directeurs pour renforcer leur efficacité (visibilité, accessibilité, transparence, légitimité) ont-ils été appliqués dans le cas de votre pays ? Veuillez fournir des exemples pour illustrer ces différents points.

A Travers des multiples Séminaires, Rencontres avec diverses organisations de Travailleurs et des ONG. Il y a des publications relatives à ces activités. L'objectif est de diffuser les Principes Directeurs parmi les acteurs sociaux

Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN, y compris des expériences utiles éventuelles et/ou des difficultés rencontrés en faisant le travail du PCN ?

Les PNC du Chili a eu une expérience accrue en faisant le travail d'examineur du PNC du Pays Bas entre les mois de Septembre 2009- Mars 2010. Cette expérience a prouvé être une opportunité tout particulier, pas seulement pour le membre du group examinateur, mais aussi pour l'ensemble de Points de Contact Nationaux au Comité de l'Investissement, dans la mesure qu'elle apporte des précieux enseignements pour l'actualisation des Principes Directeurs de L'OCDE. Pour de tel motif nous ne pouvons que recommander cet exercice par les autres PNC sur la base d'une expérience volontaire.

Pendant l'année 2009-2010 l'engagement avec le secteur privé, particulièrement avec la CPC, a augmenté. La Confédération de la Production et du Commerce (CPC) a acceptée de intégrer an Comité Consultatif du PNC.

Si le PCN dispose d'enquêtes or statistiques documentant la sensibilisation des compagnies aux Principes directeurs, souhaiteriez-vous incorporer cette information dans votre rapport ?

Le PNC ne dispose pas d'enquêtes or statistiques a de sujet

Quelles questions pourraient mériter une attention particulière durant le cycle de mise en œuvre 2010-2011 en dehors de celles qui pourraient être discutées dans le cadre de la prochaine actualisation des Principes directeurs ? Pourquoi ?

Continuer à renforcer les travaux des promotions avec les différents acteurs bénéficiaires par les Directrices.

E. Divers

Quelle est votre appréciation générale du fonctionnement de votre organisation institutionnelle au cours des dix dernières années ? Quelles en sont les principales réalisations ? Dans quels domaines les changements ont-ils été revendiqués et pourquoi ?

Au cours du mois de Décembre 2008, le fonctionnement du Point de Contact du Chili fut examiné dans l'ensemble de l'évaluation du Comité d'Investissement. En cette opportunité le Président du Comite a dit devant l'assemblée que: depuis des années le travail du PNC du Chili était amplement connue et apprécie par tous les PNC de l'OCDE.

Les principales réalisations ont été la solution des cas spécifique tel que les cas MARINE HARVEST, en out 2004, et les cas UNILEVER, en octobre 2005. Tous les deux amplement connue par L'OCDE.

Comment vous juger les résultats de vos efforts pour renforcer la visibilité, l'accessibilité, la transparence et l'utilisation des Principes directeurs ? Quels ont été les principaux défis auxquels vous avez été confronté ? Comment vos activités de promotion ont-elles évoluées pour répondre à ces défis ?

Quelles sont les grandes leçons de la mise en œuvre du fonctionnement du mécanisme des circonstances spécifiques ? Quels en ont été les points forts ? Est-ce les défis que vous avez rencontrés ont trait aux sujets figurant dans les termes de référence pour une actualisation des Principes directeurs, et plus particulièrement les sujets décrits aux paragraphes 26-28 du document DAF/INV/WP(2010)1 ?

Les grandes leçons :

- a. La Promotion des Principes Directeurs à tous les éventuels bénéficiers.
- b. Le besoin d'une structure plus adaptée à la complexité des cas spécifiques qui éventuellement pourraient être présentés devant le PNC.
- c. Les possibilités de coopération entre PNCs de différents pays en vue résoudre des cas spécifiques

Les grands défis :

- a. L'absence de cas spécifiques présentés pendant les dernières années
- b. La prise de position du Chili sur les procédures parallèles devrait être approfondie.
- c. Il faudrait bien définir un mécanisme pour résoudre les règles de compétence entre deux ou plusieurs PNCs.

Quelle est votre appréciation des opportunités d'échange d'informations et d'expériences offertes par les réunions annuelles des PCN et des sessions régulières du Groupe de travail du Comité de l'investissement ?

Les réunions annuelles des PNC offrent une très bonne occasion pour des échanges d'information et d'expériences entre les PNC. C'est important de

Continuer avec la pratique d'organiser des Forums Internationaux par groupes des bénéficiaires

Promouvoir des groupes des travaux avec d'autres Comités de l'OCDE, en vue d'approfondir l'analyse des différents chapitres des Principes Directeurs.

Promouvoir la coopération entre les PNCs au niveau régional tel que le Chili l'a fait avec les PNCs de l'Argentine, le Mexique, le Brésil et le Pérou.

CZECH REPUBLIC / RÉPUBLIQUE TCHEQUE

A. Institutional arrangements

The Czech National Contact Point (NCP) is established at the Ministry of Industry and Trade of the Czech Republic. The NCP is chaired by Mrs. Anna Teličková, Director of the Multilateral and Common Trade Policy Department. Below are the relevant co-ordinates.

Multilateral and Common Trade Policy Department
Ministry of Industry and Trade
Na Františku 32
110 15 Prague 1
Czech Republic

tel. +420 2 2485 2717

fax: +420 2 2485 1560

e- mail address: telickova@mpo.cz

The NCP closely co-operates with other relevant ministries and with social partners.

The NCP consults with other ministries and central authorities, especially on issues concerning promotional activities and the solution of submitted disputes. The NCP works in particularly close contact with officials of the Ministry of Labour and Social Affairs and the Ministry of Finance. The NCP hosts consultation sessions with them and other ministries as well e.g. the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Environment and the Czech National Bank.

The NCP also closely co-operates with social partners - the Czech representative in BIAC (the Confederation of Industry of the Czech Republic) and with the Czech representative in the TUAC (the Bohemian-Moravian Trade Unions Confederation). The specific Guidelines issues are discussed with branch-specialised organisations of employees and employers.

The NCP continues the co-operation with Czech NGOs.

In 2009, the NCP was relocated from the Ministry of Finance to the Ministry of Industry and Trade.

Information and promotion

Information on the websites

The Guidelines including the commentaries and information relating the Guidelines are accessible not only on the Ministry of Industry and Trade websites but also on the websites of the Ministry of Finance and CzechInvest (the Czech Government's Investment Promotion Agency). The publications involve link to the Czech NCP and to the related documents supporting the implementation and observance of ethical codes, including direct references to the ethical codes of particular associations and companies in the Czech Republic.

Information towards social partners

The NCP maintains informal permanent contacts with all key partners, primarily representatives of the Confederation of Industry of the Czech Republic and the Bohemian-Moravian Trade Unions Confederation in order to disseminate information among their members. The social partners keep their members informed of the particular Guidelines issues. On the other hand the social partners have provided the NCP with useful information.

Information to non-governmental organisations

At the request of the non-governmental institution (the Czech OECD Watch member) specialized in publishing and editorial activities the NCP provided respective information of the Czech NCP's activities. This co-operation continues, the NGO's representatives took part in the Czech NCP's regular meetings.

C. Implementation in specific instances

Institutional framework

The NCP arranges one meeting per year and other meetings where trade unions and business associations take part in case of necessity (other relevant parties are involved depending on the issue discussed).

Information on specific instances

Any new specific instance has not been submitted yet to the Czech NCP during the July 2009– June 2010 period.

D. Other

To apply the Guidelines effectively, in particular cases the NCP uses criteria of visibility, accessibility, transparency and co-operation, i.e. while dealing with specific cases in a so-called narrower negotiation, the NCP calls representatives of trade union, employer's unions concerned ministries and central authorities. The NCP also invites concerned employees, or employers for so-called wider negotiation. Within these negotiations, it discusses problems with concerned parties, and offers a mediation, which could help to solve the problem; by this, it fulfils the criterion of transparency, accessibility, and cooperation.

DENMARK / DANEMARK

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A. Institutional arrangements

- No update of Annex 1 or 2 is necessary.
- The Danish Contact Point consists of representatives from
 - The Danish Federation of Trade Unions
 - The Salaried Employees and Civil Servants Confederation
 - The Danish Employers Confederation
 - The Danish Forest and Nature Agency
 - The Ministry of Foreign Affairs
 - The Ministry of Employment (where the Secretariat and chairmanship is anchored)
- The above mentioned Danish ministries are considered to have a direct interest in the *Guidelines*. The Danish Contact Point does not have any specific relations to other government agencies, but will involve relevant agencies if necessary. Accordingly, The Danish Forest and Nature Agency has been assisting the Danish Contact Point in processing the specific instance submitted in March 2006 by Nepenthes.
- The social partners are represented in the Danish Contact Point and have contributed to the information on and promotion of the *Guidelines*.
- The Danish Contact Point continues to seek dialogue and exchange views with various NGOs. Accordingly, in August 2009 a member of the Secretariat of The Danish Contact Point did a presentation on the *Guidelines* for a group of interested NGOs.
- The Danish Contact Point is aware of other initiatives within the field of “corporate social responsibility” including UN Global Compact but has not taken any steps to establish any formal relation.
- No structural changes have been made in the 2009-2010 cycle.

B. Information and Promotion

- The Danish Contact Point released a booklet containing the *Guidelines* in Danish in 2001. In an effort to promote the awareness of the *Guidelines* in Denmark a handbook on the *Guidelines* and was also published and both are still in demand by the public. The *Guidelines* in Danish are accessible on the WWW.

- Aside from the co-operation within the Danish Contact Point where the social partners are represented informational and promotional activities in relation to NGO's, students at the University of Copenhagen and members of the Permanent ILO Committee of the Danish Ministry of Employment.
- A member of the Secretariat of the Danish Contact Point guest lectured in April 2010 about the *Guidelines* and the Danish Contact Point at the University of Copenhagen (a course in international labour law and CSR). Cooperation with the university in this regard is expected to continue in the future. In November 2009 a member of the Secretariat of the Danish Contact Point took part in the "Protect, Respect, Remedy" CSR-conference in Stockholm, Sweden. In September 2009 a member of the Secretariat of the Danish Contact Point did a presentation about the *Guidelines* and the Danish Contact Point for the Permanent ILO Committee of the Danish Ministry of Employment. In August 2009 a member of the Secretariat of The Danish Contact Point was invited by a group of NGO's and did a presentation on the *Guidelines* and the Danish Contact Point for 12 representatives from NGO's.
- The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones has not specifically been disseminated or referred to in the context of interactions with enterprises or stakeholders.
- No update of Annex 3 is necessary.
- A journalist from DanWatch enquired about the Danish Contact Point and related issues and asked for access to documents, including documents from specific instances. Due to provisions on confidentiality in Danish legislation as well as the *Guidelines* the Danish Contact Point could not fully accommodate the request of the journalist who took a complaint about this decision to the Danish *Ombudsman*. In March 2010 the *Ombudsman* found that even though it was blurred when members of the Secretariat of the Danish Contact Point acted as such or in their capacity as civil servants in the Ministry of Employment it could not be concluded that the law with regard to public access had not been adhered to by the Secretariat/Ministry. No other enquiries were received in the 2009-2010 cycle.

C. Implementation in specific instances

- In March 2006 a specific instance was brought before the Danish Contact Point by Nepenthes, an NGO concerned with protection of forests around the world. This specific instance, involving a Danish company trading in timber and wood products, covers several chapters of the *Guidelines* and later in the spring 2006 it was initially assessed that it should be reviewed by the Danish Contact Point.
- The specific instance concerns business activities in three non-adhering countries (Burma, Cameroon and Liberia) and, in order to find a common understanding between the parties, consultations and deliberations have been taking place and after a tripartite meeting with the Danish Contact Point and the two concerned parties took place in spring 2008 there was a standstill in the progress towards a common understanding since Nepenthes did not submit the written input that was due to form part of the basis for further deliberations and consultations before March 2009.

- In the written input submitted by Nepenthes in March 2009 it was stated that “if it is not possible to carry out an independent and professional evaluation of the company’s business methods and the supply chain Nepenthes do not consider it realistic that the contact point will be able to relate to the company’s business methods and how these can be brought to comply with the Guidelines. The process by the contact point will then not lead to a sustainable and constructive result”.
- Since the company did not find that there was any reason for conducting an enquiry and evaluation as proposed by Nepenthes the Danish Contact Point concluded, taking into account the position of Nepenthes, that there was no point in taking the specific instance further. This was communicated to the parties in a statement in February 2010.
- No specific instances have been brought before the Danish Contact Point in the June 2009-2010 cycle. An update of Annex 4 has been submitted with regard to the specific instance that was concluded in February 2010.

D. Other

- The Danish Contact Point seeks to operate in accordance with both Danish and international standards on visibility, accessibility, transparency and accountability. The Danish Contact Point acknowledges that unlimited transparency is not always a possibility, but seeks to be as informative as possible with regard to specific instances and other activities in relation to The Danish Contact Point. An example of this is the above mentioned enquiry from a journalist in the June 2009-2010 cycle and how this enquiry was handled.
- No further remarks under this subject.

E. Looking back at the past ten years

- The institutional arrangements of the Danish Contact Point are considered to function quite well and no specific pressure for change is felt. A tripartite structure is considered to be a cornerstone in the credibility and the ability of the work done by the Danish Contact Point.
- The Danish Contact Point acknowledges that visibility, awareness and use of the *Guidelines* can be improved and, recognising that, in the last years the Secretariat of the Danish Contact Point has stepped up its promotional activities “on the ground”. A major challenge is to make stakeholders such as NGOs appreciate and understand what a contact point can and cannot do.
- The Danish Contact Point agrees that those areas described in paragraphs 26-28 of DAF/INV/WP(2010)1 should be subject to special attention in the update of the *Guidelines*. Information exchange and peer learning are very important elements of e.g. the annual meeting of the NCPs and even more priority could be given to this in the future.
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EGYPT/ EGYPTE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

The Ministry of Environmental Affairs is added to the Advisory Committee of ENCP.

- How does the NCP relate to other government agencies?

The Egyptian NCP (ENCP) is an independent unit within the Ministry of Investment. ENCP is headed by a director who is appointed by the Ministry of Investment. ENCP has an Advisory committee that is responsible for supporting the NCP in carrying out its functions and responsibilities. Members in the Advisory Committee include a number of ministries. For a complete list of membership refer to the Annex 1.

- How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?
- The Egyptian labour Union is a member of the Advisory committee. How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

The NCP cooperates with other NGOs and participates in events and workshops organised by NGOs.

- How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

ENCP attempts to cooperate with all international and local initiative to promote corporate social responsibility instruments. In particular, ENCP maintains a close ties with the newly established Egyptian Corporate Responsibility Center.

- Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

ENCP has prepared its first annual budget which includes the estimated expenses to carry on the objectives of ENCP as delineated in the Guidelines and Egyptian Ministerial decrees. Pending its approval, ENCP would enjoy high degree of autonomy regarding its operation as an independent unit within the Ministry of Investment. ENCP has drafted the rules and procedures for the Specific Instances aided by the experience and rules in other national contact points as well as the OECD Watch document entitled “National Contact Point Model”. The document was translated to Arabic and it will be sent soon to members of the ENCP Advisory Committee for final approval.

B. Information and Promotion

- How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The Guidelines have been available in Egypt through various means including publications in Arabic and the ENCP's website. ENCP plans to focus in the upcoming phase on raising public awareness of the Guidelines and their main principles through visits and workshop with the business community operating within and from Egypt.

- How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

After the approval of the ENCP annual budget, ENCP is planning to intensify its promotion activities among all stakeholders.

- Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

Asking the Chairman of General Authority for Investment (GAFI) which the Egyptian investment promotion agency, to include the ENCP publications (the ENCP brochure and the Guidelines) in the package which is given any potential foreign investor.

Establishing contact with the Gerhart Center for Philanthropy and Civic Engagement at the American University in Cairo (AUC) which has launched corporate sustainability capacity building program.

- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?
- Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary (“The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes”. NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

There is an update. Please refer to Annex 3.

- Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

No

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

- Date request to consider specific instance was received.

No

- Who raised the specific instance (e.g. business, trade union, NGO)?
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- If accepted, date specific instance was concluded.
- Were the results communicated to the public and, if so, how?
- Has the NCP monitored the implementation of final statements' recommendations?
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.
- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
- If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?
- What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

- What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why? How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

Egypt and its ENCP are newcomers to OECD. Nevertheless, despite ENCP efforts to increase its visibility and effectiveness, the outcome till now did not satisfy our ambition. Part of the challenge is that budget approval in the government is a long process that takes a long time. ENCP is an independent unit within the Ministry of Investment which theoretically means a higher leverage but the drawback is that its budget is subject to all the bureaucracy and the scrutiny associated with government funds.

- What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.
- How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

Information exchange is very valuable to us especially during the annual meetings of NCPs and meetings of the Working Party of the Investment Committee. The Egyptian delegation has benefited a lot from attending these meetings and participating in the discussions.

ESTONIA / ESTONIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2008 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees).

Estonian NCP was last year in the process of reorganization. Estonian NCP reorganization process has been very successful. Result of restructuring Estonian NCP is coordinated by the Ministry of Economic Affairs and Communications from European Union and International Co-operation Department into Economic Policy Division in Economic Development Department. This division is dealing with various questions related to business climate and investment conditions in Estonia that are more closely connected with the functions of the NCP. Being closer to the enterprise and economic policy development process, the Estonian NCP have taken a more active role. Estonian NCP has conducted notifications through Chamber of Commerce publications and seminar for entrepreneur to present OECD guidelines.

How does the NCP relate to other government agencies?

Economic Policy Division in the Ministry of Economic Affairs and Communications has close cooperation with the representatives from different ministries (Ministry of Foreign Affairs, Ministry of Finance etc.) and has well functioning cooperation networks with other government agencies. Moving NCP administratively into the new location allows it to utilize the existing connections that the division has and to raise awareness of the Guidelines among the people actively involved with enterprise policy development in Estonia. As the current experience with special instances has been limited in Estonia, then it is more sensible to locate the NCP into the division that has fulfilled similar coordination functions before and which can provide it’s existing resources if the need would arise from the part of NCP

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

After reorganization, ENCP will continue having close cooperation with representatives from different social partners: Enterprise Estonia, Estonian Employers Confederation, and Confederation of Estonian Trade Unions, Estonian Chamber of Commerce and Industry, Estonian Corporate Responsibility Forum. Cooperation will continue particularly in the area of promoting CSR and Guidelines - as in the

history of ENCP there have been no occasions of special instances then dealing with cases like these will be organized when special instances arise.

How the NCP relates with other initiatives such as the UN Global Compact and its local networks?

According to the knowledge of ENCP there is no local network of UN Global Compact in Estonia

- How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?
- Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific cases? Please elaborate on the reasons and expected impact of these changes.

During the period 2009-2011 institutional changes are not made or planned. We will continue with the previous period updated structure.

B. Information and Promotion

How have the *Guidelines* been made available in your country (translation, creation of a webpage or website, etc.)?

Estonia has promoted the Guidelines since the adherence to the Declaration. The Guidelines have been translated into Estonian and published in printed form and on the Ministry of Foreign Affairs web pages (<http://web-static.vm.ee/static/failid/118/OECDsuunised.pdf>) and Estonian NCP web pages (www.mkm.ee/ncp-estonia) . The detailed contacts have been added to the list of the NCPs on OECD web-page.

All activities of the Estonian NCP have been open and transparent. There have been no specific instances raised to date, and no issues of confidentiality/transparency have arisen yet.

In the ENCP's updated homepage we will link with the most popular investment topics related websites (www.tradewithestonia.com, www.mfa.ee, www.eas.ee, www.eesti.ee) that are promoted internationally and within Estonia.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the *Guidelines*, etc.)?

In autumn 2009 in the Gazette of the Estonian Chamber of Trade and industry was published an article introducing the Guidelines and the principles of functioning of the NCP. The article also included the contacts of the Estonian NCP and references to the work of other NCP-s

In March 2010 ENCP was organized workshop for the Estonian entrepreneurs to present OECD Guidelines. Also we asked from the entrepreneur's comprehension and implementation of guidelines. Entrepreneurs' feedback was predominantly positive. Entrepreneurs' noted that the guidelines principles

already reflected in Estonian legislation and thus making them compulsory to follow for all enterprises operating in Estonia.

ENCP continues to provide relevant information to all interested parties.

Have other information and promotion activities been held or planned (seminars and/or conferences on the *Guidelines* in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

The main partner in promoting CSR has been Estonian Chamber of Commerce and Industry. The purpose is to promote business ethics and introduce and support companies that are demonstrating socially responsible conduct. Information has been published on the Chamber of Commerce and Industry website.

*In addition to that, **Corporate Social Responsibility forum (VEF):** <http://www.csr.ee/> has been established in Estonia. The VEF can be described as the centre of competence which unites the specialists who support the various activities with their knowledge.*

*ENCP is planning to tighten the cooperation with its social partners after reorganization in order to keep promoting the *Guidelines* efficiently.*

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

As this tool is not relevant in Estonian context (Estonian companies have no experiences in abovementioned zones and their interest is not expected to rise in the near future) then ENCP has not promoted this tool.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

NCP Estonia have not received any enquires from other NCP, business community, employee organisations, other non-governmental organisations, or the public, or governments of non-adhering countries.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for

dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

ENCP has had no specific instances brought to its attention. The main reason as ENCP itself sees it comes from several reasons. Firstly, as in a small country it is possible to solve disputes without mediators, foreign enterprises who would like to raise any issues turn directly to the minister in charge of a special topic. Low levels of hierarchy, prevalent in Estonia thus reduce the objective need for ENCP as a mediator.

Also, most of the principles outlined in Guidelines are sufficiently reflected in Estonian legislation, thus making them compulsory to follow for all enterprises operating in Estonia. This leaves the ENCP mainly with potential special instances that may be brought against Estonian companies operating abroad. However, as the number of Estonian multinationals is not large and most of them are actually SME's, then it seems that the level of internationalization of Estonian enterprises is not yet at the level where ENCP would receive a large number of enquires. Nevertheless, if we consider the fact that Estonian companies invested abroad 2,3 billion Estonian kroons in 2003 and 10,4 billion Estonian kroons in 2008, we can come into the conclusion that Estonian enterprises are constantly becoming more international and the need for a well-functioning ENCP is increasing. Therefore ENCP sees today its main role in awareness building and in preparing for potential special instances, whenever they arise.

Date request to consider specific instance was received.

Who raised the specific instance (e.g. business, trade union, NGO)?

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

If accepted, date specific instance was concluded.

Were the results communicated to the public and, if so, how?

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2009. NCPs are asked to verify and update this table if necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.

We have department that is in daily contact with other ministries, governmental agencies and private enterprises – thus contributing to the increased visibility and efficiency of ENCP. Also we plan to continue with the seminars for entrepreneurs to introduce OECD guidelines.

- Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
- If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?
- What issues might deserve particular attention during the 2010-2011 implementation cycles of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

NCP Estonia have not received any enquires from other NCP during 10 years. The main reason is firstly, as in a small country it is possible to solve disputes without mediators, foreign enterprises who would like to rise any issues turn directly to the minister in charge of a special topic. Secondly, most of the principles outlined in Guidelines are sufficiently reflected in Estonian legislation, thus making them compulsory to follow for all enterprises operating in Estonia. Therefore, the role of ENCP is rather a formal in Estonia. We have set a goal to increase Estonian entrepreneur's awareness from Estonian NCP activities and objective.

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

FINLAND / FINLANDE

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

* Annexes 1 and 2 are updated.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

* Annexes 1 and 2 respond to these requests.

How does the NCP relate to other government agencies?

* Annexes 1 and 2 respond to this question.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

They are equal members of the Committee on CSR (acts as the National Contact Point together with the Ministry of Employment and the Economy) as the representatives of ministries.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

* They are equal members of the Committee on CSR (NCP) as the other members.

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

* The Committee on CSR (NCP) promotes the knowledge, understanding and application of other international organisations’ guidelines on corporate social responsibility as it does the OECD guidelines. In the Committee on CSR, there is one member from the organisation which is the main organiser of the Finnish local network for UN Global Compact. The Finnish secretariat for the ILO Committee is functioning under the auspices of Ministry of Employment and the Economy. Thus, the cooperation with ILO Committee is well organised and information is easily distributed.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

* No changes are currently planned.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

* OECD guidelines for Multinationals, as well UNGC, UNPRI, EU's green paper and communications and ILO declarations are available on the webpages of Ministry of Employment and the Economy. All those have been translated into Finnish.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

* The cooperation with the above mentioned stakeholders takes place in the meetings of the Committee on CSR. Some of stakeholders have been invited to the meetings of the Committee on CSR. In addition, there are continuous contacts with many stakeholder groups. Autumn 2009, leaflets - guidelines of international organisations, best practices - and toolbox of CSR reporting for SME's were published by the Ministry of Employment and the Economy. All of those have been broadly distributed.

* Ministry is planning to translate all those leaflets and toolbox into English in the near future.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

* In Finland, there are continuously seminars on CSR. The representatives of the Ministry participate in them and give their support by giving lectures etc.,

* There are plans to arrange some regional seminars on CSR starting next autumn together with the International Chambre of Commerce ICC, Confederation of Finnish Industries EK and Finnish Business and Society FiBS.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

* The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones will be published in the webpages of the Ministry of Employment and the Economy dealing with CSR in the near future.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

* Annex 3 is updated. Finnvera (Export Credit Agency ECA) does not refer to the OECD Risk Awareness Tool in their website and does not recognize it.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

* None.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

Date request to consider specific instance was received.

* The Finnish NCP has received no requests for the during the period of June 2009 – June 2010.

Who raised the specific instance (e.g. business, trade union, NGO)?

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

If accepted, date specific instance was concluded.

Were the results communicated to the public and, if so, how?

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

* The Annex 4 is updated: no specific instances in Finland.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

* The committee on CSR has functioned from the autumn 2008. Yet, there has not appeared notable deficiencies in functioning of the Finnish Committee on CSR (NCP)

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

* According to the Government Decree on the Committee on Corporate Social Responsibility the awareness raising is a very important task of the Committee.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

* Annual meetings of NCP's have been useful for getting information dealing with guidelines and other questions of CSR. Concerning Finland discussions about specific instances have been quite theoretical until now.

* Working Party of the Investment Committee has been very useful. Esp. the cooperation with developing non-OECD countries has been of high quality.

FRANCE

A. Organisation institutionnelle

- Les Annexes 1 et 2 montrent, respectivement, la "Structure des Point de contact nationaux" du rapport du Président, 2009, et la liste des coordonnées des PCN qui est disponible sur le site web des Principes directeurs. Les PCN sont priés de faire la mise à jour de ces annexes, si nécessaire.
- La mise à jour prend en compte la nomination du nouveau président du PCN et du changement de dénomination de la Direction générale du Trésor au Ministère de l'Economie, de l'Industrie et de l'Emploi.
- Les PCN pourraient vouloir fournir des informations supplémentaires concernant l'organisation institutionnelle du PCN (par exemple, la composition du PCN, les comités de conseil,...).
- Le PCN est présidé par le Sous-directeur des Affaires financières multilatérales et du Développement à la Direction générale du Trésor (Ministère de l'Economie, de l'Industrie et de l'Emploi). Le Secrétariat est assuré par la Direction générale du Trésor.
- Le PCN est une structure tripartite réunissant :
 - 1) les 6 organisations syndicales représentatives au niveau national : CFE-CGC ; CFDT, CGT, CFTC, FO, UNSA ;
 - 2) une organisation patronale (MEDEF)
 - 3) pour l'Etat, outre le ministère de l'Economie, de l'Industrie et de l'Emploi, le ministère du Travail, le ministère des Affaires étrangères et européennes et le ministère de l'écologie, de l'énergie et du développement durable.
- Le PCN s'est doté d'un règlement intérieur adopté par cette instance.
-
- Quel est le lien entre le PCN et d'autres agences gouvernementales ?
- Le PCN peut consulter d'autres administrations de l'Etat ou toute autre entité quand la circonstance spécifique qu'il doit traiter nécessite qu'un expert fasse part de son point de vue aux membres du PCN de façon à les éclairer sur des points précis soulevés dans la saisine. Le PCN assure une coordination interministérielle.
- Quel est le lien entre le PCN et les partenaires sociaux (des milieux d'affaires et des organisations syndicales) impliqués dans le fonctionnement du PCN ?
- Depuis la création du PCN, les 6 organisations syndicales représentatives au niveau national sont membres du PCN (CFE-CGC ; CFDT, CGT, CFTC, FO, UNSA).
- Quel est le lien entre le PCN et d'autres organisations telles les ONG associées au PCN ?

- Le PCN français ne comprend pas d'ONG parmi ses membres. En revanche, le PCN a été amené à entendre les positions exprimées par des ONG dans le cadre du traitement de circonstances spécifiques portées à l'attention du PCN par ces ONG. Un dialogue régulier a pu être ainsi nourri entre des entreprises et des ONG sur une longue durée permettant à ces organisations de faire valoir leur point de vue. Des contacts directs entre les ONG et certains membres du PCN permettent aussi à ces organisations d'exprimer leurs vues sur des sujets intéressants les principes directeurs de l'OCDE à l'intention des multinationales.
- Quel est le lien entre le PCN et d'autres initiatives de responsabilisation des entreprises (i.e. la Déclaration des principes tripartite de l'OIT sur les entreprises multinationales et la politique sociale, le Pacte Mondial de l'ONU et les organisations locales affiliées) ?
- Le PCN est attentif à l'évolution d'initiatives ou d'instruments internationaux qui sont en lien avec les principes directeurs. Sur l'impulsion de la France, le G8 d'Heiligendamm a pris en compte cette dimension par la déclaration suivante :
- *« Pour renforcer l'approche volontaire de la responsabilité sociale et environnementale des entreprises (RSE), nous encourageons les entreprises privées à améliorer la transparence de leurs résultats en termes de RSE et nous appelons de nos vœux la clarification des nombreux principes et normes publiés dans ce domaine par différents acteurs publics et privés [...]. Nous demandons à l'OCDE, en coopération avec le Pacte mondial et l'OIT, de compiler les normes les plus pertinentes en matière de RSE afin d'accroître la visibilité et la clarté des divers principes et normes. »*
- Le Ministère des Affaires étrangères et européennes a par ailleurs adressé au Représentant spécial du Secrétaire général des Nations Unies pour les droits de l'Homme et les entreprises, le 13 avril 2010, pour contribuer à la préparation de son rapport annuel, une étude qu'il avait confiée à dix experts juristes portant sur les concepts de "due diligence " et de sphère d'influence.
- - Est-ce que des changements ont été apportés ou sont envisagés afin d'améliorer la performance du PCN ? Est-ce que ces changements portent sur la structure du PCN ou concernent les procédures d'examen des instances spécifiques ? Est-ce que les changements adoptés or envisagés ont été ou sont inspirés par des changements dans l'organisation institutionnelle de d'autres PCN ou de recommandations des parties prenantes ? Pouvez-vous élaborer les raisons et l'impact anticipé de ces changements ?
- Depuis sa création, le PCN conduit régulièrement des réflexions en vue de remplir efficacement son rôle dans la promotion des principes directeurs que dans sa mission de « bons offices » lorsqu'il est saisi de circonstances spécifiques.
- Le lancement d'une mise à jour des principes directeurs a conduit à approfondir ces réflexions. La France préconise une approche dynamique sur la mise en œuvre des principes directeurs qui devrait permettre d'accroître l'efficacité de tous les PCN. Aussi, le PCN sera très attentif aux discussions sur ces aspects.
- La participation de la France à la revue par les pairs du PCN néerlandais a également permis d'alimenter notre réflexion sur de possibles évolutions du PCN français. La réflexion sur une réforme du fonctionnement du PCN, amorcée en 2009, s'est poursuivie à l'occasion d'une réunion du PCN en février 2010, sous la forme d'un tour de table et d'un débat sur la base de notes de discussion de la Direction générale du Trésor et d'une étude réalisée par le Ministère des Affaires étrangères et européennes.

B. Information et promotion

- Comment les Principes directeurs ont-ils été rendus accessibles dans votre pays ? (traduction, création d'une page web, d'un site web, etc.) ?
- Les Principes directeurs sont accessibles sur plusieurs sites institutionnels :
 - Le site web du PCN (Ministère de l'Economie, de l'Industrie et de l'Emploi): <http://www.tresor.bercy.gouv.fr/pcn/pcn.php>
 - Cette page met en ligne le texte des principes directeurs, présente de manière synthétique le champ d'application et la raison d'être de ces recommandations.
 - La composition et le rôle du PCN sont également précisés ainsi que les conditions dans lesquelles cette instance peut être saisie de circonstances spécifiques. Les coordonnées du PCN sont mentionnées.
 - Les cas spécifiques traités par le PCN ayant donné lieu à une communication publique ainsi que le rapport annuel que le PCN remet au Comité de l'investissement de l'OCDE sont également consultables en ligne.
 - Le Ministère des Affaires étrangères et européennes (www.diplomatie.gouv.fr) et le Ministère de l'écologie (www.developpement-durable.gouv.fr) communiquent également des informations en lien avec les thèmes développés dans les principes directeurs sur des sujets touchant à la responsabilité sociale des entreprises.
 - Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée ? (consultations, diffusion des Principes directeurs, séminaires, etc.)
 - Le PCN a été réuni en février 2010 pour évoquer la révision des principes directeurs. Cette consultation a permis de nourrir la position française dans la définition du mandat de négociation.
 - D'autres activités d'information et de promotion ont-elles été organisées ? (séminaires, conférences, publications ou guides, coopération avec les agences de promotion de l'investissement, les écoles de commerce, etc...)
 - Des actions ont été menées en partenariat avec les entreprises et des organisations professionnelles notamment par l'organisation de séminaires et la publication de brochures dédiées aux principes directeurs. La publication de nouveaux supports d'information et de communication sont à l'étude.
 - L'Ambassadeur chargé de la responsabilité sociale des entreprises au Ministère des Affaires étrangères et européennes a organisé le 9 septembre 2009 une réunion avec une trentaine d'ONG pour leur présenter l'enjeu de la révision des principes directeurs et la réflexion en cours sur l'évolution du PCN. Il a été invité, en novembre 2009 par la commission Finances de l'Observatoire sur la responsabilité sociale des entreprises, le 21 janvier, par la commission du développement durable du MEDEF et, le 2 juin, par l'Institut RSE management, devant lesquels il a fait des exposés sur le même thème.
 - Est-ce que l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance a été disséminé ou référé par ailleurs dans le cadre d'interactions avec les entreprises et autres parties intéressées?
 - Plusieurs entreprises et experts français participent au projet-pilote de l'OCDE sur la diligence raisonnable appliquée au secteur minier en République démocratique du Congo qui vise à rendre

plus opérationnel l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance.

- L'annexe 3 présente le tableau 1 du Rapport du président 2009 ("Liens entre les principes de l'OCDE et les programmes de crédit à l'exportation, de garantie des investissements à l'étranger et de promotion des investissements de l'étranger"). Les PCN sont priés de faire la mise à jour de ce tableau. Si aucune mise à jour n'est nécessaire, veuillez l'indiquer. Veuillez indiquer séparément si l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance est également référencié dans ces programmes.
- Des demandes d'information ont-elles été reçues de la part a) d'autres PCN ; b) des milieux d'affaires, des organisations syndicales, d'autres organisations non gouvernementales, du public ; c) de gouvernements de pays n'ayant pas adhéré aux Principes directeurs ?
- L'Ambassadeur chargé de la responsabilité sociale des entreprises au Ministère des Affaires étrangères et européennes a rencontré, le 30 avril, lors d'une mission au Brésil, M. Abbott Gavao, Secrétaire d'Etat au Ministère de l'économie et président du Point de Contact National brésilien qui a souhaité recevoir des informations sur le fonctionnement du PCN français. Celles-ci lui ont été adressées depuis.

C. Mise en œuvre dans des circonstances spécifiques

Les PCN souhaiteront peut-être communiquer les informations suivantes sur les dossiers concernant des circonstances spécifiques déposés et/ou réglés durant l'exercice juin 2009-juin 2010. Les PCN sont responsables pour veiller à ce que les informations notifiées conformément au Modèle soient présentées sous une forme qui se prêterait à leur dissémination. En outre, sous réserve de respecter leur engagement de fonctionner conformément aux critères essentiels de visibilité, d'accessibilité, de transparence et de responsabilité, les PCN peuvent communiquer les informations qu'ils souhaitent (y compris aucune information).

Aucune saisine n'a été enregistrée durant l'exercice juin 2009/juin 2010.

- Date de réception de la requête.
- Auteur de la requête (entreprise, organisation syndicale, ONG).
- Chapitres des Principes directeurs cités dans le dossier. Si possible, mention également des recommandations particulières couvertes par la requête.
- Mention du fait que les circonstances spécifiques ont trait à des activités commerciales menées dans un pays non signataire. Les circonstances spécifiques ont-elles impliquées plusieurs juridictions et d'autres PCN ?
- Secteur d'activité : industries extractives (quelle industrie ?) ; agriculture ; autres branches du secteur primaire ; secteur manufacturier (quelle branche ?), services financiers ; commerce de détail ; transports ; autres services. Les circonstances spécifiques ont-elles été acceptées ou rejetées ?
- Mention de l'acceptation ou du rejet de la requête (si possible, description des arguments invoqués en cas de rejet).
- Dans l'hypothèse où la requête a été acceptée, date à laquelle une issue a été trouvée.

- Mention du fait que le résultat de la procédure est communiqué ou non au public et, dans l'affirmative, mode de communication.
- Informations complémentaires sur les dossiers relatifs à des circonstances spécifiques que les PCN souhaitent communiquer, notamment sur la façon dont les données sur les circonstances spécifiques ont été recueillies et sur l'accueil réservé à la décision par l'ensemble des parties. Est-ce que les questions de l'accès à des informations fiables ou la confidentialité de ces informations posent problème ? Est-ce que toutes les parties impliquées dans des circonstances spécifiques ont donné leur accord sur le contenu du communiqué final du PCN ?

Circonstances spécifiques examinées par les Points de contact nationaux

L'annexe 4 présente un récapitulatif des cas spécifiques dont les PCN ont été ou sont actuellement saisis jusqu'au juin 2010. Les PCN sont priés de faire la mise à jour de cette liste, si nécessaire.

D. Divers

- Comment les caractéristiques des PCN prévues par les Principes directeurs pour renforcer leur efficacité (visibilité, accessibilité, transparence, légitimité) ont-ils été appliqués dans le cas de votre pays ? Veuillez fournir des exemples pour illustrer ces différents points.
- Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN, y compris des expériences utiles éventuelles et/ou des difficultés rencontrés en faisant le travail du PCN ?
- Si le PCN dispose d'enquêtes ou statistiques documentant la sensibilisation des compagnies aux Principes directeurs, souhaiteriez-vous incorporer cette information dans votre rapport ?
- Quelles questions pourraient mériter une attention particulière durant le cycle de mise en œuvre 2010-2011 en dehors de celles qui pourraient être discutées dans le cadre de la prochaine actualisation des Principes directeurs ? Pourquoi ?

E. Divers

- Quelle est votre appréciation générale du fonctionnement de votre organisation institutionnelle au cours des dix dernières années ? Quelles en sont les principales réalisations ? Dans quels domaines les changements ont-ils été revendiqués et pourquoi ?
- Comment vous juger les résultats de vos efforts pour renforcer la visibilité, l'accessibilité, la transparence et l'utilisation des Principes directeurs ? Quels ont été les principaux défis auxquels vous avez été confronté ? Comment vos activités de promotion ont-elles évoluées pour répondre à ces défis ?
- Quelles sont les grandes leçons de la mise en œuvre du fonctionnement du mécanisme des circonstances spécifiques ? Quels en ont été les points forts ? Est-ce les défis que vous avez rencontrés ont trait aux sujets figurant dans les termes de référence pour une actualisation des Principes directeurs, et plus particulièrement les sujets décrits aux paragraphes 26-28 du document DAF/INV/WP(2010)1 ?
- En réponse aux trois questions posées ci-dessus, il peut être indiqué que le PCN a contribué au cours des dix dernières années à la promotion des principes directeurs et a rempli activement sa mission de bons offices lorsqu'il a été saisi de circonstances spécifiques. Le PCN a offert un lieu d'échanges original entre l'Etat, les représentants des entreprises et les partenaires sociaux sur des sujets complexes sur le plan juridique, technique ou financier dans des domaines divers.

- Une analyse réalisée à partir des cas examinés depuis dix ans montre que les domaines liés à l'emploi et à l'environnement ont dominé l'activité du PCN.
- La diminution du nombre de saisine du PCN au cours des années récentes conduit à s'interroger sur l'attractivité du PCN et sur son rôle au regard des autres voies de médiation existantes. Plusieurs questions appellent réflexion comme la suspension de la procédure lorsqu'une instance judiciaire est lancée en parallèle, la durée de l'instruction, la difficulté de contraindre des entreprises étrangères à accepter le rôle du PCN, la confidentialité de la procédure, la difficulté de la collecte d'informations fiables dans certains pays, la variabilité de la coopération d'autres PCN.
- La révision des principes directeurs devrait permettre d'enrichir nos réflexions sur l'évolution du PCN à la lumière des expériences menées et des bonnes pratiques adoptées dans d'autres Etats pour assurer le respect des principes de visibilité, de transparence, de responsabilité auxquels la France attache une grande importance.
- Quelle est votre appréciation des opportunités d'échange d'informations et d'expériences offertes par les réunions annuelles des PCN et des sessions régulières du Groupe de travail du Comité de l'investissement ?
- Ces échanges sont à privilégier dans l'optique de renforcer la collaboration entre les PCN en cas de circonstances spécifiques et pour mettre au point collectivement des actions de promotion des principes directeurs avec l'appui du Secrétariat.

GERMANY / ALLEMAGNE

DRAFT REPORT OF THE GERMAN NATIONAL CONTACT POINT TO THE INVESTMENT COMMITTEE, dated May 7th 2010

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

Although being composed as a ‘Single department’-NCP, all Federal Ministries concerned are closely involved in the work of the German NCP, especially in specific instances procedures. This encompasses support of the NCP in the assessment of complaints, participation in consultation with parties, involvement in the preparation of decisions and recommendations, which then are agreed upon by the Federal Ministries represented in the ‘Ministerial Group on the OECD Guidelines’ (current composition see Annex 1).

This inter-ministerial cooperation in the handling of specific instances is also laid down in the Draft Procedural Guidance, which is currently under consideration by ministries and stakeholders and which is to be published in its final version on the German NCPs web page before the end of this reporting period.

In addition, the NCP holds regular meetings with the ‘Ministerial Group on the OECD Guidelines’ as well as the ‘Working Party on the OECD Guidelines’, composed of representatives of these Federal Ministries as well as business organisations, employee organisations and civil society NGOs to discuss (a) current issues relating to the OECD Guidelines, (b) how to improve the dissemination of these Guidelines and (c) the working methods of the National Contact Point.

The ‘Working Party on the OECD Guidelines’ meets usually once a year under the chairmanship of a senior official of the Federal Ministry of Economics and Technology to discuss all Guidelines-related issues.

Given the upcoming update of the OECD Guidelines, more frequent consultations are necessary. Therefore, during the reporting period, additional meetings of the ‘Working Party’ are held.

How does the NCP relate to other government agencies?

The National Contact Point consults other Federal Ministries including the Federal Foreign Office, Federal Ministry for Labour and Social Affairs, the Federal Ministry of Justice, the Federal Ministry of

Finance, the Federal Ministry for Economic Cooperation and Development and the Federal Ministry for the Environment and provides them with the opportunity to participate in the implementation of the Guidelines. Furthermore, these Ministries cooperate and participate in conciliation or mediation proceedings, as appropriate. Along with the regular meetings mentioned above, each of the participating ministries may convene meetings as needed. If necessary, additional ministries may be called upon to provide specific expertise.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

Within the context of the “Working Party on the OECD Guidelines”, the national contact point offers representatives of business organisations and social partners the opportunity to participate in Guidelines-related activities. The National Contact Point may consult and include them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the parties involved.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

In its efforts to promote the Guidelines, the National Contact Point also cooperates with other non-governmental organisations within the context of the “Working Party on the OECD Guidelines”. Furthermore, the National Contact Point may consult and include them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the parties involved.

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

The instruments should be seen as mutually reinforcing. The Federal Government emphasizes the importance of all three international, government-backed instruments (OECD Guidelines, ILO Tripartite Declaration and UN Global Compact) wherever suitable, e.g. in the context of G8/G20. Promotion efforts by the respective agencies often comprise promotion of the other instruments. ILO standards can become relevant in the interpretation of the OECD Guidelines. Other instruments, like the Global Reporting Initiative, can help companies to implement the OECD Guidelines’ expectations.

Information on the interrelation between the instruments and on important tools available should be provided to companies in a more transparent way. The German NCP therefore plans to include such information in its handbook on the *Guidelines*, which is to be finalized in accordance with the update of the *Guidelines*.

The German Global Compact Network (DGCN) is a member of the NCP’s working party. Regular meetings take place between the DGCN and the NCP. The NCP is also available to provide advisory support on potential future complaints addressed by the DGCN. Companies and NGOs may approach the German National Contact Point to report about a breach of the ten Global Compact principles which constitute a violation of the Guidelines at the same time. The NCP can therefore function as a means to verify the principles of the UN Global Compact. The DGCN continuously refers to the Guidelines at events and as part of their PR activities. The NCP participates in events organized by the DGCN whenever available.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

The German NCP has identified greater transparency of the National Contact Point's working methods as key element to promote confidence in its performance. It therefore continued the publication of summarized reasonings for the rejection of specific instances on its web page. It also drafted a Procedural Guidance, explaining the handling of specific instance procedures in the German structure. The meetings of the "Ministerial Group on the OECD Guidelines" and the Working Party on the OECD Guidelines" provide the opportunity for discussions on further improvements. Although some participants ask for a closer stakeholder involvement in the handling of specific instances, these meetings did not reveal a uniform and clear plea for institutional changes.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

A German translation of the Guidelines is available on the revised Internet sites of both the Federal Ministry of Economics and Technology and the OECD BERLIN CENTRE. Furthermore, a leaflet ("Merkblatt OECD-Leitsätze") about the Guidelines is posted on the website of the Federal Ministry of Economics and Technology and has also been made available in a print version.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

(1) General Promotion of the Guidelines

In addition to the above-mentioned availability of the *Guidelines* and the explanatory leaflet, the Guidelines are promoted by the German government's main website for foreign trade and investment (iXPOS). The leaflet has been distributed by the economic sections of all German embassies abroad as well as other institutions, e.g. the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development as well as the UN Global Compact Germany represented by GTZ.

The leaflet and additional information on the Guidelines are available at all 81 Chambers of Industry and Commerce in Germany (IHK), at the 58 German bilateral Chambers of Industry and Commerce abroad, at the 22 Offices of the Delegates/Representatives of German Industry *and* Commerce and their 36 subsidiary offices worldwide (AHK). As the first point of contact for German companies on foreign markets, the AHK network is a part of the official German Foreign Trade Promotion Programme supported by the BMWi. Furthermore, information on the Guidelines is available at the Association of German Chambers of Industry and Commerce (DIHK), which functions as the umbrella organization for the chambers. The information is displayed at DIHK and IHK events and all other chamber activities at the regional and federal level related to investments in non-adhering countries. An introduction to the Guidelines with contact addresses and a download of the leaflet is integrated on the DIHK and other IHK and AHK websites. In addition, companies with a concrete investment interest in non-adhering countries are informed by IHK and AHK foreign trade officials when being involved by individual contacts. The Guidelines are also mentioned in major chamber publications on foreign investment topics.

German business promotes the Guidelines within its various activities to mainstream CSR. The Guidelines are promoted by the BDI/BDA internet portal "CSR Germany".

The German Confederation of Trade Unions (DGB) promotes the OECD Guidelines within the context of CSR on the DGB website.

Furthermore, the OECD Guidelines serve as a reference point for the work of the CSR Forum established in January 2009 by the Federal Ministry of Labour and Social Affairs. This Forum is advising the German government regarding the formulation of a national CSR strategy and will subsequently assist and support the implementation of this strategy. Accordingly, the “Common Understanding of CSR in Germany”, which was compiled by the Forum, mentions the OECD Guidelines as an important frame of reference for encouraging companies to take responsibility for social issues.

(2) Specific Promotion of the Guidelines

The German NCP has promoted the *Guidelines* during this reporting period by presentations, lectures, preparation of speeches and active participation in CSR-related events organized by stakeholders and multistakeholder initiatives, governments, universities etc..

These include:

- Workshop “Scaling Up Voluntary Standards for Human Rights – The Challenge of Measuring Impact”, Federal Ministry of Economic Cooperation and Development, June 30th 2009
- “Companies in dialogue: Operating in and with instable regions, The OECD *Risk Awareness Tool* for Multinational Enterprises in Weak Governance Zones“, Stiftung Entwicklung und Frieden, Juli 2nd 2009
- “Expert discussion: Consequences of the Financial Crisis on the sustainability management of companies”, German Global Compact Network, August 25th 2009
- Round Table Codes of Conduct, Meeting of October 15th 2009, Presentation on the *Guidelines*
- Workshop “Business Ethics: On Actors and Arenas”, Universities of Oldenburg and Montréal, October 16th 2009, Presentation on the *Guidelines* and the role of politics
- Workshop and Conference „Non-State Actors as Providers of Governance in Weak and Failing States: What Role for Public International Law?“, Freie Universität Berlin, November 6th 2009, Presentation on the experiences with the *Guidelines* as “soft law” instrument, with references to the *Risk Awareness Tool* for Multinational Enterprises in Weak Governance Zones
- Conference "Protect, Respect, Remedy – A conference on CSR", Swedish EU Presidency, November 10-11 2009
- Conference “That’s right - Corporate Responsibility for Human Rights”, Federal Ministry for Economic Cooperation and Development, January 21st 2009
- Speech of State Secretary Dr. Bernd Pfaffenbach, Federal Ministry for Economics and Technology, Dinner on the occasion of the Board Meeting of the Extractive Industries Transparency Initiative (EITI), April 14th 2010, with reference to the *Guidelines* and the *Risk Awareness Tool*
- Expert Conference „Combatting Corruption: Aspects of the OECD Guidelines for Multinational Enterprises“, Transparency International, Deutschland; Evangelische Akademie Berlin , Evangelischer Entwicklungsdienst (EED), May 19th 2010, Panelist

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

Other publications include an informative section on the *Guidelines* in the 2009 Annual Report on Foreign Investment Guarantees published by PriceWaterhouseCoopers AG, a leading partner of the federal government in managing these guarantees, underlining the importance the Ministry attaches to the *Guidelines*.

Furthermore, the *Guidelines* are also highlighted in the context of the German Governmental Reports on Human Rights and, with specific reference to the *Risk Awareness Tool*, in the Governmental Report on Crisis Prevention.

The national CSR Forum, Working Group 4, developed recommendations of "strengthening CSR in an international and developmental context", calling on the Government to proactively promote the Guidelines and support the updating-process.

Most specifically, work has begun on a handbook for German companies, which shall help to further promote the *Guidelines* and give orientation especially to small and medium sizes enterprises in the understanding of the *Guidelines* and their implementation in their commercial activities abroad. Given the upcoming update of the *Guidelines*, finalization and publication of the handbook shall follow accordingly.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

The *Risk Awareness Tool* is published on the German NCPs' web page. It has been referred to vis-à-vis enterprises, stakeholders and academia on numerous occasions (see sections above on promotional activities).

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

Enquiries from other NCPs on promotional activities or development of tools such as a procedural guidance have been received and information was exchanged in good cooperative spirit.

A number of requests for general information have been received and answered, inter alia questions from students, researchers, citizens and companies.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

At the beginning of the reporting period, no specific instance was pending. Since then, four complaints were formally lodged with the German NCP.

One specific instance was accepted for mediation, one was rejected after the initial assessment on material grounds. Two specific instances are located in adhering countries, thus in one case another NCP took the lead (NZ), in one recent case NCPs are in close contact to clarify their respective responsibilities (D/SWE). In addition, the German NCP received information about a complaint against a German based MNE lodged with another NCP. The German NCP cooperates with the other NCPs and offered its assistance.

In one case, the German NCP actively continued monitoring of a companies' formal declaration to more actively combat child labour. The NCP was satisfied that a respective programme was initiated. The NCP has not yet taken a decision to end the monitoring.

Information on specific instances filed with or concluded by the German NCP within recent years, except those under the lead of another NCP and reported by that NCP, are found in Annex 4.

The German NCP wants to take the opportunity to sum up this years' experience with specific instances:

- There seems to be a lack of understanding on part of the complainants that a specific instance should be lodged with the host country's NCP (if any). Even if this is clear to the complainants, there is a tendency to hand in the complaint either with more than one NCP at a time or with simultaneous information of the home country NCP about the complaint. This reveals a certain mistrust in the handling of a case by one NCP or in the cooperation between NCPs.
- Parallel legal proceedings can severely hinder progress of mediation, especially if more parties are involved in the legal proceedings than the two parties to the complaint.
- The attribution of possible human rights violations to the host country does not necessarily exclude responsibility on the company's side. Allegations of a company's involvement or lack of preventive measures might merit further examination. However, the threshold for establishing a company's responsibility remains high.
- Specific instances in non-adhering countries pose specific challenges regarding fact-finding and communication. The *Guidelines* strike a good balance in acknowledging these limitations.
- Confidentiality and cessation of campaigning are essential for the prospects of mediation. So are speediness and trust in tangible results of the proceedings.
- A major problem common to most specific instances seems to be a lack of communication between the parties before a complaint is handed in. The German NCP recommends companies and financial institutions not to decline requests for meetings by persons concerned by their activities.

Date request to consider specific instance was received.

Who raised the specific instance (e.g. business, trade union, NGO)?

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

If accepted, date specific instance was concluded.

Were the results communicated to the public and, if so, how?

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

The German NCP, like some other NCPs, has started to provide information in Annex 4 also on specific instances which had been rejected after initial assessment. This list is to be completed subsequently. Specific instances filed with the German NCP but handled and reported under the lead of another NCP are not listed.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Application of the core criteria have been strengthened, inter alia, by

- meetings of both the 'Ministerial Group on the OECD Guidelines' and the 'Working Party on the OECD Guidelines'
- improvement of the NCPs web page, including new, easily accessible internet- and e-mail- addresses
- promotional activities of the NCP
- draft of Procedural Guidance which is to be published on the web page soon
- publication on summarized reasonings for rejection of cases on web page

- active cooperation with other NCPs
- active, frequent and transparent information of parties to specific instances on state of the play and further considerations

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

See section on specific instances for summary of experiences.

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

An increased transparency in the working methods of the German NCP (while respecting confidentiality requirements) helped reduce mistrust against the single ministry structure of the German NCP. The institutional arrangements as described above, including the establishment of a regular Ministerial Group and Working Party, are deemed sufficient by the NCP.

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

Experience shows that promotion of the *Guidelines* is a task which best is shared by numerous actors, including stakeholders. Resources proved to be the main limitation to an extension of promotional activities beyond core activities such as maintenance of a web page, distribution of a leaflet and active participation at events.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

The mediatory approach of the Specific Instances Procedure is a unique feature and provides a real opportunity to amicably resolve specific problems and enhance responsible corporate behaviour in a future-oriented and sustainable way. Both on business and on NGO side, this opportunity is not always understood. This relates to questions of the relationship between the mediatory and the quasi-judicial functions of an NCP.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

Information exchange and peer learning is essential in order to harmonize NCPs approaches in the handling of specific instances. Meetings are important in this respect, but provision of thorough analysis by the OECD secretariat provides the biggest opportunity.

GREECE / GRECE

A. Institutional arrangements

The Greek National Contact Point is located in the premises of the Ministry of Economy, Competitiveness & Shipping:

Ermou & Kornarou 1
GR-10563 ATHENS
Tel: (+30) 210-328 62 42
(+30) 210-328 62 31
(+30) 210-328 62 43
Fax: (+30) 210-328 62 09
e-mail: g.horemi@mnec.gr
evgenia.konto@mnec.gr
m.sofra@mnec.gr
website: www.mnec.gr¹

The NCP is a governmental service: the *Unit for International Investments* in the *Directorate for International Economic Developments and Co-operation*, part of the General Directorate for International Economic Policy of the new Ministry of Economy, Competitiveness & Shipping.

B. Information and Promotion

- The *Guidelines* are available in Greek, together with an Introductory Note and further information on the Greek NCP on the portal www.mnec.gr², as well as on the websites of the Invest in Greece Agency (www.investingreece.gov.gr) and the Export Credit Insurance Organization (OAEP) (www.oaep.gr). Links are provided to relevant OECD and EU sites.
- We revised and reproduced our informational leaflet (first published in 2007 with regard to issues and procedures of the *Guidelines*) and keep up distributing it to interested parties.
- We provided a number of leaflets and relevant information to public and private companies, banks, federations and chambers of commerce, such as: Federation of Greek Enterprises, Athens Chamber of Commerce, Public Power Corporation S.A., Athens International Airport Eleftherios Venizelos, Hellenic Telecommunications Organization (OTE S.A.), S & B Industrial Minerals S.A., Emporiki Bank, Titan Group, etc.
- We attended regular sessions of the National Export Council (ESEX) and gave relevant information to the participants coming from Chambers of Commerce and Industry, Federations of Enterprises and Employees, Unions and Associations over the country.

¹www.mnec.gr/el/ministry/static_content/Dieuthinsi_diethnwn_oikonomikwn_organismwn/02_Link_Tmhmatos_Gama_Odhgies.html

² http://www.mnec.gr/export/sites/mnec/el/ministry/Documents/OECD_Guidelines.pdf

- We participated in the first official AA Series Symposium in Greece, held in Athens on 20 November 2009 and followed by a Workshop segmented into two main topics: Sustainability Assurance (AA1000AS and AA1000APS) and Stakeholder engagement (AA1000SES).
- Moreover, information on the *Guidelines* and the functioning of the Greek NCP has been provided within the Ministry of Economy, Competitiveness & Shipping, as well as to the Hellenic Bank Association, the Hellenic Network for Corporate Social Responsibility (CSR) –partner of CSR Europe and a number of governmental agencies, such as the Hellenic Organization for Standardization (ELOT) and the Hellenic Foreign Trade Board (HEPO). We are in close co-operation with them all for the active promotion of the *Guidelines* and the handling of any specific instances that may come up in the future.
- We co-operate closely with:
 - the Ministry of Foreign Affairs concerning
 - the promotion of the Greek NCP through the Ministry’s website “agora” (by link)
 - the information of greek businessmen abroad about the *OECD Guidelines*, through the greek embassies/consulates
 - the distribution of informational material
 - the survey of State corporate responsibility policies conducted on behalf of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises.
 - the General Secretariat of Consumers Affairs, concerning
 - the promotion of the Greek NCP through the General Secretariat’s website (by link)
 - the promotion of Corporate Social Responsibility generally, and in particular in relation to the responsibilities of multinational companies towards consumers and how consumers can encourage multinational enterprises to live up to the recommendations of the OECD Guidelines
 - the distribution of informational material.
 - the Hellenic Organization of Small and Medium Sized Enterprises & Handicraft (EOMMEX) concerning
 - the promotion of the Greek NCP through the Organization’s website (by link)
 - the distribution of the Greek NCP’s informational leaflet and the sensibility of small and medium sized entrepreneurs to the Guidelines.
 - the Greek General Confederation of Labour (GSEE) concerning
 - the promotion of the Greek NCP through the GSEE website (by link)
 - the promotion of Corporate Social Responsibility generally and in particular in the field of labour and industrial relations.

- We set out the *Guidelines* and the features of the Greek NCP in relevant service documents addressed to or speaking notes made by the leadership of the Ministry.
- We also provide information on the *Guidelines* and the functioning of the Greek NCP to researchers, businessmen, Greek or foreigner.

C. Implementation in specific instances

- No specific instances have been brought to the attention of the NCP up to now.

D. Other

Further promotional activities are planned. In this context, we plan to update the Greek NCP webpage and intend to organize relevant meetings/presentations to governmental agencies, trade unions, employees and business associations, interested social partners. Our activities target to promote visibility of the *Guidelines* among different stakeholders.

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HUNGARY / HONGRIE

A. Institutional Arrangements

Address of the Hungarian National Contact Point:

Ministry for National Development and Economy
85 Margit krt.
1024 Budapest
Department of Business Environment
Phone: +361 336 7819
Fax: +361 336 7832
Email: julia.vago@nfgm.gov.hu

Composition of the Hungarian National Contact Point (HNCP)

The organizational structure is bilateral, the HNCP is an interdepartmental government body with permanent members. The number of members can be temporarily increased by the ministries affected, if appropriate.

Recent permanent members of HNCP

Ministry for National Development and Economy (MNDE)
Ministry of Finance (MoF)

MNDE and its legal predecessors acted as a Secretariat for, and a permanent member of, the HNCP at the same time from the very beginning. HNCP made decision on the basis of consensus.

The main supervisor and the person in charge of HNCP is the State Secretary for Competitiveness of the MNDE.

In June 2009, the Secretariat of HNCP was transferred from the Department of Enterprise Development to the Business Environment Department of MNDE. At the same time the person in charge was also changed, but the former Hungarian NCP has supported and promoted the activity of the new HNCP.

B. Information and Promotion

The main information source on the Guidelines is the home page of the MNDE and the HNCP itself.

Guidelines

The text of the Guidelines and other relevant information (e.g. Commentaries, Declaration, etc.) were translated into Hungarian and are available on the Ministry's homepage:

www.nfgm.gov.hu/feladataink/kulgazd/oecd/iranyelvek/iranyelvekoecd.html

A brief summary of the Guidelines can also be read in Hungarian:

www.nfgm.gov.hu/feladataink/kulgazd/oecd/osszefoglaloOECD.html

HNCP

The procedural guide on the HNCP, explaining what and how to do in the case of inquiry is available in Hungarian:

www.nfgm.gov.hu/feladataink/kulgazd/oecd/kapcsolattarto.html

Further information

Further actual information and references to the OECD NCP webpage can be found:

www.nfgm.gov.hu/feladataink/kulgazd/oecd

The webpage of the MNDE also offers basic information on the OECD HNCP in English:

http://nfgm.gov.hu/en/our_tasks/foreign/oecd/oecd_ncp.html

The Guidelines can be read in Hungarian on the homepage of the European Integration Commission of Hungarian Trade Unions as well:

<http://mathom.dura.hu/mszeib/hirek/2002/eufelk2.html>

On the homepage of the Hungarian EXIMBANK there is a direct link to the OECD Council Recommendation on Bribery and Officially Supported Export Credits:

www.eximbank.hu/szabalyzatok-kondiciok/OECD-ajanlas/

On the homepage of the Hungarian Export Credit Insurance Pte Ltd. (MEHIB) there is an implemented OECD document on bribery and anti-corruption and a direct link to the OECD webpage.

www.mehib.hu/Default.aspx?menuid=10739&block=9

www.mehib.hu/Default.aspx?menuid=105&block=1

The Global Compact Network in Hungary has 21 members listed on the Web (www.unglobalcompact.org/participants/search?commit=t&country%5B%5D=82&page=1&per_page=25)

The latest participant - Innovacioval a Fenntartható Fejlődésért Egyesület (Association with Innovation for Sustainable Development) - joined the Network in March 2010.

The organisational and personal changes in the Hungarian NCP made it necessary to refresh the cooperation with partners and potential partners in the field of the Guidelines and responsible business conduct. This process has been started and will be continued later this year. BIAC and TUAC members as well as other stakeholders are involved. These meetings offer good opportunities for considering future promotional activities.

Currently, there are 2 BIAC members, 2 TUAC members and no OECDWatch member from Hungary as follows:

BIAC:

Confederation of Hungarian Employers and Industrialist (Munkaadók és Gyáriparosok Országos Szövetsége, MGYOSZ) www.mgyosz.hu

National Association of Entrepreneurs and Employers (Vállalkozók és Munkáltatók Országos Szövetsége, VOSZ) www.vosz.hu

TUAC:

Democratic Confederation of Independent Trade Unions (LIGA) www.liganet.hu

National Confederation of Hungarian Trade Unions (MSZOSZ) www.mszosz.hu

C. Implementation in Specific Instance

Specific instance was not submitted to HNCP.

D. Other

There is no other relevant information concerning the activity of the Hungarian NCP.

E. Looking back at the past ten years

The interdepartmental unit seemed to be working well. Although the governmental institutions in charge of the HNCP underwent changes several times in the past ten years, the main staff of the HNCP remained the same until last year.

Visibility was always a priority for the HNCP thus being continuously present via the Internet. The Hungarian translation of the Guidelines was well known from the beginning. NGOs, claimants, researchers could easily find the HNCP when a concrete instance or request arose.

The Guidelines emerged in the curriculum of some universities and became part of some training programs for trade union leaders, health, safety and other related experts.

Promotional activities of the Hungarian NCP were uneven with some peaks and troughs. Financial resources were very limited, but the HNCP could operate in a smooth way. However, widely publicized events, conferences etc. were not organized.

The greatest challenge for the HNCP was the examination of the specific instance. It was complicated and needed specific knowledge on labor affairs and chemical safety including handling of hazardous materials. These issues required careful examination, prudent approaches. Every seemingly minor detail could have had important role when the NCP had to judge the case. Not the Guidelines or the updating of the Guidelines caused the basic problem but the deep and detailed knowledge on the specific field.

Information exchange and peer learning, annual meetings of NCPs and meetings of the Working Party were very useful for the HNCP. A lot could be learned on how to handle specific instances and what kind of specific instances, requests, cases can occur in practice. Problematic issues for the interdepartmental

units in other countries and involvement of government organizations (e.g. embassies) by the NCP to solve a task effectively were also quite useful.

It is of utmost importance that the experiences gained in the past ten years should be retained and close cooperation between the “old” and “new” staff should continue. Information exchange and peer learning with other NCPs and the Working Party is even more needed. Furthermore, the good cooperation with stakeholders should be maintained and further broadened.

ICELAND / ISLANDE

IRELAND / IRLANDE

Introduction

This is the tenth Annual Report of Ireland's National Contact Point on the OECD Guidelines for Multinational Enterprises. The Report is submitted for consideration at the Annual Meeting of National Contact Points and submission to the OECD Investment Committee. The Report covers the period since the last annual report, - June 2009 to June 2010

A. Institutional Arrangements

National Contact Point for the OECD Guidelines for Multinational Enterprises

Ms. Dympna Hayes, Principal Officer,¹

The Irish National Contact Point can be contacted at the following address:

*Bilateral Trade Promotion Unit
Department of Enterprise, Trade and Innovation
Earlsfort House,
1 Lower Hatch Street
Dublin 2
IRELAND.
Telephone + 353 1 631 2605
Fax + 353 1 631 2560
E-mail Dympna.Hayes@deti.ie
Web www.deti.ie*

The NCP continues to operate as a single point of contact within the Department of Enterprise, Trade and Innovation. The senior official heading the NCP is Ms. Dympna Hayes, Principal Officer in charge of the Bilateral Trade Promotion Unit at the Department and, as such, is in regular contact with those Government Agencies which actively engage in enterprise development and investment promotion and which formally report to the Department of Enterprise, Trade and Innovation.

Ms Hayes is also the Department's representative on a number of Inter-departmental committees, which actively promote, inter alia, corporate social responsibility. These committees include the Senior Officials

¹ As of August 2009 Ms Hayes replaced Anne Webster Webster as Irish NCP.

Compliance Committee, chaired by the Department of Justice, Equality and Law Reform, which deal specifically with the Anti-Bribery offence.

In this situation, the NCP is optimally positioned to mainstream the promotion of the OECD Guidelines in those Government Departments and Agencies centrally responsible for overseas trade and investment, and for overseas development aid.

While there is no formal advisory committee associated with the NCP function, the NCP maintains communication with the main stakeholders, including other Divisions within the Department of Enterprise, Trade and Innovation; State Agencies; the Irish Business and Employer's Confederation [IBEC]; Irish Congress of Trade Unions [ICTU] and Professional and Trade Organisations, and the NGO community, which are actively involved in overseas economic work.

The NCP is available for consultations with any party expressing an interest in the Guidelines.

B. Information and Promotion

The importance of adopting, maintaining and evaluating high standards of business conduct continues to be recognised by Irish Government Departments, Agencies and by public and private enterprise and associated professional bodies. The implications of increasing globalisation inform the work of the National Contact Point in promoting the visibility and recognition of the Guidelines.

As part of outreach activities to that end, the NCP has contact as appropriate with corporate governance experts in both the national employers federation - Irish Business and Employers Confederation (IBEC) and in the Irish Congress of Trade Unions (ICTU).

The key actions of the NCP to promote and encourage the use of the Guidelines can be summarised as follows:

- **Website Access and Information**

Bilateral Trade Section's webpage on this Government Department's website displays an area with details and access links for further information on the work and remit of the Investment Committee; the Guidelines for Multinational Enterprises with contact details for all National Contact Points and access to the Investment Committee's 'Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones'. This information can be accessed at <http://www.deti.ie/trade/bilateral/work.htm>. This facilitates those requiring access to the text of the Guidelines and other reports and to associated commentaries on them. It also provides access to the Committee's information brochure Promoting Investment for Growth and Sustainable Development Worldwide.

The Section's webpage also displays an area with information on the OECD Anti-Bribery Convention. There is a link with access to the Irish Government's involvement in this process at www.anticorruption.ie. The NCP also published an information leaflet on actions taken in order to prevent anti-corruption in Ireland which was circulated to stakeholders and agencies for information for the benefit of Irish companies. This leaflet is also available for download from the same website. In addition the NCP also published articles relating to the Anti-Bribery Offence in a range of business and professional publications.

- **Links with business communities, trade unions, NGOs, etc.,**

In the past, the NCP advised the Irish Business and Employers Confederation (IBEC) and the Irish Congress of Trade Unions' (ICTU) on the development of voluntary *Code of Corporate*

Governance for the Confederation's members. Through her active participation in the Inter-departmental Committees, and related work of awareness raising with Government Agencies, Trade and Professional representative bodies, and organisations, which promote enterprise and investment, the NCP is well positioned to actively promote the Guidelines and other instruments produced by the OECD Investment Committee.

- ***Department of Enterprise, Trade & Innovation Sustainable Development Strategy***

The Department published its *Sustainable Development Strategy 2003-2005* which set targets relating to the impact of business in areas such as climate change, corporate sustainability and corporate social responsibility. "Sustainable Development" represents a form of development that seeks to integrate economic, environmental and social dimensions in a balanced way. From the Department's perspective, sustainable development is about finding more environmentally and socially responsible and sustainable ways of doing business, both within the Department itself and for enterprises in Ireland including those which have overseas operations.

The Strategy contained a section (as set out below) on Corporate Social Responsibility that recounts the importance of the following Key Commitments and Indicators including the OECD Guidelines for Multinational Enterprises:

5.3 Key Commitments and Indicators

Responsible Corporate Practices

- Improve knowledge and awareness of CSR in enterprises.
- Contribute to EU and international initiatives on CSR.
- ***Encourage knowledge and observance of OECD Guidelines for Multinational Enterprises.***
- Encourage corporate social and environmental reporting.
- Continue to support the work of Company Law Review Group.

Key Indicators

- Number of enterprises participating in environmental technologies research initiatives.
- Number of Irish firms adhering to OECD Guidelines for Multinational Enterprises.
- Number of firms producing annual environmental reports.
- Work initiated on WSSD trade-related actions.
- Number of applications from Irish firms for the EU Eco-Label.
- Number of Irish firms availing of EI environmental information service.
- Number of firms availing of EI grants for sustainable management practices.
- Number of firms with environmental management systems.

Access to the Department's Strategy document can be accessed at <http://www.deti.ie/trade/environment/sustainabledevelopmentstrategy.htm>.

The Department of the Environment, Heritage and Local Government are currently developing a National Sustainable Development Strategy and the head of the Division dealing with Foreign Trade in the Department of Enterprise, Trade and Innovation is a member of the High Level Group for this Strategy.

- **Other Information and Promotion**

The Department of Enterprise, Trade and Innovation continues to participate in fora that address matters relating to corporate social responsibility. It does so particularly via the Corporate Social Responsibility European Multi-Stakeholder Forum and the European Union High Level Group on Corporate Social Responsibility, which facilitates exchange of best practices on Corporate Social Responsibility. This work is closely linked to the promotion of the OECD Guidelines.

As part of our obligations under the Freedom of Information Act 1997, we produce a reference book every three years which describes the functions, rules and operations of the Department, including its role in relation to corporate social responsibility: *"Freedom of Information Act, Sections 15 & 16 Reference Book: A Guide to the Functions, Records, Rules and Practices of the Department"* – 4th Edition April 2007, states

“Corporate Social Responsibility

Corporate Social Responsibility (CSR) is defined by the European Commission as the voluntary integration of social and environmental concerns into Companies’ business

operations. It also includes Companies’ interaction with their stakeholders on a voluntary basis.

The Industrial Relations Section of this Department monitors developments regarding Corporate Social Responsibility and co-ordinates Ireland’s position at EU level.

The document is accessible at <http://www.deti.ie/publications/corporate/2007/section1516.pdf>.

C. Implementation in Specific Instances

On 21 August 2008 a local community group, supported by French and Irish justice and peace NGOs, tabled a Specific Instance [S.I] with the Irish NCP alleging breaches of the OECD Guidelines by a Consortium, in connection with the operation of a gas project on the west coast of Ireland. On the following day they deposited the specific instance with the Dutch NCP, on the basis that the operating company is headquartered in Holland. The Irish NCP is the lead NCP and has worked closely with the Dutch counterpart in seeking to resolve this complex, high profile case. She has also kept the Canadian, Norwegian and US NCPs informed of developments.

On 19 February 2009, the Irish and Dutch NCPs deemed the S.I to be admissible and so informed the parties concerned as well as the Norwegian and US NCPs.

In an unrelated initiative, Irish Government Ministers subsequently undertook active mediation efforts with Community groups and the Consortium concerned- the NCPs agreed to suspend their process in order not to compromise this crucial mediation.

In the event, the Ministerial led efforts stalled and the Irish and Dutch NCPs resumed their work on 27 April 2009, with bilateral meetings with the Consortium, the Notifiers and Government Departments concerned.

Having fully considered the outcome of these discussions and the potential, if any, for future consultations with the parties concerned, the NCPs wrote to the Notifiers on 24 September 2009 noting the impasse between the two sides and offering their opinion that a mediatory attempt in the current circumstances would have little chance of success and asking whether the Notifiers saw any merit in continued resort to the good offices of the Irish and Dutch NCPs. The Notifiers replied on 9 January 2010 regretting that the mediation efforts of the NCPs had not been successful and requesting the NCPs to issue

a final statement in which their notification would be reviewed in the light of the OECD Guidelines. The final statement has now been agreed and will be published very shortly.

D. Other

The Department of Enterprise, Trade & Innovation is satisfied that necessary public awareness concerning the existence of the Guidelines for Multinational Enterprise and their contents exists.

The Specific Instance mentioned at C above is arguably one of the most high profile, controversial and long running case in Irish industrial history and, as such has generated considerable Media coverage of the Specific instance in question and of the OECD's Guidelines and the associated NCP Process in Irish and Norwegian media.

**Bilateral Trade Promotion Unit,
Department of Enterprise, Trade and Innovation,
Earlsfort Centre,
1 Lower Hatch Street,
Dublin 2, Ireland**

June 2010

ISRAEL / ISRAËL

A. Institutional Arrangements

Annex 1:

A Steering Group has been established, comprising of representatives from a wide variety of stakeholders from the civil society, as well as business and employee organizations. The Steering Group objective is to create a detailed recommendation for NCP's Communication Plan, with the aim of enhancing the promotion and dissemination of the MNEs Guidelines. The bodies involved in the Steering Group are expected to also actively assist the NCP in its outreach efforts.

Annexes 2, 3: no updates

B. Information and Promotion

The Guidelines have been translated into both Hebrew and Arabic and are available both in electronic format on the website of the Ministry of Industry, Trade and Labour, and in hard copy by means of a printed booklet. A thorough reconstruction of the OECD related part of the Ministry's website is being performed, in order to expand beyond accession related issues. Under these auspices, a special website regarding MNEs Guidelines and the NCP is being designed. In addition, the NCP is currently working to increase the on-line dissemination of the Guidelines, creating and maintaining links to the Guidelines in websites of Government Ministries and Agencies which deal directly or indirectly with inward and outward investment.

Israeli companies doing business abroad are made aware of the Guidelines both through direct promotional activities in Israel and via the economic and commercial representatives posted in Israeli embassies abroad, who are in contact with Israeli companies in their host country.

Cooperation with the business community, trade unions, NGOs and other stakeholders is planned to be further deepened through the abovementioned Steering Group. An outreach strategy is going to be devised, for the sake of active promotion and dissemination of the Guidelines. This cooperation is envisioned to serve as the on-going platform for consultations as well as cooperation on the issue of information and promotion, via the Internet as well as presentations in seminars and other relevant events.

General enquiries have been received from Israeli non-governmental organizations, but not from other NCPs or governments of non-adhering countries.

C. Implementation in specific instances

Specific instances were not raised or concluded during the June 2009-2010 cycle.

D. Other

The Israeli NCP is planning to increase its visibility and accessibility through an active cooperation with various stakeholders, based on the platform of the Steering Group, as described above.

The issue of promotion and dissemination of the Guidelines is going to be the main focus of the Israeli NCP in the 2010-2011 implementation cycle. Appropriate exchange of ideas and experiences with other NCPs could be useful, as well as creating a common "virtual library", possibly on the basis of CLEARSPACE infrastructure, with promotional materials in English as well as a database of an assortment of promotional activities, drawn from the experience and success stories of various NCPs.

E. Looking back at the past ten years

The institutional arrangement of a single-department NCP seems appropriate for Israel. It was, however, decided that greater attention is needed to pro-active promotional activities. Specifically, Israel intends to switch its focus from actions through government-related bodies to enhancing our cooperation with NGOs and other stakeholders in the field of Corporate Social Responsibility.

Israel highly values the opportunity of information exchange and peer learning, provided by annual meetings of NCPs or the Working Party of the Investment Committee. The recent voluntary peer review of the Dutch NCP has been of high interest for us and raised valuable and relevant questions and insights.

ITALY / ITALIE

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

Please, see the updated Annex 1 and 2.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

As described in the past year report, the Italian National Contact Point was created by the national law n. 273/02 which defined its aims, structure and financial resources and attributed to Ministry of Economic Development the responsibility of its management. The decree of the 30th July 2004, signed by the Minister of Productive Activities, detailed the content of the above mentioned law, providing for NCP’s specific scopes and functions, operational bodies and tasks.

The NCP’s organisational structure is composed by:

1. the Director of the General Directorate for Industrial Policy and Competitiveness, who represents the NCP and has the decision-making powers;
2. the Committee, composed by representatives of Ministries¹ and of the most important trade unions and business associations. This composition is, anyway, flexible: all stakeholders with a legitimate right to attend the Committee works can be authorized, by the General Director, to take part in it;
3. the Secretariat, which is in charge of assuring the operational functioning of the NCP.

The Italian NCP is currently considering to enlarge the Committee composition to other relevant stakeholders (please see for further details Section A, last bullet point).

How does the NCP relate to other government agencies?

Representatives of national Ministries are permanent members of the NCP Committee. The Ministries attending the works are the following: Foreign Affairs, Environment and Land and Sea Protection, Economy and Finance, Justice, Agricultural, Food and Forest Policies, Labour-Welfare and Health, the International Trade Department (Ministry of Economic Development).

¹

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

Representatives of national trade unions and business community are permanent members of the NCP Committee: the General Federation of Italian Trade Unions (CGIL), the Italian Confederation of Workers' Unions (CISL), the Union of Italian Workers (UIL) and the Italian association of Italian manufacturing and services companies (Confindustria).

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

The past activity was focused on dissemination of information, workshops and, if needed, through an invitation to participate to meetings or to the Committee. The Italian NCP is currently elaborating an accurate overview of Italian NGOs in order to have all elements needed to assure that the NCP outreach towards the ONG sector is properly planned and carried out.

With regard to other stakeholders, on 27th April 2010, the NCP hosted the kick-off meeting of the project "Stakeholders' information and awareness: the OECD Guidelines and CSR principles", accounting to 14 seminars and 6 workshops addressed to stakeholders such as: national business associations, trade unions, business consultants, and consumers on the whole Italian territory. The activity is carried out in partnership with "Istituto Tagliacarne"²,

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

Contacts between the Italian NCP and the local UN Global Compact are currently being developed through the Ministry of Foreign Affairs representative (member of our NCP).

The NCP Secretariat became member of the Italian delegation concerning the UNI ISO 26000 standard development.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

Institutional changes within the Ministry of Economic Development- GD for Industrial Policy and Competitiveness -, enhanced the role of the NCP since the same office is now also in charge of improving the quality of "Made in Italy" productions. As a consequence CSR is considered as an horizontal theme in national industrial policy and seen as a competitive advantage for enterprises.

² Istituto Tagliacarne is a public body in charge of conducting economic and statistical research on the national productive system - with specific focus on SMEs - and in charge of providing training courses to self-employed, managers, Chambers of Commerce and local government staff.

As for specific instances, in particular following the NCP Committee request of more awareness and transparency, procedures for the submission of specific instances were reviewed (*for details on changes regarding the NCP functioning, with specific focus on the instance facility, please refer to Section D*).

Regarding the NCP structure, the NCP national Committee (see above for tasks'detail) will soon include representatives of the Permanent Regions' Conference, the Italian Banks Association (ABI), the National Confederation of Crafts and Small and Medium-Sized Enterprises (CNA), the professional association of the Italian Craft Industry (Confartigianato) and the Italian association of Chambers of Commerce, Industry, Handcraft and Agriculture (Unioncamere). The NCP Secretariat believes that an enlarged Committee will be useful in both planning and implementing projects aiming at spreading the Guidelines.

The Italian NCP logo was as well modified, in order to convey more clearly the NCP mission regarding spreading the Guidelines and Corporate Social Responsibility.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The OECD Guidelines in the Italian and English version are available on the Italian NCP's website (www.pcnitalia.it). The latter is regularly updated in both languages, in order to provide information on the NCP's activities and on the CSR topic, both at national and international level.

In 2009 the number of visits³ to the website amounted to 78.041 and the number of accesses⁴ was 732.686.

In the considered period, the OECD Guidelines and information material were distributed during events either organised by the NCP or in which the NCP took part and sent, without any charges, on people's request.

The online newsletter – PCNM@agazine – released every three months in Italian and English, is published on the NCP website and sent to around 3.800 interested addressees.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

The NCP General Director was invited as speaker at the Italian Bank Association Forum on CSR “Responsibly transparent: the market evolution” (Rome, 10th February 2010).

The NCP Secretariat participated in the following:

³ Visits: each arrival of a visitor who visualises or consults a page of the website and who was not connected in the previous 60 minutes.

⁴ Access: number of times that a page, image or element of the website is visualised or discharged by a visitor.

together with the NCP General Director, participation as a speaker in the meeting of the Technical Committee on CSR of ABI - Italian Bank Association (Rome, 12 May 2010), the aim was to improve the awareness of the banking system on CSR reporting methods and on the OECD Guidelines;

- participation to the meeting organised at INAIL- National Institute for Insurance Against Working Accidents- to provide updates on the UNI ISO 26000 project: “Responsabilità sociale: le prime anticipazioni sulla linea guida UNI ISO 26000” (Rome, 24 November 2009).

The outcomes of the research on the implementation of the OECD Guidelines in the national nautical cluster were presented on the 25th February 2010 at the Lombardy region premises. The research was developed for the NCP by KPMG.

NCP members participated with a desk, distributing information material and direct information on the OECD Guidelines, in the ForumPA, the national Public Administration fair (Rome, 17-20 May 2010)

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

The NCP – through the IPI, technical agency of the Ministry of Economic Development –launched in February 2009 a call for proposal for two research projects on the topics of the OECD Guidelines and enterprises’ performances. The applications’ examination assigned the two projects to the Bocconi University in Milan and to the LUISS University in Rome.

The Bocconi research focused on the measurement and the value creation of CSR, while the LUISS research examined the underlying reasons for SMEs adopting a CSR strategy and their value perception of it.

The results of both researches were presented on the 10th of February 2010 at the Ministry of Economic Development during a seminar open to interested stakeholders (they are also available on the NCP website_ www.pcnitalia.it).

Later on, on the 21st of April 2010, the NCP organised a meeting with the enterprises involved in the LUISS research, and the Ministry of Economic Development General Director for Industrial Policy and Competitiveness –NCP - in order to collect valuable suggestions on how to decline public intervention to help responsible SMEs continued CSR engagement.

The NCP participated in the Italian economic meeting with Algeria (6th October 2009).On this occasion the OECD Guidelines were among the documents transmitted by the Italian Delegation during the meeting of the Taskforce for the industrial cooperation agreement.

In 2010 the NCP launched a project (committed to a private consultancy), regarding the increase of awareness of regional and local institutions in the South of Italy with reference to the Guidelines and in particular to improve fight against corruption and the assurance of security in those areas of the country.

A stakeholder project was also launched in 2010 (See section A, 5th bullet).

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

The tool is a reference document for the NCP activities related to bilateral industrial cooperation.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Concerning the OECD Guidelines and Export Credits – with as well reference to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones -, the organisation of an *ad-hoc* meeting with the Italian institutions in charge of the matter(SACE) to improve the collaboration is currently being developed. The cooperation will be enlarged to other national internationalisation bodies such as ICE (Italian Institute for Foreign Trade) and SIMEST (Italian Institution to support the activities of national enterprises abroad).

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

No enquires were received.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

In the considered period no new specific instances were brought to the Italian NCP attention and there were no changes in the still ongoing one (Italy-UK case).

Date request to consider specific instance was received.

Who raised the specific instance (e.g. business, trade union, NGO)?

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

If accepted, date specific instance was concluded.

Were the results communicated to the public and, if so, how?

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

No updates are necessary.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

After extensive consultation with the NCP Committee and a review of all existing NCPs websites, a new procedure to handle specific instances is currently being developed and will soon be published in the Italian NCP website, setting steps and indicative timeline for a specific instance handling. The various NCP bodies involvement at any stage of the procedure is as well clarified.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

The Italian productive system (i.e. industry, construction and services) is composed of a total of around 4.4 million enterprises⁵ of which only around 3 thousands have more than 250 employees. As for this last category of enterprises the NCP, since the beginning of its activity, sent a targeted mailing (addressed also to foreign multinationals operating in Italy) explaining the Guidelines and their contents. Therefore all big enterprises have been made aware of the Guidelines, an action which is also continued by Italian Economic Offices of Embassies abroad. Besides, through the participation the national association for industry (Confindustria) to the NCP Committee, update on the Guidelines and NCP activities are made available to big enterprises.

As for the remaining 4.39 million micro and small and medium enterprises, the NCP realised sample surveys, mainly at territorial level (Italian clusters or Italian regions especially in the north part of the country) from which emerged, on average, a general knowledge of the Guidelines of around 40% of the interviewed while a complete knowledge emerged only in a smaller percentage (around 20% of the interviewed).

⁵ Data from the Italian Institute for Statistics, year 2007.

The NCP is currently planning to collect information documenting companies' awareness of the Guidelines through a specific survey based on a questionnaire. To this aim the NCP members' network will be activated in order to reach the largest possible number of national enterprises.

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

The Italian NCP considers of extreme importance to consider SMEs as fundamental addressees of the Guidelines. Awareness projects, involving Governments and multinationals, should be developed to specifically target SMEs including supply chains, in coherence with the principle of due diligence.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

We think that our current organisation structure generally fits the tasks assigned to the NCPs by the Guidelines. At the same time, we reckoned that the NCP will benefit from an enlarged NCP Committee, with members of significant national business and bank associations and we are practically operating in this direction.

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

Though the Italian NCP has been operational only for 5 years, we realised that addressing promotional activities to a mainly SMEs audience was fundamental considering the national productive structure and the globalisation of value chains which involve more and more SMEs interacting with bigger firms. We therefore developed fliers that could convey the Guidelines content in a more friendly way and also projects oriented to examine SMEs behaviour in supply chains (the projects will be developed in 2010, see below).

In 2010 we are developing projects specifically targeting the local level, both public and private (please see Section A, fifth bullet point and Section B). One of the greater challenges we encountered was in spreading the CSR and the OECD Guidelines among entrepreneurs, conveying the message that CSR is an asset and not a cost. One aspect that emerged is that in enterprises different from multinational, CSR is often dealt with an "unconscious approach" which means that it is not included in non-financial accounting reports and not included in the definition of firm development strategy.

With the co-operation of Universities we are therefore trying to develop some CSR value measurement mechanisms that will enable our awareness campaign to be more effective at entrepreneurial level (please see Section B, third bullet point). Furthermore, in 2010 with LUISS and Bocconi the NCP will investigate CSR in supply chains and value chains considering literature and best practices. The results of the Universities' researches will as well be disseminated - also through the definition of practical tools -, in order to provide Italian entrepreneurs with hints on how to include both CSR and the OECD Guidelines into their enterprises' strategy.

An other aspect which emerged refers to the banking sector which doesn't take into consideration CSR when evaluating demand for credit, therefore the NCP is also trying to raise awareness among national banks through the national banking association (ABI) (see also chapter B, second bullet).

The NCP takes as well in consideration the role of public civil servants, having direct contact with local entrepreneurs, with specific projects at regional level aimed also at promoting regional actions and measures to support CSR in enterprises (such as incentives or public procurement).

Along side this education and awareness projects at local level, the NCP is currently planning a major national event – with the participation of both national and international leading CSR experts – to further raise the Italian public and private involvement in the topic (end of 2010).

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

Based on our experience, we believe that a stronger NCP cooperation is fundamental in achieving a more efficient handling of specific instances. Cases often involve more than one NCP and managing unilaterally any multi-party specific instance proved to be time consuming and having a negative impact on the stakeholders' trust in the NCP.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

The Annual NCP meeting already proved to be a fundamental occasion to exchange information and views on how to learn from the past and improve any NCP functioning. Based on the discussion held last March at the Working Party of the Investment Committee on the Dutch NCP peer review, this voluntary exercise is also useful in providing practical examples on how the Guidelines chapters referring to NCP organisation and procedure can be interpreted.

JAPAN / JAPON

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

[A] No major change in Annex 1.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

[A] No additional information. Three Ministries composing the Japanese NCP are having close contact and exchanging information related to promotion of the Guidelines as well as specific instances raised to the NCP.

How does the NCP relate to other government agencies?

[A] Information such as document, reports or records of Investment Committee is shared with other government ministries/agencies concerned if necessary. They will be involved in the process of dealing with specific instances when required and in updating process of the Guidelines. The Japanese NCP will keep in close contact with other government agencies where needed.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

[A] The Japanese NCP has established an advisory panel including the largest Japanese business community, Japan Business Federation (Nippon Keidanren), and the largest Japanese labour union, Japanese Trade Union Confederation (Rengo), in order to exchange opinions regularly concerning the activity of the NCP. The NCP makes the maximum use of the meetings. As a general rule, the meeting with the panel is held at quarterly intervals. At the meetings, issues relating to the activity of the NCP including the promotion of the Guidelines are mainly discussed. Besides, the NCP shared the updates concerning development of discussions on the Guidelines in the OECD.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

[A] The Japanese NCP tries to make the maximum use of meetings with interested parties, including non-governmental organizations (NGOs). The NCP held meetings with multinational enterprises, NGOs and labour unions which are related parties of a specific instance, and exchanged views and shared information about the specific instance. When needed, the NCP is also having contact with such interested parties to exchange views and information on specific instances through Japanese Embassies in third countries.

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

[A] The Japanese NCP has close coordination with the local office of UN Global Compact, the local office of ILO and a NGO engaging in the promotion of GRI (Global Reporting Initiatives) in order to explain the activity of NCP and the Guidelines, and discuss about the promotion of CSR in Japan. The NCP has cooperative relationship with all of them in promoting the Guidelines to Japanese multinational corporations. In November 2009, the Japanese NCP had meetings with Japanese business persons, union leaders, liaisons of financial institutions and researchers in think tanks who are in charge of CSR in order to promote the Guidelines and the activities of the NCP. Copies of the Guidelines are also distributed on these occasions.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

[A] No.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

[A] The translation into Japanese of the 2000 Guidelines, the revised Council Decision and the Procedural Guidance, together with a general explanatory summaries on the Guidelines and specific instance procedures, are available on the websites of MOFA, MHLW and METI .

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

[A] The Japanese NCP is also talking with a NGO on the Guidelines including specific instance.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

[A] In November 2009, Mr. Sone, a vice-chair of the OECD Investment Committee, joined the regional conference on corporate responsibility co-hosted by OECD and ESCAP in Bangkok and promoted the Guidelines to the participants.

The Japanese NCP has established the linkage of the Guidelines to the Japanese External Trade Organization (JETRO), which is promoting trade and investment, and research of developing countries, the ASEAN-Japan Centre, which is promoting trade, investment and tourism between ASEAN countries and Japan, and the Nippon Export and Investment Insurance (NEXI), which is providing trade and investment insurance service to companies. Moreover, the Guidelines and explanatory briefing materials relating to the operation of the NCP have been distributed to the Japanese Embassies in adhering countries, enlargement countries and enhanced countries.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

[A] The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is available on the website of MOFA.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

[A] Update is made as in Annex 3.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

[A1] The Japanese NCP is ready to respond to these stakeholders appropriately, wherever it receives enquiries.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

[A] No specific instances were newly raised and/or concluded during the June 2009-2010 cycle.

Date request to consider specific instance was received.

Who raised the specific instance (e.g. business, trade union, NGO)?

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

If accepted, date specific instance was concluded.

Were the results communicated to the public and, if so, how?

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

[A] Regarding a specific case on industrial relations of a Philippines subsidiary of a Japanese company, initial assessment is made and the Japanese NCP is in consultation with parties concerned. There is a parallel legal proceeding.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

[A] The Japanese NCP has introduced main points of the guidelines and procedures on the website how the NCP act for specific instances when an issue is raised. In addition, a form for complaints to prepare for raising issues to the NCP is posted on the website. Furthermore, the NCP indicates on the website the criteria for whether an issue raised is accepted.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

[A] Not necessarily.

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

[A] Not necessarily.

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

[A] The way of handling the case pending in court. The Japanese NCP has always been facing difficulties on legal-parallel proceedings, especially in the case of non-adhering countries.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

[A] During the past ten years, the Japanese NCP was established and reorganized. The detailed procedural guidelines for the NCP as well as its procedures for handling specific instances are elaborated.

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

[A] The Guidelines (basic texts and their translation into Japanese) are available on the websites of the MOFA, MHLW, and METI Japan. The Japan External Trade Organization (JETRO) website, the ASEAN-Japan Centre website and the Nippon Export and Investment Insurance (NEXI) website are also linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion.

The Japanese NCP has conducted consultation meetings with business, labour sectors and civil society on updating process of the Guidelines. In the course of these meetings, stakeholders became more aware of the importance and details of the Guidelines.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

[A] Guidance on parallel proceeding deserves special attention.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

[A] Japan was a team member of peer reviews of the Dutch NCP and we found it informative to participate in the reviews. We appreciate this kind of peer learning on voluntary basis.

KOREA / COREE

A. Institutional arrangements

The Korean NCP is the Foreign Investment Subcommittee, led by the Vice Minister for Trade and Energy of the Ministry of Knowledge Economy and composed of representatives of 10 national ministries. Detailed information can be found in Annex 1.

The Foreign Investment Policy Division within the Ministry of Knowledge Economy has been appointed as Secretary of the Korean NCP and is responsible for handling its administrative affairs. Contact information for the Secretary of the Korean NCP is provided below.

Ministry of Knowledge Economy

Foreign Investment Policy Division

1 Jungang-dong, Gwacheon-si, Gyeonggi-do

Tel: 82-2-2110-5356

Fax: 82-2-504-4816

E-mail: fdikorea@mke.go.kr

Web: www.mke.go.kr

For effective mediation and arbitration of disputes concerning the implementation of the OECD Guidelines for Multinational Enterprises, the Korean NCP may establish an affiliated arbitration committee chaired by the Ministry of Knowledge Economy's Director General for Cross-Border Investment. Any such affiliated arbitration committee should consist of interested parties, officials from the ministries concerned, and private experts appointed by the Chair of the new committee.

B. Information and promotion

The OECD Guidelines for Multinational Enterprises are available in Korean and English at the Ministry's Web site (www.mke.go.kr). The Secretary of the Korean NCP responds to enquiries from the business community, trade unions, NGOs and other interested parties regarding these Guidelines.

The NCP actively encourages foreign-invested companies in Korea and Korean companies operating abroad to observe the Guidelines—for instance, through labor relations consultations offered by the Korea Trade-Investment Promotion Agency.

The NCP also communicates with other interested parties such as the National Assembly. In December 2009 the NCP participated in a corporate social responsibility forum for Korean companies,

hosted by the National Assembly. The Secretary briefed participants on the activities of the NCP and its future policy direction.

The Korean NCP is cooperating with its counterparts in other countries, and with the governments of countries which do not adhere to the Guidelines, to encourage multinational enterprises to observe the Guidelines. However, communication with non-adhering countries often does not progress smoothly for diverse reasons.

C. Implementation in specific instances

The Korean NCP handles specific instances according to the Regulations on the Operation of the Republic of Korea's National Contact Point to Implement the OECD Guidelines for MNEs (May 10, 2001). When reviewing those instances, the NCP seeks expert opinions from the relevant ministries represented on the Foreign Investment Subcommittee. Additionally, professionals from the private sector, including professors and lawyers, are important sources of advice.

During the target period, one issue was raised. The labor union of the company involved and the umbrella labor union with which it is affiliated filed a complaint. An initial assessment by the NCP and separate deliberations by the National Labor Relations Commission are currently under way.

Instance A (mentioned directly above): On March 24, 2010, a foreign auto parts manufacturing company based in an adhering country was alleged to have violated Chapter Four (Employment and Industrial Relations). The labor unions' assertions cover an extensive range of issues, but the main point of controversy is the allegation that the company unilaterally closed an entity and imposed mass layoffs.

D. Other

The Korean NCP often finds it difficult to investigate specific instances reported to have occurred in non-adhering countries. Lack of information is the most common problem in these cases.

E. Looking back on the past 10 years

Since its inception in 2001, the Korean NCP has sought to represent fairly the interests of various concerned parties. The NCP has expertise in diverse sectors because it is composed of representatives of 10 national ministries, who cooperate closely to address every case.

Over the past 10 years, the Korean NCP has encountered some challenges in handling specific instances regarding the implementation of the Guidelines. Of these, the most difficult have involved conflicts of interest with respect to the organization of the NCP and parallel proceedings. The Korean NCP hopes to see more detailed guidance on these issues soon, when the Guidelines are updated.

In our view, annual NCP meetings would provide an effective opportunity for the NCPs to learn from their peers. In particular, the opinions of BIAC, TUAC and OECD Watch could provide helpful guidance for the handling of specific instances.

LATVIA / LETTONIE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- *No update is necessary.*
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).
- *Latvian NCP is OECD Consultative Board – an inter-ministerial institution that co-ordinates Latvia’s co-operation with the OECD. The responsible body for the practical functioning of the NCP is Department of Economic Politic of the Ministry of Foreign Affairs.*

- How does the NCP relate to other government agencies?

OECD Consultative Board is represented by the majority of the government ministries and agencies: Ministry of Economics, Ministry of Environment, Ministry of Finance, Ministry of Welfare, Latvian Investment and Development Agency, Competition Council, Corruption Prevention and Combating Bureau.

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- How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

OECD Consultative Board is represented by the Employers Confederation of Latvia (LDDK) and Free Trade Union Confederation of Latvia (LBAS).

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- How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?
- How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?
- Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional

arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

-

B. Information and Promotion

- How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?
- *The summary of the Guidelines as well as the text of the Guidelines are available in Latvian and English on the website of the Ministry of Foreign Affairs.*
- How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

Information on the latest developments related to the Guidelines is shared among the members of the OECD Consultative Board.

- Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?
- *No specific promotional activities have been held in the reporting period.*
- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?
- Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.
- Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?
- *No*

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

Latvian NCP has not received request to consider specific instance.

- Date request to consider specific instance was received.
- Who raised the specific instance (e.g. business, trade union, NGO)?
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- If accepted, date specific instance was concluded.
- Were the results communicated to the public and, if so, how?
- Has the NCP monitored the implementation of final statements' recommendations?
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.
- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
- If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?
- What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

- What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?
- *Latvian NCP was established in 2004. The institutional arrangements of NCP provides for the widest participation of government institutions, business and trade organizations. The functioning and effectiveness of Latvian NCP, however, is difficult to assess since there has not been any cases of specific instances.*
- How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

The overall priority of Latvian NCP in the context of raising visibility and awareness of the Guidelines has been the positioning of the Guidelines within the broader framework of CSR initiatives in Latvia. We believe that the promotion of the Guidelines is closely related to the increasing acknowledgment and understanding of CSR initiatives among our stakeholders. In recent years we have followed the development of such initiatives as well as the formation of a common vision on CSR in Latvia, namely through the establishment of CSR Platform in Latvia. The challenge of Latvian NCP is to position the Guidelines in this common framework, outlining the unique features of the Guidelines (e.g. specific instance facility)

- What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

LITHUANIA / LITUANIE

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

Updates were made in Annexes with a Track Change option.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

The Structure of the Lithuanian NCP is shown in the Annex No. 1.

How does the NCP relate to other government agencies?

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

The Lithuanian NCP is organized in accordance with the tripartite principle to ensure effective collaboration with trade unions and business community. The NCP works in co-operation with the Tripartite Council – a national body, including representatives of government institutions as well as employee and business organisations.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

NGOs are involved indirectly through the trade unions.

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

There are no solid activities with such kind instruments yet.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

The Ministry of Economy of the Republic of Lithuania was reorganised recently and the Lithuanian NCP is now under supervision of Investment and Export Department. Structure of NCP wasn't considered yet.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The Guidelines are translated into Lithuanian and published on the web site of the Ministry of Economy at http://www.ukmin.lt/lt/veiklos_kryptys/investicijos/ebpo/.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?

Collaboration with the Tripartite Council enables the NCP to maintain a close link with all major Lithuanian employees and business community organisations.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

No specific promotion activities.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

No.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

No cardinal updates in Annex 3.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

Lithuanian NCP hasn't got any enquiries.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

- Date request to consider specific instance was received.
- Who raised the specific instance (e.g. business, trade union, NGO)?

- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- If accepted, date specific instance was concluded.
- Were the results communicated to the public and, if so, how?
- Has the NCP monitored the implementation of final statements' recommendations?
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

No specific instances have been brought to attention of the NCP.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Visibility. The Guidelines are readily available through the website.

Accessibility. The NCP is ready to respond to all oral and written enquiries or requests for information. The NCP is available by phone, e-mail, fax or post.

Transparency. All activities of the NCP have been open and transparent.

Accountability. The NCP is accountable to the Government through the Ministry of Economy.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

No.

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

Yes.

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

Plans for the Future: cooperate more closely with the Ministry of Foreign Affairs of the Republic of Lithuania.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

Lithuanian economy market is quite small. Lithuanian NCP involves in its activity all the main players of the market. We are not big players in the international market also. For the foreign companies we aren't attractive either. So it is no wonder, that Lithuanian NCP hasn't considered any specific instance yet. Despite these already mentioned facts Lithuanian NCP expects to be useful in the Future, when the Lithuanian economy will be consolidated. We hope to deal challenges in the Future, which we can share with other NCPs.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

Lithuanian NCP hasn't considered any specific instance in the ten year period.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

Information is very useful and the meetings – efficient. It is very important to have the possibilities to share experience in solving specific instances and get feedback from the other Countries.

LUXEMBOURG

MOROCCO / MAROC

1. Organisation institutionnelle

Le Point de Contact National Marocain fonctionne selon une structure bipartie (Gouvernement, Patronat) composée comme suit:

- Agence Marocaine de Développement des Investissements (AMDI)
- Ministère des Affaires Economiques et Générales (MAEG)
- Confédération Générale des Entreprises au Maroc (CGEM)

L'AMDI assure la présidence et le secrétariat du Point de Contact National

32, Rue Hounaïne Angle Rue Michlifén Agdal – Rabat

Téléphone : + 212 (05) 37 67 34 20 / 21

Télécopie : + 212 (05) 37 67 34 17 / 42

Email: principes_directeurs@invest.gov.ma

Le PCN pourra solliciter d'autres entités publiques ou privées, lorsque la circonstance spécifique à traiter nécessite l'avis d'un expert sur des points précis soulevés par la saisine.

2. Information et Promotion des Principes directeurs

Afin de promouvoir les principes directeurs à l'intention des multinationales, le PCN utilisera plusieurs canaux de communication. Le principal canal est le site internet de l'AMDI. Une rubrique dédiée au PCN sera ajoutée au site web actuel de l'AMDI, et dans le futur site (opérationnel en septembre 2010). Cette rubrique contiendra un bref résumé des principes directeurs, la structure et Rôle du PCN, le contact du PCN (adresse et numéro de téléphone), la procédure pour déposer une saisine, les liens vers les pages OCDE/principes directeurs et la liste des contacts des autres PCNs. De plus, la rubrique proposera plusieurs documents téléchargeables: le texte des Principes Directeurs (en 4 langues: Français, Arabe, Anglais et Espagnol), les Communiqués de presse à l'issue des saisines, un modèle de dépôt de saisine et les Rapport Annuels d'activité du PCN.

L'AMDI éditera un dépliant avec une courte explication des principes directeurs de l'OCDE ainsi que le rôle du PCN et les procédures de dépôt de saisine. Ce dépliant sera le support matériel de promotion du PCN et des principes directeurs, et sera utilisé lors des séminaires, conférences et Roadshows organisés par l'AMDI. Il sera également distribué aux bureaux de représentations de l'AMDI à l'étranger, aux représentations diplomatiques du Maroc à l'étranger, aux Centres Régionaux d'Investissement au Maroc, aux Chambres de Commerce étrangères au Maroc, et aux Multinationales signant des conventions d'Investissement. Ledit dépliant sera édité en langues Française et Arabe.

En tant qu'agence chargée de la promotion des investissements, l'AMDI organise et participe à divers événements internationaux: Salons professionnels, Roadshows, Conférences sur l'investissement (Londres, Rabat, Munich...). Ces événements sont autant de canaux de communication pour promouvoir les principes directeurs et le rôle du PCN (Distribution de dépliants, Organisation d'ateliers, Insertion de slides PCN dans les présentations des dirigeants de l'AMDI).

Le premier numéro de la newsletter trimestrielle de l'AMDI consacrera un dossier spécial aux principes directeurs et au PCN.

Le PCN organisera également un colloque annuel pour sensibiliser les différents acteurs sur les principes directeurs et le rôle du PCN. Y seront invités les représentants du Patronat (CGEM), des Chambres de Commerce étrangères, des Syndicats et de la Presse. Le PCN Marocain invitera d'autres PCN à venir partager leurs expériences lors de ce colloque.

Le PCN est chargé de répondre à toute demande d'information liée aux principes directeurs de l'OCDE. Ces demandes peuvent émaner d'entreprises, d'ONG, d'institutions publiques nationales et internationales, des autres PCN, des organisations syndicales et du public.

Le PCN mettra en place une adresse mail dédiée à ces requêtes. Cette adresse mail sera gérée par le Centre d'Accueil de l'AMDI qui transférera les requêtes au département juridique qui sera chargé de les traiter.

3. Mise en œuvre des circonstances spécifiques

Les particuliers et les groupes d'intérêt peuvent s'adresser au PCN afin de signaler toute violation présumée des principes directeurs par une entreprise.

Le PCN suivra alors les étapes suivantes dans le traitement de ces saisines:

Etape 1: Evaluation initiale (3 mois)

À la réception d'une demande d'examen concernant une circonstance spécifique, le PCN examinera les pièces justificatives et les preuves à l'appui, et procédera à une première évaluation de l'intérêt des questions soulevées afin de déterminer si elles méritent d'être approfondies. Dans cette optique, le PCN tiendra compte de l'identité de la partie concernée et de son intérêt dans l'affaire, de la pertinence des questions et des éléments fournis à l'appui, de la manière dont des questions similaires sont ou ont été traitées à l'échelle nationale ou internationale et de l'intérêt que présente l'examen des questions au regard des Principes directeurs. Dans le cadre de la première évaluation, le PCN pourra transférer la demande d'examen à l'entreprise multinationale en question, en l'encourageant fortement à commenter son contenu. Le PCN prendra en considération cette réponse lors de l'évaluation initiale. Le PCN se réserve le droit de requérir des renseignements supplémentaires en tout temps lors du processus d'examen.

Etape 2: Médiation (6 mois)

Si la demande est jugée recevable, le Point de contact national s'efforcera d'organiser entre les parties impliquées un règlement consensuel de la question soulevée. A cette fin, il consultera, si nécessaire, le Point de contact national de l'autre pays concerné ou des autres pays concernés. Si

les parties règlent les questions et en viennent à une entente, le PCN énoncera sur son site Web de même que dans son rapport annuel, que les questions ont été résolues par les parties.

Etape 3: Communiqué final (3 mois)

Dans le cas où les parties ne s'entendent pas sur les questions soulevées, le PCN publiera un communiqué final et, si besoin est, des recommandations concernant la mise en œuvre des Principes directeurs. Le PCN fera parvenir aux parties visées une ébauche du communiqué final en vue d'obtenir leurs commentaires. Le communiqué final sera ensuite rendu public sur le site Web du PCN.

Dans le cycle 2009-2010, le PCN marocain n'a été saisi d'aucune circonstance spécifique nouvelle. La création récente et la mise en place du PCN marocain n'ont permis ni la réception ni le traitement de circonstances spécifiques pour l'année en cours.

MEXICO / MEXIQUE

A. Institutional Arrangements

The National Contact Point (NCP) of Mexico is a government body of the Ministry of Economy located in the office of the Directorate General of Foreign Investment (DGFI). The DGFI has represented the Mexican government before the OECD Investment Committee for several years, and since April 2009 is also managing all issues related to the NCP's operation.

Throughout the last year, the DGFI designed and implemented a communication strategy in order to enhance the implementation, promotion, and performance of the Guidelines, as well as the use of the NCP in relevant situations. The Mexican NCP has worked closely with other government agencies in order to solve any arising issues related to the Guidelines.

The Mexican NCP has also met with other interested parties such as NGO's and universities in order to exchange points of view on how the NCP can best implement and promote the guidelines in Mexico.

The contact details of the NCP are the following:

Ministry of Economy
 Insurgentes Sur #1940 8th Floor
 Col. Florida, CP 01030
 México DF, México
 T. (52-55) 52296100
 F. (52-55) 52296507
 Email: ariveram@economia.gob.mx / mcastillot@economia.gob.mx
 Website: <http://dgie.economia.gob.mx/dgaai/dgaaiing.htm>

B. Information and Promotion

The NCP has designed a new web page which can be accessed through the Ministry's NCP home page <http://dgie.economia.gob.mx/dgaai/dgaaiing.htm>

The web page includes information of the NCP contact details, the annual reports of the Investment Committee, the Guidelines in Spanish, along with an introductory page and links to the OECD home page, to the Declaration on International Investment and Multinational Enterprises, as well as to the June 2000 OECD Council Decision.

A brochure was also designed and is in the process of being printed so that it can be distributed to other government institutions, universities, NGO's as well as multinational enterprises.

The Mexican NCP has also worked in cooperation with PROMEXICO (Mexico's investment promotion agency) in order to make the guidelines available to any new businesses that plan on investing in Mexico.

In an effort to increase our communication and promotion actions, the NCP office is working on improving the information available in its website, allowing the site to become a more useful tool for promoting the Guidelines. This website will also serve as a more efficient way to communicate the relevant information to business, labour, and civil society groups, as well as other government agencies, including our embassies and representations abroad.

C. Implementation in Specific Instances

I. *Industria Vidriera del Potosí*

On June 2008, the Trade Union “Sindicato Único de Trabajadores de la Empresa Industria Vidriera del Potosí” (SUTEIVP) submitted a Specific Instance to the Mexican National Contact Point concerning violations to Chapter IV of the Guidelines (Employment and Industrial Relations) by the Company “Industria Vidriera del Potosí”. As a result of an analysis of this specific instance, the Mexican National Contact Point has determined that there are not enough elements for the instance to proceed. This resolution was communicated to both parties on January 13th, 2010.

Background

On January 26th, 2008, the Company “Industria Vidriera del Potosí”, a company that produces glass bottles for companies such as Grupo Modelo, fired over 260 workers due to a reduction in production and, more specifically, the closing of one of its furnaces. The Union argued that the dismissal was made without any previous communication by the management team regarding the situation of the plant. The Union argued that the dismissal of the workers did not comply with the diverse dispositions established in Chapter IV of the Guidelines, and therefore decided to present its case to the National Contact Point.

Activities of the NCP

The Mexican National Contact Point, which is located within the Directorate General of Foreign Investment, met with representatives of both parties on several occasions in order to get a better understanding of the situation. After a first set of meetings, the National Contact Point requested both parties to fill in a questionnaire with some specific questions, and to provide evidence for some of the arguments previously exposed.

A second step on the process of the NCP was to meet with representatives of the Ministry of Labour in Mexico, who were also aware of the existence of this case, and who had previously also met with both parties.

Conclusion

The Mexican National Contact Point decided to not accept this instance due to the fact that there was no specific evidence or enough elements to indicate a violation of the Company to Chapter IV of the Guidelines.

D. Other relevant activities

The Mexican NCP has taken advantage of a cooperation agreement between the Ministry of Economy and the European Union and is working with researchers from *El Colegio de Mexico*, a prestigious Mexican university, to conclude a paper on Corporate Social Responsibility in European companies operating in Mexico. The results of this paper are finalized and will be presented soon.

The Mexican NCP has also submitted an institutional article in one of Mexico's most prestigious CSR publications called "Ganar-Ganar" which was published in the May-June issue. This article provides basic information on the purpose of the Guidelines and the activities of the NCP and intends to generate more awareness among enterprises and social entrepreneurs.

E. Looking at the Past 10 Years

During the past 10 years, the Mexican NCP has struggled to establish itself as a leading entity in CSR issues. However, with the institutional changes that took place last year, the Mexican NCP is now in the processes of establishing new communication lines with other government and non-government entities in order to promote the Guidelines. The creation of a website dedicated to the NCP is just the first step of this process in this global communication strategy.

NETHERLANDS / PAYS-BAS

National Contact Point, the Netherlands
Annual Report 2010 (June 2009 - May 2010)

A. Institutional Arrangements

The Ministry of Economic Affairs hosts the National Contact Point (NCP).

National Contact Point, the Netherlands
Alp. N/442
P.O. Box 20101
2500 EC The Hague
T: +31 70 379 6485
F: +31 70 379 7221
E: ncp@minez.nl
Web: www.oesorichtlijnen.nl / www.oecdguidelines.nl

Independent members	Advisory members	NCP Secretariat
Mr F.W.R. Evers (ch) Ms J.F.G. Bunders Mr H. Mulder Mr L. de Waal	Mr R.E. van Hell (EZ) Mr W. Bel (SZW) Ms M. Gerards (VROM) Mr R.J. Scheer (BZ/OS)	Mr T.D. van Hoolwerff Mr J. van Wijngaarden Ms. Y.M. Yu Mr M. van Yperen

The independent members of the NCP all have backgrounds in the various stakeholder groups of the NCP's work. They are independent in the sense that they have a seat in the NCP in their personal capacity and are by no means bound by the policies and goals of the Dutch Government; they are only bound by the OECD Guidelines. They are primarily responsible for promotion of the OECD guidelines and for managing specific instances. In the NCP, the independent members are supplemented by advisory members from the ministries of Economic Affairs (EZ), Foreign Affairs (BZ/OS), Social Affairs and Employment (SZW), and of Housing, Spatial Planning and the Environment (VROM). The ministry of Economic Affairs, being the ministry responsible for the functioning of the NCP, provides the NCP with secretarial support.

Involvement of the stakeholders is secured through semi-annual stakeholder meetings (see below under section B). The NCP is also involved in ongoing discussions about e.g. supply chain management at the Dutch Social Economic Council (SER). As an advisory and consultative body of employers' representatives, union representatives and independent experts, the SER is a typical platform organisation for social dialogue.

During the 2008 Annual NCP meeting in Paris, the Dutch NCP announced it would submit itself to a peer review, which took place in the second half of 2009.

The objectives of the peer review were to: (1) evaluate the structure, practice, effect and results of the Dutch NCP; (2) to create a learning process for all participating NCPs; (3) to assess issues which may serve as useful input into any possible future revision of the OECD Guidelines; and (4) to provide a review report which may be used as input for the Dutch NCP's preparation of its own evaluation report for the Dutch Parliament in June 2010. Apart from these four goals, the project has most of all proved to be a valuable, ad-hoc learning platform for all participating NCPs.

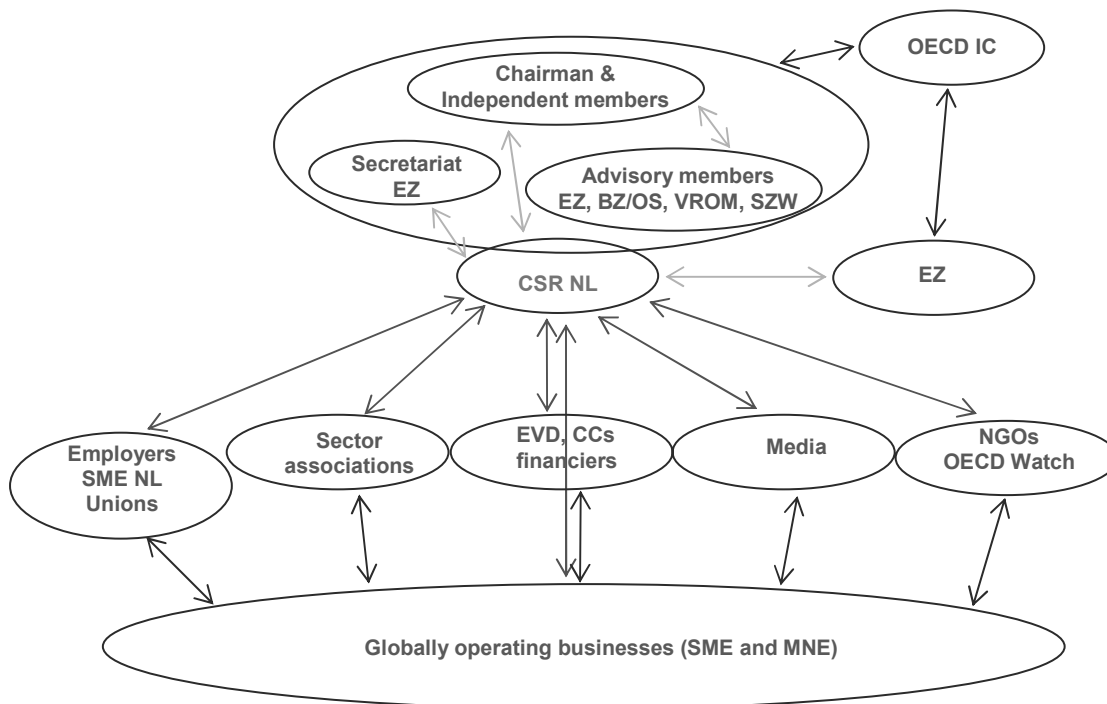
The peer review team carried out the review through a series of meetings with stakeholders, a questionnaire survey, review of documents, and discussions. A final report was issued in March 2010 containing twenty-eight recommendations. The peer review report is available at the website of the NCP.⁶

The peer review report will be used by the NCP's own evaluation which is due in June, 2010.

B. Information and Promotion

- Specifically for the NCP's promotional task, the Dutch government established the national CSR knowledge centre 'MVO Nederland' (CSR Netherlands) in 2006. This government agency facilitates the sharing of best practices and promotes the OECD Guidelines. With the creation of the independent NCP in 2007, a communication manager for the NCP was appointed at CSR Netherlands to promote the NCP and its mediation instrument. In cooperation with the NCP members, the communication manager draws up a communication strategy and translates this in annual communication plans. This report looks back on the efforts in the period between mid 2009 and mid 2010.
- *Communication strategy and MNEs*
- The initial two-tier communication strategy, which focuses on promotion to SMEs via intermediary business organisations such as Chambers of Commerce, sector associations and the Dutch Agency for International Business and Cooperation (EVD), was extended last year with a more direct communication aimed at Dutch multinational enterprises (see figure).

⁶ <http://www.oecdguidelines.nl/get-started/peer-review/>.



Schematic overview of internal organisation and approach strategy

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- Among the promotional activities of the past 12 months are a presentation and workshop for the global purchasing directors group of a Dutch multinational chemical company. Another presentation and discussion were held in 2009 for the presidents of central workers councils⁷ of 50 Multinational Enterprises (MNO). In the follow-up thereof, central workers councils organisation organised a CSR seminar in January, 2010, with NCP Chair, Mr. Frans Evers, as key-note speaker and panellist. The NCP will maintain the liaison with this stakeholder group in the coming years.
- In November 2009 the Dutch Sustainable Trade Initiative (IDH) organised a high level congress on international CSR, with over 600 participants from companies and civil society. In his opening speech the former Minister of Foreign Trade, Mr. Frank Heemskerk, presented the OECD Guidelines as the basic international normative framework and urged all to comply with this framework. In April, 2010, NCP member Mr. Lodewijk de Waal gave a presentation and participated in a discussion with 25 CSR managers from large companies on international guidelines, stakeholder management and the role of NCP mediation. This event was organised by CSR Netherlands.
- *SME and sector associations*
-
- Last year, CSR Netherlands and the NCP maintained its outreach focus on SMEs via sector associations. Initial contacts were deepened and new sectors were added. Another development

⁷ Central workers councils are in-company organisations that represent the employees' interests with the executive boards. Establishment of these councils are mandatory for companies employing at least 50 people. They are not legally related to trade unions.

which led to improvement is the internal reorganisation of CSR Netherlands with regard to its account managers system. The relation and cooperation with the NCP communication manager benefited much from this change, which resulted in a more effective and a more frequent exposure for the activities of the NCP.

- Currently, CSR Netherlands and the NCP have liaised with the following 25 sector associations:
-
-

Sector	Sector association
Wood	VVNH
Garment	Modint, Mitex
ICT	ICT Office (hard- & software), FIAR (electronics)
Natural stone	ABN
Rubber & plastics	NRK
Chemical products	VNCI
Bakery, sugar, sweets	VBZ
Flowers	VBN
Retail	RND-VGT
Tourism	ANVR, Travel Foundation
Importers, trade agents, matchmakers	VNT, VIVO
Metal	FME/CWM, Metaal Unie
Agro	Greenery, Productschap tuinbouw
Margarine, fats and oils	Product board MVO
Spices	NVS
International contractors/construction	NABU
Groceries, retail food	CBL
Food industry	FNLI
Tourism	ANVR, Travel Foundation
Paper industry	KVNP
Transport	EVO
Oil & Gas	IRO
Mortar & cement	VOBN
Retail, warehousing	RND-VGT
Private Equity & Venture Capital	NVP

Sector associations cooperating with the Dutch NCP

All sectors mentioned here are integrated in the Navigator CSR Guidelines, which was developed by the NCP last year. This tool helps enterprises to navigate the great amount of CSR codes and serves as the starting point for international corporate social responsibility. Entrepreneurs, sector associations and members of the parliament often articulated the need for a ‘roadmap’ for individual firms in specific sectors on how to select and implement the most applicable code. The Navigator is tested by 10 sector associations and uses the OECD guidelines (themes) as starting point for formulating (more detailed) themed programmes under each guideline, such as SA8000 (labour), ISO 14000 (environment) or GRI (disclosure and transparency) and also provides sector specific codes of conduct. The tool is now available as 1.0 version on the Dutch NCP website: <http://www.oesorichtlijnen.nl/navigator>. The navigator yielded much publicity. In the summer of 2010, the Navigator will be updated and improved in a 2.0 version.



The navigator CSR guidelines helps entrepreneurs to navigate the sea of codes

Furthermore, the NCP makes use of the public media and the communication channels of sector associations in order to reach their member companies. Used core messages are:

- The OECD guidelines are the normative government framework on CSR and clarify what the government expects from Dutch companies with regard to the way they do business in the Netherlands and abroad;
- These guidelines involve a broad set of principles for responsible business conduct that cover more than just labour rights or the environment, but entail the full extent of CSR related topics;
- Given the wide range of topics covered by the OECD Guidelines, they serve as a solid starting point to look for practical codes that give guidance in implementing (chapters of) the OECD Guidelines.
- Companies can benefit from governmental (export) support when they are compliant to the guidelines;
- The NCP helps companies to implement the guidelines and offers mediation capacity when stakeholder dialogue hampers.

The OECD guidelines are a compulsory framework for policies and initiatives formulated by the Social and Economic Council, the Dutch Trade Board, the Chambers of Commerce and the export credit programs of the Dutch government. Last year all the partner companies of the non governmental organisation CSR Netherlands (app. 1000 partner companies subscribed to the OECD guidelines.

Intermediary organisations

A new, advanced training program was developed for the EVD, the Dutch agency for the promotion and facilitation of international business for Dutch entrepreneurs, comprising of workshops and role playing on specific themes like child labour and corruption. These training sessions will be continued this year.

NGOs

Since 2008, the major Dutch NGOs are informed about the OECD Guidelines, the NCP and the notification procedure by means of interpersonal talks and the stakeholder meetings. Furthermore, the OECD Guidelines and the related notification option seem to receive more interest from NGOs in non-OECD countries, which are also known as the 'southern partners'. A two-days in-depth workshop was delivered for Asian partners of OECD Watch in Bangkok November 2009. Herman Mulder, Dutch NCP member, participated in this workshop and focused on organising a constructive dialogue before having to file a complaint. Additionally, the Dutch NCP and OECD Watch are considering a specific brochure for these southern partners.

Website

Since its launch in July 2008, the number of visitors of the NCP website is monitored by two statistical programs: AWStats/Wordpress Webstat and Google Analytics (see box).

Parameter	Result over 15 months	Benchmark over 15 months (average governmental site)
Total unique visitors	17.962 (1.200/mnt, 300/wk)	1.500
Total visits	28.614	4.000
Average pages/visit	3,2	2,2
Average time on site	3,12 minutes	0,45 minutes
Refusal (% visitors that leaves the site after watching 1 page)	48%	50%
New visits	79,11%	65%

In the summer of 2009, the NCP website was partly mirrored in English and was given the corresponding web address: www.oecdguidelines.nl. On this site a special section for the peer review was added. For the next year the English website will contain much more translated features from the Dutch site, including practical tools, such as the Navigator, self test, presentations etc. In 2010, up to 50 new best practices will be published (in Dutch).

- *Information package and printed matter*

In cooperation with NL EVD International and CSR Netherlands, the NCP provides entrepreneurs with information on the OECD Guidelines and guidance on challenges that may occur when trying to apply the Guidelines in emerging markets. In previous years country-specific CSR toolkits, best practices and factsheets were developed. In 2010, the NCP will publish a brochure for trade missions of the Ministry of Economic Affairs, Chambers of Commerce and the Netherlands Council for Trade Promotion (NCH). Lastly, CSR Netherlands, relevant Ministries and the NCP developed a special brochure on the OECD Guidelines, Human Rights and supply chain management for Dutch embassies. This brochure (in English, French and Spanish) has been sent to all embassies of the Netherlands.

- *Stakeholder meetings*
- To enhance its effectiveness, the NCP seeks to organise two stakeholder meetings per year, of which the fourth was held in November 2009 and the fifth in May 2010. These meetings were attended by individual companies, business organisations, both general and sector specific, trade unions, OECD Watch and other NGOs, government agencies, presidents of central works councils and consultants. In this meeting, stakeholders were updated and given the opportunity to comment on the ongoing specific instance procedures (SIs) and communication activities.
- During the fourth meeting in November 2009, two members of other NCPs (Canada and France) attended the meeting in light of the peer review.

Publicity

In 2009-2010, the NCP gained from publicity in newsletters, trade magazines, corporate magazines and sector media on the guidelines and the NCP (see box). Most publicity was generated after publication of the final statement of the Shell Pandacan case in the Philippines and by the Navigator. The NCP makes use of press releases, sent out to the media via the press (mediafeed) network of CSR Netherlands and/or the press network of the Ministry of Economic Affairs.

Newsletters	DHV, MoEA, CSR Netherlands, TQC, NCH, EVD, iNS, SenterNovem, Duurzaam Ondernemen, Somo, Friends of the Earth, OECD Watch, Ravage.
CSR media	P+, COS, S&B, Aidenvironment, Vroege Vogels, Milieudefensie Magazine
Internet media	Z24, MD weekly, Online studeren, Positive news media, De thuisjournalist, Milieuagent
National media	Telegraaf, Trouw, Financieel Dagblad, NRC, Volkskrant, Reformatorisch Dagblad, Vrij Nederland, BNR Newsradio
International media (Philippines)	Inquirer, Philstar, Manila Times, Manila Bulletin, GMA News TV, Nation, Tribune, Worldnews network, Business mirror, OECD observer

Publicity 2009-2010

- *Peer review*

The peer review provided much information about the effectiveness, working method and the progress of the new Netherlands NCP. Also specific recommendations were made on the promotional task. The peer review report contained several conclusions and recommendations with regard to the promotional activities of the Dutch NCP, of which some were immediately implemented. An example in this regard is the suggestion to the NCP to consult with stakeholders on how to further enhance the relevance of the stakeholder meetings, and to align the annual communication plans with the schedule of annual reporting to the OECD. Furthermore, the NCP was suggested to team up with other NCPs and/or the OECD to share experiences with promotion and to enhance (multilingual) access to information on the Guidelines and their implementation through best practices.

The final report of the peer review team will be published and disseminated during the annual NCP meeting of 2010. Thereafter, the report will be available by the NCP on request for all stakeholders.

C. Implementation in Specific Instances

Since October 2008, the Dutch NCP has not received new notifications of specific instances in which the guidelines were allegedly violated. The NCP did however close two cases with a final statement after mediation appeared to be impossible. Furthermore, the NCP is involved as a home country NCP in the closure of two cases dealt with by respectively the Argentinean and the Irish NCP.

1. *Fenceline Community & Friends of the Earth International and Royal Dutch Shell's Philippine subsidiary PSPC*

<i>Date of notification</i>	July 2006
<i>Complainant</i>	Fenceline Community (a Philippine local community organisation); Friends of the Earth (an international environmental NGO); OECD Watch (procedural support)
<i>Enterprise concerned (sector)</i>	Pilipinas Shell Petroleum Corporation (PSPC), a subsidiary of Netherlands based Royal Dutch Shell (oil and gas industry)
<i>Location of SI</i>	Manila, Philippines (non-adhering)
<i>Status</i>	Closed in August 2009
<i>Chapters cited</i>	II (General Policies), V (Environment)
<i>Agreement</i>	No
<i>Final statement</i>	Yes, available online at www.oecdguidelines.nl

The specific instance related to an oil depot of a Philippine Joint Venture between Royal Dutch Shell's local subsidiary PSPC and two other oil companies. Of the other two companies, one operates from an adhering country, whereas the other company is a local company.

The alleged infringements with the Guidelines relate to improper influencing of local decision making processes and violations of environmental and safety requirements. Due to local legal proceedings, the handling of this specific instance was put on hold until the end of February 2008. An NCP-led process towards a dialogue between the enterprise and the notifying parties of the SI was resumed, part of which was a fact-finding mission of the NCP to Manila. During this mission the storage facility was investigated by the Rotterdam based Environmental Protection Agency (DCMR) on health, safety and environmental aspects.

In 2008, Shell PSPC and its partners of the oil depot joint venture were initially forced to relocate the oil depot by the Philippine Supreme Court, which ruled that the Manila City Council ordinance stating that the enterprises should remove the depot had to be executed. This provided room for an NCP-led dialogue between the enterprise and the notifying parties on HSE aspects and the communication thereof with local communities. However, a new ordinance of the Manila City Council, repealing the former, allowed the three enterprises to maintain the oil depot at the current location. For this reason, Shell PSPC no longer wished to discuss relocation with the notifying parties. This was the reason for the notifying parties to withdraw from the NCP mediatory attempt, after which the NCP issued a final statement in August 2009, which was published on the NCP website and received nation wide media attention.

2. *Shehri – Citizens for a Better Environment and SHV Holdings NV's former Pakistani operations*

<i>Date of notification</i>	October 2008
<i>Complainant</i>	Shehri – Citizens for a Better Environment (Shehri-CBE), a Pakistani

	environmental NGO
<i>Enterprise concerned (sector)</i>	SHV Holdings NV (general: investments; here: retail)
<i>Location of SI</i>	Karachi, Pakistan (non-adhering)
<i>Status</i>	Closed in February 2010
<i>Chapters cited</i>	II (General Policies), V (Environment)
<i>Agreement</i>	Not applicable
<i>Final statement</i>	Yes, available online at www.oecdguidelines.nl

This notification by Pakistani NGO Shehri - Citizens for a Better Environment (Shehri-CBE) related to a point of sale in Karachi of a joint venture of SHV Holdings, an investment company active in *inter alia* the business to consumer retail sector. The complaint related to alleged violations of Chapters II General Policies, and V Environment.

After the NCP declared that the SI *prima facie* merited further consideration, a meeting was held with representatives of the company in which they shared their views on the alleged violations with the NCP. The company happened to have agreed in February 2008 with its joint venture partner to sell its share to the latter in two portions. The majority of its stake was sold in April 2008, the latter in late December 2008, just at the time the SI was declared admissible. SHV Holdings reported its withdrawal from Pakistan in its 2008 Annual report.

Once Shehri-CBE was informed of the withdrawal, it questioned the extent of the withdrawal, as the Makro-name still appeared on all the points of sale formerly co-owned by SHV Holdings. A study by the NCP of the contract of sale between SHV Holdings and its former joint venture partner learnt that SHV Holdings also sold the entitlement to use the 'Makro' and additional product brand names to the buyer and hence does not enjoy any continuing benefits or royalties from this entitlement of the buyer. The relevant passages of the contract were shared with Shehri-CBE and displayed in the final statement.

Due to the full withdrawal of the involved company, the NCP closed the procedure, because the circumstances in Pakistan had been beyond the control of SHV Holdings since December 2008. Furthermore, part of the allegations had already been addressed by the joint venture, whereas the other part, which was a legal questions, had been dealt with by the Supreme Court in favor of Shehri-CBE. A request by the notifying party to judge the circumstances of 2007 in light of the OECD Guidelines was denied on the basis that NCPs, aside from the question here whether SHV Holdings in fact acted in accordance with the Guidelines in 2007 or not, do not act as adjudicators of past circumstances when there is no possibility to discuss these in light of a future oriented solution.

The NCP's decision on further considering the notification and its final statement are available online at the NCP's website.

3. FOCO Argentina & Friends of the Earth Argentina and Royal Dutch Shell's Argentinean subsidiary CAPSA

<i>Date of notification</i>	May 2008
<i>Complainant</i>	Foro para la Participación Ciudadana (FOCO, human rights NGO); Friends of the Earth Argentina (environmental NGO);
<i>Enterprise concerned (sector)</i>	Shell CAPSA, a subsidiary of Netherlands based Royal Dutch Shell (oil and gas industry)
<i>Location of SI</i>	Buenos Aires, Argentina (adhering)
<i>Status</i>	Pending

<i>Chapters cited</i>	II (General Policies), III (Disclosure), and V (Environment)
<i>Agreement</i>	No
<i>Final statement</i>	Not yet available

The request to consider the specific instance was received on May 28th, 2008. The specific instance was raised by The Institute for Participation and Development of Argentina and Foundation Friends of the Earth of Argentina. The chapters of the Guidelines cited in the specific instance are: II General Policies, III Disclosure and Environment. The specific instance does not involve business activities in a non-adhering country. The complaint was presented to the Argentinean and the Dutch National Contact Points by FOCO/INPADE and Friends of the Earth.

On September 9th, 2008, formal admissibility of the complaint was declared. The ANCP held separate meetings with both parties. From the beginning, the enterprise did not accept the Argentinean National Contact Point's good offices, arguing that doing so could affect its position in the Argentinean Federal Courts, due to the existence of parallel proceedings of judicial nature on the same matters.

The enterprise requested the ANCP to put on hold the proceedings until the resolution of the ongoing judicial causes. Considering the situation, the Dutch National Contact Point suggested that the parties could try to hold a dialogue on the issues that were not covered by the judicial causes, tackling some issues of 'supra legal' nature. Regarding this initiative, shared by the ANCP, the parties did not reach an agreement on the scope and content of a possible dialogue. The complainants insisted on giving priority to the discussion of the matters included in the complaint as well as any other topic that could possibly arise over the course of this dialogue, even though they were not included in its formal presentation. The enterprise, in turn, expressed again the reason of the existence of parallel proceedings not to accept informal conversations, informing that the company had already been carrying out social development activities in the neighborhood close to the refinery, to help its residents.

The NCP therefore decided that waiting for the decision of the court is now the best option.

4. Póbal Chill Chómain et al and Shell Exploration and Production Ireland Ltd (SEPIL)

<i>Date of notification</i>	August 2008
<i>Complainant</i>	Póbal Chill Chómain (local community group of Mayo County, Ireland) Action from Ireland (AFRI, Irish NGO) Sherpa (international human rights advocates group)
<i>Enterprise concerned (sector)</i>	Shell Ireland (SEPIL, operator), a subsidiary of Netherlands based Royal Dutch Shell, and co-investors Statoil of Norway and Vermilion Energy Trust of Canada (oil and gas industry)
<i>Location of SI</i>	Mayo County, north-west Ireland (OECD member state)
<i>Status</i>	Pending
<i>Chapters cited</i>	II (General Policies), and V (Environment)
<i>Agreement</i>	No
<i>Final statement</i>	Not yet available

In August 2008, an organization of local citizens supported by an Irish and a French NGO brought an SI to the Dutch NCP regarding the location of a facility that was being built by a joint venture in which Royal Dutch Shell was the main investor. Other investors were Marathon Oil Corporation of the US and Statoil of Norway. In June 2009, Marathon Oil Corporation sold its share in the joint venture to Canada based Vermilion Energy Trust.

The complaint related to alleged violations of Chapters II (General Policies) and V (Environment). In conformity with the Procedural Guidance and the Commentaries of the Guidelines, the Dutch NCP

requested petitioners to also notify the SI with the Irish NCP, as this is the country in which the underlying circumstances take place. In February 2009 the Dutch NCP paid a visit to Dublin where both NCPs met to discuss the SI, after which was found that the issues raised merited further consideration. In late April 2009, both NCPs met with each of the parties to discuss the SI and the situation. As the parties seemed to have irreconcilable points of view on the main request – i.e. relocation of the project – the NCPs wrote a letter to the parties in September 2009, in which the NCPs shared their intent to close the procedure with a final statement due to the irreconcilable points of view, unless the notifying parties would still see added value in an NCP-led mediatory attempt. A copy of this letter was sent to Shell Ireland. In January 2010, the notifying parties requested the NCPs to close the procedure with a final statement. In late April, the two NCPs met in Dublin to finalize the statement. At the moment this annual report was drafted, the final statement had not been published yet.

D. Other

Peer Review

In part A of this annual report reference was already made to the peer review of the Dutch NCP. With regard to the core criteria for NCPs, this project has mostly added to the accountability of the Dutch NCP and to the visibility of all participating NCPs, given the subject and the review methods which involved all the NCP's major stakeholders in the Netherlands.

Visibility of the Guidelines and the NCP in Dutch politics

The OECD Guidelines, being recommendations of all adhering countries to their business society, form the basis of Dutch policy on responsible business conduct (RBC) or corporate social responsibility. The importance of the Guidelines and the role of the NCP have been stressed many a times by the government in several discussions in Parliament on CSR related subjects. In that sense, the OECD Guidelines and Dutch NCP are manifest in the Dutch political discussions on CSR. Two issues are worth mentioning here;

- On the request of the former minister of Foreign Trade, research was carried out on the applicability of Dutch penal law and civil liability law to parent companies over the activities of their overseas subsidiaries. This report, of which an English summary is available online, was sent to Dutch Parliament in December 2009.
A similar research on the legal framework for European companies with regard to international human rights and the environment is currently being carried out by the European Commission. These developments relate and refer to the work of the UN Special Representative for Business and Human Rights, professor John Ruggie, more in particular the 3rd pillar of his framework, access to remedies to infringements of human rights by enterprises.
In the Dutch research, which was carried out by a team of professors of Leiden University's Law School, the role of the OECD Guidelines and other voluntary codes for responsible business conduct was touched upon. When a Dutch court has to value the culpability or responsibility for human rights infringements by an enterprise, it may look into the customs of the relevant sector the enterprise operates in or to which voluntary RBC standards or codes an enterprise claims to adhere.
- A second discussion presently going on in Dutch Parliament worth mentioning here relates to the consequences of final statements of the NCP when a company is found to have violated the guidelines. This issue has also been brought up by OECD Watch during the consultations held by the OECD Investment Committee Working Party in December 2009. Support for a more binding character of NCP final statements has been significant amongst Members of Parliament. Although

this issue may not be included in the Terms of Reference for an Update of the OECD Guidelines, it might be useful to touch upon it in the 2010 annual NCP meeting.

Research on communication results

At the moment that this report was drafted, the Dutch ministry of Economic Affairs hired an external consultancy firm to conduct research on the effects and results of the NCP's efforts with regard to communication. The outcome will be used for the NCP's own evaluation to of its independent structure, practice and results.

E. Looking Back at the Past Ten Years

- *With regard to institutional arrangements*

The past ten year the Netherlands has taken innovative steps to come to the most effective structure for an NCP operating in Dutch society. What started as an interdepartmental NCP staffed at senior policy level has grown to an independent board of individuals with solid backgrounds in the different interest groups of business activity for dealing with specific instances, while the promotion of the OECD Guidelines has been spread out through different levels and branches of government. When looking back, especially at the last three years, what has turned out to be the cement of the whole structure of the Dutch NCP is the number of specific instances the NCP has to deal with. Dealing with specific instances is very stimulating for constructive discussions, both among NCP members and with its stakeholders, that lead to a growing body of knowledge and experience on CSR.

- *With regard to specific instances*

The Dutch NCP shared a number of lessons learnt or issues to address in the annual meeting in its report of last year. Amongst these issues were the meaning of parallel procedures for a specific instance procedure, third party rights, confidentiality, and the paradox between the mediating and adjudicating roles of NCPs. The past year, an issue that came up was the significance of the ambiguity or subjectivity of some of the recommendations in the OECD Guidelines, which may give rise to conflicting interpretations or lack of clarity on the correct implementation of the guidelines.

An example of a term that may easily lead to different interpretations is the recommendation in chapter V to conduct 'meaningful stakeholder consultations'. A stakeholder whose concerns are not addressed in the way he or she may have envisaged may claim that a stakeholder consultation has not been meaningful, because he or she did not see his or her demands being fully met. Even if different kinds of stakeholder consultations have been held, through e.g. writing, oral hearings or bilateral discussions, and the majority of stakeholders has been satisfied with the action taken by the enterprise on the basis of the interests and concerns of the stakeholders, this one stakeholder could still claim the consultation was not meaningful. It could be questioned if a meaningful dialogue means that all requests and demands of all the enterprise's stakeholders should fully be complied with by the enterprise.

Another notion that came up the past year is the position NCPs have in the whole range of methods to address or make public concerns over corporate practices. In an expert meeting held in Boston in November 2009 at the initiative of the Dutch NCP, it was concluded that the NCP procedure, with its option to offer mediation, is situated in between legal procedures on the one hand, and public campaigning on the other. As long as all parties involved in an NCP procedure act cooperatively and actively seek for an agreement in which as many interests as possible meet, an NCP-led mediatory attempt can lead to much better and sustainable deals than court decisions or public campaigning. The Dutch NCP has found that in the past, notifiers and companies have pursued a serious uptake of the Guidelines and the NCP procedure.

- *With regard to opportunities for information exchange and peer learning*

The peer review of the Dutch NCP has shown that additional opportunities to discuss NCP practices would be more than welcome. This could be done through more voluntary reviews, but also through other initiatives around specific topics within the two tasks given to NCPs. Side events for NCPs along the regular meetings of the Investment Committee could for instance be used for those NCPs seeking to discuss issues. More capacity with the Investment Committee Secretariat could also form a useful tool in this respect and with respect to fostering functional equivalence amongst NCPs.

NEW ZEALAND / NOUVELLE-ZELANDE

A Institutional Arrangements

Composition of the NCP

The New Zealand National Contact Point (NZNCP) is comprised of officials from the Ministry of Economic Development.

How the NCP relates to other government agencies, social partners (business community and employee organisations), and NGOs, involved in the functioning of the NCP

The NZNCP is assisted in implementing the Guidelines by a Liaison Group comprised of representatives from organisations with an interest in the subject matter covered by the Guidelines. This includes government agencies:

- Department of Labour,
- Ministry for the Environment,
- Ministry of Justice,
- Ministry of Foreign Affairs and Trade,
- Overseas Investment Office, and
- The Treasury;

and non-governmental organisations:

- Business New Zealand,
- New Zealand Amalgamated Engineering, Printing and Manufacturing Union,
- New Zealand Business Council for Sustainable Development,
- New Zealand Council of Trade Unions, and
- New Zealand Sustainable Business Network.

The NZNCP has adopted a cooperative approach which involves the Liaison Group in discussions of promotional activities to raise awareness of the Guidelines in New Zealand and of processes for handling specific instances. The NZNCP asks Liaison Group member organisations to help promote the Guidelines to their members and other contacts, including through their websites. The members of the Liaison Group represent the views of their stakeholders to the NZNCP. The Liaison Group meets at least annually.

How the NCP relates to other leading corporate responsibility instruments

The NZNCP's website includes a link to the related OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. There are other New Zealand government initiatives that contribute to the principles set out by the Guidelines, such as the government's procurement policy. There is no UN Global Compact network group in New Zealand with which the NZNCP could cooperate.

Any institutional changes planned to the NCP

None.

B Information and Promotion

How the Guidelines are made available in New Zealand

The Guidelines are available in both written and electronic forms from the NZNCP. The NZNCP's website is our primary communication channel. It includes:

- an introductory guide to the Guidelines principles and procedures;
- a link to the Guidelines page on the OECD website;
- a downloadable two-page information sheet on the Guidelines;
- a description of the role of the NZNCP and our contact details;
- an outline of the 'specific instance' mechanism under the Guidelines and the NZNCP's procedures for handling one;
- documents relevant to the Guidelines (including notes from Liaison Group meetings and Guidelines-related OECD materials); and
- links to OECD website and websites of other relevant organisations.

Hard copies of the Guidelines and a two-page information sheet on the Guidelines and the NZNCP are available on request. The NZNCP also distributes the information sheet in relevant fora.

The websites of several Liaison Group members' organisations have links to the NZNCP website and/or the OECD website.

How co-operation with the business community, trade unions, NGOs and the interested public is carried out, with respect to information on, and promotion of, the Guidelines

The NZNCP provides information on its website and upon request. We aim to raise awareness of the Guidelines in at least one way (typically, a newsletter article) each year. The members of the Liaison Group both suggest promotional activities to the NZNCP, and themselves promote the Guidelines to their members and other interested parties.

Other information and promotion activities that have been held or planned

Since our 2009 report, the NZNCP has:

- published an article about the Guidelines in the Ministry of Economic Development's *Business Update* newsletter in August 2009; and
- distributed our two-page information sheet on the Guidelines to over 20 New Zealand-headquartered companies with an overseas presence.

Planned activities include:

- publication of an article about the Guidelines in the Ministry of Economic Development's *Business Update* newsletter;
- publication of an article about the Guidelines in the Ministry of Foreign Affairs and Trade's *Business Link* newsletter; and
- some publicity, yet to be determined, around the upcoming review of the Guidelines.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

A link to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is posted on the NZNCP's website.

Enquiries received by the NCP

Have enquiries been received from:

(a) other NCPs;

None.

(b) the business community, employee organisations, other non-governmental organisations, or the public;

The NZNCP has replied to a few enquiries from individuals in relation to the Guidelines.

(c) governments of non-adhering countries;

None.

C Implementation in Specific Instances

Specific instances brought to the attention of the NCP

One potential specific instance was brought to the attention of the NZNCP this year.

Date received

3 September 2009

Who raised the specific instance (e.g. business, trade union, NGO)?

A trade union.

Chapters of the Guidelines cited

The specific instance cited:

- Chapter II (2, 4, 10),
- Chapter IV (1, 2, 4, 5, 8),
- Chapter VII (4), and
- Chapter X.

Does the specific instance involve business activities in a non-adhering country?

No.

Multi-jurisdictional instances: Liaison with other NCPs or parent companies

The complaint was also lodged with the NCPs in Australia and Germany, as the headquarters countries of the parent companies of the New Zealand company at issue. The NZNCP is cooperating with the Australian and German NCPs in handling the complaint, including sharing of all submissions, draft reports, etc. The Australian and German NCPs in turn are liaising with the companies in their countries.

Sector of activity.

Telecommunications sector.

Was the request to consider the specific instance accepted or rejected?

The complaint is in the initial assessment phase.

Were the results communicated to the public and, if so, how?

N/A

D Other

How have the core criteria for the operation of NCPs been applied in your country to further the effectiveness of guidelines implementation?

Visibility

The Guidelines are readily available from the NZNCP via the website or contact with the NZNCP. The NZNCP undertakes at least one promotional activity each year.

Information is also provided by the members of the Liaison Group to their organisations and wider contacts, including through their websites. Liaison Group members' promotional activities include, for example, mention of the Guidelines in 'introduction to sustainability' workshops for businesses and checking that exporters are aware of the Guidelines during voluntary assessments.

Accessibility

The NZNCP makes Guidelines-related information available primarily via on our website, but also in hard copy on request. We have responded to all enquiries and requests for information that we have received. The NZNCP can be contacted by telephone, e-mail, or post, or in person.

Transparency

The NZNCP makes its activities transparent through posting records of its meetings with the Liaison Group, and to our annual report to the OECD, on our website. We also post links to related material, such as records of the annual NCP meetings and roundtables. The NCP consults the Liaison Group, which includes non-government stakeholders, on processes undertaken by the NZNCP.

Accountability

The NZNCP is accountable to the Minister of Commerce, and through the Minister, to the Government and Parliament.

E Looking Back at the Past Ten Years

The NZNCP institutional arrangements have worked well over the past decade. MED works collaboratively, through our Liaison Group, with the other government agencies and NGOs involved with the Guidelines. Establishing a standing advisory body has been very valuable.

The main issue for New Zealand with respect to the NCP is maintaining an activity level that is proportionate to the level of MNE activity based in New Zealand. There are relatively few MNEs headquartered in New Zealand, and almost none are involved in the highest-risk sectors such as the extractive industries, garment manufacture, etc. It is thus important to us that the concept of 'functional equivalence' of NCPs remains – one size does not fit all.

It is our impression that companies have varying levels of understanding of the Guidelines, correlated to a large extent with their size and sector of operation. Some are understandably daunted by receiving a 65

page document to digest. It could be helpful for implementation of the Guidelines if they were more streamlined, perhaps with a standard précis or user guide – the NZNCP has developed our own in lieu of an ‘official’ one.

In that context, we would like to highlight that we consider that more use could be made of the annual meeting of NCPs, perhaps in conjunction with a single e-mail circulation list, for sharing practices and developing guidance documents arising from experiences. We would support more ‘peer learning’ in this respect, preferably with concrete outputs that record best practices and good ideas for posterity, given that NCP staff change over time.

Three lessons from the NZNCP’s handling specific instances in recent years could be highlighted.

- First, the procedural guidance in the Guidelines for the process is minimal, which has both pros and cons. On the positive side, it allows for customisation of a process that works in the specific context of the country and the NCP. On the negative side, we found that it required a significant piece of work in researching other countries’ procedures, considering aspects of divergence, and developing one’s own. We would suggest that the procedural guidance could be expanded slightly, without becoming too prescriptive. In retrospect, the NCP has learned most through direct experience of handling specific instances, which is an unavoidable learning curve.
- Target timelines for handling specific instances, such as those suggested by OECD Watch, can be helpful in reinforcing timeliness. However, it is impractical to treat them as binding rules to artificially drive the process. This issue has been discussed at recent annual NCP meetings, and we would like to reinforce the point made there that longer timelines do not necessarily arise from poor NCP practices. Rather, they can in fact reflect good practice, responsive to the parties involved. Parties regularly request longer timeframes to provide information or respond to other parties’ submission. Providing such extensions allows for a full and fair process.
- Finally, consulting with, and seeking advice from, more experienced NCPs has been vital. This is a key value of ‘peer learning’, as discussed above, that should be more strongly encouraged. In our experience, fellow NCPs have been happy to share their experiences and discuss issues.

NORWAY / NORVEGE

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.
- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).
- How does the NCP relate to other government agencies?
- How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?
- *It relates to the social partners on a regular basis through the Government’s National Consultative Forum for CSR, “Kompakt”. The forum consists of representatives from government, businesses, trade unions and NGOs. The Forum organises approximately 4 meetings annually and are lead by the State Secretary. The last meeting took place 20 April 2010 and focused on the ongoing process of updating the Guidelines. All stakeholders have been invited to submit input/viewpoints to the process.*
- How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?
- *The NCP relates to other interested parties mainly through the Government’s Consultative Forum for CSR (please see above). Beyond this, it has occasional meetings and engages in dialogues on particular issues on an ad hoc basis.*
- How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?
- *The NCP relates to these instruments through an extensive contact with relevant ministries and through participation in Government’s National Consultative Forum for CSR, “Kompakt”.*
- Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

- *The current structure of the Norwegian NCP is based on a tripartite model, encompassing representatives from the Confederation of Trade Unions (LO), the Confederation of Norwegian Enterprise (NHO), the Ministry of Trade and Industry, and the Ministry of Foreign Affairs. Norway has a long tripartite tradition involving government, labour unions and employers organisations.*
- *As a follow-up of its January 2009 White Paper “Corporate Social Responsibility in a Global Economy”, the Government has evaluated possible models for re-organising and strengthening the NCP. A proposal with alternative models was sent on a public hearing last summer (July 2009). We received comments from 22 different institutions/organisations. The comments were carefully reviewed and reflected in a model for a re-organised NCP. It was forwarded to the Government, which approved it on 15 April 2010. The re-organised NCP will consist of 4 members including a leader. The members will, as in the present NCP, have this as an additional assignment and not as a full time occupation. The members shall serve in their personal capacity. An open and transparent process for selecting the members has been initiated. The relevant civil society organisations and the employees and employers organisations have been invited to send suggestions for candidates. The Ministry of Foreign Affairs and the Ministry of Trade and Industry will appoint the leader of the NCP and, based on the suggested candidates, appoint the three remaining members. A Secretariat of 2 full time employees will also be established. In addition to dealing more effectively with specific instances, it will also enable the NCP to put more emphasis on information activities regarding the Guidelines. The re-organised NCP is expected to be launched by the summer/fall of 2010. The re-organised NCP will be provided with substantially increased financial resources enabling it to make use of independent advice and expertise. This re-organisation is expected to strengthen the NCP and make it more independent.*

The above outlined changes have to some extent been inspired by the Dutch and the British NCP institutional arrangements.

B. Information and Promotion

- How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?
- *The Guidelines are translated into Norwegian and made available on the website of the Ministry of Foreign Affairs. We have also published a brochure about the Guidelines in Norwegian and English. These are also posted on the said website (<http://www.regjeringen.no>). A new updated website is under construction.*
- How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?
- *The Government’s Consultative Forum on CSR organises approx. 4 meetings annually. The last meeting was held in April 2010 and focused on the ongoing update of the OECD Guidelines. Cooperation is also carried out through the tripartite structure of the Norwegian NCP.*
- Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

- *As a follow-up activity to the Government's White Paper on CSR, the Section for Economic and Commercial Affairs in the Ministry of Foreign Affairs has carried out extensive travel activity during the past year to discuss and inform our Embassies and Norwegian/Norwegian related business in all regions about the CSR policy of the Government. Information about the Guidelines and the work of the NCP has been part of all these visits.*
- *In addition, knowledge and guidance about the Guidelines have been an important part of the presentation of the White Paper at various national and international seminars and conferences.*
- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?
- *The White Paper on CSR refers to the OECD Risk Awareness Tool. It states that the OECD Risk Awareness Tool can be of help for companies in assessing and handling risks and dilemmas they can face in areas with weak governance.*
-
- Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.
- Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

- Date request to consider specific instance was received.
- *One request was received during the period:*
 1. **December 14th 2009**
 - Who raised the specific instance (e.g. business, trade union, NGO)?
- *An NGO*
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- *Chapter 2*

- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- *Yes, activity in Western Sahara. No, it only involved the Norwegian NCP. No, the NCP has not liaised with the parent company.*
 -
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- *Marine seismic survey (extractive industry)*
 -
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- *Following communication in writing between the parties, facilitated by the NCP, and due to increased media focus on business activity in the area, the company decided to abstain from any further involvement in Western Sahara until the political situation has been resolved. The complaint was consequently withdrawn.*
- *The complaint was withdrawn 29 April 2010.*
 -
- *Were the results communicated to the public and, if so, how?*
- *Has the NCP monitored the implementation of final statements' recommendations?*
- **Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?**

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.
- *The Norwegian NCP ensures transparency by releasing press statements on the results of the specific instances. All instances concluded so far by the Norwegian NCP have been published on the official web site of the Norwegian government. The statements cover both information on the Guidelines as*

well as information on the procedure of the instance dealt with. The statements include the names of the parties involved.

-
- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?
- *Good cooperation between NCPs is essential when a specific instance involves other adhering countries' NCPs. One of them should be the leading NCP in cooperation with the others.*
- *With its present resources and organisation, the Norwegian NCP is faced with challenges in some specific instances with regard to complexity and fact-finding. In the White Paper on CSR the Government states that it will provide greater resources for the Norwegian NCP and encourages the use of independent advice and expertise. With the re-organisation approved by the Government (please see A –Institutional Arrangements), the strength and efficiency of the NCP is expected to increase significantly.*
-
- If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?
- What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

- What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?
- *Neither the OECD Guidelines nor the NCP are well enough known among Norwegian businesses, especially SMEs. Without sufficient resources and capacity to provide information and guidance about the Guidelines, the NCP will not be an effective grievance mechanism. As the number of complaints received increased, a need for an organisational re-structuring did arise. Please see A – Organisational Arrangements for information on the process of re-organising the NCP which is now taking place. With the strengthened NCP, increased attention to the visibility, use and awareness of the Guidelines will be emphasised.*
-
- How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?
- What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.
- How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

PERU / PEROU

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

- The NCP is led by PROINVERSION, the Peruvian Investment Promotion Agency. PROINVERSION has a Steering Council composed by the Prime Minister and 5 Ministers, including the Minister of Economy and Finance. We expect PROINVERSION to have a deep interaction with the Ministry of Foreign Affairs to perform the NCP’s task. A Consultative Board composed by main actors related to matters of the NCP will also be implemented in order to assure an adequate performance of the NCP’s functions.

How does the NCP relate to other government agencies?

- The organization structure of PROINVERSIÓN¹, through its Steering Council, should help the interaction among other government agencies. Ministries that form part of the Steering Council are: Minister of Economy and Finance, Minister of Agriculture, Minister of Energy and Mining, Minister of Housing, and Minister of Transportation and Telecommunication.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

- Currently, the Social Affairs Office in Proinversion promotes the establishment of mechanisms to enhance participation of and support from regional and local authorities, and civil society to the promotion of public-private partnership infrastructure investment projects (PPPs). Social consensus is required to strengthen the private investment promotion processes.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

- Taking into account that the NCP is under organization, it is not possible yet to give details about possible interaction with other interested parties, including non-governmental organizations (NGOs), involved in the functioning of the NCP.

¹ PROINVERSION is a governmental agency depending on the Ministry of Economy and Finance

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

- The NCP is planning to organize joint activities with the UN Global Compact Peruvian Chapter to promote the OECD Guidelines. At present more than 60 companies based in Peru are participating on this initiative.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

- The NCP organization is underway.

B Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

- As part of Proinversion's investment guidance services, Peru's adherence to the OECD Declaration is being informed to foreign investors willing to explore the possibility of doing business in Peru.
- For that purpose, a site on Proinversion's webpage has been created www.PROINVERSION.gob.pe.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?

- The Peruvian NCP had started significant cooperation from the Peruvian and foreign business community on occasion of the official launching of Peru's NCP activities and OECD guidelines held in April 16, 2010.
- On April 16, 2010, PROINVERSION held a Workshop focused on the presentation of the OECD Guidelines for Multinational Enterprises, including topics such as implementation experiences and the role of the National Contact Point, and the importance of these guidelines for the consolidation of the Peruvian investment climate.
- During the workshop Mrs Mercedes Araoz Minister of Economy and Finance officially launched the activities of Peruvian NCP and the implementation of OECD Guidelines for Multinational Enterprises. During the event Mrs. Marie France Houde representative from OECD, through Video Conference, made an interesting presentation about the OECD guidelines; the role of NCPs was presented by Tabe D. Van Hoolwerff, representative of the Ministry of Economic Affairs from Netherlands; Jorge León, Executive Director of PROINVERSION, made a presentation on the importance of OECD Guidelines for the consolidation of good investment climate.
- The event was attended by representatives from the public and private sector: including Ambassadors and Consuls from Japan, Netherlands, Norway, Sweden, Switzerland, and United Kingdom, as well as trade representatives from the Argentinean, American, Canadian, Chilean, Czech and Mexican embassies and consulates; executive directors of chambers of commerce from five OCDE countries and of Peruvian business associations; Peruvian ministry officials; and managers of multinational enterprises.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

- PROINVERION, as NPC, is planning to carry out meetings with bi-national chambers of commerce seeking to promote workshops with foreign companies established in Peru. And, Guidelines will also be disclosed between the academia, specially research and economic studies centers.
- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with
- Not yet
- Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

- We have been inquired by the Swiss NCP, regarding a specific instance. The Swiss NCP have been updated on the status of said instance.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

Date request to consider specific instance was received.

In March 2009, we have been informed about an alleged breach of the OCDE Guidelines by a Swiss mining subsidiary company.

Who raised the specific instance (e.g. business, trade union, NGO)?

The instance was raised by a Labour Union.

Which chapters of the Guidelines are cited in the specific instance? . If possible, please also cite the specific recommendation(s) covered by request.

The claim is mainly related to alleged violations on labour rights and environment regulations

Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?

It involves business activities in Peru.

Sector of activity: extractive industry (which industry?); agriculture; other primary sub-sector?); financial services; retail distribution; transport; other services.

Mining industry.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

The NCP was not able to promote a solution, as far as the claimants have already presented the case to the local courts, alleging the breach of labor laws, asking for the annulment of the agreements signed with the enterprise (for concluding labor relations) and looking for the reposition in their jobs.

If accepted, date specific instance was concluded

N/A

Were the results communicated to the public and, if so, how?

N/A

Has the NCP monitored the implementation of final statements' recommendations?

Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP ?

- *N/A*

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

- During the Workshop held in April 16, the Peru's NCP made a survey among the workshop attendants. The survey was focused on subjects of the investment climate in Peru and OECD guidelines. The main results from 24 surveys obtained are as follows:

1. Investment climate:

How do you rate the investment climate in Peru?

17% of surveys received rated the investment climate in Peru as very good; 69% as good; and 21% as regular.

2. Do you consider that the implementation of OECD Guidelines for ME, could contribute to consolidate the favorable investment climate in Peru? How?

The total 24 surveyed people mentioned that the implementation of the OECD Guidelines for ME can contribute to the consolidation of a favorable climate for investments in our country. Reasons given are: 44% mentioned that the OECD Guidelines for ME could settle solutions between stakeholders; 25% said that the OECD Guidelines for ME generates confidence; and 17% said that they provide good examples and 17% said that the OECD Guidelines for ME establish clear rules.

3. Investment barriers

What are the main barriers that your companies and/or associated find to carry out investment projects in Peru?

From the total 24 surveys, 38% said red tape is the main barrier to investment; 25% considers informality, low levels of productivity and corruption; 16% said that social instability is one of the main barriers.

What issues do you consider particular attention during the 2009-2010 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

- The Peru's NCP will be participating in the OECD Investment Committee meeting oriented to discuss the Terms of Reference for updating the Guidelines.
- Moreover, Peru's NCP has offered its support in order the OECD to hold in Peru a regional meeting seeking for the Latin American opinion for an update of the Guidelines

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

Annual meetings of NCPs and the meetings of the Working Party of the Investment Committee, as well as the process for updating the Guidelines, provides great opportunity for peer learning. Peru is willing to learn from the experience of other NCPs regarding the implementation of the Guidelines and how to promote good corporate practices, also applying to supply chains, as well as how to maintain good communication with public and private stakeholders.

POLAND / POLOGNE

A. Institutional Arrangements

The Polish National Contact Point has been located at the Polish Information and Foreign Investment Agency (PAIiZ) since 2001. Its address is:

Polish Information and Foreign Investment Agency
Economic Information Department
ul. Bagatela 12
00-585 Warsaw, Poland
www.paiz.gov.pl

PAIiZ is the governmental agency fully owned by the State and reports directly to the Ministry of Economy.

The Polish NCP stays in contact with social partners through correspondence and telephone calls and maintains operational contact with employee organizations (trade unions). Besides, NCP keeps in touch with embassies, foreign companies, NGOs and individuals interested in *the Guidelines*.

NCP also conducts a regular dialogue with business and non-governmental organizations, as well as uses government contacts with business at all levels to promote OECD *Guidelines*. During all promotional activities the Polish NCP highlights support of the Polish government for *the Guidelines*. The NCP also contributes to OECD efforts to raise awareness in non-adhering countries.

B Information and Promotion

Information

PAIiZ's website is the main channel of promotion of the Guidelines for Multinational Companies. *The Guidelines* are readily accessible on the PAIiZ web page and through the direct link to the main OECD National Contact Point site.

The NCP also sends out copies of the text of *the Guidelines* (either electronically or in hard copy) to enquirers on request. A hard copy of *the Guidelines* is included with the booklets that NCP distributes to investors. The site of NCP is available in five languages: Polish, English, French, Russian and German.

The Guidelines are also distributed in a form of a booklet. The booklets are displayed near the conference rooms in the Agency building, thus are available for every investor and other guest visiting PAIiZ.

In 2010 Polish NCP designed a new website which contains a greater amount of useful information.

Promotion

The Polish NCP stays in contact with business community and trade unions and conducts its informational activities according to the core criteria for the operation of NCPs. NCP answers questions on regular basis from the business, NGOs and social partners. The questions concern both *the Guidelines*, the NCP's procedures and matters connected with special instances. Co-operation with the public includes contacts with individuals such as employees of embassies and ministries, consulting firms, students of law and economics as well as individuals checking on the activities of the NCP and *the Guidelines*.

Promotion of the guidelines has the constant attention of the Polish NCP. Special attention was given to spreading 'best practice' cases to the business society and using these examples to enhance the appeal of the Guidelines.

The following activities in 2009-2010 were undertaken:

1. On 29th September 2009 PAIiZ in cooperation with British-Polish Chamber of Commerce (BPCC) and the Responsible Business Forum (FOB) and the Foundation CentrumCSR.PL organized a conference on OECD Guidelines for Multinational Enterprises to discuss the newly launched OECD PNCP's programme "Implement OECD Guidelines – Responsible Business 2009". The aim of the programme is to promote responsible business practice as demonstrated by international companies operating in Poland who follow the guidelines as part of their CSR strategies.

The other purpose was to encourage companies active in Poland to implement OECD guidelines and to promote them in everyday business practices. Together with its partners Polish NCP prepared a programme which includes a pilot self-assessment questionnaire in which a company would be able to self-determine to what extent it has been meeting the standards set in OECD Guidelines for Multinational Enterprises.

The conference was an opportunity to present the role of the Polish NCP and to review the OECD guidelines. Participants had the chance to learn what recommendations result from OECD Guidelines for multinational companies active in Poland and what are the potential benefits from the application of the guidelines.

There was also a presentation of companies which filled out questionnaires concerning the standards of the guidelines.

The meeting was a great success and also attracted numerous participants interested in corporate social responsibility (CSR). The event provided plenty of opportunities for everyone to get a broader knowledge of *the Guidelines* and the importance of implementing them in Poland.

2. On 8th December 2009 the Polish NCP held the "Seminar on the implementation of the OECD Guidelines for Multinational Enterprises". The seminar was a follow up program of the initiative "Implementation of the OECD Guidelines. Responsible Business" and aims at promoting the OECD Guidelines. Partners of the program are BPCC, FOB and CSRInfo.

Among institutions invited to take part in the seminar there were representatives of multinational companies in Poland as well as independent civil society organizations, trade unions and NGOs.

<http://www.odpowiedzialnybiznes.pl/>The aim of the training was to encourage multinational companies to implement the OECD Guidelines and to stimulate civil society organizations and NGOs to engage in actions which could ensure effective introduction of the Guidelines.

The seminar also provided an opportunity to discuss and assess actions undertaken by the OECD National Contact Point in Poland, as well as to discuss ways of making complaints in case of the Guidelines violation by multinational companies and the role of mediator in resolving such conflicts.

3. In 2009 the representative of Polish National Contact Point participated in two meeting and one in April 2010 of CSR working group, the initiative of British Polish Chamber of Commerce. The aim of the working group is to disseminate the principles and experiences of CSR in Poland as well as the directions for public policy in the frame of supporting CSR in Poland and defining a scope of activities to be carried out by the group for the next six months.

4. The Polish NCP has participated in CSR working group appointed by the government which holds regular meetings in the headquarters of the Ministry of the Economy.

5. The other activity of the NCP was promoting *the Guidelines* individually to representatives of business communities. This kind of promotion included distributing the booklets *with Guidelines* and answering to enquiries about them and the role of the NCP. For the purpose of improving the promotion of *the Guidelines* and the NCP we have allotted a substantial amount of money for printing brochures, leaflets and other promoting materials. We have distributed them among the entrepreneurs which intend to implement business social responsibility in their companies in compliance with OECD Guidelines.

6. Moreover, the Polish NCP has received enquiries from employee organizations, companies, embassies and the public through telephone, as well as e-mails and during meetings. Enquires submitted concerned *the Guidelines*, the NCP's procedures and activities of the Polish NCP.

7. In March 2010 Polish NCP started to conduct the activities heading for appointment of Steering Board. The Board will ensure that the NCP is following the complaints procedure correctly and is available to give advice to the NCP.

C. Implementation in specific instances

Since last year's report no new specific instances were submitted.

D. Other

The Polish National Contact Point has undertaken many new initiatives heading in the direction of improving its activities such as searching for possibilities of establishing cooperation with non-government organizations and public institutions which will help in better dealing with specific instances.

PORTUGAL

A. Institutional Arrangements

- Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

No updates were made to Annex 1 and Annex 2.

- NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

Since Portuguese NCP has been redesigned, AICEP, the Portuguese Investment Agency, has now the responsibility of promoting OECD Guidelines and also dealing with information activities; DGAE, Directorate-General for Economic Activities, will focus its activity on institutional relations and in accompanying specific instances that may arise. Both agencies belong to the Ministry of Economy and Innovation.

- How does the NCP relate to other government agencies?

AICEP and DGAE work in close cooperation with other government agencies (for instance, IAPMEI, Medium and Small Enterprises Institute); in addition, there is a strong cooperation with the Ministry of Finance, Foreign Office and Portuguese Embassies all over the world, networking locally or internationally through AICEP 50 offices abroad.

- How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

Portuguese NCP maintains consultations with its social partners, namely developing a close relationship with the main Portuguese business associations and chambers of commerce.

- How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

Portuguese NCP maintains contacts with interested Portuguese NGOs, mainly on information activities.

- How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

APEE, Association on Business Ethics, is the Portuguese focal point for UN Global Compact. AICEP and DGAE will reinforce the cooperation with APEE in order to promote OECD Guidelines thorough its established network (RPGC – Global Compact Portuguese Network).

- Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

Portuguese NCP has recently become a bipartite structure and, since no specific instances has been raised so far, we expected that the main impact of this institutional arrangement will rely on promoting the Guidelines more effectively and on cooperating with public agencies and relevant "stakeholders" more adequately.

B. Information and Promotion

- How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The information provided on the Guidelines for Multinational Enterprises was translated and is available in the website of the Agency. Leaflets have been distributed in seminars and meetings with the business, labour and civil community.

- How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the Guidelines, etc.)?

Steps were taken in order to instigate a major awareness of the national business community, namely of the Portuguese investors abroad as to the importance of responsible business behaviour.

- Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

In terms of promotion, contacts have been made with entrepreneurial representatives and social partners with a view to reinforce the effectiveness of Guidelines implementation, as a way of good governance.

The information on corruption and fight against bribery was distributed to offices and diplomatic missions abroad as well as to more than 1,000 Portuguese companies operating abroad.

Portuguese NCP is currently analysing and evaluating Portuguese direct investment abroad in order to efficiently promote, in the near future, OECD Guidelines and OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones amongst targeted Portuguese multinationals, investors and enterprises that operate in specific and relevant markets.

- Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

Yes.

- Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Information contained in Annex 3 is updated.

- Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

No.

C. Implementation in specific instances

- NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

No specific instances have been raised.

- Date request to consider specific instance was received.
- Who raised the specific instance (e.g. business, trade union, NGO)?
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- If accepted, date specific instance was concluded.
- Were the results communicated to the public and, if so, how?
- Has the NCP monitored the implementation of final statements' recommendations?
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

Specific instances considered by NCPs to date

- Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

No update.

D. Other

- How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

As stated above, Portuguese NCP has recently become a bipartite structure and this new institutional arrangement will certainly improve the operation of the NCP, its performance and the effective promotion of OECD Guidelines.

- Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

This implementation cycle (2009-2010) has been marked by a close relationship between AICEP and DGAE towards a better cooperation in the activity of Portuguese NCP; the new NCP structure brought specialization to each entity involved and we firmly believe that this will benefit resource allocation, better designed promotion and a quality driven relationship with public and private stakeholders.

- If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

No such information is available. Nevertheless, Portuguese NCP is now evaluating the possibility, in future promotion campaigns, of designing a survey on investor's awareness of the OECD Guidelines.

- What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

During 2010-2011 implementation cycle, Portuguese NCP will carry out the evaluation of investment flows abroad; from that standpoint, we will be able to clearly identify our major investors and the main markets involved. It will be possible, then, to promote adequately OECD Guidelines and to raise awareness to this important corporate responsibility instrument amongst relevant players in specific markets (for instance, Portuguese multinationals operating in Portuguese-speaking African countries). On the other hand, we will intensify Portuguese NCP contacts with Ministry of Finance in order to promote OECD Guidelines, as well as other "social responsible" financial instruments (Equator Principles, for instance), amongst relevant Portuguese financial institutions, mainly lenders/investors in the international scene. This promotion will involve Ministry of Finance and possibly Portuguese Central Bank. To our knowledge, two important Portuguese banks have already subscribed the Equator Principles and we'll try to improve the number of subscribers and the dissemination of the Guidelines throughout financial sector.

E. Looking back at the past ten years

- What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

Efforts have to be made to further instigate a major awareness of the entrepreneurial and social community as to the importance of the Guidelines. The main targets are the Portuguese investors abroad and the foreign companies established in the country.

- How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

AICEP, over the past years, has been very keen in raising OECD Guidelines awareness through the promotion activities that were planned. At this stage, as the Portuguese NCP has evolved to a structure composed by two governmental entities (AICEP, the Portuguese investment agency, is going to focus its activity on promoting the Guidelines throughout its offices abroad and in close cooperation with other bodies of Ministry of Economy, Ministry of Finance, Foreign Office and Portuguese Embassies and in a beneficial relationship with interested stakeholders), we expect to improve NCP performance and to raise the quality of OECD Guidelines promotion.

- What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

We don't have experience on this issue since no specific instances have been raised.

- How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

We are highly supportive of the peer learning process and information exchange between NCPs. Peer learning and information exchange can disseminate best practices, improve NCP Performance or promotion activities. We also support the ongoing update process of OECD Guidelines and the valuable involvement of non-members in this update exercise and, to gain further momentum to Guidelines promotion and dissemination, the growing adherence to this instrument of other non-members.

ROMANIA / ROUMANIE

The present Report of the activities undertaken by Romanian National Contact Point for encouraging the observance of the OECD Guidelines for Multinational Enterprises proposed by Organization for Economic Cooperation and Development (OECD) is in compliance with the Common Framework for Annual Reporting by National Contact Points to the Investment Committee for the period 1 July 2009 - 30 June 2010.

A. Institutional Arrangements

Romanian National Contact Point was established by Government Decree No. 420/12 May 2005, published in the Official Journal of Romania No. 411/16.05.2005, as binding element for the application of the OECD Guidelines for Multinational Enterprises. Romanian National Contact Point (RNCP) is responsible for encouraging the implementation of the OECD Guidelines for Multinational Enterprises in the national context and for disseminating information on these to the business communities and other interested parties.

RNCP collects the information regarding the national experiences of OECD Guidelines promotion, discusses the questions raised by business community regarding OECD Guidelines and assists their solving. When there are specific issues regarding the business behavior related to Guidelines implementation, RNCP is responsible for supporting their solving. Any person or company may contact RNCP concerning any Guidelines related request.

The establishment of the Romanian National Contact Point is in accordance with Romania's status of adhering country to the OECD Declaration on International Investments and Multinational Enterprises.

The RNCP includes representatives with decision power from the following authorities:

- Ministry of Foreign Affairs
- Ministry of Economy, Trade and Business Environment
- Ministry of Public Finance
- Ministry of Justice
- Ministry of Education, Research, Youth and Sports
- Ministry of Labour, Family and Social Protection
- Ministry of Transportation and Infrastructure
- Ministry of Regional Development and Tourism
- Ministry of Environment and Forests
- Romanian Centre for Trade and Foreign Investment Promotion
- Business Environment Unit
- Institute for Economic Research

- Alliance of Romanian Employers' Association Confederation
- Chamber of Commerce and Industry of Romania

Also, depending on the issue under debate within the Romanian National Contact Point, the consultation process may be extended to other representatives from governmental and nongovernmental institutions, trade unions and civil society.

The Coordination of the Romanian National Contact Point is assured by Minister of Economy, Trade and Business Environment, together with the responsible person for the relation between Romania and OECD, assigned by the Minister of Foreign Affairs. The executive function belongs to Ministry of Economy, Trade and Business Environment - Directorate for Business Environment and the Romanian Centre for Trade and Foreign Investment Promotion. The technical secretariat is ensured by the designated persons from the Romanian Centre for Trade and Foreign Investment Promotion and the Ministry of Foreign Affairs.

Headquarter of the Romanian National Contact Point is located within the Romanian Centre for Trade and Foreign Investment Promotion. The contact details are as follows:

Romanian Centre for Trade and Foreign Investment Promotion

17 Apolodor Street, district 5, Bucharest

Tel: 40 (021) 318 50 50

Fax: 40 (021) 311 14 91

Email: office@traderom.ro

Web: www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC

B. Information and Promotion

Easy bilingual access to information on OECD Guidelines for Multinational Enterprises, RNCP and Investment Committee useful documents

Considering the easy access to information related to OECD Guidelines for Multinational Enterprises and RNCP's field of activity, as well as the link between foreign investments and OECD Guidelines issues, the sub-site section dedicated to RNCP is available on the Department of Foreign Investment from Romanian Centre for Trade and Foreign Investment Promotion's website. Romanian Government decided, last year, the reorganization of some public authorities and institutions and rationalization of public spending. Thus, Romanian Agency for Foreign Investment was dissolved and a new institution was established, respectively the Romanian Centre for Export and Foreign Investment Promotion that is continuing the activity of promoting and attracting investments developed by the former agency, including those regarding the National Contact Point.

The OECD Guidelines for Multinational Enterprises are translated in Romanian and are available for downloading also in English on the Department of Foreign Investment website on a separate section distinctively dedicated to RNCP. The information included on the RNCP sub-site refers to: brief description of RNCP attributions, the resolution mechanism of issues related to OECD implementation in

specific instances, short presentation of OECD Guidelines, useful documents such as OECD Investment Policy Reviews Romania, Policy Framework for Investment, OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones , useful links for Romanian and international websites.

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In racing other countries in the region for attracting higher inflows of FDI, Romania enjoys certain competitive advantages that encourage foreign investors to consider developing their business here.

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News & Events

08/04/2010
Romanian Center for Trade and Investment
At the end of 2009, Romanian Agency for Foreign ...

16/10/2009
Foreign direct investment attracted by Romania in the first 8 months 2009 continue to have a strong macroeconomic impact
Foreign direct investment attracted by Romania ...

24/09/2009
Romanian British Expo - 4 and 5 November 2009
ROMANIAN BRITISH EXPO 2009 is delighted to ann ...

21/09/2009
Foreign Direct Investment on the first 7 months 2009
Foreign Direct Investment attracted by Romania ...

[news archive](#) →

Source: www.arisinvest.ro



Source: www.arisinvest.ro

Promotion of the OECD Guidelines for Multinational Enterprises and RNCP to non-governmental organizations



Romanian National Contact Point continues the collaboration with “AUR” Organization – National Association of Human Resources Specialists (A.N.S.R.U.), non-profit and non-governmental professional organization, which promotes the human resources concept in Romania. Collaboration includes meetings with the representatives of the above mentioned non-governmental organization, at the Romanian National Contact Point headquarter, to inform upon the changes in the institutional framework in Romania, affecting also the RNCP. As well, RNCP supported “AUR” (member of OECD Watch since June 2008) to complete a questionnaire regarding its structure and activity. The questionnaire was sent to OECD Watch.

Promotion of the OECD Guidelines for Multinational Enterprises and RNCP to the external network of Romanian economic and commercial counselors abroad

A leaflet presenting the mission and responsibilities of the Romanian Centre for Trade and Foreign Investment Promotion, among which the Technical Secretariat of RNCP was edited at the VI annual meeting of Romanian commercial counselors of the external network of Ministry of Economy, Trade and Business Environment.

As well, in the Business Journal No. 980/2010, is mentioned distinctly the Technical Secretariat of the Romanian National Contact Point within the newly established institution, Romanian Centre for Trade and Foreign Investment Promotion.

Misiunea CRPCIS

- Promovarea comerțului românesc și a investițiilor străine în România
- Prezentarea climatului investițional și a potențialului economic al țării în mediile de afaceri internaționale
- Asistență pentru realizarea proiectelor de investiții și promovarea parteneriatelor de afaceri cu participare străină
- Informare și documentare comercială privind piețele externe, comerțul exterior românesc și investițiile străine în economia națională
- Dezvoltarea relațiilor de colaborare cu organizații naționale, regionale și internaționale de promovare a comerțului și investițiilor, precum și instituții publice locale din țări cu potențial investițional

Activitățile și serviciile noastre

Promovarea comerțului și investițiilor

- Manifestări expoziționale și misiuni economice cuprinse în Programul național de promovare a exportului
- Evenimente economice și standuri de informare pe teme legate de comerț și investiții străine
- Asistență și consultanță pentru:
 - Proiecte de investiții grevate în România
 - Identificarea locațiilor și partenerat pentru investiții străine
 - Vizite la amplasamente industriale - posibile locații confor- me cu cerințele investiției străine propuse
 - Întâlniri cu autoritățile locale și potențialii parteneri pen- tru susținerea proiectelor de investiții
 - Denunțare și post-implimentare proiecte de investiții

Jurnalul Afacerilor - publicație săptămânală de informare comercială și de afaceri

- Oportunități de afaceri
- Manifestări expoziționale și misiuni economice
- Prețuri internaționale cotații bursiere
- Informații de piață internă și internațională
- Reglementări comerciale

Punct Național de Contact OECD

CRPCIS asigură Secretariatul Tehnic al Punctului Național de Contact pentru aplicarea recomandărilor propuse de OECD în Comitetul pentru Investiții și Companii Multinaționale - Grupul pentru întreprinderi Multinaționale

Avizul CRPCIS

CRPCIS acordă avizul tehnic de specialitate pentru cetățeni străini care solicită viză de lungă ședere pentru desfășurarea de activități comerciale în România

Informare documentare comercială

- Oportunități de afaceri - cereri de ofertă, licitații în sf. seriale și propuneri de parteneriate de afaceri cu participare străină
- Reglementări naționale privind investițiile
- Date tehnice despre locațiile și parcurile industriale ca vizare amplasamente pentru investiții străine
- Firme românești cu potențial de export produse și servicii
- Top exportatori la nivel național și în profil teritorial
- Date statistice privind comerțul internațional românesc și investițiile străine în România
- Piețe externe pentru exportatorii români
- Produse românești cu potențial de export
- Materiale de prezentare și promovare economică și comercială

Relații de colaborare și parteneriat

- International Trade Centre (ITC) UNCTAD/WTO
- Organizația pentru Cooperare și Dezvoltare Economică OECD - Comitetul pentru Investiții și Companii Multinaționale
- World Association of Investment Promotion Agencies (WAIPA)
- European Trade Promotion Organization (ETPO)
- Balkan Regional Center for Trade Promotion (BCTP)
- Organizații naționale de promovare a comerțului din peste 50 de țări
 - Organizații naționale de promovare a investițiilor din China, Coreea de Sud, Slovacia, Iordania și Egipt
 - Autorități locale - rețea proprie de reprezentare teritorială în țară
 - Instituții, organizații și asociații naționale din domeniul comerțului și investițiilor

CENTRUL ROMÂN PENTRU PROMOVAREA COMERTELUI ȘI INVESTIȚIILOR STRĂINE
ROMANIAN CENTER FOR TRADE AND INVESTMENT
Str. Apolonia nr. 17, Sector 5, 060141, București
Telefon: +4021 31633333 Fax: +4021 31111430 E-mail: info@rcpcis.ro www.rcpcis.ro

Source: Business Journal No. 980/2010

Promoting RNCP and the OECD Guidelines to young German apprentices

Institute of structural policy and business development (www.isw-gmbh.de) in Halle Saale (Saxony-Anhalt, Germany) is in charge with different regional, national and international projects. Since September 2008 the institute is implementing an European project on the Internationalization of Professional Education (www.azubi-europa.de), which gives to young German apprentices of the region Saxony-Anhalt the opportunity to travel abroad and to see how their work, school, business sectors (and so on) are organised in other countries. In this context, a group of 15 German apprentices had a meeting with the

158

Department for Foreign Investment within the Romanian Centre for Trade and Foreign Investment Promotion. Within the meeting were explained the aim, attributions and activities of the Romanian National Contact Point, as well as the issues covered by the OECD Guidelines for Multinational Enterprises.

C. Implementation in specific instances

Regarding this issue, on the web page dedicated to the Romanian National Contact Point (<http://www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC>), clarifications concerning the resolution process of issues that arise relating to the implementation of the OECD Guidelines for Multinational Enterprises in specific instances are made. The RNCP provides a forum for discussion and assists the business community, employee organizations and other parties dealing with the issues raised in an efficient and timely manner and in accordance with applicable law.

Since its establishment in 2005, there haven't been received any requests to be considered cases by the Romanian National Contact Point.

D. Other

The core criteria of visibility, accessibility, transparency and accountability for the functioning of the Romanian National Contact Point have been applied to further strengthen the effectiveness of the OECD Guidelines for Multinational Enterprises. The Romanian NCP web page contains the OECD Guidelines in English and Romanian and other OECD related documents. Also the OECD Guidelines were presented to non-governmental organizations and academic structures.

E. Looking back at the past ten years

Romanian National Contact Point for encouraging the observance of the OECD Guidelines for Multinational Enterprises proposed by Organization for Economic Cooperation and Development was established 5 years ago. Since May 2005, when it became operational, its activities focused on promotion the OECD Guidelines for Multinational Enterprises and its role, mission and responsibilities.

In May 2005, the official opening was made in the presence of mass – media representatives and the main public institutions with responsibilities in this field. On that occasion there were distributed promotional materials (CDs and flyers), concerning the role, structure, attributions of the Romanian NCP and the OECD Guidelines in English and their translation in Romanian.

Romanian NCP sent letters to the most important companies classified by their subscribed social capital, patronages and students associations, inviting them to a permanent collaboration based on exchange of information and mutual support for encouraging the observance of the OECD Guidelines for Multinational Enterprises. The dissemination and promotion campaign continued over the years towards: central and local public authorities, multinational companies, Foreign Investors Council in Romania, regional development agencies, local and bilateral chambers of commerce, foreign embassies in Bucharest and Romanian embassies abroad, trade unions, labor unions, professional associations.

The Romanian National Contact Point web page was developed, presenting in a targeted manner information in Romanian and English upon: RNCP's role, responsibilities, structure, Resolution of Issues Related to Implementation of OECD Guidelines, Useful documents and links and Contact coordinates. As useful documents are presented the following:

- *OECD Guidelines for Multinational Enterprises;*
- *OECD Investment Policy Reviews Romania;*
- *Policy framework for Investment;*
- *OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.*

Other promotional tools used were a leaflet presenting RNCP and OECD Guidelines for Multinational Enterprises and a distinct section from the brochure "Frequently Asked Questions - An Overview", edited by former Romanian Agency for Foreign Investment dedicated to the OECD Guidelines for Multinational Enterprises and Romanian National Contact Point. The questions and answers referred to:

- *What is Romanian NCP?*
- *What are the main attributions of the Romanian NCP?*
- *What are the contact details of the Romanian NCP?*
- *What are the Guidelines for multinational enterprises and international investments?*
- *What are the issues covered by the OECD Guidelines for Multinational Enterprises?*
- *Where can be found the OECD Guidelines for Multinational Enterprises and other useful documents?*

Considering the importance of the unions in the OECD Guidelines observance, Romanian National Contact Point made a power point presentation on its attributions and OECD Guidelines within the seminar "Decent Work for Metalworkers Capacity-Building for Successful Social Dialogue in Metal Industry in New Member States and Candidate Countries", held in Bucharest on April 14, 2008. Representatives of the most important Romanian and Hungarian unions attended this seminar. (Cartel Alfa – Romanian National Trade Union Confederation, BNS - Romanian National Trade Unions Block, Romanian Trade Union Federation of Steel Workers - FSS METAROM, National Confederation of Hungarian Trade Unions, Hungarian Metalworkers Federation, etc.). The seminar was organised by ILO - International Training Centre and European Federation of Metalworkers, being financed by the European Commission.

Romanian National Contact Point collaborates with "AUR" Organization – National Association of Human Resources Specialists (A.N.S.R.U.), non-profit and non-governmental professional organization, which promotes the human resources concept in Romania. Collaboration includes meetings with the representatives of the above mentioned non-governmental organization, at the Romanian National Contact Point headquarter, to inform upon OECD Guidelines for Multinational Enterprises, RNCP attributions and the possibility to organize common activities in the near future.

Promotion of the OECD Guidelines and NCP responsibilities in the academic field was made:

- at the premises of the National Institute of Administration within a presentation seminar for the Institution's students,
- for an Executive MBA program at IMD (a business school in Lausanne Switzerland) that included one week training in Romania,
- to the second year students of the Faculty of International Economic Relations (Academy of Economic Studies Bucharest), within the Trade Policy seminars. As well, these informations were presented to the students attending the master in "Geopolitics and International Economic Relations", at the "International Economy" seminars,
- to a group of 15 German apprentices within the European project on the Internationalization of Professional Education.

Articles containing information on Romanian National Contact Point and OECD Guidelines for Multinational Enterprises were published in Romanian Economic and Business Review, peer-reviewed Romanian journal in the field of economics and business and in the Business Journal.

Romania used each opportunity to share and promote a constructive and proactive high-level dialogue by discussing also the very comprehensive OECD document “Policy Framework of Investments”. It was a challenge for highlighting the sensitive issues necessary for implementing specific policies that have an impact on investments contributing to a better balance of the globalization effects in different regions.

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

A. Institutional Arrangements

The National Contact Point (NCP) has been established at the Ministry of Economy of the Slovak Republic, Strategic Investments Department. Since May 2008 the NCP is chaired by Ms Karin Jassova, Strategic Investments Director. The NCP is delegating part of the NCP-related tasks to SARIO, Slovak Investment and Trade Development Agency, a Ministry of Economy subsidiary under direct supervision of Strategic Investments Department.

Strategic Investments Department
Strategy Section
Ministry of Economy of the Slovak Republic

Mierova 19, 827 15 Bratislava
Slovak Republic
tel.: +421 2 4854 1605
fax: +421 2 4854 3613
e-mail: jassova@economy.gov.sk

Slovak Investment and Trade Development Agency
Mr. Vladimir Svac, Strategy Director

Martineckova 17, 821 01 Bratislava
Slovak Republic
tel.: +421 2 58 260 242
fax: +421 2 58 260 109
e-mail: Vladimir.Svac@sario.sk

The NCP closely cooperates with other institutional stakeholders in Slovakia to ensure their engagement in promoting OECD Guidelines for MNEs as well as a continuous improvement of the NCP's functioning. These are notably the Ministry of Finance, Ministry of Labour and Welfare, and various associations and NGOs.

B. Information and Promotion

The Guidelines are published at the Ministry of Economy website. To further increase the visibility, the NCP is delegating marketing and promotion activities to SARIO, within the agency's FDI after-care services. A more proactive approach has been chosen in 2010, starting with a broader involvement of corporate social responsibility stakeholders, experimenting with their increasing engagement to see how the NCP performance will be impacted. This is also supposed to lead towards increased transparency and accountability of the NCP operation.

C. Implementation in specific instances

No specific instances have been submitted to the NCP yet which is expected to change because of the broader stakeholder engagement and OECD MNE Guidelines marketing activities. The Ministry of Economy will be proactively communicating active instances with other NCPs to acquire the tools necessary to resolve the incoming instances efficiently.

D. Other

The Ministry of Economy and SARIO will submit a proposal to build OECD Global NCP Monitor, an electronic database of shared instances and expertise envisaged to further increase NCP performance and efficiency of collaboration among the NCPs.

SLOVENIA / SLOVENIE

A. Institutional Arrangements

The Slovenian National Contact Point is located at the Ministry of Economy of Slovenia as an integral part of the Directorate for Foreign Economic Relations.

Mailing address:

Ministrstvo za gospodarstvo, 1000 Ljubljana, Kotnikova 5, Slovenia

Phone numbers:

+ 386 1 400 3521 or 3533

Fax number:

+ 386 1 400 3611

e-mail address: nkt-oecd.mg@gov.si or tatjana.bruncek-jovicevic@gov.si.

The National Contact Point is supported by an intergovernmental working group which was formed on the basis of a decision by the Government. The purpose of the group is to discuss any specific instances and make recommendations. It consists of representatives of the Ministry of Economy, Ministry of Finance, Ministry of Labour and Social and Family Affairs, Ministry of Environment and the Government Office for Growth and European Affairs.

The working group met in early February of 2010 for the first time since its inception in March of 2009. At the meeting it discussed the functions of the NCP and a possible programme of support for promotional activities related to the OECD Guidelines for Multinational Enterprises.

The NCP established working contacts with non-governmental organizations (such as the Chamber of Commerce of Slovenia, the Employers' Federation and trade unions) in order to discuss promotion activities for the Guidelines.

B. Information and Promotion

In March 2010 the NCP proposed measures to the Directorate General for Foreign Economic Relations in connection with the implementation of a fully operational NCP in accordance with OECD standards.

In 2009 the NCP printed and distributed a brochure consisting of a Slovene translation of the Declaration and Guidelines with brief comments.

The Guidelines are posted on the internet in a Slovene translation and in the original English language (http://www.mg.gov.si/si/nkt_oecd).

C. Implementation in specific instances

There have been no specific instances in the period under review.

The NCP proposed the adoption of internal rules of procedure as well as rules of procedure for the treatment of proposals in specific instances and making recommendations by the intergovernmental working group. This remains a pending issue.

SPAIN / ESPAGNE

Organisation institutionnelle

Structure et localisation du PCN

Le PCN espagnol continue d'être situé au:

Secrétariat Général pour le Commerce Extérieur
Ministère de l'Industrie, du Tourisme et du Commerce
Paseo de la Castellana, 162
28046 Madrid

- téléphone: (+34) 91 349 38 50
- fax: (+34) 91 457 28 63 et (+34) 91 349 35 62
- e-mail: pnacional.sccc@comercio.mityc.es

Organisation institutionnelle du PCN

Comme déjà rapporté précédemment, le PCN est un service unique du Ministère de l'Industrie, du Tourisme et du Commerce dont le secrétariat est assumé par la Sous Direction Générale des Investissements Extérieurs.

Quel est le lien entre le PCN et d'autres agences gouvernementales?

Le PCN continue à maintenir des contacts réguliers avec le Ministère de l'Environnement et du Milieu Rural et Marin, le Ministère du Travail et de l'Immigration et le Ministère de la Justice.

Il participe aussi au *Groupe de Travail sur la Transparence* du Conseil d'État à la Responsabilité Sociale des Entreprises (RSE) qui cherche à établir un modèle de rapport RSE.

Quel est le lien entre le PCN et les partenaires sociaux impliqués dans le fonctionnement du PCN?

Les partenaires sociaux (milieux d'affaires: CEOE et Conseil Supérieur des Chambres de Commerce; Syndicats: UGT et CC.OO.) assistent régulièrement à des réunions du PCN.

Quel est le lien entre le PCN et d'autres organisations telles les ONG associées au PCN?

Plusieurs ONG sont convoquées à des réunions du PCN et y assistent régulièrement (Observatoire de la RSE, Transparency International, Confédération de Consommateurs,...).

Quel est le lien entre le PCN et d'autres initiatives de responsabilisation des entreprises ?

Le PCN prête sa collaboration au Pacte Mondial de l'ONU, et participe actuellement aux travaux du *Groupe de Travail sur la Lutte contre la Corruption et la Transparence* du Réseau Espagnol du Pacte Mondial.

Est-ce que des changements ont été apportés ou sont envisagés afin d'améliorer la performance du PCN ? Est-ce que ces changements portent sur la structure du PCN ou concernent les procédures d'examen des instances spécifiques ? Est-ce que les changements adoptés or envisagés ont été ou sont inspirés par des changements dans l'organisation institutionnelle de d'autres PCN ou de recommandations des parties prenantes ? Pouvez-vous élaborer les raisons et l'impact anticipé de ces changements ?

Aucun changement n'a eu lieu ni dans la structure du PCN ni dans son fonctionnement. Nous attendons la fin de la prochaine révision des Principes Directeurs pour évaluer quels changements pourraient intervenir en vue de l'amélioration du PCN.

Information et promotion

Comment les Principes directeurs ont-ils été rendus accessibles?

Les Principes directeurs avaient déjà été traduits en espagnol, en catalan et en galicien, et publiés en une brochure par le Secrétariat Général au Commerce Extérieur. Le PCN avait aussi édité en espagnol l'ouvrage du TUAC traduit à l'espagnol par les syndicats.

Le PCN continue à fournir sa brochure aux parties intéressées sur demande, ainsi qu'aux Offices Commerciaux auprès des Ambassades d'Espagne et aux Directions Régionales de Commerce dans notre pays.

Le site web du PCN (www.espnc.es), indépendant de celui du Ministère de l'Industrie, du Tourisme et du Commerce, et la page web du Ministère (www.comercio.mityc.es) hébergent le texte complet des Principes Directeurs, cette dernière sous la rubrique des Investissements Étrangers.

Comment la coopération avec les milieux d'affaires, les syndicats, les ONG et les autres publics concernés pour promouvoir les Principes directeurs a-t-elle été organisée?

Comme déjà indiqué dans les rapports précédents, la coopération s'organise par le biais de réunions du PCN auxquelles sont invités les partenaires sociaux (milieux d'affaires, syndicats) et des ONG, ainsi que des représentants d'autres ministères de l'Administration espagnole.

Cette année le PCN a présenté les Lignes Directrices devant la *Commission Consultative sur les Négociations Commerciales Internationales* présidée par la Secrétaire d'État au Commerce et ouverte aux partenaires sociaux, aux ONG et à d'autres organisations de la société civile.

Il a participé aussi à une table ronde sur le thème « Entreprises et Droits Humains » organisée par *Amnesty International Espagne* où il a fait une présentation des Principes Directeurs.

D'autres activités d'information et de promotion ont-elles été organisées?

Le PCN a organisé conjointement avec COFIDES, la Compagnie Espagnole de Financement du Développement, une conférence sur « La Responsabilité des entreprises : état des choses et conséquences pour les entreprises ».

Le PCN continue à intervenir dans les cours de formation des Conseillers Économiques et Commerciaux espagnols à l'étranger, des stagiaires en commerce extérieur, des analystes des investissements et des attachés civils auprès des Ambassades d'Espagne. Il leur fournit les brochures sur les Principes directeurs ainsi que des explications plus détaillées. Il agit de même avec les nouveaux fonctionnaires des corps supérieurs des Ministères de l'Économie et de l'Industrie, du Tourisme et du Commerce spécialisés dans le domaine du commerce et des investissements.

Cette année le PCN a entrepris la réalisation d'un sondage entre les 200 premières entreprises espagnoles qui investissent à l'étranger, dans le but de tester à quel point les Principes Directeurs sont connus par le public auquel ils s'adressent. Cette enquête demandait aussi aux entreprises d'indiquer ce qu'elles souhaiteraient trouver dans le texte des Principes Directeurs et dans le fonctionnement du PCN.

Est-ce que l'Outil de sensibilisation au risque de l'OCDE destiné aux entreprises opérant dans les zones à déficit de gouvernance a été disséminé ou référé par ailleurs dans le cadre d'interactions avec les entreprises et autres parties intéressées?

Non.

L'annexe 3 présente le tableau 1 du Rapport du Président 2009 (« Liens entre les Principes directeurs de l'OCDE et les programmes de crédits à l'exportation, de garantie des investissements à l'étranger et de promotion des investissements à l'étranger »). Les PCN sont priés d'actualiser ce tableau.

Annexe modifiée.

Des demandes d'information ont-elles été reçues de la part: a) d'autres PCN; b) des milieux d'affaires, des organisations syndicales, d'autres organisations non gouvernementales, du public; c) de gouvernements de pays n'ayant pas adhéré aux Principes directeurs?

Nous continuons à recevoir quelques demandes d'information générale sur le PCN et les Lignes Directrices de la part de particuliers (surtout de milieux universitaires).

Mise en oeuvre dans des circonstances spécifiques

Le PCN n'a été saisi d'aucun cas spécifique pendant la période 2009-2010.

Divers

Comment les caractéristiques du PCN prévues par les Principes directeurs pour renforcer leur efficacité (visibilité, accessibilité, transparence, légitimité) ont-elles été appliquées dans le cas de votre pays? Veuillez fournir des exemples pour illustrer ces différents points.

Les quatre critères (visibilité, accessibilité, transparence et légitimité) de fonctionnement du PCN sont assurés par les contacts maintenus autant avec les partenaires sociaux et les ONG qu'avec d'autres départements de l'Administration, ainsi que par le site web www.espnc.es.

Souhaitez-vous fournir d'autres informations sur la nature et les résultats de l'activité du PCN? Y compris des expériences utiles éventuelles et/ou des difficultés rencontrées en faisant le travail du PCN ?

Les activités du PCN se déroulent de façon satisfaisante grâce aux bonnes relations établies avec d'autres Ministères, les partenaires sociaux et différentes organisations de la société civile.

Si le PCN dispose d'enquêtes ou statistiques documentant la sensibilisation des compagnies aux Principes directeurs, souhaiteriez-vous incorporer cette information dans votre rapport ?

Nous ne disposons pas encore de ce genre de documents étant donné que nous sommes encore à l'étape d'analyse des résultats du sondage susmentionné.

Quelles questions pourraient mériter une attention particulière durant le cycle de mise en oeuvre 2010-2011 en dehors de celles qui pourraient être discutées dans le cadre de la prochaine actualisation des Principes directeurs ? Pourquoi ?

-
- Nous avons commencé une période de consultations au sein du PCN avec tous nos partenaires habituels afin de cerner d'autres questions qui pourraient entrer dans la prochaine révision des Principes Directeurs.
-
- **Divers**

Quelle est votre appréciation générale du fonctionnement de votre organisation institutionnelle au cours des dix dernières années ? Quelles en sont les principales réalisations ? Dans quels domaines les changements ont-ils été revendiqués et pourquoi ?

-
- Le PCN a fonctionné raisonnablement bien pendant ces dernières années. Sa principale réalisation a été la mise sur pied même du PCN, ainsi que le fait de nous avoir rendu visibles pour toutes les parties prenantes et les autres organes de l'Administration espagnole.

Comment vous jugez les résultats de vos efforts pour renforcer la visibilité, l'accessibilité, la transparence et l'utilisation des Principes directeurs ? Quels ont été les principaux défis auxquels vous avez été confronté ? Comment vos activités de promotion ont-elles évolué pour répondre à ces défis ?

-
- Le défi principal auquel nous avons fait face, et auquel nous continuons à être confrontés, est le peu d'attrait que les Principes directeurs exercent sur les entreprises, étant donné que celles-ci ne peuvent les souscrire comme dans le cas des Principes du Pacte Mondial des Nations Unies.
-

Quelles sont les grandes leçons de la mise en œuvre du fonctionnement du mécanisme des circonstances spécifiques ? Quels en ont été les points forts ? Est-ce les défis que vous avez rencontrés ont trait aux sujets figurant dans les termes de référence pour une actualisation des Principes directeurs, et plus particulièrement les sujets décrits aux paragraphes 26-28 du document DAF/INV/WP(2010)1 ?

-
- Sans objet vu l'absence de cas spécifiques présentés.
-

Quelle est votre appréciation des opportunités d'échange d'informations et d'expériences offertes par les réunions annuelles des PCN et des sessions régulières du Groupe de travail du Comité de l'investissement ?

Ces échanges sont vraiment très intéressants. Il faut continuer à les maintenir et il conviendrait même de les approfondir.

SWEDEN / SUEDE

A. Institutional Arrangements

Composition

Tripartite: government, business organisations and trade unions. The Ministry for Foreign Affairs, International Trade Policy Department, chairs the Swedish National Contact Point (NCP) and has the ultimate responsibility for its work and its decisions.

Participants in the Swedish NCP:

Ministry for Foreign Affairs

International Trade Policy Department

Department for Development Policy

Ministry of Employment

Ministry of Environment

Ministry of Enterprise

Organisations:

IF Metall

Unionen - Swedish Union of Clerical and Technical Employees in Industry and Swedish Salaried Employees

Swedish Confederation of Professional Employees (TCO)

Swedish Trade Union Confederation (LO)

Swedish Confederation of Professional Associations (SACO)

Confederation of Swedish Enterprise (Svenskt Näringsliv)

Swedish Trade Federation (Svensk Handel)

The NCP relation to other government agencies

No changes since last year.

The NCP is open for cooperation with any interested agency. Through the initiative Swedish Partnership for Global Responsibility (which aims at promoting the OECD Guidelines and the principles set forth in the UN Global Compact) an ongoing dialogue is held with several government agencies on issues relating to the OECD Guidelines.

Involvement of social partners (business community and employee organisations)

No changes since last year.

The principal parties are involved in the NCP.

Other interested parties, including non-governmental organisations (NGOs)

No changes since last year.

Since the launch of the Swedish Partnership for Global Responsibility in 2002, NGO's have shown an increased interest in the OECD Guidelines and the work of the NCP. The Swedish Partnership organise seminars and work-shops sometimes together with NGO's and sometimes when NGO's participate.

Members of the NCP regularly attend seminars and conferences where they inform about and discuss the OECD Guidelines and the work of the NCP with NGO's.

At times other interested parties are invited to NCP-meetings to discuss certain issues. Representatives from the financial sector such as The Swedish Export Credits Guarantee Board, Swedish Export Credit Corporation and Swedfund have participated in one of the NCP-meetings during the spring and in the fall a representative from the Inquiry on a more modern legislation on bribery held a presentation on one of the meetings.

How the NCP relates to other initiatives such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its networks

The Swedish NCP and the Swedish Partnership have a close relationship with the UN Global Compact and its local networks, and Sweden is one of the biggest donors to the Global Compact. Point of departure for the Partnership is the UN Global Compact and the Guidelines. Sweden considers that the two instruments complement and reinforce each other. The Partnership has contacts with the Nordic Global Compact Network. The Partnership cooperates with the UN Special rapporteur John Ruggie, who is also "friend of the guidelines", and has financed parts of his missions. Sweden arranged a conference on CSR on November 10-11 2009, based on SGSR John Ruggie's report titled "Protect, respect and remedy". Professor Ruggie took active part in the conference, and among the other 200 participants the head of Global Compact Georg Kell, former UN High Commissioner for Human Rights Mary Robinson and Deputy Secretary-General of OECD Aart de Geus can be mentioned.

The Swedish Partnership for Global Responsibility has initiated a reference group on CSR, to which Swedish companies that are members of the Global Compact, the NCP representatives, export credit agency, Sida and Swedish Trade Council are invited. The meetings are led by the Secretary of State for Trade and take place 2-3 times per year. In March 2010 the reference group met to discuss the update of the OECD Guidelines for multinational enterprises and the draft terms of reference that had been set forth.

- Have institutional changes been made, or are currently planned, to improve the performance of the NCP?

No changes have been made since last year and no changes are currently planned.

B. Information and Promotion

The availability of the OECD Guidelines in Sweden

The OECD Guidelines and selected parts of the commentary have been translated into Swedish and fitted into a handbook. The handbook has been printed in 10 000 copies and have been distributed to all Swedish embassies, the Swedish Parliament, the members of the organisations represented in the NCP and to various interested organisations and companies and on request. All companies applying for officially supported export credit guarantees are also given information about the Guidelines. The Swedish NCP revised the handbook 2006. The handbook is posted on the Swedish Partnership for Global Responsibility's web page where there are also links to the UN, OECD Investment Committee's (IC's) web page and to the OECD Guidelines and the commentary in Swedish and English.

The handbook and/or a short information note on the OECD Guidelines have been available at seminars organised by the Swedish Partnership for Global Responsibility. Since the launch of the Partnership in March 2002, almost 50 seminars have been held.

Co-operation on promotion of the OECD Guidelines

The Swedish NCP is a tripartite body constituted of representatives from the business sector, trade unions and the government. Meetings in the NCP provide valuable input for the position of Sweden to the Investment Committee and the co-operation is fundamental for the promotion of the OECD Guidelines.

The Swedish NCP held formal meetings between June 2009 and May 2010. The meetings were held in preparation for the IC-meetings, but addressed as well various other issues related to ongoing national and international Corporate Social Responsibility (CSR) activities.

Swedish Partnership for Global Responsibility

The Swedish Government actively encourages Swedish business to behave responsibly by striving to comply with the OECD Guidelines. The Swedish Partnership for Global Responsibility was launched by the then Prime Minister in March 2002 as an effort to encourage Swedish companies to become ambassadors for human rights, core labour standards, anti-corruption and a sound environment, all over the world. The point of departure is provided by the OECD Guidelines and the ten principles set forth in the UN Global Compact.

The Partnership has carried on information work on e.g. international developments in CSR, international systems of rules and conventions and practical experience and research results. Seminars and workshops that have been arranged highlight specific geographical or thematic issues such as Business in China, Corruption, Business and human rights and the UN Framework Protect, Respect, Remedy. The OECD Guidelines are a very effective tool in this context.

Other information and promotion activities (seminars and/or conferences on the OECD Guidelines in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)

The following are examples of other information and promotion activities that have been taken place:

The Chairperson of the NCP has participated in a range of activities to talk about the Government's role in promoting CSR and how the OECD Guidelines can be an effective tool in this context.

Parties of the NCP are actively engaged in promoting the OECD Guidelines as a part of their regular activities.

The Swedish Trade Federation is a private organization for importers, traders, wholesaler and retailers. Ethics in trade and corporate social responsibility are key topics in their dialogue with members and potential suppliers to Swedish companies and the Swedish market. The Federation is actively promoting the Guidelines in their activities for member companies and in seminars and meetings with foreign companies who want to export to Sweden.

In December 2009 the Swedish Trade Federation launched its new CSR-tool towards member companies called “Responsible Business Management. The concept consists of a brochure and work-shops covering four areas: the responsible employer, good market ethics, taking responsibility for the environment & the climate and the area of responsible purchasing and supply chain management.

The Swedish Trade Federation arranged a laboratory work-shop in Brussels in March 2010 under the umbrella of the “European CSR Alliance”, in cooperation with EuroCommerce. The theme of the work-shop was local engagement with a specific focus on education and the importance of higher education with a focus towards the commerce sector.

During 2010 the Swedish Trade Federation has carried out several activities for the Swedish SMEs in the area of “Responsible Business Management, CSR. The Federation has also taken part in seminars and break-fast meetings, presenting CSR - focusing on how companies practically incorporate ethical and environmental practices in the day-to-day business, to the Swedish Government, organisations and companies.

In the Winter of 2010 the Federation visited Istanbul – Turkey for a fieldtrip, to learn more about the market opportunities as well as to establish contact with our counterparts, Turkish Export- and/or Employers Organizations for further cooperation in the field of CSR.

The Federation has also been giving input to the European CSR web-site, which is to enhance the good work the European retailers and wholesalers carry out within the field of CSR. The web-based platform was launched April 27th.

The Swedish Confederation of Professional Associations (Saco) participated during 2009 - 2010 in the OECD/TUAC Working Group on Global Trade and Investment and their consultations with the OECD Investment Committee concerning issues related to the OECD GL (Paris).

The Saco participated in the NCP Annual Meeting 2009 and the OECD Round Table on Corporate Responsibility: “Consumer Empowerment and Responsible Business Conduct” in Paris.

The Saco participated in the Swedish EU presidency conference on CSR based on the Ruggie framework on Protect, Respect and Remedy on the 10 – 11 of November 2009 in Stockholm.

The Saco has, as a member of the TUAC, and since the beginning of the autumn 2009 been involved in the preparations of the up-date of the OECD Guidelines. The Saco gave a lecture on the preparations in question to the Swedish Partnership reference group on CSR on the 10 of March 2010 in Stockholm.

Swedish Trade Union Confederation (LO) is representing 1.7 million workers in Sweden and is one member of the Swedish NCP. The OECD guidelines form an important part in the organisations CSR-policy work. LO Sweden has participated in many seminars to raise awareness of the guidelines and the NCP structure, for example seminars and meetings arranged by NGO(Swedwatch et al), media (Miljöaktuellt) and private initiatives (ISO and different consultants agencies) as well as Universities (Stockholm School of Economics). A representative of LO and IF Metall has played an active role in the

development of ISO Social Responsibility Guidance and putting emphasize of the guidelines in that process. LO has also raised awareness about the guidelines to the national officers and local representatives of affiliated organisations.

The Swedish Trade Union Confederation (LO) has spread the Guidelines translated into Chinese (made possible by TUAC) to the China Labour Bulletin which is an independent organisation based in Hong-Kong working with workers' rights in China.

Swedish Trade Union Confederation (LO) has also take part in the European Commission workshop on Environment, Social and Governance disclosure in January 2010. In the discussion the representative asked the Commission and the Memberstates to reaffirm its commitment to full implementation of the guidelines, as 24 of 27 EU memberstates also are members of the OECD.

Swedish Trade Union Confederation (LO) is a member of Sweden's Forum for Sustainable Investment and using its membership to spread the information about the guidelines to representative of the Financial Sector.

The Swedish Trade Union Confederation (LO) participated during 2009/2010 in the OECD/TUAC Working Group on Global Trade and Investment and their consultations with the OECD Investment Committee concerning issues related to the OECD GL and in the NCP Annual Meeting 2009 in Paris, as well as OECD Round Table on Corporate Responsibility: "Consumer Empowerment and Responsible Business Conduct" in Paris.

The Swedish Trade Union Confederation (LO) participated in the Swedish EU presidency conference on CSR based on the Ruggie framework on Protect, Respect and Remedy on the 10 – 11 of November 2009 in Stockholm.

The Confederation of Swedish Enterprises has information on CSR, including the importance of the OECD Guidelines, listed on its webbsite.

The Swedish Export Credits Agency, EKN, provides all its customers with information on the rules on bribery in accordance with their commitments in the OECD Recommendation on Bribery and Officially Supported Export Credits, and on the OECD Guidelines for Multinational Enterprises' (MNE's) and the Swedish Partnership for Global Responsibility.

The Swedish Partnership hosts a reference group for discussing CSR-related issues with various stakeholders since 2008. The members of the Swedish NCP are included in this group together with Swedish Global Compact companies. The reference group meets two-three times a year and is being very well-visited.

As previously mentioned, Sweden arranged a conference on CSR on November 10-11 2009. The conference was based on SGSR John Ruggie's report titled "Protect, respect and remedy". Professor Ruggie took active part in the conference himself, and among the other 200 participants from business, civil society and governments, the head of Global Compact Georg Kell, former UN High Commissioner for Human Rights Mary Robinson and Deputy Secretary-General of OECD Aart de Geus can be mentioned.

In June 2005 the Ministry for Foreign Affairs launched an Action Plan against corruption. The plan was updated in 2007 and a further revised version is being prepared. The main objectives of the Plan are to raise awareness among all employees about the negative consequences of corruption and to ensure that

there is no corruption in the activities of the Ministry and its missions. Fight against corruption is included as a subject in many training courses for employees, in particular for those to be posted abroad.

In 2007, Sweden joined a few other countries in financing the originally Danish anti corruption web portal, www.business-anti-corruption.com. Parts of the portal has been translated into Russian and was presented at a seminar in St. Petersburg in November 2008.

During 2006-2007 Sweden held the presidency of the Council of Baltic Sea States. During that period anti-corruption seminars for companies were organized in cooperation with local business schools and business organizations in St. Petersburg, Warsaw, Stockholm and Tallinn. The anti-corruption web portal was presented at all the seminars.

The OECD Risk Awareness Tool for Multinational Enterprises in Weak governance zones

The Swedish government strongly support the tool and want to disseminate it to all important actors such as companies, NGO and trade unions. The Swedish Minister for Trade has strongly emphasized the importance of the tool in the Swedish Parliament. The government has translated the tool into Swedish, which can also be found at the web site of the Swedish Partnership for Global Responsibility and the NCP has been using the tool in its promotion activities.

Have enquiries been received from (a) other NCP:s; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

- a) The Swedish NCP has been in contact when necessary with other NCPs through meetings at the OECD, supplemented by informal contacts.
- b) NGO's, academics and academic institutions, business and others have contacted the NCP to learn more about the OECD Guidelines, the role of the NCP and the specific instance and the risk assessment tool.
- c) The NCP has not received any official enquiries from the governments of non-adhering countries.

C. Implementation in specific instances

No specific instances were raised during the year.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of OECD Guidelines implementation? Please provide examples that illustrate this.

Visibility: The Swedish Partnership for Global Responsibility has been of great importance for the promotion of the OECD Guidelines and there is an interest among Swedish companies, trade unions, NGO's and others. Whenever the chairperson of the NCP participates in seminars and conferences she informs about the OECD Guidelines, the NCP and the possibilities these give.

Accessibility: Members of the NCP (representing the business sector, union and the Government) participate in different groups, which is an asset in the work in the NCP and the effective implementation of the OECD Guidelines.

Accountability: The close collaboration between different actors within the NCP assures that different interests are being considered in the work of the NCP.

Transparency: Relevant information is posted on the web page, www.ud.se/ga.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

The institutional arrangement with a tripart-structure serves the purpose well.

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

The translation into Swedish and the launch of it drew attention to the guidelines, and it has also been appreciated that it is possible to down-load the Swedish version from the website of the Swedish Partnership for Global Responsibility. As the awareness of CSR has risen over the years, the awareness and use of the Guidelines has also increased. At the Swedish EU-Presidency conference “Protect, Respect, Remedy” in November 2009, Deputy Director Aart de Geus was one of the speakers and highlighted the Guidelines.

One NCP-member (Swedish Trade Union Confederation) means there is still room for improvement as far as visibility and promotion of the guidelines concerns. More specific information sharing among companies about how the guidelines can be used would be helpful. The idea of that the notion of consequence for companies which breach the guidelines is developed.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

One of the NCP-members (Swedish Trade Union Confederation) has expressed the view that resources and government leadership of the NCP by a senior staff is crucial. This together with the commitment of involved parties forms a good base for success.

The fact that handling of specific instances takes a lot of time need to be acknowledge within government as well as by involved parties.

The notion that a specific instance is not a formal legal proceeding forms a starting point for the NCP role as a facilitator and mediator. This means that parallel legal proceeding does not need to come into conflict with the NCP process, it has to be considered on a case-by-case basis.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

Information exchange is a very important element.

One of the NCO-members (Swedish Trade Union Confederation) has expressed the view that a formalised peer learning needs to be developed, in addition to the information exchange at the annual meetings

SWITZERLAND / SUISSE

A. Institutional Arrangements

The Swiss National Contact Point (NCP) has a single-department structure and is part of the International Investment and Multinational Enterprises Unit of the State Secretariat for Economic Affairs SECO (Federal Department of Economic Affairs DEA). In the view of SECO, international investments and Corporate Social Responsibility (CSR) go hand in hand. For that reason, the NCP and the task to protect Swiss businesses investing abroad have been assigned to the same governmental unit. In such a way, the support to businesses operating internationally can be combined with fostering responsible corporate behaviour in an effective and flexible way.

Whenever a specific instance is submitted to the NCP, an "ad hoc" committee is constituted in order to deliberate on the issues raised and to support the NCP during the whole proceeding. The committee includes representatives from relevant other government agencies, taking into account the specific expertise needed (e.g. labour relations, environment) as well as the specific context of the country concerned. In fact, in such situations the NCP is working as a multi-department structured NCP.

Relations to other government agencies

The NCP is maintaining regular contact with different other government agencies, which cover aspects of the OECD Guidelines and collaborates closely with them in the case of specific instances as mentioned above.

Specifically during the period under review, the NCP cooperated closely with other relevant government agencies in order to develop the Swiss position regarding the update of the Guidelines currently under way.

Relations to social partners and other interested parties, including non-governmental organisations (NGOs)

The cooperation with stakeholders is associated by means of an open and comprehensive consultative group, which keeps up regular contact and meets at least once a year. The group includes several representatives of social partners, employer organizations, multinational enterprises, NGOs as well as government units.

Due to the ongoing preparations of the update of the Guidelines, contacts have increased during the period under review and the consultative group met twice (January and June 2010). It will continue to meet on a regular basis.

Relations with other major CSR initiatives

The NCP keeps close contact to the Swiss UN Global Compact Network¹, which is managed by the International Chamber of Commerce Switzerland, as well as to the UN Global Compact "Learning

¹ <http://www.unglobalcompact.ch/Seiten/default.aspx>, 20.04.2010

Platform” for small and medium-sized enterprises², which is supported financially by the Swiss Government. At times, the NCP is elaborating on specific subjects (e.g. update of the Guidelines, prevention of corruption) during events organized by the UN Global Compact Network.

The NCP is in contact with the International Labour Organisation (ILO) and follows its activities in the fields of CSR in order to allow responding to the variety of issues in relation to labour conflicts submitted to the NCP.

The NCP is following closely the activities of the UN Special Representative of the Secretary-General, John Ruggie, regarding the issue of human rights and transnational corporations and other business enterprises. In this context, the NCP participated during the period of review in several meetings with Swiss stakeholders in order to discuss the interim-report and a possible future approach.

Furthermore, the development of the ISO 26000 initiative is closely followed. For the NCP it will be interesting to look at the acceptance as well as the implementation of this new standard.

In addition, the NCP follows in its function as focal point for general questions in relation to responsible business conduct different other CSR initiatives linking them with the OECD Guidelines in order to benefit from synergies. Moreover, new developments are followed carefully since they allow the NCP to keep up with the broader debate on CSR and to be consistent when treating specific instances.

B. Information and Promotion

The NCP has its own comprehensive internet page published providing all necessary information related to the Guidelines³ and the functioning of the NCP⁴. It is regularly updated. The Guidelines are available in the three official languages of Switzerland (French, German and Italian) as well as in English.

In April 2010, the NCP has published a flyer for multinational companies summarising the Guidelines as well as the functioning of the NCP⁵. It has been disseminated through different internet pages of the Swiss Government, Swiss embassies as well as different business associations. The flyer is available in the three official languages of Switzerland as well as in English.

In its function as focal point for general questions in relation to responsible business conduct, the NCP published an internet page on CSR⁶, which is also linked with the Guidelines.

Cooperation with the business community, trade unions, NGOs and the interested public carried out

During 2009/2010, contacts and exchange between the NCP and its stakeholders have increased. Furthermore, there have been two meetings with the consultative group (January and June 2010) with a growing number of participants. The meetings were mainly dedicated to the information as well as exchange concerning the work on the update of the Guidelines currently under way. Furthermore, the annual report of the Swiss NCP at hand as well as other developments were presented and discussed.

² <http://www.sustainability-zurich.org/en/p67000106.html>, 20.04.2010

³ <http://www.seco.admin.ch/themen/00513/00527/01213/index.html?lang=en>, 20.04.2010

⁴ <http://www.seco.admin.ch/themen/00513/00527/02584/index.html?lang=en>, 20.04.2010

⁵ See attachment

⁶ <http://www.seco.admin.ch/themen/00645/04008/index.html?lang=de>, 20.04.2010

The NCP made use of its good contacts to its different stakeholders in order to disseminate the new flyer on the Guidelines.

Other information and promotion activities

The Guidelines and the functioning of the NCP were presented at several public events. The Guidelines and the role of the NCP were given attention to at different opportunities. High level representatives of the Swiss Government referred to the Guidelines at several occasions in Switzerland as well as during missions abroad such as economic missions to developing countries. In addition, different government agencies as well as Swiss embassies abroad continued to be involved in the promotion of the Guidelines as well as responsible business conduct in general.

On different occasions, the NCP had the occasion to present the frame of the update of the Guidelines currently under way and invited different stakeholders to participate actively in the process.

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

The NCP has its own internet page providing all necessary information related to the Guidelines and the functioning of the NCP. It also contains information on the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Furthermore, the NCP took different opportunities during discussions with Swiss multinational enterprises to refer to the mentioned tool.

Enquiries of different stakeholders

During the period of review, the NCP has been in close contact with several other NCPs (e.g. Germany, Korea, Peru, UK) in order to coordinate activities regarding specific instances raised and to exchange information as well as experiences on the functioning of the NCP.

Since autumn 2009, the NCP has received and answered several requests from different stakeholders concerning the update of the Guidelines currently under way. In this regard, the NCP also had to respond to questions raised in the Parliament (National Council).

In addition, the NCP - in its function as focal point for general questions regarding responsible business conduct - continued to discuss and reply to requests in relation to CSR, which are regularly received by the business community, trade unions, NGOs and the public. These occasions are also taken to promote the expectation of the Swiss Government in relation to the OECD Guidelines.

C. Implementation in specific instances

The conciliation process regarding a specific instance concerning a labour conflict in a subsidiary of a Swiss multinational enterprise in Indonesia, which was raised in November 2008, is still ongoing.

In May 2009, an international trade union raised a specific instance concerning a labour conflict in a subsidiary of a Swiss multinational enterprises in India. However, after a short time the union asked the NCP to stop the initial assessment for the time being in order to await the outcome of a similar case concerning the same Swiss multinational enterprise, which was about to be treated by the NCP. In January 2010, the union withdrew its submission and the NCP closed the instance.

In June 2009, a NGO raised a specific instance with the Swiss NCP claiming in a general way that the business policy of a Swiss multinational enterprise was inconsistent with the Guidelines. The Swiss NCP advised the NGO on the specific instance procedure as well as on how submissions to the NCP should be drafted. In the end of November 2009, the NGO submitted an adapted version of its earlier communication

specifying that the marketing policy of the company in question was inconsistent with the Guidelines. During the initial assessment, the Swiss NCP came to the conclusion that the specific instance did not merit further consideration and closed the case.

During June 2009, an international union raised a specific instance with the Swiss NCP concerning a subsidiary of a Swiss multinational enterprise in Korea. Previously, the same specific instance had already been submitted to the Korean NCP but was rejected. The Swiss NCP came to the conclusion that it was not the competent instance to question and review the decision of the Korean NCP and refused to further consider the submission.

Based on the decision and the final statement of the Australian NCP, the Swiss NCP closed the specific instance raised in 2007 by an Australian lawyer with the Australian NCP as well as by a Swiss NGO with the Swiss NCP concerning the coal mine “El Cerrejón” in Columbia partially owned by Anglo American, BHP Billiton and Xstrata. A final statement of the Swiss NCP was published in July 2009⁷.

The NCP accepted during February 2010 a specific instance raised in December 2009 by workers representatives concerning conflicts in relation with the closure of two production centres on the Philippines as well as the partial closure of a factory in Thailand of a Swiss multinational enterprise. The NCP has offered its good services to solve the issue. The proceeding is ongoing.

In addition, the Swiss NCP has been collaborating at different occasions with other NCPs treating specific instances linked to Swiss multinational enterprises. The collaboration mainly consisted of exchanging information.

D. Other

In order to enhance the procedures and core criteria for the operations of the NCP, the NCP has started during the period under consideration to clarify as well as structure the different steps, which the NCP may take in case a specific instance is submitted. The result is mainly based on its own as well as on appropriate experiences of other NCPs. The NCP will summarize the outcome of its considerations in a procedural guidance paper and make it public on its internet site.

With respect to specific instances the NCP offers, upon agreement of the parties concerned, non-controversial procedures to assist them in resolving the issues at hand (conciliation, mediation). However, the NCP does not see it as its role to form or publish a judgement on the controversial issues or the question whether the Guidelines have been breached by one of the parties (adjudication). Based on this practice, the NCP rejected in April 2010 a specific instance where the submitting party clearly indicated that it was not interested in a dialogue but expected the NCP to convict the multinational company for having breached the Guidelines.

E. Looking back at the past ten years

With respect to the institutional arrangements, the NCP is convinced that the "ideal" NCP must be gradually developed based on its own as well as experiences of other NCPs and best practices. Therefore, the single department structure with the involvement of an "ad hoc" committee for each specific instance as well as the consultative group proved to be useful to gain first experiences and flexible enough to allow small but continuous adjustments as appropriate. However, the NCP is welcoming the corresponding discussion, which is planned to take place during the update of the Guidelines, and is open to take into account further findings.

⁷

See attachment

In general, the NCP has made the experience, that the exchange of information and experiences between NCPs is extremely important and provides NCPs with input on how to adapt and enhance its own proceedings. Therefore, the Swiss NCP is of the opinion, that a more structured peer learning would provide an added value and finally contribute to further the effectiveness of NCPs.

The Guidelines foresee that the NCP may provide a platform for dialogue. Recent developments show that there are intentions to extend the competence of the NCP towards more formalised proceedings and adjudication. However, as mentioned in previous sections of this report, the NCP came to the conclusion that mediation and adjudication are very different methods and for different reasons it may not be adequate to have them both applied by the NCP. Therefore, the NCP is at the current state of discussion of the opinion that the value added of an NCP proceeding is the possibility to engage parties concerned in an informal dialogue. Based on the growing experience of the NCP, this approach has proved to be very useful and leading to the desired results.

The NCP has made the experience that ongoing and various efforts are needed to raise awareness of the Guidelines and, in particular, to reach SMEs. Therefore, promotional tools to reach a large number of enterprises, such as an extended internet page and a flyer, were developed. At the same time, the planned update of the Guidelines has led and will lead to additional publicity and visibility.

The National Contact Point of Switzerland: Facilitator with Respect to Alleged Breaches of the Guidelines

Both individuals and any interest groups may address the National Contact Point (NCP) if they wish to raise a company's behaviour, which might be inconsistent with the OECD Guidelines. The submission should be raised in the country, where the alleged violation occurred.

If in this country there is no NCP, the issue should be raised with the NCP in the country where the multinational company has its headquarters.

In case there is a relation between the alleged violation and the Guidelines, the NCP may try to facilitate the dialogue between parties concerned in order to contribute to the conciliation of the issue. The proceeding requires the agreement of all parties concerned and is confidential – however, the NCP will make the results public.

The NCP is at any time available for all questions and remarks in relation to the Guidelines or the proceeding of the NCP.

The Swiss NCP is located at the State Secretariat for Economic Affairs SECO (Federal Department of Economic Affairs DEA). It is embedded into the International Investment and Multinational Enterprises unit at the Foreign Economic Affairs Directorate.

Contact

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April 2010



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Economic Affairs FDEA
State Secretariat for Economic Affairs SECO

Responsible Business Conduct: OECD Guidelines for Multinational Enterprises



The OECD Guidelines: Recommendations of 42 Governments to Multinational Enterprises

The OECD Guidelines for Multinational Enterprises are recommendations jointly addressed by the 30 OECD member states and 12 adhering countries (Argentina, Brazil, Chile, Egypt, Estonia, Israel, Latvia, Lithuania, Morocco, Peru, Romania and Slovenia). They provide a framework of principles and standards of responsible business conduct (Corporate Social Responsibility).

The application of the Guidelines is voluntary – however: all adhering countries are committed to set up a National Contact Point (NCP), where alleged breaches of the OECD Guidelines may be reported. The NCP has thereupon the possibility to initiate an informal conciliation proceeding.

The Substance: a Framework for Responsible Conduct

Concepts and Principles

The Guidelines are joint recommendations by governments to multinational enterprises. They provide principles and standards for responsible business conduct, which might go beyond applicable law. Yet the Guidelines are not legally binding.

General Policies

Enterprises take fully into account established policies in the countries, in which they operate, and consider the views of other stakeholders. Furthermore, enterprises contribute to economic, social and environmental progress with a view to achieving sustainable development. They encourage their business partners to also apply the OECD Guidelines.

Disclosure

Enterprises ensure that timely, regular, reliable and relevant information is disclosed regarding their activities, structure, financial situation and performance.

Employment and Industrial Relations

Enterprises adhere to the internationally accepted labour standards:

- Freedom of association and negotiation / union rights
- Abolition of forced and child labour
- Elimination of discrimination at the work place

Environment

Enterprises establish and maintain an effective internal environmental management, are oriented at the precautionary principle and maintain a contingency plan for preventing, mitigating and controlling serious environmental damage. They continually seek to improve corporate environmental performance.

Combating Bribery

Enterprises do not, directly or indirectly, offer, promise, give, or demand a bribe and reject respective demands. They enhance the transparency of their activities in the fight against bribery.

Consumer Interests

When dealing with consumers, enterprises act in accordance with fair business, marketing and advertising practices and take all reasonable steps to ensure the safety and quality of the goods and services they provide. This includes accurate information about the products as well as the protection of personal data.

Science and Technology

Enterprises let the countries in which they operate participate to their science and technology development – as appropriate for economic reasons and reasons of competitiveness or protection of the intellectual property. They develop ties with local universities and public research institutions and hence favor the science and technology transfer.

Competition

Enterprises conduct their activities consistent with the principles of fair competition and fully cooperate with the competition authorities.

Taxation

Enterprises ensure that their activities comply with the letter and spirit of tax laws and regulations. They contribute to the public finances of host countries by making timely payment of their tax liabilities.



TURKEY / TURQUIE

A. Institutional Arrangements

No update is necessary.

B. Information and Promotion

How have the *Guidelines* been made available in your country (translation, creation of a webpage or website, etc.)?

The Guidelines had been translated to Turkish in 2001 and the text had been distributed and published on the internet. In 2005 both the Guidelines and a manual prepared by the NCP have been reprinted. Also the guidelines and the relevant documents, currently accessible through the Treasury website. A new booklet on Turkish NCP and the Guidelines is printed and distributed in 2009 and 2010.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the *Guidelines* (consultations, distribution of the *Guidelines*, etc.)?

An Advisory Committee to the NCP has been established in 2009 to help promoting the cooperation with stakeholders. Furthermore, Turkish NCP arranged a meeting with four major business associations of Turkey to inform them about the Guidelines and scheduled other meetings with their members to give information on the Guidelines as well.

Have other information and promotion activities been held or planned (seminars and/or conferences on the *Guidelines* in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

During the 1 year period between June 2009-May 2010 the Turkish NCP:

- Organised a seminar for the newly recruited assistant experts of the Undersecretariat of Treasury; another seminar for Treasury Experts and Auditors,
- Organised a seminar for Turkish Economic Counsellors and Trade Attaches,

- Organised a seminar for students of Ankara University's Trade and Banking Law Certificate Program,
- A new website targeting Turkish investors abroad is launched in 2010,

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Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

No update is necessary.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

No new enquiry has been received during the period.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2008-2009 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

No new specific instance was raised during the period.

Specific instances considered by NCPs to date

No update is necessary.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

UNITED KINGDOM / ROYAUME-UNI

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

Annex 1 and 2 have been updated (see separate attachment).

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).

The UK NCP has three members in the team, located at the Department for Business, Innovation, and Skills (BIS). The UK NCP’s work is overseen by a Steering Board, which consists of representatives from the business, trade union, and NGO communities, and an all-party Parliamentary Committee, as well as representatives from Government Departments i.e. the Department for Business, Innovation and Skills (BIS); the Department for International Development (DFID); the Foreign and Commonwealth Office (FCO); the Department for Work and Pensions (DWP); and the Export Credits Guarantee Department (ECGD). The Board can also call on representatives of other Government departments and agencies as necessary. The Board meets on a quarterly basis.

How does the NCP relate to other government agencies?

The UK NCP is part funded by the Department for International Development (DFID), and works closely with them, as well as with the FCO (in providing information to overseas posts), and also the other government departments on the Steering Board (i.e. ECGD, and DWP) to raise awareness of the OECD Guidelines. In addition, UKTI (United Kingdom Trade and Investment), which was represented on the NCP Steering Board until December 2008, has links on its website to the UK NCP’s website. The UK Anti-Corruption Unit also works closely with the NCP and has links from its website to that of the UK NCP web pages.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

Both the Confederation of British Industry (CBI) and Trade Union Congress (TUC) are members of the UK NCP Steering Board, so the UK NCP has contact with both organisations on a regular basis and they are sent copies of all Final Statements, as well as other relevant documents, in order to disseminate these to their constituents. The websites of both organisations also have links to the UK NCP website. Both organisations, along with other Steering Board members fed into the drafting of the parallel proceedings guidance, and an update to the procedural guidance, which were both published in September 2009.

The UK NCP keeps in touch with the TUC in relation to trade union related Specific Instances e.g. IUF/Unilever (Pakistan's Khanewal factory); IUF/Unilever (India's Sewri factory); and IUF/Unilever plc (Pakistan's Rahim Yar Khan factory).

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

The NGO community is represented on the UK NCP Steering Board and therefore has regular contact with the UK NCP. This has included, along with other Steering Board members feeding into the drafting of the parallel proceedings guidance, and an update to the procedural guidance, which were both published in September 2009. The UK NCP has also had regular dialogue with individual NGOs on specific instances and other issues (e.g. Survival International in regards to its complaint against Vedanta Resources).

How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?

The UK NCP's relationship with the International Labour Organisation (ILO) guidelines and standards is maintained by membership of the UK NCP Steering Board by the Department for Work and Pensions (DWP), which leads for the government on issues relating to the ILO. The ILO contact has circulated relevant documents to the Steering Board via the UK NCP (most recently the UK Government position on ILO Convention 94).

The UK lead on the UN Global Compact is in the Corporate Responsibility team within the Department for Business, with whom the UK NCP works closely. The UK NCP has also attended a number of events, including a UN Global Compact UK network and Amnesty International (UK) hosted event on business and human rights in September 2009; and the UN Global Compact Ministerial event in December 2009. The Secretariat for the UK Network of the UN Global Compact has also circulated to its network/members copies of the Final Statement on Specific Instances recently completed by the UK NCP, e.g. IUF/Unilever (Pakistan's Khanewal factory); and IUF/Unilever (India's Sewri factory), as well as other UK NCP documents (e.g. UK NCP booklet on the OECD Guidelines; UK NCP consultation on the update of the OECD Guidelines).

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.

No institutional changes have been made to the UK NCP since resources were increased from two to three full time staff in March 2009. However, since 1 July 2009, guidance has been produced for complainants and companies on how the UK NCP intends to handle the issue of parallel proceedings within the OECD Guidelines complaints process; and also the UK NCP procedural guidance has been updated to include a new section on the UK NCP follow-up on Final Statements (both published in September 2009 following approval by the Steering Board).

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B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The Guidelines are available from the UK NCP webpages (restructured in 2009) which are on the BIS (Department for Business, Innovation, and Skills) website, which itself was updated in March 2010. In addition to the Guidelines, the UK NCP website also includes pages on the complaints procedures, the Steering Board, cases, consultations, and other documents. New documents on the website include a new UK NCP booklet on the OECD Guidelines, which has also recently been translated into French and Spanish and made available at various events, seminars, presentations, meetings, and to enquirers on request. Following the restructuring of the website, the average number of visitors to the UK NCP website increased from an average of just over 300 a month, to nearly 1300 during February (2010). This increase may be partially due to the site containing information on the UK NCP's consultation of the update of the Guidelines. Government Departments (UKTI, ECGD) and other organisations (CBI, TUC) also have links on their websites to the UK NCP website.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?

The business community, trade unions, NGOs and other interested parties have all been involved in the public consultation on the update of the OECD Guidelines. As part of this consultation process, the UK NCP published a consultation document (October 2009), organised and hosted a multi-stakeholder event (November 2009), and in March 2010 published the Government's response to the UK consultation on the terms of reference for an update of the OECD Guidelines. This public consultation demonstrated outreach and responsiveness to the UK NCP stakeholders.

The business community, trade unions and NGOs are all represented in the membership of the UK NCP Steering Board, and these organisations disseminate information to their members, including all Final Statements. These members have a clear remit from their constituencies to raise concerns and suggest improvements. The UK NCP provides the Steering Board members with an update on current cases and progress on awareness raising activities at its quarterly meetings, and also responds to any questions raised at these meetings.

The business community are represented on the UK NCP Steering Board through the Confederation of British Industry (CBI), which disseminates information to its members. They have raised awareness of the OECD Guidelines for MNEs through their business networks and contacts. This has included circulating invitations to its members for the UK NCP stakeholder event (9 November 2009) on the update of the Guidelines, as well as participating in the event as one of the panellist. In March 2010 a letter was sent from the UK NCP Steering Board Chair (with a copy of UK NCP booklet) as part of a mailing to 1150 UK companies. The CBI also has a link to the OECD Guidelines on their website.

The UK NCP has regular contact with the Export Credits Guarantee Department (ECGD), which is also member of the UK NCP Steering Board. The ECGD has links from their website to that of the UK NCP

UK Trade and Investment (UKTI), which was represented on the Steering Board until December 2008, has links from its site to the UK NCP website, as well as the UK NCP booklet on the OECD Guidelines.

Trade unions are represented on the UK NCP Steering Board through the Trade Union Congress (TUC), and the UK NCP has had regular contact with the TUC. The TUC continues to promote the Guidelines in various fora inside and outside the trade union world. During October 2009, the TUC circulated both the invitation for the UK NCP stakeholder event (9 November 2009), and the UK Consultation on the terms of reference for an update of the OECD Guidelines for MNEs to its members. The TUC website also contains information about the OECD Guidelines.

UK NGOs have a nominated representative on the NCP Steering Board. The UK NCP has regular contact with the NGO community, including hosting a number of meetings (October 2009 and April 2010) with the London Mining Network and their overseas delegations to explain the OECD Guidelines.

The UK NCP also fed in information about its complaints handling mechanism to the International Bar Association (IBA) project 'Business and Society Exploring Solutions'. The project is part of the mandate of John Ruggie and is led by the IBA, the Harvard Kennedy School of Government, the Compliance/Advisor Ombudsman of the World Bank and the JAMS Foundation (a dispute resolution service). The project team aims to set up a wiki style online information resource and learning network about non-judicial mechanisms available to address disputes between businesses and civil society. The goal of the project is to improve access to non-judicial remedies by filling an information gap that currently exists.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications or guides, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

In November 2009 the new updated version of the UK NCP booklet on the OECD Guidelines was published, which gives a summary of the OECD Guidelines and also the work of the UK NCP. This booklet has proved to be very useful tool to raise awareness of the Guidelines, with over 2500 copies circulated to stakeholders, and used by the UK NCP at various meetings, events and seminars.

The UK NCP booklet was also sent to the UN Global Compact (UK Network); International Chamber of Commerce (ICC); International Council on Mining and Metals (ICMM); and the Business & Human Rights Resource Centre, who all agreed to circulate it to their members/contacts. The UK NCP also asked the International Bar Association, London Mining Network, and other respondents to the UK Government consultation on the update of the Guideline to do likewise. The booklet is available on the UK NCP website, as well as on the UKTI website and in hard copy from the UK NCP direct.

The UK NCP stakeholder event on the update of the OECD Guidelines (9 November 2009) also offered the UK NCP an opportunity to publicise its wide selections of UK NCP documents, many of these were included in the information packs for all 60 attendees. These included the new UK NCP booklet on the Guidelines; the OECD Guidelines; the UK NCP consultation document on the update; UK NCP procedural guidance; UK NCP guidance on parallel proceedings; and the business and human rights toolkit.

A business and human rights toolkit was published in October 2009 by the FCO which was jointly prepared with BIS and DFID, following consultation with stakeholders. This provides guidance to overseas posts in handling complaints made about UK companies or subsidiaries operating overseas whose activities may have contributed to human rights abuses. The toolkit, which contains strong references to the guidelines, has been brought to the attention of FCO posts overseas.

The UK NCP has worked with the FCO to enable them to circulate the UK NCP booklet (including the French and/or Spanish versions where appropriate) to over 100 UK embassies overseas during April 2010, which has led to a number of requests for additional copies.

The UK NCP works closely with DFID, who provides part of the UK NCP funding. The DFID contribution is used, in part, for awareness-raising activities. Therefore, information about complaints raised and Final Statements are circulated internally within DFID, including to country offices. Information on the Guidelines is also fed in to their ministerial speeches and publications, and there are links to the UK NCP's website on DFID's website and intranet.

The UK NCP and other UK Government officials have used a number of events to raise awareness of the OECD Guidelines, including:

DATE	EVENT	AWARENESS ACTIVITY
29 September 2009	UN Global Compact UK network & Amnesty International UK hosted event on Business and Human Rights UK	UK NCP able to promote the Guidelines and also advertise the 9 November (2009) UK stakeholder event on the update of the Guidelines.
1 December 2009	Mining sector event for AIM (Alternative Investment Market) quoted mining companies, hosted by the London Stock Exchange.	UK NCP attended; UK NCP booklets available to attendees.
4 December 2009	UN Global Compact Ministerial Event at BIS.	UK NCP attended; UK NCP booklets available to attendees.
7-9 December 2009	OECD stakeholder consultation on the Guidelines update and mining sector meetings.	UK NCP attended; UK NCP booklets available to attendees.
15 December 2009	BIS/DFID Trade Policy Unit Presentation on the OECD Guidelines.	UK NCP gave presentation; UK NCP booklets available to attendees.
19 January 2010	Chatham House event on "Bribery: Impact and Prevention", where Jack Straw (Ministry of Justice Minister) and Ambassador Richard Boucher (OECD) shared the platform.	UK NCP booklets available to attendees.
20 January 2010	Conference in Berlin on Prof. John Ruggie's framework	SB Chair spoke at this event; opportunity to raise awareness of the UK NCP's published complaint process particularly the use of professional conciliation/ mediation.
25/26 January 2010	Cumberland lodge – BIS/DFID Trade Policy Unit event for government and business to discuss key trade issues.	UK NCP booklets available to attendees.

11 February 2010	International Centre for Corporate Social Responsibility (ICCSR) - Nottingham University Business School	Presentation by UK Anti-Bribery Team; UK NCP booklets available to attendees.
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For the 15 December presentation (as listed above) UK NCP updated its Powerpoint slides and added them to the UK NCP website. This presentation will now be used by the UK NCP when attending events and meetings in the future. The slides are available on the UK NCP website.

The UK NCP has also worked with COI (Central Office for Information) and the BIS Communications team to put together an awareness campaign on the OECD Guidelines. This campaign made use of communication media which the UK NCP had not previously used, including:

- An electronic bulletin sent to 35, 000 decision makers within large corporate companies responsible for ensuring that their organisation meets required standards and conforms to relevant legislation;
- Advertising on news websites;
- Electronic mailing to CSR contacts in large companies; and
- Direct mailing of the NCP booklet to some 1150 large multinational companies in the UK.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is available via a link from the UK NCP website. There are also references to the tool in the UK NCP leaflet on the OECD Guidelines, which is disseminated by the UK NCP including at events, seminars, and meetings.

The tool is explicitly mentioned (including a link) in the business and human rights toolkit that the FCO sent to its overseas posts to assist them in the handling of complaints they may receive on the behaviour of UK companies overseas.

References to the OECD Guidelines and the Risk Awareness Tool was also included in a short BIS guide on "How to tackle regulatory barriers when doing business abroad" (March 2009), outlining the range of help BIS can provide to help UK firms overcome problems when trading in the EU or globally.

Given the common theme of pro-active risk management, the Risk Awareness Tool has also been added to the OSIB (Overseas Security Information for Business) webpage, which is part of the UKTI website.

Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

Annex 3 to be checked by ECGD.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

The UK NCP has had contact when necessary with other NCPs through meetings at the OECD, supplemented by informal contacts. The UK NCP has also discussed specific instances as well procedures with other NCPs (e.g. from Australia, Canada, France New Zealand, Switzerland and the USA). In addition, through its participation in the peer review of the Dutch NCP, the UK NCP has had regular contact with other NCPs who were members of the peer review team (i.e. French, Canadian, Japanese and Chilean, as well as the Dutch NCP itself).

The UK NCP has had regular contact with the business community, employee organisations, and other non-governmental organisations in relation to specific instances they are dealing with. In addition, enquires have been received from academics, lawyers, and members of the public (including university students), both from the UK and overseas.

The UK NCP has not had any enquires from the governments of non-adhering countries.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

The UK NCP concluded the following four cases in the period from 1 June 2009 to 19 April 2010: Unilever Plc (India - Sewri factory), Unilever Plc (Pakistan - Rahim Yar Khan factory), Vedanta Resources Plc (India), and Unilever Plc (Pakistan - Khanewal factory):

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SPECIFIC INSTANCE 1: Unilever plc (India - Sewri factory)

- Date request to consider specific instance was received:
- 3 October 2006. The UK NCP agreed to take the lead on this case on 12 January 2007.
- Who raised the specific instance (e.g. business, trade union, NGO)?
- Complaint raised by a trade union (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)).
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

- *Chapter I(7) “Concepts and Principles”, and Chapter IV(6) “Employment and Industrial Relations”.*
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- *The alleged breach of the Guidelines occurred in India (a non-adhering country). The complaint was sent to the UK and Dutch NCPs at the same time. In January 2007, the UK NCP agreed to take responsibility for the complaint. The UK NCP liaised with the parent company in the UK.*
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- *Manufacturing – food and cleaning products.*
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- *Accepted.*
- If accepted, date specific instance was concluded.
- *9 November 2009. – The duration of this complaint includes a period of time allowed to the parties to reach a resolution to the dispute through negotiations outside of the Specific Instance process.*
- Were the results communicated to the public and, if so, how?
- *Yes, the Final Statement (FS) on this Specific Instance was published on the UK NCP’s website (www.bis.gov.uk/nationalcontactpoint), and also on Tradewire, which is an online resource for UK Government officials across the world (i.e. BIS, FCO, DFID and UKTI). The FS was also forwarded to: the UK NCP Steering Board (in order for them to circulate on to their constituents); to UN Global Compact who agreed to circulate it to their UK members; and to the Business & Human Rights Resource Centre, who posted the FS on their website and added it to their weekly update newsletter.*
- Has the NCP monitored the implementation of final statements’ recommendations?
- *Not required. The parties agreed a mutually satisfactory outcome.*
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?
- *No examination of the allegations was required. Both parties agreed with the UK NCP’s Final Statement acknowledging the agreement reached through non-UK NCP sponsored mediation in India.*
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SPECIFIC INSTANCE 2: Unilever plc (pakistan - rahim yar khan factory)

- Date request to consider specific instance was received:
- *27 October 2008.*
- Who raised the specific instance (e.g. business, trade union, NGO)?
- *Complaint raised by a trade union (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF).*
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- *Chapter II(1) "General Policies", and Chapter IV(1)(a) "Employment and Industrial Relations".*
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- *The alleged breach of the Guidelines occurred in Pakistan (a non-adhering country). The complaint was only addressed to the UK NCP. The UK NCP liaised with the both the parent company in the UK and the subsidiary in Pakistan.*
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- *Manufacturing – food and cleaning products.*
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- *Accepted.*
- If accepted, date specific instance was concluded.
- *13 August 2009.*
- Were the results communicated to the public and, if so, how?
- *Yes, the Final Statement on this complaint was published on the UK NCP's website (www.bis.gov.uk/nationalcontactpoint), and also on Tradewire, which is an online resource for UK Government officials across the world (i.e. BIS, FCO, DFID and UKTI). The FS was also forwarded to the UK NCP Steering Board in order for them to circulate on to their constituents.*
- Has the NCP monitored the implementation of final statements' recommendations?
- *Not required. The parties agreed a mutually satisfactory outcome.*
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or

the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?

- *No examination of the allegations was required. Both parties agreed with the UK NCP's Final Statement reflecting the agreement reached through the UK NCP sponsored mediation process.*

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SPECIFIC INSTANCE 3: vedanta resources plc (India)

- Date request to consider specific instance was received:
- *19 December 2008.*
- Who raised the specific instance (e.g. business, trade union, NGO)?
- *Complaint raised by an NGO (Survival International).*
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- *Chapters II(2), II(7) "General Policies", and Chapter V(2)(b). "Environment".*
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- *The alleged breach of the Guidelines occurred in India (a non-adhering country). The complaint was only addressed to the UK NCP. The UK NCP liaised with the parent company in the UK.*
- Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.
- *Mining.*
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- *Accepted.*
- If accepted, date specific instance was concluded.
- *The Final Statement is dated 25 September 2009. The Follow Up Statement is dated 12 March 2010.*
- Were the results communicated to the public and, if so, how?
- *Yes, both the Final Statement and Follow Up Statements on this complaint were published on the UK NCP's website (www.bis.gov.uk/nationalcontactpoint), also on Tradewire, which is an online resource for UK Government officials across the world (i.e. BIS, FCO, DFID and UKTI). Both the Final Statement and Follow-up were also forwarded to the UK NCP Steering Board in order for*

them to circulate on to their constituents. The FS was also accompanied by a BIS Ministerial press notice.

- Has the NCP monitored the implementation of final statements' recommendations?
- *Yes, the UK NCP asked both parties to provide an update on the implementation by the company of the recommendations contained in the Final Statement. The UK NCP then published a Follow Up Statement reflecting the parties' responses.*
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?
- *During the examination stage of the complaint, the UK NCP asked both parties for evidence related to the allegations. Most of the evidence in this case came from the complainant. The UK NCP considered all the evidence submitted by Survival International, which included information from a number of independent sources. The UK NCP also used publicly available evidence (such as India's census data). The UK NCP considered that the evidence provided by the complainant together with evidence it collected through its own research was sufficient to make a determination on whether the company breached the Guidelines. Confidentiality of the information was not an issue. One party disagreed with the UK NCP's conclusions outlined in the Final Statement.*

SPECIFIC INSTANCE 4: Unilever plc (pakistan - khanewal factory)

- Date request to consider specific instance was received:
- *6 March 2009.*
- Who raised the specific instance (e.g. business, trade union, NGO)?
- *Complaint raised by a trade union (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF).*
- Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.
- *Chapters II(1), II(4), II(9) "General Policies", and Chapter IV(1)(a) "Employment and Industrial Relations".*
- Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?
- *The alleged breach of the Guidelines occurred in Pakistan (a non-adhering country). The complaint was only addressed to the UK NCP. The UK NCP liaised with the both the parent company in the UK and the subsidiary in Pakistan.*
- *Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.*

- *Manufacturing – food and cleaning products.*
- Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?
- *Accepted.*
- If accepted, date specific instance was concluded.
- *20 November 2009.*
- Were the results communicated to the public and, if so, how?
- *Yes, the Final Statement on this complaint was published on the UK NCP's website (www.bis.gov.uk/nationalcontactpoint), and also on Tradewire, which is an online resource for UK Government officials across the world (i.e. BIS, FCO, DFID and UKTI). The Final Statement was also forwarded to: the UK NCP Steering Board (in order for them to circulate on to their constituents); to UN Global Compact who agreed to circulate to their UK members; and to the Business & Human Rights Resource Centre, who posted the FS on their website and added it to their weekly update newsletter.*
- Has the NCP monitored the implementation of final statements' recommendations?
- *Not required. The parties agreed a mutually satisfactory outcome.*
- Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?
- *No examination of the allegations was required. Both parties agreed with the UK NCP's Final Statement reflecting the agreement reached through the UK NCP sponsored mediation process.*

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

See Annex 4, which has been updated.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.

Visibility: *The NCP has proactively promoted the Guidelines and its role both internally (within Government) and externally (NGOs, business, and trade unions). During 2009/10 reporting year the UK NCP has published final statements for four specific instances which has meant that the profile of the UK NCP has increased. In one of these cases (i.e. Vedanta Resources plc) the Government issued a press notice*

to coincide with the publication of the Final Statement (specific instance). As listed above, the UK NCP has attended a number of events, and also taken the opportunity to update fellow NCPs on its activities at relevant OECD meetings and occasionally outside of these meetings.

Accessibility: *The UK NCP has widely advertised its contact details (telephone, fax and e-mail) on its website, leaflets, and its banner stand (which is used at events). The UK NCP has its own e-mail account (uk.ncp@bis.gsi.gov.uk) to provide a single contact which can be accessed by all three members working in the UK NCP team rather than just one individual. These individuals are also identified on the website.*

Transparency: *The UK NCP has provided details of its activities: on its webpages; to other NCPs at OECD meetings in Paris and outside of these meetings; and in discussions with business, trade unions, NGOs and other interested parties. At the quarterly meetings of the Steering Board, the UK NCP provides the members with an update on the status of the cases and the progress on awareness raising activities, and responds to any questions raised. The minutes of these Steering Board meetings are published on the UK NCP website (<http://www.bis.gov.uk/nationalcontactpoint>).*

Accountability: *The UK NCP has kept UK Ministers and the UK Parliament informed of its activities, for example by answering Parliamentary Questions and Ministerial correspondence. When the NCP issues a Final Statement on a Specific Instance this is approved by Ministers and is subsequently deposited in the libraries of the Parliament. At the quarterly meetings of the Steering Board the UK NCP provides members with an update on the status of the cases it is handling and the progress on awareness raising activities, and responds to any questions raised at these meetings. These members have a clear remit from their constituencies to raise concerns with and suggest improvements to the UK NCP.*

Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

Independent Mediator for UK NCP cases: *In the two IUF/Unilever plc Specific Instances in Pakistan which were concluded in August (Rahim Yar Khan factory) and November (Khanewal factory) 2009, both parties agreed with the UK NCP's Final Statement reflecting the agreement reached through the UK NCP sponsored mediation process. The UK NCP cannot therefore over-emphasise how positive using a professional mediator has proven to be, since it was used in G4S/UNI Specific Instance in 2008. Not only does an experienced mediator challenge the parties to reach agreement and therefore discussions are more likely to result in a positive outcome, but it removes the NCP's need to examine the complaint. This is important as mediation and examination are the two most time consuming and complex elements of the complaints procedure for the NCP.*

UK NCP's parallel legal proceedings guidance: *In order to assist all parties to ongoing and future UK Specific Instances, in September 2009 the UK NCP published on its website guidance on how it intends to approach complaints in which there are parallel legal proceedings. In putting together this guidance, the UK NCP took into account the Guidelines and the annexed commentaries, and the advice from the OECD and its accredited stakeholders. The UK NCP also extensively consulted the UK NCP's Steering Board which formally endorsed the guidance on 16 September 2009. The guidance explains that the UK NCP will continue to investigate and/or determine a complaint brought under the Guidelines whilst court proceedings (in the UK or abroad) are underway, unless it is satisfied that continuation of the complaints process is likely to cause serious prejudice to one of the parties to those proceedings and it is appropriate in all the circumstances that the process be suspended in part or in its entirety. The UK NCP considers that this approach to parallel legal proceedings will increase the effectiveness of the Guidelines and minimise the risk of excessive delays in the conclusion of individual complaints and corresponding uncertainty for the parties involved.*

Follow-up to UK NCP Final Statements: *In September 2009 the UK NCP updated its complaints procedure to include a new phase to follow up on Final Statements. This was published on the UK NCP website in September 2009 having been formally endorsed by UK NCP Steering Board. The Follow-up procedure was used for the first (and so far only) time following the publication of the Final Statement on Survival International's complaint against Vedanta Resources plc. This involved the UK NCP asking both parties to provide by a specified date an update on the implementation by the company of the recommendations contained in the Final Statement. The UK NCP then published a Follow Up Statement reflecting the parties' responses on the UK NCP website in March 2010.*

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

N/A.

What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate.

It would be helpful for the annual NCP report to be published much sooner after the annual NCP meeting in June. For example the annual NCP report for the period up to 30 June 2009 appears not to have been published yet. The longer the gap, the less useful the annual report becomes.

E. Looking back at the past ten years

What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?

The institutional arrangements of the UK NCP have changed significantly over the last 10 years in provision of resources, with the most significant changes happening during 2005/06. Following criticisms of the effectiveness of the UK NCP, in 2005 the UK Government consulted on how to improve the NCP and published its response in July 2006. The UK Government implemented the changes undertook to review the effectiveness of the changes set out in that document in consultation with stakeholders.

One of the main changes following the review was the setting up of the UK NCP Steering Board, who held their inaugural meeting in May 2007, and have met quarterly ever since. The Steering Board which consists of 4 external members representing the business sector, Unions, NGO/civil society and the All Party Parliamentary Group on the Great Lakes Region of Africa. Government Department representation on the Steering Board was reviewed in 2008, and now consists of representatives from 5 Government Departments, (BIS, FCO, DFID, ECGD and DWP) and it is chaired by a BIS senior official. The Steering Board provides the UK NCP with strategic guidance, but does not become involved in individual cases, except to review allegations of procedural failure.

The Steering Board, and the inclusion of external members, have provided the impetus for improvements to procedures and have given additional credibility to the NCP process. There are now published procedures which aim to provide a fair and transparent process for handling complaints, and a pro forma for making complaints is now available on the NCP website. In line with the published process, the NCP has issued initial and final statements in all new cases it has received since the revamp. The timetable, requiring complaints to be completed within 12 months, remains a challenge but should continue to be the objective. There are also published procedures for carrying out reviews of the NCP's determinations on procedural grounds.

During 2008 the Government agreed to commit additional resource to the NCP. During 2009 as a result of funding from DfID additional resources were committed to: facilitate the work of the NCP, particularly complaint handling; fund independent mediation in Specific Instances; undertake additional awareness-raising activities. The improvement in the performance of the NCP has been recognised by UK stakeholders, who have closely monitored the reforms to the UK NCP. This is reflected in the number of Final Statements published during 2008 (5 final statements involving Peugeot, Anglo American, Das Air, Afrimex and G4S), and 2009 (4 Final Statements involving Unilever and Vedanta).

How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?

Until resource increases in 2008 the NCP prioritised the completion of cases over promotion and awareness-raising of the Guidelines. However, since 2008 there has been a dedicated resource tasked with raising awareness of the Guidelines, an awareness-raising strategy was presented to the UK NCP Steering Board in June 2008, which has since been taken forward.

The main tool for raising awareness of the Guidelines in recent years has been through the consistent development and update of the UK NCP webpages on the BIS website. Stakeholders are therefore able to access wide range of information from these pages including on: the complaints procedures; the Steering Board; cases; consultations; and other documents (e.g. the UK NCP booklet, a consultation document on the update of the Guidelines, parallel proceedings). During February 2010 there were nearly 1300 visitors to the UK NCP website. Government (UKTI, ECGD) and other organisations (CBI, TUC) have also added links on their sites to the UK NCP webpages.

The business community, trade unions and NGOs are all represented of the UK NCP Steering Board and have been helpful in disseminating information to their members, including all Final Statements. The Government members of the Steering Board (FCO, DFID, DWP, and ECGD) have also done likewise with their contacts and colleagues, both in the UK and overseas.

The UK NCP booklet (which was updated in November 2009, and translated in French and Spanish in March 2010) gives a summary of the OECD Guidelines and the work of the UK NCP. This has proved to be very useful tool to raise awareness of the Guidelines, which the UK NCP has made available at various events, seminars, presentations, meetings, and for enquirers on request.

More detailed information on NCP awareness raising work over the last 12 months is included in section B, so we have not mentioned this here.

What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.

A number of lessons have been learned by the UK NCP in handling specific instances, which also relate to the areas singled out for special attention in paras 26-28 in the draft TOR for an update of the Guidelines [DAF/INV/WP(2010)1]. The most useful one is the publication of the UK NCP complaints procedural guidance. This was developed in conjunction with the UK NCP Steering Board, following the 2005/06 review. This guidance was originally published in 2008 (and updated most recently in September 2009 to include a new section on the follow-up to UK NCP Final Statements) and provides clear and transparent procedures to assist the UK NCP to examine complaints brought under the Guidelines and to help parties to a complaint to understand the process. The guidance outlines the various stages of the UK

NCP complaints process, with the objective of completing each Specific Instance within one year of receiving the complaint.

Further lessons learned include using independent professional mediator for UK NCP cases; and the UK NCP's parallel legal proceedings guidance. These topics/issues are listed in more detail in response to question 2 in section D of this document. In addition, there are also published procedures for carrying out reviews of the NCP's determinations on procedural grounds. Lessons learned from experience of conducting Reviews can be considered by the Steering Board.

How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?

The UK NCP has found the information exchange at the OECD meetings (and in the margins of these meetings) very useful and a good opportunity for NCPs to share best practice. In addition participation in the recent Peer Review of the Dutch NCP, proved to be a valuable learning opportunity for the members of the peer review team and the UK NCP has built up good working relationships with the other NCPs who participated in the review.

It may be useful to improve the exchange of information between NCPs. This could be done by the OECD itself playing a more central role in communicating information about the Guidelines and sharing best practice. The OECD could consider developing and circulate a regular newsletter, (to be published possibly quarterly), which NCPs could feed into. (This might be especially useful for those NCPs who are not always able to attend all OECD meetings in Paris).

UNITED STATES / ETATS-UNIS

A. Institutional Arrangements

The United States of America National Contact Point (U.S. NCP) is located in the Bureau of Economic, Energy, and Business Affairs' Office of Investment Affairs at the U.S. Department of State. In performing its functions, the U.S. NCP consults regularly through an active interagency working group including the Departments of Commerce, Labor, and Treasury, the Office of the United States Trade Representative, and the Environmental Protection Agency, as well as other relevant offices in the Department of State, including the Bureau of Democracy, Human Rights, and Labor. The Director of the Office of Investment Affairs convenes meetings of the interagency committee to discuss Guidelines issues as needed.

The contact information for the U.S. NCP is:

Mr. Wesley S. Scholz
 Director
 Office of Investment Affairs
 Bureau of Economic, Energy and Business Affairs
 U.S. Department of State
 2201 C Street NW
 Washington, DC 20520
 U.S.A.
 Telephone: 202 736-4907
 Fax: 202 647-0320
 E-mail: usncp@state.gov

B. Information and Promotion

The OECD Guidelines for Multinational Enterprises are available via the U.S. Department of State's web page, which has been recently updated to improve ease of use: <http://www.state.gov/usncp/>. A booklet that explains the function of the U.S. NCP in a brief and easily readable format is available on the website.

Officials from the relevant government agencies maintain direct, informal contacts with representatives of business, labor groups, and non-governmental organizations (NGOs) interested in the Guidelines. The State Department's Advisory Committee on International Economic Policy is a formal advisory body through which issues relating to international economic policy, including the OECD Guidelines and the U.S. NCP, may also be addressed with the private sector.

In addition to the stakeholders referenced above, the U.S. NCP and representatives of interested agencies maintain contact with other persons and organizations interested in responsible business conduct, including research institutes, universities, private firms, international financial institutions, students, and others who have contacted the U.S. NCP for more information about the Guidelines. Most of these inquiries are received by telephone or e-mail.

Under Secretary of State for Economic, Energy, and Agricultural Affairs and the Assistant Secretary for Economic, Energy, and Business Affairs (EEB) regularly include mention of the OECD Guidelines in remarks before business, labor, and financial audiences, other U.S. Government agencies, foreign diplomats, academics, and other interested civil society organizations. EEB's Office of Economic Policy Analysis and Public Diplomacy manages the Secretary of State's annual Award for Corporate Excellence, which includes consideration of the Guidelines in its selection process, and promotes the Guidelines at numerous speaking engagements throughout the year. The Department of State's Bureau of Democracy, Human Rights and Labor (DRL) promotes the OECD Guidelines when it addresses topics related to human rights, labor, and corporate social responsibility. DRL also references the Guidelines in its human rights reports and in its contact with a number of U.S. firms and associations in relation to its work on codes of conduct.

The U.S. NCP provides information about the OECD Guidelines to the Economic and Commercial Training Division of the National Foreign Affairs Training Center, where Foreign Service diplomatic, economic, and commercial officers receive advanced economic training for overseas assignments.

The U.S. Department of Commerce includes the OECD Guidelines in its training of Foreign Commercial Service officers. The U.S. NCP has collaborated with the Export-Import Bank of the United States (EXIM) on providing information on the Guidelines to applicants for the Bank's financing programs in support of U.S. business activities abroad, and will continue this process.

Other examples of promotional activities conducted by the U.S. Department of State during 2009-2010 include:

- The Under Secretary for Economic Affairs featured the Guidelines in his March 12, 2010 address to the U.S. Council for International Business (USCIB)-sponsored Conference on Cross-Border Investment;
- The Assistant Secretary for Economic Affairs featured the Guidelines in his December 7, 2009 address to the OECD Global Forum on International Investment;
- The Assistant Secretary for Democracy, Human Rights, and Labor noted the importance of the Guidelines in his March 10, 2010 statement before the U.S. Congressional House Foreign Affairs Subcommittees on Terrorism, Nonproliferation and Trade;
- The Principal Deputy Assistant Secretary represented the Department at a May 11, 2010, Panel on the OECD Guidelines, comprised of UN Special Representative for Human Rights and Transnational Corporations John Ruggie, the Dutch NCP, and representatives from the NGO and business communities; and

- The U.S. NCP spoke on the OECD Guidelines and the upcoming OECD review of the Guidelines before the U.S. Council on International Business on May 13, 2010.

C. Implementation in Specific Instances

The U.S. NCP received five new specific instances in the June 2009-2010 reporting period.

The first inquiry, received July 17, 2009, was raised by an international labor union on behalf of a local union in a non-adhering country regarding the labor practices of a franchisee of a U.S.-headquartered MNE in the hospitality sector. Concerns were related to Chapter IV 1(a), 2(b, c), 3 and 6 of the Guidelines. The U.S. NCP is in the process of making an initial assessment.

The second inquiry, received October 15, 2009, was raised by a foreign labor group in an adhering country regarding the labor practices of a subsidiary of a U.S.-headquartered MNE in the food manufacturing sector. Concerns related to Chapter II 2 and 10; Chapter III a and f; and Chapter IV 1(a), 7, and 8 of the Guidelines. The MNE and union group settled their differences within a month of notification from the U.S. NCP.

The third inquiry, received October 16, 2009, was raised by a foreign labor group in an adhering country regarding the labor practices of a subsidiary of a U.S.-headquartered MNE in the pharmaceutical sector. Concerns related to Chapter III 4, and Chapter IV 1(a, c), 2(a), 7, and 8 of the Guidelines. The U.S. NCP referred the matter to the NCP in the adhering country where the events took place and is standing by to assist as needed.

The fourth inquiry, received April 1, 2010, was raised by a foreign NGO in a non-adhering country regarding the potential environmental impact of a joint venture by mining MNEs that are not headquartered in the United States. The U.S. NCP referred the matter to the NCPs in the adhering countries where the MNEs are headquartered and is standing by to assist as needed.

The fifth inquiry, received April 29, 2010, was raised by an international union on behalf of a local union in a non-adhering country regarding the labor practices of a U.S.-headquartered MNE in the agricultural processing sector. Concerns relate to Chapter I 1, 2, and 7 and Chapter IV 1(a), 2(b, c) and 6 of the Guidelines. The U.S. NCP is in the process of making an initial assessment.

D. Other

Please update **Annex 1 (Structure)**:

United States	Single Department	Office of Investment Affairs, Bureau of Economic, Energy, and Business Affairs, (EEB), U.S. Department of State	U.S. State Department Bureau of Democracy, Human Rights, and Labor; U.S. Departments of Commerce, Labor, and Treasury; the Office of the United States Trade Representative; the Environmental Protection Agency; and other agencies as required, including Departments of Agriculture and Justice, and the U.S. Consumer Product Safety Commission	The U.S. NCP queries other agencies as needed and, when necessary, an interagency committee chaired by the Office of Investment Affairs meets to discuss Guidelines issues. Business, labour, and civil society organisations are consulted on an ad hoc basis.
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Please update **Annex 2 (Contact Details)**:
 replacing Tel (1-202) 736 4274 with **Tel (1-202) 736 4907**;
 and replacing the web address with **www.state.gov/usncp/**

Please update **Annex 3** by adding these five rows:

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United States	Employment and industrial relations	July 2009	Philippines	IV Employment and Industrial Relations	Ongoing	No	In contact with parties; initial assessment
United States	Employment and industrial relations	October 2009	Korea	IV Employment and Industrial Relations	Concluded	No	Parties reached agreement and withdrew specific instance petition
United States	Employment and industrial relations	October 2009	Korea	III Disclosure and IV Employment and Industrial Relations	Ongoing	No	Remanded to Korean NCP based on fact that specific instance occurred in Korea.
United States	Employment and industrial relations	April 2010	Mongolia	II General Policies/Sustainable Development and V Environment	Ongoing	No	Remanded to Canadian NCP based on fact that lead MNE is headquartered in Canada
United States	Employment and industrial relations	April 2010	Papua New Guinea	IV Employment and Industrial Relations	Ongoing	No	In contact with parties; initial assessment

E. Looking Back at the Past Ten Years

Over the past year a number of stakeholders, including business representatives, trade unions, and NGOs, have provided the Department of State with views regarding the upcoming review of the OECD Guidelines and proposed ways to improve the functioning of the U.S. NCP. The Department of State will be considering the views of these and other stakeholders as it undertakes to improve the functioning of the U.S. NCP.

Drafted by: EB/IFD/OIA Janet Shannon 202/ 647-9453 May 4, 2010

Approved by:
EEB/IFD/OIA: Wes Scholz- ok

Cleared by:
EEB/IFD/OIA: Greg Hicks -ok
DRL: Lea Rivera -info
EEB/EPPD: Nancy Smith-Nissley-ok
COMMERCE: Heather Helm -ok
LABOR: Karen Travis-ok
TREAS: Janet MacLaughlin -ok
USTR: Jonathan Kallmer -info
EPA: Chris Herman-info

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

A. Institutional Arrangements

- *Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2009 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.*
- *NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees...).*
- *How does the NCP relate to other government agencies?*
- *How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?*
- *How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?*
- *How the NCP relates to other leading corporate responsibility instruments (such as the ILO Tripartite Declaration on Multinational Enterprises and Social Policy or the UN Global Compact and its local networks)?*
- *Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific instances? Have they, or are they being inspired, by changes in other NCP institutional arrangements or stakeholders' recommendations. Please elaborate on the reasons and expected impact of these changes.*

The European Commission does not formally act as a functional “National Contact Point” (NCP), in that it does not have the responsibility of dealing with specific instances. However, it is committed to ensuring the promotion and success of the OECD Guidelines for Multinational Enterprises and to participating in the process initiated by the new review. The promotion and use of the OECD Guidelines is an important element of Community policy on CSR both within the EU and externally, including for EU trade policy.

Since the entry into force of the Lisbon Treaty on 1 December 2009, the European Commission is competent for EU foreign direct investment (Treaty on the Functioning of the European Union (TFEU), article 207(1) and article 3(1) establishing the EU's

exclusive competence on FDI, as part of the common commercial policy). The European Commission has launched the implementation process of this new competence, which will take into account Corporate Social Responsibility and the OECD Guidelines.

It is DG Trade Unit B1, responsible for investment issues and overall coordination of corporate social responsibility for DG Trade, that follows the work of the OECD Investment Committee. The delegate to the Investment Committee was Mr Wolfgang Iglar until October 2009 and is since then Mrs Marta Busz. Ms Sandra Callagan followed specifically aspects related to the OECD Guidelines for Multinational Enterprises until January 2010 when this task was passed on to Ms Silvia Kofler.

Unit B1 ensures the coordination and information of all other relevant Commission Directorate Generals (DGs) on issues related to the OECD Guidelines for Multinational Enterprises (mainly DGs Enterprise, Employment and Social affairs, Development, External Relations, Internal Market, Health and Consumer Safety, Research and Environment), including relevant OECD papers and initiatives. Many aspects are discussed within the interservice group on corporate social responsibility involving various relevant DGs. This interservice group was also consulted in the definition of the European Commission's position on the current review of the OECD Guidelines.

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B. Information and Promotion

- *How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?*

Links to the OECD web pages on the OECD Guidelines exist on the Directorate General for Trade website, both under investment and corporate social responsibility.

- *How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?*

The various services of the European Commission have frequent contacts with stakeholders on various corporate social responsibility aspects, including in the context of the European Alliance on CSR, a political umbrella for new or existing CSR initiatives by

large companies, SMEs and their stakeholders. The European Commission also hosts a Multi-Stakeholder Forum for CSR, involving business, trade unions, NGOs, academics, and investors. Furthermore, the European Commission organises biannual meetings of experts within EU Member States national administrations on CSR. This group acts as a sounding board for Commission CSR initiatives, and as a forum for peer learning between Member States.

DG Trade has a regular dialogue with civil society on the policy areas it deals with. Non-governmental organisations, trade unions, enterprises and business federations attend these meetings. Member States' representatives can also attend.¹⁸ Contacts with relevant stakeholders have also taken place on an informal basis at various levels.

- *Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?*

The European Commission adopts a coherent and broad based approach to CSR issues and has drawn attention to the role of the OECD Guidelines in several of its Communications on related topics, such as CSR, decent work, the social dimension of globalisation, conflict prevention, and sustainable development, and most recently, in its "Europe 2020" agenda.¹⁹ This new agenda for smart, sustainable and inclusive growth specifically mentions CSR when setting out the EU's industrial policy for globalisation, by stating the intention "to renew the EU strategy to promote CSR as a key element in ensuring long term employee and consumer trust."²⁰

Representatives of the European Commission usually make reference to the OECD Guidelines for multinational Enterprises when they intervene in conferences and seminars dealing with the international aspects of CSR.

¹⁸ More information is available on <http://trade.ec.europa.eu/civilsoc/index.cfm>

¹⁹ 'Implementing the partnership for growth and jobs : making Europe a pole of excellence on corporate social responsibility' (COM/2006/0136). Text available on http://eurlex.europa.eu/LexUriServ/site/en/com/2006/com2006_0136en01.pdf

'Promoting decent work for all: The EU contribution to the implementation of the decent work agenda in the world' (COM(2006)249). Text available on http://ec.europa.eu/employment_social/news/2006/may/com_2006_249_en.pdf

"The Social Dimension of Globalisation - the EU's policy contribution on extending the benefits to all", http://trade-info.cec.eu.int/doclib/cfm/doclib_section.cfm?sec=169&lev=2&order=date

"Corporate Social Responsibility: a business contribution to Sustainable Development" COM(2002) 347 final, http://ec.europa.eu/employment_social/soc-dial/csr/

"Conflict prevention", COM (2001) 211 final, 11 April 2001 http://europa.eu.int/comm/external_relations/cpcm/cp.htm
 "The European Union role in promoting human rights and democratisation in third countries", COM (2001) 252 final, 8 May 2001; http://ec.europa.eu/external_relations/human_rights/intro/index.htm

"A sustainable Europe for a better world : a European Union strategy for sustainable development", COM (2001) 264 final, 15 May 2001; http://europa.eu.int/eur-lex/en/com/cnc/2001/com2001_0264en01.pdf

"Europe 2020: a strategy for smart, sustainable and inclusive growth"; http://ec.europa.eu/eu2020/index_en.htm

²⁰ "Europe 2020: a strategy for smart, sustainable and inclusive growth" (page 15): http://ec.europa.eu/eu2020/index_en.htm

The Swedish Presidency organised a well-attended conference on business and human rights in Stockholm in November 2009, featuring Professor John Ruggie, Special Representative of the UN Secretary-General on business and human rights. The conference focused on the "Protect, Respect and Remedy" framework.

The Spanish Presidency followed up on Sweden with a further CSR awareness-raising conference in Palma de Mallorca in March 2010, which again was well-attended. Its aim was to analyse the outcome of the multi-stakeholder dialogue process in order to engage and to assume effective public policies to implement Corporate Social Responsibility.

Following the completion of a study on the social considerations in public procurement, the European Commission is writing a guide in this area. The guide has aroused much interest among a variety of industry associations, trade unions and NGOs, who have asked for clarification of what is and is not permissible under the 2004 EU public procurement Directives.

Other studies that the Commission has launched in the area of corporate social responsibility include a study on the legal framework on human rights and the environment applicable to European enterprises operating outside the EU. The results of this study are expected to be available soon.

The European Commission has also organised a conference entitled "Towards a greater understanding of the changing role of business in society" on 22 April in Brussels to present the results of four CSR related research projects in the area of socio-economic sciences and humanities.

The Commission undertakes awareness-raising in the area of the interaction between local employment development and CSR. A multi-stakeholder meeting on this subject was held in autumn 2009.

Finally, as regards promotion of the Guidelines, and corporate social responsibility more in general, abroad, the European Commission Delegations to Japan and Singapore have been particularly active.

The EU-Japan Centre for Industrial Cooperation in Tokyo produced last November a project report presenting an overview of recent CSR initiatives introduced by the Japanese government and CSR projects implemented by the private sector in Japan. In March 2010, it participated in the 20st GISPRI (Global Industrial and Social Progress Research Institute) Conference entitled "Evolving CSR – societal roles of companies in the new market economy". This conference gathered approx. 200 businesspeople.

The Delegation in Singapore cooperated in the International Singapore Compact Summit on CSR held in October 2009. It organised in conjunction with the Institute of Southeast Asian Studies in March 2010 a seminar entitled "CSR – Its place in business and world". The Delegation also works with the ASEAN network on CSR.

- *Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?*

A link to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is available on the pages related to CSR on the web site of the Commission Directorate General for Trade. The tool has also been circulated to all Directorates involved in the CSR interservice group.

- *Annex 3 to this questionnaire presents Table 1 from the 2009 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.*
- **Changes in the contact details for the European Commission were introduced.**
 - *Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?*

Over the reporting period, the European Commission has received written questions that had a link with the OECD Guidelines from Members of the European Parliament.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2009-2010 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

- *Date request to consider specific instance was received.*
- *Who raised the specific instance (e.g. business, trade union, NGO)?*
- *Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.*
- *Has the specific instance involved business activities in a non-adhering country? Was the specific instance a multi-jurisdictional instance and involved other NCPs? Has the home NCP liaise with the parent company of the enterprise party to the specific instance?*
- *Sector of activity: extractive industry (which industry?); agriculture; other primary sectors; manufacturing (which sub-sector?); financial services; retail distribution; transport; other services.*
- *Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?*
- *If accepted, date specific instance was concluded.*
- *Were the results communicated to the public and, if so, how?*
- *Has the NCP monitored the implementation of final statements' recommendations?*

- *Would the NCP care to contribute additional information about this specific instance -- e.g. how was the information on the specific instance gathered? Was accessibility to reliable information or the protection of confidentiality an issue? Did all parties agree with the final statement issued by the NCP?*

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2010. NCPs are asked to verify and update this table if necessary.

The European Commission is not a functional NCP and therefore does not handle specific instances, which are dealt with by individual EU Member States.

D. Other

- *How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of Guidelines implementation? Please provide examples that illustrate this.*
- *Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*
- *If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?*
- *What issues might deserve particular attention during the 2010-2011 implementation cycle of the OECD Guidelines separate from those that might be raised during an update? Please elaborate as appropriate?*

As far as these questions apply to the European Commission, all relevant information has been included above.

However, as regards relations with third countries, the European Commission would like to highlight that it promotes increased international dialogue and co-operation on corporate social responsibility.

The Commission seeks to establish a regular dialogue on sustainable development issues, including corporate social responsibility, through its bilateral agreements. In particular, in the context of the free trade agreements (FTA) between the EU and its trading partners, the European Commission seeks to establish both an exchange of information and co-operation on corporate social responsibility and accountability, including on the effective implementation and follow-up of internationally agreed guidelines. The EU/CARIFORUM FTA, that entered into force in October 2008, contains provisions to this end, as well as the EU-Korea FTA, signed in October 2009 but not yet in force²¹.

²¹EU-Korea FTA – Sustainable development chapter: CSR reference is under 13.6 para 2.
http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145185.pdf

As regards trade relations with countries outside the EU, it is important to mention that the European Parliament is in the process of drafting a special report on corporate and social responsibility in international trade agreements.

The European Commission is actively involved in the Investment Working Group of the Heiligendamm Process, in which G8 and G5 countries discuss corporate social responsibility amongst other issues.

E. Looking back at the past ten years

- *What is your assessment of the functioning of your institutional arrangements in the past ten years? What were the main achievements? In what areas do you feel the greatest pressure for change and why?*
- *How successful have you been in raising visibility, awareness and use of the Guidelines? What have been the greatest challenges? How have your promotional activities evolved as a result?*
- *What were the most important lessons learned or positive outcomes in handling specific instances? Did any of the challenges encountered relate to the areas singled out for special attention in the draft terms of reference for an update of the Guidelines [especially those described in paragraphs 26-28 of DAF/INV/WP(2010)1]? Please elaborate.*
- *How do you view the opportunities for information exchange and peer learning, notably those provided by annual meetings of NCPs or meetings of the Working Party of the Investment Committee?*

Interest in CSRs, and the importance of the Guidelines, has constantly grown in the EU over the last ten years. Regular discussions take place at various levels involving all relevant stakeholders, while the number of policy areas within the Commission having an interest in and responsibility for aspects of CSR has also expanded. The strongest expression of the European Commission's recognition of the growing importance of CSR may be found in the Communication issued in 2006, aiming at making the EU a pole of excellence on corporate social responsibility (see above). A new Communication on this important subject is once again in the planning stage.

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